

A bill for an act
relating to natural resources; appropriating money from the clean water fund;
establishing purposes for the clean water fund; making wellhead protection areas
eligible for the reinvest in Minnesota reserve program; prohibiting the use of coal
tar; modifying the Critical Areas Act of 1973; requiring rulemaking; amending
Minnesota Statutes 2008, sections 103F.515, subdivisions 2, 4; 114D.50;
116G.15; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Section 1. CLEAN WATER FUND APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the
agencies and for the purposes specified in this act. The appropriations are from the clean
water fund, or another named fund, and are available for the fiscal years indicated for each
purpose. The figures "2010" and "2011" used in this act mean that the appropriations
listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011,
respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011.
"The biennium" is fiscal years 2010 and 2011. Appropriations for the fiscal year ending
June 30, 2009, are effective the day following final enactment. All appropriations in
this act are onetime only.

<u>APPROPRIATIONS</u>			
<u>Available for the Year</u>			
<u>Ending June 30</u>			
		<u>2010</u>	<u>2011</u>
Sec. 2. <u>DEPARTMENT OF AGRICULTURE.</u>	\$	<u>3,075,000</u>	\$ <u>5,850,000</u>
<u>\$339,000 the first year is to intensively</u>			
<u>monitor and analyze three sub-watersheds</u>			

2.1 for changes in agricultural runoff related to
2.2 land management practices and evaluate best
2.3 management practices in sub-watersheds
2.4 within the Root River Watershed in
2.5 southeastern Minnesota. The commissioner
2.6 shall submit a report on the use of this
2.7 appropriation to the chairs of the house and
2.8 senate committees with jurisdiction over
2.9 agriculture, agriculture finance, environment
2.10 and natural resources, and environment and
2.11 natural resources finance by January 15,
2.12 2012. This appropriation is available until
2.13 spent.

2.14 Sec. 3. **PUBLIC FACILITIES AUTHORITY.** \$ **8,125,000** \$ **17,250,000**

2.15 (a) \$5,000,000 the first year and \$10,000,000
2.16 the second year are for the total maximum
2.17 daily load grant program under Minnesota
2.18 Statutes, section 446A.073. This
2.19 appropriation is available until spent.

2.20 (b) \$2,500,000 the first year and \$5,000,000
2.21 the second year are for the clean water legacy
2.22 phosphorus reduction grant program under
2.23 Minnesota Statutes, section 446A.074. This
2.24 appropriation is available until spent.

2.25 (c) \$125,000 the first year and \$250,000 the
2.26 second year are for the small community
2.27 wastewater treatment program for technical
2.28 assistance grants under Minnesota Statutes,
2.29 section 446A.075. This appropriation is
2.30 available until spent.

2.31 (d) \$500,000 the first year and \$2,000,000
2.32 the second year are for the small community
2.33 wastewater treatment program for
2.34 reconstruction loans and grants under

3.1 Minnesota Statutes, section 446A.075. This
3.2 appropriation is available until spent.

3.3 Sec. 4. **POLLUTION CONTROL AGENCY.** \$ **16,503,000** \$ **23,688,000**

3.4 (a) \$9,000,000 the first year and \$9,000,000
3.5 the second year is to develop total maximum
3.6 daily load (TMDL) studies and TMDL
3.7 implementation plans for waters listed on
3.8 the United States Environmental Protection
3.9 Agency approved impaired waters list in
3.10 accordance with Minnesota Statutes, chapter
3.11 114D. The agency shall complete an average
3.12 of ten percent of the TMDLs each year over
3.13 the biennium.

3.14 (b) \$500,000 the first year and \$1,188,000
3.15 the second year are for development of an
3.16 enhanced TMDL database to manage and
3.17 track progress. Of this amount, \$63,000 the
3.18 first year is to promulgate rules.

3.19 (c) \$1,500,000 the first year and \$3,500,000
3.20 the second year are for grants under
3.21 Minnesota Statutes, section 116.195, to
3.22 political subdivisions for up to 50 percent
3.23 of the costs to predesign, design, and
3.24 implement capital projects that use treated
3.25 municipal wastewater instead of groundwater
3.26 from drinking water aquifers, in order to
3.27 demonstrate the beneficial use of wastewater,
3.28 including the conservation and protection of
3.29 water resources.

