

Weekly LWC Update 1-26-17

*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.***

Barb Huberty, Director, MN Legislative Water Commission
100 Rev. Dr. Martin Luther King Jr. Blvd., 65 State Office Building
St. Paul, MN 55155
Phone: 651/284-6431
Web site: www.lcc.leg.mn/lwc/

LEGISLATURE

WATER ACTIONS IN COMMITTEES

This week, while some of the committees that hear water related legislation are still hearing agency overviews, others are moving into the budget and bill hearing stage.

- The House Ag Finance Committee heard HF284, a proposal to fund MDA's agriculture laboratory equipment and instrument upgrades that are needed to conduct analyses for food safety, plant diseases, and the presence of agricultural chemicals in water. This item was included in last year's bonding bill, which did not pass. The motion was adopted to re-refer the bill to the Ways and Means Committee. They also began hearing an overview of MDA's budget.
- The Senate Capital Investment Committee received an overview of SF210, the omnibus bonding bill, and heard testimony on its provisions. A motion was adopted to re-refer the bill as amended to the Finance Committee.
- The Senate Environment and Natural Resources Finance Committee heard an overview from the MN Environmental Quality Board, the agency responsible for the state's water policy plan and the environmental review process.
- The Senate Environment and Natural Resources Policy and Legacy Finance Committee received an overview of the Clean Water Fund and recommendations for the next biennium's appropriations from the Clean Water Council and the Clean Water Fund Interagency Coordinating Team.
- The House Environment and Natural Resources Policy and Finance Committee heard from DNR and BWSR staff regarding their study of whether MN should assume the federal Clean Water Act's Section 404 program for permitting wetlands, a task currently led by the Army Corps of Engineers. Read the report to the Legislature: [Minnesota Federal Clean Water Act Section 404 Permit Program Feasibility Study](#).

WATER BILLS

The gold shaded cells are those bills introduced this week that are companions to bills introduced previously. The bills below the thick black line were introduced during the week ending 1/26/17. Click on the File # hyperlinks for more details. 93 of 1,021 introduced bills (9%) are related to water.

House File	Chief/LWC Authors	Senate File	Chief/LWC Authors	Description
203	Backer	412	Westrom	modifies drainage system repair procedures by allowing updated land values based on the county assessor's most recent estimated market value
229	Metsa	334	Tomassoni	\$4M bond proceeds to DNR for grant to Aurora for a water supply system to serve Aurora, Hoyt Lakes, Biwabik and White
370	Marquart	329	Eken	\$2.55M bond proceeds to DNR for flood hazard mitigation grant to Halstad
457	Howe	233	Fischbach	Extends availability of grant money to remove and prevent aquatic invasive species
540	Gruenhagen	260	Newman	\$500K bond proceeds to DNR for grant to Gaylord to replace Lake Titlow dam
None	None	262	Ingebrigsten, Ruud	\$103,978,000 in 2018 and \$585,000 in 2019 from the outdoor heritage fund to various recipients (calculate water-related expenditures)
596	Poppe	271	Sparks	\$3M bond proceeds to DNR for grant to Austin to improve the Ramsey Mill Pond and associated amenities
595	Poppe	272	Sparks	\$600K bond proceeds to DNR for grant to Austin to improve the 4th Avenue Mill and Dam and associated amenities
594	Poppe	273	Sparks	\$4.2M bond proceeds to DNR for state share of flood hazard mitigation grant to the Cedar River Watershed District for improvement to prevent or alleviate flooding
454	Olson, Torkelson, Bly	282	Rest, Ruud	\$25.4M bond proceeds to MPCA for cleanup activities of St Louis River estuary and Duluth Harbor
413	Torkelson	294	Dahms	\$7.825M bond proceeds to MPCA for grant to Redwood-Cottonwood Rivers Control Area to reclaim the Lake Redwood Reservoir
452	Kiel	296	Johnson	\$1.45M bond proceeds to DNR for flood hazard mitigation grant to Nielsville for improvement to prevent or alleviate flooding
284	Hamilton	315	Westrom	\$2.218M general fund to MDA to equip ag laboratory
None	None	316	Dziedzic	\$___ general fund to DOC to establish a green roof advisory task force
398	Torkelson	348	Dahms	\$378K from gen fund to BWSR for grant to Area II Mn River Basin floodplain management projects
431	Norness, Johnson, Torkelson	371	Ingebrigsten, Ruud	\$5M gen fund to BWSR to acquire wetland banking projects for road projects and \$10M bond proceeds to purchase land or easements for the wetland banks
434	Fabian, Torkelson	326	Ingebrigsten	where road replacement wetland bank credits are not available, BWSR must use credits from other service areas as permitted by state/fed law and wetland disturbances up to 10K sq ft for roads previously authorized by ACE Sec 404 are exempt from WCA
447	Torkelson	None	None	\$1M bond proceeds to BWSR for grant to MN River Basin flood hazard mitigation projects in Area II
468	Cornish	None	None	\$101K gen fund to DEED for grant to reimburse Madelia for infrastructure repair costs from 1/16 fire

