

(SENATE AUTHORS: INGEBRIGTSEN and Pederson)

DATE	D-PG	OFFICIAL STATUS
03/09/2011	444	Introduction and first reading Referred to Environment and Natural Resources

1.1

A bill for an act

1.2

relating to water; appropriating money from the clean water fund; modifying the

1.3

Clean Water Legacy Act; revising membership and duties of the Clean Water

1.4

Council; providing appointments; amending Minnesota Statutes 2010, sections

1.5

114D.10; 114D.20, subdivisions 1, 2, 3, 6, 7; 114D.30; 114D.35; repealing

1.6

Minnesota Statutes 2010, section 114D.45.

1.7

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

1.8

Section 1. CLEAN WATER FUND APPROPRIATIONS.

1.9

The sums shown in the columns marked "Appropriations" are appropriated to the

1.10

agencies and for the purposes specified in this act. The appropriations are from the clean

1.11

water fund, and are available for the fiscal years indicated for allowable activities under

1.12

the Minnesota Constitution, article XI, section 15. The figures "2012" and "2013" used

1.13

in this act mean that the appropriation listed under them are available for the fiscal year

1.14

ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012.

1.15

"The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013.

1.16

The appropriations in this act are onetime.

1.17

1.18

1.19

1.20

1.21

Sec. 2. DEPARTMENT OF AGRICULTURE \$ 8,200,000 \$ 8,200,000

1.22

(a) \$350,000 the first year and \$350,000 the

1.23

second year are to increase monitoring for

1.24

pesticides and pesticide degradates in surface

2.1 water and groundwater and to use data
2.2 collected to assess pesticide use practices.

2.3 (b) \$850,000 the first year and \$850,000
2.4 the second year are to increase monitoring
2.5 and evaluate trends in the concentration of
2.6 nitrates in groundwater in high-risk areas
2.7 and regionally and to promote and evaluate
2.8 regional and crop-specific nutrient best
2.9 management practices.

2.10 (c) \$5,000,000 the first year and \$5,000,000
2.11 the second year are for the agriculture best
2.12 management practices loan program. At
2.13 least \$4,000,000 the first year and at least
2.14 \$4,400,000 the second year are for transfer to
2.15 the clean water agricultural best management
2.16 practices loan account and are available
2.17 for pass-through to local governments
2.18 and lenders for low-interest loans. Any
2.19 unencumbered balance that is not used for
2.20 pass-through to local governments does not
2.21 cancel at the end of the first year and is
2.22 available for the second year.

2.23 (d) \$700,000 the first year and \$700,000
2.24 the second year are for research, pilot
2.25 projects, and technical assistance on proper
2.26 implementation of best management
2.27 practices and more precise information on
2.28 unregulated contributions to impaired waters.

2.29 (e) \$1,050,000 the first year and \$1,050,000
2.30 the second year are for research to quantify
2.31 agricultural contributions to impaired waters
2.32 and for development and evaluation of
2.33 best management practices to protect and
2.34 restore water resources while maintaining
2.35 productivity.

3.1 (f) \$250,000 the first year and \$250,000 the
3.2 second year are for a research inventory
3.3 database containing water-related research
3.4 activities that have been publicly funded.

3.5 Sec. 3. **PUBLIC FACILITIES AUTHORITY** \$ 16,710,000 \$ 16,710,000

3.6 (a) \$11,185,000 the first year and
3.7 \$11,185,000 the second year are for the total
3.8 maximum daily load grant program under
3.9 Minnesota Statutes, section 446A.073. This
3.10 appropriation is available until spent.

3.11 (b) \$4,275,000 the first year and \$4,275,000
3.12 the second year are for the clean water legacy
3.13 phosphorus reduction grant program under
3.14 Minnesota Statutes, section 446A.074. This
3.15 appropriation is available until spent.

3.16 (c) \$1,250,000 the first year and \$1,250,000
3.17 the second year are for small community
3.18 wastewater treatment grants and loans under
3.19 Minnesota Statutes, section 446A.075. This
3.20 appropriation is available until spent.

