

# **SUBCOMMITTEE ON MINNESOTA WATER POLICY**

**March 11, 2024**

**10:00 am**

**Jim Stark, Director**

# MEETING AGENDA

**SUBCOMMITTEE ON MINNESOTA WATER POLICY: MARCH 11**

- **CALL TO ORDER: CHAIR: REPRESENTATIVE HEMMINGSEN-JAEGER**
- **APPROVAL OF FEBRUARY 6 MINUTES**
- **CLEAN WATER COUNCIL'S PROPOSED SUPPLEMENTAL BUDGET—SE MN  
JOHN BARTEN, CHAIR--CLEAN WATER COUNCIL**
- **UPDATE ON INTRODUCED WATER LEGISLATION--JIM STARK**
- **UPDATE AND DISCUSSION ON SUBCOMMITTEE BILLS- JIM STARK**
- **ADJOURN (10:45)**

# SUBCOMMITTEE MEMBERS

## SENATE MEMBERS

SENATOR WEBER\*

SENATOR HAWJ

SENATOR KUPEC

SENATOR LANG

SENATOR PUTMAN

SENATOR WESENBERG

## HOUSE MEMBERS

➤ REPRESENTATIVE HEMMINGSEN-JAEGER\*

➤ REPRESENTATIVE JACOB

➤ REPRESENTATIVE FISCHER

➤ REPRESENTATIVE REHM

➤ REPRESENTATIVE SHULTZ

➤ REPRESENTATIVE SKRABA

➤ \* CO-CHAIRS

JOHN BARTEN, CHAIR

PAUL GARDNER, ADMINISTRATOR

651-757-2384 [PAUL.GARDNER@STATE.MN.US](mailto:PAUL.GARDNER@STATE.MN.US)

SUBCOMMITTEE ON MINNESOTA WATER POLICY

11 MARCH 2024

# FY24-25 SUPPLEMENTAL REQUEST & SOUTHEAST MN NITRATE RESPONSE



# ADDITIONAL FUNDS NOW AVAILABLE FOR CLEAN WATER FUND

- **\$318,396,000** BIENNIAL  
FY24-25 APPROPRIATION  
FOR CWF
- FEBRUARY 2024 FORECAST  
SHOWS ADDITIONAL  
FUNDS OF **\$25,426,000**  
(8% INCREASE)
- CLEAN WATER COUNCIL  
RECOMMENDED USE OF  
**\$18,056,000** BASED ON  
NOVEMBER 2023  
FORECAST
- COUNCIL WILL SUBMIT  
**REVISED**  
**RECOMMENDATIONS** FOR  
THE FULL AMOUNT ASAP



# SE MINNESOTA PUBLIC HEALTH RESPONSE

- SUPPORT FOR PUBLIC HEALTH RESPONSE (MDH) TO EPA PETITION ON NITRATE IN PRIVATE WELLS
- BUILDS ON PILOT COUNTY PUBLIC HEALTH PROGRAM & EXISTING FY24-25 APPROPRIATION
- IDENTIFY WELLS, TEST, EDUCATE, REPORT RESULTS, LIMITED MITIGATION
- CHANGES TO THE EXACT AMOUNT AND THE SPECIFIC ACTIVITIES FUNDED ARE CURRENTLY UNDER CONSIDERATION.



# ADDITIONAL SOUTHEAST MN NITRATE RESPONSE

- \$1M TO NITRATE IN GROUNDWATER PROGRAM (MDA)
  - TECHNICAL ASSISTANCE TO FARMERS
- \$1.402M TO AGRICULTURAL BEST MANAGEMENT PRACTICES LOAN PROGRAM (MDA)
  - LOW INTEREST LOANS FOR EQUIPMENT OR SAFE DRINKING WATER
- \$2M WORKING LAND & FLOODPLAIN EASEMENTS (BWSR)
  - POTENTIAL FEDERAL MATCH
- ADDITIONAL EASEMENTS, EQUIPMENT LOANS, AND NITRATE MONITORING FOR SE MN ARE UNDER CONSIDERATION FOR ADDITIONAL FUNDS