478	Erickson	384	Matthews	\$1.975M bond proceeds to PFA for grant to Pease for water and sewer system improvements
495	Sundin	361	Lourey	\$2.2M bond proceeds to PFA for grant to Big Lake Area Sanitary District for wastewater connection to WLSSD connector in Cloquet
509	Gunther	None	None	\$6M bond proceeds to PFA for grant to Winnebago for drinking water, sanitary and storm sewer system upgrades in the NW utility improvement area
512	Rarick	None	None	\$2M bond proceeds to PFA for grant to Pine City for water and wastewater infrastructure projects
551	Green	None	None	Eliminates rulemaking authority for DNR & MPCA and provides sunset or enactment of existing rules
552	Green	None	None	Grant of authority in law required for adoption of rules, and threshold for conducting a public hearing on expedited rules reduced
560	Kiel	399	Johnson	\$300K over 2 yrs from CWF to MPCA for grant to Red River Mgmt Bd for River Watch monitoring and education program
566	Haley	154	Miller	\$10M bond proceeds to DOT for port development assistance
568	Howe	332	Fischbach	\$4.66M bond proceeds to PFA for grant to Cold Spring for water infrastructure improvements
None	None	348	<i>Dahms</i>	\$378K from gen fund to BWSR for grant to Area II Mn River Basin floodplain management projects
575	Urdahl	396	Senjem	Lanesboro dam project exempted from a nonstate contribution
580	Fabian	398	Johnson	\$2.5M bond proceeds to DNR for flood hazard mitigation grants to Two River Watershed District for Klondike, Roseau River Watershed District for Roseau and Whitney Lakes, Red Lake Watershed District for Pine and 4 Legged Lakes, and to Middle Snake Tamarac Watershed District for Newfolden
581	Backer	None	None	\$9.94M bond proceeds to DNR for flood hazard mitigation grants; of this \$750K to Browns Valley, \$7M to Redpath Township, \$390K to Bois de Sioux Watershed District for Big Lake Herman
None	None	385	Eken	\$1.25M bond proceeds to DNR for flood hazard mitigation grants to Perley and Hendrum
None	None	391	Jasinski	\$15M bond proceeds to DEED for grants under the Greater MN business development public infrastructure program