3.21 (d) If there are any uncommitted funds at the
3.22 end of each fiscal year under paragraph (a),
3.23 (b), or (c), the Public Facilities Authority
3.24 shall award the remaining funds to eligible
3.25 projects under any of the programs based on
3.26 their priority rank on the Pollution Control
3.27 Agency's project priority list.

3.28 Sec. 4. **POLLUTION CONTROL AGENCY** \$ 22,375,000 \$ 22,375,000

3.29 (a) \$7,500,000 the first year and \$7,500,000
3.30 the second year are for completion of 20
3.31 percent of the needed statewide assessments
3.32 of surface water quality and trends.

4.1 (b) \$9,400,000 the first year and \$9,400,000
4.2 the second year are to develop total maximum
4.3 daily load (TMDL) studies and TMDL
4.4 implementation plans for waters listed on
4.5 the United States Environmental Protection
4.6 Agency approved impaired waters list in
4.7 accordance with Minnesota Statutes, chapter
4.8 114D. The agency shall complete an average
4.9 of ten percent of the TMDL's each year over
4.10 the biennium.

4.11 (c) \$1,125,000 the first year and \$1,125,000
4.12 the second year are for groundwater
4.13 assessment, including enhancing the
4.14 ambient monitoring network, modeling,
4.15 and continuing to monitor for and assess
4.16 contaminants of emerging concern.

4.17 (d) \$750,000 the first year and \$750,000
4.18 the second year are for a restoration project
4.19 in the lower St. Louis River and Duluth
4.20 harbor. This appropriation must be matched
4.21 by nonstate money at a rate of \$2 for every
4.22 \$1 of state money.

4.23 (e) \$1,250,000 the first year and \$1,250,000
4.24 the second year are for the clean water
4.25 partnership program to provide grants
4.26 to protect and improve the basins and
4.27 watersheds of the state and provide financial
4.28 and technical assistance to study waters
4.29 with unregulated source pollution problems.
4.30 Priority shall be given to projects preventing
4.31 impairments and degradation of lakes, rivers,
4.32 streams, and groundwater in accordance
4.33 with Minnesota Statutes, section 114D.20,
4.34 subdivision 2, clause (4). Any balance

5.1 remaining in the first year does not cancel
5.2 and is available for the second year.
5.3 (f) \$400,000 the first year and \$400,000 the
5.4 second year are for storm water research and
5.5 guidance.
5.6 (g) \$1,150,000 the first year and \$1,150,000
5.7 the second year are for TMDL research and
5.8 database development. By November 1,
5.9 2013, the commissioner shall submit a report
5.10 to the chairs of the house of representatives
5.11 and senate committees with jurisdiction
5.12 over environment and natural resources
5.13 finance on the outcomes achieved with this
5.14 appropriation.
5.15 (h) \$800,000 the first year and \$800,000
5.16 the second year are for national pollutant
5.17 discharge elimination system wastewater and
5.18 storm water TMDL implementation efforts.
5.19 The commissioner shall incorporate civic
5.20 engagement and public education efforts into
5.21 the programs and projects funded under this
5.22 section.
5.23 Notwithstanding Minnesota Statutes, section
5.24 16A.28, the appropriations encumbered on or
5.25 before June 30, 2013, as grants or contracts in
5.26 this section are available until June 30, 2015.

5.27	Sec. 5. <u>DEPARTMENT OF NATURAL</u>			
5.28	<u>RESOURCES</u>	<u>\$</u>	<u>10,160,000</u>	<u>\$</u> <u>10,160,000</u>

5.29 (a) \$1,350,000 the first year and \$1,350,000
5.30 the second year are for the continuation and
5.31 expansion of stream flow monitoring.
5.32 (b) \$1,150,000 the first year and \$1,150,000
5.33 the second year are for lake Index of
5.34 Biological Integrity (IBI) assessments,

6.1 including assessment of 400 additional lakes
6.2 and technical analysis to develop an aquatic
6.3 plant IBI analysis. The commissioner shall
6.4 work with the commissioner of the Pollution
6.5 Control Agency on the development of an
6.6 assessment tool.

