



## CLEARWATER RIVER WATERSHED DISTRICT

75 Elm Street East, P.O. BOX 481  
Annandale, MN 55302  
(320) 274-3935 | [www.crw.org](http://www.crw.org)

April 5, 2017

The Honorable XXXXXXXXXXXX  
XXXX State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
Saint Paul, MN 55155

Dear Representative XXXXXXXX,

The Clearwater River Watershed District Board of Managers strongly supports the portions of House Bill 1291 and Senate Bill 1087 that amends Minnesota Statute 116.07 to provide clarification on the effect of “unadopted rules” by the Minnesota Pollution Control Agency (MPCA).

Members in our District are served by Small Community Wastewater Systems that became operational in 2005. Residential properties (approximately 112) are connected via collection systems to common points where advanced wastewater treatment occurs and the water recycled back to the soil. The Minnesota Pollution Control Agency has recently placed stricter standards on these systems’ operating permit for nitrogen reduction due to its nitrogen mitigation policy. This policy has resulted in the application of the Drinking Water Quality Standard limit of 10 mg/L for total nitrogen in nearby groundwater even if it is not being used as a drinking water source.

As a result of the MPCA’s actions, residents served by these systems are facing significant costs in excess of \$10,000 per homeowner in order to comply with the MPCA’s permit requirements. This is due to the need to upgrade the existing systems to provide the required level of nitrogen treatment. Considering that the noted policy at the heart of this issue did not go through the normal rulemaking process, the Board objects to the use of an operating permit in such a manner. It is not fair to force these residents to absorb such a cost, especially in light of the failure of the MPCA to follow the rulemaking process (which robs affected citizens the opportunity to voice their concerns) as well as the age of the systems.

These bills provide a measure of relief not only for our residents, but for other citizens of the state facing a similar situation. It will allow time to acquire the necessary funding to undertake updates to the existing systems in order to comply with the MPCA-issued operating permit. It will also encourage the MPCA to follow proper procedures and use the rulemaking process to institute such “policies.” We urge you to support the noted provisions of House Bill 1291 and Senate Bill 1087.

On behalf of the Board of Managers,

Cole Loewen  
Administrator  
Clearwater River Watershed District