Clean Water Council Meeting Agenda

Monday, January 22, 2024

9:00 a.m. to 2 p.m.

IN PERSON with Webex Available (Hybrid Meeting)

9:00 Regular Clean Water Council Business

- **(INFORMATION ITEM)** Introductions
- **(ACTION ITEM)** Agenda - comments/additions and approve agenda
- **(ACTION ITEM)** Meeting Minutes - comments/additions and approve meeting minutes
- **(INFORMATION ITEM**) Chair and Council Staff update
    - Policy & Budget and Outcomes Committee Updates
    - Staff update

9:30 (ACTION ITEM) Supplemental Clean Water Fund Requests

10:30 BREAK

10:45 (ACTION ITEM) Supplemental Clean Water Fund Requests (con't)

12:00 LUNCH

12:30 (ACTION ITEM) Election of Chair and Vice-Chair for 2024-2025

12:45 (ACTION ITEM) Strategic Planning: Review of Public Comments & Possible Approval/Inclusion

1:45 Public Comments

2:00 Adjourn

Immediately after: Steering Committee

Clean Water Council
December 18, 2023, Meeting Summary

Members present: John Barten (Chair), Steve Besser, Rich Biske (Vice Chair), Dick Brainerd, Gary Burdorf, Gail Cederberg, Steve Christenson, Tannie Eshenaur, Warren Formo, Brad Gausman, Kelly Gribauval-Hite, Justin Hanson, Holly Hatlewick, Rep. Josh Heintzeman, Peter Kjeseth, Annie Knight, Sen. Nicole Mitchell, Jason Moeckel, Ole Olmanson, Jeff Peterson, Rep. Kristi Pursell, Victoria Reinhardt, Peter Schwagerl, Glenn Skuta, and Jessica Wilson.
Members absent: Dan Sparks, Marcie Weinandt, and Sen. Nathan Wesenberg.
Others present: Frieda VonQualen (MDH), Annie Felix-Gerth (BWSR), Joel Larson (UMN), Margaret Wagner (MDA), Richard Gruenes (MDA), Chengtao Wang, Jim Stark (LCC), Chris O'Brien (Freshwater), Angelica Andersen (Nature Conservancy), Jen Kader (Met Council), Lucas Sjostrom (MN Milk Producers), Alexander Keilty (Lake Pepin Legacy Alliance), Anne Nelson (MDH), Sheila Vanney (MASWCD), Julie Westerlund (BWSR).

To watch the Webex video recording of this meeting, please go to https://www.pca.state.mn.us/clean-water-council/meetings, or contact Brianna Frisch.

Regular Clean Water Council Business
- Introductions
- Approval of the December 18th meeting agenda and November 20th meeting summary, motion by Steve Christenson, and seconded by Dick Brainerd. Motion carries.
- Chair and Council Staff update.
- 2024 Meeting calendar
  - Request for an additional full Council meeting in 2024, which would be Monday, June 3. Motion to approve additional meeting motion by Steve Christenson, seconded by Holly Hatlewick. Motion carries.

Strategic Planning: Review and Comment on Second Draft *(Webex 00:29:30)*
- There are four key changes incorporated into the second draft of the Council's Strategic Plan:
  - Added a fourth section on how Minnesotans can protect their water.
  - Clarified the role of the Council and Clean Water Fund (CWF) on "enhanced compliance" for stormwater.
  - Added some measures for drinkability standards.
  - More refined language added on groundwater sustainability.
  - Dropped the groundwater recharge items from the Metropolitan Council.
  - Added language to note that Council activities and CWFs support a goal but may not be the only source to meet the goal (i.e., compared to regulation).
  - Private well mitigation was revised.
  - Water storage was added.
  - The Board of Water and Soil Resources (BWSR) will still do its own revised Nonpoint Priority Funding Plan.
- Finishing touches to discuss private well mitigation, decisions on what receives "enhanced compliance", input on Watershed-Based Implementation Funding (WBIF) with BWSR, as well as BWSR's project tracking of comprehensive watershed management plans will be done by local partners and not the state.

Discussion:
- John Barten: Regarding the project tracking of the comprehensive watershed management plans, I would like to know about what the locals are doing and how that information will be transferred. This is a huge chunk of CWFs. How is that tracking getting back to us so we know the impact and the effectiveness of this investment.
  - *Answer from Justin Hanson, BWSR:* BWSR tracks the local government activity through their own database, which they use to collect data connected to CWFs (i.e., outcomes, project locations, etc.). The SWCDs will do reporting a few times a year, and one large one once a year. So, the local governments were asking BWSR how to capture that more and communicate amongst each other. The SWCDs also need a way to share their stories locally. Each plan is also unique, so it is important to provide some autonomy as well. Some standardization is needed, to track amongst each other to find the similarities. BWSR has been working on this for several months including working with those who have a tracking plan

already to standardizing it somewhat. For those that do not have anything set up yet, it would be good to provide an option they could use off the shelf, and tweak to their own preferences. They have been developing a prototype with Houston Engineering specifically for watershed-based implementation. The goal is to have the local folks able to track and explain it locally, but also be able to explain it at a higher level. There are some elements of progress (like a dashboard).
    - *Holly Hatlewick:* We work in three watersheds, and they have three different tracking systems. We need to have multiple platforms, and it is clunky and cumbersome. It is not that we are relying on BWSR, but to have a tool that provides a baseline would be great. It is time consuming, so this would be more efficient. There are so many different pieces of funding too, so having software designed for this will help with the providing the details to the public.
    - *Comment from Paul Gardner:* This is learning by doing because there is no where else in the country that is doing this work at this funding level. That is a great problem to have.
    - *Comment from John Barten:* At 2034 we need to be able to show the progress of the CWFs to be able to move forward with support for more. This is something that would be useful to have for the public.
    - *Comment from Annie Felix*-Gerth, BWSR: They also have something called "assurance measures" where they go in after each grant closes and summarizing four different questions. This is whether the grant made progress towards the goals in the plan, whether the work was done in priority areas, weather it was completed on time and on budget, and the amount of funding that was leveraged beyond the required ten percent. They will summarize the information and provide it to the Council on a periodic basis. It is done for each of the watershed-based implementation funding grants. They also have the performance review and assistance program, which is a statutorily required review of progress on comprehensive water plans. It has historically been done on a local government basis because they each have their own plans, so they would go and ask a bunch of questions about how they are doing, work with the partners, and how much progress is being done on the plan. BWSR does a check in and make recommendations on whether something needs to happen (i.e., different organization, different goals/revisit goals, etc.). They have things in place to help look at this area. They have been thinking about this for a long time.
- John Barten: Back to the watershed-based implementation, I was searching for it in the Strategic Plan. We have such an investment in it, we should mention the need to fund it specifically.
    - *Comment from Rich Biske:* There is a section that supports the competitive grant program, and maybe it would fit well there. I also wonder if there is a need to check the watershed-based implementation funding and how it aligns with the different elements within the Strategic Plan. It could apply to groundwater more than the protection, more than restoration of surface waters, so it could show up in a few different places. Perhaps, under certain other items too.
- Council members have time to continue to review the document. The final can be voted on in January. A draft will also be included in the Council's email list, open for public comment before the January meeting.

Supplemental Clean Water Fund Requests & Latest State Revenue Estimate/Forecast *(Webex 01:23:00)*

- The budget forecast for December 6th revealed a significant surplus. The Council is looking at $18.056 million in surplus. The February forecast will likely shift a little up or down. It is in the interest of the Council to recommend what should be done with the surplus, otherwise the Legislature may do so without the Council's input. At the Budget and Outcomes Committee meeting (BOC), the state agencies were asked if there was a request for certain items. Some requests were provided:
    - MDH: $5,000,000 to respond to the Environmental Protection Agency (EPA) petition.
    - MDA: $1,000,000 to accelerate/implement the Nitrogen Fertilizer Plan in southeast Minnesota.
    - MDA: $402,000 for AgBMP Loan Program (fill in the difference from what was appropriated versus requested)
    - MDH: $384,000 for guidance on PFAS in fish
    - MPCA: $326,000 for PFAS monitoring to backfill cuts due to the Riverwatch direct appropriation.
    - DNR: $90,000 for PFAS in fish
    - Totaling to $7,202,000 (of a suggested $10,000,000). But, since the surplus is even larger, there is more to consider.
- John Barten: Could MDH go over the breakdown of the $5,000,000? *Answer:* There are about five purposes. This includes identifying all private wells in the eight counties not included in the well code (pre-1974), for the

EPA petition. This also includes re-testing, for all five of the major contaminants, not just nitrates. Provide alternative water. It includes counseling people on what to do when they have their test information, and to use the existing township testing structure. This also includes the creation of a dashboard for the public and updated quarterly reports to the EPA. The main recipient for funding would be TAP IN collaborative, with Olmstead County as the led. The funding would be for July 2025 (FY25).

- *Comment from Tannie Eshenaur:* We have been putting together principles and connecting with local partners. Previously we were looking at $5 million, but now are looking at more like $8 million. It is the idea that we would continue some of this work into the future. They are framing it as a public health intervention, and not a nitrogen management response. Rice County also seems important to include and is a part of the TAP IN collaborative. The program is all voluntary to fit with local culture. People may change their social norms as neighbors get their wells updated. More people are submitting well water for testing already. The state paying the testing cost is not an issue, but remediation is. (Research reveals people need some skin in the game as well.) Proper maintenance of reverse osmosis can also be tricky. MDH would also like to work with BWSR to follow up on any discovered unsealed wells. The MDH would like all the data from the wells to be public. Public dollars are going to pay for fixing these wells, and it is also part of the EPA letter to have it available. MDH is looking to establish a regional drinking water advisory council that would include local leadership. The MDH can start work with existing funding for the outreach. This information will be included in the EPA plan (due January 15, 2024).
- *Representative Pursell:* This impacts my constituents. Rice County was not included in the eight-county region. Southern Dakota County is also karst and has issues. We know our geomorphology, so we should include those communities as well because they are having the same problems. In my many discussions around this topic, it seems as Nebraska received some federal IRA funding for reverse osmosis systems. It is a multiagency issue, as water always is in our state, so we want the MDH to take the lead on this as a public health intervention. I want to make sure they feel they have the jurisdiction and the capacity to work on this concern. This is an opportunity to help these Minnesotans. Additionally, Representative Larry Kraft of Saint Louis Park and Representative of Bjorn Wilson of Fairmont, have been in conversations to look at soil health for water quality as well as climate solutions. We have been talking with Olmsted County to scale it to the size of the problem. This could be a pilot to showcase advances. I have also met with other state legislators on issues as well. Soil testing for PFAS and PFOS is another area of importance to look into here. There may be an opportunity to get an inventory of this as well.
- *Dick Brainerd:* This is all good and we need to address this all. However, we have policies that are important to keep in mind on spending this extra funding. We are thinking about southeast Minnesota, and it makes me think about the rest of the state too. Nitrates are not only in these counties.
- *Gail Cederberg:* Thinking about the nitrate contamination in the state, and selective funding on these counties, we should consider the long-term effects. Will this funding be needed each year to continue this work? To get the ball rolling, it makes sense to invest, but there are other communities that may need this kind of work to be done moving forward. We should look at the unintended long-term expenses that may be coming from this investment too. Unless there are aggressive attempts to find other funding, is the CWFs supposed to be used for putting in reverse osmosis systems into people's houses? It is something to think about. There may be a county line, but there are nitrates across the borders.
- *Margaret Wagner:* Thank you for pointing out the other areas of the state. I want to reemphasize the MDA works in all vulnerable areas to groundwater contamination. We have worked in the southeast and have made investments in the central sands and southwest. About 15 percent of cropland acres in Minnesota are in areas with vulnerable groundwater. We cannot put all our focus for solutions in one area of the state, but to apply it to all parts that would work. Nitrate is not a concern in all areas for groundwater, but we want to be equitable.
- *Paul Gardner:* Could MDH describe EPA's regulatory authority for these actions? *Answer from Tannie Eshenaur, MDH:* The petition was sent to the EPA based on a small provision in the Safe Drinking Water Act, which regulates public water systems (section 1431), which says if the state fails to protect a source of public drinking water, the EPA can step in and require the state (or the EPA themselves) to take over. It has never been exercised before the Biden Administration, and it is now being used in multiple states across the country. If we didn't comply, we do not know what the next step would be. The neighboring states are watching very closely.

