

Weekly LWC Update 10-14-16

Interested reader: each week, I gather general information for Legislative Water Commission members to help keep them apprised about water issues in Minnesota. It contains a roundup of easily attainable MN water news, as well as articles from beyond MN that may inform member thinking. It also includes summaries of meetings I have attended and reports I have read, as well as info about upcoming events. During the Legislative Session, it also includes updates on water-related legislation. Any errors or omissions are inadvertent.

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MN NEWS

CORRECTION

- Capitol Reports: [Critical water projects estimated to cost \\$12B over 20 years](#); approximately 17% of Detroit Lakes residents live below the poverty line, not 70%

WATER ACTIONS

- Pope County Tribune: [Students head to the woods for Conservation Day](#)
- Lakeshore Weekly News: [MN Land Trust recognizes Three Rivers](#)
- Worthington Daily Globe: [Residents can preserve water, save money with free kits](#); AgWeek: [Minnesota town residents can preserve water, save money with free kits](#)
- MinnPost: [Runoff and rain gardens: Seeing the city through the lens of a Master Water Steward](#)
- Gustavus Adolphus College: [Minnesota Percussion Trio to Premiere Katherine Johns Bergman '07 Composition at Gustavus](#); music with water and invasive species themes...
- Bluff Country Reader: [Root River 1W1P moves into final phase](#)
- Minnehaha Creek Watershed District: [Master Water Steward video](#)
- Met Council: [Next Generation Learns All About Water](#)
- DNR: [DNR seeks comments on Grand Marais area lake and stream management plans](#), including several waters located within the Boundary Waters Canoe Area Wilderness

SURFACE WATER/STORMWATER

- Strib: [Minnesota, North Dakota at a standoff over \\$2 billion Red River project](#); Whapeton Daily News: [Peterson's 'Dialog on the Diversion'](#); Strib: [Hoeven: Corps, Minnesota DNR should solve diversion dispute](#)
- Strib: [Putting the buffer law to protect public waters in effect is no easy job](#)
- MPR: [Idea to combat invasive species: Create fresh water preserves in Minnesota lakes](#)
- Pioneer Press: [Minnesota health officials want quicker notice of deadly warm-water parasite](#)
- Met Council: [Council Awards Grants to Small Stormwater Management Projects](#)
- Strib: [Puddles will have a purpose on St. Paul's West Side Flats](#)
- Strib: [Tentative clean water conservation deal for Minnesota aids birds](#)
- Strib: [Angry neighbors in Otter Tail County defend their lakes in feud of 40 years](#)

AG & WATER

- Mankato Free Press: [Lake Crystal farmer honored for conservation](#)
- The Farmer: [Minnesota — Land of plenty of soil moisture](#)
- MPR: [New database targets federal farm conservation spending](#)
- MPR: [MN Corn Growers Association pledges to help environment](#)

EXTRACTIVE INDUSTRIES

- MPR: [Environmental groups question climate change analysis for PolyMet mine](#); KSTP: [Groups Question PolyMet Mine Climate Change Analysis](#)
- Winona Daily News: [Big decision on frac sand: Winona County board poised for vote after years of conflict](#)
- MPR: [Enbridge resumes use of 2 MN pipelines targeted by protesters](#)
- Duluth News Tribune: [Enbridge oil pipelines in Minnesota among five targeted by environmental activists](#)
- Walker Pilot Independent: [Sandpiper dead, Enbridge continues Line 3 Pipeline project across same pristine environment threatened by Sandpiper pipeline route](#)

OPINIONS

- Strib: [Kathy Lantry: Street sweeping: art, science and citizen cooperation](#)

BEYOND MINNESOTA

REGIONAL

- State Impact: [Groups Opposing State Question On Agriculture Form Unusual Alliance Over Water](#)
- The Guardian: [Is using less water the secret to cutting our greenhouse gas emissions?](#); because significant energy savings can result from water conservation, California just adopted the Water-Energy Nexus Registry law ([SB 1425](#)), which establishes a voluntary registry of greenhouse gas emissions for water utilities to account for the emissions generated from their energy use, moving the focus from fossil fuels to water and perhaps incentivizing more funding for water conservation efforts