# PFAS RESPONSE

- \$326,000 RIVER AND LAKE MONITORING FOR PFAS (MPCA)
  - ADDS PFAS TO PROGRAM
- \$90,000 FISH CONTAMINATION ASSESSMENT (DNR)
  - ADDS PFAS TO PROGRAM
- \$384,000 DRINKING WATER CONTAMINANTS OF EMERGING CONCERN (MDH)
  - HEALTH-BASED GUIDANCE FOR FISH CONSUMPTION







# OTHER SUPPLEMENTAL REQUESTS

- \$2M CRITICAL SHORELAND EASEMENTS (BWSR)
  - BACKLOG OF REQUESTS FOR PRIORITY PARCELS IN RUM RIVER WATERSHED
- \$1M LOW-INCOME SSTS GRANTS (MPCA)
  - SUPPORTS 70 ADDITIONAL SEPTIC SYSTEM REPLACEMENTS
- \$2M WATERSHED PARTNERS LEGACY GRANTS (BWSR)
  - SUPPORTS TRIBES & NGO PROJECTS
- \$1M GREAT LAKES RESTORATION INITIATIVE LAKEWIDE ACTION & MANAGEMENT PROGRAM (MPCA)
  - NE MN SWCD CAPACITY, APPLY FOR MATCH

## **UPDATE ON INTRODUCED WATER LEGISLATION**

**MANY WATER- RELATED BILLS HAVE BEEN INTRODUCED THIS SESSION  
GIVEN TIME, AT THE END OF THE MEETING, I'LL HIGHLIGHT AT FEW.  
YOU CAN FIND THEM AT THE SUBCOMMITTEE WEBSITE LATER THIS WEEK.**

### **GENERAL CATEGORIES OF BILLS:**

- **FEEDLOTS/MANURE MANAGEMENT**
- **KARST/SE MINNESOTA:**
- **MONITORING**
- **STORMWATER**
- **WATER PLANNING**
- **LAND/ WATER CONSERVATION**
- **AGRICULTURAL CHEMICALS**
- **DRINKING WATER**
- **INFRASTRUCTURE**
- **FUNDING**
- **DRAINAGE**
- **LAKES/RIVERS/ PUBLIC WATER**
- **WATER APPROPRIATIONS**
- **MINING**
- **TRAINING**

## **PROPOSED LEGISLATIVE AGENDA: SUBCOMMITTEE ON WATER POLICY**

- **BILLS HAVE BEEN DEVELOPED OVER THE INTERIM**
- **BILLS BASED ON INPUT FROM STAKEHOLDERS AND MEMBERS**
- **MOST HAVE BEEN INTRODUCED IN BOTH BODIES**
- **IT WOULD BE GOOD TO HAVE CONSENSUS APPROVAL**
- **CO- AUTHORSHIP WOULD BE ENCOURAGED**
- **POLL TO EVALUATE SUPPORT FOR BILLS?**
- **BILL DETAILS AVAILABLE!**

# BILL STATUS-1

**1) SUPPORT FOR VOLUNTARY PRIVATE WELL TESTING-- SUPPORTS EXPENSES, SUPPLIES, AND TRAVEL FOR VOLUNTEERS WHO CONDUCT WATER TESTING CLINICS WITH COUNTIES AND MDH INTRODUCED IN BOTH BODIES HF 1559--FISCHER, ACOMB, HEMMINGSEN-JAEGER; SF2022- KUNESH. REFERRED TO HEALTH COMMITTEES.**

**2) WATER SAFETY PLANS FOR CITIES-- PILOT EFFORT BASED ON UM/MDH REPORT TO THE LEGISLATURE. PREPARE PILOT WATER-SAFETY PLANS FOR TWO CITIES—GUIDANCE FOR WATER SAFETY PROCESS FOR THE SOURCE OF WATER TO THE TAP-- IDENTIFYING VULNERABILITIES. EXAMPLE ISSUES INCLUDE PFAS IN BEMIDJI AND LEGIONELLA AND GRAND RAPIDS. INTRODUCED IN BOTH BODIES: HF2528- FISCHER, BRAND: SF4217-PUTNAM**

