### Weekly LWC Update 1-20-17

Interested reader: each week, I gather general information for Legislative Water Commission members to help keep them apprised about water issues in Minnesota. It contains a roundup of easily attainable MN water news, as well as articles from beyond MN that may inform member thinking. It also includes summaries of meetings I have monitored and reports I have read, as well as info about upcoming events. During the Legislative Session, it also includes updates on water-related legislation. Any errors or omissions are inadvertent. Provide corrections or additions to me at barb.huberty@lcc.leg.mn.

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# **LEGISLATURE** COMMITTEES

It was another week of agency overviews. The House Environment, Natural Resources Policy and Finance Committee had an overview of agency rulemaking and BWSR operations. The House Joint Ag Finance/Ag Policy got an overview of MDA operations, including an update on the advanced biofuels program, which is in its infancy developing fuel markets for cellulosic biofuels, like native grasses, perennial crops, corn stover and cover crops. The Senate Ag, Rural Development, and Housing Policy Committee also received an overview from MDA, as well as MPCA. The Senate Committee on Environment and Natural Resources Finance got overviews on BWSR and MPCA programs. The Senate Capital Investment had an overview by MMB of the state's capital investment guidelines, as well as the Governor's bonding recommendations. See the breakdown in water-related bonding proposals in the 2<sup>nd</sup> table, below.

In a 4-hour, joint session of the House Environment, Natural Resources Policy and Finance Committee and the Agricultural Policy Committee, a full house of members and a standing room only audience learned about the implementation of the buffer law. In addition to hearing from DNR about maps being 98% ready, BWSR explained their progress developing policy guidance and conducting outreach, and noted many counties that are estimating >70% compliance already (pending later field verification). The Agency presentations were followed by testimony from SWCD/WD/county staff, farmers, farm organizations, and environmental groups. Key concerns that emerged from the ag sector were: the inability to appeal the mapping decisions, the incompleteness of the map (with ~800 unresolved change requests), ditches that are classified as public waters, retroactive DNR enforcement of landscape changes made after the public waters inventory was complete, an undeveloped plan for assessing and utilizing alternative practices, ability to obtain Palmer Amaranth-free seed mixes, compensation for the land lost to buffers, allocation of money for enforcement, local enforcement control, the inadequacy of federal funding for cost-share practices, and the fear of being fined for noncompliance resulting from confusing and incomplete state direction.

## **WATER BILLS**

The green highlighted bills are those introduced this week that are companions to bills introduced previously. The remainder of the bills were introduced during the week ending 1/20/17. Click on the File # hyperlinks for more details.

House File	Committee Assignment	Senate File	Committee Assignment	Description	
<u>151</u>	Legacy	<u>179</u>	ENRP & LF	\$350K from CWF to Admin for grant to Lake Superior Center Authority for new river systems exhibit (dba the Great Lakes Aquarium)	
<u>158</u>	Job Growth	136	None	\$1.2M from general fund to PFA for grant to <b>Duluth N Shore Sanitary District to retire debt</b> to bring rates into alignment with other facilities	
220	Job Growth	242	None	\$2M bond proceeds to PFA for grant to Koochiching Co for part of the Voyageur's National Park clean water project	
None	None	<u>169</u>	Cap Invest	\$50K bond proceeds to DNR for grant to Ottertail co for <b>West Leaf Lake</b> dam renovation	
303	Ag Policy	None	None	pesticide control ordinances adopted and enforced by cities of the 1st class are not preempted by the state	
337	Job Growth	<u>241</u>	Cap Invest	\$7.55M bond proceeds to PFA for a grant to <b>Stewart River Subordinate</b> Service District for new WWTF in Silver Creek Township	
338	ENRPF	None	None	establishes alternative wetland mitigation options in >80% areas and authorizing rulemaking to amend MN Stat 103G.222	
<u>353</u>	Job Growth	None	None	\$3.699M bond proceeds to PFA for grant to Waldorf for wastwater, water treatment, and stormwater drainage systems	
<u>370</u>	ENRPF	None	None	\$2.55M bond proceeds to DNR for <b>flood hazard mitigation grant to Halstad</b>	
None	None	<u>210</u>	Cap Invest	omnibus bonding bill, includes bond proceeds to DNR, MPCA, BWSR, MDA, Met Council, MDH, DEED and PFA to fund various capital investment programs and projects related to water infrastructure and water resources (SEE THE BREAKDOWN BELOW)	
None	None	233	ENRF	Extends availability of grant money to remove and prevent aquatic invasive species	

So far, 39 of the 631 introduced bills are water-related (6%).