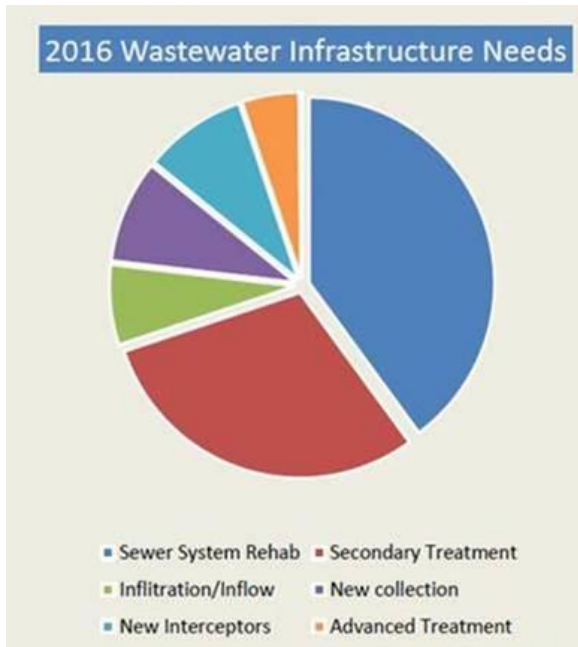
NATIONAL

- News Herald: [Study finding most farms close to meeting runoff recommendations](#)
- EPA: [EPA's WaterSense Program at 10 Years](#); EPA's Office of the Inspector General will audit WaterSense to evaluate its water-saving claims
- US Senate: [From Preventing Pollution of Navigable and Interstate Waters to Regulating Farm Fields, Puddles and Dry Land: A Senate Report on the Expansion of Jurisdiction Claimed by the Army Corps of Engineers and the U.S. Environmental Protection Agency under the Clean Water Act](#)

MEETINGS

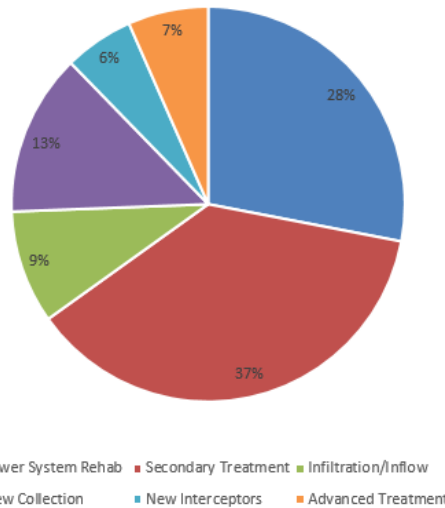
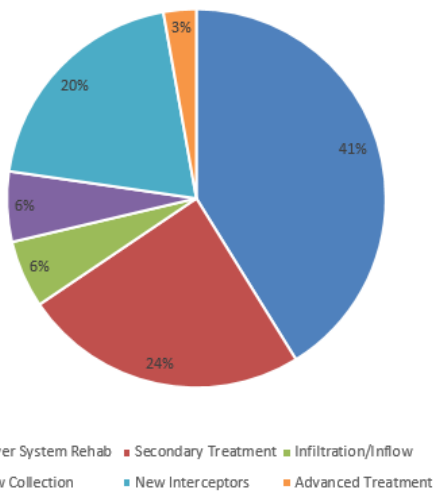
LWC FOLLOW-UP

At the last LWC meeting, MPCA reported that the 2016 statewide wastewater infrastructure needs could be categorized as follows: 40% for sewer system rehabilitation, 30% for secondary treatment, 7% for infiltration/inflow, 9% for new collection, 9% for new interceptors, and 5% for advanced treatment. The MPCA was asked to show the breakdown by large (>10,000 people) vs small (<10,000 people) cities. Here is their response:



2016 Large City Wastewater Infrastructure Needs

2016 Small City Wastewater Infrastructure Needs



MPCA's Observations:

