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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3660

- 03/12/2018 Authored by Fenton, Franke, Jurgens, Lohmer, Ward and others
- The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance
- 03/21/2018 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
- 05/08/2018 Adoption of Report: Placed on the General Register as Amended
- Read for the Second Time
- 05/14/2018 Calendar for the Day, Amended
- Read Third Time as Amended
- Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act

1.2 relating to environment; implementing terms of recent settlement between state

1.3 and 3M Company; requiring a report of well testing; appropriating money;

1.4 amending Minnesota Statutes 2016, section 116.155, subdivision 1, by adding a

1.5 subdivision; proposing coding for new law in Minnesota Statutes, chapter 115B.

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

1.7 Section 1. 115B.52 WATER QUALITY AND SUSTAINABILITY ACCOUNT.

1.8 Subdivision 1. Definitions. (a) For purposes of this section and section 115B.53, the

1.9 following terms have the meanings given.

1.10 (b) "East metropolitan area" includes but is not limited to the cities of Woodbury,

1.11 Oakdale, Lake Elmo, Cottage Grove, St. Paul Park, Afton, and Newport and the townships

1.12 of West Lakeland and Grey Cloud Island.

1.13 (c) "Settlement" means the agreement and order entered on February 20, 2018, settling

1.14 litigation commenced by the state against the 3M Company under section 115B.17,

1.15 subdivision 7.

1.16 Subd. 2. Establishment. The water quality and sustainability account is established as

1.17 an account in the remediation fund. The account consists of revenue deposited in the account

1.18 under the terms of the settlement and earnings on the investment of money in the account.

1.19 Money in the account may be invested through the State Board of Investment.

1.20 Subd. 3. Expenditures. Money in the account is appropriated to the commissioner of

1.21 the Pollution Control Agency and to the commissioner of natural resources for the purposes

1.22 authorized under the settlement.

2.1 Subd. 4. **Reporting.** The commissioner of the Pollution Control Agency and the
2.2 commissioner of natural resources must jointly submit:

2.3 (1) by April 1, 2019, an implementation plan detailing how the commissioners will:

2.4 (i) determine how the priorities in the settlement are met and how the spending will
2.5 move from the first priority, benefiting the east metropolitan area, and the second priority
2.6 outlined in the settlement; and

2.7 (ii) evaluate and determine what projects receive funding;

2.8 (2) by March 1 and November 1 each year, a biannual report to the chairs and ranking
2.9 minority members of the legislative policy and finance committees with jurisdiction over
2.10 environment and natural resources on expenditures from the water quality and sustainability
2.11 account during the previous six months; and

2.12 (3) by November 1 each year, a report to the legislature on expenditures from the water
2.13 quality and sustainability account during the previous fiscal year and a spending plan for
2.14 anticipated expenditures from the account during the current fiscal year.

2.15 Subd. 5. **Local approval.** The commissioner of the Pollution Control Agency or
2.16 commissioner of natural resources must receive approval from the local unit of government
2.17 prior to assuming control or otherwise operating an existing municipal water supply operation
2.18 in the east metropolitan area.

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

2.20 Sec. 2. **[115B.53] WATER QUALITY AND SUSTAINABILITY STAKEHOLDERS.**

2.21 The commissioner of the Pollution Control Agency and the commissioner of natural
2.22 resources must work with stakeholders to identify and recommend projects to receive funding
2.23 from the water quality and sustainability account under the settlement. Stakeholders include,
2.24 at a minimum, representatives of the agency, the Department of Natural Resources, east
2.25 metropolitan area municipalities, and the 3M Company. The commissioners must establish
2.26 a process to solicit and evaluate the recommendations from each of the cities of Woodbury,
2.27 Oakdale, Lake Elmo, Cottage Grove, St. Paul Park, Afton, and Newport and the townships
2.28 of West Lakeland and Grey Cloud Island.

2.29 Sec. 3. Minnesota Statutes 2016, section 116.155, subdivision 1, is amended to read:

2.30 Subdivision 1. **Creation.** The remediation fund is created as a special revenue fund in
2.31 the state treasury to provide a reliable source of public money for response and corrective

3.1 actions to address releases of hazardous substances, pollutants or contaminants, agricultural
3.2 chemicals, and petroleum, and for environmental response actions at qualified landfill
3.3 facilities for which the agency has assumed such responsibility, including perpetual care of
3.4 such facilities. The specific purposes for which the general portion of the fund may be spent
3.5 are provided in subdivision 2. In addition to the general portion of the fund, the fund contains
3.6 ~~two~~ three accounts described in subdivisions 4 ~~and 5~~ to 5a.

3.7 Sec. 4. Minnesota Statutes 2016, section 116.155, is amended by adding a subdivision to
3.8 read:

3.9 Subd. 5a. **Water quality and sustainability account.** The water quality and sustainability
3.10 account is as described in section 115B.52.

3.11 Sec. 5. **TESTING FOR PRIVATE WELLS; EAST METROPOLITAN AREA.**

3.12 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
3.13 the meanings given.

3.14 (b) "East metropolitan area" means:

3.15 (1) the cities of Afton, Cottage Grove, Lake Elmo, Maplewood, Newport, Oakdale, St.
3.16 Paul Park, and Woodbury;

3.17 (2) the townships of Denmark, Grey Cloud Island, and West Lakeland; and

3.18 (3) other areas added by the commissioner that have a potential for significant
3.19 groundwater pollution from PFCs.

3.20 (c) "PFCs" means per- and poly-fluorinated chemicals.

3.21 Subd. 2. **Testing for private wells.** To provide results of PFC groundwater monitoring
3.22 to the public, the commissioner of the Pollution Control Agency must develop a Web page
3.23 that may include, but is not limited to, the following:

3.24 (1) the process for private and public well PFC sampling in the east metropolitan area;

3.25 (2) an interactive map system that allows the public to view locations of the Department
3.26 of Health well advisories and areas projected to be sampled for PFCs; and

3.27 (3) how to contact the Pollution Control Agency or Department of Health staff to answer
3.28 questions on sampling of private wells.

3.29 Subd. 3. **Test reporting.** (a) By January 15 each year, the commissioner of the Pollution
3.30 Control Agency must report to each community in the east metropolitan area a summary

4.1 of the results of the testing for private wells in the community. The report must include
4.2 information on the number of wells tested and trends of PFC contamination in private wells
4.3 in the community. Reports to communities under this section must also be published on the
4.4 Pollution Control Agency's Web site.

4.5 (b) By January 15 each year, the commissioner of the Pollution Control Agency must
4.6 report to the legislature, as provided in Minnesota Statutes, section 3.195, on the testing for
4.7 private wells conducted in the east metropolitan area, including copies of the community
4.8 reports required in paragraph (a), the number of requests for well testing in each community,
4.9 and the total amount spent for testing private wells in each community.