

STORMWATER STEERING COMMITTEE

May 17, 2007

Meeting Notes

Attendees: Steven Pedersen, BAE Systems; Randy Neprash, Mn Cities Stormwater Coalition; Mike Findorff, MPCA; Julie Johnson, MnDot; Nick Tiedeken, MnDot; Jason Moeckel, DNR; Don Jakes, MPCA; Jim Hafner, City of Blaine; Gary Oberts, EOR; Scott Anderson, City of Bloomington; Remi Stone, BATC; John Chapman, U of M; Jay Riggs, WCD; Rusty Schmidt, WCD, Judy Sventek, Met Council; Kamal Alsharif, MPCA; Steven Colvin, DNR; Douglas Snyder, MWMO; Bruce Wilson, MPCA; Steve Klein, Barr Engineering; Joel Schilling, Consultant; Cliff Aichinger, RWMWD; John Bilotta, U of M Extension; Shane Missaghi, U of M Extension; Roger Clay, Earth Tech; Ron Struss, MDA; Dwayne Stenlund, MnDot; Anne Gelbmann, MPCA; Brian Livingston, MPCA; Jack Frost, Met Council

Steven Pedersen began the meeting at 1:00 with an announcement that the Supreme Court will release its decision on the Maple Lake/Annandale decision at 1:00 today. PCA staff will distribute the decision to the committee as soon as it released.

Minnesota Stormwater Road Map: Brian Livingston and Steven Pedersen presented a power point presentation on the Minnesota Stormwater Roadmap – (attached). Brian stated that the MPCA was trying to get approval to hire a facilitator from the Department of Administration (Management Analysis and Development (MAD)), but unfortunately funds were not available for FY '07. Brian has proposed funding for a facilitator in the FY '08 budget. A facilitator is needed to guide the committee through the roadmap. Brian explored 3 options and the committee agreed that Brian should develop an interagency agreement with MAD this summer as the primary option. It was suggested that comments from customers who have used MAD be solicited to determine satisfaction with their work. It will be important to define what kind of expertise we need. Steven walked through the 5/13/07 version of the Stormwater Management Roadmap for Minnesota-a Three and Ten Year View. He stated that one of the primary purposes is to identify needs, how they are going to be met, who is doing what and then conduct a gaps analysis. The roadmap structure will help the group look at timelines and high level tasks, focus on needs (i.e. a state level research funding council), and identify key issues. Steven pointed out that Ag is a partner in the stormwater non-point issues, but that agricultural practices are just one part of the non-point solution. Mike Tiedeken mentioned that state agencies cannot advance future legislation and that administration's approval is needed. Steven stated that the road map can be used to advance stormwater goals, which may lead to legislative proposals. With respect to funding options, all sources of funding for stormwater management should be looked at, such as the general fund, clean water fund, EPA and permits. The EPA will fund regional and state projects and the SSC should be looking for available funds. The Operations Committee will manage the roadmap process, but as soon as a facilitator is on board, the full committee may want to form a new work group to focus on the roadmap.

Clean Water Council: Steven reported that he is co-chair of the Clean Water Council and Louis Smith is the other co-chair. Their assignments were confirmed by the senate last week. The council is just starting their work and they are learning about water issues, including stormwater. Steven and Cliff Aichinger will keep us posted on the progress of the council.

Annandale/Maple Lake Decision: The Supreme Court's decision was handed out to committee members. Steve asked Remi to provide her interpretation of the ruling and Remi felt that the ruling was in favor of the MPCA's decision to grant a permit.

