



Minnesota Board of Water and Soil Resources.
Minutes.

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January 2003

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**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
JANUARY 22, 2003**

BOARD MEMBERS PRESENT:

Lee Coe, Jerome Deal, Darrell Bruggman, Jack Frost, Karen Harder, Ginny Imholte, Char Kahler, Paul Krabbenhoft, Clair Nelson, Jim Anderson-MES, Mark Dittrich-MDA, Dan Wilson-MDH, Victor Ormby, Dwain Otte, Wayne Edgerton-DNR, Wayne Anderson-MPCA

STAFF PRESENT:

Ron Harnack, Doug Thomas, John Jaschke, Jim Haertel, Marybeth Block, Mary Jo Anderson

OTHERS PRESENT:

Roland Cleveland, Chisago SWCD
Sandy Hooker, Minnesota Association of Townships
LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts (MASWCD)

BWSR Meeting Minutes
January 22, 2003
Page Two

Chair Coe called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

- ** ADOPT AGENDA** – Moved by Dwain Otte, seconded by Jerome Deal, to adopt the agenda as presented. Motion passed on a voice vote.
- 03-01**
- ** MINUTES OF DECEMBER 4, 2002** - Moved by Ginny Imholte, seconded by Victor Ormsby, to approve the minutes of December 4, 2002 as circulated. Motion passed on a voice vote.
- 03-02**

OPEN MIKE

Roland Cleveland, Chisago SWCD, made a plea to BWSR stating his opposition to reorganization of SWCDs as this issue relates to budget reductions.

^ non-point engineering

REPORTS

Chair's Report – Chair Coe attended the EQB meeting and explained the issues addressed. Discussion followed regarding tile lines.

Executive Director – Ron Harnack thanked Karen Harder and Dwain Otte for attending BWSR Legislative hearings. BWSR appointments are still in the Governor's Appointments Office for review. Ron stated that discussions continue regarding CREP as a statewide effort. Ron stated that the Governor's agency allocations for FY04-05 will be released today. Staff discussions continue with associations regarding budget reductions. Ron stated that the Administrative Advisory Committee will continue to meet to finalize BWSR's budget proposals. Dwain Otte commended Ron, Doug Thomas, and Tammy McGlone on the budget proposals and BWSR presentations to the Legislature. Ron encouraged board members to talk with legislators and local officials to discuss BWSR's issues and the significance of having agency members on the board to assist in developing and building common-ground with local entities.

Dispute Resolution Committee – Chair Coe briefly commented on the appeals listed in the board members' packet. Jim Haertel commented on the appeal of Shingle Creek which was received yesterday.

Wetlands Committee – Darrell Bruggman stated that the Wetlands Committee has not met, thus no report at this time. Darrell distributed a fact sheet on the Minnesota Local Government Roads Wetland Replacement Program and an editorial in the Star Tribune regarding wetland regulations, and a news release from the U.S. Army Corps of Engineers (USACoE). John Jaschke explained that BWSR is in the process of writing a response to the USACoE news release regarding the administration to reaffirm

BWSR Meeting Minutes
January 22, 2003
Page Three

commitment to no net loss of wetlands and address approach for protecting isolated waters in light of the Supreme Court ruling on jurisdictional issues. Discussion followed.

Cost-Share/Soil Conservation Committee – Dwain Otte reported that a confirmation was received from the State Technical Committee regarding EQIP, no appropriations at this time. Dwain stated that the Cost-Share Committee has not met. Ron commended Dwain for his testimony before the Legislature.

Education/Public Relations Committee – Paul Krabbenhoft reported that the Education Committee met this morning, discussions continue regarding educational needs and key focuses with MES to review. MES is finalizing the report from the survey that was conducted on educational needs. The Education Committee is moving forward on the idea relating to drainage issues, possibility of holding future drainage forums. Paul reported that a small forum will be held in the northwest, six county watershed area, with supervisors, watershed district managers, NRCS, county commissioners. A meeting will be held January 28 to communicate how they can collaborate efforts. Jerome Deal stated that this is being done in his area and it's working very well.

Administrative Advisory Committee – Chair Coe reported that the Administrative Advisory Committee has been meeting via conference calls to discuss the budget reductions. The Committee will meet today immediately following the board meeting and will continue to meet as needed.

AGENCY REPORTS

Mark Dittrich, Minnesota Department of Agriculture (MDA), reported that MDA is knee-deep in budget cuts. MDA is going through internal changes as a reflection of the budget reductions. Mark distributed information on rock-inlets. MDA is co-hosting an organic and grazing conference next week. The MDA Watershed Heroes Conference will be held on June 18-20.

Dan Wilson, Minnesota Department of Health (MDH), reported that the MDA's Acting Commissioner is Aggie Leitch, they expect a Commissioner appointment this week. ~~Dan stated that MDH is not entertaining any illusions as to what the legislative session brings regarding budget.~~ The Water Well Conference will be held in St. Cloud next week.

Wayne Edgerton, Department of Natural Resources (DNR), reported that Gene Merriam is the newly appointed Commissioner of DNR, and Mark Holsten has been appointed as Deputy Commissioner. Wayne stated that reports were submitted to the Legislature regarding Chronic Wasting Disease and the Consolidation Conservation lands.

BWSR Meeting Minutes
January 22, 2003
Page Four

Jim Anderson, Minnesota Extension Service (MES), stated that the message received from MES regarding the budget is "no spending money."

Wayne Anderson, Minnesota Pollution Control Agency (MPCA), announced that Sheryl Corrigan has been appointed as the MPCA Commissioner. Kristin Appelgate has been appointed as the Deputy Commissioner. A meeting will be held on January 30 with EPA, BWSR, MDA, NRCS, and MPCA regarding feedlot rules. Wayne distributed "A Guide to MPCA Programs" for information.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Subcommittee

- ****
03-03 Chisago County Comprehensive Local Water Plan Request for Extension – Moved by Jack Frost, seconded by Jerome Deal, to approve the Chisago County Comprehensive Local Water Plan Request for Extension. Motion passed on a voice vote.
- ****
03-04 Lake County Comprehensive Local Water Plan Request for Extension – Moved by Jack Frost, seconded by Victor Ormsby, to approve the Lake County Comprehensive Local Water Plan Request for Extension. Motion passed on a voice vote.
- ****
03-05 Kittson County Comprehensive Local Water Plan – Chair Coe stated that they have not received the Kittson County Shoreland Ordinance approval from DNR. Moved by Darrell Bruggman, seconded by Clair Nelson, to approve the Kittson County Comprehensive Local Water Plan. Motion passed on a voice vote.
- ****
03-06 Lake of the Woods Comprehensive Local Water Plan – Moved by Ginny Imholte, seconded by Jerome Deal, to approve the Lake of the Woods Comprehensive Local Water Plan. Motion passed on a voice vote.
- ****
03-07 Mahnomen County Comprehensive Local Water Plan – Moved by Darrell Bruggman, seconded by Clair Nelson, to approve the Mahnomen County Comprehensive Local Water Plan. Motion passed on a voice vote.
- ****
03-08 Wilkin County Comprehensive Local Water Plan – Moved by Ginny Imholte, seconded by Jerome Deal, to approve the Wilkin County Comprehensive Local Water Plan. Motion passed on a voice vote.

Chair Coe called for a break at 10:55 a.m. The meeting reconvened at 11:10 a.m.

OLD BUSINESS

Budget Overview – Ron Harnack reviewed the Governor's budget reduction recommendations for BWSR's portion of the FY03 budget balancing. Ron handed out

BWSR Meeting Minutes

January 22, 2003

Page Five

the information and reviewed the status of the Senate and House proposals to date. Hopefully, the Senate and House will reach a compromise so that unallotment will not be necessary.

Grant programs will be reduced and BWSR staffing reductions will occur, which means BWSR will do less. Ron stated that priorities and outcomes will be addressed. The Administrative Advisory Committee will continue to function as the budget review committee for the Board. Agency budget proposals and recommendations need to be submitted to the Legislature in early February for FY04-05. The Administrative Advisory Committee will meet today with MASWCD, MAWD, and AMC to further discuss the budget reduction options. Ron encouraged board members to contact him regarding ideas for the budget issues, tough decisions will need to be made in the next three weeks.

NEW BUSINESS

Washington Conservation District Office Relocation – Doug Thomas explained that BWSR received a resolution from the Washington Conservation District to change their office location, the change requires approval by BWSR, an appropriate resolution has been submitted, upon BWSR's approval, the official acknowledgement of the place of business will then be filed with the Secretary of State. Moved by Clair Nelson, seconded by Jack Frost, to approve the new Washington Conservation District office location. Motion passed on a voice vote.

Source Water Protection in Minnesota – Progress Report – Dan Wilson, MDH, introduced Art Persons. Art distributed the plan on "Source Water Protection in Minnesota for Surface Water Intakes" and "Source Water Assessment for the City of St. Paul." Art explained the Source Water Protection Program. There was good discussion on the program. Chair Coe thanked Art for the information and his report.

FY03 Non-Point Engineering Assistance (NPEA) Challenge Grant – Wayne Zellmer presented the NPEA Challenge Grants which provide additional engineering/technical assistance funding to SWCD NPEA Joint Powers Boards to accelerate assistance to landowners implementing high priority conservation practices. Moved by Victor Ormsby, seconded by Dwain Otte, to approve the \$422,500 allocation for FY03 NPEA Challenge Grants as presented. Motion passed on a voice vote.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) - LeAnn Buck reported that the MASWCD's annual meeting was held December 8-10. The Lieutenant Governor was in attendance and explained the state's budget deficit.

BWSR Meeting Minutes
January 22, 2003
Page Six

MASWCD is looking at programs and priorities when dealing with the budget reductions. Legislative initiatives include district capacity issues and educating legislative members. MASWCD would like technical assistance in dealing with EQIP. MASWCD's Legislative Day at the Capitol will be held February 5-6. LeAnn stated that if there is flexibility in dealing with the budget reductions, that SWCDs be given the flexibility to decide how to allocate funds.

UPCOMING MEETINGS

The next BWSR meeting will be February 26 in St. Paul.

Ron Harnack stated that Jim Birkholz's retirement luncheon is January 28.

****** Moved by Clair Nelson, seconded by Jerome Deal, to adjourn the meeting at 12:55 p.m.

03-11

Respectfully submitted,



Leland Coe
Chair

FACT SHEET

Minnesota Local Government Roads Wetland Replacement Program

Background

The Minnesota Local Government Roads Wetland Replacement program is a **statutory obligation** the state has to replace wetlands lost to safety improvements to public transportation projects as required under M.S. 103G.222, Subd.1(l). This program supports the "no-net-loss" requirements of both state and federal regulations. It benefits a wide number of constituent groups: local road authorities by assigning responsibility for replacing the inevitable loss of wetlands to the state; environmental interests by establishing higher quality wetland replacement sites; state taxpayers by reducing the overall costs of constructing these replacement wetlands due to economies of scale; and citizens by avoiding delays in undertaking public safety enhancements to existing roads due to wetland mitigation costs.

The 1996 and 2000 Legislatures amended the Wetland Conservation Act (WCA) after several years of controversy and regulatory inconsistency among local governments, business interests, environmental groups, and others. The local government roads wetland replacement program was a key outcome of these amendments as it transferred responsibility for replacing wetlands lost due to local government road construction from the local road authority to BWSR. This eliminates the need for local government transportation officials to undertake and finance environmental reclamation projects, and consolidates the necessary technical, financial, and other implementation work. The results are higher quality, more cost-effective wetland replacement.

Benefits

The Local Government Roads Wetland Replacement program provides the following benefits:

- Regulatory simplification and efficient and improved wetland mitigation are achieved by eliminating the need for each local road authority to maintain its own staff expertise and budget to mitigate impacts to wetlands from road projects.
- Fragmented impacts from road projects are consolidated in targeted areas to provide habitat, water quality, and other wetland functions away from traffic and highway runoff areas at a lower public cost.
- Water management goals such as improving water quality, flood control, greenway preservation, and wildlife corridor enhancement can be better addressed collectively.
- Site selection, ranking of project proposals, and setting program strategies consistent with overall state and federal wetland goals are achieved through an interagency process.

Consequences

Local governments (counties, cities, and townships) believe strongly this state mandate needs to be consistently funded. The Legislature also recognized the ongoing state obligation this program fulfills and thus included the requirement for an assessment and recommendations report for the 2001 session (see report at www.bwsr.state.mn.us). There is stakeholder consensus on the benefits of the program and the need to permanently fund this state obligation. Without a continued state commitment to this funding, local governments face paying for this work locally, resulting in greater overall costs for taxpayers.

If not funded, the negative consequences that would result are:

- Reduce or delay completion of local government road projects;
- Increase local property tax levies (levy limits restrict increases);
- Require statute changes and undo a fragile stakeholder consensus that resulted in consensus wetland regulatory reforms (ML 1996, Chap. 462 and ML 2000, Chap. 382); and
- Negate an agreement with the U.S. Army Corps of Engineers (COE) that allows this program to meet federal regulatory requirements, which means local road authorities will again have to seek individual federal permits and be responsible for wetland replacement.

Immediate funding needs

Prior experience shows that an average of 193 acres of wetlands need replacement each year, at a total annual cost of \$1.58 million. Note: this amount has increased to 225 acres in each of the past two reporting years corresponding to an annual cost of \$1.84 million. The number of acres impacted depends most directly on the money available to local governments for road construction. The cost of establishing the wetlands varies widely, from a low of \$2 thousand an acre in rural Minnesota, to more than \$20 thousand an acre for some projects in the metro area. In order to fully comply with the regulatory requirement to conduct wetland replacement prior to or concurrent with the wetland losses, *BWSR projects that it will need \$2.7 million (1.5 years) to meet its **minimum** statutory obligations for January 2003 through June 2004.*

Funding considerations

BWSR projects that the state is currently two-and-a-half years behind in terms of funding this program to fully fulfill the regulatory requirements which are to establish the replacement wetlands *before* the losses occur (which is not being done now due to the lagging funding). Thus, in order to *fully comply* with the regulatory requirement to conduct wetland replacement prior to or concurrent with the wetland losses, BWSR projects that it would need \$7.3 million in 2003 as it takes an average of 2.5 years from the date the funds are available to establish wetland banking credits; two years to find sites, acquire land and then do the construction and seeding and another half-year for the credits to be certified and deposited in the wetland bank. This means that in order to comply with state and federal regulations that require the banking projects to be done *prior to or concurrent* with the wetland losses, 2.5 years worth of credits — a positive balance of at least 563 acres — should be established and maintained.

For more information: Contact John Jaschke, (651) 297-3432, e-mail: john.jaschke@bwsr.state.mn.us.

OUR PERSPECTIVE

Wetlands

A misguided retreat on protections

The Bush administration's new policy on wetlands protection is a needless, misguided retreat from sensible land and water management nationwide. It also raises a special problem for Minnesota, which wrote its own laws with federal protections assumed.

Although the realization came far too late, Americans generally understand the prices we've paid for dredging and filling so many ponds, marshes and streams. Flooding has accelerated, water quality has declined, wildlife habitat has disappeared.

Under the first President Bush, it was decided that henceforth there should be "no net loss" of wetlands — in effect, that whatever acreage was drained or filled must be replaced with an equivalent area nearby. There have been problems assuring the adequacy of the replacement efforts, but the central objective remains critically important and widely supported.

There is little chance, for example, that Congress would take back the portions of the Clean Water Act that treat dredging and filling of wetlands as pollution, and therefore subject to strict environmental review. But the Supreme Court created another avenue for rollback in a 2001 decision regarding an Illinois landfill.

Authority for federal water and wetland regulation is restricted to "navigable" bodies of water, a term whose definition has been refined by decades of litigation (and no longer has much to do with boats). In the Illinois case, the Army Corps of Engineers claimed that an isolated pond could be considered part of the nation's navigable waterways because it was used by migrating waterfowl. The justices said that was stretching the point too far — but declined to say what the acceptable outer boundaries of "navigable waters" might be.

Now the Environmental Protection Agency has proposed to make

This is a wholly voluntary effort on the Bush administration's part to seize and exploit an opportunity for rolling back sensible environmental programs.

new rules defining those boundaries. It has also signaled its leanings by temporarily adopting a rule that excludes any isolated wetland or body of water — that is, one that has no surface connection to larger waterways. At a stroke, this ends protection of at least 20 to 30 percent of wetlands previously covered by the Clean Water Act. It also ignores important interconnections created by subsurface flows.

These exclusions would have special environmental significance in the Great Lakes region, spattered as it is with ponds, marshes and bogs. And they will have a particular impact on Minnesota, whose laws exclude large classes of isolated wetlands for which federal protection was assumed.

It's important to note that nothing in the Supreme Court's ruling required EPA to take this action. Indeed, the court's decision was notably lacking in specific guidance, other than rejecting the old migratory-bird principle.

No, this is a wholly voluntary effort on the Bush administration's part to seize and exploit an opportunity for rolling back needed environmental programs — and to do it through agency rulemaking, rather than congressional law-making.

Minnesotans ought to oppose this step backward — and prepare, in the meantime, to pick up a regulatory burden the White House seems determined to shed.

AA6 • STAR TRIBUNE

Editorials, labeled "Our Perspective," represent the institutional voice of the Star Tribune. They are prepared by the Editorial Department, which is independent of the newsroom.

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COMPONENTS OF GIS ANALYSIS for SWANCC

The SWANCC decision determined that **isolated, intrastate, non-navigable** waters are no longer jurisdictional under the Clean Water Act when the sole basis for asserting jurisdiction is the "migratory bird rule." A wetland or other water is still federally jurisdictional if it is navigable, a tributary to navigable, is adjacent to a navigable water or its tributary, or if a significant nexus exists between the water and navigable waters. Significant nexus might be used to recapture things connected through groundwater or subsurface drainage for example. Unfortunately the idea of significant nexus is very nebulous, site specific, and generally not suitable for GIS analysis. Another possibility is the non-hydrologic connection of a water to interstate commerce. Examples of this type of connection include irrigation, peat mining, fishing, hunting, canoeing, etc. This type of connection, on a case-by-case basis is feasible, but there is little good GIS data on the interaction between specific waters and interstate commerce. That leaves *navigable*, *tributary*, and *adjacent* as components that can be combined in a GIS to produce estimates of what is still jurisdictional after the SWANCC decision.



**US Army Corps
of Engineers**



NEWS RELEASE

For Immediate Release – January 10, 2003

CONTACTS:

U. S. Environmental Protection Agency, (202) 564-9828
David Hewitt, US Army Corps of Engineers, (202) 761-0289

**ADMINISTRATION TO REAFFIRM COMMITMENT TO NO NET LOSS OF WETLANDS AND
ADDRESS APPROACH FOR PROTECTING ISOLATED WATERS IN LIGHT OF SUPREME COURT
RULING ON JURISDICTIONAL ISSUES**

The U.S. Environmental Protection Agency and the U.S. Army today announced a pair of actions that will help Americans comply with the Clean Water Act's requirements for protection of the nation's wetlands. These actions, which reaffirm federal authority over the vast majority of America's wetlands, are in response to the Supreme Court's 2001 decision in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC)*, which limited federal authority under the Clean Water Act to regulate certain isolated wetlands.

Today's action builds upon the Administration's commitment to protecting America's wetlands, including its "no net loss" of wetlands policy. The two agencies jointly issued clarifying guidance for the federal government's rules used to protect wetlands that are regulated under the Clean Water Act (CWA). Simultaneously, the Administration announced its intention to publish an Advance Notice of Proposed Rule Making (ANPRM) to solicit from the public data and information to clarify the extent of Clean Water Act coverage in light of *SWANCC*.

"We are committed to protecting America's wetlands and watersheds to the full extent under the Clean Water Act and the recent Supreme Court ruling. We are also committed to full public involvement in this process, and we will seek additional information and scientific data for possible rulemaking," said EPA Administrator Christie Whitman. "It is more important than ever that we work closely with tribes, states and local agencies to ensure strong protection of wetlands and other aquatic resources."

"Today's announcement is important because the Corps of Engineers regulatory officers and the regulated community now have guidance which more clearly describes the scope of jurisdiction for which permits are required," said Les Brownlee, Undersecretary for the Army and Acting Assistant Secretary of the Army for Civil Works. "As regards the ANPRM, the agencies have not engaged in a review of the regulations with the public concerning Clean Water Act jurisdiction for some time. The ANPRM will help ensure that the regulations are consistent with the CWA and that the public understands what waters are subject to CWA jurisdiction."

These two steps complement the actions announced December 26, 2002, when the Corps and EPA issued a regulatory guidance letter to improve wetland protections through compensatory mitigation, and the Administration unveiled a National Wetlands Mitigation Action Plan listing 17 action items that federal agencies will undertake to improve the effectiveness of wetlands restoration. Through those actions, the agencies affirmed their commitment to achieving the goal of no net loss of wetlands under their regulatory programs and to increase the overall function and value of the nation's wetlands through public and private, regulatory and non-regulatory initiatives and partnerships. Representatives of EPA and the Corps testified before Congress on September 19, 2002, pledging the actions announced today.

In addition to the Regulatory Guidance Letter/ National Wetlands Mitigation Action Plan (RGL/MAP), the Administration's commitment to protecting and restoring America's wetlands is reflected in the conservation title of the 2002 Farm Bill, which provides an unprecedented \$47 billion over the next decade —that includes funding for conservation programs that will double the number of wetlands protected to a total of 2.275 million acres of wetlands and other aquatic resources. And in December 2002, President Bush signed a bill reauthorizing the North American Wetlands Conservation Act, which extends for five years a program under which the federal government matches donations from sportsmen, state wildlife agencies, conservationists and landowners who pledge to protect millions of acres of wetlands.

The SWANCC decision also highlights the important role of states in protecting waters not addressed by federal law. EPA's Wetland Program Development Grants, currently funded at \$15 million annually, would be boosted to \$20 million under the FY'04 budget that President Bush will soon submit to Congress. The grants will help states, tribes, and local governments improve the capability of their wetland programs.

The new guidance clarifies the following:

- Field staff should continue to assert jurisdiction over traditional navigable waters (and adjacent wetlands) and, generally speaking, their tributary systems (and adjacent wetlands).
- In light of *SWANCC*, field staff should not assert CWA jurisdiction over isolated waters that are both intrastate and non-navigable, where the sole basis available for asserting CWA jurisdiction rests on any of the factors listed in the "Migratory Bird Rule".
- In light of *SWANCC*, field staff should seek formal project-specific HQ approval prior to asserting jurisdiction over isolated non-navigable intrastate waters based on other types of interstate commerce links listed in current regulatory definitions of "waters of the U.S."

The CWA protects wetlands, streams, and other waters from discharges of pollutants by requiring permits with appropriate environmental safeguards before a discharge may be authorized. In *SWANCC*, the Supreme Court held that the Corps had exceeded its CWA regulatory authority in asserting jurisdiction over isolated intrastate non-navigable ponds based on the Migratory Bird Rule.

Although the *SWANCC* decision limits federal CWA jurisdiction over isolated, intrastate, non-navigable waters and wetlands, other federal or state laws and programs still cover these waters and wetlands. The Food Security Act's "Swampbuster" requirements and the Wetlands Reserve Program under the U.S. Department of Agriculture are unaffected. In addition, other federal programs supporting wetlands protection and restoration continue, including the following: the Fish and Wildlife Service's Partners in Wildlife, the National Marine Fisheries Service's Coastal Wetlands Restoration Program, the EPA's Five-Star Restoration program, the National Estuary Program, and the Migratory Bird Conservation Commission, which is composed of the Secretaries of Interior and Agriculture, the Administrator of EPA, and Members of Congress.

The Federal Register document and additional information are available either on EPA's Office of Water home page at: <http://www.epa.gov/owow/wetlands/swanccnav.html> or the Corps Regulatory Branch home page at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/citizen.htm>

Interested persons may also contact EPA's Wetlands Helpline at 800/832-7828 to obtain copies.

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A Guide to MPCA Programs



Minnesota Pollution Control Agency

January 2003



Minnesota Pollution Control Agency

The Minnesota Pollution Control Agency (MPCA) has been protecting Minnesota's air, land and water since 1967. The MPCA was created by the legislature three years before the nation's first Earth Day and the establishment of a federal environmental protection agency. Since then, the MPCA has partnered with many organizations to make Minnesota a national leader in environmental protection. Those partners include the state's legislature, the U.S. Environmental Protection Agency, local governments, businesses, non-governmental organizations, educators and the public.

During its first 30 years, the MPCA focused on traditional "end-of-pipe" pollution sources and, with industry, largely succeeded in cleaning up problems from factories' air emissions, wastewater treatment plant discharges, and industries generating hazardous waste. Today, the agency must focus more effort on reducing pollution from nonpoint sources.

Nonpoint sources are smaller, and more widely dispersed. Examples of nonpoint sources include runoff from both urban and agricultural land; poorly constructed or maintained septic systems; and toxic air emissions from motor vehicles.

Solving nonpoint pollution problems will involve complex political, economic, cultural and technical issues. In general, these pollution sources cannot be regulated like larger pollution sources are, and will require new, innovative approaches to reducing pollution. Reducing nonpoint source pollution, while continuing to limit emissions from traditional pollution sources is the challenge facing the MPCA in the years to come.

The MPCA staff of approximately 761 carry out a wide range of activities including:

- testing and research to identify problems;
- air and water monitoring;
- hazardous waste and emergency response actions;
- cleaning up past contamination;
- developing permits to control activities that affect the environment;
- monitoring compliance by regulated parties and taking enforcement action when regulations are not followed;
- developing environmental priorities and strategies;
- setting standards and proposing rules;
- providing technical assistance to businesses and offering environmental information and outreach to schools, organizations and the public.

The agency's 1998 decentralization placed staff closer to where their services were needed throughout the state. The goal was to improve service delivery and ensure faster decision making. Accordingly, regional FTE (full-time equivalents, a measure of staff time dedicated to a program) numbers increased from 116 in 1997 to 187 by the end of 2002. These staff are located in seven regional offices: Rochester, Mankato, Willmar, Marshall, Detroit Lakes, Brainerd and Duluth.



A Guide to MPCA Programs

Index

Impaired Waters Program	1
Water Quality Point Source Program	3
Clean Water Partnership/Section 319 Grant Programs	5
Storm Water Program	9
Individual Sewage Treatment System Program	11
Feedlot Program	13
Air Permitting Program	15
Solid Waste Program	17
Hazardous Waste Program	20
Tanks Programs	22
Emergency Response Program	24
Superfund and VIC Programs	26
Closed Landfill Program	28
Other Environmental Activities	31
Environmental Monitoring	33
Compliance and Enforcement Activities	35
Organizational Support Services	37





Impaired Waters Program

Program description and purpose

The impaired waters program takes its name from the “impaired waters list,” a federally required listing of lakes and rivers in the states that currently do not meet applicable water-quality standards. States are mandated by the federal Clean Water Act (CWA) to:

1. assess all waters of the state to identify and list impairments;
2. conduct TMDL studies (see below) in order to set pollutant reduction goals; and,
3. restore impaired waters so that they once again meet their water-quality standards.

The impaired waters program realigns MPCA’s existing water-quality programs to better target the resources and work of these programs to meet the highest-priority environmental needs of Minnesota’s water resources. This includes the following programs:

- water monitoring to assess the status of waters of the state;
- Clean Water Partnership and CWA Section 319 funds;
- Water Quality Point Source Program;
- Feedlot Program;
- Storm Water Program; and,
- Individual Sewage Treatment Systems (ISTS, or septic systems) Program.

These programs will continue to perform their established functions but they will be coordinated to address the priorities established under the Impaired Waters Program. Although the state has long taken steps to protect and monitor water resources, addressing impaired waters under this process is a relatively new area for the MPCA.

Identify and list impairments

The MPCA’s 2002 draft impaired waters list (submitted to the EPA in October 2002) identifies 1,780 lakes and stream segments that currently do not meet standards. Due to resource limitations, the MPCA has only fully assessed five percent of the state’s river miles and 12 percent of its lakes for impairments.

A state’s impaired waters list is used to prioritize federal funding and action plans for restoring impaired waters.



Total Maximum Daily Load (TMDL) studies

For each pollutant that causes a water body to fail to meet applicable water-quality standards, the CWA requires states to conduct a “Total Maximum Daily Load” study. A TMDL study identifies both point and nonpoint sources of each pollutant that violates standards. Water-quality sampling and computer modeling determine how much each pollutant source must reduce its contribution to assure the standards are again met. Rivers and streams may have several TMDLs, each one determining the limit for a different pollutant.

Restore impaired waters

Restoration activities typically include infrastructure improvements at wastewater treatment plants or urban storm-water systems, providing upgrades for failing septic systems, and implementing best management practices to minimize polluted runoff or soil erosion in urban and rural settings.

MPCA Impaired Waters Program

Local governments and citizen groups are critically important partners in this work. When a water body is restored to the point that it meets applicable water-quality standards, the MPCA will continue monitoring it over the long term to ensure it does not again become impaired.

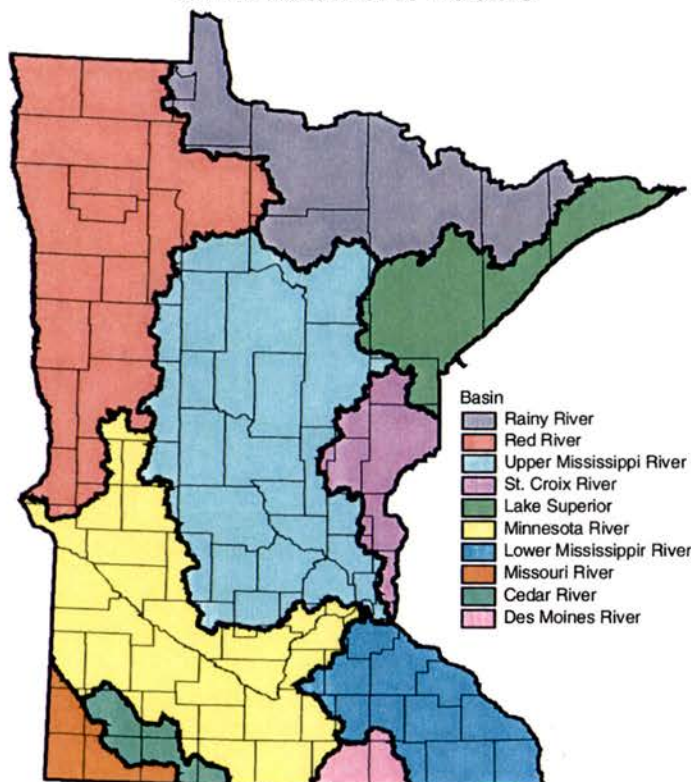
Basin planning and management

The MPCA uses a geographically based approach to water quality protection and restoration. This approach, which focuses on the state's major river basins, helps the agency:

- better identify water quality problems;
- work with communities to establish shared water quality goals and priorities; and
- develop effective pollutant-reduction strategies.

More information about basin planning is available at www.pca.state.mn.us/water/basins/index.html.

Minnesota River Basins



The MPCA works with partners in communities throughout the state to develop water quality plans for each of Minnesota's 10 river basins.

Staff and budget

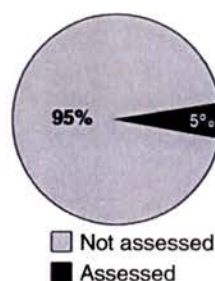
The MPCA's impaired waters program includes most of the functions and staff performed by the agency's existing water-quality programs, so those costs are not repeated here. The agency employs 42 FTE to do TMDL studies and restoration work, at a cost of \$4.5 million. The agency currently receives annual funding of \$2.27 million (does not include staffing) to conduct TMDLs and restore impaired waters.

For more information

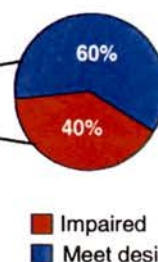
For more information about the Impaired Waters Program contact Jeff Risberg at (651) 296-7231.

Assessing Minnesota's Surface Waters

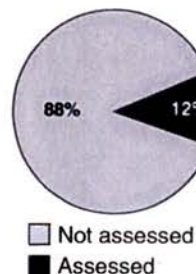
Percent of Minnesota's Rivers and Streams Assessed



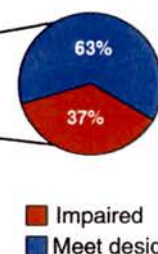
Minnesota's Assessed Rivers and Streams



Percent of Minnesota's Lakes Assessed



Minnesota's Assessed Lakes



These graphs show how much of Minnesota's lakes and streams have been assessed and, of those, how many meet applicable water-quality standards.



Water Quality Point Source Program

Purpose and program description

The primary goal of the MPCA's Water Quality Point Source Program is to protect Minnesota's surface and ground water from pollution generated at industrial facilities and wastewater treatment plants. These types of facilities, known as "point sources" of pollution, generate about 14 percent of the water pollution in the state.

There are approximately 1,400 facilities regulated through this program. Many of the staff working in this program issue permits, provide technical assistance, monitor compliance through data review and inspections, and follow up with enforcement actions when appropriate. Other specialists such as engineers and hydrologists provide technical support for the permitting and compliance staff.

The MPCA receives its authority to operate this program through delegation of the Federal Clean

Water Act from the U.S. Environmental Protection Agency. In order to be delegated this authority, the MPCA also has to conduct other activities such as setting water quality standards, monitoring water bodies, performing environmental reviews and rulemaking.

Water quality permitting

Water quality permits limit the amount of pollution a facility can discharge. These limits take into account the condition of the water body into which the discharge will flow.

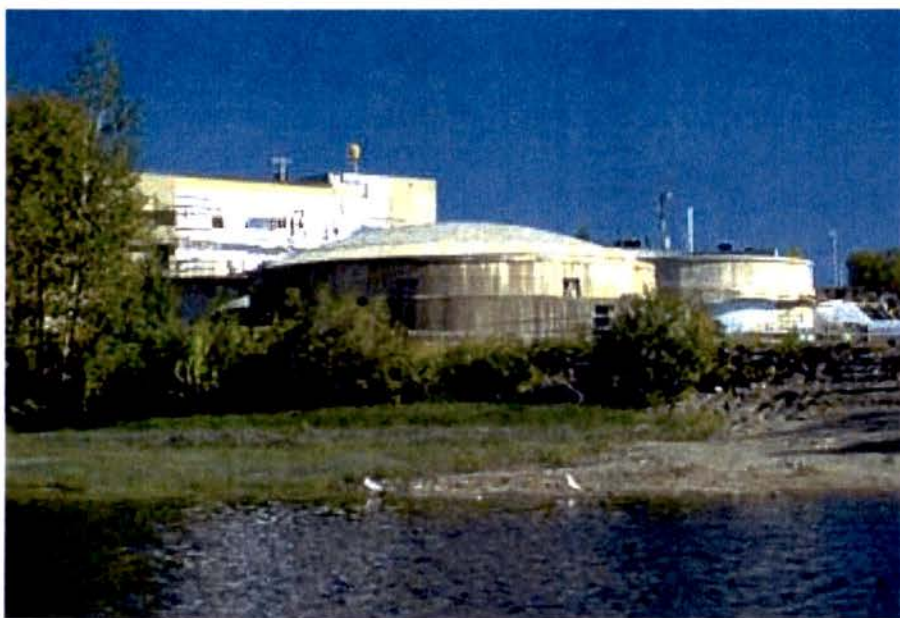
In some cases, wastewater is land-applied. In these instances, local soil and ground water conditions must be studied before a permit can be issued.

Common types of pollutants typically regulated by permits include:

- ammonia
- biological oxygen demand (decreases oxygen available to support aquatic life)
- fecal coliform
- mercury
- phosphorus

Determining if a facility requires a permit from the MPCA depends on the "design flow" or potential capacity of a wastewater treatment system. Permit fees are based on design flow, too — not on the actual amount of wastewater treated or discharged.

Water quality permits remain in effect for five years, and need to be renewed when they expire. However, if MPCA staff cannot process a facility's renewed permit before it expires, the facility must continue to operate under the terms of the old permit, until a new one can be completed.

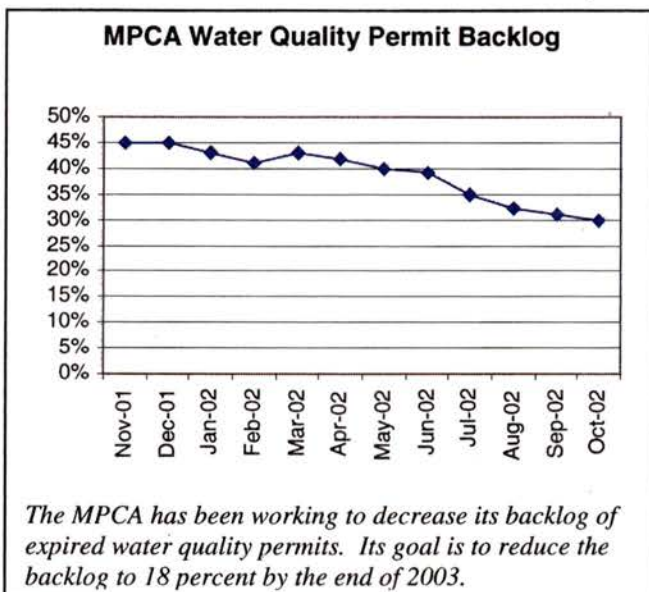


"Point sources" such as wastewater treatment plants and industrial facilities account for about 14 percent of the water pollution in Minnesota. The MPCA has issued water quality permits to approximately 1,400 of these types of facilities.

MPCA Water Quality Point Source Program

Like many states across the nation, the MPCA has had a substantial backlog of expired permits. The MPCA has greatly reduced this backlog. To find out how, read the Water Quality Point-Source Plan on the MPCA Web site at

www.pca.state.mn.us/water/pointsourceplan.



Permittee classifications

In general, permitted facilities are classified two ways: by the amount of wastewater they discharge (majors and minors); and, whether they are privately-owned or municipally-owned facilities.

As of June 2002, there were 87 permitted "major" facilities and 1,313 "minor" facilities. The distinction between majors and minors is important. Major facility permits:

- have more requirements;
- take longer than minor facility permits to complete;
- need more oversight; and,
- discharge a greater percentage of water pollutants.

Types of permits

Different types of facilities, activities and processes require different types of permits. Common types of permits include:

- National Pollutant Discharge Elimination System (NPDES) permits
- State Disposal System (SDS) permits

For more information about water quality permit types, visit the MPCA Web site at

www.pca.state.mn.us/water/index.html.

Compliance

Compliance at permitted facilities is checked through on-site inspections and reviews of monitoring reports submitted by permittees. Each MPCA staff person who conducts inspections is expected to inspect about 25 facilities each year.

The MPCA calculates that 95 percent of all major facilities are in compliance with the terms of their permits. Approximately 90 percent of all minor facilities are in compliance with the terms of their permits.

Staff and budget

The MPCA currently has approximately 101 FTE (this includes administrative and management support in eight Minnesota locations) working in the Water Quality Point Source Program with a total FY03 budget of \$9.2 million.

For more information

For more information about the Water Quality Point Source Program, contact MPCA Assistant Commissioner Lisa Thorvig at (651) 296-8811 or by e-mail at lisa.thorvig@pca.state.mn.us.

Additional information about water quality is available on the MPCA Web site at www.pca.state.mn.us/water/index.html.



Clean Water Partnership/Section 319 Grants

Program description and purpose

These two programs together address water pollution from nonpoint sources. They help local governments and/or nongovernmental organizations clean up, restore, and prevent pollution of local water resources.

Section 319 of the federal Clean Water Act requires states to identify impaired water resources along with the pollutants that cause the impairments. In the last few years, the U.S. Environmental Protection Agency also has encouraged states to implement activities aimed at measurably reducing pollution in the identified waters. Federal grants provided under Section 319 and matched by the states enable the states to accomplish these goals.

The Clean Water Partnership, created in 1987, is a primary tool in Minnesota's efforts to improve rivers, lakes and streams, and is complementary to Section 319. The program provides local governments with financial resources and technical assistance to protect and improve local water resources. CWP projects are funded by the Minnesota Legislature.

The end results of both programs often may be accomplished through similar methods, i.e. on-land and/or in-water measures to prevent and/or clean up water pollution.

Section 319

Specifically, Section 319 requires that state regulators:

- identify necessary nonpoint-source controls;
- specify the programs that will apply the controls;
- certify that the state has adequate authorities to implement these measures;
- identify all sources of funding for these programs; and,
- establish schedules for implementation.

The MPCA has a statewide, five-year Nonpoint Source Management Program Plan (available at www.pca.state.mn.us/water/nonpoint/mplan) that details how the state will fulfill these responsibilities. The agency receives substantial federal funding under Section 319 to support overall research and coordinate nonpoint-source efforts, and to support local clean water projects.



A \$250,000 grant from the Clean Water Partnership Program helped the Minneapolis Park Board implement a cleanup project on the Minneapolis chain of lakes. Project partners have contributed more than \$4 million to this project, which has improved water quality in Lakes Calhoun, Isles and Cedar. The project includes a number of "fixes" such as storm-water detention ponds that filter runoff entering the lake. This pond was installed two years ago at Lake Calhoun.

MPCA Clean Water Partnership/Section 319 Grant Programs

Clean Water Partnership

The goals of the CWP include:

- Diagnosing problems and threats to water resources;
- Developing solutions for reducing nonpoint-source pollution; and
- Implementing the solutions.

CWP projects begin with a desire by a local government to improve a water resource that has been polluted by land-use-related activities. The program seeks out and rewards local initiative and efforts with technical and financial resources to help communities protect and restore water resources.

Program examples

Section 319: Whitewater River Watershed Monitoring Program

The Whitewater in southeastern Minnesota is a prized recreational resource, offering scenic beauty as it races among bluffs and pocket valleys as well as one of the state's best trout fisheries. The river's watershed is heavily developed in agriculture, with attendant nonpoint-source impacts from land-use practices.

The EPA selected the watershed of the Whitewater River for a National Monitoring Program project, one of only a few dozen nationwide, to be funded under Section 319. The project is directed by a multi-county joint powers board of local officials, with the MPCA providing an active role.

Monitoring focuses on water temperature, flow, total suspended solids, and several chemicals and elements to evaluate changes in water quality after the implementation of Best Management Practices (on-land measures to prevent and manage the impact of contaminated runoff to surface or ground waters).

This long-term project has been funded thus far with two Sec. 319 grants to Winona State University, totaling \$22,611. The university has provided in-kind matches of \$29,689.

Clean Water Partnership: Minneapolis Chain of Lakes

Called simply "the Lakes" by Twin Cities metro area residents, the five lakes comprising this chain draw more than five million visitors annually. However, decades of intense use and urban development have slowly degraded the lakes' water quality. A \$250,000 grant from the CWP helped the city of Minneapolis Park Board implement construction of



Rolling, forested terrain alternates with cropland and pastures in the watershed of the Whitewater River, a prized recreational resource in southeastern Minnesota. Section 319 grants have helped local officials implement a National Monitoring Program project here. The monitoring helps evaluate the effectiveness of best management practices that have been implemented.

MPCA Clean Water Partnership/Section 319 Grant Programs

storm-water settling basins, improved street-sweeping practices, in-lake treatments to reduce phosphorus, and other measures designed to improve water quality in the lakes.

As a result, water quality has improved both visibly and measurably in Cedar Lake, Lake of the Isles, and Lake Calhoun. Project managers fully expect the improvements to continue as more measures come on line. Contributions from the many partners involved in this ongoing project have totaled nearly \$4 million.

Staff and Budget

About 19 FTE (full-time equivalents, a measure of agency staff time dedicated to a program) are involved in the CWP and 319 programs at the MPCA. This includes administrative and management support in several Minnesota locations.

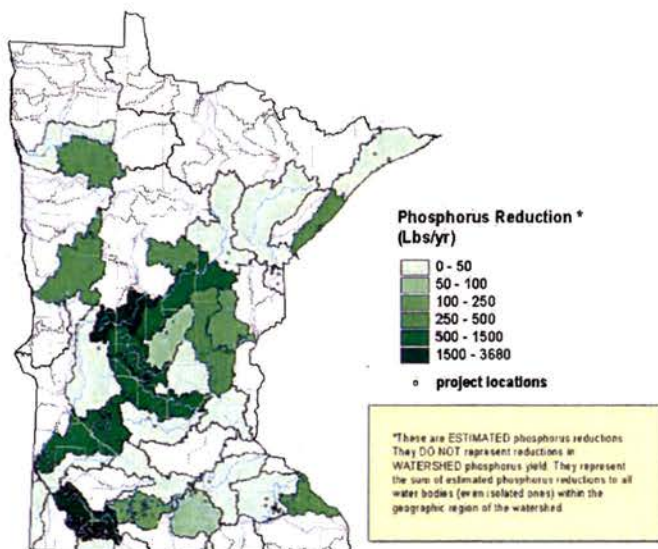
The agency has budgeted approximately \$12.9 million for this program in FY03 for both pass-through grants as well as for salaries and expenses.

Since 1990 the MPCA has awarded more than \$14 million in Section 319 funds to projects. During the first 13 award cycles of the CWP, the MPCA supported 184 projects with an estimated \$15 million in grants and \$21 million in loans from the State Revolving Fund. Financial and in-kind matches from local partners and jurisdictions have in most cases exceeded match requirements.

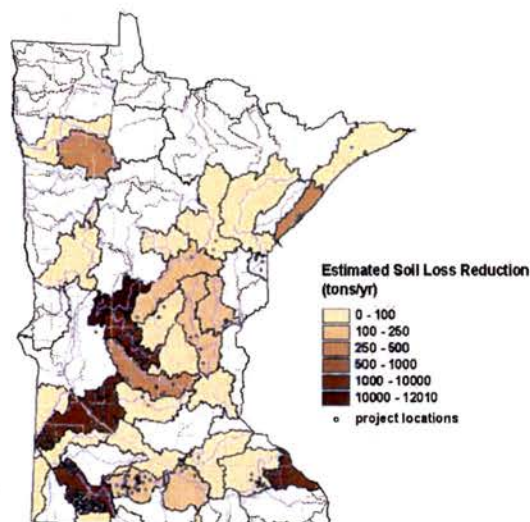
For more Information

For more information about Clean Water Partnerships and Section 319 Grants, contact Glenn Skuta at (651) 296-7359.

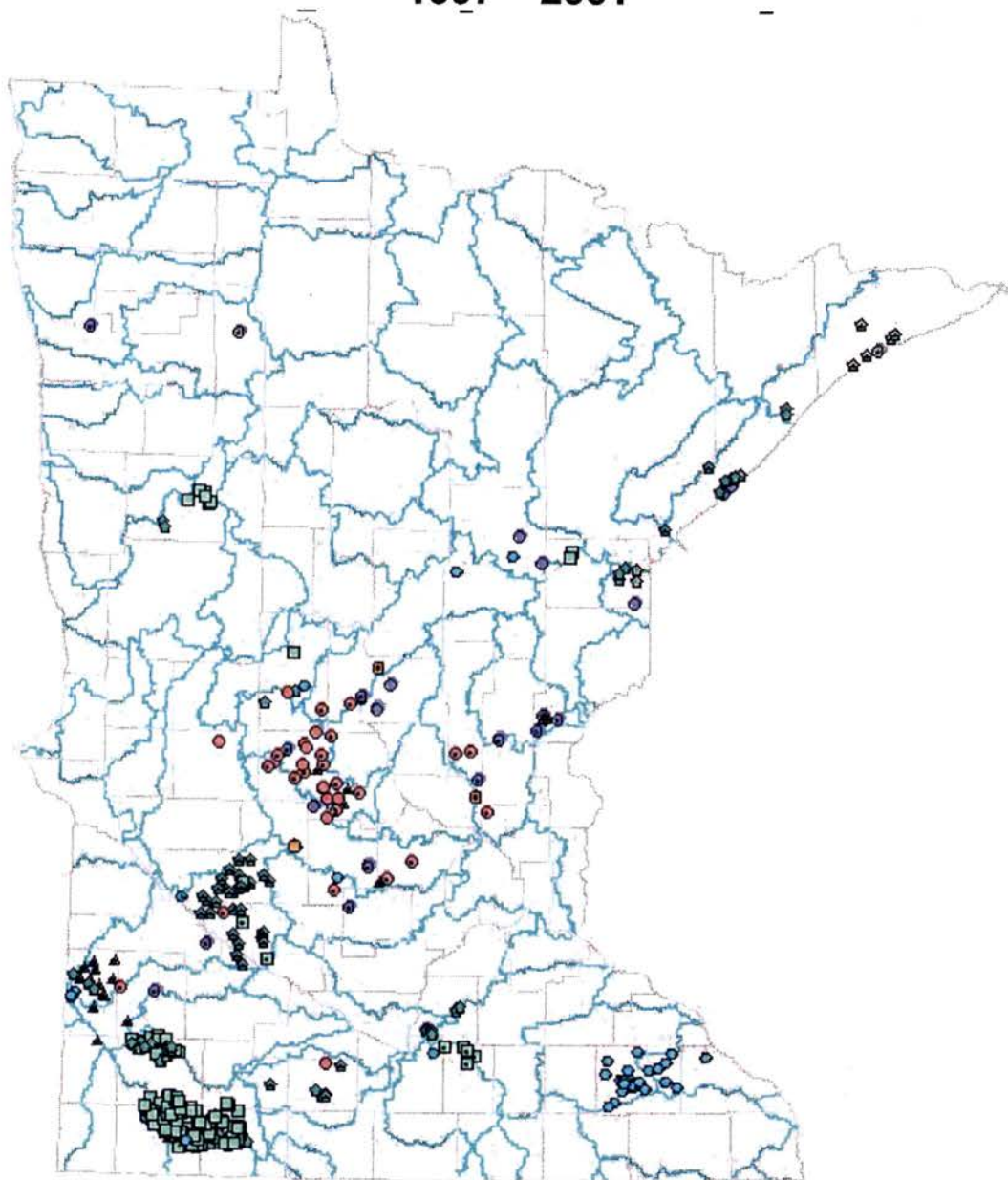
Estimated Phosphorus Reduction from CWP and 319 Projects



Soil Loss Reduction from CWP and 319 Projects



CWP and 319 Projects 1997 – 2001



CWP-funded BMPs

- Feedlot (14)
- Filter strip projects (185)
- ▲ Gully stabilization (4)
- ◆ Other (102)
- Sheet/rill erosion control (44)
- Stream/ditch stabilization (12)
- Wind erosion (2)
- Not specified (4)

319-funded BMPs

- Feedlot (25)
- Filter strip projects (9)
- ▲ Gully stabilization
- ◆ Other (56)
- Sheet/rill erosion control (4)
- Stream/ditch stabilization (25)
- Wind erosion (2)
- Not specified (2)



Storm Water Program

Program description and purpose

Minnesota's lakes, rivers, forests and farms depend upon the replenishing waters of annual rain and snowfall. Storm water runoff can change both water quality and quantity. Runoff containing oil, grease, chemicals, nutrients, metals, litter, pathogens, and more can severely reduce water quality. Unmanaged runoff stresses our streams, ages our lakes, and degrades and eliminates our wetlands.

The increasing urbanization of Minnesota alters the natural drainage process and everyday human activities contribute a variety of pollutants to runoff. Storm water runoff is a leading source of water pollution. Many studies have indicated that controls can significantly reduce the amount of sediment and hazardous substances transported by runoff.

The 1987 amendment to the federal Clean Water Act required implementation of a two-phase program for addressing storm water runoff. Phase I focused on large construction sites, some categories of industrial facilities, and major metropolitan municipal separate storm sewer systems (MS4s).

The program is expanding to include smaller construction sites and storm sewer systems. Phase II is designed to further reduce adverse impacts and control runoff that has the greatest likelihood of causing continued environmental degradation. Phase II activities must obtain permit coverage by March 10, 2003.

Storm water regulations are part of the National Pollutant Discharge Elimination System (NPDES) permit program. The U.S. Environmental Protection Agency (EPA) delegated permitting authority for Minnesota to the Minnesota Pollution Control Agency (MPCA). NPDES permits are legal documents that require permittees to predict and limit polluted discharges. The permittee chooses how to limit their pollution; however the general storm water permits include suggested generic best management practices.

Construction Activity

Sediment levels in construction site runoff are typically far greater than levels from agricultural or forest lands. During a short period of time, construction activity can cause significant physical and biological harm to our waters. This program is designed to reduce the amount of sediment and pollution entering our waters both during and after construction projects.

Under Phase I, owners and operators of large construction activity, which results in the disturbance of five or more acres of land, were required to apply for permit coverage. Under Phase II, operators of construction activity that disturbs equal to or greater than one acre must obtain a permit. The annual average of 900 permits is expected to grow to 5,900.

Regulated projects must develop and implement a storm water pollution prevention plan that includes a site description, practices to minimize problematic runoff, and a self-evaluation and reporting plan.



Permitted construction sites must identify and implement best management practices like the silt fences and ground covering seen here.

MPCA Storm Water Program

Industrial Activity

Runoff from industrial activities often discharges pollutants into nearby storm sewer systems and water bodies and can adversely impact water quality. Storm water at industrial sites may come into contact with any number of harmful toxic metals, oil, grease, de-icing salts, and other chemicals from rooftops, roads and parking lots.

Currently 2,196 Minnesota facilities with Standard Industrial Classification (SIC) codes in 11 categories have permits. Under Phase I, facilities were identified as either mandatory or discretionary. Some discretionary facilities whose activities were not exposed to storm water were not required to obtain permits.

Under Phase II, new regulations require many small municipalities that were temporarily exempted to obtain permit coverage for their industrial activity. MPCA anticipates 1,700 new industrial permittees and that approximately one third of the 3,896 facilities under this program will apply for the revised conditional no exposure provision.

Regulated industrial facilities must develop and implement a plan that includes a site evaluation, description of appropriate practices, and a self-evaluation, monitoring and reporting plan. In 2003, both new and old industrial permittees must obtain a new five-year permit.

