

Subcommittee on Minnesota Water Policy
Draft Bills, 2020 Session recap
Prioritized Legislative Water Issues

November 2020

Members: As we have discussed, I have reviewed and prioritized (my opinions) those subcommittee bills that were introduced during the 2020. Those bills were based on consensus decisions from the subcommittee. Most of the bills involved policy decisions that require minimal funding. Detailed descriptions are available for each or the bills.

I've prioritized the bill, as requested, based on the following combined criteria:

I hope we can discuss this list soon our October meeting.

Bills with the highest priority, in my opinion (involve policy, have bipartisan support, minimal impact on the little impact on general fund)

- HF3943: (Lippert, Fischer): SF: 3943 (Weber, Eaton, Wiger, Eken): Requires DNR policy on sustainability on Minnesota's groundwater and surface water, with a particular focus on ways to prevent export of groundwater. Based on the "Water Train Controversy: Requires policy on wat to ensure the sustainability of groundwater and surface water**
- HF3951 (Lippert, Fischer), SF3996? (Weber): Require Groundwater recharge policy and a report on artificial recharge. Permits aquifer recharge use where appropriate report required **
- HF3967: (Heintzeman, Brand, Fischer), SF3413 (Weber, Eaton, Wiger, Eken): Chloride contamination in state waters, requires a use-reduction plan planning for feasibility analysis of chloride alternatives and water softening changes**.
- HF3968: (Heintzeman, Poston Fischer); SF 3957 (Wiger, Eaton): Water appropriation allocation priorities modified, Water Appropriation-Golf Courses**
- HF3969: (Poston, Fischer): SF 3995 (Weber): Requires water-quality standards report on methods to simplify and increase efficiency of processes to adopt and amend standards**
- HF3971: (Torkelson, Fischer, Heintzeman), SF 3958 (Weber, Wiger Eaton, Eken): Reestablishes the Advisory Council on Water Supply Systems and Wastewater Treatment Facilities reestablished
- Flushable wipes- labeling or ban: Non-woven Personal Care Disposable Products; Senate: Wiger, Eaton, Weber, Eken, Heintzeman, Fischer. Claflin and Fisher had similar bills in the House. Decision made to not introduce the subcommittee bill. Similar bill in the Senate (SF3139)**
- HF 3595 (Torkelson): SF 3864 (Weber, Frentz) Water Retention, These bills are similar to those discussed by the subcommittee.
- HF3941: (Torkelson, Lippert, Fischer, Heintzeman): SF4265: (Wiger, Draheim, Goggin, Weber, Eken): Soil and Water Conservation District Grands, 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**: this bill needs to be amended to reflect budget shortfall concerns

Bills of high priority, in my opinion (generally involve policy with some level of bipartisan support and minimal impact on the general fund)

- HF3942: (Lippert) SF? (Weber Wiger, Eaton, Eken): Sustainable Drinking Water: Pilot Program to Ensure Safe and Sustainable Drinking Water for the Future by enhancing and leveraging County Geologic Atlas data, Plan for Developing Network of Monitoring Wells and Well Owner Education with appropriations. Also creates a blank appropriation for a well monitoring and education program for private well owners. Senator Weber signed, not sure if it was introduced.
- HF3944 (Fischer), SF 3925 (Weber): Emerging Contaminant Monitoring PFAS: Network for Monitoring Upregulated Contaminants in Sources of Drinking Water: Appropriates money to develop network for monitoring unregulated contaminants in sources of drinking water.
- HF3947: (Poston, Fischer: SF 3956 (Wiger, Eaton): Provides a third-party water-quality broker system and money appropriated. Encourages a pilot pollutant trading**
- SF3955 (Wiger Eaton) HF (Heintzeman): Forever chemicals in food waste, Accepting certain Compostable Products Containing PFAS, Water Quality Monitoring for PFAS; Appropriation. The committee's bill was not introduced in the House. Rep Claflin introduced a simile bill in the House. (HF318-Claflin_ SF 3955 is similar
- Evaluate and update 1989 GW Act; Wiger, Brand, Fischer. Bill not needed, following MGWA process
- HF3952: (Fischer): SF? (Weber signed, Eaton, Wiger, Eken): Water quality at beaches funding provided for a monitoring program, and money appropriated.
- Keeping water on the land, water storage: Pilot Program to Enhance Efforts to Keep Water on the land: Appropriation: Senate interest: Wiger and Weber. This bill was put on hold as per Fischer and Brand. Torkelson and Weber authored similar bills in the House and Senate.
- HF3940: (Fisher), SF3952 (Wiger, Eaton, Eken): Requires collaboration among and a report from Legislative-Citizens Commission on Minnesota Resources (LCCMR), Lessard-Sams Outdoor Heritage Council (LSOHC), and the Clean Water Council.
- SF 3959 (Wiger and Eaton), HF(?) Lippert and Fisher: Soil Health: Statewide Soil Health Action Plan, Appropriations. May not have been dropped in the House.**