MN NEWS

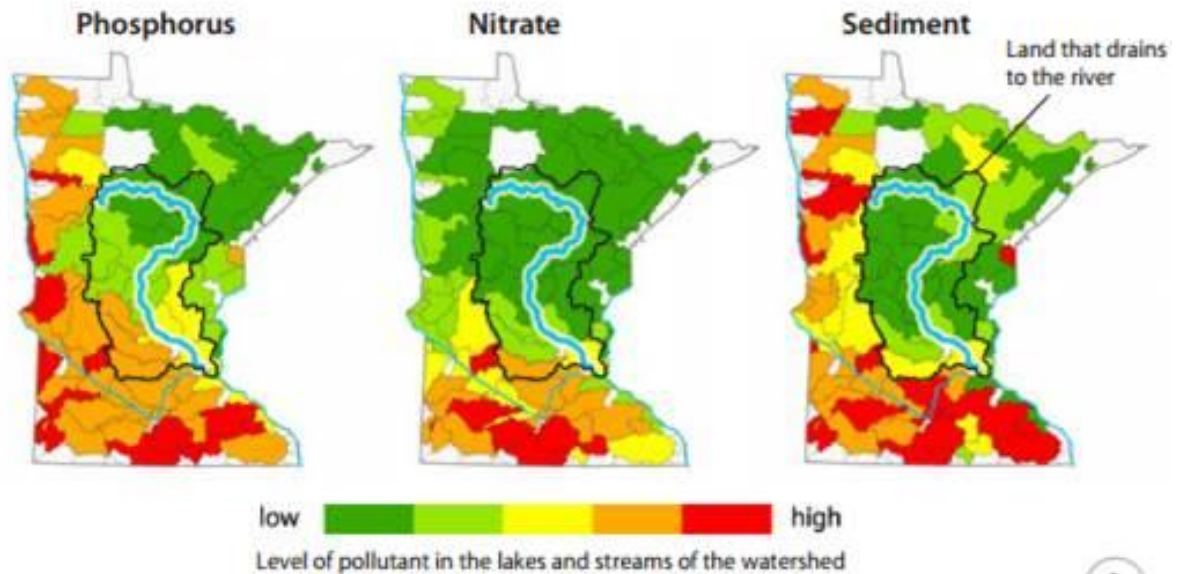
WATER ACTIONS

- Pioneer Press: [What Dayton's budget plan means for parks, lakes, trails](#)
- MPR: [Minnesota consequences expected in Trump's freeze of environmental cleanup funds](#);
Duluth News Tribune: [EPA freeze leaves Minnesota projects in limbo](#)
- MPCA: [From away to today — MPCA celebrates 50 years](#)

SURFACE WATER/STORMWATER

- Brainerd Dispatch: [Mn DNR: Don't release aquarium or water garden plants into the wild](#); Le Center Leader: [Non-native plant discovery in Le Sueur County: Don't release aquarium or water garden plants](#); DNR: [Invasive java water dropwort found in Le Sueur County](#)
- MPR: [New river rules protects Mississippi River corridor](#)
- Duluth News Tribune: [Mississippi River starts clean, heavily polluted as it runs south](#); Pioneer Press: [Mississippi is near-pristine until it reaches metro area, pollution study finds](#); Strib: [How the upper Mississippi goes from pristine to polluted](#); MPR: [Study: The Mississippi is pretty healthy, until it gets south of St. Cloud](#); WDAY6: [Starting clear, Mississippi River heavily polluted as it flows into Twin Cities](#); MPCA: [Upper Mississippi River: What to protect, what to fix](#); and MPCA's report overview: [Our upper Mississippi River Monitoring and assessment study](#)





WATER SUPPLY

- RuralMN.org: [Addressing the coming workforce squeeze](#); declining water systems reduce a communities chance for growth
- The Journal: [New Ulm water clean, plentiful](#) and [Town Talk: You ask, we answer](#); New Ulm's water and sewer rates are average compared to other MN communities

AG & WATER

- Austin Daily Herald: [Alternate to the buffer law; Mower farm is one of first 'alternative practices' approved for buffer law](#)
- Whapeton-Breckenridge Daily News: [Wilkin County SWCD to hold buffer strip informational lunches](#), 5 "Buffers and Burgers" meetings to be held in February
- Austin Daily Herald: [Mower SWCD finishes first project in major study; More to come as part of Root River Field to Stream Partnership](#)
- Northland Press: [Governor Dayton signs \\$350 Million agreement with USDA](#); AgriNews: [Minnesota to get first CREP funds since '05](#); Duluth News Tribune: [Field Reports: Money set aside to preserve Minnesota land, improve water](#); Mesabi Daily News: [Governor Dayton signs \\$350 million agreement with USDA](#)
- Hastings Star Gazette: [In MN, buffer debate for farmers ranges from U.S. Constitution to timing](#)
- Minnesota Farm Guide: [Minnesota farmers get their Nitrogen Smart certificates](#)

OPINIONS

- Hutchinson Leader: [Editorial: Water protection: All of us have a role](#)

BEYOND MINNESOTA

REGIONAL

- Wisconsin Gazette: [Mark Miller, Cory Mason introduce Water Sustainability Act for Wisconsin](#)
- La Crosse Tribune: [WI] [DNR's Cathy Stepp says a law on water use would help](#); despite a WI constitutional provision and court rulings indicating WI is responsible for protecting water for the public, a 2011 law prohibits the WI DNR from adding conditions to well permits unless they

were specifically authorized by state law; 1 option would be for the WI Legislature to define how cumulative impact should be measured and to allow the WI DNR to require water monitoring in certain circumstances

