

Approved by  
Revisor of Statutes

Cindy K. Maxwell

1.1 Hansen from the Environment and Natural Resources Finance Division to which was  
1.2 referred:

1.3 H. F. No. 1928, A bill for an act relating to clean water; appropriating money from the  
1.4 clean water fund.

1.5 Reported the same back with the following amendments:

1.6 Delete everything after the enacting clause and insert:

1.7 **"ARTICLE 1**

1.8 **CLEAN WATER FUND**

1.9 Section 1. **CLEAN WATER FUND APPROPRIATIONS.**

1.10 The sums shown in the columns marked "Appropriations" are appropriated to the agencies  
1.11 and for the purposes specified in this article. The appropriations are from the clean water  
1.12 fund and are available for the fiscal years indicated for allowable activities under the  
1.13 Minnesota Constitution, article XI, section 15. The figures "2020" and "2021" used in this  
1.14 article mean that the appropriations listed under them are available for the fiscal year ending  
1.15 June 30, 2020, or June 30, 2021, respectively. "The first year" is fiscal year 2020. "The  
1.16 second year" is fiscal year 2021. "The biennium" is fiscal years 2020 and 2021. The  
1.17 appropriations in this article are onetime.

1.18 **APPROPRIATIONS**

1.19 **Available for the Year**

1.20 **Ending June 30**

1.21 **2020                      2021**

1.22 Sec. 2. **CLEAN WATER**

1.23 **Subdivision 1. Total Appropriation**                      \$    **126,959,000** \$    **134,302,000**

1.24 The amounts that may be spent for each  
1.25 purpose are specified in the following sections.

2.1 **Subd. 2. Availability of Appropriation**

2.2 Money appropriated in this article may not be  
 2.3 spent on activities unless they are directly  
 2.4 related to and necessary for a specific  
 2.5 appropriation. Money appropriated in this  
 2.6 article must be spent in accordance with  
 2.7 Minnesota Management and Budget's  
 2.8 Guidance to Agencies on Legacy Fund  
 2.9 Expenditure. Notwithstanding Minnesota  
 2.10 Statutes, section 16A.28, and unless otherwise  
 2.11 specified in this article, fiscal year 2020  
 2.12 appropriations are available until June 30,  
 2.13 2021, and fiscal year 2021 appropriations are  
 2.14 available until June 30, 2022. If a project  
 2.15 receives federal funds, the period of the  
 2.16 appropriation is extended to equal the  
 2.17 availability of federal funding.

2.18 **Subd. 3. Disability Access**

2.19 Where appropriate, grant recipients of clean  
 2.20 water funds, in consultation with the Council  
 2.21 on Disability and other appropriate  
 2.22 governor-appointed disability councils, boards,  
 2.23 committees, and commissions, should make  
 2.24 progress toward providing people with  
 2.25 disabilities greater access to programs, print  
 2.26 publications, and digital media related to the  
 2.27 programs the recipient funds using  
 2.28 appropriations made in this article.

2.29 **Sec. 3. DEPARTMENT OF AGRICULTURE**    **\$**    **12,445,000**    **\$**    **12,445,000**

2.30 (a) \$350,000 the first year and \$350,000 the  
 2.31 second year are to increase monitoring for  
 2.32 pesticides, pesticide degradates, microplastics,  
 2.33 and nanoplastics in surface water and  
 2.34 groundwater and to use data collected to assess  
 2.35 pesticide use practices. By January 15, 2021,

3.1 the commissioner must submit a report to the  
3.2 chairs and ranking minority members of the  
3.3 house of representatives and senate  
3.4 committees and divisions with jurisdiction  
3.5 over agriculture, environment and natural  
3.6 resources, and the clean water fund detailing  
3.7 the results of the monitoring and assessment  
3.8 conducted under this paragraph and  
3.9 information on the pesticide monitoring  
3.10 conducted under Minnesota Statutes, section  
3.11 18B.064.

3.12 (b) \$2,585,000 the first year and \$2,585,000  
3.13 the second year are for monitoring and  
3.14 evaluating trends in the concentration of  
3.15 nitrate in groundwater in areas vulnerable to  
3.16 groundwater degradation; promoting,  
3.17 developing, and evaluating regional and  
3.18 crop-specific nutrient best management  
3.19 practices; assessing best management practice  
3.20 adoption; education and technical support from  
3.21 University of Minnesota Extension; grants to  
3.22 support agricultural demonstration and  
3.23 implementation activities; Rosholt Farm; and  
3.24 other actions to protect groundwater from  
3.25 degradation from nitrate. This appropriation  
3.26 is available until June 30, 2024.

3.27 (c) \$75,000 the first year and \$75,000 the  
3.28 second year are for administering clean water  
3.29 funds managed through the agriculture best  
3.30 management practices loan program. Any  
3.31 unencumbered balance at the end of the second  
3.32 year must be added to the corpus of the loan  
3.33 fund.

3.34 (d) \$50,000 the first year and \$50,000 the  
3.35 second year are for a research inventory

- 4.1 database containing water-related research  
4.2 activities. Costs for information technology  
4.3 development or support for this research  
4.4 inventory database may be paid to the Office  
4.5 of MN.IT Services. This appropriation is  
4.6 available until June 30, 2024.
- 4.7 (e) \$3,000,000 the first year and \$3,000,000  
4.8 the second year are to implement the  
4.9 Minnesota agricultural water quality  
4.10 certification program statewide. By January  
4.11 15, 2021, the commissioner must submit a  
4.12 report to the chairs and ranking minority  
4.13 members of the house of representatives and  
4.14 senate committees and divisions with  
4.15 jurisdiction over agriculture, environment and  
4.16 natural resources, and the clean water fund  
4.17 detailing the outcomes achieved by the  
4.18 program, including a comparison of state water  
4.19 quality goals and the impact the program has  
4.20 on meeting the goals. Funds appropriated in  
4.21 this paragraph are available until June 30,  
4.22 2024.
- 4.23 (f) \$385,000 the first year and \$385,000 the  
4.24 second year are for a regional irrigation water  
4.25 quality specialist through University of  
4.26 Minnesota Extension, development and  
4.27 statewide expansion of the irrigation  
4.28 management assistant tool, irrigation education  
4.29 and outreach, and the Agricultural Weather  
4.30 Station Network.
- 4.31 (g) \$5,000,000 the first year and \$5,000,000  
4.32 the second year are for grants for the Forever  
4.33 Green Agriculture Initiative to protect the  
4.34 state's natural resources while increasing the  
4.35 efficiency, profitability, and productivity of

5.1 Minnesota farmers by reducing agricultural  
5.2 contributions to impaired waters through the  
5.3 incorporation of perennial and winter-annual  
5.4 crops into existing agricultural practices to  
5.5 protect and restore drinking water resources.  
5.6 Of this amount, \$2,500,000 each year is to the  
5.7 Board of Regents of the University of  
5.8 Minnesota for grants for research and  
5.9 establishing the Agricultural Diversification  
5.10 Steering Council and Network and \$2,500,000  
5.11 each year is for grants to implement Forever  
5.12 Green crops or cropping systems. This  
5.13 appropriation is available until June 30, 2024.

5.14 (h) \$1,000,000 the first year and \$1,000,000  
5.15 the second year are for testing private wells  
5.16 for pesticides, microplastics, and nanoplastics  
5.17 where nitrate is detected as part of the  
5.18 township testing program. This appropriation  
5.19 is available until June 30, 2024.