- *Kelly Gribauval-Hite:* What about the people who cannot afford to maintain a reverse osmosis system? Additionally, what about all the used filters from those systems? They have nitrates in them, so are we shifting a nitrate problem from one area to another? *Answer from Tannie Eshenaur, MDH:* We are looking into a wide range of mitigation options for folks. Most of the wells that have nitrate concentrations above the standard are going to be pre-code wells. It would be more expensive, but it would be better to repair or re-drill a new well as a better long-run option.
- *Kelly Gribauval-Hite:* When we first moved into our home, we needed to drill a new well, and we also found a few wells on our property that needed to be sealed up. Well sealing is not cheap. Neither is drilling a well (back then it was at the minimum, which was $10,000). That was fifteen years ago. Now, people are looking at $60,000 range. If people cannot afford to change a filter, how could they afford to drill a new well?
- *Margaret Wagner, MDA:* We have been working closely with the MDH, both short term, mid-term, and long-term response on mitigation of these wells. As the MDH pursues this type of initiative and project through other avenues, we are an advocate of looking at economic need and managing cost share of the proportion of dollars available to residents based on demonstrated economic need. We do think about prioritizing those who could not otherwise afford treatment, as well as those in vulnerable populations. We are continuing to talk about the best way to address this need to folks in the southeast. It is an ongoing conversation. It is good to provide some type of sliding scale.
- *Brad Gausman:* The letter is for the State of Minnesota (commissioners of MDH, MPCA, and MDA) to respond, not the Council. Currently, the CWFs seem like the easiest and most accessible funds for use. Is there a worry that it buries the lead a little bit? We will be displacing funds from other programs and other parts of the state. The Council did not create this problem.
- *Steve Christenson:* We should not use all CWFs to address this public health issue. So, we can put in $5 million, which was originally discussed, and leave the remaining to other funding. We want to address this crisis, but we cannot take on this whole thing. It would be too expensive moving forward investing in this for the whole state.
- *Steve Besser:* We have the ability to do this right now. We have a nitrate problem. We have the Clean Water Council that people look to for solutions. It would be right and just to spend the funding right now. Nothing moves slower than the Legislature and the Governor's Office. We can do this right now, and then turn to the Governor's Office and the Legislators to get them to help out, too. I think if we fail to fund this right now, this may not be the right group for me to be in.
- *Margaret Wager, MDA:* As state agencies we do emphasis leveraging, and getting dollars in addition to the CWFs. We continue to look for federal sources of funding. We have asked the EPA to identify funding sources they may have available to address this concern. The MDA has projects and initiatives that have been in the works and can be used as well. The CWFs are not the only source of funding the state agencies can use, and they are working through what other options they can bring forward.
- *John Barten:* Thinking about infrastructure costs (water pipes in the ground), if it can be done for drinking water, could it be used for other water infrastructure? This would be a concern. So, paying for infrastructure may open the door to using CWFs for other items (i.e., wastewater). *Comment from Tannie Eshenaur, MDH:* I think this is less of a concern. There is a wastewater state revolving fund and a drinking water state revolving fund, which receives funding from the federal government. Our Minnesota Legislature also supplements that funding with bonding dollars. They are available for public systems. The CWFs that go towards the public facilities authority (via point source implementation grants) and does supplement infrastructure.
- *Justin Hanson, BWSR:* This is good feedback. We have been talking about leverage at BWSR. We are looking at the federal programs and federal grants to accelerate the work both in the southeast as well as across the whole state. We are thinking about potential long-term systematic changes across the state, and long-term environmental restoration.
- *Brad Gausman:* Thinking about the expense of drilling a well, does the state drill wells? Could we save a ton of money by budgeting for a well drilling company?
  - *Answer by Jason Moeckel:* We have a drill rig and do our own fair share of drilling. However, it is not keeping up with our workload, so we contract out especially for deep wells, because they are expensive. These are monitoring wells. There are many drillers across the state.

    - *Kelly Gribauval-Hite:* Well drillers specialize in their area. There is different geography and geology. Even within the county, there are areas that only certain well drillers will drill. They really are experts in their field.
    - *Margaret Wagner, MDA:* The AgBMP loan program does have eligible costs for a replacement of a wells to eliminate a water quality concern. This program also allows hookups to city water supplies.
- *Steve Christenson:* On the supplemental budget, I would like to see the Upper Mississippi River protection program receive additional funds. It protects both the rivers and the drinking water supply. There are some landowners who are interested in a conservation easement program, funded through BWSR (Critical Shoreland Protection – Permanent Conservation Easements program). Another priority I support is the small grants program (Watershed Partners Legacy Grants program). It makes small grants to tribal governments and nonprofit organizations. These would be a high priority. By the end of the meeting, I would also like to motion for certain categories to move forward for supplemental funding.
- *Glenn Skuta, MPCA:* Talking about supplemental budget options, the MPCA pulled funding back when we had to make up for MMB's math error a year ago, from the SSTS grants because it was a scalable program. This could be scaled back up. In the interest of environmental justice, this would be good for low-income grants. It could be up to $1 million. It would pass through to local governments. Another program would be chloride reduction (also up to $1 million) in wastewater. This would pass through to communities that need that type of assistance (replace water softeners, etc.). One final program to mention, again to make up pulled funding, is to leverage the Great Lakes Restoration Initiative Lakewide Action and Management Plans (LAMP). It goes to the local governments. Additionally, it is a great opportunity right now to really increase the leverage of these funds. This would be up to $2 million. These three could be on the table for the supplemental funding.
- *Senator Mitchell:* I would like to support further assistance to the PFAS issues. I understand the PFAS health risk levels will be going down soon, so that will have a great impact, and there will be an increased need for mitigation. So, funding for this area will be important. Response from Tannie Eshenaur, MDH: You are correct, the MDH will be coming out with new state values for PFOAs and PFOS, early next year. We usually provide through bonding, rather than CWFs. Additionally, manganese will also be changing. We are working closely with MPCA, where there may be a potentially responsible party, and there can be funding to help. The challenge will be if PFAS is so widespread, there may be no responsible party, but there will still be PFAS to mitigate in a public water system.
- *Peter Schwagerl:* I appreciate the BOC adding in the $402,000 for the AgBMP program to get it back up to the original request we supported. Perhaps some of these funds be use for southeast Minnesota for well remediation/improvements. If there is extra room in the budget, this may be a place to add funding into.
    - *Comment from Margaret Wagner, MDA:* This is filling the funds back up. This program is truly scalable since the demand is higher than funds available (even without advertising the program). The value of the loan program is that it is *revolving*, so funds become available to reissue in the future. These funds can also be used as match dollars, amplifying the investment. They can be used for almost any activity that addresses a water quality concern. An additional $3 million into the program would be quickly absorbed. It is need-based, so there are no funds going specifically to the southeast.
- *John Barten:* The stormwater research on stormwater pond cleanout and disposal from the University of Minnesota (UMN) Water Resources Center. I would like to see that included for review of additional funding.
- *Rich Biske:* Where is the DNR on the culvert replacement program? *Answer from Jason Moeckel, DNR:* We got the RFP out a few weeks ago. We have one received for sure but could have received more in the last week. I think we are okay where we are at. Thank you for asking. I will check before the next meeting. If we have more requests than we can approve, I can bring it forward.
- After opening up the discussion for all of Council member ideas for supplemental funding, the total is $17,500,000 ($6,646,000 over) the forecasted supplemental budget:
    - $5,000,000 (minimum) for testing, mitigation, and response to elevated nitrates in private wells (EPA Petition) (MDH)
    - $1,000,000 for accelerate/implement Nitrogen Fertilizer Management Plan in southeast Minnesota (MDA)
    - $402,000 for the AgBMP Loan program (bringing back to original request by Council)
    - $384,000 guidance on PFAS in fish (MDH)
    - $362,000 PFAS monitoring to backfill cuts due to River Watch appropriation (MPCA)
    - $90,000 for PFAS in fish (DNR)

- $1,000,000 for SSTS grants (low-income grants to counties) (MPCA)
- $1,000,000 for chloride reduction with focus on wastewater (MPCA)
- $1,000,000 for Great Lakes Restoration Initiative LAMP match (MPCA)
- $4,000,000 for Critical Shoreland Easements (BWSR)
- $2,000,000 for Working Land and Floodplain Easements (BWSR)
- $2,000,000 for Clean Water Partners Legacy small grants (half to tribal governments and half to non-governmental organizations) (BWR)
- $3,000,000 AgBMP Loan program (MDA)
- $500,000 Stormwater research on stormwater pond cleanout and disposal (UMN)
- $3,000,000 over the minimum $5 million for EPA petition private well response

- *Steve Christenson:* I motion to adopt this framework today, ask the state agencies to refine numbers at January BOC meeting with recommendation, and on to full Council for approval. The Christenson proposal includes Upper Mississippi – Critical Shoreland Easements (BWSR), Clean Water Legacy Partners grants (BWSR), private wells response in southeast Minnesota public health intervention (MDH, MPCA, and MDA), PFAS needs (MPCA, MDH, and DNR), AgBMP statewide (MDA), and a sixth category to hash through. Motion seconded by Victoria Reinhardt.
  Discussion:
  - Rich Biske: What does it mean to accelerate the implementation of the Nitrogen Fertilizer Management Plan (NFMP)? What will this $1 million do, and what is the expected outcomes of it? *Answer from Margaret Wagner, MDA:* Accelerated would be to initiate that work and move forward immediately. As we have looked at current resources and staff capacity. We are currently working under the groundwater protection rule with activities in level 2 drinking water supply management areas. As we have talked about our ability to implement and work through that process, we have talked about moving from level 2 to level 1, and then to townships. To accelerate it, we would build additional staff capacity to work only on the voluntary effort in townships. For MDA staff, it could be additional research, technical capacity, modeling needs, field staff working with local partners or landowners, etc. Additionally, demonstration sites could get some more funding to reach more landowners, to allow farmers to look at challenges on what they can do on their properties. We are looking at different ways to scale up meeting with the connections (i.e., partnerships, marketing, voluntary adoptions, etc.). We can continue to work on the NFMP, as well as working through the other side of this work with all those initiations and connections.
  - Motion carries. Late February will have a final budget forecast, so the BOC may also want a contingency if the funding shifts up or down a little as well.

