


DEPARTMENT : POLLUTION CONTROL AGENCY

STATE OF MINNESOTA

Office Memorandum

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TO : MPCA Citizens' Board

FROM : Gaylen Reetz 
Division Director
Watershed Division

PHONE : 651-757-2664

SUBJECT : Watershed Restoration and Protection Strategies (WRAPS)-TMDLs through the Watershed Approach

The federal Clean Water Act requires states to:

- Assess all waters of the state to identify and list impairments;
- Conduct total maximum daily load (TMDL) studies in order to set pollutant reduction goals; and
- Implement corrective measures to meet TMDL pollutant reduction goals and restore waters to standards.

In January 2002, the Legislative Auditor issued a Report that recommended the MPCA provide the 2003 Legislature with a multi-year TMDL implementation and financing plan, outlining:

- 1) what mix of existing and new resources would be needed to meet federal requirements,
- 2) specific strategies the agency will use to assess water quality statewide, and
- 3) the types of strategies the agency will likely pursue to clean up impaired waters.

In July 2003, the MPCA sponsored an Impaired Waters Stakeholder Process led by Minnesota Environmental Initiative. More than 60 organizations contributed to the process and the Policy Work Group (G-16) developed consensus recommendations. Guided by the principles of central coordination, working through existing programs and local leadership for implementation, the effort embodied a comprehensive process for restoring and protecting Minnesota's impaired rivers, lakes and streams.

In 2005, the Minnesota State Court of Appeals made a decision that had the effect of limiting development in a community until a TMDL was completed if the discharges from that community contributed to an impaired water. The chilling effect of the court decision on economic development led to the adoption of the Impaired Waters Stakeholder recommendations into statute in 2006 via the Clean Water Legacy Act (CWLA). The legislature noted:

1. There is a close link between protecting and restoring the quality of MN surface waters and the ability to develop the state's economy, enhance quality of life and protect human and natural resources.
2. Achieving state water quality goals will require long term commitment; and
3. All persons have a responsibility to participate and support the efforts to achieve water quality goals.

The CWLA established goals to: 1) Assess waters within 10 years; 2) Develop TMDLs in timely manner; 3) Implement restoration activities in a reasonable time; 4) promptly delist restored waters and 5) comply with Clean Water Act.

In 2007, the Governor and the legislature developed a plan and a bill that would create a constitutionally-dedicated source of funds. It was agreed to have four funding parts. Thirty three percent of which would be a dedicated source of funds for water to fund implementation of the Clean Water Legacy Act.

To meet the goals of the Clean Water Legacy Act, the MPCA has been working to streamline and improve the efficiency of developing TMDLs for the state. The agency adopted a watershed approach. The watershed approach framework is built around a four step process which includes monitoring, assessing the data, establishing implementation strategies, and implementing water quality activities. Step three became known as the "watershed restoration and protection strategy" or "WRAPS." Simply put, a WRAPS is a document summarizing scientific studies of a major watershed including the physical, chemical, and biological assessment of the water quality of the watershed; identification of impairments and water bodies in need of protection; identification of biotic stressors and sources of pollution, both point and nonpoint; TMDL's for the impairments; and an implementation table containing strategies and actions designed to achieve and maintain water quality standards and goals. The Clean Water Accountability Act was enacted this past session which defines WRAPS in law.

The MPCA has been working closely with BWSR to coordinate the watershed approach. Both agencies are committed to using WRAPS as a key component of the development and implementation of locally led watershed based implementation plans (One Watershed One Plan). Together it is the intention that the watershed approach framework will yield many benefits including:

- An ongoing, predictable cycle for water quality management and evaluation.
- A more efficient approach to addressing water quality impairments.
- A common framework for monitoring, assessments, setting required pollutant reductions and implementation strategies.
- Integrating watershed restoration and protection needs into a single watershed management plan.
- Improved collaboration and innovation.