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## State of Minnesota

## HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **1122**

03/04/2013 Authored by Persell, Hansen, Falk, Kahn and Wagenius

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

04/08/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Rules and Legislative Administration

1.1 A bill for an act  
1.2 relating to water; modifying the Clean Water Legacy Act to improve  
1.3 accountability; amending Minnesota Statutes 2012, sections 114D.15, by adding  
1.4 a subdivision; 114D.50, by adding subdivisions; proposing coding for new law  
1.5 in Minnesota Statutes, chapter 114D.

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

1.7 Section 1. Minnesota Statutes 2012, section 114D.15, is amended by adding a  
1.8 subdivision to read:

1.9 Subd. 13. **Watershed restoration and protection strategy or WRAPS.** "Watershed  
1.10 restoration and protection strategy" or "WRAPS" means a document summarizing  
1.11 scientific studies of a major watershed including the physical, chemical, and biological  
1.12 assessment of the water quality of the watershed; identification of impairments and water  
1.13 bodies in need of protection; identification of stressors and sources of pollution, both point  
1.14 and nonpoint; TMDL's for the impairments; and an implementation table containing  
1.15 strategies and actions designed to achieve and maintain water quality standards and goals.

1.16 Sec. 2. [114D.26] **WATERSHED RESTORATION AND PROTECTION**  
1.17 **STRATEGIES.**

1.18 Subdivision 1. **Contents.** The Pollution Control Agency, in cooperation with the  
1.19 Board of Water and Soil Resources, the commissioner of natural resources, and others,  
1.20 shall develop watershed restoration and protection strategies. To ensure effectiveness and  
1.21 accountability in meeting the goals of this chapter, each WRAPS shall:

1.22 (1) identify impaired waters and waters in need of protection;

1.23 (2) identify stressors causing impairments or threats to water quality;

- 2.1 (3) summarize watershed modeling outputs and resulting pollution load allocations,  
2.2 wasteload allocations, and priority areas for targeting actions to improve water quality;
- 2.3 (4) identify point sources of pollution for which a national pollutant discharge  
2.4 elimination system permit is required under section 115.03 with sufficient specificity to  
2.5 prioritize specific watershed restoration and protection actions;
- 2.6 (5) identify nonpoint sources of pollution for which a national pollutant discharge  
2.7 elimination system permit is not required under section 115.03, with sufficient specificity  
2.8 to prioritize and geographically locate watershed restoration and protection actions;
- 2.9 (6) describe the current pollution loading and load reduction needed for each source  
2.10 or source category to meet water quality standards and goals, including wasteload and  
2.11 load allocations from TMDL's;
- 2.12 (7) contain interim water quality goals and a plan for ongoing water quality  
2.13 monitoring to fill data gaps, determine changing conditions, and gauge implementation  
2.14 effectiveness; and
- 2.15 (8) contain an implementation table of strategies and actions based on a scenario  
2.16 estimated to be capable of achieving needed pollution load reductions for point and  
2.17 nonpoint sources, including:
- 2.18 (i) water quality parameters of concern;
- 2.19 (ii) current water quality conditions;
- 2.20 (iii) water quality goals and targets by parameter of concern;
- 2.21 (iv) prioritized actions by parameter of concern;
- 2.22 (v) timelines and an estimated range of costs for achievement of interim and final  
2.23 water quality targets;
- 2.24 (vi) an assessment of the extent to which compliance with existing laws would  
2.25 provide needed pollution reductions;
- 2.26 (vii) identification of governmental units responsible for implementing, monitoring,  
2.27 and reporting on watershed restoration or protection actions;
- 2.28 (viii) a list and an estimate for each of the public and private funding sources and  
2.29 amounts anticipated to be available for the needed implementation actions; and
- 2.30 (ix) a timeline for achievement of watershed restoration or protection implementation  
2.31 actions within ten years of strategy adoption, including milestones at least every two years.
- 2.32 Subd. 2. **Reporting.** Beginning July 1, 2016, and every other year thereafter, the  
2.33 Pollution Control Agency must report on its Web site the progress toward implementation  
2.34 milestones and water quality goals for all adopted TMDL's and, where available, WRAPS's.
- 2.35 Subd. 3. **Timelines.** WRAPS's must be completed within one year of the  
2.36 Environmental Protection Agency's approval of TMDL's within the applicable watershed.

3.1 Sec. 3. Minnesota Statutes 2012, section 114D.50, is amended by adding a subdivision  
3.2 to read:

3.3 Subd. 3a. **Nonpoint priority funding plan.** (a) Beginning July 1, 2014, and every  
3.4 other year thereafter, the Board of Water and Soil Resources shall prepare and post on its  
3.5 Web site a priority funding plan to prioritize potential nonpoint restoration and protection  
3.6 actions based on available WRAPS's, TMDL's, and local water plans. The plan must take  
3.7 into account the following factors: water quality outcomes; cost-effectiveness; landowner  
3.8 financial need; and leverage of nonstate funding sources.

3.9 (b) Consistent with the priorities listed in section 114D.20, state agencies allocating  
3.10 funds from the clean water fund for nonpoint restoration and protection strategies shall  
3.11 target the funds according to the priorities identified on the nonpoint priority funding plan.  
3.12 The allocation of the clean water fund to projects eligible for financial assistance under  
3.13 section 116.182 is not governed by the nonpoint priority funding plan.

3.14 Sec. 4. Minnesota Statutes 2012, section 114D.50, is amended by adding a subdivision  
3.15 to read:

3.16 Subd. 4a. **Riparian buffer payments; reporting.** When clean water funds are used  
3.17 to purchase riparian buffer easements, payments for the first 50 feet of riparian buffer that  
3.18 are noncompliant with Minnesota Rules, part 6120.3300, may not exceed noncropped  
3.19 rates as established under section 103F.515. The Board of Water and Soil Resources must  
3.20 include in its biennial report on clean water fund appropriations the funding spent on  
3.21 easements for riparian buffers that are not compliant with Minnesota Rules, part 6120.3300.