

Environmental Performance Partnership Agreement **SELF – ASSESSMENT FFY2008**

10/1/2007 – 9/30/2008

(FFY07 Self Assessment Information was kept in red color for your reference)

(FFY08 Self Assessment information is in blue color)

EPA comments in green font or highlighted in green

MPCA responses in bolded blue color

Minnesota Pollution Control Agency
U.S. Environmental Protection Agency Region 5

October 1, 2006 – September 30, 2008
FFY 2007 - 2008



Minnesota Pollution
Control Agency

April 2009

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Authorizing Signatures

This PPA is approved on the date of the last signature received.

For the State of Minnesota:

Paul Eger, Commissioner
Minnesota Pollution Control Agency

Date

For the U.S. Environmental Protection Agency, Region 5:

Bharat Mathur, Acting Regional Administrator
U.S. Environmental Protection Agency, Region 5

Date

Purpose and scope of the PPA

The Minnesota Pollution Control Agency (MPCA) and the United States Environmental Protection Agency (EPA) Region 5 are entering their seventh Environmental Performance Partnership Agreement (PPA) with the approval of this document. This agreement describes the environmental outcomes that both Agencies are striving to achieve and joint program priorities that the State and EPA think need additional management attention. Roles and responsibilities for carrying out the priorities and key strategies are described in detailed supporting information that can be found on MPCA's website <http://www.pca.state.mn.us>, or by contacting the persons listed at the end of each priority write-up. The agreement runs from October 1, 2006, to September 30, 2008.

This agreement is a product of the National Environmental Performance Partnership System (NEPPS), a joint initiative of the EPA and Environmental Council of States (ECOS). The objective of the NEPPS initiative is to strengthen protection of public health and the environment by directing limited resources toward a state's most pressing environmental issues. Performance Partnership Agreements (PPAs) formed under NEPPS are designed to provide states and EPA with flexibility in how they achieve environmental results and enhance accountability in achieving environmental progress. The Performance Partnership Grant (PPG) is the federal grant used to fund many of the PPA activities.

This agreement does not replace or supersede statutes, regulations, delegation agreements, or other agreements entered into previously between MPCA and EPA.

Relationship of the PPA to other Documents

The PPA is an extension of MPCA's Strategic Plan and EPA's Regional Plan. It summarizes the work activities of EPA and MPCA. Outcome objectives, sub-objectives, milestones, environmental indicators; critical outcome and program measures that are key issues or necessary to continue program delegation will be covered or referenced in the PPA. Although the PPA is considered a subset of MPCA's Strategic Plan it is not identical to MPCA's Strategic Plan. It was necessary for the PPA to change some dates and modify the information provided by MPCA's Strategic Plan to accurately reflect MPCA's commitments. However, the PPA remains focused on the activities that are accomplished under the grants furnished by EPA.

Grants covered under the PPA

The FFY2007-2008 federal performance partnership grant to MPCA includes the following program grants. This agreement and supporting documentation serve as the program commitment (e.g. workplan):

1. Water Pollution Control (CWA Sec. 106) - Surface and Ground Water
2. Air Pollution Control (CAA Sec. 105)
3. Hazardous Waste Management (RCRA -Solid Waste Disposal Act Sec. 3011(a))
4. Underground Storage Tanks (Solid Waste Disposal Act Sec. 1007 (f)(2))
5. Toxics (PCBs) Compliance & Monitoring (TSCA Sec. 28)

Elements of the PPA

The PPA is a concise, strategic document focused on common goals, well-defined outcomes, and strategies with program tools and resources targeted at the most important environmental problems. It includes both MPCA and EPA work. In addition to Joint Priorities, the PPA includes a limited set of critical performance measures and commitments for the base environmental programs covered in the Performance Partnership Grant (PPG) work plan.

The PPA is a summary of the work done under EPA grants as well as some work done under non EPA grants. Supporting documentation is available in separate documents and references. Much of this information can be found on the MPCA web site referenced in the opening paragraph.

- The PPA provides strategic direction to the workforce and influences program work plans by promoting environmental innovations that result in more efficient approaches.
- The PPA is viewed as a “living document” that is flexible and can be changed to reflect MPCA and EPA needs.
- The PPA clearly links outputs to outcomes where possible as well as aligning with both EPA and MPCA workplans.
- The PPA directs planning at the MPCA and EPA Division and Program levels, by establishing joint priorities, desired outcomes, and a holistic approach to environmental protection. It will also promote environmental innovations that result in more efficient approaches. To the extent applicable, base programs will use the joint priorities as they develop program work plans to influence the targeting of work.
- If a program has been performing in a successful manner, and is expected to continue performing in that manner, the detail needed for the PPG would be described in the State’s program or Division work plans, not the PPA. *Program performance will be identified as either “adequate” or “needs improvement”.* “Adequate” program areas are meeting their stated commitments and performing to the mutual satisfaction of both agencies. “Needs improvement” means a program area is, or is at risk of, inadequately functioning, and the deficiency represents a significant vulnerability to the integrity of the environmental protection program in the State. Adequate programs would receive significantly less review and oversight than programs needing improvement. The level of detail will need to meet the minimum reporting requirements for EPA Headquarters and Congress. It will be Region 5’s responsibility to identify and inform MPCA of the minimum level of detail needed. The evaluation to determine “adequate” and “needs improvement” programs will occur during the joint assessment process held at the end of each year.
- The PPA and supporting documentation establishes a framework for mutual accountability by clearly defining joint priorities, desired outcomes, and clear roles for EPA and MPCA.
- The PPA includes a summary of the environmental conditions in Minnesota to be used as a baseline for measuring future success.
- The PPA establishes joint assessment for the priority work. By “joint assessment” we mean the following: *An annual discussion between the EPA and MPCA leadership including program Division Directors to highlight and celebrate successful program achievements; to identify areas that need improvement and/or additional resources; to make adjustments in program direction or approaches; and to reflect on lessons learned for the coming year.*

Mutual Accountability

The approach to mutual accountability affects the way that EPA and MPCA interact and is a change from EPA’s traditional approach to oversight. EPA and MPCA will agree on the appropriate level of EPA oversight of State program implementation. One primary consideration will be those program areas that are deemed to “need improvement.” However, EPA will continue to review and act on new regulations in program areas that impact State authorization or where federal statute or regulation requires EPA review and approval of State actions (e.g., water quality standards).

Enforcement and Compliance Assurance

Compliance and enforcement activities to be accomplished during the term of this PPA are included in the detailed State program plans; however, a summary of the federal and MPCA roles in compliance and enforcement is helpful.

The following tenets serve as the foundation for the EPA-MPCA relationships with respect to Enforcement and Compliance Assistance activities:

- Explore the most effective application of the full spectrum of compliance tools - from compliance assistance through compliance assurance, administrative/civil enforcement to criminal prosecution - to encourage/maintain the compliance of sources of all sizes.
- Use joint up-front planning to coordinate priorities, maximize agency resources, avoid duplication of efforts, eliminate surprises and institutionalize communication.
- Manage for environmental results which support the respective agencies' environmental goals and objectives.
- MPCA will ensure that compliance and enforcement information is complete, accurate and timely, consistent with EPA policies and the ICR.

There is a continuing role for EPA in environmental protection in the State of Minnesota. EPA carries out its responsibilities in the enforcement arena in a variety of ways. The Agency acts as an environmental steward, ensuring that national standards for the protection of human health and environment are implemented, monitored and enforced consistently in all States. EPA can assist MPCA in conducting inspections and conduct joint enforcement actions with the State. EPA can also conduct enforcement actions as discussed below and provide compliance and technical assistance to the State and its regulated entities. Under this PPA, EPA and MPCA retain their authorities and responsibilities to conduct enforcement and compliance assistance, and such enforcement will be accomplished in the spirit of cooperation and trust. Specific federal enforcement and compliance assistance responsibilities include but are not limited to the following:

- Work on National Priorities (e.g. multi-media inspections, companies with significant company-wide non-compliance in several states, and OECA Priorities) and Regional Priorities
- Ensuring a level playing field and National consistency across State boundaries
- Addressing interstate and international pollution (watersheds, air sheds, or other geographic units)
- Addressing criminal violations
- Conducting enforcement to assure compliance with federal consent decrees, consent agreements, federal interagency agreements, judgments and orders
- Conducting State Reviews in accordance with the OECA's National State Review Framework.

The EPA will perform a review of the MPCA's RCRA, NPDES and CAA compliance and enforcement program in 2007 under the State Review Framework. EPA will perform an on-site file review of the MPCA's RCRA enforcement files in 2008. EPA will take enforcement actions in Minnesota as necessary and appropriate to ensure implementation of federal programs and as a deterrent to non-compliance, in accordance with the communication and coordination activities outlined above. There may be emergency situations or criminal matters that require EPA to take immediate action (e.g., seeking a temporary restraining order). In those circumstances, EPA will consult with the State as quickly as possible following initiation of the action.

Unexpected Requests

When EPA forwards requests from headquarters, it will be accompanied by a short explanation of what is expected from the states, and the deadline for response. MPCA will respond to requests in a timely manner. Both agencies will provide ample lead time for review, collection and feedback on data and information. In some cases, this may require the two agencies to determine if there are PPG/PPA activities that need to be altered to provide available funding and staff for the new request.

Quality Assurance and Quality Management Plans

The MPCA has a quality system in place as described in the Quality Management Plan found on the web at www.pca.state.mn.us/programs/qa_p.html. The system consists of various levels of management oversight on projects and programs, staff training on quality assurance principles, and the use of the quality assurance coordinators at the agency for document review and technical assistance. Additional parts of the program policies can be found on the QA website noted above. The policies direct staff and individuals working with the MPCA on minimal requirements for field and laboratory quality assurance, documents required on sites, and links to other agencies and federal programs where additional information may be found. The MPCA quality system was audited (July 2004) by EPA Region V verifying that the system is in place, is functioning properly, and is documented in the Quality Management Plan. A revised MPCA QMP will be submitted in March 2007 for review and comments by EPA Region 5. Any additional revisions based on EPA's comments will be completed prior to approval of the QMP with a goal of the third quarter FY 07.

Reporting

The MPCA will continue to report to EPA the necessary information required by Congress and EPA Headquarters to continue state delegated programs. The MPCA will reference its web site and other existing reports as supporting documentation of the PPA and PPG. Both EPA and MPCA will report through the Joint Assessment process.

Public involvement

In addition to the public participation opportunities required by regulation, the MPCA will continue to use citizen and stakeholder surveys and input to influence environmental decision and direction. The MPCA has a long history of public involvement in decision making and developing environmental programs. In past years, the MPCA has considered input from the public through the use of statewide surveys. Survey results gave us information on the public's environmental priorities so that they may be incorporated into the selection of our environmental goals.

The MPCA will work closely with EPA Region 5 to identify stakeholders for Minnesota's environment, develop general public support for state and federal environmental programs, raise awareness about important environmental issues, and share information about these issues.

In April of 2003, the Community Involvement Project (CIP) emerged from the consensus among MPCA air-quality permitting staff and management that public participation in agency decisions needed evaluation and improvement. The purpose of the project is to apply community involvement processes that have been successful in other venues to the air-quality permitting process. MPCA now has the following objectives for any community involvement:

- Keep the public well informed of ongoing and planned activities.
- Encourage and enable the public to get involved.
- Listen carefully to what the public is saying.
- Identify and deal responsibly with public concerns.

- Change planned actions where public comments or concerns have merit.
- Explain to citizens how we considered their comments, what we plan to do, and why we reached the decision we did.

We also learned and continue to use the following related to the permit process:

- The MPCA does not have the resources to devote community involvement staffing to every permit; we must screen each situation to determine if resources are warranted.
- The MPCA cannot continue to rely solely on public information officers to provide community involvement services, nor can the agency rely on permit engineers to provide community involvement services on controversial projects in addition to their technical work.
- The permittees must do their parts in involving interested communities. It became clear through the group's conversation that the MPCA should not be solely responsible for community involvement. The MPCA's role is to create a permit using a process that involves the community. The companies are responsible for conducting community involvement activities with their neighbors, special interests groups, local governments and others regarding their operations.
- Community means any individual or group that has an interest in the outcome of the permit. It can be an internal staff member or group, the company itself, neighborhood groups, local government units, the legislature, environmental groups and so on.

For more information about MPCA's Public involvement efforts, go to: <http://www.pca.state.mn.us>. Search under public participation.

Environmental Conditions in Minnesota

To put the elements of the 2007 EnPPA in context, it is useful to take a brief look at the past three decades of progress and the current state of our waters, our air and our land. A summary of Minnesota's current environmental conditions follows:

Water

Minnesota waters today are decidedly cleaner than they were in the 60s and 70s. Industrial and municipal discharges have been addressed. Most combined storm and sanitary sewers have been separated, significantly reducing overflows into the Mississippi. Fish, wildlife and boaters have returned to waters once heavily polluted by human and industrial waste.

Despite decades of progress in cleaning up water pollution, hundreds of Minnesota's lakes, rivers and streams are still not healthy enough for people to safely use and enjoy. These impaired waters do not meet water quality standards and pose risks to people and aquatic life. They contain too much sediment, bacteria, mercury, phosphorus and/or other contaminants. Biotic integrity also is impaired by physical alterations and invasive species.

MPCA staff identified 396 additional impairments in the 2006 assessment process for sections 303(d) and 305(b) of the Clean Water Act. There are now 284 rivers and streams impaired for one or more pollutants, and 1013 lakes impaired for one or more pollutants, resulting in a total of 2,250 individual impairments in Minnesota waters to date. Due to the vast abundance of waters in the state and limited staff and funding to assess them, only a small portion, approximately 10 percent of the state's river miles and 16 percent of its lakes, has been formally assessed for impairments.

Once all Minnesota waters have been assessed, more than 10,000 impairments will likely have been found, located in every watershed in the state, given the 40 percent impairment rate noted so far for waters assessed here and nationally. Correcting these water quality problems is made more challenging by the diffuse nature of the

impairment sources, such as polluted stormwater, agricultural runoff, and atmospheric deposition of contaminants. Furthermore, distant water quality problems, such as hypoxia in the Gulf of Mexico, may be caused in part by nonpoint source pollutants coming from Minnesota and other Midwestern states. These numbers represent huge environmental, economic and quality of life concerns, and underscore the need for stable, effective funding of impaired waters assessment and cleanup by state, local and private partners.

Land

During the 1980s and 90s, Minnesota took decisive and effective steps to clean up industrial and municipal waste dumps and leak sites that contaminated land and ground water. A series of laws and programs were enacted in Minnesota and nationally to appropriate funds, compel cleanup of the most serious sites, and to create incentives and funding sources to encourage voluntary cleanups.

The state Superfund, enacted in 1983, has led to cleanup of 159 out of 236 listed industrial waste sites, and 21 of 45 Minnesota sites on the federal Superfund list. The MPCA's award-winning Voluntary Investigation and Cleanup (VIC) program has overseen 2,829 contaminated properties since its inception in 1988. A total of 3,298 liability assurances or other determination through the VIC program have been issued upon completion of investigation and, if necessary, remedial activities. This has contributed to those properties becoming candidates for sale, refinancing, or redevelopment. More than 13,869 acres of land have been returned to productive use. About 200-250 new projects are screened and processed each year in this program, which streamlines the investigation and encourages responsible parties to quickly address problem sites without the fear of protracted litigation that slowed earlier cleanup efforts.

For petroleum leaks, the story is similar. The Petrofund and Petroleum Remediation Program, created in 1987, has investigated and closed more than 14,000 of the 16,500 petroleum leak sites on its roster. About 300 new sites are expected to enter this program each year for the foreseeable future. The Petroleum Brownfields Program, a voluntary program similar to VIC has helped streamline assessment and cleanup actions at more than 2,000 sites, leading to the restoration of more than 1,000 acres in each of the past four years. The voluntary approaches result in liability assurance letters from the MPCA, as well as development plan approvals aiding redevelopment.

The Closed Landfill Program (CLP) was created by the legislature in 1994 as an alternative to Superfund. The CLP is currently responsible for cleanup and long-term monitoring and maintenance at 109 closed state-permitted municipal landfills. Cleanup actions have included relocating wastes, enhancing site covers to current standards, and installing ground water pump/treat and active gas collection systems. The CLP now operates 18 active gas collection systems which destroyed nearly 31 million pounds of methane in 2005. A landfill gas to energy pilot is currently underway to generate electricity at one of the 18 active gas collection systems. The CLP utilizes state contractors for undertaking much of the landfill monitoring and maintenance work.

The peak of discovery and cleanup activities at disposal and leak sites has passed. The successful programs look ahead to maintaining progress and vigilance at lesser activity levels as sites continue to be cleaned up, and pollution prevention pays dividends with less waste generation and fewer leaks. Meanwhile, new threats to land such as meth lab waste and potential terrorism will require the agencies to be prepared. Despite strong recycling rates, the per capita solid waste generation continues to inch up, putting more waste in land disposal facilities.

Ground Water

Many threats to Minnesota's abundant ground water have been reduced by strong cleanup programs and preventive waste management practices, including waste reduction and recycling. Much remains unknown about the overall condition of ground water, the source of drinking water for more than 70 percent of Minnesotans and a major asset to agriculture and industry. Tight budgets in recent years led to reductions in ambient ground water monitoring. Meanwhile, continued residential growth along the St. Cloud-Twin Cities-Rochester corridor has begun to strain supplies of clean, available ground water in certain areas. Increasing withdrawals for irrigation and ethanol

production may cause localized shortages in the future. The MPCA has re-established an ambient well network using new and existing wells. The MPCA coordinates monitoring and data sharing through an agreement with the Minnesota Departments of Agriculture and Health. The agencies track trends in ambient ground water quality for nitrates, VOCs, chlorides, pesticides, and other parameters, focusing on vulnerable aquifers, recharge zones and areas where land use is changing.

Air

Minnesota's air quality, compared to most other states, is enviable. Even with the Twin Cities, the 14th largest urban area in the country, the state fully attains all the current national ambient air quality standards. Some of this is due to favorable geography and weather patterns, but much credit must be given to pollution control efforts by government and industry.

However, significant challenges loom. Both ozone and fine particles (PM2.5) are at 80 percent of the standard. Fine particles from mobile and combustion sources add to regional haze and are of concern as research shows serious heart and lung effects on poor air quality days. Certain toxic air pollutants, such as formaldehyde, are near or above health benchmarks. Daily concentrations of ozone or fine particles were high enough to result in air quality alerts for sensitive groups on five days in 2005, and three alert days were designated as unhealthy for all persons in the Twin Cities area. Moderate air quality days (191) also exceeded good air quality days (166) in 2005.

Attainment of national standards is important for both human health and economic health, as non-attainment designation means development restrictions. Increasing vehicle miles driven and regional air masses drifting into Minnesota from other states may squeeze the air quality closer to violating the standard, and compel more air quality alerts. A broad-based coalition of stakeholders from government, environmental groups and industry, Clean Air Minnesota, is working on voluntary measures to reduce pollutants and prevent non-attainment. Federal clean fuel requirements and other government and industry measures will help, but the outcome is uncertain.

In addition, emissions of carbon dioxide continue to increase in Minnesota, primarily from the burning of fossil fuels. The increased levels of carbon dioxide and other global warming gases are linked to climate change. In Minnesota, observed changes include higher temperatures, shorter winter lake ice cover, higher summer dew points, northward species migration, and more frequent heavy rainfalls and floods.

Outlook

Minnesota, in partnership with EPA and other stakeholders, can be proud of its environmental record, but must be ready for continuing challenges, as noted above. Cross-boundary problems such as persistent toxins, climate change, and hypoxia in the Gulf of Mexico as well as multi media issues like mercury, will require good science, increased partnerships, and innovation to assure a healthy environment for current and future generations.

NPDES Permitting

Accurate and enforceable NPDES permits are an essential part of our environmental protection efforts. Both agencies recognize that there are general areas within the NPDES program that will receive our attention within the course of this EnPPA. These include the issuance of priority permits, maintenance of permit backlog goals, and accomplishments identified in the Performance for Environmental Results action items.

EPA Region 5 and Minnesota Pollution Control Agency will explore opportunities to expand the use of water quality trading, watershed permitting, and implementation of nutrient controls in NPDES permits. In the next two years we will focus on these as well as other items outlined or included in more detail in the MPCA FFY 2009 - 2012 Performance Partnership Grant Work Plan, and the MPCA Water Quality Point Source Management Plan, including commitments and measurable outcomes.

Joint Priorities for FFY07 – 08

Joint priorities represent a subset of environmental program responsibilities that MPCA and EPA jointly agree represent investment priorities for the PPA period for one or more reasons, for example:

- the program is an important, newly developing program that requires the attention of the Commissioner and Regional Administrator and senior managers to adequately grow;
- the program area is, or is at risk of, inadequately functioning, and the deficiency represents a significant vulnerability to the integrity of the environmental protection program in the State;
- the program represents a long-term strategic investment opportunity in the State;
- the program offers the opportunity to demonstrate innovations to promote environmental improvement or enable efficiency enhancements.

In the PPA, and supporting documentation, the agencies will describe the basis for the priority and the expected outcome of the effort; the roles each agency will undertake and level of effort; and significant milestones.

The results of our work on each joint priority will be reported during the joint assessment, including, to the extent applicable the impact of any disinvestments made to support the joint priority work.

The priority write-ups in the PPA are only of summary of the actual priorities. Complete write-ups and detailed information about the priorities is available by contacting the staff persons listed at the end of each priority summary.

MPCA and EPA have agreed to the following four priority areas:

1. Air Toxics Program Development
2. Impaired Waters
3. Water Quality Monitoring
4. Midwest Clean Diesel Initiative

Air Toxics Program Development

October 1, 2006 – September 30, 2008

(FFY 07 progress is outlined in red)

(FFY 08 progress is outlined in blue)

Objective: MPCA and EPA Region 5 staff propose to collaborate, develop and implement a program to address sources of air pollutant emissions. This joint priority proposal is directed at improving EPA and MPCA's ability to protect the national and state environment.

Area 1: EPA Region 5 staff and MPCA has formed a Joint Fibers Workgroup to identify, prioritize and resolve health and environmental issues associated with the possible presence of fibers in taconite ore and tailings from the Mesabi Iron Range. The initial goal is to provide both agencies with the same base data regarding fibers by reviewing the existing data and identify any remaining health and environmental issues related to fibers for possible future research.

MPCA Contact: Ann Foss

EPA Region 5 Contact: Phil King, EPA lead and Michele Palmer

MPCA staff is coordinating with staff from other state agencies on an ongoing project to assess health risk associated with fibers. State agencies involved with this effort include the Minnesota Departments of Health, Natural Resources, and Employment and Economic Development and the Iron Range Resources and Rehabilitation Board.

MPCA staff are coordinating with staff from other state agencies on an ongoing project to assess health risk associated with fibers. State agencies involved with this effort include the Minnesota Departments of Health, Natural Resources, and Employment and Economic Development and the Iron Range Resources and Rehabilitation Board. Initial contact has been made with the EPA Technical Review Workgroup for Asbestos.

State actions include

- Develop request for proposals for quality assurance / quality control of available EPA data and fiber toxicity modeling **protocol**. This contract will result in a report that assesses the quality and usefulness of the data and available analysis for continuing modeling and health risk assessment. Estimated date for this report is **Fall 2008**.
- Based upon results from report, the state will select one of three options: determine whether to gather additional data and do further analysis; complete health risk assessment on existing data; or whether additional alternatives need to be developed.
- If the decision is either to complete the health assessment or gather additional data and do further analysis, the state would develop a request for proposal and seek funding from a variety of sources including industry and EPA. This is anticipated to occur **during the third and fourth quarters of calendar year 2007**.
- **Work with EPA to improve the methodology used to determine compliance with the control city standard.**
- **Support EPA development of data and fiber toxicity modeling protocol by providing available funds, as needed.**
- **Continue to help coordinate state, federal and university communication regarding new fiber research that could be applied in Minnesota.**
- **Support the Minnesota Taconite Workers Lung Health Partnership and provide updates to the workgroup.**

FFY2008 update:

- Continue information sharing regarding new bills and legislation, publications and research regarding asbestos-like fibers.

EPA support: EPA will work with MPCA to study and better understand the health risks of fibers associated with taconite mining. EPA can provide assistance in the peer review of any studies, as requested.

- Provide additional assistance as needed.

Area 2: EPA Region 5 and MPCA staff will continue to collaborate on the statewide cumulative risk assessment screening tool and in developing a systematic state-wide air toxics program.

MPCA Contact: Frank Kohlasch

EPA Region 5 Contact: Michele Palmer

This continues the joint priority of the previous EnPPA where EPA staff provided peer review of the Minnesota Risk Screening (MNRiskS) tool. This software tool estimates combined health risks from air emissions of multiple contaminants from multiple sources and through multiple exposure pathways.

When finalized we intend to use it as a foundation in developing our statewide air toxic program. MPCA plans to use the tool several ways, including risk-based prioritizations, evaluating the impacts of regulatory programs, providing contextual data for other risk analyses, and in refining the air toxics monitoring program. Specific examples of risk prioritization include evaluating and comparing impacts from source types or industrial sectors, identifying areas where specific chemicals are of concern, and comparing differences in impacts, and thus possible actions, in different areas of Minnesota. We could use it to evaluate alternative future scenarios, for example, to determine the relative impact of proposed changes in a region or to evaluate the impact of implementing proposed control technologies across a sector.

State actions include:

- Complete contract for changes to MnRiskS. We are addressing several of comments received from peer review phase of our joint priority through a contract with the developer. The tasks include improvements to the usability of the tool, expanding the documentation, specifically the Users Guide and Technical Report including the Uncertainty Section, updating data inputs (2002 emissions) and adding available background air concentrations. The final products resulting from this effort will be included with the project file. This contract runs through our state fiscal year.
- With completion and update of the next version of software, MPCA staff will continue familiarization of the features and use of the software. MPCA staff will also summarize results. This is anticipated to continue through second quarter of calendar year 2007.
- MPCA will identify specific objectives that a systematic statewide air toxics program would address and include. This would include stakeholder input and additional technical analysis.
- Work with EPA to identify industries emitting air toxics in high risk areas of Minnesota and encourage them to implement voluntary risk reduction efforts.
- Continue to follow the future impacts of the Minnesota Low-VOC Wash Printers Project initiated by Clean Air Minnesota and encourage adoption of the less polluting technology throughout the State.
- **Status Report on MnRiskS as of November 2007: MPCA formally responded to the comments received during the peer review phase last fall. We were able to address several of the comments through a contract with the developer. We received the latest version of MnRiskS late summer of 2007. This version included updated data tables of emissions (the 2002 emission inventory), toxicity information, and fate and transport parameters for chemicals. MPCA also conducted distributed computing for the about a third of the receptors in the risk**

modeling module of this version. Currently we are in the process of testing this version and validating the input files.

- November 2008: We have recently (Summer 2008) accepted the production version of the software after updating & validating the input data (e.g., emissions, toxicity values, chemical and physical parameters important for fate and transport) and completing a series of acceptance tests. MPCA staff currently are familiarizing themselves with all aspects of MnRiskS and completing a series of validation & comparison tests of the results. The strategic plan for the agency has been updated; we will be using this tool to help meet our new objective.

EPA Region 5 actions:

- Provide information on how other states in the nation address air toxics from all types of sources.
- Provide assistance as needed.
- Facilitate discussions with EPA Headquarters, other offices and regions on identified issues.
- Provide assistance in interpreting MnRiskS results and in scoping statewide air toxics program options.

For more information on the Air Toxics Joint Priority, contact: At MPCA, Frank Kohlasch at 651-297-8676 or frank.kohlasch@state.mn.us ; at EPA Region 5, Michele Palmer at 312-353-3646 or palmer.michele@epa.gov

Impaired Waters

October 1, 2006 – September 30, 2008

(updated 10.19.07. **FFY 07 progress is outlined in red**)

(**FFY 08 progress is outlined in blue**)

Statement of Environmental Problem/Issue

Based on the Minnesota's 2006 303(d) impaired waters list there are 2,250 impairments on 284 rivers and 1,013 lakes. Minnesota is committed to using the impaired waters approach to restore water bodies to meeting their designated uses, while at the same time maintaining those waters that are meeting designated uses.

The MPCA will continue to work on its impaired waters approach with stakeholders through the Clean Water Council (see program development section below), while working with Region 5 to meet the commitments set out in 303(d) of the Clean Water Act. This revision of the joint priority addresses these mutual efforts.

This joint priority is broken into four components: Program Development, 303(d) listing, Total Maximum Daily Load Studies (TMDLs), and Implementation.

MPCA Strategy: Restore the chemical, physical and biological integrity of Minnesota lakes streams and wetlands that do not support designated uses.

EPA Strategy: Improve water quality conditions in impaired watersheds and restore impaired waterbodies to achieve designated uses.

Program Development

After three consecutive years, Minnesota's 2006 Legislature adopted the Clean Water Legacy Act. This legislation was signed into law on June 2, 2006. The new law will allow the state to:

- Accelerate assessment of Minnesota's waters
- Provide resources to develop TMDLs
- Target additional financial resources to existing state and local programs designed to improve water quality
- Leverage additional federal, local and private resources where possible.

The 2006 CWLA provided one-time funding of \$24.95 million for identified clean-water funding priorities and created a citizen/state advisory group called the Clean Water Council. The MPCA convened the Council in early 2007. The Council will provide advice on how to administer and implement the Clean Water Legacy Act, including making recommendations to the Governor on the appropriation of funds, and to the MPCA on the prioritization of TMDLs and other program/policy development issues.

The 2007 legislative session saw an appropriation of an additional \$18 million for the FY08-09 biennium to the MPCA to develop TMDLs.

2007- 2008 calendar year activities:

- By December 31, 2007, report on implementation of impaired waters program plan. The impaired waters program plan is being implemented. Several particular items to note include:
 - a multi-module training program for internal staff and external customers has been created and is being implemented; additional modules have been completed and modules are posted on the Internet at <http://www.pca.state.mn.us/water/tmdl/tmdl-training.html>;
 - 4 TMDL development protocols were completed for the parameters of low dissolved oxygen, bacteria, excess nutrients in lakes, and turbidity; a draft impaired biota TMDL development protocol was developed and will be finalized by early calendar 2009;
 - a parameter team for each of the 4 completed protocols has been formed to assist projects with completing TMDLs of the given parameter;
 - project teams for each active TMDL project are assigned;
 - a new, intensive 2-phase monitoring approach, designed to narrow the gap between waterbody assessment data and data needed to perform a TMDL, has been piloted in 3 major watersheds; intensive watershed monitoring was begun in an additional 6 watersheds;
 - contracting procedures have been documented and training has been provided to internal project managers to ensure efficient contracting with partners for performing TMDL studies;
 - managerial approval of TMDLs has been de-centralized - regional managers are now responsible for TMDLs from their areas;
 - agreement on process for listing of wetlands and ditches reached with sister agencies;
 - protection strategy for unimpaired waters drafted internally, and now being shared with sister agencies to develop a coordinated approach;
 - business object model developed for impaired waters information management system; model was used to inform next phase of system development - the business and functional requirements of the system were identified, validated, and prioritized;
 - impaired waters research symposium held in cooperation with the University of Minnesota to determine research needs;
 - effectiveness monitoring and measures identification process held in cooperation with the University of Minnesota to determine what effectiveness measures should be used for impaired waters work;
 - watershed project management Intranet page developed housing forms, guidance, etc.;
 - TMDL projects have individual web pages - many projects utilizing this tool;
 - began development of next TMDL Master Contract for consulting services;
 - Watershed DELTA database developed for tracking watershed project administrative and financial data;
 - interim TMDL tracking database developed and implemented.

