


# Minnesota Board of Water and Soil Resources. Minutes.


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Version 3
August 20, 2018

**BOARD OF WATER AND SOIL RESOURCES**
**RAMADA HOTEL - RAMSEY ROOM**
**1870 OLD HUDSON ROAD**
**ST. PAUL, MINNESOTA 55119**
March 24, 1993

**APPOINTED MEMBERS PRESENT**
Jim Nielsen, Jim Rossman, Don Ogaard, Dwain Otte, Sharon Clark, Ted Lovdahl, Barbara Uppgaard, Barbara Cobb, Kathleen Roer, Warren Rodning, Howard Peterson, and John Boulton.

**AGENCY MEMBERS PRESENT**
Wayne Edgerton, Department of Natural Resources (DNR)
Wayne Anderson, Pollution Control Agency (PCA)
Paul Burns, Department of Agriculture (MDA)
Fred Bergsrud, U of M/Extension Services (MES)

**OTHERS PRESENT**
Allan Oehlke, Minnesota Association of Soil and Water Conservation Districts (MASWCD)
Allen Dornfeld

**STAFF PRESENT**
Ron Harnack
Jim Birkholz
Doug Thomas
Jim Haertel
Keith Grow
Dan Steward
John Jaschke
Eric Mohring
Bruce Sandstrom
Al Kean
Chuck Niska
Mary Jo Anderson

**Meeting Called to Order -** Chairman Nielsen called the meeting to order at 9:15 a.m.

** 93-07 **Adopt Agenda and Minutes of February 24, 1993 -** Moved by Lovdahl, seconded by Cobb, to adopt the agenda and minutes of February 24, 1993, as presented. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Ogaard, Otte, Rodning, Roer, Uppgaard, and Nielsen. Opposed: None. Carried.

Sharon Clark announced that Barbara Liukkonen is ill and will not be present the education report today, nor will the Education Committee meet tomorrow. The Education Committee has rescheduled their meeting for April 16.

Howard Peterson stated that the DNR permit handbooks are now available for distribution; members will received copies shortly.

Jim Rossman entered the meeting at 9:20 a.m.

**Chairman's Report -** Chairman Nielsen reported that agency heads have been meeting to discuss the proposed reorganization changes. Jim explained the two aspects of the bill: economics; and the political consequences. He reported that Senator Morse and Representative Alice Hausman are authors of a bill restructuring agencies and creating the state Department of Environmental Protection and Department of Resource Management. As stated earlier, Chairman Nielsen said that this is more political than substantive. He stated that we needed to educate legislators on the role of BWSR. Those who are familiar with BWSR and its activities are aware of the admirable services provided by BWSR. Efforts are needed now and after the legislative session to educate and inform as many people as we can on what the BWSR is all about. Chairman Nielsen urged members to look at their duties and responsibilities as board members, and encouraged them to educate their press and legislators.

**Executive Director's Report -** Ron Harnack summarized staff activities. Staff has been working to resolve the Fridley appeal. The House approved the proposed BWSR budget except for $5 million for RIM, which was left with $500,000. There has been good discussion and coordination with other agencies to focus on the existing problems on the Minnesota River.

**Wetlands -** Ron Harnack reported the wetland rules that BWSR acted on last month have been approved by the administrative law judge. Ron stated that Representative Jeff Bertram is now scheduling hearings on the rules with House Agriculture Committee. The final wetland rules will be endorsed in May. Discussion followed on the variety of changes proposed to the law, including: extending the interim program anywhere from six to eighteen months; the elimination of 2:1 replacement; the exemption dealing with repair of roadways; and the exemption dealing with aquaculture. Howard Peterson expressed concern on the 2:1 replacement; there is a need to look carefully at how this will be done.

Chairman Nielsen stated that Ron Harnack has been in close contact with the proposed wetland changes/amendments. The governor is also aware and is not supportive of any serious efforts to tamper with the Wetland Conservation Act. The BWSR staff will continue as they have.

Warren Rodning stated that he is very supportive of BWSR as an independent agency and also supportive of the Wetland Conservation Act.

Board Members Uppgaard, Ogaard, Rodning, Roer, Peterson, Rossman, Clark, and Otte spoke in favor of the BWSR as an independent agency.

Barbara Uppgaard stated that the Association of Minnesota Counties (AMC) has already set their policy platform for the year, but AMC could and should solicit individual resolutions of support for BWSR from county boards around the state.

Chairman Nielsen called for a break in the meeting at 10:20 a.m. The meeting reconvened at 10:30 a.m.

** 93-08 Moved by Ogaard, seconded by Lovdahl, that the BWSR's position on the governor's reorganization bill goes on record in support of remaining an independent agency in carrying out its ongoing functions, duties, and responsibilities. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Ogaard, Otte, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

Allan Oehlke, president of MASWCD, stated that the MASWCD Board of Directors met yesterday and spoke in support of the BWSR remaining an independent agency. MASWCD is in the process of drafting a joint position statement with Association of Minnesota Counties (AMC) and the Minnesota Association of Watershed Districts (MAWD), supporting the BWSR as an independent agency. Allan gave the following perspectives for soil and water conservation districts (SWCD) on the state agency reorganization:

- SWCDs' responsibilities in land and water management are on the increase. Recent new initiatives in comprehensive local water plan implementation, non-point source pollution control, and wetlands protection reflect this.
- The working relationship between SWCDs and the BWSR is a good example of a true state and local government partnership. Through the BWSR and its members appointed from local governments, the SWCDs participate in state agency policy and program development. The BWSR affords an opportunity to coordinate SWCD activities statewide with watershed districts, counties and other state agencies. The existence of this forum, free of the administrative and political constraints of a large state agency, is essential to the successful implementation of a basic soil and water conservation program in Minnesota.
- The creation of the BWSR in 1987 was a recent major reorganization which resulted in the elimination of several smaller boards, consolidation of staff, assumption of new resource management responsibilities and has contributed to a dramatic increase in the amount of successful natural resource management activities which are carried out by local government,

including SWCDs.

- The very success of this state and local partnership is probably threatening to other agencies involved in carrying out related activities. The notion that local government can successfully implement natural resource management programs with only limited oversight and involvement from state agencies is a fairly new and, perhaps, controversial concept in Minnesota. It may well be that the successful programs in place with the BWSR, the SWCDs, watershed districts and the counties are either threatening to or coveted by agencies which wish to absorb these responsibilities into themselves.

Chairman Nielsen encouraged board members to contact counties to send letters of support to their legislators regarding the independence of BWSR.

**Valley Branch Watershed District Comments to Correspondence to BWSR Regarding Watershed District Activities** - Al Dornfeld, chair of the Valley Branch Watershed District, was before the BWSR today to set the record straight as to a situation that happened involving the watershed district and the comments by the mayor of Lake Elmo. A meeting has been scheduled in April to resolve the issue. Mr. Dornfeld asked that the BWSR reply to correspondence. Chairman Nielsen thanked Mr. Dornfeld for explaining the situation.

**Snake River Joint Powers Agreement** - Doug Thomas introduced representatives of the proposed watershed management board: Dick Jackson, Mille Lacs County; Margaret Sherman, Aitkin County Commissioner; Bob Pigeon, Pine County; Clare Frebo and Donna Strusinski, Pokegama Lake Association. Doug explained the 13 criteria that were established and summarized the March 15 meeting. After staff review of the seventh draft agreement establishing joint powers of the Snake River Watershed Management Board, staff recommends that the BWSR endorse the joint powers agreement. Donna Strusinski stated that the Pokegama Lake Association goes on record as supportive of joint powers agreement and being willing to work with counties to resolve issues. She stated that the seventh draft implies, rather than explicitly says, that counties will pay their share. The Lake Association wants to see quarterly meetings of the joint powers board and desires a special appointment process for citizen advisory board members. The Lake Association would also like to see a county arbitration approach and a clarification of the in-kind budget. The BWSR needs to be aware of what's happening as time goes on. Discussion followed. Don Ogaard stated that there is a need for an election process for officers of the joint powers board. Howard Peterson stated that technical issues should be addressed and corrected in the joint powers agreement. Chairman Nielsen asked Doug, Don Ogaard and Howard Peterson to meet and address the technicalities in the joint powers agreement.

** 93-09 Moved by Clark, seconded by Peterson, to continue discussion on the Snake River Joint Powers Agreement at the April BWSR meeting to give parties time to address the technicalities and also await Pine County's decision. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Ogaard, Otte, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

Chairman Nielsen asked that comments on this be sent to Doug Thomas. He applauded

everyone involved in the Snake River issue for their diligence and stamina on this effort. Staff was commended. Don Ogaard stated that people, the communication, and relationships can make the joint powers agreement process work.

**Richfield/Bloomington Boundary Change** - Howard Peterson reported that he and Kathleen Roer attended the hearing last night at which the boundary change was presented. The hearing has been concluded, but written comments will be accepted for ten days. Howard stated that most everyone was in support except Jim Spencely, a citizen who may challenge the process. Staff asked to assist with the proposal so it can be brought before the BWSR in April. Mike Eastling, Richfield City Engineer, asked that the BWSR make a decision soon, as it is now construction season. Chairman Nielsen explained that the BWSR's Dispute Resolution Committee action is needed so permits can be issued, with final action by the full BWSR at the April Meeting.

Howard Peterson invited the BWSR to be MAWD's guest at their summer meeting and tour, Friday, June 25, and Saturday, June 26. Board members will be contacted regarding availability of their schedules.

Ted Lovdahl, on behalf of Kanabec SWCD, invited the BWSR to northcentral Minnesota for their September meeting and tour. Ron Harnack said that we already accepted an invitation to Itasca County this fall and would have to respectfully decline for this year.

Chairman Nielsen adjourned the meeting for lunch at 12:10 p.m. The meeting reconvened at 1:05 p.m.

**Dakota County Groundwater Plan** - Eric Mohring introduced representatives of Dakota County, Eric Evenson and John Forrest. Eric Mohring gave a brief chronological overview of the plan. Moved by Boulton, seconded by Clark, to approve the Dakota County Groundwater Plan as presented. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Ogaard, Otte, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried. John Forrest commended all BWSR staff for their great efforts and assistance.

** 93-10

**Feedlot Enforcement** - Chuck Niska explained the BWSR policy options in funding manure management systems. Dave Nelson, MPCA, and Randy Evans, DNR, explained that an Interim Interagency Memorandum of Understanding Concerning Feedlot Enforcement has been signed by MPCA and DNR. The memo of understanding should provide for better use of the full range of enforcement authority available to both DNR and MPCA through better coordination and early involvement of the MPCA in cases identified by DNR conservation officers. The general objective of these interagency procedures is to promote and achieve feedlot compliance in an efficient, appropriate and consistent manner. DNR and MPCA have schedule joint training programs for conservation officers on identifying feedlot problems and to inform county attorneys of the feedlot enforcement efforts in the Minnesota River watershed. Paul Burns, Department of Agriculture, stated that getting out to assist people to comply in a more positive manner is more effective than an over-

emphasis on enforcement. Chairman Nielsen stated that hopefully a mutually cooperative effort will be made on the feedlot issue.

**Cost-Share Eligibility Relating to Enforcement Actions** - Ron Harnack stated that staff recommends Option #3, regarding funding manure management systems. He also suggested a possible consolidation of Option #2 and Option #3. Dwain Otte suggested an option as well. Discussion followed. Moved by Rodning, seconded by Otte, that this issue be carried over and addressed at the April BWSR meeting, with the Feedlot Committee to review and recommend a position. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Ogaard, Otte, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

** 93-11

**Cost-Share Roll-over Funding Recommendation** - Chuck Niska presented the projects the staff recommends for immediate funding, totaling $287,748. Moved by Lovdahl, seconded by Roer, to adopt the staff recommended cost-share roll-over funding. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Ogaard, Otte, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried. Chairman Nielsen asked the Feedlot Committee to review the applications not recommended for funding.

** 93-12

**Geographic Information System (GIS) Initiatives** - Doug introduced Tim Loesch, Land Management Information Center (LMIC) and Rick Gelbman, DNR. Rich Gelbman explained that the Wetlands GIS Project is a two-year effort funded through the Legislative Commission on Minnesota Resources (LCMR) to establish GIS data and applications which support wetland resource management. The Wetlands GIS will be used to assist in administering the Wetlands Conservation Act of 1991 and manage wetland resources of the state.

Tim Loesch presented the benefits of using GIS: data maintained in a physical compact format; data can be maintained and updated more efficiently; data can be analyzed in a completely new way; graphic and non-graphic data can be merged and manipulated simultaneously; ability to model physical and/or wetland relationships; perform prescriptive management analysis "what if" type scenarios. GIS is a tool for local units of governments resource management planning and decisionmaking.

**Advisor Comments**

-MASWCD, Allan Oehlke reported that MASWCD will host the National Association of Conservation Districts (NACD) North Central Meeting in Duluth in July. Allan announced that Dwain Otte has been nominated to be elected to the NACD board position. Allan reported that he will be going to Washington, D.C., next week to meet with legislators.

Chairman Nielsen stated that BWSR committee assignments will be reviewed again and resolved by the April meeting.

** 93-13 Moved by Boulton, seconded by Roer, to adjourn the meeting at 3:45 p.m. Affirmative: Boulton, Clark, Cobb, Lovdahl, Peterson, Ogaard, Otte, Rodning, Roer, Rossman, Uppgaard, and Nielsen. Opposed: None. Carried.

Respectfully submitted,

D. James Nielsen
Chairman

**BOARD OF WATER AND SOIL RESOURCES**
**RAMADA HOTEL - RAMSEY ROOM**
**1870 OLD HUDSON ROAD**
**ST. PAUL, MINNESOTA 55119**
**MARCH 24, 1993**

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**BOARD OF WATER AND SOIL RESOURCES**
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**MARCH 24, 1993**

**AGENDA**

| | | |
|---|---|---|
| 9:00 a.m. | 1. | Call to Order |
| | 2. | Adopt Agenda |
| | 3. | Approve Minutes of February 24, 1993 |
| | 4. | Reports<br>• Chairman's Report - Jim Nielsen<br>• Executive Director's Report - Ron Harnack |
| 9:30 a.m. | 5. | Legislative Update - Ron Harnack<br>• Reorganization<br>• Wetlands |
| 10:00 a.m. | 6. | Snake River Joint Powers Agreement - Ron Harnack |
| 10:30 a.m. | 7. | Dakota County Groundwater Plan - Eric Mohring and representatives of Dakota County, Eric Evenson and John Forrest |
| | 8. | MAWD Comments to Correspondence to BWSR Regarding Watershed District Activities - Al Dornfeld |
| Noon | Lunch | |
| 1:00 p.m. | 9. | Cost-Sharing Feedlots - Chuck Niska |
| | 10. | Cost-Share Roll-Over Applications - Chuck Niska |
| 1:30 p.m. | 11. | Feedlot Enforcement<br>• Pollution Control Agency<br>• Department of Natural Resources |

12. G.I.S. Initiatives - Doug Thomas, BWSR; Tim Loesch, LMIC; and Rick Gelbman, DNR

13. Advisor Comments
- Marlin Libbesmeier, MAT
- John Sumption, MACDE
- Gary Nordstrom, SCS
- Pat Wulff, MLA
- Howard Peterson, MAWD
- Allan Oehlke, MASWCD

14. Board Issues - discussion, comments, action needed

3:00 p.m. Adjourn

# STATE OF MINNESOTA

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
SAINT PAUL 55155

ARNE H. CARLSON
GOVERNOR

March 18, 1993

TO: All Commissioners and Agency Heads

FROM: Edward C. Stringer, Chief of Staff

RE: Environmental/Pollution Control Reorganization

In our many discussions of the CORE recommendations we reviewed the pros and cons of various proposals. While there are literally hundreds of recommendations, because of the need to define our position with respect to at least the environmental/pollution control reorganization recommendations, we invited affected agencies to come in and present their views on the proposals. There no doubt will continue to be disagreement as to the CORE process, differing views as to the political spin-off of any particular result, and a general notion that bigger is not necessarily better. But with current jurisdiction over solid waste divided among the Pollution Control Agency, the Office of Waste Management and the Metro Council resulting in numerous problems in consistency in planning and service delivery, it is the Governor's view that some important conclusions are clearly supported by CORE's finding.

First, the Pollution Control Agency, the Board of Water and Soil Resources, the Office of Waste Management and other boards, agencies and authorities should be abolished and the duties transferred to a newly constituted Department of Environmental Protection and the Department of Natural Resources. A bill titled the Environmental and Natural Resources Reorganization Act of 1993 will be introduced, hopefully today, to accomplish these changes with a proposed effective date of July 1, 1993. This will bring consolidation and coordination to the State's environmental and natural resource programs.

Second, because of the many and serious questions raised by the Commissioners regarding what has become known as CORE's Secretarial Model relating to effects on agency operations, impact on the Governor's working relationship with the agencies and real cost savings, this aspect of CORE's proposal will not be a part of the Governor's reform initiative in the '93 session.

I respect the views of those who genuinely disagree with these conclusions, but this administration will not shrink from any reorganization proposal that improves service to our customers. Clearly a structure that breeds dysfunctional planning and inconsistent results simply defies logic. But this is what we now have and this is why it must change.

Thanks for all your thoughtful patience and support of these decisions.

c: Governor Arne H. Carlson

# Giving local government the flexibility it needs



**Leonard Inskip**

Your city council member or county commissioner may agree that local government services could be improved, but claims that state rules, called mandates, are a barrier. Unfortunately, that often is true.

A useful bill in the state Senate would enable local governments to seek specific waivers in a neutral forum. A city or county would have to justify its request. The state agency which created the rule could argue its need and oppose a waiver. A special board would decide.

Amid the talk of reinventing or redesigning government, the proposal is particularly innovative. It would complement waiver efforts in K-12 education, mostly recently highlighted by the exemption granted to North Branch schools from most state education rules.

The bill's authors are Sen. Ember Reichgott, DFL-New Hope, and John Hottinger, DFL-Mankato. Testifying in favor were representatives of the Advisory Committee on Intergovernmental Relations, associations for counties, cities and townships, and the reform-minded Citizens League.

Reichgott and Hottinger want more innovation and flexibility in local government, including more shared services, mergers of governmental bodies and other new ways of delivering services. So does Gov. Arne Carlson, who budgeted $2 million toward those goals. But the two senators go further. Their proposed waiver process could make those other goals more achievable.

Curt Johnson, a key Carlson adviser, has no problem with the $2 million going toward the senators' plan. It's less important which agency promotes local government innovation than that the job gets done, Johnson says. The governor had proposed that half of the $2 million go to the Metropolitan Council for work in the Twin Cities area and half to the Advisory Committee on Intergovernmental Relations for work outside.

The Reichgott-Hottinger bill would create a Board of Government Innovation and Cooperation to hear waiver requests and to allocate grants for encouraging change in local government. The grants would pay for technical assistance to local bodies to develop replicable innovations; extraordinary planning costs for cooperative efforts; start-up costs for service sharing; and some merger efforts where appropriate.

The board would include the state commissioners of finance and administration, an administrative law judge, the legislative auditor, the state auditor, a senator and a House member. Reichgott says she's open to suggestions for the board's makeup and duties. "This is a new idea," she says. "It needs input."

The waivers, when granted, would require contracts specifying outcomes and ways to measure them. The waivers, lasting two to four years, would be renewable. But they also could be rescinded if the local governments failed to deliver on promises.

Part of the bill already is in a law that Reichgott got passed in 1991. But funds to carry out the law were vetoed by Carlson that year, one of many line-item cuts he made.

The governor's proposal this year stimulated Reichgott to renew and broaden her earlier effort. Another stimulus was a 1992 Citizens League study that recommended waivers as a means to help local government focus more on results and less on compliance with mandates. Another group, the Commission on Reform and Efficiency, recently urged more waivers. And the legislative auditor this month urged changes in state rulemaking so that fewer rules would be needed in the first place.

This ferment for better government suggests that the Reichgott-Hottinger proposal is right for the times. The Legislature should adopt it.

And it's right for local officials who've long complained about mandates being too prescriptive about how they operate their programs. Said a representative of the Association of Minnesota Counties: "We would have to put up or shut up in the area of mandates."

# Packwood/ Senator tried women's accounts of hara

Continued from page 19A

vances between 1969 and 1990. The women, mostly former aides, told the Post that he groped and kissed them or otherwise pressed his uninvited affections on them with varying degrees of assertiveness.

When the Post informed Packwood of the charges in the closing days of a hard-fought reelection campaign, he denied them and tried to discredit some of the women, the Post reported. The Post delayed its story until after the November election, at which time he declared that he would not dispute any of the allegations and apologized.

He then checked into an alcohol-treatment center and called for an investigation of his conduct. The Senate ethics committee obliged, opening a preliminary inquiry Dec. 1.

In January, Packwood made his first public trip to Oregon since the story broke and took a more aggressive tack as protesters hounded him. In interviews, he indicated that he would defend himself vigorously before the ethics committee and challenge some of the women's stories.

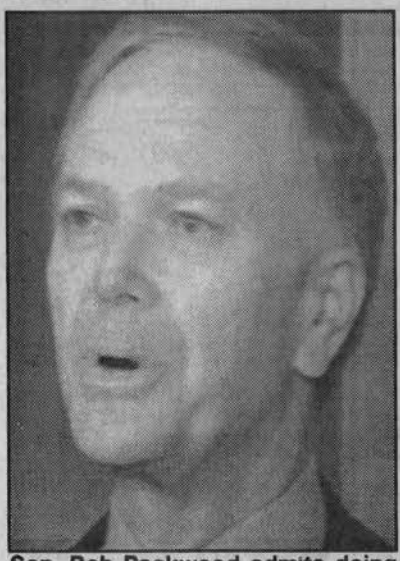
So now the Senate is being asked to decide not if, but exactly what he did wrong and what punishment he deserves.

Packwood's supporters say he deserves a stern scolding at most. His accusers and their supporters say he should be expelled from the Senate if the charges hold up. But the women concede that they're fighting an uphill battle because such a move would require a drastic departure from Senate precedents.

So another no-win scenario could be in the offing. Stuck in the middle is an institution with an image problem that loathes judging its own. Whether the Senate avoids the kind of damage inflicted by the Thomas-Hill imbroglio will depend on how it and the ethics committee handle a host of difficult issues.

For starters, Packwood's supporters say the women's accusations don't meet the legal definition of sexual harassment. Deciding this sensitive question will be a Senate that is 94 percent male.

Most of Packwood's accusers haven't identified themselves publicly. The ethics committee previously has been unwilling to consider anonymous al-



**Sen. Bob Packwood admits doing something "just plain wrong."**

The ethics committee so far seems willing to accommodate the women. After Packwood's tough talk in Oregon, it approved a new rule Feb. 4 barring consideration of witnesses' sexual histories and announced that its inquiry would include Packwood's alleged attempts to discredit and intimidate the accusers. It reassured the women's lawyers in a letter March 5 that it would try to protect the women's privacy and to keep the focus on Packwood's conduct.

Women's advocates praised those moves, as they did the leadership's decision to place Sen. Barbara Mikulski, D-Md., a longtime feminist activist, on the panel. But they were disappointed by the committee's decision not to hire an outside counsel to handle the inquiry.

At some point, the committee will face its hardest choice — whether to hold public hearings. It could hold hearings behind closed doors or it could decide the case based solely on the staff investigation.

Generally, the accusers and their supporters say there should be public hearings — as long as details embar-

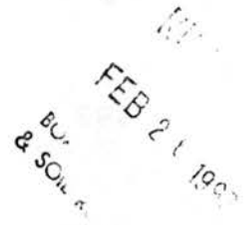
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# Senate

**State of Minnesota**

February 23, 1993




Ron Harnack
BWSR
155 S. Wabasha Street, #104
St. Paul, MN 55107

Dear Ron:

As chairman of the Agriculture and Rural Development Committee, I want you to know that I am looking forward to working with you and for you in the months ahead. The Minnesota Association of Soil and Water Conservation Districts has done so much in the area of environment and safeguards that are designed to protect our future through good land use planning.

I am amazed at what you have been able to accomplish with the resources you have and I am absolutely opposed to turning this over to another department as recommended by the CORE Commission. You have operated independently and your staffs have done so much work to better our state that you ought to be thanked, not eliminated or consolidated.

Our natural resource management programs need to be directed locally. You have the experience, the capability, and the know-how to solve our environmental problems and you have proved you can get the job done. As chairman of the Senate Agriculture Committee and as a farmer myself, I will do my best to fight against any proposal that would destroy what you have achieved.

I appreciate all your efforts and hard work and I want you to know my door is always open. As time goes on I hope you will keep in touch with me on issues of concern to you and let me know whenever I can be of assistance.

Sincerely,

Joe

Senator Joe Bertram, Sr., Chairman
Agriculture and Rural Development Committee

encl.

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SENATOR
JOE BERTRAM, SR.

COMMITTEES:
Chairman, Veterans & Military Affairs
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Taxes and Tax Laws
Local and Urban Government
Agriculture
Rules

January 28, 1993

# Senate

## State of Minnesota
## Joe Bertram

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Governor Arne Carlson
120 State Capitol
St. Paul, MN 55155

Dear Governor Carlson:

The farm groups I am speaking with are becoming increasingly concerned over recommendations coming out in the C.O.R.E report drafts, and have asked that I work with them to facilitate a dialogue with you on the matter.

As you know, the C.O.R.E. recommendations have strong implications for agriculture and affect a structure that represents the best of what is left of a proud but declining industry to the family farmer.

It is my hope that you will meet with myself and Representative Steve Wenzel, as respective chairs of the Senate and House Agriculture Committees, as well as selected leaders of major farm organizations to hear the concerns they have on C.O.R.E recommendations.

Progress continues on these proposals and time is of the essence. I would very much appreciate this opportunity for open dialogue prior to the time all final drafts are delivered, and they come before my committee for review.

Thank you for your consideration. I hope to hear from you soon.

Sincerely,

Senator Joe Bertram, Chairman
Agriculture and Rural Development Committee

JB:djl

cc: Rep. Steve Wenzel



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Paid for by People to Re-elect Joe Bertram, Bob & Pat Brenny, Albany, Chairpersons

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC

LAND AND WATER SHALL BE PRESERVED

**Minnesota Association of Watershed Districts**
**Issue Paper**

## Government Reorganization

The Minnesota Association of Watershed Districts (MAWD) has reviewed a number of proposals and ideas relating to the reogranization of Minnesota's environmental agencies and developed the following positions:

**MAWD supports retaining the Board of Water and Soil Resources as an independent state agency.** The BWSR is a key leader in providing support services to local units of government, particularly in the area of soil and water conservation. Watershed Districts are specialized units of local government with unique powers and needs which the BWSR currently addresses. Eliminating or merging the BWSR would result in the loss of a system that supports local units. As an independent agency, the issues that local government deals with are brought directly to a body who has the authority to address local problems and concerns. And can take these issues directly to the Legislature. Becoming a part of a larger state agency reduces local government's access, accountability and advocacy at the state level. The BWSR has only been in existence since 1987. They have already undergone many changes and are just getting in stride with their mission and service delivery. We believe the 1987 merger deserves a chance to work.

**MAWD supports the concept of co-location of state agencies.** As a part of co-location, we also encourage the state to consider increasing the authority, responsibility and accountability at the regional level and to develop policy guidelines and procedure to minimize St. Paul's involvement in local decision making.

**MAWD supports using the watershed approach to water permitting and regionalization as opposed to the eco-region approach.** In assessing the idea of eco-regions, one needs to understand that these regions are based on like or similar aquatic features which are more representative of things like geology, soils, climate and land cover. The biggest flaw in this system is that it does not account for where water comes from and goes to.

Other areas which we believe will make government more efficient and effective include the following concepts:

- Where possible consolidate permits;
- Establish decision-making time frame for permits; 60 days after application;
- Rule development with performance based standards and specific measurable objectives;
- Leave local government units as is, but encourage greater cooperation through the water planning process (on a watershed basin basis); and
- Develop a centralized source of permitting information within each county -- tells who, what, when and where to get permits.

Minnesota Association of Watershed Districts, P.O. Box 127, Shafer, MN 55074 612/257-1906

Resolution No. 1

RESTRUCTURING OF STATE GOVERNMENT

WHEREAS, the State of Minnesota has shown interest in consolidating state government; and

WHEREAS, it has been proposed that the Board of Water and Soil Resources, the Department of Natural Resources and the Pollution Control Agency will become one state agency; and

WHEREAS, the Board of Water and Soil Resources presently provides local government units including Soil and Water Conservation Districts, Counties, and Watershed Districts with technical as well as administrative support; and

WHEREAS, without the Board of Water and Soil Resources to interpret legislative intent and translate specific information to local governmental units the programs or policies may not be administered as intended.

THEREFORE, BE IT RESOLVED, the MASWCD will coordinate lobbying efforts with other Local Government Units to keep the Board of Water and Soil Resources intact with their current funding, staff and programs.

