

File Number: H.F. 3120
Version: As introduced

Date: March 25, 2018

Authors: Fabian

Subject: Environmental Permitting

Analyst: Janelle Taylor

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill makes a number of changes to provisions dealing with environmental permitting.

Section

- 1 Fees established.** Amends § 103G.2242, subd. 14. Caps the withdrawal fee the Board of Water and Soil Resources (BWSR) may charge for withdrawals from wetland mitigation banks at \$1,000.
- 2 Agency authority; national pollutant discharge elimination system.** Amends § 115.03, subd. 5. Exempts an activity that conveys or connects waters of the state without subjecting the water to intervening industrial, municipal, or commercial use from national pollutant discharge elimination (NPDES) permit requirements unless the activity introduces pollutants to the water.
- 3 Watershed credit exchange.** Adds § 115.03, subd. 12. Allows the Pollution Control Agency (PCA), in cooperation with BWSR, to establish a watershed credit exchange program to allow permittees to meet water quality effluent limits, wasteload allocations, or storm water discharge requirements. Specifies the program elements that may be used and allows for the construction of pilot programs before establishing a statewide program.
- 4 Watershed credit exchange account established.** Adds § 115.0, subd. 13. Establishes a watershed credit exchange account for purposes of creating watershed credit exchanges and specifies the sources of funds that must be deposited in the account. States that upon approval of a spending plan, the account may be used by BWSR and the PCA for creating watershed credits, creating local watershed credit exchanges, and other program costs.

Section

- 5** **External peer review of water quality standards.** Amends § 115.035. Amends peer review requirements for water quality standards to require that new and revised water quality standards be supported by a technical support document providing the scientific basis for the standard and that it has undergone external, scientific peer review. The requirement would not apply when the water quality standard is not changed from a United States Environmental Protection Agency (EPA) criterion that has been through peer review. Requires the technical support document to be released for public comment and external peer review before finalization and details the process and purpose of the review.
- 6** **Effluent limitation compliance.** Adds § 115.455. Exempts, to the extent permitted under federal law, a municipality that constructs a publicly owned treatment works in order to comply with a new or modified effluent limitation from being required to make additional capital investments to comply with new effluent limits adopted after construction begins for at least 16 years.
- 7** **Permit fees.** Amends § 116.07, subd. 4d. States that fees adopted by the PCA are subject to legislative approval as provided under current law.
- 8** **Appropriation.** Appropriates \$1,542,000 in fiscal year 2019 from the general fund to the PCA for a watershed credit exchange program authorized in the bill.