

Legislative Water Commission Update 07/26/2018

ERRORS? OMISSIONS? Please notify: jim.stark@lcc.leg.mn

This bi-weekly update is a roundup of Minnesota water news, as well as articles from beyond Minnesota, that may inform members. It also includes summaries of meetings and reports as well as information about upcoming events. During the Legislative Session, updates on water-related legislation and committee activities are added. Any errors or omissions are inadvertent.

I look forward to continuing to work on water issues that are important to all of us.

Jim Stark, Director, MN Legislative Water Commission

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Subscribe to the weekly update & follow LWC meetings at: www.lcc.leg.mn/lwc/

- **Next meeting of the Legislative Water Commission: August 20 (10 am) at the State Office Building**
- **The Commission met on June 26. Minutes are available at: www.lcc.leg.mn/lwc/**
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NEWS FROM THE LEGISLATIVE WATER COMMISSION (LWC):

The Legislative Water Commission (LWC) met on July 26 followed by a field trip of best-management practices in the northeast suburbs. During the LWC meeting, members discussed water issues and proposed legislative recommendations for the 2019 session. Those issues include: a desired future state plan for water; wastewater infrastructure; drinking water; groundwater sustainability; lakes; and keeping water on the land.

The LWC will hold stakeholder meetings to prepare for the 2019 legislative session. Meetings will be in the State Office Building at 1:00 pm. Contact Jim Stark for additional details (jim.stark@lcc.leg.mn)

- ***Drinking Water/Infrastructure/ Groundwater Sustainability (July 18)***
- ***Wastewater and storm water Infrastructure (July 25)***
- ***Keeping Water on the Land (Retention) (August 8)***
- ***Lake Sustainably (August 22) Note the day change from previous emails***
- ***Desired Future State for Minnesota Waters (August 29)***

News from the LCCMR: The Legislative-Citizen Commission on Minnesota Resources (LCCMR) has selected 67 projects totaling \$61,535,700 to recommend to the 2019 Minnesota Legislature for funding from the Environment and Natural Resources Trust Fund (ENRTF). The recommendations are the result of the LCCMR's 2019 Request for Proposal (RFP) process, in which 273 proposals requesting a total of approximately \$191 million were received and considered through a competitive, multi-stage evaluation. The recommendations range from funding the full proposal and dollar amount requested to partial funding for specific proposal elements. Visit the [M.L. 2019 Proposal & Funding Process](#) page for more information. Check the LCCMR [schedule](#) for the most up-to-date information and important process dates.

Clean Water Council Meeting, July 16, 2018: I attended the Clean Water Council meeting on July 16. The following topics were discussed:

Freshwater Society report clean water status report

Red River Basin River Watch

Voyageurs National Park Water Quality Program

Legacy Website

Clean Water Council budget

Agency Budget Presentation

Non-point source implementation:

- AgBMP Loan Program - MDA
- MN Agricultural Water Quality Certification Program - MDA
- Technical Assistance Program - MDA
- Vegetative Cover and Soil Health - MDA
- St. Louis River Area of Concern/Duluth Harbor Cleanup – MPCA

Point Source Implementation:

- Point Source Implementation Grant (PSIG) Program- PFA
- Small Community Wastewater Treatment Program - PFA
- NPDES Wastewater/Storm water TMDL Implementation Program - MPCA
- Accelerated Implementation of MS4 Permit Requirements - MPCA

New Programs

- Chloride Reduction Program – MPCA
- Forever Green Implementation - MDA
- Budget & Outcomes Committee update: Sharon Doucette

ICT-CWC meeting wrap up: Frank Jewell and Pam Blixt

Policy Committee Update

Next meeting: August 20, 2018 in Lower Level Boardroom

For details and presentation materials, contact: Deepa

Deepa S. A. de Alwis, Clean Water Council Coordinator

Minnesota Pollution Control Agency, **Phone: 651 757-2572**

<https://www.pca.state.mn.us/about-mpca/clean-water-council>

Minnesota Water News: Ford site, fate of 'Area C' uncertain: (Friends of the Mississippi River): Ryan Cos. has emerged as the developer of the former Ford plant site in St. Paul. The overall plan is for a high-density, eco-friendly urban village, but continues to call for Ford to remove an old industrial waste landfill along the river. [Read more >>](#)