Municipal Separate Storm Sewer Systems (MS4s)

Urban development substantially increases impervious surfaces, such as city streets, driveways, parking lots, and sidewalks, on which pollutants settle. Pesticides, fertilizers, oils, salt, sediment, litter and other debris are transported via storm water and discharged — untreated — to waterways via storm sewer systems.

Under Phase I Minneapolis and St. Paul MS4s had to obtain NPDES permit coverage. Phase II requires 250 more municipalities to obtain permits.

Based on the 2000 Census systems in Duluth, Fargo/Moorhead, Grand Forks/East Grand Forks, La Crosse/La Crescent, Minneapolis/St. Paul, Rochester and St. Cloud areas are regulated.



Storm sewer signs are one best management practice municipalities can use to educate the public and reduce illicit discharge.

Approximately 160 storm sewer systems are located in these areas.

The MPCA is currently identifying other storm sewer systems that need permits. Approximately 90 systems serving populations over 10,000 and other systems that could substantially contribute pollution to our waters will also need permits.

Regulated systems must develop and implement a pollution prevention plan covering six areas:

- public education and outreach;
- public participation/involvement;
- illicit discharge, detection, and elimination;
- construction site runoff control;
- post-construction site runoff control; and,
- pollution prevention/good housekeeping.

They must also identify best management practices and measurable goals associated with each minimum control measure and submit an annual implementation report.

Staff and budget

The MPCA currently has approximately 19 FTEs working in the Storm Water Program with an FY03 budget of approximately \$1.5 million. These figures include administrative and management support in eight Minnesota locations.

For more information

For more information about this program, contact Reed Larson at (218) 825-3054 or Don Jakes at (651) 296-7786. More information is also available at

www.pca.state.mn.us/water/stormwater/index.html or cfpub.epa.gov/npdes/home.cfm?program_id=6.



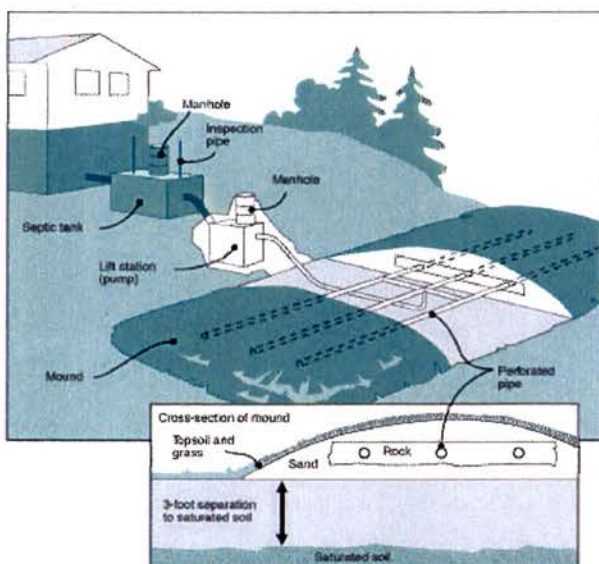
Individual Sewage Treatment System Program

Program description and purpose

The goal of the Individual Sewage Treatment Systems (ISTS) program is to protect the public health and the environment by adequate treatment and disposal of sewage not serviced by a publicly owned treatment facility.

Sewage is generated in homes, schools, businesses and other buildings across Minnesota. Most sewage is transported through sewer pipes to municipal facilities where it is treated to meet appropriate standards and discharged into our surface waters.

Approximately a quarter of Minnesotans are served by an ISTS. There are 536,000 ISTSs, commonly called septic systems, in our state. When installed and maintained correctly, septic systems provide long-term, reliable, high quality treatment and disposal of waste water.



The standard mound system is commonly used in rural and exurban areas. Source: U of M Extension Service, Septic System Owner's Guide, Illustration by James Kiehne.



Regular professional maintenance extends the life of a septic system. Source: U of M Extension Service

Non-compliant systems create a widespread potential problem for human health and the environment. Of special concern is the fact that two-thirds of Minnesotans use ground water as their source of drinking water.

Public health concerns include:

- disease and illness from ingestion or bodily contact with sewage;
- disease and illness from drinking polluted ground water; and,
- growing population of those most at risk for illness (seniors, children, people with immunodeficiencies, home bound sick and elderly).

Environmental concerns include:

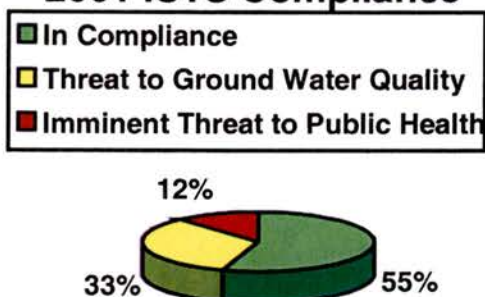
- polluted ground and surface waters; and,
- excessive aquatic growth from phosphorus.

While 19,700 new systems were constructed in 2001, 45 percent of the state's ISTSs are in need of major repair or replacement. Annual reports submitted by local units of government indicate that 12 percent (64,000) of the state's ISTSs pose an imminent threat to public health and 33 percent (177,000) are a threat to ground water quality.

MPCA Individual Sewage Treatment System Program

The 2001 ISTS compliance statistics include all systems in the state, including those built before statewide standards went into effect in 1995. Systems built after 1995 probably have near perfect compliance.

2001 ISTS Compliance



Budget cuts and staff reductions over the past several years drastically reduced ISTS services provided by the Minnesota Pollution Control Agency (MPCA). Currently several parties share a role in the implementation of Minnesota Rules Chapter 7080, the state ISTS code.

The MPCA:

- maintains the rule;
- issues licenses and registrations;
- proctors licensing exams at workshops;
- provides limited technical assistance to local units of government; and,
- provides limited enforcement assistance to local units of government.

The University of Minnesota Extension Service:

- conducts ISTS training workshops; and,
- assists individual homeowners.

Local units of government:

- adopt county ordinances;
- issue permits for individual systems;
- verify compliance of systems when issuing building permits for bedroom additions;
- require upgrading of non-complying systems; and,
- assist individual homeowners.

Property owners:

- hire registered businesses and licensed professionals to maintain, repair or install septic systems;

- repair or replace failing systems when adding a bedroom;
- provide accurate information about existing and abandoned systems to buyers; and,
- pay costs and legal fees to bring sold property into compliance if seller fails to provide accurate information.

Licensing and registration

One thousand six hundred businesses are licensed in one or more of four categories: design, installation, inspection and pumping. Licensing requirements include:

- application;
- evidence of \$10,000 corporate security bond;
- evidence of general liability insurance;
- \$100 annual fee; and,
- names of designated registered professionals on staff.

Local governments cannot require additional local licenses for septic system professionals.

Five thousand six hundred individuals who install, site-evaluate, design, maintain, pump or inspect septic systems are registered, with some exceptions. Registration requirements include:

- Training
- Examination
- Experience with registered professional
- Application

Registrations are valid for three years and continuing education is required to maintain registration.

Staff and budget

The MPCA currently has about 4 FTEs (this includes administrative and management support in several MPCA offices) working in the ISTS program with a total FY03 budget of \$0.6 million.

For more information

For more information about the MPCA's ISTS Program contact Gretchen Sabel at (651) 296-7773 or visit

www.pca.state.mn.us/programs/ists/index.html.

Minnesota Rule 7080 is located at

www.revisor.leg.state.mn.us/arule/7080/.



Program description and purpose

The Minnesota Pollution Control Agency (MPCA) regulates the collection, transportation, storage, processing and disposal of animal manure. The Feedlot Program implements rules governing these activities, and provides assistance to counties and the livestock industry.

The feedlot rules apply to all aspects of livestock waste management including the location, design, construction, operation and management of feedlots and manure handling facilities.

Examples of livestock operations subject to the rules include swine and dairy confinement facilities, pasture and winter-grazing operations, poultry facilities and composting sites.

Program statistics

- 29,000 registered feedlots in 2002
- 455 NPDES (1,000+ animal units) permits since revised rules (October 2000)
- 55 delegated counties
- 527 feedlot inspections Jan.-Sept. 2002

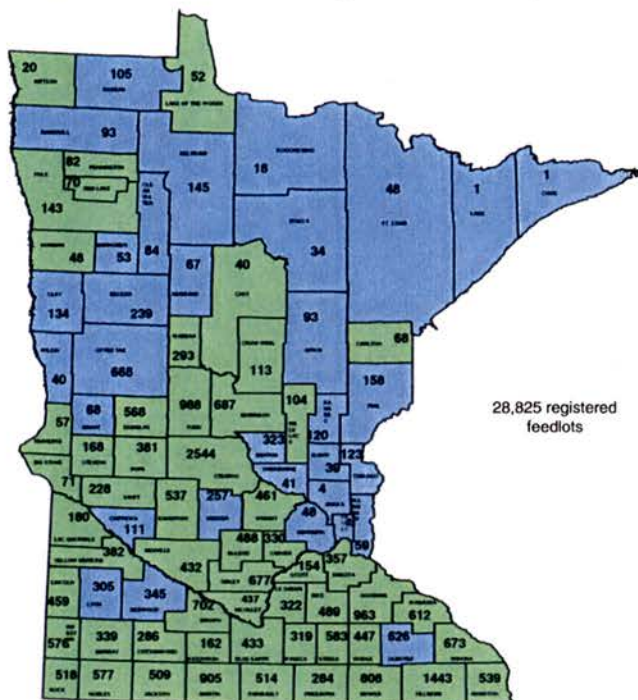
Feedlot rule revision

In October 2000 a major revision of the feedlot rule (Minn. R. ch. 7020) went into effect. In the more than twenty years since the last revision, much has changed in the livestock industry. Production techniques and practices have changed dramatically. There have been new discoveries and understandings regarding agriculture and the environment. The MPCA and its partner counties have also gained much experience administering the feedlot program.

The MPCA's goals for the new rules are to:

- focus on animal feedlots and manure storage areas that have the greatest potential for environmental impact;
- expand the role of delegated counties in the feedlot program;
- increase agency and delegated-county staff field presence; and
- achieve the desired environmental outcomes with existing agency and county resources.

Number of feedlot registrations by county



Green shaded counties are in the MPCA County Feedlot Program
Numbers based on available information as of September 30, 2002. Revised map based on data entry will be available in coming weeks.

During the rule revision process, the legislature and the Governor's office were very sensitive to the needs of the agriculture industry. The MPCA sought to provide the most environmentally protective and economical solutions. The MPCA used the Feedlot Manure Management Advisory Committee, a team of agribusiness people, University experts, environmentalists, and local government officials, to review proposed rule changes and recommend changes.

The revised rules were reviewed during 13 public hearings around the state. More than 2,000 individual producers, counties, and other interested parties attended these hearings and helped shape the final rule contents. The revised rules were adopted in October 2000.

MPCA Feedlot Program

Program examples

Delegated County Program

In 55 counties the feedlot program is conducted through a cooperative arrangement between the MPCA and county government. County feedlot programs have responsibility for implementing state feedlot regulations for facilities with fewer than 1,000 animal units (AU). These responsibilities include:

- registration
- permitting
- inspections
- education and assistance
- complaint follow-up

In 2002, the delegated counties received a total of about \$2 million, or an average of about \$36,000 each, to help fund their programs. Funds are awarded based on the number of feedlots in the county with more than 10 animal units and the level of inspection completed.

Registration

The revised feedlot rule required all feedlots with more than 50 animal units (10 in shoreland areas) to register by January 2002. About 29,000 feedlots have been registered.

Permits

Permits authorize larger feedlots to operate under specific conditions in order to comply with the federal Clean Water Act. State and federal regulations require all feedlot owners with 1,000 or more animal units to have a National Pollutant Discharge Elimination System permit and/or a State Disposal System permit.

General NPDES Permit

The MPCA with the assistance of FMMAC developed a General NPDES permit. This permit provides one public comment period to address many facilities rather than each facility being placed on public notice separately. Use of the general permit reduced the amount of time needed to issue NPDES permits to producers. Delegated counties issue permits for operations under 1,000 animal units. The MPCA issues permits in non-delegated counties and all permits over 1,000 animal units.



Taking a manure sample in a hog barn.

Open Lot Agreement

As many as 9,000 of the registered feedlots may be eligible for the Open Lot Agreement. This provision in the feedlot rule provides benefits for smaller feedlots (<300 AU) with manure or manure-contaminated runoff. It provides more time to correct problems, and a conditional waiver of civil penalties for past violations regarding the runoff issues.

Training and technical assistance

The MPCA provides training opportunities and assistance to counties and livestock producers.

County feedlot officers receive a detailed feedlot manual covering all aspects of the program. MPCA technical staff conduct workshops and presentations for county staff and producer groups. In 2001 about 9,450 feedlot owners, consultants, and technical assistance staff attended feedlot information and training meetings.

Staff and budget

In FY03, the MPCA has about 43 FTEs assigned to the feedlot program with a budget of \$5.3 million. This includes administrative and management support in eight Minnesota locations

The staff complement includes engineers, hydrologists, soil scientists and pollution control specialists. They work in the areas of land application of manure, permitting, data management, technical assistance, and compliance with the feedlot rule.

For more information

For more information about the Feedlot Program contact Myrna Halbach at (320) 214-3794 or Wayne Anderson at (651) 296-7323.

More information about this program is also available on the MPCA Web site at www.pca.state.mn.us/hot/feedlots.html.



Air Permitting Program

Program description and purpose

Every year in the United States, industrial operations emit nearly 100 million tons of pollutants into the air. These include pollutants that form smog, make breathing difficult, affect our long-term health, impair visibility and damage ecosystems.

To limit harmful air pollution, the Clean Air Act of 1990 established a nationwide air quality permit program to help facilities understand and comply with air quality regulations. In general, facilities are required to apply for air quality permits if they emit more than a certain amount of regulated pollutants. Regulated pollutants include carbon monoxide, particles, sulfur dioxide, nitrogen oxides and chemicals called volatile organic compounds or VOCs. These pollutants can cause harm to humans separately or when combined with other chemicals in the air.

About a third of the air pollution in Minnesota comes from large industrial operations that require federal air quality permits, including factories, power plants and refineries. Federal or state air quality permits may also be required for small stationary sources and specific industries because of the characteristics of the pollutants they emit.

Air quality permit features

An air quality permit is a document issued to a specific facility that contains legally enforceable requirements. The permit spells out the equipment to be used in day-to-day operations, what air pollution control equipment is to be used, and rules or regulations that apply to the facility.

The permit may also include air monitoring requirements, based either on rules that apply to that industry or on the MPCA's expertise that monitoring is necessary to ensure that the company is meeting air pollution limits set out in the permit.

Types of air quality permits

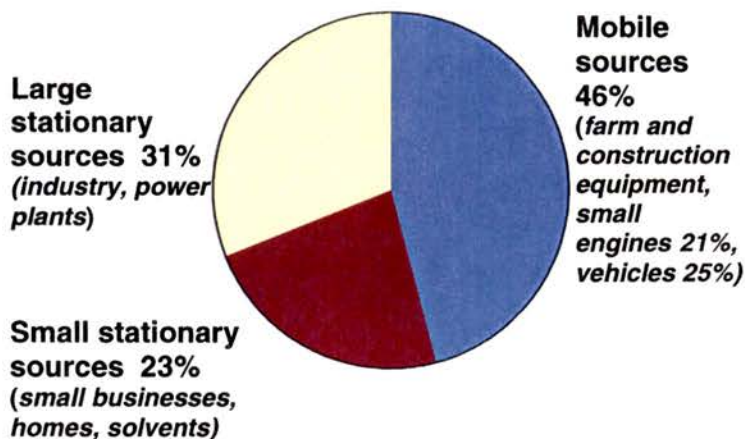
Generally, there are two broad types of permits: a construction permit, and an operating permit. Construction permits are necessary in order to construct or modify a facility. Operating permits are required for businesses to operate so that the source does not contribute to violations of air quality standards.

Before deciding which operating permit to apply for, facility management must calculate "potential to emit," or emissions if the facility were to operate at full capacity 24 hours a day, 365 days a year. The business may also need to take into account requirements unique to specific industries.

Types of air quality operating permits include:

- **Facility-specific permits** are tailored to a company and take into account many different emissions points at the facility. A facility-specific permit may be either a federal Title V (also known as a Part 70) permit, or a state permit, depending upon the facility's potential to emit. Title V permits must be renewed every five years. Federal permits require a 30-day public notice period and a 45-day review by EPA. State permits require a 30-day public notice period. There are approximately 345 businesses in Minnesota that need Title V permits.

Sources of air pollution in Minnesota



MPCA Air Permitting Program

- **General permits** are for specific industries that use similar equipment and processes (e.g., the asphalt industry). Using input from these industries, the MPCA develops an industry-wide general permit to allow operational flexibility for typical processes. Individual facility general permits are not normally placed on public notice, because the general permit is put on public notice as part of its development. About 130 businesses in Minnesota hold general permits.
- **Registration permits** are the most basic. These streamlined state permits are designed for businesses that have low actual emissions when compared with potential emissions. Many small facilities fall into this category (e.g., auto body shops, school and hospital heating boilers). No public notice is required when an individual registration permit is issued. At present, there are more than 2,050 facilities with registration permits in Minnesota.

Benefits of air permits

Public: the public benefits from improved air quality as a result of facilities' compliance with emissions limits.

Industry: the permitting process helps companies resolve questions about what local, state and federal requirements apply to each facility. It also may help companies find the most efficient and cost-effective methods of controlling emissions.

State and local governments: the permitting program allows government to consolidate air pollution issues in one permit, rather than a series of separate government permits. Improved compliance with emissions standards also means that Minnesota is in a better position to meet national air quality standards.

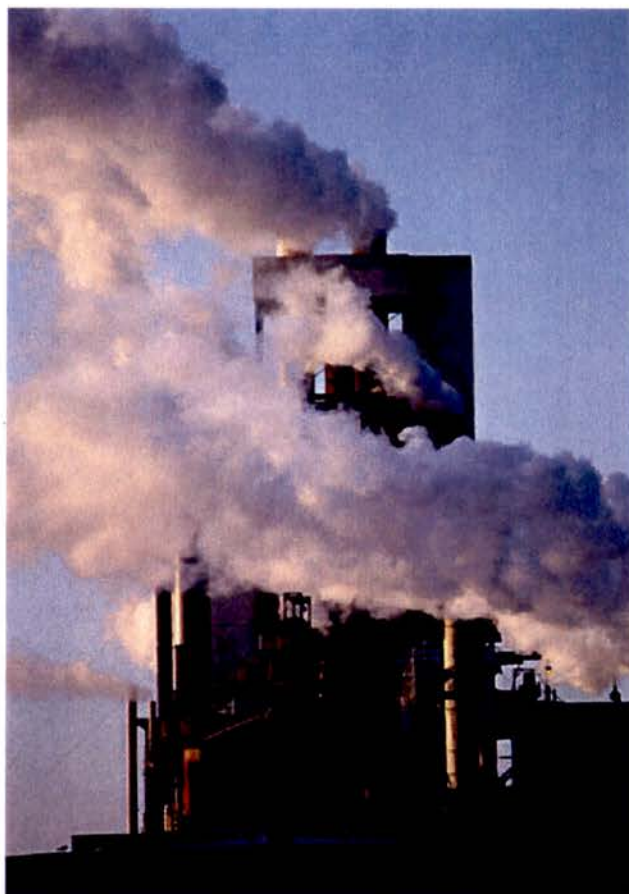
Staff and budget

The total FTE (full-time equivalents, a measure of agency staff time dedicated to a program) involved in the air permitting program at the MPCA in FY03 is 71. The agency has budgeted approximately \$8.9 million in support of this effort. (These figures include administrative and management support in eight Minnesota locations.)

For more information

For more information about air permitting in Minnesota, contact Ann Foss at (651) 296-7512.

Additional information about air quality and the MPCA's permitting program is available at www.pca.state.mn.us/air/index.html.



To limit air pollution, facilities such as refineries are required to obtain air quality permits that spell out rules and restrictions.



Solid Waste Program

Program description and purpose

Minnesotans produce about 2.8 million tons of mixed municipal solid waste (MSW) each year, — despite a high recycling rate of 46 percent or better. The volume of solid waste is increasing by 1-2 percent per year in Minnesota. This waste is collected, brought to processing facilities (incinerators, landfills, recovery facilities, compost sites), sorted, or buried.

Many steps in solid waste disposal involve the Minnesota Pollution Control Agency (MPCA). The MPCA works with resource recovery facilities that sort out metals for recycling while sending combustible material to power plants where it is burned to generate electricity. The MPCA also works with composting facilities.

The MPCA helps protect the public from leaking landfills that can affect public water supplies, damage natural resources, and threaten public health and the environment. Private firms and local governments involved in solid waste collection and disposal must comply with state and federal requirements on waste transportation, storage, treatment, disposal, assured funding for long term care, restrictions on types of wastes allowed in facilities; and other requirements to protect ground water and land.

City, county, state and private interests are all involved with solid waste management and compliance.

MPCA's solid waste staff:

- issue new and renewed permits for landfills, transfer stations, and waste-to-energy facilities;

- evaluate and assure the quality of ground water at and near landfills;
- review engineering and monitoring plans;
- respond to, or refer to local government, complaints of illegal dumping or other solid waste mismanagement;
- conduct inspections and enforcement, and other key regulatory tasks;
- provide immediate response to any solid waste site emergencies that arise; and,
- evaluate financial resources of landfills for remedial and long term care.

The MPCA is updating some solid waste rules. One rule relates to demolition-debris landfills and "transfer stations" (waste is transferred from collection trucks to large trailers to take to combustors or landfills).

The MPCA is determining if more stringent environmental safeguards are needed at demolition landfills. Most have no "liners" underneath to capture contaminated liquids caused by rain and



This photo shows the construction of a lined MSW landfill in St. Louis County. The liner is visible as a dark strip in the center. A layer of sand has already been applied over the remainder of the liner. The sand and liner keep liquid wastes from contaminating ground water.

MPCA Solid Waste Program

snow falling on waste at an active landfill. The MPCA's findings will affect proposed changes to existing rules.

The MPCA may also streamline the regulatory process for small- and medium-sized transfer stations. If this proposal advances, these transfer stations will need to follow the state rules as to location and operations, but will not need a state-issued, individualized permit document. All local requirements would remain in place.

Program examples

From January 1, 2001 to November 1, 2002 the MPCA issued 41 solid waste management facility permits for a variety of facilities. The list below shows the number and various types of waste facilities in Minnesota. Currently, solid waste facilities are inspected about one to two times per year.

- Transfer stations — 90
- Permitted demolition landfills — 103
- Lined landfills taking mixed MSW — 21
- Resource recovery facilities (processing waste for energy, and doing source separated composting) — 18

Staffing and budget

Through the solid waste management tax, users of the Minnesota solid waste system pay the state's share of costs as well as some local aid for recycling programs. Therefore, there is no reliance on other sources of revenue.

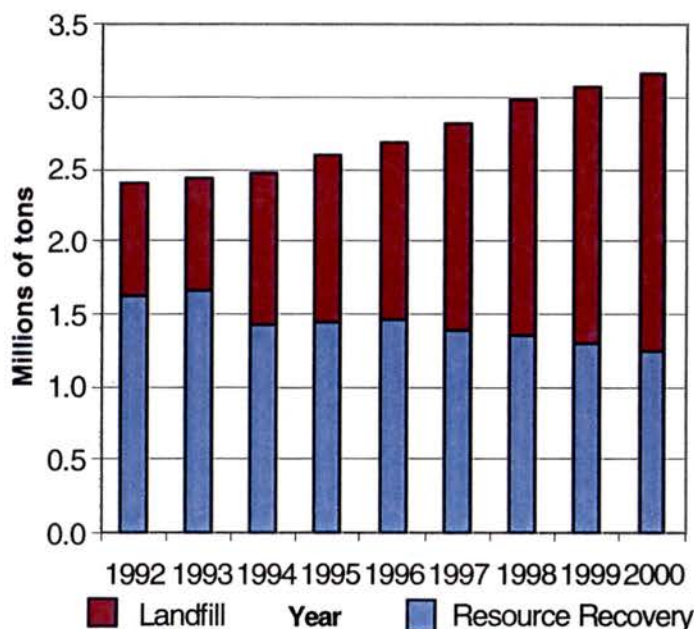
The FY03 Solid Waste Program budget is \$4.0 million. The program currently has a staff of approximately 40 FTEs (this includes administrative and management support in eight Minnesota locations).

For more information

For more information on the solid waste regulatory program issues please contact Larry Landherr at (507) 285-7345, or Gary Eddy at (651) 296-7758.

Additional information about waste management is also available on the MPCA Web site at www.pca.state.mn.us/waste/index.html.

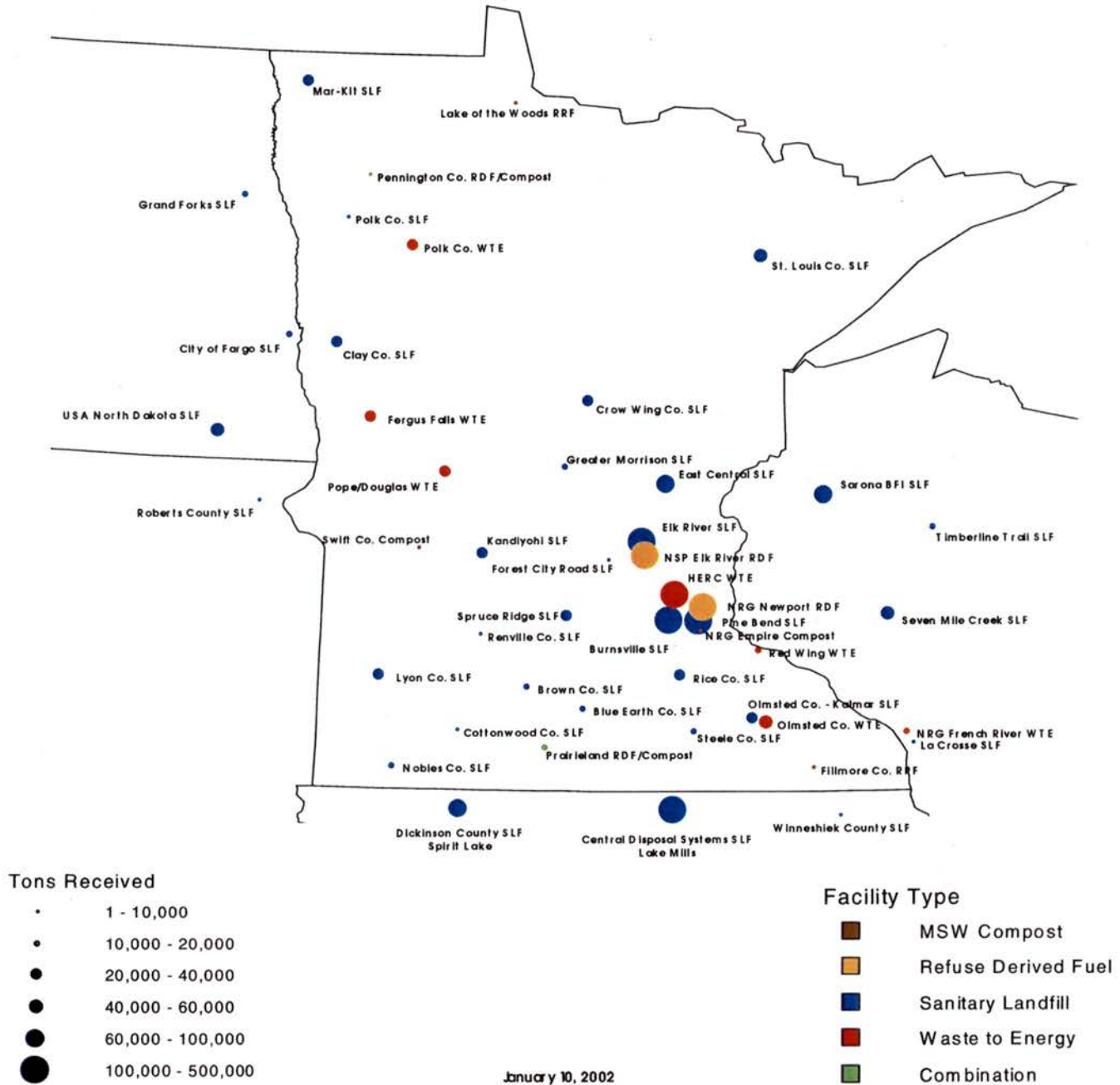
**Municipal Solid Waste Handling
in Minnesota**



This chart shows that waste tonnage sent to resource recovery operations (in blue) has decreased, while waste sent to landfills (in red) is increasing.

MPCA Solid Waste Program

Facilities receiving Minnesota's MSW in 2000



January 10, 2002

Data Source: Minnesota Office of Environmental Assistance, SCORE Database, 2001.

This graphic shows the location, the comparative tons of MSW brought in and the type of all facilities that received Minnesota's MSW in the year 2000. The major disposal facilities are primarily in the metropolitan area, northern Iowa, and northwestern Wisconsin.



Hazardous Waste Program

Program description and purpose

Hazardous wastes require special handling and disposal to ensure protection of human health and the environment. The Hazardous Waste Program of the Minnesota Pollution Control Agency (MPCA) is based on the federal Resource Conservation and Recovery Act (RCRA) and Minn. Statutes 115 and 116. The program's goal is to ensure that generators of hazardous waste do not endanger public health or the environment as they handle and dispose of their hazardous wastes.

Since the MPCA established its Hazardous Waste Program, there's been a dramatic change in the way businesses, driven in part by the need to keep their costs down, have adopted an environmental ethic.

Staff who work in the Hazardous Waste Program permit and license hazardous waste generators and collect fees from them. They also conduct inspections to ensure that facilities are in compliance, provide technical assistance during these inspections, determine whether the facilities' hazardous waste management and disposal plans are up to date, and, when necessary, initiate enforcement actions to return facilities to compliance.

In Minnesota, hazardous wastes are managed through a cradle-to-grave system. There is strict joint and separable liability for hazardous waste management. The Hazardous Waste Program requires any person or company that produces or manages a waste in Minnesota to:

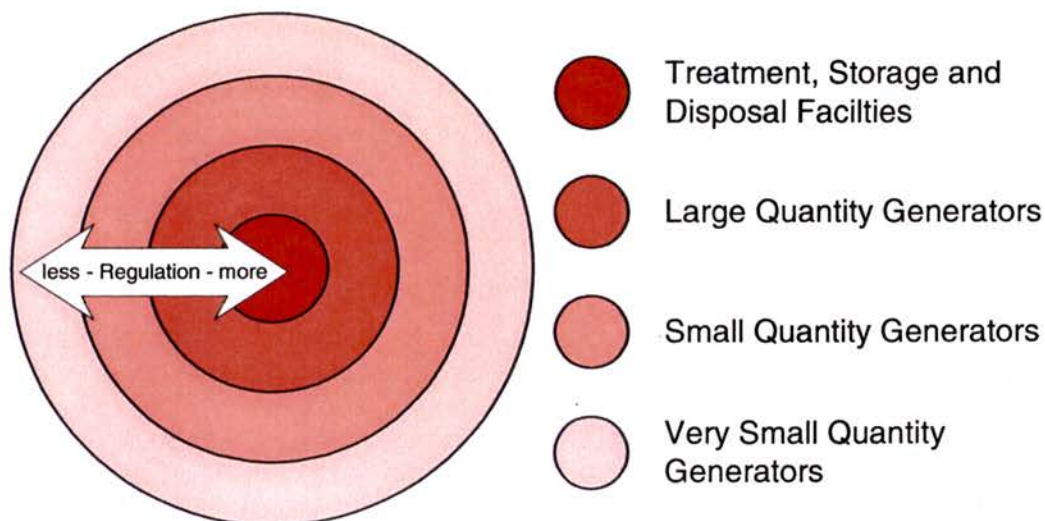
- evaluate its waste to determine whether it is hazardous (Minnesota Hazardous Waste

Rules, Chapter 7045) and determine its generator size (These rules do not apply to households that produce normal household waste.);

- obtain an U.S. Environmental Protection Agency (EPA) identification number;
- annually apply for and pay a license fee;
- place hazardous waste in a marked, leakproof container;
- store hazardous waste correctly and only up to permitted limits;
- properly transport and dispose of hazardous waste;
- manifest shipments of hazardous waste;
- plan for emergencies;
- train personnel; and
- keep records.

Hazardous waste generators are classified by the amount of hazardous waste they produce.

The MPCA's Hazardous Waste Program issues permits specific to each of the state's 28 Treatment, Storage and Disposal (TSD) facilities. Each year,



The degree to which the MPCA regulates a hazardous waste generator is proportionate to the amount of hazardous waste produced.

MPCA Hazardous Waste Program

program staff ensure that these facilities' permits are up to date.

The Hazardous Waste Program also licenses:

- approximately 300 Large Quantity Generators (LQGs) that produce 2,200 pounds (about four drums of liquid) or more of hazardous waste per month;
- approximately 1,300 Small Quantity Generators (SQGs) that produce more than 220 but less than 2,200 pounds (about one-half to four drums of liquid) of hazardous waste per month; and
- approximately 11,000 Very Small Quantity Generators (VSQGs) that produce 220 pounds or less of hazardous waste per month. Minimal Generators are VSQGs that generate 100 pounds (about 10 gallons liquid) or less of hazardous waste in a year. The Hazardous Waste Program has established special requirements for Minimal Generators which reduce record-keeping, reporting and fee requirements.

An example of a TSD facility — the most-regulated category of hazardous waste generator — is 3M's Cottage Grove Incinerator. An electroplating company is an example of an LQG, and a print shop may fall in the SQG category.

The degree to which the MPCA regulates a hazardous waste generator is proportionate to the amount of hazardous waste produced within a given month.

In accordance with the national inspection goals established by the EPA, all of Minnesota's 28 TSD facilities are inspected annually by the EPA or the MPCA. This is because these facilities have the capability of being able to pollute most. In the seven-county Twin Cities metropolitan area, county

hazardous waste staff may inspect the TSD facilities more frequently.

The EPA and MPCA also inspect at least 10 percent of the state's LQGs each year.

The SQGs comprise the other category of hazardous waste generators that draw the attention of MPCA inspectors. The number of SQGs inspected each year varies.

Inspections of VSQGs — the type of hazardous waste generator that has the least ability to pollute — are based on complaints that the agency receives about hazardous waste mismanagement.

In the Twin Cities metropolitan area, inspections by county inspectors supplement those conducted by EPA and MPCA staff.

Staff and budget

In FY03, the total FTEs (full-time equivalents, a measure of staff time dedicated to a program) involved in the Hazardous Waste Program at the MPCA is about 38 (this includes administrative and management support in eight Minnesota office locations). A total of \$5.0 million of the agency's FY03 budget, provided by the federal government and the state, supports this effort.

For more information

For more information about the MPCA's Hazardous Waste Program, contact Mike Tibbetts at (651) 297-8381 or by e-mail at mike.tibbetts@pca.state.mn.us.

Additional information about hazardous waste regulation is available on the MPCA Web site at www.pca.state.mn.us/waste/index.html.



Tanks Programs

Program descriptions and purpose

The MPCA petroleum storage tank programs protect human health and the environment by preventing tank leaks and spills and cleaning up sites with petroleum releases. Leak prevention is accomplished through technical assistance and training for tank owners and operators; tank contractor training and certification; and inspection of tank facilities. Tank spills or leaks are addressed through the Leaking Underground Storage Tank (LUST) Program and the Voluntary Petroleum Investigation and Cleanup (VPIC) Program.

The development of various tank programs occurred in the mid 1980s because MPCA and U.S. EPA were discovering that underground storage tanks (USTs) and above ground storage tanks (ASTs) were contaminating ground water and surface water. Since a majority of Minnesotans get their drinking water directly or indirectly from ground water, action was necessary.

MPCA programs that deal with tanks include the UST Program, the AST Program, the VPIC Program, and the LUST Program.

The Emergency Response Program also responds to spills, but this program will be discussed in separate introductory report.

UST

Created to prevent contamination, the UST Program provides information to tank owners and operators including best management practices and current regulations. By 1998, tanks regulated by the EPA and the MPCA had to be upgraded, replaced, or removed if they lacked proper spill, overfill, or corrosion protection. Of the 56,000 USTs registered in Minnesota, 38,361 tanks have been removed or permanently closed and 16,275 tanks have been replaced or upgraded.

AST

Like the UST Program, the AST Program focuses on leak prevention. Technical assistance, inspections, permitting, and implementation of new requirements for tanks that incorporate best management practices are designed to accomplish this goal.

In 1998, facilities (with tank capacities of less than a million gallons) started implementing requirements to prevent contamination that include: proper containment of product that may leak; prevention of spills and overfills during product transfer; and proper monitoring of active and inactive tanks. Approximately 30,000 ASTs will need to be upgraded, replaced, or removed by November 2003 when the regulations take full effect or as a result of existing and future permit requirements.

At the 89 facilities with liquid capacity of one million gallons or greater, permits have been developed with best management practices to prevent and minimize contamination.



Corroded tanks, improperly filled tanks, overfilled tanks, and poorly monitored tanks lead to petroleum contamination in the soil, ground water, and surface water. New tank installations now include corrosion protection, leak protection, spill protection, and overfill protection.

MPCA Tanks Programs

VPIC

Purchasing, selling, or developing property can present a special set of obstacles if the property is contaminated with chemicals. The Voluntary Petroleum Investigation and Cleanup (VPIC) Program is a fee-for-service technical review and oversight program started in 1992 to help address these obstacles. The VPIC Program provides technical assistance and liability assurance needed to expedite and facilitate the development, transfer, investigation and/or cleanup of property contaminated with petroleum. About 200 sites per year enter the VPIC program and receive liability assurance letters or site closure letters.

LUST

The purpose of the LUST Program is to protect human health and the environment from petroleum tank releases by evaluating, minimizing, or cleaning up petroleum contamination that impacts soil and water. This program deals with both underground and above ground storage tanks.

The LUST Program objectives are to ensure clean drinking water, a clean air supply, and to provide safety from explosive vapors.

Program priorities include:

- Timely completion of investigations, cleanups, and closures of sites that are protective of the human health and the environment.
- Coordination with responsible parties and the Department of Commerce to ensure prompt and proper reimbursement for eligible expenses.

Funding for the LUST Program and petroleum cleanup comes primarily from Petrofund. This fund is generated from a two-cent-per-gallon fee on petroleum wholesalers. This fee is only activated if the account drops below \$4 million dollars. It is typically activated for four months per year. Since the mid 1980s, the Petrofund has provided approximately \$325 million to 9,450 different applicants for leak site cleanups. Commercial and residential sites are eligible for up to 90 percent reimbursement for petroleum investigation and cleanup with a cap of \$1 million.

LUST Program example: site assessment

In 2002, the MPCA, in partnership with the Minneapolis Community Development Agency (MCDA), used a \$100,000 grant from the EPA to perform risk-based assessment at six abandoned gas stations suspected of having petroleum contamination in Minneapolis. Site investigations were recently completed. Four sites will be recommended for closure, one site will be referred to the MPCA's Voluntary Investigation and Cleanup Program, and drilling results are expected on the sixth site. The MCDA plans to develop these sites into community gardens, housing developments, or possible commercial development.

Staff and budget

The total FTEs (full-time equivalents, a measure of agency staff time dedicated to a program) involved in tank-related programs including activities funded by Petrofund at the MPCA is about 51. This figure

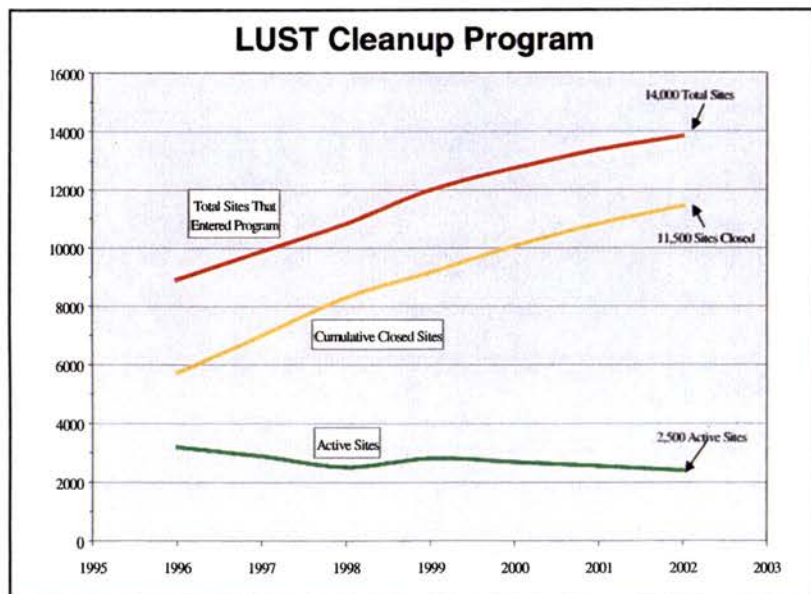
includes administrative and management support in eight Minnesota locations. A total of about \$8.9 million is budgeted in FY03 to support these tank-related program efforts.

For more information

For more information about tank cleanup programs, contact Michael Kanner at (651) 297-8564. For information about other MPCA tank programs call Reed Larson at (218) 825-3054.

Information about tanks programs can also be found on the MPCA Web site at

www.pca.state.mn.us/programs/tanks.html.





Emergency Response Program

Program description and purpose

Minn. Stat. 115.061 requires the reporting and cleanup of spills.

The mission of the Minnesota Pollution Control Agency's (MPCA's) Emergency Response Program is to:

- minimize unpermitted releases of pollutants to the environment;
- support the emergency preparedness and planning of local public safety responders and oversee the preparedness of facilities that handle oil and other hazardous substances;
- and, support public safety responders and oversee cleanup contractors and responsible parties so that spills are cleaned up in an efficient and coordinated manner, the public's health is protected, and damage to the environment is minimized.

On Call Status

The Emergency Response Team works closely with local, county, state and federal public safety and environmental officials. A member of the team is on call 24 hours a day, and team members field more than 2,000 calls each year.

Declaring Emergencies

In FY02, Emergency Response Team members declared an emergency 54 times because the party responsible for a spill of hazardous materials was unknown or was not taking adequate steps to control or clean up a spill. In such cases, the team responds by using Minnesota Environmental Response and Liability Act or Petrofund money and one of the state's environmental contractors. Examples of these emergencies include explosive vapors from an unknown source in a sewer, abandoned containers of

hazardous waste along a road, and the crash of an out-of-state transporter of hazardous materials whose company cannot be contacted to clean up the spill. Enforcement and cost-recovery usually follows.

Spill Response Training

The MPCA's Emergency Response Team trains local companies and fire departments in spill response and locating environmentally-sensitive areas. Team members develop response strategies for various spill scenarios and reviews companies' spill response plans. The team has equipped and trained more than 50 fire departments.

The Emergency Response team is working with groups of companies and local governments to improve spill preparedness. It has done this with the River Defense Network, which includes the fire departments of 16 cities along the Mississippi River, from its headwaters to St. Paul. And, the MPCA has taken a leadership role in the North Metro,



The MPCA's Emergency Response Team oversaw the cleanup of a 250,000-gallon spill of crude oil near from a pipeline near Cohasset.

MPCA Emergency Response Program

Metro and Wakota Community Awareness and Emergency Response groups, the Tri-State (Minnesota, Iowa and Wisconsin) Committee as well as with similar groups for the Red River and Port of Duluth.

Terrorism Preparedness

The Emergency Response Team also participates in Minnesota's terrorism preparedness. Its role is to prepare for, and do, debris management (as in the case of a flood or tornado), support local safety personnel by developing standard operating procedures for likely scenarios, and conducting table top and on-location exercises. Team members traveled to New York to learn what they could about managing debris from a terrorist attack. The team is also helping the Board of Animal Health, the Minnesota Department of Agriculture and the Minnesota Department of Natural Resources prepare for catastrophic animal diseases.

Program examples

Cohasset Pipeline Rupture

On July 4, 2002, the Enbridge Energy Partners Pipeline ruptured near Cohasset, spilling at least 250,000 gallons of crude oil. As soon as the pipeline company informed the Minnesota Duty Officer of the spill, he contacted the on-call MPCA Emergency Response Team member who was designated incident commander for the spill.

Upon arrival at the spill site, the incident commander found a challenging situation — the crude oil had spilled over into a peat bog and wetlands that ultimately drain into the Mississippi River. Spilled oil covered several acres.

Rain was expected, and after consulting with other responders, the commander ordered the spilled oil burned to keep it from being flushed into the Mississippi. This considerably reduced the amount of oil.

The commander and other members of the Emergency Response Team worked with Enbridge Energy Partners to develop a cleanup plan. The company installed two floating log roads to provide access to the spill, dug channels to facilitate recovery and recovered about 210,000 gallons of product with vacuum trucks. Cleanup of the site also entailed the digging up and removal of the top two saturated feet (about 50,000 cubic yards) of peat.

River Defense Network

The River Defense Network fosters spill prevention and preparedness along the Mississippi, from its source to the Minneapolis drinking water intake. With an appropriation from the 1999 Minnesota Legislature, the MPCA's Emergency Response Team trained the Bemidji, Cass Lake, Deer River, Grand Rapids, Aitkin, Brainerd, Little Falls, Sartell, Monticello, Elk River, Anoka/Champlin, Coon Rapids, Brooklyn Park, Brooklyn Center, Fridley and Minneapolis fire departments and equipped each with a trailer, containment boom, sorbent materials, anchors, ropes, connectors, life jackets, buoys and hand tools. Some of the departments also received explosimeters and fans to control explosive vapors in sewers.

When a large warehouse in Grand Rapids caught fire in the spring of 2000, at least several thousand gallons of motor oil, antifreeze and other products escaped. The Grand Rapids Fire Department, which had received its spill equipment and trailer about a week before the fire, used the equipment and earlier MPCA training to isolate the oil and oily water runoff from the fire so that cleanup contractors could recover the spilled products.

Without the spill training and equipment, oil would have reached Forest Lake, Lake Pokegama and the Mississippi River. Had the fire department not been trained and equipped, extensive cleanup, costing far more than the cost of the training and equipment, would have been required.

Staff and budget

In FY03, a total of about 16 FTEs (full-time equivalents, a measure of staff time dedicated to a program) are involved in emergency response at the MPCA. The agency has budgeted approximately \$2.1 million to support this effort. These figures include administrative and management support in six MPCA office locations.

For more information

For more information about MPCA emergency response activities, contact Steve Lee at (651) 297-8610 or by e-mail at stephen.lee@pca.state.mn.us.

Additional information can also be found at www.pca.state.mn.us/cleanup/ert.html.



Superfund and Voluntary Investigation and Cleanup Programs

Program descriptions and purpose

The Superfund and Voluntary Investigation and Cleanup (VIC) programs identify and oversee the investigation and cleanup of abandoned or uncontrolled releases of hazardous substances, pollutants or contaminants that threaten or potentially threaten public health or the environment. Superfund is a mandatory program, VIC is voluntary.

Minnesota's Superfund Program, modeled after the 1980 federal Superfund program, was established in 1983 when the Minnesota Environmental Response and Liability Act passed. This law gave Minnesota the same authority given to the U.S. Environmental Protection Agency to fund cleanups. The "polluter pays" nature of the program requires those who create the risk to public health or the environment must take cleanup responsibility and mitigate the damage done.

The VIC Program offers voluntary parties (responsible or non-responsible) the opportunity to redevelop sites contaminated with hazardous substances. Also called "brownfields," these sites must be cleaned up to the same level of protection as required by the Superfund program. Since its 1988 inception as the Property Transfer Technical Assistance Program (which evolved into the VIC Program with the enactment of the Land Recycling Act of 1992), the program has been a national model in cleaning up contaminated land and returning it to productive use.

Superfund

Within four years, the MPCA will fulfill the Minnesota Legislature's 1983 charge by successfully bringing the Superfund Program to a monitoring and maintenance mode. This goal is attainable because MPCA staff know the number and seriousness of the remaining state hazardous waste sites. They also know how to apply 20 years of cost-

effective remediation experience so cleanups can outpace the addition of any new sites.

As of November 2002, only 97 sites remained on the state Superfund list (of 229 since the program's creation) and 24 (of 45) on the federal list. The MPCA anticipates that there will be 25 state sites and zero federal sites by 2006.

Voluntary Investigation and Cleanup Program

VIC Program goals include:

- promoting the cleanup and reuse of contaminated property;
- providing review of voluntary site investigations;
- approving response action plans; and,
- offering liability assurances to those conducting voluntary investigations and/or cleanups.



Once the largest unpermitted dumpsite in Minnesota, the Pig's Eye Dump is being cleaned up through the Minnesota Superfund Program. The MPCA began removing 300 drums at the site in 1999. The site will become a natural area; Pig's Eye Lake is already the Midwest's largest heron rookery and a popular foraging spot for egrets, cormorants, eagles and peregrine falcons.

MPCA Superfund and VIC Programs

Before the VIC program was created, property buyers and sellers, municipalities, developers, lenders and other business interests were reluctant to redevelop old industrial sites. Many cited fears about accruing potential Superfund liability and the lack of established standards for the investigation and cleanup of sites undergoing property transactions.

The VIC program solved these specific concerns with legal assurances that protect non-responsible parties from Superfund liability and administrative assurances that acknowledge responsible parties who have conducted adequate investigations and cleanups.

In addition to providing fee-for-service technical review and project oversight, the VIC program partners with other MPCA program staff, interested municipalities, the state Department of Trade and Economic Development, and the Metropolitan Council to promote and facilitate brownfield redevelopment.

Program examples

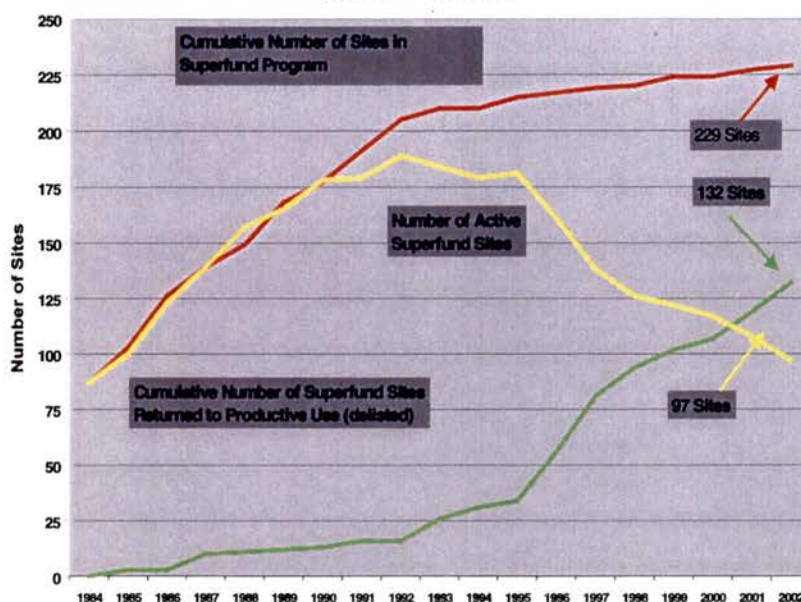
Superfund: Kaplan Scrap Iron and Metal

Appropriate Superfund cleanup of a former St. Paul scrap metal processing facility containing soil contaminated with polychlorinated biphenyls (PCBs) and lead will result in town house and retail development on St. Paul's riverfront. The H.S. Kaplan Scrap Iron and Metal Company stored and processed scrap metal from 1966 to 1988. By 1988, investigation showed elevated lead and PCB concentrations in the soil that may have come from lead batteries, transformers and some automobile components. The site was delisted from the state Superfund list in 2001.

VIC Program: Park Nicollet Clinic Expansion / Tower Place Redevelopment, St. Louis Park

Before the existing clinic (sited on a former solid waste dump) could expand its campus, past and current property owners and the MPCA reached cleanup agreements to contain ground water contamination, remove the lightly acidic waste, and

**Superfund Sites in Minnesota
1984 — 2002**



monitor and control methane emissions from the old dump area.

Newly expanded medical facilities will complement retail and restaurant developments on the Tower Place property. Once cleanup activities are completed, liability protection and support for ongoing project financing will be extended.

Staff and budget

There are about 61 FTEs (full-time equivalents, a measure of agency staff time dedicated to a program) involved in Superfund and VIC programs at the MPCA. Approximately \$14 million is budgeted by the agency in FY03 for these programs. These figures include administrative and management support in eight Minnesota locations.

For more information

For more information about Superfund and the VIC Programs contact Gary Pulford at (651) 296-7340.

Additional information about these programs is also available on the MPCA Web site at

www.pca.state.mn.us/cleanup/index.html.



Closed Landfill Program

Program description and purpose

In 1994, the Minnesota Legislature passed the Landfill Cleanup Act (Act), which created the Closed Landfill Program (CLP). The CLP is an alternative to Superfund programs for closed landfills and the first of its kind in the nation.

The Minnesota Pollution Control Agency (MPCA) was authorized under the Act to initiate cleanup actions, complete closures, take over long-term operation and maintenance, and reimburse eligible parties for past cleanup costs at 106 closed state-permitted landfills throughout Minnesota. The Act requires the State of Minnesota to maintain these landfills in perpetuity.

The goal of the CLP is to bring each landfill in the program up to standards, which should be protective of public health and the environment. The CLP is more than half way toward reaching that goal.

The purpose of the Minnesota Landfill Cleanup Program is to ensure the proper closure and post closure care at 106 closed, permitted municipal sanitary landfills in the state.

After the owners/operators enter into a Binding Agreement with the MPCA and complete the requirements set forth in the agreement, the owner/operators are issued a Notice of Compliance.

The MPCA assumes responsibility for any remaining cleanup work, closure

construction, and long-term care of the landfill. In some cases past cleanup costs can be reimbursed to owners/operators.

The MPCA is required to develop land management plans for each qualified landfill and requires local units of government to make their local land use plan consistent with the plan developed by the MPCA.

