

Minutes
Riley-Purgatory-Bluff Creek Watershed District
Technical Advisory Committee meeting
RPBCWD office – June 18, 2019

Attendees: Bob Bean, Bolton & Menck (Shorewood); Steve Segar, Bloomington; Jennie Skanke, Department of Natural Resources; Phil Olson, Chris Long, Minnetonka; Dan Edgerton, Stantec (City of Chanhassen); Steve Christopher, Board of Water & Soil Resources; Carter Schulze, Patrick Sejkora, Leslie Stovring, Eden Prairie; Bill Alms, WSB & Associates (City of Shorewood); Renae Clark, Chanhassen; Linda Loomis, Lower Minnesota River Watershed District; Richard Ward, RPBCWD Board of Managers.

Staff: Terry Jeffery, RPBCWD staff; Scott Sobiech, RPBCWD engineer; Michael Welch, RPBCWD counsel.

Introduction

Terry Jeffery reviewed the memorandum on potential Riley-Purgatory-Bluff Creek Watershed District rules revisions that he had provided to the RPBCWD Board of Managers at its last meeting. He stated that RPBCWD has encountered some consternation among public and private applicants for RPBCWD permits, noting that at least some of the frustration seems to result from developers coming in for watershed district permits late, after they have completed the applicable city permitting process. He requested that the City's help in getting developers to contact the watershed district earlier in the process or even inviting the watershed to planning meetings. He said that in convening the meeting he is soliciting the assistance and advice of members of the Technical Advisory Committee with streamlining the rules so that they continue to provide resource protection without unnecessarily slowing or burdening development and redevelopment projects, including city road and other infrastructure projects. Mr. Jeffery reviewed the bullets in his memorandum that outlined a series of revisions to the rules that could be made, along with the drivers for each potential revision. In response to a question from Leslie Stovring, Mr. Jeffery explained that elimination of the 50 cubic yard threshold as a trigger for the stormwater rule is designed to make it such that small construction projects, such as city road or infrastructure repairs, for which stormwater management is difficult to provide, would not trigger the rule.

The group discussed the floodplain exemption for small utility repair and replacement projects.

With regard to the idea that the RPBCWD rules could be revised to allow treatment offsite as long as the receiving water is protected, the group discussed how to define 'receiving water.' The group also discussed the challenges with the difference between "rehabilitation" that doesn't trigger stormwater requirements and "reconstruction" that does. Scott Sobiech questioned whether the nature of the materials underlying an impervious surface – native or fill – is an important distinction in terms of whether a project proponent can provide stormwater management practices. Bob Bean said that the new Metropolitan Separate Storm Sewer System general permit has a good definition of "underlying soils." Dan Edgerton stated that the difference between underlying soils and road bed material is sometimes fuzzy. He also made a comment with regard to best management practice design.

Mr. Bean stated that generally meeting requirements via offsite treatment will require advance planning. Mr. Jeffery asked the group to consider what sequencing RPBCWD should have or should require before an applicant is able to use offsite treatment in lieu of treatment on site.

The group asserted that the RPBCWD rules should parallel the Construction Storm Water general permit wherever possible, especially with regard to definitions. There was some question as to whether developers will try to immediately go to offsite management if that option is available. Staff stated that it is unlikely that a developer will have property available within the same drainage area, and cities are more likely users of the offsite treatment option.

Mr. Bean wondered whether there would be an exemption for work in the bed or bank of a creek. Ms. Skanke responded that the requirements are a state requirement for work in public waters so if watershed doesn't require a permit from the DNR would be needed.

Patrick Sejkora asked whether ancillary benefits of onsite treatment are considered in allowing offsite treatment.

Scott Sobiech reviewed the reasoning for potentially allowing applicants to use extended detention to meet stormwater requirements for restricted sites. He stated that in the first instance, if 1.1 inches of stormwater volume can be abstracted, no further requirements will apply. But for restricted sites the applicant will have to protect downstream resources. He stated that it is likely that RPBCWD will need to make an allowance to ensure that outlet orifices are not too small. Mr. Jeffery stated that there are probably more benefits for private developers from this provision.

Steve Segar stated that cities should consider anything that can be done.

Carter Schulze raised the issue of monitoring and RPBCWD requirements when a project proponent includes a new, innovative proprietary stormwater-management system in its design to meet requirements. He urged RPBCWD to carefully define expectations in such circumstances because those with proprietary devices now are likely to simply not pursue their project because of the uncertainty of RPBCWD's performance monitoring provision. Mr. Edgerton stated that RPBCWD needs to carefully specify what the performance evaluation condition requires exactly in approving a permit. Mr. Bean stated that RPBCWD shouldn't sacrifice innovation at the expense of protection. Renae Clark called for specification in that regard.

Mr. Segar stated that he liked "and/or" quite a bit better than "and" with regard to linear project thresholds.

Mr. Jeffery sought input on a potential project exemption provision in the stormwater rule for linear project that reduce the impervious area by some measurable amount. The TAC was in general support for the concept.

Mr. Bean stated that he generally supported RPBCWD's direction with the potential revisions. Bill Alms stated that the threshold for requiring permanent stormwater management in the proposed MS4 permit is 1 acre.

Mr. Jeffery thanked everyone for attending and offering their thoughts.

There being no further business, the meeting of the Technical Advisory Committee adjourned at 12:30 p.m.