

**Legislative Water Commission
Bills Recommendations and Status
June 29, 2019
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DRAFT**

QUESTIONS? Contact Jim Stark jim.stark@lcc.leg.mn

The Legislature Water Commission (Commission) was re-established by the Legislature in 2014 because Minnesota's water issues were wide-ranging and highly varied. Because water is important, complex, controversial, and costly, the development of water policy needed to be undertaken thoughtfully. The 12 member, bi-cameral and bipartisan commission brings value to the Legislature. The Commission's recommendations reflect funding and policy priorities. The Commission 2019 draft proposals are based on discussions among Commission members, stakeholders and state agency personnel. The Commission also used input from more than 2500 citizens at the Governor's 2017 town hall sessions.

The priority issues for 2019 were as follows:

- **Ensuring clean and sustainable drinking water**
- **Protecting and enhancing the quality of our streams, lakes and groundwater**
- **Ensure that water infrastructure is adequate**
- **Providing for the long-term viability of the Commission**

Policy Proposal that became bills:

- **All of the bills were introduced in at least one of the bodies**
- **These bills had hearings in at least one of the bodies**
- **These bills were incorporated into Omnibus Bills in at least one of the bodies**
- **These bills were included in bills forwarded to the Governor**

1. Protecting and enhancing the quality of our streams, lakes and groundwater: Prepare Statewide Water Policy for an uncertain future. Policy is needed to guide adaptation for changes that likely will occur to climate, landscapes, biota, hydrology and infrastructure. Provide legislative direction and minimal funding for an interagency/legislative planning process and report to the Legislature as a first step. (Resources required: Minor financial support for the Environmental Quality Board, environmental agencies and the Legislative Water Commission over the next two years) Strong support from stakeholders, DNR.

2. Protecting and enhancing the quality of our streams, lakes and groundwater: Provide for the long-term viability of the LWC: The issues surrounding water are wide-ranging and highly varied across Minnesota's many landscapes and interest groups. Because water is important, complex, controversial, and costly, the development of water policy must be undertaken thoughtfully. Continuation of the LWC is needed to coordinate statewide policy and plans for the future. The 12 member, bi-cameral and bipartisan commission brings value to the Legislature by providing a venue for members to equitably receive and discuss detailed technical information, creating a public forum for regular, in-depth interactions between legislators that can then inform legislative work on this subject, and developing water expertise within a larger cadre of Legislators so they can become leaders on water policy (Action: Legislation) (Support- stakeholders, agencies)

3. Water Infrastructure: Fixing our leaking water infrastructure. Inflow and infiltration infrastructure leaks affect drinking water, groundwater quality and wastewater treatment. Broken sewer lines affects our ability to successfully treat waste water and the problem continues to grow over time. Legislation is needed to allow sanitary districts the use of existing revenue for public and private

property inflow and infiltration mitigation in the same way that cities are allowed to address these problems. (Resources Required: Legislation) (Support from MPCA, Metropolitan Council, and Stakeholders). Second Priority. This bill was partially successful as incorporated into other bills.

4. Protecting and enhancing the quality of our streams, lakes and groundwater: Independent peer review of wastewater standards. Memorialize in statute, the current MPCA practice. Incorporate the exiting MPCA Commissioner's order into statute. This supports MPCA efforts to provide additional scientific and public review of new and revised water-quality standards, where EPA guidance is absent, and would ensure that the process continues on under future administrations. (Action: Legislation) (Support from MPCA)

Proposals Having Budgetary Implications—Funding for Agencies:

5) Ensure that water infrastructure is adequate: Minnesota's water-related infrastructure is aging and presents threats to our economy and to public health. Increase PFA General Obligation Bond appropriations on a continuing basis. Support and accelerate PFA's cost-effectiveness reviews. Support funding to increase MPCA and MDH efforts to encourage alternative best-management practices. Support increased agency resources to conduct asset-management reviews and implement efficient infrastructure alternatives. Provide support for market-based water-quality trading options (storm water and waste water) among willing municipalities. Accelerate programs that address the worst of our leaking septic system problem areas. Resources Required: Staff increase at MDH and MPCA estimated at 2 FTE's (Estimate \$150,000/yr. (A2 #3) (support from PFA, MPCA, MDH, stakeholders). The effort was partially successful and incorporated into other bills. The funding for the LWC was incorporated into the LCC budget bill.

6) Ensure that water infrastructure is adequate: Increase funding to ensure the safety of publicly-supplied drinking water. Legislation is needed to increase the MDH drinking-water service-connection fees. This will allow MDH to complete condition assessments and asset management plans to ensure safety for drinking-water supply systems. (Resources Required: Legislation and Fee increase. (Support from MDH and stakeholders)

7) Protecting and enhancing the quality of our streams, lakes and groundwater: Water Retention: Keeping Water on the Land: Keeping water on the land reduces erosion, improves soil health and water quality, increase groundwater recharge and improves agricultural production. Support return-on-investment analyses of conservation drainage. Support consensus statements from the Drainage Working Group. Support legislation that simplifies and combines water planning. Promote pilot watershed-scale pollutant trading and banking programs. Implement and fund an efficient credit- exchange mechanism. Support programs to provide a better understanding of the extent of tile drains and ditches and their hydrologic consequences. (Resources required: Support staff position at BWSR, MDH, MDH, MPCA and DNR (Budgetary Estimate; \$600,000/year) (support from BWSR, MDH, MDA, MPCA, DNR, stakeholders)

