

# Stormwater Program Review

## Focus Group Notes

Name: Lisa Thorvig (note taker); Kris Van Amber (facilitator); Edwin Balcos (listener, themer); Reed Larson (host); Don Jakes (presenter)

Date: 9/17/07

Time: 1:30 – 3:30

Location: MPCA, Brainerd

Attendees:

Phil Hunnsicker, 1000 Friends of Minnesota

Mark Osgarden, City of Brainerd, City Planner

Jim Chamberlin, Crow Wing County SWCD (JPA for Construction SW)

John Mackner, MN DOT, Brainerd Office

Scott Hanson, Mille Lacs Band of Ojibwa, DNR Environmental Dept.

Eleanor Burkett, UofM Extension Service, Shoreland Education

Mark Matthews, City of Baxter, MS4 project

Jeff Hulsether, City of Brainerd, Engineer

Jeff Hrubes, BWSR, Clean Water Specialist

Tim Ramerth, Westwood Professional Services, Engineer

Paul Radomski, DNR, Shoreland Alternative Standards

Leo Grabowski, USACE, Regulatory Office (404 CWA)

\*Note taker: Please write down common themes that you hear. We don't want you to transcribe the conversation.

1. React to this vision statement about stormwater management. It is apparent from the statement it will take all of our efforts to accomplish.
  - Definition of high quality and reasonable volume
  - Address stormwater as an asset; not just a liability
  - PCA doesn't care how it gets there as long as it's clean
  - Design stormwater as an asset
  - Change 'when' to 'if'; some of the stormwater will infiltrate
  - Stormwater – negative connotation; rainwater is better – focus as an asset
  - All stormwater – more comprehensive than municipal, construction, industrial
  - As regulated MS4 does this require monitoring and treatment – sounds expensive
  - Implies agricultural runoff – wetland impacts; runoff impacts
  - Agriculture is exempt but it is a contributor
  - Damming up stormwater and force it into the ground
  - Goal: restore natural hydrology
  - Some runoff is natural and vision statement needs to account for that
  - Add 'everybody responsibility' not just regulated entities
  - Asset where rainwater lands
  - Defining terms – lack of definition causes problems; uncertainty

- Add goals and strategy to help with vision statement – should add definitions then
  - ‘All’ too absolute
  - ‘Stormwater entering lakes, rivers, streams...’
  - Nervous when hear ‘measure’ – measuring for certain particle size – not achievable
  - Reasonable volume more important than high quality (so many variables because of Minnesota’s climate)
2. As you consider stormwater management in Minnesota, what is going well that you wouldn’t want to change/lose?
- Shift from flood water to water quality
  - Manage it on site vs. sending it somewhere else
  - Primary treatment ponds were designed in wetlands; this is not longer an acceptable practice
  - Stormwater manual is great guidance
  - Local government as partners with stormwater program
  - Outreach and education is beneficial – NEMO is very good
  - Words like ‘infiltrate’, ‘stormwater’, ‘runoff’ – becoming common terminology – people getting it
  - Move away from end of pipe treatment to best management practices is good
  - Disaster in past compared to now
  - Stormwater construction program good – MnDOT good leader in this area
3. What currently is not working the way you would like or what issues/opportunities do you see?
- Permit set up for 40 acre development; doesn’t work well for linear projects (like roads) – ongoing issue for MnDOT for 15 years
  - Development design promotes infiltration basin; need verbiage in rules that accommodate linear projects or large developments
  - Hydrology calculations on wetlands to determine the impacts; changing the hydrology; WCA folks don’t think that we are protecting wetlands in the way we regulate stormwater
  - Shrinking watershed from 7 acres to 2 acres but don’t recognizes the changes
  - Unsure of how well BMPs are working – which are giving the best bang for the buck (MS4 comment); better surety with construction site BMPs – need more surety for MS4 BMPs (PCA website has some cost benefit information)
  - Uncertainty about the process for filing terminations; how long to keep permit open; ask 10 different people, get 10 different answers
  - Subdivision registration process; transfers – need to be clarified
  - PCA should be commenting on local environmental review – if PCA doesn’t comment assume everything okay. PCA should always comment to know where PCA stands (local development projects)
  - PCA often defers to permit process rather than evaluating environmental issues during environmental review – need to consider cumulative impacts
  - Improved GIS database to help on land use planning for local communities and PCA would interact.

