

TMDLs and Annandale/Maple Lake Supreme Court Decision

Presented to the Metropolitan Council

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Clean Water Act

- **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**



Total Daily Maximum Load

Point source allocation

+

Nonpoint source allocation

+

Margin of safety

+

Reserve Capacity

(or allocation for future growth)



Annandale - Maple Lake

- **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**



Court Decision

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?**



Outcome

- **MPCA can issue NPDES permit to Annandale/Maple Lake**
- **MPCA will be formalizing program to deal with offsets**
- **Limited impact on MCES**