**3) URBAN STORM WATER RETENTION- EVALUATE CONCERNS ABOUT CONTAMINANTS INFILTRATING INTO GROUNDWATER FROM REQUIRED STORM-WATER BASINS IN URBAN AREAS-- ASSESS IMPACT OF STORMWATER BASINS ON GROUNDWATER QUALITY. THE IMPACT ON GROUNDWATER QUALITY IS UNCLEAR. INTRODUCED IN BOTH BODIES: HF1391--HEMMINGSEN-JAEGER, PURSELL., FISCHER, KRAFT: SF4338 KUPEC, GUSTAFSON, KUNESH, AND HAWJ.**

## BILL STATUS-2

**4: REAUTHORIZATION OF AGRICULTURAL FERTILIZER RESEARCH AND EDUCATION COUNCIL. COUNCIL SUPPORTS RESEARCH ON THE EFFICIENT USE OF FERTILIZER TO IMPROVE WATER QUALITY-- SUPPORTED BY A SMALL A SMALL TAX ON FERTILIZER. THE COUNCIL'S AUTHORIZATION IS ABOUT TO SUNSET. INTRODUCED IN BOTH BODIES :REFERRED TO THE STATE AND LOCAL GOVERNMENT AND VETERANS COMMITTEE. HF3411- FISCHER, HEMMINGSEN- JAEGER AND OTHERS; SF3719- PUTNAM, WEBER, GUSTAFSON, KUPEC.**

**5: SUPPORT TO THE UNIVERSITY OF MINNESOTA FOR PRECISION AGRICULTURE RESEARCH. TECHNOLOGY THAT INCREASES PRODUCTION AND IMPROVES WATER QUALITY. INTRODUCED IN BOTH BODIES: HF1387- FISCHER AND PURSELL, HEMMINGSEN-JAEGER, REHM; REFERRED TO AG FINANCE AND POLICY; SF2038- MORRISON--INTRODUCED AND REFERRED TO AG, BROADBAND AND RURAL DEVELOPMENT.**

**6: TAX CREDIT FOR REQUIRED PRIVATE RIPARIAN BUFFER LANDS: SF1552. INTRODUCED IN BOTH BODIES: WEBER INTRODUCED THE BILL. HEARD IN ENVIRONMENT COMMITTEE, REFERRED TO TAXES. HF1004 HEINTZEMAN, FISCHER, MYERS, AND TABKE INTRODUCED THE BILL AND REFERRED TO TAXES. SENATOR WEBER REQUESTED A HEARING IN TAXES ON 2/19.**

# BILL STATUS -3

**7) RE-ESTABLISHMENT OF THE LEGISLATIVE WATER COMMISSION. THE BILL WAS INCORPORATED INTO THE OMNIBUS BILL LAST SESSION. IT NEEDS A HEARING IN THE SENATE GOVERNMENT COMMITTEE.**

2023: SENATOR HAWJ INTRODUCED THE BILL IN 2023 AS SF1918 WITH SUPPORT FROM WEBER IT WAS REFERRED TO STATE AND LOCAL GOVERNMENT AND VETERANS. HF 1338: FISCHER, TORKELOSON, HEMMINGSEN-JAEGER, REHM ACOMB, BRAND).

**8) MINOR CHANGES TO HIGHEST WATER ALLOCATION PRIORITIES—INCLUDING SCHOOLS, HOSPITALS, AND ESSENTIAL NEEDS: ISSUE AROSE AS A RESULT OF THE FROM THE WHITE BEAR LAKE JUDGEMENT. FISCHER INTRODUCED THE HOUSE BILL: HF3412: HAWJ, PUTNAM. SUPPORT INDICATED FROM HAWJ, PUTNAM, HEMMINGSEN- JAEGER, KUPEC, SCHULTZ, SKRABA, AND SKRABA. NEEDS AND INTRODUCTION IN THE SENATE**