High Water: Safety officials warn paddlers, boaters and swimmers to pay attention to river levels. High water levels mean fast moving water with a lot of debris. [Check your local conditions](#)

MPR special: 'Down the Mississippi River' (Friends of the Mississippi River): Kerri Miller returned as host of Flyover for a week of call-in shows about what the Mississippi means to the people who live near it. Call in or enjoy previous episodes, such as "Who controls the Mississippi River?" and "How the Mississippi has shaped communities, culture and commerce." [Read more >>](#)

Can Minnesota have clean water without regulating fertilizer? (Friends of the Mississippi River) Can Minnesota have clean water without forcing farmers to follow certain rules on when, where and how to apply fertilizers? The Minnesota Department of Agriculture says it can't—that's why officials are trying to implement a new rule: the Groundwater Protection Act. [Read more >>](#)

Judge Extends Public Comment Period on Groundwater Protection Rule: An Administrative Law Judge has extended the amount of time the public has to submit written input on the Minnesota Department of Agriculture's (MDA) proposed Groundwater Protection Rule. Judge Jessica Palmer-Denig issued the order to leave the comment period open until August 15, or approximately two weeks longer than originally scheduled. [Written comments on the Groundwater Protection Rule can be made on the Office of Administrative Hearings website at www.mda.state.mn.us/gwprhearingnotice.](#)

SUSTAINABLE WATER RESOURCES: This link contains national news regarding Sustainable Water Resources: <https://sites.google.com/site/sustainablewaterresources/> Government Web Site, <https://acwi.gov/> Sustainable Water Resources Site, <https://sites.google.com/site/sustainablewaterresources/>

USGS Disaster Analysis: Natural (coastal storms, wildfires, floods) and human-induced (structural failures, building collapse, oil, and/or chemical spills) disasters occur every year in the United States. Minimizing loss of human life and damages to personal property and infrastructure is the focus of most disaster response and preparedness activities by federal, state, and local communities. However, the potential for threats from exposures to chemicals and pathogens during post-disaster events is typically unknown but is speculated about by the media and public based largely upon their perceptions or fears. The U.S. Geological Survey (USGS) Environmental Health Mission Area Disaster Science Team's uses field- and laboratory-based science tools to rapidly assess, understand, and anticipate the potential health hazards posed by disaster-related contaminants and pathogens to employees, residents, visitors, and Native American populations on public and U.S. Department of Interior managed lands, and to fish and wildlife species. https://www2.usgs.gov/envirohealth/science_teams/disasters/index.php This study will also be linked on the 2018 Actions and Activities Page of the Sustainable Water Resources Page at <https://sites.google.com/site/sustainablewaterresources/>

SURFACE WATER/STORMWATER

National Flood Forecast Center, North Central Region: Due to recent rainfall, there are areas where the potential for flooding is occurring or is possible. For details, visit: www.weather.gov/ncrfc

BREAKING: 2nd Circ. Won't Sink EPA Cooling Water Rule : The Second Circuit on Monday upheld the U.S. Environmental Protection Agency's rule requiring power plants and manufacturers to minimize damage to aquatic life caused by pulling in water from lakes, rejecting challenges from power industry and environmental groups.

DNR: Maps and tables are available on stream flow conditions throughout Minnesota. Current stream flows are compared with historical flow data and watersheds are ranked in the following categories (flood, high, normal, low, protected flow). Weekly stream flow maps and tables are generated from April to October. [Weekly Stream Flow Reports](#) | Minnesota Department of Natural Resources



Shingobee Lake

Research at Shingobee Lake, near Walker, is one of the longest continuing lake studies in the nation. But the future of all that research is uncertain. Don Rosenberry (USGS Hydrologist), first came to Shingobee as an undergraduate student at Bemidji State University in the late 1970s. The job was related to studying groundwater. Research grew over the decades and a diverse set of scientists from different fields began studying the entire watershed. At Shingobee, researchers measure how the lake responds to frequent periods of drought and heavy rain, evaporation, and warming. Over that time, the USGS budget has become tight. Rosenberry says the USGS is trying to partner with other organizations, like universities or nonprofits, to take over funding of the Shingobee field station, which costs \$20,000 per year to maintain. Last year, the USGS was restructured. The USGS National Research Program, which was tasked with water research, was disbanded. The agency reassigned National Research Program scientists like Rosenberry, but kept alive their research. (Star Tribune) Environment Contact: Alex Baumhardt · Shingobee Lake, Minn. · Jul 12, 2018

