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January 31, 2017

The Honorable Governor Mark Dayton
Office of the Governor and Lt Governor
116 Veterans Service Building
20 W 12th Street
St. Paul, MN 55155

Commissioner John Linc Stine
Minnesota Pollution Control Agency
520 Lafayette Road N
St. Paul, MN 55155-4194

Re: City officials request meeting to discuss collaborative approach to pollution reduction efforts in the Minnesota River Basin

Dear Governor Dayton and Commissioner Stine,

As mayors and city administrators/managers representing cities in the Minnesota River Basin, we applaud your focus on water quality issues and efforts to keep our state's waters safe and clean for future generations to use and enjoy. However, we have serious concerns about the illegal and ineffective implementation of the MPCA's new phosphorus (river eutrophication) standards in the Minnesota River Basin.

The purpose of this letter is to share our concerns and to request a meeting with you to discuss an approach that brings together state officials, agricultural groups, environmental interests and city leaders in the Minnesota River Basin so that we can work collaboratively to develop a solution that will more effectively benefit the river and ensure cost-effective expenditure of state and local resources. Pending that discussion, we request that you direct the MPCA to cease the issuance of new permit limits for phosphorus in the Minnesota River Basin based on the river eutrophication standards (RES) and related implementation methodology.

Who We Are

We represent 42 cities in the Minnesota River Basin. Collectively, our cities have done more work and invested more money than any other entity in the state to reduce phosphorus pollution in the Minnesota River. In cooperation with municipal organizations and the MPCA, many of our cities led early efforts to address phosphorus pollution by establishing the Minnesota River Basin General Phosphorus Permit and Pollutant Trading Program, which has significantly reduced phosphorus pollution from municipal point sources over the last 10 years. As stewards of our communities, our goal is to ensure that our limited state and local resources are used efficiently and effectively to address pollution in the river.

Our Concerns about the MPCA's Implementation of the New Phosphorus Standards

Briefly stated, our objections to the latest round of more restrictive phosphorus limitations include:

- o After rule adoption, MPCA developed a new RES implementation method which *radically altered* the stringency of the adopted standards *from long-term average to a once-in-15-year worst-case condition*. These unilateral rule revisions created municipal limitations at least *six times more restrictive than intended by the adopted standards for point sources*.
- o MPCA's new RES implementation method was developed *without any input from the regulated community, in violation of state law*,

- o MPCA's new Minnesota River Basin RES compliance analysis *ignored the dramatic phosphorus reductions achieved by municipal point sources from 2002-2013, in violation of state and federal law.*
- o MPCA's new RES compliance analysis *ignored that prior municipal reductions have allowed attainment of the RES total phosphorus objective under the instream conditions which are materially impacted by point sources (i.e., lower flow – dry weather conditions).*
- o MPCA's new analysis *forces the abandonment of the cost-effective watershed permitting approach* which allowed smaller cities to avoid high pollution reduction costs by purchasing phosphorus reduction credits from the larger cities.

There are other serious technical deficiencies with the adopted standards. First, the nation's leading expert on BOD test usage, *Standard Methods*, confirmed that it is improper to use BOD as a phosphorus impairment indicator. Second, even where the RES total phosphorus criteria are met, algal levels far exceed the adopted standard. Finally, a review of MPCA's RES compliance analysis indicates that full compliance with both phosphorus and algal standards would essentially require the elimination of virtually all agricultural operations in our watershed, causing the collapse of the local economies of more than 150 communities. (See attached MPCA graph with blue compliance line.) We certainly have no intention of allowing such a result to occur,

In Conclusion

As city officials, we are keenly aware of the importance of keeping the Minnesota River clean. We recognize that some additional efforts from cities will be necessary to protect it from pollution and other dangers. However, we cannot stand for an approach that overburdens our cities with expensive regulations that will fail to actually improve the river or needlessly harm local economies.

We respectfully request that you put a stop to the MPCA's current issuance of NPDES permits based on this problematic approach pending our opportunity to meet. Rather than bring our concerns to the courts or Legislature, we would prefer to work with you to develop a broad coalition of municipal groups, agricultural interests, environmental organizations and state agencies to address the health of the Minnesota River in a comprehensive, effective and fair manner.

To schedule a meeting, please contact Mankato City Manager Pat Hentges at 507-387-8695. We look forward to meeting with you and working together to protect and improve the Minnesota River.

Sincerely,

Eric Anderson, Mayor, City of Mankato
 Pat Hentges, City Manager, City of Mankato
 Deb Hansen, City Clerk-Treasurer, City of Welcome
 Brad Ahrenstorff, Mayor, City of Lake Crystal
 Taylor Gronau, City Administrator, City of Lake Crystal
 Robert J Beussman, Mayor, City of New Ulm
 John Hollerich, Mayor, City of Mapleton
 Patty Woodruff, City Administrator, City of Mapleton
 David Smiglewski, Mayor, City of Granite Falls
 Crystal Johnson, City Manager, City of Granite Falls
 Greg Hansen, Mayor, City of Walnut Grove
 Suzanne Hilgert, Mayor, City of Olivia
 Lois Gilles, Mayor, City of Fairfax