3.30 (d) \$750,000 the first year and \$1,500,000 the
3.31 second year are for groundwater assessment
3.32 and drinking water protection to include:
3.33 (1) the installation and sampling of at least
3.34 30 new monitoring wells;

- 4.1 (2) the analysis of samples from at least 40
4.2 shallow monitoring wells each year for the
4.3 presence of endocrine disrupting compounds;
4.4 and
- 4.5 (3) the completion of at least four to
4.6 five ground water models for TMDL and
4.7 watershed plans.
- 4.8 (e) \$348,000 the first year is to retest the
4.9 comprehensive assessment of the biological
4.10 conditions of the lower Minnesota River and
4.11 its tributaries within the Lower Minnesota
4.12 River Major Watershed, as previously
4.13 assessed from 1976 to 1992 under the
4.14 Minnesota River Assessment Project
4.15 (MRAP). The assessment must include the
4.16 same fish species sampling at the same 116
4.17 locations and the same macroinvertebrate
4.18 sampling at the same 41 locations as the
4.19 MRAP assessment. The assessment must:
- 4.20 (1) include an analysis of the findings; and
4.21 (2) identify factors that limit aquatic life in
4.22 the Minnesota River.
- 4.23 (f) \$2,500,000 the first year and \$7,500,000
4.24 the second year are for the clean water
4.25 partnership program. Priority shall be given
4.26 to projects preventing impairments and
4.27 degradation of lakes, rivers, streams, and
4.28 groundwater in accordance with Minnesota
4.29 Statutes, section 114D.20, subdivision 2,
4.30 clause (4). Any balance remaining in the first
4.31 year does not cancel and is available for the
4.32 second year.
- 4.33 (g) \$1,000,000 the first year is to establish a
4.34 network of water monitoring sites in public
4.35 waters adjacent to wastewater treatment

5.1 facilities across the state to assess levels of
5.2 endocrine-disrupting compounds, antibiotic
5.3 compounds, and pharmaceuticals as required
5.4 in this act.

5.5 (h) \$155,000 the first year is to provide
5.6 notification of the potential for coal tar
5.7 contamination, establish a storm water
5.8 pond inventory schedule, and develop best
5.9 management practices for treating and
5.10 cleaning up contaminated sediments as
5.11 required in this act. \$1,000,000 the second
5.12 year is to develop a model ordinance for the
5.13 restricted use of undiluted coal tar sealants
5.14 and to provide grants to local units of
5.15 government for up to 50 percent of the costs
5.16 to implement best management practices to
5.17 treat or clean up contaminated sediments
5.18 in storm water ponds and other waters as
5.19 defined under this act. Local governments
5.20 must have adopted an ordinance for the
5.21 restricted use of undiluted coal tar sealants
5.22 in order to be eligible for a grant, unless a
5.23 statewide restriction has been implemented.
5.24 A grant awarded under this paragraph must
5.25 not exceed \$100,000.

5.26 (i) \$750,000 in fiscal year 2010 is for a
5.27 restoration project in the lower St. Louis
5.28 River and Duluth harbor.

5.29 Notwithstanding Minnesota Statutes, section
5.30 16A.28, the appropriations encumbered on or
5.31 before June 30, 2011, as grants or contracts
5.32 in this subdivision are available until June
5.33 30, 2013.

5.34	<u>Sec. 5. DEPARTMENT OF NATURAL</u>			
5.35	<u>RESOURCES.</u>	<u>\$</u>	<u>5,208,000</u>	<u>\$ 9,566,000</u>

- 6.1 (a) \$1,050,000 the first year and \$1,665,000
6.2 the second year are for work assisting in
6.3 water quality assessment, total maximum
6.4 daily load study and implementation, and
6.5 watershed restoration and protection.
- 6.6 (b) \$375,000 the first year and \$750,000 the
6.7 second year are for drinking water planning
6.8 and protection activities.
- 6.9 (c) \$950,000 the second year is for work
6.10 assisting in water quality assessment,
6.11 total maximum daily load study and
6.12 implementation, and watershed restoration
6.13 and protection in accordance with Minnesota
6.14 Statutes, chapter 114D.
- 6.15 (d) \$1,058,000 the first year and \$1,601,000
6.16 the second year are for work assisting in
6.17 water quality assessment, total maximum
6.18 daily load study and implementation, and
6.19 watershed restoration and protection in
6.20 accordance with Minnesota Statutes, chapter
6.21 114D.
- 6.22 (f) \$2,500,000 the first year and \$2,500,000
6.23 the second year are to acquire and distribute
6.24 high-resolution digital elevation data to be
6.25 used to predict water and sediment flows,
6.26 and for planning and installation measures to
6.27 clean up impaired waters. The data will be
6.28 collected for areas of the state that have not
6.29 acquired such data prior to January 1, 2007,
6.30 or to complete acquisition and distribution
6.31 of the data for those areas of the state that
6.32 have not previously received state funds for
6.33 acquiring and distributing the data. Mapping
6.34 and data set distribution under this paragraph
6.35 must be completed within three years of

7.1 funds availability. The commissioner shall
7.2 utilize department staff whenever possible.
7.3 The commissioner may contract for services
7.4 only if they cannot otherwise be provided by
7.5 the department.

