Budget and Outcomes Committee
Updates and items for discussion

June 18, 2012
wq-cwc2-12r
Role of the Clean Water Council

The Clean Water Council was created to advise on the administration and implementation of the Clean Water Legacy Act and to foster coordination and cooperation among public agencies.
Legacy Act directive

- The Clean Water Council shall recommend to the governor and the legislature the manner in which money from the clean water fund should be appropriated (see handout)
By December 1, 2012, the Council shall submit a report to the legislature on:

- The activities for which money has been or will be spent for the current biennium,
- The activities for which money is recommended to be spent in the next biennium, and
- The impact on economic development of the implementation of efforts to protect and restore groundwater and the impaired waters program.
Clean Water Fund may be spent:

- To protect, enhance, and restore water quality in lakes, rivers, and streams, to protect groundwater from degradation, and to protect drinking water sources (see handout)
Other Clean Water Fund directives

- Funds from the clean water fund must **supplement** traditional sources of funding for these purposes and **may not be used as a substitute**.
  - Reference the Legislative Auditor’s list of “ongoing concerns” attachment
- At least five percent of the clean water fund is spent only to protect drinking water sources.
BOC process and timeline

- Met monthly since Dec. 2011
- Reviewed agency proposals and conducted interviews in May
- **Today:** Share BOC’s items for discussion
- **July-August:** Council members seek feedback from represented organizations
- **August meeting:** Discuss feedback
- **September:** Public comment period
- **October meeting:** Finalize recommendations, report
- **December 1:** Submit to Governor and Legislature
Agencies to present current and proposed activities
Budget recommendations

- Clean Water Fund activity categories include:
  - Monitoring and assessment
  - Watershed restoration and protection strategies
  - Groundwater/drinking water protection
  - Point and non-point source implementation
  - Education and civic engagement
  - Applied research and tool development

- Council funding priority document (with percentage recommendations)
Budget recommendation development

- Budget recommendation developed for fiscal years 2014-2015 (July 1, 2013 - June 30, 2014)

- Minnesota Management and Budget Department recommendation for target budget number: $185M

- Proposed total for all agency activities: $210.668M
Proposed monitoring and assessment total: $23.12M

Proposed agency activities include:

- 10-year framework efforts (MPCA)
- Pesticide monitoring (MDA)
- Stream-flow monitoring (DNR)
- Lake IBI assessments (DNR)
- Fish Mercury assessment (DNR)

Priority recommendation: 11-15%
  - $20.35-$27.75M
Proposed watershed restoration / protection strategies total: $22.74M

Proposed agency activities include:

- Strategy development and implementation (MPCA and DNR)

Priority recommendation: 11-14%
- $20.35-$25.9M
Proposed groundwater /drinking water total: $32.09M

Proposed agency activities include:

- Groundwater assessment (MPCA)
- County inspections / SSTS corrective actions (MPCA)
- Nitrate protection (MDA)
- Irrigation water quality protection (MDA)
- Water supply planning, aquifer protection (DNR)
- Water appropriation electronic permit (DNR)
- Permanent conservation easements: wellhead protection (BWSR)
Proposed groundwater /drinking water total: $32.09M

Proposed agency activities include:

- Twin Cities metro water supply plan implementation (Met Council)
- Regional groundwater recharge area study (Met Council)
- Contaminants of emerging concern program (MDH)
- Source water protection program (MDH)
- County well index enhancement (MDH)
- Well sealing cost share (MDH)
- Private well water supply protection (MDH)
- Lake Superior Beach monitoring (MDH)

Priority recommendation: 7-9%

• $12.95-$16.65M
  ($9.25M must be spent on groundwater / drinking water activities)
Proposed nonpoint source implementation total: $83.37M

Proposed agency activities include:

- Great Lakes restoration (MPCA)
- Clean Water Partnership (MPCA)
- AgBMP loan program (MDA)
- Technical assistance / research (MDA)
- Competitive grant programs, measures, results and accountability, and technical evaluation (BWSR)

Priority recommendation for both nonpoint and point source implementation: 57-60%
- $105.45 - $111M
  (total proposed is $117.87M)
Proposed point source implementation total: $34.5M

Proposed agency activities include:

- Wastewater / stormwater implementation (MPCA)
- Grant and loan programs (PFA)

