

MINNEHAHA CREEK WATERSHED DISTRICT

Technical Advisory Committee

Summary of May 7th, 2009

Committee Members Present: Pat Byrne (Mpls), Jack Frost (MCES), Brent Lindgren (Henn. Co. Transportation), Cara Geheren (Victoria), Jesse Struve (Edina), Mike Kelly (Wayzata), Kristin Asher (Richfield), Tony Brough (Hennepin County), James Landini (Shorewood), John Bradford (Hopkins)

MCWD Managers Present: None

MCWD Staff Present: James Wisker, Steve Christopher, Aldis Kurmis

James Wisker summarized the previous TAC meeting during which the group discussed the application of the stormwater standards to linear projects (roads).

James outlined the recommendation by the TAC that linear projects that do not increase net impervious surface should not be subject to volume control. The TAC commented that by virtue of not increasing impervious surface, the discharge rate and phosphorus export would not increase, which would meet the standard.

The TAC outlined the remaining linear projects that would require discussion:

1. Road reconstruction increasing small amount of impervious
2. Road reconstruction increasing large amount of impervious
3. New road corridors (new roads)

The TAC began by discussing the application of the stormwater rule to New Road Corridors.

Mike Kelly began by pointing out that there were clear opportunities with the construction of a new road corridor to meet both volume control and phosphorus loading goals given the fact that the road authority would be required to acquire right of way.

Jesse Struve agreed and pointed out that when looking back at the recommendations the TAC crafted for redevelopment and single family subdivisions, the same standards should be applied to new public road projects.

John Bradford commented that in the city of Hopkins there are a number of unimproved (grass) alleys that residents may petition to be paved. In these instances, providing for volume control would be impossible due to non-existent right of way.

Jesse Struve noted that in instances such as a resident petition, the adjacent homeowners could be required by the City to have stormwater practices on their property, like rain gardens.

John Bradford estimated that these alleys are usually 12' x 300' (3,600 sq. ft.) which should perhaps be covered under a de minimis exemption for new hardcover, such as in the recommendation for redevelopment (5,000 sq. ft.)

James Wisker summarized the recommendation for New Road Corridors at this point:

New Road Corridors increasing impervious surface more than 5,000 square feet should be subject to both volume control and phosphorus loading standards.

The attending TAC agreed with this summary and moved on to discuss Road Reconstruction projects.

Jack Frost commented that separating New Roads and Road Reconstruction projects appeared to be a reasonable approach given the need for flexibility on reconstruction projects and the clear opportunities with new roads.

Tony Brough agreed citing that reconstruction of an existing road is very different from a commercial redevelopment/reconstruction in that the available land for stormwater management does not increase with the size of a linear project as it does with a commercial redevelopment.

Tony recommended that the District build in clear flexibility into its Floodplain, Wetland Buffer and Stormwater rules that acknowledged the obvious spatial constraints associated with a road reconstruction project. He also noted that on new road construction, there are clearly more opportunities and that these types of projects should be subject to both volume control and phosphorus loading requirements.

John Bradford noted that for road reconstruction projects there are competing public interests given that the City, County or MNDOT is expending public dollars to improve a road corridor while the District is charged with protecting water resources. He commented that the rules should strike a reasonable balance between the goals of each agency such that the spirit of the regulation is intact while providing the necessary flexibility to the road authority.

Jesse Struve agreed noting that there should be a small amount of new impervious surface allowed on reconstruction projects without triggering the full extent of the stormwater rule. He commented that providing volume control and phosphorus control for 5,000 square feet of impervious surface does not constitute a sensible expenditure of public dollars and would ultimately not provide large water resource protection.

Jack Frost outlined the fact the MCWD has required municipalities through the local surface water management plan to provide capital projects to reduce the phosphorus loading to District waterbodies. He noted that the goal for regulation in the Plan was to not increase phosphorus loading. Given this information, municipal capital projects would reduce the load off the existing roads while regulation should target the load being discharged from new impervious surface.

Mike Kelly synthesized the comments at this point and recommended that the District consider for Road Reconstructions the following framework:

Road Reconstruction projects that result in a net increase of impervious surface between 10,000 square feet and 1 acre shall be subject to volume control and phosphorus loading reduction over the new impervious areas.

John Bradford recommended amending this recommendation such that these projects be only required to address phosphorus loading and not be mandated to provide for volume control:

Road Reconstruction projects that result in a net increase of impervious surface between 10,000 square feet and 1 acre shall be required to provide for no net increase in phosphorus loading. Projects resulting in more than 1 acre of new impervious will be subject to both volume and phosphorus requirements

Tony Brough requested that the District provide a non-exclusive list of best management practices that should be considered on linear projects and guidance on how to calculate phosphorus reduction for each BMP. (i.e. how much P removal a hydrodynamic separator could be expected to provide)

Tony commented that the County always attempts to provide the maximum amount of water resource protection practical given the available funding and right of way on a given project. He requested that language be built into the stormwater rule that allows District staff to make a determination that a road authority had exhausted all practical and feasible opportunities to meet the rule and not require a variance.

James Wisker recommended that the following meeting be dedicated to discussing sequencing criteria that would factor in feasibility and practicality if the TAC wished to go that direction.

The TAC moved on to discuss Regional Solutions at this point.

John Bradford and Kristen Asher presented a document that had been compiled in advance of the meeting which provided recommendations on a process for District approval of regional solutions.

John Bradford recommended that the accounting for these regional solutions should be a burden placed on the City as they would be able to choose which projects they would like to be eligible for regional stormwater credits.

The TAC agreed that if a regional solution was already in place, the change in regulation would not result in any grandfathering. However, redeveloping sites would be eligible for partial credit based on the calculated removal efficiency of previously constructed/permitted regional facilities.