Polycyclic Aromatic Hydrocarbons (PAHs) and Coal Tar Based Sealants: Bruce Wilson, MPCA, distributed 3 handouts to the committee related to coal tar sealants. There are known carcinogens in this substance and there have been scientific studies that show effects on fish. In April, 2007, Dane County Wisconsin banned the use of coal tar sealants. Austin Texas was the first city to implement a ban. The MPCA has agreed to provide funding (\$5,000 - \$10,000) to assist the state of Wisconsin in further research. Remi Stone asked how the industry is reacting. Bruce replied by stating that China is the leading supplier and they are not shipping this product to the US. Asphalt is more prevalent and the industry doesn't appear to oppose a ban. Jason Moeckel wanted to know if this will lead to a ban on manufacturing the product and will it be a national ban or will individual communities need to implement a ban. Bruce replied that Wisconsin is looking at a statewide ban. Joel Schilling wondered how the ban would be enforced. Bruce stated that the penalties are modest and it's more about a sales prohibition than use of the material.

Nondegradation Rule Process Update: Carol Nankivel, MPCA reported that the notice was published in the state register; 30 people want to be informed of the rule making process and several comments were submitted. MCEA requested a formal petition for rulemaking. The DNR also submitted comments. It was suggested that the comment period be extended and Carol will re-publish the request for comments with a new deadline of August 31, 2007. A contractor was hired (TetraTech) to look at nondeg issues and do some benchmarking. The contract expires on June 30 and a report will be written. Carol will provide the SSC with the comments she has received to date (these comments will be posted on the SSC web site). Steve Klein asked if there were significant comments and Carol stated that this rule will not be a minor adjustment, that it will be significant based on the type of comments received. Randy Neprash stated that he reviewed the 64 pages of comments submitted by MCEA and mentioned that one of the suggestions was to look at a 3 tier structure, similar to what the EPA has in place. A third tier would be high quality water. Ron Struss asked how this related to TMDL's and Don Jakes responded by saying that nondeg is the universe that isn't impaired. Carol reported that the rulemaking must be complete by the spring of 2010, which means that the proposed rule must be in final form in 2009. Anne Gelbmann asked the committee if a workgroup should be formed to guide Carol's work on this rule. Carol stated that a vision and framework is needed. Jason Moeckel felt that a workgroup should convene as soon as possible to review the comments and look at the existing rule and identify what could be improved. Joel Schilling wondered if it was time to re-visit the 70/50 list. Chair

Pedersen made a motion to reconvene or form new work group for the nondeg rulemaking process. Motion was seconded by Jay Riggs and the committee supported the motion. Steve asked for volunteers. No committee members volunteered for the job, but after the break, Steve reported that Joel Schilling would agree to take on this responsibility, but that Joel had some hesitation about taking this on. Joel's reservations included his significant involvement in the industrial workgroup and he was concerned that the SSC might view this as a conflict. The American Public Works Association has expressed a concern about consultants taking the lead on too many projects and they want public employees to take on more leadership. Brian asked for a show of hands of committee members who would be interested in helping Joel move this workgroup forward. Jason Moeckels, Randy Neprash, Scott Andersen and (?) agreed to help Joel. Dwayne Stenlund, MnDot agreed to be on the workgroup if the group agrees to determine the difference between natural and constructed surface waters.

MN Cities Stormwater Coalition : Randy Neprash handed out a description of the MN Cities Stormwater Coalition and informed the group that the coalition now has 96 members and a budget of \$85,000/year. The coalition is working on issues such as listing wetlands, using IBI, nondeg, the construction permit, and is forming numerous subcommittees. More information can be found on their web site at www.lmc.org

Urban Tree Reforestation Workshop: Randy Neprash provided the committee with handouts on the upcoming tree workshop which will be held in June, 2007. There have been new developments such as Cornell structural soils which allows voids for roots and allows maximum compaction. Mike Findorff commented that studies have shown a spike in phosphorus from trees and this needs to be included in the research.

