



Item 5F.  
BCWMC 7-19-18

## Bassett Creek Watershed Management Commission

July 19, 2018

Liz Stout  
City of Minneapolis  
City of Lakes Building  
309 South 2<sup>nd</sup> Ave.  
Minneapolis MN 55401

Dear Liz,

Thank you for submitting the draft Minneapolis Water Resources Management Plan (WRMP) to the Bassett Creek Watershed Management Commission (BCWMC) for 60-day review per Minnesota Statutes 103B.235 Subp. 3. BCWMC staff reviewed the WRMP for consistency with the BCWMC 2015 Watershed Management Plan, BCWMC Requirements for Improvements and Development Proposals (2017), Minnesota Statutes 103B, and Minnesota Rules 8410. The Commissioners reviewed and approved the attached comments at their July 19, 2018 meeting.

Overall, the WRMP is very complete and presents a detailed picture of stormwater, surface water, and sanitary system management within the City of Minneapolis. The City's commitment to consider anticipated weather changes due to climate change in its stormwater management efforts is commendable (WRMP Page 1-8). Thank you including reference to BCWMC projects planned within the City (WRMP Pages 3-33 and 3-96).

Some revisions to the WRMP, as described in the attached comments, must be made before the Commission can approve the WRMP. Some of the attached comments concern inconsistencies between City ordinances and BCWMC performance standards. The Commission understands that the City will be updating its ordinances in the near future (WRMP Page 5-24) and looks forward to cooperating with the City in this effort. The Metropolitan Council also reviewed the WRMP and provided recommendations (attached) to the BCWMC and to the City. Recommendations from the Metropolitan Council are incorporated into the attached BCWMC comments.

The Commission understands the City extended the 60-day review period through September 20, 2018. The Commission will consider revisions to the WRMP submitted prior to that date before taking action to officially approve or disapprove all or part of the WRMP.

Thank you for the opportunity to comment on this SWMP. If you have any questions about these comments, please contact Laura Jester at 952-270-1990 or [laura.jester@keystonewaters.com](mailto:laura.jester@keystonewaters.com).

Sincerely,

Jim de Lambert, Chair

**BCWMC Review of the City of Minneapolis Water Resources Management Plan - DRAFT July 6, 2018**

**Required Revisions**

WRMP Page(s)	WRMP Text	BCWMC Comment
Page 1-14	<p><i>...Minnesota Rule 8410.0160, which states “(e)ach local plan shall be adopted within two years of the board’s approval of the last organization plan that affects local units of government.”</i></p> <p><i>It would be a burden to update the WRMP each and every time a NPDES permit is reissued, each time one of the four watersheds revises its watershed management plan, or each time a TMDL implementation plan is approved.</i></p>	<p>The 2015 updates to Minnesota Rules 8410 no longer include this requirement. Minnesota Rules 8410.0105 Subp. 9.A states that "a [watershed management organization] plan must include a schedule for implementation of local water plans that requires all local water plans to be adopted not more than two years before the local comprehensive plan is due." In addition, Minnesota Rules 8410.0160 Subp.6 also states "Each local water plan shall be adopted not more than two years before the local comprehensive plan is due."</p> <p>In its 2015 Plan, the BCWMC requires that a City's local controls be consistent with BCWMC requirements within two years of a BCWMC Plan update. This requirement does not necessarily require updates to the City plan. See Section 5.3.1.1 of the 2015 BCWMC Plan.</p>
Page 2-32	<p><i>Joint and Cooperative Agreement No. C-015730 for Boundary Change, BCWMC and MWMO, September 28, 2000. Includes requirement that stormwater discharges to the new Bassett Creek Tunnel must be limited to a maximum flow of 50 cubic feet per second (cfs). Agreement is currently under negotiation.</i></p>	<p>This agreement is not currently under negotiation; the text should be revised accordingly. Also, the statement regarding 50 cfs in the new Bassett Creek Tunnel is incorrect and must be revised. The agreement states that "the City is required to maintain 50 cfs of capacity in the OLD Bassett Creek Tunnel during the 100-year storm event to accommodate overflow of stormwater that cannot be accommodated in the new Bassett Creek Tunnel." The issue of the 50 cfs additional capacity is correctly described on Page 5-24 of the WRMP.</p>
Page 3-96	<p><i>Additionally, the BCWMC requires that member cities assess the need for a waterbody management classification system. The City aims to be consistent with water resource management in a manner that complies with requirements of all four watershed organizations and that does not create unique systems for regions or watersheds within the City. Therefore, the City opts to not create a separate waterbody classification system.</i></p>	<p>We acknowledge the City's desire to limit the extent of region/entity-specific waterbody classifications. However, the WRMP must note that the BCWMC classifies Bassett Creek and Wirth Lake as "Priority waterbodies" for management purposes. This may be noted in the inventory sections detailing these waterbodies (e.g., Page 3-26 and Page 3-77).</p>

