

Subject Clean Water Legacy Act

Authors Fischer and others

Analyst Janelle Taylor

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Overview

This bill would update and modify the state's Clean Water Legacy Act and related provisions. The Clean Water Legacy Act was originally passed in 2006 and established a framework for assessing and improving the state's waters as required under the federal Clean Water Act.

Summary

Section	Description
1	Financial assistance. Expands the types of financial assistance the Board of Water and Soil Resource (BWSR) can provide by allowing watershed-based, program-based, or other financial assistance in addition to performance-based as provided under current law. Allows the board to establish local match requirements and enter into certain intergovernmental agreements.
2	Criteria. Allows BWSR to develop and use eligibility criteria to award base amounts of state funding to local governments.
3	Program purposes. Technical.
4	Timelines; administration. Restricts BWSR from amending its transition plan for watershed-based planning to no more than once every two years.
5	Comprehensive local water management plan. Defines "comprehensive local water management plan" for purposes of the Clean Water Legacy Act.

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6	Comprehensive watershed management plan. Defines “comprehensive watershed management plan” for purposes of the Clean Water Legacy Act.
7	Restoration. Modifies the definition of “restoration” for purposes of the Clean Water Legacy Act.
8	TMDL implementation plan. Modifies the definition of “TMDL implementation plan” to allow certain plans or strategies, including comprehensive watershed management plans and watershed restoration and protection strategies (WRAPS), to serve as the implementation plan for a TMDL when the Pollution Control Agency (PCA) determines the plan or strategy is sufficient.
9	Watershed restoration and protection strategy or WRAPS. Modifies the definition of “watershed restoration and protection strategy” or “WRAPS” to allow the strategy to apply to a more flexible area and narrows the definition to include only strategies, not strategies and actions as stated under current law.
10	Goals for implementation. Modifies the Clean Water Legacy Act goals.
11	Implementation policies. Modifies the Clean Water Legacy Act implementation policies.
12	Priorities for scheduling and preparing WRAPS and TMDLs. Requires the PCA to seek recommendations from the Clean Water Council (CWC), DNR, Department of Health (MDH), Department of Agriculture (MDA), and BWSR regarding priorities for scheduling and preparing TMDLs and WRAPSs, and adds surface water and groundwater interactions and other items to the list of considerations that must be made when setting priorities.
13	Priorities for funding protection actions. Expands the types of waters the CWC may provide recommendations for funding for to include waters that have an approved TMDL.
14	Alternatives; TMDL, TMDL implementation plan, or WRAPS. Allows the PCA to submit a comprehensive watershed management plan or comprehensive local water management plan as an alternative to a TMDL in certain circumstances. States that a TMDL implementation plan or WRAPS is not needed if the PCA determines that a comprehensive watershed management plan, comprehensive local water management plan, or statewide/regional plan published by the agency is sufficient

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	and allows the PCA to request BWSR to evaluate the implementation of these plans and to revoke or amend a determination after the evaluation is conducted.
15	Coordinating municipal and local water quality activities. States that certain projects, practices, and programs for water quality improvement or protection may be considered as contributing to the requirements of a storm water pollution prevention plan for purposes of municipal separate storm sewer system (MS4) permits unless already documented as contributing.
16	Watershed restoration and protection strategies. Updates WRAPS requirements, including requiring the PCA, in consultation with BWSR, to coordinate the schedule, budget, scope, and use of WRAPS, and requiring completion of WRAPS for the state’s major watersheds by June 30, 2023, unless a comprehensive watershed management plan or comprehensive local water management plan is determined to be sufficient.
17	Public and stakeholder participation. Requires public agencies and private entities implementing restoration and protection activities identified in comprehensive watershed management plans or comprehensive local water management plans to make efforts to inform, consult, and involve the public and requires the PCA and BWSR to coordinate public and stakeholder participation.
18	Education. Expands the requirement of the CWC to develop education and engagement strategies to strategies regarding the entire Clean Water Legacy Act.
19	Nonpoint funding alternative. Allows BWSR to establish alternative timelines or content for the priority funding plan for nonpoint sources and use the information from comprehensive watershed management plans or comprehensive local water management plans to estimate and summarize costs.



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