Public Comments *(Webex 03:47:00)*

- Lucas Sjostrom, Minnesota Milk Executive Director: Thanks for the time and thought you put into your efforts, and for allowing the public at these meetings. As dairy is the overwhelming commodity in southeast MN, we look to partner - private and public - to helps find solutions and have begun efforts to organize ourselves.

Adjournment *(Webex 03:48:49)*

Memo

To: Clean Water Council

From: Paul Gardner, Administrator

Date: January 22, 2024

RE: Supplemental Clean Water Fund Recommendations from the Budget & Outcomes Committee

The November 2023 revenue estimate and budget forecast show an additional $18,056,000 in the Clean Water Fund (CWF) for FY24-25.

At its January 5th meeting, the Council's Budget and Outcomes Committee (BOC) reviewed supplemental funding requests and suggestions for FY25. These suggestions came from the December 2023 Council meeting and were more than $24 million.

The BOC trimmed these suggestions to following recommendations for Council consideration.

Total Request **$18,056,000**

MINNESOTA DEPARTMENT OF AGRICULTURE

Nitrate in Groundwater $1,000,000

This additional request would accelerate progress already being made by the Department of Agriculture (MDA) to implement the Nitrogen Fertilizer Management Plan. However, this additional funding would focus on eight counties included in the EPA's correspondence.

Agricultural Best Management Practices Loan Program (AgBMP) $1,402,000

This request includes $402,000 that is the difference between the MDA's past request for $10 million and what was appropriated for FY24-25. The Council made this program its top priority for backfilling if a surplus was available. An additional $1,000,000 would help meet a large backlog of requests for low-interest loans for water quality-related loans.

BOARD OF WATER AND SOIL RESOURCES

Critical Shoreland Protection -Permanent Conservation Easements $2,000,000

This program has a backlog of requests to protect priority parcels in the Rum River watershed. It protects sensitive shorelands on privately owned lands in the following 10 counties: Aitkin, Anoka, Benton, Chisago, Crow Wing, Isanti, Kanabec, Mille Lacs, Morrison, and Sherburne. Protecting these acres supports the drinking water supply for Minneapolis and St. Paul. This additional amount could support the protection of approximately _____ acres.

Great Lakes Restoration Initiative Lakewide Action and Management Program $1,000,000

This request had been pulled back from the FY24-25 appropriations process due to funding constraints. This funding would support soil and water conservation district capacity to leverage federal funds from the Great Lakes Restoration Initiative (GLRI). Funding would only apply to the five SWCDs along in the Lake Superior Basin for protection and restoration activities affecting lake water quality. The LAMP program is different from current GLRI funding to Minnesota that applies to the cleanup of the St. Louis River Area of Concern (AOC) that the CWF has matched.

Working Land and Floodplain Easements $2,000,000

The program goal is to restore and protect riparian, wellhead and floodplain areas across the state to improve and enhance water quality and wildlife habitat. The land targeted for this program is sensitive agriculture land within a riparian floodplain or wellhead area that is a priority drinking water protection area. This will be accomplished through long term, limited use contracts and perpetual easements. This additional funding would support activities in the eight southeastern Minnesota counties covered in the EPA response and could be used as state match for federal Regional Conservation Partnership Program (RCPP) funds.

Watershed Partners Legacy Grants $2,000,000

This is the small grants program that the Council advocated for over many budget cycles to involve new partners. Half of the funding would go to tribal governments and the other half to nonprofit organizations. The original appropriation was for $1,000,000.

MINNESOTA DEPARTMENT OF HEALTH

Southeast Minnesota Nitrate Response $6,354,000

This funding would support a public health response on nitrate in private wells in eight counties in southeast Minnesota. The response includes conducting a well inventory and offering free well testing and mitigation for water quality issues. Most of the appropriation would go to the Tap In collaborative headed by Olmsted County that was created in a pilot project two years ago. A breakdown of the request is attached.

Drinking Water Contaminants of Emerging Concern $384,000

MDA would use this additional appropriation to develop health-based guidance for PFAS compounds and fish consumption.

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Fish Contamination Assessment $90,000

The DNR received additional funds in FY24-25 to monitor PFAS in fish. (The program has monitored mercury and PCBs to date.) DNR requests some additional funds to accomplish the task.

MINNESOTA POLLUTION CONTROL AGENCY

Enhanced County Inspection/SSTS Corrective Actions $1,000,000

The current appropriation for FY24-25 is $7.1 million, which includes enhanced inspections by counties and assistance for qualified low-income households to replace their septic system to avoid imminent threats to human health. This additional recommendation would support an approximate additional 70 low-income households.

River and Lake Monitoring and Assessment $326,000

The Red River Watershed Management Board has regularly lobbied for a direct legislative appropriation from the Clean Water Fund to support the River Watch program. Usually, the Legislature makes an additional appropriation to the MPCA monitoring and assessment program for this purpose, but in FY24-25, it took $326,000 from the program to pay for River Watch. This recommendation would backfill this cut to meet the MPCA's goal of regularly monitoring for PFAS.

UNIVERSITY OF MINNESOTA

Stormwater BMP Performance Evaluation and Technology Transfer $500,000

The FY24-25 appropriation for this program was $2,000,000. Additional funding would support research on emerging issues in urban stormwater pond operation and maintenance, including pond cleanout and disposal. Research in this program has been scaled up for water quality efforts statewide, such as enhanced street sweeping.

CONSTITIONALITY QUESTION

Based on some feedback, I spoke to Minnesota Senate Legacy Finance Committee fiscal and research staff about their view on the constitutionality of using Legacy funds for private well mitigation.

Their view is that the mitigation part of the Health Department's request would NOT be consistent with the state's constitution. Their reasoning is that the amendment says we are to "protect groundwater from degradation and to protect drinking water sources." Providing a household with a new well or water treatment system would not be protection since the groundwater is polluted. That would be a narrow reading of the constitution rather than a more expansive one, which would be that one's well is the drinking water source.

However, they noted that this is the advice they would give the Senate Legacy Committee and should not be interpreted as a formal legal opinion. Their advice would not prevent the Council from ***recommending*** funding for mitigation, nor would it prevent the Senate from recommending an appropriation or even passing it in a budget bill. (It would not be the first time a legislative body passed something when they got contrary advice.)

ADDITIONAL CONSIDERATIONS

These recommendations are based on the November revenue estimate in the state's budget forecast. The Legislature uses the late February forecast, which undoubtedly will vary from the current $18,056,000 surplus. The Council may wish to indicate what programs might see an increase or decrease when the February forecast comes out.

Note that the BOC trimmed requests in the following areas on January 5th.

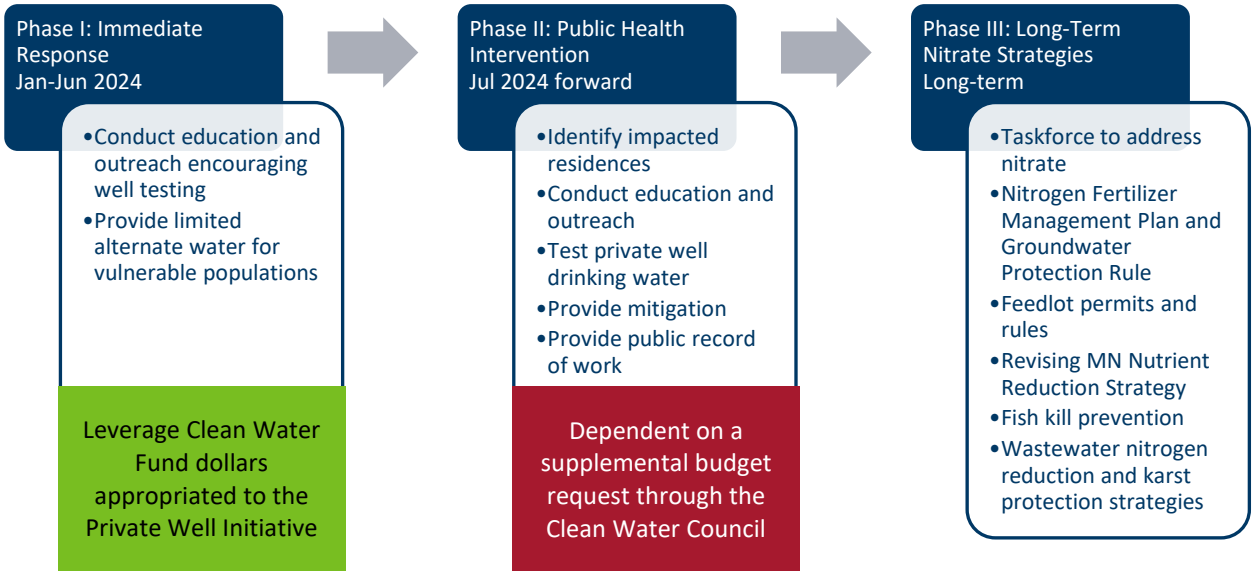
- **MDA Agricultural Best Management Practices Loan Program** (AgBMP) $2,000,000
- **BWSR Critical Shoreland Protection -Permanent Conservation Easements** $2,000,000
- **MDH Southeast Minnesota Nitrate Response** $302,000
- **MPCA Chloride Reduction** grants with a focus on wastewater $1,000,000

Public Health Work Plan and Budget Overview: Nitrate in Southeast Minnesota Private Wells

JANUARY 22, 2024

Overview

Minnesota Department of Health (MDH), Minnesota Pollution Control Agency (MPCA), and Minnesota Department of Agriculture (MDA) are addressing the requests in the U.S. Environmental Protection Agency's (EPA) letter in three phases. [1]



MDH is the lead agency for Phase I: Immediate Response and Phase II: Public Health Intervention. This overview focuses on those two phases. MDH will work closely with the existing TAP-IN Collaborative[2] members to further refine and carry out the strategies in this work plan. The TAP-IN Collaborative is an existing group of primarily local public health and soil and water conservation districts that implemented a pilot grant (funded by Clean Water Fund through the Private Well Initiative) to offer free well testing and income-based remediation to private well owners in southeast Minnesota. MDH may also form an advisory council consisting of petitioners, local government leaders, and other local partners to help guide the work. We (MDH and local partners) will implement the strategies below in the eight counties named in

[1] Initiatives in Phase III are a snapshot and do not represent all long-term strategies.

