Minutes
Vermillion River Watershed Planning Commission Meeting
November 28, 2018 - 3:30 p.m.
Dakota County Western Service Center, Room 334, Apple Valley, MN

WPC Members in Attendance
Chuck Clanton  Bruce Rydeen  Mark Zabel, VRWJPO
Ken Betzold    Brian Rohrenbach  Mark Ryan, VRWJPO
Tony Wotzka    Carolyn Miller   Jen Dullum, VRWJPO
Rich Fortman

Staff in Attendance
Mark Zabel, VRWJPO
Mark Ryan, VRWJPO
Jen Dullum, VRWJPO

Others in Attendance
Curt Coudron, SWCD

1. Call to Order
The meeting was called to order by Chair Miller at 3:38 p.m., and opened with the recital of the Pledge of Allegiance.

2. Audience Comments on Items Not on the Agenda
None

3. Approval of Agenda
Item 6.b.ii was added: Update on Scott County E. coli.

Motion by Commissioner Rohrenbach, second by Commissioner Rydeen, to approve the agenda. The agenda was unanimously approved, as amended.

4. Approval of Minutes
Commissioner Rohrenbach would like the minutes to reflect Item 5a to show that the DNA testing of E. coli in Scott County showed human DNA results.

Motion by Commissioner Rydeen, second by Commissioner Rohrenbach, to approve the minutes of the October 10, 2018 meeting as amended. The minutes were unanimously approved.

5. Business Items
a. Approve the 2019 Vermillion River Watershed Planning Commission (WPC) meeting dates
Jen Dullum presented the proposed 2019 Watershed Planning Commission meeting dates.

Motion by Commissioner Clanton, second by Commissioner Betzold, to approve the 2019 Vermillion River Watershed Planning Commission (WPC) meeting dates.

Mark Zabel presented the draft 2019 Vermillion River Watershed Joint Powers Organization (VRWJPO) 2019 Budget. In 2019, the proposed budget will be $2,185,200. The proposed levy will be $912,900 for Dakota County and $35,100 for Scott County. The VRWJPO will retain a proposed cash reserve of $41,850. These numbers have not changed since the initial draft presented in August. The 2019 budget includes funding from One Watershed-One Plan, and the VRWJPO received its first distribution of $218,900 on November 27, 2018. The Vermillion River Watershed Joint Powers Board (VRWJPB) will make any revisions to the budget in April 2019.

Commissioner Rydeen clarified that this is a calendar-year budget cycle. Mark Zabel confirmed the calendar basis and also noted there could be additional carryover into 2019 from what is shown in the budget. This will not affect the levy and will be revised in April 2019 as part of the final budget once 2018 financial information is confirmed.

*Motion by Commissioner Clanton, second by Commissioner Fortman, to recommend adoption of the final draft Vermillion River Watershed Joint Powers Organization 2019 Budget and Watershed Management Tax District Levy.*

6. **Updates**
   a. **Chairperson’s Report**
      
      None
   
   b. **Member Updates**
      
      i. **Chuck Clanton: Nitrate Local Advisory Team**
      
      Commissioner Clanton gave a presentation (attached) and took questions and comments on the Minnesota Department of Agriculture’s (MDA) Nitrogen Fertilizer Management Plan from his view as a member on the Dakota County Local Advisory Team.

      Travis Thiel stated that the University of Minnesota did soil testing in Dakota County on sandy soil types to develop a recommended range for nitrogen fertilizer application; however, this only takes crop yield into consideration, not the resulting potential for impacts to water quality. From sampling efforts, we know that over 50% of the wells in Marshan Township are already over the 10 mg/L drinking water standard. It was noted during the discussion that the MDA did not take into account the depth or age of the wells sampled for the update to the Nitrogen Fertilizer Management Plan.

      Commissioner Rohrenbach asked about the main concern of too much nitrogen in drinking water. Nitrogen in drinking water poses a risk to infants. A condition called “blue baby syndrome” (or methemoglobinemia) can develop which interferes with the blood’s ability to carry oxygen and can be fatal to infants.

      A question was asked about putting irrigation wells into shallower aquifers where the water may have nitrogen contamination instead of deeper drinking water wells. Mark Zabel replied that there is concern that shallow wells would impact river water levels in summer months.

      Commissioner Rydeen asked for clarification on where the Nitrogen Fertilizer Management Plan was in the process the Rule change. Commissioner Clanton replied that over the past 24 months the public has been able to submit comments. An administrative law judge has been going over the
comments trying to incorporate them into the current Rule. A Statement of Needs and Reasonableness (SONAR) is also being conducted which provides background on the proposed rule for decision-makers and citizens.