7.6 (g) \$225,000 the first year and \$225,000
7.7 the second year are to adopt rules for the
7.8 Mississippi River corridor critical area
7.9 under Minnesota Statutes, section 116G.15.
7.10 The commissioner shall begin rulemaking
7.11 under chapter 14 no later than January 15,
7.12 2010. At least 30 days prior to beginning
7.13 the rulemaking, the commissioner shall
7.14 notify local units of government within the
7.15 Mississippi River corridor critical area of
7.16 the intent to adopt rules. The local units of
7.17 government shall make reasonable efforts
7.18 to notify owners of property within the
7.19 Mississippi River corridor critical area
7.20 of the proposed schedule for rulemaking,
7.21 opportunities for public comment, and
7.22 contact information for the appropriate
7.23 department staff. The commissioner shall
7.24 maintain a listserv of interested parties
7.25 to provide timely information about
7.26 the proposed schedule for rulemaking,
7.27 opportunities for public comment, and
7.28 contact information for the appropriate
7.29 department staff.

7.30 (h) \$1,875,000 the second year is
7.31 to investigate physical and recharge
7.32 characteristics as part of the collection
7.33 and interpretation of subsurface geological
7.34 information and acceleration of the county
7.35 geologic atlas program. This appropriation
7.36 represents a continuing effort to complete

8.1 the county geologic atlases throughout the
8.2 state in order to provide information and
8.3 assist in planning for the sustainable use
8.4 of ground and surface water that does not
8.5 harm ecosystems, degrade water quality, or
8.6 compromise the ability of future generations
8.7 to meet their own needs. This appropriation
8.8 is available until December 31, 2014.

8.9 Sec. 6. **BOARD OF WATER AND SOIL**
8.10 **RESOURCES.** \$ 7,500,000 \$ 15,937,000

8.11 (a) \$1,500,000 the first year and \$5,000,000
8.12 the second year are to purchase and restore
8.13 permanent conservation easements on
8.14 riparian buffers of up to 100 feet adjacent
8.15 to public waters, excluding wetlands, to
8.16 keep water on the land in order to decrease
8.17 sediment, pollutant and nutrient transport,
8.18 reduce hydrologic impacts to surface waters,
8.19 and increase infiltration for groundwater
8.20 recharge. The riparian buffers must be
8.21 at least 50 feet unless there is a natural
8.22 impediment, a road, or other impediment
8.23 beyond the control of the landowner. This
8.24 appropriation may be used for restoration
8.25 of riparian buffers protected by easements
8.26 purchased with this appropriation and for
8.27 stream bank restorations when the riparian
8.28 buffers have been restored. Up to five
8.29 percent may be used for administration of
8.30 this program.

8.31 (b) \$1,500,000 the first year and \$4,424,000
8.32 the second year are for grants to watershed
8.33 districts and watershed management
8.34 organizations for the installation of proven
8.35 and effective water retention practices

9.1 including, but not limited to, rain gardens
9.2 and other vegetated infiltration basins,
9.3 and sediment control basins in order to
9.4 keep water on the land. The projects must
9.5 be of long-lasting public benefit, include
9.6 a local match, and be consistent with
9.7 TMDL implementation plans or local water
9.8 management plans. Watershed district and
9.9 watershed management organization staff
9.10 and administration may be used for local
9.11 match. Priority may be given to school
9.12 projects that can be used to demonstrate
9.13 water retention practices. Up to five percent
9.14 may be used for administering the grants.
9.15 (c) \$1,500,000 the first year and \$4,500,000
9.16 the second year are for nonpoint source
9.17 pollution reduction and restoration
9.18 grants to watershed districts, watershed
9.19 management organizations, and soil and
9.20 water conservation districts for grants in
9.21 addition to grants available under paragraphs
9.22 (a) and (b) to keep water on the land and
9.23 to protect, enhance, and restore water
9.24 quality in lakes, rivers, and streams, and
9.25 to protect groundwater and drinking water.
9.26 The projects must be of long-lasting public
9.27 benefit, include a local match, and be
9.28 consistent with TMDL implementation plans
9.29 or local water management plans. Up to five
9.30 percent may be used for administering the
9.31 grants.
9.32 (d) \$500,000 the first year and \$1,500,000 the
9.33 second year are for permanent conservation
9.34 easements on wellhead protection areas
9.35 under Minnesota Statutes, section 103F.515,
9.36 subdivision 2, paragraph (d). Priority must

10.1 be placed on land that is located where
10.2 the vulnerability of the drinking water
10.3 supply management area, as defined under
10.4 Minnesota Rules, part 4720.5100, subpart
10.5 13, is designated as high or very high by the
10.6 commissioner of health.

10.7 (e) \$1,000,000 the first year and \$2,000,000
10.8 the second year are for feedlot water quality
10.9 improvement grants for feedlots under 300
10.10 animal units on riparian land, to include
10.11 water quality assessment to determine the
10.12 effectiveness of the grants in protecting,
10.13 enhancing, and restoring water quality in
10.14 lakes, rivers, and streams, and in protecting
10.15 groundwater from degradation.

10.16 The board shall contract for services with
10.17 the Minnesota Conservation Corps for
10.18 restoration, maintenance, and other activities
10.19 under this section for at least \$500,000 the
10.20 first year and \$500,000 the second year.

