

**2019 Legislative Recommendations- Legislative Water Commission
Recommendation Overview
Details in Accompanying Documents
November 2018
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In 2008 Minnesota's citizens passed the Clean Water, Land and Legacy Amendment to the Constitution that dedicated a portion of the state sale's tax for the environment. These resources created significant opportunities to achieve a sustainable water future for our state. Much has been accomplished, including research, monitoring, mapping, planning and implementation. However, recent information suggests that improvements to our state's water, when the amendment expires in 2034, may not meet citizen expectations. As the amendment period reaches a half-way point, there is need to reflect and refocus on a future state for water for 2034 and beyond. The citizens of Minnesota, local government, environmental stakeholders, the Clean Water Council, the Lessard-Sams Outdoor Heritage Council, the Legislative-Citizen Commission on Minnesota's Recourses, the Administration, and the Legislature each have important roles and responsibilities to work together in prioritizing, funding, implementing, and evaluating environmental programs aimed at improving our water, increasing our return on investment, and reaching a desired future state for water in Minnesota. Statewide, water regulation and management is coordinated by state agencies. However, rigorous processes, involving multiple agencies often could be better coordinated. This coordination could be improved by establishing an interagency/legislative water policy process that con considers the Future State of Water.

Our natural environment is changing and we need to plan for an uncertain future. We need to prepare policy to manage water in the face of uncertain future conditions that considers emerging contaminants, emerging technology, changing demographics, changing land use, and changing climate as well as economic uncertainty and aging infrastructure. A coordinated State policy should address the impacts of long-term variations in precipitation and temperature on water supply and on ecological services and to adopt a climate-change adaptation policy. New technology needs to be considered in addressing remedial opportunities as well as possible unintended consequences. Funding priorities should be evaluation, within established funding programs, that involve technological uncertainty. In to order initiate a future-state process, we need to strengthen communication between the Legislative Water Commission, legislative committees and state agencies.

To ensure adequate and clean water for the future, we need to balance long-term plans for conserving and protecting our natural resources with those for ensuring a healthy public and healthy economy. These are long-term issues that will require that our elected leaders think beyond the next several years. There are many good plans and reports that lay the groundwork for a strategy for the desired future for our water resources. The recommendations, that are briefly summarized tin the following text, provide a framework for an interdisciplinary approach to plan to protect our water for future generations. The recommendations are the result of a thorough review of existing documents and excellent input from stakeholders as well as members of the Legislative Water Commission. They provide a first step in a process to address an uncertain future for waters of our state.

Recommendation Summaries

(Required resource needs are estimates and need discussion with agency partners)

First Issue--A7: Addressing Inflow and Infiltration Infrastructure Problems

Action: Water infiltration into broken sewer lines affects our ability to successfully treat waste water and the problem will continue to grow over time. Legislation is needed to allow sanitary districts the use of existing revenue for public and private property inflow and infiltration mitigation, in the same way as cities are allowed to address these problems

Resources Required: Staff time—Staff from sanitary districts across the state

A7) Legislation to allow wastewater districts to use existing revenue to address the significant inflow and infiltration problems associated public and private wastewater infrastructure. Inflow and infiltration infrastructure repair needs affect groundwater quality and wastewater treatment demands. Legislation is needed to allow sanitary districts to use existing revenue for public and private property inflow and infiltration mitigation.

Second Issue--B8): Healthy Soil and Healthy Water

Action: Soil improvement is good for agriculture and for our water. Legislative support is needed for the UM Office of Soil Health that includes recognition and support for funding needs for long-term research as well as support for a state-wide soil-health action plan

Resources Required: One-half FTE support for each office: MDA, BWSR, UM Water Resources Center

B8) In conjunction with the University of Minnesota, create and support a programs focused on healthy soil and healthy water. Encourage the expansion of existing programs to improve soil health, aimed at increasing agricultural productivity and water retention.

Third Issue--A2): Wastewater, Storm Water and Drinking Water Infrastructure

Action: Legislative budget support for MPCA, MDH and PFA

Resources Required: One FTE each at MDH, MPCA, and PFA

A2) **Minnesota's water-related infrastructure is aging and presents threats to our economy and to public health, particularly for small towns and cities.** We need to continue to be proactive in addressing these issues. Legislative support is needed to o increase the Public Facilities Authority's (PFA) General Obligation Bond appropriation, on a continuing basis, to address aging water infrastructure. This would provide additional support for upgrading and finding efficiencies for wastewater, storm water and drinking-water infrastructure. Support and accelerate PFA's cost-effectiveness reviews for treatment-alternative research to optimize operations. Support increases in MPCA and MDH efforts to encourage alternative best-management practices at drinking water, wastewater and storm-water facilities. This could involve accelerated technical assistance for facility efficiencies through training, tools and technical support. Support increased agency resources to conduct asset-management reviews and to assess, encourage and implement efficient infrastructure alternatives based on pilot study results currently underway. These could include regionalization and administrative and staff cooperation among willing communities. Provide implementation support for marked-based water-quality trading options (storm water and waste water) among willing municipalities. For example, consider implementing storm water-quality credit trading options based on work being conducted through a LCCMR grant to the Shell Rock River Watershed

District. Increase support to address risks to public health, such as lead service-line replacements. Accelerate programs that address the worst of our leaking septic system problem areas.