Here is the breakdown of water-related expenditures proposed in the SF210, the omnibus bonding bill:

DNR	Flood Hazard Mitigation of which money is dedicated for:	\$11,555,000	
	of which money is dedicated for:	7,,	
	Cedar River WD	\$1,700,000	
	Browns Valley	\$750,000	
	Ortonville	\$1,800,000	
	Ortonvine	\$4,250,000	
		ψ ., <u>/</u> 230,000	
DNR	Dam Renovation, Repair, Removal	\$9,000,000	
	of which money is dedicated for:		
	emergencies on state dams	\$500,000	
	Lanesboro	\$3,600,000	
	Lake Bronson	\$2,500,000	
	Pelican Rapids	\$500,000	
	Pine River/Norway Lake	\$200,000	
	Y Med Co/Canby R-6	\$200,000	
	St Louis Co/Little Stone Lake	\$100,000	
	State dams at Brawner, West Leaf Lake,	\$1,400,000	
	Collinwood, Grindstone R, Sullivan	,	
		\$9,000,000	
DNR	Champlin Mill Pond	\$3,300,000	
	DNR subtotal	\$23,855,000	(38% of DNR total)
MPCA	St Louis River AOC Cleanup	\$12,705,000	
	Lake Redwood Reclamation	\$7,800,000	
	MPCA subtotal	\$20,505,000	(67% of MPCA total)
		4	
BWSR	RIM	\$10,000,000	
	Local Gov't Roads Wetland Repl Prog	\$5,000,000	(4000/ -f D)4(CD +-+-1)
	BWSR Subtotal	\$15,000,000	(100% of BWSR total)
MDA	Ag lab upgrades	\$2,218,000	(79% of MDA total)
Met C	Inflow/Infiltration grants	\$2,500,000	(6% of Met Council total)
MDH	Health lab upgrades	\$2,335,000	(100% of MDH total)
DEED	St James infrastructure	\$3,446,000	(4% of DEED total)
PFA	Clean water, drinking water rev funds	\$17,000,000	
	Wastewater infrastructure fund	\$70,000,000	
	Point source implementation grants	\$46,500,000	
	Big Lake Sanitary Sewer	\$1,200,000	
	Dennison wastewater system	\$726,000	
	E Grand Forks wastewater interconnect	\$5,300,000	
	Koochiching Co VNP clean water project	\$2,000,000	
	Lilydale stormwater conveyance	\$140,000	-
	Oronoco wastewater treatment	\$500,000	-
	5. 5.1000 Wastewater treatment		(100% of PFA total)

## **MN NEWS**

#### **WATER ACTIONS**

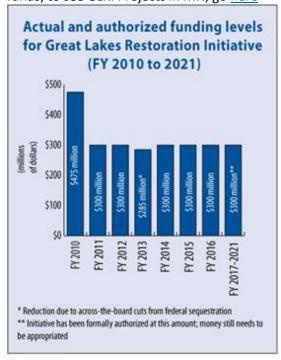
- MPR: <u>Pollution control officials to hold meetings on wild rice sulfate rule</u> (see summary from South St Paul open house, below)
- Caledonia Argus: County among first in the state to adopt One Watershed, One Plan
- Brainerd Dispatch: Cass County Board: Public comment sought on water management plan

## **SURFACE WATER/STORMWATER**

- Strib: Judge: Minnesota agency can join Red River diversion lawsuit
- DNR: has produced a new YouTube video explaining the importance of water level fluctuations on MN lakes <a href="https://youtu.be/MMnf\_yVHOWc">https://youtu.be/MMnf\_yVHOWc</a>
- Strib: Minnesota lays out vision for Mississippi River corridor
- Pioneer Press: MPCA study: Trace medications, chemicals may be harming fish, wildlife

#### **GREAT LAKES**

- MPR: Report shows environmental progress on Great Lakes, but more work needed
- International Joint Commission: <u>Great Lakes Water Quality Agreement Fact Sheet 2016</u>
  Progress Report of the Parties and Triennial Assessment of Progress report
- Great Lakes Restoration Initiative: about \$300M in federal funding has been applied to Great Lakes restoration projects each year since 2011; MN has been the recipient of some of those funds; to see GLRI Projects in MN, go <a href="here">here</a>



