

Legislative Water Commission Update 05/06/2018

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

This 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.

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- **Next meeting of the Legislative Water Commission: June: date to be determined**
- **The Commission met on April 23. Minutes are available at:** www.lcc.leg.mn/lwc/
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MINNESOTA NEWS:

Lake Superior is superior! (MPR) The month-long contest for Minnesota's most-loved lake is over, and Lake Superior has won. The great lake bested Lake Kabetogama in the final round. Some people said Lake Superior shouldn't count in the voting because Minnesota shares its shoreline, but Minnesotans' attachment to their 189 miles of Superior's shores was too strong for that argument. Superior and its 3 quadrillion gallons of water — 10 percent of the planet's surface freshwater — beat the [271 nominated lakes it battled](#).

MPR: The Refinery Fire in Superior was a close call for Lake Superior: Saying the chemical is too much of a risk, the mayors of Duluth and Superior, are calling on Husky Energy to stop using hydrogen fluoride at the company's Superior refinery following last week's [explosion and fire](#). "There are other means to enable refining, and Husky has the capacity to choose new systems that maintain product integrity while protecting the health of their workers and decreasing risk to the families and loved ones in the Twin Ports," [Duluth Mayor Emily Larson](#) said.

2018 Clean Water Fund Performance Report Minnesota agencies released their fourth report to help Minnesotans clarify connections between Clean Water funds invested, actions taken and outcomes achieved. Measures provide a snapshot of how Clean Water Fund dollars are being spent and what progress has been made.

The Legislative Water Commission met at an April 23 and heard a presentation on the County Geologic Atlas Program. The agenda also included the following topics: 2018 Clean Water Fund Performance Report, 25 by 25 Town Hall Summary, 2018 LWC recommendations, 2019 LWC priority issues and process, LWC engagement summer tour schedule, and updates on water-related bills.

Minnesota Water Action Day was held on May 2. Hundreds attended to learn more about water issues facing our state, to meet legislators, and to join the rally.



Initial tests show sediment created the dark-colored water that [ran this week from taps at Mayo Clinic's St. Mary's hospital](#). Mayo released a statement Wednesday evening that, according to a preliminary analysis, the sediment had come from filtering material from the well at Saint Mary's and that the water supply has been deemed safe."

Lake Elmo/Lake Harriet: State health officials are urging anglers not to eat fish they catch in two popular Twin Cities lakes, citing new evidence about a chemical contaminant found in fish that led the agency to cut the standard considered safe for consumption. The Minnesota Department of Health cautioned people against eating [any fish caught from Lake Elmo](#) in the east metro or any largemouth bass from Lake Harriet in Minneapolis, pointing the finger at perfluorooctane sulfonate, or PFOS." In some studies, higher levels of PFOS in a person's body have been associated with higher cholesterol, changes to liver function, Changes in thyroid hormone levels and reduced immune response," the agency said. "Based on updated scientific evidence and risk assessment for PFOS, MDH last month changed the level at which it begins to advise to not eat the fish at all — from 800 ng/g (nanograms per gram) to 200 ng/g — adding greater health protection. (MPR)

The first annual **DNR Water Conservation Reporting** system for cities serving over 1,000 people and all 7-county metro communities is now available. The site is not open to the public, but DNR staff and partner

agencies may obtain 3rd party access to the data for research and analysis. In addition to basic water supply and distribution, the new report shows imported/exported water, water reuse, and conservation efforts such as leak repair, meter replacement and rebate programs. The system also has information on conservation ordinances, education efforts, and collaboration and billing structures. Join DNR and ESPWater for an overview of how to use the Water Conservation Reporting system and how to get 3rd party access for research and analysis. Contact the DNR for webex information. You can call into the webex as follows: +1 2065960378 US Toll: 8443020362 US Toll Free

WATER ACTIONS

Washington DC: The U.S. Interior Department reinstated the mineral rights leases for a company that wants to build a copper-nickel mine near Ely in northeastern Minnesota, renewals that were [denied in the closing weeks](#) of the Obama administration. (MPR)

The Minnesota Senate passed a bill to [throw out a long-standing state rule](#) that **limits sulfate discharge into waters where wild rice grows** and restrict the ability of state pollution regulators to set another standard.



Clean Water Council: The Clean Water Council Stakeholder’s meeting was held on April 23. Meeting highlights included recommendations on future programs being funded by the Clean Water Fund. Contact Deepa deAlwis (651) 757-2572

One Watershed, One Plan Planning Grants: The Board of Water and Soil Resources is accepting proposals for One Watershed, One Plan planning grants using funds appropriated from the Clean Water Fund. This grant application period will run from April 2 through July 2, with funds awarded at the Board’s August meeting. Please visit the [Apply for BWSR Grants page](#) for more information.

