



WaterFront Bulletin

Water Restoration and Protection: Headlines and Deadlines

WaterFront is a web-based bulletin featuring updates on impaired waters, watershed project funding and water restoration and protection activities underway throughout the state. *WaterFront* is published to share information with internal MPCA staff and external watershed partners.

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PROGRAM and POLICIES

2006 Clean Water Legacy Act, It's Not Just About Money

To the delight of many concerned about water resources in the state, the Minnesota Legislature passed the Clean Water Legacy Act in the 2006 session. The Legacy Act earmarked funding for water quality monitoring, and TMDL development, restoration and protection activities. In addition to dedicated funding, the Legacy Act outlines important policy direction. The policy section requires establishment of a Clean Water Council. The Council makes funding recommendations to the governor and advises state agencies on impaired waters policies, priorities and partnerships. Most of the policies outlined in the Legacy Act reflect procedures previously in place at the MPCA. However, the law did require some program adjustments, which the MPCA has adopted. The Clean Water Legacy Act text is available at http://ros.leg.mn/bin/getpub.php?pubtype=STAT_CHAP&year=2006§ion=114D.

TMDL Training Modules Available

The MPCA has developed four training modules on topics related to Impaired Waters. Each module consists of a PowerPoint presentation and a text narrative. Titles include *The Impaired Waters Program and TMDLs*; *Getting Started*; *The Process for Listing and Delisting Waters of the State*; and *Strengthening Your TMDL Project through Public Participation*. The training modules will be posted to the MPCA Web site in December. Additional training modules are currently in development. For more information, contact Lynne Kolze, MPCA, by phone at 651-282-5992 or via email at lynne.kolze@pca.state.mn.us.

Addressing the “Daily Means Daily” Washington D.C. Circuit Court Decision

The Washington D.C. Circuit Court of Appeals recently decided that two TMDLs for D.C.’s Anacostia River did not comply with the Clean Water Act because the TMDLs were not expressed as “daily” loads. The U.S. Environmental Protection Agency has advised states that all future TMDLs and associated load and wasteload allocations be expressed in terms of daily time increments. The MPCA has used daily time increments on several fecal coliform TMDLs, including the Blue Earth River Basin Fecal Coliform TMDL. Other projects, such as those with a time-period tied to the water quality standard may need to use an annual or monthly load to calculate the daily load. This and other approaches to meeting the “daily means daily” requirements are currently under development at the MPCA.

The Blue Earth River Basin project is available on the MPCA Web site at <http://www.pca.state.mn.us/publications/reports/tmdl-blueearth-fecal.pdf>.

The Washington D.C. Circuit Court decision is available online at <http://www.ll.georgetown.edu/Federal/judicial/dc/opinions/05opinions/05-5015a.pdf>.

FUNDING OPTIONS and DEADLINES

Following is a brief description of various impaired waters funding programs offered by the MPCA. All application processes are now closed; however, this information may be helpful in planning for future funding cycles.

Minnesota Clean Water Legacy Act Surface Water Assessment Grants

The Surface Water Assessment Grant is a competitive application process to identify and assist projects that will be most beneficial in meeting the MPCA’s goal of assessing the chemical, physical, and biological integrity of Minnesota lakes and streams. Approximately one million dollars is available in this grant program. The application process was open from October 16 through November 15, 2006. The MPCA will notify successful applicants by December 15. Successful applicants must submit a detailed workplan and grant to the MPCA by February 28, 2007. MPCA’s Dan Helwig coordinates this process. Helwig is available by phone at 651-296-7215 or via email daniel.helwig@pca.state.mn.us.

Minnesota Clean Water Legacy Act Total Maximum Daily Load Studies

These funds are not allocated through a competitive process. The MPCA selected projects to fund based on criteria laid out in the Clean Water Legacy Act. Contracts and grants for the projects selected are near completion. MPCA’s Faye Sleeper coordinates this process. Sleeper is available by phone at 651-297-3365 or via email at faye.sleeper@pca.state.mn.us.

