

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 3958

(SENATE AUTHORS: WIGER and Eaton)

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OFFICIAL STATUS
Introduction and first reading
Referred to Environment and Natural Resources Policy and Legacy Finance

1.1 A bill for an act
1.2 relating to natural resources; reestablishing Advisory Council on Water Supply
1.3 Systems and Wastewater Treatment Facilities; appropriating money for wastewater
1.4 and storm water infrastructure; amending Minnesota Statutes 2018, section 115.71,
1.5 subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 115.

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

1.7 Section 1. Minnesota Statutes 2018, section 115.71, subdivision 4, is amended to read:

1.8 Subd. 4. **Council.** "Council" means the ~~Water and Wastewater Treatment Operators~~
1.9 ~~Advisory Council~~ Advisory Council on Water Supply Systems and Wastewater Treatment
1.10 Facilities established by section ~~115.741~~ 115.742.

1.11 Sec. 2. [115.742] ADVISORY COUNCIL ON WATER SUPPLY SYSTEMS AND
1.12 WASTEWATER TREATMENT FACILITIES.

1.13 Subdivision 1. **Purpose; membership.** The Advisory Council on Water Supply Systems
1.14 and Wastewater Treatment Facilities advises the commissioners of health and the Pollution
1.15 Control Agency regarding classification of water supply systems and wastewater treatment
1.16 facilities; qualifications and competency evaluation of water supply system operators and
1.17 wastewater treatment facility operators; and additional laws, rules, and procedures that may
1.18 be desirable for regulating the operation of water supply systems and wastewater treatment
1.19 facilities. The advisory council is composed of 11 voting members, of whom:

1.20 (1) one member must be from the Department of Health, Division of Environmental
1.21 Health, appointed by the commissioner of health;

2.1 (2) one member must be from the Pollution Control Agency, appointed by the
 2.2 commissioner of the Pollution Control Agency;

2.3 (3) three members must be certified water supply system operators, appointed by the
 2.4 commissioner of health, one of whom must represent a nonmunicipal community water
 2.5 system or a nontransient noncommunity water system;

2.6 (4) three members must be certified wastewater treatment facility operators, appointed
 2.7 by the commissioner of the Pollution Control Agency;

2.8 (5) one member must be a representative from an organization representing municipalities,
 2.9 appointed by the commissioner of health with the concurrence of the commissioner of the
 2.10 Pollution Control Agency; and

2.11 (6) two members must be members of the public who are not associated with water
 2.12 supply systems or wastewater treatment facilities, one appointed by the commissioner of
 2.13 health and one appointed by the commissioner of the Pollution Control Agency.
 2.14 Consideration should be given to one of these members being a representative of academia
 2.15 knowledgeable in water or wastewater matters.

2.16 Subd. 2. **Members; geographic representation.** At least one of the water supply system
 2.17 operators and at least one of the wastewater treatment facility operators must be from outside
 2.18 the seven-county metropolitan area and one wastewater operator must come from the
 2.19 Metropolitan Council.

2.20 Subd. 3. **Terms; compensation.** The terms of the appointed members and the
 2.21 compensation and removal of all members are governed by section 15.059.

2.22 Subd. 4. **Officers.** When new members are appointed to the council, a chair must be
 2.23 elected at the next council meeting. The Department of Health representative serves as
 2.24 secretary of the council.

2.25 Sec. 3. **WASTEWATER AND STORM WATER INFRASTRUCTURE;**
 2.26 **APPROPRIATIONS.**

2.27 (a) \$..... in fiscal year 2021 is appropriated from the general fund to the commissioner
 2.28 of the Pollution Control Agency, in cooperation with the Minnesota Rural Water Association,
 2.29 to accelerate and enhance cost-effectiveness plan reviews and asset management plans for
 2.30 wastewater treatment facilities and to encourage innovative best management practices at
 2.31 wastewater and storm water facilities.

3.1 (b) \$..... in fiscal year 2021 is appropriated from the general fund to the commissioner
3.2 of the Pollution Control Agency for grants to the Minnesota Rural Water Association and
3.3 to the Minnesota technical assistance program of the University of Minnesota to provide
3.4 assistance, training, tool development, and technical assistance to facilitate adopting
3.5 innovative best management practices at wastewater and storm water facilities. Of this
3.6 amount, \$..... is for a grant to the Minnesota Rural Water Association and \$..... is for a
3.7 grant to the Minnesota technical assistance program of the University of Minnesota.

3.8 (c) \$..... in fiscal year 2021 is appropriated from the general fund to the commissioner
3.9 of the Pollution Control Agency to prepare plans to address areas with the most leaking
3.10 septic systems and subsurface treatment facilities and to provide technical assistance, grants,
3.11 and other financial assistance to incentivize upgrades, replacements, and alternatives to
3.12 improve water quality for areas with limited resources. By January 15, 2021, the
3.13 commissioner must submit the plan to the chairs and ranking minority members of the house
3.14 of representatives and senate committees and divisions with jurisdiction over agriculture
3.15 and environment and natural resources.

3.16 (d) \$..... in fiscal year 2021 is appropriated from the general fund to the commissioner
3.17 of the Pollution Control Agency to assess, encourage, develop, and implement wastewater
3.18 infrastructure alternatives to cost-effectively maximize wastewater treatment, including
3.19 plan development, regionalization, and cooperative management. The commissioner may
3.20 work with the Minnesota technical assistance program at the University of Minnesota to
3.21 implement this paragraph.

3.22 (e) \$..... in fiscal year 2021 is appropriated from the general fund to the commissioner
3.23 of the Pollution Control Agency to develop and implement market-based water quality
3.24 trading options for wastewater and storm water in several areas of the state.

3.25 (f) \$..... in fiscal year 2021 is appropriated from the general fund to the commissioner
3.26 of the Pollution Control Agency, in cooperation with the commissioner of health, to identify
3.27 and address areas where subsurface sewage treatment systems pose the most serious risk
3.28 to the environment and human health and to provide technical assistance, grants, and other
3.29 financial assistance to incentivize upgrades, replacements, and alternatives to improve water
3.30 quality.

3.31 (g) \$..... in fiscal year 2021 is appropriated to the commissioner of the Pollution Control
3.32 Agency to create a pilot regional wastewater coordinator-facilitator position within a regional
3.33 development organization, or at the University of Minnesota, to assist in regional training

4.1 programs to encourage cross-jurisdictional cooperation and to promote cost-effective and
4.2 innovative wastewater practices.

4.3 (h) \$..... in fiscal year 2021 is appropriated from the general fund to the Board of Regents
4.4 of the University of Minnesota for a small wastewater innovation center, which must
4.5 coordinate stakeholder input on research and technology transfer needs; provide technical
4.6 facility support through regional offices to provide facilitation, advocacy, technical, and
4.7 management support; perform a technical and economic evaluation of current permitting
4.8 limits and rules to determine whether changes are needed based on risk; and conduct research
4.9 related to cost-effective wastewater treatment solutions for small communities.

4.10 (i) The appropriations in this section are onetime and are available until June 30, 2021.