

Water Management And Regulation In Minnesota

FEDERAL AGENCIES

Environmental Protection Agency (EPA)

The EPA is responsible for carrying out most of the Clean Water Act, including the National Pollutant Discharge Elimination System (NPDES), which regulates the discharge of pollutants into waters of the United States. Though the EPA retains oversight authority and promulgates regulations for enforcement, it delegates a large portion of its responsibilities to other federal and state agencies.

U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers oversees all dredging and filling activities in waters of the United States, including wetlands, under § 404 of the Clean Water Act (33 U.S.C. § 1344) and §10 of the Rivers and Harbors Act (33 U.S.C. § 403).

U.S. Fish and Wildlife Service (USFWS)

The USFWS enforces both the Endangered Species Act and the National Scenic Waterways Act. Under these laws, the USFWS has strong powers when a proposed project impacts any plant or animal species or waterway protected under federal law.

U.S. National Park Service (NPS)

Within the US DNR the Land and Water Conservation Fund (LWCF) provides matching grants to States and local governments for the acquisition and development of public outdoor recreation areas and facilities. The purpose of the LWCF is to create and maintain a nationwide legacy of high quality recreation areas and to stimulate non-federal investments in the protection and maintenance of recreational resources across the US.

U.S. Department of Agriculture (USDA)

The USDA is a major protector of wetlands in agricultural areas under the Swampbuster Act, 16 USC §§3821-3824. Under the Swampbuster Act, any farmer who produces an agricultural commodity on a converted wetland or converts a wetland is ineligible for USDA benefits, including price supports, loans, disaster payments, and crop insurance.

Clean Water Act (U.S.C. 1251)

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulation quality standards for surface waters. Under the CWA the EPA has implemented pollution control programs such as setting wastewater and water quality standards. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained.

Water Resources Planning Act (WRPA) (42 U.S.C. 1962)

The Act establishes a cabinet-level Water Resources Council to study, coordinate and review water and related land resource requirements, policies and plans, and authorizes funding for states to plan and implement related programs. Council includes the Secretaries of the Interior, Agriculture, Army, Commerce, Housing and Urban Development, Transportation, Energy, and the EPA. The Council is required to study and biennially assess the adequacy of the water supplies in each water resources region in the US. The Council must also assess the adequacy of existing and proposed programs and policies to meet the Nations water requirement.

Clean Water Restoration Act (HR 2421)

A Representative Oberstar proposed bill that amends the Federal Water Pollution Control Act by creating a national objective of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States.

Safe Drinking Water Act (SDWA)

The SDWA is the principal federal law in the United States that ensures safe drinking water for the public. Pursuant to the act, the EPA is required to set standards for drinking water quality and oversee all states, localities, and water suppliers who implement these standards. SDWA applies to every public water system in the United States. There are currently more than 160,000 public water systems providing water to almost all Americans at some time in their lives. SDWA does not apply to bottled water. Bottled water is regulated by the United States Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act.

National Oceanic and Atmospheric Administration (NOAA)

The Coastal Zone Management Act provides NOAA with the Office of Ocean and Coastal Resource Management (OCRM). In Minnesota, the OCRM is responsible to developing a system that addresses pollution, habitat degradation, over-fishing, and invasive species on Lake Superior. The OCRM also strives to balance coastal uses (recreational, commercial, residential, etc.) while protecting coastal resources.

STATE AGENCIES

Minnesota Pollution Control Agency (MPCA)

The MPCA is the largest single regulator of water in Minnesota, enforcing both federal and state law. EPA delegates much of its authority for federal water programs to the MPCA, including administration of the federal Clean Water Act's National Pollutant Discharge Elimination System (NPDES). Under NPDES, the MPCA regulates (1) direct discharges into surface waters; (2) sewage and waste discharges from treatment facilities

into surface waters; (3) stormwater runoff entering surface waters; and (4) discharge of fill into wetlands. Discharges authorized under NPDES discharge permits include sampling, monitoring and reporting requirements.

The MPCA is also responsible for issuing water quality certifications under §401 of the Clean Water Act. Minn. R. 7001.1400 - 7001.1470; 7050.0186. A §401 water quality certification is required in order to obtain a §404 permit from the Corps to discharge dredged or fill materials into a wetland.

Minnesota Department of Natural Resources (MDNR)

The DNR administers water quantity and other water-related resource programs effecting fish and wildlife habitat, recreation, and shoreline management. Certain types of designated wetlands are regulated by the DNR under Minnesota Statutes Chapter 103G. The DNR's management responsibilities extend to lakes, rivers, and floodplains, as well.

Minnesota Board of Water and Soil Resources (BWSR pronounced "bowser")

The BWSR promulgates rules for the implementation of the Minnesota Wetland Conservation Act. The BWSR oversees local governments' implementation and interpretation of those rules and provides financial, technical and administrative assistance to counties, soil and water conservation districts, watershed districts, watershed management organizations, and other local governments units.