Submitted By:
Mower County SWCD

Area Association: VII
Date Adopted:6-18-92

Reviewed By:
MASWCD Board of Directors
Date: 8-25-92

MASWCD Annual Convention:
Action: Pass-Pre
Date: 12-8-92

For Further Information Contact: Allan Oehlke, Chairman, Mower SWCD, Phone: 507-754-5459

*

FEBRUARY 22, 1993

CORE COMMITTEE

RECOMMENDATIONS

A. SUGGESTED NAME (WATER AND SOIL RESOURCES COORDINATING BOARD)

1. WORKING BETWEEN STATE ENVIRONMENTAL AGENCIES AND THE LOCAL GOVERNMENTAL UNIT THAT DELIVERS ENVIRONMENTAL PROGRAMS DIRECTLY TO THE CITIZENS OF THE STATE OF MN.

2. THIS BOARD TO HAVE LIMITED STAFFING FOR COORDINATION OF PROGRAMS ONLY.

3. BOARD MAKEUP (VOTING MEMBERS 15)

A. ONE ELECTED CITIZEN FROM EACH OF EIGHT ECO-REGIONS (ADJUSTED CTY BOUNDARIES)

B. THE PRESIDENT'S OF :

1. ASSOCIATION OF MINNESOTA COUNTIES
2. ASSOCIATION OF WATER SHED DISTRICTS
3. ASSOCIATION OF SOIL AND WATER CONSERVATION DISTRICTS

C. COMMISSIONERS FROM:

1. DNR
2. MPCA
3. MDA
4. MDH

D. CHAIR ELECTED BY BOARD FROM BOARD

4. THIS BOARD WOUILD DECIDE WHICH LOCAL AGENCY WOULD DELIVER STATE ENVIRONMENTAL PROGRAMS AT THE LOCAL LEVEL. STATE AGENCIES WOULD RETAIN ADMINISTRATIVE CONTROL

5. BOARD TO ADMINISTER GENERAL SERVICE GRANTS AND OTHER GRANTS.

6. FUNDING TO LGUs FOR STATE PROGRAMS WOULD BE FROM THE AGENCY ADMINISTERING THE PROGRAM.

CORE22

FYI Jim B.

CASS SOIL AND WATER CONSERVATION DISTRICT

Cass County Courthouse
300 Minnesota Avenue
Walker, MN 56484
Telephone (218) 547-3300
Ext. 212

**MINNESOTA**
**SOIL AND WATER CONSERVATION DISTRICTS**

March 5, 1993

RECEIVED
MAR 12 1993
BOARD OF WATER & SOIL RESOURCES

Senator Harold Finn
District 4
321 State Capitol

Representative Tony Kinkel
District 4-B
449 State Office Building
St. Paul, MN. 55155

RE: Commission of Reform and Efficiency (CORE) Report

Gentlemen:

I have closely followed the CORE Commission's activities since they began their review and have just finished reading their final recommendations to you. As a part of the local delivery system for some 34 different federal, state, and local environmental programs, I must start by saying that I support the general concept of reorganization. We can always do things better. Beyond that general agreement, however, I have serious problems with the report's specific recommendations. I submit the following comments and suggestions concerning those recommendations as a result of my experiences in working with the various state agencies:

1. The CORE Commission's answer to overlap and inefficiency is to combine existing agencies. In this case, bigger is definitely not better. The report cites thousands governmental units (agencies, counties, townships, SWCD's, watershed districts) with environmental responsibility, although that responsibility may only be a small part of their overall mission. What it doesn't mention is the success stories and cooperative efforts that are taking place every day that really deliver excellent customer service.

As you probably know, we were just awarded a $314,000 grant from DTED to put a collective sewer and water system on Shingobee Island, serving 22 residences and 3 businesses. How? Through a cooperative local effort by Cass County, the Leech Lake Reservation, the Cass SWCD, and MnDOT. This project was identified as a high priority in our Comprehensive Local Water Plan.

Regardless of size or inclusiveness of the environmental agency, the existing mandates must still be addressed. This CORE proposal would stifle local program flexibility and cooperative relationships by placing them under state administration. That would not improve customer service. Also,no matter how much we consolidate state administration, it will have no effect on the federal jurisdictions that complicate permitting.

2. I know that much of the impetus for this effort arose from citizen's frustration with the delays and duplications involved in obtaining various permits. As local customer service representatives for many of these programs, Cass County Environmental Services and SWCD employees are often the first people called with questions and complaints. Frankly, it is not our programs and services that people are usually frustrated with, it is the central office operations of MPCA and DNR. If taxpayers have a problem with us, they get straightforward answers. If they have a problem with these state agencies, more often than not they get a recording. I suggest that the first ~~priority~~ of reorganization be to strengthen the existing regional delivery systems by transfer personnel, resources, and especially permitting authority to the state agency regional operations.

3. A "Secretary of the Environment" seems to fly in the face of the whole CORE philosophy by creating another layer of bureaucracy. This office will effectively insulate the Commissioners from the legislative process, and further separate you as legislators from the reality of departmental operations. As an appointee with budget and program veto power, this also seems like a convenient vehicle for the Governor's office to restrict or eliminate vital programs. I suggest that the agency Commissioners retain their present working relationships and that this office not be created.

4. The MPCA's "eco-region" management area concept sounds like a logical way to deliver regional services unless you have to work with it. We would be in the "Northern Lakes and Forests Eco-region" which encompasses nearly ~~one fourth~~ of the state, larger than any other 2 regions combined. How would this effect our customer service?? The proposal ignores political realities, logical administrative divisions, and, again, federal agency boundaries. I suggest that all state environmental agencies adopt the DNR regional divisions, which have logical administrative locations.

5. The Comprehensive Local Water Planning Program (CLWP) is targeted by CORE as being in need of state control. The basis for the tremendous success of this program is the fact that local people are empowered to make local decisions in planning and implementing a program of resource protection. I detect some resentment that these "local folks" have made this work. In ~~two years~~, directives adopted in Cass County's Local Water Plan have created our Environmental Services Department, initiated the first water quality studies of the Boy River, Gull Lake, and Leech Lake watersheds, amended our shoreland, subdivision, and sanitary ordinances, updated our county-wide land use plan, assisted Lake Associations with equipment to monitor their water quality, and helped us create an extensive computer map and database. In the process, we have been able to attract $549,000 in grant and cost-

share funds to carry out the program. I suggest that CLWP continue to function at a local level without additional state oversight.

6. The Board of Water and Soil Resources (BWSR) is dismembered by the CORE recommendations. The RIM Program would go the DRM. The wetlands, groundwater, and CLWP programs would be placed in DEP. What about cost-sharing? Grants to SWCDs? Technical Service? Forestry improvement? Water quality special projects? Also, the BWSR Board is slated to become strictly a citizen advisory function with no real authority. We lose the state-level representation of the county commissioners, SWCD supervisors, citizens, and agency advisors that now make up the Board.

This relatively small state agency gives the best local customer service of any I work with. Whether BWSR remains autonomous or is placed in an agency is not of as much concern to me as insuring that the BWSR functions and local service delivery system is maintained. I suggest that BWSR be retained intact in any future reorganization.

It has been said that people don't care how much you know until they know how much you care. Nobody cares more for the people we serve than those of us that are nearest to them. Don't throw away all that we have cooperatively accomplished in the name of reorganization.

Thank you, Skip and Tony, for your consideration.

Sincerely,

John M. Sumption, District Manager
Cass Soil and Water Conservation District

DRAFT DRAFT DRAFT:

This is a draft position statement prepared by the Minnesota Association of Soil and Water Conservation Districts. The association will be solicting the assistance of the Association of Minnesota Counties and Minnesota Association of Watershed Districts as co-authors.

# JOINT POSITION STATEMENT
# OF
# ASSOCIATION OF MINNESOTA COUNTIES
# ASSOCIATION OF WATERSHED DISTRICTS
# ASSOCIATION OF SOIL AND WATER CONSERVATION DISTRICTS

The Association of Minnesota Counties representing 87 counties, the Minnesota Association of Soil and Water Districts representing 91 soil and water conservation districts and the Minnesota Association of Water Shed Districts representing 41 water shed districts believe that:

- The Board of Water and Soil Resources should be retained as an independent state agency.

Cont.

- It is the agency for local government to turn to for assistance and guidance in solving local conservation problems.

- The local government role in land and water resource protection is increasing.

- The creation of The Board of Water and Soil Resources in 1987 was a major reorganization which is helping local government achieve a dramatic increase in land and water protection activities which would not occur if responsibilities for these activities were consolidated within a large state agency structure.

- Accomplishing Minnesota's goals in resource management will require a true partnership between state and local governments. The foundation of a true state/local part;nership is to utilize the existing state board which has representatives from local government in its membership and which functions on a comparable policy level with other state agencies.

- The 1987 merger deserves a chance to work.

reorgstm.doc

Some perspectives for soil and water conservation districts on state agency reorganization:

•SWCD's responsibilities in land and water management are on the increase. Recent new initiatives in comprehensive local water plan implementation, non point source pollution control, and wetlands protection reflect this.

•The working relationship between SWCDs and the Board of Water and Soil Resources is a good example of a true state and local government partnership. Through the BWSR board and its members appointed from local governments the SWCDs participate in state agency policy and program development. The BWSR affords an opportunity to coordinate SWCD activities statewide with watershed districts, counties and other state agencies. The existence of this forum, free of the administrative and political constraints of a large state agency, is essential to the successful implementation of a basic soil and water conservation program in Minnesota.

•The creation of the BWSR in 1987 was a recent major reorganization which resulted in the elimination of several smaller boards, consolidation of staff, assumption of new resource management responsibilities and has contributed to a dramatic increase in the amount of successful natural resource management activities which are carried out by local government, including SWCDs.

•The very success of this state and local partnership is probably threatening to other agencies involved in carrying out related activities. The notion that local government can succesfully implement natural resource management programs with only limited oversight and involvement from state agencies is a fairly new and, perhaps, controversial concept in Minnesota. It may well be that the successful programs in place within the BWSR, the Soil and Water Conservation Districts, the Watershed Districts and the Counties are either threatening to or coveted by agencies which wish to absorb these responsibilities into themselves.

**• Section 103G.222 [Replacement of Wetlands]**
(f) Except as provided for in (g), for a wetland located on nonagricultural land replacement must be in the ratio of two acres of replaced wetland for each acre of drained or filled wetland.

(g) For a wetland located on agricultural land or ~~all wetlands~~ in counties or watersheds in which 80 percent or more of the presettlement wetland acreage exists, replacement must be in the ratio of one acre of replaced wetland for each acre of drained or filled wetland. A county or its delegate may submit evidence to the Board who, in consultation with the commissioner, will make a determination based on the evidence as to whether a county has greater than 80 percent or more of its presettlement wetland acreage intact.

**• Section 103G.2241 [Exemptions]**
(16) activities associated with routine maintenance and repair of existing public highways, roads, streets, and bridges, provided the activities do not result in additional intrusion into the wetland ~~and do not result in the draining or filling, wholly or partially, of a wetland~~;

(20) aquaculture activities~~, except building or altering of docks and activities involving the draining or filling, wholly or partially, of a wetland;~~ including pond excavation and associated access roads and dikes authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344. This exemption does not include buildings;

**• Section 103G.2242 [Wetland value replacement plans]**
Subdivision 1. [Rules.]
(d) Interim guidelines adopted by the board on December 18, 1991, shall continue in effect statewide through December 31, 1993.

**• Section 103G.2369 [Interim]**
Subd. 2. [Prohibited activities] (a) Except as provided in subdivision 3, until ~~July~~ January 1, ~~1993~~ 1994, a person may not drain, ~~burn~~, or fill a wetland.
(b) Except as provided in subdivision 3, until ~~July~~ January 1, ~~1993~~ 1994, a state agency or local unit of government may not issue a permit for an activity prohibited in paragraph (a) or for an activity that would include an activity prohibited in paragraph (a).

**• Laws 1991, chapter 354, article 7**
Sec. 2. [Effective Date]
Section 1 is effective January 1, 1992 and is repealed ~~July~~ January 1, ~~1993~~ 1994.

Brd member Packets

# POKEGAMA LAKE ASSOCIATION PINE CITY, MN.

P.O. BOX 95 PINE CITY, MN 55063

RECEIVED
MAR 18 1993
BOARD
& SOIL RESOURCES

March 16, 1993

**OFFICERS**

BOB KUEHN
*President*
*629-7262*

CLAIR FRABLE
*Vice President*
*629-7979*

LORRAINE BEDUHN
*Secretary*
*629-6252*

CHUCK RIKE
*Treasurer*
*629-2048*

PUDGE MARIER
*Gaming Manager*
*629-7015*

**DIRECTORS**

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*629-3101*

*Richard Stephens*
*629-6632*

*Donna Strusinski*
*629-7957*

*Ed Widmer*
*629-6230*

*Richard Zelenak*
*629-2205*

Mr. Ron Harnack, Executive Director
The Minnesota Board of Water & Soil Resources
Southbridge Office Building
155 South Wabasha Street
Suite 104
St. Paul, MN 55107

include with other snake River info. Deed Table of Contents Brd Mtg VS other. W/Doug

*Re: Pokegama Lake A*

Dear Mr. Harnack:

The Pokegama Lake As
meeting of its Board of Director
regard to the Agreement Establi
Mille Lacs and Pine County. The
on six issues, based on a review
the Joint Powers Agreement.

After the PLA's February
Powers Agreement evolved. PLA
often heard, at each of the meeti
with the exception of the March 8
Board has reviewed the most recent draft and at its March 12, 1993 Board meeting, found the Agreement continuing to fall short of addressing the PLA's concerns. Hence, my letter to you. The following are the issues of primary concern to the PLA:

FREQUENCY OF MEETINGS:

The Agreement contemplates annual meetings in January of each year. More frequent meetings would require "action taken for alternative times and places." The PLA board fears that if an annual meeting is all that is required, that is all that will happen. As you are well aware, there is a long history of these county's failure to take action with regard to water quality issues. The PLA believes this agreement allows them to continue to do the same. We favor monthly meetings.

Brd member Packets

# POKEGAMA LAKE ASSOCIATION PINE CITY, MN.

P.O. BOX 95 PINE CITY, MN 55063

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Mr. Ron Harnack, Executive Director
The Minnesota Board of Water & Soil Resources
Southbridge Office Building
155 South Wabasha Street
Suite 104
St. Paul, MN 55107

*Re: Pokegama Lake Association*

Dear Mr. Harnack:

The Pokegama Lake Association ("PLA"), at the February 20, 1992 meeting of its Board of Directors, authorized me to correspond with you with regard to the Agreement Establishing Joint Powers among Aitkin, Kanabec, Mille Lacs and Pine County. The PLA's unanimous resolution focused comment on six issues, based on a review by the board of the then most recent draft of the Joint Powers Agreement.

After the PLA's February 20 meeting, several more drafts of the Joint Powers Agreement evolved. PLA members have been present, although not often heard, at each of the meetings regarding the Joint Powers Agreement, with the exception of the March 8th meeting. The PLA Board has reviewed the most recent draft and at its March 12, 1993 Board meeting, found the Agreement continuing to fall short of addressing the PLA's concerns. Hence, my letter to you. The following are the issues of primary concern to the PLA:

FREQUENCY OF MEETINGS:

The Agreement contemplates annual meetings in January of each year. More frequent meetings would require "action taken for alternative times and places." The PLA board fears that if an annual meeting is all that is required, that is all that will happen. As you are well aware, there is a long history of these county's failure to take action with regard to water quality issues. The PLA believes this agreement allows them to continue to do the same. We favor monthly meetings.

KANABEC COUNTY'S TWO VOTES:

As the Agreement exists, the SRWMB will consist of one board member from Pine, Mille Lacs and Aitkin County, while Kanabec County will have two members. While we acknowledge the fact that Kanabec County contains almost half of the Snake River Watershed waters, we oppose granting Kanabec County this much power. We do so for good reason. You will recall that one of our most vociferous opponents in our lengthy and costly attempt to establish a Watershed District was Kanabec County. We are fearful that their power will be used to maintain the status quo in the watershed.

TAXATION/FUNDING:

The Agreement is woefully inadequate in that it makes no provision for funding of projects, other than "to apply for state and federal funds necessary to prepare and implement its plans." While the Agreement contemplates a percentage contribution by the various counties to administrative expenses, and an apportionment to be agreed upon for water management plan action items, it makes no statement about the respective County's actually making their contribution to fund projects.

The agreement does provide that a member in default more than sixty days in making contribution to the "general fund" loses its vote. However, nowhere is "general fund" defined. Is the general fund the administrative expenses or the expenses to be apportioned among the counties for action items? In addition, the agreement speaks of contributions "in cash or in kind." What would an "in kind" contribution be?

Money is simply not going to drop out of the sky to finance the implementation of work that needs to be done in the Snake River Watershed. The PLA believes that unless there is some mechanism for mandatory funding, the Snake River Watershed Management Board will be nothing more than a paper tiger. The PLA would like to see real commitment from these counties.

SUNSET CLAUSE:

The Agreement provides for an indefinite duration, with termination by action of the Board on 90 days notice. This is totally unacceptable to the PLA. We believe the actions of the Joint Powers Board should be reviewed after one year, perhaps by the BWSR Board, and if the objectives of the Agreement are not being met, the Agreement should automatically terminate, with the simultaneous establishment of a Watershed District.

CITIZEN'S ADVISORY BOARD:

The Agreement provides for a citizen advisory board consisting of one Soil and Water Conservation District Supervisor from each county and two citizens from each county. However, the representatives on the advisory board are to be appointed by the county board. This is unacceptable to the PLA. We believe that where a lake association exists, the association itself should be able to designate a person from among its members to serve on the Citizen Advisory Board. We believe it will be all to easy for the various county board members to choose advisory board members who have either no real commitment to water quality issues or no experience. The same can probably be said of the Soil and Water Conservation Supervisors, although we don't speak for them. It would seem to us that each county's Soil and Water Conservation District Directors would be better able to choose members of the Advisory Board.

STAFFING:

The PLA believes that at a minimum the Joint Powers Agreement should provide for an administrator whose primary responsibility would be seeking grants to finance, to the extent possible, the work that the counties agree to do. We believe this administrative position could be funded in part, by the counties' contribution of their state grants for the 110B plan completion to the Joint Powers Board.

Finally, we learned during our March 12, 1993 PLA Board Meeting that Mille Lacs County has decided to withdraw from the Joint Powers Agreement. This casts serious doubt on the viability of the entire agreement. The PLA, as the petitioners in the attempt to create the watershed have been assured by the BWSR Board that our approval of the Joint Powers Agreement would be critical in the process of creating the Joint Powers Board. For all of the above reasons, we believe the Joint Powers Agreement as drafted would have difficulty in achieving the goal of clean water within the watershed. Therefore, we believe it is time for BWSR to establish the Snake River Watershed District.

Sincerely,

POKEGAMA LAKE ASSOCIATION

Donna L. Strusinski
Board Member

DLS/ddc

cc: Pokegama Lake Association Board

# AGREEMENT ESTABLISHING JOINT POWERS SNAKE RIVER WATERSHED MANAGEMENT BOARD

THIS AGREEMENT, is made by and between the counties which contain the Snake River Watershed, namely: Aitkin County, Kanabec County, Mille Lacs County and Pine County, Minnesota; each of the parties hereto being authorized to enter into this agreement by the action of the Commissioners of the respective counties.

WHEREAS, each of the counties hereto has developed a county water plan pursuant to Section 103B.301 through Section 103B.355 Minnesota Statutes 1990 in which the water planning needs of the Snake River Watershed within said county are addressed; and

WHEREAS, there is a need to coordinate and implement actions to be undertaken within said plans;

NOW, THEREFORE, the parties hereto hereby enter into this Joint Powers Agreement pursuant to Section 471.59 Minnesota Statutes for the purposes and with the powers and other provisions as set forth in this agreement.

## I. NAME

The name of this joint powers board shall be Snake River Watershed Management Board (SRWMB). Its address shall be c/o County Auditor, Kanabec County Courthouse, 18 North Vine Street, Mora, MN 55051.

## II. PURPOSE

The purpose of this joint powers agreement shall be for the joint powers to:

A. Coordinate the comprehensive county water plans and actions relating thereto as existing in the water plans of the several counties that are signatories to this agreement and to provide for the implementation of the actions as set forth in said plans. For the purposes of this agreement, the Snake River Watershed is delineated by Exhibit A annexed hereto.

B. Provide for the joint and cooperative management of county water plans and other actions necessary to protect the water and land resources within the Snake River Watershed.

C. Identify existing and potential problems and opportunities for the protection, management and development of water and related land resources.

D. Develop objectives and carry out a plan of action to promote sound hydrologic management of water and related land resources, effective environmental protection and efficient management.

## III. ORGANIZATION

A. To carry out the plans of this joint powers agreement, there is hereby established a joint powers board to be known as the Snake River Watershed Management Board (SRWMB). The appointments to the SRWMB shall be made by the county boards of the counties to which each particular seat is attributed.

B. The SRWMB shall be four (4) in number, which shall be a County Commissioner from each of the counties of Aitkin, Kanabec, Mille Lacs and Pine. Each member county shall have one (1) vote. Each member county may designate an alternate for its appointed County Commissioner. All votes of member counties must be cast by the appointed County Commissioner or designated alternate County Commissioner of the member county at a meeting of the SRWMB.

C. Each member shall be appointed to the joint powers board by its county board and shall hold office until that member's successor has been appointed and qualified. Any vacancy arising during the term shall also be filled by the county board to which that particular seat is attributed.

D. Any member who is more than sixty (60) days in default in paying its share of administrative expenses shall have the vote of its board member suspended pending such payment.

E. A favorable vote of a majority of all of the eligible then existing board members shall be required for the SRWMB to take action, unless otherwise provided in this Agreement.

## IV. POWERS

The Snake River Watershed Management Board shall have the following powers:

A. To coordinate and implement the comprehensive county water plans of the respective counties as they relate to the Snake River Watershed as a single entity.

B. To create a single water plan for the Snake River Watershed from the comprehensive water plans of the member counties.

C. To contract for space and materials and also to contract for goods and services that are required and are necessary

for the implementation of the water plans relative to the Snake River Watershed.

D. To employ such persons as it deems necessary to accomplish its duties and purposes.

E. The SRWMB may accumulate reserve funds for the purposes herein mentioned and may invest funds of the SRWMB not currently needed for its operations, in the manner and subject to the laws of Minnesota applicable to towns and statutory cities.

F. The SRWMB shall have the authority to appoint citizen or other advisory committees as it deems necessary to advise the SRWMB about various matters pertinent to development of plans, projects and improvements within the Watershed.

G. The SRWMB shall cause to be made an annual audit of the books and accounts of the SRWMB and shall make and file a report to its members at least once each year including the following information:

(1) The financial condition of the SRWMB, and

(2) The business transacted by the SRWMB and other matters which affect the interests of the SRWMB. Copies of the report shall be transmitted to the Clerk of each member governmental unit.

H. The SRWMB may recommend changes in this Agreement to its members.

I. The SRWMB shall have the authority and responsibility to protect and improve water quality in the watershed as this is one of the main purposes set forth in the Surface Water Management Act.

J. The SRWMB may contract for or purchase such insurance as the SRWMB deems necessary for the protection of the SRWMB.

K. Accept and disburse funds and to apply for state and federal funds necessary to prepare and implement its plan.

L. Adopt by-laws addressing, among other matters, rules of order and procedure, which unless otherwise adopted, shall be that of Roberts Rules of Order.

M. Provide for meeting times and places which shall be at least annually on the second Wednesday of January of each year at the Kanabec County Board Room unless action is taken for alternative times and places.

## V. OFFICERS

A. The SRWMB shall appoint its officers which shall consist of a Chairperson, Vice Chairperson and Secretary.

(1) The Chairperson shall preside at the meetings of the Joint Powers Board and shall have powers to call meetings at reasonable times and with reasonable notice as deemed necessary.

(2) The Vice Chairperson shall preside over the meetings of the Joint Powers Board in the absence of the Chairperson. The Vice Chairperson shall have the power, with two other members of the Board, to call meetings.

(3) The Secretary shall keep, or designate a person to assist in keeping, a record of all proceedings of the Joint Powers Board and to perform all other duties normally assigned to the secretary of a deliberative body. The term of office of the secretary shall run concurrently with the Chairperson.

B. The Kanabec County Auditor shall be the fiscal agent for the SRWMB. Disbursements shall be made by the fiscal agent upon action of the SRWMB.

## VI. CITIZENS ADVISORY COMMITTEE

A. There shall be established a citizen advisory committee consisting of one (1) Soil & Water Conservation District Supervisor from each county and two (2) citizens from each county, at least one of which would be a lake association member from a lake association within the Watershed if one exists within that county. Each county's representatives on said Citizens Advisory Committee shall be appointed by the county board. The term of office shall be for three (3) calendar years except that the initial term shall be for one (1) for one calendar year; one (1) for two calendar years; and one (1) for three calendar years. Any vacancy shall be filled by the county board to which that particular seat is attributed and shall be for the remainder of the term. No single person may be a member of this board for more than three (3) consecutive full or partial terms. The above rotation schedule shall be applicable unless this agreement is not renewed after the initial two (2) year term of the agreement.

B. The duties of the Citizens Advisory Committee shall be to aid the SRWMB in identifying and prioritizing action item projects of the comprehensive water management plans of the SRWMB and the member counties which would be best addressed on a multi-county basis, to identify and recommend projects or activities for consideration by the SRWMB that have been requested by

citizens or municipalities in the watershed and for such other matters for which the SRWMB requests its assistance.

C. Each county shall be responsible for paying for any expenses afforded to its delegate and for the citizens advisory committee members from that county unless otherwise agreed upon by the SRWMB.

## VII. BUDGET

A. Administrative Expenses:

(1) Administrative expense shall be those expenses administrative in nature and distinct from project expenses. Administrative expenses shall include but are not limited to, insurance, supplies, salaries and rent.

(2) On or before May first of each year, the SRWMB shall prepare and adopt an administrative budget for the forthcoming calendar year upon a favorable vote of a majority of all of the eligible then existing board members. Said administrative budget shall then be forwarded to the boards of the member counties. The secretary of the SRWMB shall certify the budget on or before May 15 to the clerk of each member's county board together with a statement of the proportion of the budget to be provided by each member. The county board of each member county agrees to review the budget within thirty (30) days of the date of certification. The SRWMB shall then hear all timely objections to the budget, and may, upon notice to all member counties and after a hearing, modify or amend the budget, but shall then give notice to the member counties of any and all modifications or amendments. Further review shall be pursuant to Article IX B.

(3) To the extent that administrative expenses of the SRWMB are to be borne by the counties, the contribution by the member counties shall be in accordance with the following formula:

| | |
|---|---|
| Aitkin County | 20.8 |
| Kanabec County | 49.5 |
| Mille Lacs County | 9.2 |
| Pine County | 20.5 |

Portions of the obligation may be by in kind contribution upon approval of the SRWMB.

(4) Expenses for action item projects fully funded by grants shall be considered administrative expenses.

B. Project Expenses:

(1) On or before March first of each year each of the member county boards shall preliminarily determine and notify the SRWMB of action item projects of that county's water plan related to the Watershed including the means and extent of funding which it intends to implement in each of the two forthcoming calendar years. An action item project may be any proposed project. Action item project expenses include costs for feasibility studies and other measures preparatory to a decision to implement any project.

(2) On or before May first of each year, the SRWMB, with the assistance of the Citizens Advisory Committee, shall from the action item projects submitted by the member counties, and from the action item projects submitted by the Citizens Advisory Committee, identify those action item projects from the water plans of the individual counties and from the Citizens Advisory Board which would be best addressed on a multi-county basis. The SRWMB shall then from the list of action item projects so identified for each year, prioritize the same and determine which of those projects should be addressed in each calendar year. The member counties shall then pursue the action items on the revised list cooperatively through the SRWMB.

(3) On or before May first of each year, the SRWMB shall prepare and forward to each member county the budget for the multi-county comprehensive water management plan action items which are to be addressed by the SRWMB on a multi-county basis in the forthcoming calendar year, consistent with the determinations of the SRWMB in (2) above.

(4) The SRWMB shall, after considering input from the affected member counties, also determine and apportion the projected expenses to be borne by each of the member counties for each multi-county undertaking. The allocation among the member counties shall be projected based upon one or more of the following methods:

(a) The ratio of real property valuation of each member county within the boundaries of the benefited area to the total real property valuation within the entire benefited area.

(b) The ratio of quantity and/or quality of the stormwater produced by each member county within the boundaries of the benefited area to the total quantity of stormwater produced by the entire benefited area.

(c) The ratio of benefit received by each member county to the total benefit received by the entire area of the project.

(d) The SRWMB may use any such other suitable criteria as shall be agreed upon by all the member counties.

