

1.1 moves to amend H.F. No. 2310, the first engrossment, as follows:

1.2 Page 9, line 12, delete "transfer to"

1.3 Page 9, line 20, delete "transferred"

1.4 Page 46, after line 23, insert:

1.5 "Subd. 11. Fiscal Year 2023 Appropriation

1.6 \$1,000,000 in fiscal year 2023 is from the
1.7 general fund to address safety concerns at the
1.8 drill core library. This is a onetime
1.9 appropriation and is available until June 30,
1.10 2026."

1.11 Page 46, line 24, delete "and 8" and insert "8, and 11"

1.12 Page 51, line 23, delete "section" and insert "sections" and after "103F.05" insert "and
1.13 103F.06"

1.14 Page 56, after line 8, insert:

1.15 "(g) \$3,000,000 the first year is to develop a
1.16 comprehensive plan to ensure communities in
1.17 the White Bear Lake area have access to
1.18 sufficient safe drinking water to allow for
1.19 municipal growth while simultaneously
1.20 ensuring the sustainability of surface and
1.21 groundwater resources to supply the needs of
1.22 future generations. The Metropolitan Council
1.23 must establish a work group consisting of the
1.24 commissioners of natural resources, health,

2.1 and the Pollution Control Agency or their
2.2 designees, and representatives from the
2.3 Metropolitan Area Water Supply Advisory
2.4 Committee, the St. Paul Regional Water
2.5 Services, the cities of Stillwater, Mahtomedi,
2.6 Hugo, Lake Elmo, Lino Lakes, North St. Paul,
2.7 Oakdale, Vadnais Heights, Shoreview,
2.8 Woodbury, New Brighton, and White Bear
2.9 Lake, and the town of White Bear to advise
2.10 the council in developing the comprehensive
2.11 plan. This is a onetime appropriation and is
2.12 available until June 30, 2027. The
2.13 comprehensive plan must:

2.14 (1) evaluate methods for conserving and
2.15 recharging groundwater in the area, including:

2.16 (i) converting water supplies that are
2.17 groundwater dependent to total or partial
2.18 supplies from surface water sources;

2.19 (ii) reusing water, including water discharged
2.20 from contaminated wells;

2.21 (iii) projects designed to increase groundwater
2.22 recharge; and

2.23 (iv) other methods for reducing groundwater
2.24 use;

2.25 (2) based on the evaluation conducted under
2.26 clause (1), determine which existing
2.27 groundwater supply wells, if converted to
2.28 surface water sources, would be most effective
2.29 and efficient in ensuring future water
2.30 sustainability in the area;

2.31 (3) identify a long-term plan for converting
2.32 groundwater supply wells identified in clause
2.33 (2) to surface water sources, including
2.34 recommendations on water supply governance

3.1 and concept-level engineering that addresses
3.2 preliminary design considerations, including
3.3 supply source, treatment, distribution,
3.4 operation, and financing needed to complete
3.5 any changes to water supply infrastructure;
3.6 (4) include any policy and funding
3.7 recommendations for converting groundwater
3.8 supply wells to surface water sources, treating
3.9 and reusing wastewater, and any other
3.10 recommendations for additional measures that
3.11 reduce groundwater use, promote water reuse,
3.12 and increase groundwater recharge;
3.13 (5) include any policy and funding
3.14 recommendations for local wastewater
3.15 treatment and recharge; and
3.16 (6) be submitted to the chairs and ranking
3.17 minority members of the house of
3.18 representatives and senate committees and
3.19 divisions with jurisdiction over environment
3.20 and natural resources finance and policy by
3.21 June 30, 2027."

3.22 Page 59, after line 10, insert:

3.23 "Sec. 12. **APPROPRIATIONS GIVEN EFFECT ONCE.**

3.24 If an appropriation or transfer in this article is enacted more than once during the 2023
3.25 regular session, the appropriation or transfer must be given effect once."

3.26 Page 148, delete section 25 and insert:

3.27 "Sec. 25. **[116.064] ODOR MANAGEMENT.**

3.28 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
3.29 the meanings given.

3.30 (b) "Objectionable odor" means pollution of the ambient air beyond the property line of
3.31 a facility consisting of an odor that, considering its characteristics, intensity, frequency, and
3.32 duration:

4.1 (1) is, or can reasonably be expected to be, injurious to public health or welfare; or

4.2 (2) unreasonably interferes with the enjoyment of life or the use of property of persons
4.3 exposed to the odor.

4.4 (c) "Odor complaint" means a notification received and recorded by the agency or by a
4.5 political subdivision from an identifiable person that describes the nature, duration, and
4.6 location of the odor.

4.7 Subd. 2. **Prohibition.** No person may cause or allow emission into the ambient air of
4.8 any substance or combination of substances in quantities that produce an objectionable odor
4.9 beyond the property line of the facility that is the source of the odor.