Page 4-34	<p><i>In 2016, the BCWMC adopted a set of policies that outline schedules, procedures, and responsibilities regarding the inspection and maintenance of the Flood Control Project (FCP) structures....According to those policies, the BCWMC will continue an inspection and maintenance program for the FCP structures....Member cities, including Minneapolis, will perform initial responses to emergency situations, with the costs to be reimbursed by the BCWMC. Member cities are also responsible for the upkeep of road crossings.</i></p>	<p>Policy 6 of the BCWMC Flood Control Project Policies adopted in 2016 (based on Policy 4.2.2-24 of the 2015 BCWMC Plan) requires that member cities are responsible for routine maintenance and repair of BCWMC FCP structures located within their City, and for reporting maintenance and repair activities to the BCWMC. This section must be revised to include this responsibility.</p>
Page 5-3; Table 5.1	<p><i>Chapter 551 - FLOODPLAIN OVERLAY DISTRICT</i></p> <p><i>551.600-551.645 Establishes prohibited, permitted, and conditional uses within floodplain and flood fringe overlay districts.</i></p> <p><i>551.650 Establishes standards for uses within flood fringe overlay district.</i></p>	<p>The City's Floodplain Overlay District does not include or reference the BCWMC-delineated 100-year floodplain (based on BCWMC XP-SWMM modeling). The BCWMC Requirements for Improvements and Development Proposals (2017) and 2015 BCWMC Plan include minimum building elevations applicable within the BCWMC-delineated floodplain. The City's floodplain ordinance must be updated to include or reference the BCWMC-delineated floodplain and applicable minimum building elevations within that area. Note that the BCWMC requires lowest floor elevations at least 2 feet above the BCWMC's 100-year flood level, versus the 1 foot freeboard required in the current City ordinance.</p>
Page 5-14	<p><i>Stormwater management plans submitted for Minneapolis Development Review must provide for stormwater controls to meet the pollution reduction goals contained in Chapter 54. The City has initiated a process to update these requirements in accordance with the NPDES Integrated Permit, the standards established by the watershed district/organizations with jurisdiction in the City, and to define requirements and the approval process for new private outfalls to surface waters. The MS4 permit requires all new and redevelopment projects that create or fully reconstruct one or more acres of impervious surface to retain onsite, to the maximum practicable extent, a stormwater volume of one-inch times the new and/or fully reconstructed impervious surfaces, except where infiltration is prohibited.</i></p>	<p>The City's current stormwater management water quality performance standards are not consistent with the BCWMC water quality performance standards, which are based on MIDS for non-linear projects and are included in Policy 4.2.1-12 of the 2015 BCWMC Plan and in the BCWMC Requirements for Improvements and Development Proposals (2017). The text on page 5-14 of the WRMP notes that the City will be updating its ordinances to establish consistency with the new MS4 permit and watershed organizations. Updates to the City's water quality performance standards must be consistent with BCWMC requirements. The planned update of City ordinances and/or the City's Stormwater Design Manual must be included in the City's implementation program. This issue is also noted in recommendation #4 of the Metropolitan Council comment letter.</p>