Minnesota Department of Health (MDH)

In its role to protect, maintain and improve the health of Minnesotans, the MDH regulates sewage, groundwater and drinking water and establishes specific health limits for substances or chemicals determined to cause health risks. The MDH also sets standards for boring and operation of wells and infectious waste disposal.

Environmental Quality Board (EQB)

Through its Water Resources Committee, the EQB is responsible for anticipating and responding to key environmental issues and for coordinating local, state, and federal agency oversight. The EQB also promulgates and oversees regulations regarding the preparation of Environmental Impact Statements and Environmental Assessment Worksheets. In addition the EQB is charged with coordinative state water resources management activities. It is responsible for developing the state water plan, a state water monitoring plan, biennial water policy and priorities reports, biennial reports on trends in water quality and availability and research needs.

Minnesota Department of Agriculture (MDA)

The MDA implements state-specific laws governing pesticides and fertilizers and administers sustainable agriculture and integrated pest management programs. The MDA also implements the federal Insecticide, Fungicide, and Rodenticide Program in Minnesota. The MDA is responsible for a number of water quality programs and initiatives, including: Agricultural Best Management Practices Loan Program (which helps fund water quality projects), Minnesota Clean Water Legacy Act (water resource clean up), and Ground Water Protection Act (regulating pesticides and fertilizers).

Clean Water Legacy Act (CWLA) (MN Stat 114D)

The purpose of the Clean Water Legacy Act is to protect, restore, and preserve the quality of Minnesota's surface waters by providing authority, direction, and resources to achieve and maintain water quality standards for surface waters under the Federal Clean Water Act.

Minnesota Clean Water Initiative

The Clean Water Initiative includes the Governor's Clean Water Cabinet, a committee of the Environmental Quality Board. The mission of the cabinet is to help Minnesotans protect the state's waters from present and future threats; ensure safe water to sustain healthy communities; keep an accurate and realistic picture of the "state of our waters" so that we can respond effectively and appropriately to meet new threats; and work aggressively to restore those waters that have been the casualties of societies great progress. The Cabinet includes the commissioners of the MPCA, BWSR, MDA, MDH, MDNR, and the Met Council.

SPECIAL DISTRICTS AND LOCAL GOVERNMENTS

Watershed Districts

Watershed Districts have broad authority to address a wide variety of threats to water quality without respect for municipal boundaries. Holding independent authority for ensuring water quality and resource integrity, watershed districts develop and implement comprehensive watershed plans under the authority of Minn.Stat.§103D et seq. Watershed management may include regulations geared to control floodwaters; navigation or drainage improvements; reclamation or filling of wet and overflowed land; providing or conserving public water supply; providing for sanitation and public health; repairing or improving drainage systems; controlling soil erosion and regulating private projects by property owners affecting the beds, banks, and shores of lakes, streams and wetlands; protecting and enhancing water quality and groundwater quality.

Watershed Management Organizations

Unlike Watershed Districts, which function independently of other local government units (LGU's), WMO's are products of joint powers agreements, where two or more

LGU's cooperate in dealing with local water issues by augmenting their existing zoning, regulatory, and permitting powers. Minn.Stat. §103B.201 et seq. WMO's are managed by a joint board representing all of the participating LGU's and employ some of the powers enjoyed by a watershed district. WMO's exist only in the seven county metro area. Minn.Stat. §103B.205, subd. 13.

Lake Improvement Districts

Organized under Minn.Stat. §103B.501 et seq., Lake Improvement Districts hold regulatory power over the use of a particular lake, with authority to act to preserve the natural character of the lake and its shoreline. Lake Improvement Districts also act to improve water quality, to ensure reasonable water quantity, and to assure protection of the lakes from the detrimental effects of some human and certain natural processes. Included in these regulations are often limits on the types of boats and motors used, and times, places, and maximum speeds for their use.

North Shore Management Board (NSMB)

The North Shore Management Board is a ten-member Joint Powers Board (define) that contains a representative from all local units of government that exercise zoning authority on the North Shore of Lake Superior. The NSMB is responsible for defining that minimum zoning standards for Minnesota's North Shore. The NSMB's area of authority is property that lies between Lake Superior and a line that is 300 feet inland from or a line that is 1,000 feet from Lake Superior, whichever is greater. NSMB has two subcommittees, the Technical Advisory Committee (made of zoning administrators and agency officials with interests in North Shore land use), and the Citizens Advisory Committee (made up of interested citizens).

Sanitary Districts and Sanitary Sewer Districts

Established under Minn.Stat. §§115.18 et seq. and 115.61 et seq. respectively, sanitary and sanitary sewer districts provide statutory authorization for inter-municipal districts for collection, transportation, treatment, and disposal of domestic and industrial sewage, garbage, and waste. Any two or more municipalities may form such districts.

Soil and Water Conservation Districts (SWCD)

Under Minn.Stat. §103C.01 et seq., Soil and Water Conservation Districts aid in the maintenance of soil and water resources. The districts are administered by local boards and may conduct surveys, investigate and research potential threats to water resources, and assume conservation projects, publishing and implementing comprehensive plans towards their completion.