4.10 Subd. 3. **Odor complaints; investigation.** (a) The agency must conduct a site
4.11 investigation of any facility against which six or more verifiable odor complaints have been
4.12 submitted to the agency or to local government officials within 48 hours. The investigation
4.13 must include:

4.14 (1) an interview with the owner or operator of the facility against which the complaint
4.15 was made;

4.16 (2) a physical examination of the facilities, equipment, operations, conditions, methods,
4.17 storage areas for material inputs, chemicals and waste, and any other factors that may
4.18 contribute to or are designed to mitigate the emission of odors; and

4.19 (3) testing at locations identified in the odor complaints and at other locations beyond
4.20 the property line of the facility that is the source of the odor using a precision instrument
4.21 capable of measuring odors in ambient air.

4.22 (b) The commissioner, based upon the agency's site investigation and the results of odor
4.23 testing, and considering the nature, intensity, frequency, and duration of the odor, and other
4.24 relevant factors, shall determine whether the odor emitted from the facility constitutes an
4.25 objectionable odor. In making the determination, the commissioner may consider the opinions
4.26 of a random sample of persons exposed to samples of the odor taken from ambient air
4.27 beyond the property line of the facility that is the source of the odor.

4.28 (c) The agency must notify officials in local jurisdictions:

4.29 (1) of odor complaints filed with the agency regarding properties within the local
4.30 jurisdiction;

4.31 (2) of any investigation of an odor complaint conducted by the agency at a facility within
4.32 the local jurisdiction, and the results of the investigation;

5.1 (3) that odor complaints filed with respect to properties located within those jurisdictions
5.2 must be forwarded to the agency within three business days of being filed; and

5.3 (4) of any additional actions taken by the agency with respect to the complaints.

5.4 Subd. 4. **Objectionable odor; management plan.** (a) If the commissioner determines
5.5 under subdivision 3 that the odor emitted from a facility is an objectionable odor, the
5.6 commissioner shall require the owner of the facility to develop and submit to the agency
5.7 for review within 90 days an odor management plan designed to mitigate odor emissions.
5.8 The agency must provide technical assistance to the property owner in developing a
5.9 management plan, including:

5.10 (1) identifying odor control technology and equipment that may reduce odor emissions;
5.11 and

5.12 (2) identifying alternative methods of operation or alternative materials that may reduce
5.13 odor emissions.

5.14 The commissioner may grant an extension for submission of the odor management plan for
5.15 up to an additional 90 days for good cause.

5.16 (b) An odor management plan must contain, at a minimum, for each odor source
5.17 contributing to odor emissions:

5.18 (1) a description of plant operations and materials that generate odors;

5.19 (2) proposed changes in equipment, operations, or materials that are designed to mitigate
5.20 odor emissions;

5.21 (3) the estimated effectiveness of the plan in reducing odor emissions;

5.22 (4) the estimated cost of implementing the plan; and

5.23 (5) a schedule of plan implementation activities.

5.24 (c) The commissioner may accept, reject, or modify an odor management plan submitted
5.25 under this subdivision.

5.26 (d) If the commissioner, based upon the same factors considered under subdivision 3,
5.27 paragraph (b), determines that implementation of the odor management plan has failed to
5.28 reduce the facility's odor emissions to a level where they are no longer objectionable odors,
5.29 the commissioner shall order the facility owner to revise the odor management plan within
5.30 90 days of receipt of the commissioner's order. If the revised odor management plan is not
5.31 acceptable to the commissioner or is implemented but fails to reduce the property's odor
5.32 emissions to a level where they are no longer objectionable odors, the commissioner may

6.1 impose penalties under section 115.071 or may modify or revoke the facility's permit under
6.2 section 116.07, subdivision 4a, paragraph (d).

6.3 Subd. 5. Exemptions. This section does not apply to:

6.4 (1) on-farm animal and agricultural operations;

6.5 (2) motor vehicles and transportation facilities;

6.6 (3) municipal wastewater treatment plants;

6.7 (4) single-family dwellings not used for commercial purposes;

6.8 (5) materials odorized for safety purposes;

6.9 (6) painting and coating operations that are not required to be licensed;

6.10 (7) restaurants; and

6.11 (8) temporary activities and operations.

6.12 Subd. 6. Rulemaking required. (a) The commissioner must adopt rules to implement
6.13 this section, and section 14.125 does not apply.

6.14 (b) The commissioner must comply with chapter 14 and must complete the statement
6.15 of need and reasonableness according to chapter 14 and section 116.07, subdivision 2,
6.16 paragraph (f).

6.17 (c) The rules must include:

6.18 (1) an odor standard or standards for air pollution that may qualify as objectionable odor
6.19 under subdivision 1, clause (2);

6.20 (2) a process for determining if an odor is objectionable;

6.21 (3) a process for investigating and addressing odor complaints;

6.22 (4) guidance for developing odor-management plans; and

6.23 (5) procedures and criteria for determining the success or failure of an odor-management
6.24 plan.