CLIMATE AND WEATHER:

Officials pledge flood relief for Faribault County *Kristine Goodrich, July 9, 2018* Flooding has caused at least \$350,000 in damage across Faribault County, the governor and other officials learned in a visit to Blue Earth. "I'm fairly confident that number will increase," Lisa Frommie, Faribault County emergency management director, said to a group of lawmakers and disaster responders who stopped in Blue Earth during a tour of flood-ravaged southern Minnesota communities ([read more](#)). (Minnesota River weekly update)

Future of Mississippi dams in the Twin Cities under review: The Mississippi River between Minneapolis and St. Paul was tamed by dams a century ago, but the whitewater rapids that were covered up by deeper,

calmer water could be on their way back. The U.S. Army Corps of Engineers is rethinking the future of the only natural gorge on the river. The threat of invasive fish, a changing river economy and an interest in restoring the waterway has some people pressing for the dams to go ([read more](#)). *Tim Nelson, July 16, 2018*

GREAT LAKES

Senate FY19 Appropriations Bill Permits Increased Spending; The Senate Appropriations Committee approved its version of the FY19 Interior, Environment, and Related Agencies Appropriations Bill at its [full committee markup](#) . Its total allocation is \$35.85 billion. Of the EPA's \$8 billion, [\\$300 million](#) of funding is for the **Great Lakes Restoration Initiative (GLRI)**, an amount ten times the amount requested in the administration's budget. The Appropriation's allocation means that federal funds have the potential to be consistent with the GLRI's [Action Plan](#) which "calls for land use, recreation and economic activities that are managed to ensure that nearshore aquatic, wetland and upland habitats will sustain the health and function of natural communities."

AGRICULTURE AND WATER

Minnesota farmers launch new corn research program: In 2016, the Minnesota Corn Growers Association launched its goal of making corn farmers in the state the most sustainable and environmentally responsible in the United States. Now, the group has announced 12 farmer-led research projects on topics ranging from cover crop systems to intercrop seeding to help reach that goal. The projects, funded by the group's 2018 Innovation Grant Program, focus on nitrogen fertilizer management and protecting water quality ([read more](#)) ([Jonathan Knutson, June 25, 2018](#))

GROUNDWATER

Wright County Geologic Atlas, Part B (hydrogeology): Part B of the Wright County Geologic Atlas has been published by the DNR. Part B atlases describe a county's hydrogeologic setting, aquifer distribution, pollution sensitivity, groundwater recharge, and subsurface flow within the county. It builds on the geology described in the Part A atlas previously published by the Minnesota Geological Survey. Wright County is located in south-central Minnesota. Wright County's surficial geology is dominated by New Ulm Formation sediments that were deposited by glacial ice of the Des Moines Lobe, underlying surficial geologic deposits, an underlying assemblage bedrock units. Elevated levels of naturally occurring arsenic and manganese are common throughout the county. The northern portion of the county contains elevated levels of nitrate and chloride and other indicators of higher pollution sensitivity. (Contact John Barry, *DNR*)

WATER QUALITY

Solving significant erosion concerns with multipurpose drainage management grants: It isn't uncommon to see piles of dirt in drainage ditches if you drive through Wilkin County in the spring. Fortunately, the [Wilkin SWCD](#) is working with landowners to solve this problem by installing multipurpose drainage management systems – and a recent grant from the Board of Water and Soil Resources (BWSR) has helped ensure that critical work can continue. Springtime runoff and flash rainfalls create management challenges for landowners, and also bring an economic risk due to the potential for lost topsoil. By installing water control structures along the edge of fields, Wilkin SWCD has been able to help landowners keep more soil in the

fields and prevent water from flooding their crops. [Click here to read about a recent success story in Wilkin County.](#)