5.20 **Sec. 4. PUBLIC FACILITIES AUTHORITY     \$     9,125,000 \$     9,125,000**

5.21 (a) \$9,000,000 the first year and \$9,000,000  
5.22 the second year are for the point source  
5.23 implementation grants program under  
5.24 Minnesota Statutes, section 446A.073. This  
5.25 appropriation is available until June 30, 2024.

5.26 (b) \$125,000 the first year and \$125,000 the  
5.27 second year are for small community  
5.28 wastewater treatment grants and loans under  
5.29 Minnesota Statutes, section 446A.075. This  
5.30 appropriation is available until June 30, 2024.

5.31 (c) If there is any uncommitted money at the  
5.32 end of each fiscal year under paragraph (a) or  
5.33 (b), the Public Facilities Authority may  
5.34 transfer the remaining funds to eligible

6.1 projects under any of the programs listed in  
 6.2 this section according to a project's priority  
 6.3 rank on the Pollution Control Agency's project  
 6.4 priority list.

6.5 **Sec. 5. POLLUTION CONTROL AGENCY     \$     24,823,000 \$     22,623,000**

6.6 (a) \$8,500,000 the first year and \$6,300,000  
 6.7 the second year are for completing needed  
 6.8 statewide assessments of surface water quality  
 6.9 and trends, including assessments for  
 6.10 microplastics and nanoplastics, according to  
 6.11 Minnesota Statutes, chapter 114D. By January  
 6.12 15, 2021, the commissioner must submit a  
 6.13 report to the chairs and ranking minority  
 6.14 members of the house of representatives and  
 6.15 senate committees and divisions with  
 6.16 jurisdiction over environment and natural  
 6.17 resources and the clean water fund detailing  
 6.18 the outcomes achieved under this paragraph.

6.19 (b) \$8,050,000 the first year and \$8,050,000  
 6.20 the second year are to develop watershed  
 6.21 restoration and protection strategies (WRAPS),  
 6.22 which include total maximum daily load  
 6.23 (TMDL) studies and TMDL implementation  
 6.24 plans according to Minnesota Statutes, chapter  
 6.25 114D, for waters on the impaired waters list  
 6.26 approved by the United States Environmental  
 6.27 Protection Agency. The agency must complete  
 6.28 an average of ten percent of the TMDLs each  
 6.29 year over the biennium.

6.30 (c) \$1,500,000 the first year and \$1,500,000  
 6.31 the second year are for groundwater  
 6.32 assessment, including assessments for  
 6.33 microplastics and nanoplastics, enhancing the  
 6.34 ambient monitoring network, modeling,  
 6.35 evaluating trends, and reassessing groundwater

7.1 that was assessed ten to 15 years ago and  
7.2 found to be contaminated.

7.3 (d) \$750,000 the first year and \$750,000 the  
7.4 second year are for implementing the St. Louis  
7.5 River System Area of Concern Remedial  
7.6 Action Plan.

7.7 (e) \$900,000 the first year and \$900,000 the  
7.8 second year are for national pollutant  
7.9 discharge elimination system wastewater and  
7.10 storm water TMDL implementation efforts.

7.11 (f) \$3,938,000 the first year and \$3,938,000  
7.12 the second year are for enhancing the  
7.13 county-level delivery systems for subsurface  
7.14 sewage treatment system (SSTS) activities  
7.15 necessary to implement Minnesota Statutes,  
7.16 sections 115.55 and 115.56, for protecting  
7.17 groundwater, including base grants for all  
7.18 counties with SSTS programs and competitive  
7.19 grants to counties with specific plans to  
7.20 significantly reduce water pollution by  
7.21 reducing the number of systems that are an  
7.22 imminent threat to public health or safety or  
7.23 are otherwise failing. Counties that receive  
7.24 base grants must report the number of sewage  
7.25 noncompliant properties upgraded through  
7.26 SSTS replacement, connection to a centralized  
7.27 sewer system, or other means, including  
7.28 property abandonment or buy-out. Counties  
7.29 also must report the number of existing SSTS  
7.30 compliance inspections conducted in areas  
7.31 under county jurisdiction. These required  
7.32 reports are to be part of established annual  
7.33 reporting for SSTS programs. Counties that  
7.34 conduct SSTS inventories or those with an  
7.35 ordinance in place that requires an SSTS to

8.1 be inspected as a condition of transferring  
8.2 property or as a condition of obtaining a local  
8.3 permit must be given priority for competitive  
8.4 grants under this paragraph. Of this amount,  
8.5 \$1,500,000 each year is available to counties  
8.6 for grants to low-income landowners to  
8.7 address systems that pose an imminent threat  
8.8 to public health or safety or fail to protect  
8.9 groundwater. A grant awarded under this  
8.10 paragraph may not exceed \$40,000 for the  
8.11 biennium. A county receiving a grant under  
8.12 this paragraph must submit a report to the  
8.13 agency listing the projects funded, including  
8.14 an account of the expenditures. By January  
8.15 15, 2021, the commissioner must submit a  
8.16 report to the chairs and ranking minority  
8.17 members of the house of representatives and  
8.18 senate committees and divisions with  
8.19 jurisdiction over environment and natural  
8.20 resources and the clean water fund detailing  
8.21 the outcomes achieved under this paragraph  
8.22 and past appropriations from the clean water  
8.23 fund for this purpose.

8.24 (g) \$775,000 the first year and \$775,000 the  
8.25 second year are for a grant program for  
8.26 sanitary sewer projects that are included in the  
8.27 draft or any updated Voyageurs National Park  
8.28 Clean Water Project Comprehensive Plan to  
8.29 restore the water quality of waters in  
8.30 Voyageurs National Park. Grants must be  
8.31 awarded to local government units for projects  
8.32 approved by the Voyageurs National Park  
8.33 Clean Water Joint Powers Board and must be  
8.34 matched by at least 25 percent from sources  
8.35 other than the clean water fund.



9.1 (h) \$300,000 the first year and \$300,000 the  
9.2 second year are for activities, training, and  
9.3 grants that reduce chloride pollution. Of this  
9.4 amount, \$100,000 each year is for grants for  
9.5 upgrading or removing water-softening units  
9.6 at public facilities. This appropriation is  
9.7 available until June 30, 2023. Any  
9.8 unencumbered grant balances in the first year  
9.9 do not cancel but are available for grants in  
9.10 the second year.

9.11 (i) \$110,000 the first year and \$110,000 the  
9.12 second year are to support activities of the  
9.13 Clean Water Council according to Minnesota  
9.14 Statutes, section 114D.30, subdivision 1.

9.15 (j) The commissioner must develop protocols  
9.16 for testing groundwater and surface water for  
9.17 microplastics and nanoplastics to be used by  
9.18 agencies and departments required to monitor  
9.19 and test for plastics under this article. For the  
9.20 purposes of this article, "microplastics" are  
9.21 small pieces of plastic debris in the  
9.22 environment resulting from the disposal and  
9.23 breakdown of consumer products and  
9.24 industrial waste that are less than five  
9.25 millimeters in length and "nanoplastics" are  
9.26 particles within a size ranging from 1 to 1000  
9.27 nanometers that are unintentionally produced  
9.28 from the manufacture or degradation of plastic  
9.29 objects and that exhibit a colloidal behavior.

9.30 (k) Notwithstanding Minnesota Statutes,  
9.31 section 16A.28, the appropriations in this  
9.32 section are available until June 30, 2024.