- Chicago Tribune: [Rauner signs lead-testing law for schools, day care centers](#)
- ABC: [Water Lead-Level Falls Below Federal Limit in Flint](#)
- Milwaukee Journal Sentinel: [Oil and water-Pipeline pressure builds in the Great Lakes](#)
- MPR: [What's next for the Dakota Access, Keystone XL pipelines?](#); NPR: [Trump's Move On Keystone XL, Dakota Access Outrages Activists](#)

NATIONAL

- The Washington Post: [Obama administration just made a last effort to save a controversial water rule](#)
- Strib: [Trump bans EPA from giving updates to reporters, bars new contracts, grants](#); MPR: [EPA contract freeze, media blackout leave states confused](#); EPA awards >\$4B to states for grants and other assistance agreements annually
- Reuters: [EPA water rule revived by U.S. appeals court in NYC case](#)

MEETINGS

CWC

The Clean Water Council met this week for the first time in 2 months, covering the main topics of: MN's water quality IQ, the sustainability efforts of GNP (formerly (Gold 'n Plump), progress on the MN Ag Water Quality Certification Program (AWQCP), the future of One Watershed One Plan (1W1P) implementation.

To better identify programming opportunities, MN Public Radio (MPR) and American Public Media recently commissioned the Nielsen company to conduct a random survey to better understand Minnesotan's engagement in water issues and their water knowledge and habits. A mix of 890 MPR listeners and non-listeners from across the state who were over the age of 18 responded to the survey. Among the many survey results were findings that Minnesotans' have a moderate level of interest in water and are most informed at the neighborhood/local levels and they rely on websites and government as sources of information, with government being the more trusted source. Respondents reasons for being interested in water include: water is a necessity, and concerns over water quality and availability. Reasons for lower interest include: lack of interest, no concerns, and lack of control over what happens now and in the future. Agreement is strongest that water conservation and quality in MN should be a priority for state officials. Although MN's are likely to take some conservation measures, they don't believe individual efforts will determine whether there is enough water in the future. There is less agreement that MN has problems with their water today. Agricultural and industrial pollution are the factors believed to have the most impact on water resources. (An MPR link to the full survey results is not available at this time.)

GNP is improving water sustainability in their chicken processing operations and within their supply chain. Since 95% of their water use is non-consumptive, they look for many ways to reuse water before its final discharge to the environment. Most recently, they have been testing options for treating their wastewater effluent to meet potable drinking water standards so the "mechanically sourced water" (vs. groundwater or surface water) can be reused in their processes. At this time, there are no state or federal standards for this purified water. GNP is also working with feed and chicken producers, as well as other food and ethanol companies, to find ways to connect water quality with the supply chain so consumers can make a choice in the grocery store (the Field Stewards program).

MDA announced that there are now 323 AWQCP certified farms, with another 250 farms in the review queue. Having moved out of the pilot program phase, their costs have dropped from \$97.02/acre to \$29.35/acre. In addition to using a risk identification and mitigation approach to whole farm conservation planning, the AWQCP is helping participating farmers with conservation practice mapping and nutrient management planning. MDA is working with other ag partners, like Land 'o Lakes, crop consultants, and data software companies, to expand the reach and effectiveness of the program. After a farmer has applied to the program, AWQCP technicians insure that farmers are in compliance with existing regulations, including the buffer law, prior to becoming certified. Some concern was expressed that the AWQCP standard is not high enough to meet the state's nutrient and sediment management goals.

BWSR staff explained how the 1W1P process has moved from the pilot phase to the implementation phase. 7 watersheds were selected to begin the 1W1P planning process and, once the 5 pilot 1W1Ps are approved, watershed based funding will flow to them to fund the plan's priorities. The vision is to move away from a competitive grant process to a stable form of funding that: allows priority project implementation with accountability and measureable progress (PTM), saves staff time, and improves staff retention. The guiding principles and strategies for the implementation of watershed based funding will be brought to the BWSR Board this coming August.