Contaminants in Drinking Water: The Washington D.C.-based Environmental Working Group [looked at data from 2010 through 2015](#), and found that the drinking water supplies in at least 15 Minnesota communities test positive for trichloroethylene, or TCE, though none exceed the federal limit of 5 parts per billion. TCE is linked to cancer and birth defects, among other things, and the Environmental Working Group argues that exposure to even small quantities can be harmful. The findings are part of a national assessment that looked at 321 public water systems in 36 states. The Environmental Working Group found that about half of those systems contained average annual levels of TCE that were above levels some health professions say is safe for infants and fetuses. Minnesota has a much stricter TCE limit at point four parts per billion, though it's not legally enforceable. The EWG report shows that four Minnesota communities - Edina, Bayport, Spring Park and Minnesota Veterans Home - slightly exceed the state suggested limit. EWG found TCE tested at four parts per billion in Spring Grove in southeast Minnesota, though the report notes that the town took steps this year to lower TCE levels. (Source: MPR)

Estimating annual chloride use in Minnesota: Salt is used every day in many applications. People add salt to food, apply salt to pavement and roads after snowfall, and use salt in their water softeners. While salt is inexpensive to purchase, it can have a high environmental cost, as elevated chloride levels are toxic to many plant and aquatic species. Contact *Alycia Overbo and Sara Heger, University of Minnesota, Water Resources*

AGENCY NEWS (Minnesota Pollution Control Agency Water Front: ([View it as a webpage.](#))

(Subscribe to Water Front via Email Alerts, available at www.pca.state.mn.us/waterfront)

- [Bonding bill passes but with controversial measure](#)
- [Open for comment: Studies on Lake Superior-North, Mississippi River-Headwaters and Thief River watersheds](#)
- [Giant Lego watershed helps teach water science](#)
- [In the news and online: Lawsuits filed over mining leases, local partners focus on water quality](#)

UPCOMING EVENTS

UNDERSTANDING GROUNDWATER in the WATERSHED CONTEXT: August 28th (Pine River) and November 14th (Sauk River) : This informational event is tailored for local government staff and officials in each watershed whose jobs involve planning for or implementing local water and land use practices or policies. Each event will provide 1) a basic, scientific understanding of groundwater and its interaction with surface water and 2) various perspectives on why, who, and how to protect this essential, shared, resource. Pre-registration is required: Sharon.pfeifer@state.mn.us

Minnesota Ground Water Association Fall Conference (November 15, 2018); the conference is accepting abstracts for oral presentations. The preferred topic is regional groundwater planning. Email your abstract and biography to president@mgwa.org by September 1, 2018.

The International Association of Great Lakes Research and Michigan Technological University have announced the 2018 State of Lake Superior (SOLS) Conference will be held October 9-12 in Houghton, Michigan. Hosted on the MTU campus, SOLS will be a multi-day conference and include invited sessions and abstracts, plenary sessions, field trips, and associated meetings. Stay tuned for more details and the Call for

Sessions in coming weeks at iaglr.org/sol/sols18.

2018 Aquatic Invasive Species Research and Management Showcase: [Join the Minnesota Aquatic Invasive Species Research Center on campus on Wednesday, September 12](#) for a selection of talks about the latest MAISRC research on starry stonewort, zebra mussels, spiny water flea, invasive carp, and much more. The list of breakout sessions and full presentation descriptions will be announced soon.

Climate Change Adaptation Meeting: November 14, 2018, University of Minnesota, Continuing Education and Conference Center. More to follow.

The biennial 2018 Upper Midwest Invasive Species Conference (UMISC) will be a Joint Conference with the North American Invasive Species Management Association, **October 15-18, 2018** at the Mayo Civic Center in Rochester, MN. Abstract Submission Is Open. Deadline to Submit an Abstract for Presentation: Wednesday, April 11, 2018. They are expecting about 700 people to attend. See <https://www.umisc.net/> or contact Doug Jensen, conference co-chair.

