



BCWD Meeting with Member Communities #3

August 28, 2019 9:00 – 10:30 a.m.

Oak Park Heights City Hall

14168 Oak Park Blvd. N. Oak Park Heights

MEETING MINUTES

1. Introductions / Meeting Agenda

a. Introduction of all parties attending the meeting

- i. Karen Kill, BCWD Administrator
- ii. Jennifer Pinski, City of Oak Park Heights Clerk
- iii. Matt Downing, MSCWMO Interim Administrator
- iv. Lee Mann, Stantec (OPH Engineer)
- v. Tyler Johnson, Stantec (OPH Engineer)
- vi. Andy Kegley, City of Oak Park Heights Public Works
- vii. Eric Johnson, City of Oak Park Heights Administrator
- viii. Kevin Sandstrom, City of Oak Park Heights Attorney
- ix. Shawn Sanders, City of Stillwater Engineer/Public Works Director
- x. Camilla Correll, BCWD Engineer (EOR)
- xi. Mike Isensee, CMSCWD Administrator
- xii. Emily Johnson, BCWD Permit Inspector (EOR)

2. Meeting Goals

a. Review meeting purpose:

- i. BCWD actively pursuing changes to the rules in response to comments from the communities and feedback received at the December 2018 stakeholder meeting. BCWD interested in adopting MIDS given comparable treatment for volume and water quality in the portion of the watershed that drains to the diversion structure.
- ii. BCWD can revise its rules and adopt MIDS for volume control and water quality. This would also allow for the incorporation of flexible treatment options. BCWD is still interested in further understanding the cities and adjacent watershed regulations to improve consistency and clarity where possible.

- iii. Another option would be for the cities of Stillwater and Oak Park Heights to assume permitting authority in the drainage area to the diversion structure. The cities have already adopted MIDS and have indicated in our previous meetings that they are interested in this option. In order to assume complete permitting authority, the District and the communities need to compare all aspects of the rules.
 - iv. At the end of this process, the BCWD does not want to end up where we are today with two sets of stormwater regulation for the same area.
 - b. Rules Comparison Table was created to assist in this task. It identifies what rules are in place; aiding us in determining where there are differences in the rules (are there compromises to addressing these gaps/differences) and moving discussion forward to determine how to proceed.
 - c. MIDS Review and Rate Control
 - i. MIDS addresses two components of the BCWD's stormwater management rules: volume control and water quality. The group still needs to decide how to address rate control and wetland bounce and inundation requirements.
 - ii. At the end of this process, the term "pre-settlement" (nor the pre-settlement curve numbers) will not be in the rules.
 - iii. At the August 14th Board Meeting, the BCWD Board of Managers showed interest in adopting a pre-development rate control requirement.
 - iv. There are discrepancies in the definition of terms. While the BCWD defines "pre-development" as open space in good condition, the communities define it as how the site looked just before the proposed land use change (i.e. what the BCWD defines as "existing conditions").
 - v. Karen Kill asked the group if there would be interest in adopting a rate control standard that met pre-development conditions (as defined by the BCWD) for the 2-, and 10-year 24-hour event and that met existing conditions (as defined by the BCWD) for the 100-year, 24-hour event. This idea was discussed in more detail later in the conversation.
 - d. Higher Level of Engineering Review
 - i. Karen Kill provided a brief update on Bob Tipping's presentation at the August 14th Board Meeting.
 - ii. Main question is whether or not the City of Stillwater can allow infiltration within the City of Oak Park Heights' DWSMA.
 - iii. It was suggested that the next step should be to reevaluate the vulnerability of the DWSMA using the recently published Washington County Groundwater Atlas.
 - iv. Oak Park Heights didn't think they needed to update their Wellhead Protection Plan for the next five years. Camilla Correll suggested that when the next community updates their Wellhead Protection Plan, they consider doing it in conjunction with the other community to rectify inconsistencies in the flow paths of the 10-year capture zones.