9.33 Sec. 6. DEPARTMENT OF NATURAL  
9.34 RESOURCES

\$ 11,076,000 \$ 11,076,000

- 10.1 (a) \$2,200,000 the first year and \$2,200,000  
10.2 the second year are for stream flow  
10.3 monitoring.
- 10.4 (b) \$1,250,000 the first year and \$1,250,000  
10.5 the second year are for lake Index of  
10.6 Biological Integrity (IBI) assessments,  
10.7 including assessments for microplastics and  
10.8 nanoplastics. At least 50 percent of the  
10.9 assessments must be conducted in the  
10.10 seven-county metropolitan area and the cities  
10.11 of Rochester and Duluth.
- 10.12 (c) \$135,000 the first year and \$135,000 the  
10.13 second year are for assessing mercury,  
10.14 microplastics and nanoplastics, and other fish  
10.15 contaminants, including monitoring to track  
10.16 the status of impaired waters over time.
- 10.17 (d) \$2,016,000 the first year and \$2,016,000  
10.18 the second year are for developing targeted,  
10.19 science-based watershed restoration and  
10.20 protection strategies.
- 10.21 (e) \$2,325,000 the first year and \$2,325,000  
10.22 the second year are for water-supply planning,  
10.23 aquifer protection, and monitoring activities.
- 10.24 (f) \$1,200,000 the first year and \$1,200,000  
10.25 the second year are for technical assistance to  
10.26 support local implementation of nonpoint  
10.27 source restoration and protection activities.
- 10.28 (g) \$700,000 the first year and \$700,000 the  
10.29 second year are for applied research and tools,  
10.30 including watershed hydrologic modeling;  
10.31 maintaining and updating spatial data for  
10.32 watershed boundaries, streams, and water  
10.33 bodies and integrating high-resolution digital  
10.34 elevation data; and assessing effectiveness of

- 11.1 forestry best management practices for water  
 11.2 quality.
- 11.3 (h) \$150,000 the first year and \$150,000 the  
 11.4 second year are for developing county  
 11.5 geologic atlases.
- 11.6 (i) \$100,000 the first year and \$100,000 the  
 11.7 second year are for maintenance and updates  
 11.8 to buffer maps and for technical guidance on  
 11.9 interpreting buffer maps for local units of  
 11.10 government implementing buffer  
 11.11 requirements. Maps must be provided to local  
 11.12 units of government and made available to  
 11.13 landowners on the Department of Natural  
 11.14 Resources' website.
- 11.15 (j) \$1,000,000 the first year and \$1,000,000  
 11.16 the second year are to acquire permanent  
 11.17 interests in lands in the Mississippi  
 11.18 Headwaters Watershed to protect, enhance,  
 11.19 and restore water quality, while preparing for  
 11.20 climate change through the Minnesota forests  
 11.21 for the future program under Minnesota  
 11.22 Statutes, section 84.66.
- 11.23 **Sec. 7. BOARD OF WATER AND SOIL**  
 11.24 **RESOURCES**
- 11.25 (a) \$14,711,000 the first year and \$14,711,000  
 11.26 the second year are for performance-based  
 11.27 grants with multiyear implementation plans  
 11.28 to local government units. The grants may be  
 11.29 used to implement projects that protect,  
 11.30 enhance, and restore surface water quality in  
 11.31 lakes, rivers, and streams; protect groundwater  
 11.32 from degradation; and protect drinking water  
 11.33 sources. Projects must be identified in a  
 11.34 comprehensive watershed plan developed  
 11.35 under the One Watershed, One Plan or

\$	<u>56,269,000</u>	\$	<u>63,269,000</u>
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12.1 metropolitan surface water management  
12.2 frameworks or groundwater plans. Grant  
12.3 recipients must identify a nonstate match and  
12.4 may use other legacy funds to supplement  
12.5 projects funded under this paragraph.  
12.6 (b) \$16,300,000 the first year and \$16,300,000  
12.7 the second year are for grants to local  
12.8 government units to protect and restore surface  
12.9 water and drinking water; to keep water on  
12.10 the land; to protect, enhance, and restore water  
12.11 quality in lakes, rivers, and streams; and to  
12.12 protect groundwater and drinking water,  
12.13 including feedlot water quality and subsurface  
12.14 sewage treatment system projects and stream  
12.15 bank, stream channel, shoreline restoration,  
12.16 and ravine stabilization projects. The projects  
12.17 must use practices demonstrated to be  
12.18 effective, be of long-lasting public benefit,  
12.19 include a match, and be consistent with total  
12.20 maximum daily load (TMDL) implementation  
12.21 plans, watershed restoration and protection  
12.22 strategies (WRAPS), or local water  
12.23 management plans or their equivalents. A  
12.24 portion of this money may be used to seek  
12.25 administrative efficiencies through shared  
12.26 resources by multiple local governmental  
12.27 units. Of this appropriation, at least 20 percent  
12.28 is for land-conservation projects and practices  
12.29 that benefit drinking water.  
12.30 (c) \$6,050,000 the first year and \$6,050,000  
12.31 the second year are for accelerated  
12.32 implementation, including local resource  
12.33 protection, enhancement grants, and statewide  
12.34 analytical targeting tools that fill an identified  
12.35 gap, program enhancements for technical

- 13.1 assistance, citizen and community outreach,  
13.2 compliance, and training and certification. By  
13.3 January 15, 2021, the commissioner must  
13.4 submit a report to the Clean Water Council  
13.5 and the chairs and ranking minority members  
13.6 of the house of representatives and senate  
13.7 committees and divisions with jurisdiction  
13.8 over environment and natural resources and  
13.9 the clean water fund detailing the outcomes  
13.10 achieved with this appropriation.
- 13.11 (d) \$1,000,000 the first year and \$1,000,000  
13.12 the second year are to provide state oversight  
13.13 and accountability, evaluate and communicate  
13.14 results, provide implementation tools, and  
13.15 measure the value of conservation program  
13.16 implementation by local governments,  
13.17 including submitting to the legislature by  
13.18 March 1 each even-numbered year a biennial  
13.19 report prepared by the board, in consultation  
13.20 with the commissioners of natural resources,  
13.21 health, agriculture, and the Pollution Control  
13.22 Agency, detailing the recipients, the projects  
13.23 funded under this section, and the amount of  
13.24 pollution reduced.
- 13.25 (e) \$2,500,000 the first year and \$2,500,000  
13.26 the second year are to provide assistance,  
13.27 oversight, and grants for supporting local  
13.28 governments in implementing and complying  
13.29 with riparian protection and excessive soil loss  
13.30 requirements.
- 13.31 (f) \$4,875,000 the first year and \$4,875,000  
13.32 the second year are to purchase, restore, or  
13.33 preserve riparian land adjacent to lakes, rivers,  
13.34 streams, and tributaries, by easements or  
13.35 contracts, to keep water on the land to decrease

- 14.1 sediment, pollutant, and nutrient transport;  
14.2 reduce hydrologic impacts to surface waters;  
14.3 and increase infiltration for groundwater  
14.4 recharge. Up to \$507,000 is for deposit in a  
14.5 monitoring and enforcement account.
- 14.6 (g) \$5,000,000 the first year and \$5,000,000  
14.7 the second year are for permanent  
14.8 conservation easements on wellhead protection  
14.9 areas under Minnesota Statutes, section  
14.10 103F.515, subdivision 2, paragraph (d), or for  
14.11 grants to local units of government for fee title  
14.12 acquisition to permanently protect  
14.13 groundwater supply sources on wellhead  
14.14 protection areas. Priority must be placed on  
14.15 land that is located where the vulnerability of  
14.16 the drinking water supply is designated as high  
14.17 or very high by the commissioner of health,  
14.18 where drinking water protection plans have  
14.19 identified specific activities that will achieve  
14.20 long-term protection, and on lands with  
14.21 expiring Conservation Reserve Program  
14.22 contracts. Up to \$182,000 is for deposit in a  
14.23 monitoring and enforcement account.
- 14.24 (h) \$100,000 the first year and \$100,000 the  
14.25 second year are for a technical evaluation  
14.26 panel to conduct at least ten restoration  
14.27 evaluations under Minnesota Statutes, section  
14.28 114D.50, subdivision 6.
- 14.29 (i) \$2,270,000 the first year and \$2,270,000  
14.30 the second year are for assistance, oversight,  
14.31 and grants to local governments to transition  
14.32 local water management plans to a watershed  
14.33 approach as provided for in Minnesota  
14.34 Statutes, chapters 103B, 103C, 103D, and  
14.35 114D.

