



## **Subcommittee on Minnesota Water Policy**

July 15, 2020

### **LCC Subcommittee on Water Policy, Draft Strategic Plan, April 2020**

The Legislative Water Commission was reestablished in statute in 2014 (2014 MN Session Laws Ch. 312 (HF 3172)). The Commission was then reorganized in 2019 as the Legislative Coordinating Subcommittee on Minnesota Water Policy (subcommittee). Both groups were similar in terms of responsibility, purpose and structure.

The purpose of this document is two-fold. First, it is intended to present the goals and objectives of the subcommittee. Secondly, it serves a guide for planning. The members began working on this plan during the spring of 2020. A significant part of this planning process has been gathering input from fellow legislators. At this point, the plan is a work-in-progress and has not been approved by the subcommittee members. The defined powers and duties subcommittee are shown below:

#### **Legislative Powers and Duties: The powers and duties of the subcommittee are as follows:**

- Review water-policy reports and recommendations from the Environmental Quality Board, the Board of Water and Soil Resources, the Pollution Control Agency, the Department of Natural Resources, the Metropolitan Council, and other water-related reports as may be required by the legislature
- Conduct public hearings and secure requested information and comments
- Make recommendations to assist the legislative body in the formulation of legislation
- Make necessary information available to the Legislative-Citizen Commission on Minnesota Resources, the Clean Water Council, and standing and interim committees of the legislature on request of the chair of the respective commission, council, or committee
- Coordinate activities and priorities with the Clean Water Council.

**Mission and Objectives:** The subcommittee proposes the following mission statement: The subcommittee provides a legislative process that ensures that members of the legislature are informed regarding needs for protecting and restoring Minnesota's water resources, while providing water for recreation and economic growth.

#### **Proposed Subcommittee Goals:**

- Provide legislative members with a forum to learn and discuss Minnesota's broad array of water-related issues
- Ensures that legislators are aware of issues impacting water quality and availability
- Provide information that allows legislators to be aware of issues regarding protecting, restoring, and conserving the waters of the state
- Ensure that Minnesotans can have waters that are safe, available and protected

## **Objectives and Strategies (for discussion)**

### **Objective 1: Improve Water-Issue Communication Within the Legislative Branch:**

- Conduct public hearings and secure requested data and comments on water-related issues
- Prepare recommendations to assist in formulating legislation
- Coordinate with the Legislative-Citizen Commission on Minnesota Resources, the Clean Water Council, and standing and interim committees of the legislature on request of the chair of the respective commission, council, or committee
- Provide legislative recommendations and guidance regarding the protection and restoration of watersheds and waters
- Provide timely reviews of reports and recommendations from state agencies and organizations and communicate the findings to the legislature

### **Objective 2: Ensure that Drinking Water is Safe-Provide policy and legislation that ensures that drinking water is safe and available for all of the state's residents, now and into the future.**

#### **Strategies:**

- Support policy for source-water protection planning and implementation for the state's community public water systems
- Ensure completion of pilot source-water protection planning for non-community public water systems
- Provide financial assistance for source-water implementation activities through grants to satisfy a significant portion of the demand
- Complete source water assessments for all surface-water systems
- Complete source-water intake protection plans
- Provide policy to ensure safe drinking water for those who use private wells.
- Support widespread, routine testing of private-well water and provide assistance
- Support implementation of the Ground Water Protection Rule, for nitrate, beyond source water protection areas for public supply wells
- Prioritize sealing of unused groundwater wells that present risk to drinking water
- Increase the compliance rate for subsurface septic treatment system
- Expand nitrogen fertilizer management plans to promote continuous vegetative cover and advanced nitrogen fertilizer management that protects private wells in vulnerable settings
- Adopt best management practices (BMPs) for water efficiency, water use reduction, and irrigation water management
- Prioritize BMP implementation in areas of high water use by agricultural irrigators in highly Sensitive areas, Groundwater Management Areas (GWMAs), and highly vulnerable Drinking Water Source Management Areas (DWSMAs). Provide policy to protect vulnerable land surrounding drinking water source water areas

### **Objective 2: Ensure that surface waters of the state are swimmable and fishable**

- Develop policies that result in improved clean water outcomes
- Support policies that prevents and reduces impairments in surface waters
- Provide support to maintain and improve the health of aquatic ecosystems
- Support programs that protects and restore hydrologic systems
- Ensure that climate change considerations are incorporated into water planning
- Provide policy to ensure that there will be no net increases in impairments and a substantial reduction in impairments overall.

