

**MINNESOTA ENVIRONMENTAL QUALITY BOARD
MEETING MINUTES**

**Thursday, May 20, 2010
MPCA Board Room, 520 Lafayette Road, St. Paul**

EQB Members Present: Gene Hugoson, Susan McCarville, Jonathon Bloomberg, Julie Goehring, Eric Tomlinson, Kristen Weeks Duncanson, Dan McElroy, Randy Kramer, Paul Eger, Sheila Reger, Sanne Magnan

EQB Members Absent: Glenn Wilson, Mark Holsten, Tom Sorel

EQB Staff Present: Robert Roche, Bob Patton, Augusta Paye, John Wells, Princesa VanBuren Hansen, Gregg Downing, Jon Larsen

The meeting was called to order at 9:03 a.m. by Chair Hugoson.

I. Adoption of Consent Agenda and Minutes

The motion to approve the consent agenda and minutes of the February 18, 2010 EQB meeting was moved, seconded, and passed

II. Chair's Report

There was no Chair's report.

III. Executive Director's Report

Mr. Patton updated Board members on the LCCMR funding proposal regarding groundwater sustainability in the I-94 corridor and the Minnesota River project. He then reported on several activities involving the environmental review program, the first being the effort to streamline review through customizing the EAW for certain types of projects. He noted that work had taken a somewhat different direction in that it was decided, that prior to developing any customized forms, the normal form and its guidance should be updated, and that an interagency team had been assembled to assist in the effort. Mr. Patton also informed the Board that a rule revision may be necessary in the air pollution mandatory EAW category due to new federal EPA regulations for greenhouse gasses. He noted that the Chair has the authority to start the rulemaking process and that there may be Board action requested at an upcoming meeting.

Chair Hugoson noted that he has asked the staff to try to complete the EAW work by the end of the current Administration. Chair Hugoson informed the board that there may be a request at the September meeting to approve notice of rulemaking.

IV. Legal Counsel Report

Mr. Roche informed the Board about the status the three lawsuits by the Minnesota Center for Environmental Advocacy over the Enbridge Energy pipeline in which the EQB is involved (reported on at February meeting—See February minutes). The case has been dismissed in Ramsey County district court and was not appealed. In Clearwater County district court the case was dismissed, has been appealed, but appears that EQB

will not be involved. In St. Louis County district court, briefs were filed and oral arguments heard in March, and decision is expected in June.

V. EQB Subcommittee Chair Report

Mr. Bloomberg reported that a subcommittee had been established at the suggestion of the Chair to make recommendations on future directions and role of the EQB with the goal to chart more meaningful course the next several years. The subcommittee is to meet over the summer, with the intent of making recommendations in the fall (after the September meeting). The first meeting, that afternoon, is intended to provide the subcommittee with grounding around the Board's mission. Chair Hugoson added that there had been questions and discussion in the Administration about the EQB's Role. It was recognized that the citizen members of the Board will carry over to the next administration, and therefore the intent is that the subcommittee make recommendations for consideration by the next administration.

VI. Overview of Presentations Pertaining to Water

Princesa VanBuren Hansen explained that there were many current efforts ongoing pertaining to water resources, and that the intent of the following presentations was to help the Board understand how the efforts relate to each other and to provide context for the presentation on the EQB 2010 State Water Plan.

VII. Clean Water Fund Interagency Coordination Team – Informational Presentation

Rebecca Flood, Assistant Commissioner, Minnesota Pollution Control Agency explained that Clean Water Fund Interagency Coordination Team consisted of representatives of those agencies that obtain funding from the Clean Water Fund, and is intended to coordinate funded activities. She stressed that the group is not adding another layer of bureaucracy or approval, but is simply a mechanism to coordinate. She provided an overview of the organization of the Coordination Team and its subgroups.

VIII. Clean Water Council – Informational Presentation

Louis Smith, member and former chair of the Clean Water Council provided an overview of the Clean Water Council, its organization, activities, and priorities. He highlighted a main challenge for the Council was the structure of the process to address water quality impairments (Total Maximum Daily Load or TMDL process), with problems of overlap and duplication, resulting in Council priorities for a watershed approach and a framework of a 10-year monitoring and assessment schedule for the 81 major watersheds. Mr. Smith also discussed the need for coordination between efforts funded through clean water and habitat portions of Legacy Amendment to achieve combined benefits; Clean Water Council priorities of local implementation, civic engagement, research, and effectiveness tracking, and Council funding recommendations. Ms. McCarville asked about what is the most efficient means public education, and Mr. Smith discussed Council emphasis on engagement of citizens at the local level. Commissioner Eger commented that he agreed with Mr. Smith on the importance of local-level engagement in water quality improvement implementation. Mr. Bloomberg asked about the relationship of the Council and agencies given the advisory nature of the Council. Mr. Smith acknowledged that the Council is advisory, but that approach of giving high-level programmatic recommendations lends itself to the consideration by the agencies. Commissioner Eger

elaborated on the difference in origin and approach of the Council compared with the Lessard-Sams Outdoor Heritage Council. Mr. Tomlinson asked whether the Council was seeing proposals for education. Mr. Smith reiterated that the Council had received specific suggestions that were the basis for higher-level programmatic budget recommendations. McCarville asked about the high level of funding for wastewater projects, and Mr. Smith replied that improvements to old and outdated systems were regarded as having a significant impact.

