

## Proposed Legislation-LCC Water Policy Subcommittee, 2021- Draft

(Includes selected introduced bill language from the 2020 Session  
Details Available—needs to be cross-checked with the meeting handout file.  
November 23, 2020

Following are my suggestions for proposed legislation during the upcoming session. Last session we had about 30 bills introduced by members of the subcommittee. I've been advised, by non-partisan staff, that a better approach would be to combine bills by associated subject matter. I am suggesting that you consider these eight bills based on themes. These bills are based on policy, bi-partisan support, importance to the citizens of the state, and minimal fiscal impact. The bill titles are listed below, with more information in the attachments.

Jim

### Bill Titles and Suggested Authors:

**Bill 1: Water for the Future--Ensuring Water for the Environment and Economy**

**Bill 2: Increased Water-Quality Protection**

**Bill 3: Agricultural Incentives for water quality and agricultural improvement**

**Bill 4: Safe Drinking Water**

**Bill 5: Improving Wastewater Treatment**

**Bill 6: Water Retention--Keeping Water on the Land**

**Bill 7: Improvements to Water Governance**

**Bill 8: Compensation for Ag Buffers: Creates an Agricultural Riparian Buffer Credit**

### *Bills with Bill Sections:*

#### ***Bill 1: Water for the Future--Ensuring Water for the Environment and Economy (Water Quantity) Parts to the bill:***

- *HF3943: SF442: Policy on sustainability of Minnesota's groundwater and surface water. Response to the "Water Train" issue.*
- *HF3951: SF3996 -- Policy on groundwater recharge. Based on recommendations in the Freshwater/ UM report regarding the feasibility of artificial recharge.*
- *HF3968: SF3957 Water appropriation allocation priorities modified for golf courses.*
- *HF3942: SF4432: Develop a pilot plan to ensure safe and sustainable drinking water for the future by enhancing and leveraging County Geologic Atlas information. Plan for future program, will require some funding.*

#### ***Bill 2: Proposed Bill: Increased Water-Quality Protection***

- *HF3967: SF3413: Reducing chloride contamination in state waters--requires use-reduction implementation of chloride alternatives. Appropriating a small amount of funds to begin to begin implementation of the statewide chloride management plan.*
- *Policy for limiting liability for trained and certified salt applicators. HF 1502; SF 1667: Includes training, voluntary certification, record keeping and limited liability.*
- *Proposed bill section: Reducing chloride contamination in state waters—banning future sales of water softeners that overuse salt. This would be new language.*
- *HF3969: SF 3995: Requires water-quality standards revision to simplify and increase efficiency of processes to adopt and amend standards. Provides a report on methods for simplifying and increasing the process. (This bill may no longer be relevant based on the MPCA's intent to modify rules for Water Quality Standards Use Classifications 3 and 4. I am working on understanding the impact of modifying rules. (The Minnesota Pollution Control Agency (MPCA) published the above notice in the December 14, 2020 [Minnesota State Register](#), and is requesting comment on the*

- *proposed amendments to rules governing Class 3 and 4 water quality standards)*
- *HF3947; SF 3956: Encourage pilot pollutant trading. Policy to allow a third-party water-quality broker system. Implementation funding to plan a program for beach monitoring*

**Bill Number 3: Agricultural Incentives for water quality and agricultural improvement**

- *SF 3950 HF (?): Develop a Statewide Soil Health Action Plan. Some funding would be required.*
- *HF3945; SF 3961: Precision agriculture research and outreach—developing a plan. Some funding would be required.*
- *HF 3946; SF 3953: Plan for transferring monies from the general fund to the commissioner of agriculture for deposit in the agricultural and environmental revolving loan account. This probably is not viable due to required funding.*

**Bill Number 4: Safe Drinking Water**

- *HF3944: Emerging Contaminant Monitoring PFAS: Develop a plan for a network to monitor unregulated contaminants in sources of drinking water.*
- *SF3955; HF? Forever chemicals in food waste: Policy for acceptance of compostable products containing PFAS*
- *Testing private and domestic wells: The UM Future of drinking water report recommends a statutory requirement for well testing during the transfer of properties with wells. This would protect buyers and send a signal that the quality of water from private wells needs to be addressed. Minnesota Statutes 2018, section 103I.235, subdivision 1 would be amended.*

