

CLRSD Meeting Notes April 2nd, 2009

1. After the usual preliminaries, Mike Cleary (Brandon Township-replacing Don Buse) & Ted Steidl (Carlos Township-replacing Lynn Timm) were installed as members of the CLRSD board. To expedite things, the actual swearing in took place before the meeting. All current board members are listed on the CLRSD website. The CLRSD board elected to continue the website until further notice.
 2. Mike Cleary was then elected to the CLRSD Secretary post.
 3. It was decided the CLRSD accounting firm will act as CLRSD Treasurer providing the monthly update, bill paying information, etc.
 4. Resolutions-
 - D-2009-1: Modifying resolution of intent to dissolve. This was necessary to remove a paragraph contained in the previous motion. Motion passed.
 - D-2009-2: Directing Notice of Intent to Dissolve by Publication & mailing. The board will publish intent to dissolve in a newspaper (Echo Press) for two successive weeks. Also, the board will provide a copy of the resolution of intent to dissolve to each property owner within the District. Motion passed.
 - D-2009-3: Directing Notice to Potential Claimants. A notice to all potential claimants & creditors will be published once a week for four consecutive weeks in a legal newspaper of Douglas County (Echo Press). Motion passed.
 - D-2009-4: Coordination and Disposition of MPCA Discharge Permit. The time limit imposed by the board in an attempt to sell the permit to interested parties will expire on April 30, 2009. If the permit is not sold or disposed of by that date, it will be allowed to be revoked by the MPCA. Motion Passed.
 - D-2009-5: Directing Coordination & Disposition of Easements. The possible sale of Permanent easements will be explored. If no one is interested in acquiring them they will be vacated in a two step process. First, a recording of vacated easements must be filed with Douglas County. Second, advice of this fact must be given to the townships involved once the recording changes are accomplished. Item two of the resolution (giving a deadline date of April 30, 2009) was removed. Motion passed.
 - D-2009-6: Establishing Method of Allocation of Costs and Directing Notice of Allocation. The board decided to allocate CLRSD debt costs (\$3.4 million) to the townships based on tax capacity (ad valorem). The motion passed with only Mike Cleary dissenting. The townships shall decide individually how to pass along the allocated debt costs to the respective property owners in their township.
 5. The lease on the CLRSD Garfield office space expires on April 30, 2009. All office furniture will be sold with the exception of the computer & printer.
 6. Pat Conroy's contract with the CLRSD expired on March 31, 2009. Pat will continue on a part time basis with an hourly rate of \$33.65. Pat's part time duties will involve matters relative to dissolution of the District. The motion passed relative to accepting the contract termination, the part time pay & associated duties.
 7. The Comprehensive Plan lawsuit has been dismissed by the courts.
 8. HF1501 & SF1488 are working their respective ways through the "passing a bill process" in the state legislature in St. Paul. You can follow the process by getting on the state bill tracking website. Try here:
www.house.leg.state.mn.us/ -
 9. I've attached a recent Alexandria Lakes Area Sanitary District (ALASD) press release that may be of interest to some of you. Basically it says the courts up help the MPCA permit issued to ALASD in June 2006.
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FOR IMMEDIATE RELEASE

April 2, 2009

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State Supreme Court Upholds Wastewater Permit

ST. PAUL – The Minnesota Supreme Court issued an opinion on April 2, reversing the Minnesota Court of Appeals' 2007 ruling that had directed the Pollution Control Agency to reconsider approval of a wastewater treatment permit for the Alexandria Lake Area Sanitary District. The permit was approved in June 2006 for an expansion of the District's plant capacity, together with wastewater treatment improvements including new filters. The permit was appealed shortly thereafter by the Minnesota Center for Environmental Advocacy and local environmental interests.

The majority held that the Clean Water Act regulation at issue unquestionably requires effluent limits in wastewater treatment permits that "will attain and maintain applicable water quality criteria" and "will fully protect the designated use" of waters such as Lake Winona. However, the majority also held that application of the law is unclear for a situation like that faced by the District, where a necessary expansion will discharge to an impaired water and a Total Maximum Daily Load (TMDL) study and cleanup plan has not yet been completed. This decision allows the Agency to utilize technical knowledge gained from the TMDL study, as well as the Agency's scientific expertise, to craft an appropriate package of implementation measures.

The challenged permit contains final phosphorus effluent limits of 0.3 milligrams per liter and 5.4 kilograms per day, as well as conditions requiring compliance with the TMDL study being developed for Lake Winona and due out later this year. Today's decision will allow the permit to remain in place.

Construction of the District's expansion continued while the permit was under appeal. The old treatment units have been decommissioned, new treatment processes have been installed and are currently being tested for their efficiency.

District Board Chairman Paul Nelson said, "Although we are relieved with today's decision, we also know the District cannot rest in our efforts to improve Lake Winona's water quality. Over the coming months we intend to continue working closely with MPCA staff and local residents to complete the TMDL study, implement it, and work together to improve the lake's water quality."

Lakes Winona, Agnes and Henry have experienced improvements in total phosphorus levels, nuisance algal growth, odor generation, and winter fish kills since the facility began operation in 1977. The Court observed that controlling external loading is only the "first step" in restoring Lake Winona, and that even the complete elimination of the District's wastewater discharge would not result in Lake Winona attaining water quality standards. The Lake Winona TMDL may require phosphorus reductions from a number of point and nonpoint sources.

The Minnesota Supreme Court's decision is available on the Minnesota Courts Web site at <http://www.mncourts.gov/opinions/sc/current/OPA061371-0402.pdf>.