

This Document can be made available
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **2304**

03/01/2023 Authored by Curran; Wiens; Fischer; Anderson, P. E.; Hemmingsen-Jaeger and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy
03/23/2023 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to water; authorizing issuance and prohibiting modification of certain
1.3 water use permits; establishing White Bear Lake Area Water Use Work Group;
1.4 requiring comprehensive plan; appropriating money.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. WATER-USE PERMITS; CITY OF LAKE ELMO.

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

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

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

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

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

2.1 Sec. 2. **WHITE BEAR LAKE AREA WATER-USE PERMIT MODIFICATION**
2.2 **MORATORIUM.**

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

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

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

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

2.17 (e) This section expires June 30, 2027.

2.18 Sec. 3. **WHITE BEAR LAKE AREA WATER-USE WORK GROUP;**
2.19 **APPROPRIATION.**

2.20 \$3,000,000 in fiscal year 2024 is appropriated from the general fund to the Metropolitan
2.21 Council to develop a comprehensive plan to ensure communities in the White Bear Lake
2.22 area have access to sufficient safe drinking water to allow for municipal growth while
2.23 simultaneously ensuring the sustainability of surface and groundwater resources to supply
2.24 the needs of future generations. The Metropolitan Council must establish a work group
2.25 consisting of the commissioners of natural resources, health, and the Pollution Control
2.26 Agency or their designees, and representatives from the Metropolitan Area Water Supply
2.27 Advisory Committee, the St. Paul Regional Water Services, the cities of Stillwater,
2.28 Mahtomedi, Hugo, Lake Elmo, Lino Lakes, North St. Paul, Oakdale, Vadnais Heights,
2.29 Shoreview, Woodbury, New Brighton, and White Bear Lake, and the town of White Bear
2.30 to advise the council in developing the comprehensive plan. This is a onetime appropriation
2.31 and is available until June 30, 2027. The comprehensive plan must:

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

- 3.1 (i) converting water supplies that are groundwater dependent to total or partial supplies
3.2 from surface water sources;
- 3.3 (ii) reusing water, including water discharged from contaminated wells;
- 3.4 (iii) projects designed to increase groundwater recharge; and
- 3.5 (iv) other methods for reducing groundwater use;
- 3.6 (2) based on the evaluation conducted under clause (1), determine which existing
3.7 groundwater supply wells, if converted to surface water sources, would be most effective
3.8 and efficient in ensuring future water sustainability in the area;
- 3.9 (3) identify a long-term plan for converting groundwater supply wells identified in clause
3.10 (2) to surface water sources, including recommendations on water supply governance and
3.11 concept-level engineering that addresses preliminary design considerations, including supply
3.12 source, treatment, distribution, operation, and financing needed to complete any changes
3.13 to water supply infrastructure;
- 3.14 (4) include any policy and funding recommendations for converting groundwater supply
3.15 wells to surface water sources, treating and reusing wastewater, and any other
3.16 recommendations for additional measures that reduce groundwater use, promote water reuse,
3.17 and increase groundwater recharge;
- 3.18 (5) include any policy and funding recommendations for local wastewater treatment and
3.19 recharge; and
- 3.20 (6) be submitted to the chairs and ranking minority members of the house of
3.21 representatives and senate committees and divisions with jurisdiction over environment and
3.22 natural resources finance and policy by June 30, 2027.