**Bill 5: Improving Wastewater Treatment**

- *Flushable wipes- labeling or ban: Senate: House: No non-woven disposable product for sale in the state may be advertised, packaged, or labeled as flushable, septic safe, or sewer safe unless it meets the definition set forth in subdivision 1 Similar bill in the Senate (SF3139)*
- *Determine the threats of Emerging Contaminants: Because many emerging contaminants are not fully addressed at the federal level, it is important to prioritize and manage them in order to make sound decisions about optimizing treatment between the source and the tap (UM report)*

**Bill 6: Water Retention--Keeping Water on the Land**

- *Encourage Water Retention--Pilot Program to Enhance Efforts to Keep Water on the land:*
- *HF3948; SF 3954: Appropriates money to study storm water retention and infiltration.*

**Bill 7: Improvements to Water Governance**

- *HF3971; SF 3958 : Reestablishes the Advisory Council on Water Supply Systems and Wastewater Treatment Facilities*
- *HF3941: Provides a plan to phase-out some of the Clean Water Fund (CWF) as funding source Soil and Water Conservation Districts (SWCDs). Reduce SWCD grants from CWF in FY21 by \$3 million; require CWF to fund SWCDs at \$6 million in FY22 and \$3 million in FY23.*
- *SF 4007: HF Evaluate Models for Assessing Best management Practices: Evaluation of water quality best management practices*
- *Policy: Improved Governance: UM report recommends the creation of a coordinating entity for drinking water issues. This could be accomplished by charging an interagency coordinating team to provide a plan and an annual report. The most appropriate group for taking on this responsibility would be the Interagency Coordinating Team, coordinated by the Minnesota Department of Health. A policy bill would charge the team with this responsibility.*

- **Bill 8: Compensation for Ag Buffers: Creates an Agricultural Riparian Buffer Credit**  
*HF 1439; SF 4206: Compensation for Ag Buffers: Creates an Agricultural Riparian Buffer Credit*

Additional details on each of the bills:

Proposed Legislation-LCC Water Policy Subcommittee, 2021- Draft

1) Proposed Bill: Water for the Future (Water Quantity) Ensuring Water for the Environment and Economy. Includes selected from the 2020 Session:

- HF3943: SF: 4427: Requires policy on sustainability of Minnesota's groundwater and surface water. Based on the "Water Train" issue. No later than date, the commissioner of natural resources shall report on methods to ensure that Minnesota's groundwater and surface water supplies are sustainable for the future. These recommendations shall include recommendations for any statutory, regulatory, or policy changes needed to ensure that the state's water will not be transferred out of state in an unsustainable manner.....
- HF3951, SF3996: Policy on groundwater recharge. This policy can be based on recommendations in the Freshwater/ UM report regarding the feasibility of artificial recharge. Allow aquifer recharge where appropriate. By date? The Environmental Quality Board, in cooperation with the agencies listed in Minnesota Statutes, section 103A.204, paragraph (a), shall submit a report (policy implications and feasibility) of using artificial aquifer recharge to replenish groundwater levels in aquifers where they are insufficient. The report shall include all of the following: (1) an explanation of the various techniques available for artificial aquifer recharge; a summary of the strengths, weaknesses, and costs of each of the recharge methods identified; (3) an overview of which aquifers in this state might be candidates for artificial recharge; (4) an explanation of the potential environmental effects of artificial recharge; and (5) identification of any statutory, regulatory, or policy changes needed to facilitate and implement the policy set forth in Minnesota Statutes.....
- HF3968: SF3957: Water appropriation allocation priorities modified--status change for water appropriations for golf courses. 103G.261. the commissioner shall adopt rules for allocation of waters based on the following..... (6) Sixth priority, irrigating golf courses that implement best management practices as 2.2 part of a commissioner-approved plan for conserving water and using water efficiently...
- HF3942: SF4432; Sustainable Drinking Water: Develop a pilot plan to ensure safe and sustainable drinking water for the future by enhancing and leveraging County Geologic Atlas information. Develop a plan for a network for monitoring wells and for the development of and well owners education programs. Implementation would require future significant appropriations: \$..... in fiscal year 2021 is appropriated from the general fund to the commissioner of 1.9 natural resources, in cooperation with the Board of Regents of the University of Minnesota, Minnesota Geological Survey, to do all of the following to ensure safe and sustainable drinking water for the future: (1)select a pilot program area..... (2) Develop and implement a method for synthesizing and displaying county geologic atlas data on an aquifer or watershed basis rather than a county basis in the pilot program area. (3)construct a flow model based on the data and apply the model to determine the water budget for the aquifer or watershed in the pilot program area and resulting prudential limits on sustainable water appropriations from the aquifer or watershed; and (4) no later than October 1, 202x, submit a plan.....that summarizes the work and results of the pilot program and provides a plan for undertaking similar efforts for all major aquifers in the state, including funding options. 2) Plans for the development of a network of monitoring wells \$..... in fiscal year 202 is appropriated from the general fund to the commissioner of agriculture, in cooperation with the commissioner of health, to develop a plan to increase well monitoring and