- Launch Clean Water Council and administer all activities (Risberg, Pavek, Sleeper) - **The Council was launched in March 2007, and continues to meet on a monthly basis. After taking time to become better informed, the Council is now developing their workplan.** Workplan was developed. Council set up 4 sub teams on Civic engagement, Prioritization, Protection and Monitoring, and Measures and Research. Council developing 1st report to state legislature which will include their recommendations on these 4 areas and funding. Council participated in 2 field tours.
- EPA will continue to assist MPCA on policy development as needed. **US EPA conducted TMDL review and load duration curve training in St. Paul for PCA staff and external partners.** EPA and the Agency have been in regular contact on stormwater policy development issues. Information posted at: <http://www.pca.state.mn.us/water/stormwater/impairedwaters.html>

Program development tasks completed since last PPA:

- By July 1, 2007, obtain Legislative approval of an impaired waters program.
 - Provide staffing to the Clean Water Legacy Act stakeholder group.
 - Provide staff assistance to legislative activity on the Clean Water Legacy Act.
- Program plan completed by December 31, 2006. (Sleeper, Skuta)
- Schedule for program plan components completed by December 31, 2006. (Sleeper, Skuta)
- Assignments for completion of program plan components with 2007 deadlines made by December 31, 2006. (Raudys)
- Continue ongoing work on following program plan components also listed under the TMDL component
 - Pilot of stakeholder processes through Lake Pepin TMDL (Finley) - **ongoing**
 - Modules 5-8 of training curriculum for TMDL Project sponsors fully developed and tested by December 31, 2006 (Kolze, Skuta)
- Implement policies based on current court orders (MPCA WQ policy forum, Pierard)

MPCA will work with EPA to implement policies based on court orders into TMDL's as required. Examples include:

In a US District Court of Appeals decision D.C. Circuit Court of Appeals decision (April 25, 2006) in Friends of the Earth, Inc. v. EPA, et al., No. 05-5015, the D.C. Circuit held that two TMDLs for the Anacostia River on TMDL's (one established by EPA and one approved by EPA) did not comply with the Clean Water Act because they were not expressed as "daily" loads. As a result of this decision, EPA recommends that all TMDLs and associated load allocations and waste load allocations be expressed in terms of daily time increments, but believes there is significant flexibility in how this may be done.

This issue, referred to as "Daily means Daily", was discussed at the Water Policy Forum on May 18, 2006, with the minutes showing staff would be incorporating the information into guidance. This was incorporated into the MPCA Bacteria TMDL Protocol and Submittal Requirements, March 2007.

Also, the Minnesota Supreme Court decision on an NPDES permit issued to the cities of Annandale and Maple Lake issued on May 17, 2007 was also discussed by the Water Quality Forum and will be implemented in permits according to two guidance documents titled "Guidance for Issuing NPDES Permits for Discharge to Impaired Waters, New Facilities" and "Guidance for Issuing NPDES Permits for Discharge to Impaired Waters, Expanding Facilities."

303(d) List:

The Minnesota Pollution Control Agency continues to submit an integrated list to EPA as required and in a timely manner. At the same time, the MPCA and EPA are having discussion about potential changes to how waters are listed in Minnesota.

2007 - 2008 calendar year activities:

- Submit Minnesota's 2008 by April 2008 deadline and EPA approval within 30 days (Hora, Markus, Socha). **The 2008 list was approved by EPA in June 2008.**
- Explore pros and cons for listing impairments by watersheds (Hora, Skuta, Socha, Pierard) **Discussions internally have led to the conclusion that watershed listings would not be feasible. Conducting TMDLs on a watershed basis is still preferable and encouraged.** PCA is undertaking an internal program review process to determine if a more integrated approach to all water program work can be accomplished on the basis of the 81 major watersheds of the state. The concept would involve developing individual watershed plans for the 81 watersheds that include the TMDLs and protection strategies needed for the watershed.

Listing tasks completed since last PPA:

- Work with stakeholders to develop a plan for listing wetlands, the approach for TMDLs on wetlands and implementation options by October 1, 2006 (Skuta, Helwig, Socha) **The MPCA has proposed to list three wetlands in the 2008 list that are impaired and hydrologically connected to an impaired lake or stream. This was done to ensure that these wetlands are included in the TMDL studies and restoration plans. Probabilistic wetland monitoring results will be used to determine patterns of problems that will be forwarded to various state and federal programs to address rather than a wetland by wetland approach.**

Total Maximum Daily Loads (TMDLs):

Based on the 2006 303(d) list, Minnesota currently lists 2,250 impairments in need of TMDLs and remediation. Here is a summary of TMDL progress (as of January 2007) to address those listings:

- **TMDLs approved – 13 projects for 90 impairments (listings), plus the mercury TMDL for 511 listings**
- **update of TMDLs approved – 17 projects for 105 impairments (listings), plus the mercury TMDL for 998 listings, including the state's first multiparameter TMDLs**
- **TMDLs underway – 65 projects, about 235 impairments**
- **update of TMDLs underway – 126 projects, about 535 impairments**

In addition, to date, Minnesota has delisted 7 impairments, **and intends to delist 2 additional impairments in 2008, due to watershed implementation efforts that have corrected the problem. Minnesota has now delisted 9 impairments.**

Although we have made considerable progress, Minnesota still has a backlog due to lack of resources to complete TMDLs in a timely manner. The MPCA tracks this backlog quarterly and annually, based both on project starts and completions. This backlog is used to support the request for additional funds needed through the Clean Water Legacy Act. In addition, MPCA and EPA agree on annual commitments for completing TMDLs, which EPA tracks. **The backlog situation is much improved, but not solved. The 2008 impaired waters list includes 566 listings with conventional parameter impairments that have target start dates in calendar year 2008 or before. We currently have projects underway that address about 535 of these listings, which is 95% of the 2008 or earlier scheduled projects. Moreover, TMDL studies addressing nearly 50 percent of our total 2008 listings for conventional impairments are now underway. Continued success addressing the backlog is contingent on continued funding.**

2007 – 2008 calendar year activities

- By September 1, of each year, MPCA and EPA will concur on the TMDL commitments for the next federal fiscal year. Those commitments for FFY 2007 total 20 TMDLs (list is attached and considered part of this document). (Risberg, Maraldo) **Minnesota completed 8 projects for 41 listings in FFY07, plus the mercury TMDL for 511 listings. Completion of 487 additional mercury listings, and 4 projects for 15 listings for conventional parameters exceeded Minnesota's commitment for FFY08.**
- MPCA will begin development of a TMDL protocol for impaired biota. **The team was charged in Spring of 2007, and began meeting after field season in Fall of 2007. The goal is to have the protocol completed by Spring of 2008. A solid draft is completed, and the MPCA will be finalizing the protocol in late calendar 2008.**
- EPA will provide Federal TMDL contractor assistance, as available, and work with MPCA to ensure that the contractors coordinate with MPCA and local sponsors. (Maraldo, Skuta) **EPA contractors worked on Lac qui Parle TMDL and Poplar River TMDL.—Minnesota is no longer utilizing EPA contractors to develop TMDLs. Contractor assistance is being planned for associated efforts on implementation planning, Gulf of Mexico Hypoxia, and effectiveness measures, and development of Minnehaha Creek Stormwater TMDLs**
- Mercury TMDL: EPA will continue to provide technical support to MPCA and coordinate with MPCA and with EPA headquarters on development and review of this TMDL toward a final goal of approval of the Mercury TMDL. **TMDL approved in March 2007. Over 500 additional listings intended to be added to the TMDL via the 2008 impaired waters list. With the 2008 impaired waters list, Minnesota added 487 additional mercury listings to the TMDL.**
- EPA and MPCA will continue to coordinate on interstate/interregional TMDLs.
- **Watershed TMDL investigation monitoring has been initiated on two Snake River watersheds.**

TMDL tasks completed since last PPA:

- 2006 TMDL commitments met.
- **FFY 2007 and 2008 TMDL commitments met.**

Implementation

MPCA has begun work on implementation of TMDLs with very limited resources in this area. The majority of the Clean Water Legacy Act funds go towards implementation through existing programs administered by other state agencies. In addition the MPCA uses at least 51% of its CWA section 319 funds for TMDL studies and implementation.

2007 – 2008 calendar year activities

- Within one year of EPA approval of each TMDL study, implementation plans will be completed, with MPCA approval within 30 days of submittal. **MPCA utilizes EPA's "9 elements of a watershed plan" to evaluate and approve TMDL implementation plans. The MPCA is convening a team to develop a more detailed implementation plan development guidance.**
- Continue integration of programs impacted by TMDL studies. **MPCA has hired a coordinator in the wastewater program area, and an additional stormwater coordinator, to assist with integration of those program areas with TMDL activities.**
- Stormwater and TMDLs (Risberg, Trojan, Maraldo) **MPCA has hired an additional stormwater coordinator for TMDL activities.**
- Ongoing conversations between point source and TMDL managers (at least quarterly) (Turri, Skuta) **MPCA has chartered and been utilizing a Water Managers Team that meets monthly on TMDLs and how it impacts permitting, monitoring, enforcement and all aspects of water programs. Also, a group has been meeting on the One Water Program Concept and how it can be implemented.**

- Input annually to the accountability database those impaired water bodies that will be or have returned to meeting designated uses without completing a TMDL (Skuta, Davenport) **Minnesota has submitted a total of 9 waters for inclusion in the accountability database. Mechanism for submittal has been difficult due to problems with Internet transfer of data. Minnesota intends to submit data to EPA in Excel format for entry into database.**

For more information on the Impaired Waters Joint Priority, contact: At MPCA, Glenn Skuta at 651-297-8676 or glenn.skuta@state.mn.us; at EPA Region 5, Kevin Pierard at 312-886-4448 or pierard.kevin@epa.gov

WQ Monitoring

October 1, 2006 – September 30, 2008

(FFY 07 progress is outlined in red)

(FFY 08 progress is outlined in blue)

Statement of Environmental Problem/Issue

Effective and comprehensive water quality monitoring is an essential part of our environmental protection and restoration efforts. EPA and the States need monitoring information to carry-out and assess the effectiveness of water quality protection programs and to assess, on a larger scale, the condition of water quality within a State or the Region. Recently, several entities, including GAO and OMB, have issued reports which point out the inadequacy of EPA and State monitoring programs for collecting sufficient data to implement Clean Water Act programs.

Most of the information used by the States and relied upon by EPA to manage water quality is collected and/or assessed by States. EPA Region 5's role largely is assessing the adequacy of State monitoring programs, synthesizing the State-generated data into a comprehensive assessment of the Region as a whole, evaluating the success of water quality management efforts, and developing and providing technical assistance, resources, tools and guidance for states to carry-out their own programs. EPA Region 5 and Minnesota Pollution Control Agency have an opportunity to work together to improve our monitoring programs to more effectively measure changing environmental conditions at various temporal and spatial scales, detect new and emerging water quality problems, and provide data to measure shared environmental goals including those in EPA's Strategic Plan and those identified in MPCA's Monitoring Strategy.

Data Available to Support Investigation of Problem Causes, Stressors, etc.

This joint priority proposal is about improving EPA and MPCA's monitoring and assessment efforts so that each agency will have sufficient data available on stressors, sources of water quality impairments, and the condition of water resources to support Clean Water Act program needs and measure our progress in protecting and restoring water quality.

Initial List of Program Participants Who Might Have an Interest, Role or Stake

EPA Region 5 Water Division, MPCA, other State/Federal agencies including the Minnesota Board of Water and Soil Resources and Departments of Health, Agriculture, and Natural Resources, Minnesota communities, local units of government and the public.

Benefits of Joint “Ownership” of Problem/Issue

Identifying monitoring as a joint priority for the next several years will provide greater focus and attention to collecting data necessary for both agencies to understand better the quality of the State’s rivers, streams, lakes, wetlands and groundwater and to target future work. Identification of data management and integration needs will help EPA and MPCA in effective targeting of resources, programs and efforts on the most significant environmental problems and on achieving measurable environmental outcomes.

A. The following are potential joint activities that may be considered for inclusion in the 2006-2008 EnPPA as a way to implement this joint priority:

1. Continue implementation of the Minnesota Water Monitoring Strategy, including continued discussions with the Minnesota Department of Health on issues related to groundwater monitoring and assessment of drinking water designated uses. Continue to identify and prioritize gaps that need to be filled. Identify adjustments that can be made given existing resources and constraints. Identify and target additional resources that would be needed to fill the remaining gaps (funding to be provided as available). Include specific activities in the MPCA/EPA PPA. (EPA Strategic Plan WQ-7).

MPCA Action - Identify actions to be undertaken in the next biennium to continue implementation of strategy, including activities for the 106 Monitoring Initiative Funds that address gaps/weaknesses identified in the MPCA Monitoring Strategy Report progress to EPA.

MPCA Contact: Louise Hotka

The National Lake Assessment Program (106 Monitoring Initiative Funds) field work was successfully completed during the summer of 2007 and we are preparing to analyze that data as we receive it over the next 6 to 12 months. Detailed information about the NLAP program is available at: <http://www.pca.state.mn.us/water/nlap.html>.

The MN Clean Water Legacy Act, with funding provided in State FY07-09, substantially expanded the spatial extent of condition monitoring on lakes and streams in these programs: the Watershed Pollutant Load Assessment Network, the Intensive Watershed Assessment, and Grants to local organizations and citizen volunteers for monitoring.

- MPCA continues to analyze the data available from the National Lake Assessment Program with participation/assistance from project partners. Four reports have been completed and posted on the MPCA’s web site at <http://www.pca.state.mn.us/water/nlap.html>, along with additional information about the NLAP effort.
- The MPCA continues to ramp-up monitoring efforts under the state Clean Water Legacy Act (CWLA). A total of 469 stream sites in seven major watersheds were sampled in 2008, as were 97 lakes. An additional 475 lakes and 180 stream sites are being monitored by local partners with pass-through CWLA funding from the MPCA. The MPCA is also working with the Minnesota Department of Natural Resources, USGS, Metropolitan Council and other partners to establish permanent flow and chemistry monitoring stations at the outlet of each of the state’s major watersheds. Lake clarity trends for 9000 lakes over a 20 year span using remote sensing techniques have also been completed.
- The MPCA has developed an approach to assess nitrate concentrations in surface waters protected for drinking water use during the 2010 assessment cycle. The agency is currently communicating with stakeholders regarding the intent to assess for nitrate and the process/methodology that would be followed.

EPA Input- We agree with the Minnesota self assessment. Region 5 commends MPCA's work on the National Lakes Assessment including internal MPCA analysis and support for the National Lakes Assessment (which started up again in Fall 2008). Region 5 is also pleased with the work MPCA is doing under the Clean Water Legacy Act to expand and enhance the monitoring to support Clean Water Act program needs and to address nutrient issues in surface waters such as nitrate related to drinking water use.

EPA Action - Provide technical and other support to assist Minnesota to implement their monitoring strategy and fill gaps in the program.

EPA Contact: Sarah Lehmann

EPA Action - Provide assistance as requested by the State in the review of strategy implementation, and in identifying activities for inclusion in the EnPPA.

EPA Contact: Sarah Lehmann

2. Identify additional training, guidance, and tools that are needed to improve monitoring programs within the State and EPA. Ensure that these needs are met through appropriate technical assistance.

MPCA Action – Identify needs. On going.

MPCA Contact: Dana Vanderbosch/Dan Helwig

EPA and the MPCA are collaborating on national probabilistic studies with lake monitoring in 2007, flowing waters survey in 2008-09, and wetlands in 2011. MPCA staff attended EPA workshops for development of a Great River biological assessment method applicable to the Mississippi River border waters.

- MPCA continues to collaborate with EPA on national probabilistic studies (see above for NLAP summary). In 2008, the MPCA received supporting grant funds for the Flowing Waters National Survey. Site reconnaissance was completed by the MPCA in 2008.

EPA Input-We agree with the MPCA self assessment. Region 5 greatly appreciated the effort that MPCA put into site reconnaissance as well as working collaboratively with us on addressing site falling on tribal land.

EPA Action - Ensure new guidance and other training is made available to State as it becomes available.

EPA Contact: Sarah Lehmann

EPA Update for 2008-Region 5 provided guidance to MPCA on various aspects of the National Rivers and Streams Assessment (NRSA) as it became available from the Office of Water (OW), including site reconnaissance guides and forms. Region 5 has been working with OW to enhance the timing of when guidance and other information are released. EPA hosted a training session for the NRSA in 2008.

EPA Action - Work with MPCA and other groups to make available training, guidance, and other tools identified by the State or through other workgroups (e.g., the Bioassessment Consistency Workgroup.)

EPA Contact: Edward Hammer

EPA Update for 2008-Region 5 provided updates to the States and Tribes on issues related to bioassessment during the Bioassessment Workgroup meeting held during our annual Surface Water Monitoring and Standards (SWiMS) meeting.

3. Attend and participate in the 2007/2008 Surface Water Monitoring and Standards Meeting.

MPCA Action – Participate in meeting with appropriate staff

MPCA Contact: Dan Helwig

The MPCA and EPA are collaborating on planning the agenda for the 2008 meeting.

- MPCA participated in the 2008 SWiMS meeting, including coordinating a session on pesticide standards development and presenting on Minnesota's efforts to revise its nondegradation rule. MPCA is currently collaborating with EPA on the 2009 meeting agenda.

EPA Input-We agree with the MPCA self assessment. MPCA staff developed and implemented an excellent session on pesticides for the 2008 SWiMS meeting. Several staff members gave presentations for the 2009 SWiMS covering Minnesota's wetlands program, the Clean Water Legacy Act and nutrients.

EPA Action - Provide logistical support in setting up the meeting.

EPA Contact: Sarah Lehmann

EPA Update for 2008-Region 5 completed preparations for the 2008 SWiMS and held the meeting in March 2008. Region 5 coordinated the region-wide SWiMS planning committee for the 2009 SWiMS meeting and secured meeting space and travel funding for presenters and state experts.

EPA Action - EPA considers the annual Surface Water Monitoring and Standards (SWiMS) meeting to be a critical link between the State and Federal surface water programs in Region 5. Accordingly, EPA will make every effort to ensure that the appropriate regional staff from affected programs attend and participate in the meeting and its planning. Similarly, to ensure the success of this important forum for exchanging ideas and advancing the program, EPA expects States will send appropriate representatives to SWiMS with experience in a broad spectrum of applicable programs (e.g., water monitoring, water quality standards, reporting/assessment, fish contaminant monitoring, etc.).

EPA Contact: Sarah Lehmann

EPA Update for 2008-Region 5 worked to include regional staff from affected programs in the planning of SWiMS and at the meeting. We also worked to bring in EPA Headquarters staff, Office of Research and Development staff, and others (USGS, etc.). EPA staff from across the Water Division (and others) attended and helped implement the 2008 SWiMS. Programmatic issues from a number of water program areas were included on the 2009 agenda.

4. Determine if any changes are needed to monitoring program to measure attainment or progress toward our shared environmental goals for water including those in EPA's Strategic Plan and those identified in MPCA's Monitoring Strategy.

MPCA Action - Revisit this discussion, to reflect the current MPCA Strategic Plan and the related Monitoring Goals and Objectives, as attached below under item B.

MPCA Contact: Shannon Lotthammer and Louise Hotka

The State's support for improved monitoring coverage in funding the Clean Water Legacy Act constitutes progress toward Goals. An update to the monitoring strategy to reflect this is planned for 2008.

With the support of the state Clean Water Legacy Act (CWLA), the MPCA continues to develop/refine monitoring components to meet the goals and objectives of the 2004 Monitoring Strategy. In 2008, a draft implementation plan for each monitoring activity under the CWLA was written to guide monitoring and reporting. The CWLA and associated one-time state funding has allowed the MPCA to ramp-up its monitoring efforts in 2007 and 2008 to a level that would achieve the 10-year monitoring cycle identified in the Monitoring Strategy (assuming continued funding). The monitoring implementation plans will be updated to reflect lessons learned in the first years conducting this more intensive monitoring, including the use of the watershed framework.

EPA Input-As noted above, Region 5 is pleased with MPCA's monitoring efforts under the CWLA and encourages the state to continue these efforts to expand, enhance and refine the monitoring program.

EPA Action - Include as a discussion item during the development of monitoring strategy and over time.

EPA Contact: Sarah Lehmann

EPA Update for 2008-No specific discussions were held but Region 5 hopes to discuss the results of the results of the 2007 and 2008 monitoring changes with the MPCA during 2009.

5. Actively shape and participate in the Great Rivers Environmental Monitoring and Assessment Program (GRE) project to establish cost-effective, efficient, and unbiased techniques to assess the environmental condition of the Upper Mississippi River.

MPCA Action - Work with Region 5 and ORD on the development and implementation of the GREwork.

MPCA Contact : Dan Helwig

The MPCA collaborated with Minnesota DNR, Wisconsin DNR and USGS to develop reference locations, collect assessment data, and compare fish collection techniques.

The MPCA continues to collaborate on assessing the data collected with the goal of developing Great River indicators for condition assessment for use in the TMDL listing process.

EPA Action - Help to coordinate effort and provide funding through programs such as REMAP and ORD EMAP.

EPA Contact: Mari Nord and Edward Hammer

6. Actively participate in the national surveys (lake field work in 2007, large rivers field work in 2008) to assess the condition of our nation's waters.

MPCA Action - Work with EPA on the planning and implementing the national lakes survey and the large rivers survey.

MPCA Contact : Steve Heiskary, Dan Helwig

EPA provided funding to complete the lake probabilistic monitoring (National Lake Assessment) in Minnesota. EPA and MPCA scientists are collaborating on technical monitoring issues for the lake, flowing waters and wetland assessments.

- As noted above, MPCA continues to analyze the data available from the National Lake Assessment Program with participation/assistance from project partners. Four reports have been completed and posted on the MPCA's web site at <http://www.pca.state.mn.us/water/nlap.html>, along with additional information about the NLAP effort.

- Flowing Waters National Survey support grant was received from EPA. Flowing waters site reconnaissance was completed by the MPCA. EPA contractors will sample national sites in 2009. MPCA will sample 150 state sites (50 per major eco-region) in 2009 and 2010.
- Minnesota DNR and MPCA have completed sampling for two years of a three-year system to randomly survey wetland quantity and quality statewide. This work is one of the pilots for the national wetland survey in 2011.
- In June, MPCA participated in a joint EPA – State planning meeting in San Antonio for the Coastal Survey.

EPA Input-We agree with the MPCA self assessment. MPCA is actively participating in efforts related to all four of the National Aquatic Resource Surveys (lakes, rivers/streams, wetlands, and coastal waters). Region 5 commends MPCA's work on the National Lakes Assessment including internal MPCA analysis and support for the National Lakes Assessment (which started up again in Fall 2008). Region 5 appreciated MPCA's reconnaissance work for the National Rivers and Streams Assessment and other efforts to address site-specific issues. Region 5 also recognized the work MPCA is doing on wetlands monitoring.

EPA Action - Help to coordinate effort and provide support as needed.

EPA Contact: Sarah Lehmann

EPA Update for 2008 – Region 5 included information on the National Aquatic Resource Assessments at the 2008 SWiMS meeting and incorporated both national and state/tribal-specific talks on the 2009 SWiMS agenda. Region 5 provided guidance to MPCA on various aspects of the NRSA as it became available from the Office of Water (OW), including site reconnaissance guides and forms. Region 5 has been working with OW to enhance the timing of when guidance and other information are released. EPA hosted a training session for the NRSA in 2008 and worked with states to identify appropriate reference sites for inclusion under NRSA reference sampling. Region 5 has also been working with EPA HQs and others on national lakes assessment data delays and updating MPCA and other states as information becomes available. Region 5 began actively working with HQs and the states/tribes to coordinate on the National Coastal Assessment including holding conference calls and planning a face-to-face meeting at the 2009 SWiMS meeting. Region 5 intends to continue work on all four surveys during 2009.

7. Strengthen the State's bio monitoring program by finalizing and implementing a scientifically sound **state-wide fish and macro invertebrate stream** index.

MPCA Action - Finalize and implement index

MPCA Contact : Dan Helwig

Data from nearly 1500 sites are being used to develop a stream classification system to minimize natural variability. IBIs will be calibrated for each classification.

- In 2008 MPCA completed the statewide stream classification system. Statewide IBIs will be completed in 2009.

EPA Input – MPCA continues to make exceptional progress with their biological assessment program and efforts toward developing refined uses.

EPA Action - Provide funding for technical assistance to the Midwest Biodiversity Institute and coordinate efforts with the states to promote and assist with the development of bioassessment and biocriteria programs.

EPA Contact: Edward Hammer

EPA Update for 2008 – Region 5 continued funding several projects with the Midwest Biodiversity Institute and provided support to the states and tribes when funding allowed.

EPA Action - Provide technical assistance and program support for the development of the biocriteria program.

EPA Contact: Edward Hammer

EPA Update for 2008 – Region 5 provided support for the Region 5 Northern eco-regions biocondition gradient technical meeting with the states of Minnesota, Wisconsin and Michigan and Tribes.

8. Continue development of biocriteria and participation on the regional Bioassessment Consistency Workgroup.

MPCA Action - Continue development and participation

MPCA Contact : Dan Helwig

MPCA staff have attended regional (Chicago) and interstate (LaCrosse, Wi) biocriteria meetings set up by EPA to develop and calibrated the biocondition gradient.

- MPCA staff attended a meeting in Chicago with other Region V states to develop a biocondition gradient for the Northern Lakes and Forest eco-region.

EPA Action - Hold at least annual meetings of the regional Bioassessment Consistency Workgroup.

EPA Contact: Edward Hammer

EPA Update for 2008 – Region 5 held a meeting of the Bioassessment Workgroup prior to the 2008 SWiMS meeting in Chicago.

9. Continue to investigate emerging toxics in Minnesota. States rely on EPA for technical assistance on sampling methods, toxicity, and fate and transport information on emerging contaminants.

MPCA Action: Investigate the occurrence of emerging toxics in sensitive Minnesota waters or in waters nearby a specific source.

MPCA Contact: Paul Hoff

Continuing. Developed an inventory of emerging environmental issues (the EII) together with a brief description of each issue and its environmental significance. Developed EII by first listing potential emerging issues and then screening the issues on list for relevance to Minnesota and the mission of the MPCA, using criteria developed for that purpose. A team of staff scientists then selected a set of five priority issues from the EII for further evaluation and study. In 2007, the priority issues selected were nanotechnology, pharmaceuticals, EDCs, flame retardants, and PFCs.

Legislative reports on EDCs and decabromodiethyl ether, a brominated flame retardant, are in preparation based on 2007 session requests. Plans to study the presence of EDCs in Minnesota waters are well underway, also in response to 2007 session request. Consent Agreement signed with 3M for investigation/remediation of PFC disposal sites, includes funding for study of PFCs in the ambient environment and various waste streams, which are underway and generating data. Collaboration with EPA labs in FL, OK and MN, and staff in Reg. 5 and HQ aiding in the effort.

In 2008 reports on EDCs and Deca-BDE were completed and presented to the Legislature. Extensive work continues on investigating PFCs in the ambient environment. A dozen studies are underway, including projects in cooperation with the EPA labs at RTP, FL, OK and Duluth MN. Sampling began this summer on a statewide EDC study looking for EDCs in water and endocrine disrupting effects in fish.

The 2nd edition of the MPCA's Emerging Issues Inventory is expected to be complete by the end of 2008, and that will inform coming decisions on priorities and applied research.

EPA Action: Provide technical assistance and funding (if available) to sample and assess the data.
EPA Contact: Al Alwan

10. Support the development and implementation of the Minnesota Wetland Monitoring Strategy. Minnesota has drafted a strategy that includes 1) Random plot sampling; 2) Update of the National Wetland Inventory, and 3) An electronic GIS tracking inventory.

MPCA Action: Implement the sampling strategy and look for collaborative funding for the NWI update and tracking system with MDNR and BWSR.

MPCA Contact: Dan Helwig

The three year random plot monitoring program is going as planned. A Minnesota LCCMR grant has been obtained to update the wetland inventory in the Twin Cities Metropolitan area. A contractor has been hired to provide a scope of how to GIS tracking regulatory actions.

- The Minnesota DNR and MPCA have completed sampling for two years of a three-year system to randomly survey wetland quality and quantity statewide. This work is one of the pilots for the national wetland survey in 2011. The Wetland Restoration Manual update has been completed by the Board of Water and Soil Resources (BWSR). BWSR also completed as assessment of how to implement a GIS regulatory tracking system.

EPA Action: Continue to provide technical assistance and competitive funding opportunities.

EPA Contact: Sue Elston

B. **The following are the Goals from the current MPCA Strategic Plan and objectives related to water quality monitoring.**

Goal W.3. Assess the chemical, physical and biological integrity of lakes, streams and wetlands to identify if designated uses are being met, and to provide information on the condition of waters.

Assistance Requested from EPA:

- Continued opportunities for coordination among volunteer monitoring programs in different states
- Continued opportunities for discussion of monitoring strategies among states
- Continued assistance with random sampling techniques and site selection
- Technical assistance developing the Statewide IBI in 2005
- Region wide criteria to pick appropriate "reference" in highly modified eco-systems
- Define smaller eco-regions for Minnesota.

Objectives:

W3a) By January 1, 2015, gather water quality data and increase assessment of streams and rivers to 33 percent, in comparison to the 2003 level of 5 percent (includes tracking progress of studies and grants related to emerging contaminants).

Assistance requested from EPA:

- Promotion of sharing of information among states concerning what they (states) have done for monitoring related to emerging issues

- Promotion of discussion among states about how better to incorporate magnitude and duration of exceedances, as well as frequency, in use-support assessments
- Guidance for combining results of flow event monitoring and results of grab sampling in use-support assessments
- Guidance on design of monitoring--number and placement of sites, frequency of sampling, etc.--to meet specific data quality objectives (DQOs)
- Promotion of development of methods (how to sample and assess) appropriate for large rivers, in particular the Lower Mississippi.
- Assistance on how to assess small ditches and determine thresholds.

W3b) By January 1, 2015, gather water quality data and assess 100 percent of the lakes larger than 500 acres.

Assistance Requested from EPA:

- Assistance in developing fish or zooplankton lake IBIs

W3c) By January 1, 2015, gather data and increase monitoring so that 25 percent of the state's depressional wetlands are assessed.

Assistance Requested from EPA:

- Continued random site selection support
- Support to determine large scale assessment techniques using remote sensing
- Support for IBI development on wetlands other than depressional ones

W3d) By January 1, 2009, assess Minnesota's contribution to identified regional, national and international water pollution problems.

W3e) Ensure data is readily available to the public within one year of season it is collected.

W3f) Complete Impaired waters list according to EPA requirements.

Goal W.4. Maintain and enhance the chemical, physical and biological integrity of Minnesota lakes, streams and wetlands so that water quality standards and designated uses are met and degradation is prevented.

Conduct monitoring, as needed, to support the following objectives:

W4a) Ensure that discharges from all permitted point sources are in significant compliance with state and federal limits 95 percent of the time for major facilities and 90 percent of the time for minor facilities. **

W4b) By July 1, 2009, all of the 240 Municipal Separate Storm water Systems (MS4s) are actively managing storm water programs.

W4c) By January 1, 2008, 95% of the storm water permits for construction sites less than 50 acres will be issued within seven days.

W4d) Ensure that feedlots with NPDES permits meet state and federal requirements 90 percent of the time. **

W4e) By January 1, 2011, 90 percent of the feedlot facilities enrolled in the open lot program meet water quality effluent standards. *

W4f) By January 1, 2007 conduct a performance evaluation of the water quality program basin management framework and make adjustments.

W4g) By October 1, 2006, and every 3 years thereafter, review Minnesota's water quality standards to incorporate changes to the standards to reflect current science and information. *

W4h) By January 1, 2014, strengthen local programs to reduce the percentage of septic tanks characterized as failing or imminent threats to public health and safety from 39% to less than 5%.

W4i) Annually complete 95% of the non-TMDL watershed activities specified in the federal work plan.

W4j) Annually complete 95% of the watershed projects specified in the federal work plan.

Goal W.5. Restore the chemical, physical and biological integrity of Minnesota lakes, streams and wetlands that do not support designated uses.

Conduct monitoring, as needed, to support the following objectives:

W5a) Complete TMDL studies within 13 years of initial listing.

W5b) Within one year of EPA approval of each TMDL study, implementation plans will be approved and initiated.

W5c) By January 1, 2007, implement the impaired waters program plan and report annually.

For more information on the Monitoring and Assessment Joint Priority, contact: At MPCA, Shannon Lotthammer at 651-297-8676 or shannon.lotthammer@state.mn.us ; at EPA Region 5, Sarah Lehmann at 312-353-4328 or lehmann.sarah@epa.gov

Midwest Clean Diesel Initiative

October 1, 2006 – September 30, 2008

(FFY 07 progress is outlined in red)

(FFY 08 progress is outlined in blue)

Objective: Both agencies seek a well coordinated, non-duplicative effort to reduce diesel emissions, with clear and measurable outcomes.

Statement of Environmental Problem/Issue: Reduce diesel emissions through a reduction in idling and retrofitting legacy diesel equipment that will not meet the new EPA standards taking effect in 2007.