**9: DEFINING SUSTAINABLE GROUNDWATER LIMITS USING TECHNOLOGICAL ADVANCES- NEXT STEP IN COUNTY GEOLOGICAL ATLAS PROGRAM. INTRODUCED IN BOTH BODIES: PUTNAM, HAWJ, INTRODUCED BILL AS SF4215--REFERRED TO HEALTH. HF1388- PURSELL AND FISCHER INTRODUCED THE BILL IN ENR FINANCE AND POLICY—NEEDS A HEARING. SUPPORT INDICATED FROM KUPEC, PUTNAM, HAWJ, SKRABA, PURSELL, FISCHER, HEMMINGSEN- JAEGER.**

# BILL STATUS -4

**11) COMPLETE LAND MANAGEMENT GOALS FOR WATER QUALITY AND QUANTITY IN THE UPPER MISSISSIPPI. REACH LAND PROTECTION GOALS FOR OUR MOST IMPORTANT INLAND LAKES AND PROTECT SOURCE OF WATER OF THE METRO. INTRODUCED IN BOTH BODIES:** HF1394-FISCHER, REHM REFERRED TO ENF, FINANCE AND POLICY; SF SF2192-MCEWEN, KUPEC, HAWJ, REQUEST HEARINGS IN ENVIRONMENT COMMITTEE.

**12: KEEP OUR LAKES CLEAN INITIATIVE--TECHNICAL AND FINANCIAL SUPPORT FOR LOCAL INFRASTRUCTURE TO ASSIST COMMUNITIES, AND AGENCY PARTNERSHIPS TO PROVIDE A STATEWIDE PROGRAMS. INTRODUCED IN BOTH BODIES:** MYERS INTRODUCED THE BILL AS HF3662. SUPPORT INDICATED FROM NADEAU, BAKER, BERG, WITTE, HANSEN, JORDAN, ZELEZNIKAR, SKRABA, HEMMINGSEN- JAEGER. SENATOR PUTNAM INTRODUCED THE BILL AS SF3957 WITH SUPPORT FROM GUSTAFSON, KUPEC, HAUSCHILD AND MCEWEN. **IT WAS HEARD IN THE SENATE ENVIRONMENT COMMITTEE ON 2/29 AND LAID OVER.**

**13) REDUCE SALT USE AND SAVE OUR LAKES. SALT APPLICATOR VOLUNTARY CERTIFICATION AND LIMITED LIABILITY FOR APPLICATORS. INTRODUCED IN BOTH BODIES:** HF0820- TABKE, ACOMB, AND FISCHER AND REFERRED TO JUDICIAL AND CIVIL LAW. THE SENATE HEARD AND REFERRED TO JUDICIARY AND CIVIL LAW ENVIRONMENT COMMITTEE, SF0755 (MORRISON, NELSON ). **HF3565 HAS BEEN REINTRODUCED BY-HOLLINS** REHM, CURRAN, KRAFT, HEMMINGSEN-JAEGER, FISCHER, HANSON, BRAND. SF0755 WAS HEARD IN THE ENVIRONMENT IN 2023 AND REFERRED TO JUDICIARY. **SENATOR PUTNAM RE-INTRODUCED THE BILL AS SF3954,** WITH SUPPORT FROM MCEWEN, MORRISON, CARLSON AND HAWJ REFERRED TO ENVIRONMENT.

## **LEGISLATIVE AGENDA: SUBCOMMITTEE ON WATER POLICY**

- **QUESTIONS?**
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## UPDATE ON INTRODUCED WATER LEGISLATION-2

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# WATER BILLS-1

## **FEEDLOTS/ MANURE MANAGEMENT**

SF4492/HF4320: CERTAIN MANURE MANAGEMENT PLANS REQUIRED IN FEEDLOT PERMIT PROVISIONS MODIFICATIONS. MANURE APPLICATION IN A LEVEL 2 DRINKING WATER SUPPLY MANAGEMENT AREA MUST HAVE A MANURE MANAGEMENT PLAN.

HF3493/SF3527: MANURE MANAGEMENT GRANT FUNDING PROVIDED, AND MONEY APPROPRIATED.