GROUNDWATER

I attended a meeting of the **DNR's North and East Metro Groundwater Management Area Advisory Team** on May 4. The groundwater model continues to be used and updated to assess the effects of individual wells on White Bear Lake. There is a new (UM) report on a study of evaporation from the lake that will be incorporated

into the model. The model has been used to evaluate the impact of residential irrigation on pumping and on lake levels. This needs additional work and evaluation. A detailed analysis of the impact of individual wells is to be completed by August. At this time there are pumping permit restrictions in place. Some restrictions have been temporarily relaxed until the pumping impact of individual wells is determined. The DNR is exploring best options for water conservation. Plans are being prepared for the possibility of converting some cities to a surface-water source.

The 3M settlement also was discussed. Long term objectives of the work supported by the settlement are being prepared and refined. The objectives are to provide long term sources of water for the east Metropolitan Area and to address natural resources. The impact of remediation pumping in the area is being assessed. The DNR is improving its ability to assess water use and water efficiency data.

Viruses in Groundwater: Jim Walsh (MDH) describes a cooperative study with the USGS and the U. S. Department of Agriculture to a group at the Minnesota Geological Survey. The team is finding widespread detections of virus indicators in groundwater throughout the state. Some of these viruses have the potential to cause gastrointestinal illnesses in drinking water. It appears that these are related to precipitation events, vertical fractures in geologic materials, or to poor well construction. Contact: james.f.walsh@mn.state.us

SURFACE WATER/STORMWATER

National Flood Forecast Center, North Central Region: Due to spring snowfall and recent warm temperatures, there are areas where the potential for **flooding** is occurring. For details, visit: www.weather.gov/ncrfc

BWSR: Crystal Lake: More than a decade after initial efforts to stop toxic blue-green algae blooms pitted farmers against city dwellers, Crystal Lake is showing progress as a new approach produces new findings and a unified focus. [Read the story here.](#)

Streams Under Stress—such as development along stream banks and excessive fine-grained sediment, nutrients, and pesticides—are adversely affecting the health of fish, macroinvertebrate, and (or) algal communities in virtually all of the 100 small streams studied across 11 Midwestern states by the USGS in 2013. Three recent USGS studies—one each on [fish](#), [macroinvertebrate](#), and [algal](#) communities—use models to identify the most important stressors among the hundreds of potential physical and chemical stressors measured. The results of the three studies are summarized in a newly published [USGS fact sheet](#).

DNR: Maps and tables are available on stream flow conditions found 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 on Mondays from April to October. [Weekly Stream Flow Reports | Minnesota Department of Natural Resources](#)

WATER AND AGRICULTURE

Freshwater Society has a new report about the impacts of agriculture on groundwater. The report urges State support to encourage new practices in order to transition to a more sustainable agricultural system. Visit: https://freshwater.org/wp-content/uploads/2018/03/GW3_Final.pdf

NORTHERN BORDER LAKES

The Binational Rainy Lake-Lake of the Woods. Rule curves have been revised for ecological discharge targets for the Rainy River and have been adopted by the IJC. The Board has recommended that Ontario and Manitoba adopt the Minnesota TMDL phosphorus load-reduction goal of 18.4 percent and the IJC has endorsed this recommendation. An aquatic and ecological health report for the watershed is in progress as are coordinated water quality objectives and standards. The Minnesota TMDL is held in high regard. There is a need for the IJC and the Board to coordinate with the state and with the provinces. Contact: jim.stark@lcc.leg.mn

WATER SUPPLY

A Water Efficiency and Conservation State Scorecard was recently released. Various state agency staff were responsible for completing the national survey. Minnesota received a “B” grade of water conservation laws... The scorecards is based on work for the Alliance for Efficiency. Visit: <http://www.allianceforwaterefficiency.org/Resource-Library-2017StateScorecard.aspx>

WASTEWATER

AGRICULTURE AND WATER

Pioneer Public TV recently produced a segment on Minnesota’s public-private partnerships to address agricultural water quality. <https://video.pioneer.org/video/3010886689/>

UPCOMING EVENTS

May 10, 2018: **Smart Water Technology Roundtable: Workshop for IOT Solutions in Water Treatment;** Upon or, 5925 148th St W, Apple Valley; contact Steve.Riedel@state.mn.us for more info.

Clean Water Brownbag: Arsenic in Minnesota's private drinking water wells: new understanding about sampling protocols and temporal geochemical changes (May 16 at noon). A study between MDH and the US Geological Survey has resulted in important new understanding about arsenic concentrations in newly constructed private drinking water wells. A major finding is that water sampling protocols—filtration, timing, and sample point—influence variability in arsenic concentrations in new drinking water wells ([study publication](#)). Contact sue.lang@state.mn.us

June 3-7, 2018: American Society of Civil Engineers **World Environmental and Water Resources Congress;** details to come at www.ewricongress.org

Minnesota Association of Watershed Districts Summer Tour: June 20-22: the tour will focus on the lower Minnesota River. Visit: mnwatershed.org

July 10-12, 2018: US Water Alliance’s **One Water Summit** will be at the Hyatt hotel in downtown **Minneapolis; details to come.**

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.