6.25 EFFECTIVE DATE. This section is effective the day following final enactment."

6.26 Page 151, line 25, delete "is likely to" and insert "may"

6.27 Page 151, line 30, delete "will" and insert "may"

6.28 Page 152, after line 12, insert:

6.29 "(d) An applicant must conduct a cumulative impacts analysis if:

7.1 (1) the potential impacts of the permit issuance exceed any of the benchmarks for
 7.2 conducting a cumulative impacts analysis established in the rules developed under subdivision
 7.3 6;

7.4 (2) the commissioner determines that issuance of the permit may impact the environment
 7.5 or health of the residents of an environmental justice area; or

7.6 (3) material evidence accompanying a petition signed by not less than 50 individuals
 7.7 residing or owning property in the environmental justice area potentially affected by the
 7.8 permit issuance demonstrates that issuance of the permit may impact the environment or
 7.9 health of the residents of the environmental justice area."

7.10 Page 153, line 19, after "stressors" insert "or adverse cumulative impacts"

7.11 Page 153, after line 29, insert:

7.12 "(d) The commissioner must prepare a written document containing the reasons for the
 7.13 commissioner's decision regarding the need for a cumulative impacts analysis made under
 7.14 this subdivision, and describing how various pieces of evidence were weighed and balanced
 7.15 to arrive at the decision. The commissioner must provide a copy of the document to the
 7.16 permit applicant and to any person who submitted material evidence to the commissioner
 7.17 for consideration in making the decision, and must post the document on the agency's
 7.18 website."

7.19 Reletter the paragraphs in sequence

7.20 Page 155, after line 11, insert:

7.21 "Subd. 7. **Review.** Any person aggrieved by a final decision on the need for a cumulative
 7.22 impacts analysis or the issuance or denial of a permit under this section is entitled to judicial
 7.23 review of the decision under the provisions of sections 14.63 to 14.68. A petition for a writ
 7.24 of certiorari by an aggrieved person for judicial review under sections 14.63 to 14.68 must
 7.25 be filed with the court of appeals and served on all parties to the contested case not more
 7.26 than 30 days after the party receives the final decision and order of the agency.

7.27 Subd. 8. **Compliance costs.** A permit applicant is responsible for the cost of complying
 7.28 with the requirements of this section. The reasonable costs of the agency to comply with
 7.29 the requirements of this section are to be borne by permit applicants subject to this section,
 7.30 as required under section 116.07, subdivision 4d, paragraph (b)."

7.31 Page 200, delete section 26

7.32 Page 249, after line 24, insert:

8.1 "Sec. 125. WATER-USE PERMITS; CITY OF LAKE ELMO.

8.2 (a) Notwithstanding any other provision of law, the commissioner of natural resources
8.3 may:

8.4 (1) issue permits necessary for the city of Lake Elmo to construct and operate a new
8.5 municipal water supply well; and

8.6 (2) amend existing water-use permits issued to the city of Lake Elmo to increase the
8.7 authorized volume of water that may be appropriated under the permits to a level consistent
8.8 with the amount anticipated to be needed each year according to a water supply plan approved
8.9 by the commissioner under Minnesota Statutes, section 103G.291.

8.10 (b) Notwithstanding paragraph (a), all new and amended water-use permits issued by
8.11 the commissioner to the city of Lake Elmo must contain the same water-use conservation
8.12 and planning measures required by law for municipal wells located wholly or partially
8.13 within the five-mile radius of White Bear Lake.

8.14 (c) This section expires June 30, 2027.

8.15 Sec. 126. WHITE BEAR LAKE AREA WATER-USE PERMIT MODIFICATION
8.16 MORATORIUM.

8.17 (a) Except as provided under paragraph (b), the commissioner of natural resources may
8.18 not reduce the total maximum amount of groundwater use permitted under a White Bear
8.19 Lake area water-use permit issued or amended before January 1, 2023.

8.20 (b) Notwithstanding paragraph (a), the commissioner of natural resources may reduce
8.21 the authorized amount of groundwater use permitted or impose additional restrictions or
8.22 conditions if necessary to address emergency preparedness or other public health and safety
8.23 issues as determined by the commissioner.

8.24 (c) Except as provided under paragraph (b), this section does not authorize the
8.25 commissioner to reduce or eliminate water-use conservation or planning conditions imposed
8.26 on municipal water appropriation permits for wells located wholly or partially within a
8.27 five-mile radius of White Bear Lake.

8.28 (d) For the purposes of this section, "White Bear Lake area water-use permit" means a
8.29 water-use permit authorizing the use of groundwater from one or more municipal wells
8.30 located wholly or partially within a five-mile radius of White Bear Lake.

8.31 (e) This section expires June 30, 2027."

8.32 Renumber the sections in sequence and correct the internal references

- 9.1 Amend the title accordingly
- 9.2 Adjust amounts accordingly