Actions to be accomplished or Progress Update:

1. MPCA will provide 20 loans to qualified small businesses by October 2007 for one or more of the following technology packages:
 - a. Idle reduction devices
 - b. Single-wide tires
 - c. Trailer aerodynamics
 - d. Emission control devices
2. Accomplish 500 diesel retrofits of school or public fleet buses by January 2007. At that point, new targets would be set.
3. Establish financial support through federal grant awards, or state legislative initiative to provide needed funding for the next 4 years.

1. MPCA provided 48 loans to qualified small businesses for a total of 70 Auxiliary Power Units (APUs) idle reduction devices.
2. MPCA, as a founding partner in Project Green Fleet accomplished 206 bus retrofits in 2006 and have underway the remaining retrofits to accomplish 500 retrofits by December 2007.
3. Project Green Fleet has received grant awards from EPA Region 5 for school buses and ports; the Minnesota Legislature has provided MPCA \$2.4 million for FY08-09, which is in the process of being awarded to Project Green Fleet.

FFY2008 update:

1. MPCA provided 29 loans to qualified small businesses for a total of 99 Auxiliary Power Units (APUs) idle reduction devices.
2. Project Green Fleet (PGF – MPCA is a founding member) accomplished an additional 283 school bus retrofits in 2007, contributing toward a current total of 1005 retrofit school buses in the state. PGF has also retrofitted 72 heavy-duty diesel engines – such as waste haulers, recycling trucks, transit buses, and construction equipment.
3. MPCA has been awarded \$590,640 in grant funds from EPA Region 5 for 2008 and 2009 (two year project) that will be used to retrofit 110 school buses and to provide 22 auxiliary power unit loans. Project Green Fleet has also received \$400,000 in grant awards from EPA Region 5 for retrofitting 145 school buses and 20 heavy-duty diesel engines. The Minnesota Legislature has provided MPCA \$2.4 million for FY08-09, of which \$1.2 million is currently being used by PGF to retrofit a minimum of 650 school buses. The second half of this funding, is expected to be awarded in early 2009 for the continued retrofit of school buses. Work of a \$500,000 congestion mitigation air quality (CMAQ) grant along with a \$125,000 MPCA match is underway. This funding was awarded to the MPCA by the Metropolitan Council for the retrofit of a minimum of 200 public, on-road heavy duty vehicles (primarily snow plow and publicly owned garbage trucks).

Additional funding sources will be identified in the statewide plan due to be completed in December 2008.

MCDI -

In 2008, MPCA met or exceeded all of the goals set forth in the PPA for clean diesel activities. Minnesota continues to conduct SmartWay outreach, and there has been a 25% increase in SmartWay partnerships in the second half of fiscal year 2008. MPCA continues to work closely with its clean diesel partner, Project Green Fleet (PGF) on clean diesel activities, and both groups communicate regularly with EPA. Over the past year, the state has developed a comprehensive plan in conjunction with PGF for state clean diesel activities, and EPA has offered input and guidance for the workplan development. The addition of a dedicated MPCA Clean Diesel Specialist has allowed for increased communication with EPA and increased MPCA participation on joint clean diesel activities. Minnesota's funding for clean diesel activities grew in 2008. MPCA continues to direct SEP money toward clean diesel activities, where possible. PGF continues to impact school buses in Minnesota with EPA competitive funds and through other funding sources. EPA Region 5's Midwest Clean Diesel Initiative awarded a 2008 clean diesel competitive grant to PGF for \$400,000. Programmatically, MPCA and PGF have both assisted Region 5 diesel staff on outreach, information requests, and presentations to target sectors for clean diesel activities, and EPA Region 5 consulted with MPCA to help MPCA obtain funding for clean diesel activities from various sources, in particular CMAQ funds.

Joint Priority Responsibilities

1. Partnership in EPA's SMARTWAY program, through use of MPCA's Small Business Loan program.
 2. Participation and financial support for Project Green Fleet. Project Green Fleet is an innovative voluntary approach to accomplishing retrofits and commitment to diesel idling reduction through a private-public partnership. MPCA is currently committed to fundraising, providing educational materials for schools and project management support (currently about .5 FTE) for Project Green Fleet.
 3. Offer opportunity for Supplemental Environmental Projects. MPCA will offer diesel retrofits, installation of Auxiliary Power Units and other diesel reduction activities as a SEP, at every applicable enforcement opportunity.
 4. Participation in CenSARA's Blue Sky Highway initiative. MPCA will seek other federal funding for reduction in idling and retrofits. EPA Region 5 will support MPCA's proposals with EPA Region 6 & 7.
 5. Develop Minnesota's Healthy Schools Program including working with schools to reduce diesel bus emissions through anti-idling practices, retrofits and switching to bio-diesel fuel. As part of a 2004 EPA Region 5 Pollution Prevention Demonstration Grant, MPCA (old Office of Environmental Assistance) has developed a Health Schools Program, which demonstrates how to implement sustainable practices in three different school settings. This grant ends in September 2006.
 6. Offer technical or logistical support as able for EPA Region 5's efforts on ports, agriculture and railroads. (e.g. space for meetings, speakers, etc.)
 7. Sharing results of other efforts. EPA Region 5 will share technical information from other diesel reduction efforts.
 8. Offer financial support. EPA Region 5 will seek to allow attainment states to participate in funding opportunities for diesel reduction projects.
1. See update above
 2. MPCA no longer participates in fundraising, with the exception of federal and foundation support. Project Green Fleet has requests pending for \$500,000 in corporate funding. In October 2007, the MPCA was awarded \$500,000 of CMAQ funding from the Metropolitan Transportation Advisory Council to retrofit heavy construction equipment in partnership with Minneapolis, St. Paul, Hennepin and Ramsey Counties and MnDOT. An RFP will be issued for that work.
 3. MPCA has offered diesel retrofits for two SEPs and neither company has chosen to proceed with them. An outstanding SEP (Flint Hills) was revised to include diesel retrofits, which was subsequently awarded to Project Green Fleet and applied to a local school district in the facility's area.
 4. Project Green Fleet, with MPCA as a partner, was awarded funding from Blue Skyways for school bus retrofits. MPCA continues to actively participate in subcommittees to identify future opportunities.
 5. MPCA has incorporated the learning from the "Healthy Sustainable Schools" into a school sector program within the MPCA. In addition, through an advisory board, the Environmental Education Advisory Board, created a WE3 program (We Learn. We Save. We Win.) that is a collaboration of multiple state agencies focused on the school sector. Links to resources can be found at:
<http://www.pca.state.mn.us/assistance/schools/index.html> and
http://www.nextstep.state.mn.us/res_detail.cfm?id=2105
 6. **Project Green Fleet has been awarded funding for ports (aggregate industries) in the past month from EPA Region 5.**

FFY2008 update:

1. MPCA will be able to participate more fully in promoting and soliciting participation by Minnesota trucking companies in the EPA SmartWay program due to the addition of the Clean Diesel Specialist position (through the state EPA Region 5 Clean Diesel funding). The APU loan program will also continue to support clean diesel efforts of the state's transport truckers.
2. Financial support for PGF continues through grant funding awarded through a competitive bid process. MPCA staff continues to support the general work of PGF collaboratively.
3. A SEP in the amount of \$176,600 was awarded to PGF through an agreement with the Pan-O-Gold Baking Company in St. Cloud, Minnesota. This funding will be used for diesel emission-reduction activities in the area.
4. PGF did not receive funding through the Blue Skyways Collaborative this grant round (2008).
5. The work of PGF to retrofit school buses complements the MPCA "Healthy Sustainable Schools" program. PGF has provided updates to staff coordinating this effort.
6. PGF plans to retrofit 4 Aggregate Industries wheel loaders with EPA-verified diesel oxidation catalysts and idle reduction timing equipment, as well as completing an engine rebuild on another wheel loader (a port project)

MPCA Program Goals

MPCA strategic plan objective A.1.b. *By Dec. 31, 2010 reduce overall emissions in Minnesota of fine particulates and/or pollutants that contribute to fine particle formation by 30 percent from 2000 levels.*

For more information on the Midwest Clean Diesel Initiative Joint Priority contact:

At MPCA: Rick Patraw at 651-757-8676, or rick.patraw@state.mn.us At EPA Region 5: John Mooney, 312-886-6043, mooney.john@epa.gov, or Julie Magee, 312-886-6063, magee.julie@epa.gov

PPG Work Plan

MINNESOTA POLLUTION CONTROL AGENCY'S FFY 07-08 PERFORMANCE PARTNERSHIP GRANT WORK PLAN

Vision Minnesotans Take Responsibility to Protect Our Environment

Goal Minnesotans buy green products and services.

Objective By January 1, 2008, decrease energy consumption by at least 30% from 2002 base in new green building projects assisted by the agency.

Activity Air: Energy:

Collect data, get out information and perform Information Data Management Environmental Education by January 1, 2008.

1. The PCA issued 3 Environmental Assistance Grants for Green Building:
 - a. \$40,000 to U of MN college of Design for a MN zero emission design protocol.
 - b. \$36,000 to City of St. Paul for green policy development.
 - c. \$15,000 to Neighborhood Development Alliance for demonstrating LEED certification for affordable homes.
2. A total of 41 commercial/institutional buildings built in Minnesota through early 2005 meet this 30% goal. The group originally contracted to provide this data is no longer able to do so due to an increase in requests to design energy efficient buildings.
3. A total of 60 state bond funded projects in 2005 and 2006 were required to meet the 30% goal. Because the FY '08 bonding bill was vetoed by the Governor, no new projects were added to the B3 list in 2007.
4. This objective is being revisited because of the inability to collect the data necessary to track it.

FFY2008 update:

The MPCA's Green Building program strives to create awareness of and commitment to environmentally sustainable building design and construction practices among Minnesota's local and state government officials, building professionals, product suppliers, and consumers.

During this time period, the green building program has developed partnerships and facilitated development of programs that continue to increase Minnesota's capacity to implement sustainable building practices throughout the state. These include:

- ◇ Launching the MN GreenStar Certified Green Homes and Remodeling program with a state Environmental Assistance Grant and MPCA staff technical assistance.
- ◇ Increasing the demand for green building through the Living Green Expo and the Eco Experience Eco House at the State Fair. Home improvement exhibits have experienced the largest increase in participation among all categories of vendors since the Living Green Expo was first launched. 350,000 fairgoers have visited the Eco Experience each year.
- ◇ Partnering with Minnesota Building Officials (ICC/AMBO) to offer green building courses at their annual educational institute.
- ◇ Training nearly 200 local government representatives about LEED and the MN Sustainable Building (B3) Guidelines.
- ◇ Sponsoring and assisting with planning of green building tracks for the annual Energy Design Conference & Expo in Duluth, a regional training event for over 1,300 building contractors and utility representatives.
- ◇ Training more than 200 builders and re-modelers on advanced framing —a collection of techniques designed to reduce the volume of lumber and construction waste used and generated in residential construction.
- ◇ Leveraging green building through our partnerships with the Mississippi Headwaters Chapter of the US Green Building Council and the Minnesota Green Communities Initiative.
- ◇ Facilitating development of a comprehensive renewable energy curriculum through a state Environmental Assistance Grant to the University of Minnesota that created an online renewable energy resource for design professionals (<http://www.rearch.umn.edu/index.html>). Development of a comprehensive renewable energy curriculum educated more than 1,400 participants, and led to the inclusion of renewable energy installations in a number of design projects.

These efforts through the MPCA's Green Building program are improving water quality and reducing the state's carbon impact through greater energy efficiency and water conservation, reduced waste and material use, better site design, and installation of renewable energy technologies. As a result of MPCA's newly finalized Strategic Action Plan (summer 1998) this objective has been revised to read: By January 1, 2013, provide green building assistance targeted at new or substantially reconstructed buildings to achieve a 25 percent reduction in greenhouse gas emissions using 2003 as a baseline. Should this objective be included in future EnPPA agreements, we will provide periodic updates to US EPA Region V.

Goal Minnesota businesses produce green products and provide green services by reducing or eliminating the use of environmentally harmful substances.

Objective By January 1, 2008, the Toxic Release Inventory chemical generation, and the number of facilities in targeted sectors required to report, are reduced by 10% from 2002.

Activity Air: Point Source Technical Assistance

See grant template OMB PART measures for cancer and non-cancer causing toxic pollutants.

1. In June 2007 the Household Hazardous Program Staff and Wal-Mart completed a pilot project allowing the public to bring in compact Fluorescent Lamps for 1 day. The PCA is waiting for a report from Wal-Mart regarding the amount of lamps collected.
2. New targets for the pollution prevention program based on TRI will be set. They will be

determined by looking at past MnTAP targets and results. For example, previous MnTAP targets show significant reductions in the first few years of work, but then level off. The initial assistance efforts are usually timed to coincide with regulatory drivers. Business cycles also play a major role.

- a. Styrene
 - i. 1999 – 2002: 38% reduction in chemicals managed
 - ii. 2002-2004: 6% increase.
- b. Metal finishing
 - i. 1999 – 2002: 23% reduction
 - ii. 2002 – 2004: 4% increase

FFY2008 update:

See grant template OMB PART measures for cancer and non-cancer causing toxic pollutants.

These previous MnTAP targets (wrapped up in 2006) show significant reductions in the first few years of work coinciding with regulatory drivers (NESHAPs) and an economic recession. There is a brief increase in chemicals managed and released as the economy and production picked up. More recent reductions in 2004-2006 are likely due to lasting changes in products that have worked to minimize these chemicals for industrial use, including low-styrene resins, and low-VOC products for the wood and metal finishing operations.

- a. Styrene from the fiber reinforced plastics industry
 - i. 1999 – 2002: 38% reduction in chemicals managed
 - ii. 2002-2004: 6% increase
 - iii. 2004-2006: 17% reduction in chemicals managed
- b. VOCs from wood finishing operations (not metal finishing!)
 - i. 1999 – 2002: 23% reduction in chemicals managed
 - ii. 2002 – 2004: 4% increase
 - iii. 2004 – 2006: 37% reduction in chemicals managed

New targets for the pollution prevention program were defined and set in 2007 between MPCA and MnTAP. MnTAP began work in 2008 in the following sectors:

- metal fabrication
- medical device manufacturing
- marinas
- halogenated solvent degreasing
- energy conservation efforts with an emphasis on fans, pumps, motors

Other sector work continued from before in the following areas:

- food processing
- healthcare

Generation of TRI chemicals in Minnesota

Source	2005	2006	2007
Elec. utilities, chem. distributors	13.6	14.7	16.6
Recyclers (metals & solvents)	0.9	0.9	0.8
Waste treatment (incinerators)	17.2	16.8	15.9
Manufacturers	140.5	143.1	141.3
Total TRI chemical generation	172.2	175.5	174.6

Since the decline in waste generation that resulted from Gopher Resource changing their reporting process in 2005, waste generation trends in Minnesota have remained stable. Using only the TRI data set misses information from companies that do not report on TRI (only 400 report on TRI), and also misses information on water, wastewater, chemical use, solid waste and energy use. To better measure our business assistance activities this objective has been revised. Beginning July 1, 2009, the new objective will be: “By January 1, 2013, technical assistance at specific facilities will reduce the amount of pollution generated by 10 percent from 2008 levels”.

Goal Minnesotans act on their environmental knowledge to support healthy ecosystems.

Objective By January 1, 2011, Minnesotans’ scores on an environmental literacy survey demonstrate an average increase of at least 5% above 2002 scores.

Activity Agency-wide Management, Leadership and Administrative Support Technical Assistance:

Provide consulting assistance on special projects, as needed.

Provide regulatory and non-regulatory assistance to businesses locating or expanding in the state as needed. Achieve an average number of businesses assisted through phone and on-site assistance of 900/yr.

1. 2003 – 47% of Minnesota’s adults have above average knowledge about the environment based on thirteen fact-based questions. The 2002 baseline is 36%. The survey will be updated in 2008.
2. In 2007 approximately 350,000 people attended the Eco Experience Exhibit at the State Fair. It is estimated that over 50 million people were reached through media impressions.
3. Living Green Expo 2007:
 - a. Approximately 22,000 people attended (up from 14, 00 in 2006).
 - b. There were over 65 workshops, with over 1,600 attendees.
 - c. More than 26,000 website visits during the week of the Expo.

FFY2008 update:

1. The *Third Minnesota Report Card on Environmental Literacy* indicates that 43% of Minnesota’s adults have above average knowledge about the environment based on thirteen fact-based questions. The 2002 baseline is 36%.
2. The 2008 Eco Experience Exhibit at the State Fair continues to attract approximately 350,000 attendees
 - a. 2008 Living Green Expo:
 - b. 25,000 attendees (20% more than 2007)
 - c. 47 Workshops with 2,000 attendees (20% more than 2007)
 - d. 25.8% media impressions (estimated people reached through media coverage and promotion)
3. Minnesotans receive environmental information through websites and electronic publications such as: Sharing Environmental Education Knowledge (SEEK), Minnesota Sustainable Communities Network and Next Step. Collectively, these web sites and electronic publications were accessed 402,388 times.
4. This objective has been revised to read: Minnesotans maintain or increase their general environmental knowledge and environmental behavior scores from the baseline data presented in the 2002 Minnesota Report Card on Environmental Literacy.

Objective Increase citizen monitoring of lakes and streams by 5% annually.

Activity Surface Water:

Actively encourage citizens to volunteer for monitoring. See grant template that relates to PART P-106-6. See our web site for more detail <http://www.pca.state.mn.us/water/volunteer-monitoring.html>.

- a. In 2006 citizen monitoring of lakes increased 6.7%
- b. In 2006 citizen monitoring of streams increased 12.9%

This objective is no longer tracked in the Responsibility vision. For an update on this objective please refer to:

Vision: Clean and Sustainable Surface water and Ground Water Systems.

Goal: Assess the chemical, physical and biological integrity of lakes, streams and wetlands to identify if designated uses are being met, and to provide information on the condition of waters.

Objective: By January 1, 2015, gather water quality data and increase assessment of streams and rivers to 33 percent, in comparison to the 2003 level of 5 percent.

Vision Clean and Clear Air

Goal Minnesota's outdoor air quality will meet or improve upon all environmental and human health-related federal and state ambient air quality standards.

Objective Reduce risks to humans and the environment by continually meeting all ambient air quality standards.

Activity Air: Point Source Data Management

Activity Air: Enforcement and Compliance

MPCA will ensure that compliance and enforcement information is complete, accurate and timely, consistent with EPA policies and the ICR. **Continuing. Continuing.**

Activity Air: Point Source Permitting

Issue State Operating Permits within 150 days of receiving a complete application. **The agency received additional funding from the legislature to address permitting staff shortfalls. We have filled eight new positions and are in the process of training the new staff. This should help us to reduce our permitting backlog and meet our permitting goals.**

The agency is in the process of refining its data to reflect this goal properly. Current data shows MPCA averaged issuing permits within 150 days about 60% of the time from when the application was received (See attached chart entitled AQ current permits). A new system is being established that will show the number of days from receipt of a complete application.

EPA comment: Originally, MPCA did not provide an '08 self assessment for this measure. In order for EPA to assess MPCA's progress on this measure, MPCA had to provide a percentage of state operating permits that were issued within 150 days of receiving a complete permit application. After negotiations required information was provided by MPCA.

EPA comment: Measure complete.

Enter data into the RACT/BACT/LAER clearinghouse upon issuance of a major NSR permit in a timely manner.

Over the last year, MPCA has had very few entries into the RACT/BACT clearinghouse and all information has been submitted in a timely manner.

EPA comment: MPCA did not provide an '08 self assessment for this measure. In order for EPA to assess MPCA's progress on this measure, MPCA should provide data such as the number of PSD permits issued by MPCA vs the number of PSD permits entered into the RACT/BACT/LAER clearinghouse, and the number of days between issuance of the PSD permit and entering the permit data into the clearinghouse.

EPA comment: MPCA historically issues few PSD permits per year. Entries into the clearinghouse are usually timely.

Issue major source permits within established timeframes. (Performance Measure - Number of permits issued vs. number of permit applications received and number of days on average between date of complete application and date of permit issuance). **The agency received additional funding from the legislature to address permitting staff shortfalls. We have filled eight new positions and are in the process of training the new staff. This should help us to reduce our permitting backlog and meet our permitting goals.**

The attached chart (AQ NewMod Permits) shows the number of applications received and issued for each quarter of 2008 as well as the days to issue. The days to issue is shown for both application receipt and application pickup to issuance.

EPA comment: MPCA did not provide an '08 self assessment for this measure. In order for EPA to assess MPCA's progress on this measure, the following information should be provided: Number of major source permits issued vs. number of major source permit applications received and number of days on average between date of complete application and date of permit issuance

EPA comment: Measure complete.

Continue progress in decreasing FESOP and T5 renewal backlog. (Performance Measure - MPCA to continue to provide EPA with monthly progress reports towards completion of work effort on FESOPs and renewals). **Continuing.**

We have continued to reduce both the number of unissued FESOPS and cut into the T5 backlog.

EPA comment: MPCA is providing EPA with monthly progress reports in a timely manner MPCA is making steady progress in reducing the number of unissued FESOPs and renewals.

Activity Air: Point Source Program Development - Activities link to OMB PART Measures see PPG grant application.

Complete Omnibus III (multirule) by March 31, 2007. **Completed 11/07. Completed 11/07.**

Coordinate EPA air SIP submittals and EPA SIP relationships, annually. **Meeting is held annually. We have bi-monthly conference calls. Meeting is held annually. We have bi-monthly conference calls.**

Implement air aspects of Hg TMDL within one year after EPA approval of the TMDL (~October 1, 2007).

The planning process for the Mercury TMDL Implementation Plan has begun through a stakeholder process overseen by a contractor to the MPCA. The target for strategy recommendations from the group is spring 08.

The MPCA is currently implementing the recommendations of Mercury TMDL Implementation Plan created by stakeholders. An implementation plan for stakeholder recommendations is expected in December 2008. Significant work focuses on seeking reductions from sectors that are currently operating with an air permit. Another focus of the MPCA's efforts is the handling of proposed mercury emissions from new or expanding sources.

Implement BART provisions of regional haze regulations, by December 17, 2007. Regional Haze submittal planned for April 08. Negotiations with taconite sector have been very difficult. Due to CAIR vacature, Minnesota will need to do BART determinations for EGUs. Regional Haze SIP with taconite and EGU determinations is expected in the first quarter of 2009.

Implement EPA Clean Air Interstate Rule, by March 31, 2007 (EPA OAQPS N23). Decided to accept FIP. CAIR was invalidated by US Court of Appeals. If resuscitated, Minnesota may be excluded.

Implement EPA Clean Air Mercury Rule, by October 1, 2008. Decided to accept FIP. CAMR was invalidated by the US Courts of Appeals.

Revise incinerator rules based on EPA rule revisions by October 1, 2008. We will combine this update with regulations to implement boiler rules due to MACT vacature. This may somewhat delay incinerator portion. We expect a 111(d) submission by end of 2009 following modification of our rules for existing waste combustors.

MPCA will notify EPA when a violation of the NAAQS has been monitored. MPCA will address any violation of the NAAQS. No violations of NAAQS monitored. The MPCA is preparing to conduct source monitoring to comply with the new lead NAAQS. One area in Minnesota with current monitoring data will likely be in violation of the new lead NAAQS.

MPCA is committed to updating maintenance plan SIPs on a mutually agreeable schedule. Schedule has been developed for Rochester maintenance plan update and re-modeling. Maintenance plan is due in May 2009. We expect plan submission by end of 2009.

MPCA is committed to submitting a SIP meeting the requirements of EPA's transportation conformity rule. SIP development halted by bridge collapse. Effort has been restarted with anticipate submission by end of 2008. Legal review and formal MPO approval remain. Submission expected in first half of 2009.

Develop and implement a work schedule to update the Olmsted County SIPs for PM10 and SO2, By October 1, 2007 – see above

EPA Comment: From our perspective, Minnesota's self assessment looks fine. With respect to the Criteria Pollutant Section programs contained in the "Vision Clean and Clear Air" section, MPCA has accurately characterized state progress and program status. MPCA is currently developing BART determinations for Electric Generating units in response to

recent and anticipated actions on the Clean Air Interstate Rule and is on a schedule to submit the regional haze SIP at the end of March. MPCA expects to submit an SO₂ and PM₁₀ maintenance plan update for Olmstead County by the end of 2009. MPCA is also working with EPA to complete a SIP revision meeting the requirements of EPA's transportation conformity rule. MPCA expects to submit this revision in the first half of the year, but is awaiting EPA's imminent issuance conformity guidance to ensure that all issues are addressed.

Activity Air: Ambient Monitoring

Collect data on mercury levels in Minnesota fish, by October 1 each year.

We have exceeded the goal of resampling 30 lakes for fish mercury trends thanks to additional funding through the Clean Water Legacy Act. We continue to participate in the sulfate addition study at the Marcell Experimental Forest. The study has demonstrated that adding sulfate to a wetland stimulates methylmercury production (see Jeremiason et al. 2006. Sulfate Addition Increases Methylmercury Production in an Experimental Wetland, Environmental Science & Technology 40: 3800-3806). Experiments and monitoring are continuing to understand the chemical and biological processes in the wetland when the sulfate is added.

Coordinate operation and maintenance of acid deposition monitoring network sites to meet data capture requirements, annually by Oct. 1. **Requirements met and activity is ongoing.**
Requirements met and activity is ongoing.

Operate and maintain air toxics monitoring network to meet data capture requirements, annually by October 1.

Requirements met and activity is ongoing. **Requirements met and activity is ongoing.**

Operate and maintain criteria pollutant monitoring network sites to meet data capture requirements, annually by October 1.

Requirements met and activity is ongoing. **Requirements met and activity is ongoing.**

Operate and maintain hydrogen sulfide monitoring network to meet data capture requirements, annually by October 1.

Requirements met and activity is ongoing. **Requirements met and activity is ongoing.**

Perform ambient air quality instrument calibrations to accordance with State and Federal protocols, annually.

Requirements met and activity is ongoing. **Requirements met and activity is ongoing.**

Perform chemical analyses of ambient air quality samples, annually.

Requirements met and activity is ongoing. **Requirements met and activity is ongoing.**

Operate the ambient air monitoring networks in accordance with finalized monitoring regulations.

Requirements met and activity is ongoing. **Requirements met and activity is ongoing.**

Set-up and operate NCORE monitoring site in Blaine. Site infrastructure in place with monitoring to begin in Summer 2008. The NCORE site in Blaine was installed in July 2008 and has been operational since installation.

Participate in the Regional Monitoring Strategy (EPA OAQPS M10). MPCA will participate when EPA initiates this activity.

Submit monitoring data to AQS as per the requirements in the CFR (EPA OAQPS M11). Requirements met and activity is ongoing. Requirements met and activity is ongoing.

Perform all QA/QC activities in accordance with the finalized monitoring regulations (EPA OAQPS M09). Requirements met and activity is ongoing. Requirements met and activity is ongoing.

Activity Air: Ambient Data Management

Analyze data for compliance with state and federal standards, ongoing basis. Requirements met and activity is ongoing. Requirements met and activity is ongoing.

Make data available to stakeholders and MPCA staff for reports and tracking of progress, ongoing basis. Requirements met and activity is ongoing. Requirements met and activity is ongoing.

Manage Ambient Air Data in the LIMS, ongoing basis. Requirements met and activity is ongoing. Requirements met and activity is ongoing.

Review, analyze and interpret air toxics monitoring data from statewide study; Twin Cities area toxics network; and special monitoring projects, by October 1, 2007. Report for Statewide Air Toxics Study, MSP Airport and Bayport Air Toxics Project complete. Twin Cities Metro Air Toxics Update pending carbonyl data editing with report to be completed in Spring 2008.

Joint MPCA/EPA Effort – Review, analyze and interpret air toxics monitoring data. Participated in EPA sponsored air toxics lab performance tests and staff attended air toxics data analysis workshop in Chicago.

EPA will work with MPCA to finalize the 2005 air toxics inventory. 2005 inventory is submitted.

EPA will work with MPCA to develop the 2008 air toxics inventory. The MPCA will begin the process of collecting 2008 emission inventory data in December 2008 and plans to complete the 2008 NEI within the provided timeline.

Air: Ambient Program Development

Develop and implement a work schedule to update the Olmsted County SIPs for PM10 and SO2, By October 1, 2007 - - Staff have developed a schedule with EPAReg 5 and work is progressing . We expect maintenance plan submission by end of 2009.

Objective By January 1, 2011, reduce overall emissions in Minnesota of sulfur dioxide and nitrogen oxides, pollutants that contribute to fine particle formation by 30 percent from 2000 levels, and by July 1 2006 develop a strategy to appropriately address the other constituents of fine particles.

Activity Air: NonPoint Source Program Development

Coordinate continuing development of the Living Green Expo and other efforts to influence consumer choices, on an annual basis. **Done.**

Develop and implement State E20 mandate, By October 1, 2008.

The deadline for E20 mandate is 2013, with EPA approval by 2010. We have finished phase 1 of testing where limited exhaust and evaporative emissions testing, materials compatibility testing and vehicle drivability testing have shown that there are no "show stoppers". Work still needs to be done on testing small and marine engines and 100,000 mile testing on a range of vehicles. About one more year of work is to be done before the request to approve a 20% ethanol blend is submitted to the EPA for their approval.

Implement diesel retrofit projects in partnership with Clean Air Minnesota to reduce emissions from MN transit fleets, see **Midwest Diesel Initiative Joint Priority (EPA OTAQ 01)**. See **Midwest Diesel Initiative Joint Priority for FFY08** information.

Activity Air: Ambient Technical Assistance

Mercury-Free Zone program maintenance, information development and promotion, by October 1, 2007 and report results annually.

From October 1, 2005, to October 1, 2007, the Mercury-Free Zone Program (MFZ) removed or sequestered 827 pounds of mercury from Minnesota schools. A total of 42 schools pledged to be mercury-free, 53 schools were assessed for mercury spills, and 7472 students and adults were educated about mercury and its dangers.

From October 1, 2007, to September 30, 2008, the Mercury-Free Zone Program (MFZ) removed or sequestered 1025 pounds of mercury from Minnesota schools. Only two additional schools pledged to be mercury-free, but 54 previously pledged schools were assessed for mercury spills, and 4360 students and adults were educated in schools about mercury and its dangers. Hundreds of people were educated about the dangers of mercury at the Minnesota State Fair and thousands more heard about mercury's dangers and the MFZ listening to Joe Soucheray's radio show last September.

In the spring of 2007, the Minnesota Legislature passed law banning mercury and most mercury-containing instruments in Minnesota schools. In response to this, and as a service to the schools, the MPCA initiated the Get the Mercury Out Now! (GMON) effort. This effort gives schools the opportunity to get rid of their elemental mercury and mercury-containing equipment, and to have the equipment replaced with a limited amount of mercury-free equipment **at no cost to the school**. MFZ staff encumbered \$375,000 to pay for the replacement equipment and mercury recycling costs.

In FY08, 262 schools signed up for the GMON offer and 280 pounds of mercury was recycled from 242 of those schools. An additional 20 schools are waiting for one of our contractors to visit their school and remove their mercury and mercury-containing items.

Provide communication products and services to support Air Quality Index, mercury free zone, and air quality monitoring programs, on going basis. See above for Hg. On going as needed. See above for Hg.

Provide Environmental Justice resources, communication, and outreach for the agency, on going basis. EJ staff have been working on communicating with communities and individuals interested in issues related to environmental justice. MPCA held an EJ community forum on 06/28/07 in Minneapolis, MN attended by 70 people. Thirty-one issues were identified by attendees that covered the media of air, water, and land. On April 26, 2007, MPCA made person-to-person contact with environmental staff of Grand Portage tribe and received three EJ issues. MPCA launched the EJ Quarterly to an e-mail list of 51 individuals. In addition, MPCA developed a process for identifying and working on EJ issues, identified EJ contacts at other state agencies to help process shared-jurisdictional issues, and continues to work updating its website with respect to EJ.

For FFY2008: Provide Environmental Justice resources, communication, and outreach for the agency, on going basis. EJ staff has been working on maintaining communication with communities and individuals interested in issues related to environmental justice. MPCA provided funding for, and attended, the Phillips Community Environmental Justice Forum and Feast on May 9, 2008. In addition, MPCA provided further funding for the May 30, 2008, Chalchitlicue Environmental Justice Summit. MPCA presented follow-up to the thirty-one issues that were brought forward in the 2007 conference.

