

## **Stormwater Steering Committee July 24, 2008**

Attendees: Gaylen Reetz, Lisa Thorvig, Don Jakes, Steven Pedersen, Brian Livingston, Mary H. Lynn, Anne Gelbmann, Randy Neprash, Nick Tiedeken, Ron Harnack, Andrea Hendrickson, Julie Klocker, Gary Oberts, Matt Moore, Matt Herman, Steve Klein, Jack Frost, Travis Germundson, Judy Sventek, David Fricke, Cliff Aichinger, Joel Schilling, Doug Snyder, John Chapman, Jim Hafner, Mike Findorff, Cathy Tran, John Hensel, Bob Barth, Mike Kemen, Beth Neuendorf, Ray Bohn, Jon Bohn, Tamara Cameron, Jonathan Bohn

Welcome, Introductions, Overview of Meeting, Chair Report:

The first draft of the Roadmap has been completed. Funding for CR Planning has been received from the MPCA which will allow for Jean Coleman and Brian Ross to complete work on the Roadmap. At the next SSC meeting a detailed discussion will take place on the Roadmap.

The Clean Water Council (CWC) has a research component to its group now and is having a discussion on the effectiveness of research in comparison to the money that is spent to do the research.

Randy said the LCCMR recently completed a project for a statewide conservation and preservation plan. One of the items covered was stormwater. They are developing recommendations on several aspects including TMDLs and Public Education. Go to the group's website to find out about the work the group is doing.

Anne reported that the MPCA has just awarded MEI with a grant of \$30,000. MEI will design, manage, and facilitate a dialogue with interagency and non-agency experts to review recommendations from a series of recently release land and water related projects for Minnesota's land and water resources. The dialog process will include three groups of stakeholders;

- A Core Group composed of agency and non-agency staff
- A Working Group made up of about 12 to 15 interagency and non-agency resource experts
- An Interagency Leadership Group consisting of commissioner/assistant commissioner level state agency staff

Agencies involved in the effort are the MPCA, DNR, MN Department of Agriculture, MN Department of Health, BWSR and the Met Council.

Some of the bodies of work being considered are:

- LCCMR Statewide Conservation and Preservation Plan
- SSC Roadmap Project
- CWC Work Plan
- LEED for Neighborhood Development
- MNDNR's Shoreland Rules Update Program

Project Goals:

- 1) Identify and assemble interagency and non-agency stakeholders to represent a balance of expertise and perspectives.
- 2) Review and evaluate a series of policy, regulatory, rule change recommendations and research needs.
- 3) Move toward consensus in establishing priorities for implementation of recommendations.
- 4) Foster ongoing dialogue and collaboration among state agencies to avoid duplication of efforts and confusion.

LID Work Group: Anne said the LID work group met in June. The MPCA reviewed their work plan, and will continue to work on barriers. Julie Westerlund will present the work to the SSC at some point in the near future.

Nondegradation Work Group: Joel reported on the nondegradation work being done in his group. After the initial public input they have one more issue to explore and gain input on. It is hoped that by next month they can gear up the work group.

Watershed Based Approach: Cliff Aichinger, Gaylen Reetz, and Ron Harnack

Cliff gave a brief history of the four year history of this work group from developing its organizational form, a membership roster, meeting schedule, a scope of work, and many other organizational items. They first received a grant from the Met Council and the MPCA in 2005 for Phase I of the Watershed Based Permitting study. Phase II of the Watershed Based Permitting Study began in late 2006 into 2007 and was funded by a grant from EPA. He stated that over this time the SSC watershed group has served as advisors for the Watershed Based Permitting Study and its consultants. Cliff also distributed copies of a draft of Chapter 11 from the future publication of “Water Environment of Cities” due to be published this fall. This chapter reviews institutional structures for watershed based management used in the US.

Ron Harnack spoke about Basin Approach. It is hoped that in the next legislative session Representative Morrie Lanning will introduce the H2536 Basin Boards-Watershed Management Bill. Ron stated that the bill has passed through various legislative committees at this point. There are eight sections to the bill. Major elements of the bill include:

- Statewide policy for watershed and basin management
- Local water management entities to be established by the Basin Board
- Basin Board will be a formally organized joint management organization along nine major river basins in the state of Minnesota
- Established with a purpose to protect and preserve natural surface and groundwater resources and water retention.
- Establish a Basin Watershed governance framework between the watersheds, joint powers boards and counties for the 9 Basin areas:
  - Upper and Lower Mississippi River
  - Red River
  - St. Croix River
  - Rainy River
  - Lake Superior
  - Missouri River

- Cedar River
- Des Moines River
- Minnesota River
- Establishes a membership whereby each organization will have one representative on the Basin Board. That representative must be an elected official, such as a county commissioner or a SWCD supervisor. They will draft plans by 2010 and 2012. The authorities of the Basin Board will review plans of the basin watershed management groups and will participate in interstate activities.
- All authorities will be granted under 471.59 (JPO). Accountability and oversight will be the responsibility of the Basin Board. They may establish performance and operational standards for member watershed management organizations. BWSR is granted authority to intervene to resolve Board and member conflicts.
- Provides for the Basin Board to petition BWSR for the formation of a Watershed District.
- Appropriation of funds to BWSR.

Issues yet to be discussed:

- Recognition of existing Basin Boards
- Taxing authority established by laws
- Metro area in the river basin project?
- Basin Board mandated or voluntary?
- Is there redundancy?
- What happens to SWCDs?
- What watershed boundaries are best?

