



## Legislative Water Commission

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House		Senate	
Rep David Bly	Rep Clark Johnson	Sen Paul Anderson	Sen Jason Isaacson
Rep Peter Fischer	Rep John Poston	Sen Rich Draheim	Sen Bill Weber
Rep Glenn Gruenhagen	Rep Paul Torkelson	Sen Kent Eken	Sen Charles Wiger

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**Date: December 28, 2018**

**TO: Members--Minnesota Senate and House of Representatives**

**FROM: Representative Paul Torkelson and Senator Charles Wiger, Co-chairs**

**RE: 2019 Legislative Recommendations: Legislative Water Commission**

**Background:** The Legislative Water Commission (LWC) reviews water-policy issues that affect Minnesota. During the interim, the LWC held hearings to explore water priorities.

Based on feedback from LWC Members, agency staff and stakeholders, the broad priority issues for the 2019 legislative session are as follows:

- Ensure clean and sustainable drinking water
- Protect and enhance streams, lakes and groundwater
- Ensure that the state is prepared to manage for future conditions. Changes in flooding, drought, land use and population are examples of things that are affecting water, wildlife and infrastructure.

**Based on these broad issues, the LWC recommends the following legislative actions: (The recommendations are not prioritized).**

- 1) **Improve Source Water Protection for Drinking Water:** The Minnesota Department of Health's source-water programs protect towns that use groundwater (water accessed from aquifers from wells) as sources of drinking water. However, we also need to protect rivers and private wells that are sources of drinking water. This affects several million Minnesota residents. Legislation is needed to identify and protect our vulnerable aquifers and rivers. Land-use incentives and water-quality trading\* likely will be keys to our protection efforts. Legislative support also is requested for permanent funding to encourage market-driven incentives for establishing continuous vegetative crops in wellhead-protection areas, over vulnerable aquifers, and in watersheds that supply drinking water from rivers. (MDH, MDA, BWSR, MPCA)
- 2) **Upgrade Aging Water Infrastructure:** Aging water infrastructure threatens human and economic health. Increased fiscal support is needed for infrastructure upgrades, as well as enhanced technical and management support of water infrastructure for small towns. Much can be accomplished through increased and permanent general obligation bonding. However, increased support for small towns and cities also should include cost-effectiveness reviews, support for alternative best-management practices, asset-management reviews, and guidance for market-based water-quality trading options among willing communities. (PFA, MPCA, MDH, BWSR)

- 3) **Increase Efforts to Keep Water on the Land:** Water retention (slowing runoff) reduces erosion and improves agricultural productivity, soil health, water quality, and groundwater recharge. Legislative support is requested to incentivize efficient best-management practices (BMPs). Support is requested to support consensus statements from the Drainage Working Group. In addition, support is requested for cost-benefit analyses of BMPs focused on identifying the most-productive incentives, at specific locations, and specific land-use conditions. Legislation is suggested to incentivize local implementation for technical support that leverages state and federal funding. A process is needed to simplify inter-jurisdictional water planning, by incorporating the One-Watershed/One-Plan process with TMDLs, WRAPS and GRAPS (water restoration) programs (Legislation similar to HF 3908/SF 3647). Stakeholders recommended that pilot water-quality trading and banking programs, for storm water and wastewater, be encouraged to improve water quality and that support should be considered to address a pollutant-exchange mechanism. Finally, a recommendation is needed to provide a better understanding of the extent of tile drains and ditches, as well as their hydrologic consequences. (BWSR, MDA, MPCA and MDNR)
- 4) **Protect and Preserve Water for Future Generations:** We need to be able to plan and to manage water for changes that are occurring. A process is needed to prepare for flooding, drought, land use and population changes that are beginning to affect hydrology, water, wildlife and infrastructure. As a first step, legislative direction and supplemental funding are requested to enhance the biennial EQB water report, by incorporating plans to adapt to changes. (EQB, agencies)
- 5) **Ensure Clean and Sustainable Sources of Groundwater:** Legislative support is requested to increase efforts to ensure sustainable groundwater that supports drinking water, lakes and rivers. White Bear Lake is an example of potential problems that can arise. It is recommended that agency support for data collection and analysis be continued and expanded. These efforts should include an increased emphasis on assessment of water-bank accounts, applied within the County Geologic Atlas and One Watershed/One Plan Programs. Legislation is requested to provide water-quality trading to protect vulnerable aquifers, to make better use of the information we collect, to coordinate water planning, and to increase public education. (DNR, BWSR, MGS, and SWCDs)
- 6) **Improve Soil Health:** Protecting and improving soil is good for agriculture and for water. However, improving soil is a long-term endeavor that requires research and outreach. Permanent legislative support is requested for the University of Minnesota's (U of M) Soil Health Program, now supported using Clean Water funds. Support also is requested to prepare a U of M-agency soil-health action plan, focused on research and outreach to improve soil health, agriculture and water quality. (MDA, BWSR, MPCA, U of M)
- 7) **Protect our Lakes for the Future:** Lakes are a valued state resource. The esthetic, recreational and economic importance of our lakes is significant. However, Minnesota's lakes are fragile and have short lives. They face many threats. We need to preserve and protect as many lakes as possible. As a first step, legislative direction is requested for an agency plan to direct policy for, and management of, lakes. The process should evaluate lake data and monitoring and suggest needed changes, assess existing lake-management programs, provide a framework to prioritize lakes for accelerated lake-management, and investigate how conservation easements could be best used to preserve our most treasured and valuable lakes. (EQB, agencies)
- 8) **Enhance Water Education:** Governor Dayton's Town Hall meetings report the need to increase K-12 water education. White Bear Lake has been a poster child that demonstrates this need. The timing is right to educate and engage youth to become water stewards. Minnesota has a wealth of water experts available to engage in water awareness, but educational entities operate in silos. We lack a central platform to connect volunteers and education professionals with curriculum to enable water education. Educational standards for water are currently very basic. Examples of curriculum support could include resources