education of private well owners in areas with aquifers that are vulnerable to contamination from nitrate and other chemicals and to develop a network of monitoring wells that can be used to document trends in groundwater quality over time. No later than October 1, 202x, the commissioner of agriculture shall report the plan.....

2) Proposed Bill: Increased Water Quality Protection. Includes bills introduced during the 2020 Session and based on recommendations from the MPCA's Chloride Reduction Plan

- HF3967: SF3413: Reducing chloride contamination in state waters--requires use-reduction implementation of chloride alternatives: Appropriating money to begin to implement the statewide chloride management plan (plan) to reduce chloride contamination in waters of the state and for training to reduce chloride use. \$...... in fiscal year 2022 is appropriated from the general fund to the commissioner of the Pollution Control Agency to begin implementation of the plan reduce chloride contamination in the waters of the state, and to require annual reporting of salt use by state agencies and local governments. The commissioner of the Pollution Control Agency shall begin to implement the plan in consultation with the commissioner of health and the Board of Regents of the University of Minnesota. This is a onetime appropriation. 2. \$...... in fiscal year 2022 is appropriated from the general fund to the commissioner of 1.18 the Pollution Control Agency to provide training in best practices to reduce chloride contamination in waters of the state \$...... in fiscal year 2022 is appropriated from the general fund to the Board of Regents of the University of Minnesota to perform an analysis of the costs, benefits, and feasibility of all of the following: 2.6 (1) requiring the use of alternatives to chemicals or products currently in use that contribute to chloride contamination in the waters of the state. As part of this analysis the Board of Regents shall quantify significant sources of chloride in waters of this state, including the implications of: requiring centralized water softening at drinking water treatment plants; prohibiting the sale of water softening systems that do not allow the operator to reduce the amount of salt used by the softener; and any other potentially viable methods for reducing chloride contamination in the waters of the state. The appropriation in this section is a onetime appropriation. By January 15, 202X , the commissioner of the Pollution Control Agency and the Board of Regents of the University of Minnesota shall submit the materials developed.....
- Proposed bill element: Policy for limiting liability for trained and certified salt applicators HF 1502; SF 1667: Includes training, voluntary certification, record keeping and limited liability. Previous bills had similar language.
- Proposed bill element: Reducing chloride contamination in state waters—banning future sales of water softeners that overuse salt: This bill would prohibit the future sale of water softening systems that do not allow the operator to reduce the amount of salt used by a softener. This relates to water softeners that recharge based on a schedule rather than based on the need for recharge.
- HF3969: SF 3995: Requires water-quality standards revision of methods to simplify and increase efficiency of processes to adopt and amend standards: No later than February 1, 202X, the commissioner of the Pollution Control Agency shall report..... on methods for simplifying and increasing the efficiency of the process of adopting and amending water quality standards.
- HF3947: SF 3956: Encourage pilot pollutant trading. Policy to allow a third-party water-quality broker system with monies appropriated later: Third-Party Water Quality Trading Broker: \$...... in fiscal year 2022 is appropriated from the general fund to the commissioner of the Pollution Control Agency to establish a plan to allow a third-party to broker trades between pollutant discharge permittees and other participants in pollutant offsets under Minnesota Statutes, section 115.03, subdivision 10. The commissioner, in consultation with the University of Minnesota, must review existing water quality trading arrangements in other states and design and implement the program.