6.7 (c) \$130,000 the first year and \$130,000
6.8 the second year are for assessing mercury
6.9 contamination of fish, including monitoring
6.10 to track the status of waters impaired by
6.11 mercury and mercury reduction efforts over
6.12 time.

6.13 (d) \$1,955,000 the first year and \$1,955,000
6.14 the second year are for TMDL development
6.15 and TMDL implementation plans for waters
6.16 listed on the United States Environmental
6.17 Protection Agency approved impaired waters
6.18 list in accordance with Minnesota Statutes,
6.19 chapter 114D, and for development of a
6.20 watershed assessment tool.

6.21 (e) \$1,500,000 the first year and \$1,500,000
6.22 the second year are for water supply
6.23 planning, aquifer protection, and monitoring
6.24 activities.

6.25 (f) \$450,000 the first year and \$450,000 the
6.26 second year are for establishing a Web-based
6.27 electronic permitting system to capture water
6.28 appropriation use information.

6.29 (g) \$1,975,000 the first year and \$1,975,000
6.30 the second year are for shoreland
6.31 stewardship, TMDL implementation
6.32 coordination, providing technical assistance
6.33 to the Drainage Work Group and Drainage
6.34 Management Team, and maintaining and
6.35 updating data. Of this amount, \$235,000

7.1 each year is for maintaining and updating
7.2 watershed boundaries and integrating
7.3 high-resolution digital elevation data with
7.4 watershed modeling and \$240,000 each year
7.5 is for a biomonitoring database. TMDL
7.6 implementation coordination efforts shall be
7.7 focused on major watersheds with TMDL
7.8 implementation plans, including forested
7.9 watersheds.

7.10 (h) \$1,350,000 the first year and \$1,350,000
7.11 the second year are to acquire and distribute
7.12 high-resolution digital elevation data using
7.13 light detection and ranging to aid with
7.14 impaired waters modeling and TMDL
7.15 implementation under Minnesota Statutes,
7.16 chapter 114D. The money shall be used to
7.17 collect data for areas of the state that have not
7.18 acquired such data prior to January 1, 2007,
7.19 or to complete acquisition and distribution
7.20 of the data for those areas of the state that
7.21 have not previously received state funds for
7.22 acquiring and distributing the data. Mapping
7.23 and data set distribution under this paragraph
7.24 must be completed within three years of
7.25 funds availability. The commissioner shall
7.26 utilize department staff whenever possible.
7.27 The commissioner may contract for services
7.28 only if the services cannot otherwise be
7.29 provided by the department.

7.30 (i) \$300,000 the first year and \$300,000
7.31 the second year are for delivery of decision
7.32 support tools through outreach, education,
7.33 and citizen engagement.

7.34	Sec. 6. <u>BOARD OF WATER AND SOIL</u>			
7.35	<u>RESOURCES</u>	<u>\$</u>	<u>27,192,000</u>	<u>\$</u> <u>27,192,000</u>

8.1 (a) \$13,750,000 the first year and \$13,750,000
8.2 the second year are for pollution reduction
8.3 and restoration grants to local government
8.4 units and joint powers organizations of
8.5 local government units to protect surface
8.6 water and drinking water; to keep water on
8.7 the land; to protect, enhance, and restore
8.8 water quality in lakes, rivers, and streams;
8.9 and to protect groundwater and drinking
8.10 water, including feedlot water quality and
8.11 subsurface sewage treatment system (SSTS)
8.12 projects and stream bank, stream channel,
8.13 and shoreline restoration projects. The
8.14 projects must be of long-lasting public
8.15 benefit, include a match, and be consistent
8.16 with TMDL implementation plans or local
8.17 water management plans. The board shall
8.18 contract for services with Conservation Corps
8.19 Minnesota for restoration, maintenance, and
8.20 other activities under this paragraph for at
8.21 least \$500,000 the first year and at least
8.22 \$500,000 the second year.

