

MESERB CURRENT



MESERB

Minnesota Environmental Science
and Economic Review Board

April 28, 2008

Lake Pepin TMDL Update

The Lake Pepin TMDL Policy Forum took place on Wednesday, April 16 at the St. James Hotel in Red Wing. The highlight of the forum was a presentation by engineers from Limno-Tech on preliminary model runs for phosphorus and sediment reductions. For turbidity, the water quality target was 20 nephelometric turbidity units (NTUs) as a seasonal average based on a 90th percentile high-flow year (2002). For nutrients, the model used targets of 100 ug/L for total phosphorus, 28 ug/L for chlorophyll-a, and 0.7 meters for Secchi depth, all as seasonal averages based on a 10th percentile low-flow year (2006). Limno-Tech ran 15 modeling scenarios.

Attendees were surprised to learn that under the scenario with the most stringent watershed nutrient and sediment reductions, Lake Pepin still did not meet the turbidity and nutrient targets a significant share of the time. Out of 330 data points (22 years x 15 scenarios) only 60 fell within the region of compliance. The presenters stressed that these modeling results are only preliminary and will need further refinement. All of the day's presentations are posted on the Lake Pepin TMDL webpage at <http://www.pca.state.mn.us/water/tmdl/tmdl-lakepepin.html>.

The Science Advisory Panel will meet on April 30 to review these results, and the next Stakeholder Advisory Committee meeting is scheduled for June 26. The target date for the modeling report is June 30. For more information or with questions, please contact Norman Senjem at 507-280-3592 or Norman.senjem@pca.state.mn.us.

MDH Laboratory Subcommittee

The MDH Laboratory Subcommittee held its first meeting on April 16. MESERB representatives from Melrose and ALASD participated, along with representatives from MDH and MPCA. The subcommittee discussed the need to help small labs retain their certification, the certification fee structure and the challenge it poses for small labs, and the impact of the recently-adopted new certification rules. There was general agreement to work on improving the process of notifying small labs of training opportunities. The subcommittee will next meet on Monday, June 2 at 12:30 p.m. in St. Paul. For more information, please contact Scott Gilbertson at 320-256-1950.

Oral Argument in Alexandria Permit Case

The Minnesota Supreme Court heard oral argument in the Alexandria Lake Area Sanitary District permit case on Monday, April 7. Assistant Attorney General Alan Williams argued for the MPCA, and Steve Nyhus argued for ALASD. Both urged the Court to reverse the May 28, 2007 decision of the Court of Appeals, which prevented the MPCA from issuing a permit for the expanded and improved wastewater discharge to Lake Winona. Kevin Reuther argued for the respondent MCEA, arguing that the permit should be upheld. It is unknown when the Supreme Court will issue its decision.

The MESERB CURRENT is a newsletter for the Minnesota Environmental Science and Economic Review Board (MESERB).

ABBREVIATIONS:

ALASD: Alexandria Lake Area Sanitary District
MCEA: Minnesota Center for Environmental Advocacy
MEI: Minnesota Environmental Initiative
MPCA: Minnesota Pollution Control Agency
MDH: Minnesota Department of Health
TMDL: Total Maximum Daily Load

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MESERB Recruitment Update

Since the March edition of the Current, MESERB has contacted the following recruits about MESERB membership:

- City of Aurora (public notice expired 04/21)
- Serpent Lake Sanitary Sewer District (public notice expires 05/13)

If members have been contacting cities or businesses about joining MESERB and would like to inform other members through the Current, please contact Steve Nyhus (see Page 2).

Gulf of Mexico Study Published

The American Chemical Society published an article in the December edition of *Environmental Science and Technology*, discussing nitrogen and phosphorus loading to the Gulf of Mexico. The article and other supporting materials are available on the U.S. Geological Survey website at:

http://water.usgs.gov/nawqa/sparrow/gulf_findings/

Supporting data on the website indicates that Minnesota ranks 12th among the states in the contribution of nitrogen flux to the Gulf, and 16th in the contribution of phosphorus flux. For all states examined, urban and population-based sources are estimated to contribute 9% of the nitrogen load, and 12% of the phosphorus load.

Mercury Implementation Process Update

Although publicly owned treatment works (POTWs) are considered de minimus contributors to the mercury problem, members of the Strategy Work Group have been working on a proposal for how to allocate the portion of the 11 kg mercury wasteload allocation that has not already been spoken for. A draft of this proposal was e-mailed to members on February 25 with a request for comments.

Several members responded with comments and a comment letter was drafted, but after further consideration it was decided that an information request would be more appropriate. Of particular concern is the MPCA's insistence that permittees monitor mercury influent, when there is little evidence linking influent and effluent concentrations. A copy of MESERB's April 9 information request is attached electronically. More information about the Mercury TMDL Stakeholder Process can be found by visiting MEI's website at:

<http://www.mn-ei.org/policy/hgtmdlindex.html>.

MPCA Citizens' Board Meeting

Two items of particular interest to MESERB members were discussed at the MPCA Citizens' Board meeting on April 22.

First, MCEA staff gave a presentation on MCEA's anti-degradation rulemaking petition. A copy of the presentation is attached electronically. The MPCA took no action as this was only an information item. The rulemaking stakeholder group has not begun meeting yet, and MESERB staff confirmed that MESERB is on the notification list for when these meetings begin. For more information, please visit the non-degradation webpage at <http://www.pca.state.mn.us/water/nondegradation-rule.html>.

Second, MPCA staff gave a presentation on their report to the Legislature (dated January 15, 2008) on endocrine disrupting compounds. In general, the report attempts to educate the Legislature and the general public about the complexity of the endocrine disruptor issue, as well as possible options to address it. MESERB staff are working on obtaining a speaker for the MESERB Annual Meeting to discuss the issue further. In the meantime, the report may be viewed at <http://www.pca.state.mn.us/publications/reports/lrp-ei-1sy08.pdf>.

Stormwater Plans on Public Notice

Ten stormwater pollution prevention programs (SWPPPs) were publicly noticed on April 7, with comments due May 8. Comments on the SWPPPs for the cities of Crystal, Grant, New Hope, and Victoria may be directed to Keith Cherryholmes at 651-296-6945. Comments on the SWPPPs for the city of New Brighton and Ramsey County Public Works may be directed to Scott Fox at 651-296-9433. Comments on the SWPPPs for the cities of Litchfield, North St. Paul, and Oakdale may be directed to Joyce Cieluch at 218-846-7387. More information may be found on the stormwater notice page at <http://www.pca.state.mn.us/water/stormwater/ms4-appnotice.html>.

Mark Your Calendars: MESERB Annual Meeting

It's that time of year again! MESERB's 2008 Annual Meeting has been tentatively scheduled for Thursday, June 26 from 10:30 a.m. to 2:00 p.m. in Melrose. Additional information and registration forms will be sent out with the May edition of the Current. Please remember that a quorum of 18 communities is necessary in order to vote on the work plan, budget, and other items for the 2008-09 MESERB fiscal year.



Water Quality Trading Update

At the most recent Water Quality Trading Advisory Committee (WQTAC) meeting on February 26, MESERB staff were approached for feedback about a draft pre-TMDL phosphorus trading strategy. MESERB submitted a comment letter on March 31, providing comments on some of the items in the draft strategy. Both the draft strategy and MESERB's comments are attached electronically.

The next WQTAC meeting has not yet been scheduled. For information, please contact Marco Graziani at 651-296-8632 or marco.graziani@pca.state.mn.us.

Questions?

For additional information, please contact Steve Nyhus or Chris Hood by phone or email:

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