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February 11, 2010

Meeting Location: MPCA Board Room
St. Paul, Minnesota

TO: EQB Members

RE: **ANNOTATED AGENDA FOR
February 18, 2010 Board Meeting**

General

This month's meeting will take place in the **MPCA Board Room** at 520 Lafayette Road in St. Paul, Minnesota. The meeting will begin at 9:00 a.m. Staff will be available for briefing and questions at 8:30 a.m.

I. *Adoption of Consent Agenda

- Proposed Agenda for **February 18, 2010** meeting
- Minutes for **September 28, 2009** meeting

II. Chair's Report

III. Legal Counsel Report

- Enbridge Energy litigation

IV. Executive Director's Report

- The Executive Director will present an overview of staff projects and other activities anticipated for the remainder of 2010.

V. MPCA Presentation of *Groundwater Protection Spending Proposal* – Informational Presentation

Presenter: Shannon Lotthammer, Minnesota Pollution Control Agency (651-757-2537)

Materials Enclosed: *Groundwater Protection Spending Proposal*

Discussion: The 2009 Legislature appropriated \$5 million to the Minnesota Pollution Control Agency in FY2011 for "groundwater protection or prevention of groundwater degradation activities." The appropriation language required the MPCA, in consultation with the Department of Natural Resources, Board of Water and Soil Resources, and other agencies, to submit a report by January 15, 2010, to the

** Items requiring discussion may be removed from the Consent Agenda.*

chairs of the House of Representatives and Senate committees with jurisdiction over the Clean Water Fund on the intended use of these funds.

The \$5 million appropriation for groundwater protection was part of the \$13.6 million total Clean Water Fund dollars appropriated by the 2009 Legislature for drinking water protection activities during the FY2010-2011 biennium. Other funded activities include enhanced groundwater monitoring, accelerated wellhead protection planning and implementation, enhanced efforts to address nitrate problems and promote and evaluate fertilizer best management practices, and implementation of elements of the Twin Cities Metropolitan Area Master Water Supply Plan.

To determine the proposed use of the \$5 million appropriation, an MPCA staff team first reviewed existing documents to identify common themes about threats to groundwater resources and groundwater protection needs in Minnesota. The team then conducted a series of meetings with an interagency workgroup and MPCA staff and leadership to identify and refine the spending proposal.

The MPCA staff and interagency workgroup discussed groundwater protection needs and current activities underway at the state and local level to protect groundwater. Based on these discussions, and in consideration of the one-time nature of the \$5 million appropriation, the group focused on groundwater protection activities that will fill immediate needs and pilot approaches that will inform future protection efforts. This focus on immediate needs also recognizes the many planning activities underway that will further inform groundwater protection efforts, ranging from the DNR's legislative report on surface water and groundwater protection to the University of Minnesota's effort to develop a framework for sustainable water management.

The following groundwater protection activities are the focus of this spending proposal:

1. Implement groundwater protection practices at the local level and evaluate the effectiveness of those practices;
2. Develop a model approach for enhancing groundwater protection planning at the local level; and
3. Provide for better groundwater data access and sharing.

The specific activities in this proposal will help fill immediate needs in groundwater protection, particularly at the local level where groundwater practices can best be implemented, and will improve the ability of state agencies to assist local government in planning and implementing protection practices. The approval and implementation of this spending proposal will result in stronger groundwater protection and will provide state agencies with the information and experience needed to develop a long-term implementation plan for groundwater protection.

VI. Citizens League Presentation of *To the Source: Moving Minnesota's Water Governance Upstream* – Informational Presentation

Presenter: Annie Levenson-Falk, project manager (651-293-0575 ext. 16)

Materials Enclosed: Executive summary of *To the Source: Moving Minnesota's Water Governance Upstream*

Discussion: *To the Source: Moving Minnesota's Water Governance Upstream* is a report of the 22-member Citizens League Water Policy Study Committee that held 22 meetings between July 2008 and June 2009. The Committee's charge was to answer the following questions:

1. What are the appropriate roles and responsibilities of the various units of government that manage water in Minnesota, and communities, businesses, nonprofits, and individuals?