Minnesota Water Resources Conference: October 16–17, 2018, Saint Paul River Centre : The Minnesota Water Resources Conference presents innovative, practical, and applied water resource engineering solutions, management techniques, and current research about Minnesota's water resources. For More information contact: Nichole Salinas, College of Continuing and Professional Studies, University of Minnesota, 612-301-2448, ccapsconf3@umn.edu

An upcoming [Climate Change Special Report](#) webinar series will be hosted by USGCRP in collaboration with NOAA. The eight-part series will focus on the findings of NCA4 Vol. I: the [Climate Science Special Report](#). All webinars will be conducted from 12-1pm ET. You can find the line-up and information on how to access the webinars below. July

Aug 1 [Locally Led Workshop: Training & Informational Session for SWCDs and NRCS](#), MASWCD, St. Cloud

Aug 2 [Locally Led Workshop: Training & Informational Session for SWCDs and NRCS](#), MASWCD, Marshall

Sept 4 - Dec 16 [Watershed Specialist Training Program](#), U of MN, Online

Oct 28-30 [River Restoration 2018](#), Laurentian RC&D, Two Harbors

Oct 29-31 [2018 BWSR Academy](#), BWSR, Breezy Point

Nov 29-Dec 1 [2018 MAWD Annual Conference and Trade Show](#), MAWD

The [2018 American Geophysical Union Fall Meeting](#) (Dec. 10-14) in Washington, D.C. AGU is accepting abstract submissions to these sessions (and many, many more) until Wed. Aug 1. The list can be found at globalchange.gov/notices.

NOAA Science Seminar series: Climate Science Special Report: Webinar Access: This information is still being finalized. *Subscribe to the [OneNOAA seminar list](#) to receive up-to-date information.*

This Week in Washington: (Northeast- Midwest Institute)



Farm Bill: A conference committee is expected to negotiate a compromise between the two versions of the Farm Bill. This committee will face "a number of difficult decisions" including work requirements for the Supplemental Assistance Program and changes to the conservation title, according to *Politico*. The House's version of the Farm Bill would increase the Conservation Reserve Program's limit to 29 million acres, set the gross income cap to \$900,000 for farmers in order to obtain subsidies, and require able-bodied individuals between the ages of 18 and 59 to work in order to receive SNAP benefits. None of these provisions are consistent with the Senate's bill that only increased the CRP's limit to 25 million acres, decreased the gross income cap to \$700,000, and did not change SNAP's work requirements. The House version would also eliminate the Conservation Stewardship Program and fold it into the Environmental Quality Incentives Program, while the Senate version would keep both programs intact.

Government Agencies Release Reports on Lead in Schools and EPA's Handling of Flint Crisis

The Government Accountability Office (GAO), in a new report, found that only 43 percent of K-12 public school districts tested for lead in school drinking water in 2016 or 2017. Of the ones that tested, more than a third reported elevated levels of lead (levels above their own selected remedial action). Following discovery of the elevated lead levels, all school districts reported taking action to reduce or eliminate exposure to lead. Reviewing the results of this study by region, the Northeast Census Region contained the highest percentage of school districts reporting elevated levels of lead (greater than 50%), while the Northeast and Midwest Census Regions reported the highest percentage of school districts testing for lead - more than 80% and approximately 40%, respectively. The report is available [here](#).

The EPA's Office of the Inspector General (OIG) also recently issued a report: its final report on the EPA's handling of the Flint water crisis. It concluded that the lead-up and response to the crisis involved implementation and oversight lapses at the federal, state, and local levels. The EPA's failure to establish clear roles and responsibilities, effective communication, and oversight tools, among other things, delayed the federal response and prolonged the crisis. The report outlines nine recommendations, including one to revise the Lead and Copper Rule (LCR) to improve the effectiveness of monitoring and corrosion control treatment protocols. Eight of the recommendations are resolved pending completion of corrective actions by the EPA, while the ninth one



meant to monitor state compliance with LCR requirements is unresolved. The report and related materials are available [here](#). For more information, please contact [Sri Vedachalam](#), Director of the Safe Drinking Water Research and Policy Program at the Northeast-Midwest Institute.