Prior to implementing an action item project the SRWMB shall secure from its engineers or other competent persons a preliminary report advising it whether the proposed improvement is feasible and as to whether it shall best be made as proposed or in connection with some other improvement and the estimated cost of the improvement as recommended. Any feasibility study shall examine, among other things, the costs of, and potential funding sources available for the proposed improvement and all options available to implement the improvement including but not limited to low cost options. The SRWMB shall then hold a public hearing on the proposed action item project after mailed notice to each member county and published notice in the SRWMB's official newspaper. The notice shall be mailed not less than forty-five (45) days before the hearing, shall state the time and place of the hearing, the general nature of the improvement, the estimated total cost and the estimated cost to each member county.

To order an action item project, a resolution setting forth the order shall require a favorable vote of two-thirds of all of the eligible then existing board members. The SRWMB, in considering whether to order any action item project, may consider the factors of costs and funding as those factors are detailed in the feasibility study. The order shall describe the improvement, shall allocate in percentages the cost allocation between the member counties, shall designate the engineers to prepare plans and specifications, and shall designate who will contract for the improvement.

After the SRWMB has ordered an action item project, it shall forward the preliminary report to all member counties with an estimated time schedule of the implementation of the action item project. The SRWMB shall allow an adequate amount of time, and in no event, less than ninety (90) days for each member county to conduct hearings in accordance with the provisions of Chapter 429 or the charter requirements of any city, or to ascertain the method of financing which the member counties will use to pay their proportionate share of the costs of the action item project.

If the SRWMB proposed to use the counties' bonding authority, or if the SRWMB proposes to certify all or any part of an action item project to the counties for payment, then and in that event all proceedings shall be carried out in accordance with Minnesota Statute 103B.251.

The SRWMB shall not order and no engineer shall prepare plans and specifications before the SRWMB has adopted a resolution ordering the action item project. The SRWMB may order

the advertising for bids upon receipt of notice from each member county who will be assessed that it has completed its hearing or determined its method of payment, or upon expiration of ninety (90) days after the mailing of the preliminary report to the member counties, whichever occurs first.

## VIII. AMENDMENTS

Amendments to this agreement shall be the agreement in writing of all parties hereto with the authority of the County Board of each member county.

## IX. REVIEW

A. A member county can demand a review from any action taken by the SRWMB by filing an appeal to the SRWMB within thirty (30) days of the action taken by the SRWMB about which the member county desires review. Thereupon the SRWMB shall hold a hearing and reconsider its action in light of the testimony or other evidence introduced at the hearing.

B. Any action by the SRWMB following a hearing pursuant to IX(A) above shall be reviewable by the District Court.

## X. DURATION

A. Each member county agrees to be bound by the terms of this agreement until two (2) years from and after its effective date unless the member county withdraws from the agreement pursuant to X C or the SRWMB is dissolved pursuant to X B. The Agreement may be continued thereafter upon the agreement of all the parties.

B. Any member may petition the SRWMB to dissolve the agreement. The SRWMB shall give the Minnesota Board of Water & Soil Resources written notification of the receipt by the SRWMB of any petition to dissolve the agreement. Upon ninety (90) days notice in writing to the clerk of each member governmental unit and to the SRWMB, the SRWMB shall hold a hearing and upon a favorable vote by a majority of all eligible votes of then existing board members, the SRWMB may by resolution recommend that the SRWMB be dissolved. The resolution shall be submitted to each member governmental unit and each county within sixty (60) days. The SRWMB shall dissolve the SRWMB allowing a reasonable time to complete work in progress and to dispose of personal property owned by the SRWMB.

C. Any member county may withdraw from this agreement at the end of any calendar year by providing written notice to the SRWMB and each of the member county boards of their intention to do so ninety (90) days in advance of the end of that calendar year providing that county shall have met any outstanding

obligations by virtue of its membership in the joint powers agreement until the date of the withdrawal. The SRWMB shall give the Minnesota Board of Water & Soil Resources written notification of the receipt by the SRWMB of any written notice by a member county to withdraw from the agreement.

## XI. DISSOLUTION

Upon dissolution, the personal property shall be returned to the member county contributing the same. In the event the source of the property is not identifiable, it shall be distributed in accordance with the formula set forth in Article VII A(3).

## XII. EFFECTIVE DATE

The effective date of this agreement will be the 15th day of April, 1993, the dates of the signatures of the parties notwithstanding.

AITKIN COUNTY BOARD

By _____
Chairman

By _____
Auditor

Date _____

KANABEC COUNTY BOARD

By _____
Chairman

By _____
Auditor

Date _____

MILLE LACS COUNTY BOARD

By _____
Chairman

By _____
Auditor

Date _____

PINE COUNTY BOARD

By _____
Chairman

By _____
Auditor

Date _____

Minnesota Board of Water and Soil Resources
Southbridge Office Building
155 South Wabasha, Suite 104
St. Paul, Minnesota 55107

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In the Matter of Reviewing the Ground Water Protection Plan for Dakota County
(Minnesota Statutes Section 103B.255)

ORDER APPROVING GROUND-WATER PLAN

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**Whereas**, the Dakota County Board of Commissioners submitted a Ground Water Protection Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on October 26, 1992 pursuant to Minn. Stat. 1990, 103B.255, and

**Whereas**, the Board has completed its review of the Plan,

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions and Order:

## FINDINGS OF FACT

1. On June 5, 1990, Dakota County passed a resolution accepting a grant to develop a Ground Water Plan.

2. Chapter 103B.255 authorizes and encourages counties in the 7-county metropolitan area to develop and implement ground-water plans.

3. Dakota County completed a draft Plan in April of 1992, and submitted it to affected local units of government for review and comment pursuant to Section 103B.255 Subd. 8.

4. On May 21 and June 5, 1992, Dakota County held public meetings on the Plan for the purpose of obtaining public input into the Plan.

5. On October 26, 1992, Dakota County submitted its Plan to the Board, the Departments of Health, Natural Resources and Agriculture, the Pollution Control Agency, the Minnesota Geological Survey, and the Metropolitan Council for review and comment.

6. **Minnesota Pollution Control Agency Review:** On December 22, 1992 the Minnesota Pollution Control Agency (MPCA) provided written comments on the Plan. In its final comments, the MPCA recommended approval of the Plan.

   On March 15, 1993, Dakota County responded in writing to the MPCA on its Plan review comments. The County stated that all of the recommended changes were incorporated into the Plan, except those that reflected a reasonable difference of opinion.

7. **Minnesota Department of Natural Resources Review:** On December 17, 1992 the DNR Waters Division provided written comments on the Plan.

   On March 15, 1993, Dakota County provided written comments to DNR on its Plan review comments, stating that all recommended changes were made to the Plan.

8. **Minnesota Department of Health Review:** On March 2, 1993, the Minnesota Department of Health (MDH) provided written comments on the Plan.

   On March 15, 1993, Dakota County provided written comments to MDH on its Plan review comments. The County stated that all changes recommended or required by MDH would be incorporated into the final plan.

9. **Minnesota Department of Agriculture Review:** On June 25, 1992 and January 4, 1993, the Minnesota Department of Agriculture (MDA) provided written comments on the Plan. In its final review dated January 4, 1993, MDA provided comments related to inconsistencies with Minnesota statutes, recommended minor changes, and recommended future amendments or programs the County may wish to consider in future Plan amendments. In its final comments MDA found no inconsistencies with current law and rule.

   On March 15, 1993, Dakota County responded in writing to the MDA on its Plan review comments. The County stated that all recommended changes were incorporated into the Plan, except those that reflected a reasonable difference of opinion.

10. **Minnesota Geological Survey Review:** On December 21, 1992, the Minnesota Geological Survey (MGS) provided written comments on the Plan. MGS reviewed the Plan for accuracy of the text on geology and ground water described in the Plan. MGS identified a number of suggested additions, changes, and corrections. MGS provided specific guidance in making better use of ground water and geologic data.

    On March 15, 1993, Dakota County provided written comments to MGS on its Plan review comments, stating that all recommended changes were made to the Plan.

11. **Metropolitan Council Review:** On March 16, 1993, the Metropolitan Council provided its final written comments on the Plan. In its comments, the Council expressed concern that the Plan needed to provide more specific guidelines and implementation schedules to local governments, and outline estimated costs to local units of government for each objective. The Council recommended Board approval of the Plan contingent upon the County's amending the Plan the include these items. The Council also added that Council approval of the Plan does not imply approval of the County's proposed ordinance regulating the use of sewage sludge in the County, which would need the approval of both the MPCA and the Council before County adoption.

    On March 23, 1993, Dakota County provided written comments to the Metropolitan Council on its Plan review comments. The County stated that the Plan addresses the Council's concerns through the establishment of the Environmental Resource Managers Association (ERMA), and that the ERMA will meet to develop annual workplans and budgets for the implementation programs.

12. **Minnesota Board of Water & Soil Resources Review:** On January 11, 1993, the Minnesota Board of Water & Soil Resources (Board) provided written comments to the County on its preliminary Plan. The comments suggested changes or additions to the Plan on a variety of issues, including the Plan implementation program and technical and editorial comments.

    On February 3, 1993, Board and County staff met to address the Board and other agency comments and to begin to formulate the appropriate responses the agencies. On March 15, 1993, the County provided a written response to the Board on its Plan review comments.

13. **County Response to Agency Comments:** Dakota County, in its final Plan submitted to the Board on March 15, 1993, made all the changes deemed necessary by the Board staff review of January 11, 1993. Dakota County also made numerous changes to the Plan as a result of Agency and local comments.

14. The Board reviewed the Plan for conformance with the requirements of the Metropolitan Water Management Act at its March 24, 1993 regular meeting.

## CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Ground Water Protection Plan of Dakota County, Minnesota, pursuant to Minn. Stat. 103B.255.

2. The Dakota County Ground Water Protection Plan attached to this Order:
   (a) covers the entire county area;
   (b) describes existing and expected changes to the physical environment, land use, and development in the county;
   (c) summarizes available information about ground water and related resources in the county;
   (d) states the goals, objectives, scope, and priorities of groundwater protection in the county;
   (e) contains standards, criteria, and guidelines for the protection of ground water from pollution and for various types of land uses in environmentally sensitive areas, critical areas, and previously contaminated areas;
   (f) describes relationships and possible conflicts between the ground water plan and the plans of other counties, local units of government, and WMO's in the affected ground water system;
   (g) sets forth standards and guidelines for the implementation of the plan by WMO's and local units of government;
   (h) includes a procedure for amending the plan,

   as provided in Minnesota Statutes Chapter 103B.255.

ORDER

The Board hereby approves the attached Plan as the Ground Water Protection Plan of Dakota County. Dated at St. Paul, Minnesota, this 24th day of March, 1993.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: D. James Nielsen
Chairman

## COST SHARE ROLL OVER FUNDING RECOMMENDATION

### PROJECTS TO FUND IMMEDIATELY

| District | Project Description | Request Total |
|---|---|---|
| Brown | Mound Creek animal waste control system | $18,750 |
| Carlton | Bevis group critical area stabilization | $ 3,928 |
| Clay | Buffalo River stabilzation Project | $21,350F |
| Cottonwood | Gullickson Animal waste control system | $23,756 |
| Cottonwood | J. Gode Animal waste control system | $15,000 |
| Cottonwood | S. Gode Animal waste control system | $15,500 |
| Dakota | Sediment control systems | $27,750F* |
| Kanabec | Animal waste control system | $ 3,000 |
| Lac Qui Parle | Terrace reconstruction | $ 5,666 |
| Lake | Lake Superior erosion control | $27,237 |
| Mahnomen | Animal waste control system | $ 6,384F |
| Morrison | Three animal waste control systems | $ 8,500F |
| Mower | Terrace installations | $ 4,500 |
| Mower | Side inlet installations | $ 9,375 |
| Mower | Grass waterway installation | $ 2,925 |
| Mower | Grass waterway installation | $ 2,700 |
| Nobles | Terrace installations | $ 7,000 |
| Olmsted | Terrace installations | $10,830 |
| Pennington | SLR Project installation | $ 450 |
| Pennington | Side inlet installations | $ 6,753 |
| Rice | Erosion control structure installation | $18,016* |
| Rice | Sediment basin installation | $ 5,025* |
| Rice | Terrace installation | $ 4,125* |
| Rice | Sediment basin installation | $ 5,325* |
| Rice | Ag waste system installation | $13,338 |
| So. St. Louis | Baker Lake Superior erosion control | $20,000 |
| Scott | Ag waste sytem installation-Feldman | $10,000 |
| Scott | Ag waste system installation-Schoenbauer | $10,000 |
| Scott | Hutchinson grade stabilization | $10,000 |
| Traverse | Field windbreak installation | $17,130* |
| Wabasha | Erosion control structure installations | $ 4,450F |
| Wadena | Old Wadena Park bank stabilization | $ 2,000 |
| Watonwan | Water and sediment control basin | $ 1,800 |
| TOTALS | | $342,653 |

Amount of funding available: $287,748

*Provide partial funding to these projects, the amount of which will be prorated based on available funding, with the consent of the SWCDs.

F Denotes those projects which are receiving partial federal funding.

## ROLL OVER APPLICATIONS TO BE CONSIDERED FOR FUNDING FROM OTHER PROGRAMS*

| District | Project Description | Request Total |
|---|---|---|
| Anoka | Sand Creek shoreline stabilization | $10,040 |
| Carver | Site stabilization on Bevens Creek | $22,500 |
| Cook | City of Grand Marais diversion | $ 2,013 |
| Lac Qui Parle | Bookkeeping error | $ 2,000 |
| Lyon | Yellow Medicine River stabilization | $33,333 |
| Pennington | SLR Project installation | $10,000 |
| Pennington | SLR Project installation | $ 8,075 |
| Ramsey | Work Farm gully stabilization | $10,000 |
| No. St. Louis | Sand Lake shore stabilization | $11,667 |
| Scott | Menke SLR project installation | $ 7,500 |
| Wright | Stormwater control system installation | $12,000 |
| TOTAL | | $117,128 |

* These funding sources include the Streambank, Lakeshore and Roadside Program, the Special Projects portion of the Cost Share Program, and other opportunities that become available.

## APPLICATIONS NOT RECOMMENDED FOR FUNDING

| | | |
|---|---|---|
| Blue Earth | Nienow animal waste control system | $45,070 |
| Koochiching | Stacking slab installation | $13,656 |

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**Office of the Att**

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| | |
|---|---|
| To Jim Birkholz | From Lee Paddock |
| Co. | Co. |
| Dept. | Phone # |
| Fax # 75615 | Fax # |

TO : **JAMES R. BIRKHOLZ**
Assistant Director
Board of Water and Soil Resources

DATE : March 10, 1993

FROM : LEROY C. PADDOCK
Director of Environmental Policy

PHONE : 296-6597

Copy - Chuck
Ron Russ
Al Jeff
Greg Brad
I'll be talking to Lee soon! JB

SUBJECT : **NWF LETTER**
**BWSR ECONOMIC INCENTIVES**

As you may know, Attorney General Humphrey recently received a letter from the National Wildlife Federation (NWF) setting out concerns related to drainage ditches, feedlots and septic systems in the Minnesota River watershed and asking about what steps the state plans to take to address these problems. In light of the issues identified in the NWF letter, I am writing you to request the Board of Water and Soil Resources (BWSR) staff's consideration of possible economic incentives that could be implemented within the BWSR cost-share program and to seek your ideas on what other tools might be appropriate for consideration.

It has been brought to my attention that the Agricultural Stabilization and Conservation Service (ASCS) has a policy that prohibits the use of agricultural conservation program (ACP) cost-sharing funds for agricultural producers when the installation of an animal waste control practice is required on an involuntary basis. It appears that the policy exists as an economic incentive to promote the voluntary implementation of practices that will prevent pollution or remediate existing potential pollution hazards. It is also my understanding that there is no such state policy or rule in the current state cost share program.

The BWSR cost share program could play an even more significant role than it currently plays in preventing pollution if it clearly differentiated between cooperative and recalcitrant operators. Cost share funding certainly makes sense in cases where an operator discovers a problem that may create a pollution hazard and acts promptly to resolve the problem. On the other hand, an operator who does not correct a problem, despite being notified that the problem must be corrected, probably should not qualify for government assistance. This approach seems not only fair, but also consistent with the Minnesota Environmental Policy Act.

The Minnesota Pollution Control Agency (MPCA) and Attorney General staff soon will be contacting ASCS for further clarification of what types of notices or other enforcement tools could be used without jeopardizing federal cost-share eligibility. Upon that clarification, BWSR might be positioned to adopt a similar cost-share eligibility practice. I would appreciate your staff's consideration of the possible use of this incentive to promote voluntary compliance with feedlot requirements.

In addition, I am interested in your ideas on what other tools, including market mechanisms and economic incentives, could be adopted to promote feedlot compliance. As a member of the Interagency Task Force on Feedlot Enforcement, BWSR is in an excellent position to assist the state, and the local soil and water conservation districts in adopting and implementing pollution prevention strategies for feedlot problems. I would appreciate your comments and insights on these ideas at your earliest convenience. If you have any questions or if I can be of further assistance, please call me at 296-6597.

cc: Jennifer Park, Attorney General's Office
Dave Nelson, MPCA

# Minnesota Pollution Control Agency

Official File Copy

March 18, 1993

Mr. Wayne Baron
Central Staff Director
National Wildlife Federation
Prairie Wetlands Resource Center
1605 East Capitol Avenue
Bismarck, North Dakota 58501

Dear Mr. Baron:

This letter is to acknowledge receipt of information from the National Wildlife Federation regarding alleged feedlot and onsite septic system violations in Blue Earth County. The Minnesota Pollution Control Agency (MPCA) appreciates your sharing this information with us. The Minnesota River is a very high priority for the MPCA, and information regarding possible sources of pollution in the basin is useful for our program.

The MPCA and the Minnesota Department of Natural Resources (MDNR) will be conducting joint inspections during spring runoff as a follow up to the information which you provided. In addition, the MPCA and MDNR are developing a Memorandum of Understanding (MOU) to further facilitate environmental enforcement. The result of this MOU will be joint training in our respective areas of expertise, better coordination of our enforcement efforts using all available tools as appropriate, and an expanded role for MDNR Conservation Officers in environmental issues, resulting in better protection of our natural resources.

The priority that the state of Minnesota has placed on efforts to clean up the Minnesota River was highlighted when Governor Carlson toured the basin last fall. The Governor chose this occasion to declare that clean up of the river was one of that state's top environmental initiatives, and to state that the ten year goal is to return the river to fishable, swimmable conditions. The Governor included over three million dollars in his current state biennial budget, at a time of significant budget constraints, that will be used to help in the effort to clean up the water quality in the Minnesota River Basin. The U.S. Environmental Protection Agency has also made a major commitment to this clean up effort.

Accomplishing the goal of a clean Minnesota River will require a new perspective regarding the river and how our actions effect it. It will require

a broad coalition of support for changes in practices that effect the river. To lay the ground work for this, the Minnesota River Assessment Project (MRAP) was developed to diagnose the water quality problems, to document their causes, and to establish goals for clean up and restoration. The MRAP is in the final year of a four year effort to gather data on the physical, chemical, and biological conditions in the river and land use practices in the basin. Approximately $2.8 million has been provided by federal, state and local government to conduct this study. Cooperators in the effort include the Pollution Control Agency, Department of Natural Resources, Department of Agriculture, Board of Water and Soil Resources, United States Geological Survey, EPA Research Laboratory - Duluth, South Central Minnesota Counties Water Planning Project, Mankato State University, USDA Soil Conservation Service, Metropolitan Council, Metropolitan Waste Control Commission, 37 county governments, and 37 soil and water conservation districts.

This effort, in turn, is the basis for the Minnesota River Implementation Project (MRIP). The goal of this project is to ensure that the results of MRAP are translated into actions that will improve water quality in the river. As an integral part of this process, the Agency established a Citizens' Advisory Committee that will help to determine what can and should be done to improve water quality in this important river system. Because responsibilities for resource protection are spread across many federal, state and local agencies, it is important that a road map for recovery be created to ensure coordination. Broad based representation on the advisory committee, including farmers, sportsmen, environmentalists, and local government officials, will help build support for implementation. We appreciate that your organization has already made itself available to participate in this process.

A significant part of this effort will be providing information and education to people in the basin so they, too, can effectively take actions and support policies that protect the environment. Our goal is to maximize changes that improve water quality. This will include increased enforcement efforts of water quality rule violations. However, we believe that the most effective way to bring about change, particularly over an area the size of the Minnesota River Basin, is to facilitate voluntary and cooperative efforts that affect the natural resources. Increased enforcement actions need to be balanced with increased information and education programs, and financial and technical assistance. Therefore, we are concerned about the potential for polarization that could occur, resulting in fewer efforts to restore the resources, if we do not take a balanced and planned approach to this tremendous task.

Because we know that you share our concern for the quality of the Minnesota River, we would like to invite you to come and hear a more complete presentation of our projects and efforts in the basin. We want you to be able to make the most informed decisions possible regarding the direction of your work to protect the environment, such that it enhances existing efforts and

reduces the possibility of creating unintended negative effects on the overall project. To schedule such a meeting for you and your staff, or to answer any questions you might have about our projects, please call Kathy Svanda, Nonpoint Section Manager at: voice (612) 296-8856, TDD (612) 297-5353, Greater Minnesota TDD 1-800-627-3529.

Sincerely,

Charles W. Williams
Commissioner

CWW:jae

cc: Mark Van Putten, Eastern Staff Director, National Wildlife Federation
Jay Hair, Executive Director, National Wildlife Federation

# STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY III
ATTORNEY GENERAL

[illegible] STATE CAPITOL
ST. PAUL, MN 55155
TELEPHONE: (612) 296-6196
FACSIMILE: (612) 297-4193

March 19, 1993

Mr. Wayne Baron
Central Division Staff Director
National Wildlife Federation
Prairie Wetlands Resource Center
1605 E. Capitol Avenue
Bismarck, ND 58501

Dear Mr. Baron:

Thank you for your letter of January 22, 1993 concerning the water pollution problems in the Minnesota River watershed. I appreciate and share the concerns expressed by the National Wildlife Federation (NWF) regarding protection of the Minnesota River.

As your letter noted, the State of Minnesota, through the Minnesota Pollution Control Agency (MPCA), has already initiated a major effort to address Minnesota River pollution problems. This effort has been informally referred to as the Minnesota River Project. The project is designed to assess the river basin's existing problems and their causes, to design an implementation plan and then implement the solutions to solve the Minnesota River water quality problems.

The first phase of the Minnesota River Project is the Minnesota River Assessment Project (MRAP). Since 1989, MRAP has pursued three major studies: physical/chemical monitoring; biological/toxicological monitoring; and land use assessment. The information gathered from these studies will be used to establish pollution reduction goals and to determine what practices and programs will need to be implemented to achieve those goals. MRAP will be completed this summer, and then phase two, the Minnesota River Implementation Project (MRIP) will begin. MRIP has already completed some initial organizational stages with the creation of the Citizens' Advisory Committee. The Committee will develop implementation recommendations for improving the water quality of the Minnesota River.

My office will carefully review the results of the MRAP studies and work closely with the MPCA and other state agencies to help develop pollution prevention and compliance strategies that respond to the problems identified in the studies. This effort offers the state an important opportunity to put into practice the principle of sustainable development that is becoming the basis for state policy. We must find new ways to maintain the economic viability of our agricultural sector while moving quickly to restore important natural resources like the Minnesota River.

Equal Opportunity Employer

MAR 22 '93 01:12PM MN POLLUTION CTRL AGCY/WATR QUAL P.5

MRAP will help us design our long-term strategies for the Minnesota River. However, we know from several sources including work done by NWF, that additional steps must be taken immediately to resolve violations of state law and to protect the river. My office is working closely with state agencies to implement a comprehensive compliance strategy to deal with problems that have been identified. I believe that an effective compliance strategy must use a broad range of tools. These tools should include promotion of voluntary compliance through public information, education, technical assistance and appropriate financial aid programs. The compliance strategy must also employ a number of enforcement tools to complement assistance and incentive programs. These tools include notices of violations, administrative penalty orders, stipulation agreements, civil judicial actions and, for the most flagrant and persistent violations, criminal enforcement. Enforcement efforts are necessary to deter wider noncompliance and to penalize those who continue to refuse to comply with the law.

The MPCA, the Minnesota Department of Natural Resources (DNR), the Minnesota Department of Agriculture (MDA), the Minnesota Board of Water and Soil Resources (BWSR) and the Attorney General's Office (AGO) recently created an interagency task force to address feedlot-related pollution of surface waters, with an initial emphasis on problem feedlots in the Minnesota River watershed. The task force is currently developing a strategy for using the compliance tools available to the state. While the primary focus relates to feedlots, the task force and its individual member agencies are also assessing a variety of tools to address pollution problems related to septic systems and the grass strip requirements on drainage systems. In addition, several other actions are being or have been initiated including the following:

1. As a result of initial task force discussions, the MPCA, DNR and MDA issued a joint press release on March 11, highlighting the state's Minnesota River efforts and informing the public on the compliance requirements for feedlots and septic systems. The release re-emphasized that unpermitted discharge pipes from feedlots and septic systems to Minnesota's waters are illegal and that such activity should cease immediately. The press release was distributed in an approximate six county area where NWF has indicated that these major problems exist;

2. By April 16, the Attorney General's Office will contact the county attorneys in the Minnesota River watershed regarding the requirements of Minn. Stat. § 103E.021, the grass strip requirement on drainage systems. The letter will also discuss legal requirements regarding point source discharges to waters of the state from feedlots and septic systems, and identify Attorney General legal assistance resources for these matters;

   In the context of the ongoing interagency task force deliberations, my office will discuss with the agencies the possibility of sending a similar letter to county boards of commissioners and to boards of directors of watershed districts that outlines the requirements and identifies state agency technical assistance resources;

3. Within the next month, MPCA and DNR will conduct a targeted survey of alleged problem feedlots as identified by NWF. The results of this survey will be used not only for immediate compliance efforts, if necessary, but also in the development of a long-term strategy;

4. MPCA and DNR will conduct additional informational and educational efforts in these locales, concurrent with the survey, as a means to ensure that feedlot operators and septic system owners are aware of compliance requirements and of local resources where technical assistance can be obtained;

5. On March 18, MPCA and DNR, with assistance from our office, formalized their interagency procedures regarding joint feedlot compliance efforts. These procedures will assist in the efficient and effective use of both MPCA and DNR personnel in identifying and abating the most serious feedlot problems. The MPCA will send you a copy of the Memorandum of Understanding in the next few days;

6. As a result of the formalization of interagency procedures, MPCA, DNR and AGO will conduct training seminars in the Minnesota River watershed to provide information and training to conservation officers and county attorneys regarding feedlot requirements and enforcement processes. These seminars are targeted for late spring and early summer;

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7. The MPCA and the AGO are in the process of seeking clarification from the U.S. Agricultural Stabilization and Conservation Service (ASCS) regarding administrative enforcement tools that can be used without inadvertently jeopardizing a feedlot owner's eligibility for federal cost share funds for implementing required waste handling and disposal practices. MPCA would then have additional ability to escalate enforcement above current efforts without automatically cutting off cost share eligibility.

   Given the magnitude of anticipated compliance efforts and the associated costs of compliance, it is extremely important to obtain a feedlot operator's voluntary compliance and to bring ASCS cost share dollars to bear on appropriate waste disposal practices. Under current ASCS policies, many regulatory compliance efforts may jeopardize cost share eligibility with the potential resultant delay in actual compliance by the feedlot operator. In this context, availability of additional enforcement tools may encourage more timely cleanup efforts and reserve the elimination of the economic incentives for recalcitrant violators; and

8. At its March meeting, BWSR will initiate consideration of adoption of a similar policy which would restrict the availability of state cost share where enforcement efforts exceed a certain level. Clearly, the ability to take advantage of the economic incentive of cost share funds should be restricted if a person flagrantly refuses to comply with the law.

As you probably know, this summary only highlights some of the compliance efforts that have been initiated to address Minnesota water pollution problems. Numerous efforts by both state and local governments are in progress including MPCA's Clean Water Partnership (CWP) technical assistance and grant programs, MDA and BWSR efforts to provide additional technical and financial assistance to farmers in the design and construction of feedlot systems to prevent pollution, and the wetland preservation programs being implemented by BWSR and local soil and water conservation districts. In addition, several county attorneys have sought assistance on enforcement cases related to environmental problems including feedlot discharges to wetlands and wildlife management areas.

I recognize the importance of the Minnesota River as a highly-valued natural resource. NWF has made a valuable contribution in raising public awareness of the current pollution problems and in highlighting that more work needs to be done by all people to achieve the mutual goal of protecting the Minnesota River. The Attorney General's Office has a long-standing tradition of working with all interested parties in seeking solutions to environmental problems. I hope that I can meet with representatives from your organization in the next few weeks to further discuss your findings and to provide additional details on the specific efforts discussed above.

*Lee Paddock*, Director of Environmental Policy, will be contacting you to determine a time for the meeting. In the interim and if you have any questions or comments regarding the contents of this letter, please contact Lee directly at *(612) 296-6597*.