The MPCA launched its new EJ Webpage on April 30, 2008. The web page replaced the quarterly EJ Information regarding procedures for lodging complaints, relevant contacts, project information, and relevant resources are listed. MPCA also maintains a list of Air and Water Quality Permit Notice Contacts that is used by its permitting staff to keep tribal representatives informed on permit notices related to water or air quality permits. The list is also used to send the tribal contacts information on proposed rule revisions and items of interest.

In addition, the MPCA continues working with EJ contacts from other state agencies to help process shared-jurisdictional issues.

Assist in Minnesota's efforts in evaluating, modeling and developing recommendations to address issues related to regional modeling and transport. Report progress annually each October - - Based upon current programs in place and modeling done in 2006, we project reductions of:

Sulfur dioxide: -17% (2002-2009); -16% (2002-2012) -16% (2002-2011); -39% (2002-2018)

Nitrogen oxides: -24% (2002-2009); -27% (2002-2012) -27% (2002-2011); -33% (2002-2018)

Objective By January 1, 2011, reduce overall emissions in Minnesota of pollutants that contribute to ozone formation (volatile organic compounds and nitrogen oxides) by 30% from 2000 levels.

Activity Link to OMB PART measure on grant template.
Report information required by the Consolidated Emission Reporting Rule 40 CFR Part 51.5. MPCA has made every effort to comply with the CERR in its 2005 NEI submittal. The MPCA submitted a draft CROMERR plan to the EPA in July 2008. The plan included compliance for the receipt of NEI data.

Air: Ambient Technical Assistance

Assist in Minnesota's efforts in evaluating, modeling and developing recommendations to address ozone issues related to regional modeling and transport. Report progress annually each October - - Based upon current programs in place and modeling done in 2006, we project reductions of:

Volatile Organic Compounds: -13% (2002-2009); -15% (2002-2012)

Nitrogen Oxides: -24% (2002-2009); -27% (2002-2012)

No change to the values reported in 2007.

Air: Point Source Environmental Review

Air: Point Source Program Management and Leadership

Objective Protect attainment of ambient air quality standards by continually meeting a target of 95% of major sources in significant compliance.

Activity Air: Point Source Compliance and Enforcement

Inspect 100% of major facilities by 10/1/08 per the CMS strategy. **We have inspected 120 majors. On track.**

We have completed inspection of the full CMS strategy commitment for federal FY2008, 160 major facilities. Enforcement actions assessed more than \$850,000 in penalties, and included: 15 Letters of Warning, 22 Notices of Noncompliance, 49 Administrative Penalty Orders, 22 Notices of Violation, 2 Schedules of Compliance, one Consent Decree, and 15 Stipulation Agreements. Three Supplemental Environmental Projects valued at \$450,600 included a diesel school bus retrofit SEP valued at \$176,600. The other SEPS were a heat recovery equipment to reduce fuel usage emission, and a street sweeper used to minimize fugitive dust reentrainment near a taconite tailings basin facility

Conduct compliance and enforcement special projects and report progress at the end of each federal fiscal year (by 12/31). **Air quality compliance and enforcement (C & E) staff worked on special projects designed to increase compliance rates for air emission facilities. The following projects were completed, or showed major progress: self audits sent to over 200 asphalt and sand and gravel facilities; a permit improvement project that has improved communication with staff combined with enforceable permit language development; performance test data is now available on-line to all C & E staff; training and presentations at the area Air Water and Waste Conference; Compliance Clearinghouse fact sheets including industry information, etc. for inspections staff; wood stove complaint response; overall complaint response; updates to the AQ training and procedures manual; and a compilation of resources available to communicate air quality issues to regulated parties and the public.**

Air quality compliance and enforcement (C & E) staff worked on special projects designed to increase compliance rates for air emission facilities. The following projects were completed, or showed major progress: Self audits were sent to 75 synthetic minor facilities – the audit was very helpful in raising awareness of compliance requirements; a permit improvement project provided cross training between enforcement and permitting staff to improve permit quality and enforcement; training and presentations were made on compliance and enforcement at the Minnesota Air, Water and Waste Environmental Conference. Initiatives

conducted by the stack test and continuous emission monitoring (CEMS) staff trained other staff in-house and in industry, increased their field presence, improved reporting forms and procedures, developed standardized Title V permit language for testing and CEMS requirements, and eliminated the stack test report and CEMS report backlogs. Compliance and enforcement initiatives were also directed at unpermitted new sources, CEMS and deviations reporting, the in-house C & E training and procedures manual, and complaint response.

Inspect 40% of the synthetic minor facilities with actual emissions 80% of the Part 70 major threshold by 10/1/08 (approx. 20% per year). **We have inspected 25 synthetic minors.**

We have completed inspection of the full CMS strategy commitment for federal FY2008, 17 synthetic facilities. All synthetic minor facilities exceeding 80% of Part 70 major source thresholds are inspected over a 5 year cycle, at a rate of 20% per year.

Take timely and appropriate enforcement action on High Priority Violations in accordance with the High Priority Violation guidance. **HPV - we have updates with EPA every 6 weeks, and update the HPV summary as soon as HPVs are designated in our enforcement forums. We work to resolve HPV cases thru enforcement settlement as soon as possible. The EPA SRF audit reviewed in detail the status of HPV cases.**

MPCA staff has phone updates with EPA every 6 weeks, and update the HPV summary as soon as HPVs are designated during C & E enforcement forums. We work to resolve HPV cases through enforcement actions including settlement agreements as soon as possible. The EPA SRF audit during the winter of 2006-2007 reviewed in detail the status of MPCA implementation of the HPV policy, and MPCA has implemented EPA suggestions for improvements in our implementation of the policy.

MPCA's commitments for air compliance and enforcement for FFY 2008 have been met. Under their Compliance Monitoring Strategy (CMS) Plan, MPCA's evaluation commitments for the year were met.

MPCA's actions and reporting under the Timely and Appropriate Guidance for High Priority Violations (HPVs) continues to improve. Data on HPVs is reported in a timely manner and actions appear to be consistent with the guidance.

Air: Point Source Data Management

Analyze Continuous Emission Monitoring Data, **ongoing basis. CEMs reported quarterly to EPA.**

Program is now operating without a reserve and performing on site reviews of 5% of the performance tests submitted. The CEMs analysis continues to identify exceedances and connect them to regional haze, ambient standards, permit conditions, and rule/regulation limits.

Air: Point Source Permitting

Program activities and reporting requirements established annually with Region 5. **We continue to work with EPA on a monthly through annual basis to provide information on the achievements of the AQ Permitting Program through formal and informal means.**

We continue to work with EPA on a monthly through annual basis to provide information on the achievements of the AQ Permitting Program through formal and informal means.

Goal Minnesota's outdoor air quality will meet environmental and human health benchmarks for toxic and other air pollutants.

Objective By January 1, 2011, reduce measured ambient concentrations of air toxics to levels below health benchmarks.

Activity Air: Ambient Program Development

Apply, evaluate and interpret regional scale computer dispersion models with regard to sources (point, mobile and area) of pollutants that are transported over long distances and undergo chemical transformation in the air, ongoing basis. Activity is ongoing.

Assist in Minnesota's efforts in evaluating, modeling and developing recommendations to address ozone issues related to regional modeling and transport. Report progress annually each October 1.

Collaborate with external partners to research and understand the relationships between air pollutants, exposure and impacts to health. Incorporate results from grants and research into strategy and reports for communication, ongoing basis. Activity is ongoing.

Coordinate regional scale modeling and data analysis with MPCA staff, CenRAP, other RPOs and States and EPA so that impacts of modeling and emissions plans are incorporated into Minnesota's SIP, ongoing basis. Activity is ongoing.

Develop and implement a work schedule to update the Olmsted County SIPs for PM10 and SO2, By October 1, 2007. Work schedule calls for submission by May 2009. We expect maintenance plan submission by end of 2009.

Develop Minnesota's the Regional Haze State Implementation Plan by October 1, 2007. Regional Haze implementation plan schedule currently calls for submittal in April 08. As mentioned above, SIP submission expected in first quarter of 2009.

Objective Reduce risks to humans and the environment by continually meeting a target of 95% of major sources in significant compliance with all Federal and State air toxics control technology standards.

Provide Non Point Source Technical Assistance, Point Source Compliance and Enforcement, Point Source Data Management, and Point Source permitting on an annual basis to meet the objective. Continuous. Technical assistance in ongoing. We have inspected 120 majors and 25 synthetic minors during FFY07 as part of our biennial FFY07/FFY08 CMS commitment as shown in the attachments above. Data management is ongoing, CEMs are reported quarterly. Permitting is continuous. All permits when issued require compliance with all current Federal and State air toxics control technology standards.

Goal Minnesota takes responsibility for reducing its share of air pollutants generated in the state that have regional, national and global impacts.

Objective By January 1, 2006 reduce mercury emissions from all Minnesota sources by 70% from 1990 levels in order to reduce air deposition to surface waters. (New objective by 3/1/07, will reflect Hg TMDL goal of 93% reduction in MN and tracking emission reduction closely).

Activity See link to MPCA web site <http://www.pca.state.mn.us/air/mercury-mn.html>.

Air: Non Point Source Communications/Information

Air: Non Point Source Program Development

Air: Point Source Communications/Information

Air: Point Source Technical Assistance

Air: Point Source Permitting

Program activities and reporting requirements established annually with EPA Region 5.
Continuing. Continuing.

Objective By January 1, 2011, reduce the concentrations of mercury in fish by at least 10% from 2000 levels. (New objective by 3/1/07, will reflect Hg TMDL goal of 93% reduction in MN and tracking emission reduction closely).

Activity **Air: Ambient Communications/Information**

Re-sample 30 lakes for fish mercury trends by June 30, 2007.

We have exceeded the goal of resampling 30 lakes for fish mercury trends thanks to additional funding through the Clean Water Legacy Act.

The 30 lake goal was again exceeded. A report was prepared on mercury trends in walleye and northern pike for the 25-year period, 1982-2006. Trend analysis showed mercury concentrations in these top predator fish declined until the mid-1990s at a rate of about 4% per year, but has since been increasing at a rate of 1-2% per year.

Air: Non Point Source Communications/Information

Collect data on mechanisms and pathways that enhance the conversion of various forms of mercury into methyl mercury which accumulates in fish. **We continue to participate in the sulfate addition study at the Marcell Experimental Forest. The study has demonstrated that adding sulfate to a wetland stimulates methylmercury production (see Jeremiason et al. 2006. Sulfate Addition Increases Methylmercury Production in an Experimental Wetland, Environmental Science and Technology 40: 3800-3806). Experiments and monitoring are continuing to understand the chemical and biological processes in the wetland when the sulfate is added.**

The final sulfate addition was applied at Marcell Experimental Forest wetland in October 2008; the study will continue to follow the recovery of the wetland.

An investigation to address stormwater wetland contributions to methyl mercury loading downstream will be completed and a final report completed by January 1, 2007. **The final report on methylmercury in stormwater wetlands was submitted to EPA 104(b)(3) program in May 2007:**

Monson, B. 2007. Effectiveness of Stormwater Ponds/ Constructed Wetlands in the Collection of Total Mercury and Production of Methylmercury. Final Project Report. May 2007, Minnesota Pollution Control Agency.

Results of the stormwater wetland study were presented orally at the Minnesota Water Resources Conference in October 2007 and as a poster presentation at the national SETAC conference in November 2007.

Air: Non Point Source Program Development

Air: Point Source Program Development

Program activities and reporting requirements established annually with Region 5

Objective By January 1, 2011, help reduce the greenhouse gas intensity (net emissions per dollar GDP) of the U.S. economy by 18 percent.

Activity Air: Energy/Climate Change Data Management

Update and improve greenhouse gas inventory, by October 1, 2008. Staff currently in process of updating inventory to 2006 for use in strategy analysis in 2008 legislature. MPCA staff actively participate in The Climate Registry discussions for greenhouse gas inventory development as well as internal technology development to support continued greenhouse gas inventory data management.

Activity Air: Energy/Climate Change Program Development

Foster greenhouse gas emission reductions from feedlots, landfills, and other nonpoint sources. Develop implementation plan by October 1, 2007 and results annually thereafter. Minnesota Climate Change Advisory Group is recommending changes for GHG emissions for these and many other sources. Recommendations are due 2/1/08. MPCA staff are implementing the greenhouse gas statutes enacted by the 2008 Minnesota Legislature. This work includes data collection for high-global warming potential gases (hgwp), new automobile refrigerant leak rates and implementation plans to achieve the statewide reduction target.

Objective By January 1, 2015, reduce visibility impairment in Voyageurs National Park and the Boundary Waters Canoe Area Wilderness by 20%.

Activity Air: Ambient Data Management

Determine appropriate actions that will support the Regional Haze State Implementation Plan. MPCA will track emission reductions as part of the regional haze SIP. MPCA will track emission reductions as part of the regional haze SIP.

Air: Point Source Permitting

Program activities and reporting requirements established annually with Region 5.

Air: Ambient Program Development

Apply, evaluate and interpret regional scale computer dispersion models with regard to sources (point, mobile and area) of pollutants that are transported over long distances and undergo chemical transformation in the air, ongoing basis. Activity is ongoing.

Collaborate with external partners to research and understand the relationships between air pollutants, exposure and impacts to health. Incorporate results from grants and research into strategy and reports for communication, ongoing basis. Activity is ongoing.

Coordinate regional scale modeling and data analysis with MPCA staff, CenRAP, other RPOs and States and EPA so that impacts of modeling and emissions plans are incorporated into Minnesota's SIP, ongoing basis. Activity is ongoing.

Develop Minnesota's the Regional Haze State Implementation Plan by October 1, 2007. Done. . As mentioned above, SIP submission expected in first quarter of 2009.

Vision Land Supports Desired Uses

State Authorization – RCRA Program

In order to ensure State authorization from EPA the following two commitments are stated here:

The MPCA will continue working to adopt priority RCRA program amendments.
Continuing.

The MPCA will continue working to maintain program delegation under RCRA. **Continuing.**

In FFY2008, The Minnesota Pollution Control Agency has public noticed an extremely large RCRA rule, commonly referred to as "the big rule train," which will be adopted by the end of February 2009. The focus will then turn toward updating Minnesota's RCRA authorization. We expect to submit an authorization package to EPA by the end of the federal fiscal year 2009.

Goal Conserve resources and prevent land pollution that reduces options for desired land use.

Objective By January 1, 2007, growth in municipal solid waste generation does not exceed the population growth rate.

Activity Measures for these activities will be established by October 1, 2007

Land: Waste as Resource Data Management

Land: Waste as Resource Environmental Education

Land: Waste as Resource Program Development

The Retired Engineers Technical Assistance Program (RETAP): conducted 22 energy and waste assessments, exceeding their annual goal of 20. Clients included schools, nursing homes, churches and government institutions. conducted 42 energy and waste assessments, exceeding their annual goal of 25. Clients included printers, schools, government institutions and churches.

Resource Management Contracts (RMC): Assigned newly hired staff to provide technical assistance cooperatively with RETAP to RMC demonstration projects. Staff facilitated communication between contract customers and haulers and actively promoted improved tracking and collection systems (4 meetings with demonstration projects this period). There are five demo projects in MN, ranging from K-12 schools, to universities, and prisons to County government. Staff provided technical assistance, cooperatively with RETAP, to 5 RMC demonstration projects. Available data from demonstration projects were collected and analyzed. To support adoption of RM contracts among Minnesota businesses/institutions staff developed sample contract and RFP language.

Office Paper (OP) Reduction: In 2005, the PCA created an Office Paper Reduction Tool Kit that was never widely distributed. On 3/12/07 a temporary staff person was hired to work on this effort by updating the toolkit, presenting to businesses about OP reduction, and providing technical assistance. Since this hire, over 100 copies of OP Tool Kit have gone out to 38 businesses and institutions, 9 school districts, 4 state level agencies, and to several county purchasers, and other groups. In the last fiscal year, over 175 copies of OP Tool Kit

have gone out to businesses and institutions, school districts, state level agencies, and to several county purchasers, and other groups.

New Waste Reduction Campaign: Pre-campaign research resulted in a recommendation to agency management to develop a campaign focused on the grocery sector. The MPCA has partnered with the state grocery trade association. The current environmental assistance grant round incorporated a focus area on waste reduction and grocery stores. At least four grant applications were received in this area. The MPCA is conducting surveys and will be holding focus groups to determine the best way(s) to get MN shoppers to use reusable bags. Other efforts include conducting waste audits by RETAP, looking at RM contracting and reducing packaging. In FFY07 the MPCA began an effort to work closely with the grocery industry to reduce its environmental impact. In FFY08 the MPCA partnered with the state trade association and the University of Minnesota to prepare a survey of grocers on their environmental practices. The FFY08 grocery sector effort has focused on both consumer programs and store operations. This has included promotional efforts designed to increase reusable bag use, working with partner organizations to providing waste assessments, and implementing a grant program that will provide incentives to promote food waste recovery and expanded recycling efforts.

Counties Involved in Source Reduction & Recycling (CISSR): Six meetings were held in the state. Each meeting was attended by County and City Solid Waste and Recycling Staff. Meetings during the 2007 federal fiscal year included discussion of topics such as: glass recycling markets, education campaigns, public-private partnerships, emergency response efforts, reuse programs, clean up events and other pressing issues. The meetings present an opportunity for state and local staff to share ideas, coordinate efforts and receive training about emerging issues. During the 2008 federal fiscal year six meetings were held across the state. County and City Solid Waste and Recycling staff attended the meetings which focused on emerging issues such as: recycling markets, office paper reduction, recycling collection methods, environmental education, and burn barrel reduction. The meetings present an opportunity for state and local staff to share ideas, and to coordinate efforts.

Alliance for Recycling and Reduction of Waste (ARROW): This fiscal year ARROW, an internal source reduction team for our building, lead agency efforts to improve diversion through increased recovery of organic and food waste. New compost containers were dispersed throughout the building in combination with newly created signage. ARROW has lead MPCA participation in the “7% in 07” Recycling challenge. All state agencies are attempting to increase recycling rates by seven percent in calendar year 2007. ARROW members developed and posted signs encouraging recycling and wrote articles for the agency’s bi-weekly e-news publication in support of the campaign. ARROW is an internal team that works to ensure the agency is a model for source reduction, recycling and overall environmental stewardship. In FFY08 ARROW developed recycling and reduction training for new staff, updated recycling and composting education materials, hosted several reuse events and implemented a quarterly hard-to-recycle plastics collection program. The team is now lead by a newly appointed agency Sustainability Manager who is working to coordinate and implement innovative programs that demonstrate the agency’s commitment to sustainability.

Solid Waste Management Coordinating Board (SWMCB): Staff has continued to work with SWMCB and Community POWER. A new junk mail card was created due to the new rules from the DMA. Priorities for the SWMCB included work on non-MSW recycling; regional planning; communication and outreach; e-waste management; source separated organics management; and hazardous waste regulation coordination. The SWMCB continued to provide a number of local Community Power grants to local individuals and groups.

Waste as a Resource Lateral Team: The purpose is to provide a forum for cross-division discussion of issues of importance to both groups by involving the management and technical staff necessary to properly explore, develop, finance, and implement joint efforts. This group met monthly to coordinate within the MPCA work on solid waste policy, the solid waste stakeholder process, burn barrel reduction campaign, recycle more campaign, and landfill gas recovery issues.

Goal Minimize or reduce the release of contaminants to or from the land.

Objective By January 1, 2008, 75% of above and underground storage tanks will be in significant operational compliance.

Activity Link to Grant template ACS Code ST6

Land: Above and Underground Tanks Regulation Compliance and Enforcement

Compliance Determination (number of UST facility inspections).

EPA Region 5 will work cooperatively with the MPCA on the provisions of the Underground Storage Tank Provisions of the Energy Policy Act of 2005 such as the two year inspection and three year inspection cycles. In FY 2007, Region 5 provided MPCA with an additional \$50,000 to help address the two year inspection requirement which must be met by August 8, 2007. It is the Region's current understanding that MPCA expects to meet this deadline without additional assistance but request that MPCA advise the Region if this situation changes. Additional underground storage tank provisions of the Energy Policy Act may be found at the website maintained by EPA's Office of Underground Storage Tanks at: http://www.epa.gov/oust/fedlaws/epact_05.htm. MPCA is encouraged to visit this website where, as of December 15, 2006, final guidance for delivery prohibition and secondary containment are posted and draft guidance for several other provisions are available.

Oct. 2007 49% compliance rate—low compliance rate is likely due to the first time inspection of small service stations. Objective will need to be revisited.

The compliance rate for FFY 08 was 53%, which met the target rate established by the EPA in the UST Grant. Additionally, the MPCA completed the following Energy Act requirements: State Compliance report on Government Underground Storage Tanks; Delivery Prohibition; On-site inspection of sites not visited since 12/22/1998. Initiation of the 3 year inspection frequency cycle for USTs; Public Record Provisions information gathered--to be published by 12/31/2008; Secondary Containment Provisions implemented through rule changes promulgated 3/24/2008; Operator Training provisions initiated by stakeholder meetings and draft rule change; and, Installer Certification classes completed for 2008.

Land: Above and Underground Tanks Regulation Data Management

Collect data following approved Quality Management Plans, QAPPs, SOPs. **Done.** No additional updates--Task completed.

Land: Above and Underground Tanks Regulation Permitting

Land: Above and Underground Tanks Regulation Program Development

Land: Above and Underground Tanks Regulation Program Management and Leadership

Land: Above and Underground Tanks Regulation Technical Assistance

Objective By January 1, 2008, maintain a level of 90% of hazardous waste generators and facilities in significant compliance;

Activity **Land: Hazardous Waste Approvals** 94.4% of HW generators are in significant compliance.

Continue to conduct PCB inspections during the year and implement the PCB phasedown program.

RCRA investigation and cleanups.

Land: Hazardous Waste Compliance and Enforcement

Compliance and Enforcement Special Projects (includes process improvement). **Hospital and pharmaceutical are now being treated as hazardous waste.** Continuing.

With EPA, inspect all operating Treatment, Storage, and Disposal Facilities once every 2 years. **Done.**

Inspect all Large Quantity Generators once every 5 years. **Done.**

All violations discovered by MPCA will be addressed in accordance with the MPCA Enforcement Response Plan. **Done.**

Technical Assistance (formal training/assistance/factsheets). **Continuing.** Continuing.

Land: Hazardous Waste Data Management

Collect data following approved Quality Management Plans, QAPPs, SOPs. **Done.** In 2008, the RCRA Corrective Action program had oversight at 79 investigation and remediation sites. The monitoring at each site was conducted under the Agency's Quality Management Plan and under a QAPP or SAP previously approved by the MPCA RCRA Corrective Action program.

Ensure compliance monitoring and enforcement data are entered in the national database system (RCRAInfo) in a timely and accurate manner. **Done.** Done.

Land: Hazardous Waste Licensing and Certification

By October 1, 2007, less than 10% of the Hazardous Waste Applications in non-compliance/non-response, are sent for referral to enforcement. **Done.** Done.

Land: Hazardous Waste Permitting

Hazardous Waste Facilities Reissue Expired TSD Permits, Innovative Permitting Approaches, TSD Facility Closure. **Permits Reissued – 4**

Innovative Permitting Approaches- Looking at changes in our Public Notice Procedures such as the newspaper ad and hard copy being sent to the local Library. Also, what is the best tool to use to permit/ license lamp recyclers.

Facility Closures – 1. Completed.

By October 1, 2007, the permit backlog will be less than 10%. **Permit Backlog as of Sept. 30, 2007 – 28 %.** **Current permits as of Sept 30, 2008 – 86%.**

Land: Hazardous Waste Program Development

Coordinate policy with Metropolitan Counties. **Sent Joint Powers agreement w/metro counties to EPA for approval.** **Joint Powers agreement approved by EPA and signed off by Hennepin County December 2008.**

Research, develop and test, and implement efforts to increase pollution prevention practices, innovate regulatory programs, and increase environmental performance by companies and others. **Continuing. Continuing.**

Land: Hazardous Waste Technical Assistance

Conduct Hazardous Waste Compliance training sessions for hospitals. **Waste now treated as a hazardous waste. Continuing.**

Conduct mercury assessments in schools and monitor mercury spills with Clancy, the Mercury Wonder Dog. **Continuing. Continuing.**

Provide communication products and services to support hazardous waste program. **Continuing. Continuing.**

Respond to customer inquiries and provide inquiry data and feedback to MPCA Programs. **Continuing. Continuing.**

Respond to customer inquiries and provide inquiry data and feedback to MPCA Programs. Achieve an average number of Customer Assistance calls of 9,000/yr. **Done.** **The Customer Assistance Center was merged into the Small Business Environmental Assistance Program.** They provide in-depth assistance including education, research, publications, workshops, audits and site visits; and maintain a webpage at http://www.pca.state.mn.us/programs/sbap_p.html. During this past year, this team assisted over 5,000 MN businesses.

Additional information: **2,361 acres returned to productive use (based on VIC assurances issued between Oct. 1, 2006 and Sept. 30, 2007).**

Vision Clean and Sustainable Surface water and Ground water Systems

Goal Assess the status or condition of Minnesota's ground water systems.

Objective By January 1, 2007 and every 5 years thereafter, report on the condition of Minnesota's ground water and progress in implementing ground water condition monitoring.

Activity Ground Water: Ambient Data Management

Ground Water: Ambient Monitoring

Goal Prevent or reduce degradation and depletion of ground water.

Objective By March 31, 2008, work with partners to identify and implement Best Management Practices that prevent ground water degradation and depletion and report on the effectiveness of their implementation.

Activity Ground water: Ambient Technical Assistance

Update data for RCRAInfo on and annual basis (see OSWER grant template ACS Code CA1). **Continuing. Continuing.**

Activity Ground water: Ambient Program Management and Leadership

Design an ambient groundwater monitoring system, including monitoring goals, network coverage and data management system, implement system and report on ground water condition by October 1, 2008. **Ambient program is designed and being implemented, with ongoing evaluation/improvements to the system as needs and opportunities are identified. Data management system is designed, and Environmental Data Access for ground water data will go live before the end of the year. First Ground Water Condition report was completed September 2007, and will be repeated every 5 years.**

MPCA continued to implement its ambient ground water monitoring network, sampling 112 wells in 2008. The overall ambient network design was evaluated and recommendations made for enhancing the network by installing additional shallow monitoring wells in specific land-use types (sewered residential, unsewered residential, commercial/industrial, and undeveloped). A proposal was submitted to the state Legislative-Citizen Committee on Minnesota Resources for funding the well installation costs.

Update data for RCRAInfo on and annual basis (see OSWER grant template ACS Code CA1). **Continuing. Continuing.**

Goal Assess the chemical, physical and biological integrity of lakes, streams and wetlands to identify if designated uses are being met, and to provide information on the condition of waters.

Objective By January 1, 2015, gather water quality data and increase assessment of streams and rivers to 33 percent, in comparison to the 2003 level of 5 percent. (2.3% increase per year)

Activity Surface Water: Ambient Monitoring

Annually monitor the Condition of Minnesota streams by use of the Citizen Stream Monitoring Program. **Participation in the Citizen Stream Monitoring Program continues to increase each year. 6.7% in last year.**

Continuing. Participation in the Citizen Stream Monitoring Program increased by 2.7% in 2007. In addition, 180 stream sites are being monitored by local partners and citizens with pass-through CWLA funding from the MPCA.

EPA Input – We agree with MPCA’s self assessment.

Annually collect and assess Data to determine the condition of rivers and streams. The MPCA's stream monitoring effort is increasing significantly in the wake of the passage of the Clean Water Legacy Act and associated funding appropriations by the Minnesota Legislature. By October 1, 2008, the MPCA will be sampling 500 sites per year for integrated physical, chemical and biological monitoring. (Contact: Dan Helwig)

MPCA sampled 469 stream sites in 2008, located in seven different major watersheds. Assuming continued funding under the state Clean Water Legacy Act, Minnesota is on track to intensively monitor the lakes and streams in each of the state’s major watersheds (8-digit HUC code) on a 10-year cycle, in keeping with the state’s Monitoring Strategy.

EPA Input – We agree with MPCA’s self assessment. Also see comments provided on pages 20-27

Conduct planned Milestone (routine) monitoring, 80 sites monitored, each site monitored 2 years out of 5. Continuing as planned. Continuing as planned.

Conduct water chemistry and flow monitoring on major tributaries in selected basins by October 1, 2008. Continuing. As part of the Clean Water Legacy Act monitoring effort, the MPCA and Minnesota Department of Natural Resources are establishing additional continuous flow (DNR) and chemistry grab-sampling (MPCA) monitoring stations so that all of the 81 major watersheds (8-digit HUC code) have load monitoring data available. See the Water Quality Monitoring Joint Priority in the EnPPA for specific information on Monitoring including biological assessment program development (addresses EPA Strategic Plan PAMs #WQ-3 and 7).

Work continued to develop permanent load monitoring stations at the outlets of each of the state’s major watersheds. As of October 1, 2008, 72 stations have been established.

20-27 EPA Input – We agree with MPCA’s self assessment. Also see comments provided on pages 20-27

Develop and provide to EPA Region 5 copies of annual field sampling plans. MPCA is in the process of developing a detailed implementation plan for our condition monitoring effort, which will be provided to EPA Region 5.

Continuing. MPCA now has a draft 10-year schedule for monitoring all of the state’s major watersheds, which has been communicated with EPA.

EPA Input – We agree with MPCA’s self assessment. Region 5 and MPCA have discussed the watershed monitoring design/schedule. Region 5 would like to discuss how best to address any changes needed to the state monitoring strategy.

Activity Surface Water: Ambient Data Management

Conduct 305b/303d assessments; enter results into EPA Assessment Database on an biannual basis. (EPA PAM #WQ 9). Continuing. Continuing.

EPA Input – We agree with MPCA’s self assessment. Minnesota submitted the 2008 Integrated Report assessments using the Assessment Database. During 2009 (early), Region 5 expects that a review of the 2008 ADB transfer to the National Assessment Database and EPA’s website will occur.

Determine how to best incorporate transparency tube data into 305b/303d assessments, by October 1, 2007. (EPA Strategic Plan PAM #WQ-8). **Complete -- transparency tube data was used in the assessment process for developing the 2008 draft 303(d) list.**

EPA Input – We agree with MPCA’s self assessment.

By October 1, 2007, make data available on Environmental Data Access System. **Complete.**

Obtain data from local projects and others and prepare for STORET entry on an annual basis. **Continuing. Continuing.**

EPA Input – We agree with MPCA’s self assessment. MPCA continues to upload data to STORET and expand the types of information available.

Objective By January 1, 2015, gather water quality data and assess 100% of the lakes larger than 500acres.
(Increase Citizen Lake Monitoring by 5% per year)

Activity Surface Water: Ambient Monitoring

Annually monitor the Condition of Minnesota lakes by use of the Citizen Lake Monitoring Program (CLMP). (Annually report number of lakes monitored). **Participation in the Citizen Lake Monitoring Program continues to increase each year. In this past year, MPCA staff have increased outreach to Boundary waters Canoe Area visitors and are developing tools to notify lake associations and other interested parties of lakes for which there is currently not a volunteer. The program increased 12.6% last year. See the Water Quality Monitoring Joint Priority in the PPA for specific information on Monitoring (addresses EPA Strategic Plan PAM #WQ-7).**

Continuing. As a result of the ramped-up monitoring effort under the state Clean Water Legacy Act, by June 20, 2009, the state will have sufficient data to assess at least 35% of lakes larger than 500 acres. Minnesota has also developed a preliminary schedule for assessing all lakes 500 acres and larger on a 10-year cycle. Participation in the Citizen Lake Monitoring Program increased 10.7% in 2007. As a result of the ramped-up monitoring effort under the state Clean Water Legacy Act, by June 20, 2009, the state will have sufficient data to assess at least 35% of lakes larger than 500 acres. Minnesota has also developed a preliminary schedule for assessing all lakes 500 acres and larger on a 10-year cycle. In addition, 475 lakes are being monitored by local partners and citizens with pass-through CWLA funding from the MPCA.

EPA Input – We agree with MPCA’s self assessment. Also see comments provided on pages 20-27.