Minnesota Clean Water Legacy Act Implementation Funds

The Clean Water Legacy Act provided approximately \$11.230 million for protection and restoration activities through programs administered by the Board of Water and Soil Resources, the Department of Natural Resources and the Minnesota Department of Agriculture. The MPCA added one million dollars in Clean Water Act Nonpoint Source Funding* (319 Funds) to the pool. Eligible projects include those expected to have TMDLs and implementation plans approved by February 28, 2007. The four participating agencies worked together to review and rank the applications. Successful candidates will be notified after the agency approvals are complete; possibly November 2006. Doug Thomas, Board of Water and Soil Resources, coordinated this process. The MPCA contact is Sara Johnson. Johnson is available by phone at 651-296-8278 or via email at sara.johnson@pca.state.mn.us.

Annual Clean Water Partnership and Federal Clean Water Act 319* Funding

The MPCA has completed the request for proposal phase for the next round of Clean Water Partnership Phase I and Phase II, and the Federal Nonpoint Source Funds that are not specific to TMDL implementation (Section 319 funds). Various state and federal agencies are scoring and ranking submitted proposals. In November, the MPCA Commissioner will determine the funding recipients based on staff and partner agency recommendations. The MPCA will notify successful applicants shortly thereafter. Successful applicants must submit detailed workplans. MPCA's Juline Holleran coordinates this process. Holleran is available by phone at 651-296-7701 or via email at juline.holleran@pca.state.mn.us.

Targeted Watershed Grants

The U.S. Environmental Protection Agency plans to award up to \$16 million in the fourth round of Targeted Watershed Grants. The Targeted Watersheds Grant Program is a competitive grant program that encourages the protection and restoration of the country's water resources through cooperative conservation. Watershed partnerships ready to implement on-the-ground restoration and protection activities designed to achieve quick, measurable environmental results are eligible. The following projects were selected to move forward in the region 5 selection process: Getchell Creek Watershed Restoration Project, Sauk River Watershed District; Lester River and Beaver River Project, South St. Louis Soil and Water Conservation District; and Zumbro River, Zumbro River Watershed Partnership. MPCA's David L. Johnson coordinates this process. Johnson is available by phone at 651-296-6041 or via email at david.l.johnson@pca.state.mn.us.

*Clean Water Act Section 319 amounts are approximate and based on recent congressional allocations. Congress has not yet allocated funds to this program for Federal Fiscal Year 2007. Any reductions in the Congressional allocations will reduce the amounts available for grants.

TMDL PROJECT UPDATES

TMDL Project Summary

Three TMDLs addressing 27 non-mercury impairments are on public notice. The public notice period on five additional projects addressing 14 non-mercury impairments recently ended. In addition, the U.S. Environmental Protection Agency is currently reviewing the mercury TMDL. The mercury TMDL addresses 513 mercury impairments in the state. Approximately seven additional projects addressing 37 impairments are on track for completion in 2007. A detailed list of all TMDL projects in Minnesota is available on the MPCA Web site at <http://www.pca.state.mn.us/water/tmdl/index.html#drafttmdl>.

Spotlight Project: Moorhead-Fargo Red River Mainstem Turbidity TMDL Study

A 12-block reach on the Red River in the Fargo-Moorhead urban area is impaired for turbidity. Paired measurements for turbidity and TSS along with a regression analysis resulted in the expression of the turbidity standard of 25 NTUs to a TSS equivalent of 34.1 mg/L. Source assessments suggest that urban stormwater does not contribute significantly to turbidity in the impaired reach. Further data analysis suggests that upstream turbidity measurements in the Red River are so high that urban water quality best management practices alone would not result in attainment of the water quality standard. The MPCA and the U.S. Environmental Protection Agency agreed to delay submittal of the draft TMDL for this 12-block reach of the Red River until TMDL studies and implementation plans are completed for all turbidity-impaired up-stream tributaries and the Red River itself. In addition, since the Red River borders Minnesota and North Dakota, the fact that North Dakota does not have a turbidity standard must also be addressed before load allocations can be generated. For more information contact Jack Frederick, MPCA, by phone at 218-846-0734 or via email at john.frederick@pca.state.mn.us.