Work Group Reports:

- **Manual:** Judy Sventek reported that revision drafts are on the SSC web site. Chapters 3, 4, and 5 will be available shortly. A special meeting will be held on June 7 from 8-12 at the PCA office to review the changes to the manual. All are welcome to attend.
- **Watershed Approach:** Gary Oberts reported that the group is about mid-way through the BWSR study. Two watersheds were selected as pilots: Ramsey Washington Watershed District (Little Canada and Woodbury are selected MS4's) and Coon Creek Watershed (Coon Rapids, Blaine and Andover are MS4's). The group is looking at Qualifying Local Program-like options. Steve suggested that the group look at CUPA (Certified Unified Program Agency - <http://www.calepa.ca.gov/CUPA/>)- a potential model currently being used in California. The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of six environmental and emergency response programs. The state agencies responsible for these programs set the standards for their program while local governments implement the standards.
- **Education:** John Chapman stated that the workgroup reconvened and met earlier in the week. They are working on the gaps analysis and are trying to identify industrial education needs. They could use input from the industrial workgroup

on this matter. The workgroup is also looking for ways to tap into other resources who may be doing survey work in the near future-they would like to include approximately 10 baseline questions on attitude, knowledge and skills on a statewide basis. John introduced two new staff; John Bilotta and Shane Missaghi with the University of MN Extension. Shane is working on the needs analysis and John is working on the stormwater education plan which includes land management decisions and assessment of stormwater practices as well as community outreach. Anne Gelbmann asked John and Shane to describe their individual roles and John stated that he is doing more of the NEMO related work, but they are working as a team. Shane is focused more on the assessment of stormwater BMP's. Randy Neprash wanted to know if the focus was more with the general public or the training of city staff. MCSC will help in training of city staff. Kamal Alscharif, MPCA, stated that he was a new employee working on education with MS4's. Dwayne Stenlund suggested that we take advantage of home builders who want to do more "outdoor education".

- **Low Impact Development:** Cliff Aichinger reported that he is the co-chair for this workgroup and he will be reporting for Julie Westerlund who cannot be present at the SSC. Cliff reviewed the LID workgroup organization form and charter. He also presented a list of top 10 barriers that were prioritized by the workgroup and proposed FY'08 work plan items that the MPCA will do to overcome the barriers. Randy Neprash mentioned that barriers #5 and #10 were education related and that our new education people might want to be involved in addressing those barriers. Anne Gelbmann explained that the MPCA was not in a position to address all the barriers and the workgroup would begin to identify other stakeholders who would work on the barriers. Jay Riggs motioned to accept the work of the workgroup and Cliff seconded the motion. All voted in favor of the workgroup's work. Nick Tiedeken asked if these materials could be distributed prior to the meeting before a vote is taken.
- **Construction:** Jay Riggs reported that the workgroup has met 4 times and will have a report ready in August (need more here-Brian?)
- **Industrial:** No report
- **Monitoring and Research:** A summary of activities was provided by Bruce Wilson and can be found on the SSC web site.

Impervious Surface Presentation: Bruce Wilson, MPCA presented his latest findings on the current and projected impervious cover in Minnesota. This information can be seen on the UM's website <http://www.land.umn.edu>

Construction Stormwater Permit: Brian Livingston reported that the existing permit expires on August 1, 2008. The revised permit will contain minor revisions, of items imperative to be done this permit cycle for liability, problems/confusion in the industry, or needed for environmental protection. An initial input meeting was held May 16th. Stakeholder meetings, working on the actual draft permit language changes will be held in August through October in hopes of public noticing the draft permit this winter. Items identified by the agency needing to be updated in the permit include:

- subdivision registration

- termination of permit coverage
- training/certification requirements
- discharges to impaired waters
- requirements for temporary/permanent cover

Legislative Issues: Remi Stone reported that the Environmental Finance Bill is in Chapter 57 (SF 2096) An excess of \$60 million is directly earmarked to clean water efforts such as TMDL's, impaired waters, clean water legacy efforts, ESC, etc. \$36.4 million to the MPCA; \$4.5 million to DNR and \$20.7 million to BWSR.

Meeting adjourned at 4:15.