Develop and provide to EPA Region 5 copies of annual field sampling plans. **Continuing. Continuing.**

EPA Input – We agree with MPCA’s self assessment. Region 5 and MPCA have discussed the watershed monitoring design/schedule. Region 5 would like to discuss how best to address any changes needed to the state monitoring strategy.

Objective By January 1, 2015, gather data and increase monitoring so that 25% of the state's depressional wetlands are assessed.

Activity **Surface Water: Ambient Monitoring**

Collect samples and assess data from 65 wetlands per year from random one-square mile plots. This activity has been modified by the completion of the inter-agency "Comprehensive Wetland Assessment, Monitoring, and Mapping Strategy (CWAMMS)", which was completed under a EPA grant. MPCA is continuing to implement its portion of CWAMMS. See the Water Quality Monitoring Joint Priority for specific information on Monitoring (addresses EPA Strategic Plan PAM #WT-4).

Continuing – Minnesota has completed the second year of this three-year effort.

EPA Input – We agree with MPCA's self assessment.

Objective By January 1, 2009, assess Minnesota's contribution to identified regional, national and international water pollution problems.

Collect ambient data and begin to develop program determine Minnesota's role by October 1, 2008. Continuing.

EPA Input – We agree with MPCA's self assessment. Region 5 is pleased that Minnesota's Monitoring Strategy and other plans consider regional, national and international water problems in addition to "internal" Minnesota water quality.

Objective Ensure data is readily available to the public within one year of season it is collected.

Submit data quarterly to EPA's National STORET Warehouse. Done.

Continue to work with EPA to prepare for transition from current STORET framework to the new Water Quality Data Exchange (WQX process) so that MPCA is prepared to maintain/support data management software by end of 2008. Continuing. Continuing.

Attend the National STORET meeting in 2007 (To be scheduled by EPA). Miranda Nichols attended the 2007 STORET Conference.

EPA Input – We agree with MPCA's self assessment. Region 5 is pleased with Minnesota's continuing effort to facilitate sharing of water quality data through WQX/STORET.

Objective Complete impaired waters list according to EPA requirements.

Prepare and submit an integrated report (IR) to EPA by April 1, 2008. Ongoing. (EPA Strategic Plan PAM #WQ-10).

MPCA submitted its 2008 Integrated Report to EPA on April 30, 2008

Provide electronic assessment information for the 2008 Integrated Report (categories 1-5) to Region 5 using the Assessment Database (updated Version 2) by April 1, 2008 and provide Region 5 with geo-referencing information for all assessed waters by April 1, 2008. Ongoing. (EPA Strategic Plan PAM #WQ-11).

MPCA submitted its electronic assessment information for the IR using the Assessment Database and provided Region 5 with geo-referenced information on February 26, 2008 and the first week in April of 2008 respectively.

EPA Input – We agree with MPCA’s self assessment. Because of the need for EPA to upload a large number of TMDLs for use by the ADB, Minnesota provided a refined ADB in the Fall 2008. Region 5 appreciates this effort by Minnesota and expects a short review of how the data transfer to the national ADB/EPA’s website will take place early in 2009.

Update the Assessment Database (and geolocational files) and resubmit to Region 5 within 45 days of EPA decision letter if EPA review of MPCA's 303 (d) list requires any changes to the April 1 submission. **Done for 2006 list.**

No specific updates to submitted integrated assessment data were requested by the EPA following approval of the 2008 303 (d) list (On or about June 5, 2008). The revised Minnesota mercury TMDL plan (part of draft 2008 303 (d) list) included new water bodies, which required new TMDL ID assignments in the Assessment Database. The EPA provided the new TMDL IDs to the state on or about October 24, 2008 for 510 water bodies. The new TMDL IDs are included in the Assessment Database and will be provided to the EPA with the annual update on or about April 1, 2009.

All required updates have been completed in a timely manner.

Review web-published data once EPA has the National Assessment Database on-line. **Review of 2006 list data is underway.**

Review of 2006 list data is complete.

EPA Input – W agree with MPCA’s self assessment.

Surface Water: Ambient Program Management and Leadership. **Ongoing. Ongoing.**

Complete the Upper Mississippi River probabilistic monitoring report by June 30, 2007. **Done. The report was completed in September 2007**

Goal Maintain and enhance the chemical, physical and biological integrity of Minnesota lakes, streams and wetlands so that water quality standards and designated uses are met and degradation is prevented.

Objective Ensure all domestic and industrial point source discharges are permitted in a timely manner and are maintained in significant compliance with permit requirements.

Activity Surface Water: Wastewater Point Source Data Management

Using state and federal data systems, manage and assess the data submitted by NPDES permittees, on an annual basis.

Minnesota maintains all required data for major and minor facilities in PCS. Facility and permit level data are updated continuously. Enforcement actions and inspections are updated on a monthly basis. Major permit pipe and limit information and compliance schedule requirements are coded and added to PCS upon reissuance or modification of the permits as needed. The measurement data for major facilities is updated on a monthly basis. A significant change to data management for measurement data occurred in FY07 as electronic data submittal of the data through IDEF/CDX was implemented. As of the end of FY07, 90% of the major facility data was being transmitted by this method.

Minor facility data is maintained in Minnesota’s Delta system. The system is designed to capture the data elements that are required in PCS. The required data fields are currently transferred manually to PCS.

Minnesota continues to maintain all required data for major and minor facilities in PCS. Facility and permit level data are updated continuously. Enforcement actions and inspections are updated on a monthly basis. Major permit pipe and limit information and compliance schedule requirements are coded and added to PCS upon reissuance or modification of the permits as needed. Discharge Monitoring Report (DMR) data for major facilities is updated using IDEF/CDX as acquired by the MPCA. Minor facility data is maintained in Minnesota's Delta system. The system is designed to capture the data elements that are required in PCS. The required data fields are currently transferred manually to PCS.

Since 2007, the MPCA has sent an annual compliance summary report to all permittees with required submissions or other evaluations. These reports include a summary of information submitted during the previous year as well as analysis of the data submitted. Each report is sent in draft to the operational staff to provide an opportunity to check the submitted data for completeness and accuracy. After the correction of any identified data errors, a final version is sent to the responsible officials designated for the permit.

Activity Surface Water: Wastewater Point Source Technical Assistance

Conduct wastewater treatment operator training seminars/conferences on an annual basis.

Conducted 17 wastewater treatment operator training seminars and two major wastewater conferences (Collection System and Wastewater) on an annual basis. Same was done in FFY2008.

Complete a minimum of six wastewater treatment facility outreach on-site technical assistance projects per year.

Completed 7 wastewater treatment facility outreach on-site technical assistance projects per year. Same was done in FFY2008.

Activity Surface Water: Wastewater Point Source Permitting

Develop TMDL-implementation documents by October 1, 2008 (i.e., permits, BMPs). We continue to work on assessment of needs associated with surface waters through our Wastewater Infrastructure Needs Survey (WINS) and the Clean Watershed Needs Survey (CWNS). The next WINS report is due Jan. 15, 2008. This data will be used as part of our comprehensive response to EPA in the CWNS (due end of CY 2008).

Proposed change

We continue to work on assessment of infrastructure needs associated with surface waters through our Wastewater Infrastructure Needs Survey (WINS) and the Clean Watershed Needs Survey (CWNS). The latest WINS report was completed Jan. 15, 2008. The next WINS Report will be prepared about Jan. 2010. The current WINS data is becoming part of our comprehensive response to EPA in the CWNS (due end of CY 2008).

Maintain the backlog below 10% by December 31 of each year.

As of 11/29/07, the wastewater point source permit backlog was 7.8 %. Based on expiring permits and issuance projections, we do not anticipate a problem maintaining a <10% backlog throughout the remainder of the calendar year.

As of 11/7/2008, the wastewater point source permit backlog is at 9.9%, which includes both NPDES and SDS permits. Based on expiring permits and issuance projects, we should be able to maintain a <10% backlog throughout the remainder of the calendar year.

Reissue priority permits by September 30 of each year.

EPA and MPCA staff negotiated a 2-year plan for priority permit issuances in FFY07-08. The 2-year plan includes a total of 22 priority permits. In FFY07 we resolved 9 permits (41%) of the permits – 7 were issued and 2 were terminated. We expect to resolve the remaining 13 permits in FY08.

The MPCA has a 3-year rolling plan for priority permit issuances. In FY08, the MPCA issued 6 out of the 9 priority permits that were on the FY08 list (66%). Of the remaining 3 FY08 priority permits, 2 will be issued by March 2009 and the remaining permit will be issued by June 2009.

All delegated POTW program will have control mechanisms in place for their significant industrial users. All the delegated POTWs have control mechanisms in place for their SIUs.

All delegated POTWs have control mechanisms in place for their SIUs.

Activity Surface Water: Wastewater Point Source Compliance and Enforcement

Inspect 50 Major Facilities in FFY07. (US EPA PAM #CWA01s). (this is a typo and should be 50% of 92 Majors = 46).

During FFY 07, 62 Major CMS (CEI) inspections were completed, in addition, 3 RECONS were conducted.

During FFY08, we inspected 61 facilities.

Maintain or improve the NPDES significant non-compliance rate at less than or equal to 13% for Major Facilities. Data from the QNCR that is available to date (excluding July-sep 07) shows 11.9 % that were in SNC once during the year.

Maintain the size of the Active Exceptions List below 2%. 1 of 92 facilities were on the Watch list in FFY 07 which equals 1% .

For FFY08, Active Exception List is 4.2%.

USEPA Comment: As to AEL, data showed 13% rate in 2007 and a 4.3% rate through August of 2008. This is above the 2% goal for both the years. We encourage MPCA to take appropriate action to get the AEL rate reduced to meet the 2% goal. The Region is willing to work with MPCA to help meet this goal.

MPCA Response: Regarding AEL, our traditional response has been the number we provided since MN has a low number of Majors, 1 or 2 facilities can put us over the 2% quickly.

Annually perform Pretreatment audits or inspections at 100% of the delegated pretreatment programs. (US EPA PAM CWA 05). All 9 delegated POTWs received either a Pretreatment audit or Inspection during FFY07.

For FFY08, completed audits or inspections at all 9 facilities.

Conduct alternate compliance and enforcement special projects and report progress at the end of each federal fiscal year (by 12/31). **The program has worked on or completed projects including the Release Reporting information, an update to the Traditional Point Source ERP, and the Annual Report to facilities including 6 of 14 data types.**

Complete the annual noncompliance report for minors by July 15, each year. **The ANCR for calendar year 2006 was due in November instead of July - it was submitted on November 19, 2007.**

In 2007, MPCA will review a compliance monitoring strategy consistent with the Compliance Monitoring Strategy guidance to be issued by EPA, and will consider implementation of that strategy or a similar version on a pilot basis in FFY 2008. **The Point Source program has drafted a modified version of the CMS for FFY08 and submitted to EPA on November 20, 2007.**

USEPA Comment: MPCA submitted its CMS to USEPA. MPCA proposed exceptions under the biosolids and Industrial stormwater inspections categories. USEPA is concluding its review of the CMS, and anticipates sending a letter summarizing this review in March 2009.

Completed round one and two of the Annual Compliance Report to all Minnesota facilities capturing so far 8 of 13 data sets of compliance data that is submitted to the MPCA.

Completed a new and/or revised Inspectors Manual.

USEPA Comment: MPCA submitted its Inspectors Manual in February 2009. It is currently under review by USEPA.

MPCA Comment: The manual was originally submitted in June 2008 per agreed upon date from the SRF. We re-submitted it in February because EPA could not account for it. The June e-mail submission was re-sent to EPA for documentation.

Activity Surface Water: Wastewater Point Source Budget, Fiscal Contract and Grant Management

Design and pilot surface water needs assessment metrics and programs by October 1, 2007. **We continue to work on assessment of needs associated with surface waters through our Wastewater Infrastructure Needs Survey (WINS) and the Clean Watershed Needs Survey (CWNS). The next WINS report is due Jan. 15, 2008. This data will be used as part of our comprehensive response to EPA in the CWNS (due end of CY 2008).**

Proposed change

We continue to work on assessment of infrastructure needs associated with surface waters through our Wastewater Infrastructure Needs Survey (WINS) and the Clean Watershed Needs Survey (CWNS). The latest WINS report was completed Jan. 15, 2008. The next WINS Report will be prepared about Jan. 2010. The current WINS data is becoming part of our comprehensive response to EPA in the CWNS (due end of CY 2008).

Activity Surface Water: Stormwater Compliance and Enforcement

Complete/update ERP, develop other enforcement tools by October 1, 2008. **The traditional point source ERP project covered both the WW (Mun and Ind) and traditional Ind SW, WW was completed this past year (2007). Work will continue on the Ind SW program.**

WQ ERP was completed in 2007.

Conduct Compliance and Enforcement Special Projects (includes process improvement), Report progress at the end of each federal fiscal year (by 12/31). **Not aware of any special projects.**

None for industrial stormwater.

Conduct inspections and compliance and enforcement process for construction storm water Percent by end of year or 2008. **Darryl is placing the terms of the CSW commitments as described in the wet weather CMS into our CMS response to EPA. In the future this program will reference the CMS strategy in this element.**

In conjunction with our Joint Powers Agreement partners, focus inspections on sites that potentially impact waters of the state.

Conduct inspections and compliance and enforcement process for industrial storm water Percent by end of year or 2008. **Referenced in the CMS strategy.**

(see CMS: Only ISW inspections will be in conjunction with WQ point source inspections.) This strategy will involve using Ind WW inspectors to conduct ISW inspections until the new ISW permit is issued.

Conduct inspections and compliance and enforcement process for municipal storm water Percent by end of year or 2008. **There were nine (9) Notices of Violation sent to MS4s for failure to submit a complete Permit Application by the deadline for the MS4 General Permit. Four site inspections were conducted as follow-up to complaints received regarding MS4 operations.**

Conduct inspections, audits, and follow compliance and enforcement process for violations of rules or the municipal stormwater permit. There were 16 Letters of Warning sent in FY 08 (5 for incomplete application, 11 for failure to submit an Annual Report). Two site inspections were conducted as follow-up to complaints received regarding MS4 operations. One MS4 audit and one program inspection were completed in 2008.

Provide Technical Assistance, training/assistance/factsheets) **Ongoing basis.**

- 4 MPCA staff assisted in teaching 1750 people at 43 classes at the University of Minnesota's stormwater certification courses
- Minnesota Stormwater Manual Version 1.1, Oct. 2006
- 2007 Compliance Calendar for Construction Stormwater, Dec. 2006
- Subdivision Registration fact sheet, May 2007
- Agriculture Conservation Practice Projects fact sheet, May 2007
- Preventing further damage after floods fact sheet, Sept. 2007
- Drainage Ditch Projects fact sheet, June 2007
- 33 technical reviews of construction stormwater general permit stormwater pollution prevention plans for 50 acre or larger sites discharging to special waters

Summary of ongoing basis for construction stormwater:

- 4 MPCA staff assisted in teaching 1351 people at 45 classes at the University of Minnesota's stormwater certification courses.
- Minnesota Stormwater Manual Version 2.0 updated Jan. 2008 (EPA has featured the MN manual as one of the top state post-construction manuals, providing national/international stormwater management guidance).
- 2008 Compliance Calendar for Construction Stormwater, February 2008.
- 14 fact sheets and three larger guidance documents were either updated (from minor to major changes) or newly created due to new requirements in the NPDES/SDS Construction Stormwater General Permit reissued August 1, 2008.
- 31 detailed technical reviews of construction stormwater general permit stormwater pollution prevention plans for 50 acre or larger sites discharging to special waters.

Summary of ongoing basis for industrial stormwater:

- Minnesota Industrial Stormwater BMP guidance being developed (contract)
- 2008 Compliance Calendar for Construction Stormwater and for Industrial stormwater December 08
- New website for ISW program
- New online permit application (NOI) for ISW being developed in 2008-09
- ISW Monitoring guidance manual developed
- Out reach events for ISW sectors, newsletters, 12 presentations >700 attendees,
- Web cast for ISW permit conditions connected with 22
- Worked with the SBU for no exposure outreach (>7000 business contacted).
- Eight P2 fact sheets as part of grant with EPA for ISW.

Develop Industrial Stormwater program strategy (i.e. non exposure, benchmark monitoring, training/communication, permit strategies). Report progress at end of each federal fiscal year (by 12/31).

Contracted work on a guidance manual for effective BMPs for various contaminants.

Reached 1,500 new no exposure sites with the assistance of Small Business Assistance/Pollution Prevention programs.

2009 Industrial Stormwater Compliance Calendar

Pollution Prevention fact sheets for 7 industrial sectors:

- Timber Products
- Chemical and Allied Products
- Auto Salvage Yards
- Recycling/Waste Recycling

- Rubber/Plastic Manufacturing and Miscellaneous Manufacturing Industries
- Fabricated Metals
- Land Transportation/Warehouse

Fact sheet on Low Impact Development (LID) for expansion of facilities

Objective By July 1, 2009, all of the 240 Municipal Separate Storm water Systems (MS4s) are actively managing stormwater programs.

Activity Surface Water: Stormwater Technical Assistance

See link to stormwater program <http://www.pca.state.mn.us/water/stormwater/index.html>

MS4 performance is measured through a combination of regulatory activities including permit application, stormwater pollution prevention program (SWPPP) and annual report review, evaluation and assessment. MS4 permittees are generally in the process of ramping up their activities for each of the minimum measures therefore MPCA evaluates the goals and objectives of each and then looks at actual progress associated with the BMPs used in each measure.

By the end of FY 08, 80 of the Phase II MS4s had programs which can meet the goal stated above. A systematic approach to evaluation of each MS4 will serve to reinforce and improve implementation and performance.

Activity Surface Water: Stormwater Program Development

See link to stormwater program <http://www.pca.state.mn.us/water/stormwater/index.html>.

Develop and issue revised general permit for industrial stormwater. Percent by end of year or 2008. See grant template WQ-19.

Note: Construction Stormwater General Permit also needs to be developed and issued by Aug. 2008.

- Internal staff scoping meetings Winter, 2006-2007.
- Multiple individual/group meetings with stakeholders Spring, 2007.
- One Input Stakeholder meeting held Summer, 2007.
- Three Stakeholder meetings on draft language held Fall, 2007.
- Ongoing coordination with EPA on national permit which is on same timeline.

The Construction Stormwater General Permit was reissued August 1, 2008.

Objective By January 1, 2008, 95% of the stormwater permits for construction sites less than 50 acres will be issued within seven days.

Activity Surface Water: Stormwater Compliance and Enforcement

Administrative Penalty Orders closed within 165 days of violation identified. 20 of 49 were timely for this time period for an overall rate of 40.8%

In conjunction with our Joint Powers Agreement partners, inspections will be focused on permitted sites that potentially impact waters of the state.

Surface Water: Stormwater Data Management

Comprehensive Stormwater database functional by October 1, 2008.

- Small MS4 Access database finished and fully functional May 2007.
- Small MS4 Access database Version 2.0 update completed.
- All Small MS4 documents now scanned and stored electronically with Onbase software – first phase for Internet posting for general public:
 - Addresses State of Minnesota transparency goals, and
 - Helps better meet public participation requirements due to national and state

Surface Water: Stormwater Permitting

Conduct permit application, annual report, and technical reviews for municipal stormwater.

The MS4 Individual Permits for Minneapolis and St. Paul will be developed and public noticed by September 30, 2007.

MS4 Permit Applications and SWPPPs MPCA has reviewed 170 and public noticed 114 MS4 Permit Applications and SWPPPs. Annual Reports for all MS4s permitted in 2003 have been review and information entered into a data base. Individual Phase 1 MS4 Permit reissuance is underway and expected to be completed in 2008.

Staff turnover resulted in significant delay and restarting the permit development process; the new scheduled dates for these permits is by the end of 2009.

In 2008 MPCA completed MS4 Permit Applications and SWPPP reviews and provided comments on all 235 stormwater management plans. Public notice was completed on 209 (89%) MS4 Permit Applications and SWPPPs. Annual Reports for all MS4s have been reviewed and information entered into a data base.

Surface Water: Stormwater Program Development

Develop Industrial Stormwater General Permit by October 1, 2008.

Note: Construction Stormwater General Permit also needs to be developed and issued by Aug. 2008.

- Internal staff scoping meetings Winter, 2006-2007.
- Multiple individual/group meetings with stakeholders Spring, 2007.
- One Input Stakeholder meeting held Summer, 2007.
- Three Stakeholder meetings on draft language held Fall, 2007.
- Ongoing coordination with EPA on national permit which is on same timeline.

Develop Industrial Stormwater General Permit by January 31, 2009.

External meetings with stakeholders conducted since 2006

Out reach events for permit holders were conducted:

- Newsletters/E-newsletter articles
- Recycling Association of Minnesota: Waste Recycling (Sector N)
- National Solid Wastes Management Association: Midwest Region (Sector N)
- MN Waste Wise (All Sectors)
- Minnesota Waters (Sector Q)
- Midwest Food Processors (Sector U)
- Presentations
- SBEAP: No Exposure-Fabricated Metals (Sector AA)
- Timber and Paper Products Presentation (sectors A & B)
- Chemical and Allied Products (Sector C)
- Asphalt Paving and Roofing Presentation (Sector D)
- Glass/Clay/Cement/Concrete Presentation (Sectors E & J)
- Metal Mining/Mining Activities (Sectors G and H)
- Ramsey County Auto Salvage Yard Presentation (Sector M)
- General Auto Salvage Yard Presentation (Sector M)
- Landfills/Steam Electric Generating Facilities (Sectors L and O)
- Air Transportation Facilities (Sector S)
- Treatment Works (Sector T)
- SBEAP: Printing and Publishing Facilities (Sector X)
- Tri-State Manufacturers' Association (All Sectors)
- Air, Water, Waste Environmental Conference Presentation

Objective Ensure that feedlots with NPDES permits meet state and federal requirements 90 percent of the time.

Activity **Surface Water: Feedlots Data Management**

See link to feedlot program <http://www.pca.state.mn.us/hot/feedlots.html>.

Develop and maintain feedlots functionality in WQ Delta and with internet functions. **Data entry into Delta continues uninterrupted. We have added a feature for reporting compliance at NPDES sites.**

Data entry into Delta continues uninterrupted.

Developed a database to track and analyze annual report information.

Formed a data management team to improve the data quality and functionality of DELTA.

Activity Surface Water: Feedlots Technical Assistance

Modeling assistance (includes FLEval and OFFSET).

Improved MPCA software for producers to develop manure management plans. Conducted training on the program.

Conducted statewide workshops on nutrient management, using the feedlot model, manure storage issues, odor mgmt., using Minnesota's phosphorus index, milkhouse wastewater treatment, and other topics

Improved feedlot runoff model (MinnFARM) so that it uses updated equations, incorporates buffer width, considers distance to waters, and calculates annual loading (for use at non-NPDES sites); also developed guidelines for dealing with open lot runoff.

Implemented technical assistance program where open lot technicians assist feedlot owners with fixing open lot runoff problems, using the feedlot model as a tool to prioritize efforts.

Worked closely with producer industry groups to train technicians to work with producers to evaluate and improve all aspects of their facility.

Developed a newsletter which is sent to site covered by a NPDES permit.

Developed and distributed calendars to NPDES permit holders to help them track requirements in their permit.

Activity Surface Water: Feedlots Permitting

Inspect facilities as applications are completed.

Developed an improved inspection process checklist for NPDES sites.

Developed and implemented a land application records and in-field practices inspection process.

Review Manure Management Plans to ensure BMPs are incorporated with the land application techniques used Ongoing basis.

Review MMP for sensitive areas and BMPs used to control runoff. By October 1, 2007.

Resolved permitting problems with NPDES sites which had open lot runoff.

Created incentives for county programs to better inspect manure management plans and practices.

Completed reviews of all manure management plans for reissuances of NPDES permits.

Inspected all facilities where NPDES applications were received during the year.

Field tested an improved inspection process checklist for NPDES sites.

Developed and implemented a land application records and in-field practices inspection process.

Conducted training for staff on conducting land application inspections.

Reviewed Manure Management Plans to ensure BMPs are incorporated with the land application techniques.

Reviewed MMP for sensitive areas and BMPs used to control runoff.

Completed reviews of all manure management plans for reissuances of NPDES permits.

Inspected all facilities where NPDES applications were received during the year.

Activity Surface Water: Feedlots Compliance and Enforcement at NPDES sites

Coordinate inspections at non-CAFO sites based on priority scheme incorporating complaints, size, proximity to surface water and other sensitive features.

Establish ongoing inspection program by October 1, 2007.

Inspect all NPDES facilities based on program schedule (Individual permits 1x/year, general permits 2x/5 years).

- Prioritize inspections on impaired watersheds. Implementing a strategy emphasizing facility and land application inspections within targeted watersheds
- Completed over 1,100 facility and land application inspections
- Achieved >90% compliance at NPDES sites
- On target inspecting all NPDES facilities twice in five years

Achieved >90% compliance at NPDES sites.

On target inspecting all NPDES facilities to meet program schedule (Individual permits 1x/year, general permits 1x/5 years).

Worked closely with producer industry groups to train technicians to work with producers to evaluate and improve all aspects of their facility.

Improved MPCA software for producers to develop manure management plans. Conducted training on the program for producers.

Activity Surface Water: Feedlots Compliance and Enforcement at non - NPDES sites

Improved MPCA software for producers to develop manure management plans. Conducted training on the program for producers.

Conducted statewide workshops on nutrient management, using the feedlot model, manure storage issues, odor mgmt., using Minnesota's phosphorus index, milkhouse wastewater treatment, and other topics

Improved feedlot runoff model (MinnFARM) so that it uses updated equations, incorporates buffer width, considers distance to waters, and calculates annual loading.

Implemented technical assistance program where open lot technicians assist feedlot owners with fixing open lot runoff problems, using the feedlot model as a tool to prioritize efforts.

Prioritize compliance and land application inspections on impaired watersheds, proximity to surface water and other sensitive features.

Objective By January 1, 2011, 90% of the feedlot facilities enrolled in the open lot program meet water quality effluent standards.

Activity Surface Water: Feedlots Process Improvement

Implement process improvements for NPDES inspections and compliance reporting by October 1, 2007. See below

Surface Water: Feedlots Program Development

Establish methods for communicating program activities and decisions within the program and across the Division. By October 1, 2007.

Monitor performance of delegated county feedlot program , as needed.

Research, develop & test, and implement efforts to increase pollution prevention practices, innovate regulatory programs, and increase environmental performance by businesses and others, ongoing.

- The MPCA improved the County Program review practices to increase county feedlot officer (CFO) follow-through on evaluating and documenting feedlots with pollution hazards for compliance and to take appropriate compliance steps (such as interim permit issuances) when non-compliance is discovered. 52/55 counties met the minimum performance requirements.
- The MPCA introduced new policies and incentives into the County Program to encourage CFOs to identify and resolve pollution hazards, including those associated with land application of manure.
- The MPCA worked with open lot assistance grant projects in Central, Southwest and Southeast Minnesota to improve implementation of open lot low-cost, low-technology fix strategies and to improve the quality of data collected from these activities.

The MPCA improved the County Program review practices to increase county feedlot officer (CFO) follow-through on evaluating and documenting feedlots with pollution hazards for compliance and to take appropriate compliance steps (such as interim permit issuances) when non-compliance is discovered. All 55 counties met the minimum performance requirements.

The MPCA introduced new policies and incentives into the County Program to encourage CFOs to identify and resolve pollution hazards, including those associated with land application of manure.

The MPCA worked with open lot assistance grant projects in Central, Southwest and Southeast Minnesota to improve implementation of open lot low-cost, low-technology fix strategies and to improve the quality of data collected from these activities.

Developed guidance on using computer models to evaluate compliance at facilities with open lots.

Conducted a web based survey of CFOs to help assess progress made in completing corrective action at sites with open lots.

Objective By January 1, 2007 conduct a performance evaluation of the water quality program basin management framework and make adjustments.

Activity Surface Water: Non-point Source/Watershed Data Management

Review performance on QA/QC efforts for Data Management by October 1, 2008.

Completed April 2007 with final report to the Water Quality Policy Forum. The One Water Program concept from the Water Funding Gap project is being implemented. A work group was formed in 2008 and continued to expand the concepts of the One Water Program.

Data input into STORET within a month of project completion. [Ongoing basis.](#)

Surface Water: Non-point Source/Watershed Monitoring

Surface Water: Non-point Source/Watershed Program Development

Objective By October 1, 2006, and every 3 years thereafter, review Minnesota's water quality standards to incorporate changes to the standards to reflect current science and information.

As part of the 2007 - 2010 triennial review of water quality standards, MPCA will:

Adopt nutrient criteria for rivers and streams, consistent with the schedule agreed upon by MPCA and USEPA. (The current schedule calls for MPCA to begin development of nutrient criteria for rivers and streams in 2007. Adoption of rivers and streams criteria during the 2007 - 2010 triennial review will depend on the progress made in criteria development) ([EPA Strategic PAM #WQ-2b](#)). [MPCA anticipates completion of its current triennial review, which includes lake nutrient standards, in April 2008. The next triennial review, which will begin immediately following EPA approval of the current rule revisions, will include river nutrient standards. The 2008 triennial review was completed with EPA approval on May 23, 2008. Included with that rule revision were lake nutrient standards. Minnesota is on track for completion of the 2011 Triennial Standards Review including nutrient standards for rivers. The scope of the 2011 triennial review is being determined and will include river nutrient standards.](#)

Adopt revisions to Minnesota's system of designated uses to reflect data generated and analyses conducted by MPCA to support development of a system of tiered aquatic life uses. (Adoption of revisions to Minnesota's existing system of designated uses will depend on the progress MPCA makes in conducting the monitoring and technical analyses needed to support TALU development). [Data assessments are continuing in support of a TALU classification system. A contractor will be hired to assist in development of an implementation plan for incorporating TALU into existing water quality programs and standards. A contract with Chris Yoder, Midwest Biodiversity Institute was approved in March 2008 for the development of a TALU implementation plan. The implementation plan will define the steps toward adoption of a TALU based system into Minnesota's Water Quality Standards. The contract also includes a review of technical activity accomplishments and assistance with ongoing technical activities related to TALU \(esp. biological condition gradient\). Minnesota is on track for completion of the changes to aquatic life classifications including Tiered Aquatic Uses by 2012.](#)

Review and propose revisions to variance rules to ensure that variances granted by MPCA and submitted to EPA are complete and consistent with Federal regulations at 40 CFR 131 and 132. by January 1, 2008 (The need for revised rules will depend on the results of the rule review). [The current triennial rule revision includes revisions to the granting of variances clarifying requirements for conformance with federal regulations.](#)

[Variance process will be reviewed but will not be part of the 2011 Triennial Standards Review.](#)

MPCA will assist Region 5 EPA in meeting EPA Strategic PAM #WQ-5a for conducting a triennial review. [The MPCA conducted public hearings for final triennial water quality standards rule adoption in August and September 2007. Final triennial standards rule is anticipated in April 2008. EPA approved of the 2008 triennial review and all water quality](#)

standards revisions May 23, 2008. The 2011 triennial review has been initiated with public input sought scoping the effort. A schedule has been drafted and reviewed by EPA water quality standards staff.

MPCA sent a letter to stakeholders on July 25, 2008 and published a notice in the State Register on July 28, 2008 requesting public comment on the scope of the 2011 triennial review. EPA Region 5 provided input into the scope of the triennial review and attended the September 8, 2008 public meeting in St. Paul. ~~The MPCA continues to refine the scope and plans a second public notice and 60-day comment period in February 2009.~~ **MPCA published the proposed scope for the 2008-1011 triennial water quality standards amendments in the State Register on March 2, 2009. The comment period closes on April 17, 2009.**

Develop a state-wide Index of Biological Integrity and a state-wide river classification system in preparation of developing tiered aquatic life standards January 1, 2008. **A state-wide fish classification system has been developed and a final report is being drafted. An invertebrate classification system is to be developed upon completion of data analysis. Anticipated completion of an invertebrate classification system is March 2008. IBI development is to be based on results of the classification systems.**

The MPCA is developing a state-wide stream classification system and a state-wide Index of Biological Integrity in preparation of tiered aquatic life standards. The state-wide stream classification system has been proposed for internal review with a final completion anticipated by January 30, 2009. The new classification system will be used as a frame work for state-wide fish and invertebrate IBI development anticipated to be completed by June 2009.