8.23 (b) \$3,000,000 the first year and \$3,000,000
8.24 the second year are for targeted local
8.25 resource protection and enhancement grants.
8.26 The board shall give priority consideration
8.27 to projects and practices that complement,
8.28 supplement, or exceed current state standards
8.29 for protection, enhancement, and restoration
8.30 of water quality in lakes, rivers, and streams
8.31 or that protect groundwater from degradation.

8.32 (c) \$900,000 the first year and \$900,000 the
8.33 second year are to provide state oversight
8.34 and accountability, evaluate results, and
8.35 measure the value of conservation program
8.36 implementation by local governments,

9.1 including submission to the legislature
9.2 by March 1 each year an annual report
9.3 prepared by the board, in consultation with
9.4 the commissioners of natural resources,
9.5 health, agriculture, and the Pollution Control
9.6 Agency, detailing the recipients and projects
9.7 funded under this section. The board shall
9.8 require grantees to specify the outcomes that
9.9 will be achieved by the grants prior to any
9.10 grant awards.

9.11 (d) \$1,000,000 the first year and \$1,000,000
9.12 the second year are for technical assistance
9.13 and grants for the conservation drainage
9.14 program in consultation with the Drainage
9.15 Work Group that consists of projects to
9.16 retrofit existing drainage systems with
9.17 water quality improvement practices,
9.18 evaluate outcomes, and provide outreach
9.19 to landowners, public drainage authorities,
9.20 drainage engineers and contractors, and
9.21 others.

9.22 (e) \$6,000,000 the first year and \$6,000,000
9.23 the second year are to purchase and restore
9.24 permanent conservation easements on
9.25 riparian buffers adjacent to public waters,
9.26 excluding wetlands, to keep water on the
9.27 land in order to decrease sediment, pollutant,
9.28 and nutrient transport; reduce hydrologic
9.29 impacts to surface waters; and increase
9.30 infiltration for groundwater recharge. The
9.31 riparian buffers must be at least 50 feet
9.32 unless there is a natural impediment, a road,
9.33 or other impediment beyond the control
9.34 of the landowner. This appropriation may
9.35 be used for restoration of riparian buffers
9.36 protected by easements purchased with

10.1 this appropriation and for stream bank
10.2 restorations when the riparian buffers have
10.3 been restored.

10.4 (f) \$1,000,000 the first year and \$1,000,000
10.5 the second year are for permanent
10.6 conservation easements on wellhead
10.7 protection areas under Minnesota Statutes,
10.8 section 103F.515, subdivision 2, paragraph
10.9 (d). Priority must be placed on land that
10.10 is located where the vulnerability of the
10.11 drinking water supply management area,
10.12 as defined under Minnesota Rules, part
10.13 4720.5100, subpart 13, is designated as high
10.14 or very high by the commissioner of health.

10.15 (g) \$1,500,000 the first year and \$1,500,000
10.16 the second year are for community partners
10.17 grants to local units of government for:

10.18 (i) structural or vegetative management
10.19 practices that reduce storm water runoff
10.20 from developed or disturbed lands to reduce
10.21 the movement of sediment, nutrients, and
10.22 pollutants for restoration, protection, or
10.23 enhancement of water quality in lakes, rivers,
10.24 and streams and to protect groundwater
10.25 and drinking water; and (ii) installation
10.26 of proven and effective water retention
10.27 practices including, but not limited to, rain
10.28 gardens and other vegetated infiltration
10.29 basins and sediment control basins in order
10.30 to keep water on the land. The projects
10.31 must be of long-lasting public benefit,
10.32 include a local match, and be consistent with
10.33 TMDL implementation plans or local water
10.34 management plans. Local government unit
10.35 staff and administration costs may be used
10.36 as a match.

11.1 (h) \$42,000 the first year and \$42,000 the
11.2 second year are for a technical assistance
11.3 panel to conduct up to ten restoration audits
11.4 under Minnesota Statutes, section 114D.50,
11.5 subdivision 6.

11.6 The board shall incorporate efforts to enhance
11.7 local capacity to engage the public during
11.8 restoration, protection, and implementation
11.9 projects and activities through the board's
11.10 programs and projects funded under this
11.11 section.

