

This Document can be made available  
in alternative formats upon request

# State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **1122**

03/04/2013 Authored by Persell, Hansen, Falk, Kahn and Wagenius

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act  
1.2 relating to water; modifying the Clean Water Legacy Act to improve  
1.3 accountability; amending Minnesota Statutes 2012, sections 114D.15,  
1.4 subdivision 11; 114D.25, by adding subdivisions; 114D.50, by adding a  
1.5 subdivision; proposing coding for new law in Minnesota Statutes, chapter 114D.

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

1.7 Section 1. Minnesota Statutes 2012, section 114D.15, subdivision 11, is amended to  
1.8 read:

1.9 Subd. 11. **TMDL Implementation plan.** "TMDL Implementation plan" means a  
1.10 document detailing restoration activities needed to meet the approved TMDL's pollutant  
1.11 load allocations for point and nonpoint sources.

1.12 Sec. 2. Minnesota Statutes 2012, section 114D.25, is amended by adding a subdivision  
1.13 to read:

1.14 Subd. 1a. **TMDL content for nonpoint sources.** The Pollution Control Agency  
1.15 may approve a TMDL only if it:

1.16 (1) analyzes and identifies sources of pollution, other than those for which a national  
1.17 pollutant discharge elimination system permit is required under section 115.03, with  
1.18 sufficient specificity to allow the implementation plan to prioritize and geographically  
1.19 locate specific watershed restoration and protection practices;

1.20 (2) describes the current pollution loading and load reduction needed for each  
1.21 significant nonpoint source or type of source;

1.22 (3) estimates the costs of implementing nonpoint source watershed restoration  
1.23 actions; and

1.24 (4) identifies potential funding sources and assesses their adequacy.

Sec. 3. Minnesota Statutes 2012, section 114D.25, is amended by adding a subdivision to read:

Subd. 6. **TMDL reporting.** Beginning July 1, 2014, and every other year thereafter, the Pollution Control Agency must report on its Web site the progress toward implementation milestones and water quality goals for all approved TMDLs and implementation plans.

Sec. 4. **[114D.26] NONPOINT SOURCE PRIORITY FUNDING PLAN.**

Beginning July 1, 2014, and every other year thereafter, the Pollution Control Agency shall prepare and post on its Web site a priority funding plan to prioritize potential nonpoint source watershed restoration actions. The nonpoint source priority funding plan must rank potential actions based on criteria developed and adopted by the agency, in consultation with the Board of Water and Soil Resources and the commissioners of agriculture, natural resources, and health. The criteria must take into account the following factors: water quality outcomes; cost-effectiveness; landowner financial need; and leverage of nonstate funding sources.

Sec. 5. **[114D.27] WATERSHED RESTORATION AND PROTECTION STRATEGIES.**

Subdivision 1. **Watershed restoration and protection strategy implementation plans.** The Pollution Control Agency shall develop strategies to address restoration and protection needs on a watershed scale. To ensure effectiveness and accountability in meeting the goals of this chapter, each implementation plan developed with a watershed restoration and protection strategy must:

(1) describe the modeled actions capable of achieving any needed pollution load reductions for nonpoint sources;

(2) identify a target date for meeting each nonpoint source load reduction;

(3) identify approved local water plans and priorities in those plans and assess whether they will achieve needed reductions;

(4) identify and prioritize potential nonpoint source restoration actions to be taken in subwatersheds and estimated load reductions;

(5) identify potential responsible parties to design, implement, and monitor watershed restoration actions;

(6) identify additional enforcement actions that would provide pollution reductions, provide estimates of those pollution reductions, and estimate the cost to state or local governments to achieve the pollution reductions; and

3.1 (7) provide estimated costs and identify potential funding sources for each category  
3.2 of watershed restoration action.

3.3 Subd. 2. **Timeliness.** (a) Each implementation plan must:

3.4 (1) be completed and approved by the Pollution Control Agency within one year of  
3.5 the Environmental Protection Agency's approval of the TMDL;

3.6 (2) contain a specific timeline for achievement of load allocations by nonpoint  
3.7 sources, including biennial milestones for achievement of implementation actions within  
3.8 ten years of TMDL approval; and

3.9 (3) contain a water quality monitoring plan with interim water quality goals every  
3.10 five years until the target date for achievement of the nonpoint source load allocations.

3.11 (b) The Pollution Control Agency may only approve an implementation plan if  
3.12 it meets the requirements of this chapter.

3.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.14 Sec. 6. Minnesota Statutes 2012, section 114D.50, is amended by adding a subdivision  
3.15 to read:

3.16 Subd. 4a. **Nonpoint source priority funding.** (a) Consistent with the priorities  
3.17 listed in section 114D.20, state agencies allocating funds from the clean water fund shall  
3.18 target nonpoint source watershed restoration funds according to the priorities identified on  
3.19 the priority funding plan described in section 114D.26. The allocation of the clean water  
3.20 fund to projects eligible for financial assistance under section 116.182 is not governed by  
3.21 the nonpoint source priority funding plan.

3.22 (b) When clean water funds are used to purchase riparian buffer easements, payments  
3.23 for the first 50 feet of riparian buffer cannot exceed 25 percent of the assessed land value.

3.24 Sec. 7. **REVISOR'S INSTRUCTION.**

3.25 The revisor of statutes shall replace the term "TMDL implementation plan" with  
3.26 "implementation plan" wherever the term appears in Minnesota Statutes, chapter 114D.