Bills of priority: (Bills of priority, some level of bipartisan support but with impact on the general fund)

- HF 1439 (Poston, Fischer): SF 4206 (Wiger, Draheim, Eaton, Goggin, Weber, Eken): Compensation for Ag Buffers: Agricultural Riparian Buffer Credit**
- HF3945 (Brand, Fischer, Lippert); SF 3961 (Wiger, Eken): Precision agriculture research and outreach funding provided, and money appropriated.
- HF 3946 (Lippert, Fischer, Brand): SF 3953 (Wiger, Eaton, Eken): Increase Ag BMP loan program: Agricultural Best Management Practices Loan Program
- HF3948: (Fischer): SF 3954 (Wiger, Eaton): Appropriates money to study storm water

retention and infiltration. Policy on storm water infiltration: Stream Water Retention and Infiltration Study

- SF 4007 (Eken, Wiger, Eaton) HF(Fischer to drop on House) Best models for BMP evaluation: Water Quality: Evaluating Models for Assessing Best management Practices: Appropriation
- Combine CWC, LCC Water Commission. Discussed with Rep Lillie, hold hearings?
- Dedicated Funds for Conservation: Constitutionally dedicated funding and analysis with recommendations: Wiger and Fischer. Bill not introduced.
- SF2102 Draheim: Creating a Department of Water Resources: Draheim and Fischer SF2102. Bill not introduced in the House.

Other developing topics: Subcommittee on Minnesota Water Policy

The University of Minnesota, in cooperation with the Minnesota Department of Health, the Metropolitan Council of the Twin Cities, and the Environmental Quality Board's State Water Plan for 2020 all include recommendations about sustainable and safe sources of drinking water for the future. These reports provide valuable suggestions and considerations for legislative action. They are summarized in the following text. I recommend that these reports be evaluated together, by this committee, and by including the authors and stakeholders. This process would take some time. However, it could result in a legislative initiative that would incorporate the individual reports and prepare legislation that could ensure sustainable sources of drinking water for the future.

The Future of Minnesota Drinking Water--A Framework for Managing Risk
A summary with legislative recommendations for the subcommittee

This is a brief summary of a report prepared by staff and faculty from the University Of Minnesota's Humphrey School of Public Affairs and the University of Minnesota's Water Resources Center. Funding was provided by the Minnesota Department of Health.

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Introduction

The purpose of the report was to identify opportunities for better managing risks to Minnesota's drinking water. This document is a summary that focuses on legislative recommendations in the report in my opinion.

Review of Results with Possible Legislative Actions Based on the Report

Minnesota is recognized as having progressive drinking-water management. However, the future of safe drinking water is challenged by ever-increasing numbers of contaminants, a growing and

shifting population, climate change, and aging infrastructure. The aging population in Greater Minnesota, shifts in population, and increasingly sophisticated and costly water treatment have all created financial challenges for communities. Consequently, advanced planning is considered a priority to ensure safe and sufficient drinking water while providing environmental protection. The University of Minnesota's report presents a framework for this planning effort. This document, by the Legislative Water Policy Subcommittee, is intended to briefly summarize parts of the report as they that relate to possible legislative action. The legislative recommendations in this document are based on my interpretation of the report

The report is detailed and can be assessed at the following link:
<https://www.wrc.umn.edu/future-minnesota-drinking-water>

The UM report promotes a Governance Assessment Framework (framework) as a means for structuring a state water plan. The legislative actions highlighted below address the recommendations in the report in my opinion. Most of these would involve support from the general fund. The report does not recommend specific legislation.