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.

WE ARE MINNESOTA WATER: The Minnesota Historical Center, in cooperation with several state agencies have a display which is touring across the state. Visit: [We are Water MN](#) for the tour locations and dates. For more information contact: Margaret Wagner: 651-201-6488, margaret.wagner@state.mn.us

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

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2018 LEGISLATIVE UPDATE; INFORMATION AND PROGRESS ON BILLS THAT RELATE TO WATER

HF-4099 / SF-3656 are the current large omnibus bills that now include many of the bills outlined below.

Regarding agricultural drainage only 2 of the original 7 sections of HF-3836 remain in the omnibus bills. HF-4099 includes some language as recommended by the Drainage Working Group (DWG) and/or the MDA. This includes Ditch Buffer Strip Planting and Maintenance. SF-3656 includes revision language for the Ag BMP Loan Program that is not the MDA language. SF-3656 includes other changes of DWG recommendations for revising Chapter 103E.

SF 3077: The Senate Taxes Committee met to hear a number of bills including [SF 3077](#) (Lang) which modifies watershed districts levy authority.

SF 3141: The Senate Committee on Environment and Natural Resources Finance rolled out its omnibus bill ([SF 3141](#)), took testimony and amendments, and passed the bill to the Senate Finance Committee. The following provisions involve water issues:

- \$425,000 for grants to lake associations to manage AIS in partnership with local governments.
- Policy to better coordinate local water planning processes and streamline reporting requirements.
- Provision clarifying that a soil loss ordinance is only applicable in counties that have adopted a soil loss ordinance (the language was removed in 2015 and this adds it back to statute).
- Discontinuance of Ramsey County SWCD.
- Moratorium for Muskie stocking in Otter Tail County.
- Drainage Work Group recommendations.

SF 3969 (Chamberlain): A bill for an act relating to waters; creating certification program for new wastewater treatment technology; appropriating money; proposing coding for new law in Minnesota Statutes.

SF 4001 (Utke): A bill for an act relating to natural resources; restricting authority of Board of Water and Soil Resources to amend plan for administrative penalty orders.

HF 2887: Groundwater Protection Measure (HF 2887, SF 2720). The Minnesota Department of Agriculture (MDA) and Governor Dayton have proposed Groundwater Protection Measure to limit nitrate pollution in drinking water. A bill to forbid the MDA from implementing the Groundwater Protection Measure has been moving through both the House and the Senate.

HF3122 (Urdahl) / SF2668 (Dahms) - Public facilities authority clean water bond issue and appropriations for \$167 million

HF3332 (Urdahl) / SF3075 (Westrom) -- Wastewater infrastructure projects supplemental grant bond issue and appropriation (relates to statutes 446A.072 and 446A.073)

HF 3352 (Heintzeman) / SF 2934 (Westrom)—ML2018 FY2019 ENRTF funding bill

HF-3502: The House Committee on Environment and Natural Resources Policy and Finance walked through and took testimony on its omnibus bill (HF 3502), considered amendments and passed the bill to the Ways and Means Committee on Thursday. Key provisions in the bill include:

- Policy to better coordinate local water planning processes and streamline reporting requirements.
- Discontinuance of Ramsey County SWCD.
- Pared down Drainage Work Group recommendations.

(HF 3577, SH 3199): Legislation would provide liability relief for **salt applicators** who have completed certified training through the Minnesota Pollution Control Agency. This bill has passed with bipartisan support through several House committees and one Senate committee.

HF-3836: Engrossment, Rep. Torkelson, Chief Author, (Drainage Working Group) recommendations, companion bill to SF-3410):

The House Legacy Finance Committee took testimony, considered amendments, and passed its omnibus bill (HF 4167) on Monday of last week. The bill includes appropriations from the Outdoor Heritage Fund, Clean Water Fund, and Arts and Cultural Heritage Fund. The bill also includes a requirement for notification to counties for fee-title land acquisitions funded from the LSOHC.

HF 4443 (Lee): A bill relating to the environment; providing for offers of supplemental environmental projects in conjunction with certain enforcement actions against polluters; proposing coding for new law in Minnesota Statutes, chapter 116.

REPORTS AND PUBLICATIONS

USGS: Release of National Water Quality Program Circular 1437, “**Understanding the influence of nutrients on stream ecosystems in agricultural landscapes**”. This circular summarizes important findings on nutrients and their effects in agricultural streams in eight study areas, all of which were part of the Cycle II Nutrient Enrichment Effects Study. USGS Circulars are well illustrated reports meant for wide distribution: U.S. Geological Survey Circular 1437, 80 p., <https://doi.org/10.3133/cir1437>.