Priority recommendation for both nonpoint and point source implementation: 57-60%

- $105.45 - $111M
  (total proposed is $117.87M)
Proposed education and civic engagement total: $410k

Proposed agency activities include:

- Manure applicator education (MDA)

Priority recommendation: 1-5%

- $1.85-$9.25M
Proposed applied research and tool development total: $14.47M

Proposed agency activities include:

- TMDL research and database development (MPCA)
- Interagency water database and portal development (all agencies, carried by MPCA)
- Application of water standards (MPCA)
- Stormwater research and guidance (MPCA)
- Academic research / evaluation (MDA)
- Shoreland stewardship; biomonitoring database (DNR)
- High resolution evaluation data (LiDAR) (DNR)
- County geologic atlases (DNR)

Priority recommendation: 6-8%
  - $11.1-$14.8M
BOC follow-up discussion items

The BOC meets monthly; next meeting July 6

- Staffing levels in all categories
- Long-term vision for Clean Water Fund
- SSTS program funding
- Clean Water Partnership program
- Follow-up from today’s discussion
Today’s discussion items

- Supplement vs. substitute
- Activity category recommendations
  - Education and civic engagement as a category
- Clean Water Council line-item budget
- Pass-through funding / earmarks
Next steps

Directions for seeking input from represented organizations
DNR Clean Water Fund Overview

Jason Moeckel
Manager, Inventory, Monitoring, and Analysis Section
Division of Ecological and Water Resources
Planning

Monitoring and Assessment

Implementation
DNR’s Clean Water Funded Work

- Monitoring and Assessment
- Water Quality Study Development
- Drinking Water Protection
- Research and Tools

$179.43 Million – All Agencies
MONITORING AND ASSESSMENT

- Stream flow monitoring to support MPCA’s assessments
- Calculate pollution loads
- Calibrate watershed models
Lake Index of Biological Integrity (fish and plants)
MONITORING AND ASSESSMENT

- Fish Contamination Assessment
CLEAN WATER STUDIES AND PLANS

- Provide technical expertise and natural resource data
- Participate meaningfully in local watershed planning
DRINKING WATER PROTECTION

- Water supply and aquifer protection planning
  - Monitoring well network
  - Work with communities (GWMAs)
- 11- County groundwater management
- Electronic water appropriation permit system
APPLIED RESEARCH AND TOOLS

- Implementation Assistance (Shoreland Stewardship)
- Watershed Modeling
- Watershed delineation
- Biomonitoring Database
- LiDAR
DNR’S CLEAN WATER WORK

Coordinated

Integrated

Transformative
“SYSTEMS” THINKING...

...not “symptoms” thinking

- Erosion: a symptom of a degrading SYSTEM
- Species declines: symptoms of shifting SYSTEMS
- Impaired waters: symptoms of impaired SYSTEMS
- Enduring solutions arise at the SYSTEM level
HEALTHY WATERSHEDS THROUGHOUT MINNESOTA

Healthy Watersheds
Healthy Landscapes

Land – Water Connection

OHF
Clean Water
Prairies
PTF
Forests
Climate Change
Spring in Olmsted County
Clean Water Fund Initiatives at the Minnesota Department of Health

Bruce Olsen, Source Water Protection
Jim Kelly, Environmental Surveillance and Assessment
Chris Elvrum, Well Management
Kris Ehresmann, Infectious Disease Prevention & Control Division

for the Clean Water Council, June 18, 2012
Drinking Water Protection:

Our shared challenge:

To ensure safe and sufficient drinking water across Minnesota through a series of strategic safeguards from source to tap
MDH Clean Water Fund Initiatives

- Contaminants of Emerging Concern
- Accelerated Source Water Protection
- County Well Index Enhancement
- Unused Well Sealing Cost Share
Contaminants of Emerging Concern

- **FY 10/11 Progress and Outcomes**
  - Health-based guidance for 10 chemicals
  - Baseline needs assessment for communication
  - Screening and prioritization protocol developed

- **Proposed**
  - Develop guidance for 10 chemicals
  - Screen additional 20 chemicals
  - Continue public communication and outreach
  - Expand Public Health Laboratory capabilities
Accelerated Source Water Protection

**Progress and Outcomes**
- Approximately half of the 929 communities that use groundwater are engaged in the wellhead protection program
- 205 grants in FY 2012 totaling $481,675 for implementation ($1,433,687 since FY 2010)