The Act requires the MPCA to provide a report to the legislature on past fiscal-year activities and anticipated future work. The CLP is in its eighth year and a significant amount of construction activity has taken place.



A synthetic liner is placed over waste at a landfill to keep rain and melting snow out. When water filters through the waste it becomes contaminated and will then contaminate surrounding land and ground water.

MPCA Closed Landfill Program

Program outputs and examples

The following list summarizes accomplishments from the beginning of the CLP through FY02:

- 106 Binding Agreements signed;
- 105 Notices of Compliance issued;
- All reimbursements to landfill owners/operators and responsible parties have been completed totaling \$37,883,128;
- U.S. Environmental Protection Agency reimbursements totaling \$4,006,550;
- 54 construction projects underway or completed;
- 70.3 percent total reduction in the amount of controllable leachate flowing to ground water due to the placement of adequate covers and other remedial actions; and
- 52.1 percent of the landfill gas generated by CLP landfills, which was economically feasible to be captured, was destroyed prior to being released into the atmosphere.

Staff and budget

Annual funding for the Program currently comes from an expanded solid waste fee, about \$64 million in general obligation bonds and proceeds from the Insurance Recovery Effort.

There are currently about 24 FTEs (this includes administrative and management support in eight Minnesota locations) working in the CLP. The FY03 budget for the CLP is \$21.9 million for CLP design and construction, operations and maintenance, Attorney General fees, and insurance recovery efforts.

For more information

For more information about closed landfills contact Doug Day at (651) 297-1780.

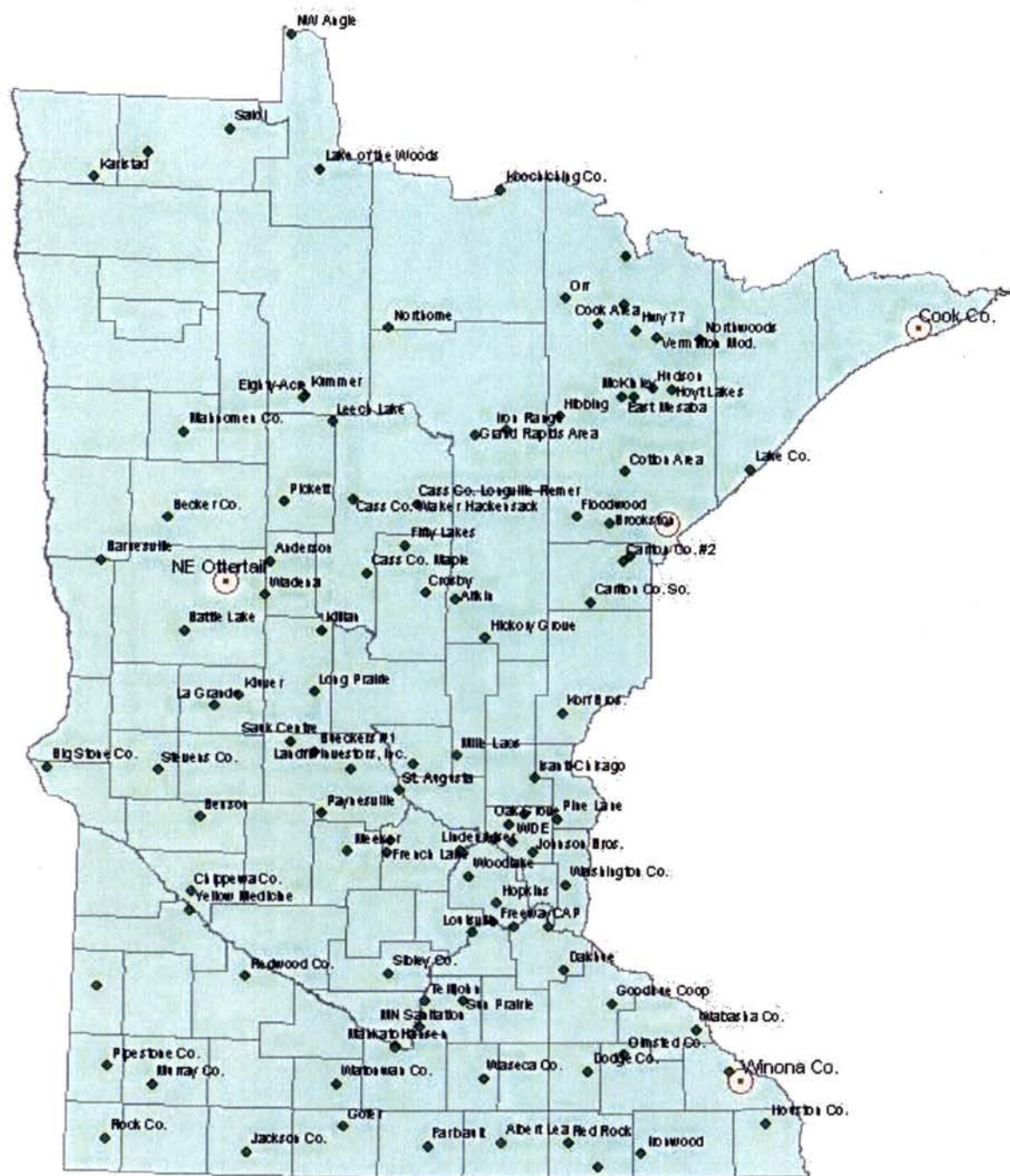
Additional information about the CLP can also be found on the MPCA Web site at www.pca.state.mn.us/programs/landfill_p.html.



MPCA contractors inspect an enclosed flare system designed to burn off harmful landfill gases.

THE

Landfills in CLP Program



- ◆ Closed Landfills
- new Closed Landfills



Other Environmental Activities

Introduction

The other fact sheets in this series cover the larger environmental programs operated by the Minnesota Pollution Control Agency. However, the agency also runs a host of smaller programs and activities that protect Minnesota's environment. What follows are brief descriptions of some of the more noteworthy programs and activities.

Air toxics

Air toxics is a category of substances known to cause or suspected of causing cancer or other health problems at high enough levels. Examples of these types of pollutants include benzene, formaldehyde, carbon tetrachloride and chloroform.

Emissions of air toxics are not regulated like the six so called "criteria pollutants" (carbon monoxide, lead, sulfur dioxide, particulate matter, ozone and nitrogen oxides). More than half of the air toxics emitted in Minnesota comes from "mobile" sources, examples of which include cars, trucks, off-road vehicles, and lawn and garden equipment.

MPCA staff working on air toxics issues continue to study the extent of the problem in Minnesota, as well as to develop non-regulatory methods to reduce emissions of this class of air pollutant.

In FY03, the MPCA has about five FTE working on air toxics issues, with a budget of \$0.4 million. More information about air toxics is available on the MPCA Web site at

www.pca.state.mn.us/air/airtoxics.html.

Mercury and Mercury-Free Zone Program

Mercury contamination of lakes and streams is a serious problem in Minnesota and across the globe. The MPCA is addressing this problem by:

- pursuing voluntary emission reduction agreements with major sources;
- removing mercury from Minnesota's middle schools through its Mercury-Free Zone Program; and

- eliminating mercury-containing products from the marketplace.

Fifteen Minnesota businesses have agreed to voluntarily reduce their mercury emissions through the Mercury Contamination Reduction Initiative. Voluntary program participants have pledged to reduce annual mercury emissions by approximately 270 pounds per year.

The goal of the MPCA's Mercury-Free Zone Program is to remove mercury that has been spilled or "forgotten" in the 1,842 public and private Minnesota schools. This makes schools safer for students and teachers and ensures that the mercury, a persistent biological toxin, will not find its way into the environment.

The project uses Clancy, the only mercury-detecting dog in the nation, and a mercury vapor analyzer to find spilled and "hidden" mercury. It also provides participating schools with mercury-free lab and health-care equipment and a curriculum about mercury.

As of October 1, 2002, 166 schools had pledged to become mercury-free, 300 pounds of mercury had



Pollution Control Specialist Carol Hubbard leads Clancy on a search for spilled mercury in a middle school science lab. So far, 300 pounds of mercury have been removed from schools.

Other MPCA Environmental Activities

been removed from participating schools, and 5,009 students and staff had been educated about the dangers of mercury and how they can help reduce mercury pollution.

Collaboration among the MPCA, the Minnesota Legislature and the Office of Environmental Assistance has led to several successful efforts to reduce or eliminate mercury-containing products in Minnesota. For example in 2001, the sale of most mercury thermometers was prohibited. Efforts are also underway to eliminate mercury switches from vehicles that are to be scrapped.

In FY03, the MPCA has about 3 FTE working on mercury-related issues, and has budgeted about \$0.17 million to support these efforts. For additional information about mercury reduction efforts, visit the MPCA Web site at www.pca.state.mn.us/air/mercury.html.

Global climate change

While some scientists may disagree about the causes and extent of global climate change, few doubt that the Earth's climate is warming. The MPCA devotes some of its resources toward analyzing sources of greenhouse gas emissions in Minnesota and developing strategies to reduce them.

In FY03, about 1 FTE and \$0.19 million are devoted to global climate change issues. More information about global climate change and what it means to Minnesota can be found on the MPCA Web site at www.pca.state.mn.us/hot/globalwarming.html.

Air pollution from mobile sources

Approximately 40 percent of the air pollution emitted in Minnesota comes from "mobile sources." Because this is such a significant source of pollution, the MPCA seeks ways to promote alternative fuel use and fuel-efficient vehicles, and increase the availability and use of mass transit in metropolitan areas.

In FY03, the MPCA devoted about 5 FTEs and \$0.58 million to mobile source issues. More information about this program is available at www.pca.state.mn.us/air/mvpollution.html.

Noise

The MPCA enforces Minnesota state noise rules. In addition to responding to complaints and conducting monitoring, staff work with other state agencies as well as cities to prevent noise pollution.

In FY03, the MPCA devotes about 1 FTE and \$0.1 million to noise pollution issues. More information about noise pollution is available at www.pca.state.mn.us/programs/noise.html.

Customer Assistance Center (CAC)

The CAC answers technical questions from the public and industry about air, water, above and underground storage tanks and hazardous waste regulations. Other questions are referred to appropriate MPCA staff or other state agencies.

The CAC answers about 10,000 customer calls a year. Nearly 99 percent of all calls are responded to within 24 hours.

In FY03, the MPCA has about 3 FTE working in the CAC, and has budgeted about \$0.17 million to support these efforts.

Training

Keeping up to date with environmental rules and regulations can sometimes be difficult, especially for smaller businesses that do not have full-time environmental compliance staff. To help businesses and organizations comply with applicable rules, the MPCA provides training on topics such as landfill operation, wastewater treatment technology and storage tank regulations.

In FY03, the MPCA devoted about 4 FTEs and \$0.22 million to training efforts. The MPCA's training calendar is available at www.pca.state.mn.us/news/training/index.html.

For more information

For phone numbers and staff contacts on any of these programs, please call the MPCA Public Information Office at (651) 296-6515.



Environmental Monitoring

Program description and purpose

The Minnesota Pollution Control Agency conducts extensive monitoring of water and air quality across the state as part of its environmental protection program. These efforts range from the measurement of transparency in lakes and streams, to sophisticated electronic equipment, to chemical analysis in a lab. Citizen volunteers help with many lake and stream sites.

Most monitoring provides data for assessing the status (health) and trends in water and air quality. In some cases, monitoring is a component of a specific regulatory or enforcement action or may be part of a long-term research effort. A significant amount of monitoring occurs through permit requirements at specific facilities such as municipal and industrial wastewater treatment plants.

Water

Many years of analyzing water samples and taking transparency readings have built up an extensive database of ground and surface water quality. This information helps in deciding the best use of resources to protect and improve water quality. Analyzing the condition of biological life also helps determine water quality in lakes and streams.



Preparing to lower a piece of monitoring equipment known as a "Secchi disk."

Air

The MPCA monitors outdoor air quality and precipitation chemistry to ensure the public and environment are protected from the harmful effects of air pollutants. Monitoring networks determine if Minnesota is meeting state and federal air quality



Checking out the operation of equipment that monitors very small particulates in the air.

standards for ozone, particulate matter, carbon monoxide, sulfur dioxide, nitrogen dioxide, lead and hydrogen sulfide. Hazardous air pollutants or air toxics are currently monitored in the Twin Cities metropolitan area and Duluth. Air toxics have been monitored in communities throughout Minnesota over the past five years. MPCA also maintains networks for visibility, acid rain and mercury deposition monitoring.

Program statistics

- 293 — Citizen stream monitors in 2001
- 412 — Stream sites monitored in 2001
- 1,222 — Citizen lake monitors in 2001
- 857 — Lakes monitored by citizens in 2001
- 9.9 feet — Average lake transparency in 2000
- 2,600+ — Lakes with water quality data, featured on MPCA's Web site
- 667 — Lakes assessed for trends in transparency (214 improving, 408 no change, 45 declining)
- 8 — Acid rain monitoring sites
- 4 — Mercury deposition sites
- 72 — Pollutants such as benzene are measured in each air toxics sample
- 17 — Air toxics monitoring sites
- 21 — Fine particle monitoring sites
- 8 — Ozone monitoring sites

Program examples

Citizen stream and lake monitoring

Citizen volunteers take measurements at hundreds of sites around the state. About once a week during the summer, volunteers visit an established spot on a stream or lake and take measurements of transparency, appearance and recreational suitability. For streams, precipitation and water level are also monitored. An advanced program that allows for the collection of lake water samples by volunteers, in addition to measuring transparency, has been added in recent years.

The combination of transparency and chemistry data allows MPCA staff to identify problems and develop strategies for improving water quality and track progress. This information is provided to citizen volunteer groups and local units of government to assist them in their efforts to protect Minnesota's waters. Displays about these programs were very popular at the MPCA Minnesota State Fair booth.

Air Quality Index for Twin Cities Area

The Air Quality Index (AQI) was developed by the U.S. Environmental Protection Agency to provide a simple, uniform way to report daily air quality conditions. Air quality in the Twin Cities metro area is determined by measuring four pollutants: ozone, sulfur dioxide (SO₂), fine particulate matter (PM_{2.5}) and carbon monoxide.

The MPCA takes hourly measurements of these pollutants at air quality monitoring sites located throughout the Twin Cities. Ozone levels, which are only elevated in warm weather, are measured from April through September in Minnesota.

Contaminated sediments

Analysis of sediment cores from 55 lakes documents geographic and historic trends in lake eutrophication as well as nonpoint inputs of toxic metals and organic pollutants. Since 1992 a study of the St. Louis River has helped locate areas of sediment contamination and determine cleanup actions.



Using the "Air Quality Index" feature, visitors to the MPCA Web site can get "real-time" information about air pollution levels in the Twin Cities metro area.

Staff and budget

The total FTE (full-time equivalents, a measure of agency staff time dedicated to a program) involved in the water monitoring programs at the MPCA is about 27 (this includes administrative and management support in eight Minnesota locations). A total of \$3.2 million is in the agency's FY03 budget to support this effort.

About 21 FTE are involved in air monitoring activities (again, this includes clerical support and management oversight) with an FY03 budget of \$1.9 million.

For more information

For more information about environmental monitoring, visit the MPCA Web site at www.pca.state.mn.us/monitoring/index.html.

For more information about the Citizen Stream Monitoring Program contact Laurie Sovell at (651) 296-7187. For information on the Citizen Lake Monitoring Program contact Jennifer Klang at (651) 282-2618, or Jennifer Maloney at (651) 296-8544.

For information about air monitoring, contact Todd Biewen at (651) 296-8156.



Compliance and Enforcement Activities

Program description and purpose

Environmental rules and regulations are essential tools used to protect Minnesota's environment. These rules and regulations set standards for environmental quality and limits on pollutants. The Minnesota Pollution Control Agency (MPCA) helps protect our environment by writing and enforcing these rules and regulations.

To help regulated parties stay in compliance with environmental rules and regulations, the MPCA conducts onsite inspections, provides training and distributes fact sheets and other guidance materials.

Types of enforcement actions

Administrative Penalty Order (APO)

The MPCA issues APOs to resolve compliance problems involving state or federal environmental laws. The severity of the enforcement action depends on the environmental impact of the violation, whether it is a repeat offense, and how quickly the problem is corrected, among other factors.

An APO contains a monetary penalty and a schedule of actions the violator must follow to return to compliance. The maximum penalty that can be assessed in an APO is \$10,000.

There are three types of APOs: forgivable, nonforgivable or a combination of the two. A forgivable APO assesses a penalty, but "forgives" it if corrective actions are completed on schedule. With a nonforgivable APO, no portion of the monetary penalty is waived.

In a combination APO, a portion of the monetary penalty is forgiven if corrective actions are completed on schedule — usually within 30 days.

Stipulation Agreement (STIP)

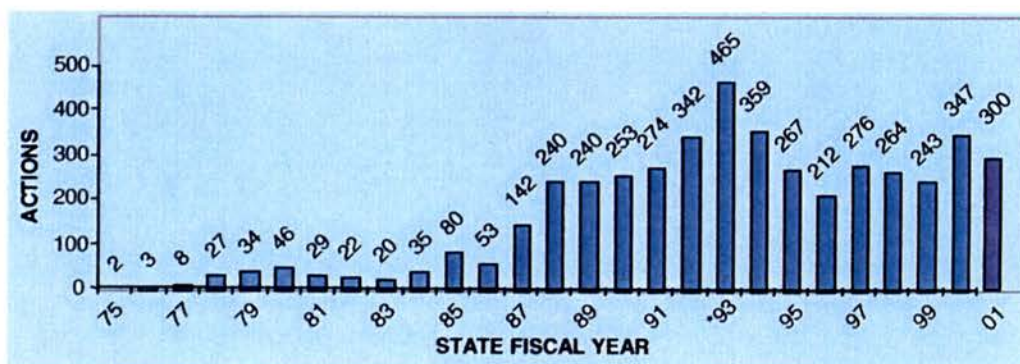
Stipulation agreements are negotiated settlements used when violations are serious enough to warrant a civil penalty greater than \$10,000. They are also used when the actions needed to correct the problem may take more than 30 days to complete.

Stipulation agreements also include a schedule the violator must follow to return to compliance with applicable environmental regulations. Depending on the size of the monetary penalty and the violator's ability to pay, a payment schedule may also be included in the agreement.

Supplemental Environmental Project (SEP)

Supplemental Environmental Projects are intended to provide "extra" environmental and public health benefits. SEPs are environmentally beneficial projects which a responsible party agrees to undertake in the settlement of an enforcement action, but which the responsible party is not otherwise legally required to perform. SEPs are often used as part of a stipulation agreement. A recent example of a significant SEP resulting from a STIP is documented in the Summer 2002 issue of the MPCA's *Minnesota Environment* magazine. The article is located on the MPCA Web site at www.pca.state.mn.us/publications/mnenvironment/summer2002/abc.html.

**Total MPCA Enforcement actions
1975 – 2001**



MPCA Compliance and Enforcement Activities

Penalty amounts

When the MPCA assigns a penalty, the dollar amount is determined using a formula that takes into account the following factors:

- the risks a violation posed to public health or the environment;
- whether the violation was an isolated incident or part of a pattern of violations;
- the damage the violation caused to natural resources;
- whether the violation was intentional or accidental;
- how quickly a violation was reported to the appropriate authorities;
- whether an operation gets an economic benefit from the violations; and,
- how prompt and cooperative the party was in correcting the problem.

Since January 2001, enforcement penalty amounts have totaled more than \$6 million. The following chart shows a breakdown of this amount by quarter. These numbers include forgivable and nonforgivable APOs, STIPs and SEPs.

Time Period	Penalty Amount
July – September 2002	\$389,905
April – June 2002	\$262,247
January – March 2002	\$133,973
October – December 2001	\$641,843
July – September 2001	\$244,894
April – June 2001	\$3,138,938
January – March 2001	\$1,189,921
TOTAL	\$6,001,721

Staff and budget

The total FTE (full-time equivalents, a measure of agency staff time dedicated to a program) involved in enforcement at the MPCA is broken down into three major program areas — air, land and water.

The chart below shows the breakdown of FTEs for each program and the respective budgets to support the effort. These figures include administrative and management support in eight Minnesota locations.

Work Program	FTEs for FY03	Budget for FY03
Air	15.5	\$1.1 million
Land*	28.0	\$2.1 million
Water**	34.5	\$2.4 million
TOTALS	78.0	\$5.6 million

* Includes solid waste, hazardous waste and tanks program staff and budget.

**Includes water quality point source and feedlot program staff and budget.

For more information

Quarterly enforcement summaries are posted on the MPCA Web site at www.pca.state.mn.us/newscenter/enforcement.html.

For additional information about MPCA enforcement policies and practices, contact Steve Giddings at (651) 296-7677.



Organizational Support Services

Delivering environmental protection programs requires a host of support services, some highly visible, others operating behind the scenes. This sheet briefly describes some of those services.

The MPCA Citizens' Board

Recognizing that some of the MPCA's decisions would be neither easy nor popular, the legislature established the MPCA Citizens' Board. Board members are appointed by the Governor and approved by the Minnesota Senate. They serve four-year terms and by law, one member must be an expert on agriculture, another represents labor interests and the chair is the MPCA commissioner.

The board meets regularly on the fourth Tuesday of every month in St. Paul and makes policy decisions in a public forum where issues are openly debated. Under delegations from the Citizens' Board the MPCA Commissioner directs the day-to-day work of the agency's approximately 761 staff. Further information is available through the Board Secretary at (651) 296-6300 and on the MPCA Web site at www.pca.state.mn.us/about/board/index.html.

Commissioner's Office

The Commissioner's Office carries out the MPCA's highest level policy and decision making while leading and directing the work of MPCA staff. A Deputy Commissioner, two Assistant Commissioners and a Communications Director report to the Commissioner. Division Directors report to the Deputy and Assistant Commissioners.

Information Systems Office

The Information Systems Office supports the MPCA's environmental programs and its eight office locations. These staff provide the computer equipment and technical support needed for

access to large volumes of data used for environmental assessment, permit writing, compliance determination and enforcement.

The MPCA Web site receives nearly 1.5 million hits per month. Users who must comply with environmental rules and regulations can find forms, fact sheets and other guidance materials among the site's 5,000 pages and online documents.

Visitors will find a dozen searchable databases, allowing them to learn about the water quality in their favorite lakes, find nearby contaminated sites or check out air quality readings in the Twin Cities metropolitan area.

Communication and public information

The MPCA communication director and public information officers provide information to regulated parties, the public and news media on critical environmental issues such as emergency response activities, toxic air pollution, persistent



Minnesota Environment, the MPCA's award-winning magazine, keeps regulated parties, educators, environmental groups and citizens up to speed on pollution issues facing the state.

MPCA Organizational Support Services

pollutants like mercury, and the quality of the state's waterways. In addition, the agency reaches out to the public through special events (Earth Week, the State Fair, Living Green Expo, local county and environmental fairs) to engage citizens in environmental protection activity.

Through hundreds of fact sheets, leaflets, brochures, and its national award winning magazine, *Minnesota Environment*, the MPCA attempts to educate the public and enlist their assistance in tackling the pervasive non-point source pollution challenges such as vehicle emissions, and urban and agricultural runoff.

Fiscal and human resources

The fiscal services director ensures that funds are spent as appropriated and oversees development, tracking, and coordination of all major agency budgets, including the biennial budget. Fiscal services staff also coordinates accounts payable, payroll processing and budget management for the agency.

A human resources director and staff ensure that a highly qualified, trained workforce is available to deliver environmental services to the state and its citizens. Organizational development and training specialists prepare and provide specialized training to agency staff, including computer and software classes.

Staff and budget

Approximately 91 FTEs are engaged in these support activities. Approximately \$13.5 million is budgeted for salaries and expenses in FY03. These figures include administrative and management support in eight Minnesota locations.

For more information

For more information about support services at the MPCA, contact Cathy Moeger at (651) 296-7369.



Minnesota Pollution Control Agency

Division Directors

Environmental Outcomes

Mike Sandusky
(651) 296-7331

Fiscal Services

Cathy Moeger
(651) 296-7369

Majors & Remediation

James Warner
(651) 296-7333

Policy & Planning

Art Dunn (acting)
(651) 297-8502

Regional Environmental Mgmt.

Rod Massey
(651) 296-8002

Offices

St. Paul Office

520 Lafayette Rd. N.
St. Paul, MN 55155
651-296-6300 or 800-657-3864

Brainerd Office

1800 College Road S.
Baxter, MN 56425
218-828-2492

Detroit Lakes Office

Lake Avenue Plaza
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Suite 220
Detroit Lake, MN 56501
218-847-1519

Duluth Office

525 South Lake Ave., Suite 400
Duluth, MN 55802
218-723-4660

Mankato Office

1230 So. Victory Dr.
Mankato, MN 56001
507-389-5235

Marshall Office

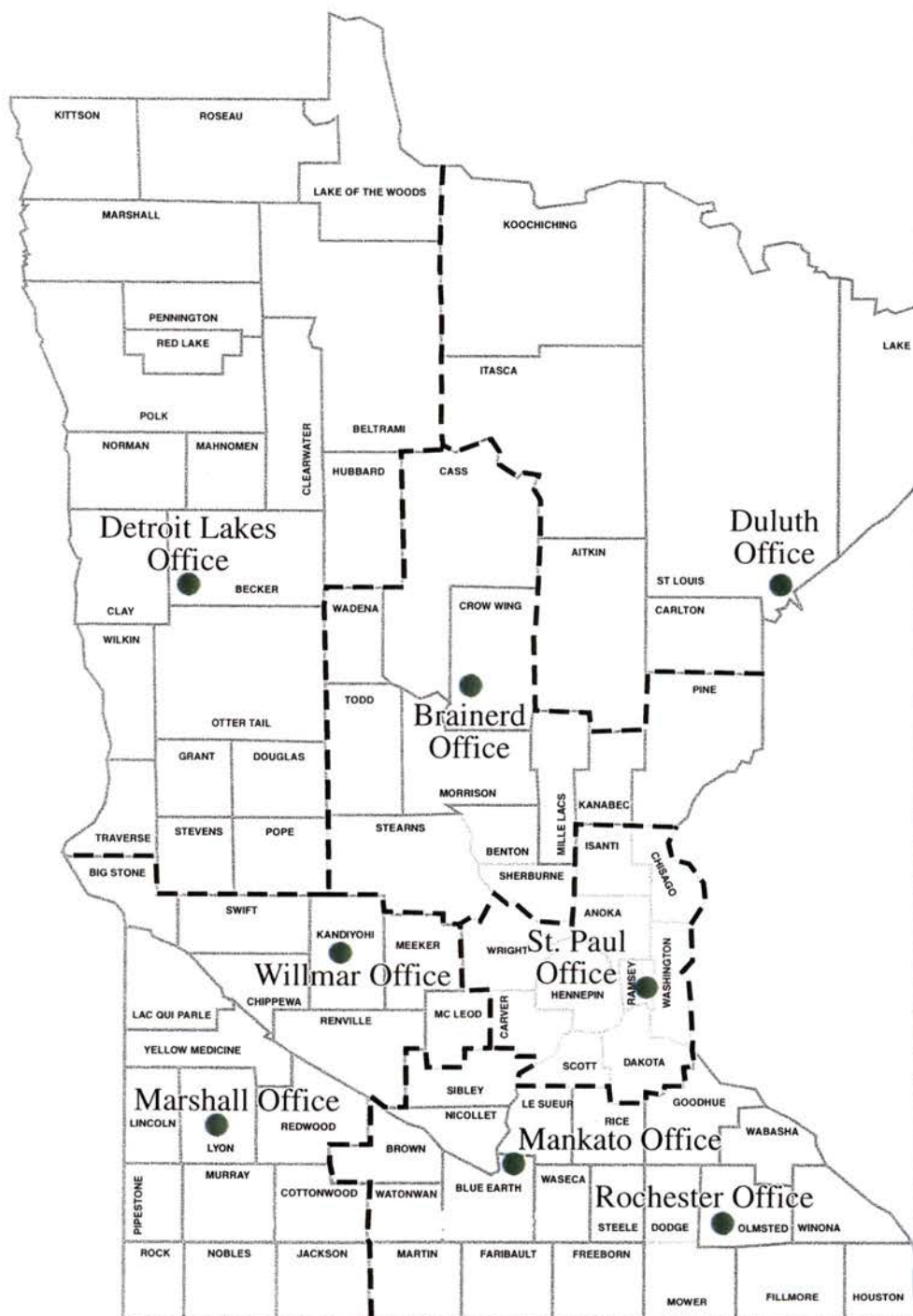
1420 E. College Dr., Suite 900
Marshall, MN 56258
507-537-7146

Rochester Office

18 Wood Lake Dr. S.E.
Rochester, MN 55904
507-285-7343

Willmar Office

201 28th Ave. S.W.
Willmar, MN 56201
320-214-3786



www.pca.state.mn.us

TTY users may contact any staff through the agency's
teletypewriter 651-282-5332 or 800-657-3864.

Minnesota Board of Water and Soil Resources
One West Water Street
Suite 200 St. Paul, Minnesota 55107

In the Matter of Extending the Comprehensive Local Water Plan
For Chisago County (1995 Minnesota Session Law, Chapter 184,
Section 24, authorizing BWSR to grant extensions).

Whereas, Chisago County has a state approved Comprehensive Local Water Plan (CLWP) that is effective until December 31, 2002, pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the Chisago County Board of Commissioners passed a resolution requesting an extension for the Comprehensive Local Water Plan to the Board of Water and Soil Resources (BWSR) on December 18, 2002, pursuant to Minnesota Session Law 1995, Chapter 184, and

Whereas, the Board of Water and Soil Resources has authorization to grant extensions pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

Now therefore, the Board of Water and Soil Resources hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. On December 22, 2002 the Board of Water and Soil Resources received a resolution from Chisago County requesting an extension of their Comprehensive Local Water Plan to December 31, 2004.
2. On January 9, 2003 Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by Chisago County.

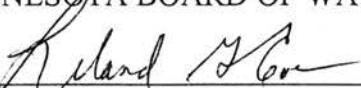
CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Chisago County pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

ORDER

The Board of Water and Soil resources hereby approves the extension of the Chisago County Comprehensive Local Water Plan until December 31, 2004. Dated at St. Paul, Minnesota, this 22nd day of January 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


BY: Lee Coe, Chairperson
January 22, 2003

Minnesota Board of Water and Soil Resources
One West Water Street
Suite 200
St. Paul, Minnesota 55107

In the Matter of Extending the Comprehensive Water Plan
for **Lake County** (1995 Minnesota Session Law, Chapter 184
authorizing BWSR to grant extensions)

ORDER EXTENDING
COMPREHENSIVE
WATER PLAN

Whereas, the Lake County Board of Commissioners has a state approved Comprehensive Water Plan (Plan) that is effective until July 22, 2003 pursuant to M.S. 1990.301 and

Whereas, the Lake Board of Commissioners requested an extension of the Plan to the Minnesota Board of Water and Soil Resources (Board) on December 26, 2003 pursuant to Minn. Session Law 1995, Chapter 184 Section 24 and

Whereas, the Board has authorization to grant extensions pursuant to Minn. Session Law 1995, Chapter 184 Section 24,

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

FINDINGS OF FACT

1. In June 2002, the Lake Co. Water Plan Coordinator resigned and was replaced in August 2001.
2. The staffing change has lengthened the timetable to complete the Plan Update.
3. On December 26th, 2002 the Board received a resolution from Lake County requesting an extension of their Plan.
4. On January 10, 2003 the Board staff reviewed and recommended approval of the extension requested by Lake County.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of extending the Lake County Plan pursuant to Minn. Session Law 1995, Chapter 184 Section 24.

ORDER

The Board hereby approves the extension of the Lake County Plan until July 22, 2005. Dated at St. Paul, Minnesota, this 22nd day of January 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


BY: Leland Coe, Chair

Minnesota Board of Water and Soil Resources
One West Water Street
Suite 200
St. Paul, Minnesota 55107

In the Matter of Reviewing the Comprehensive Water Plan Update
for **Kittson County** (Minnesota Statutes 1990, Section 103B.311,
Subdivision 4 and Section 103B.315, Subdivision 5 and Minnesota
Rules 9300.0170)

ORDER
APPROVING
COMPREHENSIVE
WATER PLAN

Whereas, the Kittson County Board of Commissioners adopted a Comprehensive Water Plan (Plan) on September 26, 1996, under authority of Minnesota Statutes (M.S.) 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on July 24, 1996, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Plan provided for updating in 2000 pursuant to M.S. 1990, Section 103B.311, Subd. 4, and

Whereas, the Kittson County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on September 9, 2002, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Board has completed its review of the Plan Update;

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.
2. On October 2, 2001, Kittson County passed a resolution to develop a Comprehensive Water Plan Update to meet the plan update requirements.
3. On July 18, 2000, the Board received from Kittson County a resolution requesting an extension of their existing Comprehensive Water Plan.
4. On September 28, 2000, the Board approved the extension of the existing Kittson County Comprehensive Plan until December 31, 2002. (The Board has authorization to grant extensions pursuant to Minn. Session Law 1995, Chapter 184 Section 24.)
5. Kittson County held a public information meeting on February 20, 2002, for purposes of gaining public input into the Plan Update.
6. On May 15, 2002, Kittson County completed a draft Plan Update and submitted it to affected local units of government for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subdivision 1.

7. On May 15, 2002, Kittson County submitted a draft Plan Update to the Minnesota Departments of Agriculture, Health, and Natural Resources, Minnesota Pollution Control Agency, Minnesota Geological Survey, and Minnesota Environmental Quality Board for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 5.
8. On August 20, 2002, Kittson County held a public hearing on the Plan Update pursuant to M.S. 1990, Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.
9. On August 30, 2002, Kittson County submitted its Plan Update along with all written comments received on the Plan Update and a record of the public hearing to the Board for final State review pursuant to M.S. 1990, Section 103B.315, Subd. 5.
10. On September 9, 2002, the Board distributed notification of the official 90-day state review and a copy of the Kittson County Plan Update to the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Environmental Quality Board, and Minnesota Geological Survey for their review and comment pursuant to Minnesota Rules, Chapter 9300.0170. The notification stated that each agency had 45 days from receipt of the notification to submit written comments to the Board.
11. On October 22, 2002, a brief regarding the Kittson County Plan Update was provided to the Board for their review.
12. Individual Comments: No individual written comments were received.
13. County Response to Individual Comments: Not Applicable
14. Local Government Unit (LGU) Comments: No LGU written comments were received.
15. County Response to LGU Comments: Not Applicable
16. Minnesota Department of Agriculture (MDA) Review: MDA did not provide written preliminary review comments. Final written comments dated October 28, 2002, were submitted to and received by the Board on November 7, 2002. MDA stated that they had reviewed the plan update and commended Kittson County on the development of their third generation plan and on progress made in the implementation of previous plan. MDA noted several areas where they could help coordinate efforts related to pesticide and fertilizer management issues, nitrate testing, low interest Ag BMP loans, water quality monitoring, agricultural drainage issues, and BMP's for agricultural operations.
17. Minnesota Department of Health (MDH) Review: MDH did not provide written preliminary review comments. Final written comments dated October 8, 2002, were submitted to and received by the Board on October 10, 2002. MDH reviewed the plan and stated that it presents the opportunity to further public health protection through proposed actions to protect water and related-land resources. MDH recommends approval of the Kittson County Plan Update.
18. Minnesota Department of Natural Resources (DNR) Review: No written comments were received.
19. Minnesota Pollution Control Agency (MPCA) Review: No written comments were received.
20. Minnesota Environmental Quality Board (EQB) / State Planning Agency Review: EQB provided written preliminary review comments on June 13, 2002. EQB reviewed the plan and stated that it

appeared to be consistent with state laws. They encouraged the county to work on the connection between the Plan Update and the County Comprehensive Land Use plan. EQB also provided some information on resources available through their agency.

21. Minnesota Geological Survey (MGS) Review: No written comments were received.
22. Minnesota Board of Water and Soil Resources (BWSR): Board staff attended Kittson County's task force meetings during the plan update. Board staff met with the Kittson County LWP administrator on July 17 and December 2, 2002, to review preliminary and final review comments.
23. County Response to State Agency Comments: Kittson County made written responses to state agencies regarding preliminary and final comments on July 12, October 3 and 31, and December 4, 2002. Kittson County incorporated many of the changes, additions, and recommendations to the Plan Update as provided in the agency comments.
24. Board Water Plan Review Committee Meeting: The Northern Region Water Plan Review Committee met in Bemidji, Minnesota, with Board staff and the Kittson County CLWP administrators to review and discuss the Plan Update. Those in attendance were Leland Coe (citizen member), Darrell Bruggman (county member), Holly Anderson (Kittson County CLWP Administrator), northern region supervisor Ron Shelito, and board conservationist Bill Best.
25. On December 13, 2002, the Northern Region Water Plan Review Committee voted unanimously to recommend that the Board approve the Kittson County 2003 – 2007 Comprehensive Local Water Plan Update. During the meeting it was noted that Kittson County does not have an approved shoreland ordinance. The committee decided to approve the plan contingent upon getting an approved ordinance by some specified time and to be included in the motion at the board meeting.

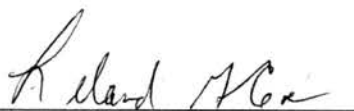
CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Kittson County pursuant to Minnesota Statutes 1990, 103B.311, Subd. 4, and Minnesota Rules 9300.0170, Subp. 4.
2. The Kittson County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of Minnesota Statutes 1990, 103B.301 and Minnesota Rules Chapter 9300.

ORDER

The Board hereby approves the attached Plan Update as the Comprehensive Local Water Plan of Kittson County. Dated at St. Paul, Minnesota, this January 22, 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: 
Leland Coe, Chair

Kittson 2002 LWP Update Board Order.doc

Minnesota Board of Water and Soil Resources
One West Water Street
Suite 200
St. Paul, Minnesota 55107

In the Matter of Reviewing the Comprehensive Water Plan Update
for Lake of the Woods County (Minnesota Statutes 1990, Section 103B.311,
Subdivision 4 and Section 103B.315, Subdivision 5 and Minnesota
Rules 9300.0170)

ORDER
APPROVING
COMPREHENSIVE
WATER PLAN

Whereas, the Lake of the Woods County Board of Commissioners adopted a Comprehensive Water Plan (Plan) on May 15, 1996 under authority of Minnesota Statutes (M.S.) 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on April, 25, 1996 pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Plan provided for updating in 2001 pursuant to M.S. 1990, Section 103B.311, Subd. 4, and

Whereas, the Lake of the Woods County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on January 10, 2003, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Board has completed its review of the Plan Update.

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.
2. On August 24, 1999, Lake of the Woods County passed a resolution to develop a Comprehensive Water Plan Update to meet the plan update requirements.
3. On August 11, 2000, the Board received from Lake of the Woods County a resolution requesting an extension of their existing Comprehensive Water Plan.
4. On September 25, 2000, the Board approved the extension of the existing Lake of the Woods County Comprehensive Plan until June 20, 2002 (The Board has authorization to grant extensions pursuant to Minn. Session Law 1995, Chapter 184 Section 24.)
5. Lake of the Woods County held a public information meeting on October 26, 2000, for purposes of gaining public input into the Plan Update.

6. On May 22, 2002, Lake of the Woods County completed a draft Plan Update and submitted it to affected local units of government for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 1.
7. On May 22, 2002, Lake of the Woods County submitted a draft Plan Update to the Minnesota Departments of Agriculture, Health, and Natural Resources, Minnesota Pollution Control Agency, Minnesota Geological Survey, and Minnesota Environmental Quality Board for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 5.
8. On August 22, 2002, Lake of the Woods County held a public hearing on the Plan Update pursuant to M.S. 1990, Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.
9. On August 29, 2002, Lake of the Woods County submitted its Plan Update along with all written comments received on the Plan Update and a record of the public hearing to the Board for final State review pursuant to M.S. 1990, Section 103B.315, Subd. 5.
10. On September 11, 2002, the Board distributed notification of the official 90-day state review and a copy of the [Lake of the Woods County Plan Update to the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Environmental Quality Board, and Minnesota Geological Survey for their review and comment pursuant to Minnesota Rules, Chapter 9300.0170. The notification stated that each agency had 45 days from receipt of the notification to submit written comments to the Board.
11. On October 23, 2002, brief information regarding the Lake of the Woods County Plan Update was provided to the Board for their review.
12. **Individual Comments:** No individual comments were received.
13. **County Response to Individual Comments:** Not Applicable
14. **Local Government Unit (LGU) Comments:** No written comments were received, although there were representatives from local communities Baudette and Williams on the Water Plan Task Force and their input was incorporated into the plan.
15. **County Response to LGU Comments:** LGU input was incorporated into the plan.
16. **Minnesota Department of Agriculture (MDA) Review:** A letter dated 10/28/02 was received from MDA staff during the final review period. No comments were directed at specific areas of the plan. MDA staff recommended approval and noted progress from previous plans.
17. **Minnesota Department of Health (MDH) Review:** A letter dated 9/24/02 was received from MDH staff during the final review period.. No comments were directed at specific areas of the plan. MDH staff recommended approval of the plan update.
18. **Minnesota Department of Natural Resources (DNR) Review:** No written comments regarding plan content were submitted, however DNR staff were closely associated with the development of the plan update. Goals, objectives and strategies relating to water quality and protection of habitat and the Lake of the Woods fishery reflect a substantial level of involvement.
19. **Minnesota Pollution Control Agency (MPCA) Review:** A letter dated 10/31/02 was received from MPCA staff during the final review period. The letter had a mix of specific comments and more general observations. Staff commented that the plan update was well written and the issues were addressed in a clear, well thought-out manner.
20. **Minnesota Environmental Quality Board (EQB) / State Planning Agency Review:** No written comments were received.
21. **Minnesota Geological Survey (MGS) Review:** No written comments were received.

22. **Minnesota Board of Water and Soil Resources (BWSR):** BWSR staff provided comments to LOW environmental services staff on 4/22/02 during the initial review period. BWSR staff met individually with SWCD staff on 8/23/02 immediately prior to submission of the plan for final review.
23. **County Response to State Agency Comments:** Comments received during task force meetings, and in individual meetings were incorporated as the document was developed. Written responses to the comments from the MPCA were incorporated into the final edited version of the plan update by January 15, 2003.
24. **Board Water Plan Review Committee Meeting:**
25. On January 10, 2003, the Board Water Plan Review Committee voted unanimously to recommend that the Board approve the Lake of the Woods County January 1, 2003-December 31, 2007 Comprehensive Local Water Plan Update.

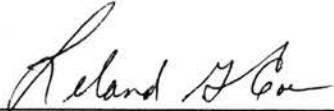
CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Lake of the Woods County pursuant to Minnesota Statutes 1990, 103B.311, Subd. 4, and Minnesota Rules 9300.0170, Subp. 4.
2. The Lake of the Woods County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of Minnesota Statutes 1990, 103B.301 and Minnesota Rules Chapter 9300.

ORDER

The Board hereby approves the attached Plan Update as the Comprehensive Local Water Plan of Lake of the Woods County. Dated at St. Paul, Minnesota, this 22nd day of January, 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: 
Leland Coe, Chair

2002 Board Order - [] .doc

Minnesota Board of Water and Soil Resources
One West Water Street
Suite 200
St. Paul, Minnesota 55107

In the Matter of Reviewing the Comprehensive Water Plan Update
for Mahnomen County (Minnesota Statutes 1990, Section 103B.311,
Subdivision 4 and Section 103B.315, Subdivision 5 and Minnesota
Rules 9300.0170)

ORDER
APPROVING
COMPREHENSIVE
WATER PLAN

Whereas, the Mahnomen County Board of Commissioners adopted a Comprehensive Water Plan (Plan) on November 10, 1997, under authority of Minnesota Statutes (M.S.) 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on August 28, 1997 pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Plan provided for updating in 2002 pursuant to M.S. 1990, Section 103B.311, Subd. 4, and

Whereas, the Mahnomen County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on January 13, 2002, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Board has completed its review of the Plan Update.

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.
2. On September 18, 2001, Mahnomen County passed a resolution to develop a Comprehensive Water Plan Update to meet the plan update requirements.
3. On October 25, 2001, the Board received from Mahnomen County a resolution requesting an extension of their existing Comprehensive Water Plan.
4. Mahnomen County held a public information meeting on January 10, 2002, for purposes of gaining public input into the Plan Update.
5. On May 15, 2002, Mahnomen County completed a draft Plan Update and submitted it to affected local units of government for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 1.
6. On May 15, 2002, Mahnomen County submitted a draft Plan Update to the Minnesota Departments of Agriculture, Health, and Natural Resources, Minnesota Pollution Control Agency, Minnesota

Geological Survey, and Minnesota Environmental Quality Board for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 5.

7. On August 8, 2002, Mahnomen County held a public hearing on the Plan Update pursuant to M.S. 1990, Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.
8. On August, 23, 2002, Mahnomen County submitted its Plan Update along with all written comments received on the Plan Update and a record of the public hearing to the Board for final State review pursuant to M.S. 1990, Section 103B.315, Subd. 5.
9. On September 10, 2002, the Board distributed notification of the official 90-day state review and a copy of the Mahnomen County Plan Update to the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Environmental Quality Board, and Minnesota Geological Survey for their review and comment pursuant to Minnesota Rules, Chapter 9300.0170. The notification stated that each agency had 45 days from receipt of the notification to submit written comments to the Board.
10. On October 15, 2002, brief information regarding the Mahnomen County Plan Update was provided to the Board for their review.
11. **Individual Comments:** Comments received at the public hearing related to ditch and streambank stabilization via establishment of buffer strips
12. **County Response to Individual Comments:** Included in goals/objectives and strategies
13. **Local Government Unit (LGU) Comments:** No comments received
14. **Minnesota Department of Agriculture (MDA) Review:** A letter dated 10/28/02 was received from MDA staff during the final review period. No comments were directed at specific areas of the plan. MDA staff recommended approval.
15. **Minnesota Department of Health (MDH) Review:** A letter dated 7/2/02 was received from MDH staff during the preliminary review period. Specific comments related to wellhead protection plans were identified. A letter dated 9/24/02 during the final review period, recommend Plan approval
16. **Minnesota Department of Natural Resources (DNR) Review:** Communication received 12/31/02 subsequent to preliminary approval by the BWSR Ad Hoc review committee identified several specific comments.
17. **Minnesota Pollution Control Agency (MPCA) Review:** No comments received
18. **Minnesota Environmental Quality Board (EQB) / State Planning Agency Review:** A letter dated 6/17/02 during the preliminary review period recommend Plan approval
19. **Minnesota Geological Survey (MGS) Review:** No comments received
20. **Minnesota Board of Water and Soil Resources (BWSR):** Comments were presented during a Water Plan Advisory Committee meeting on 7/19/02. Individual meetings with local staff were also conducted.
21. **County Response to State Agency Comments:** Local staff incorporated changes where specifics were noted.
22. **Board Water Plan Review Committee Meeting:**
23. On December 13, 2002, the Board Water Plan Review Committee voted unanimously to recommend that the Board approve the Mahnomen County January 1 2003- December 31 2007 Comprehensive Local Water Plan Update and 2003-2007 Focus Plan

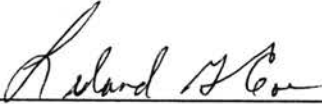
CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Mahnomen County pursuant to Minnesota Statutes 1990, 103B.311, Subd. 4, and Minnesota Rules 9300.0170, Subp. 4.
2. The Mahnomen County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of Minnesota Statutes 1990, 103B.301 and Minnesota Rules Chapter 9300.

ORDER

The Board hereby approves the attached Plan Update as the Comprehensive Local Water Plan of Mahnomen county. Dated at St. Paul, Minnesota, this 22nd day of January, 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: 
Leland Coe, Chair

2002 Board Order - [] .doc

**Minnesota Board of Water and Soil Resources
One West Water Street
Suite 200
St. Paul, Minnesota 55107**

In the Matter of Reviewing the Comprehensive Water Plan Update
for Wilkin County (Minnesota Statutes 1990, Section 103B.311,
Subdivision 4 and Section 103B.315, Subdivision 5 and Minnesota
Rules 9300.0170).

**ORDER APPROVING
COMPREHENSIVE
WATER PLAN**

Whereas, the Wilkin County Board of Commissioners adopted its second generation Comprehensive Water Plan (Plan) on September 12, 1996, under authority of M.S. 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board), May 22, 1996, respectively pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Plan provided for updating in 2001 pursuant to M.S. 1990, Section 103B.311, Subd. 4, and

Whereas, the Wilkin County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on September 6, 2001, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Board has completed its review of the Plan Update:

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.
2. On July 10, 2001, Wilkin County passed a resolution to develop a Comprehensive Water Plan Update to meet the Plan update requirements.
3. On February 21, 2001, the Board of Water and Soil Resources received a resolution from Wilkin County requesting an extension of their Comprehensive Local Water Plan.
4. On March 28, 2001, the Board of Water and Soil Resources approved the extension of the Wilkin Comprehensive Water Plan until June 30, 2002.
5. Wilkin County completed a preliminary draft Plan Update on April 25, 2002, and submitted it to affected local units of government for review and comment pursuant to Section 103B.315, Subd. 1.
6. On April 25, 2002, Wilkin County submitted a draft Plan Update to all affected local units of government including the Departments of Agriculture, Health, and Natural Resources, the Pollution Control Agency, Minnesota Planning Environmental Quality Board and the Minnesota Geological Survey for preliminary review and comment.

7. On July 29, 2002, Wilkin County held a public hearing on the Plan Update, pursuant to Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.
8. On September 6, 2002, Wilkin County submitted its Final Plan Update along with all written comments received on the Plan Update, and a record of the public hearing to the Board for final State review pursuant to Section 103B.315, Subd. 5.
9. On January 10, 2003, an executive summary, Board Conservationist findings, and goals and objectives of the Wilkin County Plan Update were presented to the Board Ad Hoc committee for their information and review.
10. Minnesota Department of Agriculture (MDA) Review: In the preliminary review, MDA provided no comments. On October 28, 2002, MDA commended Wilkin County on the development of their third generation plan and on progress made in implementation of previous plans. Noted within the plan were several areas where MDA may be able to coordinate with efforts identified: including agricultural drainage, low interest loans for on-site septic systems, agricultural chemical storage issues, and best management practices for agricultural operations.
11. Minnesota Department of Health (MDH) Review: In the preliminary review MDH provided no written comments. MDH is an active member of the water planning taskforce and has contributed throughout the water plan update process.
12. In the final comment period, MDH provided no written comments. MDH is an active member of the water planning taskforce and has contributed throughout the water plan update process. January 7, 2003, MDH stated they found no inconsistency with state law and recommended approval
13. Minnesota Department of Natural Resources (DNR) Review: In the preliminary review DNR provided no written comments. DNR is an active member of the water planning taskforce and has contributed throughout the water plan update process.
14. In the final comment period, DNR provided no written comments. DNR is an active member of the water planning taskforce and has contributed throughout the water plan update process. On January 7, 2003, in the final comment period the DNR, stated they found no inconsistency with state law and recommended approval.
15. Minnesota Pollution Control Agency (MPCA) Review: In the preliminary review MPCA provided no written comments. MPCA is an active member of the water planning taskforce and has contributed throughout the water plan update process.
16. In the final comment period, MPCA provided no written comments. MPCA is an active member of the water planning taskforce and has contributed throughout the water plan update process. On January 7, 2003, in the final comment period the MPCA, stated they found no inconsistency with state law and recommended approval.
17. Minnesota State Planning Agency/Environmental Quality Board (EQB) Review: Provided no comments.
18. Minnesota Geological Survey (MGS) Preliminary Review: MGS provided no preliminary comments.

19. Minnesota Board of Water and Soil Resources: On June 26, 2002, the Board provided preliminary written comments on the Plan Update. *The Board agrees with the resource concerns or opportunities identified in the plan. Coordination with other local & state water management plans to will strengthen all the plans and define roles & responsibilities of all involved; specifically, integration of the implementation actions with the implementation actions of the BDSWD plan.*

20. On October 31, 2002, BWSR final comments offered two suggestions to the plan: 1. Assessments/Goals/Actions from the draft Bois de Sioux Watershed District Overall Plan applicable to Wilkin County portion of the watershed and 2. Suggestions to enhance the measurable results within the Soil Loss Ordinance and Buffer/filter strip implementation strategies. October 2002 BWSR Board Materials pertaining to a buffer implementation opportunity was also provided.

21. Wilkin County responded to all comments received after discussion at the regularly scheduled taskforce meetings.

22. The Board Water Plan Review Committee met on January 10, 2003 in Detroit lakes with Board staff and representatives from Wilkin County to review and discuss the Plan Update. Those in attendance were Ad Hoc Committee Chair Ginny Imholte, and Paul Krabbenhoft of the Board; Ron Shelito and Pete Waller of the BWSR Regional staff, Wilkin County Water Plan Coordinator, Bruce Poppel and John Blaufuss, Wilkin County Commissioner. The water plan review committee met to determine whether all relevant law and rule requirements had been met and to hear comments from the county on the planning process.

23. On January 22, 2003, the BWSR water plan review committee recommended that the Board of Water and Soil Resources approve the Wilkin County Plan Update.

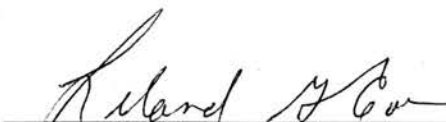
CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Wilkin County pursuant to Minnesota Statutes 1990, 103B.311, Subd. 4, and Minnesota Rules, 9300.0170, Subp. 4.
2. The Wilkin County Plan Update attached to this Order states water and water-related problems within the county, possible solutions, general goals, objectives and actions of the county, and an implementation program. The attached Plan Update is in conformance with the requirements of Minnesota Statutes 1990, 103B.301 and Minnesota Rules Chapter 9300.