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Marcia Seibert-Volz, City Administrator, City of Fairfax
Bruce Urbach, Mayor, City of Waldorf
Fred L. Froehlich, Mayor, City of Nicollet
John Grimm, Mayor, City of Montgomery
Jean Keogh, past Mayor, City of Montgomery
Tim Auringer, Mayor, City of Eagle Lake
Brad Potter, City Administrator, City of Eagle Lake
Tami Schuelke-Sampson, Interim City Manager, City of Dawson
Gary L. Sturm, Mayor, City of St. James
Mark Dehen, Mayor, City of North Mankato
Corey Theis, Mayor, City of Redwood Falls
Keith Muetzel, City Administrator, City of Redwood Falls
Jeff Ramsley, Mayor, City of Minnesota Lake
Julie Sander, Mayor, City of Bird Island
Deb Lingl, Administrator/Treasurer, City of Bird Island
Janette Werlich, Mayor, City of Renville
Roy Str, Mayor, City of Waseca
Stan Townsend, Mayor, City of Rufhton
Christopher G. Meyer, Mayor, City of Belle Plaine
Robert J Bynes, Mayor, City of Marshall
Rindy Filzen, Mayor, City of Lucan
Dan Klingbeil, Mayor, City of Brice lyn
Lisa Anderson, Clerk/Treasurer, City of Lowry
Travis Javens, Mayor, City of Skyline
Rich Nagel, Mayor, City of Arlington
Michael Seveik, Mayor, City of Amboy
Les Alvstad, Mayor, City of Bairett
Curt Hulzinga, Mayor, City of Fairmont
Brian Loge, Mayor, City of Frost
Judy Johnson, City Clerk, City of Frost
Gary Richter, Mayor, City of Comfrey
David Braun, Mayor, City of Wells
Robin Leslie, City Administrator, City of Wells
Kevin Walker, Mayor, City of Delavan
Robert Anderson, Mayor, City of Good Thunder
Dana Ziegler, Mayor, City of Vernon Center
June Lonquist, Chair, South Bend Township
Kenneth Reichel, Mayor, City of Madison Lake
Michael Hanson, City Administrator, City of Madison Lake
Gary Landmark, Mayor, City of Benson

cc: Robert A. Kaplan, Acting Regional Administrator, EPA Region 5

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Figure 2. Daily monitored summer (June-September) total phosphorus load of the Minnesota River at Jordan (station MI-39.4) from 2002-2011. Percent exceeds flow based on 1984-2013 summer flows (Minnesota River at Jordan). Concentration at critical flow = 0.132 mg/L (n=15). Blue line represents load at RES (0.150 mg/L).

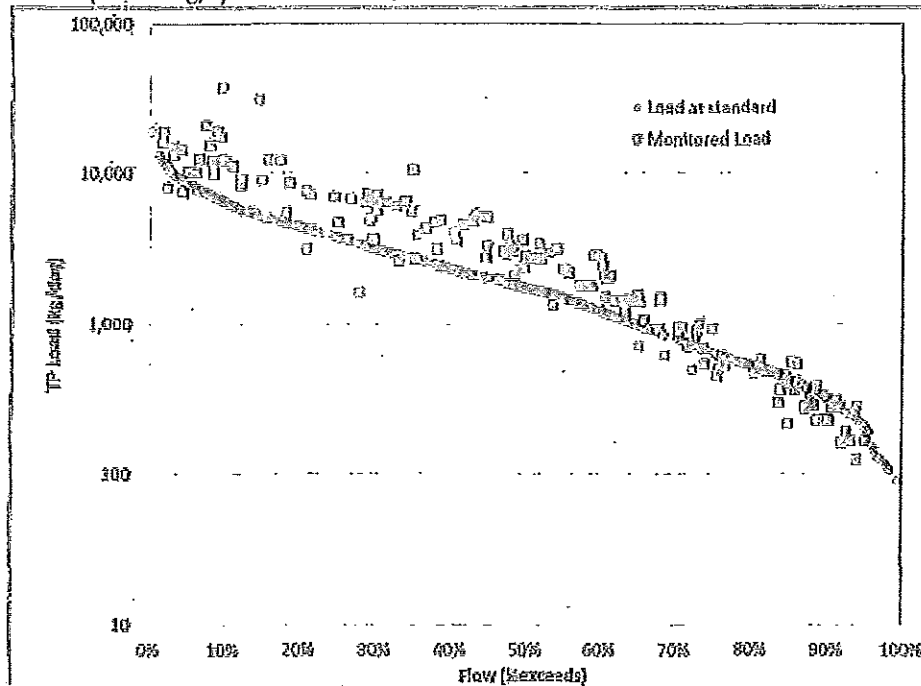


Table 2. Flow and concentration inputs for continuous WWTFs in the Minnesota River HSPF model and flow weighted concentration wasteload allocation based on percentage of permitted flows.

Scenario	Flow (mgd)	Concentration (mg/L)	Mass (kg/day)
HSPF scenarios 4 and 5	36.6	1.0	138.5
RES permitted wasteload allocation	57.0	0.64	138.5

Table 3. Categorical mass and concentration wasteload allocation for select facilities in the Minnesota River Basin.

Category	Design flow (mgd)	100% MDF 70% AWWDF	Concentration WLA (mg/L)	Mass WLA (kg/d)
Large Industrial High Concentration (>817 kg/yr; >1.0 mg/L)	5.05	5.1	0.53	10.1
Large Municipals (<1, >0.202 mechanicals)	14.75	10.3	0.9	35.2
Municipal Major (<20, >1mgd)	56.67	39.7	0.53	79.6
Small Industrial High Concentration (<817 kg/yr and conc. > 1.0 mg/L)	0.86	0.9	1	3.3
Small Municipals (mechanical and <0.301 mgd)	1.50	1.0	2.5	9.9
Grand Total	78.8	57.0		138.0