STATE OF THE STATE OF WATER

After having declared 2017 to be a Year of Water, it was not surprising to hear remarks about water in Governor Dayton's State of the State address:

I have called for 2017 to be a year, during which we all pay special attention to the quality of our state's water, which most of us assume we can take for granted.

Unfortunately, the facts say otherwise.

Many of our state's lakes, rivers, streams, and ditches have water that is unsafe for drinking, washing, commercial uses, and recreation.

And those problems are getting worse. What does it say about "The Land of Sky Blue Waters," when families can't swim safely in nearby lakes? What does it say, when local rivers and streams are so polluted that fish and other wildlife cannot live in, or around, them?

This Friday, I will host the second State Water Summit in Morris to develop more ideas for solving those serious problems. However, I have already proposed important clean water initiatives. Two years ago, the Legislature passed my buffer proposal, to better protect public waters from polluting runoffs. My tax bill includes important funding to help local counties and watershed districts implement the law, and also tax relief for famers, who convert land to protect Minnesota waters.

My Bonding Bill contains new funding to help smaller communities in Greater Minnesota better afford the water treatment systems they need to make their water safe for their citizens to drink and use.

These improvements are not only essential for our citizens' health, but they are also needed to assure our state's future economic growth – particularly in Greater Minnesota.

Take, for example, the City of Detroit Lakes, which I visited during my travels across Minnesota last summer. In a crowded City Hall chamber, civic leaders told me about their need for a new water treatment plant.

Everyone agreed that the old plant can no longer provide enough clean water for the city's uses. They also agreed that a new plant would be too expensive for their residents and businesses.

It is expected to cost \$36 million, which would be about \$4,000 for every man, woman, and child in Detroit Lakes.

However, not making the upgrade has serious, negative consequences. Randy Peterson, the owner of MaltWerks in North Dakota, was recently looking to relocate his business to Detroit Lakes. MaltWerks depends upon a reliable, affordable source of water.

But the high cost of water treatment in Detroit Lakes made that move almost impossible.

Fortunately, after much persuasion from city officials, Randy moved MaltWerks to Detroit Lakes, and he now wants to move his home there as well, to take full advantage of Minnesota's better quality of life and talented workforce.

Thank you, Randy, for your faith in Minnesota.

But that success story was almost lost, because the aging infrastructure in Greater Minnesota is struggling to meet the needs of 21st Century businesses.

My Bonding Bill proposes to invest \$167 million in clean water improvements throughout Greater Minnesota. I ask the Legislature to support this effort, because many smaller communities cannot afford the costs by themselves.

REPORTS

STATE OF MN WATER

- DNR: Stream Flow Report – discontinued until spring
- National Drought Mitigation Center: [1/24/17 Drought Monitor](#)

\$181.9M FOR WATER INFRASTRUCTURE IN FY16

Each year the MN Public Facilities Authority prepares an annual report outlining the projects and expenditures for that year. In the [2016 Annual Report](#), they breakdown their project awards as follows:

Program	Count *	\$ Awarded as Grant	\$ Awarded as Loan	Average Loan Rate	Estimated Interest Savings from PFA Loans **
Clean Water Revolving Fund ***	22	8,418,984	106,103,836	1.08%	16,017,600
Drinking Water Revolving Fund ***	29	2,856,788	45,821,140	1.03%	7,189,400
Transportation Revolving Loan Fund	-				
Wastewater Infrastructure Fund	8	7,892,421			
Clean Water Legacy Fund:					
Point Source Implementation Grants	6	7,765,887			
Small Comm WWT Program					
Construction	6	1,753,154	461,166	1.00%	119,300
Technical Assistance	1	59,601			
Special Appropriations	1	750,000			
	73	29,496,834	152,386,142		23,326,300

* Each loan and grant award is counted separately. A project may receive more than one award.
 ** Reflects the total estimated interest savings realized by PFA borrowers compared to market-rate financing.
 *** Federal appropriations for the Clean Water and Drinking Water Revolving Funds require a portion of the federal funds to be provided as principal forgiveness grants based on affordability, energy conservation and other criteria.

PFA remains in excellent financial health; the Clean Water and Drinking Water Revolving funds have AAA bond ratings by 3 major national bond rating agencies. The report also includes PFA's independently audited Financial Report for FY 2016. Many 2017 scheduled projects were postponed due to the lack of a 2016 bonding bill that would have made appropriations to support the PFA's loan and grant programs.

