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March 30, 2020

VIA E-MAIL ONLY

International Joint Commission
U.S. Section
1717 H Street Northwest, Suite 835
Washington, DC 20006
bevacqauf@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:

Thank you for the opportunity to provide comments to the International Joint Commission ("IJC") on the on the International Red River Board's ("IRRB") proposed nutrient concentration objectives and loading targets for the Red River of the North. I am Brian Yavarow, PE the City Engineer for the City of Fergus Falls, MN("City").

The City owns and operates a wastewater treatment plant that is regulated pursuant to a National Pollutant Discharge Elimination System ("NPDES") permit and discharges to the Red River of the North. The proposed nutrient concentration objective and load targets, if enforced by the Minnesota Pollution Control Agency ("MPCA") or U.S. Environmental Protection Agency ("EPA"), could require the City to make costly investments in process changes and/or infrastructure upgrades at our wastewater treatment plant ("WWTP").

Cities like Fergus Falls are on the forefront of protecting the Red River of the North and we take water quality concerns about the Red River and downstream Lake Winnipeg very seriously. Over the last 30 years, the City has made significant efforts to reduce our phosphorus contribution to the Red River. We support the IRRB's effort to develop a phosphorus load target designed to protect Lake Winnipeg and we urge the IJC to focus its effort on building consensus around the appropriate phosphorus load target for the Red River.

With respect to the proposed concentration objectives for phosphorus and nitrogen and the load target for nitrogen, the City is concerned that (1) these targets were largely developed without input from the local governments that stand to be impacted; (2) the targets conflict with Minnesota's adopted and U.S. EPA-approved River Eutrophication Standards and important related scientific findings; and (3) were developed without performing the scientific studies required to demonstrate that the targets are necessary and sufficient to protect the Red River or Lake Winnipeg. We know these concerns are shared by other Minnesota cities and municipal groups.

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The potential financial costs of complying with the proposed phosphorus and nitrogen concentration objectives for the City and similarly situated communities are stark. The City currently owns and operates an extensive mechanical wastewater treatment facility. We have requested a preliminary analysis from our engineer Bolton & Menk, Inc. about what it would cost for our facility to meet the proposed phosphorus and nitrogen concentration objectives. Given the uncertainty related to how the concentration objective would apply to our specific facility, we assumed that our facility would be required to comply with both a total phosphorus limit of 1 milligram per liter (“mg/L) and total nitrogen permit limits ranging of 10 mg/L. More stringent limits would require an even great burden on Fergus Falls with greatly increased capital and operational costs.

Based on a preliminary evaluation, the implications of complying with new phosphorus limits could be difficult and costly requiring additional chemical feed, costly side stream treatment of digester supernatant, and additional WWTP improvements depending on how the limit is implemented. The cost to comply of a total nitrogen limit of 10 mg/L could be as high as \$25-\$30 Million. This cost would be in addition to the cost for the City to meet its other infrastructure priorities necessary to protect public health and the environment as the MPCA continues to evaluate compliance items and limits as Fergus Falls waits for a new permit to be issued by the Agency.

Given the significant concerns identified by Minnesota cities and municipal groups and the potential economic consequences for municipal WWTPs, we believe that it is unreasonable for the IJC to accept the IRRB’s proposed concentration objectives for phosphorus and nitrogen and the load target for nitrogen at this time. Instead, we urge the IJC and IRRB to focus its efforts on the development of a phosphorus load target for the Red River designed to protect Lake Winnipeg, and to work with all stakeholders to develop a strategy to meet that target.

Thank you for your time and consideration of these comments.

Respectfully Submitted,
City of Fergus Falls, MN



Brian Yavarow, P.E.
City Engineer

cc. Paul Saffert, Bolton & Menk
Barry Glienke, Bolton & Menk
Gretta Lee, Flaherty & Hood, PA