

ASWM Wetland Water Quality Standards and TMDL Webinar

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Minnesota Pollution
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Waters of the State Definition

Minn. Statutes 115.01 DEFINITIONS

Subd. 22. Waters of the State.

- “Waters of the State” means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

<https://www.revisor.mn.gov/statutes/?id=115.01>

Water Quality Standards MN Rules 7050

Wetland Water Quality Standards

- Adopt Definition of Wetlands
- Use Classification Designation for Wetlands
- Criteria
 - a. Narrative
 - b. Numerical
- Antidegradation Policy

<https://www.revisor.mn.gov/rules/?id=7050>

MN Rules 7050 (cont'd)

- Wetland Mitigation Principles
- Wetland Dependency
- Impact Avoidance
- Impact Minimization
- Impact Compensation



Recent History of Minnesota 401 Certification

- 2003 active 401 certification program suspended due to budget constraints
- 2007 active 401 certification program reinstated for priority projects
- Since 2007 the program has operated with essentially 1 FTE

MPCA 401 Program Priorities

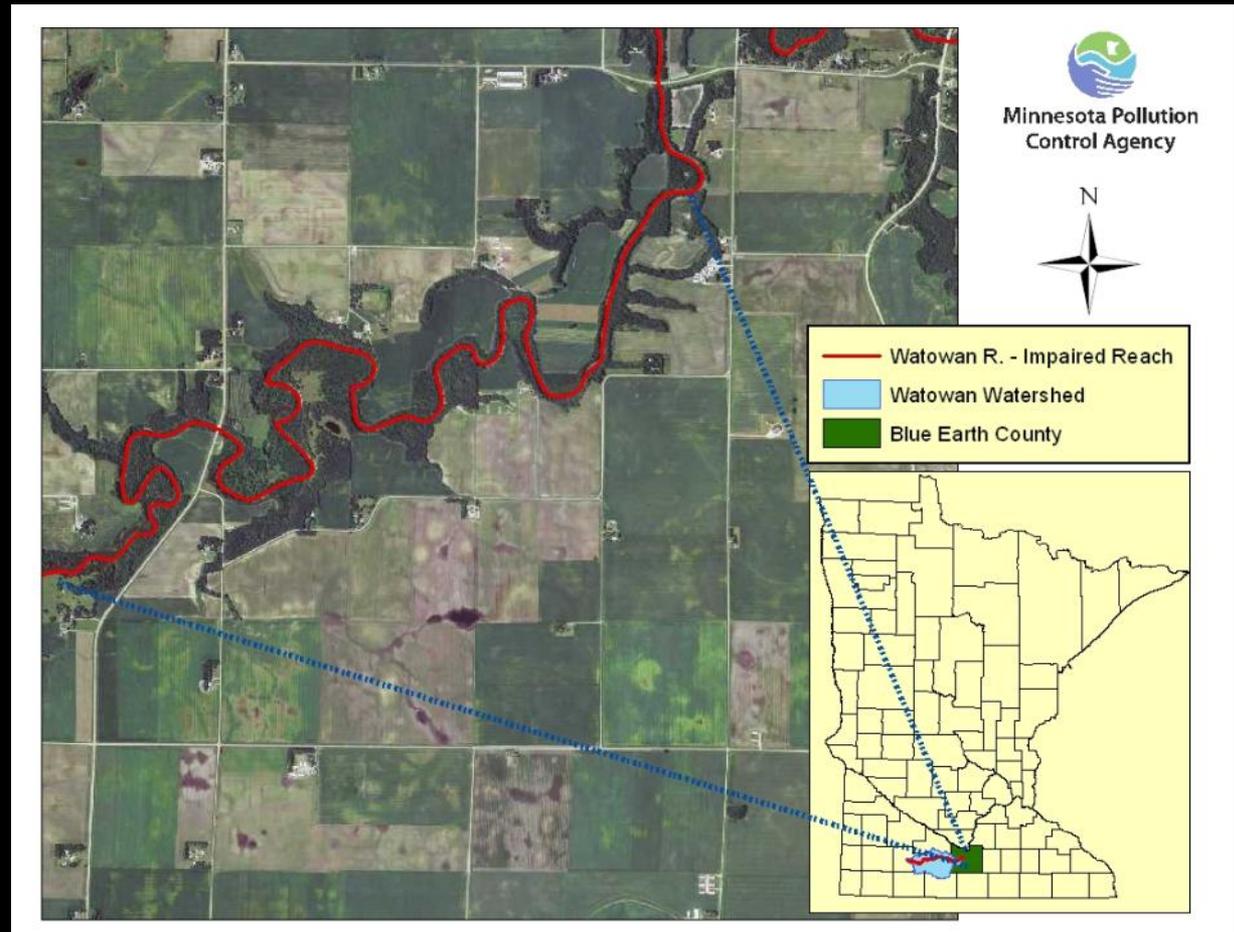
- Projects draining to Special Waters – outstanding resource value waters (ORVWs), trout waters, or impaired waters
- Projects impacting wetlands:>3 acres for private projects
>5 acres for public road projects
- Projects > 2 acres of excavation or inundation not regulated by WCA
- Large projects filling, excavating or inundating wetlands

MPCA 401 Review Process

- Receipt of Combined Application
- Review for completeness
- WQ concerns in environmental review resolved
- Compliance review & determination
- Coordinate w/ MPCA TMDL staff/watershed mgrs.
- Request any additional information
- Issuance of MPCA 401 Certification, Waiver or Denial

Ex. 401 certification outcome on impaired water

- Blue Earth County
- Watonwan River, a 303 (d) listed water for turbidity
- 401 application to permanently impact 7.93 acres of wetlands to accommodate passage of agricultural spray irrigation boom system



Other examples of 401 review in TMDL areas

- Suburb of TC metro area: Proposal to turn wetlands into two-cell storm water treatment ponds, to reduce total phosphorus loads to local Lake, which is impaired for excessive nutrients.
 - TMDL was being prepared; however, not yet complete
 - Additional wetland mitigation required (beyond what US Army Corps required).
- To receive 401 Certification for projects involving activities within rivers, streams, or flowing ditches, applicant must furnish proposed in-stream BMPs that will adequately control turbidity and/or sedimentation.