I hope this information addresses NWF's concerns. I look forward to a continuing dialogue with NWF and to future cooperative efforts to achieve our mutual goals of protecting and preserving Minnesota's natural heritage.

Best regards,

HUBERT H. HUMPHREY III
Attorney General

**Metropolitan Waste Control Commission**
Mears Park Centre, 230 East Fifth Street, St. Paul, Minnesota 55101-1633
612 222-8423

Ron - FYI

March 22, 1993

Bruce Sandstrom, Supervisor
BWSR Metro Region
Southbridge Office Building
155 S. Wabasha St., Suite 104
St. Paul, MN 55107

RE: Funding of Select Metro Cost-Share Practices

Dear Mr. Sandstrom:

I have received the list of metropolitan area nonpoint source abatement projects which you are trying to prioritize for funding. Unfortunately, the Metropolitan Waste Control Commission (MWCC) is not able to assist in funding at this time. This activity has not been approved in our 1993 Operating Budget. Unfortunately, there just is not sufficient time for us to adequately respond. However, it is my hope that in the coming year, we will be able to address these matters, for the benefit of the environment.

We are interested in continuing to discuss with you MWCC participation and support of nonpoint source pollution abatement. Should you have any questions, please contact me at 229-2073.

Sincerely,

Rebecca J. Flood, Manager
Regulatory Compliance Division

cc: M. Thompson, MWCC
M. Jouseau, Metropolitan Council

Equal Opportunity/Affirmative Action Employer

# INTERIM INTERAGENCY MEMORANDUM OF UNDERSTANDING CONCERNING FEEDLOT ENFORCEMENT

## Background

This Memorandum clarifies and formalizes the working relationship between the Minnesota Department of Natural Resources (DNR) and the Minnesota Pollution Control Agency (PCA) concerning compliance with water quality requirements related to feedlots. The Pollution Control Agency has special expertise in the control of water pollution and has responsibility under Minn. Stat. chapters 115 and 116 to regulate sources of water pollution including feedlots. DNR also plays a key role in protecting waters of the state because of the presence of conservation officers (CO) throughout the state who are in a unique position to identify and investigate feedlot problems. Further, DNR has statutory authority under, among others, Minn. Stat. § 103G.2372 (enforcement of laws preserving and protecting wetlands and under Minn. Stat. § 103G.245 (permit requirement for work affecting public waters). Finally, as law enforcement officers, the DNR conservation officers have a duty under Minn. Stat. § 115.071, subd. 2(b) to "take all action to the extent of their authority" to enforce the requirements of chapters 115 and 116. By working together more closely, the two agencies will be able to more effectively, efficiently and consistently enforce state requirements related to feedlots.

## General Procedures

The general principles underlying this memorandum are that the full range of enforcement tools available to the agencies including criminal enforcement should be utilized in achieving compliance with feedlot requirements and that to ensure these tools are used as effectively as possible, there should be close coordination between PCA and DNR on feedlot cases. To implement these principles, the following procedures will be followed.

1. After initial discovery of a potential violation by a CO and prior to the CO investigation going beyond the probable cause stage, COs should notify their immediate supervisor as soon as possible. Immediately following notification of the DNR supervisor, the CO should notify PCA feedlot program staff.

2. Depending upon the amount of information available from the initial investigation and the availability of PCA personnel, additional follow-up investigations including a joint PCA/DNR inspection may be undertaken.

3. After a joint inspection, all information related to the incident will be conveyed to the PCA Feedlot Program Supervisor and the DNR Enforcement Division for review and consideration of appropriate enforcement action.

4. The investigative data will be analyzed by PCA and DNR to determine the type of enforcement action that may be appropriate. Enforcement actions may include warning letters, notices of violation, administrative penalty orders, stipulation agreements, civil judicial enforcement including injunctive cases where an immediate response is necessary and criminal enforcement. If a civil enforcement option is chosen, PCA will pursue that enforcement action and keep DNR informed of the outcome.

5. Criminal enforcement ordinarily will be reserved for the most serious violations. In deciding whether to refer a case to a county attorney or other prosecuting authority, the PCA Feedlot Program Supervisor and the DNR counterpart may consider the following factors:

   a. type and number of violations of statutes, rules, permits, certificates of compliance;

   b. actions to conceal or mislead regulatory agencies or failure to give or supply notice and information;

   c. health and environmental harm including potential adverse impacts on identified natural resources;

   d. compliance history-aggravated, repeat or recalcitrant actions;

   e. knowledge and intent;

   f. need and effect of parallel proceedings; and

   g. economic gain.

The PCA and DNR will consider the factors listed above to the extent they are applicable, along with any other relevant factors, in determining whether to refer a case for possible criminal charges. The factors listed above are just examples of the types of factors that could be relevant. This list does not constitute a definitive set or checklist of requirements.

6. PCA will notify the Minnesota Department of Agriculture of any criminal enforcement action and of any referral of a case to a county attorney or other prosecuting authority for criminal prosecution.

7. The DNR and PCA mutually agree to assist the appropriate county attorney's office or other prosecuting authority in completing necessary criminal investigations.



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## Target Issues

Given the limited DNR and PCA enforcement resources, it is mutually agreed that initial joint enforcement efforts should be targeted to the following factual situations:

a. feedlot situations involving a point source discharge (e.g., pipe, tile, hose, ditch, channel, man-made conveyance, etc.) into waters of the state (e.g., drainage systems, ditches, lakes, streams, rivers, wetlands, etc.); and

b. feedlot situations involving intentional pumping of manure or manure-contaminated runoff to waters of the state.

DNR and PCA may consider the factors in paragraph 5 in deciding whether to pursue a criminal enforcement action.

## Process Training

DNR and PCA will organize a joint training program for conservation officers on identifying feedlot problems and use of this interagency procedure. These joint training sessions may also be used to inform county attorneys of the feedlot enforcement efforts in the Minnesota River watershed.

## Conclusion

These procedures should provide for better use of the full range of enforcement authority available to both DNR and PCA through better coordination and early involvement of the PCA in cases identified by DNR COs.

The general objective of these interim interagency procedures is to promote and achieve feedlot compliance in an efficient, appropriate and consistent manner. Nothing in this formalization of procedures may be construed as altering the statutory authorities, obligations or duties of the PCA or the DNR. In addition, nothing in these procedures affects in any way the DNR's or PCA's enforcement authorities.

RODNEY W. SANDO
Commissioner
MN Dept. of Natural Resources

3-18-93
Date

CHARLES W. WILLIAMS
Commissioner
MN Pollution Control Agency

3/16/93
Date



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# RIM RESERVE & PERMANENT WETLAND PRESERVE
# FUNDED EASEMENT LIST

The first sign-up period of 1993 confirmed that the interest in RIM and PWP remains high among the landowners of Minnesota. Interest by category was:

| category | #sign-ups | #acres | #dollars | $available |
|---|---|---|---|---|
| PWP | 45 | 1477 | 944,841 | 1,500,000 |
| RIM: | | | | |
| Wetland | 36 | 1197 | 1,118,500 | 2,335,000 |
| Non-Wetland | 93 | 3638 | 2,860,000 | 750,000 |

Using the Board's Five-Year Program Plan for RIM Reserve, applications were chosen for funding using the following guidelines:

- Number one Riparian Land application for each district in the state.
- Top three SWCD Riparian Land priorities for each district within the Minnesota River Basin.
- Number one SWCD priority Marginal Ag Land application (highly erodible or tied to other easements) for each district within the Minnesota River Basin.

## Percent of Total Located in the Minnesota River Basin

| Value | PWP | RIM Wetland | RIM Non-Wetland |
|---|---|---|---|
| **acres** | 55% | 44% | 73% |
| **# easements** | 58% | 39% | 71% |
| **$ payment** | 70% | 56% | 75% |

The next easement application submission deadline will be held in October. The June submission deadline was cancelled to facilitate the easement retooling effort. We intend to distribute copies of the revised easement handbook in August.

# 1993-1 CONSERVATION EASEMENT PROGRAM
# FUNDED RIM RESERVE AND PWP EASEMENTS
PREPARED: 3/2/93 REVISED: 3/10/93

| COUNTY | EASEMENT NUMBER | LANDOWNER NAME | PRIO-RITY | PERMANENT WETLAND PRESERVE | RIPARIAN LAND PERP | RIPARIAN PAST. HILL PERP | MARGINAL AG. LAND PERP | WETLAND RESTOR. PERP | RIM TOTAL EASM'T | PWP TOTAL EASM'T | EASEMENT DOLLARS REQUESTED | PRACTICE DOLLARS REQUESTED | TOT. REQUEST INCL.$200 TITLE INS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | AREA | acres | acres | acres | acres | acres | acres | acres | | | |
| RENVILLE | 65 - 8 - 93 - 1 | DAVIS, GORDAN | X | | 103.1 | | | | 103.1 | | $74,825.33 | $6,110.00 | $81,135.33 |
| RENVILLE | 65 - 11 - 93 - 1 | DELANEY,A & THOMPSON,G | X | | 55.6 | | | | 55.6 | | $38,023.78 | $2,760.00 | $40,983.78 |
| RENVILLE | 65 - 12 - 93 - 1 | GOELZ, LAWRENCE | X | 99.0 | | | | | | 99.0 | $100,001.28 | $0.00 | $100,201.28 |
| RENVILLE | 65 - 14 - 93 - 1 | GOELZ, LAWRENCE | X | | | | 29.8 | | 29.8 | | $31,479.23 | $2,980.00 | $34,659.23 |
| RICE | 66 - 4 - 93 - 1 | KODADA, JOSEPH | | | | | | 21.6 | 21.6 | | $11,637.86 | $3,240.00 | $15,077.86 |
| RICE | 66 - 3 - 93 - 1 | TRACY, DEBRA | | | | | | 42.0 | 42.0 | | $30,685.13 | $7,460.00 | $38,345.13 |
| RICE | 66 - 2 - 93 - 1 | DEROUTKA, MILTON | | | | | | 26.2 | 26.2 | | $20,058.34 | $6,680.00 | $26,938.34 |
| RICE | 66 - 1 - 93 - 1 | HAWTON,DR. JAMES | | | | | | 42.0 | 42.0 | | $30,709.68 | $8,820.00 | $39,729.68 |
| RICE | 66 - 7 - 93 - 1 | SCHULZ, DONALD | | 61.5 | | | | | | 61.5 | $44,641.50 | $0.00 | $44,841.50 |
| RICE | 66 - 8 - 93 - 1 | SCHULZ, JOHN | | 23.1 | | | | | | 23.1 | $14,150.24 | $0.00 | $14,350.24 |
| SCOTT | 70 - 1 - 93 - 1 | T.C.RADIO CONTROL.INC. | X | | | | 7.2 | | 7.2 | | $6,370.42 | $720.00 | $7,290.42 |
| SIBLEY | 72 - 1 - 93 - 1 | TAUTGES, JOHN | X | 10.0 | | | | | | 10.0 | $10,430.50 | $0.00 | $10,630.50 |
| SIBLEY | 72 - 2 - 93 - 1 | NEUHAUS, LARRY | X | 24.2 | | | | | | 24.2 | $12,261.58 | $0.00 | $12,461.58 |
| SIBLEY | 72 - 3 - 93 - 1 | DAHLKE, ALLAN | X | 32.6 | | | | | | 32.6 | $18,280.98 | $0.00 | $18,480.98 |
| SIBLEY | 72 - 4 - 93 - 1 | KELM, ROSE | X | | 4.8 | | | | 4.8 | | $4,206.77 | $0.00 | $4,406.77 |
| STEVENS | 75 - 1 - 93 - 1 | ANDERSON, GEORGE | X | | 18.1 | | | | 18.1 | | $10,057.23 | $0.00 | $10,257.23 |
| SWIFT | 76 - 1 - 93 - 1 | AHRNDT, CARL | X | | 21.8 | | | | 21.8 | | $15,566.51 | $2,990.00 | $18,756.51 |
| WABASHA | 79 - 1 - 93 - 1 | MOHLER, DARREL | | | | 54.0 | | | 54.0 | | $18,733.14 | $1,500.00 | $20,433.14 |
| WASECA (1,4) | 81 - 2 - 93 - 1 | JOHNSON, MARK | X | | | | | 8.9 | 8.9 | | $7,212.95 | $2,670.00 | $10,082.95 |
| WASECA (1,2) | 81 - 4 - 93 - 1 | JACKSON, ALLERT | X | | | | | 9.7 | 9.7 | | $8,078.49 | $1,750.00 | $10,028.49 |
| WASECA (2,4) | 81 - 1 - 93 - 1 | JOHNSON. MARK | X | | | | 58.0 | | 58.0 | | $50,344.29 | $13,800.00 | $64,344.29 |
| WATONWAN | 83 - 1 - 93 - 1 | ROMSDAHL, STEPHEN | X | 22.7 | | | | | | 22.7 | $14,925.44 | $0.00 | $15,125.44 |
| WATONWAN | 83 - 2 - 93 - 1 | ROMSDAHL, STEPHEN | X | | | | | 44.8 | 44.8 | | $48,019.97 | $10,880.00 | $59,099.97 |
| WATONWAN | 83 - 3 - 93 - 1 | KUBLY, ORVILLE | X | | | | | 32.1 | 32.1 | | $22,767.28 | $8,890.00 | $31,857.28 |
| WATONWAN | 83 - 5 - 93 - 1 | ENGEL, MYRON | X | | | | 15.3 | | 15.3 | | $14,940.55 | $3,270.00 | $18,410.55 |
| WILKIN | 84 - 1 - 93 - 1 | GILBERTSON, EDWARD | | 80.0 | | | | | | 80.0 | $28,618.75 | $0.00 | $28,818.75 |
| WILKIN | 84 - 2 - 93 - 1 | GREEN, DAVID | | 8.2 | | | | | | 8.2 | $5,711.30 | $600.00 | $6,511.30 |
| WRIGHT | 86 - 2 - 93 - 1 | NEUMANN, THOMAS | | 5.0 | | | | | | 5.0 | $2,764.47 | $0.00 | $2,964.47 |
| YELLOW MEDICINE | 87 - 3 - 93 - 1 | LONGMAN, JOHN A. JR. | X | 19.6 | | | | | | 19.6 | $14,519.88 | $0.00 | $14,719.88 |
| YELLOW MEDICINE | 87 - 1 - 93 - 1 | SOPPLAND, GLADYS | X | | 50.3 | | | | 50.3 | | $35,860.76 | $2,920.00 | $38,980.76 |
| YELLOW MEDICINE | 87 - 2 - 93 - 1 | LINDQUIST, NORMA | X | | 73.7 | | | | 73.7 | | $42,352.15 | $5,400.00 | $47,952.15 |
| TOTAL | | | | 1,538.1 | 680.1 | 54.0 | 180.9 | 793.6 | 1,708.6 | 1,538.1 | $2,229,120.67 | $234,120.00 | $2,483,240.67 |
| TOTAL NUMBER | 104 | | 49 | 46 | 18 | 1 | 6 | 33 | | | | | |
| TOTAL DOLLARS | | | | $953,547.54 | $551,622.36 | $20,433.14 | $171,408.60 | $773,849.22 | | | | | |
| | | | | | $743,464.10 | | | | | | | | |

# 1993-1 CONSERVATION EASEMENT PROGRAM
# FUNDED RIM RESERVE AND PWP EASEMENTS
# PREPARED: 3/2/93 REVISED: 3/10/93

| COUNTY | EASEMENT NUMBER | LANDOWNER NAME | PRIO-RITY AREA | PERMANENT WETLAND PRESERVE acres | RIPARIAN LAND PERP acres | RIPARIAN PAST. HILL PERP acres | MARGINAL AG. LAND PERP acres | WETLAND RESTOR. PERP acres | RIM TOTAL EASM'T acres | PWP TOTAL EASM'T acres | EASEMENT DOLLARS REQUESTED | PRACTICE DOLLARS REQUESTED | TOT. REQUEST INCL.$200 TITLE INS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| BENTON | 5 - 1 - 93 - 1 | PATRICK CORRIGAN TRUST | | 43.1 | | | | | | 43.1 | $13,455.38 | $0.00 | $13,655.38 |
| BENTON | 5 - 2 - 93 - 1 | PATRICK CORRIGAN TRUST | | | | | | 14.4 | 14.4 | | $4,495.53 | $2,160.00 | $6,855.53 |
| BENTON | 5 - 3 - 93 - 1 | CORRIGAN, PATRICK E. | | 20.0 | | | | | | 20.0 | $6,243.80 | $0.00 | $6,443.80 |
| BLUE EARTH | 7 - 1 - 93 - 1 | MICKELSON, PHILIP | X | 55.4 | | | | | | 55.4 | $46,818.41 | $0.00 | $47,018.41 |
| BLUE EARTH | 7 - 2 - 93 - 1 | MALTERER, JOHN | X | 4.9 | | | | | | 4.9 | $4,556.08 | $0.00 | $4,756.08 |
| BROWN | 8 - 2 - 93 - 1 | DOMEIER, THEODORE | X | 81.1 | | | | | | 81.1 | $86,577.22 | $0.00 | $86,777.22 |
| BROWN | 8 - 1 - 93 - 1 | FILZEN, THOMAS | X | 16.9 | | | | | | 16.9 | $17,911.24 | $0.00 | $18,111.24 |
| BROWN | 8 - 3 - 93 - 1 | FISCHER, JAMES | X | | 6.5 | | | | 6.5 | | $7,163.41 | $560.00 | $7,923.41 |
| CARVER | 10 - 2 - 93 - 1 | JEURISSEN, BRUCE | X | | | | 31.0 | | 31.0 | | $26,826.78 | $3,300.00 | $30,326.78 |
| CHIPPEWA | 12 - 2 - 93 - 1 | OLSON, GRACE | X | 33.9 | | | | | | 33.9 | $13,032.86 | $0.00 | $13,232.86 |
| CHIPPEWA | 12 - 1 - 93 - 1 | NORBY, GREG | X | 40.5 | | | | | | 40.5 | $14,453.25 | $0.00 | $14,653.25 |
| CHISAGO | 13 - 1 - 93 - 1 | ERICKSON, GUNNAR | | | | | | 5.5 | 5.5 | | $2,988.99 | $770.00 | $3,958.99 |
| DOUGLAS | 21 - 8 - 93 - 1 | UNDEN, DALE | | 36.5 | | | | | | 36.5 | $10,524.56 | $0.00 | $10,724.56 |
| DOUGLAS | 21 - 1 - 93 - 1 | MRNAK, GARY | | | | | | 7.4 | 7.4 | | $2,662.45 | $0.00 | $2,862.45 |
| DOUGLAS | 21 - 2 - 93 - 1 | EMTER, TERRY | | | | | 39.6 | | 39.6 | | $15,587.75 | $7,880.00 | $23,667.75 |
| FREEBORN | 24 - 3 - 93 - 1 | ZIMMER ,DUANE | | 22.5 | | | | | | 22.5 | $13,871.05 | $440.00 | $14,511.05 |
| FREEBORN | 24 - 2 - 93 - 1 | HOLSTAD, VIRGIL | | 26.5 | | | | | | 26.5 | $13,971.10 | $0.00 | $14,171.10 |
| FREEBORN | 24 - 4 - 93 - 1 | PIEPER, WAYNE | | 5.5 | | | | | | 5.5 | $2,943.38 | $0.00 | $3,143.38 |
| FREEBORN | 24 - 5 - 93 - 1 | PENKAVA, ANNA | | 39.5 | | | | | | 39.5 | $30,245.18 | $0.00 | $30,445.18 |
| GOODHUE | 25 - 2 - 93 - 1 | LORENTZ, BRADLEY | | | 35.0 | | | | 35.0 | | $16,313.85 | $9,000.00 | $25,513.85 |
| HENNEPIN | 27 - 1 - 93 - 1 | ENQUIST, MELVIN | | 21.5 | | | | | | 21.5 | $46,269.94 | $0.00 | $46,469.94 |
| JACKSON | 32 - 11 - 93 - 1 | BISAILLION, LEE | | 5.7 | | | | | | 5.7 | $3,739.72 | $0.00 | $3,939.72 |
| JACKSON | 32 - 12 - 93 - 1 | TOM MATASONSKY TRUST | | 48.5 | | | | | | 48.5 | $35,044.79 | $0.00 | $35,244.79 |
| JACKSON | 32 - 13 - 93 - 1 | SCHOEWE, LEROY | | 54.4 | | | | | | 54.4 | $53,022.93 | $0.00 | $53,222.93 |
| JACKSON | 32 - 1 - 93 - 1 | FISCHER, LESTER | | | 26.0 | | | | 26.0 | | $37,878.36 | $2,600.00 | $40,678.36 |
| KANABEC | 33 - 1 - 93 - 1 | SCHMITT, NORMAN E. | | 60.2 | | | | | | 60.2 | $6,819.31 | $0.00 | $7,019.31 |
| KANDIYOHI | 34 - 8 - 93 - 1 | JOHNSON, GORDON | | 14.5 | | | | | | 14.5 | $13,230.43 | $0.00 | $13,430.43 |
| KANDIYOHI | 34 - 1 - 93 - 1 | WHITCOMB, MORRICE | | | | | | 38.6 | 38.6 | | $37,362.10 | $7,760.00 | $45,322.10 |
| LYON | 42 - 1 - 93 - 1 | HOLMBERG, ELLEN | X | 12.0 | | | | | | 12.0 | $12,759.48 | $0.00 | $12,959.48 |
| LYON | 42 - 2 - 93 - 1 | BELLING, MARVIN | X | | 10.0 | | | | 10.0 | | $10,278.51 | $1,680.00 | $12,158.51 |
| LYON | 42 - 3 - 93 - 1 | HOLMBERG, ELLEN | X | | 7.0 | | | | 7.0 | | $7,443.03 | $700.00 | $8,343.03 |
| MARTIN | 46 - 2 - 93 - 1 | LETCHER, DUANE | | 13.5 | | | | | | 13.5 | $11,840.28 | $0.00 | $12,040.28 |
| MEEKER | 47 - 4 - 93 - 1 | KRAMER, DANIEL | | | 13.0 | | | | 13.0 | | $5,668.84 | $630.00 | $6,498.84 |
| MEEKER | 47 - 5 - 93 - 1 | PIEPENBURG, LANCE | | | 30.2 | | | | 30.2 | | $14,199.82 | $2,590.00 | $16,989.82 |
| MEEKER (FE25) | 47 - 12 - 93 - 1 | MYLLYKANGAS, WILLIAM | | | | | | 14.0 | 14.0 | | $5,444.32 | $2,580.00 | $8,224.32 |
| MEEKER FE(12) | 47 - 25 - 93 - 1 | PETERSON, PAUL | | | | | | 6.0 | 6.0 | | | | |
| MEEKER (15) | 47 - 14 - 93 - 1 | HAHN,TRUST A | | | | | | 78.0 | 78.0 | | $28,298.48 | $16,800.00 | $45,298.48 |

# 1993-1 CONSERVATION EASEMENT PROGRAM
# FUNDED RIM RESERVE AND PWP EASEMENTS
# PREPARED: 3/2/93 REVISED: 3/10/93

| COUNTY | EASEMENT NUMBER | LANDOWNER NAME | PRIO-RITY | PERMANENT WETLAND PRESERVE | RIPARIAN LAND | RIPARIAN PAST. HILL | MARGINAL AG. LAND | WETLAND RESTOR. | RIM TOTAL EASM'T | PWP TOTAL EASM'T | EASEMENT DOLLARS REQUESTED | PRACTICE DOLLARS REQUESTED | TOT. REQUEST INCL.$200 TITLE INS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | PERP | PERP | PERP | PERP | PERP | | | | | |
| | | | AREA | acres | acres | acres | acres | acres | acres | acres | | | |
| MEEKER (14) | 47 - 15 - 93 - 1 | ROBERG,LARRY & GARY | | | | | | 48.8 | 48.8 | | $24,474.83 | $6,970.00 | $31,644.83 |
| MEEKER FE(14,15) | 47 - 23 - 93 - 1 | ARNOLD, MICHAEL | | | | | | 0.5 | 0.5 | | | | |
| MEEKER FE(14,15) | 47 - 26 - 93 - 1 | SCHEIERL, RAYMOND | | | | | | 7.0 | 7.0 | | | | |
| MEEKER FE(14,15) | 47 - 27 - 93 - 1 | (N/A) | | | | | | (N/A) | | | | | |
| MEEKER | 47 - 16 - 93 - 1 | LEITHER,DALE | | | | | | 51.2 | 51.2 | | $29,122.87 | $6,980.00 | $36,302.87 |
| MEEKER | 47 - 17 - 93 - 1 | OLSON,MICHAEL | | | | | | 27.9 | 27.9 | | $18,728.44 | $3,910.00 | $22,838.44 |
| MEEKER | 47 - 18 - 93 - 1 | YODER, ABE | | 41.5 | | | | | | 41.5 | $12,970.47 | $0.00 | $13,170.47 |
| MILLE LACS | 48 - 1 - 93 - 1 | SWARM, HARLEY | | 37.0 | | | | | | 37.0 | $13,837.97 | $0.00 | $14,037.97 |
| MOWER | 50 - 1 - 93 - 1 | SCHMIDT, HERMAN | | 60.4 | | | | | | 60.4 | $41,993.58 | $0.00 | $42,193.58 |
| NICOLLET | 52 - 1 - 93 - 1 | LINDSTROM, JEANNE | X | | 54.1 | | | | 54.1 | | $56,052.34 | $4,690.00 | $60,942.34 |
| NICOLLET | 52 - 2 - 93 - 1 | SATHER, ELLSWORTH | X | | 97.4 | | | | 97.4 | | $82,666.78 | $8,200.00 | $91,066.78 |
| NICOLLET | 52 - 3 - 93 - 1 | SATHER, DAVID | X | | 5.5 | | | | 5.5 | | $3,763.11 | $160.00 | $4,123.11 |
| NOBLES | 53 - 1 - 93 - 1 | HEEREN, MARVIN | | 74.4 | | | | | | 74.4 | $46,982.90 | $0.00 | $47,182.90 |
| NORMAN | 54 - 4 - 93 - 1 | ADKINS, JESSE | | 69.2 | | | | | | 69.2 | $13,158.50 | $0.00 | $13,358.50 |
| NORMAN | 54 - 1 - 93 - 1 | KROSHUS, VERN | | | 68.0 | | | | 68.0 | | $33,711.78 | $1,000.00 | $34,911.78 |
| OTTER TAIL-WEST | 56 - 1 - 93 - 1WOT | FERGUS FALL FISH&GAME | | 88.0 | | | | | | 88.0 | $28,380.14 | $0.00 | $28,580.14 |
| OTTER TAIL-WEST | 56 - 2 - 93 - 1WOT | BITZAN, CLAYTON | | 6.0 | | | | | | 6.0 | $1,549.69 | $0.00 | $1,749.69 |
| OTTER TAIL-WEST | 56 - 3 - 93 - 1WOT | BLAINE, ALFRED | | 7.5 | | | | | | 7.5 | $1,448.90 | $0.00 | $1,648.90 |
| OTTER TAIL-WEST | 56 - 4 - 93 - 1WOT | HAYMAN, MICHAEL | | 17.5 | | | | | | 17.5 | $3,591.04 | $0.00 | $3,791.04 |
| OTTER TAIL-WEST | 56 - 5 - 93 - 1WOT | GULLECKSON, ALFRED | | 11.5 | | | | | | 11.5 | $2,224.54 | $0.00 | $2,424.54 |
| OTTER TAIL-WEST | 56 - 6 - 93 - 1WOT | LITKE, RAYMOND | | 24.0 | | | | | | 24.0 | $4,446.55 | $0.00 | $4,646.55 |
| OTTER TAIL-WEST | 56 - 7 - 93 - 1WOT | SUNBLAD, MICHAEL | | 31.3 | | | | | | 31.3 | $6,521.76 | $0.00 | $6,721.76 |
| OTTER TAIL-WEST | 56 - 8 - 93 - 1WOT | JIMMERSON, MARY | | 21.8 | | | | | | 21.8 | $5,373.16 | $0.00 | $5,573.16 |
| REDWOOD | 64 - 1 - 93 - 1 | FRENCH, LEE | X | | | | | 30.0 | 30.0 | | $27,520.21 | $5,680.00 | $33,400.21 |
| REDWOOD (3) | 64 - 2 - 93 - 1 | HERFURTH, DAN | X | | | | | 3.8 | 3.8 | | $4,103.91 | $580.00 | $4,883.91 |
| REDWOOD (2) | 64 - 3 - 93 - 1 | THORSTON, LEONARD | X | | | | | 3.0 | 3.0 | | $3,621.06 | $590.00 | $4,411.06 |
| REDWOOD (2) | 64 - 4 - 93 - 1 | COQUYT, JAMES | X | | | | | 0.9 | 0.9 | | $820.40 | $110.00 | $1,130.40 |
| RENVILLE (2) | 65 - 1 - 93 - 1 | HOFFMAN,REUBEN | X | 23.0 | | | | | | 23.0 | $27,535.60 | $0.00 | $27,735.60 |
| RENVILLE (1) | 65 - 2 - 93 - 1 | HOFFMAN,REUBEN | X | | | | | 14.9 | 14.9 | | $17,838.28 | $2,890.00 | $20,928.28 |
| RENVILLE (4-5-6) | 65 - 3 - 93 - 1 | HENDRICKSON,ALFRED | X | | | | | 34.1 | 34.1 | | $34,577.43 | $7,570.00 | $42,347.43 |
| RENVILLE (3-5-6) | 65 - 4 - 93 - 1 | PARADEE, MELROSE | X | | | | | 4.0 | 4.0 | | $4,238.28 | $600.00 | $5,038.28 |
| RENVILLE (3-4-6) | 65 - 5 - 93 - 1 | HAEN, MARK | X | | | | | 35.5 | 35.5 | | $37,614.74 | $5,170.00 | $42,984.74 |
| RENVILLE (3-4-5) | 65 - 6 - 93 - 1 | FREDRICKSON, ROBERT | X | | | | | 27.1 | 27.1 | | $28,714.35 | $5,170.00 | $34,084.35 |
| RENVILLE | 65 - 7 - 93 - 1 | LUDOWESE, MARK & JAMES | X | | | | | 30.2 | 30.2 | | $32,413.66 | $5,310.00 | $37,923.66 |
| RENVILLE (10,15) | 65 - 9 - 93 - 1 | GREGORY, MARY F. | X | | | | | 9.0 | 9.0 | | $9,787.64 | $1,700.00 | $11,687.64 |
| RENVILLE (9,10) | 65 - 15 - 93 - 1 | SCHAFER, DARREL | X | | | | | 74.5 | 74.5 | | $91,500.94 | $13,950.00 | $105,650.94 |
| RENVILLE (9,15) | 65 - 10 - 93 - 1 | GREGORY, MARY F. | X | 25.6 | | | | | | 25.6 | $23,111.81 | $0.00 | $23,311.81 |