By January 15, 2022, the commissioner must submit a report.....on the status of implementing the program under this section and recommendations for any statutory changes necessary. This is a onetime appropriation.

- HF3952: SF4429: Water quality at beaches. Implementation funding to plan a program for beach monitoring, with monies appropriated. : Beach monitoring monitoring plan: \$...... in fiscal year 2022 is appropriated from the general fund to the commissioner of health to develop a plan, in cooperation with local units of government, for monitoring water quality at public beaches and issuing public health notices and beach closures when warranted. By January 15, 202X, the commissioner must submit the plan developed under 1.10 this section, including any policy and funding recommendations..... This is a onetime 1.13 appropriation.

3) Proposed Bill: Agricultural Incentives for water quality and agricultural improvement.  
Includes the following introduced bills from the 2020 Session:

- SF 3950: HF (?): Improving Soil Health: Develop a Statewide Soil Health Action Plan, minor appropriation. \$...... in fiscal year 2022 is appropriated from the general fund to the Board of Regents of the University of Minnesota to prepare a statewide action plan for soil health in consultation with the Board of Water and Soil Resources and the commissioners of agriculture, natural resources, and the Pollution Control Agency. The plan must include recommendations for protecting and improving the state's soil health for agricultural and water quality purposes, including recommendations for research, implementation, outreach, and prioritization of the use of future funding. By January 15, 202X the plan must be submitted..... This is a onetime appropriation.
- HF3945: SF 3961: Precision agriculture research and outreach funding provided, money appropriated. \$...... in fiscal year 2022 is appropriated from the general fund to the Board of Regents of the University of Minnesota, in consultation with the commissioner of the Department of Agriculture and the Board of Water and Soil Resources, to provide additional research and outreach through the University of Minnesota's Precision Agriculture Center, and to: 1) develop policy recommendations and cost estimates regarding implementation of programs that include data privacy, public-private partnerships, and technical assistance focused on the most challenging agricultural and water issues; and (2) research recommendations and pilot study recommendations that include variable rate nutrients, variable rate irrigation, nitrogen mineralization, remote sensing, delineation of management zones, and extension programming.
- HF 3946 : SF 3953: by transferring, over time, monies from the general fund to the commissioner of agriculture for deposit in the agricultural and environmental revolving loan account established under Minnesota Statutes, section 17.117, subdivision 5a, for low-interest loans to farmers, rural landowners, and agricultural businesses through the agricultural best management practices loan program.

4) Safe Drinking Water Safety: Includes introduced bills from the 2020 Session:

- HF3944, SF 3925: Emerging Contaminant Monitoring PFAS: Develop a plan for a network to monitor unregulated contaminants in sources of drinking water. Based on plans from MDH, funds would be appropriated later to develop a network for monitoring unregulated contaminants in sources of drinking water. \$...... in fiscal year 2022 is appropriated from the general fund to the commissioner of health to plan for the development of a network of sites to monitor unregulated contaminants in sources of drinking water. Monitoring sites shall include both community wells, private wells, lakes, rivers, and other sites that complement existing sites operated by the Department of Health.
- SF3955: HF?: Forever chemicals in food waste: Acceptance of certain compostable products containing

PFAS. Until a state or federal statute or rule is enacted prohibiting the incorporation of perfluoroalkyl and polyfluoroalkyl substances (PFAS) into food service ware or other compostable products, a compost facility may elect not to accept such products. \$..... in fiscal year 2021 is appropriated from the general fund to the commissioner of 1.14 the Pollution Control Agency to monitor groundwater and surface water near compost facilities for the presence of perfluoroalkyl and polyfluoroalkyl substances. This is a onetime appropriation. The committee's bill was not introduced in the House. Rep Claflin introduced a simile bill in the House. (HF318: SF 3955 is similar)

