

39503 Minnesota Pollution Control Agency Request for Comments on Lakes Water Quality Standards Rulemaking

Closed Nov 03, 2023 · Discussion · 2 Participants · 1 Topics · 2 Answers · 0 Replies · 0 Votes

2

PARTICIPANTS

1

TOPICS

2

ANSWERS

0

REPLIES

0

VOTES

SUMMARY OF TOPICS

SUBMIT A COMMENT

 2 Answers · 0 Replies


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Ann Messerschmidt · Citizen · (Postal Code: unknown) · Nov 03, 2023 2:19 pm

 0 Votes

Attached is a letter from the City of Lakeville regarding potential Lake Water Quality Standards Rulemaking.

Samantha Berger · Citizen · (Postal Code: unknown) · Nov 03, 2023 3:14 pm

 0 Votes

Attached is a letter from the City of Apple Valley regarding potential rule changes to the Lakes Water Quality Standards Rulemaking. Thank you for allowing us the opportunity to provide comments.



November 3, 2023

via electronic submission

Office of Administrative Hearing Rulemaking eComments web page
<https://minnesotaoah.granicusideas.com/>

Re: Request for Comments - on Possible Amendments to Rules Governing Water Quality Standards for Lake Aquatic Life and Recreation, Minnesota Rules chapter 7050; Revisor's ID Number R-04740

To Whom it May Concern:

Thank you for providing an opportunity for comment on the above amendments listed.

The City of Lakeville has a long history of assessing, managing, and protecting our lakes. We have an invested interest in keeping our lakes and other waterbodies as healthy as possible. We strive to keep our waters from being listed on impaired waters lists and are proactive in strategies and actions to do so. Our experience has been that if a waterbody is listed as impaired, it often ends up taking up exorbitant amounts of time, resources, and finances with little results in improvements, so the idea of using IBI as a tool to list a lake as impaired is very concerning.

As far as we are aware, none of our lakes have been assessed using the TALU framework ('Development of tiered aquatic life use framework for Minnesota lakes, March 2022'). We have had little time to scour over all the materials that would help us determine how this framework would affect our lakes assessment and potential impairments, so we still have many questions, but in general, our experience with IBI ends up with data that leaves more questions than answers and is therefore unreliable to be used for impairment listings.

The Index of Biological Integrity (IBI) can be a useful tool for assessing water quality based on the health of aquatic ecosystems. However, like any tool, it has many limitations which makes it not reliable enough to be used to make impairments. IBI data relies heavily on the presence or absence of certain indicator species. There are so many unforeseen potential reasons for the presence or absence of a species, (physical barriers, drought or flooding conditions, weather systems, sampling methods - just to name just a few,) that would result in data that is unreliable and inaccurate due to the endless variables.

Additionally, IBI does not account for all relevant factors affecting water quality. Chemical or physical parameters are more well researched and reliable in assessing overall water health. Depending on biological metrics, even if paired with currently used water quality assessment methods, the results will be too varied and unreliable as there are so many factors influencing an ecosystem.

The Citizen Assisted Monitoring Program (CAMP) is already questionable in reliability of information and takes way too long to get the data back. Data is often collected by volunteers and impairments are made on that information. The City of Lakeville has already been listed for an impairment that was a result of poor practices by a volunteer and we are concerned about a similar situation with new parameters for impairment – especially IBI. Concerns also arise with data collection in a timely fashion and trust in data that is less than 20 years old of consistent tracking would be abrupt and inaccurate to list a lake impaired due to IBI assessment.

In summary, while the Index of Biological Integrity is a tool in the toolbox, it's crucial to recognize its limitations and its inability to provide an accurate picture solid enough to indicate a potential impairment. IBI data should NOT be used to determine impairments for lakes, or any other water body. The previous methods for listings are enough to protect Minnesota waters.

Below are additional questions we have about the rules governing water quality standards for lake aquatic life and recreation:

1. Will there be/have there been any presentations about the rules and how it will impact waterbodies?
2. What is the plan for how assessments would be conducted?
3. What would the process be before a potential impairment is made?
 - a. Would it include working with water quality practitioners who manage the water body before an impairment is listed?
 - b. How much data would be collected before a potential impairment is made?
4. What actions would be required for City's with listed impairments?
5. Would there be an annual reporting requirement for impairments?

The City of Lakeville appreciates the opportunity to provide comment and we look forward to working together to keep our lakes and waterbodies as healthy as possible using the most trusted and reliable methods possible.

Sincerely,



Ann Messerschmidt, Environmental Resources Specialist II
amesserschmidt@lakevillemn.gov, (952) 985-4528



City of Apple Valley
7100 147th Street W.
Apple Valley, MN 55124

RECEIVED

By: OAH on 11/3/2023
Samantha Berger Attachment

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November 3, 2023

via electronic submission

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Re: Request for Comments - on Possible Amendments to Rules Governing Water Quality Standards for Lake Aquatic Life and Recreation, Minnesota Rules chapter 7050; Revisor's ID Number R-04740

To Whom it May Concern:

Thank you for allowing the City of Apple Valley the opportunity to comment on the possible amendments to MN Rule Chapter 7050. As a community, the City of Apple Valley strives to improve the water quality of our area lakes. The City has made significant investments in implementing best management practices in an effort to remove our lakes from the impaired waters lists. Our primary interest in this rule revision relates to the Lake TALU (Tiered Aquatic Life Use) framework outlined in the March 2022, "Development of tiered aquatic life use framework for Minnesota lakes".

The standards discussed in the TALU do not provide much detail on implications for metro area lakes. Instead, the report indicates that a number of lakes would be listed as impaired based on FBI General Use threshold. Many of the metro watersheds have not been assessed. As we are unclear how this Rule would impact us, the City would appreciate the following items to be addressed as part of this Rule process.

1. Provide a webinar or information session on how these changes could affect metro area lakes and municipalities. Including a webinar like those created as part of MS4 and CSW permitting would be useful.
2. Who would complete assessments on metro lakes for TALU and pay for these assessments? Will local government units be expected to complete this monitoring?
3. If a lake becomes impaired under the TALU framework, what is the process for being removed from the impaired waters list?
4. Will this assessment be similar to the TMDL (Total Maximum Daily Load) process? Can we expect to report on progress towards impairments as part of MS4 (Municipal Separate Storm Sewer System) annual report?
5. The TALU discusses shoreline habitat as a focus. Many lands surrounding urban lakes are under private ownership. How do you envision implementing potential projects on private lands?
6. The TALU framework fails to mention aquatic vegetation. Would richness of species for aquatic vegetation be a factor in these assessments and be subject to impairments?

The City appreciates the opportunity to comment on these standards and look forward to additional engagement on this topic.

Thanks kindly,

A handwritten signature in black ink that reads "Samantha Berger".

Samantha Berger, Water Resources Specialist
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952-953-2462