Study Released on the Economic Benefits of Great Lakes St. Lawrence Seaway: A new economic impact study on the benefits of the maritime industry to the Great Lakes St. Lawrence economy was released last week. The study, "Economic Impacts of Maritime Shipping in the Great Lakes St. Lawrence Region," was conducted by the economic consulting firm Martin Associates and sponsored by the Saint Lawrence Seaway Development Corporation, the St. Lawrence Seaway Management Corporation, the American Great Lakes Ports Association, the Chamber of Marine Commerce, the Lake Carriers' Association, and the Shipping Federation of Canada. It found that in 2017 alone, over 143 million metric tons of cargo - valued at \$15.2 billion - were moved through the Great Lakes Seaway system. This system supported 237,868 jobs, created \$35 billion in economic activity, generated \$14.2 billion in personal income, and contributed \$6.2 billion in federal, state-provincial, and local taxes. A copy of the study and an executive summary can be found at the American Great Lakes Ports Association website [here](#). For more information, please contact [Matthew McKenna](#), Director of the Great Lakes Washington Program at the Northeast-Midwest Institute.

Michigan Releases Draft Risk Analysis of Mackinac Straights Pipeline

The State of Michigan released a draft analysis of the impacts of a potential oil spill from Enbridge Line 5 in the Straits of Mackinac last Monday, July 16th. The draft report, which was authored by an independent team of 41 scientists and engineers, found that a worst-case scenario spill at Line 5 could lead to the release of 58,000 barrels of oil into the Great Lakes and cause over \$2 billion in economic and environmental damages. It is estimated that more than half the cost would be for cleanup as well as losses to Michigan's tourism industry. The draft report, which was requested by the State at the recommendation of the Michigan Petroleum Pipeline Task Force, will remain open for public comment for 30 days. To view the report or submit comments, please visit the Michigan Petroleum Pipelines information website [here](#). For more information, please contact [Matthew McKenna](#), Director of the Great Lakes Washington Program at the Northeast-Midwest Institute.

Trump Administration Proposes Changes to the Endangered Species Act

The Trump Administration released a proposal on Thursday that would weaken the Endangered Species Act (ESA) of 1973 which currently protects over 1,600 animal and plant species in the United States. The proposal suggests considering the species and habitat protections on a case-by-case basis and removing language that currently guides officials to ignore economic impacts when deciding the status and method of protection. According to the [proposal](#), this would be done in order "to more closely align with the statutory language." However, the ability to make decisions on possible economic impacts of the ESA listings would give businesses more leniency when developing roads, pipelines, and other projects near protected habitats. The proposal also aims to scale back protections for species that are listed as "threatened" which is used to encompass any species that may become endangered in the foreseeable future. Another proposed rule would put pressure on what is truly meant by the term "foreseeable future" and give a large amount of leeway when inferring the meaning of the term. The Endangered Species Act was originally signed into law by Republican President Richard Nixon, giving an outline to conserve and protect endangered and threatened species as well as their habitats. Through the years that it has been in

place, the ESA has prevented extinction of about 98 percent of the species linked to this act. Specifically, it has helped countless species rebound like the symbol of our nation: the bald eagle. For more information, please contact [Eric Heath](#), Senior Policy Counsel for the Mississippi River Basin Program at the Northeast-Midwest Institute.

NEMWI Held a Briefing on Asian Carp Control in the Upper Mississippi and Ohio River Basins: The Northeast-Midwest Institute's Mississippi River Basin Program and the Mississippi Interstate Cooperative Resource Association (MICRA) held a Congressional briefing to discuss the ongoing efforts to control the spread of Asian carp in the Mississippi River and Ohio River Basins on **Wednesday, July 25**. The briefing provided Congressional staff, regional and environmental organizations, and interested members of the public the opportunity to hear directly from stakeholders from the Upper Mississippi and Ohio Rivers about the current efforts to monitor, control, remove, and deter the spread of Asian carp, as well as a discussion of the impact that invasive Asian carp have on the recreational fishing and related industries. Presentations will be followed by a "Q-and- A" session with the panel.

The list of speakers includes:

- Mr. Greg Conover, MICRA, US Fish and Wildlife Service
- Mr. Nick Frohnauer, MN Department of Resources
- Mr. Ron Brooks, KY Department of Fish and Wildlife
- Mr. Aaron Woldt, US Fish and Wildlife Service
- Mr. Bill Taylor, Fishing League Worldwide

For more information, please contact [Eric Heath](#), Senior Policy Counsel for the Mississippi River Basin Program at the Northeast-Midwest Institute.