- Support the completion of Watershed Restoration and Protection Strategies (WRAPS) for all 80 major watersheds.
- Fund the completion of comprehensive watershed management plans for the major watersheds, including those under One Watershed One Plan
- Support an initiative in the Upper Mississippi River headwaters basin, to protect priority acres and restore priority acres, using a combination of public and private funding to ensure high quality water
- Ensure that the state’s 2014 “swimmable” and fishable goals are met based on acceptable trophic status and biotic integrity metrics

**Objective 4: Ensure Safe and Sustainable Sources of Groundwater--Provide policy and legislation to ensure safe and adequate sources of groundwater, for human and ecosystem needs, for now and for future generations:**

**Strategies:**

- Support a statewide groundwater initiative that defines sustainability goals
- Provide policy to ensure that groundwater is safe and sustainable
- Ensure that adverse impacts to surface water, from groundwater use, can be avoided
- Support Groundwater Restoration and Protection strategies for watersheds engaged in comprehensive watershed planning
- Support the completion of the groundwater atlases for all Minnesota counties
- Support the DNR’s goal of adequate groundwater monitoring
- Adopt BMPs for water efficiency, water use reduction, and irrigation water management

**Justification for and Value of the Subcommittee**

Water is vital to Minnesotans. Water-related issues are as wide-ranging and varied as are the state’s many landscapes and interest groups. Because water is important, complex, controversial, and costly, the development of water policy must be undertaken thoughtfully. This 12 member, bi-cameral and bipartisan subcommittee brings value to the Legislature by:

- Having dedicated staff to gather, digest, and disseminate pertinent information from a large array of resources, across the state, allows members a holistic and independent understanding of current and emerging water issues. The subcommittee also provides a regular public venue for members to equitably receive and discuss detailed technical information in an in-depth manner. The subcommittee’s activities allow for the development of water expertise among all members of the legislature so they can be informed on water issues within their respective caucuses. Having subcommittee staff with water policy expertise is important in assisting members with drafting and understanding proposed legislation
- About seven percent of all introduced bills are related to water. Executive Branch agencies employ water-resource professionals from whom legislators can request information. However, that information is usually presented within the context of the Governor’s platform and may not be reflective of the legislative perspective or that of affected parties. Subcommittee staff offer an independent lens to discuss and understand the work of the agencies and to provide balance and exchange between the executive and legislative branches.

The ongoing work of the subcommittee is being assessed (2020). This plan is part of that assessment. During the interim, the committee is working on the following activities for the 2021-22 session:

- Continuing to provide stakeholders a bi-weekly electronic update of water-related issue in

the state.

- Continue progress with bills in progress during the 2019-2020 session
- Revise the subcommittee's strategic plan
- Revise and assess the 1989 Groundwater Act and provide legislative recommendations, in cooperation with the Minnesota Groundwater Association's White paper process.
- Review the UM/MDH "Future of drinking water recommendations"--Prepare legislative priorities suggested in the plan.
- Prepare a coordinated plan for the Upper Mississippi River Watershed that preserves, protects and enhances waters, as well as protecting source water for the Metropolitan Twin Cities Area's drinking water. This plan would include and enhance ongoing efforts by state, local, Federal and non-profit organizations. The plan would be developed in cooperation with The Nature Conservancy and the Board of Water and Soil Resources