15.1 (j) \$7,500,000 the second year is to purchase  
15.2 and restore permanent conservation sites via  
15.3 easements or contracts to treat and store water  
15.4 on the land for water quality improvement  
15.5 purposes and related technical assistance. This  
15.6 work may be done in cooperation with the  
15.7 United States Department of Agriculture with  
15.8 a first-priority use to accomplish a  
15.9 conservation reserve enhancement program,  
15.10 or equivalent, in the state. Up to \$397,000 is  
15.11 for deposit in a monitoring and enforcement  
15.12 account.

15.13 (k) \$1,750,000 the first year and \$1,750,000  
15.14 the second year are to purchase permanent  
15.15 conservation easements to protect lands  
15.16 adjacent to public waters with good water  
15.17 quality but threatened with degradation. Up  
15.18 to \$338,000 is for deposit in a monitoring and  
15.19 enforcement account.

15.20 (l) \$213,000 the first year and \$213,000 the  
15.21 second year are for a program including grants  
15.22 and contracts to systematically collect data  
15.23 and produce county, watershed, and statewide  
15.24 estimates of soil erosion caused by water and  
15.25 wind along with tracking adoption of  
15.26 conservation measures, including cover crops,  
15.27 to address erosion. Up to \$175,000 each year  
15.28 is available for grants to or contracts with the  
15.29 University of Minnesota to complete this  
15.30 work.

15.31 (m) \$1,000,000 the first year and \$1,000,000  
15.32 the second year are for grants or contracts to  
15.33 local, regional, or tribal government and  
15.34 nongovernmental organizations to increase  
15.35 citizen participation in implementing water

- 16.1 quality projects and programs to increase  
16.2 long-term sustainability of water resources.
- 16.3 (n) \$500,000 the first year is for grants to  
16.4 enhance landowner adoption of cover crops  
16.5 in areas with direct benefits to public water  
16.6 supplies.
- 16.7 (o) The board must contract for delivery of  
16.8 services with Conservation Corps Minnesota  
16.9 for restoration, maintenance, and other  
16.10 activities under this section for up to \$500,000  
16.11 the first year and up to \$500,000 the second  
16.12 year.
- 16.13 (p) The board may shift grant, cost-share, or  
16.14 easement funds in this section and may adjust  
16.15 the technical and administrative assistance  
16.16 portion of the funds to leverage federal or  
16.17 other nonstate funds or to address oversight  
16.18 responsibilities or high-priority drinking water  
16.19 needs.
- 16.20 (q) The board must require grantees to specify  
16.21 the outcomes that will be achieved by the  
16.22 grants before any grant awards.
- 16.23 (r) The appropriations in this section are  
16.24 available until June 30, 2024, except grant  
16.25 funds are available for five years after the date  
16.26 a grant is executed. Returned grant funds must  
16.27 be regranted consistent with the purposes of  
16.28 this section.
- 16.29 **Sec. 8. DEPARTMENT OF HEALTH**                    **\$            8,822,000 \$            12,764,000**
- 16.30 (a) \$3,300,000 the first year and \$7,242,000  
16.31 the second year are for addressing public  
16.32 health concerns related to contaminants found  
16.33 in Minnesota drinking water for which no  
16.34 health-based drinking water standards exist;



17.1 for developing and adopting at least eight  
17.2 health risk limits consistent with Minnesota  
17.3 Statutes, section 144.0751; for improving the  
17.4 department's capacity to monitor the water  
17.5 quality of drinking water sources, including  
17.6 establishing and implementing water quality  
17.7 monitoring protocols for surface waters used  
17.8 as a drinking water source; to develop  
17.9 interventions to improve water quality; and  
17.10 for the department's laboratory to analyze  
17.11 unregulated contaminants. By January 15,  
17.12 2020, the commissioner of health must submit  
17.13 a preliminary report to the chairs and ranking  
17.14 minority members of the house of  
17.15 representatives and senate committees and  
17.16 divisions with jurisdiction over health policy  
17.17 and environment and natural resources finance  
17.18 and policy that identifies the health risk limits  
17.19 to be developed, the water quality monitoring  
17.20 protocols to be implemented, the surface  
17.21 waters to be tested, and the list of  
17.22 contaminants to be tested for. A final report  
17.23 detailing the outcomes of this appropriation  
17.24 and recommendations must be submitted by  
17.25 the commissioner to the chairs and ranking  
17.26 minority members by January 15, 2022.

17.27 (b) \$2,747,000 the first year and \$2,747,000  
17.28 the second year are for protecting drinking  
17.29 water sources.

17.30 (c) \$250,000 the first year and \$250,000 the  
17.31 second year are for cost-share assistance to  
17.32 public and private well owners for up to 50  
17.33 percent of the cost of sealing unused wells.

17.34 (d) \$650,000 the first year and \$650,000 the  
17.35 second year are to develop and deliver

- 18.1 groundwater restoration and protection  
18.2 strategies on a watershed scale for use in local  
18.3 comprehensive water planning efforts, to  
18.4 provide resources to local governments for  
18.5 activities that protect sources of drinking  
18.6 water, and to enhance approaches that improve  
18.7 the capacity of local governmental units to  
18.8 protect and restore groundwater resources.
- 18.9 (e) \$1,000,000 the first year and \$1,000,000  
18.10 the second year are for studying the occurrence  
18.11 and magnitude of contaminants in private  
18.12 wells, including microplastics and  
18.13 nanoplastics, and developing guidance,  
18.14 outreach, and interventions to reduce risks to  
18.15 private-well owners.
- 18.16 (f) \$250,000 the first year and \$250,000 the  
18.17 second year are for evaluating and addressing  
18.18 the risks from viruses, bacteria, and protozoa  
18.19 in groundwater supplies and for evaluating  
18.20 land uses that may contribute to contamination  
18.21 of public water systems with these pathogens.
- 18.22 (g) \$350,000 the first year and \$350,000 the  
18.23 second year are to develop public health  
18.24 policies and an action plan to address threats  
18.25 to safe drinking water, including development  
18.26 of a statewide plan for protecting drinking  
18.27 water.
- 18.28 (h) \$275,000 the first year and \$275,000 the  
18.29 second year are to create a road map for water  
18.30 reuse implementation in Minnesota and to  
18.31 address research gaps by studying Minnesota  
18.32 water reuse systems.

19.1 (i) Unless otherwise specified, the  
19.2 appropriations in this section are available  
19.3 until June 30, 2023.

