

Clean Water Council

Mission, Authority, and Organizing Principles

Mission:

The Clean Water Council will provide advice to the Legislative and Executive branches of government on the administration and implementation of the Clean Water Legacy Act and facilitate coordination between all stakeholders playing a role in achieving Clean Water for all Minnesotans.

Authority:

The Minnesota Legislature in 2006 authorized the Clean Water Council to:

- Advise on the administration and implementation of the Clean Water Legacy Act (Act);
- Foster coordination and cooperation among all public agencies and private entities concerning water management, conservation, land use, land management, and development plans as relevant to the implementation of the Act;
- Advise on the development of appropriate processes for expert public and private scientific review to provide appropriate independent expert advice on models, methods, and approaches used in identifying impaired waters, developing TMDLs, developing TMDL implementation plans, and implementing prevention and restoration activities.
- Recommend a work plan for implementation of the Act;
- Recommend to the Governor clean water funding priorities to identify impaired waters, develop TMDLs, implement restoration of impaired waters, and provide assistance and incentives to prevent waters from becoming impaired and improve the quality of waters which as listed as impaired but have no approved TMDL; and
- Develop strategies for informing, educating, and encouraging the participation of citizens, stakeholders, and others in this cause.

Vision and Organizing Principles:

The Council seeks to work with Minnesotans in pursuit of Clean Water, where lakes, rivers, and streams achieve and maintain water quality standards, and sound watershed stewardship prevents future pollution of these valued Minnesota resources. To pursue this vision, the Council has identified the following principles:

- A. **Civic Engagement:** Clean Water is vital to the overall quality of life and the health of our society. All Minnesotans have contributed to the impairment of our waters, therefore; we all have a stake in pursuing the necessity of clean water. It is vital that the Council develop effective ways to engage all of us in the endeavor to protect and restore MN's surface water resources.

- B. Priority Recommendations: The Council will carefully consider the goals, policies, and priorities established in the Act, when recommending priorities for scheduling and preparing TMDLs, priorities for funding restoration of impaired waters, and priorities for funding prevention actions within the context of available and necessary resources.
[See Clean Water Legacy Act Section 114D.20]
- C. Work Integration: The work of various state agencies and their partners to advance the Clean Water agenda must be effectively integrated to reflect a comprehensive work plan and strategies that maximize the effective use of human and capital resources.
- D. Local Partnerships: Watershed partnerships are critical to the effective development and implementation of many TMDLs. Local partners often can accomplish the most effective outreach to stakeholders, identify the most effective solutions to impaired water problems, leverage public and private expertise, and secure funding essential for augmenting state funding.
- E. Measurable Outcomes: Clean Water funding must be accompanied by a clear understanding of the outcomes to be achieved by the funded projects and the delineation of specific standards of accountability to achieve these outcomes.
- F. Prevention: Public and private resources must be employed to provide assistance and incentives to prevent waters from becoming impaired, and to improve the quality of waters that are listed as impaired but do not have an approved TMDL addressing the impairment.
- G. Strategic Research: The Clean Water Council should recommend targeted, timely and sustainable research programs in order to effectively monitor, protect and preserve Minnesota's surface water resources.
- H. Monitoring: Integrating water-quality monitoring work conducted by government and consulting professionals along with citizens and non-profit organizations, according to established protocols, can provide a more comprehensive assessment of the state's surface water resources.

FOR REFERENCE: CLEAN WATER LEGACY ACT

114D.20 IMPLEMENTATION; COORDINATION; GOALS; POLICIES; AND PRIORITIES.

Subdivision 1. **Coordination and cooperation.** In implementing this chapter, public agencies and private entities shall take into consideration the relevant provisions of local and other applicable water management, conservation, land use, land management, and development plans and programs. Public agencies with authority for local water management, conservation, land use, land management, and development plans shall take into consideration the manner in which their plans affect the implementation of this chapter. Public agencies shall identify opportunities to participate and assist in the successful implementation of this chapter, including the funding or technical assistance needs, if any, that may be necessary. In implementing this chapter, public agencies shall endeavor to engage the cooperation of organizations and individuals whose activities affect the quality of surface waters, including point and nonpoint sources of pollution, and who have authority and responsibility for water management, planning, and protection. To the extent practicable, public agencies shall endeavor to enter into formal and informal agreements and arrangements with federal agencies and departments to jointly utilize staff and educational, technical, and financial resources to deliver programs or conduct activities to achieve the intent of this chapter, including efforts under the federal Clean Water Act and other federal farm and soil and water conservation programs. Nothing in this chapter affects the application of silvicultural exemptions under any federal, state, or local law or requires silvicultural practices more stringent than those recommended in the timber harvesting and forest management guidelines adopted by the Minnesota Forest Resources Council under section [89A.05](#).