**Following is the status of bills from the subcommittee or discussed by the members during the 2020 session. They were based on consensus decisions from the subcommittee members.** Most of these bills involved policy decisions that would have required minimal funding. Generally, these issues required reports to the legislative that would have informed funding decisions for the next budget cycle. In so doing, this subcommittee was preparing a substantive legislative agenda for the 2021-22 budget cycle. Most of these bills were introduced and heard during. ***Some of the bill's objectives moved forward due, in part, to the work for the subcommittee. Some may move forward as part of omnibus bills in a special session. Those are indicated in bold and in italics.***

**Subcommittee bills that likely would have been included in the end of session omnibus bills:**

1. HF 3595 (Torkelson): SF 3864 (Weber, Franz) Water Retention, This bill is similar to a bill prepared from the subcommittee. The subcommittee's bill was not introduced. This will was included in omnibus bills in each of the chambers.
2. [HF3943](#): (Lippert, Fischer): SF:3943 (Weber, Eaton, Wiger, Eken): Requires DNR report on sustainability on Minnesota's groundwater and surface water, with a particular focus on ways to prevent export of groundwater. Pertains to the Water Train Controversy. Provides for a report on ways to Ensure Sustainability of Minnesota's Groundwater and Surface Water
3. [HF3944](#) (Fischer), SF 3925 (Weber): Emerging Contaminant Monitoring PFAS: Network for Monitoring Upregulated Contaminants in Sources of Drinking Water: Appropriates money to develop network for monitoring unregulated contaminants in sources of drinking water. A similar bill was introduced in the House.
4. [HF3950](#): (Lippert, Fischer), SF 3951 (Eaton, Wiger): Requires a well water test within six months of sale of property. Drinking Water Safety Private Wells: Safety Education for Private Well Owners: Requires well sampling and disclosure to buyers
5. [HF3967](#): (Heintzeman, Brand, Fischer), SF3413 (Weber, Eaton, Wiger, and Eken): Chloride contamination in state waters reduction plan funding provided for training and for feasibility analysis of chloride alternatives and water softening changes. Bill with some of the components moving forward.
6. [HF3971](#): (Torkelson, Fischer, Heintzeman), SF 3958 (Weber, Wiger Eaton, Eken): Advisory Council on Water Supply Systems and Wastewater Treatment Facilities reestablished, and money appropriated to improve drinking water infrastructure. Portions of this bill moved forward in another vehicle.
7. HF\_\_\_, SF\_\_\_ Flushable wipes- labeling or ban: Non-woven Personal Care Disposable Products; Senate: Wiger, Eaton, Weber, Eken, House: Heintzeman, Fischer. Catlin and Fisher had similar bills in the House. Decision made to not introduce the subcommittee bill. Similar bill in the Senate (SF3139. Portions of this bill moved forward in another vehicle.

8. SF3955 (Wiger Eaton) HF \_\_\_\_\_ (Heintzeman): Forever chemicals in food waste, Accepting Certain Compostable Products Containing PFAS, Water Quality Monitoring for PFAS; Appropriation. The committee's bill was not introduced in the House. Rep Claflin introduced a simle bill in the House. (HF318-Claflin and SF 3955 is similar.