SF4581: MANURE MANAGEMENT PROVISIONS MODIFICATIONS AND APPROPRIATION. WOULD PENALIZE A FEEDLOT FOR A VIOLATION OF ITS MANURE MANAGEMENT PLAN

**SF4234: ENVIRONMENTAL IMPACT STATEMENT FOR LARGE ANIMAL PROJECTS REQUIREMENT PROVISION**

## **KARST/SE MINNESOTA:**

SF4583/HF4401: GREEN ACRES TAX DEFERMENT REQUIREMENTS MODIFIED. REQUIRES NUTRIENT MANAGEMENT PLANS FOR A LANDOWNER SEEKING FAVORABLE PROPERTY TAX TREATMENT IN THE KARST REGION UNDER THE "GREEN ACRES" PROGRAM.

HF4488: SOIL HEALTH GRANTS FUNDING PROVIDED TO PROTECT KARST REGION GROUNDWATER FROM DEGRADATION, AND MONEY APPROPRIATED. \$1 MILLION FROM CLEAN WATER FUND

**HF4491: SOIL HEALTH GRANTS FUNDING PROVIDED TO PROTECT KARST REGION GROUNDWATER FROM DEGRADATION, AND MONEY APPROPRIATED.**

HF4114: CONSERVATION EASEMENT PROGRAMS PROVISIONS MODIFIED. RESPONDS TO NITRATE ISSUE IN SOUTHEAST MINNESOTA.

HF4492: ELIGIBLE USES OF AGRICULTURAL GROWTH, RESEARCH, AND INNOVATION PROGRAM APPROPRIATION EXPANDED TO INCLUDE PRECISION AGRICULTURE PROJECTS IN KARST REGION.

# WATER BILLS-2

## MONITORING

**SF4327/HF4319: CLEAN WATER NITRATE MONITORING APPROPRIATION. WOULD USE \$2 MILLION FROM THE CLEAN WATER FUND.**

## STORMWATER

**SF4338/HF1391: STORMWATER RETENTION AND INFILTRATION STUDY APPROPRIATION**

## WATER PLANNING

**SF4215/HF1388: SUSTAINABLE WATER PILOT PROGRAM**

**SF4217/HF2528: WATER SAFETY PLANS FOR CITIES APPROPRIATIONS**

**HF4269/SF4143: 50-YEAR CLEAN WATER PLAN FUNDING PROVIDED, AND MONEY APPROPRIATED.**

# WATER BILLS-3

## LAND/ WATER CONSERVATION

SF3684: PROHIBITING UNPRODUCTIVE CONSERVATION LANDS FROM BECOMING BENEFITTED PROPERTY UNDER STATE DRAINAGE LAWS

HF3474: REINVEST IN MINNESOTA (RIM) RESERVE PROGRAM FUNDING PROVIDED, BONDS ISSUED.

HF3550/SF3559: WATERSHEDS, SOIL AND WATER CONSERVATION DISTRICTS, AND WETLAND MANAGEMENT PROVISIONS MODIFIED; WETLAND BANKING PROGRAM AND CONSERVATION EASEMENT PROGRAMS MODIFIED; RIPARIAN PROTECTION AND WATER QUALITY JURISDICTION CLARIFIED; CONTROL BEAVER DAMAGE GRANTS ELIMINATED; BOARD OF WATER AND SOIL RESOURCES AUTHORITY AND DUTIES MODIFIED; AND MONEY APPROPRIATED.

SF3684: PROHIBITING UNPRODUCTIVE CONSERVATION LANDS FROM BECOMING BENEFITTED PROPERTY UNDER STATE DRAINAGE LAWS

**HF4114: CONSERVATION EASEMENT PROGRAMS PROVISIONS MODIFIED. RESPONDS TO NITRATE ISSUE IN SOUTHEAST MINNESOTA.**

SF4241/HF4044: CERTAIN ACRES CERTIFIED UNDER THE MINNESOTA AGRICULTURAL WATER QUALITY CERTIFICATION PROGRAM CREDIT ESTABLISHMENT AND APPROPRIATION

HF3550/SF3559: WATERSHEDS, SOIL AND WATER CONSERVATION DISTRICTS, AND WETLAND MANAGEMENT PROVISIONS MODIFIED; WETLAND BANKING PROGRAM AND CONSERVATION EASEMENT PROGRAMS MODIFIED; RIPARIAN PROTECTION AND WATER QUALITY JURISDICTION CLARIFIED; CONTROL BEAVER DAMAGE GRANTS ELIMINATED; BOARD OF WATER AND SOIL RESOURCES AUTHORITY AND DUTIES MODIFIED; AND MONEY APPROPRIATED. <sup>20</sup>