10.21 The board shall give priority consideration
10.22 to projects and practices that complement,
10.23 supplement, or exceed current state standards
10.24 for protection, enhancement, and restoration
10.25 of water quality in lakes, rivers, and streams
10.26 or that protect groundwater from degradation.

10.27 To the extent possible, any restoration
10.28 conducted with money appropriated in this
10.29 section must plant vegetation or sow seed
10.30 only of ecotypes native to Minnesota, and
10.31 preferably of the local ecotype, using a high
10.32 diversity of species originating from as
10.33 close to the restoration site as possible, and
10.34 protect existing native prairies from genetic
10.35 contamination.

11.1 The board shall submit a report on the
11.2 expenditure and use of money appropriated
11.3 under this section to the chairs of the house
11.4 of representatives and senate committees
11.5 with jurisdiction over environment and
11.6 natural resources and environment and
11.7 natural resources finance by March 1 of
11.8 each year. The report must provide detail
11.9 on: the expenditure of funds, including
11.10 maps; the effectiveness of the expenditures
11.11 in protecting, enhancing, and restoring water
11.12 quality in lakes, rivers, and streams and
11.13 protecting groundwater from degradation;
11.14 and the effectiveness of the expenditures in
11.15 keeping water on the land.

11.16 Sec. 7. **DEPARTMENT OF HEALTH.** **\$ 1,250,000 \$ 2,500,000**

11.17 (a) \$805,000 in fiscal year 2010 and
11.18 \$1,610,000 in fiscal year 2012 are for
11.19 protection of drinking water sources,
11.20 including assisting 30 or more communities
11.21 in fiscal year 2010 and 60 or more
11.22 communities in fiscal year 2011 with
11.23 the development and implementation of
11.24 community source water protection plans
11.25 before new community wells are installed,
11.26 and awarding ten or more communities in
11.27 fiscal year 2010 and 20 or more communities
11.28 in fiscal year 2011 with source water
11.29 protection implementation grants.

11.30 (b) \$445,000 in fiscal year 2010 and \$890,000
11.31 in fiscal year 2011 are for addressing public
11.32 health concerns related to contaminants
11.33 found in Minnesota drinking water for which
11.34 no health-based drinking water standard
11.35 exists. The commissioner shall characterize

12.1 and issue health-based guidance for three or
12.2 more additional unregulated drinking water
12.3 contaminants in fiscal year 2010, and seven
12.4 or more additional unregulated drinking
12.5 water contaminants in fiscal year 2011.

12.6 Sec. 8. UNIVERSITY OF MINNESOTA. \$ 750,000 \$ 820,000

12.7 (a) \$820,000 the second year is for the
12.8 geological survey to continue and to initiate
12.9 the production of county geologic atlases.
12.10 This appropriation represents a continuing
12.11 effort to complete the county geologic atlases
12.12 throughout the state in order to provide
12.13 information and assist in planning for the
12.14 sustainable use of ground and surface water
12.15 that does not harm ecosystems, degrade
12.16 water quality, or compromise the ability
12.17 of future generations to meet their own
12.18 needs. This appropriation is available until
12.19 December 31, 2014.

12.20 (b) \$750,000 the first year is to develop a
12.21 comprehensive statewide sustainable water
12.22 resources 25-year detailed framework.

12.23 Sec. 9. LEGISLATURE. \$ 117,000 \$ 99,000

12.24 \$117,000 the first year and \$99,000
12.25 the second year are for the Legislative
12.26 Coordinating Commission to establish
12.27 and operate the new Office of Public
12.28 Accountability for Constitutionally
12.29 Dedicated Funding as required under
12.30 Minnesota Statutes, section 3.303,
12.31 subdivision 10, and for the legislative auditor
12.32 to conduct restoration audits under Minnesota
12.33 Statutes, section 3.971, subdivision 9.

13.1 Sec. 10. Minnesota Statutes 2008, section 103F.515, subdivision 2, is amended to read:

13.2 Subd. 2. **Eligible land.** (a) Land may be placed in the ~~conservation~~ reinvest in
13.3 Minnesota reserve program if the land meets the requirements of paragraphs (b) and
13.4 (c) or paragraph (d).

13.5 (b) Land is eligible if the land:

13.6 (1) is marginal agricultural land;

13.7 (2) is adjacent to marginal agricultural land and is either beneficial to resource
13.8 protection or necessary for efficient recording of the land description;

13.9 (3) consists of a drained wetland;

13.10 (4) is land that with a windbreak or water quality improvement practice would be
13.11 beneficial to resource protection;

13.12 (5) is land in a sensitive groundwater area;

13.13 (6) is riparian land;

13.14 (7) is cropland or noncropland adjacent to restored wetlands to the extent of up to
13.15 four acres of cropland or one acre of noncropland for each acre of wetland restored;

13.16 (8) is a woodlot on agricultural land;

13.17 (9) is abandoned building site on agricultural land, provided that funds are not used
13.18 for compensation of the value of the buildings; or

13.19 (10) is land ~~on a hillside~~ used for pasture that is marginal in nature.

