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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 616

02/05/2015 Authored by Fabian, Dill, Lien, McNamara, Hancock and others

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

1.1 A bill for an act  
1.2 relating to environment; requiring legislative approval of certain water quality  
1.3 standards and rules; requiring cost benefit analysis of certain water quality  
1.4 standards; appropriating money; amending Minnesota Statutes 2014, section  
1.5 115.03, by adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2014, section 115.03, is amended by adding a  
1.8 subdivision to read:

1.9 Subd. 12. Legislative approval. (a) The commissioner of the Pollution Control  
1.10 Agency must submit a water quality standard or other water quality rule change developed  
1.11 under this chapter or chapter 116 to the legislature for approval if the standard or rule  
1.12 change is estimated to have a financial impact to:

1.13 (1) affected permittees of \$50,000,000 or more, in total, within the first five years of  
1.14 implementation; or

1.15 (2) a single affected permittee of \$5,000,000 or more within the first five years  
1.16 of implementation.

1.17 (b) The standard or rule change must be approved by the legislature prior to  
1.18 implementation.

1.19 Sec. 2. COST BENEFIT ANALYSIS OF WATER QUALITY STANDARDS.

1.20 (a) The commissioner of management and budget shall contract with a nonstate  
1.21 entity for a cost benefit analysis of recently adopted or proposed changes to water quality  
1.22 standards and rules, including:

1.23 (1) recently adopted or proposed changes to total suspended solid, nutrient, chloride,  
1.24 nitrate, and sulfate standards;

2.1 (2) proposed nondegradation rulemaking provisions;  
 2.2 (3) proposed changes to water quality standards to incorporate a tiered aquatic  
 2.3 life use framework; and  
 2.4 (4) changes to water quality standards, reinterpretation of water quality standards,  
 2.5 and water strategies or other regulatory initiatives the commissioner of the Pollution  
 2.6 Control Agency anticipates will be proposed in the next five years that will impact national  
 2.7 pollutant discharge elimination system permits.

2.8 (b) The analysis must include a cost benefit analysis for a representative sample of at  
 2.9 least 15 communities. The sample must include a diverse set of communities based on  
 2.10 geography, watersheds, community size, wastewater facility types and operators, storm  
 2.11 water system types, and other factors to ensure the analysis is representative of the state as  
 2.12 a whole. The analysis must include:

2.13 (1) an estimate of the overall costs to upgrade wastewater and storm water systems,  
 2.14 including ongoing operating costs and costs associated with disposing of waste that are  
 2.15 likely to be incurred as a result of the recent, proposed, and anticipated changes; and

2.16 (2) an analysis of the estimated incremental benefit to water quality as a direct result  
 2.17 of the recent, proposed, and anticipated changes.

2.18 (c) The commissioner shall submit the analysis to the chairs and ranking minority  
 2.19 members of the committees and divisions of the house of representatives and senate with  
 2.20 jurisdiction over water quality standards no later than January 1, 2017.

2.21 **Sec. 3. SUSPENSION OF NEW RULES.**

2.22 Until the analysis is submitted to the legislature as required under section 2 and  
 2.23 the proposed amendments to Minnesota Rules, chapters 7050 and 7053, regarding total  
 2.24 suspended solids and eutrophication standards proposed and noticed in the State Register  
 2.25 on November 18, 2013, have undergone a new rulemaking process and been submitted  
 2.26 and approved by the legislature, the amendments to Minnesota Rules, chapters 7050 and  
 2.27 7053, regarding total suspended solids and eutrophication standards, are suspended and  
 2.28 the rules as they were prior to adoption of the amendments remain in effect.

2.29 **Sec. 4. APPROPRIATION.**

2.30 \$..... in fiscal year 2016 is appropriated from the general fund to the commissioner  
 2.31 of management and budget for the analysis required under section 2.

2.32 **Sec. 5. EFFECTIVE DATE.**

2.33 Sections 1 to 3 are effective the day following final enactment.