

DRAFT May 29, 2019

Dear INSERT NAME OF MAYOR,

It is always our desire to work collaboratively with you to build on past success and continue to invest in actions that will improve the condition of the Minnesota River. A number of cities in the Minnesota River Basin have expressed concerns to the Minnesota Pollution Control Agency (MPCA) related to the River Eutrophication Standards (RES).

Although RES have been in place since 2014 and withstood a number of legal challenges, ongoing questions demonstrate continued concerns about the health of the Minnesota River and RES. In response to recent inquiries, the MPCA agreed to review the appropriateness of RES for the Minnesota River. The review will ensure that the level of phosphorus required by RES, to protect fish and other aquatic life, is set appropriately. Our intent is to complete the review this year, and to share the results on the MPCA website.

We are currently putting together a work plan for the review in coordination with the City of Mankato's technical consultant. Given that others may be interested in participating in the RES review, we wanted to make you aware of the effort and extend an invitation for you or your consultant to participate.

The review of the RES could result in confirmation of the appropriateness of existing RES, or it could result in a determination that a site-specific eutrophication standard for the Minnesota River is needed. **A site-specific standard could be more stringent than the existing standard, possibly resulting in tighter phosphorus discharge limits for some permittees.** Because of the potential impact, we want all permittees to have the opportunity to learn about the process and provide input.

Please contact the MPCA if:

- You or your consultants would like to participate in the review of the standard, such as by participating in meetings, reviewing draft documents or receiving progress updates.
- You have any questions about the review.

During the RES review, the MPCA will **not** be reissuing permits to Wastewater Treatment Facilities (WWTFs) that discharge in the Minnesota River Basin, **unless**:

- The permit contains language about the possibility of a future site-specific standard and the process for ensuing changes to effluent limits.
- The permittee specifically requests reissuance because of planned construction.
- The permit is for a pond system that qualified for the wastewater pond general permit (MNG585).

Summary

What: Review of River Eutrophication Standards (RES)

Who: MPCA, City of Mankato, and potentially all wastewater discharge permittees in the Minnesota River Basin

When: Remainder of 2019

Why: Concerns that a site specific standard for the Minnesota River is needed

How: Work plan being developed for review and separate implementation discussions with interested stakeholders

Impact to permittees: No permits issued while review underway except for some pond systems and upon specific request from permittees

Once the review is completed, the MPCA will determine when to again start issuing permits.

Separate from questions about the appropriateness of RES, we continue to hear concerns about implementation of phosphorus discharge limits in wastewater permits. In light of ongoing interest in this topic, and as a complementary effort to the RES review, we are interested in engaging with permittees and other stakeholders to better understand implementation challenges and discuss permitting options. We also recognize that to achieve water goals in the Minnesota River we need to engage partners from all levels of government and efficiently invest our limited public dollars. To be successful in that work we need to collaborate with you. The MPCA is interested in working together with municipal and watershed partners to facilitate a process that brings together all interested parties – including point and nonpoint source dischargers, land owners, and other stakeholders – to determine how to restore the Minnesota River.

We are open to exploring innovative ways to reduce phosphorus, including point source optimization, integrated planning, and adaptive management that may include some kind of trading (both point to point, and point to non-point).

Please note that during the review process, the MPCA will proceed with TMDL studies that address other non-RES impairments, such as total suspended solids, and address RES in tributaries to the Minnesota River and downstream Lake Pepin.

If you have questions about your permit, the stakeholder process, or the RES review, please contact:

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We hope you will join us in our efforts and look forward to working with you in this process.

Best regards,

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cc: Wastewater operator or public works director