Adopt EPA's recommended water quality criteria for bacteria at Lake Superior recreation waters, as promulgated on November 16, 2004, in the *Final Rule for Water Quality Standards for Coastal and Great Lakes Recreation Waters*, by July 2008. ~~The current triennial rule revision includes the adoption of *E. coli* standards that meet EPA's recommended water quality criteria for bacteria at Lake Superior recreation waters. The 2008 triennial review approved by EPA included state-wide *E. coli* standards.~~

EPA Input – We suggest that this item be updated by revising it to read: “This activity was postponed by the state to fit their rulemaking processes and priorities. The state's recently started triennial review (2008-2011) will contain revisions to Minn. R. ch. 7052 that will meet the requirements of the BEACH Act for Lake Superior beaches.” OK

Adopt bacteriological criteria as protective as EPA's criteria at its inland waters to better protect human health, by July 2008. **The current triennial rule revision includes the adoption of *E. coli* standards that meet EPA's criteria for inland waters. The 2008 triennial review approved by EPA included state-wide *E. coli* standards.**

EPA Input – We agree with the MPCA's self assessment.

Objective By January 1, 2014, strengthen local programs to reduce the percentage of septic tanks characterized as failing or imminent threats to public health and safety from 39% to less than 5%.

Activity see link <http://www.pca.state.mn.us/programs/ists/index.html>.

Surface Water: Wastewater-Individual Compliance and Enforcement

Increase and enhance compliance and enforcement activities in the ISTS program by October 1, 2007 **We are also Continuing to Increase and enhance compliance and enforcement activities in the ISTS program during 2007-2008.**

Proactively and reactively investigate and resolve issues with work done by licensed professionals and counties/LUG's, implement ISTS program plan. **Continuing.**

Surface Water: Wastewater-Individual Data Management

Surface Water: Wastewater-Individual Permitting

Surface Water: Wastewater-Individual Technical Assistance

Develop and strengthen partnerships w LUG's in the implementation of the ISTS Program. **See below.**

Provide technical assistance on proposed new ISTS technologies. **See below.**

Support and assist LUG's in their efforts to implement the ISTS rules and new program efforts. **The SSTS Rules have been updated and are on schedule to be finalized Feb. 2, 2008. Implementation is underway which will include developing and strengthening partnerships with LGUs, providing technical assistance on new technologies thought the product registration process and specifically supporting LGUs implement the new rules through development of model ordinances.**

SSTS Rules changes were completed Feb 2, 2008. Implementation is underway which will include developing and strengthening partnerships with LGUs, providing technical assistance on new technologies thought the product registration process and specifically supporting LGUs implement the new rules with a recently completed model ordinance.

Goal Restore the chemical, physical and biological integrity of Minnesota lakes streams and wetlands that do not support designated uses.

Objective Complete TMDL studies within 13 years of initial listing.

See the FFY 2007 Biennial Goals for the Completion of TMDL Studies done through programmatic commitments with EPA. **(EPA PAM #WQ-12).**

Activity Surface Water: Nonpoint Source/Watershed Data Management

See TMDL link <http://www.pca.state.mn.us/water/tmdl/index.html>. See grant template WQ13b.

Activity Surface Water: Nonpoint Source/Watershed Technical Assistance

See TMDL link <http://www.pca.state.mn.us/water/tmdl/index.html>. See grant template WQ13b.

Activity Surface Water: Nonpoint Source/Watershed TMDL Studies

See TMDL link <http://www.pca.state.mn.us/water/tmdl/index.html>. See grant template WQ13b.

Activity Surface Water: Nonpoint Source/Watershed TMDL Implementation

See TMDL link <http://www.pca.state.mn.us/water/tmdl/index.html>. See grant template WQ13b.

Objective Within one year of EPA approval of each TMDL study, implementation plans will be approved and initiated.

Activity See Grant template WQ-13b

Submit all TMDLs to EPA for approval , ongoing process.

Surface Water: Feedlots TMDL Implementation as necessary, ongoing process.

Surface Water: Non-point Source/Watershed TMDL Implementation, ongoing process.

Surface Water: Stormwater TMDL Implementation, ongoing process.

Surface Water: Wastewater Point Source TMDL Implementation, ongoing process.

Objective By January 1, 2007, implement the impaired waters program plan and report annually.

Activity See link for MN River <http://www.pca.state.mn.us/programs/ists/index.html>

Surface Water: Non-point Source/Watershed Communications/Information

Surface Water: Non-point Source/Watershed Data Management

Surface Water: Non-point Source/Watershed Program Development

Vision Excellence in Operations

Goal Manage Agency operations as a system for efficiency and effectiveness.

Objective Build a system to link the Agency's Strategic plan, budget and work plans to evaluate progress toward achieving environmental goals.

By January 31, 2007, conduct and complete a project definition for a technology solution that could link and automate strategic plan, budget and work plan data. By March 31, 2007, determine the priority for building that solution and schedule it. **The project definition became a very large task. As a result it has been broken down into parts and our initial focus will be on combining the triple time tracking reporting into one system. This will require significant time and an outside consultant, expect completion by August 2008.**

Although funding for a consultant to help in this project was not available, significant progress has been made in one aspect of this objective: reducing the duplication in the agency time reporting system. A pilot project to enable staff self-entry of payroll data is being rolled out the entire agency, which will eliminate a major source of inefficiency from the time reporting process.

By June 2007, Design and implement a process to track and evaluate Strategic Plan Objectives. **This process is currently being utilized but will take significant time and process changes to fully engage all of the players.** During FY 2008 the Strategic Plan Objective Tracking system (SPOT) was further refined and improved. Progress was made in better tracking the Responsibility goals.

Objective Implement a system of managing the Agency's resources consistent with agency priorities and all applicable law.

Finish designing a new data management framework for the agency by March 31, 2007, that will specify data management roles, values, operating guidance, governance, and accountability. Assign implementation of all parts of the new system by May 31, 2007. Begin implementation by June 30, 2007. **The Data Management Team began work in January 2006 and obtained final approval from the Senior Managers on May 7, 2007 for a design of a new data management system for the agency. Implementation activities began almost immediately. A new section manager was hired for a newly created section and began work on October 31, 2007. Numerous other actions are underway.**

Data governance has been advanced by holding biweekly meetings of the MPCA managers who have been identified as data champions and working with them on governance procedures. Funding was obtained to retain a data governance consultant to assist in developing a new data governance system, and the RFP was prepared in September 2008. A data assistance service was created and implemented to assist MPCA and external stakeholders in getting access to the data they need in a timely fashion.

Maintain computer system up-time at target levels, currently set at 99.5% up-time during work hours. **We exceeded this target. The actual up-time for FFY2007 was 99.874%**

We exceeded this target in FFY08. The actual up-time for FFY2008 was 99.791% from July 2007-July 2008.

Respond to requests for technology assistance from agency staff at target levels, currently set at 80% of all urgent requests met in 1 hour, 80% of all "high" importance requests met in 4 hours, 80% of all "normal" importance requests met in 8 hours, and 80% of all "low" importance requests met in 3 business days. Level of importance is determined by the customer, not the technology staff. **The results for FFY2007 were: 71% for urgent items, 75% for high importance items, 65% for normal importance items, and 81% for low importance items. We nearly reached our targets in 3 of the 4 categories. Staffing shortage and retasking to beef up our remote access abilities were the two primary reasons for not reaching all the goals. Those issues have now been addressed, so the results for the next reporting year should be better.**

Due to an upgrade to our software tool, the month of March 2008 is not included in this report. The results for FFY2008 were: 85% for urgent items, 99% for high importance items, 82% for normal importance items, and 104% for low importance items. The overall target reached for this reporting period is 93%

Implement a better prioritization process for application development by March 31, 2007. This process will have better transparency and better ownership by agency management. **We made progress but did not finish yet. A draft process has been developed and discussed with the ISMT. Testing has been done with key IT staff. Current plans are to complete the testing and begin using the system at the end of CY2007 or very early in CY2008.**

During FFY 2008, progress was made on this goal by obtaining a tool to help us manage the project prioritization process and by working with a group of program managers called the Data Champions to ensure that the needs of the agency programs are being considered during the prioritization of application development projects.

Identify methods for improving customer and citizen access to agency data, information and transactions by May 31, 2007. Use the better prioritization process to schedule better definition of those solutions by July 31, 2007 that depend in whole or in part on technology. The Data Management Team did extensive customer input to learn which data needs are most important. The Data Management System that was designed and adopted by the Agency will lead us in a slightly different direction than anticipated with this objective. A data service desk will be opened early in CY2008. The inquiries that customers make via the Data Desk will guide how and when access is provided to "usable" data. The newly formed Data Section will provide project definition and business analysis services to help our customers more clearly define their needs. The results of those services will guide the Agency in next steps for improving customer and citizen access to agency data, information and transactions. Simultaneously, the Agency is pursuing a technology infrastructure that will meet CROMERR requirements. As the business programs of the Agency become ready for on-line transactions, they will be prioritized and implemented.

During FFY 2008, the Data Service Section and Data Service Desk were established. A process of tracking requests is being used to help us plan for data development and improvement so that we can better meet customer and citizen data access requests.

To the extent that a revised PCS Policy Statement (renamed the ICIS NPDES Policy Statement) is developed during the length of this PPA, MPCA will evaluate the statement and develop and submit to Region 5, a proposed plan for responding to the revised Policy Statement expectations. The MPCA continues to work within and monitor the national ICIS implementation process. As of the date of this assessment, Minnesota has not been migrated to the ICIS environment, nor has the Required ICIS Data Elements (RIDE) standard been finalized. As data standards and performance expectations are finalized, the MPCA will continue to evaluate our data and work on data quality improvements and data migration plans.

Minnesota has also been working to address findings in the FFY2007 State review framework that identified deficiencies in the management and recording of Single Event Violations and monetary penalties

During FFY 2008 Minnesota still has not been migrated to the ICIS environment. Minnesota has obtained funding to revise our data migration tools when the standards are finalized and Minnesota is given the go ahead.

Goal Achieve excellence through application of world class tools and best practices.

Objective Routinely review and adjust strategic goals and priorities.

Activity Agency-wide Management, Leadership and Administrative Support Data Management
Design and implement a process to track and evaluate strategic Plan Objectives. This process is currently being utilized but will take significant time and process changes to fully engage all of the players. This process is in place and gets implemented annually.

Objective Establish and implement continuous improvement processes within the Agency.

The MPCA maintains a focus and is on the path of implementing a continuous improvement system. The focus is both at an agency-wide and divisional level of identifying and evaluating our core, leadership, and support processes. This has resulted in 21 agency-wide projects and ~50 divisional standardization projects at the present time. These projects are in

various stages of completion and implementation of the improvement. Nearly 17 of the agency-wide projects have reach the control stage and the process improvements are being monitored routinely. The MPCA has a deployment plan that addresses the approach and specifics of the implementation of the continuous improvement program. **The MPCA continues to on the path of expanding and implementing a continuous improvement system. The focus is both at an agency-wide and divisional level of identifying and evaluating our core, leadership, and support processes. This has resulted in 23 agency-wide projects and over 50 divisional standardization projects at the present time. The agency-wide projects are mostly complete and in the implementation stage of the improvement and are being monitored routinely. The MPCA has a deployment plan that addresses the approach and specifics of the implementation of the continuous improvement program and will be updating it in by mid-2008. The implementation of the deployment will be shifting to a management team assignment in early 2008.**

The MPCA is in its 6th year of implementation of a continuous improvement program/system that incorporates the use of the tolls of six sigma and lean to assess our core, management, and support business processes. Significant effort has been completed on mission critical processes to date, including NPDES Permit reissuances, Air Quality Construction Permitting, Administrative Penalty Order issuances, contract management, NPDES Compliance Determinations, and many divisional-level standardization/process mapping projects. Recently the MPCA has incorporated the use of “lean tools” to address business processes. In early 2008, a Continuous Improvement (CI) Management Team was established to assist in the directing the deployment & implementation of the agency’s CI effort. Additionally, a new division, Data and Performance Management Division, was created in mid-2008, with a focus on data management and agency performance including continuous improvement; organizational and leadership development; and improving organizational sustainability (reduction of our environmental footprint from operations).

Measurement: these measurements are being modified and will be replaced as part of the development of a revised CI Implementation Plan to be completed in early 2009 by the CI Management Team.

1. **23** - percentage of agency personnel trained in the use of the continuous improvement techniques and tools (six sigma).
2. **80** - percentage is the average for the agency-wide teams in meeting their project goals and objectives.

Objective Develop and implement a communications strategy that advances the Agency goals.

Agency-wide Management, Leadership and Administrative Support Communications/Information.

Agency-wide Management, Leadership and Administrative Support Program Management and Leadership.

During FY2008, the agency chartered a Communication Management Team to focus on developing an internal communication program. The management team began meeting in July 2008 and has developed a work plan. The agency has also begun drafting a strategic communication plan, which will be led by the Communications Section. We expect to have the draft finalized in the second quarter of FY2009.

FFY 2007 Biennial Goals for the Completion of TMDL Studies 09/01/06

Project Name	Number of Impairments	Reach	Assessment Unit ID	DNR Lake #	Pollutant or stressor
<u>TMDL Study Projects to be submitted by PCA to EPA in FFY 2007 (10/1/2006-9/30/07) (All Approved by EPA)</u>					
Carver-Bevens-Silver Creek - Fecal Coliform	4	Bevens Creek, Silver Creek to Minnesota River	07020012-514		Fecal Coliform
		Bevens Creek, Headwaters (Washington Lake to Silver Creek)	07020012-515		
		Carver Creek, Headwaters to Minnesota River	07020012-516		
		Silver Creek, CD 32 to Bevens Creek	07020012-523		
Chippewa River - Fecal Coliform	10	Chippewa River; Watson Sag Diversion to Minnesota River	07020005-501		Fecal Coliform
		Chippewa River, Headwaters to Little Chippewa River	07020005-503		
		Chippewa River, Unnamed Creek to E Branch Chippewa River	07020005-505		
		Chippewa River, Headwaters to Chippewa River	07020005-509		
		Chippewa River East Branch, Mud Creek to Chippewa River	07020005-514		
		Shakopee Creek, Shakopee Lake to Chippewa River	07020005-559		
		Unnamed Ditch (Judicial Ditch 29), Headwaters to CD 29	07020005-566		

		Headwaters to Unnamed Ditch	07020005-567			
		Unnamed Ditch to Unnamed Ditch	07020005-570			
		Chippewa River, Cottonwood Creek to Dry Weather Creek - to be listed in 2008	07020005-508			
Lake Independence	1			27-0176-00	Excess Nutrients	
Shingle Creek, Upper Mississippi River Basin - Chloride	1	Shingle Creek; Headwaters to Mississippi River	07010206-506		Chloride	
Sunrise River (North Branch)	1	Headwaters to Sunrise River	07030005-501		Fecal Coliform	
Lower Ottetail River - Turbidity	1	Otter Tail River; Breckenridge Lk to Bois de Sioux R	09020103-502		Turbidity	
Cannon River - Turbidity	2	Cannon River, HUC boundary in Rice Lake Bottoms to Vermillion Slough/Mississippi River	07040001-511		Turbidity	
		Cannon River, Pine Creek to Belle Creek	07040002-502			
TOTAL for FFY 07	20					

Potential TMDLs to be Submitted in FFY 07
(All approved by EPA)

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Blue Earth River - Fecal Coliform	17	Blue Earth River, W Br Blue Earth R to Coon Cr	07020009-504		Fecal Coliform	
		Blue Earth River, Le Sueur R to Minnesota River	07020009-501			
		Cedar Creek, T104 R33W S6 west line to Cedar Lake	07020009-560			
		Cedar Creek, Cedar Lake to Elm Creek	07020009-521			
		Center Creek, George Lake to Lily Creek	07020009-526			
		Center Creek, Lily Creek to Blue Earth River	07020009-503			

		Dutch Creek, Headwaters to Hall Lake	07020009- 527			
		Elm Creek, S Fork Elm Creek to Cedar Creek	07020009- 522			
		Elm Creek, Cedar Creek to Blue Earth River	07020009- 502			
		Judicial Ditch 3, Headwaters to Elm Cr	07020009- 505			
		Lily Creek, Headwaters to Center Creek	07020009- 525			
		Little Beauford Ditch, Headwaters to Cobb River	07020011- 503			
		Watowan River, Headwaters to N Fk Watowan R	07020010- 514			
		Watowan River, N Fk Watowan River to Butterfield Creek	07020010- 512			
		Watowan River, Butterfield Creek to S Fork Watowan River	07020010- 511			
		Watowan River, Perch Creek to Blue Earth River	07020010- 501			
		Watowan River (South Fork), Willow Creek to Watowan River	07020010- 517			

approved	project name			parameter	AUID#	waterbody description
11/9/2007	Twin Lakes and Ryan Lake nutrients			nutrients	27-0042-01	North Twin Lake
				nutrients	27-0042-02	Middle Twin Lake
				nutrients	27-0042-03	Lower Twin Lake
				nutrients	27-0058-00	Ryan Lake
12/7/2007	Pomme de Terre River fecal coliform			fecal coliform	07020002-501	Pomme de Terre River, Muddy Creek to Marsh Lake
4/23/2008	Rock River turbidity and fecal coliform			turbidity	10170204-501	Rock River; Elk Creek to IA Border
				turbidity	10170204-509	Rock River; Champepadan Creek to Elk Creek
				turbidity	10170204-519	Elk Creek; Headwaters to Rock River
				fecal coliform	10170204-501	Rock River; Elk Creek to IA Border
7/3/2008	Pipestone Creek turbidity and fecal coliform			turbidity	10170203-527	Main Ditch; CD A to Pipestone Cr
				turbidity	10170203-514	Pipestone Creek, North Br; Headwaters to Pipestone Cr
				turbidity	10170203-501	Pipestone Creek; N Br Pipestone Cr to MN/SD border
				fecal coliform	10170203-527	Main Ditch; CD A to Pipestone Cr
				fecal coliform	10170203-514	Pipestone Creek, North Br; Headwaters to Pipestone Cr
				fecal coliform	10170203-501	Pipestone Creek; N Br Pipestone Cr to MN/SD border

PPG GRANT TEMPLATES

Categorical Grant: OPPTS-Pesticides Program***NOT APPLICABLE TO THE MPCA*******

Goal : Goal 4 in the EPA Strategic Plan, Healthy Communities and Ecosystems,

Objective 4.1: Chemical, Organism and Pesticide Risks: Prevent and reduce pesticide, chemical and genetically engineered biological organism risks to humans, communities and ecosystem

Outcome/Output Measure	2005 National Baseline	2006 National Commitments	2007 National Target	2005 State Baseline	2007 State Measurement	Source of Data(ACS Code #)	Comments
Sub-Objective 4.1.1: Through 2008, protect human health, communities, and ecosystems from pesticide use by reducing exposure to pesticides posing the greatest risks.							

Strategic Targets

Program Measures

Number of applicators certified per State Grant dollars	.257 STAG = \$3,013,200 EPM = \$1,200,000 # Certified Applicators = 1,081,803		.265 STAG = \$3,013,200 EPM = 950,000 # Certified Applicators = 1,048,571			Certified Applicator Database	
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Categorical Grant: OECA-Toxics Substances Control Act (Led Program) **NOT APPLICABLE****
TO THE MPCA*****

Goal : Goal 5 Compliance and Environmental Stewardship- Improve environmental performance through compliance with environmental requirements, preventing pollution, and promoting environmental stewardship. Protect human health and the environment by encouraging innovation and providing incentives for governments, businesses, and the public that promote environmental stewardship.

Objective : Objective 5.1: Improve Compliance: By 2008, maximize compliance to protect human health and the environment through compliance assistance, compliance incentives, and enforcement by achieving a X percent increase in the pounds of pollution reduced, treated, or eliminated, and achieving a X percent increase in the number of regulated entities making improvements in environmental management practices.

Outcome/Output Measure	2005 National Baseline	2006 National Commitments	2007 National Target	2005 State Baseline	2007 State Measurement	Source of Data (ACS Code #)	Comments
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Sub-Objective 5.1.3: Monitoring and Enforcement.

Strategic Targets

Program Measures

1. OMB PART Measure: Percent of violators committing subsequent violations. [Baseline and targets under development]	Data collection beginning Jan. 07 Baseline to be fixed after 2-3 years of data collection	Data collection beginning Jan. 07 Targets to be developed after 2-3 of data collection	Data collection beginning Jan. 07 Baseline to be fixed after 2-3 years of data collection			Manual reporting by states & tribes ACS	Measure 1 is the total number of entities receiving subsequent enforcement actions over the total number of entities receiving enforcement actions.
2. OMB PART Measure: Percent of compliance actions taken as a result of inspection/enforcement. [Baseline and targets under development]	Data collection beginning Jan. 07 Baseline to be fixed after 2-3 years of data collection	Data collection beginning Jan. 07 Targets to be developed after 2-3 years of data collection	Data collection beginning Jan. 07 Baseline to be fixed after 2-3 years of data collection			Manual reporting by states & tribes ACS	Measure 2 is the total number of enforcement actions over the number of enforcement actions resulting in verified compliance.
3. OMB PART Measure: Number of enforcement actions taken (Federal & State) per million dollars of costs (Federal & State). [Baseline and targets under development]	Data collection beginning Jan. 07 Baseline to be fixed after 2-3 years of data collection	Data collection beginning Jan. 07 Targets to be developed after 2-3 years of data collection	Data collection beginning Jan. 07 Baseline to be fixed after 2-3 years of data collection			Manual reporting by states & tribes ACS	Measure 3 is amount of EPA pesticide enforcement grant funding + grantee pesticide enforcement funding over the total number of enforcement actions.

Categorical Grant: OECA-Toxics Substances Control Act (Led Program) *NOT APPLICABLE TO THE MPCA*******

Goal : Goal 5 Compliance and Environmental Stewardship- Improve environmental performance through compliance with environmental requirements, preventing pollution, and promoting environmental stewardship. Protect human health and the environment by encouraging innovation and providing incentives for governments, businesses, and the public that promote environmental stewardship.

Objective : Objective 5.1: Improve Compliance: By 2008, maximize compliance to protect human health and the environment through compliance assistance, compliance incentives, and enforcement by achieving a X percent increase in the pounds of pollution reduced, treated, or eliminated, and achieving a X percent increase in the number of regulated entities making improvements in environmental management practices.

Outcome/Output Measure	2005 National Baseline	2006 National Commitments	2007 National Target	2005 State Baseline	2007 State Measurement	Source of Data (ACS Code #)	Comments
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Sub-Objective 5.1.3: Monitoring and Enforcement.

Strategic Targets

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Program Measures

1. Measure: Number of 402/406 inspections conducted by state.	Data to be collected during FY 2007	Targets are determined by each regional grantee, based on the universe of housing units with led-based paint, which is approximately 26 million nationwide.	Data to be collected during FY 2007	Number /types of inspections to be determined during grant negotiations	TDB	Manual reporting by states & tribes	
2. Measure: Number of enforcement actions taken by state.	Data to be collected during FY 2007	N/A	Data to be collected during FY 2007	Number /types of inspections to be determined during grant negotiations		Manual reporting by states & tribes	

Categorical Grant: OECA-Toxics Substances Control Act (PCB/Asbestos Program)

Goal : Goal 5 Compliance and Environmental Stewardship- Improve environmental performance through compliance with environmental requirements, preventing pollution, and promoting environmental stewardship. Protect human health and the environment by encouraging innovation and providing incentives for governments, businesses, and the public that promote environmental stewardship.

Objective : Objective 5.1: Improve Compliance: By 2008, maximize compliance to protect human health and the environment through compliance assistance, compliance incentives, and enforcement by achieving a X percent increase in the pounds of pollution reduced, treated, or eliminated, and achieving a X percent increase in the number of regulated entities making improvements in environmental management practices.

Outcome/Output Measure	2005 National Baseline	2006 National Commitments	2007 National Target	2005 State Baseline	2007 State Measurement	Source of Data(ACS Code #)	Comments
	Sub-Objective 5.1.3: Monitoring and Enforcement.						

Strategic Targets

Program Measures

	1. Measure: Number of PCB inspections conducted by state	Data to be collected during FY 2007	Inspect 33% of the PCB commercial storage and disposal facility universe.	Data to be collected during FY 2007	Number /types of inspections to be determined during grant negotiations	Inspected 20 facilities from 10/1/06 to 9/30/07.	Manual reporting by states & tribes	
Program Measure 2 is NOT APPLICABLE TO THE MPCA	2. Measure: Number of inspections conducted by state at: - Charter schools - LEAs in EJ areas - Schools not inspected in last 6 years - Worker Protection	Data to be collected during FY 2007	To inspect schools which are believed to be in noncompliance and which contain friable asbestos that pose a risk to children and school employees. The type of schools to consider are: large Local Education Agencies (LEAs) which have not been recently inspected; charter schools that have not been inspected; schools targeted for environmental justice reasons; and other regional and state priorities. States may also inspect under the worker protection standards and other TSCA section 6 asbestos regulations.	Data to be collected during FY2007	Number /types of inspections to be determined during grant negotiations	Dependent on the Region/ at least 20 inspections or 5% of LEAS	Manual reporting by states & tribes	

Categorical Grant: OSWER- Brownfields***NOT PART OF MPCA'S PPG GRANT. Applying as a separate grant*******

Goal 4: Healthy Communities and Ecosystems

Objective 2: Sustain, cleanup, and restore communities and the ecological systems that support them.

Outcome/Output Measure	2005 National Baseline	2006 National Commitments	2007 National Target	2005 State Baseline	2007 State Measurement	Source of Data (ACS Code #)	Comments
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Sub objective 3: Assess and Cleanup Brownfields: By 2008, provide funding to eligible grant recipients, and, working with our state and tribal partners, assess and promote the cleanup and reuse of 9,200 brownfields properties, leveraging 33,700 jobs and \$10.2 billion in cleanup/redevelopment funding.

Strategic Targets

FY 2006 ACS Code B29	Number of properties assessed. (language of measure contained in sub objective) ¹	1,381 properties assessed in FY 2005. 1		1,000 ¹			“Property Profiles Forms” submitted by all brownfields grant recipients (categorical and non-categorical). Annual number. “Property Profile Forms” submitted by state grantees funded via the categorical grant are combined with other Property Profile Forms submitted by non-categorical grantees. Together these numbers are used to meet the national target. Separate targets for state categorical grants do not exist.
FY 2006 ACS Code B32	NOT IN CURRENT STRATEGIC PLAN BUT IS PROPOSED FOR NEW STRATEGIC PLAN: Number of properties cleaned up. ¹						“Property Profiles Forms” submitted by all brownfields grant recipients (categorical and non-categorical). Annual number. “Property Profile Forms” submitted by state grantees funded via the categorical grant are combined with other Property Profile Forms submitted by non-categorical grantees. Together these numbers are used to meet the national target. Separate targets for state categorical grants do not exist.

Categorical Grant: OSWER- Underground Storage Tanks

Goal : Goal 3 Land Preservation and Restoration

Objective: Obj 1 By 2008, Reduce adverse effects to land by reducing waste generation, increasing recycling, and ensuring proper management of waste and petroleum products at facilities in ways that prevent releases.

Outcome/Output Measure	2005 National Baseline	2006 National Commitments	2007 National Target	2005 State Baseline	2007 State Measurement	Source of Data (ACS Code #)	Comments
Sub objective: Subobj 2 Manage hazardous wastes and petroleum products properly. (By 2008, reduce releases to the environment by managing hazardous wastes and petroleum products properly.)							

Strategic Targets

FY 2006 ACS Code ST6	By 2008, increase the percentage of UST facilities that are in significant operational compliance with both release detection and release prevention by 4% compared to 2004, out of a total estimated universe of approximately 263,000 facilities.	65%*	66%	67%		Oct. 2007 49% compliance rate—low compliance rate is likely due to the first time inspection of small service stations. Objective will need to be revisited.	States submit the data to the Regional offices semi-annually	*The baseline was established in FY04 at 64%, with a GPRA goal of +1% per year, over the baseline, and +1% increase over the previous year's GPRA target.
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Footnote:

- 1 Performance measures that reflect broad programmatic goals and may not be solely attributable to the activities funded by the grant.
- 2 Performance measures are not applicable to a state grantee.
- 3 Performance measures for eligible activities that are not funded by the grant, but are currently reported by the state to meet other accountability requirements.
- 4 Due to the Energy Policy Act of 2005 inspection requirements, some states are targeting previously uninspected facilities, which are more likely to be out-of-compliance. As a result, the significant operational compliance rates may be lower than in previous years, making it more difficult to meet the GPRA goal.

OSWER- Hazardous Waste Financial Assistance

Goal : Goal 3 Land Preservation and Restoration

Objective : Obj 1 By 2008, Reduce adverse effects to land by reducing waste generation, increasing recycling, and ensuring proper management of waste and petroleum products at facilities in ways that prevent releases.

Outcome/Output Measure	2005 National Baseline	2006 National Commitments	2007 National Target	2005 State Baseline	2007 State Measurement	Source of Data (ACS Code #)	Comments
Sub objective Sub Obj 2 Manage hazardous wastes and petroleum products properly. (By 2008, reduce releases to the environment by managing hazardous wastes and petroleum products properly.							

Strategic Targets

FY 2006 ACS Code HW3	By the end of 2008, prevent releases from RCRA hazardous waste management facilities by increasing the number of facilities with permits or other approved controls from 79% at the end of FY 2002 to 95%.	90%	2.5 % of universe	2.4 % of universe		See RCRA Info. Contact Silis/Townsend	RCRAInfo	Annual number.
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Footnote:

- 1 Performance measures that reflect broad programmatic goals and may not be solely attributable to the activities funded by the grant.
- 2 Performance measures are not applicable to a state grantee.
- 3 Performance measures for eligible activities that are not funded by the grant, but are currently reported by the state to meet other accountability requirements.

Categorical Grant: OSWER- Hazardous Waste Financial Assistance

Goal : Goal 3 Land Preservation and Restoration

Objective: Obj 2 Restore Land: By 2008, Control the risks to human health and the environment by mitigating the impact of accidental or intentional releases and by cleaning up and restoring contaminated sites or properties to appropriate levels.

Sub-objective	2005 National Baseline	2006 National Commitments	2007 National Target	2005 State Baseline	2007 State Measurement	Source of Data (ACS Code #)	Comments
Sub objective: Sub Obj 2 Cleanup and Reuse Contaminated Land: By 2008, control the risks to human health and the environment posed by contaminated properties or sites through cleanup, stabilization, or other action, and make land available for reuse.							

Strategic Targets

FY 2006 ACS Code CA1	By 2008, control all identified unacceptable human exposures from site contamination to, at or below health-based levels for current land and/or groundwater use conditions at 95% of RCRA baseline facilities	83.3%*	82%	89%		See RCRA Info. Biglw	RCRAInfo	* The baseline for 2008 was set prior to the end of 2005. The baseline is comprised of 1,968 facilities that currently represent the programs highest priority. The baseline will be tracked in FY 06-08.
FY 2006 ACS Code CA5	By 2008, complete construction of remedies at RCRA baseline facilities.	12.6%	13%	17%		See RCRA Info. Biglow	RCRAInfo	Annual number.

Footnote:

- 1 Performance measures that reflect broad programmatic goals and may not be solely attributable to the activities funded by the grant.
- 2 Performance measures are not applicable to a state grantee.
- 3 Performance measures for eligible activities that are not funded by the grant, but are currently reported by the state to meet other accountability requirements.

Categorical Grant: OPPTS-Pesticides Program***NOT APPLICABLE TO THE MPCA*******

Goal : Goal 4 in the EPA Strategic Plan, Healthy Communities and Ecosystems,

Objective 4.1: Chemical, Organism and Pesticide Risks: Prevent and reduce pesticide, chemical and genetically engineered biological organism risks to humans, communities and ecosystem

Sub-objective	2005 National Baseline	2006 National Commitments	2007 National Target	2005 State Baseline	2007 State Measurement	Source of Data(ACS Code #)	Comments
Sub-Objective 4.1.3: Reduce Chemical and Biological Risks. Through 2008, prevent and reduce chemical and biological organism risks to humans, communities and ecosystems.							