Fourth Issue--A6): MPCA peer review of new wastewater standards

Action: Legislation

Resources required: none

A6) Provide independent peer review of wastewater standards—memorialize, in statute, the current MPCA practice: Incorporate the exiting MPCA Commissioner’s order into statute. This recommendation would support MPCA efforts to provide additional scientific and public review of new and revised water-quality standards, and would ensure that the process continues on under future administrations .Background: A Minnesota Pollution Control (MPCA) Commissioner’s Order (Order) was issued in July 2017 to address ongoing confusion about MPCA’s reliance on independent, scientific peer review in the development of water quality standards. The Order establishes a transparent process for peer review of the scientific basis for proposed water quality standards, and allows for public comment on both the scientific information and the peer review. The order applies to only new, or revised, numeric water-quality standards that differ from U.S. Environmental Protection Agency’s (EPA) criteria that have been through peer review. The MPCA peer-review process identified in the order is based on the EPA’s Peer Review Handbook (4th Edition, 2015). A technical-support document (TSD) is developed to document the scientific basis for a proposed standard and under the Order each TSD must undergo external, scientific peer review. A draft TSD is released for public comment prior to peer review. The MPCA takes public comments on questions to pose to the peer reviewers. The TSD is then revised in response to public comments, and peer review, and becomes the basis for the water-quality standard rulemaking effort. The MPCA’s Web site identifies water-quality standards under development, the lead agency scientist for each development effort, and opportunities for public input. The full Commissioner’s Order: (115.035) is available from the MPCA.

Fifth Issue—(A6): Reducing excess use of chloride as a de-icing agent

Action: Limited liability legislation, applicator training, MPCA coordinating

Resources required: \$500K for training and coordination-- MPCA

A1) Excess use of de-icing salt is impairing our lakes, rivers and groundwater. We can reduce the use of excess chloride deicing chemicals on public and commercial parking lots and sidewalks without affecting public safety. Propose of support legislation to limit liability for deicing applicators and property owners, after providing training and certification. Support the Clean Water Councils policy to expand applicator training statewide. Begin by implementing a plan for the Capitol grounds.

Sixth Issue: Legislation to continue the Legislative Water Commission

Action: Legislation

Envy/legislative planning process and report to the Legislature

Resources required: One FTE, LWC

Water is vital to all Minnesotans. The issues surrounding it are wide-ranging and highly varied across Minnesota’s many landscapes and interest groups. Because water is important, complex, controversial, and costly, the development of water policy must be undertaken thoughtfully. The

LWC is needed to coordinate statewide policy and plans for the future. The 12 member, bi-cameral and bipartisan commission brings value to the Legislature by:

- Having a dedicated staff person gather and disseminate pertinent information from a large array of stakeholders so members can develop a broad and independent understanding of current and emerging water issues
- Providing a venue for members to equitably receive and discuss detailed technical information
- Creating a public forum for regular, in-depth interactions between legislators that can then inform legislative work on this subject
- Developing water expertise within a larger cadre of Legislators so they can become leaders on water policy

Seventh Issue (C6) Water Retention: Keeping Water on the Land

Action: Legislation and legislative direction to increase state agency programs through program enhancement and general fund support.

C6) Keeping **water on the land reduces erosion, improves** soil health and water quality, increase groundwater recharge and improves agricultural production... Based on feedback from the Governor's Town Hall meetings, citizens want water funding allocated for activities at the regional level rather than by state agencies. Citizens also want measurable outcomes and accountability and clear assessments about the improvement being made to our waters. Therefore, programs need to be supported to help to identify and incentivize the most efficient best-management practices at priority locations on the landscape. A cost/benefit/return-on-investment analysis of conservation drainage practices needs to be included to identify the most productive incentive programs, for specific locations, and specific land-use conditions. Look for ways to cooperate with agro-industry because that data is abundant and detailed. Increase incentives for local implementation of clean water programs by providing additional general fund revenue and additional technical support. Promote existing programs and incentives to leverage state and federal funding programs to maximize land-owner involvement and enrollment in conservation practices. Some of these options may include more efficient agricultural practices, in- watercourse BMP implementation, cover crops, and land set-aside options. Support consensus statements from the Drainage Working Group that make changes to drainage authority rules that allow for assessments to account for downstream water quality, accelerate the buffer-strip initiative, and allow for model results to be used as a tool for ditch assessments. Encourage inter-jurisdictional water planning through the one-watershed/one-plan process. Support legislation, similar to HF 3908 that simplifies and combines planning for programs such as the TMDL, WRAPS and one watershed/one-plan programs. Promote and encourage pilot watershed-scale pollutant trading and banking programs for storm water and wastewater, as potential management practices to reduce nutrients and sediments to rivers and lakes based on pilot programs being funded by the LCCMR. Enabling legislation exists. However, implementation funding and an efficient credit- exchange mechanism are need to increase implementation. Support program to provide a better understanding of the extent of tile drains and ditches as well as their hydrologic consequences

Eight Issue-C 1: Information, Education and Public Awareness to Address Water Sustainability

Action: Legislative support for existing programs to address Water Sustainability

What's needed: Legislative Support for existing programs and support for an integrated plan?