11.12 The board may shift grant or cost-share funds
11.13 in this section and may adjust the technical
11.14 and administrative assistance portion of the
11.15 funds to leverage federal or other nonstate
11.16 funds or to address oversight responsibilities
11.17 or high-priority needs identified in local
11.18 water management plans.

11.19 The appropriations in this section are
11.20 available until June 30, 2014, and, unless
11.21 otherwise specified, the board may utilize up
11.22 to five percent for administration of grant and
11.23 easement programs and up to five percent for
11.24 technical design, construction, and project
11.25 oversight.

11.26 Sec. 7. **DEPARTMENT OF HEALTH** **\$** **2,685,000** **\$** **2,685,000**

11.27 (a) \$1,020,000 the first year and \$1,020,000
11.28 the second year are for addressing public
11.29 health concerns related to contaminants
11.30 found in Minnesota drinking water for which
11.31 no health-based drinking water standard
11.32 exists.

13.1 (2) achieving the state's water quality goals will require long-term commitment and
13.2 cooperation by all state and local agencies, and other public and private organizations
13.3 and individuals, with responsibility and authority for water management, planning, and
13.4 protection; and

13.5 (3) all persons and organizations whose activities affect the quality of waters,
13.6 including point regulated and ~~nonpoint~~ unregulated sources of pollution, have a
13.7 responsibility to participate in and support efforts to achieve the state's water quality goals.

13.8 Sec. 11. Minnesota Statutes 2010, section 114D.20, subdivision 1, is amended to read:

13.9 Subdivision 1. **Coordination and cooperation.** In implementing this chapter,
13.10 public agencies and private entities shall take into consideration the relevant provisions of
13.11 local and other applicable water management, conservation, land use, land management,
13.12 and development plans and programs. Public agencies with authority for local water
13.13 management, conservation, land use, land management, and development plans shall
13.14 take into consideration the manner in which their plans affect the implementation of
13.15 this chapter. Public agencies shall identify opportunities to participate and assist in the
13.16 successful implementation of this chapter, including the funding or technical assistance
13.17 needs, if any, that may be necessary. In implementing this chapter, public agencies shall
13.18 endeavor to engage the cooperation of organizations and individuals whose activities
13.19 affect the quality of groundwater or surface waters, including point regulated and ~~nonpoint~~
13.20 unregulated sources of pollution, and who have authority and responsibility for water
13.21 management, planning, and protection. To the extent practicable, public agencies shall
13.22 endeavor to enter into formal and informal agreements and arrangements with federal
13.23 agencies and departments to jointly utilize staff and educational, technical, and financial
13.24 resources to deliver programs or conduct activities to achieve the intent of this chapter,
13.25 including efforts under the federal Clean Water Act and other federal farm and soil and
13.26 water conservation programs. Nothing in this chapter affects the application of silvicultural
13.27 exemptions under any federal, state, or local law or requires silvicultural practices more
13.28 stringent than those recommended in the timber harvesting and forest management
13.29 guidelines adopted by the Minnesota Forest Resources Council under section 89A.05.

13.30 Sec. 12. Minnesota Statutes 2010, section 114D.20, subdivision 2, is amended to read:

13.31 Subd. 2. **Goals for implementation.** The following goals must guide the
13.32 implementation of this chapter:

- 14.1 (1) to identify impaired waters in accordance with federal TMDL requirements
14.2 within ten years after the effective date of this section and thereafter to ensure continuing
14.3 evaluation of surface waters for impairments;
- 14.4 (2) to submit TMDL's to the United States Environmental Protection Agency for all
14.5 impaired waters in a timely manner in accordance with federal TMDL requirements;
- 14.6 (3) to set a reasonable time for implementing restoration of each identified impaired
14.7 water;
- 14.8 (4) to provide assistance and incentives to prevent waters from becoming impaired
14.9 and to improve the quality of waters that are listed as impaired but do not have an
14.10 approved TMDL addressing the impairment;
- 14.11 (5) to promptly seek the delisting of waters from the impaired waters list when those
14.12 waters are shown to achieve the designated uses applicable to the waters; ~~and~~
- 14.13 (6) to achieve compliance with federal Clean Water Act requirements in Minnesota;
14.14 (7) to support effective measures to prevent the degradation of groundwater
14.15 according to the groundwater degradation prevention goal under section 103H.001; and
14.16 (8) to support effective measures to restore degraded groundwater.