Page 5-15	<p><i>Stormwater management requirements established by the City overlap with the standards established by the watershed district/organization with jurisdiction in the City. These also overlap with stormwater management requirements set by the MPCA in their General Permit for Construction Activities. Table 5.4 compares the minimum sized site that is required to meet specific stormwater management activities for each of these organizations that are in effect in 2017.</i></p>	<p>This section must be revised to note that the BCWMC has project review authority for projects meeting specific criteria and describe the City's collaborative role in BCWMC review process (BCWMC Plan Section 5.1.1.1 and Section 5.3.1). This discussion should reference the BCWMC Requirements for Development and Redevelopment Proposals (2017).</p>
Page 5-23	<p><i>The City owns, maintains, and operates two Bassett Creek tunnels. The City is required to ensure that no modifications happen that will add new tributary area, flows, connections, or outlets to the new tunnel without proper vetting and ensuring that there will be no negative impacts to the flood control projects. The City is required to maintain 50 cubic feet per second (cfs) capacity in the "old" Bassett Creek tunnel during the 100-year storm event to accommodate the overflow of stormwater that cannot be accommodated in the "new" tunnel.</i></p>	<p>The language in this section is correct. The text regarding the 50 cubic foot per second capacity on Page 2-32 must be revised to be consistent with the text on page 5-23. See above comment on Page 2-32.</p>
Page 6-3	<p><i>Prioritization is critical to ensure that the capital improvement projects and regulatory programs stay within limits of available revenue. Five-year projections of future project and program expenditures are listed in the City's annual budgets, but are subject to considerable change.</i></p>	<p>We understand that the City seeks to maintain flexibility regarding the implementation of capital improvements and that the City's CIP is subject to change. However, Minnesota Rules 8410.0160 Subp. 3.E.6 requires that local water plans "include a table for a capital improvement program that sets forth, by year, details of each contemplated capital improvement that includes the schedule, estimated cost, and funding source." Table 6-2 must be revised (or another table added) that includes, to the extent currently known, specific projects (or project locations), estimated costs, and funding sources. The table may reference the figures or prioritized areas included in WRMP section 6. This table should include projects planned in coordination with the BCWMC. This issue is also noted in recommendations #2 and #3 in the Metropolitan Council comment letter.</p>

<p>Page 6-4 Page 6-5</p>	<p><i>Table 6.2 represents the 5-year Capital Improvement Program as submitted to CLIC for the 2019 to 2023 budget cycle.</i></p>	<p>To fully comply with the requirements of Minnesota Rules 8410, the City's implementation program must cover the full 10 years of WRMP implementation (e.g., 2019-2028), even if there is some uncertainty regarding funding and expenses in later years. Table 6-2 must be revised to cover the required time period. The table could note that project schedules are likely to change and/or could provide a range of possible years for implementation. This issue is also noted in recommendations #3 in the Metropolitan Council comment letter.</p>
<p>Page 6-5</p>	<p><i>As noted in Table 6.2, sanitary sewer and stormwater drainage projects are grouped into general categories of funding.</i></p>	<p>The categories included in Table 6.2 and described in the pages following Table 6.2 appear to be limited to capital improvements. Minnesota Rules 8410.0160 Subp. 3.E.5 requires that local water plans "include a table that briefly describes each component of the implementation program and details the schedule, estimated cost, and funding sources...." Implementation components (e.g., maintenance, administration) are presented graphically in Figure 6.1. This format, however, does not show anticipated year-by-year expenses, and does not allow for inclusion of more specific activities (e.g., update of ordinances to comply with WMO and NPDES requirements). The tables and/or narrative of this section must be revised to present estimated costs of non-capital program elements and specifically reference the ordinance updates mentioned earlier in the WRMP.</p>
<p>Page A-1 MN Rules 8410.0160 Subpart 3.C</p>	<p><i>Subpart 3.C Drainage Volume Subpart 3.C Drainage Rates</i></p>	<p>Minnesota Rules 8410.0160 Subp. 3.C requires that local water plans include drainage areas, volumes, and rates. This information is not included in the WRMP. Page 4-27 notes that the City is in the process of completing modeling "to assess capacity, discharge rates, and runoff volumes generated in each of the 406 unique stormwater pipeshed areas." This information, once available, must be appended to the WRMP or included by reference to the completed study. The BCWMC considers such an update to be a minor plan amendment. This issue is also noted as recommendation #1 of the Metropolitan Council comment letter.</p>

