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HOUSE FILE No. 3519

FIRST COMMITTEE ENGROSSMENT

March 8, 2010

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The bill was read for the first time and referred to the Committee on Finance

Referred by Chair to Housing Finance and Policy and Public Health Finance Division.

March 19, 2010

Returned to the Committee on Finance as Amended.

1.1 A bill for an act
1.2 relating to public health; establishing a work group to design a plan to monitor air
1.3 and groundwater emissions from the Prairie Island nuclear plant; contracting for
1.4 design of a monitoring network to measure thermal discharges from the Prairie
1.5 Island nuclear plant; requiring reports; appropriating money.

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

1.7 Section 1. **PRAIRIE ISLAND NUCLEAR PLANT MONITORING NETWORK**
1.8 **WORK GROUP.**

1.9 Subdivision 1. Establishment; membership. (a) The commissioner of health
1.10 shall, by July 1, 2010, convene a work group to make recommendations to the legislature
1.11 regarding the establishment of a monitoring network to measure the levels of radioactive
1.12 emissions to air, surface water, and groundwater originating from the operation of the
1.13 Prairie Island nuclear generating plant and the adjacent independent spent-fuel storage
1.14 installation.

1.15 (b) The commissioner of health shall appoint the members of the work group,
1.16 which consists of:

1.17 (1) the commissioners of health and natural resources, or their designees;

1.18 (2) a representative of the Wisconsin Department of Health Services responsible
1.19 for the department's Prairie Island Radioactivity Survey;

1.20 (3) a hydrogeologist from the Minnesota Geological Survey;

1.21 (4) an independent health physicist;

1.22 (5) a person from the Pollution Control Agency with experience designing air
1.23 monitoring networks;

1.24 (6) a person from the Pollution Control Agency with experience designing
1.25 groundwater monitoring networks;

2.1 (7) ... representatives from the Prairie Island Indian Community;

2.2 (8) ... representatives from the city of Red Wing;

2.3 (9) one representative of the Xcel Energy Prairie Island nuclear generating plant;

2.4 (10) one representative each from Goodhue County, Minnesota, and Pierce County,
2.5 Wisconsin;

2.6 (11) one representative representing Lake City and one representative representing
2.7 each of the townships of Florence, Wacouta, and Hay Creek; and

2.8 (12) one representative from an environmental organization.

2.9 (c) The Department of Health shall provide logistical and administrative support
2.10 to the work group.

2.11 (d) A professional facilitator with experience in facilitating technical stakeholder
2.12 processes shall be engaged to assist the work group in carrying out its duties under
2.13 subdivision 2.

2.14 Subd. 2. **Charge.** The work group is charged with designing a comprehensive,
2.15 continuous monitoring network to accurately measure the levels of radioactive emissions
2.16 to air, surface water, and groundwater originating from the operation of the Prairie Island
2.17 nuclear generating plant and the adjacent independent spent-fuel storage installation,
2.18 including:

2.19 (1) selecting appropriate monitoring technologies to be installed;

2.20 (2) determining the proper number and location of monitors, taking site
2.21 characteristics and the location of vulnerable populations into account;

2.22 (3) selecting public and private wells to test for groundwater contamination;

2.23 (4) selecting parameters to be measured at each monitoring site;

2.24 (5) establishing protocols for testing monitor precision and accuracy; and

2.25 (6) providing for regular reporting of emissions.

2.26 Subd. 3. **Report.** By February 1, 2011, the work group shall submit a report to the
2.27 members of the senate and house of representatives committees with primary jurisdiction
2.28 over energy policy and public health containing the work group's recommendations for a
2.29 monitoring network that meets the requirements of subdivision 2. The report shall also
2.30 contain estimates of the cost of the recommended monitoring network, for both capital
2.31 acquisitions and operations, including the costs of laboratory analysis of samples.

2.32 **Sec. 2. DEVELOPMENT OF MONITORING NETWORK FOR THERMAL**
2.33 **DISCHARGES FROM PRAIRIE ISLAND NUCLEAR PLANT.**

2.34 (a) The commissioner of health shall contract with the University of Minnesota
2.35 St. Anthony Falls Laboratory or other comparable independent experts to develop a

3.1 comprehensive plan to monitor the thermal discharge from the Prairie Island nuclear
3.2 generating plant to the Mississippi River to enable accurate analysis of the impacts of
3.3 the discharge on aquatic ecosystems, dissolved oxygen levels, ice conditions, and the
3.4 ecology of the Mississippi River and Lake Pepin. The plan must contain, at a minimum,
3.5 recommendations on the number, type, and location of monitors to be installed, and the
3.6 capital and operating costs of the recommended network.

3.7 (b) The plan described in paragraph (a) must be contained in a report submitted no
3.8 later than November 15, 2010, to members of the senate and house of representatives
3.9 committees with primary jurisdiction over environmental policy and energy policy.
3.10 The report must also contain a discussion of potential measures that can be taken to
3.11 mitigate the thermal discharge from the Prairie Island nuclear generating plant, and the
3.12 estimated cost of each measure. Potential thermal discharge mitigation measures must be
3.13 provided to the Pollution Control Agency for consideration as potential conditions to be
3.14 incorporated in a permit modification requested by the Prairie Island nuclear generating
3.15 plant as a result of its proposed power uprate.

3.16 **Sec. 3. TRANSFER; APPROPRIATION.**

3.17 (a) The public utility that owns the Prairie Island nuclear generating plant shall
3.18 transfer \$..... from the revenues transferred to the renewable development account under
3.19 Minnesota Statutes, section 116C.779, to the commissioner of health for deposit in the
3.20 special revenue fund.

3.21 (b) From the money transferred to and deposited in the special revenue fund under
3.22 paragraph (a), an amount sufficient to cover the costs associated with the work group
3.23 established in section 1 and the contract required in section 2 is appropriated to the
3.24 commissioner of health for the purposes of sections 1 and 2.

3.25 **Sec. 4. EFFECTIVE DATE.**

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