Benefits to the Basin Approach:

- Practical Approach
- Provides a way to share the wealth for the good of the whole
- Creates stewardship, responsibility, and accountability
- Mechanism for resolution of basin conflicts
- Streamlines water planning processes for basins and watersheds
- State and federal money cannot solve the water quality and flooding issues
- It is a shared plan, a shared responsibility and accountability, and a shared outcome.

Gaylen Reetz – One Water Program Approach:

The One Water Program approach is an integrated strategy to improve water quality management in Minnesota. The municipal, industrial, feedlot, stormwater and TMDLs all need to be managed. As monitoring of waters increases, more impaired waters will be found. The current TMDL process schedule is out to well over 10 years. Stakeholders do not like the unpredictability of the schedule for TMDL water studies. The MPCA is questioning what the correct scale and pace for a TMDL study should be. Pepin may be too large and some segments may be too small. Another question is how to manage the 81 major watersheds? At each watershed there would be a flow/chemical/load monitoring apparatus. The biological and physical monitoring would cover all 81 major watersheds over a 10 year cycle. Approximately 8 watersheds per year will be done.

### Planning and TMDL Studies:

In talks with various groups, including the Clean Water Council, the thoughts are for a more managed approach; one that covers TMDLs, protections strategies and continued monitoring. Once the TMDL plans are in place (Watershed Management Plan) the Best Management Practice (BMP) implementation can take place. Implementation continues through the life of the permit until the plan is updated 10 years later. Thus the 10 year cycle would consist of:

- 1) Monitoring and assessment
- 2) Watershed Management planning to do the TMDL and implementation plan
- 3) Implementation activities: BMPs and Permits

### Pros and Cons to the Plan:

#### Pros:

- Can complete all watersheds in ten years
- It is a preventive approach
- It is watershed focused
- It has a predictable path
- Should limit impairments

#### Cons:

- Some watersheds have to wait 10 years
- It will take a couple of years to transition to this approach
- Depends on stable long-term funding
- Unusual events such as flood or drought could disrupt the cycle

The Clean Water Council is exploring how to implement the TMDL study. They are thinking of doing a pilot project to see if the plan can be done and actually work.

Cliff asked for any and all input for the watershed based approach workgroup on this topic. Most thought that an informational, opinion gathering meeting would be helpful

### Other Items:

Steve said the CWC has directed its steering committee to move forward with its recommendations in their report. Steve will post the report on the SSC Web site when it becomes available.

### Andrea – TP40 Update:

All eight states are now onboard for the TP40 study to begin. The first money for the funding has been received. October has been set as a start date. Wisconsin, though not part of our region, would like to join the group. Steve thanked Andrea for her initiative and her three years of work on this effort. The group gave her a round of applause and many thanks for her work.

### Fee Discussion – Don Jakes, Lisa Thorvig:

Don informed the committee that the Construction Stormwater Permit was approved by the Board on July 22<sup>nd</sup>. The current permit will expire on August 1<sup>st</sup> and the new one will then take effect. It will be a five year permit. The main changes are:

- Additional BMP requirements
- Temporary and permanent cover requirements
- Training requirements
- Subdivision registration requirements

Don handed out three handouts pertaining to the fee discussion. He discussed the resource gaps that exist and need to be addressed. Funding is an ongoing need and the MPCA needs help to fund these needs. The problem is that the workload to carry out the program obligations and meet the critical stakeholder needs far exceeds the current MPCA staff levels and contractual resources. The key consequences are:

- Permittees and partners typically wait far longer than they should for permit issuance, MS4 SWPPP approval, answers to questions, guidance and timely resolution to enforcement issues.
- The MPCAs ability to follow through with permittees and partners on broader issues is severely handicapped.
- MS4 SWPPP approval process has taken nearly two years to approach completion and nondeg and special/impaired waters reviews are still pending.
- The Industrial Stormwater Permit has been expired for six years
- Minneapolis and St. Paul municipal stormwater permits are also expired.
- Funding is needed to continue and expand partnering with LUGs.
- The MPCAs ability to meet impending federal and other legal obligations is threatened. Failure to meet permit and audit expectations could put the State's delegation of the overall NPDES permit program at risk.

Don encouraged everyone to send their comments on rulemaking, stormwater resource needs and gaps, and fee options and proposals to [feerulepubliccomments@pca.state.mn.us](mailto:feerulepubliccomments@pca.state.mn.us) and to label your comments as "Stormwater Comments". These comments must be received by August 13<sup>th</sup>. He also said the MPCA would also be willing to meet with individuals to talk.

Lisa explained that the fee rulemaking process will be a very public, open process, taking input from the stakeholders. Questions were asked about where the fee money goes once collected. Lisa explained that the money from fees the MPCA collects goes to the State Environmental Fund, not to the MPCA. Money for the MPCA business and programs comes from the state legislature.

#### John Chapman – Education Work Group:

John gave a brief history of the work group. The group did an inventory in 2005-06 on the needs across the state for education and looked also at education effectiveness. They looked at gaps in stormwater education, barriers to education, and ways to improve the effectiveness of education. The January and April meetings are on the SSC web site and July will be posted soon. The Industrial Stormwater Permit will be in need of some training measures. They are also looking at the existing educational tools.

#### SSC Agenda for the September 18<sup>th</sup> Meeting:

- 1) Roadmap- should be in its final format and consultants in attendance
- 2) Discussion on permit fees
- 3) BWSR report on stormwater integration