Minnesota Board of Water & Soil Resources

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DATE: March 10, 1993

TO: Robert Dunn, Chair
Environmental Quality Board

FROM: Ronald D. Harnack, Executive Director

SUBJECT: Committee Assignments

Board of Water and Soil Resources (BWSR) staff advisors to committees:

Agriculture - Doug Thomas, BWSR
155 S. Wabasha, Suite 104
St. Paul, MN 55107
612-297-5617

Energy Systems - None

Forestry - Jim Lemmerman, BWSR
394 S. Lake Ave., Room 403
Duluth, MN 55802
218-723-4996

Manufacturing - None

Minerals - Bill Best, BWSR
3217 Bemidji Ave. N.
Bemidji, MN 56601
218-755-4176

Recreation - Dan Steward, BWSR
217 S. Seventh St.
Brainerd, MN 56401
218-828-2598

Settlement - None

RDH:mja
cc: Jim Nielsen
BWSR Management Team

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# Minnesota
# Sustainable Development Initiative
# Teams Co-Chairs and Staff

## AGRICULTURE

*The Agriculture Team will look at how agricultural systems can better achieve environmental and economic sustainability simultaneously.*

**Co-Chairs**

- D'Wayne DeZiel, Executive Director, Minnesota Association of Soil and Water Conservation Districts
- Robert Rupp, former Editor, The Farmer Magazine

**Team Staffing**

Lead agency: DEPARTMENT OF AGRICULTURE
Elton Redalen, Commissioner
90 West Plato Boulevard
St. Paul, MN 55107
(612) 297-2200

Team staff leader: Paul Burns, 296-1488
DTED staff advisor: Paul Hansen, 296-1697
DOH staff advisor: Judith Ball, 627-5039
DOT staff advisor: Jerry Larson, 296-1641
OWM staff advisor: Tim Nolan, 649-5766
EQB staff liaison: Gregg Downing, 296-8253
Background paper: Doug Wise, 296-5226

D'Wayne DeZiel is a native of Minnesota and is a 20-year U.S. Navy Veteran. He has had management experience with the Fingerhut Corporation and was an owner/operator of a 36,000 poultry operation. He was elected as a Supervisor for Sherburne County Soil and Water Conservation District (SWCD) in 1982, and in 1985-89, was Chair for the district. He served as Secretary-Treasurer for the Anoka Sand Plains Project, an 11 county interagency ground water study. D'Wayne has also served as a Co-Chair for the Minnesota Association of Soil and Water Conservation District (MASWCD) Legislative Committee and as Co-Director of MASWCD Area IV. D'Wayne presently is the Executive Director for the MASWCD and has served in that capacity since July, 1989.

Robert Rupp was the Editor of the *Farmer Magazine* for 34 years, has worked with many conservation organizations, and has been active with national and international agricultural journalist associations. He has had a longtime interest in agricultural conservation and has received several state and national conservation awards. He attended the University of Nebraska and currently resides in Lakeland, Minnesota, where he remains active in agricultural interests.

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# Minnesota
# Sustainable Development Initiative
# Teams Co-Chairs and Staff

## ENERGY SYSTEMS

*The Energy Systems Team will look at how we can more efficiently use energy and choose energy systems or alternatives to meet our needs, while reducing adverse effects on the environment and the economy.*

**Co-Chairs**

- Henry Savelkoul, Attorney; former Legislator
- Jim Ulland, former Legislator

**Team Staffing**

Lead agency: DEPARTMENT OF PUBLIC SERVICE
Kris Sanda, Commissioner
Suite 200, 121 Seventh Place East
St. Paul, MN 55101-2145
(612) 296-6025

Team staff leader: Mike McCarthy, 296-1883
DOH staff advisor: Judith Ball, 627-5039
DOT staff advisor: Jerry Larson, 296-1641
OWM staff advisor: Bruce Anderson, 649-5759
DTED staff advisor: Patricia Neuman, 297-1303
EQB staff liaison: John Hynes, 296-2871
Background paper: Mike Roelofs, 297-2545

Henry Savelkoul is an attorney practicing in the general area of commercial law and commercial litigation. He served on the committee that wrote the corporate law for the State of Minnesota. He devotes most of his time to corporate, business, estate, and agricultural law areas. Mr. Savelkoul has been admitted to practice law in all the State Courts, the United States Tax Court, Federal District Court, the U.S. Supreme Court. He served in the state Legislature where he was Minority Leader of the Minnesota House of Representatives. He currently serves as a trustee of the Minnesota State Bar Association Political Action Committee and is an Advisory Board Member to the Minnesota Institute for Continuing Legal Education. In addition, he is a Director of Albert Lea Industrial Development, Inc. and Jobs, Inc. Mr. Savelkoul did his undergraduate work at the University of St. Thomas and received his law degree from the University of Minnesota. He also attended Harvard Law School as a special student under the Bush Leadership Program, where he fulfilled the academic requirements for a Master of Law Degree.

Jim Ulland served as Senate Minority Leader in the Minnesota Legislature. He serves on the Board of Trustees, Minnesota Chapter of The Nature Conservancy.

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# Minnesota
# Sustainable Development Initiative
# Teams Co-Chairs and Staff

## FORESTRY

*The Forestry Team will look at the issues involved with sustaining forest ecosystems for a wide range of uses and values.*

**Co-Chairs**

- Richard Skok, Dean, University of Minnesota, College of Natural Resources
- Charles Pottenger, Vice President, Northwest Paper Division, Potlatch

**Team Staffing**

Lead agency: DEPARTMENT OF NATURAL RESOURCES
Rod Sando, Commissioner
500 Lafayette Road
St. Paul, MN 55155
(612) 296-2549

Team staff leader: Mike Kilgore, 297-2607
DOH staff advisor: Judith Ball, 627-5039
DOT staff advisor: Jerry Larson, 296-1641
OWM staff advisor: Kevin O'Donnell, 649-5785
DTED staff advisor: Dentley Haugesag, 297-1174
EQB staff liaison: Bob Cupit, 296-2096
Background paper: Mike Kilgore, 297-2607

Richard Skok has been a member of the faculty of the University since 1959. He has served as Dean of the College of Natural Resources (Forestry until 1988) since 1974, and as an Associate Director of the Minnesota Agricultural Experiment Station since 1984. A native of St. Paul, Minnesota, he received all of his degrees at the University of Minnesota and spent two years on the faculty at the University of Montana before returning to Minnesota as a professor of forest economics and policy. He has worked at the state, regional, national, and international levels on issues of natural resources education and research, as well as general policy matters relating to management of our natural resources.

Dr. Charles Pottenger was elected Vice President of Northwest Paper Division on February 28, 1991. He had previously served as Vice President of Manufacturing for the division, having been appointed in September, 1989. Pottenger joined Potlatch in 1968 and has held a succession of managerial positions in the pulp, paperboard, and packaging group, including serving as Vice President of Manufacturing for the group. Before joining Potlatch, he handled assignments as a project engineer for Sulphite Pulp Manufacturers Research League, Owens Illinois, and American Can. Pottenger has a master's degree in forest products engineering from the University of Minnesota and both a master's and Ph.D. in pulp and paper from the Institute of Paper Chemistry.

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# Minnesota
# Sustainable Development Initiative
# Teams Co-Chairs and Staff

## MANUFACTURING

*The Manufacturing Team will examine how we can continue manufacturing job growth at rates faster than the national economy, produce more and better goods at the lowest competitive world-wide cost, and thereby create jobs for the future while sustaining environmental quality.*

**Co-Chairs**

- Dr. Robert Bringer, Vice President of Environmental Engineering and Pollution Control, 3M
- Martin Kellogg, President, UFE Incorporated

**Team Staffing**

Lead agency: DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
E. Peter Gillette, Commissioner
Suite 500, 121 Seventh Place East
St. Paul, MN 55101
(612) 296-6464

Team staff leader: Abby McKenzie, 296-8285
Assistant to leader: Scott Peterson, 296-6033
DOH staff advisor: Judith Ball, 627-5039
DOT staff advisor: Jerry Larson, 296-1641
OWM staff advisor: Kevin McDonald, 649-5744
EQB staff liaison: Larry Hartman, 296-5089
Background paper: (*Economic Blueprint for Minnesota*)

Dr. Robert Bringer is staff vice president of Environmental Engineering and Pollution Control for 3M. He is responsible for the global environmental activities of the $13 billion sales multi-national company. Dr. Bringer received his Ph.D. and B.S. degrees in chemical engineering from Purdue University. He is a past Chair of the Corporate Conservation Council of the National Wildlife Federation, and past Chair of the Environmental Council of the Conference Board. He currently serves as Chair of the Solid and Hazardous Waste Task Group, National Association of Manufacturers. In 1989, he was named an Outstanding Chemical Engineering alumnus of Purdue University.

Martin Kellogg is President of UFE Incorporated and served as Vice President and Treasurer of the Tennant Company from 1965-1982. He attended the University of Minnesota, earning degrees in Engineering, Business Administration, and Economics. He also has a law degree from William Mitchell College of Law. Mr. Kellogg serves as a director of numerous business organizations in the state and is a former member of the Metropolitan Council. He has served as Director of the Minnesota Landscape Arboretum, the Minnesota Nature Conservancy, and the Project Environment Foundation and is past-President of the Minnesota Council of State Parks and Voyageurs National Park Association.

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# Minnesota
# Sustainable Development Initiative
# Teams Co-Chairs and Staff

## MINERALS

*The Minerals System Team will examine how we can explore and develop our diverse mineral resources, and efficiently use mineral products, in a manner that sustains the economy and environment.*

**Co-Chairs**

- Nelson French, Director, The Nature Conservancy
- William Ulland, Managing Partner, American Shield Company

**Team Staffing**

Lead agency: DEPARTMENT OF NATURAL RESOURCES
Rod Sando, Commissioner
500 Lafayette Road
St. Paul, MN 55155
(612) 296-2549

Team staff leader: Dave Olson, 296-9551
DOH staff advisor: Judith Ball, 627-5039
DOT staff advisor: Jerry Larson, 296-1641
DTED staff advisor: Bill Coleman, 297-1169
EQB staff liaison: George Durfee, 296-2878
Background paper: Dave Olson, 296-9551

Nelson French has been State Director of The Nature Conservancy's Minnesota Chapter since December, 1991, and has extensive experience in agency relations, fundraising, science and communications. He has worked with all levels of government to increase state resources devoted to protecting biological diversity in Minnesota. His successes include the designation of almost 150,000 acres of Minnesota's patterned peatlands as state natural areas, passage of the Minnesota Environment and Natural Resources Trust Fund, development of the Conservancy's Cannon River Watershed Partnership initiative, establishment of the most strident acid rain standard in the United States, and other programs in air quality protection, forest planning, and Boundary Waters Canoe Area protection. Mr. French is a former Executive Director of the Sierra Club's Project Environment Foundation and currently serves on the Board of the Friends of Wood Lake Nature Center.

William Ulland has been a managing partner of American Shield Company since 1977 and Board Chair for the Chromaline Corporation since 1976. He is a Certified Professional Geologist; received his Degree of Geophysical Engineering from the Colorado School of Mines and Masters Degree in Industrial Administration from Purdue University. Mr. Ulland is a former member of the Advisory Board to the Natural Resources Research Institute. He currently serves as a member of the Blandin Minnesota Minerals Forum and on the Board of Directors for the Minnesota State University System. He also is Director and past-President of the Minnesota Exploration Association.

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# Minnesota
# Sustainable Development Initiative
# Teams Co-Chairs and Staff

## RECREATION

*The Recreation Team will look at Minnesota's changing natural resource systems and how we can sustain these systems, as well as the recreational opportunities and associated recreation and tourism industries that they support.*

**Co-Chairs**

- Dr. David Lime, University of Minnesota, College of Natural Resources
- Cindy Marshall Hayden, Editor, Lake Superior Magazine

**Team Staffing**

Lead agency: DEPARTMENT OF NATURAL RESOURCES
Rod Sando, Commissioner
500 Lafayette Road
St. Paul, MN 55155
(612) 296-2549

Team staff leader: Tim Kelly, 296-4892
DOH staff advisor: Judith Ball, 627-5039
DOT staff advisor: Jerry Larson, 296-1641
DTED staff advisor: Bo Eckmark, 296-5201
EQB staff liaison: John Wells, 297-2377
Background paper: Brad Moore, 297-4743

Dr. David W. Lime is a Research Associate at the University of Minnesota, Department of Forest Resources. He is also the Unit Leader for the National Park Service Cooperative Park Studies Unit at the University, and a staff member for the University's Tourism Center. In addition to his 5 years with the University of Minnesota, he has 20 years of Recreation Research Experience at the U.S. Forest Service North Central Forest Experiment Station where he headed the River Recreation Project.

Cindy Marshall Hayden has held the position of President of Lake Superior Port Cities, Inc., publishers of *Lake Superior Magazine* and *Lake Superior Travel Guide*, since 1984. Ms. Hayden is a native of Duluth, and received a BA in Communications from the University of Wisconsin. She has previous employment experience with the Bell System, 1968 to 1983, and held both traditional and non-traditional positions -- Cable Maintenance Supervisor, Construction and Engineering Manager. She received the Jaycees Distinguished Service Award in 1988. She serves as a Governor's appointee to the Minnesota Compensation Council and Lake Superior Center Authority. She is a member of the Executive Committee of the Lake Superior Center and holds Board positions on Minnesota Arrowhead Association and Greater Downtown Council, Duluth. Previous service includes: Chair, Duluth Area Chamber of Commerce, 1988-89; Skyline Rotary Board; Duluth School District Citizens Advisory Committee for Facilities; Governor's Highway Beautification Commission; Duluth Housing Trust Fund Task Force; Blood Donors Board; Commissioner, Duluth-Fond du Lac Economic Development Commission, and United Way Division Chair.

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# Minnesota
# Sustainable Development Initiative
# Teams Co-Chairs and Staff

## SETTLEMENT

*The Settlement Team will examine where and why people live and work where they do in Minnesota, and the implications for managing services and capital investment in a manner that sustains the environment.*

**Co-Chairs**

- Barbara Lukermann, Professor, University of Minnesota
- Molly Woehrlin, former Rice County Commissioner

**Team Staffing**

Lead agency: MINNESOTA PLANNING
Linda Kohl, Director
300 Centennial Building
St. Paul, MN 55155
(612) 297-2325

Team staff leader: Marilyn Lundberg, 296-0676
DOH staff advisor: Judith Ball, 627-5039
DOT staff advisor: Jerry Larson, 296-1641
DTED staff advisor: Bart Bevins, 297-1170
EQB staff liaison: Marilyn Lundberg, 296-0676
Background paper: Marilyn Lundberg, 296-0676

Barbara Lukermann is a Senior Fellow at the Humphrey Institute of Public Affairs at the University of Minnesota and the Director of the Master of Planning Program at the Institute. She teaches land use planning courses at the University with a special emphasis on urban land use issues and housing. She has her degrees in geography; BA from Cambridge, England, and MA from the University of Minnesota. She was a principal in the consulting firm of Midwest Planning and Research, Inc., and a planner in charge of several community comprehensive plans and economic studies. She has consulted extensively with school districts in the Twin Cities Metropolitan Area to provide demographic analyses and enrollment projections and was a co-author on the 1992 Center for Urban and Regional Affairs publication on changing functions of trade centers in the upper midwest states.

Ms. Lukermann has been actively engaged in a broad range of community services. During the late 1970s, she was a citizen member of the Minnesota Environmental Quality Board, served as the Chair of the Metropolitan Waste Control Commission and as the Chair of the American Institute of Certified Planners. She also served as the Co-Chair of the Metropolitan Council's task force in 1990 examining regional housing issues. Her current community work includes chairing District Energy St. Paul, a district heating and cooling nonprofit serving downtown St. Paul businesses. During 1992, she served as the facilitator for Lakeville's Strategic Growth Management Task Force.

Molly Woehrlin has an extensive record of public involvement in Minnesota. She served as a County Commissioner in Rice County for ten years. She served on the Association of Minnesota Counties' Human Services Policy Committee and chaired the County Commissioners' Advisory Committee to the Commissioner of Human Services. She is co-founder of the Cannon River Watershed Partnership. Ms. Woehrlin also serves on the Board of the Minnesota Chapter of Nature Conservancy.

EQB

Ron

MAR 4 1993

March 2, 1993

To: Members
Environmental Quality Board

Fr: Bob Dunn
Chair

Re: March 8 First Meeting of the Teams
*Minnesota Sustainable Development Initiative*

I hope that you will plan to attend the first meeting of the *Minnesota Sustainable Development Initiative* teams on March 8 at the History Center. The co-chairs and team lead staff will be meeting early at 8:30 a.m. to discuss our expectations of them, and theirs of us. The plenary session of the teams and all staff begins at 10:00 a.m. in the auditorium. We plan an interesting panel discussion of what "*sustainable development*" might mean for Minnesota, and what the seven *Initiative* teams will need to watch for as they begin their work. We split up into the teams for lunch and team discussions beginning at 12:30 p.m. The meeting will end at 3:00 p.m. after team reports back to the full group.

I hope that you will be able to attend. Your presence will send the teams a strong message about the importance of the *Initiative*.

A copy of the agenda and materials from the mailing to the teams are enclosed, for your information.

Thank you.

Minnesota Board of Water & Soil Resources

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**MEMORANDUM** **March 10, 1993**

**TO:** **Soil & Water Conservation Districts within Minnesota River watershed**
**FROM:** **David H. Behm, Programs & Policy Analyst**

**RE:** **1) Federal funds for wetland restoration acceleration within Minnesota River watershed project area**
**2) Calendar to recognize watershed landowners implementing "BMPs"**

Federal Funds for Wetland Restoration Acceleration:
Pheasants Forever, Inc., on behalf of the Minnesota Steering Committee of the North American Waterfowl Management Plan, submitted a project proposal for the Minnesota River watershed to the North American Wetlands Conservation Council last August for funding consideration. Today, at a Minnesota Steering Committee meeting, it was announced that the proposed project was funded! Consequently, BWSR will receive approximately $850,000 to acquire wetland restoration easements and establish necessary conservation practices on those easement areas along with an additional $50,000 for accelerated technical assistance. MASWCD and the BWSR are members of the Minnesota Steering Committee.

What does this mean generally, and what does it mean specifically for your SWCD? *Opportunities ... for accelerated wetland restoration activities within the watershed.* How? *By funding the proposed October 1992 and February 1993 RIM Reserve wetland restoration easement areas with these federal monies, your SWCD will be able to, through continued and accelerated participation in the RIM Reserve Program, essentially "double" the dollars already targeted to the Minnesota River watershed for RIM Reserve Program wetland restoration easements.* In other words, the applications received and currently being processed can now be funded by these federal funds, thereby allowing the RIM Reserve Program funds reserved for these specific projects to become available for additional wetland restoration easements to be acquired within the watershed. Thus, we achieve the "doubling" of the dollars available for wetland restorations within the watershed.

BWSR staff will notify you in the coming months about specific easements currently being processed in regards to which ones will be funded with these new federal monies. Please stay tuned!

Also, for your information, the Minnesota Steering Committee has made a pledge to continue to seek funds from the North American Wetlands Conservation Council to continue a Minnesota River watershed project for up to five years. As a side comment, this proposal was ranked third nationally.

"BMP" Calendar Project:
The Minnesota Steering Committee is also considering preparing and distributing, at no cost to recipients, a full color photo calendar of best management practices by landowners within the Minnesota River watershed. The purpose of this project is to recognize some cooperating landowners who are implementing desired BMPs and to describe the BMPs, thereby hopefully encouraging users of the calendar (i.e., targeted to agricultural producers and rural landowners) to implement the BMPs on their own lands. Consequently, the committee is looking for those landowners who, in addition to these expectations, are willing to be interviewed and photographed for the purposes of being included in this calendar.

**-more-**

Therefore, on behalf of the Steering Committee, I am requesting YOUR ASSISTANCE in preparing a visually-stimulating and informative calendar which will also provide the opportunity to acknowledge some of the outstanding cooperators who are "practicing what we are preaching" as a matter of everyday life.

Acknowledging and appreciating your individual workloads, I am asking for any information and leads that time will allow for you to provide to the workgroup in selecting deserving landowners to be featured in this calendar. In forwarding any information to the workgroup, please keep in mind these desired BMPs:

- wetland restoration
- livestock exclusions
- buffer strips (e.g., vegetated ditch banks, areas surrounding tile intakes, filter strips, etc.)
- modifications of surface intakes to drainage tile systems (i.e., elevated stand pipe, elimination of surface intakes, etc.)
- animal waste management, including feedlots
- urban stormwater management
- construction site erosion control (e.g., roadwork, residential building site, etc.)
- septic system operation and maintenance
- pasture management (e.g., short-rotation grazing, etc.)
- field borders (including field windbreaks)
- nutrient management according to soil testing results
- streambank/lakeshore stabilization
- retirement of marginal agricultural lands (e.g., RIM Reserve, PWP, CRP, set-aside, etc.)
- conservation tillage and residue management

Please mail, **BY WEDNESDAY MARCH 24**, all of the following information for each recommended individual to:

Mary Kroll
Minnesota Extension Service
1420 Eckles Avenue
Saint Paul, Minnesota 55108

- Name, address and telephone number of the individual.
- Type and brief description of BMP; please include:
  * units/acreage applied,
  * acres protected,
  * anticipated water quality benefits,
  * anticipated erosion reduction benefits,
  * anticipated fish/wildlife habitat enhancement benefits, and
  * other noteworthy anticipated benefits.

Thank you for your assistance and cooperation in identifying and acknowledging those landowners who are helping to improve and protect the natural resources of our Minnesota River watershed heritage! And again, thank you for your time.

cc: BWSR staff
Mary Kroll, MES
Jim Leach, Calendar workgroup chair
D'Wayne DeZiel, MASWCD Executive Director

Ron

Minnesota Board of Water & Soil Resources

Don O.
Duain O.
Board
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Nielsen
Erosion Control

# MEMORANDUM

**March 15, 1993**

**TO:** **Erosion Ordinance Advisory Committee**

**FROM:** **David H. Behm**
**Programs & Policy Analyst**

**E:**
- **Status Update**
- **Reconvene Committee Activity**

<u>us Update</u>

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sonal note, as some of you may be aware, I am no longer the RIM Reserve ator -- a position I assumed at the time of our last committee meeting. Well, since the position had not been backfilled by someone else and the opportunity presented itself for that position's responsibilities to be revised, I informed Ron of my desire to "return" to this "new" position -- make sense? Anyway, I will again be the board's contact staff for this committee and I would like for us to reconvene in the near future. (Please refer to the next item of this memo.)

I also wanted to inform each of you of a few items relevant to our past deliberations:

- Committee member (representing the MN Association of Conservation District Employees) Lowell Franzen, Mower SWCD, has been working with the Mower County Board on the adoption of an erosion control ordinance. I would like Lowell to inform all of us of their progress and the extent to which the DRAFT model ordinance helped to shape the ordinance being adopted for Mower County.

- No committee member has provided to the board any written comments on the DRAFT (8/14/91) model ordinance or on the DRAFT (8/23/91) preliminary report of the advisory committee. Your comments and perspectives are vitally important to the completion of our tasks. Consequently, while I will not be requesting your written comments at our next committee meeting, I do feel it is important that we this at our next meeting. Please let me know if you need copies of either or both DRAFT documents.

- Governor Carlson has pledged the support and focus of several state agencies to address the water quality problems and land treatment needs of the Minnesota River watershed over the next decade. This focus should also be an agenda item at one of our upcoming committee meetings (i.e., this will likely be a focus area for the board to encourage counties to adopt the model ordinance, once our committee and the board have endorsed it).

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217 S. 7th Street
Suite 202
Brainerd, MN 56401-3660
(218) 828-2383
Fax (218) 828-6036

**Southern Region:**

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Box 756
New Ulm, MN 56073
(507) 359-6074
Fax (507) 359-6018

1200 S. Broadway
Room 144
Rochester, MN 55904
(507) 285-7458

Box 267
1400 E. Lyon Street
Marshall, MN 56258
(507) 537-6060
Fax (507) 537-6368

**Metro Region:**

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
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Ron

Minnesota Board of Water & Soil Resources

Southbridge Office Building
155 S. Wabasha Street
Suite 104
St. Paul, MN 55107
(612) 296-3767
Fax (612) 297-5615

**Field Offices**

**Northern Region:**

394 S. Lake Avenue
Room 403
Duluth, MN 55802
(218) 723-4752
Fax (218) 723-4794

3217 Bemidji Avenue N.
Bemidji, MN 56601
(218) 755-4235
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217 S. 7th Street
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# MEMORANDUM

**March 15, 1993**

**TO:** **Erosion Ordinance Advisory Committee**

**FROM:** **David H. Behm**
**Programs & Policy Analyst**

**RE:**
- **Status Update**
- **Reconvene Committee Activity**

Status Update

As it is said, "what goes around, comes around" -- and so it goes with our advisory committee. I am pleased to inform you that the BWSR desires to reconvene this committee so that we may complete the tasks we had begun to identify in past committee meetings. I hope you have kept past materials and will recollect the significant points of our past discussions (even though I fully appreciate that it was August 1991 when last we met as a committee)!

On a personal note, as some of you may be aware, I am no longer the RIM Reserve Coordinator -- a position I assumed at the time of our last committee meeting. Well, since the position had not been backfilled by someone else and the opportunity presented itself for that position's responsibilities to be revised, I informed Ron of my desire to "return" to this "new" position -- make sense? Anyway, I will again be the board's contact staff for this committee and I would like for us to reconvene in the near future. (Please refer to the next item of this memo.)

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**-more-**

Reconvene Committee Activity

As I have already mentioned, I am suggesting that we reconvene as a committee in the near future to continue and complete our deliberations and tasks that we previously began to identify. Please consider the following dates and times for our next ("let's get reacquainted"?) committee meeting. Location will be announced later. Any suggestions/offers of a location are welcomed.

| | | |
|---|---|---|
| 1) | Tuesday, April 6: | 9:00am - Noon OR 1:00pm - 4:00pm |
| 2) | Wednesday, April 7: | 9:00am - Noon OR 1:00pm - 4:00pm |
| 3) | Wednesday, April 14: | 1:00pm - 4:00pm |
| 4) | Thursday, April 15: | 1:00pm - 4:00pm |
| 5) | Tuesday, April 20: | 9:00am - Noon OR 1:00pm - 4:00pm |
| 6) | Wednesday, April 21: | 9:00am - Noon OR 1:00pm - 4:00pm |

I will be calling each of you between **MONDAY, MARCH 22 and WEDNESDAY, MARCH 31** to confirm your continued participation on this committee and to learn of your availability and preference for our next meeting date/time. If you are unable to continue to represent your agency or organization, please be prepared to give me the name and phone number of your replacement when I call.

I propose the following agenda outline for our next meeting.