St. Paul Water Utility

The City of St. Paul owns and operates its own water utility under the authority of Minn.Stat. §452.08. The Water Utility provides clean water to St. Paul and some of its outlying suburban communities. The Utility operates intake, treatment, and distribution systems, and cooperates with local community groups to improve water quality and provide wildlife benefits in the Vadnais Lake Area Water Management Organization.

Minneapolis Water Utility

The Minneapolis Water Treatment & Distribution Services service area includes Minneapolis, Golden Valley, Crystal and New Hope, Columbia Heights, Hilltop, parts of Bloomington and Edina (Morning Side), as well as the Mpls./St. Paul airport with a combined population of nearly 500,000 and over 100,000 service connections, 14,000 valves and 8,000 hydrants in Minneapolis alone.

Counties, Cities and Towns

Local Government Units (LGU's) use their zoning, ordinance, permitting, and general police powers to affect water resources. Counties outside the seven county metro area have authority to develop and implement county comprehensive water plans. LGU's are often responsible for non-DNR regulated wetlands, but these regulatory powers are often shared with Watershed Districts and Watershed Management Organizations. LGU's may oversee local activities under delegated authority from state agencies as well, such as bridge and culvert work through the DNR's general permitting program.

Metropolitan Council

In the seven county metro area, the Metropolitan Council functions as a planning agency, overseeing and controlling many land use and transportation decisions affecting water resources. The Council also controls the area's solid waste program, and the Metropolitan Council Environmental Services (MCES) oversees surface water and water pollution abatement planning, non-point pollution abatement, industrial wastewater management, water quality monitoring, and it also directs the operation of the metro area's nine wastewater treatment plants.

WATER NON-PROFITS AND EDUCATION GROUPS

Minnesota Sea Grant

Supported by the University of Minnesota, Sea Grant is a group of citizens who use a science-based understanding of the environment to address issues concerning Lake Superior and Minnesota's aquatic resources and associated economies. Sea Grant strives to facilitate interaction among the public and scientists to enhance communities, the environment and economies along Lake Superior and Minnesota's inland waters by identifying information needs, fostering research, and communicating results.

Center for Water and the Environment

Supported by the University of Minnesota Duluth, the Center for Water and the Environment's goals are to understand the ecological structure and function of Minnesota's surface waters to predict, minimize and mitigate the effects of human impacts on biological communities, water quality and public health and other beneficial uses of these resources.

Large Lakes Observatory (LLO)

Located on the Duluth campus of the University of Minnesota, the Large Lakes Observatory is the only institute in the country dedicated to the study of large lakes throughout the world. Specific focus on the global implications of our investigations in the areas of aquatic chemistry, circulation dynamics, geochemistry, acoustic remote sensing, plankton dynamics, sedimentology and paleoclimatology.

Saint Anthony Falls Laboratory (SAFL)

SAFL is the world's only fluid-mechanics laboratory that uses a natural waterfall as its prime water source. For nearly 70 years researchers from around the world have been visiting our unique location on an island in the Mississippi River to conduct research for developing innovative and sustainable engineering solutions to major environmental, water resources, and energy-related problems.

Minnesota Rivers

A regional non-profit, Minnesota Waters envisions an engaged citizenry working to protect and restore Minnesota's lakes and streams for current and future generations. The mission of Minnesota Waters is to promote responsible stewardship of our water resources by engaging citizens, local and state policymakers, and other partners in the protection and restoration of Minnesota's lakes and rivers.

St. Louis River Citizens Action Committee

The St. Louis River Citizens Action Committee serves to oversee activities and practices to restore and protect the St. Louis River. Primary activities include fostering communication between public and tribal agencies, industry groups and community stakeholders. These actions augment good stewardship and sound management for the resources provided by the St. Louis River, Lake Superior and their watersheds.

Minnesota Environmental Partnership (MEP)

A regional non-profit interested in a legacy of environmental protection. The MEP has worked extensively on Lake Superior Restoration, water quality standards, and through a sub-committee, North Shore Watershed Watch, engages citizens in protecting the water supply.

Friends of the Mississippi River

A metro area non-profit, that works to restore and protect the Upper Mississippi River and its watershed. Projects include savanna and prairie restoration, wastewater treatment plant restoration, development studies, land conservation, and metro watershed partnerships.

Clean Water Action

A nationwide Non-profit with a mission to protect and improve the quality of all of America's waters. Supports grass roots lobbying by encouraging citizens make their case for clean and healthy drinking water, wetlands, lakes, streams and ocean resources.

Rivers of Life

An inter-connected series of water-related projects and initiatives, delivered over the Internet to K-12 teachers and learners. Using Rivers of Life, teachers utilize rivers and watersheds as an entry point to studies of the environment, and our relationship to Earth.

Minnesota Center for Environmental Advocacy (MCEA)

MCEA's (a regional non-profit) water quality program is focused on protecting Minnesota's water. The group addresses both surface and groundwater and targets threats to the Mississippi and Minnesota Rivers. The program uses a variety of approaches, including permit negotiations, the administrative rulemaking process, Geographic Information Systems (GIS) analysis, and legal and legislative action.