19.4 **Sec. 9. METROPOLITAN COUNCIL**                    **\$            2,890,000 \$            1,500,000**

19.5 (a) \$1,000,000 the first year and \$1,000,000  
19.6 the second year are to implement projects that  
19.7 address emerging threats to the drinking water  
19.8 supply, provide cost-effective regional  
19.9 solutions, leverage interjurisdictional  
19.10 coordination, support local implementation of  
19.11 water supply reliability projects, and prevent  
19.12 degradation of groundwater resources in the  
19.13 metropolitan area. These projects will provide  
19.14 communities with:

19.15 (1) potential solutions to leverage regional  
19.16 water use by using surface water, storm water,  
19.17 wastewater, and groundwater;

19.18 (2) an analysis of infrastructure requirements  
19.19 for different alternatives;

19.20 (3) development of planning-level cost  
19.21 estimates, including capital costs and operating  
19.22 costs;

19.23 (4) identification of funding mechanisms and  
19.24 an equitable cost-sharing structure for  
19.25 regionally beneficial water supply  
19.26 development projects; and

19.27 (5) development of subregional groundwater  
19.28 models.

19.29 (b) \$500,000 the first year and \$500,000 the  
19.30 second year are for the water demand  
19.31 reduction grant program to encourage  
19.32 municipalities in the metropolitan area to  
19.33 implement measures to reduce water demand

20.1 to ensure the reliability and protection of  
20.2 drinking water supplies.

20.3 (c) \$1,390,000 the first year is for grants or  
20.4 loans for local inflow and infiltration reduction  
20.5 programs addressing high-priority areas in the  
20.6 metropolitan area, as defined in Minnesota  
20.7 Statutes, section 473.121, subdivision 2.

20.8 Sec. 10. UNIVERSITY OF MINNESOTA        \$        1,500,000 \$        1,500,000

20.9 (a) \$500,000 the first year and \$500,000 the  
20.10 second year are for developing county  
20.11 geologic atlases. This appropriation is  
20.12 available until June 30, 2026.

20.13 (b) \$750,000 the first year and \$750,000 the  
20.14 second year are for a program to evaluate  
20.15 performance and technology transfer for  
20.16 municipal storm water best management  
20.17 practices, to evaluate best management  
20.18 performance and effectiveness to support  
20.19 meeting total maximum daily loads, to develop  
20.20 standards and incorporate state-of-the-art  
20.21 guidance using minimal impact design  
20.22 standards as the model, and to implement a  
20.23 system to transfer knowledge and technology  
20.24 across local government, industry, and  
20.25 regulatory sectors. This appropriation is  
20.26 available until June 30, 2026.

20.27 (c) \$250,000 the first year and \$250,000 the  
20.28 second year are to increase the efficacy and  
20.29 cost-effectiveness of nutrient reduction  
20.30 strategies by developing comprehensive carp  
20.31 management programs and documenting their  
20.32 effectiveness.

20.33 Sec. 11. LEGISLATURE        \$        9,000 \$        -0-

21.1 \$9,000 the first year is for the Legislative  
21.2 Coordinating Commission for the website  
21.3 required under Minnesota Statutes, section  
21.4 3.303, subdivision 10.

21.5 Sec. 12. Minnesota Statutes 2018, section 114D.30, is amended by adding a subdivision  
21.6 to read:

21.7 Subd. 8. **Legislative oversight.** The chairs of the house of representatives and senate  
21.8 committees and divisions with jurisdiction over the environment and natural resources  
21.9 finance and the clean water fund must convene a joint hearing to review the activities and  
21.10 evaluate the effectiveness of the Clean Water Council and to receive reports on the council  
21.11 from the legislative auditor no later than June 30, 2020, and every four years thereafter.

## 21.12 ARTICLE 2

### 21.13 CLEAN WATER LEGACY ACT MODIFICATIONS

21.14 Section 1. Minnesota Statutes 2018, section 103B.3369, subdivision 5, is amended to read:

21.15 Subd. 5. **Financial assistance.** ~~A base grant may be awarded to a county that provides~~  
21.16 ~~a match utilizing a water implementation tax or other local source. A water implementation~~  
21.17 ~~tax that a county intends to use as a match to the base grant must be levied at a rate sufficient~~  
21.18 ~~to generate a minimum amount determined by the board. The board may award~~  
21.19 performance-based, watershed-based, or program-based grants or other financial assistance  
21.20 to local units of government that are responsible for implementing elements of applicable  
21.21 portions of watershed management plans, comprehensive plans, local water management  
21.22 plans, or comprehensive watershed management plans, developed or amended, adopted and  
21.23 approved, according to chapter 103B, 103C, or 103D. Upon request by a local government  
21.24 unit, the board may also award performance-based grants to local units of government to  
21.25 carry out TMDL implementation plans as provided in chapter 114D, if the TMDL  
21.26 implementation plan has been incorporated into the local water management plan according  
21.27 to the procedures for approving comprehensive plans, watershed management plans, local  
21.28 water management plans, or comprehensive watershed management plans under chapter  
21.29 103B, 103C, or 103D, or if the TMDL implementation plan has undergone a public review  
21.30 process. Notwithstanding section 16A.41, the board may award performance-based,  
21.31 watershed-based, or program-based grants or other financial assistance on an advanced  
21.32 basis and may prescribe the amount of local match required. The fee authorized in section  
21.33 40A.152 may be used as a local match or as a supplement to state funding to accomplish

22.1 ~~implementation of comprehensive plans, watershed management plans, local water~~  
22.2 ~~management plans, or comprehensive watershed management plans under this chapter and~~  
22.3 ~~chapter 103C or 103D~~ Performance measures must be included in grant work plans. The  
22.4 board may enter into intergovernmental agreements to provide funding for water management  
22.5 to local governments.

22.6 Sec. 2. Minnesota Statutes 2018, section 103B.3369, subdivision 9, is amended to read:

22.7 Subd. 9. **Performance-based Criteria.** (a) The board ~~shall~~ must develop and ~~utilize~~ use  
22.8 performance-based criteria for local water resources restoration, protection, and management  
22.9 programs and projects. The criteria may include but are not limited to science-based  
22.10 assessments, organizational capacity, priority resource issues, community outreach and  
22.11 support, partnership potential, potential for multiple benefits, and program and project  
22.12 delivery efficiency and effectiveness.

22.13 (b) Notwithstanding paragraph (a), the board may develop and use eligibility criteria  
22.14 for state grants or other financial assistance provided to local governments.

22.15 Sec. 3. Minnesota Statutes 2018, section 103B.801, subdivision 2, is amended to read:

22.16 Subd. 2. **Program purposes.** The purposes of the comprehensive watershed management  
22.17 plan program under section 103B.101, subdivision 14, paragraph (a), are to:

22.18 (1) align local water planning purposes and procedures under this chapter and chapters  
22.19 103C and 103D on watershed boundaries to create a systematic, watershed-wide,  
22.20 science-based approach to watershed management;

22.21 (2) acknowledge and build off existing local government structure, water plan services,  
22.22 and local capacity;

22.23 (3) incorporate and make use of data and information, including watershed restoration  
22.24 and protection strategies under section 114D.26, which may serve to fulfill all or some of  
22.25 the requirements under chapter 114D;

22.26 (4) solicit input and engage experts from agencies, citizens, and stakeholder groups;

22.27 (5) focus on implementation of prioritized and targeted actions capable of achieving  
22.28 measurable progress; and

22.29 (6) serve as a substitute for a comprehensive plan, local water management plan, or  
22.30 watershed management plan developed or amended, approved, and adopted, according to  
22.31 this chapter or chapter 103C or 103D; and

23.1 (7) protect sensitive groundwater areas as defined in section 103F.511, subdivision 9,  
23.2 and be considered and acknowledged by the commissioner of health as providing wellhead  
23.3 protection measures and supporting wellhead protection planning where relevant.