## **WATER SUPPLY**

- WDAZ8: <u>Water woes continue in small town of Kennedy</u>; Pioneer Press: <u>Northern Minnesota town got so cold the water tower froze</u>
- ABC Newspapers: <u>Ramsey considers river for water supply</u>; the estimated cost to build a water treatment facility to support this change is \$36.5M

• Daily Globe: Lt. Gov. Smith visits Worthington to push for water pipeline

#### **WASTEWATER**

Belle Plain Herald: <u>Mankato Mayor Wants Belle Plaine's Support in Dispute With MPCA;</u>
 Mankato Free Press: Mankato takes lead in fight against sewage regulations

## **AG & WATER**

- Governor Dayton's Office: Governor Dayton Signs Agreement with USDA for \$350 Million in Federal Funding to Protect and Improve Water Quality in Minnesota; Pioneer Press: Mark Dayton signs deal providing \$350 million to protect Minnesota waters; MinnPost: Feds give state \$350 million to help farmers protect water quality; Strib: Dayton announces \$500 million deal to protect rural waters; WDIO: Southern, Western Minn. Get \$350M in Federal Funds for Water Quality; WCCO: Dayton Announces \$350M In Federal Funds For Water Quality; Fox 21: Dayton Announces \$350M in Federal Funds for Water Quality; Waseca County News: Money set aside to preserve Minnesota land, improve water; Fergus Falls Daily Journal: Money set aside to preserve land, water; Post Bulletin: Dayton announces \$350 million in federal funds for water quality; MPR: Dayton announces \$350M in federal funds for water quality (see summary of signing ceremony in the Meeting section, below)
- MPR: Minnesota farmers say Dayton plan to curb runoff is laced with problems; KUOW:
   Minnesota farmers say Dayton plan to curb runoff is laced with problems; Crookston Times:
   Minnesota Republicans target water quality law for repeal; Farm Forum: Minnesota Republicans
   target water quality law for repeal; Austin Daily Herald: State farmers plan to curb runoff is
   laced with problems; Marshall Independent: Lyon County gets first look at buffer enforcement
   options; MN Farm Guide: Stearns County buffer compliance about 94 percent; Pioneer Press:
   Pressed by angry farmers, Republicans target Dayton's water quality law for repeal; AgWeek: In
   Minnesota, buffer debate for farmers ranges from U.S. Constitution to timing
- MN Soybean Growers Association: <u>Klobuchar's office to host public forums as part of Farm Bill</u> tour
- TriState Neighbor: Minnesota tax bill aims to relieve burden on farmers, including payments of \$40/yr for 5 yrs for each tillable acre converted to a water quality buffer strip, starting in 2019

#### **EXTRACTIVE INDUSTRIES**

- Pioneer Press: Forest Service seeking two-year moratorium on new mining near BWCA
- MPR: Feds launch study of proposed 20-year mining ban near Boundary Waters

## **OPINIONS**

• Echo Press: <u>LETTER</u>: Restoring water quality on lakes is up to citizens

## **BEYOND MINNESOTA**

## **REGIONAL**

- Post Bulletin: Water diversion project in Waukesha faces scrutiny
- MPR: <u>Army plans Dakota Access oil pipeline environmental study</u> and <u>Dakota Access company</u> <u>seeks to block pipeline study</u>; <u>Pioneer Press: Judge declines to halt environmental study of</u> <u>Dakota Access pipeline</u>; <u>Strib</u>: <u>Federal study on Dakota Access pipeline to move forward</u>
- Strib: Plan to pipe in drinking water from Lake Michigan draws scrutiny in Waukesha, Wis.
- Reuters: EPA water rule revived by U.S. appeals court in NYC case

#### **NATIONAL**

- Pork Network: Who Should Pay for Water Quality and Soil Conservation Improvements?
- EPA: EPA Awards \$12.7 Million to Assist Small Drinking Water and Wastewater Systems
- EPA: National Primary Drinking Water Regulations; Announcement of the Results of EPA's
   Review of Existing Drinking Water Standards and Request for Public Comment and/or
   Information on Related Issues; 8 of 88 drinking water regulations are candidates for revision as part of its once/6 yr review to consider new technology, data, or analytical techniques
- EPA: Notice of Funding Availability (NOFA) for Applications for Credit Assistance Under the
   Water Infrastructure Finance and Innovation Act (WIFIA) Program; EPA is accepting loan
   applications for the new water infrastructure lending program (WIFIA) to finance up to \$1B
   worth of public and private projects
- EPA: Public Notification Requirements for Combined Sewer Overflows to the Great Lakes Basin
- EPA: Use of Lead Free Pipes, Fittings, Fixtures, Solder and Flux for Drinking Water
- EPA: <u>Procedures for Prioritization of Chemicals for Risk Evaluation Under the Toxic Substances</u> Control Act
- National Drought Resilience Partnership: 2016 End of Year Report
- NOAA: NOAA Water Initiative Vision and Five-Year Plan; this is "a comprehensive effort to give
  people and governments better access to the water information they need for their unique
  circumstances, so that they may take appropriate actions to address water-related risks and
  manage their water resources more efficiently and effectively"
- NOAA National Centers for Environmental Information: <u>National Overview Annual 2016</u>; MN had "much above average" temperatures and precipitation in 2016 (see ranks graphic below):