- Local land use planning need to re-evaluate amount of impervious surface allowed.
- Allow greater stratifying or tiers of stormwater projects/sites. Example outstanding resource value waters.
- Cities have the burden for long-term maintenance of stormwater BMPs
- Not sure that anyone is responsible for long-term maintenance – gap
- Negotiate (stakeholders involved – politics) mutually acceptable standard – that isn't right; is there even a water quality benefit?; process needs to be improved
- Timing – MS4 permit just issued; now already discussing changes – should slow down; TMDL process is too slow – what kind of loading can go into the River – need to know that upfront (Brainerd WWTP effluent limits for PFOS) – coming up with rules and regs before we know what we want to accomplish
- Basins built below groundwater table – wet sedimentation basin – how do these make sense?
- Better integration of stormwater with local ordinances (parking lots; green space, etc.)
- Local geology – BMPs in sanding soil vs. heavier soils.
- Better education of the local elected official – our education is focused on city employee rather than local elected official – does no good for employees to be educated only
- Alternative stormwater treatment with swales; no curb – this required widening right of way by 20 feet – developer opposed to taking the land; implement BMPs more practically so complete well with traditional approaches
- Generational problem – opposition to LID; focus for educating kids who try to make changes at home.
- Green building/LID – office space is being rented so it's not just about cost.
- Municipal officials have competing demands that need to be balanced – one-on-one might be better than just classroom training
- Who regulates existing impervious surfaces – like gas stations – MS4 not sure they regulate existing – MS4 regulates new
- Don't want to infiltrate hot spots like gas stations – what to do with stormwater running off gas stations?
- MnDOT certification should be expanded to MS4s – City of Baxter is doing this on their own – more training for MS4s – not sure what to do with construction – how does PCA expect them to get expertise
- Political – polarization right wing and left wing
- How do we know whether we are doing any good? Is the program measurable? This was likely an issue when NPDES wastewater program started up. Need to go through process of learning – resistance, changes, acceptance
- Is the water quality getting better, staying the same or getting worse?
- Monitoring stormwater is very difficult – expand how we monitor the effectiveness of BMPs to better understand benefits because improve WQ in lakes and streams will take time.

What do you think we can do about it?

- If issue on project would like to see a site inspection with expert (non-regulatory) that provides technical assistance
  - Better implementation of permit requirements (SWPPP) – especially subcontractors located far away – especially during storm events
  - Certifications for overseeing the project; ensures expertise in erosion and sediment control.
  - MNDOT requires contractor to be co-permittee – very good results; this model should be used for other construction projects
  - Address maintenance issues for BMPs – is some BMPs lower maintenance that should be encouraged? Who is maintaining stormwater basins and clean-out that's required?
  - Outlaw raised parking lot islands.
  - Need local ordinances for low impact development
  - Overcome hurdles for low impact development – need more incentives (1) financial – tax reductions; (2) pride in WQ improvement and protection
  - NEMO is still going strong and will be expanding
  - Better integration of information – stormwater; TMDLs
  - Do we need stormwater police? Lakes diminishing greatly – when rains concern about runoff
4. What didn't we ask you that you want to tell us? (What one thing to leave us with?)
- Make science base recommendations rather than politically based
  - Greater MN input into construction stormwater permit
  - Treat stormwater as an asset rather than a problem
  - Agricultural runoff is missing and should be included – ditch and draining; MN River TMDL – cities regulated (WW and SW) but agriculture not regulated.
  - Very complicated – MS4 prescriptive – do we need all this stuff; relook at what is really necessary; very difficult for MnDOT to deal with and don't see the benefit in all cases
  - Need better local participation and buy in – MS4 annual meeting requirement for citizens – no one shows up (suggestion from Extension is better target local leaders like Lake Associations)
  - Improve long-term implementation of SWPPPs – this seems to be a significant gap