<p>Page A-14 Section 5.3.1.1</p>	<p><i>Assess problems identified by the BCWMC that affect the City.</i></p> <p>- N/A – <i>BCWMC Water Management Plan does not identify problems within Minneapolis</i></p>	<p>It is not accurate to state that the BCWMC Plan does not identify problems in the City. Many of the issues described in the 2015 BCWMC Plan - Section 3 Assessment of Issues and Opportunities affect the City, including maintenance of the BCWMC Flood Control Project and addressing impaired waters (Bassett Creek and Spring Lake). These issues are addressed in Sections 3 and 4 of the WRMP.</p>
<p>Page A-16 Section 4.2.5</p>	<p><i>64. Member cities shall maintain and enforce BCWMC buffer requirements along priority streams.</i></p> <p>- <i>Buffer Law (Page 2-10)</i></p>	<p>The discussion on Page 2-10 of the WRMP notes that there is an exemption for communities with NPDES permit requirements, such as Minneapolis. The City is still subject to BCWMC buffer requirements. Pending updates to the City ordinances must include buffer requirements at least as stringent as the BCWMC.</p>

<b>Recommended Revisions</b>		
<b>WRMP Page(s)</b>	<b>WRMP Text</b>	<b>BCWMC Comment<sup>2</sup></b>
Page ES-3 Page 1-8	<i>The categories of water resources, as defined by the City: surface water, infrastructure, and private systems. (Page ES-3)</i>  <i>The City categorizes its water resource systems into three major groups: surface waters, sanitary sewer collection systems, and stormwater drainage systems. (Page 1-8)</i>	The categories listed in last paragraph of Page 1-8 do not match categories in bullet on Page ES-3. Green headings on Page 1-9 and Page 1-10 are consistent with the three categories from Page ES-3. Consider revising the text on Page 1-8 to be consistent with the categories as described on Page ES-3 and Pages 1-9 and 1-10.
Page 2-6	<i>The federal NPDES permit program is delegated by the EPA to the MPCA for administration in the State of Minnesota. In the past, the MPCA had issued two separate permits to the City of Minneapolis under the CWA....</i>	This section does not include a narrative discussion of the MPCA's construction stormwater permitting role. A link to this program is included. We recommend that this section include a brief discussion of the MPCA's role in regulatory construction stormwater, as this program can impact private and public projects in the City.
Page 2-9	<i>MIDS was developed by the MPCA as an advisory program, not a specific regulatory program.</i>	Consider including a brief statement about the extent to which the City uses MIDS guidance in this section or including a reference to the discussion of MIDS on page 5-17. Page 2-35 notes the City's use of MIDS in establishing regulatory controls. Note that the BCWMC Requirements for Improvements and Development Proposals (2017) includes water quality performance goals based on MIDS for non-linear projects.
Page 4-17	<i>The primary function of the stormwater drain system is to convey the peak flows generated by a design storm to prevent damage to infrastructure and private properties.</i>	Consider revising "...by a design storm..." to read "...by storm events..." as the former may give the reader the impression that such systems are not intended to function for a range of precipitation events.

June 29, 2018

Ms. Laura Jester, Administrator  
Bassett Creek Watershed Management Commission  
16145 Hillcrest Lane  
Eden Prairie MN 55346

RE: City of Minneapolis Water Resource Management Plan 45-Day Review  
Metropolitan Council Review File 21959-1

Dear Ms. Jester:

The Metropolitan Council (Council) has completed its 45-day review of the draft City of New Minneapolis (City) Water Resource Management Plan (Plan), as required under Minnesota Statute 103B.235. The Council reviewed the Plan for consistency with Minnesota Rules Part 8410.0160 (Minnesota Rules) and our *2040 Water Resources Policy Plan* (Policy Plan). Specifically, the Council outlines suggested plan elements in the Policy Plan Appendix C-2: Local Surface Water Management Plan Elements.

