

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3409

- 03/21/2016 Authored by Fabian, Poppe, Metsa, Theis and Hertaus
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance
- 04/06/2016 Adoption of Report: Placed on the General Register as Amended
Read Second Time
- 05/04/2016 Referred to the Chief Clerk for Comparison with S. F. No. 3272
- 05/05/2016 Postponed Indefinitely

1.1 A bill for an act
1.2 relating to environment; providing incentive for certain wastewater treatment
1.3 technology; 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. **[115.426] INCENTIVE FOR VOLUNTARY MUNICIPAL OR**
1.6 **INDUSTRIAL INVESTMENT IN NUTRIENT TREATMENT TECHNOLOGY.**

1.7 Subdivision 1. **Definitions.** For purposes of this section:

1.8 (1) "biological nutrient removal system" means technology that uses microorganisms
1.9 to remove nitrogen and phosphorus from wastewater;

1.10 (2) "public funds" means loans, grants, or bond proceeds from the state or funds
1.11 raised by the municipality through taxes, assessments, bonds, rates, or similar means; and

1.12 (3) "regulatory certainty" means that, after the initial permit issuance to authorize
1.13 biological nutrient removal and for the period of time specified under subdivision 2, the
1.14 agency shall not issue new permit limits for phosphorous or nitrogen.

1.15 Subd. 2. **Eligibility; term.** (a) A municipality that installs a biological nutrient
1.16 removal system on a voluntary basis and receives public funds to construct the biological
1.17 nutrient removal system or an industrial national pollutant discharge elimination
1.18 system/state disposal system (NPDES/SDS) permit holder is eligible for the regulatory
1.19 certainty incentive under this section. The commissioner of the Pollution Control Agency
1.20 may provide phosphorous and nitrogen regulatory certainty for the municipality or
1.21 industrial permit holder in an NPDES/SDS permit. Before the NPDES/SDS permit
1.22 is finalized for an eligible municipality or industrial permit holder, the commissioner
1.23 must determine whether to provide regulatory certainty. If the commissioner will
1.24 provide regulatory certainty, the commissioner and the municipality or industrial permit

2.1 holder must execute an agreement recognizing the term and requirements relating to the
2.2 regulatory certainty. The agreement becomes part of the NPDES/SDS permit.

2.3 (b) Regulatory certainty extends for a period of time up to the expected design life
2.4 of the biological nutrient removal system, not to exceed 20 years, as long as the system
2.5 is properly maintained and operated by the municipality or industrial permit holder. A
2.6 municipality or industrial permit holder may receive regulatory certainty only one time
2.7 for each wastewater treatment facility. In addition to the provisions of this section, a
2.8 municipality or industrial permit holder remains subject to applicable provisions in
2.9 Minnesota Rules, chapter 7001, relating to permitting of municipal wastewater treatment
2.10 works.

2.11 Subd. 3. **Sunset.** Applications must not be accepted under this section after
2.12 December 31, 2031, or the day following United States Environmental Protection Agency
2.13 approval of a Minnesota Pollution Control Agency-adopted total nitrate-nitrogen aquatic
2.14 life water quality standard, whichever occurs first. Notwithstanding this subdivision,
2.15 agreements entered into under subdivision 2, paragraph (a), continue in effect for the term
2.16 stated in the agreement.