provided by Project WET (DNR) and h2oforliveschools.org. Legislative support is requested to better connect these groups through existing programs, possibly the DNR volunteer network. (DNR)

- 9) Provide Peer Review of Wastewater Standard Revisions:** Proposed revisions to numeric wastewater standards is most transparent when it includes the opportunity for outside-agency review. The MPCA currently provides a process for early scientific and public review for new or revised standards. This is guided by a Commissioner's order. This order should be memorialized in statute to ensure that the process continues under future administrations. (MPCA)
- 10) Fix Leaking Sewers that Increase Wastewater Treatment Costs:** Broken and leaky sewers affect drinking water, groundwater quality and wastewater treatment. Broken lines increase the volume of wastewater needing treatment and the problem is growing. Legislation is requested that allows sanitary districts to fix broken sewer lines, or mains, on public and private property, in a way similar to the process used by cities and towns (sanitary districts, MPCA)
- 11) Increase the MDH Drinking Water Service Connection Fee:** This fee protects drinking water by providing condition assessments and asset planning. The fee has not been increased since 2005 and is no longer sufficient. An increase from \$6.36 to \$9.72 per year, per connection, is requested by changing a statute. (MDH)
- 12) Stop the Over-Use of Salt Deicers:** The over-use of salt impairs our waters. Chloride in water cannot be remediated and there are few affordable alternatives to using salt. Cities and state agencies are making progress in reducing the amount of salt applied to our streets. We can further reduce salt applied to commercial parking lots and sidewalks without affecting public safety. Permanent legislative support is requested to train commercial applicators. This training is now provided by Clean Water funds that likely will not be permanent. Legislation is requested to limit the liability of trained and certified applicators. A legislative recommendation is requested for an executive order to reduce salt used at the Capitol complex. (MPCA)
- 13) Provide Long-Term Viability for the Legislative Water Commission (LWC).** Because water issues are complex, controversial, and costly, water policy must be undertaken thoughtfully. The 12-member, bi-cameral and bipartisan LWC brings value to the legislature by providing technical information and by creating a public forum for interactions among legislators. Legislation is requested to ensure continuation of the LWC so that water policy and plans can be coordinated.

\* Water-quality trading is a market-based approach to the protection and restoration of surface waters. It is a tool that can be used in conjunction with existing voluntary, regulatory, and financial assistance programs. Market-based approaches offer flexibility to regulated entities and may achieve greater water quality and environmental benefits than traditional regulatory approaches alone. The U. S Environmental Protection Agency estimates that flexible approaches to improving water quality could save \$900 million annually, across the nation, compared to the least flexible approach. Market-based approaches can also create economic incentives for innovation, emerging technology, voluntary pollution reductions, and greater efficiency in improving the quality of the nation's waters.

Glossary:

DNR: Minnesota Department of Natural Resources  
 BWSR: Minnesota Board of Water and Soil Resources  
 MDA: Minnesota Department of Agriculture  
 MDH: Minnesota Department of Health  
 MGS: Minnesota Geological Survey  
 MPCA: Minnesota Pollution Control Agency