13.20 (c) Eligible land under paragraph (a) must:

13.21 (1) be owned by the landowner, or a parent or other blood relative of the landowner,
13.22 for at least one year before the date of application;

13.23 (2) be at least five acres in size, except for a drained wetland area, riparian area,
13.24 windbreak, woodlot, wellhead protection area, or abandoned building site, or be a whole
13.25 field ~~as defined by the United States Agricultural Stabilization and Conservation Services;~~

13.26 (3) not be set aside, enrolled or diverted under another federal or state government
13.27 program unless enrollment in the ~~conservation~~ reinvest in Minnesota reserve program
13.28 would provide additional conservation benefits or a longer term of enrollment than under
13.29 the current federal or state program; and

13.30 (4) have been in agricultural crop production for at least two of the last five
13.31 years before the date of application except drained wetlands, riparian lands, woodlots,
13.32 abandoned building sites, environmentally sensitive areas, wellhead protection areas, or
13.33 land on a hillside used for pasture.

13.34 (d) ~~In selecting drained wetlands for enrollment in the program, the highest priority~~
13.35 ~~must be given to wetlands with a cropping history during the period 1976 to 1985. Land~~
13.36 is eligible if the land is a wellhead protection area as defined under section 103I.005,

14.1 subdivision 24, and has a wellhead protection plan approved by the commissioner of
14.2 health.

14.3 (e) In selecting land for enrollment in the program, highest priority must be given to
14.4 permanent easements that are consistent with the purposes stated in section 103F.505.

14.5 Sec. 11. Minnesota Statutes 2008, section 103F.515, subdivision 4, is amended to read:

14.6 Subd. 4. **Nature of property rights acquired.** (a) A conservation easement must
14.7 prohibit:

14.8 (1) alteration of wildlife habitat and other natural features, unless specifically
14.9 approved by the board;

14.10 (2) agricultural crop production and livestock grazing, unless specifically approved
14.11 by the board for ~~wildlife~~ conservation management purposes; and

14.12 ~~(3) grazing of livestock except, for agreements entered before the effective date of~~
14.13 ~~Laws 1990, chapter 391, grazing of livestock may be allowed only if approved by the~~
14.14 ~~board after consultation with the commissioner of natural resources, in the case of severe~~
14.15 ~~drought, or a local emergency declared under section 12.29; and~~

14.16 ~~(4)~~ (3) spraying with chemicals or mowing, except:

14.17 (i) as necessary to comply with noxious weed control laws or;

14.18 (ii) for emergency control of pests necessary to protect public health; or

14.19 (iii) as approved by the board for conservation management purposes.

14.20 (b) A conservation easement is subject to the terms of the agreement provided in
14.21 subdivision 5.

14.22 (c) A conservation easement must allow repairs, improvements, and inspections
14.23 necessary to maintain public drainage systems provided the easement area is restored to
14.24 the condition required by the terms of the conservation easement.

14.25 (d) Notwithstanding paragraph (a), the board must permit the harvest of native
14.26 grasses for use in seed production or bioenergy on wellhead protection lands eligible
14.27 under subdivision 2, paragraph (d).

14.28 Sec. 12. Minnesota Statutes 2008, section 114D.50, is amended to read:

14.29 **114D.50 CLEAN WATER FUND.**

14.30 Subdivision 1. Establishment. The clean water fund is established in the Minnesota
14.31 Constitution, article XI, section 15. All money earned by the fund must be credited to
14.32 the fund.

14.33 Subd. 2. Sustainable drinking water account. The sustainable drinking water
14.34 account is established as an account in the clean water fund.

Subd. 3. **Purpose.** (a) The clean water fund may be spent only to protect, enhance, and restore water quality in lakes, rivers, and streams, to protect groundwater from degradation, and to protect drinking water sources by:

(1) providing additional grants, loans, and technical assistance to public agencies and others who are participating in the process of testing waters, identifying impaired waters, developing total maximum daily loads, implementing restoration plans for impaired waters, and evaluating the effectiveness of restoration;

(2) supporting additional measures to prevent surface waters from becoming impaired and to improve the quality of waters that are listed as impaired, but do not have an approved total maximum daily load addressing the impairment;

(3) providing additional grants and loans for wastewater and storm water treatment projects through the Public Facilities Authority;

(4) supporting additional measures to prevent the degradation of groundwater in accordance with the groundwater degradation prevention goal under section 103H.001; and

(5) providing additional funds to state agencies to carry out their responsibilities, including enhanced compliance and enforcement, under this chapter.

(b) Funds from the clean water fund must supplement traditional sources of funding for these purposes and may not be used as a substitute.

Sec. 13. **[116.201] COAL TAR.**

A state agency may not purchase undiluted coal tar sealant. For the purposes of this section, "undiluted coal tar sealant" means a sealant material containing coal tar that has not been mixed with asphalt and is for use on asphalt surfaces, including driveways and parking lots.