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

Dr. Debora Swackhamer, Water Resources Center Director and Framework project leader, gave an update on the University of Minnesota Water Sustainability Framework Project, providing an overview the structure of the project including the Headwaters Council, the work teams and the Synthesis Team that will be synthesizing products of the work teams; an overview of the engagement process; and the status of the policy white papers. She mentioned the intent to coordinate with other efforts including the state water plan. Mr. Bloomberg asked if the process included a gaps analysis. Ms. Swackhamer replied that gaps analysis will be work of the work teams while the synthesis team will develop ways to address the gaps. Commissioner Sanne asked about where differences are between public views and what is coming from work teams. Dr. Swackhamer replied that the public results will mostly be used to inform public education recommendations.

X. Presentation on a Series of DNR Reports and Projects – Informational Presentation

Dave Leuthe, Department of Natural Resources, provided overviews of the national groundwater monitoring network, 11-county groundwater monitoring network, the report to the legislature on the long-term protection of surface water and groundwater resources, and the groundwater technical workgroup established by the EQB in November 2008 to study and develop methods and tools for availability and sustainability of water. Commissioner Eger asked about the statutory definition of monitoring roles, and made point that roles are statutorily defined and that policy-makers must be involved in any efforts to streamline agency efforts in water. Mr. Leuthe presented information about the ground- and surface-water system, and the implications for understanding and managing that system. Ms. McCarville asked about urban sources such as surface water from parking lots, and how they are held responsible for impacts. Mr. Leuthe made points that infiltration has potential to introduce contamination into groundwater, and that responsibility for nonpoint pollutions is spread among many parties, so holding parties responsible is challenging. Mr. Bloomberg asked if the DNR has received feedback from the Legislature, and if the Legislature has established a process for feedback into the Sustainability Framework or other legislatively-mandated reports. Mr. Leuthe responded that the Legislature provided some funding for monitoring, and attempted to mandate additional fees, and that the information from the reports is being incorporated into the Framework process, the state water plan, and other efforts. Mr. Tomlinson asked about the emphasis in water supply management on high-capacity users. Mr. Leuthe responded that the DNR is moving toward an aquifer management approach, and that it is important to know the impact from small users as well as large, and to understand water quality effects as well.

XI. EQB 2010 State Water Plan

Princesa VanBuren Hansen, Environmental Quality Board staff, presented on the state water plan efforts under the EQB authorities, referred to the presentations made earlier in the meeting, and that it is the EQB's responsibility to bring results of these efforts together. She mentioned the collaborative efforts of the agencies on the plan, and the coordination and complementary work with the Sustainability Framework and Clean Water Council processes. Chair Hugoson asked about timeline for receiving the report, and Ms. VanBuren Hansen stated that the intent was to distribute the draft plan to the EQB and agencies in August.

XII. EQB Land and Water Policy Project – Coordinated Planning for Improved Implementation

Lisa Thorvig, Minnesota Pollution Control Agency, presented on one of two EQB efforts arising from the Minnesota Environmental Initiative's Land and Water Project, to examine alignment of water and land-use planning schedules among state agencies to create efficiencies at all levels and enable more effective implementation of protection and restoration activities. She stated that the effort is being conducted by a 12-person work group, led by herself and Julie Blackburn of the BWSR, which included state and local representatives; that there have surfaced competing views among working group members whether the alignment of schedules will be helpful; and that the group is working toward a survey to clarify the issues. Mr. Bloomberg asked about the nature of the competing views. Ms. Thorvig responded that the focus is on cities; that cities have to develop stormwater pollution prevention plans and also participate in multiple local watershed plans; that smaller jurisdictions in the metropolitan area would find it advantageous to do plans simultaneously, where large jurisdictions such as Minneapolis would find simultaneous processes to be overwhelming.

XIII. EQB Land and Water Policy Project – Integrated Community Assistance

John Wells, EQB staff presented on the second of two EQB efforts arising from the Minnesota Environmental Initiative's Land and Water Project, to examine developing, communicating and coordinating resources and approaches to enhance the effectiveness of outreach within and between all levels of government to improve land use decisions that affect land and water quality. He mentioned that state assistance tends to be delivered project-by-project and program-by-program; that the work group, consisting of state-agency and local representatives, is proceeding deliberatively because of the challenge of internalizing changes in agency programs and because of changes presently occurring in state government, such as the merger of divisions in the DNR; and that the work group will be expanding its membership to include DEED and the Metropolitan Council.

Chair Hugoson commented that he was impressed with all the efforts occurring, noted the challenge of coordination, and that it was helpful for the Board to hear the day's presentations.

The meeting was adjourned by the Chair.