[2] The TAP-IN (Test your water, Ask a professional, Protect your water quality, Inspect your well and septic system, and Note important information) Collaborative includes representatives from local public health and Soil and Water Conservation Districts (SWCD) in the 9 counties included in this work plan. The collaborative formed as a result of a Clean Water Fund grant to Olmsted County SWCD in 2020 to provide free private well testing and financial assistance for water quality mitigation.

the EPA letter (Dodge, Fillmore, Goodhue, Houston, Mower, Olmsted, Wabasha, and Winona) to address the public health need of ensuring private well users have safe drinking water as soon as possible.

Phase I: Immediate Response (January-June 2024)

The focus of Phase I: Immediate Response is to provide education and outreach about the importance of private well testing and how households can use an accredited laboratory to get their water tested and offer mitigation strategies to reduce risk for vulnerable populations. **The education and outreach strategies will be funded through the FY24-25 Clean Water Fund appropriation for the Private Well Initiative.** Initial mitigation efforts, including the local partner coordination, implementation, water treatment system monitoring, and evaluation will be supported with **FY24-25 Clean Water Fund appropriation for nitrate in groundwater and pesticide sampling in private wells program.**

Conduct education and outreach

Encourage residents in southeast Minnesota to "know the quality of their drinking water".

- Community water system customers can be confident in their water quality and check their Consumer Confidence Report.
- Private well users can test their well water for nitrate (along with coliform bacteria, arsenic, lead, and manganese[3]) at an accredited laboratory.

Key strategies:

- **Print and mail private well educational materials to partners** who work with private well households with an infant under one year of age or pregnant person (e.g., WIC and child care providers).
- **Launch a paid social media campaign** focused on people of childbearing age, southeast geographic area, and health professionals to encourage well testing.
- **Send media releases** to local television, print, and radio news outlets.
- **Translate private well educational materials** into Spanish, Somali, and Hmong. Other languages will be provided as requested.
- **Minnesota Private Well Education and Steward Network:** Through a contract with the University of Minnesota, develop a peer-to-peer education program where neighbors provide education about private well water safety in their community.
- **Provide necessary equipment, standard operating procedures, and support to local partners who can provide free water screening** at the local office or locally organized events. MDA has multiple spectrophotometers on loan to partners in the southeast region to support a "walk-in" style water screening clinics with the goal of increasing public awareness of nitrate contamination.

[3] These are the five main contaminants MDH recommends every private well owner test for.

Provide alternate water for vulnerable populations

The goal is to identify wells with elevated nitrate, establish prioritization criteria for well owners seeking cost share, and offer a reverse osmosis system to reduce the risk for vulnerable people.

Key strategies

- **Reach out to Township Testing Program (TTP) participants who had elevated nitrate** and gather information on if they have a pregnant person or baby in the home. (Due to limited funding, participants in the TTP are considered in the initial response phase while a larger population of residents could be included during the Phase II response.)
- **Establish prioritization criteria** for well owners seeking cost sharing for mitigation. Prioritization will be for particularly vulnerable populations.
- **Local partner** (through joint powers agreement) will use prioritization process to **select well owners for cost sharing** and coordinate treatment system installation.
- **Develop a protocol and audit of installed reverse osmosis treatment systems** to evaluate effectiveness at reducing risk to acceptable levels. Evaluation and monitoring of installed water treatment systems are key components.

Phase II: Public Health Intervention (July 1, 2024-June 30, 2025)

This phase focuses on conducting a well inventory to identify all the private wells in the area, offering free well testing for all private well households, providing mitigation for eligible households, and education and outreach about these efforts. **This phase is dependent on additional funding** for conducting a well inventory, private well testing, and mitigation. **Some of the additional education and outreach in this phase can be funded through existing Clean Water Funds** appropriated to the Private Well Initiative. MDH is submitting a supplemental budget request for Clean Water Fund dollars to support the additional elements of this phase.

Identify impacted residences

The goal is to identify all private wells in the eight-county area. We estimate that around 60% (23,495) of the private wells in the area are in the Minnesota Well Index (MWI). Through several methodologies, we estimate there are about 12,000 more private wells that were constructed before the Minnesota Well Code was implemented in 1974 and are not included in MWI and likely poorly constructed. We will conduct a well inventory to find those additional private wells and enter them into MWI.

Key strategies:

- **Use GIS and tax parcel data** to identify properties that are outside community water system boundaries and are not in MWI—these likely have a private well.
- **Send a letter to potential private well households not in MWI**, requesting they voluntarily share information if they have a private well.
- **Incorporate the information into MWI**.

Conduct education and outreach

Education and outreach in Phase II will build on the strategies in Phase I, adding strategies that require additional funding. Messaging will expand to include information about the well inventory, how to get private well water tested for free, and how to get mitigation assistance.

Key additional strategies:

- **Direct mailing to private well households** about how to access free testing and mitigation if needed.
- **Billboards** about well testing, well inventory, and mitigation.
- **Paid radio spots/streaming services** (e.g., Pandora) with messages about well testing, well inventory, and mitigation.
- **Meetings and townhalls** with residents and local leaders.

Test private well drinking water

Offer free private well testing for nitrate to all private well households in southeast Minnesota. We aim to have 10 percent of private well households (around 3,600) participate in the first year, with increasing participation in future years.

Key strategies:

- **Send a postcard** to all potential private well households inviting them to participate.
- Households can have a **test kit mailed** to them or get one at **local pick-up sites.**
- Households can **drop the test kit off at the laboratory** or **return it via a pre-paid mailer**.
- The laboratory will **share analysis results via email or mail** (per the household's preference), along with information about what their test results mean, and, if needed, further actions.
- Households can **contact MDH, the laboratory, or local partners for additional help** understanding their test results.

Provide alternate water (mitigation)

Mitigation will be offered as soon as practical to each residence where water tests show an exceedance of the maximum contaminant level (MCL) for nitrate in the private well. If funding becomes available, most of the funding will be passed through to the TAP-IN Collaborative.

Key strategies:

- MDH will **mail a communication** to all private well households that have a known nitrate test result from an accredited laboratory that was above the nitrate MCL of 10 parts per million in the past 5 years to let them know about the opportunity for follow up testing and mitigation.
- When sending water analysis results, the **laboratory will also include information about how the household can access mitigation if necessary**.

- Private well households with a nitrate concentration above the MCL can **connect with a mitigation navigator**. The navigator will help assess the best mitigation approach for the household: point-of-use treatment, well repairs, or a new well.[4]
- The private well household is then responsible for getting a **quote from a well contractor or water treatment professional** and submitting the quote to the local agency for approval. MDH will maintain a public reference list of well contractors and water treatment professionals in the area who are ready to assist.
- **Once approved, the vendor can begin the work.**
- When work is complete, the **vendor will submit an invoice to the local agency for payment**.[5] Mitigation installed without approval or prior to this new effort will not be reimbursed.

Maintain a public dashboard

State agencies will collaborate to develop a public-facing dashboard to measure and communicate progress in implementing this response plan. Key metrics will include the percent of private well households who have tested their well water and percent of eligible households who have received mitigation.

This dashboard will also connect the user with data and visualizations for cumulative well testing results in southeast Minnesota through existing platforms, such as the *Minnesota Public Health Data Access Portal* and *Watershed Health Assessment Framework* tool.

- Minnesota Public Health Data Access: Drinking water quality (https://data.web.health.state.mn.us/drinkingwater)
- Watershed Health Assessment Framework (https://arcgis.dnr.state.mn.us/ewr/whaf2/)

[4] To help inform the best mitigation options for different scenarios, a workgroup will be formed to develop a decision tree. Factors including cost/benefit, long-term protections, and contaminant levels will inform be taken into consideration. Workgroup members may include licensed well contractors, water treatment specialists, members of the TAP-IN Collaborative, and agency staff.

[5] A sub-team of the TAP-IN collaborative will determine the protocol for approval, invoicing, and payment.

Timeline

Below is the general timeline for the Phase I and II strategies.

Key Activities	Jan-Mar '24	Apr-Jun '24	Jul-Sep '24	Oct-Dec '24	Jan-Mar '25	Apr-Jun '25
Phase I						
Education and outreach encouraging well testing	X	X				
Limited alternate water for most vulnerable populations	X	X				
Phase II						
Get contracts in place with local partners			X			
Well inventory				X	X	X
Education and outreach about well inventory, free well testing, and mitigation				X	X	X
Free well testing				X	X	X
Free mitigation available for eligible households				X	X	X
Launch public dashboard				X		

MDH Supplemental Budget Request

An additional $6.354 million will be needed by MDH to carry out the first year of work in Phase II: Public Health Intervention.

Public Health Intervention Budget (July 1, 2024-June 30, 2025)

Category	Rounded Totals (in thousands)	Description
Well Inventory	$737	• 6.3 FTEs for local partners (likely student workers) • Printing and postage costs
Testing	$180	• All private well households invited to participate (estimated 36,000). • Planning for 10% to participate in the first year, which is about 3,600 private wells. • Wells will be tested for nitrate ($50 per well).
Alternate water	$3,866	Of the 3,600 private wells that participate in testing, 12% will have nitrate above the MCL. Of those: • 75% will be best remedied through reverse osmosis treatment ($2,600) • 25% will be best remedied through well repairs or a new well (average of $28,000)
Education and outreach	$19	• Printing, postage, paid social media and streaming advertisements, billboards • Space rental and travel for local meetings
Funding for additional local staff	$976	**5.5 FTEs**: 1 project manager, 1 grant administrator, 1 mitigation navigator, program management interns (0.5 FTE), 1 laboratory support, 1 laboratory data support
MDH staff	$576	**4 FTEs**: 1 **Hydrologist** for technical assistance; 1 Information **Technology Specialist** to work with data from multiple sources, support mailings, participant status, measurable outcomes, and dashboard website; 1 **Planner** as project manager; 1 **Office and Admin Specialist** to assist with communications
Total	**$6,354**	Of the total: • $5.759 million (91%) would go out in contracts to local partners for well inventory, testing, and mitigation • $0.595 million (9%) would go to MDH (staff and education and outreach)

Assumptions

- There are approximately 36,000 private wells in the area. The aim is to test 10% of them in Year 1.
- The percent of private wells with nitrate above the MCL is based on MDA Township Testing findings and is about 12%.
- Of the wells that have elevated nitrate, 75% will need a reverse osmosis (RO) treatment system (estimated cost of $2,200) plus one year of maintenance valued at $400 a year and 25% of them will need well repairs or a new well constructed (estimated average cost of $28,000).
- The cost of testing for nitrate (including kit assembly, returning by mail, and analysis) is estimated at $50 per well.
- The state would cover 100% of the cost for well testing and for mitigation.