**Proposed**
- Continue accelerated pace to achieve 2020 goal that all communities that use groundwater are implementing WHP plans
- Funding increase for next biennium is directed to the grant program
County Well Index Enhancement

- **Progress and Outcomes**
  - Internal business rules workgroup
  - Backlog in process of being eliminated
  - External users group to define their needs
  - Recompile database and begin editing errors

- **Proposed**
  - Eliminate data entry backlog in 2015-2016
  - Begin development of web capabilities for users
  - Expand links to groundwater data from other agencies
Well Sealing Cost Share

- Progress and Outcomes
  - $176,575 awarded to 9 local governments in 2011
  - About 200 private wells will be sealed
  - Used for up to 50% of cost of well sealing
  - Public water supply wells in next phase

- Proposed
  - About 500,000 unused, unsealed wells remain
  - Sealing wells prevents contamination of drinking water supplies and groundwater
New Initiatives

- **Private Water Well Protection**
  - Evaluate factors that affect quality in private wells
    - Arsenic, nitrate, manganese, radium
  - Provide guidance to well contractors and owners

- **Lake Superior Beach Monitoring**
  - Protect water resources and public health
  - Notify public
  - Find sources of contamination
  - Collaborate to reduce pollution in stormwater runoff
  - Increase awareness of impact of waste disposal
St. Louis County Beaches

- Clyde Avenue Boat Landing Beach
- Boy Scout Landing Beach
- Park Point New Duluth Boat Club
- Park Point Hearing Island Canal
- Park Point Southworth Marsh Beach
- Park Point Sky Harbor Beach
- Park Point LaFayette Community Club Beach
- Park Point Beach House
- Park Point Franklin Park
- Lakewalk Beach
- Leif Erikson Park Beach
- Lakewalk East/16th Avenue East Beach
- 42nd Avenue East Beach
- Lester River Beach
- Brighton Beach

- French River Beach
- Bluebird Landing Beach
- Stony Point Beach

- Knife River Marina East
- Floss Burling
- Agate Bay

- Two Harbors

Map of St. Louis County Beaches in Minnesota.
Cook County Beaches (1)

- Temperance River State Park Beach
- Schroeder Town Park Beach
- Sugarloaf Cove Beach
- Old Shore Road
- Grand Marais Down
- Grand Marais Campground
- Cutface Creek Wayside Rest Beach
- Durfee Cove
Clean Water Funding Proposal
FY14 and FY 15
June 18, 2012
Water Supply Planning

- Over 50% of Minnesota’s population.
  - Groundwater: 66% of Metro municipal water Supply
  - 1.6 million people.

- 2005 Legislation
  - “Carry out planning activities addressing the water supply needs of the metropolitan area” (Minnesota Statutes, Section 473.1565)
  - Twin Cities Metropolitan Area Master Water Supply Plan-2010
Clean Water Fund Past Use

- Implemented projects identified to support water supply master plan
- Since FY10 - Thirteen Projects
  - Six completed
  - Seven in progress
Benefits of Past Projects

- Development of technical information and tools.
- Engaging local communities and encouraging collaboration.
- Providing guidance and streamlining permitting.
- Leverage regional resources.
Protect, better manage, wisely use and ensure sustainability of the water supplies.

In 2015/2016, update local communities water supply and comprehensive plans.

New approach incorporating Metropolitan Water Supply Master Plan

New and updated technical data and tools
Funding Request
FY14 – FY15

- MC Total Funding Request: $1,566,000

- Two Initiatives
  - Implementation of Water Supply Master Plan
    – Original: $1,400,000
  - Identification and Ranking of Regional Recharge Areas
    - New: $166,000

- Groundwater/ Drinking Water

Metropolitan Council
Implementation of Water Supply Master Plan

New Projects

- Local assessments and hydrogeologic studies.
- Water conservation, storm water and wastewater management and reuse.
- Technical information collection and analysis.
- Regional groundwater model.
- Civic engagement and public education.
- Water management demonstration project
Identification and Ranking of Regional Recharge areas

- Identify and rank
  - Natural recharge zones and
  - Potential locations for artificial recharge