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 14. Minnesota Statutes 2008, section 116G.15, is amended to read:

116G.15 MISSISSIPPI RIVER CORRIDOR CRITICAL AREA.

Subdivision 1. Establishment; purpose. ~~(a)~~ The federal Mississippi National River and Recreation Area established pursuant to United States Code, title 16, section 460zz-2(k), is designated an area of critical concern in accordance with this chapter. ~~The governor shall review the existing Mississippi River critical area plan and specify any additional standards and guidelines to affected communities in accordance with section 116G.06, subdivision 2, paragraph (b), clauses (3) and (4), needed to insure preservation of the area pending the completion of the federal plan. The purpose of the designation is to:~~

(1) protect and preserve the Mississippi River and adjacent lands that the legislature finds to be unique, valuable, and dynamic and environmental state and regional resources for the benefit of the health, safety, and welfare of the citizens of the state, region, and nation;

(2) prevent and mitigate irreversible damages to the natural resources listed under clause (1);

(3) preserve and enhance the natural, aesthetic, cultural, recreational, and historical values of the Mississippi River and its corridor for public use and benefit;

(4) protect and preserve the Mississippi River and its corridor as an essential element in the national, state, and regional transportation, sewer and water, and recreational systems; and

(5) protect and preserve the biological and ecological functions of the Mississippi River and its corridor.

~~The results of an environmental impact statement prepared under chapter 116D begun before and completed after July 1, 1994, for a proposed project that is located in the Mississippi River critical area north of the United States Army Corps of Engineers Lock and Dam Number One must be submitted in a report to the chairs of the environment and natural resources policy and finance committees of the house of representatives and the senate prior to the issuance of any state or local permits and the authorization for an issuance of any bonds for the project. A report made under this paragraph shall be submitted by the responsible governmental unit that prepared the environmental impact statement, and must list alternatives to the project that are determined by the environmental impact statement to be economically less expensive and environmentally superior to the proposed project and identify any legislative actions that may assist in the implementation of environmentally superior alternatives. This paragraph does not apply to a proposed project to be carried out by the Metropolitan Council or a metropolitan agency as defined in section 473.121.~~

~~(b) If the results of an environmental impact statement required to be submitted by paragraph (a) indicate that there is an economically less expensive and environmentally superior alternative, then no member agency of the Environmental Quality Board shall issue a permit for the facility that is the subject of the environmental impact statement, other than an economically less expensive and environmentally superior alternative, nor shall any government bonds be issued for the facility, other than an economically less expensive and environmentally superior alternative, until after the legislature has adjourned its regular session sine die in 1996.~~

Subd. 2. **Administration; rules.** (a) The commissioner of natural resources may adopt such rules pursuant to chapter 14 as are necessary for the administration of the Mississippi River corridor critical area program. Duties of the Environmental Quality Council or the Environmental Quality Board referenced in this chapter and related rules and in the governor's executive order number 79-19, published in the State Register on March 12, 1979, related to the Mississippi River corridor critical area shall be the duties of the commissioner. All rules adopted by the board pursuant to these duties remain in effect and shall be enforced until amended or repealed by the commissioner in accordance with law. The commissioner shall work in consultation with the United States Army Corps of Engineers, the National Park Service, the Metropolitan Council, other agencies, local units of government, and other interested parties to ensure that the Mississippi River corridor critical area is managed in a way that:

(1) conserves the scenic, environmental, recreational, mineral, economic, cultural, and historic resources and functions of the river corridor;

(2) maintains the river channel for transportation by providing and maintaining barging and fleeting areas in appropriate locations consistent with the character of the Mississippi River and riverfront;

(3) provides for the continuation and development of a variety of urban uses, including industrial and commercial uses, and residential uses, where appropriate, within the Mississippi River and its corridor;

(4) utilizes certain reaches of the river as a source of water supply and for receiving wastewater effluents and discharges that meet all applicable standards; and

(5) protects and preserves the biological and ecological functions of the Mississippi River and its corridor.

(b) The Metropolitan Council shall incorporate the standards developed under this section into its planning and shall work with local units of government and the commissioner to ensure the standards are being adopted and implemented appropriately.

Subd. 3. **Districts.** The commissioner shall establish districts within the Mississippi River corridor critical area. The commissioner must seek to minimize the number of districts within any one municipality and take into account existing ordinances. The commissioner shall consider the following when establishing the districts:

(1) the protection of the major features of the river in existence as of March 12, 1979;

(2) the protection of improvements such as parks, trails, natural areas, recreational areas, and interpretive centers;

(3) the use of the Mississippi River as a source of drinking water;

(4) the protection of resources identified in the Mississippi National River and Recreation Area Comprehensive Management Plan;

(5) the protection of resources identified in comprehensive plans developed by counties, cities, and towns within the Mississippi River corridor critical area;

(6) the intent of the Mississippi River corridor critical area land use districts from the governor's executive order number 79-19, published in the State Register on March 12, 1979; and

(7) identified scenic, geologic, and ecological resources.