Testing and Mitigation Cost for Year 1

The table below estimates the cost of providing free private well testing for 10% of private wells in southeastern Minnesota and mitigation for the corresponding eligible households. The full cost to offer free water testing to all private wells and mitigation to all eligible households over several years is about $40.5 million (not including staff and program costs).

Estimated total number of wells	Year 1 testing cost for 10% (3,600 wells)	% Wells nitrate above MCL	# Wells nitrate above MCL	Households needing well repairs or new well	Households needing RO treatment	Year 1 mitigation cost	Year 1 testing and mitigation cost
36,000	$180,000	12%	432	108	324	$3,866,400	$4,046,400

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01/22/2024
To obtain this information in a different format, call: 651-201-4366.

Environment

Lawmaker: Raise fertilizer fees to help pay cost of nitrate pollution

Kirsti Marohn January 5, 2024 4:00 AM

An aerial view of corn fields in Monticello. Kerem Yücel | MPR News

Long before he was a state lawmaker, Rep. Rick Hansen, DFL-South St. Paul worked for the Minnesota Department of Agriculture, helping develop best practices for managing nitrogen fertilizer.

Three decades later, he says the state's approach to preventing nitrogen pollution hasn't worked.

Hansen, chair of the House environment committee, thinks the state should raise its fees on fertilizer, the source of the majority of nitrate in southeast Minnesota waters.

"We have tried incentives. We've tried education. We've tried voluntary management practices," Hansen said. "We've had meetings after meetings ... and the nitrogen fertilizer use continues to go up."

Hansen's proposal comes amid increased scrutiny of the role cropland agriculture plays in nitrate pollution.

Southeast Minnesota is particularly vulnerable to nitrate contamination because of its karst geology, which allows pollutants to travel easily from the surface to the groundwater. In some townships, 40 percent of private wells tested had nitrate levels higher than the safe health limit.

Consuming too much nitrate can pose health risks, including a rare but sometimes fatal condition in infants known as blue baby syndrome.

In November, the U.S. Environmental Protection Agency told state agencies to take additional steps to address nitrate contamination in southeast Minnesota, including providing safe drinking water immediately to residents with contaminated wells.

Raising fertilizer fees could partially fund actions to help those people affected, Hansen said.

"It's not their fault that the water is contaminated," he said. "They're going to need safe drinking water. And how do you pay for that? It should not come from the general taxpayer. It should come from those responsible."

Hansen's proposal likely will meet with pushback. Last year, the state agriculture department proposed raising the inspection fee on fertilizer from 39 cents to 64 cents per ton. The agency said the cost to the average farm would have been about $20 a year.

But it failed after farm groups opposed it, and Republicans questioned raising fees amid a huge budget surplus. Minnesota Agriculture Commissioner Thom Petersen said with fertilizer prices skyrocketing, the idea didn't get much support.

"For a lot of farmers, it just feels like piling on," he said.

Rep. Rick Hansen, DFL-South St. Paul. Minnesota House of Representatives

Petersen did get legislative authority to raise the inspection fee incrementally by 5 cents a ton starting Jan. 1. This year, farmers will pay fees totaling $1.16 per ton of fertilizer. Some of the revenue pays for inspections and permitting; some for fertilizer research at the University of Minnesota.

Petersen said he doesn't think a fee increase is likely to get more support this year. He said there's a question of what the additional revenue would pay for.

"Raising the fee — if it's not done with the work that we need to do and targeted, it's not going to clean up anything faster," he said.

One group opposed to a fee hike is the Minnesota Milk Producers Association. Executive Director Lucas Sjostrom said much of the nitrate in groundwater dates back to farmers decades ago.

Today's farmers are better using — but not overusing — fertilizer to produce better yields, he said.

"We can't penalize those who were there decades and decades before us," Sjostrom said. "It's a slow problem to solve. It's just going to take time."

Dan Glessing, president of the Minnesota Farm Bureau, said GPS and other technology is helping farmers apply fertilizer to their crops with more precision.

"We know exactly what that crop is taking out each year," he said. "We're spoon-feeding that crop now, where we never used to do that."

Cows graze in a heavily used pasture in rural Winona County. The Minnesota Pollution Control Agency says cropland agriculture is the major source of nitrate contamination in southeastern Minnesota.
Kirsti Marohn | MPR News

Glessing said the Farm Bureau does support the Agricultural Fertilizer Research and Education Council, a farmer-led research program funded by a 40-cent-per-ton fertilizer fee. But he said the bureau doesn't think any additional fertilizer "tax" is necessary.

Even some environmental groups aren't convinced raising fees will do much to solve the nitrate problem.

"Broadly speaking, we're of the mind that industry should be held accountable for recovering some of the social costs of pollutants," said Trevor Russell, water program director with the nonprofit Friends of the Mississippi River.

However, if the additional fee revenue is used to continue the same strategies, it's not likely to succeed, Russell added.

"We've spent billions and billions on trying to incentivize the best on-farm practices," he said. "If that were going to work alone, it probably would have worked by now."

While farmers have gotten more precise in how they use nitrogen fertilizer, Russell said they still routinely overapply it — by as much as 100,000 tons per year in Minnesota, according to a 2018 estimate.

He thinks it might make sense to charge a tiered fee — one for applying fertilizer at recommended rates and a higher one for any excess, creating a financial incentive for farmers to reduce their overall fertilizer use.

"The individuals that are most responsible for over application are most financially responsible for the consequences," Russell said.

Sen. Aric Putnam, DFL-St. Cloud. Minnesota State Senate

There are likely to be other proposals at the state Capitol to deal with the nitrate issue. One idea Hansen suggests is using conservation easements to take farmland in wellhead protection areas, where public drinking water is drawn from, out of production.

"A big problem is going to is going to require a variety of solutions," he said.

Sen. Aric Putnam, DFL-St. Cloud, who chairs the Senate agriculture committee, said he plans to hold a hearing on water quality issues this session.

Putnam said while he believes that "polluters should always pay," he doesn't believe most farmers overfertilize, because it's expensive, and because they care about clean water.

"Every farmer knows that healthy soil and water increases their yields," Putnam said. "It's in their own self interest to have healthy soil and water. So they just want help to be able to do it better."

Getting to Green: One home at a time
Boil water advisory issued for western Minnesota city
Minnesota finds increased health risk from 'forever chemicals'

Clean Water Council
By-Laws

Clean Water Council (Council) Purpose
The Clean Water Council was created to advise on the administration and implementation of MN Statutes Chapter 114D, the Clean Water Legacy Act, and foster coordination and cooperation as described in section MN Statutes Chapter 114D.20, subdivision 1. The Council may also advise on the development of appropriate processes for expert scientific review as described in MN Statutes Chapter 114D.35, subdivision 2.

Council Member Conduct
Council members have a duty to act in good faith and with complete accuracy, candor, truthfulness and disclosure in all formal or informal discussions, communications or related actions between any members of the Council.

Election of Chair and Vice-Chair
The Council shall elect from its voting members a chair and vice-chair. Elected chair and vice-chair will serve one two-year term, beginning in January. The Council shall use the methods of nomination and elections consistent with Robert's Rules of Order, and in compliance with Minnesota Open Meeting Law, as outlined below.

Election Process: *(Process to be followed separately; first for election of Chair and subsequently, election of Vice-Chair)*

1. Council members submit nominees to Chair prior to election.
2. Current Chair may designate another Council member to facilitate the election of Chair.
3. Chair or designee presents list of nominees for Chair/Vice-Chair to the Council. There is no vote taken on accepting this list of nominees, these nominations are treated as if made by members from the floor.
4. Chair or designee opens floor for further nominations for Chair/Vice-Chair.
5. Council member makes verbal nomination; nominees names are noted. Nomination need not be seconded.
6. Chair or designee seeks any further nominations.
7. Chair or designee seeks motion to close nominations. Council members make a motion; motion is seconded by another Council member.
8. Chair or designee calls for a vote on the motion to close nominations.
9. When the Council votes on closing the floor for nominations, Council then proceeds to the election.
   a) *If there are no nominees for the position of Chair/Vice-Chair*, the Council shall vote on continuing the term of the current Chair/Vice-Chair.
   b) *When there is one nominee for Chair/Vice-Chair*: Chair or designee calls for a vote to elect this individual to the position. If majority of Council members vote in favor, nominee is elected as Chair/Vice-Chair.
   c) *When there are multiple nominations*: Chair or designee calls for a vote for each nominee. Each Council member may only vote once. Council member may vote for him/herself. A member has the right to change his/her vote up to the time the vote is finally announced. Nominee with the majority vote is elected to the position.
10. Chair or designee announces who is elected as Chair/Vice-Chair, their effective starting date (typically January), and length of term (typically 2 years from start date).

The powers and duties of the Chair shall be as follows:

1. To preside as Chair at all meetings of the Council.
2. To see that the laws of the State, pertaining to the purpose and functions of the Council, the resolutions of the Council and its policies are faithfully observed and executed.
3. To call special meetings of the Council, on his/her own initiative, or upon request of three or more members.
4. To serve on the Steering Committee.

The powers and duties of the Vice-Chair shall be as follows:

1. To perform the Chair's duties at regularly scheduled or special Council meetings whenever the Chair is absent.
2. To handle Council business on behalf of the Chair whenever illness or personal matters prevent the Chair from handling Council business outside of regularly scheduled or special Council meetings.
3. To serve on the Steering Committee.

Whenever the Chair and Vice-Chair are both absent from any regularly scheduled meeting, his/her duties shall be performed by another member of the Council as determined at the beginning of a meeting.

Council Organization

1. The **Steering Committee**, the **Budget and Outcomes Committee**, and the **Policy Committee** are standing committees.

2. A **Steering Committee** will consist of the following members:
   - Chair
   - Vice-Chair
   - Past Chair (two-year term on Committee)
   - Agency representatives on the Council
   - Budget and Outcomes Committee Chair and Vice-Chair
   - Agency staff

   The Steering Committee plans meetings and other activities as designated by the Chair or Council. The Steering Committee is accountable to the Council.

3. The **Budget and Outcomes Committee** shall consist of a minimum of four voting members and a maximum of a non-majority of the current seated voting Council members. The Budget and Outcomes Committee:

   - Prepares initial input on budget recommendations to Council;
   - Reviews existing measurable outcomes information to show effectiveness of accomplishments;
   - Is accountable and advisory to the full Council; and
   - Elects its own Chair and Vice-Chair.