**Other bills**

9. HF 1439 (Poston, Fischer): SF 4206 (Wiger, Draheim, Eaton, Goggin, Weber, Eken): Compensation for Ag Buffers--Agricultural Riparian Buffer Credit {what is the status?}
10. [HF3940](#): (Fisher), SF3952 (Wiger, Eaton, Eken): Requires collaboration among and a report from Legislative-Citizens Commission on Minnesota Resources (LCCMR), Lessard-Sams Outdoor Heritage Council (LSOHC), and the Clean Water Council.
11. [HF3941](#): (Torkelson, Lippert, Fischer, Heintzeman): SF4265: (Wiger, Draheim, Goggin, Weber, Eken): Soil and Water Conservation District Grands, Appropriation: Phases out some of the Clean Water Fund (CWF) as funding source Soil and Water Conservation Districts (SWCDs). Reduce SWCD grants from CWF in FY21 by \$3 million; require CWF to fund SWCDs at \$6 million in FY22 and \$3 million in FY23.
12. [HF3942](#): (Lippert) SF? (Weber Wiger, Eaton, Eken): Sustainable Drinking Water: Pilot Program to Ensure Safe and Sustainable Drinking Water for the Future by enhancing and leveraging County Geologic Atlas data, Plan for Developing Network of Monitoring Wells and Well Owner Education with appropriations. Also creates a blank appropriation for a well monitoring and education program for private well owners Senator Weber signed, not sure if it was introduced.
13. [HF3945](#) (Brand, Fischer, Lippert); SF 3961 (Wiger, Eken): Precision agriculture research and outreach funding provided, and money appropriated.
14. HF 3946 (Lippert, Fischer, Brand): SF 3953 (Wiger, Eaton, Eken): Increase Ag BMP loan program: Agricultural Best Management Practices Loan Program.
15. [HF3947](#): (Poston, Fischer: SF 3956 (Wiger, Eaton): Provides a third-party water-quality broker system and money appropriated. Encourages a pilot pollutant trading
16. [HF3948](#): (Fischer): SF 3954 (Wiger, Eaton): Appropriates money to study storm water retention and infiltration. Policy on storm water infiltration. Provides for a storm water retention and infiltration study.
17. [HF3951](#) (Lippert, Fischer), SF3996? (Weber): Encourage GW recharge policy and a report on artificial recharge. Artificial aquifer recharge use facilitated where appropriate, and report required.
18. [HF3952](#): (Fischer): SF? (Weber signed, Eaton, Wiger, and Eken): Water quality at beaches funding provided for a monitoring program, and money appropriated. Trying to locate the Senate bill.
19. [HF3968](#): (Heintzeman, Poston Fischer); SF 3957 (Wiger, Eaton):Water appropriation allocation priorities modified, Water Appropriation-Golf Courses
20. [HF3969](#): (Poston, Fischer): SF 3995 (Weber): Water quality standards report required on methods to simplify and increase efficiency of process to adopt and amend standards. Simplifies and increases the efficiency of the process to adopt and to amend water quality standards
21. Keeping water on the land, water storage: Pilot Program to Enhance Efforts to Keep Water on the land: Appropriation: Senate interest: Wiger and Weber. This bill was put on hold as per Fischer because of a similar bill proposed by Torkelson and Weber, in the House and Senate, respectively.
22. State Wetlands Assumption: Heintzeman et al. Bill not needed at this time. Following federal legislation by agency staff.
23. SF 4007 (Eken, Wiger Eaton) HF (Bill was not introduced in the house? Best models for BMP evaluation: Water Quality: Evaluating Models for Assessing Best management Practices: Appropriation
24. Combine CWC, LCC Water Commission. Discussed with Rep Lillie, Hold hearings this summer?
25. SF 3959 (Wiger and Eaton), HF(?) Lippert and Fisher: Soil Health: Statewide Soil Health Action Plan, Appropriations. May not have been introduced in the House.
26. Dedicated Funds for Conservation: Constitutionally dedicated funding and analysis with recommendations: Wiger and Fischer. Bill not introduced.

27. Waters of the United States: Wiger, Eken, Lippert, Fischer. Following the process. Bill not needed at this time.
28. SF2102 Draheim: Creating a Department of Water Resources: Draheim and Fischer SF2102. Bill not introduced in the House
29. Evaluate and update 1989 GW Act (support from Wiger, Brand, and Fischer) Bill not needed. Minnesota Ground Water Association is conducting a review. Stark is involved.
30. Preparing for an uncertain future (Wiger and Fischer expressed interest) EQB is including climate change in the required State Water Plan
31. Increase generic EIS process (Wiger and Fischer expressed interest. There was little support in the subcommittee
32. Environmentally responsible mining (support from Fischer and Sandell) did not originate in the subcommittee.