#### 5) Improving Wastewater Treatment. Includes the following introduced bills from the 2020 Session

- Flushable wipes- labeling or ban: Non-woven Personal Care Disposable Products; Senate: House: No non-woven disposable product for sale in the state may be advertised, packaged, or labeled as flushable, septic safe, or sewer safe unless it meets the definition set forth in subdivision 1 Similar bill in the Senate (SF3139)
- Determine the threats of Emerging Contaminants: Because many emerging contaminants are not fully addressed at the federal level, it is important to prioritize and manage them in order to make sound decisions about optimizing treatment between the source and the tap. Pursuing the wrong contaminants could lead to costs without benefits and would waste resources. Legislation is needed to assess comparative risk assessments of the ever-increasing list of contaminants of emerging concern. A full analysis would require significant funding. This bill would simply require a scope of work and funding request by the end of 2021, from MDH. (Future of Drinking Water Report) Water Retention: Keeping Water on the Land: Includes the following introduced bills from the 2020 Session:
  - Encourage Water Retention, Keeping Water on the Land. Keeping water on the land, water storage: Pilot Program to Enhance Efforts to Keep Water on the land: Includes Appropriation: (Senate interest). This bill was put on hold in the House as per Fischer. Torkelson and Weber authored similar bill in the House and Senate: In fiscal year 202X is appropriated from the general fund to the Board of Water and Soil Resources..... develop and implement a pilot plan to increase water storage in strategic locations across the state..... This is a onetime appropriation. The plan must include all following: (1) recommendations for enhancing flood protection and providing flood control, and for improving the water quality of waters of the state through research, implementation, and outreach; (2) identification of peak water storage structure opportunities in the most critical areas 1.18 of the state; (3) an assessment of which type of peak water storage structures are appropriate in specific landscape settings, based on available streamflow and water quality information and existing model analysis; Section 1. 1 (4) identification of best management practices for enhancing water storage that take into account specific water storage structure and landscape (5) and, By January 15, 2022, the plan must be submitted to the chairs and ranking minority 2.9 members.....
  - HF3948: SF 3954: Appropriates money to study storm water retention and infiltration. Policy on storm water infiltration: Stream Water Retention and Infiltration Study: \$..... in fiscal year 202x is appropriated from the general fund to the commissioner of the Pollution Control Agency to evaluate the impact of storm water retention and infiltration in urban areas on groundwater and surface water, including the potential for contamination. The commissioner must develop recommendations for when and where storm water retention and infiltration should be encouraged and discouraged. The commissioner must submit a report with the recommendations.....by January 15, 2022. This is a onetime appropriation

#### 6) Improvements to Water Governance Includes the following introduced bills from the 2020

Session:

- HF 1439: SF 4206: Compensation for Ag Buffers: Creates an Agricultural Riparian Buffer Credit
- HF3971: SF 3958; Reestablishes the Advisory Council on Water Supply Systems and Wastewater Treatment Facilities reestablished, and money appropriated to improve drinking water infrastructure
- HF3941: SF4265: Soil and Water Conservation District Grants, Appropriation: Phases out some of the Clean Water Fund (CWF) as funding source Soil and Water Conservation Districts (SWCDs). Reduce SWCD grants from CWF in FY21 by \$3 million; require CWF to fund SWCDs at \$6 million in FY22 and \$3 million in FY23.
- SF 4007: HF (Fischer) Evaluate Models for Assessing Best management Practices: Evaluation of water quality best management practices: \$..... in fiscal year 2022 is appropriated from the general fund to the Board of Water and Soil Resources to review water quality models, tools, and estimators used to assess the outcomes of best management practices and develop recommendations on how to select the best models, tools, and estimators to improve outcomes and consistency. The board must submit a report with the recommendations to the chairs and ranking minority members ..... by January 15, 2022. This is a onetime appropriation.
- Policy: Improved Governance: UM report recommends the creation of a coordinating entity for drinking water issues. This could be accomplished by charging an interagency coordinating team to provide a plan and an annual report. The most appropriate group for taking on this responsibility would be the Interagency Coordinating Team, coordinated by the Minnesota Department of Health. A policy bill would charge the team with this responsibility.
  
- **8):** Compensation for Ag Buffers: Creates an Agricultural Riparian Buffer Credit
- ~~HF 1439:~~ SF 4206: Compensation for Ag Buffers: Creates an Agricultural Riparian Buffer Credit