   Membership of this Committee is reviewed every two years. If the number of members interested in serving on the Budget and Outcomes Committee exceeds a non-majority of voting members, the Council Chair will decide who will serve on this Committee. If a Committee member misses more than three consecutive Budget and Outcomes Committee meetings, the Council Chair may replace this person at his/her discretion.

Draft Clean Water Council Strategic Plan for 2024-2028

22 January 2024

The Clean Water Council is a state advisory council created as part of the Clean Water Legacy Act[i] (CWLA) in 2006. The Council's purpose is to advise on the implementation of the CWLA, and to foster coordination and cooperation among state agencies and other stakeholders and partners. In addition, in 2009, the Council was assigned the task of recommending how to use the Clean Water Fund, which is one-third of the dedicated sales tax revenue generated from the Clean Water, Land and Legacy Amendment.

This strategic plan is not a comprehensive plan for all water activities in Minnesota. It focuses on activities within the Council's statutorily defined roles for the Clean Water Legacy Act and the Clean Water Fund. Purposely left out of the plan are most point source activities that are governed by permits or other requirements or are supported by other major funding sources (landfills, large feedlots, manure management plans, leaking storage tanks, PFAS work funded by 3M settlement, etc.) Therefore, the strategies and actions listed under each goal in the plan below will not be the only activities in Minnesota to meet the goals.

Several previous efforts provide the foundation for this plan, including Minnesota's *Nutrient Reduction Strategy* (NRS), the 2014 *Clean Water Road Map*, the 2011 *Minnesota Water Management Framework*, and the *Nonpoint Priority Funding Plan* produced by the Board of Water and Soil Resources, and others.

Much of the plan focuses on priorities for using the Clean Water Fund (CWF). In January of odd-numbered years, the Council must submit recommendations for the use of the CWF to the Legislature.

Statutory guidance and planning since 2008 have outlined several criteria for prioritizing the use of the CWF. Primary among them is constitutional language that the CWF must *supplement* existing funding and not *supplant* it.

Groundwater Vision: Groundwater is clean and available to all in Minnesota.

Goal 1: Protect groundwater from degradation and support effective measures to restore degraded groundwater.

- Strategy: Develop baseline data on Minnesota's groundwater quality, including areas of high pollution sensitivity.
  - *Action: Complete groundwater atlases for all Minnesota counties.*
    - Measure: All Part B atlases completed by 2038.

- *Action: Monitor ambient groundwater quality throughout the state.*
  - Measure: Updates from MPCA Groundwater Monitoring Program.
- *Action: Characterize nitrate and pesticide contamination in vulnerable aquifers.*
  - Measure: Vulnerable aquifers mapped via Township Testing Program, Central Sands Private Well Network, and Southeast Minnesota Volunteer Nitrate Monitoring Network.
- *Action: Characterize natural and synthetic contaminants in groundwater.*
  - Measure: Locations with high concentrations of natural contaminants mapped.
  - Measure: Groundwater monitoring performed as appropriate for contaminants of emerging concern.

- Strategy: Develop and carry out strategies that will protect and restore groundwater statewide.
  - *Action: Complete plans and fund activities for protection and restoration of groundwater statewide using a major watershed scale*
    - Measure: Groundwater Restoration and Protection Strategies (GRAPS) completed for all 60 One Watershed One Plan boundaries by YEAR.
  - *Action: Reduce risk of bacteria in groundwater.*
    - Measure: 80 percent compliance rate maintained for subsurface septic treatment (SSTS) systems with a stretch goal of 90 percent, as recorded in MPCA's annual SSTS report.
    - Measure: Financial assistance provided for low-income households to replace and repair individual SSTSs.
    - Measure: Demand met for under-sewered or unsewered small communities for long term solutions using Small Community Wastewater Treatment Program's intended use plan.
  - *Action: Reduce nitrate contamination of groundwater.*
    - Measure: Nitrogen Fertilizer Management Plan implemented in priority townships with vulnerable groundwater by assessing agricultural practices, forming local advisory teams, and publishing recommended practices that are adopted on 80% of row crop acres excluding soybean by year 2030, and implemented in all remaining townships by year 2034.
    - Measure: Alternative land management activities supported that protect groundwater such as easements, perennials, and market-based continuous living cover.
    - Measure: Guidelines regularly updated to understand impacts of nitrogen application.
    - Measure: Support provided for irrigation management outreach, update to state irrigation BMPs, and irrigation water management endorsement from Minnesota Agricultural Certification Program (MAWQCP).
    - Measure: No additional wells exceed maximum concentration levels.
    - Measure: Nitrate levels declining in private well testing by 2034.
    - Measure: Nitrate levels declining in 100% of public water wells by 2030.

- *Action: Reduce risk of pesticide contamination in groundwater.*
  - Measure: Ambient groundwater quality wells maintained through MDA pesticide monitoring program.
  - Measure: Outreach, demonstration sites, and technical assistance provided for recommended pesticide BMPs.
- *Action: Reduce risk of stormwater contaminants entering groundwater.*
  - Measure: Stormwater research that is protective of groundwater supported, with findings scaled to meet state needs.
  - Measure: Assistance provided to NPDES/MS4 permittees to enhance compliance.
  - Measure: Priority unused groundwater wells that present a risk to drinking water aquifers are sealed.

Goal 2: Ensure groundwater use is sustainable and avoid adverse impacts to surface water features due to groundwater use.

- Strategy: Support ongoing monitoring of groundwater quantity.
  - *Action: Maintain network of long-term groundwater monitoring wells and add wells as needed.*
    - Measure: 50 monitoring wells installed annually.
  - *Action: Identify groundwater-dependent lakes; streams; calcareous fens, and wetland complexes.*
    - Measure: Data provided to water planners for development of WRAPS, GRAPS, and comprehensive watershed management plans.
- Strategy: Develop a cumulative impact assessment and support planning efforts to achieve a sustainability standard for groundwater.
  - *Action: Prioritize areas of high water use intensity.*
    - Measure: Groundwater Management Areas (GWMA), highly sensitive areas, and areas of high water use intensity from agricultural irrigation are designated.
  - *Action: Implement water efficiency BMPs, water use reduction, and irrigation water management in areas of high water use intensity by agricultural irrigators, highly sensitive areas, Groundwater Management Areas (GWMAs), and highly vulnerable Drinking Water Source Management Areas (DWSMAs).*
    - Measure: DNR has tools needed to address conflicts on use of groundwater for economic and ecological purposes.
    - Measure: Monitoring wells have upward trend or no change in all six groundwater provinces.

- Strategy: Identify policy options that will accelerate progress to achieving a sustainable groundwater standard.
    - *Action: Clean Water Council Policy Committee biennial policy recommendations.*

Drinking Water Source Protection Vision: Drinking water is safe for everyone, everywhere in Minnesota.

Goal 1: Public Water Systems--Ensure that users of public water systems have safe, sufficient, and equitable drinking water.

- Strategy: Identify and reduce risks to drinking water sources by investing in technical training, planning, coordination, and source water protection grants.
    - *Action: Assist public water suppliers in completing Drinking Water Source Protection Plans (DWSPPs) and support implementation projects listed in the plans.*
        - Measure: All 900+ DWSPPs complete for groundwater public water systems.
        - Measure: All source water assessments for 23 surface water systems complete.
        - Measure: Source water protection plans complete for non-community public water systems.
        - Measure: Funding available for half of budget requests in DWSPPs.
    - *Action: Provide goals for drinking water protection.*
        - Measure: Statewide drinking water plan complete.
- Strategy: Support the Ground Water Protection Rule (GPR).
    - *Action: Support implementation funding and technical assistance to reduce nitrate in DWSMAs that are Level 1 and Level 2 under the GPR.*
        - Measure: Public water suppliers at Level 1 or Level 2 under the GPR do not exceed the drinking water standard for nitrate by 2034.
- Strategy: Support prevention efforts to protect groundwater in DWSMAs.
    - *Action: Fund protective actions that assist public water suppliers in meeting safe drinking water levels.*
        - Measure: Approximately 400,000 acres of vulnerable land surrounding drinking water wellhead areas statewide are protected by 2034.

        - Measure: Landowner adoption of practices that protect drinking water through technical assistance, conservation equipment support, financial assistance, easements, drinking water protection/restoration grants, targeted wellhead protection grants, market-based living cover, soil health grants, etc.

- Strategy: Support prevention and management of newly identified contaminant risks.
    - *Action: Fund Contaminants of Emerging Concern (CEC) program.*
        - Measure: At least 20 chemicals are screened each biennium.
    - *Action: Fund adequate monitoring and assessment activities to examine emerging risks.*
        - Measure: River and lake monitoring assessment, ambient groundwater and drinking water monitoring supported, with enough contingency for rapid response.
- Strategy: Identify policy options that will accelerate progress to achieving federal safe drinking water standards.
    - *Action: Clean Water Council Policy Committee will make annual policy recommendations.*

Goal 2: Private Water Supply Wells—Ensure that private well users have safe, sufficient, and equitable access to drinking water.

- Strategy: Identify risks to and fund testing of private well water.
    - *Action: Support a ten-year effort to give every private well user the opportunity to test for five major contaminants, with an initial focus on areas most vulnerable to contamination.*
        - Measure: Private well testing offered for 10 percent of private well users each year for 10 years.
- Strategy: Support selected mitigation activities for private well users.
    - *Action: Assist all well users with information on how to achieve safe drinking water.*
        - Measure: All private well users offered education on mitigation options as needed.
    - *Action: Assist qualifying low-income households and households with vulnerable populations to mitigate contaminants, such as well replacement, water treatment systems, etc.*
        - Measure: Grant program reports from MDH.
    - *Action: Provide favorable financing to qualified households to mitigate contaminants.*
        - Measure: Loan program report from Agricultural Best Management Practices Loan Program from MDA.
- Strategy: Identify policy options that will accelerate the reduction in the number of unsafe private wells.
    - *Action: Clean Water Council Policy Committee will make annual policy recommendations.*

Surface Water Protection and Restoration Vision: Minnesotans will have fishable and swimmable waters throughout the state.

Goal 1: Monitor, assess, and characterize Minnesota's surface waters.

- Strategy: Maintain consistent funding for a statewide monitoring system.
  - *Action: Continue to monitor and assess on 10-year cycle and for emerging contaminants.*
    - Measure: Completion of second monitoring and assessment cycle.
    - Measure: Reports on contaminants of emerging concern as needed or requested.
  - *Action: Complete Total Maximum Daily Load (TMDL) reports as needed.*
    - Measure: Publication of TMDL reports by the MPCA.

Goal 2: Protect and restore surface waters to achieve 70% swimmable and 67% fishable waters by 2034[ii] via by prioritizing and targeting resources by major watershed.