Subd. 4. **Standards.** (a) The commissioner shall establish minimum guidelines and standards for the districts established in subdivision 3. The guidelines and standards for each district shall include the intent of each district, key resources, and features to be protected or enhanced based upon paragraph (b), permitted uses, and dimensional and performance standards for development. The commissioner must take into account existing ordinances when developing the guidelines and standards under this section. The commissioner may provide certain exceptions and criteria for standards, including, but not limited to, exceptions for river access facilities, water supply facilities, storm water facilities, wastewater treatment facilities, and hydropower facilities.

(b) The guidelines and standards must protect or enhance the following key resources and features:

(1) floodplains;

(2) wetlands;

(3) gorges;

(4) areas of confluence with key tributaries;

(5) natural drainage routes;

(6) shorelines and riverbanks;

(7) bluffs;

(8) steep slopes and very steep slopes;

(9) unstable soils and bedrock;

(10) significant existing vegetative stands, tree canopies, and native plant communities;

(11) scenic views and vistas;

(12) publicly owned parks, trails, and open spaces;

(13) cultural and historic sites and structures; and

(14) water quality.

(c) The commissioner shall establish a map to define bluffs and bluff-related features within the Mississippi River corridor critical area. At the outset of the rulemaking process,

19.1 the commissioner shall create a preliminary map of all the bluffs and bluff lines within
19.2 the Mississippi River corridor critical area, based on the guidelines in paragraph (d). The
19.3 rulemaking process shall provide an opportunity to refine the preliminary bluff map. The
19.4 commissioner may add to or remove areas of demonstrably unique or atypical conditions
19.5 that warrant special protection or exemption. At the end of the rulemaking process, the
19.6 commissioner shall adopt a final bluff map that contains associated features, including
19.7 bluff lines, bases of bluffs, steep slopes, and very steep slopes.

19.8 (d) The following guidelines shall be used by the commissioner to create a
19.9 preliminary bluff map as part of the rulemaking process:

19.10 (1) "bluff face" or "bluff" means the area between the bluff line and the bluff base. A
19.11 bluff is a high, steep, natural topographic feature such as a broad hill, cliff, or embankment
19.12 with a slope of 18 percent or greater and a vertical rise of at least ten feet between the bluff
19.13 base and the bluff line;

19.14 (2) "bluff line" means a line delineating the top of a slope connecting the points
19.15 at which the slope becomes less than 18 percent. More than one bluff line may be
19.16 encountered proceeding upslope from the river valley;

19.17 (3) "bluff base" means a line delineating the bottom of a slope connecting the points
19.18 at which the slope becomes 18 percent or greater. More than one bluff base may be
19.19 encountered proceeding landward from the water;

19.20 (4) "steep slopes" means 12 percent to 18 percent slopes. Steep slopes are natural
19.21 topographic features with an average slope of 12 to 18 percent measured over a horizontal
19.22 distance of 50 feet or more; and

19.23 (5) "very steep slopes" means slopes 18 percent or greater. Very steep slopes are
19.24 natural topographic features with an average slope of 18 percent or greater, measured over
19.25 a horizontal distance of 50 feet or more.

19.26 Subd. 5. **Application.** The standards established under this section shall be used:

19.27 (1) by local units of government when preparing or updating plans or modifying
19.28 regulations;

19.29 (2) by state and regional agencies for permit regulation and in developing plans
19.30 within their jurisdiction;

19.31 (3) by the Metropolitan Council for reviewing plans, regulations, and development
19.32 permit applications; and

19.33 (4) by the commissioner when approving plans, regulations, and development
19.34 permit applications.

19.35 Subd. 6. **Notification; fees.** (a) A local unit of government or a regional or state
19.36 agency shall notify the commissioner of natural resources of all developments in the

corridor that require discretionary actions under their rules at least ten days before taking final action on the application. A local unit of government or agency failing to notify the commissioner at least ten days before taking final action shall submit a late fee of \$50 to the commissioner. The commissioner may establish exemptions from the notification requirement for certain types of applications. For purposes of this section, a discretionary action includes all actions that require a public hearing, including variances, conditional use permits, and zoning amendments.

(b) The commissioner shall recover costs of reviewing information submitted under paragraph (a). Amounts collected under this paragraph must be credited to an account in the natural resources fund and are appropriated to the commissioner.

Subd. 7. **Rules.** The commissioner shall adopt rules to ensure compliance with this section. By January 15, 2010, the commissioner shall begin the rulemaking required by this section under chapter 14. Until the rules required under this section take effect, the commissioner shall administer the Mississippi River corridor critical area program in accordance with the governor's executive order number 79-19, published in the State Register on March 12, 1979.

Sec. 15. ENDOCRINE DISRUPTOR MONITORING.

