

1.1 moves to amend H.F. No. 2543, the second engrossment, as follows:

1.2 Page 7, delete section 5, and insert:

1.3 "Sec. 5. Minnesota Statutes 2012, section 115.03, subdivision 10, is amended to read:

1.4 Subd. 10. **Nutrient Pollutant loading offset.** (a) ~~Prior to the completion of a~~
1.5 ~~total maximum daily load for an impaired water,~~ The Pollution Control Agency may
1.6 issue a permit for a new discharger or an expanding discharger if it results in decreased
1.7 loading to an impaired water. ~~Where a new discharger or an expanding existing discharger~~
1.8 ~~cannot effectively implement zero discharge options, the agency may issue a permit if~~
1.9 ~~the increased loading is offset by reductions~~ or amend permits to authorize pollutant
1.10 discharges to a receiving water and may authorize reductions in loading from other
1.11 sources of loading to the impaired water, so that there is to the same receiving water, if
1.12 together the changes achieve a net decrease in the pollutant loading of concern to the
1.13 receiving water. A point source participating in a water quality offset authorized by this
1.14 subdivision must have pollutant load reduction requirements for the traded pollutants
1.15 based on water quality based effluent limits or wasteload allocations in place prior to the
1.16 offset. The pollutant load reduction requirements in place prior to the offset must meet
1.17 the requirements of this chapter and Minnesota Rules section 7050.0150, subpart 8, and
1.18 sections 7053.0205 and 7053.0215 including, but not limited to, requirements related to
1.19 pollutant form, spatial loading, and temporal loading. The agency must require significant
1.20 offset ratios for offsets between permitted sources and non-permitted sources, and must
1.21 demonstrate how non-permitted source offset credits make progress toward assuring
1.22 attainment of water quality standards. The agreement of a source to participate in an
1.23 offset shall be voluntary. The term "new discharger" is as defined in Code of Federal
1.24 Regulations, title 40, section 122.2. The agency shall track the pollutant offsets or "trades"
1.25 implemented under this subdivision.

1.26 (b) The legislature intends this subdivision to confirm and clarify the authority of the
1.27 Pollution Control Agency to issue the authorized permits under prior law. The subdivision

2.1 must not be construed as a legislative interpretation within the meaning of section 645.16,
2.2 clause (8), or otherwise as the legislature's intent that the agency did not have authority
2.3 to issue such a permit under prior law."