- Strategy: Identify and refine strategies required to meet water quality standards in each HUC-8 watershed.
  - *Action: Review and revise previously completed Watershed Restoration and Protection Strategies (WRAPS)*
    - Measure: Completion of second generation of WRAPS.
  - Action: Quantify water storage needs and opportunities within each HUC 8 watershed.
    - Measure: Acre feet storage goals are set for each watershed by 2026.
    - Measure: Storage opportunities and hydrograph estimates are complete by 2028.

- Strategy: Prioritize waters for protection and restoration using comprehensive watershed management plans (One Watershed One Plan or other approved plans)[iii] updated every ten years.
  - *Action: Support local efforts to support those impaired waters that are closest to meeting state water quality standards.*
    - Measure: Lists of "barely impaired" waters shared with local watersheds as they prepare comprehensive watershed management plans or other approved plans.
    - Measure: List of "barely impaired" waters that show improving trends on an annual basis.
    - Measure: Percentage of lakes meeting goal for recreation activities reaches 70 percent by 2034.
    - Measure: Percentage of rivers and streams meeting healthy fish community values reach 67 percent by 2034.

- *Action: Support efforts to protect those high-quality unimpaired waters at greatest risk of becoming impaired.*
  - Measure: Comparison of "nearly impaired" waters from across the state identified by WRAPS.
  - Measure: Comparison of "nearly impaired" waters list with prioritized waters in comprehensive watershed management plans or other approved plans.
  - Measure: List of "nearly impaired waters" as well as healthy waters that see no change or no degradation on an annual basis.

- *Action: Restore and protect water resources for public use and public health, including drinking water.*
  - Measure: List of waters with high public use that show improving trends or no degradation over time.
  - Measure: List of projects that show connection to Drinking Water Supply Management Areas (DWSMAs).

- *Action: Track completion of activities for priorities in each comprehensive watershed management plan*
  - Measure: Pilot tracker tool developed to show implementation progress against goals, followed by regional and then statewide deployment.

Goal 3: Protect and restore surface waters to achieve 70% swimmable and 67% fishable waters by 2034 via through statewide, regional, or issue-specific programs that help meet water quality goals but are not necessarily prioritized and targeted according to geography.

- Strategy: Enhance compliance for regulatory programs to accelerate progress
  - *Action: Maintain compliance rates for subsurface sewage treatment systems (SSTS) at 80 percent with a stretch goal of 90 percent.*
    - Measure: MPCA Annual SSTS Report.

  - *Action: Reduce risk of stormwater contaminants entering surface water.*
    - Measure: Point source discharge permits incorporate gains from stormwater pollutant reductions.
    - Measure: Minnesota Stormwater Manual updated regularly.

  - *Action: Support small unsewered or under-sewered communities for long-term wastewater solutions.*
    - Measure: Small or no backlog for Small Community Wastewater Treatment.

  - *Action: Support wastewater treatment plants and stormwater projects seeking to meet tighter Total Maximum Daily Load requirements.*
    - Measure: Adequate support of Point Source Implementation Grant (PSIG) program.
  - Action: Ensure adequate monitoring of NPDES permits.

- Strategy: Support competitive grants for protection and restoration activities.
    - *Action: Provide opportunities for competitive grants that meet statewide priorities.*
        - Measure: Annual grant funding round by BWSR for competitive grants to address statewide priorities.
- Strategy: Identify policy options that will accelerate the protection and restoration of surface waters.
    - *Action: Clean Water Council Policy Committee will make annual policy recommendations.*
        - Measure: Biennial policy recommendations.

Vision: All Minnesotans value water and take actions to sustain and protect it.

Goal 1: Build capacity of local communities to protect and sustain water resources.

Goal 2:

- Strategy: Maintain and increase capacity of Minnesotans to improve water quality.
    - *Action: Support local efforts to engage farmers in water quality efforts.*
        - Measure: Number of farmers and acres enrolled in Minnesota Agricultural Water Quality Certification Program, with a target of 5,100 farms and 6.5 million acres by 2030.
        - Measure: Number of acres with continuous living cover, with a target of five million acres by 2034.
        - Measure: Targets for nutrients in the state's Nutrient Reduction Strategy.
        - Measure: Number of acres enrolled in permanent easements.
        - Measure: Increasing number of renters and non-operating landowners participating in water quality efforts.
        - Measure: Net increase in number of structural conservation practices.
    - Action: Engage private well users to test their wells for five major contaminants.
        - Measure: Higher percentage of private well users choose to test their wells and mitigate any issues.
    - *Action: Engage non-traditional audiences with water planning and implementation.*
        - Measure: Collaborations with state agencies and their equity efforts.
        - Measure: Evaluation of We Are Water exhibit and its outreach.
        - Measure: Non-state or local government interested parties participating in local water management planning and watershed implementation funding requests.

- *Action: Support local efforts to engage lakeshore property owners and private landowners.*
  - Measure: Number of property owners enrolled in Lake Steward program.
  - Measure: We Are Water annual report.
  - Measure: Additional in-lake treatment and restoration projects proposed and funded for competitive grants.
  - Measure: Protection of 100,000 acres and restoration of 100,000 acres in the Upper Mississippi River headwaters basin by 2034.
  - Measure: Council recommends shoreline protection policy.
- *Action: Engage chloride users.*
  - Measure: Number of snow removal contractors and public works departments who are Smart Salting certified and make measurable reductions in chloride use.
  - Measure: Number of communities educating their residents about inefficient water softeners increases.
  - Measure: No increase in chloride concentration in metro rivers and streams over time.
- *Action: Engage water managers statewide.*
  - Measure: SWCDs, WDs, WMOs, drainage authorities, highway departments, municipalities, and counties have the skills necessary to carry out programs to meet water quality goals.
- *Action: Support innovative efforts that accelerate progress toward clean water goals.*
  - Measure: Acres of income-generating continuous living cover planted.
  - Measure: Stormwater research identifies scalable solutions for pollutant reduction to assist MS4 permittees.
  - mussels, culverts
- *Action: Plan for funding resilience after expiration of Legacy Amendment in 2034.*
  - Measure: New funding sources (e.g., fees, bonding, general fund) identified that would be required to maintain support of critical programs.

[i] Minn. Stat. 114D.30.

[ii] The 2014 Clean Water Road Map is the source of these targets.

[iii] While most watersheds in the state now use One Watershed One Plan, there are also approved plans used under previous statutes, especially in the metro area. "Comprehensive local water management plan," "comprehensive water plan," "local water plan," and "local water management plan" mean the plan adopted by a county under sections 103B.311 and 103B.315. “Watershed management plan” is defined in sections 103D.401.

Clean Water Council

Summary of Public Comment to Second Draft of Strategic Plan

January 22, 2024

From December 2023 meeting

- Council asked for calling out Watershed-Based Implementation Funding in the third section

Harvey Thorleifson, Professor, Department of Earth and Environmental Sciences; College of Science and Engineering; University of Minnesota

- Calls for orderly construction of statewide, muti-county groundwater models over the coming one to two decades, including a well-planned phase of data acquisition for undocumented deep geology.

Peter LaFontaine, Friends of the Mississippi River

- Suggests continuous living cover include the prefix of "market-based" to promote income generation rather than just termination of a cover crop.

- Suggests prioritization of support for research, development, and commercialization of continuous loving cover systems.

Freshwater

- Groundwater
    - Goal 2: sustainable use- Add strategy to support water reuse, recharge research and pilot projects; support for circular water initiatives; add strategy supporting DNR conservation strategies for high-capacity permits; add strategy.to assist DNR efforts to identify areas that can support new high-water use facility siting, and areas where new large-capacity groundwater users will be problematic.
- Drinking Water Source Protection
    - Strategy- Prevention of and management of newly identified risks: Add new action around supportive innovative technology pilots to measure and treat contaminants of emerging concern (CECs).
- Surface Water Protection
    - Goal 2- protection and restore, Strategy- Restore and Protect water resources for public use and public health including drinking water- Add a measure to show list of waters with high nitrate concentrations that aren't tracked via Groundwater Protection Rule.
    - Goal 3- Add an action around encouragement of stormwater and green infrastructure. Maybe the use of Envision Sustainable Infrastructure to scope projects?
    - Add a goal around flood protection. There are no goals discussing flooding to date. This is especially critical for urban areas and redevelopment/ new development and lower income communities.

- All Minnesotans value water
    - Goal 1- Suggest support for water workforce initiatives to build capacity in public and tribal government roles that work in water.
    - Add an action to work with local communities to develop environmental justice and equity rating systems for prioritizing projects or funding.

Minnesota Association of Watershed Administrators

- Hard to summarize, please review their memo

Gardner, Paul (MPCA)

From: thorleif@umn.edu
Sent: Tuesday, January 2, 2024 8:40 AM
To: Gardner, Paul (MPCA)
Subject: Clean Water Council Strategic Plan Input

Hello Paul, I wish to respond to your December 29th email, requesting input on the second draft of the Clean Water Council Strategic Plan for 2024-2028.

I recommend that the Plan explicitly call for orderly construction of statewide, multi-county groundwater models over the coming one to two decades, including a well-planned phase of data acquisition for undocumented deep geology.

Surely we all are unable to imagine atmospheric sciences without weather forecasting and climate models. Concurrently, soil mapping is transitioning to dynamic soil survey, and surface water science is more and more predictive.

To take the future of water more seriously, we need to do the same for groundwater, by implementing a more comprehensive vision for research, mapping, monitoring, modeling, and management.

A dynamic model supports prioritization of data collection for iteration of the model, it is the best mechanism for portraying systems, and it generates scenarios that inform management.

There seems no doubt that the Metro groundwater model is a helpful thing, and we can see that we could have been more forward-looking in its optimization, largely through more comprehensive clarification of geology.

If a regularly iterated, multi-county groundwater model is a good thing for the Metro, surely it would be good for people and groundwater-reliant ecosystems throughout the state.

A year or two ago, a bill was written to fund a second multi-county groundwater model as a pilot. I would now say that the Metro model is the pilot, and what is needed is a statewide plan.

A key early requirement is a systematic assessment of data adequacy, so a decadal plan can be implemented to carry out intensified data compilation, geophysical surveys, and drilling, to obtain needed data.

The Atlas program has been a great success, although the mapping has generally been limited to available data, with limited augmentation, and a needed commitment to modeling has not been successfully implemented.

A comprehensive approach, here and nationally, is needed, as it was two decades ago, to address the current situation that the New York Times, for example, is regularly depicting as a groundwater crisis.

In closing, I want to thank you, and commend you for your excellent and appreciated work.