ENFORCEMENT

PCA has released their latest quarter of enforcement actions. Those that pertain to surface or groundwater contamination include:

- 2 tanks cases totaling \$23,412
- 7 septic cases totaling \$59,565
- 8 stormwater cases totaling \$42,070
- 4 wastewater cases totaling \$16,700
- 4 feedlot cases totaling \$12,204
- 1 stormwater + air quality case for \$7,014

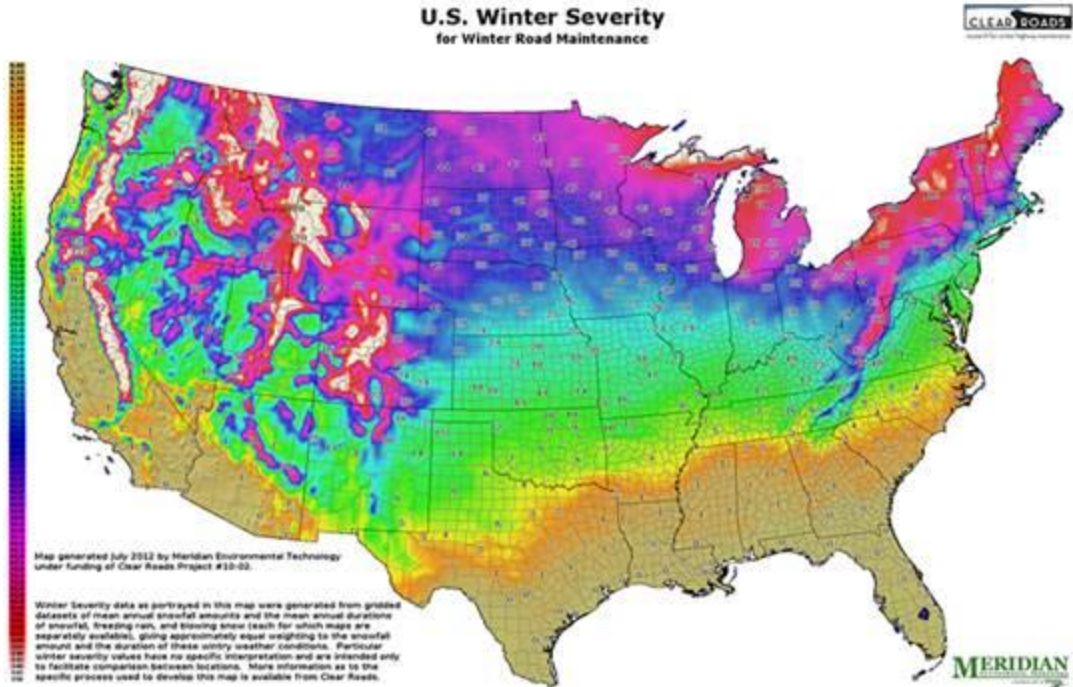
In all, 26 water-related cases resulted in \$160,965 in fines. To see more specifics, go to: [MPCA completes 43 enforcement cases in fourth quarter of 2016; 146 cases in all of 2016.](#)

ROAD SALT – HOW DOES MN RATE?

Learning from each other is a goal of the Clear Roads Transportation Pooled Fund Project, a MnDOT-led national winter maintenance research consortium. In their recently published national [survey](#) on the annual winter maintenance operations of state DOTs, managers can assess their performance using nearly 50 data points related to equipment, materials and costs. The report is published as an Excel spreadsheet that includes calculated statistics and an interactive map for plotting key metrics across the nation's snow and ice belt (see examples below).

For over a decade, MnDOT has been leading the country in adopting cost-effective winter maintenance practices and equipment that help reduce expenditures on salt and improve environmental protection. Excess chloride can contaminate surface and groundwater and, once present, can only be removed by expensive reverse osmosis treatment. Learn more about this MnDOT/U of MN collaboration at: [Winter decision-making Crosses state lines.](#)





UPCOMING EVENTS

- Jan 7-Feb 19: **Smithsonian Water/Ways and We Are Water MN Exhibits** in the Events Hall of the Commonwealth 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 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 [here](#); register by 1/26 [here](#)
- 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 [here](#)
- 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: 33rd 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 [here](#)
- 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; details 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](#)