14.17 Sec. 13. Minnesota Statutes 2010, section 114D.20, subdivision 3, is amended to read:

14.18 Subd. 3. **Implementation policies.** The following policies must guide the
14.19 implementation of this chapter:

- 14.20 (1) develop regional and watershed TMDL's and TMDL implementation plans, and
14.21 TMDL's and TMDL implementation plans for multiple pollutants, where reasonable and
14.22 feasible;
- 14.23 (2) maximize use of available organizational, technical, and financial resources to
14.24 perform sampling, monitoring, and other activities to identify degraded groundwater and
14.25 impaired waters, including use of citizen monitoring and citizen monitoring data used
14.26 by the Pollution Control Agency in assessing water quality ~~must meet~~ that meets the
14.27 requirements in Appendix D of the Volunteer Surface Water Monitoring Guide, Minnesota
14.28 Pollution Control Agency (2003);
- 14.29 (3) maximize opportunities for restoration of degraded groundwater and impaired
14.30 waters, by prioritizing and targeting of available programmatic, financial, and technical
14.31 resources and by providing additional state resources to complement and leverage
14.32 available resources;
- 14.33 (4) use existing regulatory authorities to achieve restoration for point regulated and
14.34 ~~nonpoint~~ unregulated sources of pollution where applicable, and promote the development

and use of effective nonregulatory measures to address pollution sources for which regulations are not applicable;

(5) use restoration methods that have a demonstrated effectiveness in reducing impairments and provide the greatest long-term positive impact on water quality protection and improvement and related conservation benefits while incorporating innovative approaches on a case-by-case basis;

(6) identify for the legislature any innovative approaches that may strengthen or complement existing programs;

(7) identify and encourage implementation of measures to prevent surface waters from becoming impaired and to improve the quality of waters that are listed as impaired but have no approved TMDL addressing the impairment using the best available data and technology, and establish and report outcome-based performance measures that monitor the progress and effectiveness of protection and restoration measures; ~~and~~

(8) monitor and enforce cost-sharing contracts and impose monetary damages in an amount up to 150 percent of the financial assistance received for failure to comply; ~~and~~

(9) identify and encourage implementation of measures to prevent groundwater from becoming degraded and measures that restore groundwater resources.

Sec. 14. Minnesota Statutes 2010, section 114D.20, subdivision 6, is amended to read:

Subd. 6. **Priorities for restoration of impaired waters.** In implementing restoration of impaired waters, in addition to the priority considerations in subdivision 5, the Clean Water Council shall give priority in its recommendations for restoration funding from the clean water ~~legacy account~~ fund to restoration projects that:

(1) coordinate with and utilize existing local authorities and infrastructure for implementation;

(2) can be implemented in whole or in part by providing support for existing or ongoing restoration efforts;

(3) most effectively leverage other sources of restoration funding, including federal, state, local, and private sources of funds;

(4) show a high potential for early restoration and delisting based upon scientific data developed through public agency or citizen monitoring or other means; and

(5) show a high potential for long-term water quality and related conservation benefits.

Sec. 15. Minnesota Statutes 2010, section 114D.20, subdivision 7, is amended to read:

Subd. 7. **Priorities for funding prevention actions.** The Clean Water Council shall apply the priorities applicable under subdivision 6, as far as practicable, when recommending priorities for funding actions to prevent groundwater and surface waters from becoming degraded or impaired and to improve the quality of surface waters that are listed as impaired but do not have an approved TMDL.

Sec. 16. Minnesota Statutes 2010, section 114D.30, is amended to read:

114D.30 CLEAN WATER COUNCIL.