23.4 Sec. 4. Minnesota Statutes 2018, section 103B.801, subdivision 4, is amended to read:

23.5 Subd. 4. **Plan content.** The board shall develop policies for required comprehensive  
23.6 watershed management plan content consistent with comprehensive local water management  
23.7 planning. To ensure effectiveness and accountability in meeting the purposes of subdivision  
23.8 2, plan content must include, at a minimum:

23.9 (1) an analysis and prioritization of issues and resource concerns;

23.10 (2) measurable goals to address the issues and concerns, including but not limited to:

23.11 (i) restoration, protection, and preservation of drinking water sources and natural surface  
23.12 water and groundwater storage and retention systems;

23.13 (ii) minimization of public capital expenditures needed to correct flooding and water  
23.14 quality problems;

23.15 (iii) restoration, protection, and improvement of surface water and groundwater quality;

23.16 (iv) establishment of more uniform local policies and official controls for surface water  
23.17 and groundwater management;

23.18 (v) identification of priority areas for wetland enhancement, restoration, and  
23.19 establishment;

23.20 (vi) identification of priority areas for riparian zone management and buffers;

23.21 (vii) prevention of erosion and soil transport into surface water systems;

23.22 (viii) promotion of groundwater recharge;

23.23 (ix) protection and enhancement of fish and wildlife habitat and water recreational  
23.24 facilities; and

23.25 (x) securing other benefits associated with the proper management of surface water and  
23.26 groundwater;

23.27 (3) a targeted implementation schedule describing at a minimum the actions, locations,  
23.28 timeline, estimated costs, method of measurement, and identification of roles and responsible  
23.29 government units;

24.1 (4) a description of implementation programs, including how the implementation schedule  
24.2 will be achieved and how the plan will be administered and coordinated between local water  
24.3 management responsibilities; and

24.4 (5) a land and water resource inventory.

24.5 Sec. 5. Minnesota Statutes 2018, section 103B.801, subdivision 5, is amended to read:

24.6 Subd. 5. **Timelines; administration.** (a) The board shall develop and adopt, by June  
24.7 30, 2016, a transition plan for development, approval, adoption, and coordination of plans  
24.8 consistent with section 103A.212. The transition plan must include a goal of completing  
24.9 statewide transition to comprehensive watershed management plans by 2025. The  
24.10 metropolitan area may be considered for inclusion in the transition plan. The board may  
24.11 amend the transition plan no more than once every two years.

24.12 (b) The board may use the authority under section 103B.3369, subdivision 9, to support  
24.13 development or implementation of a comprehensive watershed management plan under this  
24.14 section.

24.15 Sec. 6. Minnesota Statutes 2018, section 114D.15, is amended by adding a subdivision to  
24.16 read:

24.17 Subd. 3a. **Comprehensive local water management plan.** "Comprehensive local water  
24.18 management plan" has the meaning given under section 103B.3363, subdivision 3.

24.19 Sec. 7. Minnesota Statutes 2018, section 114D.15, is amended by adding a subdivision to  
24.20 read:

24.21 Subd. 3b. **Comprehensive watershed management plan.** "Comprehensive watershed  
24.22 management plan" has the meaning given under section 103B.3363, subdivision 3a.

24.23 Sec. 8. Minnesota Statutes 2018, section 114D.15, subdivision 7, is amended to read:

24.24 Subd. 7. **Restoration.** "Restoration" means actions, ~~including effectiveness monitoring,~~  
24.25 ~~that are taken to pursue,~~ achieve, and maintain water quality standards for impaired waters  
24.26 ~~in accordance with a TMDL that has been approved by the United States Environmental~~  
24.27 ~~Protection Agency under federal TMDL requirements.~~

24.28 Sec. 9. Minnesota Statutes 2018, section 114D.15, subdivision 11, is amended to read:

24.29 Subd. 11. **TMDL implementation plan.** "TMDL implementation plan" means a  
24.30 document detailing restoration strategies or activities needed to meet the approved TMDL's



25.1 TMDL pollutant load allocations for point and nonpoint sources. This could include a  
25.2 WRAPS, a comprehensive watershed management plan, a comprehensive local water  
25.3 management plan, or another document or strategy that the commissioner of the Pollution  
25.4 Control Agency determines to be, in whole or in part, sufficient to provide reasonable  
25.5 assurance of achieving applicable water quality standards.

25.6 Sec. 10. Minnesota Statutes 2018, section 114D.15, subdivision 13, is amended to read:

25.7 Subd. 13. **Watershed restoration and protection strategy or WRAPS.** "Watershed  
25.8 restoration and protection strategy" or "WRAPS" means a document summarizing scientific  
25.9 studies of a major watershed ~~no larger than~~ at approximately a hydrologic unit code 8  
25.10 ~~including the physical, chemical, and biological assessment of the water quality of the~~  
25.11 ~~watershed; identification of impairments and water bodies in need of protection; identification~~  
25.12 ~~of biotic stressors and sources of pollution, both point and nonpoint; TMDLs for the~~  
25.13 ~~impairments; and an implementation table containing~~ scale with strategies and actions  
25.14 designed to achieve and maintain water quality standards and goals.

25.15 Sec. 11. Minnesota Statutes 2018, section 114D.20, subdivision 2, is amended to read:

25.16 Subd. 2. **Goals for implementation.** The following goals must guide the implementation  
25.17 of this chapter:

25.18 (1) to identify impaired waters in accordance with federal TMDL requirements ~~within~~  
25.19 ~~ten years after May 23, 2006,~~ and thereafter to ensure continuing evaluation of surface  
25.20 waters for impairments;

25.21 (2) to submit TMDLs to the United States Environmental Protection Agency ~~for all~~  
25.22 ~~impaired waters~~ in a timely manner in accordance with federal TMDL requirements;

25.23 (3) ~~to set a reasonable time~~ inform and support strategies for implementing restoration  
25.24 ~~of each identified impaired water and protection activities in a reasonable time period;~~

25.25 (4) to systematically evaluate waters, to provide assistance and incentives to prevent  
25.26 waters from becoming impaired, and to improve the quality of waters that are listed as  
25.27 impaired ~~but do not have an approved TMDL addressing the impairment;~~

25.28 (5) to promptly seek the delisting of waters from the impaired waters list when those  
25.29 waters are shown to achieve the designated uses applicable to the waters;

25.30 (6) to achieve compliance with federal Clean Water Act requirements in Minnesota;

- 26.1 (7) to support effective measures to prevent the degradation of groundwater according  
26.2 to the groundwater degradation prevention goal under section 103H.001; and  
26.3 (8) to support effective measures to restore degraded groundwater.

