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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **4433**

03/12/2020 Authored by Wagenius, Hansen and Fischer
The bill was read for the first time and referred to the Environment and Natural Resources Finance Division

1.1 A bill for an act
1.2 relating to water; requiring public meeting for certain water-use permits; modifying
1.3 water-use permit requirements; amending Minnesota Statutes 2018, sections
1.4 103G.271, by adding subdivisions; 103G.287, subdivision 5.

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

1.6 Section 1. Minnesota Statutes 2018, section 103G.271, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 2a. **Public meeting.** Before issuing a water-use permit or a plan for the consumptive
1.9 use of more than 216,000 gallons per day average in a 30-day period, the commissioner
1.10 must hold a public meeting in the county affected most by the potential impact to the public
1.11 groundwater resource. At least 21 days before the public meeting, the commissioner must
1.12 publish notice of the meeting in a newspaper of general circulation in the county and must
1.13 mail the notice to persons who have registered their names with the commissioner for this
1.14 purpose.

1.15 Sec. 2. Minnesota Statutes 2018, section 103G.271, is amended by adding a subdivision
1.16 to read:

1.17 Subd. 4b. **Vintage groundwater.** The commissioner may not issue a new or modified
1.18 water-use permit that will appropriate vintage groundwater unless the commissioner
1.19 determines that the groundwater use will not cause groundwater with a tritium concentration
1.20 greater than one tritium unit to be drawn into the vintage groundwater. For the purposes of
1.21 this section, "vintage groundwater" is groundwater with tritium concentrations less than or
1.22 equal to one tritium unit.

2.1 Sec. 3. Minnesota Statutes 2018, section 103G.287, subdivision 5, is amended to read:

2.2 Subd. 5. **Sustainability standard.** (a) The commissioner may issue water-use permits
2.3 for appropriation from groundwater only if the commissioner determines that the groundwater
2.4 use is sustainable to supply the needs of future generations and the proposed use will not
2.5 harm ecosystems, degrade water, or reduce water levels beyond the reach of public water
2.6 supply and private domestic wells constructed according to Minnesota Rules, chapter 4725.

2.7 (b) When determining whether a consumptive use of groundwater is sustainable, the
2.8 commissioner must make a determination that the level of recharge to the aquifer impacted
2.9 is sufficient to replenish the groundwater supply to meet the needs of future generations.