(a) The commissioner of the Pollution Control Agency shall establish a network of water monitoring sites in public waters adjacent to wastewater treatment facilities across the state to assess levels of endocrine disrupting compounds, antibiotic compounds, and pharmaceuticals.

(b) Each of the monitoring sites must provide enhanced monitoring of the effluent at the discharge point of the wastewater treatment facility and monitoring of the public waters above and below the discharge point.

(c) The monitoring sites must be located throughout the state, represent a variety of wastewater treatment facility sizes based on the number of gallons of water discharged per day, and represent a variety of waste treatment systems used for primary, secondary, and tertiary disinfecting treatment and management of biosolids.

(d) In establishing the monitoring network, the commissioner of the Pollution Control Agency must consult with the commissioners of health and natural resources, the United States Geological Survey, the Metropolitan Council, local wastewater treatment facility operators, and the Water Resources Center at the University of Minnesota. Consideration may be given to monitoring sites at facilities identified as part of a total maximum daily load study and facilities located on a water body identified for enhanced protection. The initial monitoring network must include at least ten sites.

21.1 (e) Monitoring must include, but is not limited to, endocrine-disrupting compounds
21.2 from natural and synthetic hormones, pharmaceuticals, personal care products, and
21.3 a range of industrial products and by-products. At a minimum, concentrations of
21.4 estrone, nonylphenol, bisphenol-A, 17-beta-estradiol, 17-alpha-ethynylestradiol, estriol,
21.5 and antibacterial triclosan must be monitored. Additional compounds, antibacterial
21.6 compounds, and pharmaceuticals potentially impacting human health and aquatic
21.7 communities may be considered for identification and monitoring including, but not
21.8 limited to, nonylphenol ethoxylates, octylphenol, and octylphenol ethoxylates; the
21.9 hormones androstenedione, trenbelone, and diethylphthalate; antidepressant medications,
21.10 including fluoxetine and fluvoxamine; carbamazepine; and triclocarban.

21.11 (f) The commissioner of the Pollution Control Agency shall begin the monitoring
21.12 and testing required under this section no later than November 1, 2009. Information
21.13 about requirements under this section and the results from the monitoring and testing
21.14 must be available on the agency's Web site by June 1, 2010. The commissioner shall
21.15 submit a preliminary report on the results of the monitoring and testing to the chairs of the
21.16 legislative committees with jurisdiction over environment and natural resources policy
21.17 and finance by April 15, 2010, and a final report no later than January 15, 2011.

21.18 Sec. 16. **COAL TAR; NOTIFICATION, INVENTORY, AND BEST**
21.19 **MANAGEMENT PRACTICES.**

21.20 (a) By January 15, 2010, the commissioner of the Pollution Control Agency shall
21.21 notify state agencies and local units of government of the potential for contamination of
21.22 constructed storm water ponds and wetlands or natural ponds used for the collection
21.23 of storm water via constructed conveyances with polycyclic aromatic hydrocarbons
21.24 from the use of coal tar sealant products. For the purpose of this section, a storm water
21.25 pond is a treatment pond constructed and operated for water quality treatment, storm
21.26 water detention, and flood control. Storm water ponds do not include areas of temporary
21.27 ponding, such as ponds that exist only during a construction project or short-term
21.28 accumulations of water in road ditches.

21.29 (b) By January 15, 2010, the commissioner of the Pollution Control Agency shall
21.30 establish a schedule and information requirements for state agencies and local units of
21.31 government regulated under a national pollutant discharge elimination system/state
21.32 disposal system permit for municipal separate storm sewer systems to report to the
21.33 commissioner of the Pollution Control Agency on all storm water ponds and other waters
21.34 defined in paragraph (a) located within their jurisdiction.

22.1 (c) The commissioner of the Pollution Control Agency shall develop best
22.2 management practices for state agencies and local units of government regulated under a
22.3 national pollutant discharge elimination system/state disposal system permit for municipal
22.4 separate storm sewer systems treating or cleaning up contaminated sediments in storm
22.5 water ponds and other waters defined under paragraph (a) and make the best management
22.6 practices available on the agency's Web site. As part of the development of the best
22.7 management practices, the commissioner shall:

22.8 (1) sample a set of storm water pond sediments in residential, commercial, and
22.9 industrial areas for polycyclic aromatic hydrocarbons and other contaminants of potential
22.10 concern;

22.11 (2) investigate the feasibility of screening methods to provide more cost-effective
22.12 analytical results and to identify which kinds of ponds are likely to have the highest
22.13 concentrations of polycyclic aromatic hydrocarbons; and

22.14 (3) develop guidance on testing, treatment, removal, and disposal of polycyclic
22.15 aromatic hydrocarbon contaminated sediments.

22.16 (d) The commissioner of the Pollution Control Agency shall incorporate the
22.17 requirements for inventory and best management practices specified in paragraphs (b)
22.18 and (c) into the next permitting cycle for the national pollutant discharge elimination
22.19 system/state disposal system permit for municipal separate storm sewer systems.