- Large city reported needs are over 60% of total needs
- Large cities are reporting most work needed on piping (rehab and growth) at about 72% of their infrastructure needs compared to 56% of total for small cities
- Advanced treatment needs (new more stringent limits) are generally low at about 7% for small cities and lower at 3% for large cities
- Secondary Treatment needs (mainly for rehab and growth) are higher for small cities at 37% of total needs in comparison to 24% for large

FLOODING FALLOUT

The wet summer and flooding events have taken a toll on wastewater treatment facilities (WWTF) around the state, causing over 100 wastewater releases (or unauthorized overflows) into the environment. (A release is different from a bypass, which is the intentional diversion of wastewater

from anywhere in the WWTF to the state-permitted outfall.) The primary concern for municipal facilities is the release of untreated bacteria and nutrients to receiving waters. Industrial WWTFs with high strength wastewater may have additional parameters of concern when they experience releases. From an infrastructure standpoint, concerns result from damage to pipes, lift stations and stabilization pond liners. WWTFs that spray irrigate their discharge must rely on storage ponds when soils are saturated; pond capacity then becomes an issue during wet periods.

In July, NE MN had up to 9" of rain and 14 WWTFs had releases; two significant situations were at the Moose Lake WWTF, which discharged at 500 gallons/minute for over 24 hours and the Willow River WWTF, which lost from 3 to 5 million gallons of discharge to the groundwater. Plus 2 stabilization ponds at Willow River were flooded – one of which will require a full rebuild. During the same month, SE MN saw 4.6" of rain and 27 WWTFs had releases. In August, a 2.12" rain event in 4 hours caused 34 WWTFs to have releases. During September, some locations in MN saw up to another 14", causing 52 facilities to have releases, two of which discharged into to lakes.

AN UPDATE ON MPCA'S REGULATORY CERTAINTY PROGRAM FOR WWTFs

MN 2016 Session Laws, Ch 104 (from SF 3272) authorized the establishment of a MN Pollution Control Agency (MPCA) program that would incentivize wastewater treatment plant upgrades in exchange for regulatory certainty if biological nutrient removal systems are installed at wastewater treatment facilities (WWTF). Over a dozen municipalities have expressed interest in the concept so far. MPCA convened a Regulatory Certainty Working Group in August to obtain stakeholder feedback and develop the program details, including a draft agreement that is intended to become an appendix to a WWTF's discharge system permit. Over a dozen comments on the draft agreement were shared and MPCA is taking them into consideration as they proceed with program development.

MAWSAC

The Metropolitan Area Water Supply Advisory Committee met this week. After hearing about Andover winning the National Water Conservation Award, learning about the functions and makeup of the LWC, and getting an update on the activities of their Technical Advisory Committee, they had an extensive discussion on the potential contents of the legislatively-required report that is due to the LWC on 2/15/16. They also began planning for a joint MAWSAC-TAC meeting to develop a vision for regional water supply sustainability. Stay tuned for more details on each as plans are finalized.

DWG

At this month's Drainage Work Group meeting, members decided to not provide DWG consensus support for [HF2011/SF2029](#), a proposal to make watershed planning an eligible use of outside funds, because members felt that 103G, subd. 5 as written already supports the intended goal of the proposed legislation. Next, [HF2365/SF2380](#) was discussed, which relates to concerns brought forward by the Bois de Sioux Watershed District regarding assessing for repair projects using assessed land values in the redetermination of benefits process. It was noted that case law already indicates that drainage authorities can use 103E.715, Subd 4 (a), clauses 1 and 2 for repair assessments. This case law clarification has been added to the forthcoming drainage manual update (due out later this month) to increase understanding of this provision. There was no DWG consensus support for the revisions proposed in for [HF2365/SF2380](#) or the two proposed alternative clarifications. The DWG is interested, however, in revisiting 103E.351 at a later date to update the redetermination of benefits language. The DWG should also discussed preparing a broader-scope, Revisor's correction bill to make non-substantive, clarifying changes to update drainage law. To bring closure to these proposals, BWSR staff will prepare brief summary documents that outline the proposals and reasons for lack of support. The complexity of drainage law necessitated a lengthy review process to evaluate these legislative proposals,

which demonstrates the advisability of bringing potential drainage law changes to the DWG prior to bringing it to the legislature in bill form.

