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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 766

02/02/2017 Authored by Swedzinski; Urdahl; Johnson, B.; Howe; Heintzeman 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; modifying public comment period requirements for draft
1.3 impaired waters list; providing process to challenge impaired waters lists; requiring
1.4 notice to publicly owned wastewater treatment facility applicants; amending
1.5 Minnesota Statutes 2016, section 114D.25, by adding a subdivision; proposing
1.6 coding for new law in Minnesota Statutes, chapter 115.

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

1.8 Section 1. Minnesota Statutes 2016, section 114D.25, is amended by adding a subdivision
1.9 to read:

1.10 Subd. 6. Impaired waters list; public notice and process. The commissioner of the
1.11 Pollution Control Agency must allow at least 60 days for public comment after publishing
1.12 the draft impaired waters list required under the federal Clean Water Act. Publishing a draft
1.13 impaired waters list by the commissioner of the Pollution Control Agency is a final decision
1.14 of the agency for purposes of section 115.05 and is subject to the contested case procedures
1.15 of sections 14.57 to 14.62 in accordance with agency procedural rules. A person may petition
1.16 the agency to hold a contested case hearing on the draft impaired waters list. A valid basis
1.17 for challenging an impairment determination includes, but is not limited to, agency reliance
1.18 on data that:

1.19 (1) are more than five years old measured from the date the draft impaired waters list is
1.20 published;

1.21 (2) do not include data from within the previous two years measured from the date the
1.22 draft impaired waters list is published; or

1.23 (3) do not reflect recent significant infrastructure investments and documented pollutant
1.24 reductions.

2.1 Sec. 2. [115.542] NOTICE REQUIREMENTS FOR PUBLICLY OWNED
2.2 WASTEWATER TREATMENT FACILITIES.

2.3 Subdivision 1. Definitions. For the purpose of this section, the following terms have
2.4 the meanings given:

2.5 (1) "permit" means a national pollutant discharge elimination system (NPDES) permit
2.6 or state disposal system (SDS) permit; and

2.7 (2) "permit applicant" means a person or entity submitting an application for a new
2.8 permit or renewal, modification, or revocation of an existing permit for a publicly owned
2.9 wastewater treatment facility.

2.10 Subd. 2. Applicability. This section applies to all draft permits and permits for publicly
2.11 owned wastewater treatment facilities for which the commissioner of the Pollution Control
2.12 Agency makes a preliminary determination whether to issue or deny.

2.13 Subd. 3. Notice requirements. The commissioner of the Pollution Control Agency must
2.14 provide a permit applicant with a copy of the draft permit and any fact sheets required by
2.15 agency rules at least 30 days before the distribution and public notice of the permit application
2.16 and preliminary determination.

2.17 Subd. 4. Public comment period. The commissioner must prepare and issue a public
2.18 notice of a completed application and the commissioner's preliminary determination as to
2.19 whether the permit should be issued or denied. The public comment period must be at least
2.20 60 days for permit applications under this section.