ORDER

The Board hereby approves the attached Plan as the Comprehensive Water Plan Update of Wilkin County, dated at St Paul, Minnesota, this Twenty- Second day of January, 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


BY: Lee Coe, Chair

SOURCE WATER PROTECTION

IN MINNESOTA

FOR

SURFACE WATER INTAKES

Development of source water protection plans is voluntary. However, for the plans to be endorsed/approved by state agencies and local units of government, certain minimum elements must be met. When the words "requirements" or "must" are used in this guidance, it means that the elements being described have been agreed to by the workgroup members and endorsed/approved by the Environmental Quality Board (EQB). Utilities that use this guidance in development of their source water protection plans will be in the strongest position to obtain cooperation and assistance as they implement their plans.

TABLE OF CONTENTS

Chapter 1

Introduction.....	
Purpose Of This Document	
Background.....	
Protection Defined	
Goals For Source Water Protection Planning	
Description of Minnesota's Source Water Intakes.....	
Summary.....	

Chapter 2

The Relationship of Source Water Protection Plans to Other Water Planning and Water Protection Activities in Minnesota.....	
Water Planning In Minnesota	
Role of the Lead Agency In Source Water Protection	
Role Of The State Agencies/Boards In Source Water Protection	
Role Of The Federal Agencies In Source Water Protection.....	
Relationship Between Other Plans And Source Water Plans.....	
Role Of An Oversight Entity To Guide The Development And Implementation Of Source Water Protection Plans Within A Watershed Or Throughout A River Basin	
Reasons For Oversight Entities	
Principles Governing Oversight Entities	
Barriers That Exist With An Informal Oversight Entity	
Formation Of Task Force As The Oversight Entity	

Chapter 3

Overview Of The Application And Implementation Of The Source Water Protection Guidance.....	
Addressing Acute Health Concerns Through The Use Of An Inner Emergency Response Area	
Addressing Chronic Health Concerns Through The Outer Source Water Management Area.....	
Bringing It All Together In The Drinking Water Source Management Area.....	
Schedule for Development of Plan Elements and Approval Process	
Transient Noncommunity Public Water Supply Systems	
General Content of an SWP Plan.....	
Data Reporting Guidelines	

Chapter 4

Getting Started And Involving The Public	
Identify an SWP Plan Manager	
Appoint an SWP Team	
Develop a Public Participation Process	

Chapter 5

Delineations And Sensitivity Analysis	
Criteria for Delineating the Three "Nested" Source Water Protection Areas	
Criteria for Delineating the DWSMA.....	
Analyzing the Sensitivity of the Source Water.....	
Scoping Meeting Regarding Delineation and Sensitivity Analysis.....	
Submitting the SWP Areas and DWSMA Delineations and Sensitivity Analysis to MDH	
Submitting the SWP Areas, DWSMA Delineations and Sensitivity Analysis to Local Units of Government -	
Public Meeting Regarding Delineation and Sensitivity Analysis Approval by MDH	

Chapter 6

Preparing A Plan Of Action To Manage Potential Contaminant Sources.....	
Relevant Data Elements Which Must Be Collected to Prepare Part 2 of SWP Plan.....	
Conducting a Contaminant Source Inventory.....	
Identifying Contaminants of Concern	
Identifying the Impact of Expected Changes to Land and Water Resources on the Public	
Water Supply	
Identifying the Issues, Problems, and Opportunities	
Establishing SWP Goals	
Objectives and Plan of Action	
Identifying a Strategy to Evaluate the Effectiveness of the Management Strategies	

Chapter 7

Preparing The Contingency Strategy For An Alternate Water Supply	
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Chapter 8

Review And Endorsement/Approval Of Part 2 Of The SWP Plan	
Submitting Part 2 of the SWP Plan to Local Units of Government	
Holding a Public Hearing/Public Information Meeting Regarding the SWP Plan.....	
Submitting the SWP Plan to MDH for State Agency Review.....	
Submitting the SWP Plan to EQB For State Endorsment/Approval	

Chapter 9

Implementing An SWP Plan.....	
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Chapter 10

Updating An SWP Plan	
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Background

When Congress enacted the Safe Drinking Water Act (SDWA) amendments in 1996, the concept of source water assessment (SWA) was put into place. The purpose of SWA was to provide the users of public drinking water supplies with a new tool to understand the potential contamination issues around their drinking water. This federal act gives the states until May of 2003 to complete **source water assessments** for all public water supplies, groundwater and surface water alike. The Minnesota Department of Health (MDH) responded to the 1996 act by utilizing a statewide ad hoc workgroup to help decide how the Department would respond on behalf of public water suppliers to the Federally mandated program.

The resulting Minnesota Source Water Assessment Program (SWAP) document requires the following for assessments of surface water intakes: 1) determine the source of the water that is used by the public water supplier; 2) determine the susceptibility of the source water; 3) determine the potential contaminants of concern to the source water intake; and 4) to the extent practical, determine the locations of the contaminants of concern. The MDH completes the source water assessment as a state obligation with the assistance of a local team of resource officials and citizens. Three assessment areas are delineated. For emergency response (to address acute health issues) an **inner source management area** is defined to allow advance notice to the water plant operator for preparation of possible shutdown of the intake. For contaminants that are cumulative in their impact on drinking water users (chronic health issues), an **outer source management area** is delineated as an area that can be realistically managed so that positive results can be expected. The **entire watershed** is the remaining area that is managed for specifically identified source water concerns. For surface intakes, susceptibility is always high; for groundwater systems susceptibility can be high, medium or low depending on the protection that may exist due to soils and geology. While drinking water users are now seeing the completed assessments with little reaction, the public water utilities with surface inlets have realized that SWA alone will not provide additional barriers to potential contamination unless some level of protection is developed beyond the treatment plant. Because the SDWA does not require the development of a "protection plan" for surface water systems following completion of the SWA, a number of public water suppliers have been asking about the development of voluntary plans that would be recognized by the State.

Public Water Supplier Reasons for Source Water Protection for Surface Water Intakes

1. The mandated source water assessments inform of threats to a source water supply, but don't resolve any of the issues.
2. Now that source water assessments are being completed as a result of the mandate of the federal Safe Drinking Water Act and have raised awareness of the issues, public water suppliers feel they must respond with a plan to address the identified issues.
3. The need to coordinate drinking water issues with the different federal, state, and local agencies involved in land use and water quality.
4. Regulations, such as the Clean Water Act, allow contaminants to be legally discharged to the source water and it becomes the responsibility of the public water supplier to remove them.
5. Present Clean Water Act regulations appear to address fish and wildlife issues rather than the "people issues."
6. Suppliers need to start with as clean a source of water as possible or spend tremendous amounts of money to improve the water for consumption.
7. Increasing variability in the quality of the source water makes it progressively more difficult to treat water without over- or under-treating the water, either increasing the cost or endangering the health of the users of the water.
8. Approved discharges upstream of an intake can cost a public water supplier an additional \$300-\$500 per day.
9. Increased contamination of the source water demands increased use of disinfectants, making the balancing act between the amount of disinfectants and the allowable levels of disinfection by-products more challenging.
10. Reducing turbidity levels in the source water would help public water suppliers meet the recently enacted Safe Drinking Water standards requiring turbidity to be reduced from 0.5 NTU units to 0.3 NTU units in finished water.
11. Surface waters are very vulnerable to contamination because of the mismanagement of potential sources of contamination adjacent to the water and upstream.
12. Management of water quantity, such as flood retention, can adversely impact the quality and quantity of drinking water.
13. Local source water protection plans are needed to help identify risk to the water supply that can be integrated into other plans, such as county water plans and watershed plans.
14. Public water suppliers are expected to measure levels of contamination at a greater degree of precision (parts per million vs. parts per billion), which means standards could be exceeded quickly. This means the only real way to eliminate this risk is to prevent the contamination of the source water by properly managing potential contamination at the source.
15. There are large quantities of contaminants transported by rail, road, and pipelines within thousands of feet of public intakes. This requires a plan to notify public water suppliers and to address spills that could reach an intake within a very short period of time.

Goals For Source Water Protection Planning

Goals of Minnesota's source water protection program for surface water systems are to:

- ❑ Address contaminants that can potentially impact the **acute and chronic health of human beings**;
- ❑ Engage appropriate parties such that **implementation buy-in** is accomplished;
- ❑ Reduce the incidents of potential drinking water contamination by **establishing barriers of protection** before the source water reaches the treatment plant;
- ❑ Increase awareness of drinking water protection through **information and education**;
- ❑ Provide a **sustainable source water resource**;
- ❑ Provide for **cost-effectiveness**;
- ❑ Build an **aesthetic acceptance and confidence** by the user;
- ❑ Accomplish **pollutant reduction** in light of the need to balance the demands of multiple users of the resource.

Description Of Minnesota's Source Water Intakes

There are 23 community public water supply systems in the state that use surface intakes for a drinking water supply (Appendix II is a list of the community public water supply systems). These systems serve close to one million users in the state. There are three noncommunity nontransient public water supply systems using surface water; and there are between 63 and 65 noncommunity transient public water supply systems in the state that have surface water intakes for drinking water. These are primarily resorts and campgrounds located in five northern counties. The transient systems typically use less than 1000 gallons per day while the largest community draws an average of 65 million gallons per day. The transient systems draw from 27 lakes and are located on Lake Superior or adjacent to the Boundary Waters Canoe Area Wilderness or Voyager's National Park.

The Relationship of Source Water Protection Plans to Other Water Planning and Water Protection Activities in Minnesota

The institutional and legal framework which has been established to protect and manage Minnesota's surface waters is complex. Numerous federal, state and local agencies have duties and responsibilities related to surface water that may support or impact source water protection for public water supplies using surface water. For the state's source water protection program to be effective, it is critical that there is an understanding of the roles and responsibilities of the various water and land-use planning entities and that they work together in a coordinated fashion to achieve the goal of source water protection identified in Chapter One.

Water Planning In Minnesota

Water planning occurs throughout the State of Minnesota and is undertaken by a variety of state and local agencies. These agencies include Minnesota Planning, Minnesota Pollution Control Agency, Board of Water and Soil Resources, Minnesota Department of Health, Minnesota Department of Natural Resources, Soil and Water Conservation Districts, water management organizations and counties. These plans cover geographic areas varying from the entire state, a water basin, a watershed, a wellhead protection area, or a county. Often these plans can be general in nature or specific in nature, such as the water quantity issue of flooding. To obtain a more comprehensive understanding of these various planning efforts that were presented to the Ad Hoc Workgroup, it is recommended that one visit the various agencies' websites. It is the finding of the Source Water Protection Plan Development Advisory Ad Hoc Workgroup (Ad Hoc Workgroup) that most of these planning activities can address drinking water concerns but are not required to address them. The decision to include drinking water concerns and the degree they are addressed is left to the discretion of the state or local agency in charge of the water planning activity. To improve the effectiveness of these existing planning efforts, the Ad Hoc Workgroup considers it is important for public water suppliers to develop source water protection plans voluntarily that define drinking water concerns and the management strategies required to address the concerns, so they can be integrated into other existing federal, state, and local plans and programs.

Role Of The Lead Agency In Source Water Protection

The Minnesota Department of Health (MDH) will be the lead State agency for the development and implementation of source water protection plans for surface water systems. The Ad Hoc Workgroup recommends MDH as the lead agency because MDH: 1) is the primacy agency for the implementation of the Federal Safe Drinking Water Act in Minnesota, 2) has the experience of implementing source water protection for groundwater systems. It is also worth noting that it will help the public to see that the primary reasons for the management of potential sources of contamination are health and safety. As the lead agency, MDH will be responsible for:

- Coordinating state and local efforts and public participation in developing, implementing and evaluating the state's SWP program for public water supplies relying on surface water;
- Developing policies and procedures and providing general program direction;

- Assisting public water suppliers and local governments with developing and implementing SWP plans;
- Developing and implementing agreements with appropriate state agencies to define their roles and involvement in SWP;
- Coordinating the review and endorsement/approval of SWP plans submitted by public water suppliers;
- Developing an automated SWP data management system;
- Coordinating the preparation of guidance documents and conducting workshops;
- Coordinating and delivering SWP training and education; and
- Serving as the state liaison to U.S. EPA.

Role Of The State Agencies/Boards In Source Water Protection

Other state agencies administer data and programs that can assist public water suppliers with the delineation of the three "nested" source water protection areas and with identifying and managing potential contaminant sources in those source water protection areas. Their support is essential to the successful implementation of management strategies for public intakes. Communication and coordination between state and local governments is needed to fully implement or adapt contaminant source control programs for SWP. The principal state agency programs that can be used to support the implementation of source water protection plans are presented in Appendix III.

The level of involvement by state agencies with SWP is based on their mission, statutory authority, policies, resources and priorities. Regulatory and resource limitation, in particular, may reduce possible state agency assistance in addressing some contaminant source types. The following state agencies and boards will be most directly involved in SWP:

The Minnesota Department of Agriculture(MDA) is the lead agency for controlling the use of agricultural chemicals. MDA will assist public water suppliers in identifying, monitoring, and controlling agricultural chemical sources and practices within the source water protection areas. Support will be provided through the programs listed in Appendix III. More information is available at <http://www.mda.state.mn.us>.

The Minnesota Pollution Control Agency (MPCA) is the lead agency for controlling non-agricultural point and non-point sources of contamination. MPCA will assist public water suppliers in identifying, monitoring and/or controlling these potential contamination sources in the source water protection areas. MPCA also has surface water quantity and quality information that will be helpful in the delineation of source water protection areas. MPCA will integrate State endorsed/approved SWP plans into basin planning, point and non-point programs and the Total Maximum Daily Load program. Support will be provided through the programs listed in Appendix III. More information is available at <http://www.pca.state.mn.us>.

The Minnesota Department of Natural Resources (DNR) is the lead agency for controlling the use of shorelands and floodplains. DNR will assist public water suppliers in identifying and controlling shorelands and floodplains. DNR also has surface water quantity and quality information that will be helpful in the delineation of source water protection areas. Support will be provided through the programs listed in Appendix III. More information is available at <http://www.dnr.state.mn.us>.

The Board of Water and Soil Resources (BWSR) oversees the county water planning process, the wetlands program and provides technical and financial assistance to counties, watershed districts, watershed management organizations, and soil and water conservation districts for various water and soil activities including water planning, monitoring and potential contaminant source inventories. BWSR will assist MDH by using their liaison role to promote SWP during the development and implementation of county water plans, Soil and Water Conservation plans, Metro surface water plans and Metro groundwater plans. Support will be provided through the programs listed in Appendix III. More information is available at <http://www.bwsr.state.mn.us>.

The Environmental Quality Board (EQB) is comprised of state agency commissioners and citizens appointed by the Governor and is staffed by Minnesota Planning. EQB develops interagency water policy, reviews state agency programs, prepares the state water plan, develops biennial water priority recommendations, oversees the environmental impact assessment process, reviews proposed legislation, and resolves interagency conflicts on environmental matters. EQB will integrate State endorsed/approved SWP plans into their programs. Also, EQB will be the state agency to endorse/approve SWP plans upon the recommendation of the MDH. Support will be provided through the programs listed in Appendix III. More information is available at <http://www.mnplan.state.mn.us>.

All state agencies with environmental programs will assist the MDH with its responsibilities as the lead agency and will review SWP plans that are submitted to the State for endorsement/approval.

Relationship Between Other Plans And Source Water Plans

To date, none of the planning activities undertaken by state agencies or local units of government are required to address the management of potential sources of contamination from a drinking water point of view. Many of the existing programs are based on the Clean Water Act; consequently fishable and swimmable goals were addressed. However, some state and local plans voluntarily address drinking water issues. This approach leaves gaps, and developing and implementing a plan or program for drinking water goals to be addressed is left to the discretion of the entity. In the past it has been difficult to include drinking water considerations into existing plans and programs because the issues and goals of drinking water protection were not clearly expressed. SWP plans that are developed by public water suppliers will help public water suppliers identify issues and implementation actions to help protect source water from contamination. The development of SWP plans will serve as a means to identify drinking water goals and management strategies that then can be integrated into existing plans and programs.

Role Of An Oversight Entity To Guide The Development And Implementation Of Source Water Protection Plans Within A Watershed Or Throughout A River Basin

Reasons For Oversight Entities

The Ad Hoc Workgroup reasons for an oversight entity are:

1. The geographic areas that will be included in source water protection plans for surface water intakes are significant in size. For example, the source water protection areas that have been delineated for St. Paul, Minneapolis and St. Cloud source water assessments include thousands of square miles, 15 counties and ___ cities.
2. There is a need to integrate and coordinate efforts for both source water protection areas for surface intakes and the wellhead protection areas for wells that lie within the source water protection areas of surface water intakes. This is needed so that individuals residing within these protection areas receive consistent messages.
3. The fragmentation that is built into government structure constrains communication and cooperation of drinking water issues and concerns. An oversight entity could support communication, provide a framework for cooperative work among other levels of government and interested parties, and sustain relationships among these groups from a drinking water perspective.

Principles Governing Oversight Entities

The Ad Hoc Workgroup recommends the following governing principles for oversight entities:

1. Several oversight entities will need to be formed for the various surface water bodies that are used as a source of drinking water.
2. These oversight entities should be that of a coordinating body for source water protection and less formal than a Joint Powers Board or a Watershed District.
3. The main mission of these oversight entities would be to address water and land use from a drinking water protection perspective.
4. The principle roles of the entities would be to provide: 1) links among local units of government within the outer source water protection area of each surface intake or cluster of intakes; 2) links between local government and state government; 3) accessibility and coordination of technical expertise, resource management expertise, and policy development expertise. The role should not include regulatory control, sharing of governmental powers and taxing authority.
5. The membership of each oversight entity shall include: 1) all managers of the involved public water suppliers; 2) all wellhead protection managers within the source water protection areas of the surface intake; 3) all county water planners; 4) the State agencies of Department of Health, Pollution Control Agency, Department of Natural Resources, Department of Agriculture, Department of Public Safety, Environmental Quality Board, and Board of Water and Soil Resources; 5) a staff person from each regional development commission in the affected area; 6) one representative from each watershed district or watershed organization within the SWP area; and 7) at least three representatives of elected

officials, one representing townships, one representing cities, and one representing counties. Because the size of the oversight entity could potentially be too large and difficult to manage, there should be an option for the entity to convene an executive committee with representation from each sector serving as the working group, with the total oversight group meeting at an annual gathering intended to provide an update of information and discussion of broad policy issues.

6. Each oversight entity will emphasize:

- a. Information, education and outreach – Source water protection establishes a new culture for water suppliers, and defines new roles for those whose actions and decisions influence source water. There is a need to identify and reach the various and diverse audiences that need to be involved in source water protection, frame the messages to deliver to these audiences, and provide the mechanism to communicate across jurisdictional and institutional barriers.
- b. Evaluate and provide advice – Source water protection will require evaluation and advice regarding technical, policy and management issues and new responsibilities for public water suppliers, as well as local and state government. This means there will be a need to evaluate how existing programs may need to be modified and advice on how to implement new technology, policy, and management. This is of importance as source water protection measures are integrated with the existing resource management framework in Minnesota.
- c. Source water planning – Because water suppliers lack the authority to protect source water, and because the jurisdiction of local units of government ends at their respective borders, source water protection cannot occur without a well-defined framework for cooperation. There needs to be a mechanism to implement source water protection that crosses jurisdictional boundaries. Because local units of government have land use authority in Minnesota, they will be at the forefront of source water protection implementation and there will need to be a means of support for their cooperative work.
- d. Advocacy – Because many local, state and federal water and land use programs focus on fishable, swimmable objectives and goals, there is a need to have a mechanism to obtain support for drinking water issues and concerns at all levels of government. There is a need to integrate source water protection strategies into: 1) local government land use control, 2) state and federal government technical expertise, 3) state and federal government authorities, and 4) state and federal water regulatory programs.

Barriers That Exist With An Informal Oversight Entity

1. They are unable to receive and disperse funds, which means a formal entity that could serve as a fiscal agent would need to be identified for each oversight entity if monies grants were to be envisioned.

Formation Of Task Force As The Oversight Entity

Based on the description of the reasons, the desired structure and the barriers, it is the recommendation of the Ad Hoc Workgroup that an oversight entity be formed and be known as a source water protection task force. To provide an entity with some structure, but one which isn't as formal as a joint powers board or a watershed district, the Ad Hoc Workgroup recommends:

- Each task force develop a mission statement and by-laws of operation;
- Each task force identify its geographic areas and membership;
- Each task force elect officers, such as a chairperson, vice-chairperson and secretary;
- Each local government involved adopt a resolution accepting the mission statement and by-laws, and appoint representatives to the task force;
- Each task force prepare a scoping document that outlines goals and strategies for its geographic area;
- Each task force report annually to the governing body of the public water supplier, the governing body of local units of government involved, and to the Water Resource Board of the Environmental Quality Board;
- Each task force meet at least quarterly;
- Each task force identifies a fiscal agent in the by-laws of operation.

In addition to the responsibilities described earlier in this chapter, the Minnesota Department of Health will be responsible for the initial establishment and staffing of each source water protection task force. In addition to the responsibilities described earlier in this chapter, the other State agency Commissioners will appoint a staff person to attend source water protection task force meetings and act as the agency liaison.

The funding of the administrative functions of the task force would come from the member public water suppliers on a pro-rated basis, if grants were not available. The funding of the implementation of management strategies would come from a variety of sources, such as grants, loans, fees, taxes, and in-kind contributions.

The Source Water Protection Plan Development Advisory Ad Hoc Workgroup recommends that the Minnesota Department of Health convene an Ad Hoc Workgroup in five years to assess the effectiveness of this approach and prepare a set of recommendations. If the formation of the these task forces does not accomplish the stated goals, the Source Water Protection Plan Development Advisory Ad Hoc Workgroup suggests the establishment of a State Drinking Water Commission to oversee the implementation of effective source water and wellhead protection plans.

Submitting the SWP Plan to MDH for State Agency Review

The public water supplier must submit seven copies of the following to MDH:

- Part 2 of the SWP plan,
- All written comments received on the plan, and
- A summary of changes made to the plan as a result of the local review process.

MDH will forward copies of the plan submittal to the following agencies for comment:

- Minnesota Department of Agriculture,
- Environmental Quality Board,
- Minnesota Department of Natural Resources,
- Minnesota Pollution Control Agency,
- Minnesota Board of Water and Soil Resources, and
- Other agencies EQB or MDH believe could assist with review.

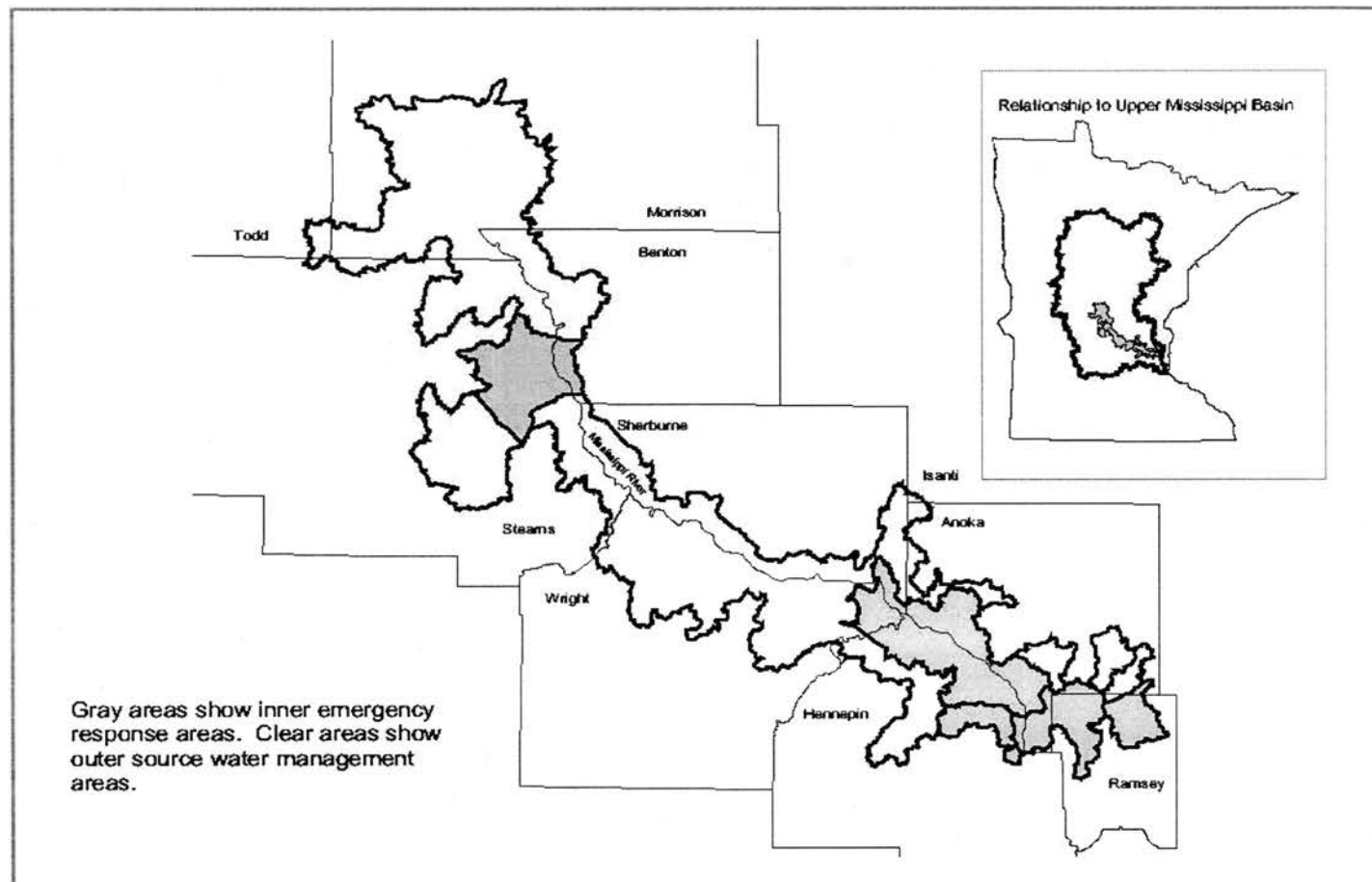
These agencies will have 60 days in which to submit comments to MDH regarding whether any portion of the proposed SWP plan is contrary to state or federal law, or if it does not satisfy the review criteria.

Submitting the SWP Plan to EQB For State Endorsment/Approval

The MDH must submit a copy of the SWP plan to EQB for endorsement/approval after the 60-day review period, along with a recommendation regarding the endorsement/approval of the plan. EQB will have 30 days after the 60-day review period to act upon the plan.

Notification of State Review Results - The EQB will communicate the results of the State's review to the public water supplier within 90 days after the submittal of Part 2 to MDH. Once Part 2 of the SWP plan has been approved/endorsed by EQB, the public water supplier can proceed with implementing the SWP plan. If the EQB does not endorse/approve the plan, the public water supplier will receive written notification that identifies the deficiency and the reasons for the no endorsement/disapproval. The public water supplier will need to resubmit the revised SWP plan to MDH within 120 days. The State must follow the same principles for plan review as when the SWP plan was first submitted.

COMPOSITE SOURCE WATER ASSESSMENT AREAS FOR THE MISSISSIPPI RIVER



Prepared by the Minnesota Department of Health August, 2001

COMPOSITE SOURCE WATER AREAS FOR THE CITIES OF MINNEAPOLIS, ST. PAUL, AND ST. CLOUD

CITY OF ST. PAUL

SOURCE WATER ASSESSMENT

September 2001

PWS ID 1620026

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PART I

INTRODUCTION

The 1996 Amendments to the federal Safe Drinking Water Act (SDWA) require the Minnesota Department of Health (MDH) to complete source water assessments for public water systems.

The requirements of the SDWA addressed herein are intended to provide St. Paul drinking water customers with 1) a general description of the area which supplies water to the St. Paul Regional Water Service (SPRWS); 2) an overview of why this water supply is susceptible to potential contaminants; 3) a description of the contaminants of concern which may impact the users of the public water supply; and 4) to the extent practical, the origins of the contaminants of concern. Because SPRWS relies on surface water and groundwater, each part of the assessment has a section devoted to each.

Surface Water Intakes - SPRWS has been working jointly with the cities of Minneapolis and St. Cloud and MDH in preparing source water assessments. The MDH, with the assistance of the SPRWS, assembled a team that developed the information herein. The source water assessment team included resource persons representing the following agencies: SPRWS, Ramsey Soil and Water Conservation District, Metropolitan Council, United States Geological Survey, Rice Creek Watershed District, Vadnais Lake Water Management Organization, Mississippi River Defense Network, Rivers Council of Minnesota, and MDH.

Over the past few years there has been a diverse group of upper Mississippi River interests involved in the planning and implementation of the Mississippi River Defense Network. This initiative has focused on protecting the Mississippi River, from its headwaters to the Twin Cities, from contamination from oil and chemical spills.

Groundwater - The part of this assessment regarding groundwater was prepared internally by an MDH hydrologist.

STATUS OF A SOURCE WATER PROTECTION PLAN

Surface Water Intake - Although not a requirement of the SDWA, the cities of Minneapolis, St. Paul, and St. Cloud intend to use the source water assessments for the surface-water intakes as the basis and framework for the development and implementation of a source water protection plan. A cooperative approach is beneficial because the public water supplies for Minneapolis, St. Cloud, and the majority of the public water supply for St. Paul are drawn from the Mississippi River. Current discussions include the establishment of a coordinating entity that would guide the development and implementation of source water protection plans for the Upper Mississippi River Watershed.

Groundwater - The SPRWS is required under the state wellhead protection rules (Minnesota Rules, parts 4720.5100-4720.5590) to prepare a wellhead protection plan for its four water supply wells by March 1, 2005.

DESCRIPTION OF THE SOURCE WATER

Surface Water Intake - The primary water supply source for the communities supplied by SPRWS is the Vadnais Lake watershed area and the Mississippi River. SPRWS also has two backup water supply sources – the Rice Creek chain of lakes and four deep wells.

Water is pumped from a pumping station on the Mississippi River in Fridley to a chain of four reservoir lakes. The Mississippi River pumping station has a total capacity of 84 million gallons per day. From the river, water is pumped to Charlie Lake in North Oaks, water then flows by canal to Pleasant Lake, then on to Sucker Lake by conduit, and finally to Vadnais Lake by canal. Lambert Creek, in the Vadnais Lake watershed area, also contributes a significant amount of water supply to Vadnais Lake. Water is withdrawn from the final reservoir lake, Vadnais Lake, which supplies water to the treatment plant. The lakes have a water surface area of 1,600 acres and an available supply of 3.6 billion gallons.

The Rice Creek chain of lakes, located approximately 18 miles north of St. Paul, includes Centerville and Peltier Lakes, as well as Rice Creek with its upstream tributary streams and lakes. This system has a watershed area of 201 square miles. These lakes have a reservoir storage area in excess of 800 acres and an available water supply of 2.3 billion gallons. Water from the Rice Creek chain may be pumped to Deep Lake in the reservoir system, which has a pumping capacity of 40 million gallons per day.

Groundwater - The city of St. Paul operates four wells (Table 1) located near the intersection of Interstate Highways 694 and 35E. All of the wells are completed in the Prairie du Chien-Jordan Aquifer. The wells have a combined capacity of 19 million gallons a day.

Wells B, C, D, and E (Unique Nos. 133312, 127292, 151583, and 151579) range from 438 to 464 feet deep and obtain water from the dolomitic rocks of the Prairie du Chien Group and the Jordan Sandstone. Geological records from several of the city's wells indicate variable amounts of geologic protection in the form of fine-grained, hydraulically confining materials present between the top of the aquifer and the land surface. The aquifer is likely recharged by leakage from overlying materials and may, in certain areas where the overlying fine-grained materials are absent, be recharged directly by local precipitation, snow melt, and losing segments of surface-water streams.

**TABLE 1
MUNICIPAL WATER SUPPLY WELL INFORMATION
ST. PAUL, MINNESOTA**

LOCAL WELL NAME	UNIQUE NUMBER	AQUIFER	CASING DEPTH (FEET)	WELL DEPTH (FEET)	DATE CONSTRUCTED	VULNERABILITY STATUS ¹
B	133312	Prairie du Chien – Jordan	237	438	1977	Vulnerable
C	127292	Prairie du Chien – Jordan	233	442	1977	Vulnerable
D	580303	Prairie du Chien – Jordan	241	450	1981	Vulnerable
E	580313	Prairie du Chien – Jordan	311	463	1983	Vulnerable

Note: 1. Vulnerability status based on MDH staff review of well construction, geologic materials encountered during drilling, well use, and water quality.

SOURCE WATER SENSITIVITY

Surface Water Intake - In determining the sensitivity of a source water relying on surface water, the intrinsic physical properties of the geologic setting or landscape within the watershed must be considered. The large quantities of water in the Mississippi River, its tributaries, Vadnais Lake and the Rice Creek Watershed, and the rate at which the water flows help attenuate contaminants and affect the movement of same to the public water supply intake. Seasonal changes will also influence the sensitivity of the river to contamination. Other factors influencing the sensitivity of a surface-water body include topography, hydrology, geology, vegetation, and the distribution of various soil types within the sub-watersheds of the Mississippi River, its tributaries, Vadnais Lake, and the Rice Creek Watershed. The sensitivity of the Vadnais Lake area watershed is discussed in greater detail in the "Vadnais Watershed Emergency Management Study." The closer the source of contamination is to the intakes the greater the impact will be on the quality of the water used by SPRWS based on the factors listed in this section. The farther the contaminant is from the intake the factors described in this section will help attenuate the movement of contaminants to the intake.

Groundwater - The sensitivity of the aquifer used by the city wells varies over the source water assessment area because of differing geological conditions. The area encompassed by the estimated capture zones for the city wells (Figure 2) has been designated moderately sensitive to contamination because fine-grained material to prevent the vertical movement of contamination are likely not laterally persistent. Water samples collected from Well B and Well C contain detectable levels of tritium, indicating the aquifer has been recharged by surface water in the past 45 years.

Well Construction Assessment - The St. Paul city wells meet current standards for construction and maintenance. These factors do not contribute to the susceptibility of the source water to contamination.

SOURCE WATER ASSESSMENT AREAS

Surface Water Intake - The source water assessment area for St. Paul includes three distinct "nested" areas. The **inner-emergency response area** is designed to help St. Paul address contaminant releases which present an immediate (**acute**) health concern to water users. This geographic area is defined by the amount of time SPRWS needs to be notified, shut off the surface water intake, and a "buffer" time limit to accommodate unanticipated delays in notification and shut down. The **outer source water management area** is designed to protect water users from long-term (**chronic**) effects related to low levels of chemical contamination or the periodic presence of contaminants at low levels in the surface water used by the SPRWS. Also, this area should protect users from contaminants, such as pathogens, which may: 1) be usually present at treatable levels in the source water and 2) occasionally represent an acute health concern under certain conditions, such as the low stage of the Mississippi River. The **entire watershed** is an area designed to provide the water supplier with a broad perspective with which to prioritize specific types of lands uses that may impact the water quality of the source water used by them.

The **inner-emergency response area**, as shown in Figure 1, can be described as the two basins of Vadnais Lake and the Lambert Creek watershed area for the Vadnais Lake intake. The **inner-emergency response area** for the Mississippi River intake, as shown in Figure 1, can be described as subwatersheds adjacent to the Mississippi River main stem beginning at the public water intake or river mile 858.6 (as measured from the confluence of the Ohio River) and extending to river mile 884.6 which is at the confluence of the Elk River and the Mississippi River. This area encompasses portions of the Mississippi River up to the Elk River and the lower portions of the Crow and Rum Rivers. The inner-emergency response area also includes areas extending short distances up Rice, Coon, and Elm Creeks; Rum River; and up the Crow River to St. Michael.

The **outer source water management area**, also shown in Figure 1, can be described as Sucker Creek watershed, the remainder of Vadnais Lake watershed, and the Rice Creek watershed north of Vadnais Lake for the Vadnais Lake intake. The **outer source water management area** for the Mississippi River intake, as shown in Figure 1, can be described as those minor watersheds directly adjacent to the Mississippi River between Elk River and St. Cloud and the subwatershed extending up the Crow River to Rockford. Additional areas, such as the Rice Creek watershed, are either small subwatersheds that flow directly into the inner-emergency response area; or in some instances, instead of including an entire minor watershed, the buffer area was defined by the distance between a specific land use and the inner-emergency response area. An example of land use determining where the boundary line is compared to a watershed boundary would be using a bridge or pipeline crossing a river or stream thereby defining the area downstream from the crossing as a buffer.

The assessment area described as the **entire watershed** (Mississippi River Basin), is shown as an insert in Figure 2. Because the cities of Minneapolis, St. Paul, and St. Cloud all draw water from the Mississippi River and have common interests in drinking water issues, the source water assessments areas have been stacked to provide a connection between the three public water suppliers. Figure 2 also shows the composite source water assessments areas for these three public water suppliers.

Groundwater - The capture zone for the four wells is shown in Figure 2 and represents the source water assessment areas for these wells.

PART II

POTENTIAL CONTAMINANTS OF CONCERN

Surface Water Intakes - The contaminants of concern are contaminants regulated under the federal SDWA. They are divided into organic chemicals, inorganic chemicals, radionuclides, and microorganisms. A listing can be found at: <http://www.epa.gov/safewater>. Of greatest concern are petroleum products, pesticides, microorganisms, and plant nutrients. The SPRWS has also identified pharmaceuticals and endocrine disrupting chemicals as emerging issues. These types of potential contaminants are not well understood at this time.

City Wells (Groundwater) - Because of the vulnerable nature of the aquifer serving the city wells, contaminants regulated under the federal SDWA are a potential concern, including:

- disease organisms,
- nitrates,
- volatile organic compounds, and
- synthetic organic compounds.

SOURCES OF CONTAMINANTS

Source Water Intake - To the extent practical, the table below is a listing of point-sources of potential sources of contamination and an **estimate** of the numbers of each type located in the **inner-emergency response area** and the **outer source water management area**.

The potential sources of contamination listed in the table below represent data collected from a number of state and federal data bases. Editing the data sets for duplication and the accuracy of the locations for potential contaminant sources was not possible to perform as part of the preparation of the source water assessments.

INVENTORY OF POTENTIAL CONTAMINATION SOURCES MISSISSIPPI RIVER INTAKE

AREA	TOTAL	GENERAL TYPE OF SOURCE
Inner Emergency Response Area	7	Aggregate Source Information System - Active Gravel Pit
Inner Emergency Response Area	3	Aggregate Source Information System - Inactive Gravel Pit
Inner Emergency Response Area	3	Aggregate Source Information System - MnDOT Gravel Pit
Inner Emergency Response Area	477	EPA - Resource Conservation Recovery Act Information System
Inner Emergency Response Area	4	EPA - Resource Management Plan
Inner Emergency Response Area	40	EPA - Toxic Release Inventory System
Inner Emergency Response Area	9	Golf Courses

AREA	TOTAL	GENERAL TYPE OF SOURCE
Inner Emergency Response Area	31	Minnesota Department of Agriculture (MDA) Licensed Ag Chemical
Inner Emergency Response Area	5	MDA Licensed Feed
Inner Emergency Response Area	6	MDA Licensed General Retail
Inner Emergency Response Area	15	MDA Licensed Government Facility
Inner Emergency Response Area	2	MDA Licensed Horticulture Center
Inner Emergency Response Area	49	MDA Miscellaneous
Inner Emergency Response Area	3	MDA Seed
Inner Emergency Response Area	23	MDA Unknown
Inner Emergency Response Area	29	MDH - Hazardous Substance Emergency Events Surveillance
Inner Emergency Response Area	102	Metro Council - Mississippi River Crossing Data
Inner Emergency Response Area	2867	Minnesota Geological Survey (MGS) Located Wells
Inner Emergency Response Area	3490	MGS - Unlocated Wells
Inner Emergency Response Area	10	Minnesota Pollution Control Agency (MPCA) Feedlot Inventory
Inner Emergency Response Area	931	MPCA - Hazardous Waste Information Management System
Inner Emergency Response Area	231	MPCA - Leaking Underground Storage Tanks
Inner Emergency Response Area	389	MPCA - Registered Storage Tanks
Inner Emergency Response Area	4	MPCA - Salvage Yards
Inner Emergency Response Area	1	MPCA CERCLIS Site
Inner Emergency Response Area	4	MPCA Hazardous Waste Investigation and Clean Up Facility
Inner Emergency Response Area	24	MPCA Metro Dump Inventory Site
Inner Emergency Response Area	2	MPCA Nor Further Remedial Action Planned Site
Inner Emergency Response Area	1	MPCA Out-state Dump Inventory Site
Inner Emergency Response Area	1	MPCA Permanent List of Priorities Site
Inner Emergency Response Area	2	MPCA Resource Conservation and Recovery Act Treatment, Storage, Disposal Site
Inner Emergency Response Area	7	MPCA Permitted Solid Waste Site
Inner Emergency Response Area	30	MPCA Voluntary Investigation and Clean Up Site
Inner Emergency Response Area	7	National Pollutant Discharge Elimination System
Inner Emergency Response Area	43	US Army Corps of Engineers (USACE) Above Ground Storage Tanks
Inner Emergency Response Area	79	USACE Agricultural Pesticide Applicators
Inner Emergency Response Area	7	USACE Boat Landings
Inner Emergency Response Area	16	USACE Containment and Diversion Sites
Inner Emergency Response Area	19	USACE Fertilizer Licensees
Inner Emergency Response Area	1	USACE Pesticide Dealers
Inner Emergency Response Area	3	USACE Pipeline Crossings
Inner Emergency Response Area	254	USACE Sara Title III Hazardous Waste Sites
Inner Emergency Response Area	8	USACE Transportation Crossings
Inner Emergency Response Area	264	USACE Underground Storage Tanks
Inner Emergency Response Area	10	US Geological Survey (USGS) - Cemeteries
Outer Source Water Management Area	33	Aggregate Source Information System - Active Gravel Pit
Outer Source Water Management Area	7	Aggregate Source Information System - Commercial Aggregate
Outer Source Water Management Area	15	Aggregate Source Information System - Inactive Gravel Pit

AREA	TOTAL	GENERAL TYPE OF SOURCE
Outer Source Water Management Area	1	Aggregate Source Information System - MnDOT Gravel Pit
Outer Source Water Management Area	434	EPA - Resource Conservation Recovery Act Information System
Outer Source Water Management Area	4	EPA - Resource Management Plan
Outer Source Water Management Area	13	EPA - Toxic Release Inventory System
Outer Source Water Management Area	9	Golf Courses
Outer Source Water Management Area	52	MDA Licensed Ag Chemical
Outer Source Water Management Area	19	MDA Licensed Feed
Outer Source Water Management Area	15	MDA Licensed General Retail
Outer Source Water Management Area	37	MDA Licensed Government Facility
Outer Source Water Management Area	4	MDA Licensed Horticultural Center
Outer Source Water Management Area	48	MDA Miscellaneous
Outer Source Water Management Area	12	MDA Seed
Outer Source Water Management Area	17	MDA Unknown
Outer Source Water Management Area	41	MDH - Hazardous Substance Emergency Events Surveillance
Outer Source Water Management Area	3362	MGS - Located Wells
Outer Source Water Management Area	7454	MGS - Unlocated Wells
Outer Source Water Management Area	45	MPCA - Feedlot Inventory
Outer Source Water Management Area	462	MPCA - Hazardous Waste Information Management System
Outer Source Water Management Area	213	MPCA - Leaking Underground Storage Tanks
Outer Source Water Management Area	463	MPCA - Registered Storage Tanks
Outer Source Water Management Area	8	MPCA - Salvage Yards
Outer Source Water Management Area	1	MPCA CERCLIS Site
Outer Source Water Management Area	1	MPCA Dropped from Permanent List of Priorities Site
Outer Source Water Management Area	16	MPCA Metro Dump Inventory Site
Outer Source Water Management Area	4	MPCA No Further Remedial Action Planned Site
Outer Source Water Management Area	6	MPCA Out-state Dump Inventory Site
Outer Source Water Management Area	2	MPCA Resource Conservation and Recovery Act Treatment, Storage, Disposal Site
Outer Source Water Management Area	15	MPCA Permitted Solid Waste Site
Outer Source Water Management Area	29	MPCA Voluntary Investigation and Clean Up Site
Outer Source Water Management Area	11	National Pollutant Discharge Elimination System
Outer Source Water Management Area	1	Nuclear Sites
Outer Source Water Management Area	99	USACE Above Ground Storage Tanks
Outer Source Water Management Area	55	USACE Agricultural Pesticide Applicators
Outer Source Water Management Area	7	USACE Boat Landings
Outer Source Water Management Area	42	USACE Containment and Diversion Sites
Outer Source Water Management Area	10	USACE Fertilizer Licensees
Outer Source Water Management Area	3	USACE Pesticide Dealers
Outer Source Water Management Area	4	USACE Pipeline Crossings
Outer Source Water Management Area	162	USACE Sara Title III Hazardous Waste Sites
Outer Source Water Management Area	8	USACE Transportation Crossings
Outer Source Water Management Area	327	USACE Underground Storage Tanks
Outer Source Water Management Area	28	USGS Cemeteries

**INVENTORY OF POTENTIAL CONTAMINATION SOURCES
VADNAIS LAKE INTAKE**

AREA	TOTAL	GENERAL TYPE OF SOURCE
Inner Emergency Response Area	1	Aggregate Source Information System - Active Gravel Pit
Inner Emergency Response Area	56	EPA - Resource Conservation Recovery Act Information System
Inner Emergency Response Area	7	EPA - Toxic Release Inventory System
Inner Emergency Response Area	1	Golf Courses
Inner Emergency Response Area	6	MDA Licensed Ag Chemical
Inner Emergency Response Area	3	MDA Licensed General Retail
Inner Emergency Response Area	2	MDA Licensed Government Facility
Inner Emergency Response Area	6	MDA Miscellaneous
Inner Emergency Response Area	2	MDH - Hazardous Substance Emergency Events Surveillance
Inner Emergency Response Area	1200	MGS Located Wells
Inner Emergency Response Area	255	MGS Unlocated Wells
Inner Emergency Response Area	1	MPCA Feedlot Inventory
Inner Emergency Response Area	111	MPCA Hazardous Waste Information Management System
Inner Emergency Response Area	29	MPCA Leaking Underground Storage Tanks
Inner Emergency Response Area	14	MPCA Metro Dump Inventory Site
Inner Emergency Response Area	1	MPCA Permanent List of Priorities Site
Inner Emergency Response Area	2	MPCA Permitted Solid Waste Site
Inner Emergency Response Area	11	MPCA Voluntary Investigation and Clean Up Site
Inner Emergency Response Area	38	MPCA Registered Storage Tanks
Inner Emergency Response Area	1	MPCA Salvage Yards
Inner Emergency Response Area	1	USGS Cemeteries
Outer Source Water Management Area	4	EPA Resource Conservation Recovery Act Information System
Outer Source Water Management Area	1	MDA Licensed Ag Chemical
Outer Source Water Management Area	1	MDH Hazardous Substance Emergency Events Surveillance
Outer Source Water Management Area	237	MGS Located Wells
Outer Source Water Management Area	163	MGS Unlocated Wells
Outer Source Water Management Area	7	MPCA - Hazardous Waste Information Management System
Outer Source Water Management Area	5	MPCA Leaking Underground Storage Tanks
Outer Source Water Management Area	2	MPCA Registered Storage Tanks (TABS)
Outer Source Water Management Area	1	USGS Cemeteries

To the extent practical, the table below is an estimate of percentages of land uses found with the St. Paul source water assessment area (inner emergency response area and outer source water management area) reflecting non-point sources of potential contamination.

**LAND USES IN THE MISSISSIPPI RIVER PORTION
OF ST. PAUL SOURCE WATER ASSESSMENT AREA**

LAND USE	OUTER AREA	INNER AREA	% OUTER	% INNER	TOTAL ACRES	TOTAL %
Open Water	18386.049	4080.945	6.473	4.880	22466.994	6.111
Low Intensity Residential	13920.360	15732.656	4.901	18.813	29653.016	8.066
High Intensity Residential	4811.068	6001.102	1.694	7.176	10812.170	2.941
Commercial/Industrial/Transportation	5375.506	4381.401	1.893	5.239	9756.907	2.654
Quarries/Strip Mines/Gravel Pits	972.977	600.021	0.343	0.717	1572.998	0.428
Barren Transitional	11.342	166.129	0.004	0.199	177.471	0.048
Deciduous Forest	43622.303	7997.541	15.359	9.563	51619.844	14.040
Evergreen Forest	863.559	338.485	0.304	0.405	1202.044	0.327
Mixed Forest	659.401	236.628	0.232	0.283	896.029	0.244
Shrubland	7.117	4.448	0.003	0.005	11.565	0.003
Pasture/Hay	67932.284	15572.532	23.918	18.621	83504.816	22.713
Row Crops	84941.708	14918.024	29.907	17.839	99859.732	27.162
Small Grains	4813.514	1230.288	1.695	1.471	6043.802	1.644
Urban/Recreational Grasses	3384.182	2735.457	1.192	3.271	6119.639	1.665
Woody Wetlands	9135.535	3361.498	3.216	4.020	12497.033	3.399
Emergent Herbaceous Wetlands	25186.883	6270.200	8.868	7.498	31457.083	8.556
Total	284023.788	83627.355	100.000	100.000	367651.143	100.000

LAND USES WITHIN THE VADNAIS LAKE SOURCE WATER ASSESSMENT AREA

LAND USE	OUTER AREA	INNER AREA	% OUTER	% INNER	TOTAL ACRES	TOTAL %
Open Water	1501.832	1849.880	21.171	12.412	3351.712	15.236
Low Intensity Residential	465.695	2462.356	6.565	16.521	2928.051	13.310
High Intensity Residential	70.054	418.547	0.988	2.808	488.601	2.221
Commercial/Industrial/Transportation	49.149	711.886	0.693	4.776	761.035	3.460
Deciduous Forest	796.841	1622.815	11.233	10.888	2419.656	10.999
Evergreen Forest	57.600	248.193	0.812	1.665	305.793	1.390
Mixed Forest	25.575	179.917	0.361	1.207	205.492	0.934
Grasslands/Herbaceous	6.672	70.054	0.094	0.470	76.726	0.349
Pasture/Hay	1560.989	2507.279	22.005	16.822	4068.268	18.494
Row Crops	696.541	934.948	9.819	6.273	1631.489	7.416
Small Grains	.0667	1.112	0.009	0.007	1.779	0.008
Urban/Recreational Grasses	53.152	1765.593	0.749	11.846	1818.745	8.268
Woody Wetlands	405.426	915.600	5.715	6.143	1321.026	6.005
Emergent Herbaceous Wetlands	1403.534	1216.277	19.786	8.160	2619.811	11.909
Total	7093.727	14904.457	100.000	100.000	21998.184	100.000

Both point sources (such as industrial and wastewater treatment plant discharges) and non-point sources (such as runoff from agricultural and urban lands) are present in the inner-emergency response area and the outer source water management area.

In the entire Upper Mississippi Watershed, forestry/logging, mining, recreation, and tourism are predominant industries in the northern and eastern counties of the watershed, along with scattered agricultural activities. More intensive agriculture dominates the land uses in the southern and western portions of the watershed. The southern and eastern portions of the watershed are increasingly dominated by urban land uses. Public ownership of land is more predominant in the northern reaches, and private ownership is more predominant in the southern reaches.

The Sauk and Crow Rivers, in particular, are significant contributors of contaminants to the Mississippi River. Forms of pollution in the Mississippi River and many of its tributaries include suspended solids, nutrients, oxygen-using materials, metals, pathogenic microorganisms, and several organic and inorganic chemical constituents. The Mississippi River Defense Network included an inventory of potential oil and chemical spill sources within 1 mile of the Mississippi River and near certain tributaries between the Mississippi River headwaters and St. Anthony Falls. Within this corridor, more than 3,300 potential spill sources were identified, including pipeline, highway, and railroad river crossings and parallels; above- and below-ground petroleum and chemical storage tanks; agricultural chemical storage facilities; and hazardous waste storage facilities.

Groundwater - The potential sources of contamination that may impact the city's water supply wells include point and non-point sources surrounding the four wells. A formal wellhead protection area will be designated for the wells under provisions of the state wellhead protection rule. As such, a listing of potential contaminant sources is not listed in this assessment because the city will be conducting an inventory of potential contaminant sources as part of wellhead protection planning.

RESULTS OF MONITORING THE SOURCE WATER

Surface Water Intake - Source water monitoring results can be found in the various programs present in the Mississippi River Basin. Some of those programs include: MPCA's total maximum daily load (TMDL) program, Riverwatch, county water planning, Minnesota Department of Natural Resources fisheries monitoring, the MDH Fish Consumption Advisory Handbook, and Clean Water Partnership diagnostic studies. Also, the U.S. Geological Survey conducted extensive monitoring of the entire Mississippi main stem during the period of 1987-1992; and another data set (1962-1995) includes physical, chemical, and biological properties, with some sites sampled above the Minneapolis water intake. For the past four years, the MDH has done a limited study at the SPRWS intake for all of the SDWA pesticides and nitrates. The public water supplier also provides a continuous monitoring program for finish water.

For the past four years, the MDH has done a limited study at the Minneapolis intake for all of the SDWA pesticides and nitrates. Grab samples of both raw and treated drinking water have been collected and analyzed. These samples are collected over the May-June time frame each year to determine if additional monitoring is needed. The results of sampling for pesticides/nitrates over the past four years have not indicated any problems during this typically peak flow period.

Monitoring conducted in the Upper Mississippi River Basin (including areas outside of the source water assessment areas) the MPCA determined that a small percentage of locations monitored or surveyed had water quality fully supporting the designated uses for the water body being monitored or surveyed. Nearly two-thirds of the sites had threatened water quality and did not support the designated use. Most monitoring upstream of the public water supply intake is generally related to swimmable and fishable goals. A greater emphasis on drinking water standards in the future would be beneficial.