Overall, the plan provides a good framework for the City to continue successfully managing its water resources alongside its watershed partners. *Section 1 – History and Overview of Minneapolis Water Resources*, sets a strong context for the plan, with a thorough history of water resources in the City. *Section 3 – Land and Surface Water Inventory and Assessment*, provides sufficient information to understand the City's land use, physical setting and key water resources. The section on Minneapolis waterbodies is very thorough, discussing key waterbody and watershed characteristics, historical context, water quality information (including TMDLs), references to related studies, issues identified by the City or watershed partners, and projects completed in the waterbody's watershed.

The Plan is also consistent with requirements by clearly defining roles in managing water within the City's jurisdiction and describing official controls to implement water management. The City:

- administers its own NPDES integrated stormwater permit and enforces stormwater management rules through its Stormwater Management ordinance.
- requires discharge rates from sites not exceed current rates for the 2, 10, and 100-year 24-hour storm events.
- requires modeled rainfall depths to use precipitation estimates from NOAA Atlas 14.
- uses MIDS goals as a foundation for revising regulatory controls to address volume management requirements of the NPDES permit.



There are a few areas of the plan, however, that need to be strengthened. To be in full conformance with Minnesota Rules Part 8410.0160 and the Policy Plan, Council staff recommends the plan be updated to:

1. Include drainage areas, volumes, and rates of stormwater runoff. The Plan references current hydraulic design standards, not existing conditions. The Plan also states that a comprehensive analysis of the city-wide XP-SWMM stormwater system model is currently ongoing and will be completed this year.
2. Prioritize solutions to address water quality problems identified in the Plan. Water quality problems are identified for each of the City's waterbodies, but there is no attempt to comprehensively assess the urgency of problems or understand the priorities of the City. In *Section 6 – Planning and Implementation*, the Plan states how the city prioritizes water resources management projects, but not what the actual priorities for the City are over the next 10 years.
3. Include a capital improvement program in the plan. The plan does include *Table 6.2 – Minneapolis Sanitary Sewer and Storm Sewer Capital Improvement Budget, 2019-2023*, but this is more of a reporting of available funds than a plan for action with specific water resources projects. We understand that ongoing modeling to be completed this year makes identifying specific projects to address water resources issues difficult at the present time, but the Plan should include more specific projects, with schedule, estimated cost, and funding source identified with as much detail as possible. Specifically:
  - a. Projects should be more targeted and specific than “Implementation of EPA Stormwater Regulations” and “Flood Mitigation – Stormwater Alternatives”. If the water resources problems identified were more detailed and better prioritized, the City could focus more specific implementation items on prioritized areas.
  - b. The Implementation Plan should include years all the way through the year the local water plan extends, with specific actions scheduled for all years.
4. Align the City's ordinance development, adoption, and enforcement process with the schedules set up in the watershed plans. While the City administers its own NPDES integrated stormwater permit and Stormwater Management ordinance to implement water management within its borders, any ordinance updates must be reviewed by the Watersheds in accordance with their watershed rules and plans. We encourage the Watershed to work with the City on a process to align future City ordinance updates with the Watersheds' rules and standards.

It is very important that the City identify specific water resources problems and prioritize projects to address these problems. If the City is unable to determine its prioritizations prior to watershed plan required deadlines, and if the Watershed decides to move forward with approval, the Watershed may want to consider asking the City as part of its approval process to complete a plan amendment upon completion of the models to address the deficiencies noted above.

We appreciate your considering our comments as you move forward with approval of the Plan. If you have any questions about these comments, please contact Emily Resseger, at 651-602-1033, or at [emily.resseger@metc.state.mn.us](mailto:emily.resseger@metc.state.mn.us).

Sincerely,



Sam Paske  
Assistant General Manager, Environmental Services Division

cc: Elizabeth Stout, City of Minneapolis  
Katrina Kessler, City of Minneapolis  
Jodi Polzin, CDM Smith  
Doug Snyder, Mississippi Watershed Management Organization  
James Wisker, Minnehaha Creek Watershed District  
Judie Anderson, Shingle Creek Watershed Management Commission  
Gail Dorfman, Metropolitan Council District 6  
Gary Cunningham, Metropolitan Council District 7  
Cara Letofsky, Metropolitan Council District 8  
Michael Larson, Metropolitan Council Sector Representative  
Raya Esmaeili, Metropolitan Council Referrals Coordinator  
Emily Resseger, Water Resources Section