



Bassett Creek Watershed Management Commission

Schaper Pond Project – Pre-permit Meeting Notes

Monday September 9, 2013

10:00 – 11:30 a.m.

MPCA Board Room, lower level

520 Lafayette Road N., St. Paul, MN 55155-4194

Meeting Notes

Attendees: Karen Chandler and Len Kremer (Barr Engineering for BCWMC), Jeff Oliver and Joe Fox (Golden Valley), Laura Jester (BCWMC); DNR: Kate Drewry, Jack Gleason, Melissa Doperalski, Nick Proulx; MPCA: Barb Peichel, John Hensel, Jim Brist, Mark Tomasek, Brian Livingston, Ryan Anderson

1. Introductions and meeting purpose

Jester opened the meeting and introductions were made around the table. She explained the meeting was called to discuss the Schaper Pond Project and determine if a permit was obtainable for the proposed work.

2. Historical background of Schaper Pond; pre/post 1997 City of Golden Valley project

Chandler and Oliver described the previous city project that expanded the pond's depth and area to improve water quality treatment, capped the contamination along the shoreline, and added recreational features adjacent to the pond. The pond expansion included construction in upland (i.e., non-wetland) areas. Chandler showed the pond's location on a large map, described the surrounding land use (highly developed), and reported that the pond drains much of the area into Sweeney Lake (impaired for nutrients).

Drewry indicated a previous DNR permit was obtained for the work described above and the wetland impacts were mitigated with a wetland NE of the pond.

3. Sweeney Lake TMDL, including alternatives review, proposed concept, and effects of proposed project on Sweeney Lake and Schaper Pond (see attached Table 8.2 from Sweeney Lake TMDL Implementation Plan)

Chandler reviewed the pertinent lines from the Sweeney Lake TMDL Implementation Plan and noted that very few opportunities exist for phosphorus removal from stormwater in the watershed upstream of Sweeney Lake. She indicated that if the Schaper Pond project is not implemented, decades could go by for redevelopment projects force improvements in treatment. Oliver reported that development and redevelopment projects in the city consistently go above and beyond stormwater treatment requirements.

There was some discussion about the amount of removal needed with this project if other practices and projects are completed. Again, the group agreed the largest improvements would come from redevelopment, which may be decades away.

4. **Project description** (*see attached description with figures*)

Chandler described the proposed project – an in-pond curtain that would force the flow of water into the deeper northwest lobe of the pond to improve water quality before moving on to Sweeney Lake. The project’s feasibility study estimates 81- 136 lbs of total phosphorus would be removed each year. (The Sweeney Lake TMDL requires 99 lbs of phosphorus removal.)

There was some discussion about flows through the pond. Chandler reported the project would not affect the flood profile.

5. **Past permits** – already covered with historical description

6. **Permit needs for proposed project**

There was much discussion (including between DNR and MPCA) about how the project might impact the water quality and wetland attributes of the northwest lobe of the pond. MPCA indicated that, while they see the value in the project to improve Sweeney Lake, non-degradation rules prohibit impacts to ANY water of the State, including Schaper Pond. While this project does not require a MPCA permit (only a DNR permit), the DNR must consider MPCA comments before issuing a permit. MPCA would require water quality and wetland degradation issues to be addressed in the permit application.

The MPCA reported a work group was currently considering how to deal with cases like this – where a significant water quality benefit might come at the expense of another waterbody (especially in urban, highly altered landscapes with limited opportunities for stormwater treatment). Tomasek indicated this project might be a good “test case” for the work group to consider. A few similar cases had come before the DNR and MPCA in recent years, but those projects did not ultimately seek a permit for the proposed work.

There was discussion about mitigation opportunities as outlined in the new MS4 Permit. The current project would not be eligible for pollutant removal credits in Golden Valley’s MS4 permit (until Sweeney Lake is delisted). Additionally, maintenance of the pond is a consideration for the permit.

7. **Wrap-up, comments, questions**

It was decided that more information was needed to better understand the effects of the project on the pond itself. This information would be necessary to apply for a permit and should be forwarded to the MPCA work group and the DNR’s primary contact, Kate Drewry. Further discussions regarding permitting would happen after this additional information is gathered and provided to the group.