Groundwater - Water in the St. Paul water distribution system is regularly sampled and analyzed for contaminants regulated under the federal SDWA. No detections of monitored contaminants have been reported in the distribution system that are attributed to the wells. The city disinfects the water with chlorine to safeguard water users from disease organisms.

SUSCEPTIBILITY OF THE SOURCE WATER TO CONTAMINATION

Susceptibility is defined as the likelihood that a contaminant will enter a public water supply at a level which may result in an adverse human health impact. The determination of susceptibility is on a scale of low, medium, and high.

Surface Water Intake Susceptibility - The overall susceptibility of any surface water is determined to be high because there are no practical means of preventing all potential contaminant releases into surface waters. However, a susceptibility determination for a specific public water supply system is based on comparing the sensitivity of the surface-water intake to the presence of a source which may release a contaminant of concern. This secondary analysis allows for differentiation between surface-water-based public water supply systems. The sensitivity of the source water for St. Paul is considered to be high based on the sensitivity factors. Based on a comparison of the sensitivity of the surface-water intake to the presence of potential contaminant sources, **the susceptibility of the SPRWS intakes is considered to be high for a surface-water-based public water supply system.** While it has been determined that the SPRWS source water is highly susceptible to the source water's potential contaminant sources, it is noted that historically, the SPRWS has effectively treated this source water to meet drinking water standards.

Groundwater Susceptibility - The source water used by the city of St. Paul is susceptible to contamination because of the local geological setting.

USING THIS ASSESSMENT

Protecting the drinking water source is a wise and relatively inexpensive investment in the community's future. The overall intent of this assessment is to provide background information for the community to use in developing a local "Drinking Water Protection Program." The assessment benefits the community by providing the following:

- ***A basis for focusing limited resources within the community to protect the drinking water source.***
The assessment provides the community with information regarding activities within the **source water protection area** that may directly affect their water supply.
- ***A basis for informed decision making regarding land use within the community.***
The assessment provides the community with a significant amount of information regarding where their drinking water comes from (the source) and what the risks are to the quality of that source. Knowing where the resource is allows community planning authorities to make informed decisions regarding proposed land uses within the source water assessment area that are compatible with both the drinking water resource and the vision of growth embraced by the community.
- ***A basis for informed source water planning efforts for the composite assessment areas for St. Paul, Minneapolis, and St. Cloud.***

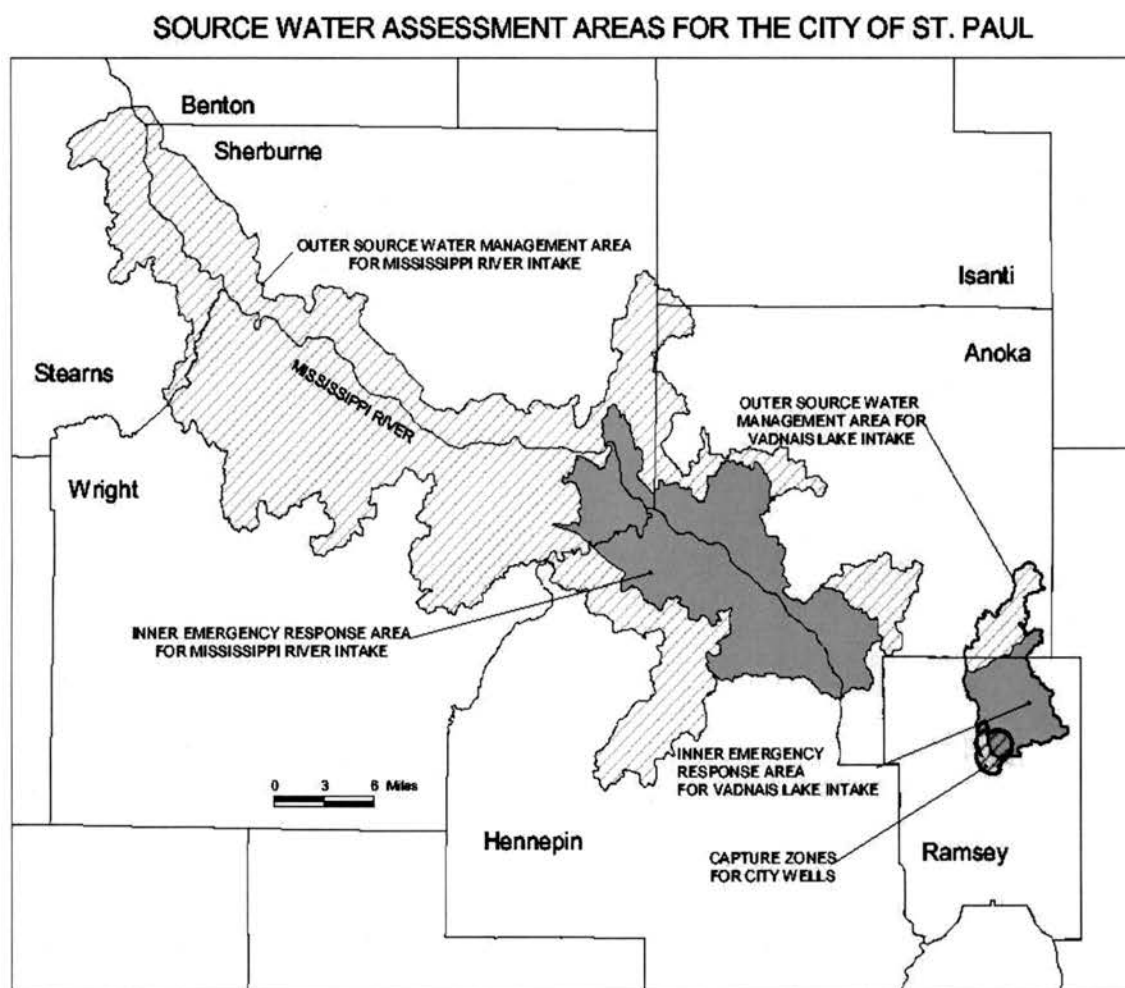


FIGURE 1
SOURCE WATER ASSESSMENT AREAS FOR THE CITY OF ST. PAUL

CAPTURE ZONES FOR ST. PAUL CITY WELLS

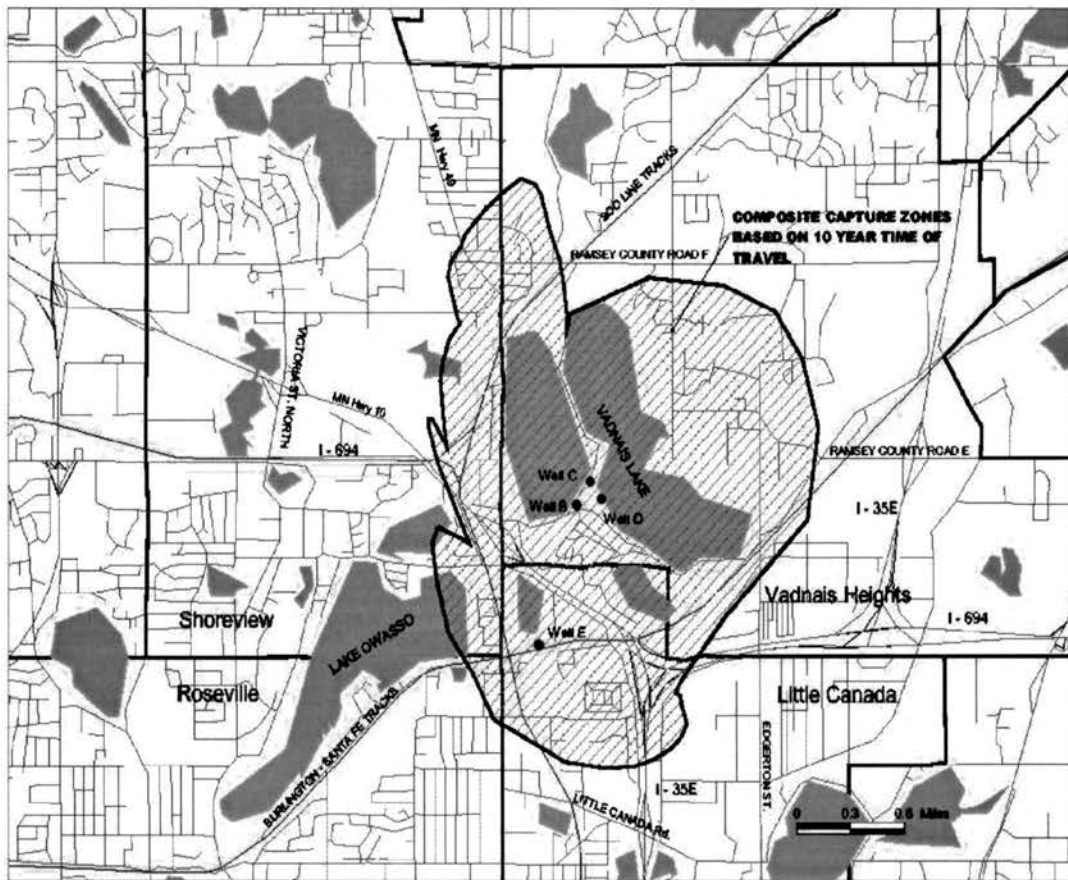


FIGURE 2
COMPOSITE CAPTURE ZONES OR SOURCE WATER ASSESSMENT AREAS
FOR THE CITY WATER SUPPLY WELLS

February 2003

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**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, FEBRUARY 26, 2003**

BOARD MEMBERS PRESENT: Lee Coe, Jerome Deal, Jim Anderson, Minnesota Extension Service (MES); Dwain Otte, Darrell Bruggman, Clair Nelson, Char Kahler, Victor Ormsby, Paul Krabbenhoft, Dan Wilson, Minnesota Department of Health (MDH); Karen Harder, Jack Frost, Perry Aasness/Mark Dittrich, Minnesota Department of Agriculture (MDA); Lisa Thorvig, Minnesota Pollution Control Agency (MPCA); Wayne Edgerton, Minnesota Department of Natural Resources (DNR)

BOARD MEMBERS ABSENT: Ginny Imholte

STAFF PRESENT: Ron Harnack, Doug Thomas, John Jaschke, Tammy McGlone, Mary Jo Anderson, Chris Hughes, Ron Shelito, Greg Larson, Marybeth Block, Tim Fredbo, Jeff Nielsen

OTHERS PRESENT:

Sandy Hooker, Minnesota Association of Townships
Mark Dittrich, Minnesota Department of Agriculture
Bob Finley, University of Minnesota-Mankato Water Resources Center
Brian Watson, Dakota SWCD
LeAnn Buck, Minnesota Association of Soil & Water Conservation Districts (MASWCD)
Bruce Holdhusen, Capitol Region Watershed District, Citizens Advisory Committee
John Wells, EQB Water Planning

BWSR Meeting Minutes
February 26, 2003
Page Two

Call Meeting to Order – Chair Coe called the meeting to order at 9:00 a.m.

Pledge of Allegiance

- ** Adopt Agenda** - Moved by Char Kahler, seconded by Jack Frost, to adopt the agenda as presented. Motion passed on a voice vote.

03-12

- ** Minutes of January 22, 2003** – Dwain Otte stated that a correction is needed under Open Mike – it should state that Roland Cleveland was representing SWCDs in regards to SWCD non-point engineering. Moved by Clair Nelson, seconded by Jerome Deal to approve the minutes of January 22, 2003, as corrected. Motion passed on a voice vote.

03-13

Reports

Chair's Report – Lee Coe gave a brief report on the EQB meeting. Chair Coe, on behalf of BWSR, thanked MPCA for their assistance and use of the video-conference that was held on February 24.

Chair Coe welcomed Perry Aasness, agency member representing the Department of Agriculture. Perry will replace Sharon Clark as the Department of Agriculture member.

Executive Director's Report – Ron Harnack briefly commented on the budget, information will be provided later on the agenda. Ron reported that a video-conference was held on February 24, with BWSR, MPCA, OEA and DNR, to provide information on the Governor's budget recommendations and the unallotments of 2003 for NRBG, relating to feedlots, wetlands, shorelands, ISTS and local water planning. There was good participation from local units of government, questions and answers will be posted on BWSR's web site. Ron stated that the Senior Management Team is working on a staffing plan that will address the budget reductions which include additional staff lay-offs.

Ron reported that Legislative committees held hearings on BWSR's program overviews in the Senate Environment Finance and House Environment and Natural Resources Policy and Finances Committees. House File #414 - SWCD law updates will be heard in the House Environment and Natural Resources Policy Committee on February 27. Ron stated that he appreciated board members' attendance at hearings. Ron has met with the Governor's Appointments Office to review board member appointments; he anticipates this to be finalized by April.

Ron also encouraged BWSR committees to meet in conjunction with the monthly board meetings to save on costs.

BWSR Meeting Minutes
February 26, 2003
Page Three

Dispute Resolution Committee - Chair Coe commented on the DRC report provided by Jim Haertel. Chair Coe stated that there are five additional appeals that have been received since this report was distributed. Ron stated that he's giving each appeal critical assessment prior to acceptance or denial of the appeals.

Wetlands Committee - Darrell Bruggman reported that the Wetlands Committee is in the process of scheduling a meeting. Darrell distributed the WCA formula and Ad Hoc WCA Grant Workshop Report.

Cost-Share/Soil Conservation Committee - Dwain Otte stated that the Cost-Share Committee is meeting today after the Board meeting.

Education and Public Relations Committee - Paul Krabbenhoft stated that the Committee will have a report in March.

Administrative Advisory Committee - Chair Coe stated that the Administrative Advisory Committee met via conference calls regarding budget issues. Ron stated that he appreciates the Administrative Advisory Committee's assistance in working through the policy issues. Chair Coe thanked staff for providing good work on the budget.

Agency Reports

Perry Aasness, Minnesota Department of Agriculture (MDA), reported on MDA's budget reduction issues. MDA is looking at cutting programs such as the noxious weed program (\$241,000/year), the U of M appropriation for sustainable agriculture grants (\$80,000/year), dairy producers grants (20% reduction = \$800,000/year), grants to agricultural societies (\$359,000/year). Perry stated that there are proposals to eliminate the crop depredation program (\$66,000/year), and the beaver dam control grants (\$65,000/year). Perry stated that the organic farming program was not reduced. Perry stated that outside of the ethanol reduction which is 45% of MDA's budget, MDA is looking at over \$2M reductions in administration and \$1.1M in grant reductions/year.

Dan Wilson, Minnesota Department of Health (MDH), reported that Minnesota will meet all federal deadlines for source water assessments of geology, water flow, and contamination of sources for 15,000 wells. Dan stated that Minnesota is the only state to meet those federal deadlines. Dan stated that delineations are moving along, more needs to be done on source water assessments but they are making progress. MDH budgets are flat the next two years, which is good news. Dan stated that ~~counties are responding on local water management grants and well sealing cost-share grants.~~ ^{many} *will be reducing or eliminating*

Wayne Edgerton, Minnesota Department of Natural Resources (DNR) reported that DNR is re-working their budget, losing about 100 staff and will also lose programs.

BWSR Meeting Minutes
February 26, 2003
Page Four

Wayne reported that the Chronic Wasting Disease (CWD) legislative bill will be heard on March 3. Wayne stated that DNR provided comments regarding the Farm Bill draft rule, and EQIP. Wayne met with Senator Norm Coleman regarding the Farm Bill and will provide a tour this summer. Ron suggested a board tour in conjunction with this tour.

Jim Anderson, Minnesota Extension Service (MES), reported that the U of M went through the unallotment process, the Deans have said that they are taking their time in making good decisions on how to cut back. MES is involved in working with BWSR, MDA, and MPCA on small group nutrient plans; they are seeing lower participation in this program. MES provided a coordinated response from the six regions on technical service providers regarding EQIP. Jim stated that on a positive note, MES has education projects that continue to move forward.

Lisa Thorvig, Minnesota Pollution Control Agency (MPCA), distributed and reviewed MPCA's fact sheet on their budget. Lisa's priorities will address impaired waters and implementation engaging local partners. Newly appointed Commissioner Corrigan wants MPCA to work with external stakeholders regarding waters, clean-up, and funding. Lisa will lead that effort working with MDA on impaired waters, a meeting has been scheduled for next week. MPCA is working with the Minnesota Environmental Initiative to educate stakeholders regarding water issues. Lisa stated that MPCA's budget unallotments were just one time in Fiscal Year 03, except for the ISTS grant funding which was eliminated.

Committee Recommendations

Northern Water Planning Subcommittee

03-14 Pennington County Comprehensive Local Water Plan Update – Chair Coe stated that Pennington County has made great strides in their plan. Paul Krabbenhoft stated that they have good environmental education programs with youth. Chair Coe stated that
** the Northern Water Planning Subcommittee recommends approval of this Plan. Moved
by Jerome Deal, seconded by Clair Nelson, to approve the Pennington County Comprehensive Local Water Plan Update. Motion passed on a voice vote.

03-15 Red Lake County Comprehensive Local Water Plan Update – Chair Coe stated that the
** Northern Water Planning Subcommittee recommends approval of this Plan. Moved by
Paul Krabbenhoft, seconded by Jerome Deal, to approve the Red Lake County Comprehensive Local Water Plan Update. Motion passed on a voice vote.

SWCD Technical Assistance Ad Hoc Committee Report – John Jaschke stated that the focus of the ad hoc committee was to develop options and recommendations to maximize future and technical services delivery through SWCDs. John highlighted the

BWSR Meeting Minutes
February 26, 2003
Page Five

draft report and draft recommendations. This will be discussed at the cost-share committee meeting this afternoon.

Chair Coe, on behalf of the Board of Water and Soil Resources, presented Jim Birkholz with a plaque recognizing his efforts and contributions to the State of Minnesota. Chair Coe wished Jim well in his endeavors with the apple orchard. Jim appreciated the award and encouraged the Board to stay true to its mission of practical delivery of conservation.

Chair Coe called for a break at 10:50 a.m. The meeting reconvened at 11:10 a.m.

Budget Overview – Ron Harnack commented on the impacts of the budget reductions. Ron received notice yesterday that BWSR will recoup about \$1M in unallotment funds. (\$668,000 in NRBG for '03). Ron gave preface to BWSR's budget. This budget plan places priority on the agency's mission of achieving the state's objectives for clean air, clean water and abundant fish and wildlife habitat through the wise use and management of the state's 41.7 million acres of private land. The budget plan preserves:

- The agency's core mission of soil erosion control and water conservation on private lands.
- Cost-share assistance that offsets a portion of landowner cost for implementing soil and water conservation projects and feedlot pollution control abatement systems.
- Technical assistance to farmers, ranchers and forestland owners through the agency's non-point engineering assistance program and the state's 91 SWCDs.
- Technical and financial assistance to over 300 local governments, which carry out the state's mandatory wetland protection program.
- The agency's alternative dispute resolution program for citizens that are aggrieved by local government decisions relating to the Wetland Conservation Act, and watershed district projects and rules.
- The agency's ability to partner with and leverage technical assistance and financial resources of the USDA NRCS and FSA, the MPCA and the US EPA.

This budget proposal eliminates funding and significantly reduces staff technical assistance for the state's voluntary Comprehensive Local Water Planning Act implemented by counties and SWCDs outside the seven county metropolitan area. Implementation activities funded through this program can be broadly categorized under the headings of education and information, monitoring and data collection, inventory and mapping, land use planning and regulation, and land and water treatment practices.

BWSR Meeting Minutes
February 26, 2003
Page Six

Ron stated that this budget plan represents a 20% reduction in Fiscal Year 04-05. Tammy McGlone presented the BWSR's 2004-2005 biennial budget overview. Ron stated that the Governor's Recommendations for BWSR's FY04-05 budget will be presented to the House Environment and Natural Resources Finance Committee tomorrow. Ron stated that the SMT has been working to plan a staffing reduction. Discussion followed regarding the impacts and loss of funding for local water planning.

03-16 Moved by Char Kahler, seconded by Mark Dittrich, that BWSR reconsider the Governor's recommended budget cuts for local water planning and ask the Governor to reinstate water planning and look for cuts in other places. There was considerable discussion regarding the motion. What are the alternatives to the water planning reductions, BWSR's obligation is 20%. No alternatives were offered.

03-17 Karen Harder amended the motion to delay action until after the next agenda item. Char Kahler and Mark Dittrich accepted the amendment to postpone action at this time. Ron stated that it would be difficult to make adjustments or reallocations to the current budget plan that we presently have. The Administrative Advisory Committee was authorized by the Board to work with the staff and develop a budget for the Governor's consideration. Chair Coe thanked Tammy McGlone for her time and efforts on the budget.

Funding Options for Local Water Planning – Doug Thomas presented LGU financing options and the local governance of priorities. Special taxing authority is an option. Discussion followed. Citizens and volunteers will continue with local water planning with or without funding because people are committed. Ron stated that local water planning is important and we will continue to talk with other agencies, but to change the budget plan now does not work to our advantage. Ron stated that the challenge we have is a 20% reduction which needs to come from somewhere. We looked at all our programs, we acknowledged the impacts of eliminating local water planning, the committee endorsed the current plan and the Governor accepted.

03-16a Char Kahler restated her motion that BWSR revisit and change our recommendation to eliminate local water planning from the recommendation presented to the Governor. Discussion followed. Various perspectives were presented acknowledging the value of the program, there were no alternatives offered to meet the 20% reduction, the committee had already made a recommendation that was accepted, mandates and conservation financial and technical capacity are critical to achieving outcomes. Roll call on motion. Affirmative: Dittrich and Kahler. Opposed: Anderson, Bruggman, Deal, Edgerton, Frost, Harder, Krabbenhoft, Nelson, Ormsby, Otte, Thorvig, Wilson, Coe. Motion did not pass.

BWSR Meeting Minutes
February 26, 2003
Page Seven

Moved by Victor Ormsby to send a resolution to the Legislature from BWSR affirming BWSR's emphasis on endorsement of water planning. Dwain Otte stated that this is the Governor's recommendation, we have a responsibility to support the administration. If board members want to lobby on behalf of their associations they are able to do that. Lisa Thorvig stated that she is not in favor of a resolution, BWSR is part of the administration, we need to look to the positive, how can we turn a bad into a good. Jerome Deal stated that the water planners will be heard much more than what we could say they are the driving force, they need to contact their legislators. Victor withdrew his motion.

Ron suggested the appointment of a board subcommittee to develop some guiding principles to direct the possible government restructuring and reorganizing in the future. Historically, we have been reactive rather than proactive and we can help frame the future with a positive approach and working effort with members of the board that represent agencies and local governments. Members supported a more action oriented approach that a subcommittee would offer. Chair Coe will work with Ron on suggested appointments to a committee.

Alteration of Easement #51-02-01-01 Kathleen Kernstock Easement on Murray County. Tim Fredbo stated that this is a continuation of the original request that was tabled at the October 23, 2002, Board meeting. Ms. Kernstock wants to remove 29 acres in a perpetual easement and replace it with 29.8 acres in an adjacent section. The Board tabled the original request to await a response from the DNR Area Wildlife Manager as required by law. The DNR Area Wildlife Manager suggested that the proposal would be more acceptable if an additional 150 feet of buffer along the west side of the stream were required. Tim and the Murray SWCD have attempted to contact Ms. Kernstock regarding the exchange but have not received a response from her. Staff recommend Board approval of this request with the requirement that 150 feet of additional buffer on the west side of the stream, and a 20-foot access strip up the east property line to the county road, all in Section 10, be required as a condition of approval for the exchange. Staff requests the Board to authorize staff to adjust the final acres if Ms. Kernstock decides to proceed with this alteration, preserving the buffer on both sides of the stream, the access strip, and a minimum of 29.8 acres as originally proposed.

03-18 ** Moved by Dwain Otte, seconded by Clair Nelson, to authorize staff to move ahead with the alteration supporting additional buffer and access to the road, keeping 29.8 acres at a minimum. Current proposal is 34.8 acres. If this is not agreeable to Ms. Kernstock, staff is authorized to reduce to a minimum of 29.8 acres after consultation with the DNR Area Wildlife Manager and Murray SWCD. Motion passed on a voice vote.

BWSR Meeting Minutes
February 26, 2003
Page Eight

Board of Government Innovation and Cooperation (BGIC) Pilot Project for Management of Land and Water Resources – Bob Finley of Minnesota State University-Mankato Water Resources Center presented information on the Greater Blue Earth River Basin in south central Minnesota. He stated that it's time to move forward on this pilot project, sorting out who does what with shared resources, authorities and responsibilities. Discussion followed. Bob stated that the BGIC was dissolved this past fall. We hope to see an establishment mechanism to move things forward, counties still sense the importance and need to carry on this mission.

Hennepin Conservation District (HCD) – Steve Woods gave a brief overview of the Hennepin Conservation District situation. Hennepin County has proposed to withdraw County funding to the Hennepin Conservation District, which would have a significant impact on district operations. BWSR staff will continue to work with HCD and the County. Chair Coe thanked Steve for this update.

Chair Coe stated that John Wells will give an overview of the "Minnesota Water Priorities 2003 – 2005" Biennial Report of the Environmental Quality Board at the March Board meeting.

Advisory Comments

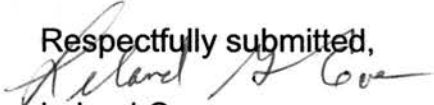
Brian Watson, Minnesota Association of Conservation District Employees (MACDE), district manager of Dakota SWCD, reported that the MACDE met in January. Brian announced the newly elected area directors. Brian reported that he and Rick Reimer have been designated as MACDE representatives to BWSR. The MACDE summer meeting will be held June 25-27 in Alexandria. MACDE will meet again on April 4. On behalf of MACDE, Brian thanked BWSR for all of their support. He thanked Ron Harnack and staff for providing assistance to MACDE. Brian stated that without the efforts of BWSR and staff the MACDE would not be successful. Chair Coe thanked Brian for his kind comments.

Upcoming Meetings

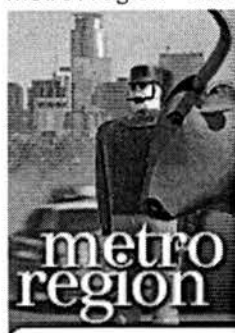
- ☐ Next BWSR Meeting, March 26, St. Paul.
- ☐ The Cost-Share Committee will meet immediately following the board meeting.

** Moved by Victor Ormsby, seconded Jerome Deal, to adjourn the meeting at 1:20 p.m.
03-19 Motion passed on a voice vote.

Respectfully submitted,


Leland Coe
Chair

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Hennepin soil district budget may slip from first to worst

Steve Brandt
 Star Tribune

Published Feb. 19, 2003

HCD19

Although it lost most of its budget Tuesday, the Hennepin Conservation District plans to stay in business.

The soil and water conservation district lost about three-quarters of its operating budget when the Hennepin County Board voted 5-2 to terminate its funding of the controversial district, effective in mid-May. And it's likely to lose portions of its state and local watershed funding, too.

With the potential of losing its 11-person staff, it's uncertain how the district will stay in business. District board chairman Justin Blum said the board intends to operate to the extent that funding permits.

Just how daunting are the district's finance problems? At year's end, the it had \$385,902 in the bank, but only \$193,860 was uncommitted.

Gerald Ostvig, the district's interim manager, estimates that the present value of the district's remaining obligation on its five-year office lease is \$269,000 and that severance costs for laying off staff members will add \$220,000.

In fact, the district could go from first to worst in budget ranking among the state's 91 conservation districts. Its budget of \$1.2 million was the biggest of any district in 2001.

But now the state expects to provide the district about \$30,000 this year, about half the usual amount. The lowest-funded soil and water district in Minnesota in 2001 had a budget of \$55,000.

The Hennepin district carries out programs such as working with volunteers, monitoring stream quality, determining what's a wetland and helping horse owners manage manure. It has no taxing authority.

The new district board that took control this year submitted a 2003 work plan to the county Tuesday morning, but the vote by commissioners made it moot by afternoon.

The plan called for the district to drop its traditional role of defining wetlands. That task has led to several disputes with the district and other conservation agencies on one side and some rural landowners who disagree with what the district calls a wetland on the other. As a result

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 feedback

some landowners tried to terminate the district, which county voters rejected by a three-to-one ratio last fall.

Phil Eckhert, the county's environmental services director, said he might be continuing some of the district's work for less than the county's \$654,485 annual subsidy that commissioners voted to end.

Eckhert plans to meet this week with officials of the district and the state Board of Water and Soil Resources to discuss the transition. He said he'll also meet with representatives of local city governments and watersheds that rely on district services.

One of them, Medina Council Member Jim Lane, said quick action by the county is needed to keep the district's staff from dispersing. "For the most part they're a good bunch and should be retained for the benefit of all county residents," he said.

Those employees voted last week 8-0 in favor of unionizing with the American Federation of State, County and Municipal Employees as their bargaining representative.

County Board Chairman Mike Opat said it's possible the county will appoint an advisory board on soil and water conservation issues as it assumes some of the district's traditional tasks.

Under state law, state money for some soil and water programs such as conservation projects can go only to conservation districts. Statutory powers also are given to districts under wetland law. But state officials say the county could more easily assist landowners with technical advice programs and with the mapping of natural resources.

-- Steve Brandt is at sbrandt@startribune.com or 612-673-4438.

Return to top

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WCA Formula

The data and formula used have not been updated since the early 1990s. There is a question as to whether these measures now accurately reflect existing workloads for the administration of the WCA. Staff has been asked to look at the formula to determine if there is a better way to allocate implementation dollars. Two options will be looked at:

- 1) Use the existing formula using the same variables with new data, or
- 2) Create a new formula using new variables and data.

A new formula has been proposed using the following variables.

W C A W O R K L O A D			
Variables	Weighting	Data Type	Data Source
Number of Landowner Contacts resulting in mitigation or replacement	15%	Qualitative	WCA Report (annual)
Number of Cease and Desist Orders & Restoration Orders issued	10%	Quantitative	WCA Report (annual)
Change in population	18%	Quantitative	State Demographer
Amount of wetlands on non-public lands	36%	Quantitative	NWI
Amount of poorly drained soils on non-public lands	8%	Quantitative	LMIC State-wide
Amount of Shoreland on non-public lands	13%	Quantitative	DNR PWI / LMIC

The new formula is based on the data having the following attributes:

- **Consistent** – This means the data is available for all WCA LGUs on frequent basis.
- **Correlated to actual or potential workload** – This means the data reflects the time or money expended by the WCA LGU by some direct measure. For example, the WCA LGU knows it averages 2 hours when reviewing a replacement plan application. Therefore, the number of replacement plan applications reviewed by the WCA LGU becomes a valid measure of workload.
- **Distinct or unique** – This means the data needs to provide unique workload information. For example, if the change of population and the number of construction permits issued are highly correlated, we would want to use only one of the measures so we do not skew the results by inadvertently weighting the same aspect of workload higher.
- **Qualitative v quantitative** – We need to be clear when each type of data is appropriately used. Preference is for quantitative data

In order to analyze the data it is necessary to express each variable as a common unit. The unit chosen changes the acres, miles, or numbers of the variable to a percent of the total statewide workload per county for each variable in the formula. For example, if there are 100 acres of wetland in the state on private lands and County X has 5.3 acres, then County X would be allocated 5.3% of the total statewide workload for that variable.

The variables, themselves, were weighted to reflect how well the committee believed each correlated with actual workload. The result is a weighted average of the total statewide workload for each county.

In addition to the above measures of workload, a number of policy issues were considered.

- Allocation Range: cap/maximum and minimum
- SWCD portion for workload required by statute and rule (TEP, Enforcement): fixed amount or percent of County allocation or combination of the two ("base plus")
- Future formula adjustments: frequency and basis, "buffering" via graduated changes
- Match requirements: amount and type
- Create incentives to pool resources (staff) among Counties/LGUs
- Create a competitive pool for "extras" such as wetland plan, DNR delegation, staff certifications, etc.

F:\LanWData\Grants Program\NRBG Grant\WCA Formula change overview.doc

Ad Hoc WCA Grant Workgroup Report February, 2002

DRAFT

In 2000, the Minnesota Association of Soil and Water Conservation Districts (MASWCD) approved a resolution to change the current Wetland Conservation Act grant formula. As a result, BWSR, MASWCD, and county representatives formed the Ad Hoc WCA Grant Group to evaluate potential changes to the WCA formula. The current formula has not been changed since the original allocation in 1993.

The Ad Hoc Group is made up of one SWCD representative from each Area, staff from the BWSR and MASWCD and a representative from the Association of Minnesota Counties. The group spent a considerable amount of time assessing variables for the formula that could be accurately measured and represent WCA workload (i.e. amount of non-public wetlands, change in population, landowner contacts resulting in mitigation and restoration orders etc.) These criteria were weighted to determine potential revisions to the WCA portion of the Natural Resources Block Grant for each county.

In addition to the change in the WCA formula a number of policy issues were discussed. Minimum and maximum funding caps, matching requirements, SWCD funding portion and pooling staff resources among counties and LGU's. It was the consensus of the group to include funding caps if no additional funding was available to adequately distribute the WCA funds. Matching requirements will stay at 50% cash or in-kind. SWCD funding portion may change to better reflect workload required by WCA statute and rule. This will either be a fixed amount or percent of the county allocation or a combination of the two. Pooling of staff resources will need to be promoted in those areas where WCA workload is low.

The final version of the WCA grant formula will likely be presented to the BWSR Board in the spring of 2003. If approved by the BWSR Board, the new WCA formula will result in adjustments to 2004 Natural Resources Block Grants.

Addendum: The Governor's proposed FY 04-05 budget recommends a \$452,000 increase in this grant. All FY 03 funds were unallotted.



LEGISLATIVE FACT SHEET



Minnesota Pollution Control Agency

February 18, 2003

MPCA FY04-05 Biennial Budget Proposal

Introduction

The Minnesota Pollution Control Agency's overall budget for the FY04-05 biennium is \$233.65 million. Of that, the General Fund budget request is for \$29.683 million, which incorporates a 16 percent reduction in General Fund appropriations.

In building the budget, the MPCA limited across-the-board reductions. Instead, the agency prioritized its environmental programs based on a review of state and federal requirements, environmental conditions, concerns expressed by citizens, socioeconomic conditions, and effectiveness of the activity in addressing environmental risk. Reductions were taken in the programs which emerged as low priorities.

The MPCA's biennial budget also proposes simplifying and consolidating the MPCA's funding structure to ensure the Legislature and the agency have the flexibility to apply resources to the highest environmental priorities.

Reduction in General Fund expenditures

Just over 10 percent of the MPCA's budget is from General Fund. Unfortunately, this source funds nearly 70 percent of the agency's budget for water-quality activities. The MPCA and the governor strove to preserve funding for water-quality programs, and also for emergency response programs, by recommending a shift in funding source for \$1.280 million that funds water-quality compliance and enforcement activities. Statewide surveys continue to find that protecting our waters is Minnesotans' highest environmental priority. MPCA's collection of environmental information supports their concern, as the number of lakes and streams that do not meet their intended uses

continues to grow. The budget also shifts \$0.224 million for emergency response activities, which protect public health and safety from hazardous chemical spills or accidents.

The General Fund appropriation for these two activities will be eliminated, but the activities will be funded from another source — the old Solid Waste Fund. The increase in expenditures from this fund will be offset by a decrease in budgeted activity for one closed landfill site, Freeway Landfill in Burnsville, where despite eight years of trying, the MPCA has not reached an agreement with the owner for the state to assume responsibility for cleanup of this site.

To meet stakeholder expectations of limiting research in areas where the problem is national in scope, the General Fund appropriation for mercury reduction is eliminated. Over 90% of the mercury from air emissions is from sources outside the state. The Legislature has gradually ramped down the appropriation from \$181,000 in FY00 to \$62,000 in FY03. The remaining funding was being used for research to identify mercury reduction opportunities that would result in fewer mercury emissions from taconite production.

Redirection of revenues to General Fund

To date, the Legislature has authorized more than \$60 million in general obligation bonds that support the state's responsibility for 106 old closed landfills.

⇒



The new budget redirects \$685,000 from the Solid Waste Fund to partially reimburse the General Fund for debt service paid on those bonds. The MPCA will also replenish General Fund revenues by transferring \$5 million from the Solid Waste Fund into the General Fund for each of the next two years.

In addition, the Motor Vehicle Title Transfer Fee is permanently redirected to the General Fund. The loss of this revenue to the Environmental Fund results in the elimination of permitting and compliance checks on waste-tire collectors and transporters, licensing of used (waste) oil haulers, and reimbursement to service stations that receive contaminated waste oil. These cuts represent a permanent reduction of four full-time equivalents (FTE). This reduction does not affect the tax rebate that service-station owners receive from the General Fund to encourage them to collect used oil from do-it-yourself oil changers. These programs were at maintenance level and voluntary industry compliance is expected to continue at the current high rates.

The most significant effects of redirecting the Motor Vehicle Title Transfer Fee are the reduction of enhanced monitoring for air toxics in the Metropolitan Area and elimination of the majority of funding for the Superfund cleanup program. The 2001 Legislature appropriated an additional \$125,000 for enhancing air-toxics monitoring in the metropolitan area, based on scientific data and citizen concerns about the health effects of air pollution. Monitoring activities will drop to the 2001 base level which provides an adequate scientific baseline for analysis and problem identification.

Previously, \$3.2 million was used each year for sites contaminated by hazardous or agricultural chemicals by the MPCA and the Department of Agriculture. These sites will no longer be cleaned up using state funds, with the exception of limited work at one dry-cleaning site using funds from the Dry Cleaners Account. Work will continue at Superfund sites where state dollars are matched with federal funds, and 15 sites where there is the most risk to human health. However, without environmental fund consolidation (see Funding structure on next page), the MPCA will also need to

reduce the number of staff devoted oversight of contaminated sites cleaned up by responsible parties (27 FTE) and to brownfields efforts (Voluntary Investigation and Cleanup program) by 80 percent, or 15 FTE. This allocation of staffing cuts was decided on because Superfund sites are being cleaned up to mitigate public health and environmental risks to acceptable levels, while brownfields are being cleaned up to encourage economic development.

Funding environmental protection

Storm water

The budget provides funding to implement Phase II of the federally required Storm Water Program. Snowmelt and rainfall pick up pollutants as they flow across paved surfaces, chemically treated lawns and cropland, and ultimately ends up in lakes, rivers and streams. This type of "nonpoint" source pollution is one of the most significant contributors to the degradation of Minnesota's water resources.

The budget allows the current storm-water fees to be revised for consistency and applied to fee-payers in both Phase I and Phase II. The MPCA will implement this program with no increase in complement by reassigning staff into this program. If the MPCA is not funded to implement this program, third-party lawsuits could disrupt storm-sewer expansions in 150 cities, and development of homes, businesses or highways that disturb between one and five acres of land.

Feedlot Program delivered at the local level

Delegated counties are the local resource for implementing feedlot regulations and providing technical assistance. They are the future of the Feedlot Program in Minnesota. Although not part of the budget proposal, the MPCA will reallocate resources internally by reducing six FTE in feedlot staffing and redirecting that funding to counties delegated to run the state's Feedlot Program.



Funding structure

(See figure page 4, "Funding MPCA State: where it comes from and where it goes")

Restructuring the way environmental protection is funded is the governor's top priority for the MPCA. The current structure is a patchwork of funding fixes, and unfortunately its profusion of dedicated fees and taxes are more likely to direct the agency's level of effort in an area than is its environmental priority. As a result of difficulties with this funding, the Legislature commissioned a Legislative audit completed in January 2002, and joined with the MPCA in inviting stakeholders to develop criteria and principles for an appropriate funding structure, and identify funding sources that would be appropriate to consider.

The resulting proposal for consolidating the Environmental Fund meets the majority of those criteria and principles. While General Fund appropriations would continue, fees and taxes related to environmental protection would be pooled into the restructured Environmental Fund and the governor would recommend, and the Legislature would appropriate, funding according to

environmental priorities. Funding sources related to cleaning up contaminated sites and landfills would similarly be pooled into a Remediation Fund. This would ensure that funds would be available to implement final cleanup remedies and reduce the agency's remediation programs to operation and maintenance level within the next four years.

(See figure page 5, "Proposed "Environmental Fund Consolidation" Structure for MPCA State")

Conclusion

The proposed budget provides stable funding for priority programs that have been defined based on sound science and input from citizens and stakeholders. The proposed budget allows the MPCA to maintain past environmental improvements and meet Minnesotans' expectations for a cleaner, healthier environment in which to live and do business.

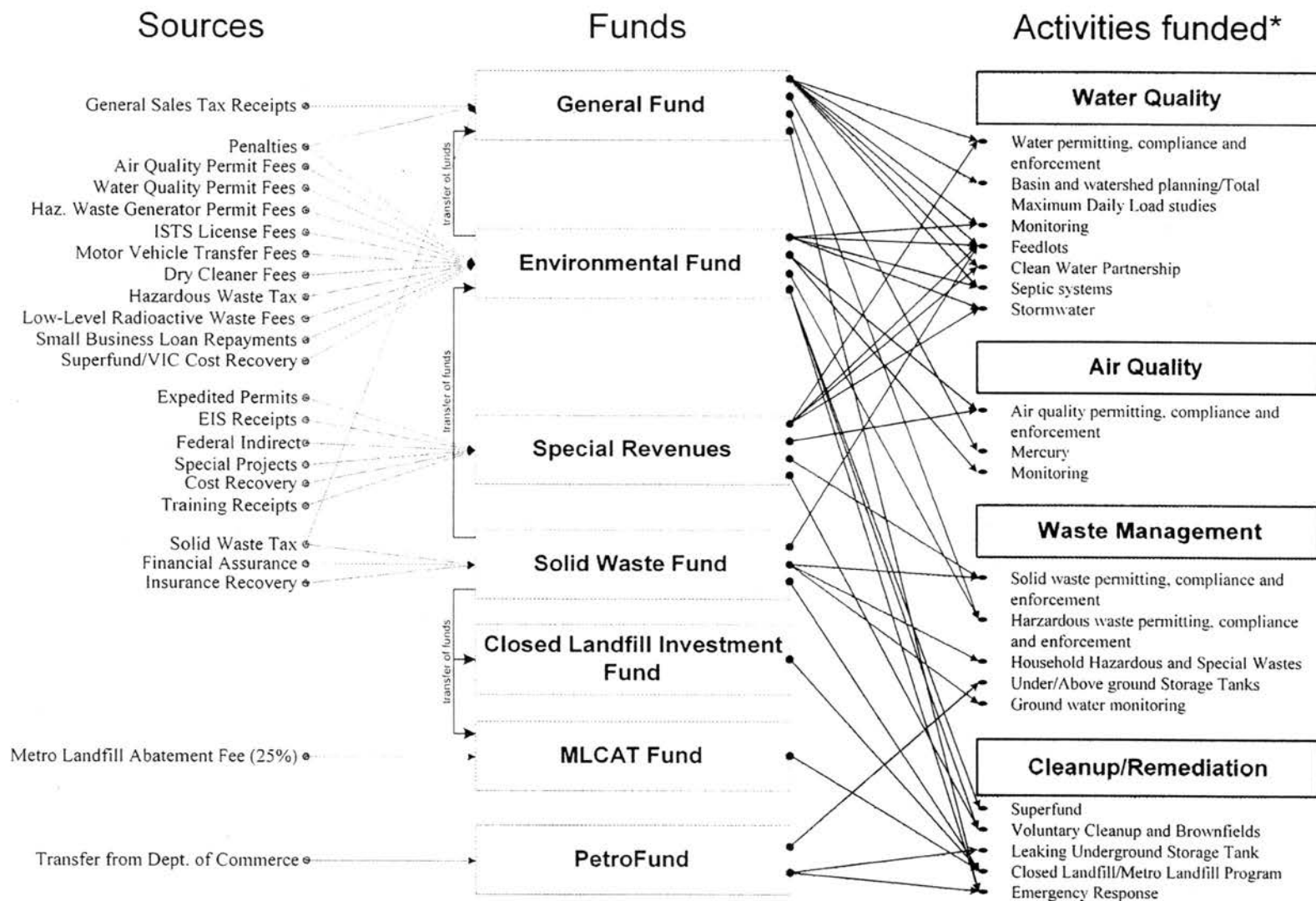
For more information contact Kristen Applegate, Deputy Commissioner at 651-296-7305 or Cathy Moeger, Director of the Office of Resource Management at 651-296-7369.



MPCA State Funding: where it comes from and where it goes



Minnesota Pollution Control Agency



* Activities such as environmental review, environmental auditing, rulemaking, standard setting, special studies and administrative support are also funded in most of the areas listed in this column.

9/13/02

Legislative Session 2003



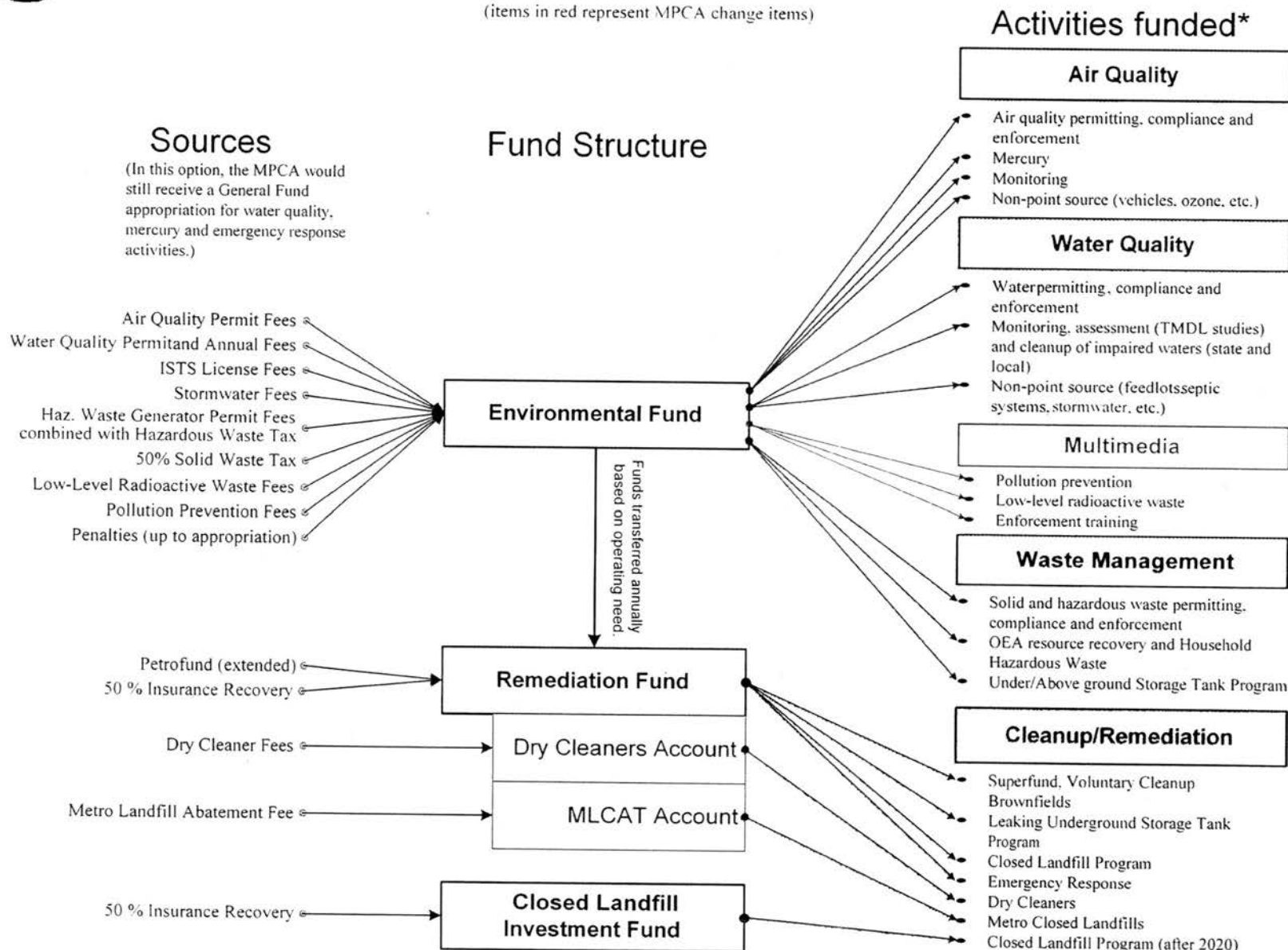
Proposed "Environmental Fund Consolidation" Structure for MPCA State Funding

FY04-05 Biennium

(items in red represent MPCA change items)



Minnesota Pollution Control Agency



1/29/03

* Activities such as environmental review, environmental auditing, rulemaking, standard setting, special studies and administrative support are also included in each program.