- Committee member reintroductions
- Committee purposes revisited
- Soil conservation perspectives:
  * Ron Harnack, BWSR Executive Director (to be invited, pending availability)
  * Elton Redalen, MDA Commissioner (to be invited, pending availability)
  * Committee members
- Where to from here?
- Future agenda items
- Next committee meeting

I look forward to seeing you all in the near future and to pick up where we left off, bolstered by the recent and ongoing activities in Mower County!

cc: BWSR members and staff

(13) **Soil Conservation Service (SCS)**
Phone: 290-3670

Mr. Dave Breitbach
Soil Conservation Service--600 FCS Bldg.
375 Jackson Street
St. Paul, Minnesota 55101

(14) **State Planning Agency (SPA)**
Phone: 296-2884

Mr. Steve Reckers
State Planning Agency--Third Floor
658 Cedar Street
St. Paul, Minnesota 55155

Ron H.

**ATTACHMENT 7** REVISED MARCH 12, 1993

Those Invited to Participate on Model Ordinance Advisory Committee
**(1 of 3)**

(1) **Association of Minnesota Counties (AMC)** Phone: 224-3344

Mr. Dave Weirens
Association of Minnesota Counties
125 Charles Avenue
St. Paul, Minnesota 55103-2108

(2) **Association of Minnesota Water Resources Administrators and Planners (AMWRAP)** Phone: 507-736-2461

Mr. C. Merle Anderson
AMWRAP President
RR 1
St. James, Minnesota 56081

(3) **Minnesota Association of Conservation District Employees** Phone: 507-433-8268

Mr. Lowell Franzen
MN Association of Conservation District Employees, c/o Mower SWCD
101 21st Street SE
Austin, Minnesota 55912

(4) **Minnesota Association of Planning and Zoning Officials (MAP&ZO)** Phone: 218-384-4281, extension 174
**[Alternate: Rick Hanna; 507-387-8381]**
Mr. Bruce Benson
Minnesota Association of Planning and Zoning Officials
Carlton County Planning & Zoning Office, P.O. Box 220
Carlton, Minnesota 55718

(5) **Minnesota Association of Soil and Water Conservation Districts** Phone: 649-1440

Mr. D'Wayne DeZiel
MASWCD
~~1884 Como Avenue~~ 790 Cleveland Ave. So., Suite 216
St. Paul, Minnesota ~~55108~~ 55116

(6) **Minnesota Association of Townships (MAT)** Phone: 612-497-2330

Mr. John Dooley
Minnesota Association of Townships
Box 246
St. Michael, Minnesota 55376

(7) **Minnesota Department of Agriculture (MDA)** Phone: 296-5226

Mr. Doug Wise
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, Minnesota 55107

(8) **Minnesota Association of Watershed Districts (MAWD)**
Phone: 612-273-2323
**[Alternate: Howard Peterson; 934-2050]**

Mr. Glen Berdan
Minnesota Association of Watershed Districts
RR 1, Box 195
Ortonville, Minnesota 56278

(9) **Minnesota Department of Natural Resources (MDNR)**
Phone: 297-4601

Mr. Peder Otterson
Minnesota Department of Natural Resources--Waters
500 Lafayette Road
St. Paul, Minnesota 55155-4001

(10) **Minnesota Farm Bureau Federation**
Phone: 739-7200

Mr. Vern Ingvalson
Minnesota Farm Bureau Federation
P.O. Box 64370
St. Paul, Minnesota 55164

(11) **Minnesota Farmers Union**
Phone: 639-1223

Julie Bleyhl
Minnesota Farmers Union
600 County Road D West
St. Paul, Minnesota 55112

(12) **Minnesota Pollution Control Agency (MPCA)**
Phone: 296-7323

Mr. Wayne Anderson
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155

Rm - FYI SB

**CONSERVATION PLANS FOR DNR WILDLIFE MANAGEMENT AREA FARMLAND**

**SUMMARY OF 3/9/93 BWSR FIELD STAFF DISCUSSION**

BWSR field staff and Wayne Edgerton, DNR Ag Policy Director, discussed the issue of developing and implementing conservation plans on lands that DNR has in cultivation. Statewide this includes approximately 30,000 acres of cropland. The discussion touched on many aspects which are summarized below. A plan of action for followup was also developed.

Issues

1. The required conservation plans should be prepared by the local soil and water conservation district. The focus of BWSR staff should be to facilitate SWCD involvement.

2. DNR lands which should be cropped are those good lands which, when farmed with an appropriate crop residue management system result in soil losses being at or below tolerable levels ("T value") or a more restrictive rate established to protect water quality.

3. Marginal croplands should be retired from production and permanent vegetative cover established.

4. Contracts with area farmers to farm the lands (as an alternative to DNR staff doing the farming):

- there has been some comment that some of the tracts are too small to bother with which will limit local interest in farming them.
- more restrictions on how these tracts can be farmed will turn off potential farmers because they are already "doing it out of the goodness of their heart", not making any money at it.

Comment: This may reflect a lack of appropriate value being assigned to food plots which is what many of these lands are managed for. On one hand if the comments are true that farmers cannot make an adequate profit farming these lands to make it worth their while, then perhaps DNR should re-examine payment or rental rates if the wildlife food produced on the plots is of value. On the other hand, it may be that due to the nature of the cropland involved it is not possible to economically produce wildlife food and that the land should be retired and wildlife food should be purchased or provided for in some other manner.

5. For this to work, wildlife managers need to be given performance criteria by their management so they know the expectations to get plans prepared and implemented (numbers, timing, etc....). The directive should come from the Commissioner.

6. This project should be phased in over several years to

accomodate workloads of involved parties and to learn as we go.

7. The widespread use of the term "Highly Erodible Land (HEL)" in the current farm bill has probably misinformed many wildlife managers as to the severity of erosion which may be occuring on DNR cropland. HEL refers only to those most severely eroding lands. Fields can be redefined or plans implemented which satisfy federal farm program requirements but still leave soil loss exceeding tolerable rates. Many fields identified on ASCS records as "NHEL" or "Not Highly Erodible" exceed tolerable soil loss rates. A manager who assumes that soil loss is under control because a field is labelled NHEL or has an approved plan for the farm program may have a false sense of security. The Universal Soil Loss Equation must be used to estimate soil loss which is occurring.

8. T values should not in all cases be accepted by DNR as an acceptable level of soil loss. Particularly where cropland is adjacent to surface waters, a more stringent standard such as one-half T should be considered to protect water quality.

9. The Minnesota Extension Service has been contacted by DNR as to their interest in utilizing some of these lands for research or demonstration purposes. While no immediate interest has been shown this concept should not be forgotten. Perhaps SWCDs will see some additional opportunities.

10. DNR is considered one landowner by ASCS (the largest farm operator on an acreage basis in the state). Is DNR in the farm program? Does DNR receive payments or incentives from ASCS or is this simply an issue for farmers in the program who rent DNR lands as part of their farming operation?

11. Perhaps a Memorandum of Understanding will be needed to define roles of participants in this project. Such a memo should identify funding issues if there are any.

12. Most of DNR's cropland is in their Regions 1 (NW) and 4 (SW &SC).

13. BWSR staff mentioned that Kandiyohi and Watonwan Counties might be good counties to start this effort.

14. There are abundant opportunities for good publicity and education to result from this project. Information officers from DNR and BWSR should be involved to get maximum results. An information campaign, signs recognizing results and Volunteer articles were suggested as possibilities.

15. The Minnesota Association of Soil and Water Conservation Districts must be involved since their leadership and support will be important to get SWCDs involved.

16. BWSR Board Conservationists can work directly with individual SWCDs to help them get involved. SWCDs which encounter problems

can also be assisted by their Board Conservationist.

17. There is a potential for bad PR from poorly farmed lands (eg. if a conservation tillage system is not properly implemented and a poor crop results). However the overall advantages far outweigh this issue.

18. Timing is key. SWCDs must not be asked to produce conservation plans or assist in their implementation when they are during periods when they are already too busy. Flexibility to work this project into busy schedules is important.

Followup:

- Jim Birkholz and Wayne Edgerton will work on a plan of action
- One northern and one southern BC will be appointed by Regional Supervisors to help develop the project.
- The Minnesota Association of Soil and Water Conservation Districts and the Minnesota Association of Conservation District Employees will be informed so they can assert their appropriate role.
- This project can be brought before the entire BWSR field staff at the May 25 meeting by Jim B. Wayne E. will be responsible for communicating to DNR staff.

# Minnesota Pollution Control Agency




## 1992 Biennial Report to the Legislature

**About this report:** Every two years, the MPCA has issued a report summarizing the legislative directives implemented, programs created and environmental progress achieved. This report is required by Minnesota Statutes, Section 115.42, 116.10 and 116F.06.

This year, we have taken a new approach. The following information is not intended to be a complete description of all the programs, services and activities of the MPCA. Instead, this report identifies some of the key environmental issues that appear to have emerged from June 1990 to December 1992, and describes their long-term implications to citizens of Minnesota. The report goes on to present the most significant ways that the agency has responded to these challenges in the last few years. A special insert, "Preserving Minnesota's Environment for 25 Years," illustrates the MPCA's progress in mending past environmental damage and preventing new pollution problems.

We hope that the 1992 Biennial Report is both interesting and useful. We welcome any comments that you might have about its contents or about the agency's work in general.

This material can be made available in other formats, such as Braille, large type or audiotape, upon request. TDD users call the Minnesota State Relay Service, (612) 297-5353 or 1-800-627-3529.

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February 1993

# Minnesota Pollution Control Agency

## 1992 Biennial Report to the Legislature

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Insert: Preserving Minnesota's Environment for 25 Years

# Introduction

## Where We've Been

In 1967, a growing awareness of the environment's fragile nature led the Minnesota Legislature to create a new state agency, one with a unique challenge and a demanding responsibility: to protect the air, waters and land of our great state. The goal? To make it possible for Minnesotans to use and enjoy the legacy of lakes and rivers, the forests, the plains and the natural resources, while keeping waters clean and air pure.

With that foresight (it would be three years before the first Earth Day and the establishment of the U.S. Environmental Protection Agency), the Minnesota Legislature gave authority to the Minnesota Pollution Control Agency (MPCA) to begin controlling pollution problems in the state.

The results of the MPCA's efforts are obvious: the air, land and water are cleaner now than they were 25 years ago, in spite of a growing population and rising industrialization. Through partnerships with the state legislature, the U.S. Environmental Protection Agency, local governments, industry, environmentalists, educators and the public, the MPCA has made Minnesota a national model of environmental protection.

Now, as then, the MPCA serves Minnesota by examining the quality of the state's environment, developing rules that protect the public's health and the environment, and helping local government, industry and individuals meet their environmental responsibilities.

## Where We're Headed

No one ever said that pollution control would be easy. The MPCA has achieved much in the 25 years of its existence only because public support for a clean environment has been constant, overcoming financial constraints and encouraging the cooperation of the people and organization who are regulated.

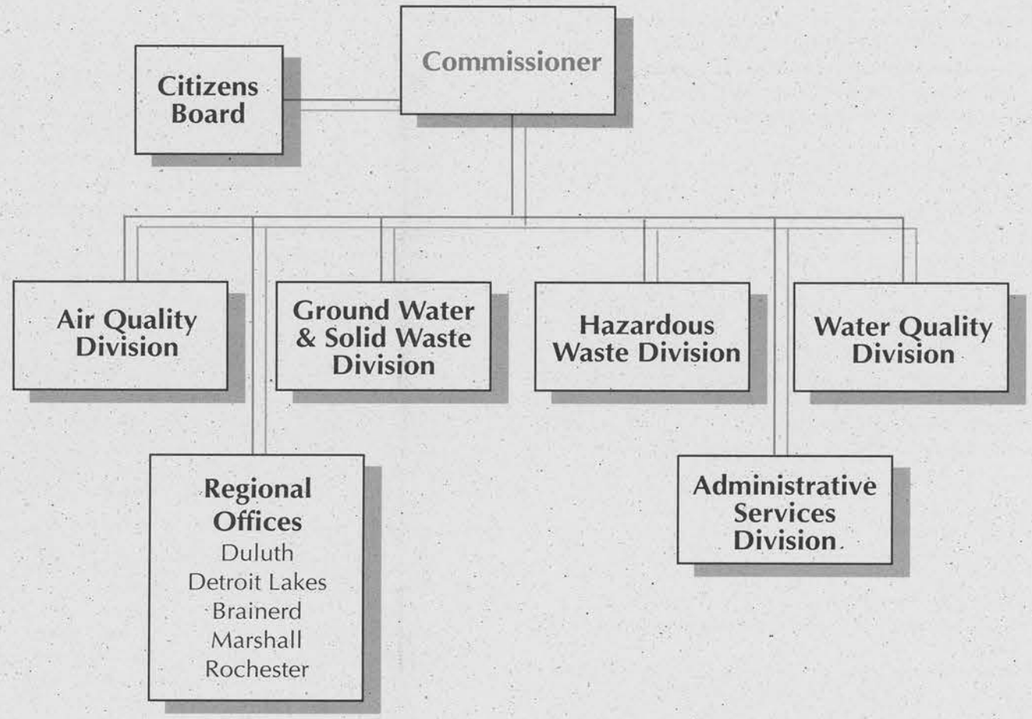
As we move forward in our third decade, we find that eliminating the obvious pollution sources clears the way for finding the less obvious dangers to our health and our air, water and land. Concern about untreated sewage in lakes and streams has led to modern sewage treatment plants; though the waters are cleaner, we find that lakes and rivers now are being damaged by polluted runoff from farm fields, construction sites, roadways and lawns. Converting uncontrolled garbage dumps into carefully monitored landfills has revealed that household garbage contains hazardous chemicals that can pollute ground water. Controlling air emissions, wastewater discharges, and hazardous waste disposal from large industrial sources has dramatically reduced the levels of toxins in Minnesota's environment. Yet we still put toxins into the environment by driving cars, using energy from power plants, and having our clothes dry-cleaned.

The MPCA must now extend its efforts to newly emerging problems while continuing traditional pollution control programs. Often, these new problems are harder to solve, involving complex political, economic, cultural and technical issues. Information, advice and cooperation from all sectors of society are needed to find solutions that are fair and effective.

It's our heritage – pure air, clean lakes and rivers, fertile lands, a place for us to work, play and raise our families where the results of population and industrialization do not intrude on the blessings of nature.

The MPCA protects that heritage.

# Minnesota Pollution Control Agency Organization Chart






## MPCA Divisions

**Air Quality Division** – enforces and administers all state statutes and most federal laws relating to air pollution. There are three sections within the division.

Program Development and Air Analysis Section
- collects data on air pollution throughout the state, then uses information to develop regulations
- develops specific strategies to help Minnesota achieve state and national air-quality standards
- oversees the Minnesota Vehicle Inspection Program to reduce pollution from gasoline-powered passenger vehicles in the Twin Cities metropolitan area

Permits Section
- develops permits that control sources of air pollutants, such as power plants, refineries, asphalt plants, incinerators, boilers, grain elevators and many industrial facilities

Compliance and Enforcement Section
- determines whether facilities are meeting their permit conditions and other state and federal laws
- inspects sources of air pollution

**Ground Water and Solid Waste Division** – operates programs that oversee the proper disposal or reuse of solid waste from homes, businesses, and organizations in the state. It also runs the Superfund program for cleaning up old hazardous waste sites and develops ground-water protection programs. The division is organized into three sections.

Program Development Section
- puts together environmental programs and assesses policy issues for managing solid waste and protecting ground water

Solid Waste Section
- performs technical reviews and develops permits to control solid waste facilities such as sanitary landfills, demolition waste landfills, garbage transfer stations, large compost sites, and industrial waste disposal facilities
- determines if facilities are following their permits and meeting state and federal pollution laws

Site Response Section
- operates the Superfund program for the cleanup of hazardous waste sites that threaten public health and the environment

**Hazardous Waste Division** – regulates the handling, storage and disposal of hazardous waste to prevent mismanagement and releases of hazardous waste that could threaten people or the environment. The division is divided into three sections.

Program Development Section
- develops hazardous waste rules and management programs, including special projects such as household hazardous waste management and assistance for small businesses that create hazardous wastes.

Regulatory Compliance Section
- develops permits, inspects and takes enforcement action to regulate people, businesses and organiztions who create, store, treat or dispose of hazardous waste
- provides information on hazardous waste rules through on-site technical assistance, training workshops and conferences

Tanks and Spills Section
- regulates the use of storage tanks for petroleum and certain chemicals
- oversees cleanup of leaking tanks
- provides round-the-clock response to environmental emergencies and spills

**Water Quality Division** – enforces and administers state and federal laws protecting Minnesota's lakes, rivers, wetlands and streams from pollution. The division has four sections.

Assessment and Planning Section
- develops water quality standards, sets wastewater treatment limits, tests the quality of surface waters, and investigates and develops methods for responding to specific water quality problems
- keeps 30 years of data on 2,000 miles of streams and rivers and more than 1,000 lakes

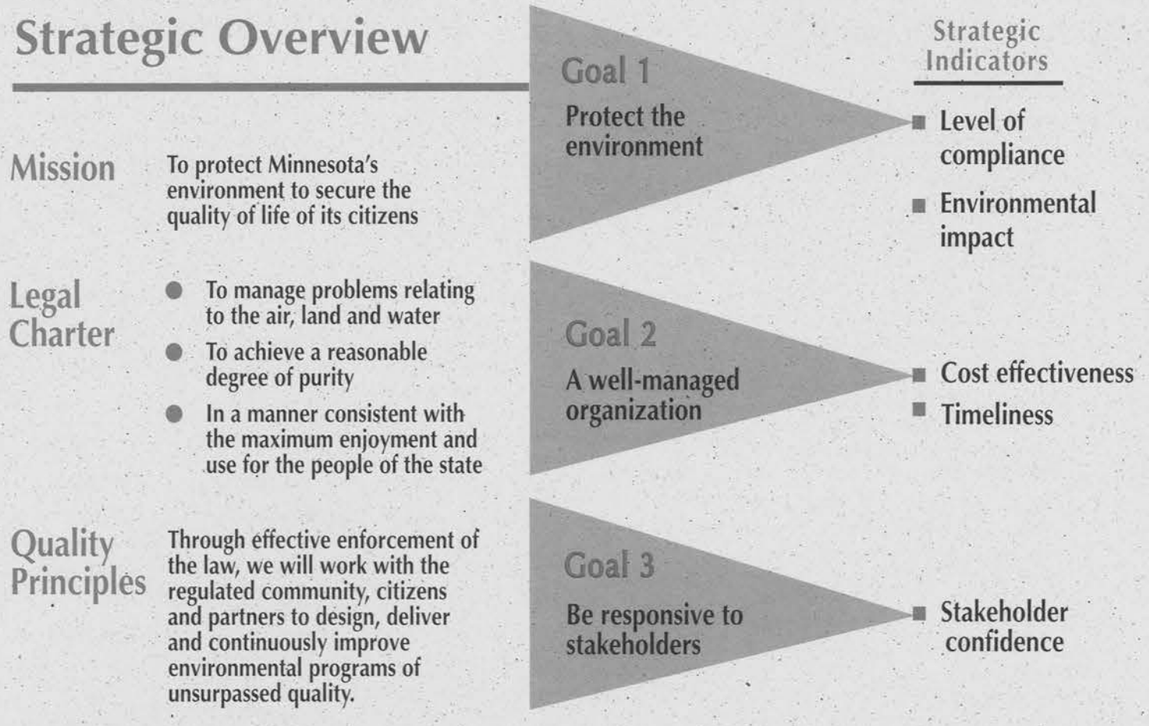
Nonpoint Source Section
- runs programs to control polluted runoff from sources such as farms, animal feedlots, construction sites, roadways and lawns
- works with local governments to manage their water resources
- develops and operates programs to protect and clean up water resources
- provides training and standards for operating septic systems

Industrial Section and Municipal Section
- develops and enforces wastewater treatment permits for cities and businesses to protect Minnesota's waters
- Municipal Section also provides for technical and financial assistance to assure proper construction and operation of wastewater treatment facilities

**Administrative Services Division** – includes the agency's support functions such as personnel, administrative, fiscal and computer services and the library. In addition, the division oversees the activities of the Environmental Assessment and Public Information Offices.

**Regional Offices** – were created in response to the diverse nature of Minnesota's economy, natural resources and population, and to provide easy access to MPCA programs throughout the state. Regional staff help carry out agency programs on the local level, represent the agency at local meetings, respond to complaints, do enforcement inspections, and work with local authorities on pollution issues and incidents.

# MPCA Mission and Strategic Overview




All public organizations must serve the public, carefully manage the resources entrusted to them, and fulfill their specific mission. The MPCA has translated this mandate into three broad goals for the agency. The specific strategies the agency is pursuing to achieve those goals are described, as are the indicators that will be used to measure results.

## Strategic Indicators

The MPCA is committed to seeking quantifiable, results-based measurements of the agency's progress toward achieving its goals and accomplishing its mission. The indicators are: Level of compliance, Environmental impact, Cost effectiveness, Timeliness, and Stakeholder confidence.

These indicators will serve three purposes. First, they will capture the value of the agency's services, thereby enabling those who depend on these services to make informed decisions about MPCA's programs and priorities. Second, they will provide agency management with results achieved by existing programs and new initiatives so that management can objectively evaluate their success. Third, the strategic indicators will allow MPCA staff to identify opportunities for improving programs and services and to monitor their progress with improvements.

Highlighted after each goal are specific strategies that will be pursued to achieve success.

## Goal 1: To Protect The Environment

**STUDY THE ENVIRONMENT** • Bring unregulated pollutants/ sources with significant environmental impacts into regulation.

To be effective, the agency's pollution control strategies must be linked to an ongoing effort to assess the environment, identify harmful effects, and design appropriate regulatory and programmatic responses, such as studies, rules and policies. Typically, the harmful effects of environmental contaminants occur when they make contact with living organisms through the air, surface water, ground water or soil. Each of these environmental media is studied independently to evaluate the effects of contaminants and their interrelationships.



**PREVENT POLLUTION** • Integrate pollution prevention principles to reduce pollutant generation.

The most preferred strategy – pollution prevention – focuses on reducing the amount of harmful pollution generated by the production and delivery of goods and services. Reducing the amount of pollution generated reduces both the potential release and the need for ongoing storage of hazardous materials. It is, additionally, the most cost effective strategy. Indeed, some pollution prevention programs have actually reduced overall manufacturing costs by reducing waste.

**LIMIT POLLUTION** • Maximize abatement technologies and practices to minimize pollutant releases.

The most common strategy – abatement – focuses on preventing pollutants from being released in a manner that will harm or degrade the environment. Abatement, which is many times less costly than mitigation, is achieved by controlling how pollutants are released or by largely preventing their release by using pollution control equipment and methods. Unfortunately, since many pollutants cannot be safely destroyed or neutralized, abatement technologies generate ongoing storage and containment problems.

**CLEAN UP POLLUTION** • Effectively mitigate or clean up contaminated areas to minimize environmental impacts.

The strategy of last resort – mitigation – is to attempt to clean up an area or otherwise reduce the harmful effects of pollution after it has been released. Mitigation is often very costly and rarely approaches the environmental results of the other strategies; however, it is the only option once harmful pollutants have actually been released.

**ENCOURAGE COMPLIANCE** • Maximize compliance by reducing obstacles to voluntary compliance and deterring noncompliance.

Agency staff do not do the bulk of the state's environmental protection work. That work is performed by industries, municipalities and citizens as they comply with the Minnesota's environmental regulations. To ensure that this work is done properly, the agency provides information on how to comply voluntarily, monitors compliance, identifies problem areas, and works to correct them by providing technical assistance and, when necessary, takes enforcement action against noncompliers.

**DEVELOP PARTNERSHIPS** • Establish effective partnerships in the delivery of services to enhance environmental results.

The agency's success also depends on its ability to combine its efforts with the efforts of local, state, federal and international organizations that have an interest in protecting the environment, managing our natural resources and protecting public health.

## Goal 2: To Be Well Managed

The agency recognizes that it is not enough simply to accomplish its mission. The need for public services is so great and so important that every agency has a moral obligation to squeeze all the value it can out of every dime invested in its programs. The agency is implementing five strategies designed to ensure that its programs will continue to be viewed as models for the rest of the county.

These strategies are developing and implementing strategic planning, continually improving operations, fostering innovation and improvement throughout the agency, securing stable and adequate funding, and ensuring progressive human resource management.

## Goal 3: To Provide Responsive Services To Stakeholders

Even though the agency's charter and many of its programs are set by law, the agency still has wide latitude in the design and delivery of its programs. For that reason, there is always the risk that those programs will drift away from the public's intent or, even worse, be managed in a way that is contrary to that intent. The agency is committed to maintaining constant communication with its various stakeholders to ensure that its programs faithfully execute the public's vision of environmental protection.

To accomplish this goal, the MPCA will determine stakeholder confidence and trust, identify stakeholder needs and enhance understanding of agency issues, conduct audits to tailor program improvements to stakeholder needs, design communications to inform stakeholders of program results, and provide educational opportunities to enhance effective public participation in environmental issues.

# Challenges in Environmental Assessment and Analysis

As an environmental agency, the MPCA's decisions and actions must be securely founded in scientific evidence. But environmental science is never static and discoveries can challenge established environmental policies and practices. Increasingly precise tools of measurement have uncovered barely detectable levels of environmental contamination. Further research has shown the immediate and long-term effects that small amounts of contamination have on human health and the environment.

To illustrate this point: twenty years ago, the federal government marked six airborne pollutants – carbon monoxide, sulfur dioxide, particulates, nitrogen oxides, lead and ozone – as worthy of concern and control. Now, about two hundred air pollutants have been added to this list.

Determining the extent of pollution is not enough; however, we also must know how the environment is responding and how human health may be affected. Sound, scientific information on comparative risks to human health and the environment allows the MPCA to prioritize its work and to explain its actions to its citizens.

And, because many toxic pollutants cross physical and geographical boundaries, environmental assessment must be done in a broad context that encompasses all forms of the environment. It is no longer acceptable to transfer pollution from land to water or air.

## Responses in 1991 – 1992

**Transport and Accumulation of Mercury** – The persistence and detrimental effects of mercury in our environment are growing concerns. In 1990, a MPCA study showed that fish in northeastern Minnesota lakes and rivers were accumulating mercury deposited in the water from air pollution and runoff. Because of this, health officials issue advisories each year for many of the state's lakes and rivers. These advisories suggest limits to the amount of fish people should eat.

In 1992, the MPCA finished a study of mercury and lead contamination in Minnesota's state bird, the common loon. The study showed that these fish-eaters were also accumulating these toxic contaminants and that loon populations may be in jeopardy.

Also in 1992, improved understanding about the sources and transport of mercury in the air was gained. New studies indicate that a small proportion of mercury emissions is deposited near the source and that most of the mercury is transported long distances before being deposited. In addition, scientists discovered that three-quarters of the mercury pollution in Minnesota lakes is from human activity such as coal combustion, waste incineration and use of mercury additives in latex paint. One half of the mercury deposited in Minnesota comes from outside the state.

**Urban Air Toxics** – In March 1992, a study of a central area of the Twin Cities showed that motor vehicles and wood-burning fireplaces and stoves are the most significant sources of cancer-causing air pollution. The MPCA estimated that the average cancer risks resulting from exposure to the studied pollutants was about two additional cancer cases per year for each million Twin Cities residents. The specific pollutants that contribute the most to the cancer risk were microscopic particles emitted into the air from diesel-fueled and gasoline-fueled vehicles and from wood-burning stoves. The study results support a need for the agency to devote more attention in the future to the multiple and mobile sources of urban air pollution.

**Waste Composition Study** – The objective of this two-year, state-wide project begun in July 1990 was to find out what's in Minnesota's garbage. The MPCA employed 160 local seasonal workers at 10 sampling sites around the state to complete the nation's first study of one state's garbage over four seasons.

Results of the first part of the study were presented in 1991 to help state and local waste planners decide how to manage the four million tons of solid waste thrown out by citizens each year. Paper made up the largest component of the waste at about 40 percent, with food and plastics a distant second and third at about 15 percent and 10 percent, respectively.

**Medical Waste Study and Task Force** – Research conducted by the MPCA in 1991 indicated that the amount of medical wastes produced by hospitals in Minnesota could be reduced. An item-by-item sorting of wastes showed that a large amount of general solid waste was being disposed of with the infectious wastes. The study results lead the MPCA staff to speculate that most of the small hospital incinerators would be unable to meet air quality limits without substantial changes. Results of the study are being used by the MPCA in developing incinerator rules in 1993.

The MPCA also participated in a multi-agency task force to provide policy recommendations for medical waste disposal with a focus on alternatives to incineration and landfills. The task force recommendations were made to the Legislature in 1992. According to the report, Minnesota may be able to decontaminate all infectious wastes without using hospital-operated incinerators.



