

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 4365

(SENATE AUTHORS: DZIEDZIC and Bigham)

DATE
03/16/2020

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Introduction and first reading

OFFICIAL STATUS

Referred to Environment and Natural Resources Policy and Legacy Finance

1.1 A bill for an act
1.2 relating to clean water; appropriating money from clean water fund.
1.3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.4 Section 1. **CLEAN WATER FUND; APPROPRIATIONS.**

1.5 Subdivision 1. **Availability.** Money appropriated in this section may not be spent on
1.6 activities unless they are directly related to and necessary for a specific appropriation. Money
1.7 appropriated in this section must be spent in accordance with Minnesota Management and
1.8 Budget's Guidance to Agencies on Legacy Fund Expenditure. Notwithstanding Minnesota
1.9 Statutes, section 16A.28, and unless otherwise specified in this section, appropriations are
1.10 available until June 30, 2022. If a project receives federal funds, the period of the
1.11 appropriation is extended to equal the availability of federal funding. The appropriations in
1.12 this section are onetime and are in addition to any appropriations for these purposes in Laws
1.13 2019, First Special Session chapter 2, article 2.

1.14 Subd. 2. **Department of Agriculture.** \$250,000 in fiscal year 2021 is appropriated from
1.15 the clean water fund to the commissioner of agriculture for grants to fund the Forever Green
1.16 agriculture initiative and to protect the state's natural resources while increasing the
1.17 efficiency, profitability, and productivity of Minnesota farmers by incorporating perennial
1.18 and winter-annual crops into existing agricultural practices. This appropriation is available
1.19 until June 30, 2024.

1.20 Subd. 3. **Pollution Control Agency.** \$492,000 in fiscal year 2021 is appropriated from
1.21 the clean water fund to the commissioner of the Pollution Control Agency to adopt rules
1.22 establishing water quality standards for perfluorooctanoic acid (PFOA) and

2.1 perfluorooctanesulfonic acid (PFOS). The commissioner must adopt the rules establishing
2.2 PFOA and PFOS water quality standards by June 30, 2023. This appropriation is available
2.3 until June 30, 2023.

2.4 Subd. 4. **Board of Water and Soil Resources.** \$488,000 in fiscal year 2021 is
2.5 appropriated from the clean water fund to the Board of Water and Soil Resources for
2.6 permanent conservation easements and perennial vegetation and cover crops on wellhead
2.7 protection areas under Minnesota Statutes, section 103F.515, subdivision 2, paragraph (d).
2.8 Priority must be placed on land that is located where the vulnerability of the drinking water
2.9 supply is designated as high or very high by the commissioner of health, on land where
2.10 drinking water protection plans have identified specific activities that will achieve long-term
2.11 protection, and on lands with expiring Conservation Reserve Program contracts. Up to
2.12 \$48,000 is for deposit in a monitoring and enforcement account. This appropriation is
2.13 available until June 30, 2023.

2.14 Subd. 5. **Department of Health.** (a) \$250,000 in fiscal year 2021 is appropriated from
2.15 the clean water fund to the commissioner of health to amend the health risk limit for
2.16 perfluorooctane sulfonate so that the health risk limit does not exceed 0.015 parts per billion.
2.17 The commissioner must amend the health risk limit by July 1, 2022, and comply with
2.18 Minnesota Statutes, section 144.0751, requiring a reasonable margin of safety to adequately
2.19 protect the health of infants, children, and adults. If the amount appropriated under this
2.20 paragraph is insufficient to complete the work, the commissioner must use money
2.21 appropriated under paragraph (b) to complete the requirements under this paragraph.

2.22 (b) \$1,750,000 in fiscal year 2021 is appropriated from the clean water fund to the
2.23 commissioner of health for addressing public health concerns related to contaminants found
2.24 in Minnesota drinking water for which no health-based drinking water standards exist; for
2.25 developing and adopting health risk limits consistent with Minnesota Statutes, section
2.26 144.0751; for improving the department's capacity to monitor the water quality of drinking
2.27 water sources, including establishing and implementing water quality monitoring protocols
2.28 for surface waters used as a drinking water source; and to develop interventions to improve
2.29 water quality. By January 15, 2021, the commissioner of health must submit a preliminary
2.30 report to the chairs and ranking minority members of the house of representatives and senate
2.31 committees and divisions with jurisdiction over health policy and environment and natural
2.32 resources finance and policy that identifies the health risk limits to be developed, the water
2.33 quality monitoring protocols to be implemented, the surface waters to be tested, and the list
2.34 of contaminants to be tested for. A final report detailing the outcomes of this appropriation

3.1 and recommendations must be submitted by the commissioner to the chairs and ranking
3.2 minority members by January 15, 2022.

3.3 (c) \$750,000 in fiscal year 2021 is appropriated from the clean water fund to the
3.4 commissioner of health for studying the occurrence and magnitude of contaminants in
3.5 compliant and noncompliant private wells, including microplastics and nanoplastics, and
3.6 developing guidance, outreach, and interventions to reduce risks to private-well owners.

3.7 Subd. 6. **Metropolitan Council.** \$500,000 in fiscal year 2021 is appropriated from the
3.8 clean water fund to the Metropolitan Council for local inflow and infiltration reduction
3.9 programs addressing high-priority areas in the metropolitan area, as defined in Minnesota
3.10 Statutes, section 473.121, subdivision 2.

3.11 Subd. 7. **University of Minnesota.** (a) \$2,700,000 in fiscal year 2021 is appropriated
3.12 from the clean water fund to the Board of Regents of the University of Minnesota to study
3.13 water's role in transporting chronic wasting disease prions, including:

3.14 (1) identifying mechanisms for the accumulation, persistence, and spread of chronic
3.15 wasting disease prions through waterways;

3.16 (2) characterizing chronic wasting disease prion abundance in waterways immediately
3.17 downstream of regions known to be positive for chronic wasting disease;

3.18 (3) modeling and forecasting chronic wasting disease contamination and spread based
3.19 on landscape ecology and hydrology; and

3.20 (4) developing and evaluating remediation strategies for prion-contaminated waterways.

3.21 (b) The Board of Regents must submit a report with the results of the study to the chairs
3.22 and ranking minority members of the house of representatives and senate committees and
3.23 divisions with jurisdiction over environment and natural resources and the clean water fund
3.24 no later than January 15, 2025. This appropriation is available until June 30, 2025.