26.4 Sec. 12. Minnesota Statutes 2018, section 114D.20, subdivision 3, is amended to read:

26.5 Subd. 3. **Implementation policies.** The following policies must guide the implementation  
26.6 of this chapter:

26.7 (1) develop regional ~~and, multiple pollutant, or watershed TMDLs and TMDL~~  
26.8 ~~implementation plans, and TMDLs and TMDL implementation plans for multiple pollutants~~  
26.9 ~~or WRAPSSs, where reasonable and feasible;~~

26.10 (2) maximize use of available organizational, technical, and financial resources to perform  
26.11 sampling, monitoring, and other activities to identify degraded groundwater and impaired  
26.12 waters, including use of citizen monitoring and citizen monitoring data used by the Pollution  
26.13 Control Agency in assessing water quality that meets the requirements ~~in Appendix D of~~  
26.14 ~~the Volunteer Surface Water Monitoring Guide, Minnesota~~ established by the commissioner  
26.15 of the Pollution Control Agency (2003);

26.16 (3) maximize opportunities for restoration of degraded groundwater and impaired waters,  
26.17 by prioritizing and targeting of available programmatic, financial, and technical resources  
26.18 and by providing additional state resources to complement and leverage available resources;

26.19 (4) use existing regulatory authorities to achieve restoration for point and nonpoint  
26.20 sources of pollution where applicable, and promote the development and use of effective  
26.21 nonregulatory measures to address pollution sources for which regulations are not applicable;

26.22 (5) use restoration methods that have a demonstrated effectiveness in reducing  
26.23 impairments and provide the greatest long-term positive impact on water quality protection  
26.24 and improvement and related conservation benefits while incorporating innovative approaches  
26.25 on a case-by-case basis;

26.26 (6) identify for the legislature any innovative approaches that may strengthen or  
26.27 complement existing programs;

26.28 (7) identify and encourage implementation of measures to prevent surface waters from  
26.29 becoming impaired and to improve the quality of waters that are listed as impaired but have  
26.30 no approved TMDL addressing the impairment using the best available data and technology,  
26.31 and establish and report outcome-based performance measures that monitor the progress  
26.32 and effectiveness of protection and restoration measures;

(8) monitor and enforce cost-sharing contracts and impose monetary damages in an amount up to 150 percent of the financial assistance received for failure to comply; and

(9) identify and encourage implementation of measures to prevent groundwater from becoming degraded and measures that restore groundwater resources.

Sec. 13. Minnesota Statutes 2018, section 114D.20, subdivision 5, is amended to read:

Subd. 5. **Priorities for scheduling and preparing WRAPs and TMDLs**. The commissioner of the Pollution Control Agency must seek recommendations from the Clean Water Council ~~shall recommend~~, the commissioners of natural resources, health, and agriculture, and the Board of Water and Soil Resources regarding priorities for scheduling and preparing WRAPs and TMDLs and TMDL implementation plans, taking into account the severity. Recommendations must consider the causes of the impairment impairments, the designated uses of these the waters, and other applicable federal TMDL requirements. In recommending priorities, the council shall also give consideration to, surface water and groundwater interactions, protection of high-quality waters, waters and watersheds with declining water quality trends, and waters used as drinking water sources. Furthermore, consideration must be given to waters and watersheds:

(1) ~~with impairments that pose~~ have the greatest potential risk to human health;

(2) ~~with impairments that pose~~ have the greatest potential risk to threatened or endangered species;

(3) ~~with impairments that pose~~ have the greatest potential risk to aquatic health;

(4) where other public agencies and participating organizations and individuals, especially local, ~~basinwide~~ basin-wide, watershed, or regional agencies or organizations, have demonstrated readiness to assist in carrying out the responsibilities, including availability and organization of human, technical, and financial resources necessary to undertake the work; and

(5) where there is demonstrated coordination and cooperation among cities, counties, watershed districts, and soil and water conservation districts in planning and implementation of activities that will assist in carrying out the responsibilities.

Sec. 14. Minnesota Statutes 2018, section 114D.20, subdivision 7, is amended to read:

Subd. 7. **Priorities for funding prevention actions**. The Clean Water Council shall apply the priorities applicable under subdivision 6, as far as practicable, when recommending priorities for funding actions to prevent groundwater and surface waters from becoming

28.1 degraded or impaired and to improve the quality of surface waters that are listed as impaired  
28.2 ~~but do not have an approved TMDL.~~

28.3 Sec. 15. Minnesota Statutes 2018, section 114D.20, is amended by adding a subdivision  
28.4 to read:

28.5 Subd. 8. Alternatives; TMDL, TMDL implementation plan, or WRAPS. (a) If the  
28.6 commissioner of the Pollution Control Agency determines that a comprehensive watershed  
28.7 management plan or comprehensive local water management plan contains information that  
28.8 is sufficient and consistent with guidance from the United States Environmental Protection  
28.9 Agency under section 303(d) of the federal Clean Water Act, the commissioner may submit  
28.10 the plan to the Environmental Protection Agency according to federal TMDL requirements  
28.11 as an alternative to developing a TMDL after consultation with affected national pollutant  
28.12 discharge elimination system (NPDES) permit holders.

28.13 (b) A TMDL implementation plan or a WRAPS, or portions thereof, are not needed for  
28.14 waters or watersheds when the commissioner of the Pollution Control Agency determines  
28.15 that a comprehensive watershed management plan, a comprehensive local water management  
28.16 plan, or a statewide or regional strategy published by the Pollution Control Agency meets  
28.17 the definition in section 114D.15, subdivision 11 or 13.

28.18 (c) The commissioner of the Pollution Control Agency may request that the Board of  
28.19 Water and Soil Resources conduct an evaluation of the implementation efforts under a  
28.20 comprehensive watershed management plan or comprehensive local water management  
28.21 plan when the commissioner makes a determination under paragraph (b). The board must  
28.22 conduct the evaluation in accordance with section 103B.102.

28.23 (d) The commissioner of the Pollution Control Agency may amend or revoke a  
28.24 determination made under paragraph (a) or (b) after considering the evaluation conducted  
28.25 under paragraph (c).

28.26 Sec. 16. Minnesota Statutes 2018, section 114D.20, is amended by adding a subdivision  
28.27 to read:

28.28 Subd. 9. Coordinating municipal and local water quality activities. A project, practice,  
28.29 or program for water quality improvement or protection that is conducted by a watershed  
28.30 management organization or a local government unit with a comprehensive watershed  
28.31 management plan or other water management plan approved according to chapter 103B,  
28.32 103C, or 103D may be considered by the commissioner of the Pollution Control Agency  
28.33 as contributing to the requirements of a storm water pollution prevention program (SWPPP)

29.1 for a municipal separate storm sewer systems (MS4) permit unless the project, practice, or  
29.2 program was previously documented as contributing to a different SWPPP for an MS4  
29.3 permit. The commissioner of health may determine that a comprehensive watershed  
29.4 management plan or a comprehensive local water management plan, in whole or in part, is  
29.5 sufficient to fulfill the requirements of wellhead protection plans.

29.6 Sec. 17. Minnesota Statutes 2018, section 114D.26, is amended to read:

29.7 **114D.26 WATERSHED RESTORATION AND PROTECTION STRATEGIES.**

29.8 Subdivision 1. **Contents.** (a) The commissioner of the Pollution Control Agency shall  
29.9 develop watershed restoration and protection strategies. To ensure effectiveness and  
29.10 accountability in meeting the goals of this chapter, for the purposes of:

29.11 (1) summarizing the physical, chemical, and biological assessment of the water quality  
29.12 of the watershed;

29.13 (2) quantifying impairments and risks to water quality;

29.14 (3) describing the causes of impairments and pollution sources;

29.15 (4) consolidating TMDLs in a major watershed; and

29.16 (5) informing comprehensive local water management plans and comprehensive  
29.17 watershed management plans.

