

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 690

(SENATE AUTHORS: EKEN, Koenen, Rosen and Sparks)

| DATE | D-PG | OFFICIAL STATUS |
|------------|------|---|
| 02/09/2015 | 244 | Introduction and first reading Referred to Environment and Energy |
| 02/12/2015 | 283 | Author added Sparks |
| 02/19/2015 | 369 | Author stricken Hoffman See HF846, Art. 4, Sec. 98 (vetoed) See SF5, Art. 4, Sec. 100 (First Special Session) |

1.1 A bill for an act
 1.2 relating to environment; requiring independent peer review of certain water
 1.3 quality work; proposing coding for new law in Minnesota Statutes, chapter 115.

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

1.5 Section 1. **[115.035] INDEPENDENT PEER REVIEW OF WATER QUALITY**
 1.6 **STUDIES AND STANDARDS; LEGISLATIVE APPROVAL.**

1.7 (a) For the purposes of this section:

1.8 (1) "independent peer review" means a peer review conducted by an expert in an
 1.9 area related to the work being reviewed who was not directly or indirectly involved with
 1.10 the work conducted or contracted by the agency and who is not currently employed by
 1.11 the agency;

1.12 (2) "proposal" means a proposal to change water quality standards or other regulatory
 1.13 guidance, including reinterpretations of water quality standards and other changes that will
 1.14 impact national pollutant discharge elimination system permits or storm water permits; and

1.15 (3) "study" means a study, an analysis, or other technical or scientific work that was
 1.16 conducted, contracted, or otherwise relied upon by the agency and that is or will be used
 1.17 to support or otherwise inform a regulatory decision-making process.

1.18 (b) The commissioner of the Pollution Control Agency shall ensure that a water
 1.19 quality study or proposal is subject to an independent peer review if the study or proposal:

1.20 (1) supports or proposes a change with an estimated financial impact to affected
 1.21 permittees of \$50,000,000 or more, in total, within the first five years of implementation;

1.22 (2) supports or proposes a significant new precedent, model, or methodology;

1.23 (3) addresses a significant controversial issue;

2.1 (4) supports or proposes a change that would significantly impact another state
2.2 agency; or

2.3 (5) has the potential to significantly impact the agency's resources.

2.4 (c) The commissioner shall notify the chairs and ranking minority members of the
2.5 house of representatives and senate committees and divisions with jurisdiction over the
2.6 environment and natural resources when an independent peer review is required under this
2.7 section and the factors listed in paragraph (b) that require the independent peer review.

2.8 (d) The commissioner shall ensure that a study or proposal subject to an independent
2.9 peer review under this section is peer reviewed in accordance with the guidance contained
2.10 in the United States Environmental Protection Agency's Peer Review Handbook. As part
2.11 of the independent peer review process, the commissioner shall allow for public comment,
2.12 including written and oral public comments, on the study or proposal.

2.13 (e) A proposal to change a water quality standard or other water quality rule
2.14 that is required to be peer reviewed under paragraph (b), clause (1), or that has an
2.15 estimated impact to a single permittee of \$5,000,000 or more within the first five years of
2.16 implementation must be approved by the legislature prior to implementation.

2.17 (f) This section applies to proposals and studies developed under the authority and
2.18 duties prescribed under this chapter and, with respect to the pollution of waters of the
2.19 state, chapter 116.