3. Rate Control

- a. Camilla Correll presented the main findings of the rate control evaluation which had previously been presented to the Board of Managers at the August 14th Board Meeting.
- b. New development – All parties are on the same page about the rate control standard.
- c. Re-development – MSCWMO does not have a rate control standard for redevelopment. Corrections need to be made to the Rules Comparison Table. Mike Isensee suggested that the BCWD evaluate the impact of revising the rate control standard to match existing conditions for those parcels that are expected to develop in the next 10 years. Karen Kill noted that this was the point of the Rate Control Evaluation presented at the August 14th Board Meeting.
- d. Karen Kill noted that permit applicants will need to design stormwater management facilities to meet water quality requirements so there will be the need for some treatment.
- e. City of Oak Park Heights asked whether or not the watershed districts have the authority to regulate peak flow rates. Karen Kill noted that watershed districts clearly have the regulatory authority for stormwater runoff from development activity.
- f. Communities would like the BCWD Board of Managers to reconsider the rate control standard; they do not see a lot of difference between a standard that matches pre-settlement and pre-development conditions. They requested that Karen Kill revise the Rule Comparison Table so that the Board can make a decision in light of the MSCWMO's rate control standard.
- g. Karen Kill asked the communities what they thought about matching pre-development conditions for the 2- and 10-year, 24-hour events and matching existing conditions for the 100-year, 24-hour event. Tyler Johnson thought it was a compromise worth considering but offered an alternative solution. He suggested that BCWD consider requiring the permit applicant to match existing rates and providing the funds to go above-and-beyond to achieve pre-development or pre-settlement runoff rates. Tyler mentioned that this was something that the South Washington Watershed District offers through an annual grant program.
- h. The group asked how much rate control would be provided by BMPs designed to match a water quality requirement of 60% TP removal (equivalent to Flexible Treatment Option 2). Karen Kill suggested that this analysis could be performed for Ridgecrest and brought back to the Board and the communities for discussion.

4. Rules Comparison Table

- a. Redevelopment and Roadway Applicability and Standards
 - i. Correct the rate control requirement for the MSCWMO
- b. Wetland Bounce and Inundation
 - i. In the areas that are most likely to be developed (areas identified on the map), how many wetlands would this actually apply to.
 - ii. City of Stillwater requesting that the BCWD evaluate the impact of having a wetland bounce and inundation requirement that goes above the 2-year, 24-

hour event. Is there opportunity to create consistency among the watershed districts on this standard?

- iii. City of Stillwater also requested that we compare the various management classifications to see if the watershed districts could make these more consistent.

c. Pretreatment Requirements

- i. The cities already require pretreatment of stormwater runoff discharged to infiltration practices consistent with the Minnesota Stormwater Manual and watershed district rules. Future city rule revisions will better articulate this requirement.

d. Maintenance Requirements

- i. City of Oak Park Heights is developing their Operations and Maintenance Plan, which will be completed by the end of 2019.
- ii. Cities already require maintenance agreements. Rule revisions could include language adopted by the BCWD clarifying that the permit won't be approved/issued until the maintenance agreement is recorded with the county.
- iii. Possible role for the BCWD to follow-up on long-term compliance.

e. Buffer Requirements

- i. Need to add the size threshold and wetland buffer averaging language to the Rules Comparison Table.
- ii. This rule does not affect the City of Oak Park Heights. No wetlands an acre or greater in size for foreseeable projects.
- iii. City of Stillwater asked if there is a vast difference between a 50-foot buffer and a 75-foot or 100-foot buffer. BCWD to re-visit the SONAR for supporting documentation for this requirement.
- iv. Karen Kill suggested this is another opportunity to make the adjacent watershed district requirements more uniform. Explore opportunities to make the following changes to the rules:
 - 1. Same designation criteria
 - 2. Same widths
 - 3. Same wetland averaging requirements

