

Minnesota Wetland WQ Standards



ASWM Wetland WQ Standards Webinar

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Wetland Water Quality Standards

- Minnesota's first WQ standards adopted 1960's
 - “Waters of the state” included marshes
- 401 certification began upon CWA implementation
- No provision for compensatory mitigation
 - Certification either denied or waived

Wetland Water Quality Standards

- Closely followed 1991 EPA Guidance
- Incorporated into existing “nondegradation” portion of WQ rules -- to include:
 - Specific Wetland definition
 - Beneficial use classes for wetlands
 - 2D – Support aquatic life/biodiversity
 - “maintain background” for DO, pH (and temperature)
 - 3D – Industrial uses
 - 4C – Agriculture, Fish and Wildlife uses
 - Adopted a wetland mitigation framework

Narrative Wetland WQ standards adopted in 1994

Wetland Water Quality Standards

Wetland mitigation principles. The wetland mitigation sequence incorporates the principles in items A to C in descending order of priority . . .

- A. Avoid
- B. Minimize
- C. Compensate

Applied to wetland physical alteration actions as part of permit review: -- **Wetland Physical Alterations include:**

- Drain;
- Fill;
- Excavation;
- Inundation

Wetland WQ Standard Program Implementation

•Often Confusing to permit applicants and viewed as duplicative with other state and federal wetland regulatory authorities

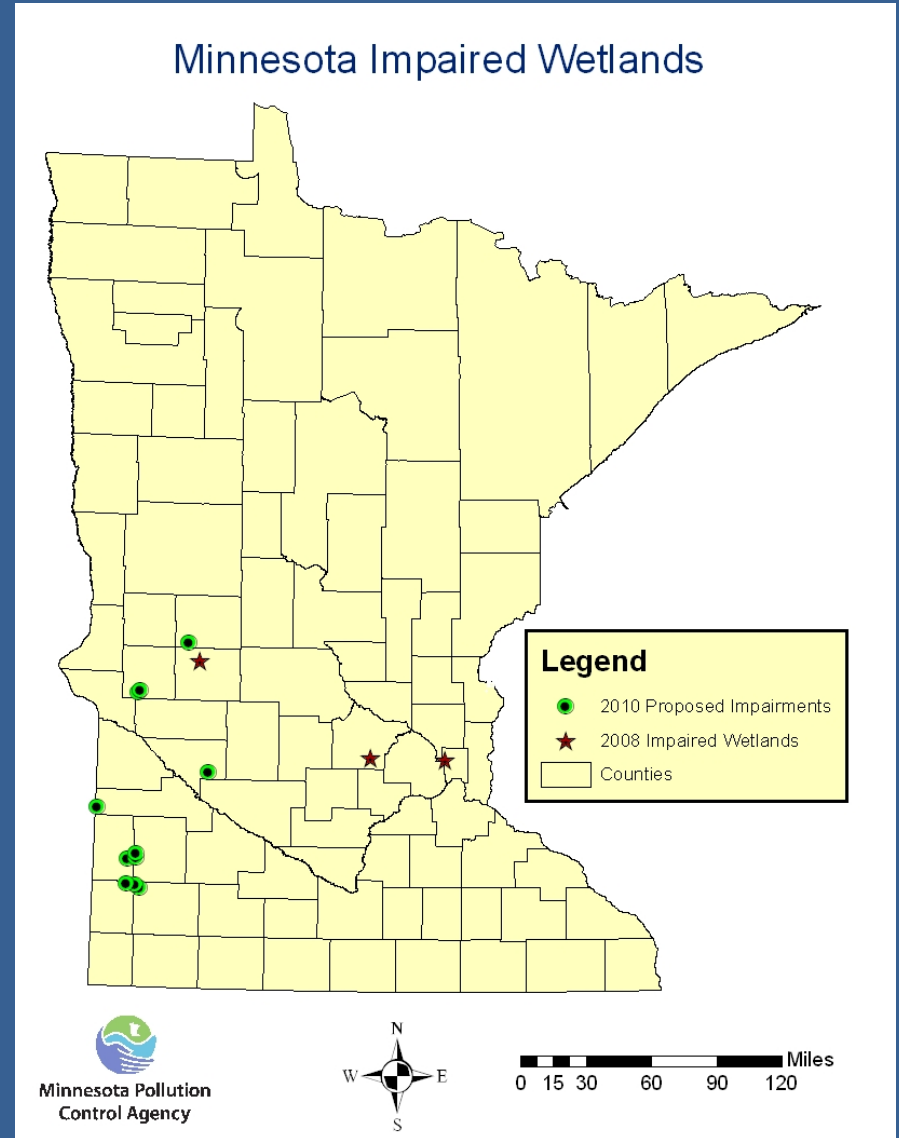
- Section 401 - WQ Certifications
- Section 402 - NPDES Permits
 - Wastewater Treatment systems
 - Stormwater
 - Construction permit
 - Municipal permit
 - Industrial permit
- Monitoring and Assessment – 303d

Stormwater Issues

- Issue: distinction between s/w pond and wetland?
 - Natural wetlands receiving discharge for long time
 - Grandfathering?
- New state law – requires cities to inventory s/w ponds as part of MS4 process
- New discharges – require mitigation
- Issue – WQ standard regulations are shielded by other wetland regulatory programs

Wetland TMDLs

- Listing criteria: impairment of narrative biol. criteria (invertebrate & plant IBIs)
- Hydrologically connected to impaired lake or stream
- Watershed focus



Future Standards?

Tiered Aquatic Life Use

- Currently developing TALU for streams
- Anticipate wetlands TALU in the future – (in effect condition categories)
 - Significant field data needed
 - in conjunction with numeric biol. criteria
 - Needed for:
 - Stormwater management
 - Anti-degradation compliance
 - Local comprehensive wetland planning

Have the WWQS been worthwhile?

- **Yes**, but implementation has been “bumpy” as definitions of activities such as “excavation” and “inundation” are narrative and follow broad policy rather than numeric thresholds.
- Requires clear roles and staff resources
- Important to have support from programs (NPDES – stormwater) that implement the standards.
- Wetland WQ Standards raised the profile of wetland protection in several other WQ programs
- Having stand-alone state authorities shields us somewhat from Federal “confusion”
- Overlapping state authorities can create challenges: Clarify roles/improve coord
- Enhance the ability to regulate non-point sources; declining wetland quality – state and national survey

Questions?

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Additional Information:

WQ Standards:

<http://www.pca.state.mn.us/water/standards/index.html>

Wetland WQ Standards:

<http://www.pca.state.mn.us/water/wetlands/index.html>