Subd. 2. **Goals for implementation.** The following goals must guide the implementation of this chapter:

- (1) to identify impaired waters in accordance with federal TMDL requirements within ten years after the effective date of this section and thereafter to ensure continuing evaluation of surface waters for impairments;
- (2) to submit TMDL's to the United States Environmental Protection Agency for all impaired waters in a timely manner in accordance with federal TMDL requirements;
- (3) to set a reasonable time for implementing restoration of each identified impaired water;
- (4) to provide assistance and incentives to prevent waters from becoming impaired and to improve the quality of waters that are listed as impaired but do not have an approved TMDL addressing the impairment;
- (5) to promptly seek the delisting of waters from the impaired waters list when those waters are shown to achieve the designated uses applicable to the waters; and
- (6) to achieve compliance with federal Clean Water Act requirements in Minnesota.

Subd. 3. **Implementation policies.** The following policies must guide the implementation of this chapter:

- (1) develop regional and watershed TMDL's and TMDL implementation plans, and TMDL's and TMDL implementation plans for multiple pollutants, where reasonable and feasible;
- (2) maximize use of available organizational, technical, and financial resources to perform sampling, monitoring, and other activities to identify impaired waters, including use of citizen monitoring and citizen monitoring data used by the Pollution Control Agency in assessing water quality must meet the requirements in Appendix D of the Volunteer Surface Water Monitoring Guide, Minnesota Pollution Control Agency (2003);
- (3) maximize opportunities for restoration of impaired waters, by prioritizing and targeting of available programmatic, financial, and technical resources and by providing additional state resources to complement and leverage available resources;
- (4) use existing regulatory authorities to achieve restoration for point and nonpoint sources of pollution where applicable, and promote the development and use of effective nonregulatory

- measures to address pollution sources for which regulations are not applicable;
- (5) use restoration methods that have a demonstrated effectiveness in reducing impairments and provide the greatest long-term positive impact on water quality protection and improvement and related conservation benefits while incorporating innovative approaches on a case-by-case basis;
 - (6) identify for the legislature any innovative approaches that may strengthen or complement existing programs;
 - (7) identify and encourage implementation of measures to prevent waters from becoming impaired and to improve the quality of waters that are listed as impaired but have no approved TMDL addressing the impairment using the best available data and technology, and establish and report outcome-based performance measures that monitor the progress and effectiveness of protection and restoration measures; and
 - (8) monitor and enforce cost-sharing contracts and impose monetary damages in an amount up to 150 percent of the financial assistance received for failure to comply.

Subd. 4. **Priorities for identifying impaired waters.** The Pollution Control Agency, in accordance with federal TMDL requirements, shall set priorities for identifying impaired waters, giving consideration to:

- (1) waters where impairments would pose the greatest potential risk to human or aquatic health; and
- (2) waters where data developed through public agency or citizen monitoring or other means, provides scientific evidence that an impaired condition exists.

Subd. 5. **Priorities for preparation of TMDL's.** The Clean Water Council shall recommend priorities for scheduling and preparing TMDL's and TMDL implementation plans, taking into account the severity of the impairment, the designated uses of those waters, and other applicable federal TMDL requirements. In recommending priorities, the council shall also give consideration to waters and watersheds:

- (1) with impairments that pose the greatest potential risk to human health;
- (2) with impairments that pose the greatest potential risk to threatened or endangered species;
- (3) with impairments that pose the greatest potential risk to aquatic health;
- (4) where other public agencies and participating organizations and individuals, especially local, basinwide, watershed, or regional agencies or organizations, have demonstrated readiness to assist in carrying out the responsibilities, including availability and organization of human, technical, and financial resources necessary to undertake the work; and
- (5) where there is demonstrated coordination and cooperation among cities, counties, watershed districts, and soil and water conservation districts in planning and implementation of activities that will assist in carrying out the responsibilities.

Subd. 6. **Priorities for restoration of impaired waters.** In implementing restoration of impaired waters, in addition to the priority considerations in subdivision 5, the Clean Water Council shall give priority in its recommendations for restoration funding from the clean water legacy account to restoration projects that:

- (1) coordinate with and utilize existing local authorities and infrastructure for implementation;
- (2) can be implemented in whole or in part by providing support for existing or ongoing restoration efforts;
- (3) most effectively leverage other sources of restoration funding, including federal, state, local, and private sources of funds;
- (4) show a high potential for early restoration and delisting based upon scientific data developed through public agency or citizen monitoring or other means; and
- (5) show a high potential for long-term water quality and related conservation benefits.

Subd. 7. **Priorities for funding prevention actions.** The Clean Water Council shall apply the priorities applicable under subdivision 6, as far as practicable, when recommending priorities

for funding actions to prevent waters from becoming impaired and to improve the quality of waters that are listed as impaired but do not have an approved TMDL.

History: *2006 c 251 s 5*