8) Protecting and Enhancing the Quality of our streams, lakes and groundwater: Reduce use of de-icing salt that impairs lakes, rivers and groundwater. We can reduce salt used for parking lots and sidewalks without affecting public safety. Support legislation to limit liability for applicators after providing training and certification. Support CWC policy to expand applicator training statewide. (Resources required; Legislation and Funding: Estimated Clean Water Funding of \$500 K for training and coordination for the MPCA (A6 #5) (support from MPCA, stakeholders, CWC)

9) Ensuring clean and sustainable drinking water: Information and Management for Clean and Sustainable Drinking Water: Expand agency support for data collection and analysis. Improve understanding of "water bank accounts" in County Atlas and One Watershed/ One Plan programs. Make better use of the information we are collecting. Coordinate water planning. Increase public

education (Resources: General funding for DNR, BWSR, MGS, and SWCD (2 M/ yr.) (Support from MPCA, BSWR, MDA, DNR, MGW, stakeholders)

10) Ensuring clean and sustainable drinking water: Expand Source Water Protection to all sources of drinking water, including rivers and private drinking water sources. Identify and protect our most-vulnerable aquifers used as sources of private drinking water. Support the Clean Water Council's recommendations by adopting policy and market-driven approaches to increase continuous vegetative cover on cropland with an initial focus on wellhead protection areas and vulnerable aquifers. (Resources required: Estimate-support two new staff positions at MDH and MDA (Support from MDA, MDH, DNR, stakeholders).

11) Protecting and enhancing the quality of our streams, lakes and groundwater: Healthy Soil and Healthy Water .Soil improvement is good for agriculture and for our water. Legislative support is needed for the UM Office of Soil Health which includes recognition and support for funding needs for long- term research as well as support for a state-wide soil-health action plan. Resources Required: One-half FTE support for each office: MDA, BWSR, UM Water Resources Center. In conjunction with the University of Minnesota, create and support a programs focused on healthy soil and healthy water. Encourage the expansion of existing programs to improve soil health, aimed at increasing agricultural productivity and water retention. (Support form MDA, MPCA, UM, stakeholders) (B8)

12): Issue Protecting and enhancing the quality of our streams, lakes and groundwater: Preserving and protecting our lakes. Fund a comprehensive agency program to provide policy and plans to protect our lakes. Increase data collection and analysis of lakes. Incorporate water-budget information about lakes. Establish an interagency working group to coordinate data collection and analysis that includes continuous monitoring. Support systematic lake assessments by re-assessing existing data programs in to collect information that is needed. Establish a status of statewide lake-priority document for accelerated lake-management. Prepare an interagency plan to integrate lake-assessment results into regulatory programs to protect all lakes and to preserve and protect our most significant and valuable lakes Coordinate, prioritize, and encourage funding, within established programs (LCCMR, LSOHC), that increase environmental and conservation easements in watersheds that contain our most important lakes. Provide legislation focused on stopping the progression of invasive species across lakes. Provide additional agency support to understand stressors and best-management practices to preserve and to enhance deep lakes. Provide assessments of lakes focused on the potential effects of climate change and management practices that can mitigate those impacts Resources required: Staff time from Governor's office, Environmental Quality Board, environmental agencies and the Legislative Water Commission to plan an inter-agency program to preserve and protect our lakes. (Support from DNR, MPCA, UM, stakeholders)

13): Increasing Water Education in Public schools: Section in the E-12 Omnibus bill, passed, and signed by Gov. Walz (Race2Reduce water conservation program): Subd. 25. Race 2 Reduce. (a) For grants to support Race 2 Reduce water conservation programming in Minnesota schools: \$ 50,000 in 2010. (b) \$10,000 is for H2O for Life to provide project management and support, Minnesota Green Corps member hosting, curriculum development and classroom instruction assistance, school outreach, and community volunteer training. (c) \$30,000 for Independent School District No. 624, White Bear Lake, for Race 2 Reduce curriculum development, teacher in-service training, service learning activities, and community public awareness events. (d) \$10,000 is for competitive grants to schools to implement the water conservation curriculum and co-develop the central platform. Minnesota school districts or charter schools may apply to the commissioner in the form and manner determined by the commissioner. (e) This is a onetime appropriation. (f) Any balance in the first year does not cancel but is available in the second

year. The award-winning Race2Reduce water conservation program initiated in the White Bear Lake Area School District receives \$50,000 in one-time funds for FY 2020. Now in its fourth year, Race2Reduce has had a significant and documented impact. Students who have experienced this curriculum have not only acquired knowledge about water resource issues, but they also have developed advocacy skills, changed personal behaviors and influenced others to be more conservation minded.

14) HF 875: Updates and modifies the state's Clean Water Legacy Act and related provisions. The Clean Water Legacy Act was originally passed in 2006 and established a framework for assessing and improving the state's waters as required under the federal Clean Water Act. Not specifically a part of the LWC. However, introduced by LWC members and supported by the LWC.