Legislative Session 2003



Board of Water and Soil Resources

2004-2005

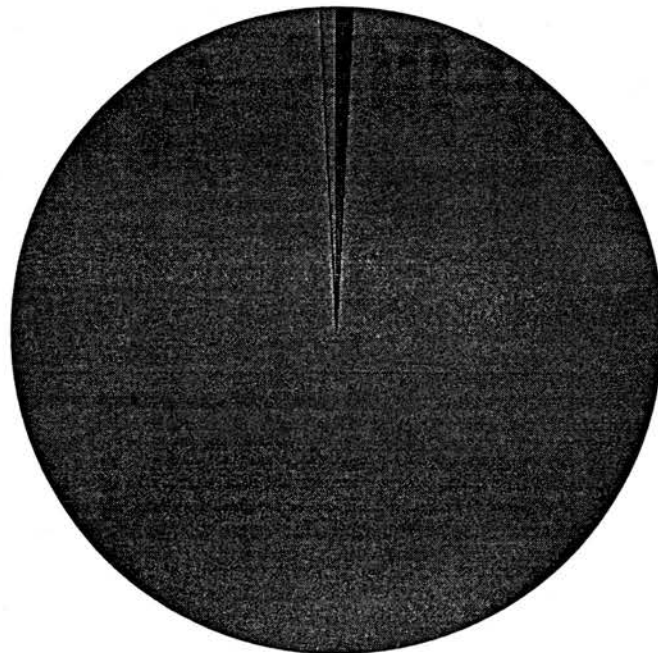
Biennial Budget Overview

FY 2004-05 Budget by Fund

(Dollars in Thousands)

Fund	FY 2004	FY 2005
Environmental	\$118	\$118
General	15,689	15,688
Special Revenue	265	2
Total	\$16,072	\$15,808

FY 2004-05 Budget - \$31.9 Million



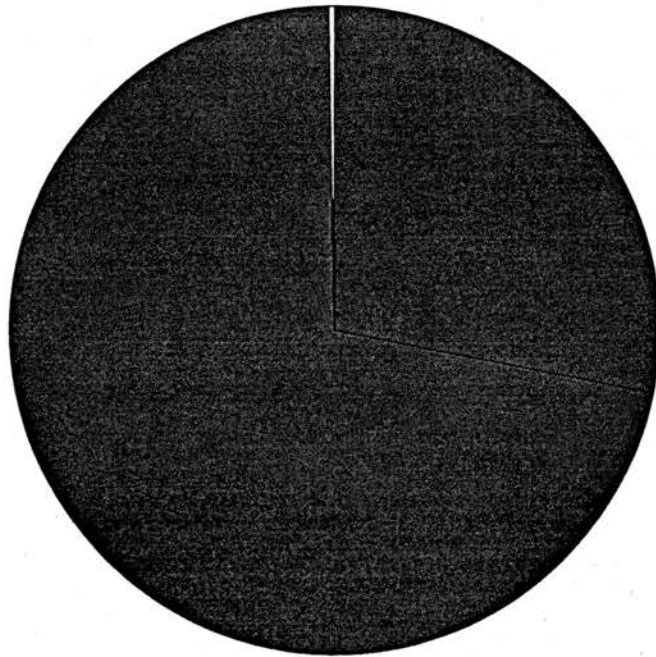
- General Fund 98% - \$31.377 million
- Special Revenue Fund 1% - \$267,000
- Environmental Trust Fund 1% \$236,000

FY 2004-05 Budget by Category

(Dollars in Thousands)

Category	FY 2004	FY 2005
Agency Ops	\$4,532	4,393
Grants	11,415	11,415
Easements	125	
Total	\$16,072	\$15,808

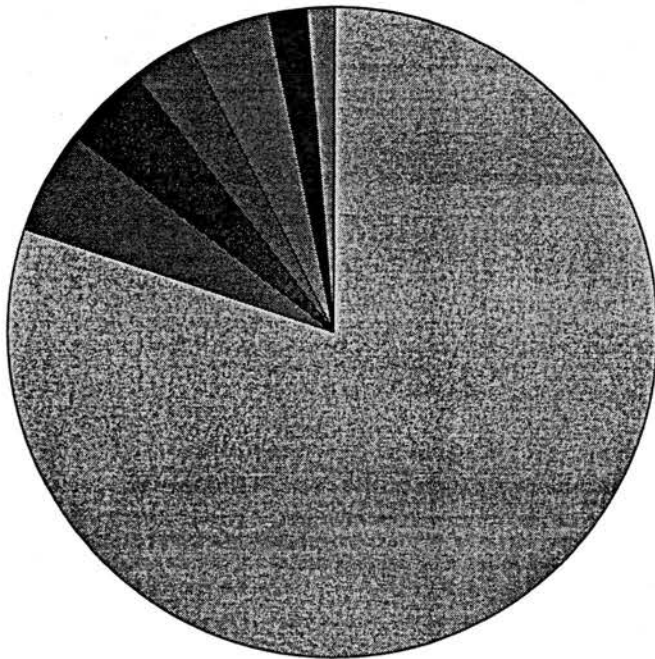
FY 2004-05 Budget by Category



- Grants 72% - \$22.8 million
- Agency Operations 28% - \$8.9 million
- Easement .4% - \$125,000

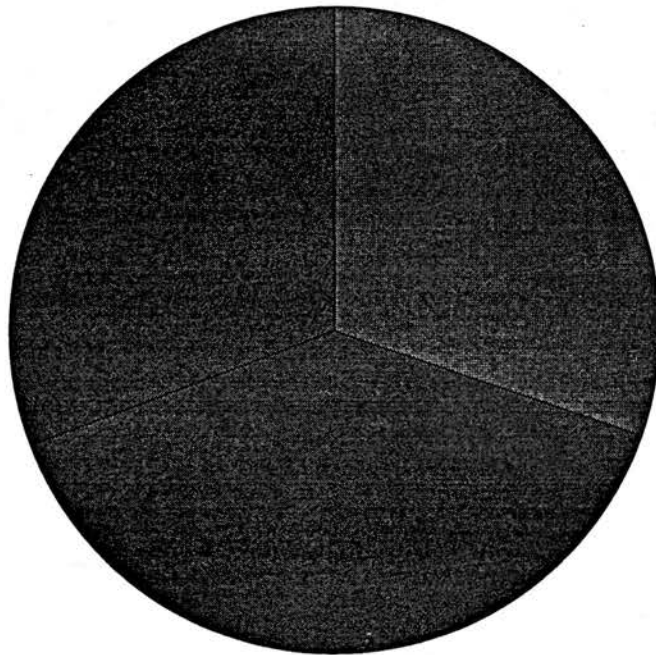
FY 2004-05 Operating Budget \$8.5 Million

(Dollars in Thousands)



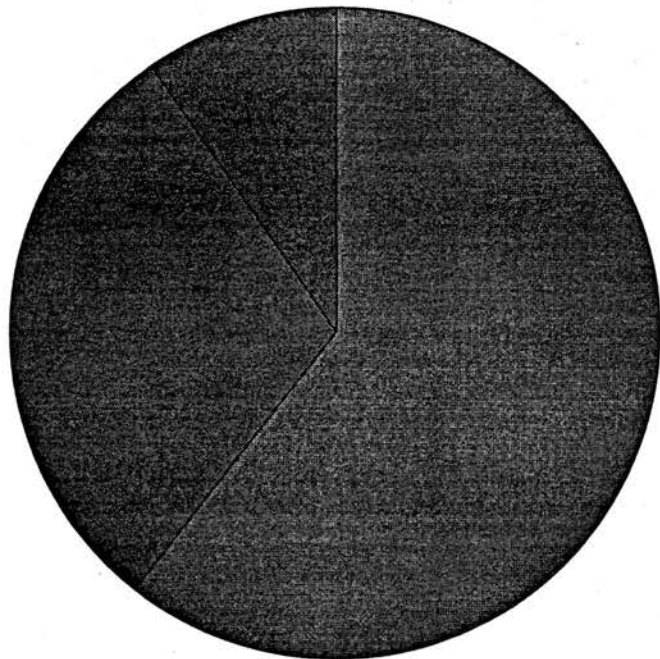
- Salary and Benefits 81% - \$6.8 million
- Rent 5% - \$456,000
- Computer Services 4% - \$356,000
- Communications 3% - \$250,000
- Travel 4% - \$365,000
- Supplies & Equipment 2% - \$170,000
- All Other 1% - \$110,000

FY 2004-05 Grants \$23.2 Million



- Natural Resources Block Grant 39% - \$9.1 million
- SWCD Service Grants 31% - \$7.1 Million
- Cost Share 30% - 7.0 Million

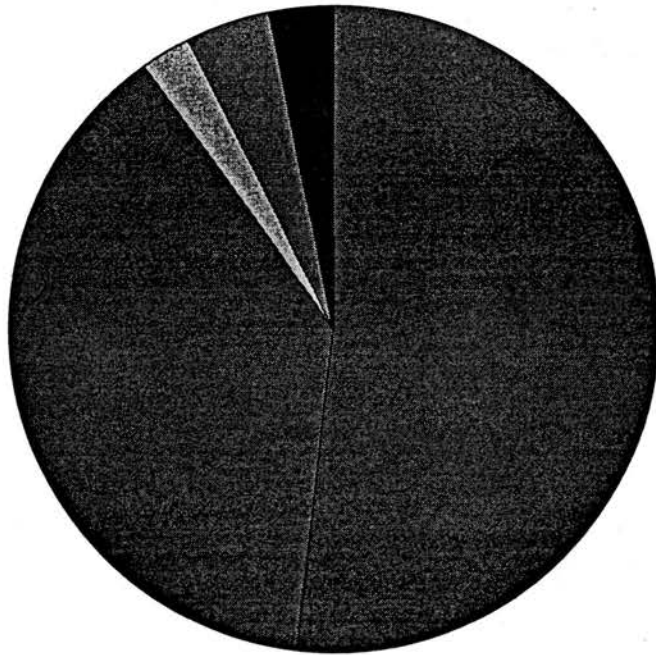
FY 2004-05 SWCD Service Grants \$7.1 Million



- General Services 60%
- \$4.3 million
- NPEA Services 30% -
\$2.1 million
- RIM Services 10% -
\$690,000

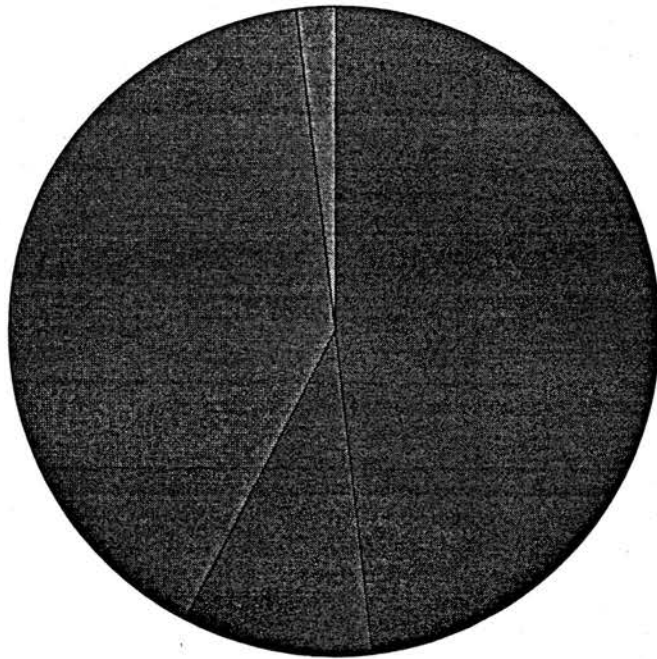
FY 2004-05 Cost Share Grants

\$7.0 Million



- Base 53% - 3.6 Million
- Feedlot Base 38% - \$2.7 Million
- Feedlot Challenge 2% - \$172,000
- NPEA Challenge 4% - \$300,000
- Special Projects 3% - \$228,000

FY 2004-05 NRBG Grants \$9.1 Million



- WCA 48% - \$4.3 million
- Shoreland 9% - \$860,000
- Feedlot Delegated Co.* 41% - \$3.7 million
- ISTS* 2% - 172,000

* Dollars appropriated to PCA
transferred to BWSR

FY 2004-05 Gov.'s Recommendation

(Dollars in Thousands)

	FY 2004	FY 2005
Base	\$17,042	\$17,042
Cost Absorbed	613	612
Wetland Bank	128	128
Reductions	(4,021)	(4,021)
Governor's Rec	\$13,762	\$13,761
Base FTE 49.65	45	45

Does not reflect MPCA dollars
transferred to BWSR

FY 2004-05 Cost Absorbed

(Dollars in Thousands)

	FY 2004	FY 2005
Lease Cost Inc.	11	19
eLink	150	141
WCA Grants	452	452
Total	613	612

FY 2004-05 Reductions

(Dollars in Thousands)

	FY 2004	FY 2005
Agency Ops	\$199	\$199
Water Planning	2,736	2,736
Feedlot CS	615	615
RIM Services	405	405
NPEA Services	66	66
Total	\$4,021	\$4,021

Existing 29 ac. Rim site
that Kathren Kernstock
would like released from
contract #51-02-91-01

Co. 09 22

PROPOSED

Existing 20.8 ac.
Rim site

Proposed 29.8 ac.
to be traded for 29 ac.
in sec. 3 Holley Twp.

SEC.
3

SEC.
10

SWCD Technical Assistance ad-hoc Committee Report

2-21-03 DRAFT (JJ, BWSR)

On June 25, 2002 the MASWCD board passed made a motion requesting BWSR to facilitate a working group of SWCD representatives to focus on the future of how SWCDs provide technical assistance. Discussion items were to include: NPEA program, forestry, wetlands, and federal technical service provider issues.

The MASWCD provided names of two SWCD Supervisors from each of its 7 Areas (see attached map) to serve on the SWCD Technical Assistance ad-hoc committee facilitated by BWSR. The MACDE provided the names of four SWCD employee representatives. The focus of this committee was to develop options and recommendations to maximize future and technical services delivery through SWCDs. Following are the persons selected by the MASWCD and MACDE Boards as representatives and alternates to serve on the SWCD Technical Services ad-hoc committee.

Area I

- Phil Hamre, West Polk SWCD Supervisor
- Gary Johnson, Roseau SWCD Supervisor
- Alternate: Carol Berg, Hubbard SWCD Supervisor

Area II -

- Jerome Flottemesch, Becker County SWCD Supervisor
- Marv Stangl, Morrison County SWCD Supervisor
- Alternate - George Libbon, Stevens County SWCD Supervisor

Area III

- Merrill Loy, Carlton SWCD Supervisor
- Roland Cleveland, Chisago SWCD Supervisor
- Alternate: Gene Larson, Koochiching SWCD Supervisor

Area IV -

- Russ Schlegelmilch, Carver SWCD Supervisor (Served through December 2002, no longer a Supervisor)
- Chuck Uphoff, Stearns SWCD Supervisor (replaced Russ Schlegelmilch, as of February 2003)
- Ernie Larsen, Anoka Supervisor

Area V

- LeRoy Stensgaard, Pipestone SWCD Supervisor
- Steve Sunderland, Chippewa SWCD Supervisor
- Alternate: Clint Schuerman, Swift SWCD Supervisor

Area VI -

- Dave Trebelhorn, Sibley SWCD Supervisor
- Duane Petrowiak, Martin SWCD Supervisor
- Alternate Ralph Stadick, Brown SWCD Supervisor

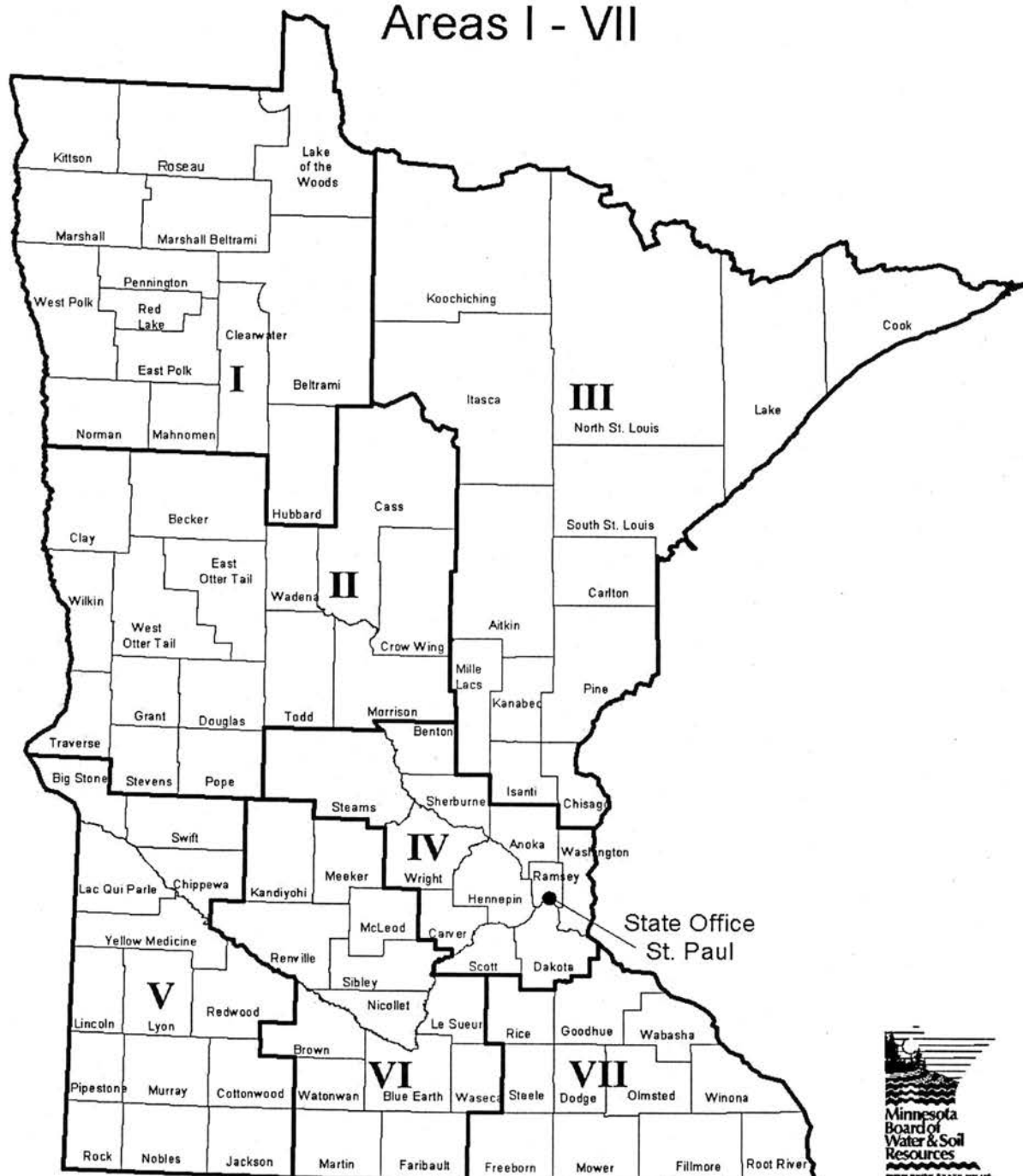
Area VII -

- Jim Gebhardt, Mower SWCD Supervisor
- Clarence Anderson, Rice SWCD Supervisor (Served through December 2002, no longer a Supervisor)
- Alternate Glen Kinneberg, Root River SWCD Supervisor

MACDE representatives are:

Brad Matlack	Carlton SWCD
Chris Parthun	Beltrami SWCD
Gary Hoffman	Big Stone SWCD
Kyle Krier	Pipestone SWCD/MACDE Pres.

Minnesota Association of Soil & Water Conservation Districts Areas I - VII



SWCD Technical Services Ad Hoc Committee Purpose and Goals

- I. The focus of this group was to develop options and recommendations to maximize *shared technical services delivery* through SWCDs.
- II. What's the best way to do it? Looking for recommendations to MASWCD and BWSR for how we believe we can best establish a delivery system and scope of technical services for priority conservation activities, now and into the future. The NPEA program provides the experience base for shared SWCD technical expertise.
- III. Who does what? Cover roles and responsibilities of various parties involved:
 1. BWSR
 2. MASWCD
 3. Host district managers
 4. staff
 5. JPB (*if necessary*)
- III. Areas of assessment:
 1. Determine need for regional SWCD technical services.
 2. Design sustainable structure for delivery of regional SWCD technical services.
 3. Develop policy, administrative, technical and financial support mechanisms to sustain regional SWCD technical services.
- IV. Output – Report to MASWCD and BWSR Boards
- V. Timeline – Finalize report no later than April 2003

Opportunity

Establishment of expanded/enhanced regional SWCD technical services can set the stage for greater individual SWCD potential.

Problem = "identity"

Generally, the existing example of regional SWCD technical services -- the NPEA JPBs -- are not thought of as "of, by, and for" member SWCDs. That is, the shared expertise model is viewed as secondary to the "imposed" state program structure that created the 11 JPBs. The NPEA JPBs are not viewed as part of the MASWCD structure, and there are increasing concerns about creating and supporting added layers of government, as exemplified by the state legislature phasing out funding to regional JPBs. JPB staff sometimes aren't considered "SWCD" staff.

However, the history and benefits of the NPEA JPBs were also discussed. When the NPEA program was created to provide technical assistance for SRF loans and cost-share for nonpoint pollution reduction, JPBs were a readily available organizational tool. The committee that recommended the current structure in 1994 included representatives from SWCDs, MASWCD, MACDE, BWSR and NRCS. Sharing the engineering expertise, sign-off capability and technology were identified as critical needs in 1994, and continued to be critical for SWCD technical services. When the NPEA program was created, the 7 NRCS area offices were expected to be on the chopping block and could not provide timely assistance to SWCDs in all areas of the state, due to increasing federal program demands. (The latter continues to be the case.) The current ad hoc committee members identified the successes of sharing engineering capability, as demonstrated in the biannual NPEA Program Accomplishments Report (during calendar year 2001-2002 there were 1,199 projects or practices assisted), see Appendix E. The committee also noted the low administrative costs of the NPEA program (5%), benefits of local prioritization and delivery, and the increased implementation of federal and state cost-share funding by providing technical assistance.

Areas of Attention (Based on NPEA Experiences)

1. Identity
 - A. State Program, or
 - B. SWCD Shared Resource, or
 - C. Local Government Shared Resource, or
 - D. Local/State Shared Resource.
 - E. Name for service delivery
2. Marketing
 - A. Internal Support
 - B. External Partnerships
3. Structure: items to evaluate
 - A. # of JPBs and boundaries
 - B. alternatives to JPB (which is viewed as an additional unit of government)
 - C. county/watershed/basin alignment
 - D. governance alignment
 - E. consistency across the state but reflecting local priorities
 - F. administrative matters: staffing, supervision, work priorities, revenue sources
4. Funding
 - A. State
 - B. SWCDs
 - C. Other (e.g., partnerships with USDA, client fees)

SWCD Technical Services Ad Hoc Committee
Meeting Dates and Agenda Summaries

October 10, 2002 Agenda

- Purpose, timeline, etc.
- NPEA history review
- Areas of Potential Services: Engineering, Forestry, Wetlands, Federal technical service provider issues
- Look at other models: pro's and con's
- Clientele identification
- Critical issues identification

November 21, 2002 Agenda

- Review workgroup purpose and goals
- Review meeting proceedings from last meeting
- Develop a mission or purpose statement
- Discuss alternative structures for technical assistance delivery

December 19, 2002 Agenda

- Review notes from November 21, 2002 meeting
- Name: Description/ Purpose of / Benefits/ Benefits of SWCD Technical Center
- Alternatives evaluation using previously developed geographic and administrative criteria.

February 13, 2003 Agenda

- Question and Answer
- Report walk through
- Develop recommendations MASWCD and BWSR
- Roles and responsibilities (time dependent)

March 4, 2003 Agenda

Scheduled

Examples of SWCD Services Collaboration:

1. BALMM group in southeast MN: 2 SWCD offices spearheaded the collaboration that has existed since October 1999 through a MOU. The two district managers led formation regarding common needs of the Mississippi River and problems in the watershed. MPCA acts as the fiscal agent and BALMM receives their funding from grants.
2. Becker/Hubbard County Groundwater Study: Collaborated with DNR, USGS, and received grant funds, local water planning funds, private money, county allocations, MDA, and contracts. Otter Tail River Watershed Organization: 3 SWCDs working together using BWSR and local water planning funds with a "loose" in formal agreement. Fiscal agent responsibilities are shared.
3. NPEA JPB 4 works with the Buffalo/Red River Watershed District and has very loose agreements on a project by project basis.
4. NPEA JPB 6 used challenge grant funds to hire a technician. The JPB in Chisago and the district agreed to employ the technician for 6 months and at the end the SWCD was able to keep the technician on as their employee.
5. 7 Metro SWCDs/NRCS employed a shoreland stabilization specialist position. They have a MOU amongst the 7 SWCDs to help local districts and landowners complete their projects. The employee also provides educational assistance. The Anoka SWCD acts as host district and provides administrative space and support. Applied for 2 more years of grant funds from NRCS and should be able to continue for 4 years. NRCS funds about 60% and the remaining 40% comes from the SWCDs. There is a formula for usage, depending on the hours worked - the districts are billed for services.
6. Clearwater and Beltrami SWCDs formed an alliance in 1990 via a contract, both donating cash to share a forester. Beltrami was host district for 4-5 years. Now each SWCD has their own forester position. They did not charge a fee for services.
7. RCRCA works with 9 counties strictly on watershed projects. They started with a budget of \$50,000 and currently spend between \$500 - \$600 annually coming from grants. Redwood SWCD is the fiscal agent and RCRCA has between 3-5 employees. The collaboration has worked well, but it's strictly on a watershed basis that has resulted in approximately 20-30% reduction in sediment coming down the rivers.
8. BERBI River Basin: funded by grants, Martin SWCD fiscal agent, represent 9 counties, a county commissioner and SWCD on the board.
9. Lake Superior Association of SWCDs. Districts within in the watershed, no staff, have several contracts for GIS services and consulting forester for stewardship planning and receive grant funds. Fiscal agent responsibilities are shared. No dues, so all work done is via grant money.
10. MN River JPB funded by state and counties, and MN River CREP positions funded by multiple state agencies in partnership with SWCDs.
11. Carver County received money from Met Council to do work in Sibley County for buffers strips.
12. Intra-county Merger: Cass County SWCD formed alliance with Cass county board and merged SWCD with Environmental Services; SWCD employees became county employees.
13. Intra-county Merger: Pipestone SWCD merged with county (and physically with NRCS). Helped secured SWCD funding and they are better able to serve the public and get more accomplished with, and to avoid, feedlot enforcements.

Note: The above list resulted from a short brainstorming exercise – it does not represent an exhaustive list.

Success Factors and **Benefits** of SWCD Technical Services Collaboration:

1. Needs comes up from landowner; either JPB staff or NRCS staff work together with the SWCD; the public views the two organizations as the same.
2. Benefits for pooling money – gives more and better options when recruiting potential employees.
3. Need good grant writers.
4. Need clear and competent leadership (staff and board) with ability to identify problems, obtain funds, and show results.
5. Need recognized by SWCD board and JPB was able to respond. Individually could not do as much without that collaboration. Economies of scale.
6. Use state staff as facilitators with local board oversight. Eliminates local administrative costs and entanglements.
7. Collaborations have generated recognition on a federal level and have been successful in obtaining funding.
8. Visibility is enhanced and it could be an incentive for leveraging more funding.
9. Targeting a commonly shared resource that allows districts to target resource issues. Identification of needs and bringing together partners.
10. Learn and stretch into areas that may otherwise have never been done or known. When collaborating with different groups the SWCD (or JPO) becomes the lead agency and it adds to their visibility.
11. Gain more experience and expertise and the public see how agencies are working together for a shared goal - demonstrates efficiencies.

Obstacles to SWCD Technical Services Collaboration:

1. Funding threshold. Need for a base level of funding to make sharing possible.
2. Limited resources. Collaboration takes a lot of people time to make all the administrative connections (more meetings) and the tradeoff is difficult. Do I work with landowner or put projects on the land? Size or volume of threshold must be met to realize the efficiencies.
3. Turf issues. Giving up authority requires a trust that the benefits will come.
4. Risk of losing identity which can be diminished in a collaboration.
5. Partnering should be with those with common interests, problems, responsibilities and goals.
6. There can be a push toward bigger, more uniform, more clarity from top; not what is seen and desired from public - they want access to services.
7. Not always meeting cost effective goal. If goals are not the same, there's the potential for waste.
8. Loss of control - who's in charge when unfavorable decisions being made. Boards are not efficient at administrative functions, e.g. personnel.
9. Termination of agreements and details are difficult to develop. Loose agreements are not thought out completely and it's not clear how to get out of the agreement.
10. JPB's feel district supervisors don't know what the technical staff is doing. Information is not being communicated with the districts as to what the JPB's are doing.
11. Communication gets more complicated. e.g. board to staff; board to board etc.
12. Attitude or lack of vision to see a common goal or the need to enter and then support the collaboration.
13. Lack of ownership by members after the collaboration is created.
14. Inequities among partners. Is everyone getting their fair share of the pie?

Potential Regional SWCD Technical Services Offerings:

1. "Conservation Engineering" (NPEA)
2. Private Forest Management
3. Shared engineering services: road/county engineering
4. Wetland Specialists: WCA and Restoration
5. Watershed Management and Water Quality
6. Flood control; planning, prevention
7. Environmental Education
8. Training Coordination/Sponsorship
9. Public relations; e.g., newsletters, press releases in local paper
10. Nutrient Management Specialist; e.g., Feedlot Specialist, Manure Management, Runoff Management
11. Erosion control plans for road issues, plats, and ordinances
12. Construction site erosion control and Low Impact Development (LID)
13. NPDES construction site review and permitting
14. Technical and grant writers
15. Conservation planner, e.g., grazing lands
16. Technology (externally) – GIS, GPS, land records, web reporting, e-link
17. Administrative (internally) – network and software support, audit and bookkeeping support
18. Conservation Easements Specialist
19. Native grass management; e.g., fires, vegetative management on private lands, burning, native plant intro.
20. Limnologist/Aquatic Biologist
21. Hydrogeologist
22. Lakeshore / shoreline stabilization; erosion control management prevention
23. Soil Scientist; e.g., Septic, Feedlots, crop productivity, hydric soil interpretation, soil history
24. Dispute resolution, mediation related to natural resource issues

Notes to remember: Potential conflicts of interest, competition to private sector

Potential Regional SWCD Technical Services Clientele:

1. SWCDs
2. Cities
3. Developers
4. Counties, e.g., Highway Department, Planning and Zoning, Environmental Offices
5. Townships, e.g., Roads
6. Landowners, e.g., Feedlot Operator; Wetlands, Agromny
7. Realty Agencies
8. Watershed Districts
9. WMOs
10. Lake Associations
11. Tribal Governments
12. Private conservation organizations, e.g., Pheasants Forever, Ducks Unlimited
13. Other state and federal agencies, e.g., DNR, PCA, NRCS, Health, BWSR, and USFWS, COE
14. State Legislature

Note: Potential clientele 2-14 are all accomplished via contacts and work through/from SWCDs

Internal Marketing / Administrative Ideas

1. Study alternative costs, availability per hour, per type of job, to show that shared SWCD technical services work is the most cost-effective and enhances existing capacity using economies of scale.
2. State focus on capability; local / SWCD focus on priorities.
3. Contracts with private or public organizations, NRCS, etc.
4. Link and compare to NRCS work .
5. Attend meeting state conventions, presentations at area meetings, BWSR agenda, market accomplishments and capabilities to potential clients *based on a common understanding of identity and mission*.
6. Long-term funding solidification would help in the marketing of this program for the future; if the funds are not going to be there some districts run the risk of not being funded.
7. Show results/accomplishments (using pictures) to the members and stakeholders.
8. Market how we work with locals, and lobby for taxing authority and levy.
9. Would it be easier or harder to market and sell under a different name for each JPB?
10. NPEA or similar grants go to individual SWCDs earmarked to be passed on to the Shared Technical Service entity. BWSR → SWCDs → Shared Technical Services entity
11. Make part of the base SWCD allocation for "Conservation Engineering/Technical Assistance".
12. Put as a part of total BWSR General Fund administrative appropriation (rather than grant appropriation) to get inflation increases.

How would you describe the current NPEA JPB model?

Survey Question Results:

Results

4	1	JPB's are SWCD Area Engineering
0	2	Local and state shared resources to share engineering specialist
5	3	Partnership to provide engineering and technical assistance to SWCDs through joint powers agreements
3	4	A technical assistance program to assist SWCDs in the implementation of SRF projects and/or others conservation projects approved by the local joint powers board.
1	5	Cooperative engineering services for SWCDs and other conservation organizations.
0	6	Sharing resources and technology to meet the needs of SWCDs.
1	7	Engineering expertise to assist SWCDs and other agencies.
0	8	Area engineering assistance for local government.
2	9	SWCD shared program for technical services funded by the state.
0	10	Program to provide technical assistance to landowners to apply conservation practices.
0	11	An officially aligned group of SWCDs who share a common interest and commitment in implementing soil and water practices on behalf of the landowner.
1	12	Public funded organization with services that can assist landowners in their conservation efforts.
1	13	BMP implementation practice program for practices needing engineering assistance that is not otherwise provided to SWCDs.
0	14	Engineering assistance to accompany State Cost Share and SRF to get conservation projects implemented
2	15	Conservation engineering carried out cooperatively through SWCDs funded by state government
2	16	Engineering assistance to landowners through the local SWCD's to implement conservation practices.
8	17	Local joint powers boards formed for SWCDs to hire engineering and technical assistance for conservation projects
0	18	SWCD driven program for delivering conservation technical (or engineering) services to public and private landowners.

Note: This list was based on a one-time brainstorming exercise with most of the committee present. It does not reflect merging and refinement of descriptions nor is it anywhere close to statistically valid.

SWCD Technical Services Ad Hoc Committee
Potential Names for Shared SWCD Technical Assistance

- SWCD Engineers
- Conservation Services Center
- SWCD CEA (Conservation Engineering Services)
- Conservation Engineering
- SWCD Technical Center (for broader services)
- SWCD Technical Service Providers
- Conservation Engineering Services Center
- SWCD Conservation Technical Services (Center)
- Conservation District Technical Center
- SWCD Regional Conservation Services (e.g. lakes, trees, funding, GIS)
- Conservation Engineering Services
- Others: Non Point, SRF, Environmental

Naming results summary:

- A. The proposed name list has one thing in common – SWCD. The current JPBs believe SWCDs are the primary provider of technical assistance, as well as the primary clientele for shared technical assistance.
- B. Should associate the group with the word *Conservation* because that's what the group does.
- C. SWCD regional technical center was suggested.
- D. Could replace *SWCD* with the words *Conservation Districts*, only dropping Soil and Water.
- E. Conservation District Regional/Area Technical Center/Services
- F. **SWCD Technical Services / Centers is the name the group has recommended.**

Options for Aligning Shared SWCD Technical Services

- 1a. Watershed Alignment
- 1b. Eco-region (quasi)
2. NRCS Area = MASWCD Areas (7), with same or complimentary offices
3. Let SWCDs create on own by combining their funding and resources. (e.g. school districts)
4. New common name, same JPB boundaries
5. Change the 7 MASWCD areas to match current JPB areas (11)
6. Change JPB and MASWCD boundaries to coincide, with 7 (or another number) of areas.
7. Consolidate or eliminate one or more JPBs
8. Consider boundaries and staffing based on highest priority technical assistance needs - allow for non-engineering specialists with BWSR grant change
9. Billing among districts for shared services.
10. Use MOAs among SWCDs with host district (rather than JPA/B) and/or host district has grant agreement with BWSR
- 10a. Boundaries based on workload formula
- 10b. 100% competitive over a multi-year period.
11. Contract for services with private sector
 - a. Independent (Districts)
 - b. Collective (JPB or MOA group)
12. JPB/SWCD grant used to contract/hire other private, local, state, or federal employees.

Criteria to Consider for Aligning Shared SWCD Technical Services

1. TRAVEL DISTANCE – Evaluates the amount of staff time spent traveling - an operating cost. Generally, the larger the work areas of the structure, the more time spent traveling. Can be minimized with good work planning.
2. SHARE TECHNOLOGY – Evaluates the ability of the structure to share technology with and from other available public and private sources.
3. COMPATIBILITY WITH OTHER GOVERNMENTS – Evaluates the ability of the structure to coordinate with and complement other existing units of government to maximize efficiencies and provide service, including, operating as a “technical service provider” (TSP).
4. MANAGEMENT – Evaluates the ability of the structure to perform roles including supervision, clerical, equipment and supplies, space, and administration.
5. OPERATING EFFICIENCY - Evaluates the ability of the structure to minimize operating costs.
6. SERVICE DELIVERY – Evaluates the ability of the structure to provide the desired level of service.
7. STABILITY – Evaluates the ability of the structure to obtain consistent funding and provide long term funding for management and staff.
8. PRIORITY SETTING – Evaluates the ability of the structure to establish workload priorities and deliver assistance as prioritized.
9. STATEWIDE COVERAGE – Evaluates the ability of the structure to provide statewide seamless coverage.
10. RE-ORG COSTS – Evaluates the costs of implementing a structure change from the current 11 JPB areas.
11. PRIVATE CONSULTING - Evaluates the ability of the structure to utilize private consultants.
12. PUBLIC CONSULTING - Evaluates the ability of the structure to utilize public consultants (i.e. hire other governments to provide technical services).
13. ACCOMMODATE NON-ENGINEER SPECIALISTS – Evaluates the ability of the structure to accommodate specialists other than non-point engineering.
14. CLEAR IDENTITY - Evaluates the ability of the structure to be identified as a “special” entity, of, by and for SWCDs.

Alternative Structures for Shared SWCD Technical Services

Goal = Establish the best arrangement for shared SWCD technical services for the long term

1. CURRENT JPB AREAS – This structure is the current 11 NPEA JPB area structure.
 2. ~~ECO-REGION ALIGNMENT (QUASI) – This structure would align boundaries to the closest SWCD boundaries that correspond to DNK eco-regions. Eco-regions may be grouped.~~
 3. ADOPT CURRENT NRCS/MASWCD AREAS – Structure boundaries would be aligned according to the seven current NRCS/MASWCD area boundaries.
 4. ALIGN WITH ADJUSTED NRCS/MASWCD AREAS – Structure boundaries would be aligned according to modified NRCS/MASWCD area boundaries (7-11 most likely number of new areas).
 5. DECREASE NUMBER OF JPBs - Decrease the number of JPBs from 11 to a lower number. JPB boundaries would be re-drawn.
 6. ~~WORKLOAD BASED AREAS – Structure areas would be based on the amount of workload within a geographic area. Structure boundaries would be redrawn.~~
 7. ~~COMPETATIVE ALLOCATIONS. – NPEA funding would be based on competitive application for the funds from SWCDs, SWCD groups, or JPBs.~~
 8. WATERSHED ALIGNMENT – This structure would align shared technical assistance boundaries with major watershed boundaries.
 9. ~~NO BOUNDARIES – Statewide program with specialists located closest to primary workload.~~
-

Administrative / Governance Options

1. JPBs/Host Districts billing member SWCDs for services provided in their SWCDs.
2. JPBs/Host District contract for services (i.e. don't employ staff directly).
3. Dissolve JPBs and operate under MOAs, including Host SWCDs that employ shared specialists.
MOAs could correspond to existing, or modified, MASWCD Areas.
4. JPBs/Host Districts corresponding to existing, or modified, MASWCD Areas.

Draft Recommendations to MASWCD and BWSR Boards

1. Rename the NPEA Program to "SWCD Technical Services/Centers/Areas" programs to clarify the identity and expand the future scope of SWCD shared technical expertise.
2. Align MASWCD and SWCD Technical Services Areas, to:
 - a. create a stronger connection to the MASWCD organizational activities
 - b. better market this program of shared SWCD expertise internally and externally, and
 - c. consolidate program and MASWCD governance for efficiency and improved marketability.
3. Modify MASWCD Area boundaries to better address resource-based expertise needs, in consultation with NRCS.
4. There exist viable alternatives to the formation of JPBs to carry out the oversight and management of SWCD Technical Services.

Recommendations discussed but not yet resolved

1. BWSR expansion of eligibility of technical assistance grants for more than just engineering assistance.
2. Create MOAs, or used modified JPBs to establish the management/oversight governance structure.
3. Develop a transition plan to: define technical center locations considering revised area boundaries, expected workloads and state and federal funding availability.
4. Allocation of state funding (equally ?) between new areas or between technical centers within areas.
5. Distribution of state funds to individual SWCDs earmarked for technical centers/areas or sent directly to technical centers/areas bypassing SWCDs.

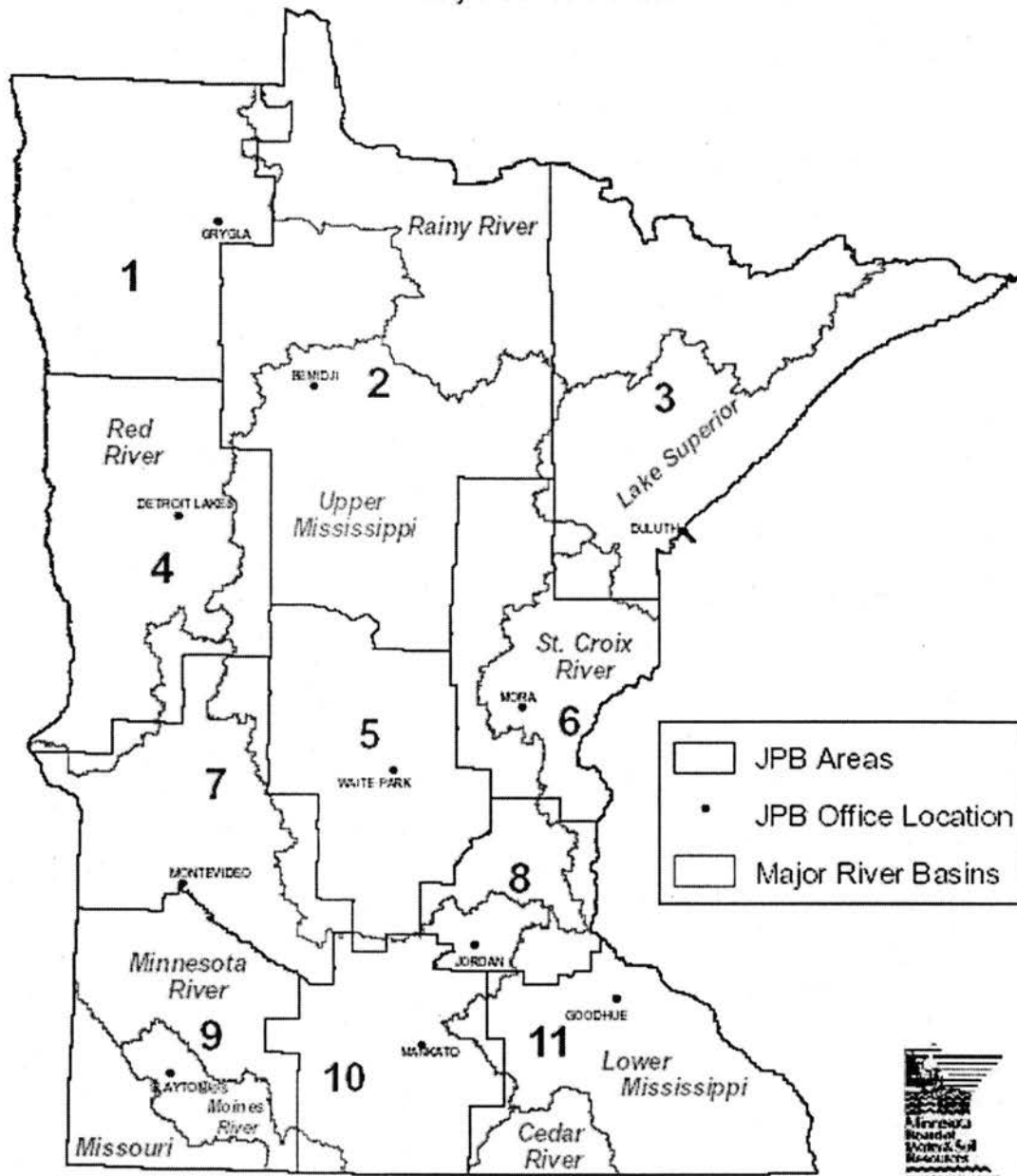
Appendix A

ALTERNATIVE STRUCTURES EVALUATION MATRIX

ALTERNATIVE STRUCTURES FOR TECHNICAL ASSISTANCE DELIVERY: EVALUATION							
	1	2	3	4	5	6	7
CRITERIA	OPTIONS CURRENT JPB AREAS	ECOREGION ALIGNMENT (QUASI)	ADOPT NRCS/MASWCD AREAS	DECREASE # OF JPBs	WORKLOAD BASED AREAS	COMP. BASED ALLOC.	WATERSHED ALIGNMENT
1 TRAVEL DISTANCE							
2 SHARE TECHNOLOGY							
3 COMPAT. W/ OTHER GOV'T.							
4 MANAGEMENT							
5 OPERATING EFFICIENCY							
6 SERVICE DELIVERY							
7 STABILITY							
8 PRIORITY SETTING							
9 STATE COVERAGE							
10 RE-ORG. COSTS							
11 PRIVATE CONSULTING							
12 PUBLIC CONSULTING							
13 ACCOM. NON-ENG. SPEC.							
14 CLEAR IDENTITY							

Appendix B

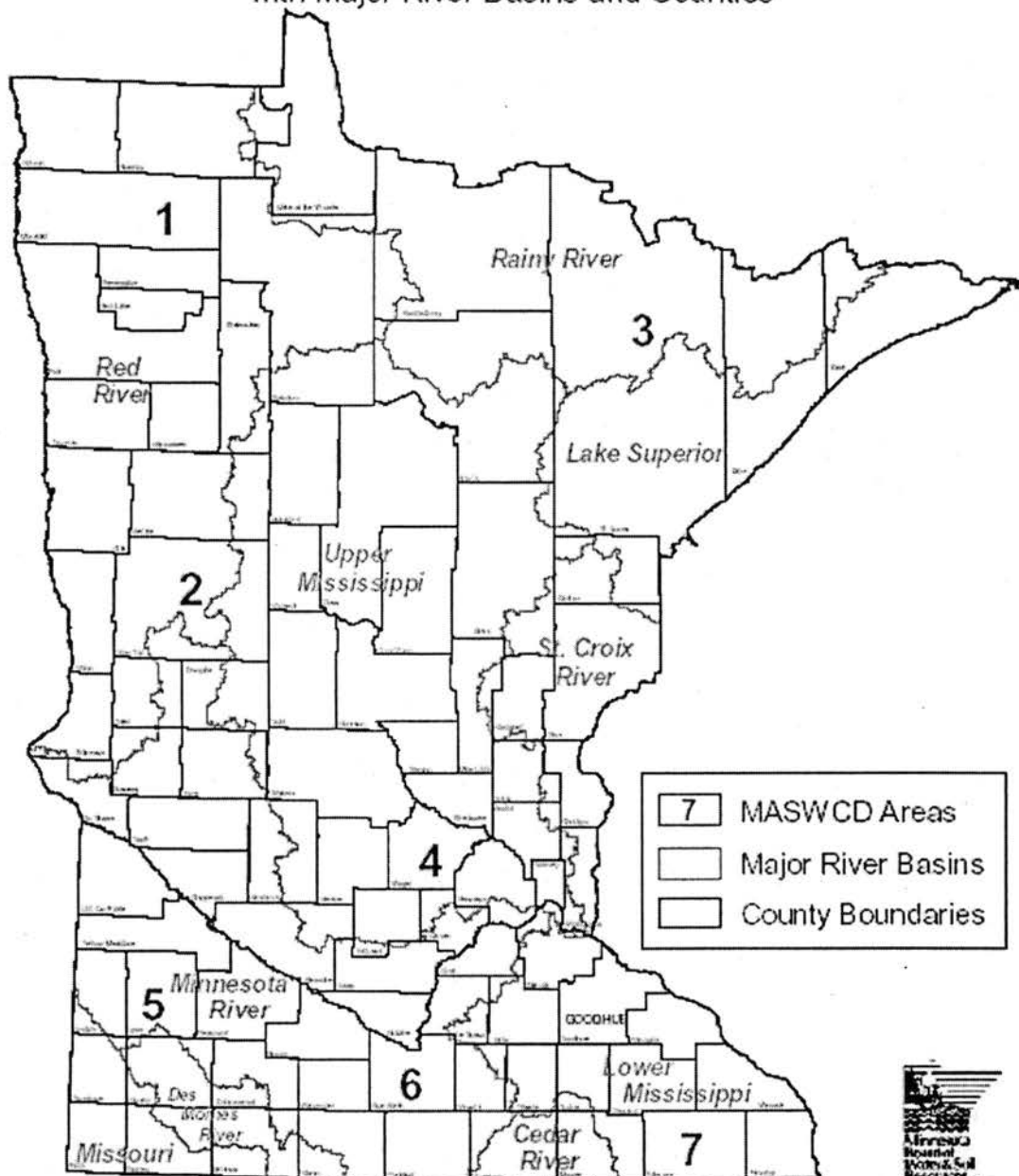
Joint Powers Board Areas with Major River Basins



October, 2002

Appendix C

MASWCD AREAS with Major River Basins and Counties



October, 2002

Appendix D

Nonpoint Engineering Assistance (NPEA) Program: Staff Directory November 18, 2002

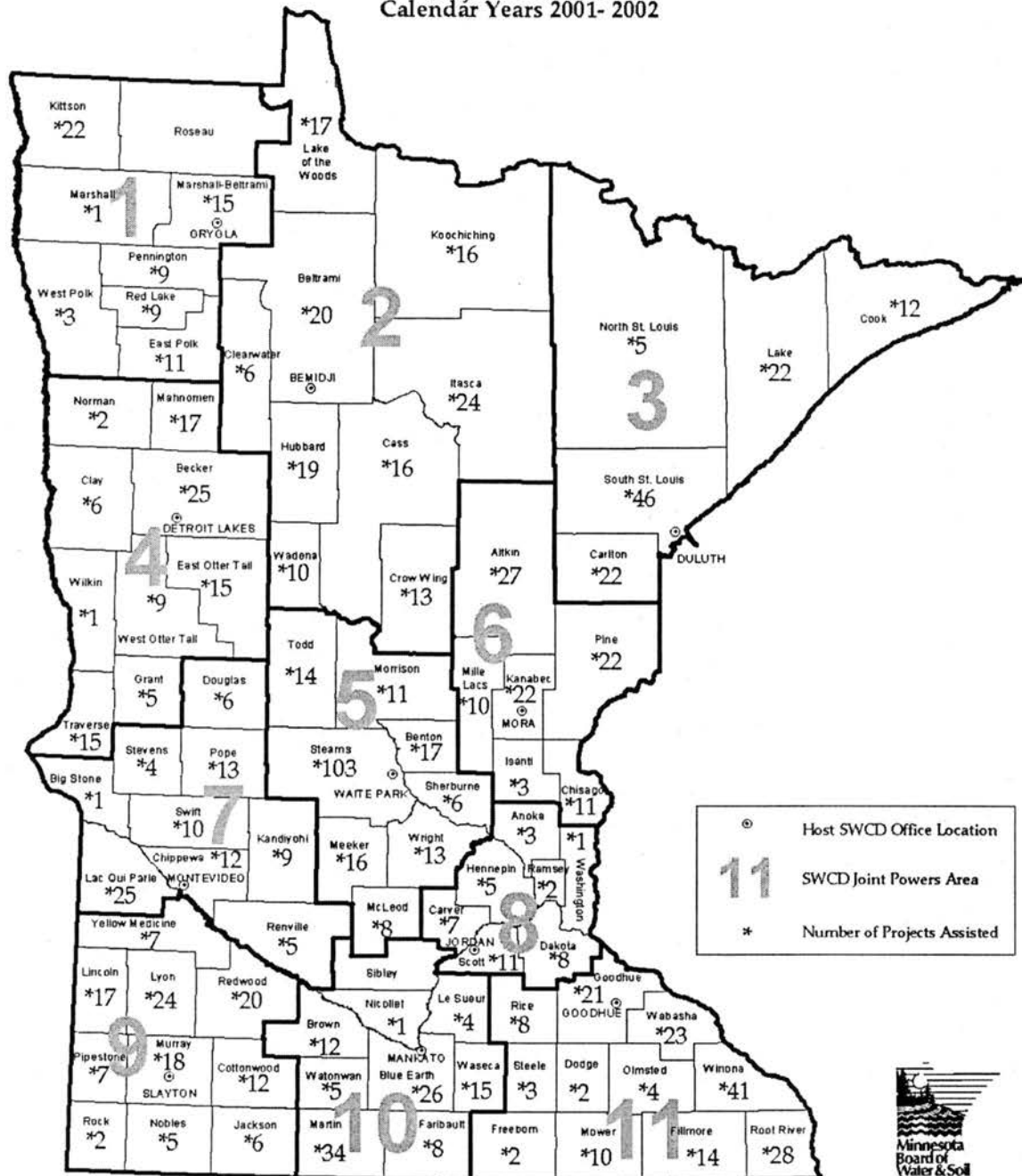
	JPB Name & Host SWCD	Position	Name	Phone Number	E-mail Address
1	<i>Northwestern MN</i> Marshall-Beltrami SWCD 231 E State St. Grygla, MN 56727	SWCD Mgr. Engineer Technician	Cheryl Sistad Jim Hest (vacant)	218-294-6144 218-294-6142 Fax: 218-294-6182	chs1@gvtel.com jah@gvtel.com
2	<i>North Central MN</i> Beltrami SWCD 3217 Bemidji Ave. N Bemidji, MN 56601-4328	SWCD Mgr. Engineer Technician	Chris Parthun Jon Hodgson Chad Severts	218-755-4339 218-755-4341 218-755-4341 Fax: 218-755-4342	cep@mn.usda.gov jdh@mn.usda.gov cjs@mn.usda.gov
3	<i>CCLNS</i> S. St. Louis SWCD 215 N 1st Ave. E, Room 110 Duluth, MN 55802	SWCD Mgr. Engineer Technician	R. C. Boheim Cory Horton Ron Hansen	218-723-4867 218-723-4865 218-723-4865 Fax: 218-723-4731	r.boheim@southstlouisswcd.org cory.horton@southstlouisswcd.org ron.hansen@southstlouisswcd.org
4	<i>West Central MN</i> Becker SWCD 809 8th St. SE Detroit Lakes, MN 56501	SWCD Mgr. Engineer Technician	Brad Grant Al Broyles Jeff Haverland	218-846-7360 218-846-7381 218-846-7381 Fax: 218-846-7380	brad.grant@mn.usda.gov wcmjpb@tekstar.com wcmjpb@tekstar.com
5	<i>Central MN Cluster 5</i> Stearns SWCD 110 2nd St. S., Suite 128 Waite Park, MN 56387	SWCD Mgr. Engineer Technician	Dennis Fuchs Mike Mayer Steve Girard	320-251-6718 320-654-5965 320-654-5965 Fax: 320-251-9171	dennis.fuchs@mn.usda.gov mmm2@mnwaitepar.fsc.usda.gov scg@mnwaitepar.fsc.usda.gov
6	<i>IMPACT 6</i> Kanabec SWCD 214 NW Railroad Ave. Mora, MN 55051	SWCD Mgr. Engineer Technician	Kelly Osterdyk Nicole Sternquist Nick Rydberg	320-679-3982 320-679-3982 320-679-3982 Fax: 320-679-4692	kelly.osterdyk@mn.usda.gov nicole.sternquist@mn.usda.gov nick.rydberg@mn.usda.gov
7	<i>MN River Source</i> Chippewa SWCD County Courthouse Montevideo, MN 56265	SWCD Mgr. Technician Technician	Jean Diggins Glenn Carlson Paul Toft	320-269-2139 320-269-8513 320-269-8513 Fax: 320-269-8593	jld@mnmontevid.fsc.usda.gov gjc@mnmontevid.fsc.usda.gov pst@mnmontevid.fsc.usda.gov
8	<i>Assn. of Metro SWCDs</i> Scott SWCD 7151 W 190th St., Suite 125 Jordan, MN 55352	SWCD Mgr. Engineer Technician	Pete Beckius (use private consultants)	952-492-5425 Fax: 952-492-5422	pbeckius@co.scott.mn.us
9	<i>Southwest Prairie</i> Murray SWCD 2740 22nd St., Suite 3 Slayton, MN 56172	SWCD Mgr. Engineer Technician Technician	Howard Konkol Scot Leddy Mike Skoglund Mike Timmerman	507-836-8933 507-836-6061 507-836-6061 507-836-6061 Fax: 507-836-6697	hjk@mnslyaton.fsc.usda.gov sdl2@mnslyaton.fsc.usda.gov mgs@mnslyaton.fsc.usda.gov mgt@mnslyaton.fsc.usda.gov
10	<i>Zone 10</i> Blue Earth SWCD 1160 Victory Drive Mankato, MN 56001	SWCD Mgr. Engineer Technician	Tony Abrahamson Kyle Vogt Greg Schemmel	507-345-4744 507-345-7418 507-345-7418 Fax: 507-345-6036	tony.abrahamson@mn.usda.gov kyle.vogt@mn.usda.gov greg.schemmel@mn.usda.gov
11	<i>Southeast SWCD Technical Support</i> Goodhue SWCD 104 E 3rd Ave. Goodhue, MN 55027	SWCD Mgr. Engineer Technician	Glen Roberson John Adams (vacant)	651-923-5286 651-923-5286 Fax: 651-923-5288	glen.roberson@mn.usda.gov john.adams@mn.usda.gov
	Winona SWCD P.O. Box 39 Lewiston, MN 55952	Engineer	Pete Fryer	507-523-2171 Fax: 507-523-3717	peter.fryer@mn.usda.gov

Appendix E

Nonpoint Engineering Assistance Program

Implemented via Soil and Water Conservation Districts

Projects Assisted
Calendar Years 2001- 2002



January 2003



Appendix F
*Comments on the Draft Report
of the SWCD Technical Assistance Ad Hoc Committee*

Chris Parthun, Committee Member

2-20-03

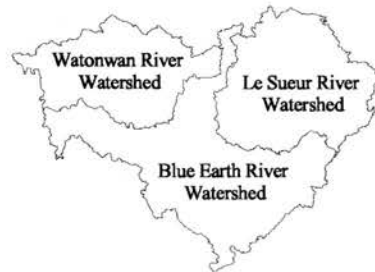
This proposal is offered in response to the invitation at the close of the Committee meeting on 2-13-03 to provide additional comments on the draft Committee report regarding recommendations for a sustainable SWCD technical services delivery system. I approach this issue, and provide these comments, from three different perspectives – as Host District Manager of JPA 2, as the Beltrami SWCD District Manager, and as a MACDE representative to the Committee.

Technical services to Minnesota landowners by and through SWCDs have achieved a heightened level of delivery in recent years due to the NPEA program. Evolution of this program to a state-wide SWCD technical services delivery system for sharing various types of expertise must recognize the importance of natural resources distribution in Minnesota as a decision-making cornerstone.