#### Statewide Precipitation Ranks January-December 2016 Period: 1895-2016 Much Below Average Below Average Near Above Average

## **MEETINGS**

#### **CREP AGREEMENT SIGNED**

This week, Governor Dayton signed a Conservation Reserve Enhancement Program (CREP) agreement with USDA that will allocate \$350M in federal funding to be spent in 54 MN counties on 60,000 acres (~100 sq mi). The Dayton administration had requested \$634M. Participation in the CREP program is voluntary, but if conservation is implemented on all the acres, BWSR staff estimate an annual reduction of 19,200 lbs of phosphorus, 1,220 lbs of nitrogen, and 246M lbs of sediment. This agreement culminates a nearly 2 year, bipartisan, multi-agency, and multi-organizational effort and is one of the largest allotments ever made. According to John Jaschke, Executive Director of BWSR, MN has the science and staff needed to take action on obtaining these permanent conservation easements. The CREP efforts will be split into 3 initiatives:

- 1. Riparian buffer establishment (on about 30,000 acres; the portion of needed buffers this represents won't be known until the buffer inventory is complete
- 2. Conservation in municipal wellhead protection areas
- 3. Wetland conservation to hold water on the landscape

The conservation efforts will be targeted in in areas of demonstrated need.

DNR Commissioner Tom Landwehr indicated that the 54 counties that will be eligible for CREP funding are counties that have <5% public lands. They have several challenges that this funding will help tackle: loss of prairie habitat, wellhead protection, and nitrate contamination, while benefiting hunting and fishing habitat.

MN's FSA Director, Grant Herfindahl, noted that this program will provide long-term strategic solutions and acknowledged the past and continued support of the MN Legislature.

To see a complete lists of organizations supporting Minnesota CREP click <a href="here">here</a>.

MPCA Director John Stine mentioned that efforts in both cities and agricultural areas will be needed in targeted areas to restore waters.

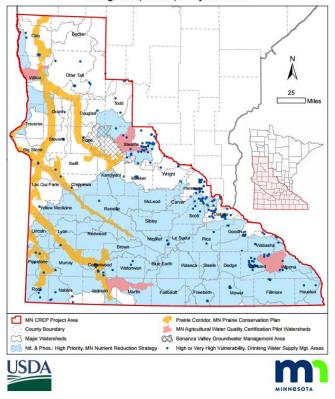
Rep. Rick Hanson said the MN has a good track record of conservation implementation and that this tool is another way that farmers can leave a legacy. Sen. Bill Weber gave a cautionary reminder about guaranteeing the safety of the seed supply in areas where prairie plantings are used on CREP easements so as not to exacerbate the Palmer Amaranth problem.

A state match of \$150M is needed to leverage the full federal funding amount. \$54.81M has already been appropriated in past legislative sessions, with \$29.75 from the Clean Water Fund (CWF) and \$25.06M from the Outdoor Heritage Fund (OHF). An additional \$95.19M in state funding will be sought in the 2017 Session. Thus far, recommendations to fund various programs that support the buffer statute include:

- the Governor's recommendation for \$30M in bonding money
- the Clean Water Council's recommendation for \$3.5M from the CWF
- the Lessard-Sams Outdoor Heritage Council's recommendation for \$15.731M from the OHE, and
- the Legislative Citizens Commission on MN Resources' recommendation of \$6M from the Environmental Trust Fund.

If these recommendations were passed as recommended, another \$39.959 would be needed from these or other sources, such as the general fund.

