

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH LEGISLATURE

S.F. No. 1192

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DATE	D-PG	OFFICIAL STATUS
03/07/2013	690	Introduction and first reading Referred to Environment and Energy
03/18/2013	1154a	Comm report: To pass as amended and re-refer to Finance
04/04/2013	1679	Author added Eaton

A bill for an act
relating to water; modifying the Clean Water Legacy Act to improve
accountability; amending Minnesota Statutes 2012, section 114D.50, by adding
subdivisions; proposing coding for new law in Minnesota Statutes, chapter 114D.

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

Section 1. **[114D.26] WATERSHED RESTORATION AND PROTECTION STRATEGIES.**

Subdivision 1. **Contents.** 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 watershed restoration and
protection strategy must:

(1) analyze and identify point sources of pollution for which a national pollutant
discharge elimination system permit is required under section 115.03;

(2) analyze and identify nonpoint sources of pollution for which a national pollutant
discharge elimination system permit is not required under section 115.03, with sufficient
specificity to allow the watershed restoration and protection strategy to prioritize and
geographically locate specific watershed restoration and protection practices;

(3) describe the current pollution loading and load reduction needed for each source
or source category to meet water quality standards;

(4) contain a monitoring plan with interim water quality goals based on available
data until needed load reductions are achieved;

(5) describe actions shown by modeling to be capable of achieving any needed
pollution load reductions for point and nonpoint sources;

(6) identify local water plans already in place and determine whether they contain the actions designed to achieve needed pollution load reductions;

(7) identify additional enforcement actions under existing law 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;

(8) identify potential responsible parties to design, implement, monitor, and report on watershed restoration or protection actions;

(9) provide an estimated range of costs for at least one modeled scenario that is anticipated to accomplish the required load reductions;

(10) provide a list and an estimate of the funding sources and amounts that are anticipated to be available for the needed implementation actions; and

(11) contain a timeline for achievement of watershed restoration or protection implementation actions within ten years of strategy adoption, including milestones at least every two years.

Subd. 2. **Reporting.** Beginning July 1, 2016, 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 adopted TMDLs and, where available, watershed restoration and protection strategies.

Subd. 3. **Timeliness.** Watershed restoration and protection strategies must be completed within one year of the Environmental Protection Agency's approval of TMDLs within the applicable watershed.

Sec. 2. Minnesota Statutes 2012, section 114D.50, is amended by adding a subdivision to read:

Subd. 3a. **Nonpoint priority funding plan.** (a) Beginning July 1, 2014, and every other year thereafter, the Board of Water and Soil Resources shall prepare and post on its Web site a priority funding plan to prioritize potential nonpoint restoration and protection actions based on available watershed restoration and protection strategies and TMDLs. The plan must take into account the following factors: water quality outcomes; cost-effectiveness; landowner financial need; and leverage of nonstate funding sources.

(b) Consistent with the priorities listed in section 114D.20, state agencies allocating funds from the clean water fund for restoration and protection strategies shall target the funds according to the priorities identified on the nonpoint priority funding plan. The allocation of the clean water fund to projects eligible for financial assistance under section 116.182 is not governed by the nonpoint priority funding plan.

3.1 Sec. 3. Minnesota Statutes 2012, section 114D.50, is amended by adding a subdivision
3.2 to read:

3.3 Subd. 4a. **Riparian buffer payments; reporting.** When clean water funds are used
3.4 to purchase riparian buffer easements, payments for the first 50 feet of riparian buffer
3.5 required by Minnesota Rules, part 6120.3300, cannot exceed 25 percent of the assessed
3.6 land value. The Board of Water and Soil Resources must include in its biennial report
3.7 on clean water fund appropriations the funding spent on easements for riparian buffers
3.8 already required by Minnesota Rules, part 6120.3300, to be in perennial vegetation.