- Define additional regional and local management practices
Outcomes

- Implementation of Water Supply Master Plan
  - New and Improved data and tools to ensure regional sustainability
  - Identify water supply issues, offer guidance and solutions
  - Predictable water supply permitting decisions

- Regional Recharge Areas
  - Guide land use decisions, resource monitoring strategies, and management activities
  - Informed community plan development
Clean Water Legacy Act Goals

- Identify impaired waters in 10 years.
- Develop TMDLs in timely manner (10%/yr).
- Implement restoration in a reasonable time.
- Promptly delist.
- Comply with CWA requirements.
- Protect unimpaired waters
Rotating Through the Major Watersheds on a Ten Year Cycle

- Monitoring and Assessment
  - Condition monitoring
  - Effectiveness monitoring

- Watershed Restoration and Protection Strategy
  - TMDL
  - Protection Strategy
  - Implementation Plans

- Implementation Activities
  - BMPs
  - Permits
  - etc

Every 10 Years
Watershed Monitoring and Assessment

Intensive Watershed Monitoring

• On track with the 10-year schedule - 35/81 watersheds have been intensively monitored = 43%
(7 more started in 2012 = 52%)

• Watershed monitoring and assessment reports completed = 7 (Snake, Little Fork, Sauk, Pomme de Terre, N. Fork Crow, Le Sueur, Root); 12 more reports by end of 2012

• 30% of watersheds have been assessed as of draft 2012 303d list

• maintain at $7.5M/yr
Watershed Restoration and Protection Strategies

- WRAPs – analysis to set reduction goals, milestones and measures to guide/focus implementation efforts.
- TMDLs integrated into WRAP
- On schedule with 10 year cycle
- Work started in 45 watersheds (56%)
- First Watershed Reports - Fall 2012 (Pomme de Terre, Sauk, etc)
- $1.6m in civic engagement grants
- Maintain funding at $9.4M/yr
Ambient Groundwater Monitoring Network

- An early detection network in shallow aquifers
- 200 wells installed, network still needs expanding to about 275
- Non-agricultural areas (Department of Ag monitors agricultural areas)
- Reported on Contaminants of Emerging Concern in Spring of 2012
- Reporting on full suite of parameters at end of 2012.
- Maintain at $1.125M/yr
Drinking Water Protection: SSTS

- MPCA and Counties: co-regulators of Subsurface Sewage Treatment System (SSTS) program
- SSTS manages 23% of MN wastewater generated by homes and businesses
- FY 14-15 CWF SSTS funding request is for $5.4 million – an increase of $830,000

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<thead>
<tr>
<th>Agency</th>
<th>FY12-13 Appropriation</th>
<th>FY14-15 Proposal</th>
<th>Purposes</th>
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</thead>
</table>
| MPCA/            | $4,570,000            | $5,400,000       | County SSTS program requirements (M.S. 115.55):
| BWSR            |                       |                  | - Issue permits                                                        |
|                 |                       |                  | - Conduct inspections                                                   |
|                 |                       |                  | - Identify and resolve non-compliance                                   |
|                 |                       |                  | - Revise/maintain SSTS ordinance                                       |
|                 |                       |                  | Advance inspector funding                                              |
|                 |                       |                  | Two MPCA staff to support county CWF activities                        |
Clean Water Partnership (FY10,11,12)

- 173 applications received
- 58 awards
- $14,286,267 requested
- $7,178,701 available/awarded
- maintain at $1M/yr

St Louis River AOC

- $ are being tripled
Applied Research and Tool Development

- **Watershed Data Integration System**
  - Improving MPCA web pages and computer infrastructure to deliver data to internal and external, professional and citizen users
  - Centralized data and information access for increased transparency, ease, and speed
  - Geographically based to make the data locally relevant
  - Will better enable IT integration with data sources outside the MPCA
  - Maintain at $1.15M/yr
Watershed Web Pages

1. On any page, click the Data tab, then select Surface Water Data from the Water Quality menu.

2. On the map, click on your Major Watershed of interest.

Minnesota has 81 major watersheds. Each is defined by rivers, streams, lakes, and wetlands. Click on a watershed to learn more about it.

Little Fork River
The Little Fork River watershed is 1,179,520 acres. The main stem flowing 160 miles through northcentral St. Louis County and heading northwest into Koochiching County. It flows more northerly until it reaches its confluence with the Rainy River about 11 miles west of International Falls.