Strategic Targets

Program Measures

Lead (Pb) measure: Total number of valid certifications for individual lead-based paint professionals issued under the authority of section 402 of the Toxic Substances Control Act.	FY05 2831					FLPP - Federal lead-based paint program managed by NPCD.	Mike Burns has not been able to provide input on this baseline data.
		FY06 30,603				National ACS Data 11A	
		FY07 No information available until July				National ACS Data 11A	

FY07 Grants Linked to Performance

Categorical Grant: Public Water System Supervision ***NOT APPLICABLE TO THE MPCA*** 201B0

ACS Code	Outcomes/Output Measures	2005 National Baseline	2006 Commitments	2007 National Target*	2005 State Baseline	2007 State Measurement	Measurement Period or Date	Source of Data	Comments
Goal 2: Safe and Clean Water - Ensure drinking water is safe. Restore and maintain oceans, watersheds, and their aquatic ecosystems to protect human health, support economic and recreational activities, and provide healthy habitat for fish, plants, and wildlife.									
Objective 1: Protect human health by reducing exposure to contaminants in drinking water (including protecting source waters), in fish and shellfish, and in recreational waters.									
Sub objective 2.1.1									
2.1.1	Water Safe to Drink: Percent of the population served by community water systems that receive drinking water that meets all applicable health-based drinking water standards through effective treatment and source water protection.	88.5%	90.9%	90.0%				SDWIS	
Strategic Targets									
A	Percent of the population served by community water systems that receive drinking water that meets health-based standards with which systems need to comply as of December 2001.	91.0%	92.5%	92.0%				SDWIS	
B	Percent of the population served by community water systems that receive drinking water that meets health-based standards with a compliance date of January 2002 or later.	96.3%	75.0%	82.0%				SDWIS	
C	Percent of community water systems that provide drinking water that meets health-based standards with which systems need to comply as of December 2001.	91.7%	94.0%	91.0%				SDWIS	Relates to PART Measure P-PWSS-2: Percent community water systems in compliance with drinking water standards.
D	Percent of community water systems that provide drinking water that meet health-based standards with a compliance date of January 2002 or later.	97.2%	75.0%	82.0%				SDWIS	Relates to PART Measure P-PWSS-2: Percent community water systems in compliance with drinking water standards.

F	Percent of source water areas for community water systems that achieve minimized risk to public health.	20.0%	20% (Adjusted Commit.)	29.0%				SDWIS	
Program Measures									
SDW-1 (a,b)	Percent of community water systems (CWSs) that have undergone a sanitary survey within the past three years (five years for outstanding performers) as required under the Interim Enhanced and Long-Term 1 Surface Water Treatment Rules.	n/a	n/a	94%				SDWIS	

Categorical Grant: Underground Injection Control **NOT APPLICABLE TO THE MPCA****
201B08**

ACS Code	Outcomes/Output Measures	2005 National Baseline	2006 Commitments	2007 National Target*	2005 State Baseline	2007 State Measurement	Measurement Period or Date	Source of Data	Comments
Goal 2: Safe and Clean Water - Ensure drinking water is safe. Restore and maintain oceans, watersheds, and their aquatic ecosystems to protect human health, support economic and recreational activities, and provide healthy habitat for fish, plants, and wildlife.									
Objective 1: Protect human health by reducing exposure to contaminants in drinking water (including protecting source waters), in fish and shellfish, and in recreational waters.									
Sub objective 2.1.1									
2.1.1	Water Safe to Drink: Percent of the population served by community water systems that receive drinking water that meets all applicable health-based drinking water standards through effective treatment and source water protection.	88.5%	90.9%	90.0%				SDWIS	Reporting under this Sub objective will be accomplished within the PWSS Program.
Program Measures									
SDW-9 (a, b, c, d)	Separately for each class of well, the percent of Class I, II, III wells identified in significant violation, and Class V wells identified in violation, that are addressed by the UIC program.	a = 100% b = 108% c = 96% d = 63%	a = 72% b = 68% c = 76% d = 80%	a = 77%	b = 58% c = 67.4% d = 69%				Relates to PART Measures P-UIC-4: Percentage of prohibited Class IV and high-priority, identified, potentially endangering Class V wells closed or permitted in ground water-based source water areas; and P-UIC-5: Percentage of Class I, II, and III wells that maintain mechanical integrity without a failure that releases contaminants to underground sources of drinking water. NOTE both of these PART measures are

								under development.	
SDW-10	Percent of identified Class V Motor Vehicle Waste Disposal wells that are closed or permitted.	94%	78%	88%				n/a	Relates to PART Measures P-UIC-6: Percentage of identified Class V motor vehicle waste disposal wells closed or permitted. NOTE this PART measure is under development.

Categorical Grant: Beaches Protection *NOT PART OF THE MPCA'S PPG GRANT. APPLYING AS SEPARATE GRANT**** 201B23**

ACS Code	Outcomes/Output Measures	2005 National Baseline	2006 Commitments	2007 National Target*	2005 State Baseline	2007 State Measurement	Measurement Period or Date	Source of Data	Comments
Goal 2: Safe and Clean Water - Ensure drinking water is safe. Restore and maintain oceans, watersheds, and their aquatic ecosystems to protect human health, support economic and recreational activities, and provide healthy habitat for fish, plants, and wildlife.									
Objective 1: Protect human health by reducing exposure to contaminants in drinking water (including protecting source waters), in fish and shellfish, and in recreational waters.									
Strategic Targets									
K	Percent of days of the beach season that coastal and Great Lakes beaches monitored by state beach safety programs will be open and safe for swimming.	96%	94%	92%				eBeaches	
Program Measures									
SS-4	Percent of all Tier I (significant) public beaches that are monitored and managed under the BEACH Act program.	96.5%	100.0%	99.2%				PRAWN or eBeaches	

**Categorical Grant: Pollution Control Section 106
202B06**

ACS Code	Outcomes/Output Measures	2005 National Baseline	2006 Commitments	2007 National Target*	2005 State Baseline	2007 State Measurement	Measurement Period or Date	Source of Data	Comments
Goal 2: Safe and Clean Water - Ensure drinking water is safe. Restore and maintain oceans, watersheds, and their aquatic ecosystems to protect human health, support economic and recreational activities, and provide healthy habitat for fish, plants, and wildlife.									
Objective 2: Protect Water Quality - Protect the quality of rivers, lakes and streams on a watershed basis and protect coastal and ocean waters.									
Strategic Targets									
L	Number, and national percent, of those waterbodies identified in 2000 as not attaining standards where water quality standards are restored. (cumulative)	1,955 (9%)	2,235 (10.3%) (Adjusted Commit.)	634 (2.9%) (Annual Target) (13.2%) (Cumulative Target)	2,869 (Cumulative Target)	26 river reaches and lakes have been de-listed since 2000; see the de-listing TAB at http://www.pca.state.mn.us/publications/wq-iw1-03.xls and the de-listing details at http://www.pca.state.mn.us/index.php/water/water-types-and-programs/minnesotas-impaired-waters-and-tmdls/assessment-and-listing/303d-list-of-impaired-waters.html		Relates to PART-P-106-6: Annual percentage of waterbody segments identified by States in 2000 as not attaining standards, where water quality standards are now fully attained (cumulative). States submit data supporting measure L--integrated 305b/303d reports or 303d lists--every other year, then EPA must approve the 303d lists before measure L results are available for reporting. *Although states report on measure L on this existing biennial cycle, OW will report on changes to measure L quarterly.	
Program Measures									
WQ-2	Number of States that have adopted EPA-approved nutrient criteria into their water quality standards, or are on schedule with a mutually agreed-upon plan to adopt nutrient criteria into their water quality standards. (cumulative)	5	n/a	9		Lake nutrient standards to be adopted March 2008. River nutrient standards to be adopted in next triennial review.			

WQ-5	Number of States that within the preceding three year period, submitted new or revised water quality criteria acceptable to EPA that reflects new scientific information from EPA or other resources not considered in the previous standards.	38 (2002 Baseline)	n/a	40		Current triennial standards review to be completed March 2008.	WATA	Relates to PART P-106-7: Percentage of States, Territories, and authorized Tribes that, within the preceding 3-year period, submitted new or revised water quality criteria acceptable to EPA that reflect new scientific information from EPA or other sources not considered in the previous standard.
WQ-7	Number of States that have adopted and are implementing their monitoring strategies in keeping with established schedules.	51	56	54		See web for latest results. http://www.pca.state.mn.us/water/pubs/wqms-report.html	S.106 Monitoring Initiative Workplans	
WQ-13b	Number of TMDLs, and national percent, that are established by states on schedule consistent with national policy.	n/a	3,354 (99%)	3,412 (85%)		MN has completed and EPA has approved TMDLs for 90 listings and a mercury TMDL for 511 listings = 601 TMDLs.	PCS	Relates to PART P-106-1a: Number of the TMDLs that are established by States and approved by EPA on schedule consistent with national policy (cumulative).
WQ-18a	Number of non-tribal NPDES permits that are considered current.	96,851	97,500	94,879		670 (86 %) are current. [There are 778 individual permits (incl 92 majors).]	PCS	
WQ-19 (a, b, c)	Number, and national percent, of Phase I and Phase II stormwater permits that are issued and current for: (a) industrial stormwater general permits; (b) construction stormwater general permits; and (c) MS-4 general and individual permits.	n/a	n/a	a = 136 (96.5%) b = 86 (96.6%) c = 386 (88.1%)		9 priority permits resolved in FFY07; 7 issued, 2 terminated; 41% of 2-year plan	PCS	

WQ-21a	Number of Significant Industrial Users (SIUs) in POTWs with Pretreatment Programs that have control mechanisms in place that implement applicable pretreatment requirements.	22,226	Indicator	22,466		358 SIUs	SIUs= PCS, CIUs = Internal tracking system	
WQ-22 (a, b)	Number of major dischargers in Significant Noncompliance (SNC) at any time during the fiscal year, and of those, the number discharging the pollutant(s) of concern on impaired waters.	1,308	n/a	1,494		Sere PCS.	PCS	Note: WQ-23a is a targeted measure; WQ-23b is an indicator measure. Relates to PART P-106-5: Percentage of majors in Significant Noncompliance (SNC) at any time during the fiscal year.
WQ-29a	Number of high priority state NPDES permits that are issued as scheduled.	601	482	508		See PCS.	PCS	WQ-30a Relates to PART P-106-2 Percentage of high priority state NPDES permits that are on schedule to be reissued.
WQ-30a	Number of permits providing for trading between the discharger and other water pollution sources. (cumulative)	92	Indicator	122	<p>We currently have 6 WQ individual permits with trades plus 1 basin-wide permit establishing trades conditions thorough out the basin; the Minnesota River Basin General Phosphorus permit.</p> <p>Individuals with trades: Rahr Malting Southern MN Beet Sugar Granite Falls Ethanol (trading with Granite Falls) North Star Ethanol (trading with Mankato)</p> <p>General permit authorizing trading: Minnesota River Basin General Phosphorus permit.</p>		PCS	
SS-2	Number of CSO permits with schedules in Place in permits or other enforceable mechanisms to implement approved Long Term Control Plans (LTCPs). (cumulative)	371	463	533	1 - Minneapolis		PCS-CSO Report Database	

Categorical Grant: Nonpoint Source Pollution Control *NOT PART OF THE MPCA'S PPG GRANT. APPLYING AS SEPARATE GRANT*** 202B01**

ACS Code	Outcomes/Output Measures	2005 National Baseline	2006 Commitments	2007 National Target*	2005 State Baseline	2007 State Measurement	Measurement Period or Date	Source of Data	Comments
<p>Goal 2: Safe and Clean Water - Ensure drinking water is safe. Restore and maintain oceans, watersheds, and their aquatic ecosystems to protect human health, support economic and recreational activities, and provide healthy habitat for fish, plants, and wildlife.</p>									
<p>Objective 2: Protect Water Quality - Protect the quality of rivers, lakes and streams on a watershed basis and protect coastal and ocean waters.</p>									
Program Measures									
WQ-16	Number of waterbodies identified by States (in 2000 or subsequent years) as being primarily NPS-impaired that are partially or fully restored. (cumulative)	14	Indicator	68			4 fully restored (not sure how we would count partially restored).	WATER S	Relates to PART Measure P-NPS-1: Number of waterbodies identified by States (in 2000 or subsequent years) as being primarily NPS-impaired that are partially or fully restored.
WQ-27	Number of watershed-based plans supported under State Nonpoint Source Management Programs since the beginning of FY 2002 that have been substantially implemented. (cumulative)	86	116	Indicator			5 TMDLs/implementation plans are substantially implemented.	GRTS	No target; indicator measure only.

FY 2007 Air Quality Performance Measures Template

Categorical Grant: State and Local Assistance

Goal 1: Clean Air and Global Climate Change: Protect and improve the air so it is healthy to breathe and risks to human health and the environment are reduced. Reduce greenhouse gas intensity by enhancing partnerships with businesses and other sectors.

Objective 1.1: Clean and Healthy Outdoor Air: Through 2010, working with partners, protect human health and the environment by attaining and maintaining health-based air-quality standards and reducing the risk from toxic air pollutants.

Sub objective 1.1.1: By 2015, working with partners, improve air quality for ozone and PM2.5 as follows:

Strategic Targets:

1.1.1.1 By 2015, reduce the population-weighted ambient concentration of ozone in all monitored counties by 14% (based on air quality status using 3 years of data collected as of 2003).

1.1.1.2 By 2015, reduce the population-weighted ambient concentration of PM2.5 in all monitored counties by 6% (based on air quality status using 3 years of data collected as of 2003).

ACS Code	Outcomes/Output Measures	2006 National Commitments	2007 National Baseline	2007 National Target	2007 State Baseline	2007 State Measurement	Source of Data	Comments
Program Measures								
OMB PART	Percent improvement in the population-weighted ambient concentrations of ozone in all monitored counties (based on air quality status for 3 years of data collected as of 2003).	*	6%			The MPCA does not have access to the methodology to calculate this measure. The MPCA completed quality assurance and entry of ambient data to AQS consistent with data reporting requirements. Therefore, EPA has access to the data needed to calculate this percentage.	Air quality data from the national ozone monitoring network as reported by States into the EPA's Air Quality Data Subsystem. Population data is from the US Census Bureau.	Achievement of these targets will be initially assessed and determined at the National level only. To enable this to occur, States are to quality assure and enter ambient data into AQS consistent with data reporting requirements.
OMB PART	Percent improvement in the population-weighted ambient concentrations of PM2.5 in all monitored counties (based on air quality status for 3 years of data collected as of 2003).	*	3%			The MPCA does not have access to the methodology to calculate this measure.	Air quality data from the national PM2.5 monitoring network as reported by States into the EPA's Air Quality Data Subsystem. Population data is from the US	Achievement of these targets will initially be assessed and determined at the National level only. To enable this to occur, States are to quality assure and enter ambient data into AQS consistent

						The MPCA completed quality assurance and entry of ambient data to AQS consistent with data reporting requirements. Therefore, EPA has access to the data needed to calculate this percentage.	Census Bureau.	with data reporting requirements.
OMB PART	Cumulative percent reduction in the number of days with Air Quality Index (AQI) values over 100, weighted by population and AQI value. (Based on air quality status for 3 years of data collected as of 2003). States report annually the number of AQI days over 100 by non-attainment area.	*	21%			The MPCA does not have access to the methodology to calculate this measure. The MPCA completed quality assurance and entry of ambient data to AQS consistent with data reporting requirements. Therefore, EPA has access to the data needed to calculate this percentage.	Air quality data from the national monitoring networks for PM and Ozone are reported by States into the EPA's Air Quality Data Subsystem.	Achievement of these targets will initially be assessed and determined at the National level only. To enable this to occur, States are to quality assure and enter ambient data into AQS consistent with data reporting requirements.
OMB PART	Reduce the number of days during the ozone season that the ozone NAAQS is exceeded. Measured in baseline non-attainment areas starting with those areas that were non-attainment as of FY 2002.	*	TBD			2002 – 2 days ozone exceeded NAAQS 2006 – 0 days ozone exceeded NAAQS	Air quality data from the national ozone monitoring network as reported by States into the EPA's Air Quality Data Subsystem.	Achievement of these targets will initially be assessed and determined at the National level only. To enable this to occur, States are to quality assure and enter ambient data into AQS consistent with data reporting requirements.

OAQPS M11	States submit NAAQS pollutant data, PAMS and QA data to the Air Quality Subsystem (AQS) according to schedule in 40 CFR Part 58. Value in cell is number of States submitting data.	*	141			The MPCA completed quality assurance and entry of ambient data to AQS consistent with provisions of 40 CFR Part 58	Air quality data from the national monitoring network as reported by States into the EPA's Air Quality Data Subsystem.

Subobjective 1.1.2.: By 2011, working with partners, reduce air toxics emissions and implement area-specific approaches to reduce the risk to public health and the environment from toxic pollutants, as follows:

Strategic Targets:

1.1.2.1	By 2010, reduce the toxicity-weighted risk for cancer incidence by 4% from the 1993 level of 23%.					MPCA is not aware of the assumptions and methods used to calculate and estimate for this target. Information provided to the NEI by Minn. is available for EPA for their estimate purposes	
1.1.2.2	By 2010, reduce the toxicity-weighted risk for non-cancer incidence by 1% from the 1993 level of 56%.					MPCA is not aware of the assumptions and methods used to calculate and estimate for this target. Information provided to the NEI by Minn. is available for EPA for their estimate purposes.	

ACS Code	Outcomes/Output Measures	2006 National Commitments	2007 National Baseline	2007 National Target	2007 State Baseline	2007 State Measurement	Source of Data	Comments
Program Measures								
OMB PART	Percentage reduction in cancer-causing toxic pollutant emissions using 1993 as the base year.	*	22%			The MPCA does not have access to the methodology to calculate this measure. The MPCA finalized the 2002 NEI in September 2006 and submitted the 2005 NEI in June 2007. Therefore, EPA has access to the data needed to calculate this percentage. 2005 Data provided to NEI	National Emissions Inventory (NEI); EPA Compendium of Cancer/Non-Cancer Health Risks (The state will need additional information from EPA on methodology and assumptions for the calculation.)	
OMB PART	Percentage reduction in non-cancer-causing toxic pollutant emissions using 1993 as the base year.	*	55%			The MPCA does not have access to the methodology to calculate this measure. The MPCA finalized the 2002 NEI in September 2006 and submitted the 2005 NEI in June 2007. Therefore, EPA has access to the data needed to calculate this percentage. 2005 Data provided to NEI	National Emissions Inventory (NEI); EPA Compendium of Cancer/Non-Cancer Health Risks (The state will need additional information from EPA on methodology and assumptions for the calculation.)	
OAQPS T06	States submit by June 1, 2007 the integrated 2005 emissions inventory for HAPS. Value in cell is number of HAP inventories submitted.	*	50			NEI submissions = 1 The MPCA submitted the 2005 NEI in June 2007.	National Emissions Inventory (NEI) - Hazardous Air Pollutants Component	

<p>OAQPS M20</p>	<p>States operate NATT sites according to National grant and technical guidance and in keeping with the terms of QAPP and QMP Value in cell is number of NATT sites operating. Baseline is 2003.</p>	<p>** Not Applicable to the MPCA. MN do not have a NATT site.**</p>	<p>23</p>				<p>Air quality data from the NATTS monitoring network as reported by States into the EPA's Air Quality Data Subsystem.</p>	<p>** Not Applicable to the MPCA. MN do not have a NATT site.**</p>
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Objective 1.1: Clean and Healthy Outdoor Air: Through 2010, working with partners, protect human health and the environment by attaining and maintaining health-based air-quality standards and reducing the risk from toxic air pollutants.								
ACS Code	Outcomes/ Output Measures	2006 National Commitments	2007 National Baseline	2007 National Target	2007 State Baseline	2007 State Measurement	Source of Data	Comments
Program Measures								
OMB PART	Percent of major NSR permits issued within one year of receiving a complete permit application. (Baseline is FY2004 - 61%).	**Not applicable, results due to activities conducted outside of those funded by the grant workplan.**	61%				Upon issuance of a major NSR permit, States enter permitting data, including the application acceptance data and permit issuance date into EPA's RACT/BACT/LAER Clearinghouse	Achievement of this target will be assessed and determined at the national level only. States are to enter permit processing data into the RBLC consistent with CAA requirements, including the Application accepted date and the Permit issuance date for all major NSR permits issued. **Not applicable, results due to activities conducted outside of those funded by the grant workplan.**

Categorical Grant: State Indoor Radon **NOT APPLICABLE TO THE MPCA******

Goal 1: Clean Air and Global Climate Change: Protect and improve the air so it is healthy to breathe and risks to human health and the environment are reduced. Reduce greenhouse gas intensity by enhancing partnerships with businesses and other sectors.

Objective 1.2: Healthier Indoor Air: Through 2012, working with partners, reduce human health risks by reducing exposure to indoor contaminants through the promotion of voluntary actions by the public.

Subobjective 1.2.1: By 2012, the number of future premature lung cancer deaths prevented annually through lowered radon exposure will increase to 1,250 from the 1997 baseline of 285 future premature lung cancer deaths prevented.

Strategic Targets: Not Applicable.

ACS Code	Outcomes/Output Measures	2006 National Commitments	2007 National Baseline	2007 National Target	2007 State Baseline	2007 State Measurement	Source of Data	Comments
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Program Measures

ORIA	Number of homes with operating mitigation systems.	*	TBD				National level data is obtained from National Radon Mitigation Fan Manufacturers Annual Sales Data/ State data may come from a variety of sources, including reports from mitigators, and estimates based on other state data.	Due to the discretionary nature of state radon programs, a limited number of States will be able to directly report on the 3 EPA measures the first year. In the 4th measure, the remaining States are asked to articulate how the outcomes of their radon programs lead to increases in one or more of the EPA measures. EPA will work with states to develop alignment between measures and to establish relevant baselines. The Agency will also work to show the relationship of reduced exposure and risk, reflected by these measures, to
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								reduced lung cancer deaths on a state by state basis.
ORIA	Number of homes built with radon-resistant new construction.	*	TBD					National data is from National Association of Homebuilders (NAHB) Annual Survey of Homebuilding Practices. State level data will be state estimates based on a variety of sources (e.g. builder estimates).
ORIA	Number of schools mitigated or built with radon-resistant new construction.	*	TBD					Direct state radon program work or information provided by schools and school districts to State radon staff which then reports to EPA.
ORIA	States report the performance measures they use that have clear linkages to those of EPA (homes mitigated, new radon resistant homes, schools mitigated or new radon resistant).	*	TBD					State Indoor Radon Grant Work Plan Agreements with Reporting Requirements - Data will come from a variety of sources (e.g. - testing data from reports of registered testers in a state.
	* Since the FY 2007 outdoor air and indoor radon measures are new in that they take existing information and combine it in new ways, the measures do not correlate well with information contained in the FY 2006 annual commitment system. Accordingly, there are no FY 2006 commitment levels for direct comparison.							

Text Legend: *Black*-----Original text
Red-----MPCA 2007 updates
Yellow Highlights-----EPA 2007 Comments
Fuchsia-----MPCA responses to EPA 2007 Comments
Blue-----MPCA 2008 Self Assessment updates
Green-----EPA 2008 comments

U.S. Environmental Protection Agency, Region 5

Comments/Observations on Minnesota Pollution Control Agency FFY2007 -2008

Environmental Performance Partnership Agreement Self Assessment Report

Joint Priorities:

Air Toxics Program Development

We concur with MPCA's assessment of the progress made on the Air Toxics Program Development joint priority and we appreciate working with the staff at MPCA on this important issue.

In addition to the collaborations that you note in your report, MPCA also works with the University of Minnesota's School of Public Health and the Natural Resources Research Institute. MPCA and these other agencies have been working with Region 5 EPA on this project since December 2006.

Regarding the fifth bullet point under "state actions" it states "support EPA development of data and fiber toxicity modeling protocol by providing available funds, as needed." It is unclear what is meant, but it is not likely that MPCA would provide funding toward EPA efforts. Perhaps rewording the bullet to read as follows: "MPCA encourages and supports EPA's development of a data and fiber toxicity modeling protocol."

Impaired Waters

Under the "Program Development" component, there is no mention of accelerating the assessments of MN waters that are used for drinking water. We encourage efforts to better integrate Clean Water Act and Safe Drinking Water Act programs, including work with Minnesota Department of Health to use source water assessments to designate and assess surface water sources in the state used for drinking.

Water Quality Monitoring

Under Activity #1, there is no mention of enhancing monitoring of groundwater or assessment of drinking water uses. We encourage efforts to better integrate Clean Water Act and Safe Drinking Water Act programs, including work with Minnesota Department of Health to use source water assessments to designate and assess surface water sources in the state used for drinking.

Midwest Clean Diesel Initiative

The MPCA has been effectively increasing clean diesel funding and implementation of emissions reduction strategies. It is positive to see the progress in CMAQ and the efforts on supplemental environmental projects. While the MPCA indicates as active participation on Blue Skyways, involvement in the Midwest Clean Diesel Initiative (MCDI) has declined. MCDI has supported projects in Minnesota for both school bus and non-road diesel equipment and continues to have an interest in supporting future clean diesel activities including Project Green Fleet. Improved communication is necessary to coordinate these efforts.

We look forward to strengthening our partnership with MPCA on the Midwest Clean Diesel Initiative priority.

The MPCA suggests that we update action item #7 as follows:

US EPA Region 5 and MPCA will share technical information from diesel reduction efforts through the Midwest Clean Diesel Initiative.

MPCA and Clean Air Minnesota (Project Green Fleet) have agreed to coordinate efforts more closely within Minnesota; one staff person (Fran Kurk) from MPCA will be the lead communication point with EPA Region 5, and MPCA will increase the frequency of communication with MCDI staff, including updating our current activities/accomplishments summary.

Air Program Elements:

Overall, we are pleased with MPCA's air pollution control program progress and wish only to add a few observations/comments to the draft SAR as follows:

Permitting Comments

EPA is receiving MPCA's monthly progress reports and biannual TOPS data in a timely manner. EPA also encourages MPCA to continue its progress in decreasing FESOP and Title 5 renewal backlogs

Enforcement Comments

MPCA's commitments for air compliance and enforcement for FY 2007 have been met.

The data reporting requirement for AFS is 60 days from the date of occurrences. MPCA is currently meeting this data reporting commitment. Some minor reporting gaps were identified through the State Review Framework process and MPCA has taken and is working on the necessary steps to address these. (AQS, AFS)

MPCA continues to improve the quality of the data provided to AFS and work plan objectives have been met.

Criteria Pollutants Comment

MPCA's self assessment for Criteria Pollutants is accurate and progress continues to be made in the program.

From our perspective, Minnesota's self assessment looks fine. With respect to the Criteria Pollutant Section programs contained in the "Vision Clean and Clear Air" section, MPCA has accurately characterized state progress and program status. MPCA is currently developing BART determinations for Electric Generating units in response to recent and anticipated actions on the Clean Air Interstate Rule and is on a schedule to submit the regional haze SIP at the end of March. MPCA expects to submit an SO2 and PM10 maintenance plan update for Olmstead County by the end of 2009. MPCA is also working with EPA to complete a SIP revision meeting the requirements of EPA's transportation conformity rule. MPCA expects to submit this revision in the first half of the year, but is awaiting EPA's imminent issuance conformity guidance to ensure that all issues are addressed.

Monitoring Comment

MPCA has submitted sufficient data in 2007 in AQS for Section 105 funded criteria pollutants (non-PM2.5 and related activities) and as of the end of January, 2008, EPA shows that the required monitoring report for the State of Minnesota is 75.9% complete. Required monitoring activities are being performed.

Water

Overall, we are pleased with MPCA's water pollution control program progress and wish only to add a few observations/comments to the draft SAR as follows:

WQ Monitoring

USEPA Water Quality Branch commented on MPCA's self assessment document and comments are highlighted in yellow.

A. The following are potential joint activities that may be considered for inclusion in the 2006-2008 EnPPA as a way to implement this joint priority:

1. Continue implementation of the Minnesota Water Monitoring Strategy, including continued discussions with the Minnesota Department of Health on issues related to groundwater monitoring and assessment of drinking water designated uses. Continue to identify and prioritize gaps that need to be filled. Identify adjustments that can be made given existing resources and constraints. Identify and target additional resources that would be needed to fill the remaining gaps (funding to be provided as available). Include specific activities in the MPCA/EPA PPA. (EPA Strategic Plan WQ-7).

MPCA Action - Identify actions to be undertaken in the next biennium to continue implementation of strategy, including activities for the 106 Monitoring Initiative Funds that address gaps/weaknesses identified in the MPCA Monitoring Strategy Report progress to EPA.

MPCA Contact: Louise Hotka

The National Lake Assessment Program (106 Monitoring Initiative Funds) field work was successfully completed during the summer of 2007 and we are

preparing to analyze that data as we receive it over the next 6 to 12 months. Detailed information about the NLAP program is available at: <http://www.pca.state.mn.us/water/nlap.html>. Minnesota staff also played an active role on the National Lake Assessment technical committee providing invaluable expertise and assistance in planning for the NLA.

The MN Clean Water Legacy Act, with funding provided in State FY07-09, substantially expanded the spatial extent of condition monitoring on lakes and streams in these programs: the Watershed Pollutant Load Assessment Network, the Intensive Watershed Assessment, and Grants to local organizations and citizen volunteers for monitoring.

EPA Action - Provide technical and other support to assist Minnesota to implement their monitoring strategy and fill gaps in the program.

EPA Contact: Sarah Lehmann

EPA Input: Region 5 sampled reference lakes in Minnesota and collected additional samples to assist Minnesota in their efforts above and beyond the NLA. Samples were collected at 5 lakes including: Allen, Elk, Hungry Man, Island, and Spring.

EPA Action - Provide assistance as requested by the State in the review of strategy implementation, and in identifying activities for inclusion in the EnPPA.

EPA Contact: Sarah Lehmann

EPA Input: No specific assistance requested aside from work described under the Lake Survey, biomonitoring, and under Goals 3, 3a and 3b below.

2. Identify additional training, guidance, and tools that are needed to improve monitoring programs within the State and EPA. Ensure that these needs are met through appropriate technical assistance.

MPCA Action – Identify needs . On going.

MPCA Contact: Doug Hall/Dan Helwig

EPA and the MPCA are collaborating on national probabilistic studies with lake monitoring in 2007, flowing waters survey in 2008-09, and wetlands in 2011. MPCA staff attended EPA workshops for development of a Great River biological assessment method applicable to the Mississippi River border waters.

EPA Action - Ensure new guidance and other training is made available to State as it becomes available.

EPA Contact: Sarah Lehmann

EPA Input: EPA provided guidance on applying for monitoring initiative funds and comments on work plans submitted. Information was sent out as it was received from EPA headquarters and technical questions were answered as quickly as possible. This information was also shared with all

Region 5 states. Training was provided for the National Lake Assessment through EPA headquarters. Some equipment for use in the National Lake Survey (nets, corers, etc.) was provided at the training. These efforts were important for implementing the NLA and Minnesota-specific components of that effort.

EPA Action - Work with MPCA and other groups to make available training, guidance, and other tools identified by the State or through other workgroups (e.g., the Bioassessment Consistency Workgroup.)

EPA Contact: Edward Hammer

EPA Input: Region 5 also worked with Minnesota and other Region 5 states to conduct a Tiered Aquatic Life Use/Biocondition gradient workshop looking at specific ecoregions. This is an important building block for developing and implementing Tiered Aquatic Life Uses.

3. Attend and participate in the 2007/2008 Surface Water Monitoring and Standards Meeting.

MPCA Action – Participate in meeting with appropriate staff

MPCA Contact: Doug Hall

The MPCA and EPA are collaborating on planning the agenda for the 2008 meeting.

EPA Action - Provide logistical support in setting up the meeting.

EPA Contact: Sarah Lehmann

EPA Input: EPA has worked to secure funding to hold the meeting and provide travel assistance to speakers and other relevant experts from States, Tribes, etc. The meeting is now scheduled for the week of March 17, 2008.

EPA Action - EPA considers the annual Surface Water Monitoring and Standards (SWiMS) meeting to be a critical link between the State and Federal surface water programs in Region 5. Accordingly, EPA will make every effort to ensure that the appropriate regional staff from affected programs attend and participate in the meeting and its planning. Similarly, to ensure the success of this important forum for exchanging ideas and advancing the program, EPA expects States will send appropriate representatives to SWiMS with experience in a broad spectrum of applicable programs (e.g., water monitoring, water quality standards, reporting/assessment, fish contaminant monitoring, etc.).

