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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1392

02/06/2023 Authored by Fischer and Hemmingsen-Jaeger The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to environment; facilitating use of artificial aquifer recharge where
1.3 appropriate; appropriating money for groundwater storage and recovery; amending
1.4 Minnesota Statutes 2022, section 103A.204.

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

1.6 Section 1. Minnesota Statutes 2022, section 103A.204, is amended to read:

1.7 103A.204 GROUNDWATER POLICY.

1.8 (a) The responsibility for the protection of groundwater in Minnesota is vested in a
1.9 multiagency approach to management. The following is a list of agencies and the groundwater
1.10 protection areas for which the agencies are primarily responsible; the list is not intended to
1.11 restrict the areas of responsibility to only those specified:

1.12 (1) Environmental Quality Board: coordination of state groundwater protection programs;

1.13 (2) Pollution Control Agency: water quality monitoring and reporting and the
1.14 development of best management practices and regulatory mechanisms for protection of
1.15 groundwater from nonagricultural chemical contaminants;

1.16 (3) Department of Agriculture: sustainable agriculture, integrated pest management,
1.17 water quality monitoring, and the development of best management practices and regulatory
1.18 mechanisms for protection of groundwater from agricultural chemical contaminants;

1.19 (4) Board of Water and Soil Resources: reporting on groundwater education and outreach
1.20 with local government officials, local water planning and management, and local cost-share
1.21 programs;

2.1 (5) Department of Natural Resources: water quantity monitoring and regulation,
 2.2 sensitivity mapping, and development of a plan for the use of integrated pest management
 2.3 and sustainable agriculture on state-owned lands; and

2.4 (6) Department of Health: regulation of wells and borings, and the development of health
 2.5 risk limits under section 103H.201.

2.6 (b) The Environmental Quality Board shall prepare a report on policy issues related to
 2.7 its responsibilities listed in paragraph (a), and include these reports with the assessments in
 2.8 section 103A.43 and the "Minnesota Water Plan" in section 103B.151.

2.9 (c) Where groundwater levels are depleted and not naturally recovering with sufficient
 2.10 speed, it is the policy of the state that artificial recharge options be considered and
 2.11 implemented where feasible and appropriate.

2.12 Sec. 2. **GROUNDWATER STORAGE AND RECOVERY.**

2.13 Subdivision 1. **Appropriation.** \$..... is appropriated in fiscal year 2024 from the general
 2.14 fund to the commissioner of natural resources to complete a centralized aquifer-property
 2.15 database to provide needed data for site characterization. This is a onetime appropriation.

2.16 Subd. 2. **Department of Health duties.** The commissioner of health must:

2.17 (1) develop a decision-support system and cost-benefit analysis tool for interested parties
 2.18 to evaluate the potential to use aquifer storage and recovery;

2.19 (2) apply to United States Environmental Protection Agency for primacy over class V
 2.20 injection wells;

2.21 (3) modify Minnesota Statutes, chapter 103I, to allow injection wells in aquifer storage
 2.22 and recovery projects that meet specified design criteria; and

2.23 (4) develop a process for well permitting with engineering and environmental details
 2.24 including source water, aquifer, pre- and post-treatment, reporting, and monitoring
 2.25 requirements.