The ad hoc committee has identified substantial benefits of aligning shared SWCD technical services governance with MASWCD Areas. I propose that the MASWCD Areas be expanded by one Area to a total of eight, creating a new Area in northern Minnesota. The additional Area would be comprised of the SWCDs currently working in partnership as JPA #2. This proposal has considerable merit for the following reasons:

1. The Committee identified that resource-based boundaries are extremely important when considering sharing technical expertise. JPA 2, located in north-central Minnesota, contains natural resources much different than those in Area 1 (Red River Valley), and Area 3 (Arrowhead Region).
2. JPA 2 SWCDs have experienced a high demand for technical services, resulting in the tremendous growth of, and success in, the NPEA program as the NPEA Accomplishment Reports indicate.
3. This area of Minnesota will continue to experience an increasing need for technical assistance into the future. State demographic projections indicate that the north-central lakes and forests area will continue to experience increased development. MnDOT projections for future transportation and infrastructure requirements corroborate this assessment.
4. JPA 2 SWCDs have demonstrated a strong, committed working relationship and efficient sharing of expertise. This (NPEA) partnership is the only one in the State whose member SWCDs have contributed cash toward the continuation of their NPEA technical services program.

GREATER BLUE EARTH RIVER WATERSHED LOCATION MAP



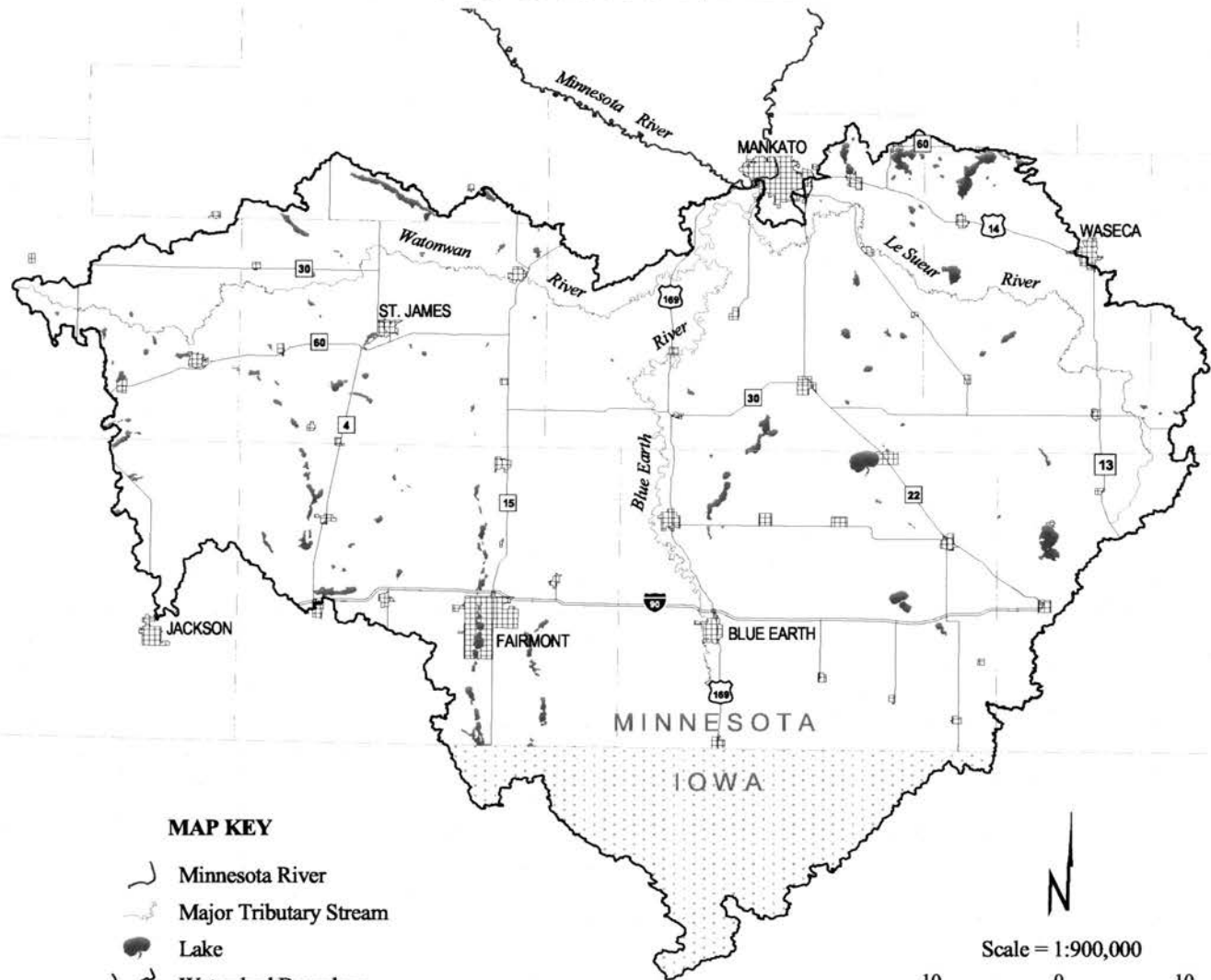
**INDEX MAP
MAJOR WATERSHEDS**



**INDEX MAP
MINNESOTA COUNTIES**

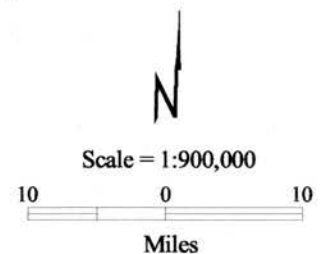


**LOCATION MAP
MINNESOTA**



MAP KEY

- Minnesota River
- Major Tributary Stream
- Lake
- Watershed Boundary
- Watershed In Iowa
- Interstate Highway
- Highway
- County Boundary
- City



Prepared by: Cis Berg, Water Resources Center
Minnesota State University, Mankato
Date: October 16, 2002
Software: ARC/INFO 7.1.2 ArcView 3.2

Figure 1

Internal Stakeholders

- County Commissioners
- SWCD Supervisors
- County/SWCD Staff
- Water Resources Center
- SCMCCSPP
- BERBI

External Stakeholders

- Media
- Businesses
- Pheasants Forever
- Mankato Birding Club
- Three Rivers RC&D
- Mankato Paddling and Outings Club
- Consultants
- Trade Associations
- Blue Earth River Team (BERT)
- Teachers
- Industry (tourism, recreation, travel, agriculture, manufacturing)
- Coalition for a Clean Minnesota River (CCMR)
- Walking Clubs
- Boys and Girl Scouts
- Activist Groups
- Extension Centers
- State Granting Agencies
- Private Philanthropy
- Individual Farmers
- Federal Granting Agencies
- City Governments (water and sewer, engineering, health and safety)
- Hunting and Fishing Clubs
- Producer Groups
- Legislators
- Volunteers
- Media

Figure 2

Define problems in the Blue Earth River Watershed

- Confusion
- Lack of understanding of the watershed concept
- Boundaries (political versus watershed)
- Lack of trust
- People are scared
- Interpersonal conflict
- Too many organizations
- Turf protection
- Unable to work together
- Unclear who is in charge
- What is the plan (long and short term)
- Lack of defined roles and responsibilities
- Too much work
- Not enough people
- Need to be able to evaluate what has been done
- Not enough funding
- Competition between the organizations (funding)
- Who gets the funding
- Who distributes the funding
- Too much money for administrative costs
- Minnesota River Basin Joint Powers Board, 37 counties too large
- Internal and external conflict with the state agencies (lack of continuity and promotion of competition)

Solutions to the Problems (As listed above)

- Clear leadership
- Coalition of elected officials in charge (County Commissioners/SWCD Supervisors)
- More interaction between county and SWCD staff at the local level
- Professional Coordination
- Eliminate or "sunset" 3-4 existing groups to merge
- Start fresh (new group, name, one message, manage size and time is important)
- Define overall objective (goal) of the group
- Define the new coalition that wants clean water (County Commissioners, SWCD Supervisors, County and SWCD staff, Water Resources Center, citizens)
- Define roles and responsibilities
- Improve the ability to implement
- Have an organization that is able to get funding
- Special purpose district tax levy
- Don't fight city hall, put the money where the taxpayers want it
- RC&D=Economic development with limited water quality work—avoid duplication
- Fewer meetings

Figure 3

GOALS

Short Term:

- Decide IF a new group is even needed; if yes, get started ASAP
- MOU signed by Sept. 1st, 2001.
- Joint CWP /319 application submitted this fall
- Establish a stable source of funding from within and outside the organization.
- Develop an organization with a common vision, mission, and goals.
- Sunset 13 county and BERBI
- Sunset 13 county and BERBI and merge several entities into one.
- Establish and put into practice an excellent communications system between the new organization and the individual counties (commissioners, water planners, and SWCD's) and the state agencies.
- Seed and obtain funding to implement practices for which the funding as a short sunset or application deadline.
- Improve relations between Counties and SWCD's on a regional basis and start working in a more cooperative effort.
- Work toward the organization of a 'one group' that can carry out and effectively replace the functions of the other groups being discussed.
- Merger of staff from several entities into ONE
- Creation of exec. and regular boards into one of each
- Funding from a stable source, and priority of projects mapped out, with work accomplished on time and done well.
- To get a NEW group formed, get by-laws set up. Determine Board members, set up fiscal agent, and hire a coordinator.
- Set up schedules of needs, and prioritize so everyone can plan ahead.
- Determine...do we need a new organization ?

Long Term:

- Establish a strong working relationship between counties and SWCD's
- Achieve political clout to bring resources to the entire region.
- Achieve acceptance and support from the community by achieving goals and broadening partnerships.
- Witness water quality improvement
- Re-evaluate in 3-5 years
- Phase out redundant and duplicate groups.
- Secure funds through a CWP or other resources
- Aid the 11 counties in their carrying out and achieving the results outlined in their individual water plans.
- Improve the water quality of the Greater Blue Earth River Watershed so that not only the citizens of the watershed are aware of / benefit from the cleaner water; but citizens down the line benefit as well.
- Define roles and responsibilities within the new organization and faze-out the other groups.
- Orderly success of Boards
- Priorities that are FAIR to all
- Funding mechanism that will be dependable for as long as needed
- Outcomes tracked on a regular basis
- Cooperation that will serve as a model.
- Successful track record of projects.

Figure 4

MISSION STATEMENTS

[These are the mission statements that were submitted. We re-worked them and prepared a proposed mission statement on the "9-S's worksheet for your consideration.]

- A basin-wide group serving the landowner through cooperation of local agencies to conserve our natural resources.
- To improve the water quality of the Greater Blue Earth River Basin through coordination and implementation of conservation practices and to share the water quality improvement strategies with others.
- To work together in order to bring resources to the region for addressing environmental issues.
- To be the leader in the Blue Earth River Basin for publicity, strategy, and obtaining financing for implementation.
- Preserve and restore water quality in the 13 counties for future generations through collaborative efforts by all entities involved with resource management.
- (BRAGS) is a Band of River Rat GroupS blended together to implement clean-up projects that could not be done on an individual basis and funded by the counties and state for the benefit of all.
- Implement the goals, objectives, and actions outlined in the County Comprehensive Water Implementation Plans (or the implementation plan developed for this group). We accomplish our goals because we are one unified voice doing what we do best. Our goal is to improve water quality and the environment within the basin for everyone.
- Combine the efforts of local governments (County Commissioners, Water Planners, SWCD Supervisors, and SWCD Staff) to promote and implement water quality and water quantity initiatives in the Blue Earth River Basin through a cooperative effort.
- The Blue Earth River Watershed JPB will bring about sustainable improvements to the watershed by working together while serving and considering the needs of all residents of the entire watershed for a cleaner Blue Earth River.
-

Mission Statement: The _____ is a voluntary team approach of the _____ county stakeholder groups, organizations, and individuals committed to increase the effectiveness and efficiency of managing the respective watershed implementation plans. Our guiding principles are: to promote and execute individual county implementation plans; expand technical assistance proficiency for all projects; collaborate with all concerned; collect, coordinate and share information; secure and disseminate funding for respective projects; ensure our professional competence for good achievements; and act as a trusted, unified team with integrity.

Vision: We envision an ever increasing region-wide movement to restore and revitalize quality water resources that impact the quality of life for all local communities and its citizenry.

Figure 5

STRUCTURE

Joint Powers Board

Minnesota Statutes 471.59

Two or more governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any power, common to the contracting parties or any similar powers, including those which are the same except for the territorial limits with which they may be exercised. The agreement may provide for the exercise of such powers by one or more of the participating governmental units on behalf of the other participating units. The term "governmental unit" as used in this section includes every city, county, town, school district, other political subdivision of this or any adjoining state, and any agency of the state of Minnesota or the United States, and includes any instrumentality of a governmental unit. For the purpose of this section, an instrumentality of a governmental unit means an instrumentality having independent policy making and appropriating authority.

Joint powers organizations are relatively easy to form and are used extensively in Minnesota for a variety of purposes. In Minnesota there are numerous examples of Joint Powers Boards formed to address a host of water resource issues ranging from flood control, to water quality protection, to accelerated land treatment. Some of these Boards include combinations of single and multi-purpose units of government (e.g., Counties and SWCDs), though most do not. They range in size from a membership of a few all the way up to the thirty-seven county Minnesota River Basin Joint Powers Board.

The duties of these Boards differ substantially as does their effectiveness. A recent study of water quality management in Minnesota noted that successful watershed-based organizations, regardless of the way they are organized, exhibited the following characteristics.

- Full-time employees
- Established office space and equipment
- Access to water quality information
- High level of concern for water quality
- Water quality monitoring program in place
- Interest in (and active encouragement of) citizen participation
- Presence of a public outreach program

Watershed District

Minnesota Statutes 103D.201

Watershed Districts are the only form of local government formed on watershed boundaries. The mission of Watershed Districts is "to conserve the natural resources of the state by land use planning, flood control and other conservation projects by using sound scientific principles for the protection of public health and welfare and the provident use of natural resources." Watershed Districts are authorized to:

- control and alleviate damage from flood waters
- improve stream channels for drainage, navigation and any other public purpose
- reclaim or fill wet and overflowed land
- provide water supply for irrigation
- regulate the flow of streams and conserve the stream's water
- divert or change all or part of watercourses
- provide or conserve water for domestic, industrial, agricultural or other public use
- provide for sanitation and public health and regulate use of streams and other watercourses to dispose of waste
- repair, improve, modify or abandon all or part of drainage systems within a watershed district
- control or alleviate soil erosion and siltation of watercourses
- regulate improvements by riparian property owners of the beds, banks, and shores of lakes and wetlands for the preservation and beneficial public use
- provide for hydroelectric power generation
- protect or enhance the water quality in watercourses or water basins
- provide for the protection of groundwater and regulate its use to preserve it for beneficial use

Watershed Districts are created through a petition process initiated by one-half the counties within the proposed district, a county or counties having at least fifty percent of the area within the proposed district, by a majority of cities in the district, or by fifty or more resident owners within the proposed district. The petition is submitted to the Board of Water and Soil Resources (BWSR). A hearing is held by BWSR to determine the potential benefit to public welfare and interest, and to assess the need for the Watershed District.

Watershed District Managers hold three-year terms. Initial Board members are appointed by BWSR; subsequent appointments are made by County Commissioners.

	Advantages	Disadvantages
Joint Powers	• Voluntary • Cooperative Can include more than one type of governmental unit.	• Governmental units have additional obligations, so political will may be lacking. • May lack dependable sources of funding. • Subject to jurisdictional rivalries and turf wars. • May lack permanence.
Watershed District	• Broad powers • Covers entire watershed • Annual tax levy.	• Perceived to be additional layer of government. • Lack direct local representation; managers are appointed, not elected. • Additional tax burden on watershed residents.

Land and water resource management in the Greater Blue Earth River Basin

Effective land and water resource management requires us to undertake a number of distinct, yet related activities, and to somehow keep them all in balance. Although the focus here is on County and SWCD initiatives it is important to note that these activities take place in a broader context that is influenced by federal, state, and regional authorities. For instance, SWCDs develop local plans as do counties, but these are done within the context of a Basin or watershed plan that may be administered or managed by a regional, state, or federal entity. More often than not there is consistency and coordination in these efforts, but sometimes they become a distraction. An added consideration is that most, if not all, funding programs require local units of government to formally cooperate and consult with one another before carrying out programs or activities. This means that, in addition to some of the more formal arrangements (e.g., membership in a joint powers agreement), local units of government need to maintain informal working relationships with neighbors inside and outside county boundaries. Under present conditions it is no longer possible, nor is it desirable, for local units of government to work independently of one another on water-related activities.

Major activities affecting water resource management that are worth consideration includes planning, implementation, research, and outreach (i.e., information and education). Though there are others, these seem to encompass most of what goes on in the water resource arena. Generally, these activities occur simultaneously, although it is reasonable to expect that research and planning be done prior to implementation. A lot of times, implementation leads to further research and planning, so the cycle is repeated. Most often, outreach activities are ongoing and frequently subject to revision. Not surprisingly, sometimes it's hard to know where some of these activities end and others begin. In other words, precise boundaries are hard to define. Similarly, boundaries between all the governmental units and organizations working in a particular vicinity are hard to discern. These two factors can lead to confusion, strife and anxiety, as we have witnessed from time to time.

What follows is a selected list of statutes and rules governing water-related planning and implementation activities of Counties and SWCDs. This information is the starting point for understanding how things are supposed to work at a very basic level. It also illustrates the interrelatedness of programs and the way in which they are designed to complement one another. Moreover, this information points out that, although clear distinctions are drawn between County Water Planning and SWCD authorities, collaboration between the two is the desired outcome. A good example of how this can work can be seen in cases where SWCDs have adopted by resolution the County Water Plan in the process of developing a District Comprehensive Plan. Another opportunity for integrating County and SWCD plans is in the preparation and adoption of a Watershed Implementation Plan undertaken within the framework of the Clean Water Partnership Program, a task already completed within the three major watersheds in the Basin.

Planning

There is a very long list of land and water resource plans that potentially affect how things are done in the Basin. At this point, it is reasonable to concentrate only on those of most direct significance: County Water Plans, SWCD Comprehensive Plans, and Clean Water Partnership Implementation Plans.

County

The primary planning tool for County government is the Comprehensive Water Plan, or the County Water Plan. The enabling legislation for county water planning is found in Minnesota Statutes 103B.

103B.311 County water planning and management.

Subdivision 1. **County duties.** Each county is encouraged to develop and implement a comprehensive water plan. Each county that develops and implements a plan has the duty and authority to:

- a) prepare and adopt a comprehensive plan that meets the requirements of this section and section 103B.315;
- b) review water and related land resources plans and official controls submitted by local units of government to assure consistency with the comprehensive water plan; and
- c) exercise any and all powers necessary to assure implementation of comprehensive water plans.

Subd. 6. **Scope of plans.** Comprehensive water plans must include:

(1) a description of the existing and expected changes to physical environment, land use, and development in the county;

(2) available information about the surface water, groundwater, and related land resources in the county, including existing and potential distribution, availability, quality, and use;

(3) objectives for future development, use, and conservation of water and related land resources, including objectives that concern water quality and quantity, and sensitive areas, wellhead protection areas, high priority areas for wetland preservation, enhancement, restoration, and establishment, storm water management for developing areas, and related land use conditions, and a description of actions that will be taken in affected watersheds or groundwater systems to achieve the objectives;

(4) a description of potential changes in state programs, policies, and requirements considered important by the county to management of water resources in the county;

(5) a description of conflicts between the comprehensive water plan and existing plans of other local units of government;

(6) a description of possible conflicts between the comprehensive water plan and existing or proposed comprehensive water plans of other counties in the affected watershed units or groundwater systems;

(7) a program for implementation of the plan that is consistent with the plan's management objectives and includes schedules for amending official controls and water and related land resources plans of local units of government to conform with the comprehensive water plan, and the schedule, components, and expected state and local costs of any projects to implement the comprehensive water plan that may be proposed, although this does not mean that projects are required by this section; and

(8) a procedure for amending the comprehensive water plan.

103B.331 Authority under approved comprehensive water plans

Subdivision 1. **Authority.** When an approved comprehensive water plan is adopted the county has the authority specified in this section.

Subd. 2. Regulation of water and land resources.

The county may regulate the use and development of water and related land resources within incorporated areas under certain conditions.

Subd. 3. Acquisition of property; assessment of costs.

A county may:

- (1) acquire in the name of the county real and personal property necessary for implementation of an approved comprehensive water plan;
- (2) assess the costs of projects necessary to implement the comprehensive water plan upon the property benefited within the county;
- (3) charge users for services provided by the county necessary to implement the comprehensive water plan; and
- (4) establish one or more special taxing districts within the county and issue bonds for the purpose of financing capital improvements.

Subd. 4. Special taxing district.

- a) A tax district authorized under subdivision 3, clause (4) must be established by resolution adopted by the county board after a hearing.
- b) After adoption of the resolution a county may annually levy a tax on all taxable property in the district for the purposes for which the tax district was established.

Soil and Water Conservation District

Enabling legislation for Soil and Water Conservation Districts is contained in Minnesota Statutes 103C. The primary SWCD planning activity is the Comprehensive Plan.

103C.331 Powers of district boards.

Subd. 11. Comprehensive Plan.

A district may develop and revise a comprehensive plan specifying practices to implement the state policy specified in section 103A.206 including:

- a) the construction, maintenance, and operation of structural measures;
- b) methods of cultivation;
- c) the use of vegetation;
- d) cropping programs;
- e) mechanical practices;
- f) changes in use of land;
- g) other land use, soil erosion reduction, and agricultural practices; and
- h) related technical standards and specifications.

The plan must identify the areas within the district where erosion, sedimentation, and related water quality problems appear most in need of control methods.

The plan shall be consistent with the statewide framework water resources plan, the statewide water quality management plan, and the state board's soil and water program plan.

By August 1 of each even-numbered year, each district which applies for cost-sharing funds under section 103C.501 submit to the state board an amendment of its comprehensive plan that identifies high priority erosion, sedimentation and water quality problems within the district as required by the rules of the state board.

By August 1 of each year, each district that applies for cost-sharing funds under section 103C.501 shall submit to the state board an annual work plan for the high priority erosion, sedimentation, and water quality problems in the district. The work plan shall be prepared as required by the rules of the state board. In preparing the annual work plan, the district shall actively identify and seek out land occupiers with high priority erosion problems who have not participated in cost-sharing contracts and encourage their participation in programs to control their erosion problems.

Watershed

The final type of plan affecting water resource management in the Greater Blue Earth River Basin consists of Implementation Plans (Blue Earth, Le Sueur, and Watonwan) done under authority of Minnesota Statutes Sections 103F.701 to 103F.761, the Clean Water Partnership Law.

Minnesota Rules, Chapter 7076 describes the content of these plans.

7076.0250 IMPLEMENTATION PLAN

The implementation plan required to be submitted by a project sponsor under part 7076.0225, subpart 4, must include:

- A. a discussion of how the implementation plan will advance the water quality goals and objectives identified in the diagnostic study;
- B. an analysis of the need for best management practices or categories of best management practices that will aid in the achievement of target levels of pollutant reduction in the areas identified as priority management areas, that considers:
 - a. identification of best management practices or categories of practices;
 - b. an estimate of costs for best management practice implementation;
 - c. a schedule for implementation;
 - d. an estimate of engineering and other assistance needs, including best management practice design, and inspection of best management practice installation, operation, and maintenance;
 - e. an estimate of pollutant reduction; and
 - f. identification of the standards and criteria for best management practice design;
- C. a water quality monitoring and evaluation plan identifying procedures and schedules for determining project progress and accomplishments, that considers:
 - a. a monitoring and modeling plan that includes the chemical, physical, and biological parameters that will be measured to enable comparisons with goals and objectives established in the diagnostic study;
 - b. a procedure to document and evaluate the implementation of best management practices; and
 - c. a procedure to identify the effectiveness of implemented best management practices on water quality, and their impact on water resources in the project area;
- D. a plan and schedule to implement an information and education program in the project area;
- E. an identification of roles and responsibilities of the project sponsor, its representatives, and cooperating agencies in implementing the project;
- F. a proposed schedule for project implementation or other planned project activities, segmented into three-year periods;
- G. a plan to maintain project goals and accomplishments and prevent further nonpoint source pollution; and
- H. a list of any federal, state, or local permits and approvals required to complete the project.

Implementation

Implementation commonly refers to activities related to carrying out plans or policies. Much of this work is dependent on securing external funds, usually in the form of grants. Though there are a large number of potential grant sources (public and private), three state-sponsored grant programs play a predominant role in the Basin. The Board of Water and Soil Resources (BWSR) administers two of these programs, the Local Water Resources Protection and Management Program and the Cost-Share Program. The Minnesota Pollution Control Agency (MPCA) administers the third, the Clean Water Partnership Program.

A fourth, the Section 319 Program, could be added to the list, but access to 319 funds is through the same process as the Clean Water Partnership (CWP) Program. One significant difference, however, between CWP and 319 grants is that SWCDs can only apply for 319 grants; counties can apply for either.

The federally funded Conservation Reserve Program (CRP) and Environmental Quality Incentive Program (EQIP); the federal/state funded Conservation Reserve Enhancement Program; and the state supported Reinvest in Minnesota (RIM) program are other valuable sources for financing implementation plans in the Basin, particularly with respect to the adoption of best management practices.

103B.3369 Local Water Resources Protection and Management Program.

The board shall provide financial assistance to counties for local government activities that protect or manage water and related land quality. The activities include planning, zoning, official controls, and other activities to implement comprehensive local water plans.

A county must coordinate and submit requests on behalf of other units of government within its jurisdiction.

A county may contract with other appropriate local units of government to implement programs.

The board may award grants. Grants may be used to employ persons and to obtain and use information necessary to:

- a) develop comprehensive local water plans;
- b) revise comprehensive local water plans; and
- c) implement comprehensive local water plans.

A base grant shall be awarded to a county that levies a water implementation tax at a rate, which shall be determined by the board.

The board must give priority to requests based on:

- a) completion of comprehensive water plans
- b) adoption, administration, and enforcement of official controls;
- c) indicate the participation of several local units of government, including multi-county efforts;

- d) complement efforts of federal, state, and local units of government; and
- e) demonstrate long-term commitments to effective water protection and management programs.

The board shall consult with appropriate agencies to evaluate grant requests and coordinate project activities with other state, federal, and local research management projects.

103C.501 Cost-sharing contracts for erosion control and water management.

Subdivision 1. Cost share authorization. The state board may allocate available funds to districts to share the cost of systems or practices for erosion or sedimentation control or water quality improvement that are designed to protect and improve soil and water resources.

Subd. 4. Cost-sharing funds. (a) The state board shall allocate at least 70 percent of cost-sharing funds to areas with high priority erosion, sedimentation, or water quality problems. The areas must be selected based on the statewide priorities established by the state board. The allocated funds must be used for conservation practices for high priority problems identified in the comprehensive and annual work plans of the districts.

(b) The remaining cost-sharing funds may be allocated to districts as follows:

- (1) for technical and administrative assistance, not more than 20 percent of the funds; and
- (2) for conservation practices for lower priority erosion, sedimentation, or water quality problems.

8400.0600 STATE BOARD ALLOCATION OF FUNDS TO CONSERVATION DISTRICTS.

Subpart 1. Comprehensive plan. Before the state board can allocate cost-share funds to a conservation district it must approve the conservation district's comprehensive plan, including its most recent amendment and the annual work plan that includes the application and justification for needed cost-share funds. The plans must be in a format required by Minnesota Statutes, section 103C.331, subdivision 11, and the state board.

Subp. 3. Review criteria. The state board shall review all conservation district applications for cost-share funds based on the following criteria:

- A. the extent of high priority erosion or water quality problems in the conservation district as outlined in the conservation district comprehensive and annual plans and comprehensive local water plan;
- B. priorities for the control of soil erosion or water quality problems as established in the Administrative Guidelines of the state board;
- C. historical success of the conservation district in applying soil and water conservation practices;

- D. availability of cost-share funds from other sources; and
- E. the ability of the conservation district to expend the funds in a timely manner.

Subp. 4. Grants to conservation districts. The state board shall annually allocate cost-share funds to conservation district boards that have fully complied with all state cost-share program rules and comprehensive and annual planning guidelines as prescribed by the state board. At least 70 percent of the cost-sharing funds available statewide will be allocated to conservation districts in the form of grants for conservation practices addressing high priority erosion, sedimentation, or water quality problems. The remaining cost-share funds may be allocated by the board to conservation districts for conservation practices for lower priority erosion, sedimentation, or water quality problems and for technical and administrative assistance or to carry out special projects or programs, except not more than 20 percent of the total funds may be allocated for technical and administrative services.

Subp. 5. Other state and federal funds. Other funds received by the state board may be allocated to conservation districts for the treatment of erosion, sedimentation, or water quality problems. These additional funds may be incorporated with existing cost-share program funds and their use may be governed by the Administrative Guidelines or may be subject to other administrative guidelines required to fully implement the intent for which these additional funds were appropriated.

Minnesota Rules, Chapter 7076

Minnesota Pollution Control Agency, Water Quality Division, Clean Water Partnership Financial Assistance

7076.0120 AVAILABLE ASSISTANCE

Subpart 1. Grants. There are two types of grants available for nonpoint source projects: (1) resource investigation grants, and (2) project implementation grants. The grants are for a maximum of 50 percent of the eligible cost of the project.

Subpart 1a. Loans. Loans are available for project implementation. Loans may cover up to 100 percent of the eligible costs of the project or may be used to finance the local share of a project implementation grant. Loans and grants will be awarded, within the limits of available appropriations, to those applicants having the highest priority as determined by the project ranking.

7076.0130 ELIGIBILITY CRITERIA.

Subpart 1. Grant-eligible applicants. Only local units of government are eligible to apply for grants and receive technical assistance. A local unit of government is eligible to apply for grants and request technical assistance if it has the following:

- A. the authority to coordinate and enter into contracts with local, state, and federal agencies and private organizations for the purpose of carrying out a project;

- B. the authority to generate cash revenues and in kind contributions for the local share of a project;
- C. the authority to adopt and enforce official controls; and
- D. an approved local water plan that addresses the water of concern.

Subp. 1a. **Loan-eligible applicants.** Only local units of government that meet the requirements of subpart 1 are eligible to apply for loans and receive technical assistance. A local unit of government is eligible to receive a loan if it has the following:

- A. the ability to pledge its full faith and credit to ensure repayment of a project implementation loan;
- B. the authority to generate cash revenues for the repayment of a loan; and
- C. the authority to enter into a loan agreement with the agency.

If the local unit of government submitting the application does not meet the criteria in items A to C, it must submit a resolution from at least one local unit of government that does meet the criteria stating that the loan-eligible local unit of government resolves to participate in the project as a loan sponsor.

Subp. 2. **Eligible costs.** Project costs are eligible for financial assistance if they are reasonable, necessary, and allocable to the project. Costs associated with resource investigation are eligible for grant funds only. Both grants and loans may be awarded for the costs of project implementation. The dredging of harbors, lakes, ditches, constructed wetlands, and existing sedimentation basins; sewage treatment system upgrades when part of an approved project implementation; and the use of ferric chloride, aluminum sulfate, or other chemicals to precipitate phosphorus are eligible for loan funds but are not eligible for grant funds. In addition, costs related to any of the following activities are eligible for financial assistance:

- A. water quality monitoring, water resource and project area data and information collection, data and information analysis and assessment, and related tasks;
- B. fiscal and management activities including report preparation;
- C. selection, design, layout, and installation of best management practices consistent with section 319 or 320 of the federal Clean Water Act, as amended;
- D. development, review, and inspection of procedures for the installation, operation, and maintenance of best management practices;
- E. the costs of implementation of best management practices for animal feedlot operations if the best management practice installation is not related to a criminal enforcement action or a civil enforcement action involving financial penalties;
- F. development and implementation of public education materials and activities;
- G. development and implementation of official controls;
- H. acquisition of easements and property; and
- I. other activities determined by the agency or established by federal regulation to be necessary to carry out the project.

Subp. 4. **Eligible local share for grant-funded projects.**

Any grant- or loan-eligible project costs as described in subparts 2 and 3 that are not funded through a resource investigation or project implementation grant are eligible as local share. At least 30 percent of the project costs must be derived from nonstate and

nonfederal sources. Project implementation loans are considered nonstate and nonfederal sources for the purposes of this subpart. Costs incurred by a land occupier for the installation of best management practices may be considered a part of the local share paid by the local unit of government provided the following conditions are met:

- A. the primary purpose of the best management practices is for improvement and protection of water quality;
- B. any structural best management practices must be designed for a minimum effective life of ten years;
- C. any equipment purchased for operational best management practices must have a minimum effective life of ten years and be maintained or replaced by the land occupier during this period of time, or there must be a plan approved by the commissioner scheduling the phase-out of the operational best management practices;
- D. the best management practices are a part of an approved implementation plan; and
- E. there must be an operation and maintenance plan for the minimum effective life of the best management practices.

Figure 6

GREATER BLUE EARTH RIVER BASIN WATER RESOURCE MANAGEMENT FUNCTIONS AND TASKS

Information & Education	Monitoring & Data Collection	Inventory & Mapping	Land & Water Treatment	Regulation/Ordinances/Planning
- GIS Training	- Water Quality Monitoring	- Wetlands	- Wastewater Treatment	- Zoning
- Workshops	- Water Quantity Monitoring	- Feedlots	- Solid Waste Mgmt.	- Wetland Conservation Act
- Data base Design	- Diagnostic Reports	- Erosion Sites	- Hazardous Waste Mgmt.	- ISTS (Rule 7080)
- Data Utilization for Land Use Planning	- Studies of Program Delivery	- Dumps	- Recycling	- Feedlots (Rule 7020)
- Student Internships and Employment	- Data Interpretation	- Tanks	- BMPs	- Shoreland
- Web Page Maintenance	- Clearinghouse for Requests	- Wells	- Easements	- Floodplain
- General Education	- Sanitary Sewer Studies	- Ditches	- Wells and Well Sealing	- County Water Plans
- Manure Management Training	- Grid Testing	- Resource	- Ditch Repairs	- SWCD Comprehensive Plans
- Septic Demonstrations	- Soil Testing	- High Priority Project Mapping	- Septic Upgrades	- Comprehensive Land Use Plans
- Women's (and Men's) Land Stewardship Conference	- Manure Analysis	- Mapping of CREP Eligible Lands	- Flood Control	- Coordination
- Field Days	- Unsewered Community Studies	- CREP Repository	- Nutrient Management	- Wellhead Protection Plan
- Tours			- Intake Removal	- Source Water Protection Plan
- Fleval Training			- Rock Inlets	- Lake Management Plan
- Living Snowfence Training				
- Cost-Share Standards Training				

Questions Needing Answers: (Keep in mind that SWCDs and Counties are the fundamental units of government and the SCMCCWPP, BERBI, WRC, and RC&D are related to these fundamental units.)

1. Even though water resource management policies have changed, the existing agencies are still in place when new agencies are created. Overlap may exist. How does this apply to our situation?
2. Does the organization provide the same service as and receive funding from existing local agencies.
3. Where does funding come from to perform tasks? How much? Who does it go to? What is the return on the investment?

NATURAL RESOURCE GROUPS IN THE SOUTH-CENTRAL REGION

Figure 7

[illegible]

Figure 8

Memorandum of Understanding (MOU) between Counties and Soil and Water Conservation Districts in the Greater Blue Earth River Basin

The limits of this agreement shall include the lands lying within the Le Sueur, Watonwan, and Blue Earth River watersheds, collectively known as the Greater Blue Earth River Basin, hereinafter referred to as Basin. The Basin is represented by the Counties and Soil and Water Conservation Districts (SWCDs) of Blue Earth, Brown, Cottonwood, Faribault, Freeborn, Jackson, Le Sueur, Martin, Steele, Waseca, and Watonwan.

The purpose of this MOU is to establish an understanding of how Counties and Soil and Water Conservation Districts in the Basin can cooperatively achieve land and water resource improvements in the Blue Earth, Le Sueur, and Watonwan watersheds. This MOU will serve as a framework for cooperation until such time as each County and each SWCD in the Basin enters into a formal agreement to create a new organization. The target date for taking this action is July 1, 2002. At the time that Counties and SWCDs have entered into a formal agreement or when obligations of the South Central County Comprehensive Water Planning Project (SCMCCWPP) and the Blue Earth River Basin Initiative (BERBI) have been completed or transferred, it is understood that the two respective organizations will sunset.

SCMCCWPP is a thirteen county joint powers organization established for the purpose of:

- developing comprehensive water plans;
- identifying existing and potential problems and opportunities for the protection, management, and development of water and related land resources;
- developing objectives and carrying out a plan of action to promote sound hydrologic management of water and related land resources, and effective environmental protection and efficient management.

BERBI is a joint powers organization of seven Soil and Water Conservation Districts entered into to improve the Blue Earth River system by:

- providing comprehensive watershed management;
- conducting projects that may encompass the entire watershed;
- operating for purposes that are beneficial to the public interest;
- operating for purposes that are charitable and education;
- operating for purposes of beaver damage control activities

INTERIM PERIOD

During the interim period leading up to formation of a new organization it is understood that the undersigned will:

1. Recognize that SCMCCWPP and BERBI will continue to operate within the scope of their respective organizational purposes as stated above.

2. Fully cooperate with one another in preparing grant applications for Section 319, Clean Water Partnership (CWP), and other programs intended to fund research, planning, and implementation activities in the Basin. This will be accomplished by:
 - identifying ideas to submit as grant applications and proposals
 - presenting these proposals to appropriate boards
 - preparing and submitting letters of support
 - regular monthly meetings of County and SWCD technical staff
 - including a copy of this MOU in grant applications
3. Work within the framework of the Board of Government Innovation and Cooperation (BGIC) work plan to achieve a clearer definition and understanding of authorities exercised by Counties and Soil and Water Conservation Districts, use this information to help reduce conflict and overlap in services that are provided, and recommend changes in the way natural resource programs are administered by state agencies.
4. Participate in quarterly meetings of Board and staff to finalize an organizational structure that will plan and carry out water quality protection measures in the Basin.
5. Promote a spirit of cooperation within the Basin and support and encourage one another's efforts.
6. Project an image of cooperation and collaboration to appropriate state and federal agencies.

Figure 9

Articles of agreement that help define the nature of the Greater Blue Earth River Basin Alliance.

STAFF and BUDGET REQUIREMENTS

A full time Coordinator will be hired to manage the organization. Under supervision of the Board of Directors this position will be responsible for:

- developing annual and long range plans and budgets;
- developing and maintaining working relationships with local, state, and federal agency staff and Boards;
- maintaining official records of the organization;
- securing funds to implement priority Basin projects; and
- other duties assigned by the Board of Directors.

According to the joint powers agreement, counties will be asked to cover the annual administrative budget. Each County will be assessed a percentage of the budget equal to the percentage of the Basin lying within the County (see Exhibit 1). Initially this money will be needed to cover salary and related administrative expenses. Later, however, it is expected that perhaps one-half the Coordinator's position will be covered by grant funds. Nevertheless, it will be necessary for members to commit to providing an annual appropriation at a level high enough to allow the organization to survive and prosper.

Budget Example*

	FY 03	FY04	<u>County</u>	FY 03	FY04
Salary	\$ 40,000	\$ 41,200	Brown	\$ 1,204	\$ 1,238
Fringe @ .30	\$ 12,000	\$ 12,360	Blue Earth	\$ 12,697	\$ 13,048
Indirect @ .20	\$ 8,000	\$ 8,240	Cottonwood	\$ 4,324	\$ 4,443
Mileage	\$ 3,500	\$ 3,623	Faribault	\$ 15,649	\$ 16,082
Supplies/Materials	\$ 4,500	\$ 4,500	Freeborn	\$ 3,418	\$ 3,513
Fees	\$ 500	\$ 500	Jackson	\$ 2,042	\$ 2,099
Miscellaneous	\$ 1,000	\$ 1,000	Le Sueur	\$ 72	\$ 74
			Martin	\$ 12,103	\$ 12,438
Total	\$ 69,500	\$ 71,423	Steele	\$ 776	\$ 798
			Waseca	\$ 7,676	\$ 7,888
			Watsonwan	\$ 9,538	\$ 9,802
				\$ 69,500	\$ 71,423

* This example is based on a contractual arrangement with the Water Resources Center at MSU, an arrangement suggested for the initial stage (1-2 years) of the new organization. Expenses are estimates and are subject to revision. There are many other options for sharing expenses and reducing county contributions that will be considered later. This is just one option.

RELATIONSHIP TO OTHER BOARDS AND ORGANIZATIONS

One of the fundamental purposes of forming the Greater Blue Earth River Basin Alliance is to enhance cooperation and to achieve a unified approach to managing land and water resources in the Basin. This requires clarification of how the Alliance relates to several other regional organizations.

Blue Earth River Basin Initiative (BERBI)

This organization will disband upon formation of the Alliance. The seven SWCDs in BERBI will become members of the new organization. The Alliance will assume duties and responsibilities formerly performed by BERBI, and will administer those programs and activities of BERBI deemed by the Board of Directors to be in the interest of the Alliance. This includes financial commitments and obligations that extend beyond the dissolution date of the BERBI joint powers agreement.

South Central Minnesota Comprehensive Local Water Planning Project (SCMCCWPP)

As with BERBI, SCMCCWPP will disband and eleven of the counties will become members of the new organization. Counties may still want to contract with the Water Resources Center for technical support, as they have done for the past fourteen years. Not all activities, and certainly not all programs, are watershed-based, leaving an opportunity for additional projects and initiatives at the county level.

Three River Resource Conservation & Development Council

The Three Rivers RC&D is in a transition stage pending the hiring of staff. It is expected that the Council will be an active partner in securing funds to implement priority water resource goals. It is not clear at this point how active the Council will be in activities related to economic development and whether this will affect the Council's ability to support water resource programs. It is significant, however, that seven Counties and seven SWCDs are members of the Council and the Alliance. This creates huge opportunities for coordinating programs and activities.

Watonwan, Le Sueur, and Blue Earth River Watershed Teams

These local watershed teams will continue to promote watershed goals and objectives as identified in watershed and County water plans, and will also provide opportunities for citizen input and involvement.

Water Resources Center, Minnesota State University, Mankato

The Water Resources Center (WRC) will continue to offer technical support, training, and educational opportunities to staff and Board members within the Basin consistent with past practices and subject to continued County financial support. The WRC may also provide space and supervision for a Basin Coordinator until such time as alternative arrangements can be secured.

Minnesota River Basin Joint Powers Board (MRBJPB)

Working in cooperation with the watershed teams in the Watonwan, Blue Earth and Le Sueur watersheds, the Greater Blue Earth River Basin Alliance will be in a position to represent Basin interests to the MRBJPB. It will be appropriate to have representation on the MRBJPB Advisory Committee.

Zone 10 Engineering Assistance

This may be an appropriate time to consider a boundary realignment for this joint powers organization and to explore options for sharing personnel and services. State funding is declining, so changes may be necessary to ensure that services remain available. One possibility is to pursue action through the Board of Government Innovation and Cooperation program. This program supports new and innovative actions that improve efficiencies of local government.

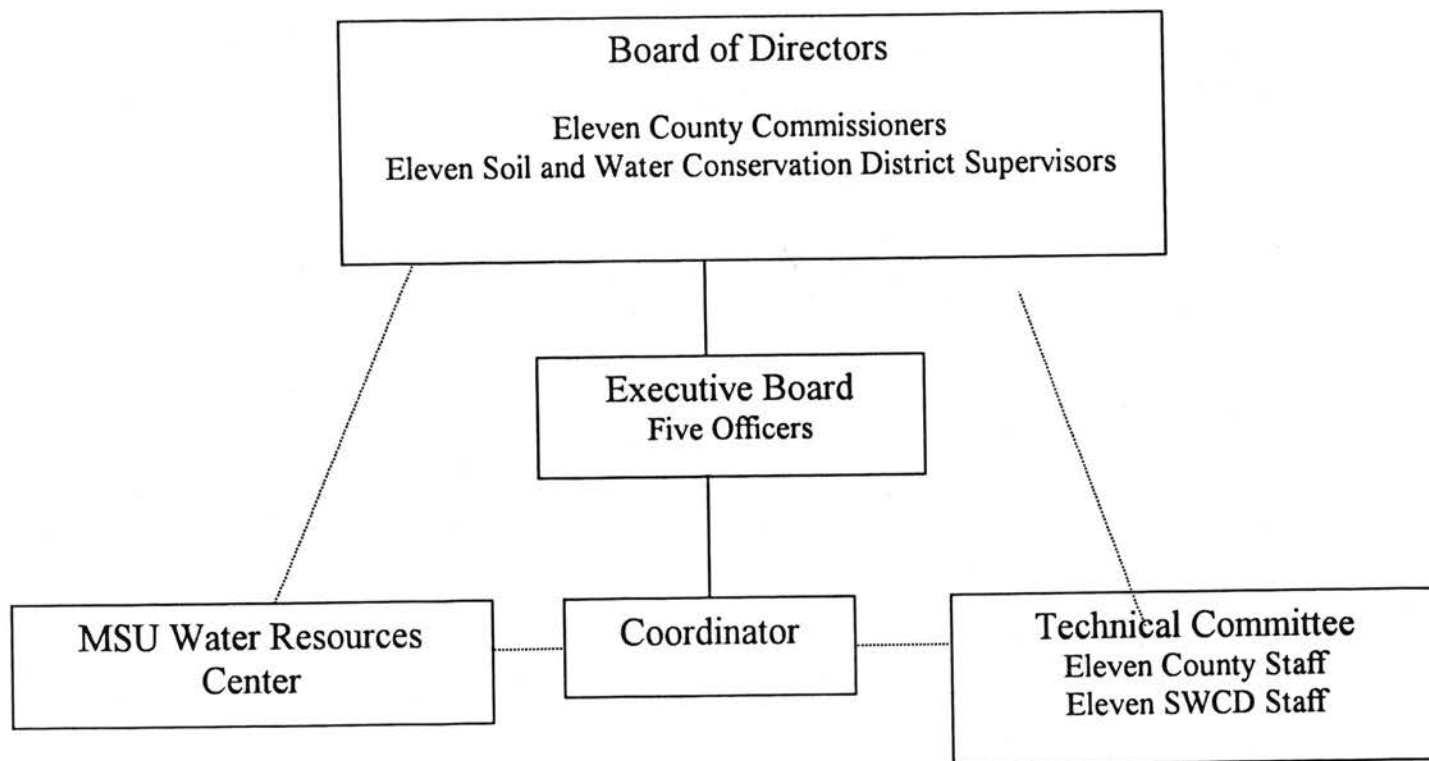
BASIN PLAN

Shortly after the joint powers agreement is ratified it will be necessary to develop and adopt a Blue Earth River Basin Plan. The contents of this plan can readily be derived from the various plans already adopted including: County Water Plans, SWCD Comprehensive Plans, BERBI Five-year Plan, and Watershed Plans (Le Sueur, Blue Earth, and Watonwan).

ORGANIZATION CHART

Internal stakeholders identified by participants involved in this process of developing a Greater Blue Earth River Basin Alliance included County Commissioners, SWCD Supervisors, the Water Resources Center, BERBI, and County staff.

The following is an adaptation of three charts developed earlier this year and discussed by the Committee.



TRANSITION

One of the more difficult aspects of moving from the old to the new is deciding how to treat ongoing obligations. This is not an issue with respect to SCMCWPP in that there are presently no financial or project commitments that will extend beyond the projected date of transition (7/1/02). BERBI's situation, however, is considerably different. A number of grants and/or cost share contracts entered into by or through BERBI extend well beyond July 1, 2002. How to treat these commitments is a matter of concern that must be satisfactorily resolved.

Several programs and projects currently administered by BERBI extend two or more years into the future (see attached status report). Additionally, grant applications have been submitted to help fund new projects that will likewise extend several years into the future.

Current, and potential BERBI activities fall into three broad categories: land treatment, education, and organizational development.

Beginning in fiscal year 1994 and continuing through the present, BERBI has successfully used Special Minnesota River Basin cost-share funds to design and install conservation practices in the Greater Blue Earth River Basin. Land treatment has also been accomplished using special funds distributed through the MRBJPB (these are also state cost-share funds) and using Section 319 (federal) grants.

Educational programs of BERBI include an annual Stewardship Conference and ongoing efforts directed at encouraging citizen stewardship across the Basin. Support for these activities comes from several sources including The McKnight Foundation, Section 319 grants, and a Watershed Assistance Grant. Expansion of these programs has been sought through a grant application recently submitted to EPA.

Organizational development includes activities such as developing a five-year comprehensive plan and maintaining administrative support for the organization. This accomplished with financial support from The McKnight Foundation and others.

The central question to be addressed is what happens to these activities when a new joint powers board is formed and BERBI disbands? Must they end, or can responsibility be shifted over to the new organization?

The new organization, tentatively known as the Greater Blue Earth River Basin Alliance will bring together Counties and SWCDs to **cooperatively exercise powers common to the contracting parties (Counties/SWCDs)**. In one sense, therefore, the new organization represents an expansion of BERBI (by including Counties), not a replacement. Consequently, there can be no question that whatever BERBI is doing now can continue under authority of the new joint powers board if deemed appropriate by the Board of Directors. Additionally, and perhaps most importantly, the purpose of the new organization is not fundamentally different from that of BERBI. The purpose of BERBI is "to improve the Blue Earth River system, which includes the Blue Earth, Watonwan and LeSueur Rivers. . . ." This is to be accomplished by "providing comprehensive watershed management, with a focus toward implementation of practices to improve water quality. . . ." The purpose of the new joint powers board "to cooperatively establish policies, goals, and objectives; select priority management areas; and coordinate implementation programs and activities that protect and enhance land and water resources in the Greater Blue Earth River Basin. . . ."

The new organization represents a merger of County and SWCD functions under the direction of a joint Board of Directors representing each County and SWCD. This combination opens up new possibilities for cooperatively influencing land and water

resource decisions and actions. It also provides an opportunity to streamline services through a redefinition of roles and responsibilities. For example, it may be possible for the joint powers board to assume responsibility for a number of information/education, data collection and management, and planning activities that affect the entire Greater Blue Earth River Basin, rather than having these activities done by individual units of government, as is the current practice. Possibly this could be accomplished in partnership with the Water Resources Center. Regionalizing certain functions through the joint powers board enables Counties and SWCDs to devote more time and resources to matters that are best handled at the most local level, such as activities related to implementation. For example, working with landowners to select and install conservation practices, upgrade septic systems, or obtain feedlot permits are more properly handled at the local (County/SWCD) level, whereas gathering and interpreting water quality data or providing general guidance or training on water-related issues could probably be accomplished more efficiently at the Basin level.

Second, there is the issue of entering into new grant agreements or project commitments during the time period between now and 7/1/02. During this interim period is it appropriate for either BERBI or SCMCCWPP to seek grants or to make commitments for work that cannot be completed prior to establishment of the new organization? If they receive grants, what happens to the money or responsibility when the old organizations dissolve and the new one emerges? Does it make any difference?

Several answers to these questions come to mind. First, grant agreements entered into by BERBI or SCMCCWPP (though there aren't any) can be shifted to the new organization assuming, of course, that the new organization is not fundamentally different than the old and that the new grantee (sponsor) agrees to work toward the goals established in the original grant agreement. This is not unheard of, though it does require formal action on behalf of the principal parties involved. Similarly, cost-share funds obtained through the BWSR Special Minnesota River Basin Grant program do not present a problem in that SWCDs (represented by the BERBI joint powers agreement) are recipients of the funds and these same SWCDs will belong to the new organization.

On the question of new grant applications, it seems logical to suggest that these be sponsored by something other than BERBI and SCMCCWPP if indeed both organizations are serious about dissolving. Why pass up an opportunity, however, if one is presented when it isn't a given that a new group will be formed? One answer is to not pass up the opportunity, but to pursue it through a sponsor other than BERBI or SCMCCWPP. For example, a grant proposal could be submitted on behalf of the eleven Counties/SWCDs. The MOU and a joint resolution by member boards could serve as a means for defining sponsorship, which would be formalized when a joint powers agreement is adopted by the membership. As is the case with transferring funds and obligations from one organization to another, the difficulties associated with grant requests prior to formal establishment of a new organization are not insurmountable. It may be more inconvenient to do things this way, but it can be done.

Figure 10

GREATER BLUE EARTH RIVER BASIN JOINT POWERS AGREEMENT

Section 1 PURPOSE

The purpose of this agreement is the joint exercise of powers by the undersigned governmental units to cooperatively establish policies, goals, and objectives; select priority management areas; and coordinate implementation programs and activities that protect and enhance land and water resources in the Greater Blue Earth River Basin, all in accordance with the intent of Section 471.59 of Minnesota Statutes, to wit:

Two or more governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any power, common to the contracting parties or any similar powers, including those which are the same except for the territorial limits with which they may be exercised. The agreement may provide for the exercise of such powers by one or more of the participating governmental units on behalf of the other participating units. The term "governmental unit" as used in this section includes every city, county, town, school district, other political subdivision of this or any adjoining state, and any agency of the state of Minnesota or the United States, and includes any instrumentality of a governmental unit. For the purpose of this section, an instrumentality of a governmental unit means an instrumentality having independent policy making and appropriating authority.

Section 2 NAME OF ASSOCIATION

The association established herein shall be known as the Greater Blue Earth River Basin Alliance.

Section 3 LIMITS OF JURSDICTION

The limits of this agreement shall include the lands lying within the Le Sueur, Watonwan, and Blue Earth River watersheds, collectively known as the Greater Blue Earth River Basin, hereinafter referred to as Basin. The Basin is represented by the Counties and Soil and Water Conservation Districts (SWCDs) of Blue Earth, Brown, Cottonwood, Faribault, Freeborn, Jackson, Le Sueur, Martin, Steele, Waseca, and Watonwan.