Resources required: \$1,000,000: MDR, BWSR, MGS, and SWCD's to pilot an integrated plan

Eight Issue (C1) Information, Education and Public Awareness: **Continued agency support of data collection and analysis is needed to manage and improve the waters of the state.** Support and enhance the County Geologic Atlas Program. Increase emphasis on collecting information to understand groundwater and surface-water interactions. Improve understanding of water balances (water bank accounts) needed for water planning Incorporate this effort into existing programs, such as the County Atlas Program and the One Watershed/One Plan program Use existing information about groundwater recharge, streamflow, and water use to identify priorities for sustainability implementation. Apply these analyses to assess priority areas for future groundwater management area programs. Increase efforts to construct and apply groundwater models, to assess regional groundwater availability and sustainability. Incorporate groundwater modeling into watershed planning in areas of groundwater concern. Increase public education based on these programs. The role of education is undervalued in protecting water resources. The Governor’s Town Hall meetings recognized the need for additional water-resources training and education. Minnesotans understand the need to change behavior in order to reach sustainable water-resource goals.

Ninth Issue (B1) Preserving and protecting our lakes

Action: Legislative direction and support for an Interagency Lake Program

Resources required: Staff time from Governor’s office, Environmental Quality Board, environmental agencies and the Legislative Water Commission to plan an inter-agency program to preserve and protect our lakes (Estimate: \$300,000 in staff time)

B1) Fund a comprehensive agency program to provide policy and plans to protect our lakes. Increase data collection and analysis of lakes. Incorporate water-budget information about lakes. Establish an interagency working group to coordinate data collection and analysis that includes continuous monitoring. Support systematic lake assessments by re-assessing existing data programs in to collect information that is needed. Establish a status of statewide lake-priority document for accelerated lake-management. Prepare an interagency plan to integrate lake-assessment results into regulatory programs to protect all lakes and to preserve and protect our most significant and valuable lakes Coordinate, prioritize, and encourage funding, within established programs (LCCMR, LSOHC), that increase environmental and conservation easements in watersheds that contain our most important lakes. Provide legislation focused on stopping the progression of invasive species across lakes. Provide additional agency support to understand stressors and best-management practices to preserve and to enhance deep lakes. Provide assessments of lakes focused on the potential effects of climate change and management practices that can mitigate those impacts

Tenth Issue (B3) Expand Source Water Protection Programs

Action: Legislative direction to expand source-water protection to all sources of Drinking water including rivers and private drinking water sources

Resources required: Support of two FTEs at MDH and needed financial resources

B3) Expand source-water protection programs to protect all drinking water including streams, and aquifers that supply drinking water for public and private water supplies. Identify our most-vulnerable aquifers used as sources of private drinking water. Adopt policy and incentives to protect vulnerable aquifers and groundwater used as sources of drinking water, including domestic wells. Begin a program of real-time, water monitoring detect potential threats to water supplies, develop early responses, and provide public reporting. Improve monitoring, public information and

education, about contaminants in drinking water used for private wells. Support the Clean Water Council's recommendations by adopting policy and market- driven approaches to increase continuous vegetative cover on cropland with an initial focus on wellhead protection areas and vulnerable aquifers. This may include new agricultural production systems, markets, and supply chains.

Eleventh Issue (A 4) Increase MDH Drinking Water Service Connection Fee

What's needed: Legislation?

Resources Required: Staff time from MDH

A4) Increase funding to ensure the safety of publicly-supplied drinking water. Legislation to increase the MDH drinking-water service-connection fee. This needed increase will allow MDH to complete condition assessments and asset management plans for drinking-water supply systems

Twelfth Issue (B9): Statewide Water Policy: We need to begin to plan for an uncertain future

Action: Legislative direction for an interagency/legislative planning process and report to the Legislature

Resources required: Staff time from Governor's office, Environmental Quality Board, environmental agencies and the Legislative Water Commission over the next year

B9) Develop a Statewide Water Policy: Water-quality and quantity regulation and management is coordinated by state agencies. However, there is a great need for an administrative/legislative effort to prepare policy that recognized an uncertain future. Policy is needed to guide adaptation to adjust to changes that likely will occur to climate, landscapes, biota, hydrology and infrastructure. Establish an interagency/legislative water-policy process that encompasses the Future State of Water. The policy should include specific and emerging issues such as a statewide guide for mineral development and plans to manage our water for uncertain future conditions that include constraints, goals, and expectations. Incorporate a better understand the importance that water plays in providing ecological services. Include a process to address the impacts of long-term variations in precipitation and temperature on water supply and on ecological services.