## Minnesota Conservation Reserve Enhancement Program (CREP) Project Area



## **WILD RICE SULFATE STANDARD**

MPCA hosted an open house in South St Paul this week to give interested stakeholders an opportunity to learn about MPCA's draft, revised sulfate standard to protect wild rice. About 40 attendees heard a short presentation, had an opportunity to view posters and ask questions of MPCA staff, and leave informal comments for MPCA's consideration. Two more open houses will be held this month:

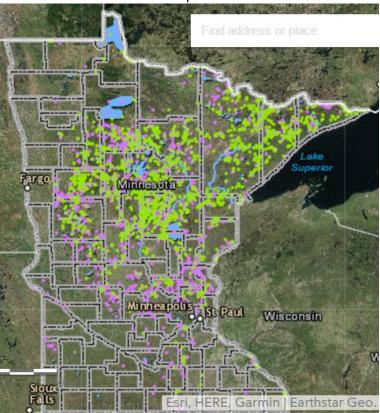
- Duluth, Wed 1/25, 6:30 -8:30 pm; U of MN Kirby Student Center, Griggs Center, 2nd Floor, 1120 Kirby Drive
- Mountain Iron, Tues, 1/31, 6 8 pm; NE Service Cooperative Office, 552 Emerald Drive MN's first sulfate standard of 10 ppm was adopted in 1973 and it applied to waters used for the production of wild rice. Since then, MPCA staff have recognized that wild rice has grown in waters with sulfate levels exceeding the standard and that an official designation as a wild rice water to which the standard applied was missing. In 2010, MPCA began the standard review process with a literature review to learn more about the complexities of sulfate in sediment and water. From 2011-2013, they conducted research to fill some of the data gaps. When the data collection phase was completed, they conducted iterative rounds of analyses to formulate a plan for rule revisions. Findings indicate that no single level of sulfate can be protective of wild rice in all water bodies. Depending on the amount of iron and carbon in sediment, sulfate is converted to sulfide at different rates. Therefore, the new rule is an equation to be applied on a site-specific basis and it accounts for the interaction of these variables: sulfate in the water column, carbon in sediment, and iron in sediment.

MPCA shared the technical support document containing the scientific basis for the new proposed approach in the summer of 2016. This was followed by holding a comment period, updating the technical support document, drafting the proposed rule, and drafting the Statement of Need and

Reasonableness. A legislatively established advisory committee has been guiding MPCA through this process. After the conclusion of this open house period, MPCA anticipates putting the draft rule on public notice, holding another comment period and an Administrative Law Judge (ALJ) hearing, MPCA will prepare responses to comments by summer 2017. The final ALJ report is due 30 days after the response period. Then the final rule will be published in the state register for adoption and sent to EPA for review and approval.

As part of the new rule, MPCA has identified about 1,300 wild rice waters (streams, lakes, wetlands shown as green dots) and wild rice watch waters (pink dots), as shown on the map below. Go to MPCA's <u>Protecting wild rice waters</u> website to access an interactive version of this map, along with additional details about the proposed rule.

Until the new rule is adopted, the current standard is being implemented on a permit by permit basis. Note that a sulfate standard is not needed to protect cultivated wild rice.



## **HARMFUL ALGAL BLOOMS**

The 1st place winner of the environmental design category at the 2016 Water Environment Federation Technical Exhibition and Conference were 4 U of MN students from the St Anthony Falls Hydraulics Laboratory. Their project "A New Approach for Retrieval of Harmful Algal Bloom Concentrations Using Satellite Observation" showed that in-lake data collected by continuous sampling buoys can be compared to satellite imagery to develop a catalog of reference values by lake type. Future satellite imagery could then use these reference values as "real time" indicators of when harmful algal blooms will occur, what is triggering the bloom, and where the trigger sources are originating.

Harmful algal blooms contain a mixture of various cyanobacteria species that produce many types of cyanotoxins that affect nerves, livers, and skin. They have been found on every continent except Antarctica and have been known to be toxic for hundreds of years (an 1800's report of livestock poisoning is thought to be caused by these toxins). The frequency of these blooms appear to be

increasing as a result of warmer lake temperatures and more nutrients in the water. However, the primary cause of these blooms is still unknown, as there are many co-limiting factors at work.

Phycocyanin is the protein complex in cyanobacteria whose relative fluorescent units can be measured using remote sensing techniques. Conceivably, one day, boats could be equipped with phycocyanin detecting sensors that use the Internet of Things to transmit the data to a central processing site to provide early health warnings of toxic blooms.