Why are watersheds important? As water flows across the land on its journey to a major river or lake, it can be harmed by poor development or agricultural practices: stormwater runoff, faulty septic systems, and industrial discharges.
Project Information

- Watershed Web Pages: Restoration and protection tab
- Lists all MPCA-funded TMDL / WRAP strategy projects
  - Testing
  - Strategy
  - Implementation
Applied Research and Tool Development

- **Application of Water Standards**
  - Presently, some pollutants do not have sufficient information to allow for effective reduction and protection measures to be put in place.
  - The requested funding would be used to:
    - Investigate options for addressing pollutants of concern efficiently and effectively to comply with standards,
    - Pilot those options at permitted facilities, and
    - Transfer technology and learning from facilities successfully addressing the pollutant to those that are newly identified as needing additional pollutant reduction/treatment.
  - Maintain same level of funding $750k/yr (wild rice study)
NPDES Wastewater/Stormwater TMDL Implementation

- TMDL wasteload allocations for regulated wastewater and stormwater sources are through the NPDES regulatory programs:
  - Issue permits
  - Provide technical assistance and training
  - Determine compliance
  - Identify and resolve noncompliance
- FY14-15 CWF Stormwater request is for 3 FTEs – same level
- FY 14-15 CWF Wastewater request is for 6 FTES – an increase of 2 FTEs or $400,000
  - Addressing unsewered communities so all wastewater treated prior to discharge
  - Adding an effluent limit review engineer to meet 150 day permit issuance goal
### MPCA request

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<th>FY12/13</th>
<th>Proposed FY14/15</th>
<th>Change</th>
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<tbody>
<tr>
<td>Monitoring</td>
<td>$14.8 m</td>
<td>$15.0 m</td>
<td>+ $200k</td>
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<tr>
<td>WRAPs</td>
<td>$18.8 m</td>
<td>$18.8 m</td>
<td>same</td>
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<tr>
<td>Drinking</td>
<td>$3.82 m</td>
<td>$7.65 m</td>
<td>+ $830k(shift in categories)</td>
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<tr>
<td>NPS Imp</td>
<td>$3.5 m</td>
<td>$3.5 m</td>
<td>same</td>
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<tr>
<td>AR&amp;TD</td>
<td>$3.8 m</td>
<td>$3.8 m</td>
<td>Same(shift in categories)</td>
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<tr>
<td>Pt S Imp</td>
<td>$1.6 m</td>
<td>$2.0 m</td>
<td>+ $400k</td>
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Inter-Agency Request

• Inter-Agency Data Portal
• MDA, DNR, BWSR, PFA, MDH, MC, MPCA

• Request for $3m FY 14/15
• Seamless access to data and information wherever it resides
Public Responses to TMDLS

- South Metro Mississippi
- Minnesota River
- Greater Blue Earth River

Comment period extended from February 29 through May 29
Summary of Comments

- Thoughtful and well-reasoned

- South Metro 360
- Minnesota 321
- Blue Earth 3

- Approximately 300 letters for the South Metro & MN River were identical.
Regulated MS4 Communities

- Lack of detail to justify allocations
- Small contributor to the overall load
- Creates excessive legal & financial burden
- Hold everything
Call for additional detail on specific sources
Natural background underestimated
Organic material is the largest contributor to turbidity
Lack of reasonable assurance, calling for greater accountability from agriculture
Better targeting—spend money where it will do the most good
More detailed timelines and milestones
Contested Case Hearing Requests

- **26 South Metro Mississippi**
  - 4 agriculture; 20 stormwater/municipal; 2 other

- **10 Minnesota River**
  - 7 agriculture; 3 stormwater/municipal

- **6 Greater Blue Earth**
  - 6 agriculture

- Additionally, 5 petitions to address the Citizens Board, several Data Practices requests
Central Issues

- Natural Background
- Remove MS4s upstream of MN River
- Recalculate urban contribution
- Arbitrary wasteload reduction for urban areas
There is a material issue of fact in dispute concerning the application or draft TMDL report;
The MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and
There is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL report.
Next Steps

- Assemble review & response team
- Acknowledge receipt of comments
- Sort & organize comments & hearing requests
- Reach decision to grant or deny hearing requests
- Develop findings of fact
- Respond to comments
- ?