Subdivision 1. **Creation; duties.** A Clean Water Council is created to advise on the administration and implementation of this chapter, and foster coordination and cooperation as described in section 114D.20, subdivision 1. The council may also advise on the development of appropriate processes for expert scientific review as described in section 114D.35, subdivision 2. The Pollution Control Agency shall provide administrative support for the council with the support of other member agencies. The members of the council shall elect a chair from the ~~nonagency voting~~ members of the council.

Subd. 2. **Membership; appointment.** (a) The commissioners of natural resources, agriculture, health, and the Pollution Control Agency, and the executive director of the Board of Water and Soil Resources shall appoint one person from their respective agency to serve as a nonvoting member of the council. ~~Agency members serve as nonvoting members of the council.~~ Two members of the house of representatives, including one member from the majority party and one member from the minority party, appointed by the speaker and two senators, including one member from the majority party and one member from the minority party, appointed according to the rules of the senate shall serve at the pleasure of the appointing authority as nonvoting members of the council. Agency and legislative members appointed under this paragraph serve as nonvoting members of the council.

(b) ~~Nineteen additional nonagency voting~~ members of the council shall be appointed by the governor as follows:

- (1) two members representing statewide farm organizations;
- (2) two members representing business organizations;
- (3) two members representing environmental organizations;
- (4) one member representing soil and water conservation districts;
- (5) one member representing watershed districts;
- (6) one member representing nonprofit organizations focused on improvement of Minnesota lakes or streams;

(7) two members representing organizations of county governments, one member representing the interests of rural counties and one member representing the interests of counties in the seven-county metropolitan area;

(8) two members representing organizations of city governments;

(9) one member representing the Metropolitan Council established under section 473.123;

(10) one township officer;

(11) one member representing the interests of tribal governments;

(12) one member representing statewide hunting organizations;

(13) one member representing the University of Minnesota or a Minnesota state university; and

(14) one member representing statewide fishing organizations.

Members appointed under ~~clauses (1) to (14)~~ this paragraph must not be registered lobbyists or legislators. In making appointments, the governor must attempt to provide for geographic balance. The members of the council appointed by the governor are subject to the advice and consent of the senate.

Subd. 3. **Conflict of interest.** A Clean Water Council member may not participate in or vote on a decision of the council relating to an organization in which the member has either a direct or indirect personal financial interest. While serving on the Clean Water Council, a member shall avoid any potential conflict of interest.

Subd. 4. **Terms; compensation; removal.** ~~The initial terms of members representing state agencies and the Metropolitan Council expire on the first Monday in January 2007. Thereafter,~~ The terms of members representing the state agencies and the Metropolitan Council are four years and are coterminous with the governor. The terms of other nonlegislative members of the council shall be as provided in section 15.059, subdivision 2. Members may serve until their successors are appointed and qualify. Compensation and removal of nonlegislative council members is as provided in section 15.059, subdivisions 3 and 4. Compensation of legislative members is as determined by the appointing authority. A vacancy on the council may be filled by the appointing authority provided in subdivision 1 for the remainder of the unexpired term.

Subd. 5. **Implementation plan.** The Clean Water Council shall recommend a plan for implementation of this chapter and the provisions of article XI, section 15, of the Minnesota Constitution relating to clean water. The recommended plan shall address general procedures and time frames for implementing this chapter, and shall include a more specific implementation work plan for the next fiscal biennium and a framework for setting priorities to address impaired waters consistent with section 114D.20, subdivisions 2 to 7.

18.1 The council shall issue ~~the first recommended plan under this subdivision by December 1,~~
18.2 ~~2005, and shall issue~~ a revised plan by December 1 of each even-numbered year thereafter.

18.3 Subd. 6. **Recommendations on appropriation of funds.** (a) The Clean Water
18.4 Council shall recommend to the governor and the legislature the manner in which
18.5 money from the clean water ~~legacy account~~ fund should be appropriated for the purposes
18.6 ~~identified in section 114D.45, subdivision 3~~ stated in article XI, section 15, of the
18.7 Minnesota Constitution and section 114D.50.