The Public Waters and Drainage subgroup will be meeting in the next few weeks to review DNR's recently completed draft policy guidance that distinguishes between giving permission vs issuing permits for drainage projects and repairs affecting public waters. The Communications Exploratory Subgroup will be meeting in November to begin discussions on how to improve communications about drainage issues.

The Drainage Management Team (a technical working group consisting of staff from the U of MN, and state and federal agencies), which focuses on evaluating science-based drainage solutions (not policies), recently met to get updates on many of the same topics being discussed by the DWG.

The GIS project to develop a runoff & sediment based drainage assessment option for ditch repairs is nearing completion and the DWG discussed the need for potential revisions to drainage law to accommodate that approach. The runoff option doesn't replace the viewing approach, but it could also create more consistency within the viewing process. Generally, DWG members felt a better understanding of potential applications, the reliability of the model, and the consequences of misuse is needed before making changes to the drainage law. Conceivably, pilot projects, as allowed under existing drainage law, could be a next step. It also may be prudent to wait until the Smith Partners legal review is completed. Discussions about moving forward with this approach will continue at a future DWG meeting.

REPORTS

STATE OF MN WATER

- DNR: 10/9 [Stream Flow Report](#)
- National Drought Mitigation Center: [10/11 Drought Monitor](#)
- DNR: [Early October 2016 HydroClim](#)

UPCOMING EVENTS

- Oct 14: **Mississippi River Forum Workshop**; 8:30 am to 12:30 pm; Science Museum of Minnesota; topics: Getting to Clean Water: How Do the Economics of Cropping Systems Measure Up? - Ecosystem Services: Putting People and Land into Water Management - Water: Right or Commodity; RSVP to: lark_weller@nps.gov
- Oct 18-19: **MN Water Resources Conference**; agenda [here](#); cost before 9/22 is \$245 2 days/\$170 1 day (\$265/\$190 after 9/22); registration link [here](#)
- Oct 24-26: **BWSR Training Academy**; Cragun's in Brainerd; agenda and registration details can be found [here](#)
- Nov 16-18: **MN Association of Floodplain Managers 2016 Annual Conference**; \$160; Kelly Inn, St Cloud; brochure [here](#); register [here](#)
- Nov 17: **MN's Water Reuse Stakeholder Meeting** (open to the public); 1:30 – 4:30; MPCA Board Room
- Nov 17: **Minnesota River Congress** meeting; Mankato; networking fair @ 4:30 & meeting @ 7:30; for more information contact Scott Sparlin @ sesparlin@gmail.com, 507-276-2280; register [here](#)
- Dec 1-3: **MN Association of Watershed Districts Annual Meeting & Trade Show**; Arrowwood Conference Center, Alexandria; Drainage workshop on 12/1; conference agenda, costs, and registration [here](#)

- Dec 4-6: **MN Association of Soil and Water Conservation Districts Annual Meeting & Trade Show**; \$145 to \$220 (depending on days participating); Double Tree Hotel – Bloomington; details [here](#)
- Dec 5-6: **Association of MN Counties Annual Conference**; Hyatt Regency Minneapolis; \$375 before 11/4 & \$400 after; schedule [here](#); registration [here](#)
- Jan 17-19: 34th Annual **Red River Basin Land & Water International Summit Conference** “Passport to Progress: Thinking Beyond Our Boundaries”; \$225, Ramada Plaza Hotel in Fargo; more info [here](#)
- Jan 23-24: **MN Water Well Association’s 95th Annual Trade Show and Convention**; Minneapolis Marriott NW; more info to come [here](#)
- Feb 16: U of MN Extension’s **Nitrogen: Minnesota's Grand Challenge and Compelling Opportunity**; Verizon Wireless Center (1 Civic Center Plaza, Mankato); details to come [here](#)
- Mar 7-9: 33rd Annual **MN Rural Water Association Water & Wastewater Technical Conference**; St Cloud; details to come [here](#)
- May 9: Minnesota Day at the **National Climate Adaptation Forum**; registration can be found [here](#)