f. Floodplain and Drainage Alterations

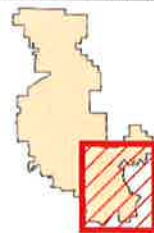
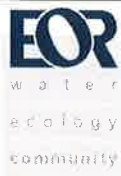
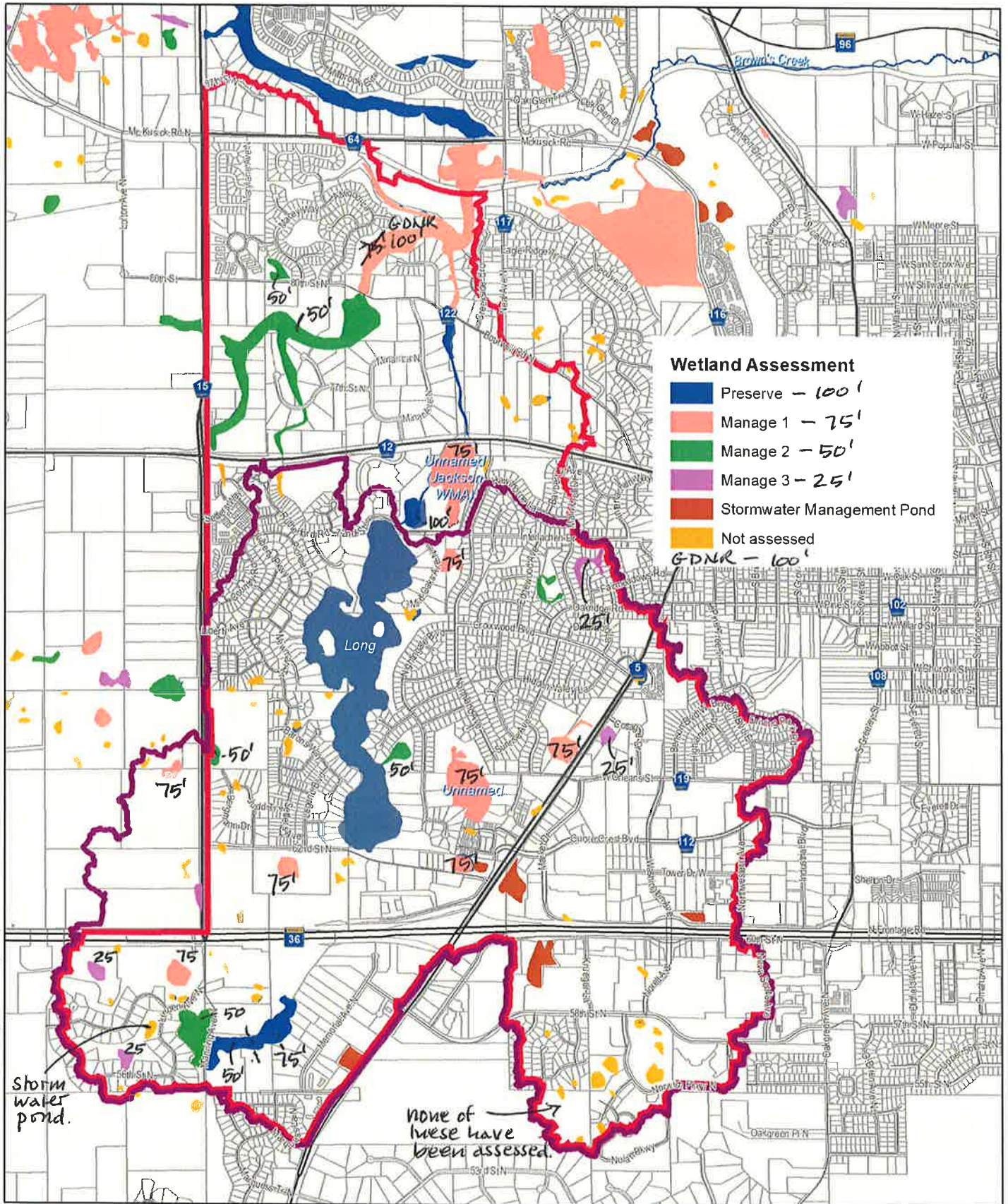
- i. Get clarification on the cities requirements
 - 1. City of Oak Park Heights revising its rule to 2-feet of freeboard above the 100-year HWL.
 - 2. City of Stillwater to provide the correct language.

5. Next Steps

a. BCWD tasks:

- i. Send map of wetland buffers Camilla Correll shared at the meeting.
- ii. Contact South Washington Watershed District to learn more about cost-share program, number of grants issued, and amount of voluntary stormwater treatment provided due to program.

- iii. Discuss the rate control standards with the BCWD Board of Managers at the September 11th Board Meeting.
 - iv. Re-evaluate wetland bounce and inundation requirements.
 - v. Meet individually with Stillwater to discuss landlocked basins.
- b. City tasks:
 - i. Stillwater provide BCWD with updated floodplain and drainage alteration language.
- c. Meeting #4 with member communities to be held on October 2, 2019 at 10am
 - i. Re-visit the additional evaluations with member communities
 - ii. Share discussion/decisions made at September 11th BCWD Board Meeting
 - iii. Review draft of the proposed rule revisions
- d. Next Stakeholder Meeting
 - i. Wait to have the meeting until the BCWD and the cities of Stillwater and Oak Park Heights are in agreement on the next steps re: rule revisions and permitting authority.
- e. Postponing the Higher Level of Engineering Review until group figures out how to address existing discrepancies in vulnerability.



MIDS Evaluation - Wetland Management Classification

