

Subject Clean Water Fund

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Date March 3, 2021

Overview

This bill contains fiscal years 2022 and 2023 appropriations from the clean water fund.

The clean water fund is one of the four funds established by the “Legacy Amendment” passed by the voters in 2008 that raised the state’s sales tax by three-eighths of one percent and dedicated the revenue for various purposes. The clean water fund receives 33 percent of the revenue and must be spent “only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation.” The constitutional amendment also requires that at least five percent of the fund be spent to protect drinking water sources.

Summary

Section	Description
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1	Clean water fund appropriations.
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Technical.

2	Clean water.
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Subd. 1. Total appropriation. Provides a total appropriation of \$126,711,000 from the clean water fund in fiscal year 2022, and \$130,081,000 in fiscal year 2023.

Subd. 2. Availability of appropriation. Requires the money to be used only for activities that are directly related to and necessary for a specific appropriation and makes the funds available for two years or, when federal funds are involved, for the time period equal to the federal funding availability.

Section	Description
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Subd. 3. Disability access. Requires recipients of the money, where appropriate, to make progress toward providing people with disabilities with greater access to the programs funded.

3 Department of Agriculture.

Appropriates \$10,144,000 in fiscal year 2022 and \$10,144,000 in fiscal year 2023 to the Department of Agriculture for various purposes, including money for:

- increased monitoring for contaminants in surface water and groundwater;
- activities to protect groundwater from nitrate contamination;
- technical assistance, research, and demonstration projects regarding best management practice implementation;
- the Minnesota agricultural water quality certification program;
- a regional irrigation water quality specialist;
- the Forever Green Agriculture Initiative; and
- testing of private wells for contaminants.

4 Pollution Control Agency.

Appropriates \$21,411,000 in fiscal year 2022 and \$22,426,000 in fiscal year 2023 to the Pollution Control Agency (PCA), including money for:

- completion of statewide surface water assessments;
- the development of watershed restoration and protection strategies (WRAPS) which include TMDL studies and TMDL implementation plans;
- groundwater assessment;
- implementation of the St. Louis River System Area of Concern Remedial Action Plan;
- national pollutant discharge elimination system (NPDES) wastewater and storm water TMDL implementation;
- grants to counties for subsurface sewage treatment systems (SSTS);
- grants for sanitary sewer projects in Voyageurs National Park;
- activities, training, and grants to reduce chloride pollution;
- administration of the Clean Water Council (CWC); and
- developing protocols for testing groundwater and surface water for microplastics and nanoplastics.

5 Department of Natural Resources.

Appropriates \$9,030,000 in fiscal year 2022 and \$8,671,000 in fiscal year 2023 to the Department of Natural Resources (DNR), including money for:

- stream flow monitoring;

Section	Description
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- lake Index of Biological Integrity (IBI) assessments;
- assessing mercury contamination of fish;
- development of targeted, science-based WRAPS;
- water supply planning, aquifer protection, and monitoring activities;
- technical assistance to support local implementation of nonpoint source restoration and protection activities;
- applied research and tools;
- maintenance and updates to buffer maps and technical guidance; and
- a groundwater management area in Dakota County.

6 Board of Water and Soil Resources.

Appropriates \$65,078,000 in fiscal year 2022 and \$69,178,000 in fiscal year 2023 to the Board of Water and Soil Resources (BWSR), including money for:

- performance based grants to local units of government to implement projects identified as part of the One Watershed, One Plan, or other plans;
- grants to local units of government for various water quality projects consistent with TMDL and WRAPS;
- acceleration of implementation, including technical assistance;
- state oversight and accountability of local implementation efforts;
- grants to local units of government to ensure compliance with buffer and soil loss requirements;
- a pilot working lands floodplain program;
- permanent conservation easements on wellhead protection areas and grants to local governments to acquire land to protect groundwater on wellhead protection areas;
- restoration evaluations;
- assistance to local governments to transition to a watershed approach;
- conservation easements to treat and store water and to protect threatened public waters with good water quality;
- conservation easements to protects lands adjacent to public waters, wetlands, and associated uplands;
- data collection and estimates of soil erosion;
- enhanced cover crop adoption efforts; and
- grants to soil and water conservation districts (SWCDs).

Section	Description
7	<p>Department of Health.</p> <p>Appropriates \$6,705,000 in fiscal year 2022 and \$6,705,000 in fiscal year 2023 to the Department of Health, including money for:</p> <ul style="list-style-type: none">▪ addressing public health concerns related to unregulated drinking water contaminants;▪ drinking water source protection;▪ development and delivery of groundwater restoration and protection strategies;▪ study of the occurrence and magnitude of contaminants in private wells;▪ development of public health policies and an action plan to address threats to safe drinking water; and▪ adopting health risk limits required under the bill.
8	<p>Metropolitan Council.</p> <p>Appropriates \$3,669,000 in fiscal year 2022 and \$3,669,000 in fiscal year 2023 to the Metropolitan Council for:</p> <ul style="list-style-type: none">▪ projects that address emerging drinking water supply threats;▪ the water demand reduction grant program;▪ inflow and infiltration reduction programs; and▪ lead service line replacement.
9	<p>University of Minnesota.</p> <p>Appropriates \$2,598,000 in fiscal year 2022 and \$1,220,000 in fiscal year 2023 to the University of Minnesota for:</p> <ul style="list-style-type: none">▪ developing county geologic atlases;▪ stormwater performance evaluation and technology transfer program;▪ a report on the benefits of clean water investments, a review of equity considerations, and proposing climate considerations; and▪ a study of chronic wasting disease prions.
10	<p>Legislature.</p> <p>Appropriates \$8,000 in fiscal year 2022 to the Legislative Coordinating Commission (LCC) for the Legacy website.</p>
11	<p>Public Facilities Authority.</p> <p>Appropriates \$8,068,000 in fiscal year 2022 and \$8,068,000 in fiscal year 2023 to the Public Facilities Authority (PFA), including money for the point source</p>

Section	Description
	implementation grants program, and money for grants and loans for small community wastewater treatment.
12	Soil and water conservation district fee. Allows a county with an SWCD to impose an additional \$25 fee on mortgage registrations and transfers and requires the money to be deposited in a special SWCD account and transferred to SWCDs.
13	County eligibility. Limits a county's eligibility for grants from the clean water fund, beginning July 1, 2022, to those that impose a new fee under the previous section or have a watershed district, watershed management organization, or other water management related joint powers organization covering at least 75 percent of the county.
14	Health risk limit; perfluorooctane sulfonate (PFOS) and neonicotinoids. Requires the commissioner of health to amend the health risk limit (HRL) for PFOS so that it does not exceed 0.015 parts per billion by July 1, 2023, and adopt health risk limits for two neonicotinoids by January 15, 2024. Requires the commissioner to comply with existing standards that require drinking water and air quality standards to be based on scientifically acceptable, peer-reviewed information and include a reasonable margin of safety to adequately protect the health of infants, children, and adults by considering certain health outcomes.
15	Clean Water Council (CWC); report required. Requires the CWC to submit a report or reports that assess the implementation of high-resolution digital elevation data (LiDAR) developed with previous clean water fund appropriations, the impacts of a recent Minnesota Supreme Court Case related to groundwater and the application of water quality standards, and state personnel funded by the clean water fund.
16	Clean Water Council; request for proposal. Requires the CWC to develop and issue a request for proposal for a study of the impacts of 6PPD-quinone, a chemical compound derived from a rubber tire additive, on the state's waters and fish populations.



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