EPA Contact: Sarah Lehmann

EPA Input: In addition to planning/hosting the 2007 SWiMS conference, staff from Region 5's water quality standards, monitoring, assessment, drinking water, tribal and NPS/watershed programs have been participating in planning the 2008 meeting. In a number of cases these programs are planning sessions or will be speaking at SWiMS. Planning

committee members are also reaching out to EPA headquarters and other Region 5 programs (GLNPO, etc).

4. Determine if any changes are needed to monitoring program to measure attainment or progress toward our shared environmental goals for water including those in EPA's Strategic Plan and those identified in MPCA's Monitoring Strategy.

MPCA Action - Revisit this discussion, to reflect the current MPCA Strategic Plan and the related Monitoring Goals and Objectives, as attached below under item B.

MPCA Contact: Shannon Lotthammer and Louise Hotka

The State's support for improved monitoring coverage in funding the Clean Water Legacy Act constitutes progress toward Goals. An update to the monitoring strategy to reflect this is planned for 2008.

EPA Action - Include as a discussion item during the development of monitoring strategy and over time.

EPA Contact: Sarah Lehmann

EPA Input: No specific action was taken on this topic aside from work discussed above under other activities (e.g., national surveys, bioassessment, etc.)

5. Actively shape and participate in the Great Rivers Environmental Monitoring and Assessment Program (GRE) project to establish cost-effective, efficient, and unbiased techniques to assess the environmental condition of the Upper Mississippi River.

MPCA Action - Work with Region 5 and ORD on the development and implementation of the GREwork.

MPCA Contact : Dan Helwig

The MPCA collaborated with Minnesota DNR, Wisconsin DNR and USGS to develop reference locations, collect assessment data, and compare fish collection techniques.

EPA Action - Help to coordinate effort and provide funding through programs such as REMAP and ORD EMAP.

EPA Contact: Mari Nord and Edward Hammer

6. Actively participate in the national surveys (lake field work in 2007, large rivers field work in 2008) to assess the condition of our nation's waters.

MPCA Action - Work with EPA on the planning and implementing the national lakes survey and the large rivers survey.

MPCA Contact : Steve Heiskary, Dan Helwig

EPA provided funding to complete the lake probabilistic monitoring (National Lake Assessment) in Minnesota. EPA and MPCA scientists are collaborating on technical monitoring issues for the lake, flowing waters and wetland assessments.

EPA Action - Help to coordinate effort and provide support as needed.

EPA Contact: Sarah Lehmann

EPA Input: Region 5 provided support and assistance as requested.
Region 5 sampled reference

lakes in Minnesota and collected additional samples to assist Minnesota in their efforts above and

beyond the NLA

7. Strengthen the State's bio monitoring program by finalizing and implementing a scientifically sound **state-wide fish and** macro invertebrate **stream** index.

MPCA Action - Finalize and implement index

MPCA Contact : Dan Helwig

Data from nearly 1500 sites are being used to develop a stream classification system to minimize natural variability. IBIs will be calibrated for each classification.

EPA Action - Provide funding for technical assistance to the Midwest Biodiversity Institute and coordinate efforts with the states to promote and assist with the development of bioassessment and biocriteria programs.

EPA Contact: Edward Hammer

EPA Action - Provide technical assistance and program support for the development of the biocriteria program.

EPA Contact: Edward Hammer

EPA Input: Region 5 continued to offer technical assistance through the Midwest Biodiversity Institute as funding was available.

8. Continue development of biocriteria and participation on the regional Bioassessment Consistency Workgroup.

MPCA Action - Continue development and participation

MPCA Contact : Dan Helwig

MPCA staff have attended regional (Chicago) and interstate (LaCrosse, Wi) biocriteria meetings set up by EPA to develop and calibrated the biocondition gradient.

EPA Action - Hold at least annual meetings of the regional Bioassessment Consistency Workgroup.

EPA Contact: Edward Hammer

EPA Input: EPA agrees with the comments and is tentatively planning a workgroup meeting to be held during the SWiMS meeting in March 2008.

9. Continue to investigate emerging toxics in Minnesota. States rely on EPA for

technical assistance on sampling methods, toxicity, and fate and transport information on emerging contaminants.

MPCA Action: Investigate the occurrence of emerging toxics in sensitive Minnesota waters or in waters nearby a specific source.

MPCA Contact: Paul Hoff

Continuing. Developed an inventory of emerging environmental issues (the EII) together with a brief description of each issue and its environmental significance. Developed EII by first listing potential emerging issues and then screening the issues on list for relevance to Minnesota and the mission of the MPCA, using criteria developed for that purpose. A team of staff scientists then selected a set of five priority issues from the EII for further evaluation and study. In 2007, the priority issues selected were nanotechnology, pharmaceuticals, EDCs, flame retardants, and PFCs.

Legislative reports on EDCs and decabrominated diphenyl ether, a brominated flame retardant, are in preparation based on 2007 session requests. Plans to study the presence of EDCs in Minnesota waters are well underway, also in response to 2007 session request. Consent Agreement signed with 3M for investigation/remediation of PFC disposal sites, includes funding for study of PFCs in the ambient environment and various waste streams, which are underway and generating data. Collaboration with EPA labs in FL, OK and MN, and staff in Reg. 5 and HQ aiding in the effort.

EPA Action: Provide technical assistance and funding (if available) to sample and assess the data.

EPA Contact: Al Alwan

EPA Input: Region 5 provided technical assistance/information sharing at the SWiMS meeting last year. In 2008 WD will work with the Chicago Regional Laboratory to adopt the recent methods published by the Office of Water. This effort may result in making the lab services available in the future.

10. Support the development and implementation of the Minnesota Wetland Monitoring Strategy. Minnesota has drafted a strategy that includes 1) Random plot sampling; 2) Update of the National Wetland Inventory, and 3) An electronic GIS tracking inventory.

MPCA Action: Implement the sampling strategy and look for collaborative funding for the NWI update and tracking system with MDNR and BWSR.

MPCA Contact: Dan Helwig

The three year random plot monitoring program is going as planned. A Minnesota LCCMR grant has been obtained to update the wetland inventory in the Twin Cities Metropolitan area. A contractor has been

hired to provide a scope of how to GIS tracking regulatory actions.

EPA Action: Continue to provide technical assistance and competitive funding opportunities.

EPA Contact: Sue Elston

B. The following are the Goals from the current MPCA Strategic Plan and objectives related to water quality monitoring.

Goal W.3. Assess the chemical, physical and biological integrity of lakes, streams and wetlands to identify if designated uses are being met, and to provide information on the condition of waters.

Assistance Requested from EPA:

- Continued opportunities for coordination among volunteer monitoring programs in different states

EPA Input: Region 5 facilitates coordination among volunteer monitoring programs in Region 5 through quarterly conference calls with all Region 5 state volunteer monitoring coordinators. MPCA's volunteer coordinators actively participate in these calls. Region 5 also provides each state with an annually-updated list of contacts and program updates for all Region 5 volunteer monitoring programs to further promote the exchange of information among state volunteer monitoring programs.

- Continued opportunities for discussion of monitoring strategies among states

EPA Input: EPA held a SWiMS meeting in 2007 and is planning another in March 2008. This meeting affords an opportunity for States and Tribes to interact and discuss issues pertaining to water monitoring, standards, and assessment. EPA is also planning to start holding periodic monitoring calls with the States in 2008.

- Continued assistance with random sampling techniques and site selection

EPA Input: Assistance was provided to MPCA by EPA-Corvalis on random site selection for state-specific wetlands and streams work. Assistance was also provided through the National Lake Survey and the Great Rivers EMAP project.

- Technical assistance developing the Statewide IBI in 2005

EPA Input: No specific technical assistance was requested in 2007 for this item.

- Region wide criteria to pick appropriate “reference” in highly modified eco-systems.

EPA Input: The 2007 SWiMS meeting held a session focusing on ditches. In particular, the session looked at such issues as: What is reference condition for a ditch? Are there ways to construct/operate ditches to reduce impacts and improve biological functions? How can these differences in expectation be incorporated into WQS? No additional direct assistance provided during 2007.

- Define smaller eco-regions for Minnesota.

EPA Input: Level IV Ecoregion delineation, maps and text have been developed for Minnesota. This information is currently available on EPA's website at http://www.epa.gov/wed/pages/ecoregions/mn_eco.htm.

Objectives:

W3a) By January 1, 2015, gather water quality data and increase assessment of streams and rivers to 33 percent, in comparison to the 2003 level of 5 percent (includes tracking progress of studies and grants related to emerging contaminants).

Assistance requested from EPA:

- Assistance on how to assess small ditches and determine thresholds. Promotion of sharing of information among states concerning what they (states) have done for monitoring related to emerging issues.

EPA Input: A number of talks were held during the 2007 SWiMS meeting related to emerging issues. These talks included information on innovative ways to look at emerging issues and lab method updates. Water Division is working with interested groups and ORD to utilize genomic molecular indicators to identify estrogenic effect in a specific watershed.

- Promotion of discussion among states about how better to incorporate magnitude and duration of exceedances, as well as frequency, in use-support assessments.

EPA Input: No assistance provided directly on this topic during this timeframe.

- Guidance for combining results of flow event monitoring and results of grab sampling in use-support assessments.

EPA input: No assistance provided directly on this topic during this timeframe.

- Guidance on design of monitoring--number and placement of sites, frequency of sampling, etc.--to meet specific data quality objectives (DQOs).

EPA input: Primary assistance was related to random designs (for streams, wetlands, and lakes).

- Promotion of development of methods (how to sample and assess) appropriate for large rivers, in particular the Lower Mississippi.

EPA input: A number of talks were given at the SWiMS 2007 meeting on this issue. This included discussions of comparability of macroinvertebrate and fish methods, and assessment issues associated with large rivers.

EPA Input: The 2007 SWiMS meeting held a session focusing on ditches. In particular, the session looked at such issues as: What is reference condition for a ditch? Are there ways to construct/operate ditches to reduce →impacts and improve biological functions? How can these differences in expectation be incorporated into WQS? No additional direct assistance provided during 2007.

W3b) By January 1, 2015, gather water quality data and assess 100 percent of the lakes larger than 500 acres.

Assistance Requested from EPA:

- Assistance in developing fish or zooplankton lake IBIs

EPA Input: No direct assistance provided in 2007

W3c) By January 1, 2015, gather data and increase monitoring so that 25 percent of the state's depressional wetlands are assessed.

Assistance Requested from EPA:

- Continued random site selection support

EPA Input: Assistance was provided to MPCA by EPA-Corvallis on random site selection for state-specific →wetlands

W3d) By January 1, 2009, assess Minnesota's contribution to identified regional, national and international water pollution problems.

EPA Input: Minnesota worked with Montana, North Dakota, South Dakota, Iowa and Region 5 to facilitate the assessment of shallow lakes in the Prairie Pothole Region under the auspices of the National Lake Assessment. In addition to ensuring sufficient lakes were sampled, all partners added plant survey monitoring. These data are being consolidated in a single database developed initially by Minnesota. Region 5 provided support in coordinating this effort.

W3e) Ensure data is readily available to the public within one year of season it is collected.

W3f) Complete Impaired waters list according to EPA requirements.

Goal Assess the chemical, physical and biological integrity of lakes, streams and wetlands to identify if designated uses are being met, and to provide information on the condition of waters.

Objective By January 1, 2015, gather water quality data and increase assessment of streams and rivers to 33 percent, in comparison to the 2003 level of 5 percent. (2.3% increase per year)

Activity Surface Water: Ambient Monitoring

Annually monitor the Condition of Minnesota streams by use of the Citizen Stream Monitoring Program. Participation in the Citizen Stream Monitoring Program continues to increase each year. 6.7% in last year.

Annually collect and assess Data to determine the condition of rivers and streams. The MPCA's stream monitoring effort is increasing significantly in the wake of the passage of the Clean Water Legacy Act and associated funding appropriations by the Minnesota Legislature. By October 1, 2008, the MPCA will be sampling 500 sites per year for integrated physical, chemical and biological monitoring. (Contact: Dan Helwig)

Conduct planned Milestone (routine) monitoring, 80 sites monitored, each site monitored 2 years out of 5. Continuing as planned.

Conduct water chemistry and flow monitoring on major tributaries in selected basins by October 1, 2008. Continuing. As part of the Clean Water Legacy Act monitoring effort, the MPCA and Minnesota Department of Natural Resources are establishing

additional continuous flow (DNR) and chemistry grab-sampling (MPCA) monitoring stations so that all of the 81 major watersheds (8-digit HUC code) have load monitoring data available. See the Water Quality Monitoring Joint Priority in the EnPPA for specific information on Monitoring including biological assessment program development (addresses EPA Strategic Plan PAMs #WQ-3 and 7).

Develop and provide to EPA Region 5 copies of annual field sampling plans. MPCA is in the process of developing a detailed implementation plan for our condition monitoring effort, which will be provided to EPA Region 5.

Activity Surface Water: Ambient Data Management

Conduct 305b/303d assessments; enter results into EPA Assessment Database on an biannual basis. (EPA PAM #WQ 9). Continuing.

EPA Input – Minnesota has continued to use and update the Assessment Database.

Determine how to best incorporate transparency tube data into 305b/303d assessments, by October 1, 2007. (EPA Strategic Plan PAM #WQ-8). Complete -- transparency tube data was used in the assessment process for developing the 2008 draft 303(d) list.

By October 1, 2007, make data available on Environmental Data Access System. Complete.

Obtain data from local projects and others and prepare for STORET entry on an annual basis. Continuing.

EPA input - STORET now holds over 4.5 million chemistry results and more than 26,000 biological results within the state of Minnesota (some of these are not PCA results). Minnesota has been doing an excellent job getting data uploaded and available to the public.

Objective By January 1, 2015, gather water quality data and assess 100% of the lakes larger than 500acres. (Increase Citizen Lake Monitoring by 5% per year)

Activity Surface Water: Ambient Monitoring

Annually monitor the Condition of Minnesota lakes by use of the Citizen Lake Monitoring Program (CLMP). (Annually report number of lakes monitored). Participation in the Citizen Lake Monitoring Program continues to increase each year. In this past year, MPCA staff have increased outreach to Boundary waters Canoe Area visitors and are developing tools to notify lake associations and other interested parties of lakes for which there is

currently not a volunteer. The program increased 12.6% last year. See the Water Quality Monitoring Joint Priority in the PPA for specific information on Monitoring (addresses EPA Strategic Plan PAM #WQ-7).

Develop and provide to EPA Region 5 copies of annual field sampling plans. **Continuing.**

Objective By January 1, 2015, gather data and increase monitoring so that 25% of the state's depressional wetlands are assessed.

Activity **Surface Water: Ambient Monitoring**

Collect samples and assess data from 65 wetlands per year from random one-square mile plots. This activity has been modified by the completion of the inter-agency "Comprehensive Wetland Assessment, Monitoring, and Mapping Strategy (CWAMMS)", which was completed under a EPA grant. MPCA is continuing to implement its portion of CWAMMS. See the Water Quality Monitoring Joint Priority for specific information on Monitoring (addresses EPA Strategic Plan PAM #WT-4).

Objective By January 1, 2009, assess Minnesota's contribution to identified regional, national and international water pollution problems.

Collect ambient data and begin to develop program determine Minnesota's role by October 1, 2008.

Objective Ensure data is readily available to the public within one year of season it is collected.

Submit data quarterly to EPA's National STORET Warehouse. **Done.**

Continue to work with EPA to prepare for transition from current STORET framework to the new Water Quality Data Exchange (WQX process) so that MPCA is prepared to maintain/support data management software by end of 2008. **Continuing.**

Attend the National STORET meeting in 2007 (To be scheduled by EPA). **Miranda Nichols attended the 2007 STORET Conference.**

Objective Complete impaired waters list according to EPA requirements.

Prepare and submit an integrated report (IR) to EPA by April 1, 2008. Ongoing. (EPA Strategic Plan PAM #WQ-10).

Provide electronic assessment information for the 2008 Integrated Report (categories 1-5) to Region 5 using the Assessment Database (updated Version 2) by April 1, 2008 and provide Region 5 with geo-referencing information for all assessed waters by April 1, 2008. Ongoing. (EPA Strategic Plan PAM #WQ-11).

EPA Input: MPCA continues to use the ADB for 2008 Integrated Reporting. EPA encourages the States to ensure that the assessment units assessed for 303(d) listing and 305(b) reporting are the same for all uses (including fish consumption and swimming; this has been an issue primarily on lakes where different assessment units are being used.)

Update the Assessment Database (and geolocational files) and resubmit to Region 5 within 45 days of EPA decision letter if EPA review of MPCA's 303 (d) list requires any changes to the April 1 submission. Done for 2006 list.

EPA Input: MPCA submitted the 2006 Assessment Database and geolocational files.

Review web-published data once EPA has the National Assessment Database on-line. Review of 2006 list data is underway.

EPA Input: MPCA reviewed and provided comments on the National Assessment Database website for 2006 data. Work to address MPCA comments is ongoing.

Surface Water: Ambient Program Management and Leadership. Ongoing

Complete the Upper Mississippi River probabilistic monitoring report by June 30, 2007. Done. The report was completed in September 2007

Goal Minnesota businesses produce green products and provide green services by reducing or eliminating the use of environmentally harmful substances.

Objective By January 1, 2008, the Toxic Release Inventory chemical generation, and the number of facilities in targeted sectors required to report, are reduced by 10% from 2002.

Activity Air: Point Source Technical Assistance

See grant template OMB PART measures for cancer and non-cancer causing toxic pollutants.

3. In June 2007 the Household Hazardous Program Staff and Wal-Mart completed a pilot project allowing the public to bring in compact Fluorescent Lamps for 1 day. The PCA is waiting for a report from Wal-Mart regarding the amount of lamps collected.
4. New targets for the pollution prevention program based on TRI will be set. They will be determined by looking at past MnTAP targets and results. For example, previous MnTAP targets show significant reductions in the first few years of work, but then level off. The initial assistance efforts are usually timed to coincide with regulatory drivers. Business cycles also play a major role.

- a. Styrene
 - i. 1999 – 2002: 38% reduction in chemicals managed
 - ii. 2002-2004: 6% increase.
- b. Metal finishing
 - i. 1999 – 2002: 23% reduction
 - ii. 2002 – 2004: 4% increase

Goal Minnesotans act on their environmental knowledge to support healthy ecosystems.

Objective By January 1, 2011, Minnesotans’ scores on an environmental literacy survey demonstrate an average increase of at least 5% above 2002 scores.

Activity Agency-wide Management, Leadership and Administrative Support Technical Assistance:

Provide consulting assistance on special projects, as needed.

Provide regulatory and non-regulatory assistance to businesses locating or expanding in the state as needed. Achieve an average number of businesses assisted through phone and on-site assistance of 900/yr.

1. 2003 – 47% of Minnesota’s adults have above average knowledge about the environment based on thirteen fact-based questions. The 2002 baseline is 36%. The survey will be updated in 2008.
2. In 2007 approximately 350,000 people attended the Eco Experience Exhibit at the State Fair. It is estimated that over 50 million people were reached through media impressions.
- 3 Living Green Expo 2007:
 - a. Approximately 22,000 people attended (up from 14, 00 in 2006).
 - b. There were over 65 workshops, with over 1,600 attendees.
 - c. More than 26,000 website visits during the week of the Expo.

Objective Increase citizen monitoring of lakes and streams by 5% annually.

Activity Surface Water:

Actively encourage citizens to volunteer for monitoring. See grant template that relates to PART P-106-6. See our website for more detail <http://www.pca.state.mn.us/water/volunteer-monitoring.html>

- a. In 2006 citizen monitoring of lakes increased 6.7%
- b. In 2006 citizen monitoring of streams increased 12.9%

EPA Input: According to figures submitted to the Region 5 Volunteer Monitoring Coordinator for 2006 and 2007, MPCA has met or exceeded this goal for both the

volunteer stream and lake monitoring programs. For streams, volunteer participation was up 4.9% while sites monitored was up 11.0%. For lakes, volunteer participation was up 13.3%, lakes monitored was up 9.7%, and sites monitored was up 42.0%.

Objective By October 1, 2006, and every 3 years thereafter, review Minnesota's water quality standards to incorporate changes to the standards to reflect current science and information.

As part of the 2007 - 2010 triennial review of water quality standards, MPCA will: Adopt nutrient criteria for rivers and streams, consistent with the schedule agreed upon by MPCA and USEPA. (The current schedule calls for MPCA to begin development of nutrient criteria for rivers and streams in 2007. **Adoption of rivers and streams criteria during the 2007 - 2010 triennial review will depend on the progress made in criteria development**) (EPA Strategic PAM #WQ-2b). MPCA anticipates completion of its current triennial review, which includes lake nutrient standards, in April 2008. The next triennial review, which will begin immediately following EPA approval of the current rule revisions, will include river nutrient standards.

EPA Input: According to the WQS handbook, the 3-year triennial review period is measured from the date of the letter in which the State informs EPA that revised or new standards have been adopted and are being submitted for EPA review. Therefore, the state's next triennial review begins when the current triennial review package is submitted to EPA for review and at this point should probably be called the "2008-2011 Triennial Review". The Region continues to provide technical assistance and guidance in support of Minnesota's efforts to develop nutrient standards for rivers and streams as well as with other areas being considered for the next triennial review.

Adopt revisions to Minnesota's system of designated uses to reflect data generated and analyses conducted by MPCA to support development of a system of tiered aquatic life uses. (Adoption of revisions to Minnesota's existing system of designated uses will depend on the progress MPCA makes in conducting the monitoring and technical analyses needed to support TALU development). **Data assessments are continuing in support of a TALU classification system. A contractor will be hired to assist in development of an implementation plan for incorporating TALU into existing water quality programs and standards.**

EPA Input: The Region continues to provide technical assistance and guidance in support of Minnesota's development of TALU and is fully supportive and encouraged by Minnesota's efforts in this area. A contractor has been hired to assist in the development. MPCA staff recently attended a biological condition gradient workshop held jointly with Wisconsin.

Review and propose revisions to variance rules to ensure that variances granted by MPCA and submitted to EPA are complete and consistent with Federal regulations at 40 CFR 131 and 132. by January 1, 2008. (The need for revised rules will depend on the results of the rule review). **The current triennial rule revision includes revisions to the granting of variances clarifying requirements for conformance with federal regulations.**

EPA Input: The Region's original comments regarding the revised variance rule language were accepted by the state and resulted in a change to what was being proposed. The most recently proposed rule language is acceptable to the Region.

MPCA will assist Region 5 EPA in meeting EPA Strategic PAM #WQ-5a for conducting a triennial review. **The MPCA conducted public hearings for final triennial water quality standards rule adoption in August and September 2007. Final triennial standards rule is anticipated in April 2008.**

EPA Input: The Region appreciates the efforts being made by the MPCA to complete the current extensive triennial review rulemaking. The Region reviewed the state's proposed rules and provided comments on several occasions in addition to formal comments during the public hearing/comment period in August/September 2007. The Region also attended the first three public hearings held in St. Paul.

For the next triennial review, the Region suggests that all aspects of the triennial review process and state administrative rulemaking procedures be reviewed with the intent of making this process as efficient and timely as possible. The Region will assist the state in determining if there are any areas where the process can be expedited to ensure that the next triennial review is completed within three years.

Develop a state-wide Index of Biological Integrity and a state-wide river classification system in preparation of developing tiered aquatic life standards January 1, 2008. **A state-wide fish classification system has been developed and a final report is being drafted. An invertebrate classification system is to be developed upon completion of data analysis. Anticipated completion of an invertebrate classification system is March 2008. IBI development to be based on results of classification systems.**

EPA Input: The Region agrees with the State's comments.

Adopt EPA's recommended water quality criteria for bacteria at Lake Superior recreation waters, as promulgated on November 16, 2004, in the Final Rule for Water Quality Standards for Coastal and Great Lakes Recreation Waters, by July 2008. **The current triennial rule revision includes the adoption of E. coli standards that meet EPA's recommended water quality criteria for bacteria at Lake Superior recreation waters.**

EPA Input: The Region agrees with the State's comments.

Adopt bacteriological criteria as protective as EPA's criteria at its inland waters to better protect human health, by July 2008. **The current triennial rule revision includes the adoption of E. coli standards that meet EPA's criteria for inland waters.**

EPA Input: The Region agrees with the State's comments. TMDL/NPS

We have no comments from the TMDL/NPS side

NPDES

Minnesota has plans to place the Minneapolis and St. Paul Individual Phase I MS4 permit on public notice in the Fall of 2008. The State plans to place the Industrial Stormwater general permit on public notice in August 2008. Last, the Construction General Permit will be reissued in August 2008.

Minnesota has developed a plan and schedule to place the Minneapolis and St. Paul Phase I MS4 Individual Permits on public notice in the Spring of 2009; significant progress on permit content was made during 2008. The Construction Stormwater General Permit was reissued August 1, 2008.

Using the regulations adopted in 2005, the Minnesota CAFO Program has issued permits for the majority of animal feeding operations. From a total of 1,065 large CAFOs in Minnesota, 1,059 have received permits.

Using the regulations adopted in 2005, the Minnesota CAFO Program has issued permits for the majority of animal feeding operations. From a total of 1,153 CAFOs required to have a NPDES permit in Minnesota, 1,114 have current permits.

Minnesota is planning to transition from the PCS database to the newer ICIS system. EPA headquarters is assisting groups of states transition to the new system. Minnesota is in the last group of states that is preparing their database for transition. The State expects to complete this process at the end of 2008 or in early 2009.

Minnesota is maintaining the goal of permit backlog reduction for 90% of all permits. Minnesota met their 90% reduction goal for permit backlog in 2007 for all facilities including major, minor and non-stormwater general permits.

The State achieved a 54% reduction of high priority permits (permits that have been expired for more than two-years) in 2007. Minnesota fell short of meeting the 95% goal due to various non-NPDES related reasons. This is the sole shortcoming in the NPDES evaluation. The priority permit list is a rolling list, which allows the State to de-list permits, then to reassign to the following year's list. EPA recommends that these high priority permit list range from two to three-years to maintain permit issuance flexibility.

Additional NPDES Comments:

SS-2, page 68:

The "1 Minneapolis" permit expired 6/30/2001 and is currently in draft form.

SS-19(a,b), page 69:

MPCA is counting facilities seeking coverage under notices of intent, rather than permits.

SS-18(a), page 69:

This measure includes majors, minors and facilities covered under non-storm water general permits. Based on this Minnesota has a total of 1213 permits and of these 1092, i.e. 90% are current.

SS-29(a), page 69:

This does not apply to this measure:

WQ-30a Relates to PART P-106-2 Percentage of high priority state NPDES permits that are on schedule to be reissued.

Minnesota has recently changed our priority permit list to cover a three year period. In addition, we have added facilities considered environmentally significant to our priority permit list and have submitted an amended list to EPA Region 5. These facilities meet the revised priority permit criteria recently updated by EPA Headquarters. We will

review and update the list on a six-month basis and will edit the list as needed. Minnesota is committed to re-issuing these high priority permits in a timely manner. (Marni Karnowski)**Enforcement:**

SS-2 (page 70)

An observation on Goal 2, Objective 2, measure SS2, Number of CSO permits with LTCP schedules in place. MPCA lists 1 - Minneapolis. Recent conversations with MPCA have indicated that there is no longer a CSO issue with Minneapolis, so the number should probably be "0". We (MPCA) have had discussions with EPA on terminating the permit and using some other type of document to control the remaining work and outfalls. We have not terminated the permit yet but we plan to meet with Minneapolis and Met Council next month (March) to discuss a plan of action. So until the permit is terminated we will leave the number at 1 (Gary Eddy).

~~Industrial Stormwater General Permit is unlikely to be public noticed by August as indicated. Good progress is being made, but with the complexity and the push back we're now getting from the Chamber on monitoring, late Fall is the timeframe we're now aiming for. EPA well knows that its own ISW permit has been in limbo for a few years now since it was noticed. So I would say we should request that change.~~

The current Industrial Stormwater General Permit is expired.

Minneapolis and St. Paul Phase I Individual Permits - Lead staff assigned to the Phase I permits have reassessed permit content, and have had numerous meetings with internal staff and permittees regarding permit content and schedule for reissuance. The current approach seems to be consistent with both federal and state stormwater regulations and integration into other related water quality rules, programs, and functions; and therefore the work product to date seems enforceable.

Minneapolis and St. Paul Phase I permits--Mike Mondloch is stepping up the pace on these, and we're intending to provide more regular oversight and input to him. He has his doubts about how realistic it is to continue to say we'll have those noticed by the Fall as stated in the EnPPA. But at this point we don't have a timeline that points us to any different date. He's suggested, and I concur, that we stick with the stated timeline and work with him to make a good run at meeting it.

The CSW general permit remains on target for reissuance by August. We'll see what the current comment period brings.....thanks....Don Jakes

LAND AND CHEMICALS DIVISION

This report is the LCD review of MPCA's self-assessment of work accomplished under the MPCA Environmental Performance Partnership Agreement (EnPPA). Comments are arranged according to the self-assessment pages. MPCA did not provide an explanation of how the self-assessment was organized.

Page 6 - Enforcement and Compliance Assurance

Region 5 commends MPCA for meeting the Large Quantity Generator (LQG) and the Treatment, Storage, and Disposal (TSD) inspection goal for 2007, for sending the Metro Counties Joint Powers Agreement to Region 5 for approval, for bringing hospital and pharmaceutical firms into the RCRA inspection universe, and for returning 2,361 acres of

land to productive use. The Region has the following issues and recommendations.

a. Issue: No comments on "Continue to conduct PCB inspections during the year and implement the PCB phase-down program and RCRA investigations and clean-ups."

Recommendation: MPCA should carry out these activities in future self-assessments.

b. Issue: The self-assessment report would have been more informative if MPCA would have provided statistics or additional information and for the statistics and other numbers noting which data base was used would have helped understand. Information should have been given up to the date of the self- assessment, October 1, 2007.

Recommendation: That MPCA provide statistics and the sources of the statistics for what has been accomplished. Insure that compliance monitoring and enforcement data are entered into RCRAInfo in a timely and accurate manner. Respond to customer inquiries and provide responsive data and feedback MPCA to program offices.

Page 7 - Quality Assurance and Quality Management Plans

MPCA should have provided the latest status of the QMP. Different programs have Quality Assurance Program Plans and significant status should have been stated for these as well.

Page 25 - Diesel Reduction Projects

The Region appreciates MPCA's acknowledgement of the 2004 demonstration grant from Region 5 which helped develop the Minnesota Healthy Sustainable Schools Program. This grant was successfully closed out at the beginning of 2007. The Region commend MPCA's Linda Countryman for leveraging a small \$40,000 grant into an ongoing Sustainable Schools Program which is achieving continuing environmental outcomes.

Page 32 - RCRA Authorization

The two statements concerning RCRA authorization makes it look like not much happening, but some activities did take place. MPCA should add a statement such as: The State is working on Authorization Revision Application 9 and expects to have this completed in 2008. New staff has been added to work with the Minnesota Revisor of Statutes and other agencies including the Minnesota Attorney General.

Pages 40-41 - Excellence in Operation

MPCA's "Excellence in Operation" goals were not met although progress was made throughout the two goals and two objectives each.

Page 50 - Toxics Substances Control Act (PCB/Asbestos Program)

The PCB inspection data on the chart agrees with Region 5's data.

Page 55 - Underground Storage Tanks

Significant Operating Compliance

The Region acknowledges MPCA in October 2007 achieving a 49% Significant Operating Compliance (SOC) rate. This achievement could be due to first time inspections of small service stations. An important element of the SOC Strategic Target is that it covers a five year period so that by 2011 the Region expects MPCA to meet a 5%

increase in the SOC over its 2006 baseline (of 55%). The increase in SOC may be spread out in any way over this period. It is possible that a low compliance rate for one or two years could have no impact on the end point.

Additional Federal UST Funding

The Region acknowledges that the State met the two year Energy Policy Act inspection requirement and hiring additional inspectors. Doubling the number of inspectors to about 15 will put MPCA in good position toward meeting the three year requirement. During FY'07, the Region provided additional funding that was used to hire four inspectors and other activities. The Region would like a brief paragraph how the additional Federal funds were utilized.

The additional funds received by the State were used to provide funding for 4 additional UST inspectors, associated training and the purchasing of inspection equipment for these inspectors, including field tablets. Funds were also used to put the State in a position to comply with the public reporting requirements of the Energy Policy Act by making revisions and modifications to the UST database and web pages, as well as, beginning the process to implement the operator training requirements.