2. Based on these findings:

What changes should be made to our system of water governance?
What core principles should guide collaborative water use and management in Minnesota?

The November 2009 report concludes that, because of the widespread nature of the water issues Minnesota faces today, such as nonpoint source pollution, the people and organizations who are responsible for and affected by water problems must play a stronger role in addressing these problems. It advocates that Minnesota should build a collaborative model of governance that promotes the roles of individual citizens, businesses, and other organizations to contribute to solutions. Greater governmental coordination and better sharing of information among government entities and the public are seen as facilitating this collaborative model. The report also advocates that government should promote environments in which individual citizens and institutions are systematically oriented to work for clean water in the process of meeting their own interests.

The report sets forth three recommendations:

- Build a collaborative model of governance that promotes the roles of those who contribute to water problems to likewise contribute to solutions.
- Redesign government roles and responsibilities to promote this collaborative model with the public and among government entities.
- Create a single online water resource information hub to provide data and analysis on the status and trends of Minnesota's waters in a manner that is accessible and useful to the public, professionals, and water policy decision-makers.

VII. University of Minnesota Water Sustainability Framework Project Update – Informational Presentation

Presenter: Jean Coleman, project coordinator (612-588-4904)
Minnesota Water Sustainability Framework Project, University of Minnesota

Materials Enclosed: Project Principles and Project Update

Discussion: The 2009 session of the Legislature directed the University of Minnesota to develop a “comprehensive statewide sustainable water resources detailed framework to protect, conserve and enhance the quantity and quality of the state’s ground water and surface water.” The University’s Water Resources Center is managing the project under the leadership of Professor Deborah Swackhamer. The framework will inform the expenditure of Clean Water Legacy Funds.

State agency staff is involved with a number of the project’s technical work teams, which are charged with framing issues under the first phase of the project. The teams include Policy, Educational, Agricultural, Ecological, Domestic Use, Valuation, Manufacturing/Industrial Use, and Recreational/Spiritual/Cultural.

The teams will present their findings to the Headwaters Council, a guiding committee established to advise the Center, in March and May.

The second phase of the project will involve a Framework Synthesis Team, which will be formed in May and work through the summer to draft recommendations for presentation to the Headwaters Council in September.

The project also involves outreach efforts guided by a Citizen/Stakeholder Advisory Group. These include a public opinion survey, which has been taken by 2,500 people to date, and listening sessions being held around the state through February with the help of the Board of Water and Soil Resources. Another series of public meetings will be held on the plan's draft recommendations in the fall.

The framework plan is to be delivered to the Minnesota Legislature in January 2011.

VIII. Presentations on the MPCA December 2009 Report to the Legislature on Environmental Review Streamlining – Informational Presentation

Presenter: Beth Lockwood, Minnesota Pollution Control Agency (651-757-2534)

Materials enclosed: MPCA ER Streamlining Report (without attachments; which are available at <http://www.pca.state.mn.us/publications/lrp-ear-3sy10-attach.pdf>)

Materials to be handed out at Board meeting: Power Point presentation

Background. The 2009 Legislature required the MPCA to prepare a report on streamlining Minnesota's environmental review process while maintaining or improving air, land, and water quality standards. Part of the requirement was to consult with stakeholders, to which end the MPCA held a public informational meeting on September 29, 2009. This meeting was well attended by interested parties.

A public comment period was held open until the end of October 2009. Many written comments were received as well.

The purpose of this report is to capture and enumerate possible strategies of the past and present, which have been regarded as having potential to have a "streamlining" effect on the conduct of environmental review of proposed projects in Minnesota. This report describes past efforts and current suggestions, and provides a context for discussion. No specific recommendations are made.

EQB staff expects public interest will be expressed to the Board and to the Legislature during this legislative session. EQB staff will have ongoing participation with the Legislature, departmental staff, and the Board on this issue.

IX. Adjourn