

TMDLs and Annandale/Maple Lake Supreme Court Decision

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A Clean Water Agency



- TMDL is the maximum amount of pollutant that a water body can receive and still meet water quality standards
- No new or expanded discharge to an impaired water without a complete TMDL (Total Maximum Daily Load) study



Point source allocation ┿ Nonpoint source allocation Margin of safety **Reserve Capacity** (or allocation for future growth)



- 2 small communities want to build one new replacement plant (new discharge)
- Will meet 1 mg/l TP limit
- Crow River and Lake Pepin are impaired
- Increase in TP offset (2,200 lbs) by decrease in Litchfield (54,000 lbs)
- MPCA issues permit

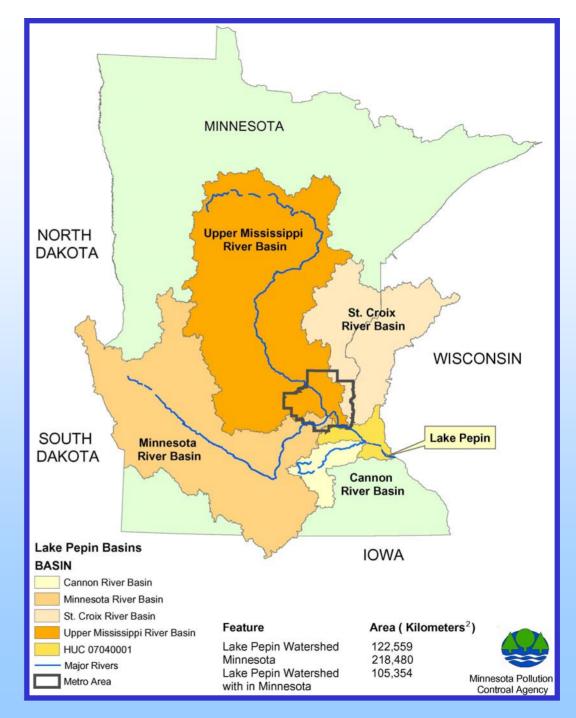


Minnesota Center for Environmental Advocacy (MCEA) contests NPDES permit based on . . .

- Total Daily Maximum Load Study not completed on Lake Pepin
- Additional Phosphorus discharge would contribute to water quality violation in Lake Pepin

Court of Appeals rules in favor of MCEA

Lake Pepin Watershed





Appeal

Annandale/Maple Lake and MPCA appeal to Minnesota State Supreme Court. 17 parties including Met Council file amicus briefs.

- **1.** Is MPCA's interpretation of a Federal regulation entitled to deference by the courts?
- 2. Can the MPCA consider offsets from another source in determining whether a discharge causes or contributes to the violation of water quality standards?





MPCA can issue NPDES permit to Annandale/ Maple Lake

- MPCA will be formalizing program to deal with offsets
- Limited impact on MCES