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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 65

01/14/2019 Authored by Green and Poston The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act
1.2 relating to agriculture; environment; clarifying criteria for establishing groundwater
1.3 quality regulations; amending Minnesota Statutes 2018, section 103H.275,
1.4 subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2018, section 103H.275, subdivision 2, is amended to read:

1.7 Subd. 2. Adopting water resource protection requirements. (a) The Pollution Control
1.8 Agency, or for agricultural chemicals and practices, the commissioner of agriculture shall
1.9 adopt by rule water resource protection requirements that are consistent with the goal of
1.10 section 103H.001 to prevent and minimize the pollution to the extent practicable. The
1.11 proposed rule must be submitted to the house of representatives and senate committees with
1.12 jurisdiction over the environment, natural resources, and agriculture before adoption. The
1.13 water resource protection requirements must be based on the use and effectiveness of best
1.14 management practices, the product use and practices contributing to the pollution detected,
1.15 economic factors, availability, technical feasibility, implementability, and effectiveness.
1.16 The water resource protection requirements may be adopted for one or more pollutants or
1.17 a similar class of pollutants. A water resource protection requirement may not be adopted
1.18 before January 1, 1991.

1.19 (b) Before the water resource protection requirements are adopted, the Pollution Control
1.20 Agency or the commissioner of agriculture for agricultural chemicals and practices must
1.21 notify affected persons and businesses for comments and input in developing the water
1.22 resource protection requirements.

2.1 (c) Unless the water resource protection requirements are to cover the entire state, the
2.2 water resource protection requirements are only effective in areas designated by the
2.3 commissioner of the Pollution Control Agency by order or for agricultural chemicals and
2.4 practices in areas designated by the commissioner of agriculture by order. The procedures
2.5 for issuing the order and the effective date of the order must be included in the water resource
2.6 protection requirements rule. A commissioner must not establish or enforce a water resource
2.7 protection requirement in an area unless the commissioner has monitored groundwater
2.8 quality in that area at the commissioner's expense and can demonstrate that either:

2.9 (1) 15 percent or more of the wells monitored by the commissioner exceed the applicable
2.10 health risk limit; or

2.11 (2) trend data indicate that 15 percent or more of the wells monitored by the commissioner
2.12 will exceed the applicable health risk limit in the next five years.

2.13 (d) The water resource protection requirements rule must contain procedures for notice
2.14 to be given to persons affected by the rule and order of the commissioner. The procedures
2.15 may include notice by publication, personal service, and other appropriate methods to inform
2.16 affected persons of the rule and commissioner's order.

2.17 (e) A person who is subject to a water resource protection requirement may apply to the
2.18 Pollution Control Agency, or for agricultural chemicals and practices the commissioner of
2.19 agriculture, and suggest an alternative protection requirement. Within 60 days after receipt,
2.20 the agency or commissioner of agriculture must approve or deny the request. If the Pollution
2.21 Control Agency or commissioner of agriculture approves the request, an order must be
2.22 issued approving the alternative protection requirement.

2.23 (f) A person who violates a water resource protection requirement relating to pollutants,
2.24 other than agricultural chemicals, is subject to the penalties for violating a rule adopted
2.25 under chapter 116. A person who violates a water resource protection requirement relating
2.26 to agricultural chemicals and practices is subject to the penalties for violating a rule adopted
2.27 under chapter 18D.