## **REPORTS**

#### **STATE OF MN WATER**

- DNR: Stream Flow Report discontinued until spring
- National Drought Mitigation Center: <u>1/17/17 Drought Monitor</u>

## **BWSR REPORTS**

The Board of Water and Soil Resources has a board meeting on January 25<sup>th</sup>. Their Board meeting packet contains several items of interest:

- The Performance Review and Assistance Program Report (pages 104-153)
- The Grants Monitoring Report (pages 155-159)
- Policy 8 Election of Jurisdiction, Buffer Law Implementation (pages 176-177)

## **UPCOMING EVENTS**

- Jan 7-Feb 19: Smithsonian Water/Ways and We Are Water MN Exhibits in the Events Hall of
  the Commonweal Theater in Lanesboro, with companion exhibits "Currents of Change" in the
  Lanesboro Arts Gallery, "Water Brings People Together Over Time" at the Lanesboro Museum,
  and "Water in Ritual: Baptismal Gown Display" at the Bethlehem Lutheran Church; this group is
  also hosting many other activities, from stage performances to dinners to lectures; read all the
  details here (they span several web pages)
- Jan 23-24: MN Water Well Association's 95th Annual Trade Show and Convention; Minneapolis Marriott NW; more info to come here
- Jan 25: DEED Water Technology Listening Session: A New Path Forward for Water Technology Testing and Pilot Projects; 11am – 1pm; Cargill Building, Room 105, 1500 Gortner Ave, St. Paul; info and registration link <a href="here">here</a>
- Jan 27: **Governor's Town Hall Water Summit**, U of MN Morris, 9:45 am to 4 pm; registration opens 1/6; more info here; register here
- Jan 28: **Habitattitude Fish and Aquatic Plant Surrender**; 10:00 am to 6:00 pm; Redemption Lutheran Church Gymnasium; 927 East Old Shakopee Road, Bloomington
- Jan 30: Water Resources Foundation's One Water Implementation: A Path to Reliability and Resiliency for Water Utilities webcast; free; 1:30-3 pm CT; register here
- Jan 31-Feb 2: MN Erosion Control and Stormwater Management Annual Conference and Trade Show; 1 Day fee-\$170 member/\$200 Nonmember or 2 Day fee-\$330 member/\$390 nonmember; Verizon Wireless Center in Mankato; schedule here; register here
- Feb 2: **16th Annual Road Salt Symposium**; 8 am 3 pm; \$135 (includes continental breakfast and buffet lunch); Mounds View Community Center (5394 Edgewood Drive); agenda <a href="here">here</a>; register by 1/26 <a href="here">here</a>
- Feb 3: Minnesota Environmental Congress (includes a water track); free; 8 am to 6 pm; U of MN Continuing Education and Conference Center (1890 Buford Avenue, St. Paul); more info and registration info <a href="here">here</a>
- Feb 7: Nutrient Management Conference, St. Cloud; details to be announced

- Feb 9: Water Technology Export Roundtable: Opportunities in Water Reuse; 9:30AM 1PM;
   \$30 includes lunch; @ Dow Water & Process Solutions, 7600 Metro Boulevard, Edina; register here
- Feb 13: Rinke Noonan Annual **Drainage and Wetland Conference**; River's Edge Conference Center in St Cloud, details to come
- Feb 16: U of MN Extension's Nitrogen: Minnesota's Grand Challenge and Compelling Opportunity; \$20, 9:00 – 3:30; Verizon Wireless Center (1 Civic Center Plaza, Mankato); information and registration here
- Mar 7-9: 33<sup>rd</sup> Annual MN Rural Water Association Water & Wastewater Technical Conference; River's Edge Convention Center in St Cloud; \$280 early registration/\$305 on-site registration; agenda and registration <a href="here">here</a>
- Mar 22-23: 19th Joint Annual Conference of the Red River Watershed Management Board and Red River Basin Flood Damage Reduction Work Group; Courtyard by Marriott in Moorhead; details to come
- Mar 27: Agricultural Drainage Workshop; Best Western Willmar; detains to come
- Mar 29-31: **Design-Build for Water/Wastewater Conference**; Minneapolis Convention Center; registration costs vary; agenda and registration info here
- Apr 18: DEED MN Water Technology Export Roundtable: The Water Energy Nexus, 10:00 a.m. to 1:00 p.m. @ Aeration Industries (4100 Peavey Road, Chaska) \$30 (includes lunch)
- May 9: Minnesota Day at the National Climate Adaptation Forum; registration can be found here
- Aug 7-9: WaterWorks! Drinking Water Institute for Educators; Lakeville; details here