29.18 (b) Each WRAPS shall must:

29.19 (1) identify impaired waters and waters in need of protection;

29.20 (2) identify biotic stressors causing impairments or threats to water quality;

29.21 (3) summarize TMDLs, watershed modeling outputs, and resulting pollution load  
29.22 allocations, wasteload allocations, and priority areas for targeting actions to improve water  
29.23 quality identify areas with high pollutant-loading rates;

29.24 (4) identify point sources of pollution for which a national pollutant discharge elimination  
29.25 system permit is required under section 115.03;

29.26 (5) identify nonpoint sources of pollution for which a national pollutant discharge  
29.27 elimination system permit is not required under section 115.03, with sufficient specificity  
29.28 to prioritize and geographically locate watershed restoration and protection actions;

29.29 (6) describe the current pollution loading and load reduction needed for each source or  
29.30 source category to meet water quality standards and goals, including wasteload and load  
29.31 allocations from TMDLs;

30.1 ~~(7) contain a plan for ongoing~~ (4) in consultation with local governments and other state  
 30.2 agencies, identify water quality monitoring needed to fill data gaps, determine changing  
 30.3 conditions, and or gauge implementation effectiveness; and

30.4 ~~(8) (5) contain an implementation table of strategies and actions that are capable of~~  
 30.5 cumulatively achieving needed pollution load reductions for point and nonpoint sources,  
 30.6 including identifying:

30.7 (i) water quality parameters of concern;

30.8 (ii) current water quality conditions;

30.9 (iii) water quality goals, strategies, and targets by parameter of concern; and

30.10 (iv) strategies and actions by parameter of concern and an example of the scale of  
 30.11 adoptions needed for each; with a timeline to meet the water quality restoration or protection  
 30.12 goals of this chapter.

30.13 ~~(v) a timeline for achievement of water quality targets;~~

30.14 ~~(vi) the governmental units with primary responsibility for implementing each watershed~~  
 30.15 ~~restoration or protection strategy; and~~

30.16 ~~(vii) a timeline and interim milestones for achievement of watershed restoration or~~  
 30.17 ~~protection implementation actions within ten years of strategy adoption.~~

30.18 Subd. 1a. **Coordination.** To ensure effectiveness, efficiency, and accountability in  
 30.19 meeting the goals of this chapter, the commissioner of the Pollution Control Agency, in  
 30.20 consultation with the Board of Water and Soil Resources and local government units, must  
 30.21 coordinate the schedule, budget, scope, and use of a WRAPS and related documents and  
 30.22 processes.

30.23 Subd. 2. **Reporting.** Beginning July 1, 2016, and every other year thereafter, the  
 30.24 commissioner of the Pollution Control Agency must report on its the agency's website the  
 30.25 progress toward implementation milestones and water quality goals for all adopted TMDLs  
 30.26 and, where available, WRAPSs.

30.27 Subd. 3. **Timelines; administration.** Each year, (a) The commissioner of the Pollution  
 30.28 Control Agency must complete WRAPSs for at least ten percent of watershed restoration  
 30.29 and protection strategies for the state's major watersheds. WRAPS shall be by June 30,  
 30.30 2023, unless the commissioner determines that a comprehensive watershed management  
 30.31 plan or comprehensive local water management plan, in whole or in part, meets the definition  
 30.32 in section 114D.15, subdivision 11 or 13. As needed, the commissioner must update the

31.1 strategies, in whole or in part, after consulting with the Board of Water and Soil Resources  
 31.2 and local government units.

31.3 (b) Watershed restoration and protection strategies are governed by the procedures for  
 31.4 approval and notice in section 114D.25, subdivisions 2 and 4, except that ~~WRAPS the~~  
 31.5 strategies need not be submitted to the United States Environmental Protection Agency.

31.6 Sec. 18. Minnesota Statutes 2018, section 114D.35, subdivision 1, is amended to read:

31.7 Subdivision 1. **Public and stakeholder participation.** (a) Public agencies and private  
 31.8 entities involved in the implementation of ~~implementing~~ this chapter ~~shall~~ must encourage  
 31.9 participation by the public and stakeholders, including local citizens, landowners ~~and, land~~  
 31.10 managers, and public and private organizations, ~~in identifying impaired waters, in developing~~  
 31.11 ~~TMDLs, in planning, priority setting, and implementing restoration of impaired waters, in~~  
 31.12 ~~identifying degraded groundwater, and in protecting and restoring groundwater resources.~~

31.13 (b) In particular, the commissioner of the Pollution Control Agency shall must make  
 31.14 reasonable efforts to provide timely information to the public and to stakeholders about  
 31.15 impaired waters that have been identified by the agency. ~~The agency shall seek broad and~~  
 31.16 ~~early public and stakeholder participation in scoping the activities necessary to develop a~~  
 31.17 ~~TMDL, including the scientific models, methods, and approaches to be used in TMDL~~  
 31.18 ~~development, and to implement restoration pursuant to section 114D.15, subdivision 7 and~~  
 31.19 to inform and consult with the public and stakeholders in developing a WRAPS or TMDL.

31.20 (c) Public agencies and private entities using public funds that are involved in  
 31.21 implementing restoration and protection identified in a comprehensive watershed  
 31.22 management plan or comprehensive local water management plan must make efforts to  
 31.23 inform, consult, and involve the public and stakeholders.

31.24 (d) The commissioner of the Pollution Control Agency and the Board of Water and Soil  
 31.25 Resources must coordinate public and stakeholder participation in consultation with local  
 31.26 government units. To the extent practicable, implementation of this chapter must be  
 31.27 accomplished in cooperation with local, state, federal, and tribal governments and  
 31.28 private-sector organizations.

31.29 Sec. 19. Minnesota Statutes 2018, section 114D.35, subdivision 3, is amended to read:

31.30 Subd. 3. **Education.** The Clean Water Council ~~shall~~ must develop strategies for  
 31.31 informing, educating, and encouraging the participation of citizens, stakeholders, and others  
 31.32 regarding ~~the identification of impaired waters, development of TMDLs, development of~~



32.1 ~~TMDL implementation plans, implementation of restoration for impaired waters,~~  
32.2 ~~identification of degraded groundwater, and protection and restoration of groundwater~~  
32.3 ~~resources this chapter.~~ Public agencies ~~shall be~~ are responsible for implementing the  
32.4 strategies.

32.5 Sec. 20. [114D.47] NONPOINT FUNDING ALTERNATIVE.

32.6 Notwithstanding section 114D.50, subdivision 3a, the Board of Water and Soil Resources  
32.7 may, by board order, establish alternative timelines or content for the priority funding plan  
32.8 for nonpoint sources under section 114D.50, subdivision 3a, and may use information from  
32.9 comprehensive watershed management plans or comprehensive local water management  
32.10 plans to estimate or summarize costs."

32.11 Delete the title and insert:

32.12 "A bill for an act  
32.13 relating to waters; modifying Clean Water Legacy Act; appropriating money from  
32.14 clean water fund; amending Minnesota Statutes 2018, sections 103B.3369,  
32.15 subdivisions 5, 9; 103B.801, subdivisions 2, 4, 5; 114D.15, subdivisions 7, 11, 13,  
32.16 by adding subdivisions; 114D.20, subdivisions 2, 3, 5, 7, by adding subdivisions;  
32.17 114D.26; 114D.30, by adding a subdivision; 114D.35, subdivisions 1, 3; proposing  
32.18 coding for new law in Minnesota Statutes, chapter 114D."

32.19 With the recommendation that the bill as amended be returned to the Committee on  
32.20 Ways and Means with a recommended re-referral to the Legacy Finance Division.

32.21 This Division action taken March 19, 2019

32.22 ....., Chair