Commissioner Rydeen questioned the education component. Mark Zabel responded that will come when best management practices (BMPs) are promoted. Commissioner Rydeen believes that education is better than legislation. Mark Zabel stated that in the Nitrogen Fertilizer Management Plan, two things will likely be monitored by the MDA: rate of BMP adoption and the extent to which BMPs are working. If BMPs are being adopted and there is little to no change in groundwater quality; regulation is probable. Commissioner Rydeen notes that regulation seems likely. Mark Zabel replied that there is a lot of padding before that time. The framework for this plan has been in place since 1992.

Commissioner Miller asked if cities were treating drinking water wells for nitrate. The only city treating for nitrate is Hastings. Commissioner Miller responded, saying that leaves out private well owners.

After viewing several maps in the presentation, Commissioner Rohrenbach asked what the condition of the aquifer is. Mark Zabel noted that what is going on at the surface of the land is likely transferring to the aquifers below due to the sandy soils in Dakota County.

Commissioner Betzold mentioned that it is difficult for farmers to change the way they have done things, however, fall fertilizer application and the anhydrous ammonia application are two practices he does not support. He feels education is a key component to change and provided information on some of the practices and techniques he uses on his farm. Commissioner Rohrenbach questioned spring fertilizer applications. Commissioner Clanton noted that larger livestock farming operations, (Confined Animal Feeding Operations - CAFOs) which are 1,000 animal units or larger, need to file a nutrient management plan with the Minnesota Pollution Control Agency (MPCA). Smaller operations also need to follow regulations but a nutrient management plan does not need to be filed.

Mark Zabel brought up the issue that producers may not be properly crediting other types of fertilizer, such as manure application and soybeans from the previous rotation, and so fertilizer needs may not be calculated accurately when planning nitrogen fertilizer applications.

Mark Zabel noted that the University of Minnesota recommendations may not be protective of groundwater, but the objective (maximizing efficiency to yield) of those recommendations is really where the focus needs to be placed. The assessment of BMP adoption rate by the MDA may also not be accurate to what is actually occurring in the landscape.

ii. Scott County E. coli
Scott County and the Scott Soil and Water Conservation District (SWCD) are continuing investigation into the elevated E. coli found in the Scott County portion of the watershed. They researched the age and conditions of septic systems in the study area and/or where there is no septic system. The 2019 VRWJPO budget provides funding for repairs and/or installation of septic systems in the study area. Melissa Bokman Ermer, co-administrator for the VRWJPO, will lead the project. Commissioner Rohrenbach questioned why each municipality has jurisdiction over its own septic regulations. Mark Ryan replied that each municipality still has to meet State requirements for septic systems even though they may have different septic inspectors and municipal codes.
c. **Staff Updates**

i. **Mark Ryan: Lake Phosphorous Loading Summary**

Mark Ryan gave a presentation (attached) regarding how staff, consultants, or agencies determine allowable phosphorus loading to lakes and reductions needed to improve water quality.

Commissioner Rydeen questioned the return on investment (ROI) on two projects in Apple Valley. He felt that $100,000 for two pounds of phosphorous might not be the best compared to another project that captured 26 pounds of phosphorous for $163,000. He asked if newer two-cell stormwater ponds are better at phosphorous capture. Mark Ryan responded that studies suggest that is the case. He also noted that the initial estimates are based on feasibility level information, and that projects can become more cost effective or less cost effective to the point where they are not worth doing through engineering and design.

Commissioner Miller asked where the phosphorous is coming from. Is it human created? Mark Zabel and Mark Ryan both responded that it is natural sources but the movement is human driven and that the change in impervious area of a watershed is a main driver.

Commissioner Rydeen likes seeing a prioritized list of projects and hopes that staff keeps in mind the ROI and the best use of dollars. Mark Zabel noted that the VRWJPO still needs to meet the load reduction set in the Total Maximum Daily Load.

ii. **Mark Zabel: Scope and Schedule for Standards Application in the Rural Area**

Mark Zabel presented the draft scope and schedule for the ad-hoc group discussed at the October 25, 2018, VRWJPB meeting. It was decided that Commissioners Henry, Clanton and Rohrenbach would represent the WPC.

7. **Adjourn**

*Motion by Commissioner Clanton, second by Commission Betzold, to adjourn the meeting at 5:14 p.m. The motion was unanimously approved.*