# WATER BILLS -4

## AGRICULTURAL CHEMICALS

SF4223/HF 4082: PESTICIDE PRODUCTS DISCONTINUATION AND CANCELLATION PROVISIONS MODIFICATIONS

SF4224: PESTICIDES PROVISIONS MODIFICATIONS

**HF3411: MINNESOTA AGRICULTURAL FERTILIZER RESEARCH AND EDUCATION COUNCIL FEE EXTENDED FOR THE AGRICULTURAL FERTILIZER RESEARCH AND EDUCATION ACCOUNT.**

SF4311/HF4135: AGRICULTURAL FERTILIZER RESEARCH FEE AND PROGRAM EXTENSION; DRINKING-WATER FEE FOR NITROGEN AND A PRIVATE WELL DRINKING-WATER ASSISTANCE PROGRAM ESTABLISHMENT; TESTING OF BIOSOLIDS FOR PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES REQUIREMENT; APPROPRIATING MONEY

## DRINKING WATER

**SF4072/SF4036: LEAD SERVICE LINE REPLACEMENT GRANTS FUNDING PROVIDED, AND MONEY APPROPRIATED.**

SF4073/HF4060: MUNICIPAL EFFLUENT TESTING FOR PFAS APPROPRIATION [\$500,000 FROM THE CLEAN WATER FUND]

## INFRASTRUCTURE

HF4303: NEW GREEN INFRASTRUCTURE GRANT PROGRAM CREATED, CRITERIA PROJECTS FUNDED THROUGH CLEAN WATER AND DRINKING WATER REVOLVING FUNDS AMENDED, RULES AND PRIORITIZATION OF PROJECTS REQUIRED, AND MONEY APPROPRIATED.

**HF4111/SF3910: WATER INFRASTRUCTURE FUNDING PROGRAM CHANGES MADE, POINT SOURCE IMPLEMENTATION GRANT PROGRAM CHANGES MADE, CLEAN WATER FUNDING PROVIDED, BONDS ISSUED, AND MONEY APPROPRIATED.**

# WATER BILLS-5

## LAKES/RIVERS/ PUBLIC WATER

SF4165/HF3596: CERTAIN RULEMAKING AUTHORITY RELATED TO NATURAL RESOURCES CLARIFICATIONS PROVISION REGARDING SHORELINE STANDARDS

SF3954/HF3565: CERTIFIED SALT APPLICATOR PROGRAM ESTABLISHED, LIABILITY LIMITED, AND REPORT REQUIRED.

**SF3957/HF3662: KEEP IT CLEAN PROGRAM ESTABLISHMENT AND APPROPRIATION**

HF3385/SF3558: PUBLIC WATERS DEFINITION MODIFIED.

## WATER APPROPRIATIONS

HF3418: WATER USE GENERAL PERMIT FEE CORRECTED AS PART OF LARGER TECHNICAL BILL

**HF3412: WATER APPROPRIATION ALLOCATION PRIORITIES MODIFIED. PRIORITIZES HOSPITALS, NURSING HOMES, EDUCATIONAL FACILITIES.**

## MINING

**HF3458/SF3434: RAINY RIVER HEADWATERS WATERSHED NONFERROUS MINING ACTIVITIES PROHIBITED.**

## TRAINING

SF3946/HF2796: FRIENDS OF MINNESOTA VALLEY RIVER WATCH PROGRAM APPROPRIATION

**HF3475/SF3411: WATER OPERATOR AND WASTEWATER OPERATOR TRAINING DEVELOPMENT FUNDING PROVIDED, AND MONEY APPROPRIATED.**

# THANKS

- **NEXT MEETING, MONDAY APRIL 8, AT 10 AM**
- **PLEASE PARTICIPATE IN THE POLL PRIOR TO THE SPRING RECESS**
- **THANKS**
- **ADJOURN**