



Senate

State of Minnesota



Minnesota
House of
Representatives

February 28, 2020

VIA EMAIL ONLY

International Joint Commission
U.S. Section
1717 H Street Northwest, Suite 835
Washington, DC 20006
bevacquaf@washington.ijc.org

RE: Comments on the International Red River Board's recommended nutrient concentration objectives and load targets for the Red River of the North

Dear Commissioners:

We are writing to provide comments on the International Red River Board's ("IRRB") recommendation to the International Joint Commission ("IJC") to add total phosphorus and total nitrogen water quality concentration objectives and load targets for the Red River of the North.

As elected officials who represent communities throughout the Red River Basin, we are interested in this matter because any new IJC water quality objectives could be enforced in the State of Minnesota and have significant economic impacts on the residents and business in the communities we represent. We are especially concerned about the potential impacts for municipal wastewater treatment plants, municipal stormwater systems and the agricultural economy.

Based on recent discussions with several cities in our respective districts, as well as with representatives from the Minnesota Pollution Control Agency ("MPCA"), we agree that it is reasonable to develop a phosphorus load target for the Red River that is necessary to protect Lake Winnipeg and we support the IJC's efforts to do so. It is also our understanding that several cities and agricultural interests in our respective districts are working with the Red River Basin Commission to develop a water quality plan to make progress in this effort and we support that work as well.

However, based on the information provided to us from the Red River Basin cities and MPCA, we have the following concerns with the IRRB's proposed total phosphorus and total nitrogen concentration objectives and the total nitrogen load target for the Red River:

1. The IRRB's recommended concentration objective and load target for total nitrogen is inconsistent with and more restrictive than Minnesota's adopted and EPA-approved River

Eutrophication Standards (“RES”) applicable to the Red River. The critical difference is that the RES does not currently regulate for total nitrogen in the Red River.¹


2. The IRRB’s proposed phosphorus concentration objective for the Red River is not tied to a eutrophication response variable, such as algal growth, which is inconsistent with Minnesota’s regulation of phosphorus in rivers, including the Red River.²
3. Several Minnesota cities that discharge into the Red River have identified key technical deficiencies with the proposed total phosphorus and total nitrogen concentration objectives and the total nitrogen load target.


We are also concerned that the IRRB failed to engage local government stakeholders early in the water quality objective development process. It is our understanding that the IRRB’s effort to develop the proposed water quality objectives was primarily driven by representatives of state and federal agencies from the U.S. and Canada and there was no explicit representation from municipal wastewater treatment plants. We appreciate the IJC’s efforts to hold the public hearing requested by the cities and the IRRB’s efforts to allow their input; however, cities should have been formally included in the IRRB’s process from the get-go. We request that you include them directly in such efforts going forward.

As a result of these concerns, we request that you focus your immediate efforts on approving a total phosphorus load target for the Red River that is necessary to protect Lake Winnipeg. In the meantime, we request that you hold off on approving the proposed total phosphorus and total nitrogen concentration objectives and the total nitrogen load target for the Red River and work with Minnesota cities in the Red River Basin to address their technical concerns before moving those proposals forward.

Sincerely,


Senator Kent Eken
Minnesota Senate District 4


Senator Mark Johnson
Minnesota Senate District 1


Representative Jeff Backer
Minnesota House District 12A


Representative Dan Fabian
Minnesota House District 1A

¹ Minnesota’s River Eutrophication Standards do not regulate TN in Minnesota Rivers, including the Red River. Minn. R. 7050.0222..

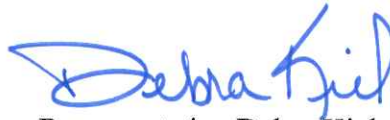
² Minnesota’s approved RES requires exceedance of algal criteria and total phosphorus criteria before determining an impairment exists. Minn. R. 7050.0150, Subp. 5b.



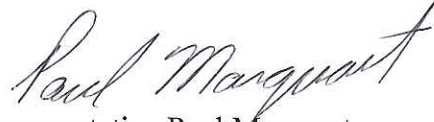
Senator Torrey Westrom
Minnesota Senate District 12



Representative Ben Lien
Minnesota House District 4A



Representative Debra Kiel
Minnesota House District 1B



Representative Paul Marquart
Minnesota House District 4B