Section 4 EFFECTIVE DATE OF AGREEMENT

This agreement shall take effect and be enforced after the date of execution of the same by the authorized representatives of the governing bodies of the governmental units included herein.

Section 5 BOARD OF DIRECTORS

Subd. 1 Membership. The Board of Directors shall consist of one representative from each County Board of Commissioners included in this agreement and one representative from each Soil and Water Conservation District Board of Supervisors included in this agreement.

Subd. 2 Qualifications. Each member of the Board of Directors shall be a member of each respective unit of government and shall be appointed by the respective unit of government.

Subd. 3 Terms. The term of appointment shall be two (2) years. There shall be no limit to the number of successive terms a member may serve.

Subd. 4 Meetings. The Board of Directors shall meet at least four (4) times per year, or more often if needed at the location to be set by the Chair of the Board with at least ten (10) days advance written notice given to each governmental unit.

Subd. 5 Quorum. A quorum shall consist of a majority of the members of the Board of Directors.

Subd. 6 Officers. Officers shall consist of a chair, vice-chair, and four (4) members at large who shall be elected during the first meeting of the Board of Directors and during the first meeting following January 1 of each year. The vice-chair shall assume the role of chair during temporary absence or disability of the chair. Should another appointee succeed the chair during his/her term of office, the vice-chair shall serve as chair until the expiration of the chair's term. Should both the chair and vice-chair be succeeded prior to the expiration of their terms, the Board shall re-elect a new chair and vice-chair to serve until the following January 1. Should the offices of any or all members at large become vacant due to disability or succession, the Board shall by majority vote appoint the successor(s). The chair shall preside at all meetings of the Board, if present, and shall perform all other duties and functions usually incumbent upon such an officer.

Subd. 7 Executive Committee. The Executive Committee herein shall by majority vote, have the power between meetings to implement ministerial, as opposed to policy, decisions. Said Executive Committee members shall consist of the officers listed in subdivision 6: Chair, Vice-Chair, and four (4) Members at Large. This committee shall be comprised of three (3) County Commissioners and three (3) Soil and Water Conservation District Supervisors. The Executive Committee shall meet monthly in coordination with the Technical Committee and can call special meetings of the Board of Directors if deemed necessary.

Subd. 8 Authorities. The Board of Directors may adopt bylaws and establish rules and regulations relating to the exercise of its powers or the accomplishments of its purposes. The Board may employ, train, pay, discipline, discharge, and otherwise manage personnel needed to carry out its duties and responsibilities. The Board may enter into any contract, agreement, lease, or any other legal instrument necessary or proper for the exercise of its powers for the accomplishment of its purposes. The Board may apply for

and accept gifts, grants, or loans of money, or other property, real and personal from the United States, the State of Minnesota, or any other body, organization, political subdivision, or person, whether public or private.

Subd. 9 Procedure. The Board of Directors shall exercise all powers and authority through an affirmative vote of the majority of its members present at a regular meeting or at a duly held special meeting if a quorum is present.

Subd. 10 Compensation. There shall be no compensation paid by the Alliance for serving on the Board of Directors or Executive Committee.

Subd. 11 Plan. As soon as practicable after the ratification of this agreement by the parties hereto, the Board shall develop and adopt a plan for meeting the purposes outlined in SECTION 1, and shall update this plan as conditions warrant.

Subd. 12 Benefits. That if and when any costs are incurred other than administrative costs for any and all projects to be undertaken by said Board, said costs shall be apportioned in an equitable manner to the counties benefited. Any insurance costs shall be considered project costs.

Subd. 13 Administrative Budget. The annual administrative budget shall be submitted and approved on an annual basis by a majority of the Board of Directors, however, that the amount apportioned to be paid by any county be in accordance with attached Exhibit 1.

Subd. 14 Technical Committee. This Committee shall consist of one (1) Water Plan Coordinator and one (1) SWCD staff person from each county included in this agreement. The purpose of the Technical Committee is to provide technical advice to the Board of Directors and carry out other duties as directed by the Board. This Committee will coordinate with the Executive Committee.

Section 6 CHANGE OF AGREEMENT

The provisions of this agreement shall remain in effect until and unless amended by the Board of Directors with a two-thirds (2/3) vote of the membership thereof.

Section 7 TERMINATION OF AGREEMENT

This agreement shall remain in effect until rescinded or terminated by all parties thereto. Any damages incurred during the term of this agreement shall be apportioned in the same manner as other costs and divided among the member units, which shall accept responsibility for payment of their shares. All property, real and personal, held by the association at the time of termination, shall be distributed to the membership in a like manner.

Exhibit 1

Land within the Greater Blue Earth River Basin and percentage contributed to annual administrative budget.

<u>COUNTY</u>	<u>ACRES</u>	<u>PERCENT</u>
Brown	35,510	1.73
Blue Earth	374,333	18.27
Cottonwood	127,473	6.22
Faribault	461,379	22.52
Freeborn	100,782	4.92
Jackson	60,208	2.94
Le Sueur	2,122	0.11
Martin	356,826	17.41
Steele	22,893	1.12
Waseca	226,299	11.04
Watonwan	281,212	13.72
TOTAL	2,049,037	100.00

Figure 11

Board of Directors (22 members)

The board is the body responsible for the organization's highest level of decision-making and legal authority.

By law, the governing board is accountable for, and has authority over the affairs of the organization.

The board is made up of individual board members acting together as a whole.

Governing boards are responsible for:

Purpose	determining what need(s) the organization wishes to address and how they will fulfill it (<i>mission, goal, strategic plan, authorities, use of Board of Government Innovation & Cooperation, fundraising plan, resources, tools, technology, equipment, budget</i>)
Progress	setting the rate at which the organization takes on activities, programs and services to fulfill its purpose (<i>achieving organizational goals</i>)
Continuity	making sure that there are enough financial and human resources in place to guarantee the existence of the organization (<i>fundraising, financial management, staff and board leadership</i>)
Identity	clarifying to the community the organization's values, beliefs and services (communication)

Technical Committee (22 members)

The purpose of the Technical Committee is to provide technical advice to the Board of Directors and carry out other duties as directed by the Board. This Committee will coordinate with the Executive Committee.

MAJOR DUTIES:

- Assess and communicate land and water resource conditions.
- Offer recommendations on actions to enhance land and water resources in the Basin.
- Identify program and funding opportunities to address priority Basin issues.
- Regularly meet with Executive Committee and the Coordinator.
- Provide input on a comprehensive Basin plan.
- Develop citizen awareness and participation.
- Formulate guidelines to present to Board of Directors for allocating funds to priority areas of the Basin.
- Share information between Counties and SWCDs.

Opportunities are available, such as the recently announced EPA watershed initiative. Cohesion and a unified voice representing the Greater Blue Earth Basin will greatly improve chances for success. There's a strong feeling that unity and strength can be built through the combined efforts of Counties and SWCDs working together to achieve common goals and objectives.

Greater Blue Earth River Basin Alliance

Joint Powers Agreement (M.S. 471.59)

Twenty-two member Board of Directors

Eleven County Commissioners

Eleven SWCD Supervisors

Six member Executive Board

Three County Commissioners

Three SWCD Supervisors

Purpose:

To establish policies, goals, and objectives; select priority management areas; and coordinate implementation programs and activities that protect and enhance land and water resources in the Greater Blue Earth River Basin.

How does it work? What does it do?

The Board of Directors has certain legal responsibilities. It is accountable for, and has responsibility for all matters of the organization including those of a financial nature. Beyond that, however, the Board of Directors also serves as a forum for discussing and analyzing issues of significance to the Greater Blue Earth River Basin. The Board represents the entire Basin and conducts business in a way that allows competing viewpoints to be heard. Decisions are guided by the interests of the Basin and are based on credible information brought forward by the Technical Committee or by others that seek to inform the Board about issues of significance. This may include federal and state agency personnel, local citizens, elected officials, teachers, and others.

An important feature of the Board of Directors is that it represents twenty-two units of government in the Basin. These units of government have extensive authorities and responsibilities related to land and water resource protection. Because each governing board represented in the Alliance is made up of elected officials, the Alliance has direct links to the public.

What about staff?

An option is to provide staff support through the Water Resources Center (WRC). Staff will take responsibility for grant writing, coordinating and managing meetings, working with the Technical Committee, technical support, and general administrative services. Counties already appropriate funds to the WRC for technical assistance. An additional appropriation could be used to cover remaining services. These contributions can be used to match future grants.

Advantages:

- allows for very quick startup, space, equipment, and staff are in place so it isn't necessary to set up a new system
- a combination of skills can be accessed, both at the WRC and at MSU
- WRC manages considerable data pertaining to the Basin and has been involved in nearly all regional water resource studies occurring in the past
- WRC staff are interested in this type of work, and dedicated to making the Alliance successful

Disadvantages:

- staff have other obligations, Basin work probably won't be sole responsibility
- MSU is geographically located at the edge of the Basin
- staff are state employees, not local
- a dominant focus of the Alliance will be land treatment, something the WRC is not accustomed to doing

Committee to review organizational alternatives in the Blue Earth River Basin

Meeting summary

July 13, 2001

9:00 a.m. – Noon

Participants: Leo Bauer, Michele Stindtman, Ralph Prescher, Julie Conrad, Verlyn Nickel, Kurt Russell, Roger Bentz, Sanford Seibert, Darren Newville, Becky Schlorf Von Holdt, Linda Meschke, Dan Girolomo, Robert Finley.

The Committee met to continue discussions about replacing SCMCCWPP and BERBI with a new organization that will represent the Greater Blue Earth River Basin. Handouts summarizing the purpose and organizational structure of BERBI and SCMCCWPP were discussed (see enclosed summaries).

The Board of Government Innovation and Cooperation (BGIC) work plan and timeline were reviewed and participants thought this process fits what we're trying to accomplish and that we were moving along nicely and probably already into the third and fourth steps (see enclosed work plan and timeline). An important feature of the BGIC process is that we can use it to request changes in state programs that will make local programs easier to manage and implement.

Participants discussed strengths and weakness of Joint Powers Boards (M.S. 471.59) and Watershed Districts (M.S. 103D) as mechanisms for establishing formal agreements (see enclosed). There was consensus that a joint powers agreement is preferable to formation of a watershed district. It was emphasized that these two alternatives are not the only ones to consider, just that they seem to be the most popular.

There was discussion about what makes some organizations more effective than others and why it is important to have a clear sense of purpose before getting organized. The organization needs to be designed to carry out a predetermined mission or vision. This led to ideas about the role of a new organization. Advocacy, fundraising, establishing policies, goals, objectives, and priorities were listed as potential purposes. It was mentioned that credibility and integrity need to be established and that it is important to retain "Blue Earth" in the name of the new organization because it is a name recognized statewide and nationally.

Participants reviewed materials from meetings held on June 4 and June 26 including three similar, but slightly different organizational charts (enclosed). Consensus was reached that the previously identified internal stakeholders—County Commissioners, SWCD Supervisors, County/SWCD staff, and MSU Water Resources Center—would form the core of the organization. It was agreed that we need to do additional work on the exact makeup of the organizational structure (committees, etc.); it was agreed that the policy board should consist of one representative from each of the 11 County Boards and one

from each of the 11 SWCD Boards in the Greater Blue Earth River Basin, and that a technical committee also be developed to advise the policy committee. Another consideration is how to integrate watershed teams into a new structure.

Participants agreed that more information is needed on how the new organization would be staffed and funded—two topics viewed to be vital to organizational success. Duties, responsibilities, and authorities of each committee and participant in the organization also need clearer definition. This information will be prepared for the next meeting.

How money currently under direction of BERBI would be transferred to a new organization was discussed. It was agreed that funds recently granted by The McKnight Foundation to BERBI needed to be handled carefully, but that most of these funds are earmarked for work that could be done through the new organization as well as through BERBI, so a transfer is possible with input from McKnight staff.

Discussion was also held on how to submit 319/CWP applications in a timely fashion (due in October). It was recommended that a memorandum of understanding (MOU) be used to aid transition to a new organization, and that this MOU be drafted and approved by October 1, prior to submission of 319/CWP grant applications.

Blue Earth River Basin Committee
Meeting Summary
August 9, 2001
9:00 -- Noon

Participants: Roger Bentz, Sanford Seibert, Kurt Russell, Linda Meschke, Darren Newville, Marla Watje, Angela Knish, Becky Schlorf Von Holdt, Brandee Douglas, Ralph Prescher, Michele Stindtman, Alvis More, Julie Conrad, Tony Abrahamson, Robert Finley.

A summary of the July 13 meeting was reviewed and accepted. It was agreed to devote the first one-half of today's meeting to a discussion of a draft memorandum of understanding (MOU) and the second one-half to Section 319 and Clean Water Partnership grant applications that are due mid-October.

The discussion began by considering the purpose of an MOU. Members agreed it was a temporary agreement outlining principles of communication and cooperation up until the time a new organization is formed. There were several questions about the nature of this new organization. It was agreed that a number of details still need to be worked out, but the new organization would represent the Greater Blue Earth River Basin and include representatives from the eleven Counties and SWCDs in the Basin. An important detail needing further attention is how to build the organization if there is less than unanimous support. If one, two, or more of the twenty-two units of government don't enter into an agreement, how will this be handled?

Changes made to the draft MOU included: use of the phrase "land and water resources" rather than "water quality" in the second paragraph; adding a target date of July 1, 2000 to create a new organization; re-phrasing the section regarding when SCMCCWPP and BERBI discontinue; substituting the term "sunset" for "disband"; removing the clause indicating how resources of SCMCCWPP and BERBI will be disbursed at the time they sunset; re-organizing the section that details actions during the interim period leading up to formation of a new organization; inserting greater detail into the section on cooperation to include "identifying ideas to submit as grant applications and proposals, monthly meetings, and including a copy of the MOU in grant applications"; and adding a statement to "project an image of cooperation and collaboration to appropriate state and federal agencies."

Considerable discussion was held on the timing of starting a new organization and discontinuing the old organizations: SCMCCWPP and BERBI. In particular, BERBI has program and financial obligations that will extend beyond the date a new organization is formed. It was decided to acknowledge this in the MOU by including language stating that these two organizations will sunset when a formal agreement is reached, or when obligations "have been completed or transferred".

Committee members recommended a joint meeting be held the evening (5:30 p.m.) of September 5 to present the MOU to the thirteen member counties of SCMCCWPP, and the eleven SWCDs in the Basin.

Potential Section 319 and Clean Water Partnership grant applications were discussed. It was suggested these ideas be presented at the September 5 meeting along with any additional ideas brought forward from Sibley and Nicollet counties.

Blue Earth River Basin Committee
Meeting Summary
October 5, 2001
9:00 -- Noon

Participants: Roger Bentz, , Linda Meschke, Darren Newville, Marla Watje, Angela Knish, Becky Schlorf Von Holdt, Ralph Prescher, Michele Stindtman, Verlyn Nickel, Robert Finley.

A summary of the August 9 meeting was reviewed and accepted.

Discussion was held on remaining steps toward formation of a Greater Blue Earth River Basin organization. It was suggested more time be devoted to understanding current programs (County/SWCD), how they work, who's doing what, and how well things are working. It was recognized that there are many different planning and implementation efforts underway, some of which complement one another, but others that may be conflicting. Sorting these things out will help clarify the most appropriate type of new organization to build. Developing a matrix of land and water resource functions performed by each County was recommended as a good way to educate Committee members along with board and staff members basin-wide.

Contents of a handout previously mailed to Committee members was reviewed and discussed. The handout summarized state statutes and rules governing local land and water resource programs and activities. Minnesota Statutes 103B empowers counties to develop County Water Plans and establishes a funding mechanism for plan implementation; 103C describes powers of Soil and Water Conservation Districts; Minnesota Rules, Chapter 8400.0600 describes means whereby the state allocates funds to SWCDs to implement conservation practices; Minnesota Statutes 103F, the Clean Water Partnership Law, establishes a process for enacting watershed plans; and Minnesota Rules, Chapter 7076 describes contents of these plans and creates a mechanism for obtaining grants and loans to implement approved watershed plans.

These various statutes and rules were discussed in terms of their effect on programs and activities of County government and Soil and Water Conservation Districts (SWCDs). For example, in most cases the County Water Plan and the SWCD Comprehensive plan are one in the same, but when it comes to implementation counties are eligible for Clean Water Partnership (CWP) grants, SWCDs are not. SWCDs mainly rely on state cost-share distributed through the Board of Water and Soil Resources (BWSR) the same agency that administers the grant program for County Water Plans.

A brief discussion ensued on work being conducted by BWSR looking at "district capacity", and developments in some areas of the state whereby SWCD functions are being absorbed into County government. In some cases this may mean termination of the SWCD, in others it may result in some type of reorganization. Committee members expressed the need to follow these developments as they unfold, and also expressed the

belief that the work we're doing is very timely and that we have an opportunity to chart our own destiny.

Members agreed that one of the main outcomes of a new organization would be to enhance current County and SWCD efforts, not to replace them with something else, nor to interfere by adding another layer of administration. Coordination was identified as a principal function of the new organization, as was using political influence to attract more money. The diagram of internal and external stakeholders developed back in June was reaffirmed as the appropriate organizational model. Although a joint powers board is the preferred structural alternative, it was agreed to further examine other alternatives, though a formal watershed district (MS 103D) is not favored. Agreement was also reached on the point that local government needs to take responsibility for providing the organization with base administrative funding. Options for accomplishing this will be discussed at upcoming meetings.

The Committee agreed to meet monthly on the first Friday and to schedule additional meetings to which Commissioners, Supervisors, and staff from the eleven Counties and SWCDs in the Basin will be invited.

Blue Earth River Basin Committee
Meeting Summary
November 2, 2001
9:00 a.m. -- Noon

Participants: Roger Bentz, Linda Meschke, Darren Newville, Becky Schlorf Von Holdt, Ralph Prescher, Michele Stindtman, Julie Conrad, Steve Donnelly, Curt Russell, Chris Hughes, Robert Finley

A summary of the October 5 meeting was reviewed and accepted.

Some advantages to a new Blue Earth River Basin organization were reviewed including such things as establishing a watershed scale for implementation, providing coordination across the Basin, providing access to funding, creating networking opportunities, and establishing water quality goals and objectives for the Basin. The matrix of county programs discussed at the last meeting still isn't completed but will be shortly. The preliminary assessment is that the eleven counties in the Basin offer many of the same programs, but there are slight differences in the way each county organizes its environmental services. Faribault County may be the exception because of the way it has combined County and SWCD programming. Faribault County also is revising the County Comprehensive Land Use Plan and will be using this revision as an opportunity to consolidate several water and land use plans into one document. Other counties will complete this same exercise in the near future.

The Committee decided to summarize results of previous meetings and prepare a set of recommendations for Commissioners and Supervisors in the Blue Earth River Basin. These recommendations will be related to the creation of a new organization represented by the eleven counties and eleven SWCDs in the Basin. Included will be such items as: the purpose for establishing a new organization and what it will accomplish; authorities of a Board of Directors; funding options for sustaining the organization; and a draft formal agreement for establishing the organization.

Committee members discussed some of the difficulties associated with raising money to support a Basin-wide organization. It was noted that each County presently contributes to several water-related organizations and that many Commissioners are looking for ways to reduce the number of contributions they make. This may be an outcome of re-organization. Certainly, this study will help explain how funds are currently expended and help people understand the different roles and responsibilities of various groups and organizations in the Basin.

It was noted that communication is at the heart of successful Basin activities and that what is needed is a vehicle that promotes and allows communication to occur. A fundamental reason for creating a new Blue Earth Basin organization is to improve communication among the multiple parties working in the Basin. Is that a sufficient reason to create a new organization, or can communication be improved in some other

way? For example, the recently adopted MOU establishes a framework for communication (and cooperation) that can serve as the foundation for future activities. As time goes on, it can be expanded or broadened to cover emerging circumstances. A new organization, however, provides a more formal structure for setting priorities within the Basin and for insuring accountability for actions taken by one or more participants.

The Committee agreed to meet the first Friday of January to finalize recommendations and schedule a meeting for all Commissioners and Supervisors in the Basin on January 30, 2002.

South Central Minnesota County Comprehensive Water Planning Project (SCMCCWPP)

A joint powers agreement entered into in 1987 by the counties Freeborn, Faribault, Martin, Jackson, Cottonwood, Watonwan, Blue Earth, Waseca, Steele, Brown, Nicollet, Sibley and Le Sueur. The agreement was revised in 1989.

The purpose of this agreement is to enable signature counties to develop comprehensive water plans for the purpose of identifying existing and potential problems and opportunities for the protection, management, and development of water and related land resources; also to 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.

The organization is funded by in-kind and direct contributions from each of the thirteen counties as determined by the policy committee and ratified by each individual county board.

Organizational structure

The governing body is a Policy Committee composed of one county commissioner from each of the thirteen participating counties and one at large ex-officio member representing the elected soil and water conservation district supervisors in the thirteen county area. This representative is appointed by the Policy Committee. Alternate commissioners are also appointed. Each regular and alternate member is appointed for two-year terms commencing on the first day of January. There is no limit to the number of successive terms a commissioner may serve.

The Policy Committee may engage in any planning, advising, organizing, coordinating, or administering necessary or proper for the exercise of its powers or the accomplishment of its purposes. The chairperson shall perform such duties and exercise such powers as assigned by Policy Committee resolution or bylaw.

The Policy Committee shall elect from among its members a chairperson, 1st vice chairperson, and 2nd vice chairperson for two-year terms.

Each member county board designates a county staff person to serve on the Technical Committee to coordinate county activities and provide technical advice.

May adopt bylaws and establish rules and regulations relating to the exercise of its powers or the accomplishments of its purpose.

May employ, train, pay, discipline, discharge, and otherwise manage personnel needed to assist the Policy Committee in carrying out its duties and responsibilities.

The agreement continues indefinitely and may be amended only by unanimous action of the member counties.

Blue Earth River Basin Initiative (BERBI)

A joint powers agreement entered into in 1993, amended in 1997 and 2000. The membership consists of Blue Earth, Cottonwood, Jackson, Martin, Steele, Waseca and Watonwan Soil and Water Conservation Districts (SWCDs).

Purpose:

Improve the Blue Earth River system (Le Sueur, Blue Earth, and Watonwan Rivers) by:

1. Providing comprehensive watershed management, with a focus toward implementation of practices to improve water quality;
2. Conducting projects that may encompass the entire watershed area;
3. Operating for purposes that are beneficial to the public interest;
4. Operating for purposes that are charitable and educational within the meaning of section 501 (c)(3); and
5. Operating for purposes of beaver damage control of activities causing damage to public waters, roads and ditches and adjacent private property.

The organization is funded through a combination of local (county/SWCD) appropriations and grants.

**Organization of Agencies Responsible for Water Resource
Management in the South Central Minnesota River Basin; A
Preliminary Report**

Public Policy Analysis 669
Carl D. Ekstrom Ph. D.
Minnesota State University, Mankato
Final Analysis Reoprt
May 11, 2001

Submitted by:

Carl Berg
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TABLE OF CONTENTS

	Page
I. Summary	1
II. Introduction	2-3
III. Problem Statement	4
IV. Methods	5-6
A. Figure 1	6
V. Results	7-13
A. Table I	8
B. Figures 2-5	9-12
C. Table II	13
VI. Recommendations	14-15
VII. Conclusions	16-17

SUMMARY

Many agencies are responsible for management of water resources, ranging from federal, state and local government agencies to concerned citizen groups. Due to the growing number of contributing agencies, the Water Resources Center at Minnesota State University, Mankato was interested in evaluating the efficiency of activities performed by groups in the South Central Minnesota River basin area. They were concerned with the activities performed by multiple agencies in a set geographic area and the allocation of funding to multiple agencies. A telephone survey was performed, and data analyzed to formulate the conclusions presented in this report.

INTRODUCTION

The Minnesota River basin covers an area of 9.5 million acres of land in the state of Minnesota, 7.5 million of which are used for agricultural production. The river basin covers all or portions of thirty-seven counties and is broken up into 13 sub-watersheds. Management activities are performed by a variety of agencies ranging from federal to local units of government. This report deals specifically with thirteen counties and the agencies responsible for water resource management within this area.

Water resources are viewed as pure public goods because everyone can consume the resource. However, rivalrous consumption of public goods can lead to overexploitation often referred to as "The Tragedy of the Commons". Water use is rivalrous because one person's use can limit the amount available for another person. "The Tragedy of the Commons" results when individuals use a resource and the collective effect is the overexploitation of the resource as a whole.

The threat of overexploitation has led to governmental intervention for the management of these resources. While everyone agrees that water resource management is necessary, no one management strategy is used by every governmental agency. Historically, one strategy for water resource management was the formation of Soil and Water Conservation Districts (SWCD). In response to the "dust bowl" of the 1930's, Minnesota Statute 103C was legislated. This statute provided the basis for the creation of the first SWCD in 1938 near the city of Winona.

Later, management focused more on the cooperation of several county agencies, which has led to a number of joint powers agreements. Minnesota Statute 471.59 created

the framework for such cooperative efforts by governing bodies. One such example of the joint exercise of powers has created the South Central Comprehensive Water Plan Joint Powers Board (SCCWPJPB).

Currently management activities have shifted toward emphasis of natural watershed boundaries rather than political jurisdiction. Counties are still required to produce water plans, but should consider watershed characteristics when developing such plans. Several agencies, ranging from federal to local in nature, are charged with management of water resources within the same geographic area. While attempting to achieve the same objectives, different agencies often perform the same activities to reach their goals.

PROBLEM STATEMENT

The Water Resources Center located at Minnesota State University, Mankato established two objectives for this preliminary report. First, they were interested in determining whether government agencies provide the same management activities within a given geographic area. Secondly, the center was concerned with whether government agencies allocate funds appropriately to avoid overlap in watershed management activities.

METHODS

To solve our problem we broke up our methods into four parts. First we identified the managing agencies. To accomplish this we performed an internet search of all organizations with interest within the South Central Minnesota River basin. This list was very extensive, therefore we limited our scope of the project to include only local agencies. The prepared list was then presented to our client for final approval. Figure 1 illustrates the coordination between the analysts and clients.

Next, we categorized the management activities for the local agencies being analyzed. With consultation from our client we categorized the activities into six activities: education, research, implementation, planning, regulation, and taxing authority.

The third step in the process was to conduct a survey of agencies identified. Telephone interviews were conducted to obtain the requested information. Managers were asked to provide their opinion of their agency's responsibilities according to the six categories developed.

The last step was to compile and analyze the information to determine if overlap occurs in the area being investigated. Data was tabulated and graphed for ease of interpretation. The entire project was presented to all parties involved in the project.

Responsibility Flow Chart of Project Personnel

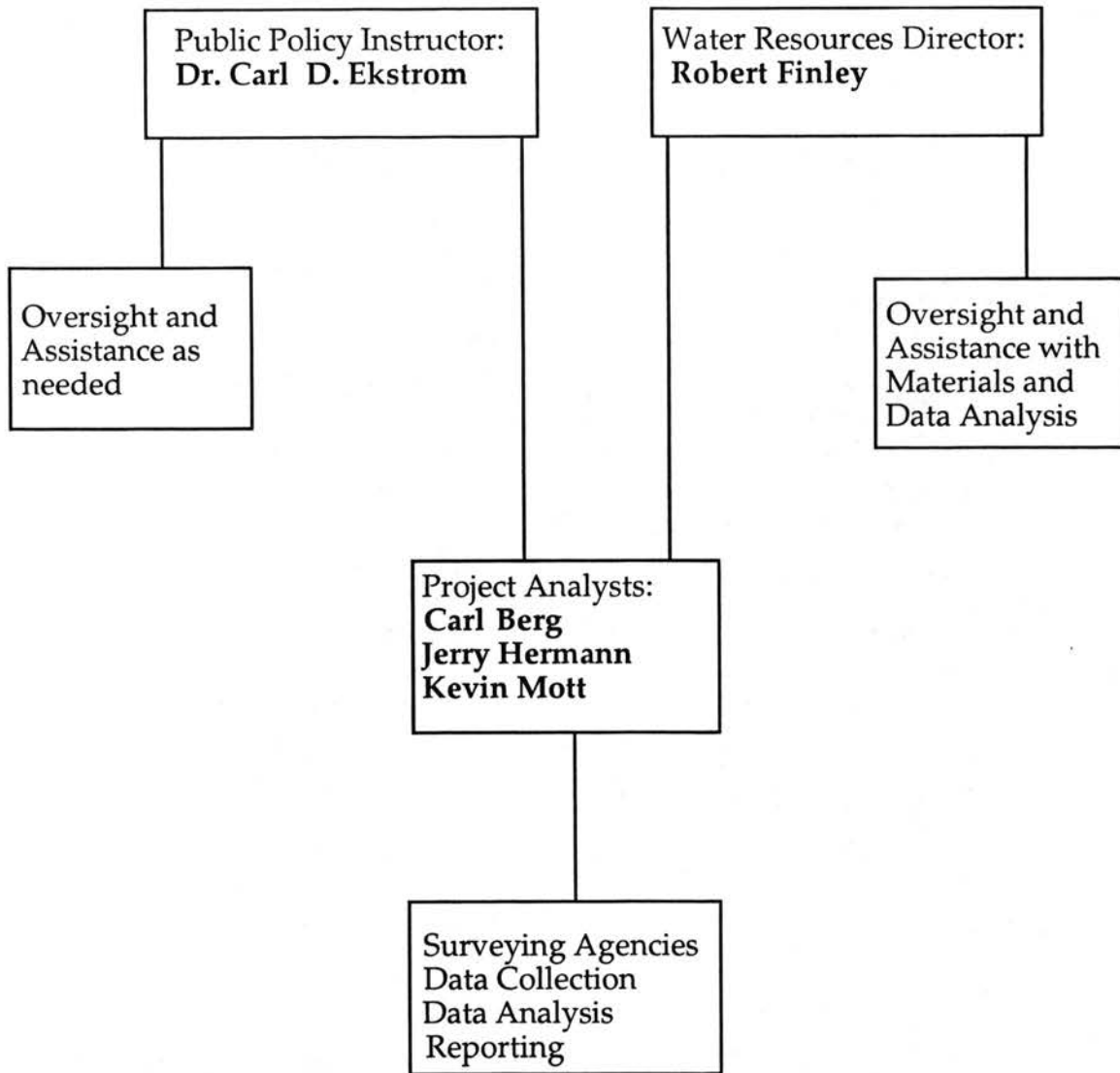


Figure 1

RESULTS

The result of our preliminary search for local agencies is displayed in Table I. This table displays the responses given by agencies contacted for the six management activities. Managers were asked to respond whether or not they felt their organization performed the activities. A brief description of the management activities are as follows:

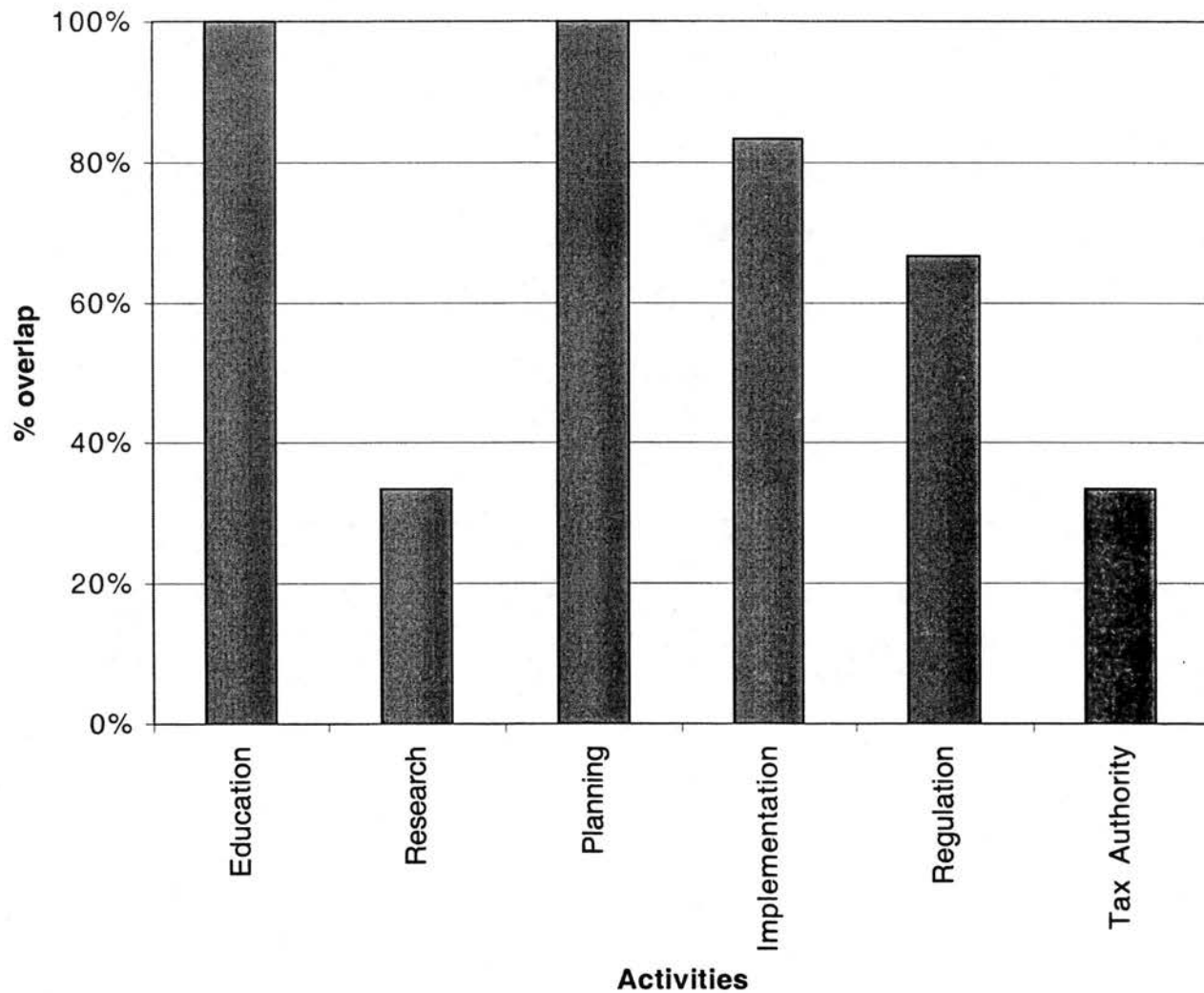
- Education- this would include brochure development, community outreach, and local forums.
- Research- including water chemistry and monitoring.
- Implementation- involves land treatment, and best management practices (BMP's).
- Planning- developing local water plans, septic programs, and feedlot permitting
- Regulation- enforcement of existing governmental policies.
- Taxing Authority- does the agency generate revenue through taxation.

Visual representation of the overlap of agency management activities can be seen in Figures 2 through 5. These figures are the results for selected counties, the remaining data can be found within appendix A at the end of our report. From the data collected the results indicate there is a significant overlap in agencies management activities in a given geographic area.

While this research focuses on management overlap, inconsistencies with funding distribution were detected. Blue Earth County is a good example of this overlap in funding. The county pays into MRBJBP, SCMCWPJPB, Blue Earth River Basin Initiative (BERBI), and into the SWCD. Table II represents the percent overlap of management activities performed by organizations that Blue Earth County contributes to.

Table I. Summary of Agencies Contacted and Response to Survey						
Agency	Education	Research	Planning	Implementation	Regulation	Taxing Authority
Blue Earth County						
Environmental Services	x	x	x	x	x	x
Watsonwan County						
Water Planning	x	x	x	x	x	x
Sibley County						
Environmental Services						
Le Sueur County						
Environmental Services	x	x	x	x	x	x
Nicollet County						
Environmental Services	x	x	x	x	x	x
Brown County						
Water planning	x		x		x	
Cottonwood County						
Planning and Zoning		x		x	x	
Jackson County						
NRCS	x	x	x	x	x	
Environmental Services		x	x	x	x	
Martin County						
Environmental Services	x	x	x	x	x	x
Freeborn County						
Water Planning	x		x	x	x	x
Waseca County						
Water Planning	x	x	x	x	x	x
Miscellaneous						
Redwood-Cottonwood Rivers Control Area	x	x	x	x	x	
Brown-Nicollet Environmental Health Office	x	x	x	x		
Brown, Nicollet, Cottonwood Groundwater Project (CWP)	x	x	x	x		
Blue Earth River Basin Initiative (BERBI)	x		x	x		
Minnesota River Basin Joint Powers Board	x		x		x	x
South Central Comprehensive Water Plan Joint Powers Board	x		x	x		
Board of Water and Soil Resources						
Waseca SWCD	x	x	x	x		
Watsonwan SWCD	x		x	x	x	
Blue Earth SWCD	x		x	x	x	
Brown SWCD			x	x		
Cottonwood SWCD					x	
Sibley SWCD	x	x	x	x	x	
Faribault SWCD	x	x	x	x	x	x
Freeborn SWCD			x	x		

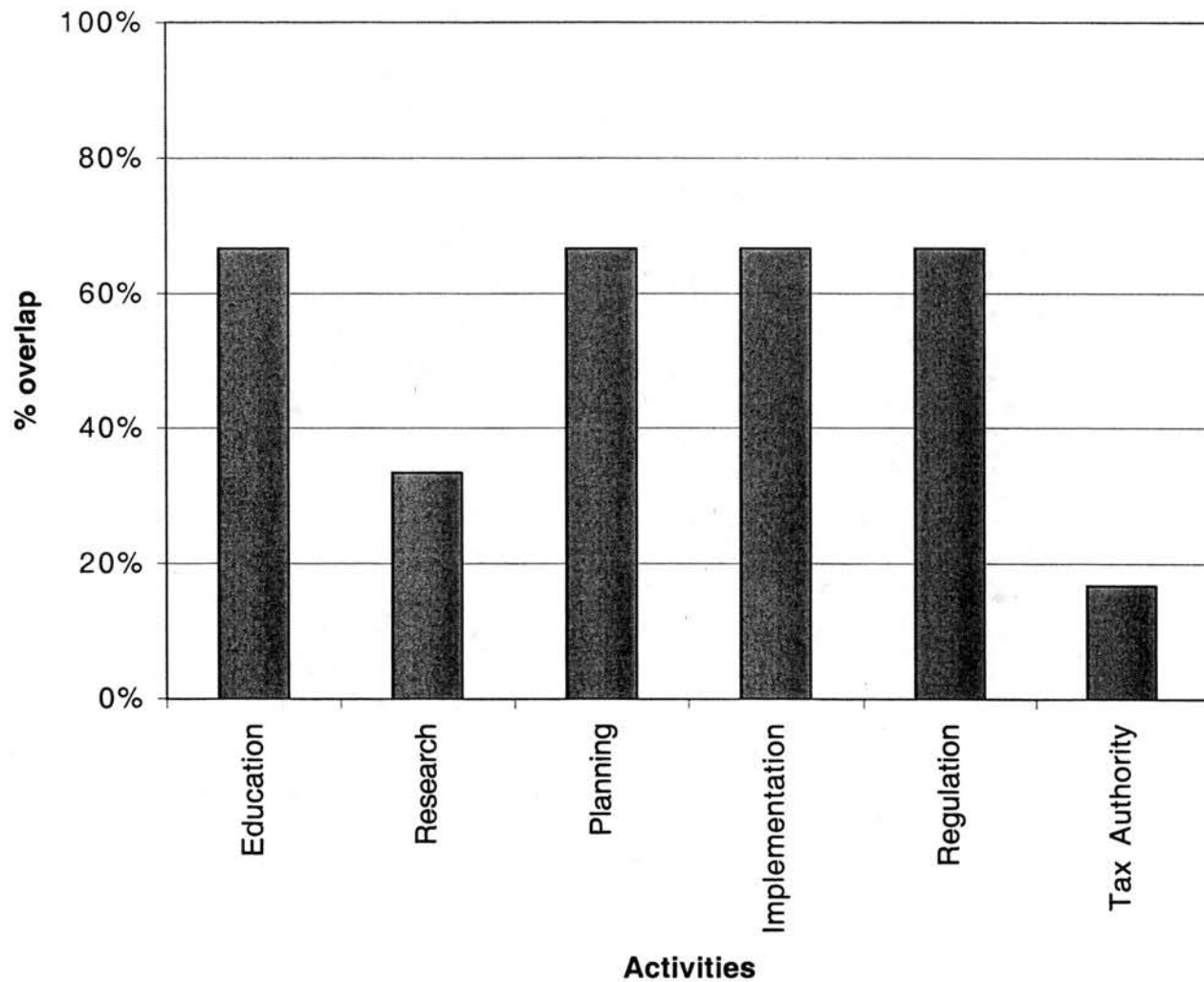
Figure 2. Percentage Overlap in Activities for Agencies within Blue Earth County



Blue Earth County Management Agencies							
	SCMCCWP	MRBJPB	BERBI	RCRCA	BEC En Ser	BEC SWCD	% overlap
Education	x	x	x	x	x	x	100%
Research				x	x		33%
Planning	x	x	x	x	x	x	100%
Implementation	x		x	x	x	x	83%
Regulation		x		x	x	x	67%
Tax Authority		x			x		33%

Figure 2. Bar graph of the results of a survey conducted in Blue Earth County MN
A table of raw data is included

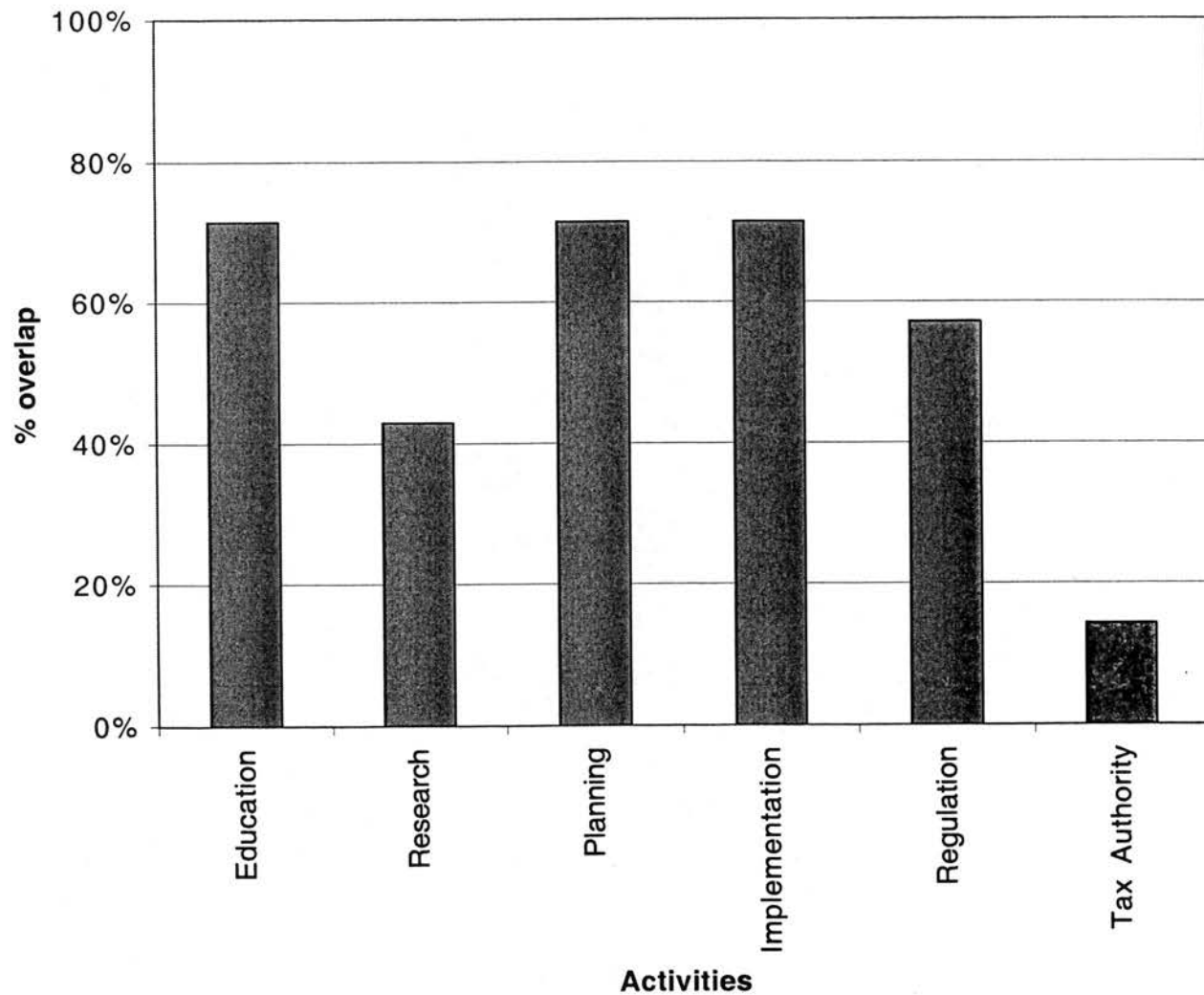
Figure 3. Percentage Overlap in Activities for Agencies in Brown County



Brown County Management Agencies							
	SCMCCWP	MRBJPB	BNC	RCRCA	BC Wat Plan	BC SWCD	% overlap
Education	x	x	x	x	x		67%
Research			x	x			33%
Planning	x	x	x	x	x		67%
Implementation	x		x	x		x	67%
Regulation		x		x	x	x	67%
Tax Authority		x					17%

Figure 3. Bar graph of the results of a survey conducted in Brown County MN
A table of raw data is included

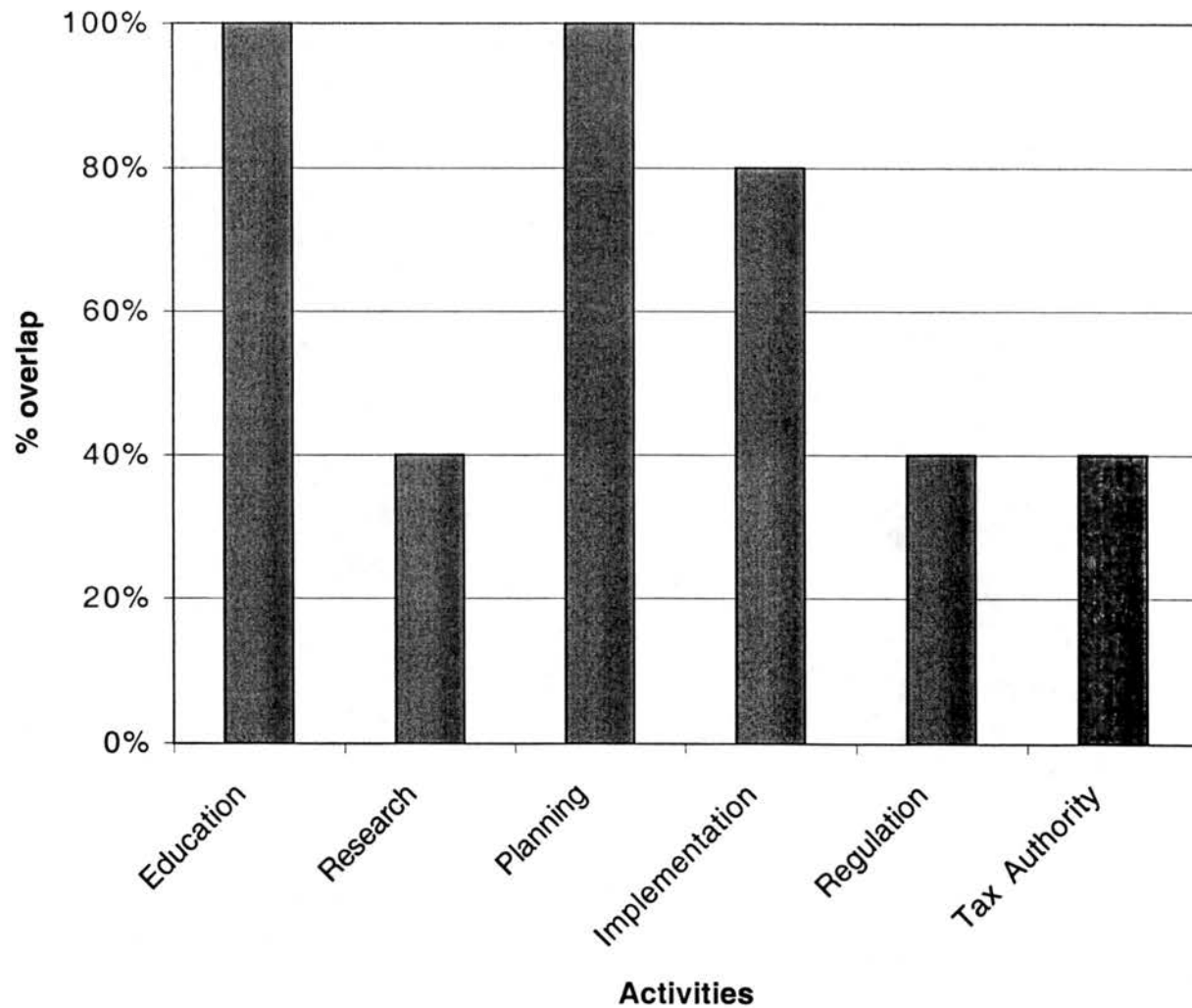
Figure 4. Percentage Overlap in Activities for Agencies in Cottonwood County



Cottonwood County Management Agencies								
	SCMCCWP	MRBJPB	BERBI	BNC	RCRCA	CC Plan	CC SWCD	% overlap
Education	x	x	x	x	x			71%
Research				x	x	x		43%
Planning	x	x	x	x	x			71%
Implementation	x		x	x	x	x		71%
Regulation		x			x	x	x	57%
Tax Authority		x						14%

Figure 4. Bar graph of the results of a survey conducted in Cottonwood County MN
A table of raw data is included

Figure 5. Percentage Overlap in Activities for Agencies in Waseca County



Waseca County Management Agencies						
	SCMCCWP	MRBJPB	BERBI	WaC Wat Plan	WaC SWCD	% overlap
Education	x	x	x	x	x	100%
Research				x	x	40%
Planning	x	x	x	x	x	100%
Implementation	x		x	x	x	80%
Regulation		x		x		40%
Tax Authority		x		x		40%

Figure 5. Bar graph of the results of a survey conducted in Waseca County MN
A table of raw data is included

Blue Earth County Management Agencies							
	SCMCCWP	MRBJPB	BERBI	RCRCA	BEC En Ser	BEC SWCD	% overlap
Education	x	x	x	x	x	x	100%
Research				x	x		33%
Planning	x	x	x	x	x	x	100%
Implementation	x		x	x	x	x	83%
Regulation		x		x	x	x	67%
Tax Authority		x			x		33%

Table II. Data illustrating the overlap in activities for agencies funded in part by Blue Earth County

RECOMMENDATIONS

From this research, we can see the difficulties experienced between county and local agencies in their management efforts. The difficulties include a lack of coordination and cooperation between counties and respective agencies within a county. Even though water resource management policies have changed the existing agencies are still in place when new agencies are created. Overlap may exist due to this phenomenon.

There are several tactics available to minimize the inefficiencies created by this overlap. Prior to new agency development, considerations should be taken as to the responsibilities they will perform to avoid overlap. Newly formed watershed based groups that require external funding, such as BERBI, collect monies from the county and provide the same services that the county management agencies provide. While this strategy will limit the affect of future management it does not resolve the current situation.

Another possible solution would be the elimination of agencies found to be unproductive in achieving water resource management objectives. The logistics of this strategy may prove to be difficult due to organizational rivalry and personal pride. Extensive research would be necessary to identify vital agencies as well as redundancy found in management agency function. Even if an analysis shows that an agency is not providing efficient services the agencies employees may feel that they are accomplishing their objectives.

These would be possible solutions at a statewide level, however county governments could monitor the allocations of water resource funding more closely. When

appropriating funds, counties should be aware of the specific management goals those funds are being used for. Counties should identify how much funding an agency receives based upon the services they provide. In this way they could reduce overlap in funding and create more effective management of water resources. For example, Blue Earth County could delegate educational activities to the SWCD and research activities could be directed toward the environmental services department. The counties would only be monetarily responsible for specific services.

These are just a few of the possibilities that could be utilized in providing solutions to the complex nature of this current dilemma. Perhaps an amalgamation of several of the techniques could provide the most optimal outcome.

CONCLUSION

From the preliminary research we have conducted our data indicates that overlap is common between agencies responsible for water resource management. With respect to each agency's activities and responsibilities there also appears to be an overlap with funding allocations. In order for more conclusive evidence to be produced, further analysis of government agencies and responsibilities needs to be completed.

We would recommend that if the research project were to continue that certain measures be taken in order to ensure proper identification of problem areas. One source of error in this report was the use of multiple interviewers. Respondents may have been influenced by the style of interview performed by the three different investigators.

An easy remedy would be to develop a standardized questionnaire that a single interviewer would administer to all the managers. This questionnaire would provide specific examples of each of the six activities being investigated. It could also use a quantitative scale (ex. 0-10) to provide a more accurate reflection of the manager's perception of the services their agency performs.

Another limitation of this preliminary report is the restricted scope of agencies contacted. Further research would require a broad spectrum of agencies throughout the entire Minnesota River basin. Some of the agencies that should be included are: federal (such as the US Environmental Protection Agency, US Geological Survey, and the Natural Resource Conservation Service), state (such as the Minnesota Pollution Control Agency and the Minnesota Department of Natural Resources), and non-governmental (such as Coalition for a Clean Minnesota River and Clean Up Our River Environment).

Additional information on the exact dollar amounts contributed by counties may be an important variable to consider in future analysis. How much of the county's contributions are actually used for these activities and what percentage of the county's budget is allocated for water resource management are two questions that should be investigated in more detailed research.

In conclusion, although this is only a preliminary report, the data collected does provide guidance and direction for future analysis. This report has identified the existence of inefficiency in water resource management and has provided possible solutions for the South Central Minnesota River basin.