1. Improved Governance: The report recommends the creation of a coordinating entity. In my opinion, 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.
2. Increase staffing for water utilities: Legislation is needed to provide support for curriculum programs at colleges, to establish a professional accreditation program, and to provide tuition support. Legislation also could provide support and a process to efficiently allow consolidation of utilities in those areas of concern. Finally, legislation would be helpful in providing assistance that encourages cost-effectiveness measures, and alternative arrangements, for affordable water treatment and distribution systems, as well as means encouraging the sharing of staff between communities. Some of this has been included in draft bills during prior sessions. I think anything that affects the general fund is a non-starter for the session. I would suggest a water subcommittee hearing to provide scope for a bill during sessions that follow.
3. Impacts of Climate Change: Legislation should support and be based on priorities included in the Environmental Quality Board's State Water Plan. Look to the plan to identify policy bills that do not affect the General Fund.
4. Aging infrastructure (both drinking water and sewage) is a growing threat to the delivery of safe drinking water. Additional funding is needed to upgrade facilities through bonding and other programs. No legislation is recommended unless funding would be required from outside the general fund. Support the bonding process and other processes that are able to provide funding for infrastructure.
5. The Threat 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 waste resources. Legislation is needed to assess comparative risk assessments of the ever-increasing list of contaminants of emerging

concern. Would this be possible at MDH without significant increased funding?

6. Water Safety Planning: Legislative direction is needed to steer the preparation of a plan that would combine water supply plans, wellhead management plans, emergency response plans, existing treatment and distribution network diagrams, and best operating procedures. This support would help produce a plan template and to fund a pilot in several cities by enabling MDH to work with suppliers to explore the advantages of WSPs. Would this be possible without significant funding?

7. Private and domestic wells: The report recommends a positive change in the 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. Providing more readily available and accessible resources for owners to identify hazards associated with local aquifers, and wells of particular design and age, would also encourage them to develop their own cost-effective approach to water safety planning. Bill language in preparation.

8. Citizen Engagement: Legislative support is needed to encourage greater citizen engagement in advocating for improved drinking-water safety. I could use some help in understanding the scope of this need.

Metropolitan Council's Water Supply Plan

A summary of the Metropolitan Council's "Metropolitan Water Supply Plan:

The Twin Cities seven-county metropolitan area is home to three million people, over half of Minnesota's population. Securing residents' safe and plentiful water – while protecting the diverse water resources – requires coordinated, interdisciplinary and ongoing effort.

Although the seven-county region is relatively water-rich, the region's steady population growth, increased groundwater pumping, changing land use, and variable weather and climate is challenging some communities' ability to meet current and future water demand.

This report summarizes findings, recommendations, and continuing planning activities that address the water supply needs of the metropolitan area. It also documents work done since 2005 by Metropolitan Council (Council), with the Metropolitan Area Water Supply Policy (MAWSAC) and Technical Advisory Committees (TAC), and other partners, to fulfill the requirement of Minnesota Statute 473.1565.

Activities include:

- 1) Support for collaboration
- 2) Development and maintenance of a base of technical information including: a) Surface and groundwater availability analyses b) Water demand projections c) Water withdrawal and use impact analyses d) Modeling e) Similar studies
- 3) Development and periodic update of a Metropolitan Area Master Water Supply Plan (Master Plan) that: a) Provides guidance for local water supply systems and future regional investments b) Emphasizes conservation, interjurisdictional cooperation, and long-term sustainability c)

Addresses the reliability, security, and cost-effectiveness of the metropolitan area water supply and its local and sub-regional components

4) Recommendations:

- a) Clarify the appropriate roles and responsibilities of local, regional, and state government in metropolitan area water supply
- b) Streamline and consolidate metropolitan area water supply decision-making and approval processes
- c) Fund ongoing and long-term metropolitan area water supply planning activities and capital investments
- d) Accelerate source water protection for community water systems
- e) Emphasize source-water protection in watershed management
- f) Prevent nitrate contamination of drinking water and groundwater

The Council considers the work and recommendations of the policy and technical advisory committees as the Council prepares regional development framework updates. Minnesota's Clean Water Fund supports two Metropolitan Council programs that increase communities' implementation of projects to help achieve sustainable water supplies.

Brief summary of the Environmental Quality Board's 2020 state water plan as it relates to drinking water. The plan calls for:

Ensuring that drinking water is safe by:

- Accelerate source water protection for community water systems.
- Emphasize source water protection in watershed management, and
- Prevent nitrate contamination of drinking water and groundwater.