**Nitrogen in Ground Water** – A comprehensive study released by the MPCA and the Minnesota Department of Agriculture in 1992 clearly illustrated that nitrate contamination of ground water is a serious problem in many parts of the state. The MPCA examined water samples from more than 26,000 wells, most of which were located in the southern half of the state, and found that about one third contained nitrate levels above the Minnesota Department of Health's recommended level for drinking water.

While nitrogen is present naturally in the environment, the study shows that fertilizers, legumes, manure, and soil in cropland, feedlots, septic systems, municipal and industrial waste, and lawn fertilizers are significant sources of nitrogen in ground water. Improved land management practices recommended by the MPCA yet may halt this growing pollution problem.

**St. Louis River Remedial Action Plan** – Since 1988, the MPCA and other state and federal agencies have worked on a plan to address pollution problems in the St. Louis River and Bay, the second largest tributary to Lake Superior. The river is one of 42 contaminated areas surrounding the Great Lakes. In 1992 these agencies, with considerable help from citizens and volunteers, completed the first phase of this plan to understand and identify the environmental threats to the river and its surrounding watershed.

The MPCA discovered that the invasion of exotic species, loss of habitat, accumulation of toxic substances in fish, erosion and sedimentation, and increasing deposition of nutrients all contribute to the river's degradation. The last stage of the study, which will outline specific actions that can be taken to clean up and protect the river and its Lake Superior harbor, is due to be completed next year.

**Phosphorus Study** – When the MPCA reissued the Metropolitan Waste Control Commission's (MWCC) wastewater operating permit in 1990, concerns about phosphorus and its role in degrading water quality in Lake Pepin were raised. Effluent from the plant flows into the Mississippi River and then on to Lake Pepin and Spring Lake. To address these concerns, the reissued permit required a study of the Mississippi River to evaluate the origin and effects of phosphorus on Lake Pepin and Spring Lake. It also required the MWCC to study ways to reduce phosphorus discharges from the plant.

In cooperation with the MWCC and other state and federal agencies, the MPCA has collected water samples and will issue a report of the data in March 1993. The MWCC's report on the plant's operations is due in May 1993. Based on the results of these studies, MWCC's operating permit may be revised to include phosphorus limits and a schedule for compliance.

**Minnesota Toxic Pollution Prevention** – In 1991, the MPCA released a report which ranked industrial sources of toxic air pollutants in Minnesota. The report signaled the first step in a state effort to encourage Minnesota industries to reduce voluntarily their toxic air emissions. Industries that participate in pollution prevention demonstrations will be asked to share their experiences with others.

Foundries, metal working companies, oil refineries, petroleum tank farms, paper mills, electric power plants and some other large industries were identified as the industries that could benefit the most from pollution prevention efforts. To develop the ranking, the MPCA considered the amounts of emissions released each year, the relative toxicity of the pollutants, the number of people living within two miles of the sources and the heights of the stacks. From this ranking, the MPCA selected 500 companies to report on potential pollution prevention projects by October 1992. The MPCA is currently evaluating these reports.

**Acid Rain Monitoring** – Because of its damaging effects on sensitive ecosystems, acid deposition in northern Minnesota lakes has been carefully monitored by the MPCA since 1987. The state standard for acid rain, a benchmark for environmental degradation, was exceeded for the first time in 1990. Since then, the standard has been exceeded on numerous occasions, although by a declining margin. The MPCA estimates that up to 2,000 lakes and 1.5 million acres of forest in Minnesota could be damaged if they are exposed to acid rain over a period of years.

# Challenges in Setting Environmental Standards

As monitoring uncovers new types of contamination, or new risks become associated with known pollution problems, the MPCA must decide how clean is clean and set standards to meet this goal.

In addition to state initiatives, the federal government is often delegating environmental responsibilities to the MPCA and other states' agencies. For example, many of the clean air goals set forth in the 1990 amendments to the federal Clean Air Act are directed to the states for development, implementation and enforcement.

The growing challenge in setting environmental standards is to make sure there is a defined benefit of applying the standards. In addition, the agency needs to examine the comparative risks to human health and our environment of one pollution problem over another to set priorities.

## Responses in 1991 – 1992

**Air Toxics Rules** – The MPCA is in the process of developing rules to regulate Minnesota industries' releases of toxic air pollutants. The new rules will set limits for toxic chemicals that industries must meet. By expanding air quality regulations to more air pollutants, the MPCA staff will be able to respond to questions about how much of a particular substance is safe to emit. At the end of 1992, the MPCA staff were preparing to bring the rules to the Citizens Board in early 1993.

**Water Toxics Rules** – In August 1990, the MPCA amended the state's water quality rules to include standards for 53 toxic substances. The standards are designed to protect fish, aquatic life, wildlife and people who eat fish taken from Minnesota's lakes and streams. The substances regulated include trace metals such as copper and mercury, volatile organics such as trichloroethylene and benzene, and chlorinated organics such as polychlorinated phenyls (PCBs). A state standard for dioxins was delayed so MPCA staff could review new scientific information on this PCB's relative toxicity.

**Waste Combustor Rule Development** – New rules for solid waste incinerators are expected to be issued in 1993. When promulgated, these rules will greatly affect the operation of small waste combustors, such as those found in small hospitals, groceries and other industries. The rules will require that even small incinerators be operated in a manner protective of human health and the environment.

**Federal CFC Regulations** – The 1990 amendments to the federal Clean Air Act restricted the releases and uses of chlorofluorocarbons (CFCs). Beginning January 1992, CFCs are captured and recycled by those who service motor vehicle air conditioners or accept motor vehicles for salvage. Beginning July 1992, service technicians capture CFCs from appliances, building air conditioners and refrigeration equipment before disposal or repair. In November 1992, the sale of small containers of automobile refrigerant (R12) for use by hobbyists, and nonessential uses of CFCs, such as in aerosols and packaging, was banned in this country.

**Mercury Task Force** – To share information about mercury among MPCA scientists and technical staff, a task force was formed in 1992. As a result of the task force's work, consistent and comprehensive goals for the reduction of mercury in our environment will be adopted by the MPCA.

**Mixed Municipal Waste Landfill Regulations** – In 1991, the U.S. Environmental Protection Agency issued its final criteria for the design, construction and operation of mixed municipal waste landfills. The new requirements, which will affect about 6,000 landfills across the country, include provisions for ground water monitoring at existing landfills, leachate liner and collection systems at new landfills, as well as daily cover over solid waste. Many of the provisions have been addressed in Minnesota's solid waste rules since 1988.

**Municipal Incinerator Ash Rules** – In 1992, the MPCA issued new rules for the testing, storage, transportation and disposal of incinerator ash. Incinerator owners and operators will need to test ash quarterly to determine if the toxicity of the ash is being reduced. Strict guidelines for ash disposal sites, such as the use of liners under the buried ash and systems to collect leachate, are also required under the new rules. With these rules in place, the MPCA can ensure that incinerator ash is managed in an environmentally sound manner.

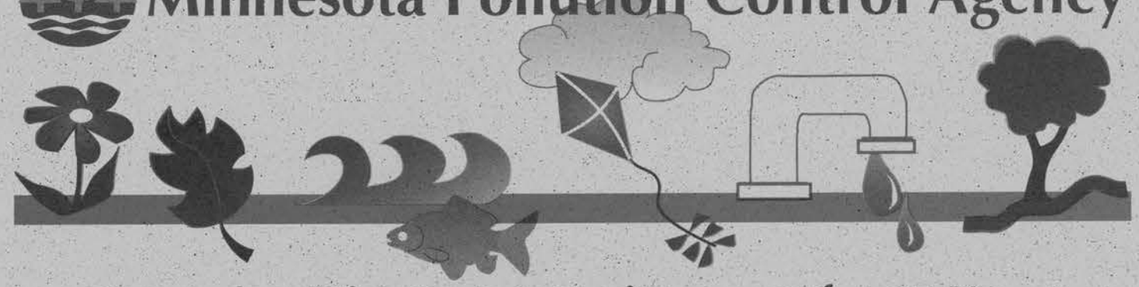
**Rules for Sandblasting Paint** – In 1991, the MPCA adopted rules that require sandblasting companies to contain and properly dispose of paint debris, which often contains lead. The rules will help minimize the contamination of surrounding soil, water and air and reduce human exposure to this toxic element.

**Rules for Lead in Soil** – With rules set in March 1991, the MPCA established a standard for lead in soil and cleanup methods that would be required if the standard was exceeded. Bare residential or public playground soil found to contain lead equal to or exceeding 300 parts per million (ppm) must be covered or removed and disposed of properly. The standard was set to prevent lead poisoning in small children, who might play in the lead-contaminated soil, and in pregnant women, who might inhale wind-blown, lead-contaminated dust. Minnesota's lead-in-soil standard is one of the most strict in the country.

**Infectious Waste Rules** – In 1990, the MPCA adopted rules for the transport, storage, treatment and disposal of infectious wastes. These rules protect the public and those who must handle infectious wastes.



# Minnesota Pollution Control Agency



## Preserving Minnesota's Environment for 25 Years

1967-1992

TWENTY-FIVE years ago, observant and thoughtful Minnesotans looked at their natural surroundings and noted how the pressures of population and industry were beginning to take their toll. The environment was showing wear and tear.

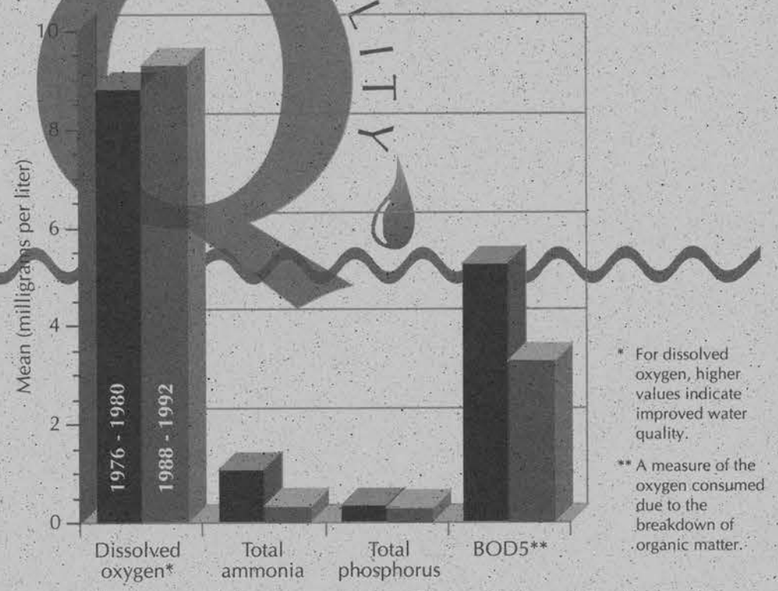
Out of that insight grew a movement and political action. Heedful legislators formed a new state agency and told it to take necessary steps to protect public health and the natural environment. The Minnesota Pollution Control Agency was born.

The agency's first charge was to protect the quality of our state's surface waters. Authority to preserve air quality followed swiftly. Later, the Legislature directed the MPCA to regulate the disposal of solid and hazardous wastes, and gave it authority to protect the state's valuable ground-water resources.

How has it done? In partnership with the public and with the cooperation of the regulated community, the agency has mended early environmental injuries and helped to prevent new damage. Minnesota has received national recognition for its environmental protection. The following pages illustrate the MPCA's progress.

# WQ WATER QUALITY

The best measure of the progress of programs to protect water quality is the quality of the water itself. The MPCA collects water samples on a regular basis and analyzes them for pollutants. Much of Minnesota drains ultimately into the Mississippi River. Its quality shows improvements reflecting the upgrading of municipal and industrial wastewater treatment systems and efforts to control runoff pollution.



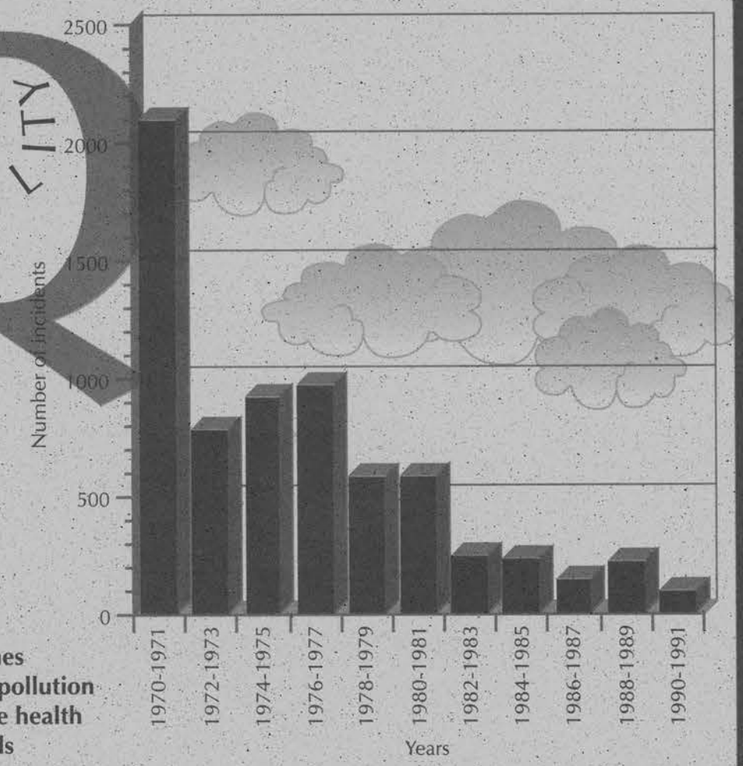

* For dissolved oxygen, higher values indicate improved water quality.

** A measure of the oxygen consumed due to the breakdown of organic matter.

**Mississippi River water quality downstream of the Twin Cities**

# AQ AIR QUALITY

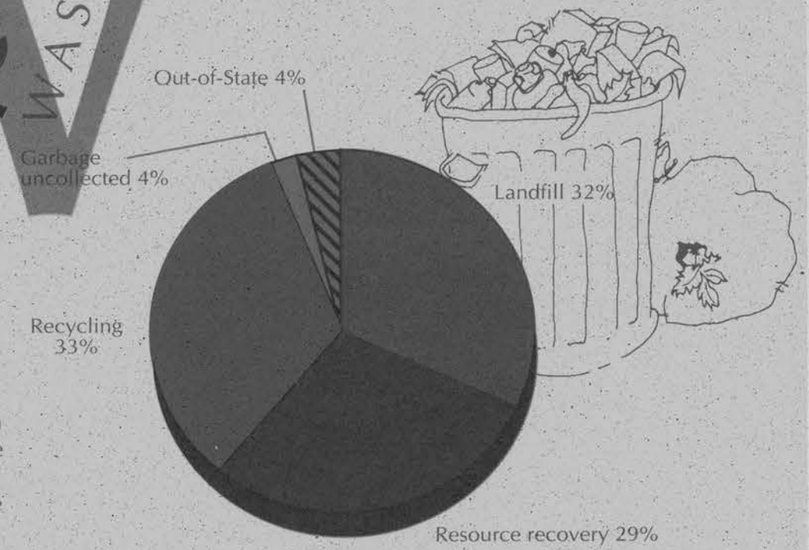
Monitoring Minnesota's air quality demonstrates the success of the MPCA's programs to control air pollution. The number of times monitors showed that our air was polluted more than national standards has been reduced from 597 in 1971 to nine in 1991.




**Number of times Minnesota air pollution has been above health based standards**

# SW SOLID WASTE

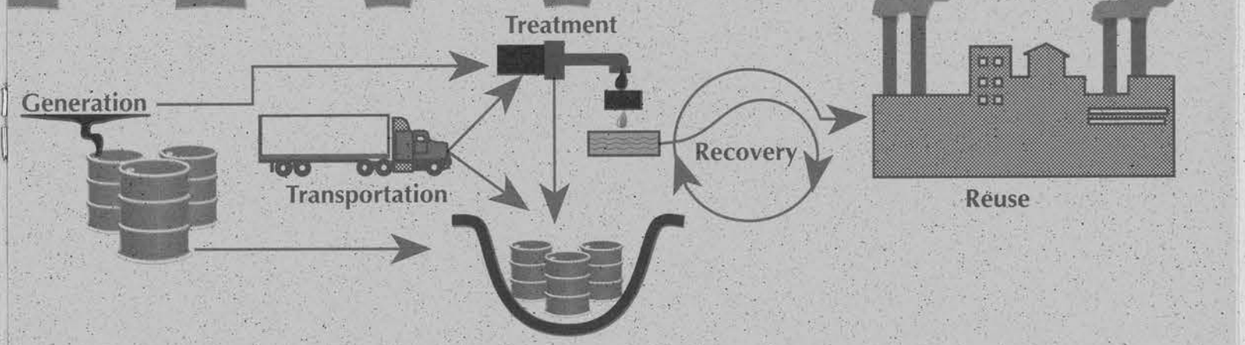
Minnesota has developed nationally recognized programs for managing the stuff we throw away every day. Shrinking landfill space and an awareness that "there has to be a better way to do this" have resulted in a multifaceted system for handling the state's 4,400,000 tons of solid waste each year — more than enough waste to fill the Metrodome six times.




**Management of Minnesota's 4,400,000 tons of solid waste**

# HW HAZARDOUS WASTE

The state's program for ensuring that hazardous wastes are managed properly includes a "cradle-to-grave" regulatory system adopted in 1979, ahead of the national program. Minnesota became the first state in the Great Lakes region to receive full federal authority to regulate hazardous wastes.



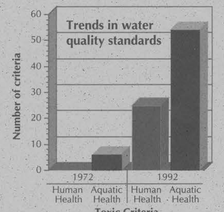

**Hazardous waste is tracked from "Cradle to Grave"**

# PROTECTING WATER QUALITY

The MPCA's initial responsibility in 1967 was to protect the quality of Minnesota's lakes and rivers. That objective remains a high priority. However, things have changed a lot since the early days. Standards were once very basic.

Now the Agency controls and checks water quality for a large number of different substances that could damage aquatic life or affect human health.

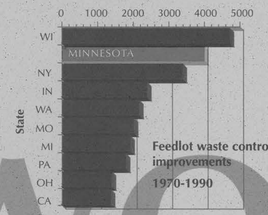
An important effort in cleaning up the state's waterways has been to increase the number of people whose residences are served by good municipal sewage treatment facilities. The number of facilities and population served have increased dramatically over the past 25 years.

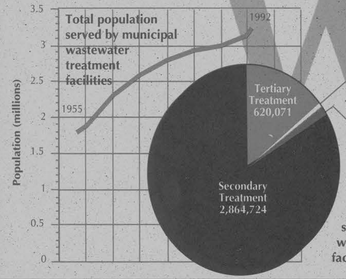



Upgrading the way in which wastewater is treated at the facilities is another key step in protecting water quality. Today, 95 percent of Minnesota's municipal (wastewater treatment) facilities provide at least secondary treatment, and nearly one household in five is served by a treatment facility that provides tertiary – the most advanced – treatment.

As wastewater treatment facilities have improved the quality of the water they discharge into surface water bodies, it has become apparent that many other sources that don't have end-of-the-pipe discharges (nonpoint sources) also can contribute pollutants to Minnesota's lakes and rivers.

Because animal wastes are serious water pollutants, the MPCA emphasizes improving waste control measures for animal feedlots. Preventing runoff from these feedlots is a key factor in protecting water quality. For the time period from 1970 to 1990, of all the states, Minnesota had the second highest number of animal waste control improvements installed with U.S. Department of Agriculture cost-share assistance.

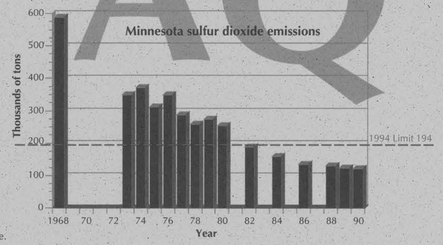



# PROTECTING AIR QUALITY

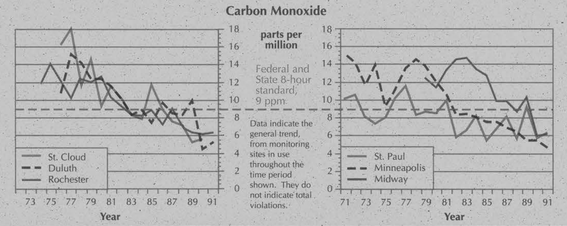
Since its early days, the MPCA has been responsible for protecting Minnesota's air quality. As population and industry have increased, the Agency's permitting program has been the key element in limiting releases of pollutants to the air. Air permits required for facilities that could cause air pollution typically include emission limits and specify operating conditions to control the release of pollutants. The last 12 years have shown a large increase in the number of permits issued annually, and the Air Quality Division is poised to increase the number again in the near future to comply with the Federal Clean Air Act Amendments.

The MPCA regulates sulfur dioxide emissions because this pollutant can impair human health — it is a respiratory irritant — and is a major factor in causing acid rain. Burning fossil fuels (oil and coal) is the principle source of sulfur dioxide.



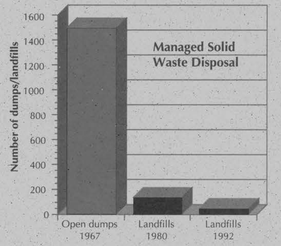

The MPCA's 1985 acid rain control plan, the first of its kind in the United States, established limits on releases of sulfur dioxide from large electric generating plants. Emissions from these utilities and from other sources have declined substantially and are well under the limits set in the plan.

Carbon monoxide is a highly toxic gas that in small amounts can impair alertness and cause fatigue and headaches. Carbon monoxide levels in metropolitan areas have declined over the years in spite of the increasing number of vehicles and miles traveled each year. Monitoring and computer modeling of Twin Cities air quality shows that additional steps were necessary to protect public health, however. In 1991, the MPCA's vehicle inspection and maintenance program began checking metropolitan-area vehicles to be sure they are not unnecessarily polluting.

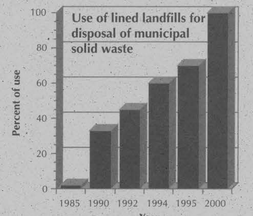



# MANAGING SOLID WASTE

In 1967, garbage was taken to one of 1,500 open dumps, where it attracted flies and rats, and where it often smoldered for days, or it was simply burned in backyard burning barrels. The past 25 years have seen enormous improvements in how we manage solid waste. MPCA landfill regulations have led to the closure of all the open dumps. By 1980, there were just 134 landfills in Minnesota, each controlled by a MPCA permit. Today 49 landfills accept solid wastes.

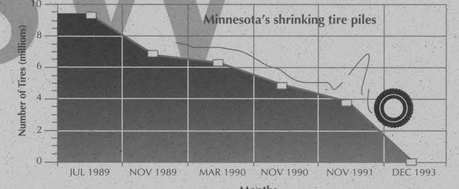



Operating requirements have become more stringent over the years, and in the future all landfills will have a liner to prevent ground water contamination.



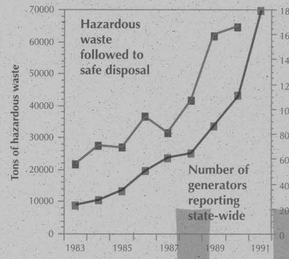

The importance of protecting Minnesota's valuable — and generally abundant — ground water supplies can scarcely be overstated. While ground water sampling efforts remain far short of efforts the MPCA believes would be adequate for state-wide coverage, the Agency has been able to obtain a rough picture of current ground water quality and its vulnerability. Working with other state agencies, the MPCA is working on comprehensive ground water protection strategies.

Disposal bans keep problem wastes out of landfills. Yard wastes, tires, household appliances and car batteries may no longer be disposed in landfills. Reducing the piles of tires in tire dumps has been an important effort for several years, and the MPCA's Waste Tire Program in 1992 received a national innovation award from the Council of State Governments.



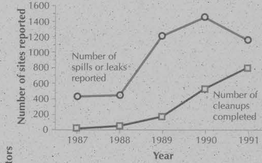

# MANAGING HAZARDOUS WASTE

The MPCA's regulatory program for hazardous waste is working to ensure wastes are disposed of properly. The MPCA has an energetic state outreach program. As a result, each year the tons of hazardous waste followed by the tracking system and the number of companies reporting wastes they generated have increased.

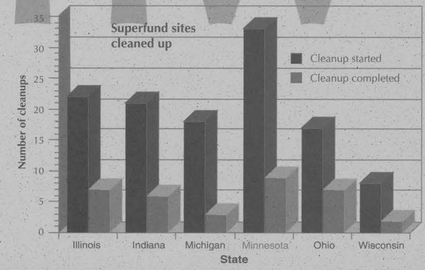



Minnesota is also nationally renowned for its programs to encourage safe disposal of hazardous household wastes. Ten regional household hazardous waste programs and facilities, product exchanges and outreach programs to educate homeowners on safe use and disposal of hazardous household wastes are key elements in the state's efforts. By the end of this fiscal year, more than 70 Minnesota counties will participate in programs to manage household hazardous wastes.

Safely managing today's hazardous waste is just one part of the picture. Yesterday's improperly disposed wastes can still pose a threat to human health and the environment. The MPCA's Superfund program for cleaning up hazardous waste sites has received national recognition. Of 189 Minnesota sites on the MPCA's Permanent List of Priorities, parties responsible for the problem have initiated response actions at 109 sites. All sites are in some phase of investigation or cleanup, and at 82 sites a remedy is under way. Of the Great Lakes States, Minnesota has the most sites where a cleanup has begun.



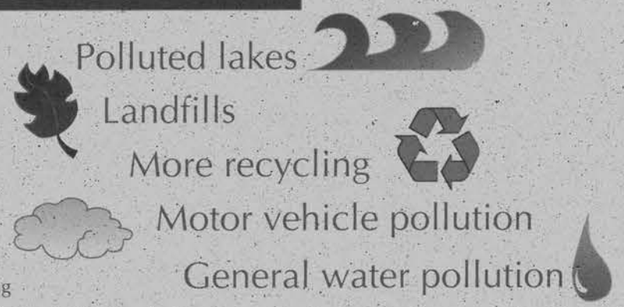

The MPCA also regulates Minnesota's estimated 50,000 storage tanks such as those used for gasoline and oil storage. A high priority has been the five-year-old program for cleaning up the areas where underground storage tanks have leaked because of holes in the tanks, piping failures and spills. Minnesota has state and federal funds to assist tank owners and operators with cleanup costs.



WE'VE COME A LONG WAY, but the job's not finished. The MPCA is changing so that it can work more effectively and efficiently. Efforts to reach out, to educate and to work in cooperation with those who must comply with environmental regulations are bearing fruit. The agency sees this in the attitudes and in the observance of MPCA regulations.

To learn from the public what it considers important environmental issues, the agency participated in the 1992 state survey conducted by the University of Minnesota's Center for Survey Research. Respondents named issues shown here as the issues most important to them.

## Minnesotans' Top Environmental Concerns




The MPCA realizes there is a long way to go. It isn't just the visible pollutants that are a concern. Past bad disposal habits stemming from ignorance, aging underground storage tanks and other practices threaten ground water with toxic contaminants. Invisible but harmful air pollutants must be brought under control. The lakes and rivers so essential to the Minnesota lifestyle merit constant vigilance. Recycling and waste reduction have not eliminated the need for managing garbage safely. The key today is pollution prevention. Efforts are under way across the state, but we're not there yet.

When asked to evaluate the MPCA's performance in protecting the environment, most residents participating in the 1991 state survey (90 percent) said that the MPCA was doing a good or fair job. Four percent said the agency was doing an excellent job, and five percent said the MPCA was doing a poor job.

Minnesotans have always indicated a strong interest in a clean environment. Tourism, agriculture and forestry, our state's primary industries, depend upon it. It is with everyone's help that the MPCA will continue its efforts to protect our heritage. Cooperation and support will sustain Minnesota's high-quality environment.

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# Challenges in Reducing Nonpoint Source Pollution

In the past, federal and state agencies concentrated on controlling the pollution from distinct sources – the smokestack or effluent pipe of a facility, for example. Many of the improvements to our environment resulted because these discrete sources have been identified and emissions and effluents controlled or eliminated.

But as the pollution from the obvious and stationary sources are brought to heel, the cumulative effects of a multitude of smaller and sometimes mobile pollution sources have become apparent. Examples of these sources are the polluted rainwater from city streets or the emissions from millions of motor vehicles. Pollution from these sources can frequently cross the boundaries of water, soil and air and the effects can be much more substantial than those from a single pollution source. For example, the 400,000 individual septic systems, 50,000 feedlots, and 2,000 storm water sources in the state are three times as likely to be the cause of a water pollution problem than the 1,200 permitted industrial and municipal sources.

While extremely varied, these sources have in common the difficulty in preventing and controlling pollution through traditional and direct means. New methods of environmental protection are needed that will educate and encourage behavioral changes of individuals.

## Responses in 1991 – 1992

**Minnesota Vehicle Inspection Program** – This mandatory emissions test began in July 1991 for 1976 and newer gas-powered vehicles registered in the Twin Cities seven-county area. One year after the start of the program, more than 1.3 million inspections had been completed and 123,000 vehicles were identified as gross polluters. Vehicles that failed the inspection were repaired and returned for a retest. Using computer models the MPCA estimates that the program prevented 27,000 tons of carbon monoxide from being released into the air in the first year.