18.8 (b) The council's recommendations must:

18.9 (1) be to protect, enhance, and restore water quality in lakes, rivers, and streams and
18.10 to protect groundwater from degradation, consistent with the purposes stated in section
18.11 114D.50, subdivision 3;

18.12 (2) be consistent with the purposes, policies, goals, and priorities in ~~sections~~
18.13 ~~114D.05 to 114D.35, this chapter; and shall~~

18.14 (3) allocate adequate support and resources to identify degraded groundwater and
18.15 impaired waters, develop TMDL's, implement restoration of groundwater and impaired
18.16 waters, and provide assistance and incentives to prevent groundwater and surface waters
18.17 from becoming degraded or impaired and improve the quality of surface waters which are
18.18 listed as impaired but have no approved TMDL.

18.19 (c) The council must recommend methods of ensuring that awards of grants,
18.20 loans, or other funds from the clean water ~~legacy account~~ fund specify the outcomes
18.21 to be achieved as a result of the funding and specify standards to hold the recipient
18.22 accountable for achieving the desired outcomes. Expenditures from the ~~account~~ fund must
18.23 be appropriated by law.

18.24 Subd. 7. **Biennial report to legislature.** By December 1 of each even-numbered
18.25 year, the council shall submit a report to the legislature on the activities for which money
18.26 has been or will be spent for the current biennium, the activities for which money is
18.27 recommended to be spent in the next biennium, and the impact on economic development
18.28 of the implementation of efforts to protect and restore groundwater and the impaired waters
18.29 program. The report due on December 1, 2014, must include an evaluation of the progress
18.30 made through June 30, 2014, in implementing this chapter and the provisions of article XI,
18.31 section 15, of the Minnesota Constitution relating to clean water, the need for funding of
18.32 future implementation of those sections, and recommendations for the sources of funding.

18.33 Sec. 17. Minnesota Statutes 2010, section 114D.35, is amended to read:

18.34 **114D.35 PUBLIC AND STAKEHOLDER PARTICIPATION; SCIENTIFIC**
18.35 **REVIEW; EDUCATION.**

Subdivision 1. **Public and stakeholder participation.** Public agencies and private entities involved in the implementation of this chapter shall encourage participation by the public and stakeholders, including local citizens, landowners and managers, and public and private organizations, ~~in the identification of~~ identifying impaired waters, in developing TMDL's, ~~and~~ in planning, priority setting, and implementing restoration of impaired waters, in identifying degraded groundwater, and in protecting and restoring groundwater resources. In particular, the Pollution Control Agency shall make reasonable efforts to provide timely information to the public and to stakeholders about impaired waters that have been identified by the agency. The agency shall seek broad and early public and stakeholder participation in scoping the activities necessary to develop a TMDL, including the scientific models, methods, and approaches to be used in TMDL development, and to implement restoration pursuant to section 114D.15, subdivision 7.

Subd. 2. **Expert scientific advice.** The Clean Water Council and public agencies and private entities shall make use of available public and private expertise from educational, research, and technical organizations, including the University of Minnesota and other higher education institutions, to provide appropriate independent expert advice on models, methods, and approaches used in identifying degraded ground water and impaired waters, developing TMDL's, and implementing prevention and restoration.

Subd. 3. **Education.** The Clean Water Council shall develop strategies for informing, educating, and encouraging the participation of citizens, stakeholders, and others regarding the identification of impaired waters, development of TMDL's, development of TMDL implementation plans, ~~and~~ implementation of restoration for impaired waters, identification of degraded groundwater, and protection and restoration of groundwater resources. Public agencies shall be responsible for implementing the strategies.

Sec. 18. **AVAILABILITY OF APPROPRIATIONS.**

Money appropriated in this act may not be spent on activities unless they are directly related to and necessary for a specific appropriation. Money appropriated in this act must not be spent on indirect costs or other institutional overhead charges.

Sec. 19. **REPEALER.**

Minnesota Statutes 2010, section 114D.45, is repealed.