**Solid Waste Violations Tickets** – The MPCA and the Minnesota Department of Natural Resources are exploring a new method of encouraging compliance with waste disposal rules. As a pilot project in 1992, tickets were issued to people who improperly disposed of solid waste. The tickets carry a fine. Results of this pilot project will be reported in 1993 and the legislature will decide whether or not to continue the use of this enforcement tool.

**Assessment of the Minnesota River** – This four-year study of the river and its tributaries was begun in 1989. The MPCA released preliminary results of the study, which will be used to set pollution reduction goals and identify land management practices needed to restore water quality in the river.

**Lake Superior Basin Hazardous Waste Project** – In March 1992, the MPCA launched a special program to identify and reduce the amount of hazardous wastes generated by business, institutions and governments within the Lake Superior Basin. The three-part project included a survey of organizations that produce a very small quantity of hazardous wastes, an outreach program to assist those identified by the survey in complying with regulations, and a public awareness program for citizens in the area. Future efforts will continue educating people about the proper disposal and handling of hazardous waste so environmental effects of these wastes can be minimized.

**Hazardous Waste Rules Revised** – In January 1992, the MPCA revised the hazardous waste rules. The revisions require that all generators of hazardous waste be licensed with the MPCA and the licenses be posted where local officials and the public can see them. The new rules also allow very small quantity generators to bring their hazardous waste to special collection sites rather than make their own arrangements for transport and disposal.

The rule changes were based, in part, on the success of pilot projects completed in 1990 and 1991 and on information gathered through technical assistance visits with generators. The revised rules protect the environment by ensuring that hazardous wastes are properly managed and disposed of and by ensuring that small generators understand how best to manage waste.

By reducing reporting requirements and improving educational materials to help small businesses understand their obligations under state hazardous waste rules, the MPCA has been able to triple the number of businesses that know how to manage their hazardous wastes in a manner protective of human health and the environment.

**Hazardous Waste Guidebook** – In 1992, the MPCA developed and mailed a new guidebook for businesses and other organizations that generate very small quantities of hazardous waste. The guidebook helps these companies determine if their wastes are hazardous and understand state and federal regulations for proper waste management. Improper management of hazardous waste, even in very small amounts, can contaminate ground water which is used by many Minnesota communities for drinking water supplies.

**Hazardous Waste Generators Recognition Program** – This program, begun in 1991, recognizes the efforts of generators who have been inspected by the MPCA and have made an outstanding effort to comply with hazardous waste rules and to implement pollution prevention measures.

**Battery Regulations** – A 1990 state law set some tough requirements for the manufacture, sale, recycling and disposal of batteries in Minnesota. Provisions in the law should reduce the annual amount of mercury in Minnesota's garbage from 10 tons in 1990 to just one half ton by 1992. This reduction means less mercury would be emitted from waste incinerators to pollute lakes and streams in Minnesota.

**Storm Water Permit Program** – The MPCA developed the storm water permit program in 1992 to encourage industry, construction companies and municipalities to prevent storm water from removing and depositing contaminants in storm water drains or directly into nearby lakes, rivers or streams. Under this program, these organizations either eliminate or reduce the contact between pollutants on site and storm water. At the end of 1992, the MPCA issued more than 2,000 permits and more are expected to be issued in 1993. The MPCA is also training members of various industry associations to help them understand the requirements of this program.

**Tank Contractor Certifications Program** – This program began in 1991 and has certified 248 contractors to remove, repair and install tanks. The program ensures that qualified and trained individuals will perform these tasks in an environmentally protective manner.



# Challenges in Maintaining Compliance with Pollution Limits

While the MPCA will continue to be grounded in the regulation of large industrial facilities throughout the state, a shift is taking place on how compliance with state and federal environmental regulation is ensured. Historical emphasis on permitting, inspection and enforcement of pollution control requirements is being prefaced by providing more information, training and economic incentives. Continuous monitoring devices are complementing on-site inspections and training for facility operators is being offered through new partnerships with educators and trade associations.

Pollution prevention incentives are being added to rules, enforcement actions and permit conditions. General permits are being developed to quickly and effectively issue pollution restrictions to a broad category of similar facilities without requiring an individual permit for each facility. On the other hand, flexible permits that encourage pollution prevention activities are being tried with certain facilities.

Often, the new compliance strategies are effective; however, there will still be situations where enforcement action is warranted. The challenge is to act swiftly and consistently, and fit the enforcement to the offense. To help the MPCA, the number of enforcement tools have increased. The tools now range from letters of warning and notices of violation, to administrative penalty orders, stipulation agreements (similar to out-of-court settlements) and court-sanctioned consent decrees.

## Response in 1991 – 1992

**Lake Superior Partnership** – The MPCA formed the Lake Superior Partnership with the Western Lake Superior Sanitary District and numerous businesses in the Lake Superior Basin in 1992. The purpose of the partnership is to ensure that businesses follow environmental regulations using pollution prevention activities that help protect Lake Superior.

**Binational Agreement for Lake Superior** – The MPCA is an important player in this joint U.S. and Canada program which strives to protect and restore Lake Superior and the surrounding watershed. This pollution prevention project includes goals of zero discharge of persistent toxic substances, enhanced regulations specific to the needs of Lake Superior, a broad management plan and consistent water quality standards for all the Great Lakes.

**Municipal Wastewater Treatment** – Legislation passed in 1992 requires municipalities to evaluate annually their wastewater treatment facilities and report to the MPCA on improvement and expansion needs. It also sets up a financial assistance program to help cities unable to pay for necessary improvements. In 1993, a pilot project will begin and rules for the new financial program will be developed. This program allows cities to maintain their treatment facilities, accommodate urban growth and comply with new water quality standards.

**Household Hazardous Waste Conferences** – The MPCA's first household hazardous waste conference was held in 1991 and was continued in 1992. Local government officials, environmentalists and others attend these conferences to learn more about safe and effective management of household hazardous wastes and how to comply with state and federal regulations.

In 1992, Minnesota was selected by the U.S. Environmental Protection Agency to host its national Household Hazardous Waste Conference because our state program is one of the nation's leaders. At the end of 1995, the agency expects that about 80 Minnesota counties will have a household hazardous waste program.

**Air Emission Permit Workshops** – In 1992, the MPCA offered two workshops about air emission permits, the application procedure and technical requirements. By submitting complete and accurate applications, companies and municipalities can substantially reduce the amount of time it takes the MPCA to issue an air emission permit.

**Guide to Ethanol Plant Permits** – Federal and state laws that promote the use of cleaner-burning gasoline have resulted in a growing interest in ethanol production in Minnesota. Several new ethanol plants have been proposed or permitted in the last two years. In 1992, the MPCA developed a guide for farming cooperatives and other organizations interested in building ethanol plants in the state. The guide explains the environmental review process and how to submit complete and accurate environmental permit applications. By ensuring that potential ethanol producers understand compliance requirements before the plant design is complete, developers, farmers, citizens and the environment can benefit from this growing industry.

**Printing Industry of Minnesota (PIM) Agreement** – A partnership with the Printing Industry of Minnesota (PIM) in 1992 promotes self audits and voluntary compliance with environmental regulations among the printing industry. Under the terms of the agreement, the MPCA will train PIM staff to conduct audits for each print shop that participates in the program. The auditor will review wastes and emissions, advise on noncompliance conditions, and prepare a plan to correct any problems. In addition, the print shops agree to report any chemical releases immediately and move quickly toward compliance with environmental regulations. When businesses voluntarily comply with regulations, the costs are usually lower and the environmental benefits are higher.

**Hazardous Waste Facilities Permits** – All 38 treatment, storage and disposal facilities in Minnesota met state and federal requirements and were granted five-year operating permits in 1992. Minnesota was the first state in the U.S. Environmental Protection Agency's Region V to have issued all of its permits. The permits protect human health and Minnesota's environment by requiring safe and proper management of hazardous waste.

**Water Quality Compliance Guide** – The MPCA completed a comprehensive guide that clearly describes the policies and procedures that encourage compliance with state water quality rules and regulations. The manual is used primarily by MPCA enforcement staff and emphasizes technical assistance and consistent enforcement action with permit holders. The manual differs from previous guidebooks because it emphasizes compliance through education and technical assistance rather than enforcement .

**Improved Air Emission Permits** – In 1992, the MPCA began streamlining its permitting process to reduce administrative burdens and delays while ensuring the protection of the environment. One type of permit was designed to be issued quickly to companies planning minor construction activities or modifications with very little environmental effect. Since this permit was created in 1992, more than 35 have been issued.

A new air emissions permit was designed late in 1992 that encourages companies to adopt pollution controls more stringent than state or federal regulations in exchange for greater flexibility during the life of the permit. Minor changes that do not cause the facility to exceed pollution limits can be made without revising the permit. The first flexible permit is expected to be issued to a 3M facility in 1993.

**Administrative Penalty Orders (APOs)** – This enforcement tool is designed for use with companies, municipalities or individuals who commit minor infractions against an environmental permit or state rule. The APO authority has served as an excellent tool for responding quickly to minor violations while reinforcing the seriousness of the regulations or rules. Although APOs have been used by the Hazardous Waste Division for several years, this option to encourage compliance was made available for the other MPCA divisions early in 1992. The Hazardous Waste Division issued 114 APOs during fiscal year 1991 and 86 during fiscal year 1992. From January to November 1992, 64 APOs were issued by the MPCA's Air, Water and Soild Waste programs.

**American Crystal Sugar Permit Changes** – A 1992 MPCA permit modification required American Crystal Sugar to make changes to its plant to meet air quality requirements. The company found that these required changes resulted in a cost savings in their operation. The company is planning to make the same modifications at two additional Minnesota facilities and other facilities outside of the state.

**Potlatch Pulp and Paper Mill Expansion** – Permits issued for the $472 million expansion of this existing mill on the St. Louis River in Cloquet will allow this plant to more than double its output of bleached kraft paper pulp. Despite this increase in production, improvements in equipment and production processes required under this permit will cut in half the wastewater discharges of some toxics.

**Boise Cascade Corporation New Wastewater Permit** – An agreement to correct past violations and a new, more stringent permit to control dioxin required Boise Cascade to make substantial improvements to their kraft paper mill. The company spent $16.9 million in plant improvements and $12.2 million in environmentally related construction as part of a $500 million expansion. Because the changes will eventually improve the water quality in the Rainy River downstream from the plant, it should eliminate the need for advisories on eating fish and improve sports fishing and tourism in the area.

**Demolition Landfill Operator Training** – The MPCA's training program for operators of municipal solid waste landfills and industrial landfills was expanded to include training for people who run demolition landfills. About 150 operators attended three seminars held across the state in 1992. By training and certifying these operators, the MPCA can ensure that demolition landfills are complying with environmentally protective regulations.



# Challenges in Cleaning Up Polluted Sites

There are many places in the state where contamination threatens ground water, soil, surface water and air. The goal of the agency is to clean up these sites so they would no longer pose a threat to human health or the environment. Unfortunately, as one site is cleaned up, two more are added to the list. The growing list and the complexities of long-term environmental cleanup has strained the agency's staff resources and funds. In addition, the kinds of sites added to the cleanup list are shifting from closed landfills, large industrial dumps and tire piles to smaller town dumps, scrap yards and hazardous waste sites, requiring a similar shift in cleanup response.

To respond to this trend, the agency is exploring new ways to encourage voluntary cleanup of property, especially in cities or suburbs, in exchange for a release from future liability. Also, a new approach to funding cleanup costs for societal pollution problems, such as old landfills, may be appropriate.

Some contaminated sites are created without warning, either by accident or through carelessness. When a rail car full of toxic substances falls into a river, or a tank of gasoline leaks into a city's drinking water supply, the MPCA must respond quickly. The challenge to the MPCA will be to respond to the growing numbers of emergencies and spills, while increasing the readiness of communities and industries to respond to these calamities. When communities are prepared for and can respond to environmental disasters, damage is reduced and the cleanup may be less time-consuming or costly.

## Responses in 1991 – 1992

**Progress with Superfund** – During fiscal years 1991 and 1992, the MPCA added 28 new sites to the state Superfund list for a total of 189 sites (42 of these are also federal Superfund sites). Four sites were completely cleaned up and removed from the list. At 33 sites, the cleanups were completed with only the operation and maintenance of cleanup systems continuing. At 109 of the 189 sites, responsible parties are paying all the costs associated with investigation and cleanup.

In addition, MPCA staff also responded to 1,183 hazardous chemical spills or emergencies, cleaned up 153 abandoned barrels, investigated 52 possible arsenic disposal sites, provided alternative drinking water to residents at six sites and performed file searches for 3,718 businesses or developers.

**Property Transfer/Voluntary Cleanups Program** – Passage of the 1992 Land Recycling Act by the Legislature added new impetus for individuals and businesses to correct voluntarily environmental problems on their properties. The Act provides a streamlined alternative to Superfund for those willing to undertake investigations and cleanups approved by the MPCA. The main incentive to buyers, sellers, and developers of property is liability protection for approved cleanups, allowing properties formerly considered untouchable because of environmental problems to be put back into productive use.

Since 1988, when the MPCA was authorized to provide technical assistance for voluntary cleanups, staff have overseen 245 investigations and 38 cleanup plans, putting more than 800 acres of land back into service while recovering nearly 93 percent of the state's costs.

**Waste Tire Program** – The MPCA's Waste Tire Program has been nationally recognized for years as one of the best in the nation. In 1992, this program was recognized by the Council of State Government's Innovation Transfer Program for effectively dealing with a significant problem in an innovative way that can be emulated by other states.

At the end of the 1992 fiscal year, the total number of tire dumps cleaned up was 170. The MPCA expects to complete the cleanup of all known Minnesota tire dumps by December 1993. The program has kept tires out of landfills, started large-scale recycling of tires, created new jobs in the tire processing industry, and encouraged the development of new markets for Minnesota's waste tires.

**Progress with Petroleum Tank Cleanup** – The number of underground storage tanks registered with the MPCA grew to more than 44,000 by 1992. The number of leaking tanks has grown to more than 5,200. Cleanups have begun at about 80 percent of these sites and completed at nearly 40 percent. Minnesota's tank cleanup program is proceeding faster than most states' and has received national acclaim by the U.S. Environmental Protection Agency.

**Spill Response** – The number of spills and environmental emergencies in Minnesota rose from 1,260 in 1991 to 1,470 in 1992. To improve its response to spills and other environmental emergencies, the agency has updated and expanded its internal contingency plan to provide closer coordination within its divisions. In 1992, the MPCA participated with other state agencies, federal agencies and Canadian officials in a spill simulation exercise near Grand Portage, Minn. The exercise provided a realistic study of how several different groups can work cooperatively to prevent environmental degradation and human harm during an emergency. It is expected that a spill prevention and response bill to improve the agency's ability to deal with these emergencies will be introduced in the 1993 Legislative session.

**Lakehead Pipeline Spill** – In March 1991, about 1.7 million gallons of crude oil gushed from a ruptured pipeline in Grand Rapids, Minn., making this incident the largest recorded spill in the state's history. A swift, around-the-clock emergency response on the part of more than 100 people from several government and private organizations helped to minimize environmental damage to the Prairie River and a nearby wetland.

A stipulation agreement reached in 1992 called for the Lakehead Pipeline Company to pay about $250,000 in penalties, state expense reimbursements and environmental project funds. The agreement also required continuing cleanup and monitoring of the spill area and river, and certain changes in the company's operating procedures.

**Benzene Spill and the Duluth-Superior Evacuation** – An early-morning derailment of 14 railroad cars sparked a series of events in June 1992 that led to the evacuation of an estimated 30,000 people from Duluth and Superior, Wis. A tanker containing aromatic concentrate – a highly flammable and toxic material made of more than 100 chemicals, including benzene – plunged from a railroad bridge, spilling its contents into the Nemadji River in Wisconsin. The chemicals combined with freak weather conditions to produce a cloud of unknown toxicity that moved over Lake Superior and eventually engulfed Duluth, Superior and surrounding communities. As a result of the emergency, increased focus on the state's environmental response resources and level of preparedness is expected in the future.

**Madelia Fire** – A dump in Madelia, Minn. that burst into flames one May morning in 1992 drew the state's attention to the growing concerns about illegal dumps and scrap yards. The Madelia dump, full of burning waste tires, abandoned barrels and other trash, caused the precautionary evacuation of a nearby apartment building and nursing home while MPCA staff tested the soil and air for health-threatening pollutants. While this incident did not cause long-term problems for the environment or for the health of residents, it has prompted the MPCA to re-examine the illegal dump issue.

**Landfill Financial Assurance** – The MPCA revised the rule that requires landfill owners and operators to set aside funds for closure and long-term care and cleanup. The revisions made in 1992 allow more flexibility in how the owners and operators can provide adequate funds.

**Alternatives to Superfund for Landfill Cleanup** – This 1991 report to the Legislative Commission on Waste Management describes the reasons why the existing state Superfund program is not appropriate for landfill cleanups. The report proposes a new program and funding mechanism specifically for cleaning up landfills and compares the proposed program to the current Superfund model for landfills.

**Landfill Cleanup Assessment** – As part of an effort to develop alternative funding for cleaning up contamination related to landfills, the MPCA staff has begun testing and assessing all closed, permitted landfills around the state. This project will identify how many landfills are contaminating the environment, how big the problem is, what amount of cleanup is needed, and how much cleanup will cost. The final report is expected to be released in 1993.

**Long-term Funding Initiative for Superfund** – A 1991 report on the Hazardous Waste Generator Tax to the Legislative Commission of Waste Management identified problems with the funding structure for the state Superfund. The report showed that the changes made to the funding mechanism have generated less revenue that can no longer cover expenses. Unless these problems are addressed, the funds for Superfund will be depleted in the next year. The MPCA expects that an initiative to correct this situation will be brought before the Legislature during the 1993 session.



# Challenges in Providing Services Effectively and Efficiently

In today's economy, state agencies are constantly challenged to meet their growing responsibilities with existing – or even diminishing – resources. Priorities must be set so the most environmental protection can be provided at the lowest cost to industry, citizens and government. Improved efficiency in operations and administration may be the only hope to ensure that services desired by our stakeholders can be continued.

The push to provide service effectively comes from all of the agency's stakeholders. Businesses demand a timely response from the MPCA, especially in environmental review and permit issuance when a delay can mean thousands of dollars in construction or other costs. Environmentalists and public health associations demand quality technical review and scientific analysis, especially where the risk to the environment or human health may be high. These pressures are not expected to go away in the years ahead, but rather to intensify.

## Responses in 1991 – 1992

**Total Quality Management** – In 1991, the MPCA began a Total Quality Management (TQM) initiative. One of the goals of this initiative was to find a way to measure the effect of agency programs on the quality of life for Minnesota citizens. Through the TQM process, the agency developed five strategic indicators that will be used to measure all program results.

In the upcoming year, the MPCA will begin using these indicators to establish benchmarks by which future improvements may be measured. The U.S. Environmental Protection Agency has pointed to the MPCA's program as an example for other state environmental agencies.

**Eliminating the Permit Backlog** – In 1991, the agency began trying some innovative approaches to reduce the number of permits on backlog while continuing to provide speedy response to new permit applications and high-quality technical review.

The development of general permits (issued according to industry type) and permits-by-rule (issued automatically if the project meets the criteria in state rules) have streamlined the permitting process by eliminating individual reviews of similar facilities. This frees the staff to work on complex permits for facilities with greater environmental impact. Training permit applicants through conferences and the development of guidelines and manuals also shortens the permitting process and reduces costs.

**Computerized Environmental Enforcement** – One of the recommendations of the Office of the Legislative Auditor's report on the MPCA in 1991 was that the agency develop a more sophisticated computer system. The goal of such a system would be to provide greater coordination of data among the MPCA's four divisions and provide improved access to environmental requirements for industry, local governments and citizens.

In this biennium, the MPCA completed the planning phase of a project to automate more of the agency's primary regulatory activities, including permitting, compliance monitoring and enforcement of permit requirements. Continuation of this effort remains a top priority for MPCA management. When completed, this project will result in faster permitting, more consistent enforcement, easier public access to regulatory information, and better analysis of environmental trends to allow the agency to use its resources for maximum effect.

**Improving Service in Greater Minnesota** – In an effort to improve the delivery of MPCA services, programs and activities throughout the state, the agency is developing a strategy to transfer more staff resources to Greater Minnesota. Over the last two years, 20 staff positions have been transferred to the five MPCA regional offices located in Duluth, Brainerd, Rochester, Detroit Lakes, and Marshall. This regionalization effort will continue in future years although the pace will depend on available funds.

**Environmental Review** – In 1991 and 1992, the MPCA reviewed about 60 environmental assessment worksheets (EAW) and completed about six environmental impact statements (EIS). The value of the environmental review process is its ability to provide a framework for permitting decisions, a forum for public participation, and an opportunity to resolve contentious issues before the permitting process begins.

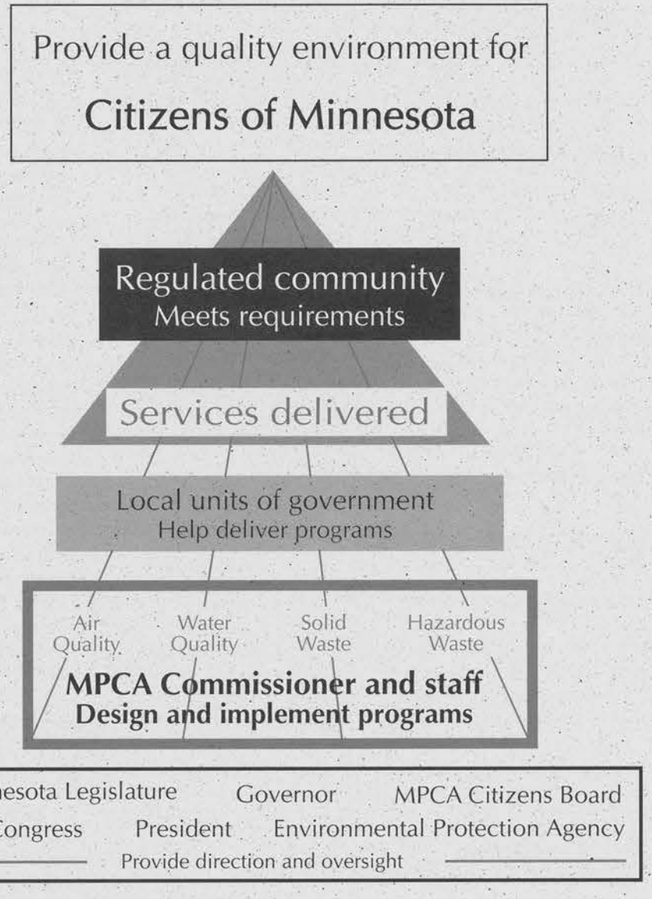
In the last few years, many projects were changed as a result of the environmental review process. Most of these changes resulted in less pollution released to the environment. Some made the projects more acceptable to their neighbors. For example, the Mayo Foundation modified its proposal for a replacement medical waste incinerator based on recommendations in an EIS. The final permitted project has the most protective mercury limits ever set for an incinerator in Minnesota, will use advanced technology and is half the size of the original facility proposed. As a result of the environmental review process, the permit for this facility was issued without much delay.

**Air Emission Fees** – The federal Clean Air Act amendments of 1990 required states to charge industries fees for air emission permits based on the amount of pollutants released to the air. The fees collected fund the state's air quality program, as well as provide industries with a financial incentive to reduce their volume of air pollution. In 1991, the Legislature amended state statues so the MPCA could begin collecting emission-based fees

in 1992. Virtually all of the MPCA's costs to regulate industries and ensure compliance with air quality rules will be covered by these fees.

**Geographic Information System (GIS)** – New computer software and workstations give the MPCA the capability of mapping and analyzing information about the state's environment in ways that will be extremely useful to the public. In 1991 the MPCA received its first GIS workstation on loan from the U.S. EPA. Over the past year, the staff has been entering data specific to Minnesota. Eventually, the system will be able to provide detailed, computer-generated maps that not only pinpoint contamination sites but also show how geology, population, land use, flood plains, vegetation, and more data interact on a particular site. With GIS, the MPCA can plan strategies for protecting and improving the state's environment, and easily demonstrate the effectiveness of these plans to the public, legislators and other government agencies.

## MPCA Service Delivery Diagram




The MPCA's customer is the citizens of Minnesota. This diagram shows how environmental programs or services are delivered to produce a quality environment for the customer. The service delivery diagram identifies a group of entities that provide direction and oversight to the MPCA as well as showing local units of government in their role as providers of many services needed to meet MPCA requirements. A unique aspect of this service design requires the regulated community to meet requirements so that the product, a quality environment, can be produced.



# Challenges in Winning Public Confidence

The 1990s has been characterized with a growing public interest in the environment. With this interest comes an increasing responsibility for the MPCA to ensure that the public not only will participate in programs and services but will also believe in the agency's actions and decisions. By winning public confidence and support, industry, citizens and the state can avoid the costs and delays associated with litigation and court hearings.

In addition, environmental protection is only as good as the individual choices that all state residents make from day to day. As the agency begins focusing environmental efforts on individual activities that cause pollution, solid public acceptance and understanding of both the problems and the solutions will be essential. Without this public awareness, behavior changes will be difficult, if not impossible, to achieve and sustain.

## Responses in 1991 – 1992

**Public Outreach Efforts** – The MPCA responds to the public's request for information in countless ways. All together, nearly half a million state residents directly receive technical assistance or information from the MPCA each year.

On average, more than 11,000 people attend conferences, workshops and training sessions provided each year by MPCA staff. The staff also speak to variety of audiences through the agency's Speaker's Bureau and at technical and professional conferences. Each year, the MPCA holds thousands of public meetings in communities around the state.

Every day, hundreds of telephone calls come in to the agency. Through conversations with the public, MPCA staff provide both technical assistance and general information.

Also each year, about 40,000 residents visit the agency's blue-ribbon educational exhibit at the Minnesota State Fair. And, the MPCA's Public Information Office sends out hundreds of thousands of printed newsletters, fact sheets and other informational materials to teachers, students, communities, local government officials and others, upon their request.

**Citizens Board Meetings** – Citizens may be profoundly affected by or simply interested in the decisions the MPCA Citizens Board makes about environmental issues in their community. In the past, monthly meetings of the MPCA Citizens Board were held exclusively at the agency office in St. Paul. To improve access for community residents, local officials, environmentalists and industry employees, more Board meetings are being held in Greater Minnesota. In fiscal year 1992, nine Citizens Board meetings were held in cities around the state.

**Water Quality Electronic Bulletin Board** – Using a personal computer and a modem, the public has free access to a variety of water quality information. The public can also contribute its own news and information of interest to others in Minnesota. This electronic bulletin board was launched late in 1992 and, if the public finds it useful, it may be expanded in future years.

**Building Coalitions with Industry and Environmental Groups** – In 1992, the MPCA created a work group with the Minnesota Chamber of Commerce and several environmental groups to improve communication and understanding of important environmental issues among the parties.

**Public Opinion Research** – To measure the public's knowledge of the agency's responsibilities and performance in environmental protection, the MPCA participated in the University of Minnesota's 1991 survey of state residents. Results of the survey showed that most people were familiar with the role of the agency and thought the MPCA was doing an excellent or good job of protecting the environment. With this information as a benchmark, the MPCA can direct communications and education resources to the areas where better understanding can improve the success of a program or agency action.

In 1992, the MPCA participated again in the University of Minnesota's survey. This time the survey measured the public's top environmental concerns facing Minnesota in the next five years. The five concerns most often mentioned were polluted lakes, landfills, more recycling, motor vehicle pollution and general water pollution.

The survey also measured the public's level of trust in the information they receive from state environmental agency staff, environmental groups and industry representatives about a environmental issue in their community. The survey found that the credibility of the MPCA staff and environmentalists is equally strong among residents (75 and 76 percent, respectively). In comparison, only 41 percent of the public thought they could believe industry representatives.

In addition, the survey results showed that 62 percent of the public did not think that protecting the environment usually had a negative effect on the economy. This information will be used to help guide the agency's environmental priorities in upcoming years and to measure the public's current level of support for the MPCA's efforts.

# 1992 Biennial Report to the Legislature

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**MPCA Regional Offices:**

Northeast Region, 218/723-4660, Duluth Government Services Center, Room 704, 320 W. 2nd St., Duluth, MN 55802

North Central Region, 218/828-2492, 1601 Minnesota Dr., Brainerd, MN 56401

Northwest Region, 218/847-1519, Lake Avenue Plaza, 714 Lake Ave., Suite 220, Detroit Lakes, MN 56501

Southwest Region, 507/537-7146, 700 N. 7th St., Marshall, MN 56258

Southeast Region, 507/285-7343, 2116 Campus Dr. S.E., Rochester, MN 55904