Sincerely, Harvey Thorleifson Ph.D., P.Geo., D.Sc., he/him, Professor, Department of Earth and Environmental Sciences; College of Science and Engineering; University of Minnesota; John T. Tate Hall, Room 358-24, 116 Church Street SE, Minneapolis, MN 55455; thorleif@umn.edu

January 16, 2024

Paul Gardener
Council Administrator
Clean Water Council
520 Lafayette Road North
St. Paul, MN 55155

VIA EMAIL
paul.gardner@state.mn.us

Re: Comments on the Clean Water Council Draft Strategic Plan

The Minnesota Center for Environmental Advocacy submits the following comments on the Clean Water Council Draft Strategic Plan for 2024-2028:

The Clean Water Fund is established in the Minnesota Constitution, article XI, section 15 which specifies that the fund "may be spent only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation, and at least five percent of the clean water fund must be spent only to protect drinking water sources." MCEA greatly appreciates the Clean Water Council's continued commitment to statewide surface and groundwater protection and restoration, and offers the below comments:

Goal 1 of the Groundwater Vision is to "protect groundwater from degradation and support effective measures to restore degraded groundwater." As part of the strategy to "develop and carry out strategies that will protect and restore groundwater statewide," we recommend that:

Groundwater Restoration and Protection Strategies (GRAPS) for all 60 One Watershed One Plan boundaries should include the development of private wellhead protection areas that, similar to DWSMAs, can direct and prioritize funds under One Watershed One Plan to implement conservation practices such as cover crops and soil health measures to slow infiltration and reduce groundwater nitrate contamination. This also connects to Goal 2 of the Drinking Water Source Protection Vision because it would be a tool to prioritize areas where conservation measures are most needed to protect drinking water supplies for private well owners.

Under the measure to implement the Nitrogen Fertilizer Management Plan in priority townships, specify how priority townships will be identified and create a public list of priority townships that should have a published list of recommended practices that are adopted on 80% of row crop acres by 2030. A published list of priority townships would allow the public to track progress towards this measure under Goal 1. Criteria to identify priority townships should include townships where 10% or more of private well owners have tested at or above the federal maximum contaminant level (MCL) of

10mg/L of nitrate, based on aggregate data from different state and volunteer-led programs to test private wells.

As part of the measure to support alternative land management activities that support groundwater, there is an opportunity to strengthen cropland/livestock partnerships that pair crop farmers with livestock producers (see MDA's Cropland Grazing Exchange). For example, there is an opportunity for grant money and technical assistance to help farmers establish managed grazing systems for livestock on their land.

Another measure that fits under the action to "reduce nitrate contamination of groundwater" is to increase manure storage capacity, especially in vulnerable groundwater areas like the karst region of southeastern Minnesota where there is also a high density of animal feedlots. The January 2024 report to the Minnesota legislature titled "Preventing fish kills in Minnesota's driftless region" recognizes that of the approximately 2,660 registered feedlots in southeastern Minnesota, only a small percentage are required to have 9 months of liquid manure storage under the NPDES/SDS general feedlot permit. Adequate manure storage for feedlot operators that have less than 1,000 animal units would help to ensure that manure is applied at the right time and at the right rate to reduce discharges to groundwater and surface waters.

Goal 2 of the Drinking Water Source Protection Vision is to "ensure that private well users have safe, sufficient, and equitable access to drinking water." We support this goal but, given the constitutional language that establishes the Clean Water Fund, think it is important for the Minnesota legislature to establish a permanent fund source for private well testing and mitigation, so the burden doesn't fall solely on the Clean Water Fund. Programs from other states, like Iowa's Grants to Counties program, use a fertilizer fee to establish a fund for this purpose.

Finally, Goal 2 of the Surface Water Protection and Restoration Vision is to "protect and restore surface waters to achieve 70% swimmable and 67% fishable waters by 2034 by prioritizing and targeting resources by major watershed." In the Minnesota River Basin, there is widespread acknowledgement that agricultural drainage has altered the hydrology of river and stream networks and is one of the main drivers of increases in nutrient and sediment loads in impaired watersheds. For example, the Final WRAPS for the Blue Earth River released in July 2023 documents that "up to 85% of the Blue Earth River Watershed's area may be tile drained, with 70% of the area likely drained" (p. 25) and that "tile drainage has been identified as a primary cause of stream flow changes in heavily tiled landscapes" (p. 26). In this WRAPS report, nonflow-corrected analysis that captures stream flow changes shows a significant increase in pollutant concentration loads for total nitrogen, total phosphorous, and total suspended

solids from 2008 to 2019 (p. 18). For the Minnesota River Basin, the strategic plan should recognize the need for wetland restoration in the upper portion of heavily drained watersheds and stream gauge monitors downstream of drainage system outlets to better capture changes in stream flow over time. Finally, MCEA supports the development of a basin-wide hydrology assessment model for the Minnesota River Basin that would help to approximate changes in baseflow conditions and channel-forming flows.

Sincerely,

/s/ Carly Griffith

Carly Griffith
Water Program Director
Minnesota Center for Environmental Advocacy
1919 University Avenue West, Suite 515
St. Paul, MN 55104
651-223-5969
cgriffith@mncenter.org

MAWA
Minnesota Association of Watershed Administrators

Memorandum

To: **Paul Gardner, Administrator, Clean Water Council**
Marcie Weinandt, Clean Water Council - Watershed District Representative
Jan Voit, Executive Director, MN Watersheds
From: **Minnesota Association of Watershed Administrators (MAWA) State Water Policy Committee**
RE: **Clean Water Council Strategic Plan**
Date: **January 12, 2024**

Background

The Clean Water Council (Council) has assembled a second draft of its Strategic Plan for 2024-2028. The Council is seeking input on this draft plan. The plan will be the basis for future Clean Water Fund (CWF) recommendations in the upcoming budget cycles. The Council will start reviewing ideas for the CWF for FY26-27 this spring. Comments on this draft of the plan are due on January 16, 2024. The Minnesota Association of Watershed Administrators (MAWA) State Water Policy Committee met on January 12, 2024 and offers the following comments on this draft.

Overall comments

While titled a "strategic plan", the plan appears to be more of a comprehensive list of potential projects and programs for which the Council could recommend funding. The plan tries to do everything for every issue and in effect does not feel strategic. To be strategic, and signal the goals and intentions of the Council, priorities should be provided. Also, since the goal of the Council is to recommend funding, there should be broad recommendations on funding percentages, not just listing some key areas like groundwater, drinking water, surface water, and action steps. We also believe that clarity on the level of recommended funding for implementation itself is critical. As local water managers, we recognize that we are 15 years into a 25-year funding program, and efforts for study, analysis, and planning should be minor; the major emphasis should be on implementation.

One of the stated goals is to "foster coordination and collaboration among state agencies and stakeholders and partners." Yet, some of the strategic plan's goals contain limiting language that defines how the Clean Water Council expects the goal to be achieved, bypassing opportunities for stakeholder coordination and collaboration. One such example is "Surface Water Protection, Goal 3, Action: Reduce the risk of stormwater contaminants entering surface water." We all recognize that there are complex relationships between groundwater, drinking water, surface, and stormwater management. However, phrasing of the overall goal, reducing the introduction of surface water contaminants, is paired with a limitation that only stormwater sources will be considered. The phrasing of the strategic plan goal suggests that stormwater management (i.e. stormwater best management practices) are uniquely and discretely polluting surface waters.

MAWA
Minnesota Association of Watershed Administrators

As water resource professionals who work most closely with implementation of the impaired waters framework, we are very concerned about an implied shift to addressing "nearly impaired" and "barely impaired" waters. First, it would be beneficial to include the Clean Water Council's working definitions of these terms in the strategic plan for clarity. Further, it is our concern that an emphasis on nearly and barely impaired waters is an attempt to boost TMDL/303d Impaired Waters Lists compliance statistics rather than focus on high value, high priority state waters. A disproportionate focus on nearly and barley impaired waters could result in favoring smaller water bodies of lower significance and a distortion of prioritization in favor of instances where nominal efforts may "move the needle." We strongly feel that through our respective comprehensive watershed management plans, considerations of all impairments, including those qualified as nearly and barely, have been closely considered through our collaborative local and regional project prioritizations, and that these efforts should be recognized and supported, instead of artificially prescribed.

Specific Comments on individual Goals, Strategies, Actions and Measures.

Groundwater Vision: Groundwater is clean and available to all in Minnesota.

Goal 1: Protect groundwater from degradation and support effective measures to restore degraded groundwater.

- Strategy: Develop baseline data on Minnesota's groundwater quality, including areas of high pollution sensitivity.
    - *Action: Characterize natural and synthetic contaminants in groundwater.*
        - Measure: Locations with high concentrations of natural contaminants mapped.
        - Measure: Groundwater monitoring performed as appropriate for contaminants of emerging concern.

MAWA Comments

How are natural contaminants defined? Natural background findings are not pollutants. This recognition is made for surface water, i.e. wetlands, and so the same should be recognized for specific groundwater conditions. We would recommend that both natural and synthetic contaminants be better defined or clarified. We also question the goal or the need to address natural or background conditions given all of the other priorities.

- Strategy: Develop and carry out strategies that will protect and restore groundwater statewide.
    - *Action: Reduce risk of bacteria in groundwater.*
        - Measure: 80 percent compliance rate maintained for subsurface septic treatment (SSTS) systems with a stretch goal of 90 percent, as recorded in MPCA's annual SSTS

report.

- Measure: Financial assistance provided for low-income households to replace and repair individual SSTSs.
- Measure: Demand met for under-sewered or unsewered small communities for long term solutions using Small Community Wastewater Treatment Program's intended use plan.

MAWA Comments

What are the actions to reduce bacteria in groundwater? Is this more of a shoreland issue?

- *Action: Reduce nitrate contamination of groundwater.*
  - Measure: Nitrogen Fertilizer Management Plan implemented in priority townships with vulnerable groundwater by assessing agricultural practices, forming local advisory teams, and publishing recommended practices that are adopted on 80% of row crop acres excluding soybean by year 2030, and implemented in all remaining townships by year 2034.

MAWA Comments

It is unclear if the measure described is action already mandated by the Minnesota Department of Agriculture's existing framework (or in addition to?).

Goal 2: Ensure groundwater use is sustainable and avoid adverse impacts to surface water features due to groundwater use.

- Strategy: Develop and carry out strategies that will protect and restore groundwater statewide.
  - *Action: Complete plans and fund activities for protection and restoration of groundwater statewide using a major watershed scale*
    - Measure: Groundwater Restoration and Protection Strategies (GRAPS) completed for all 60 One Watershed One Plan boundaries by YEAR.

MAWA Comments

Groundwater isn't bound by surface watersheds and/or One Watershed One Plan (1W1P) boundaries. Designing reports that confine groundwater findings to a surface boundary is faulty logic. It doesn't make sense to require that groundwater data be reported in all the 60 1W1Ps. This creates artificial boundaries for groundwater and creates a mismatch of surface practices in relation to groundwater supplies. This may result in the wrong practices in the wrong places and wasting both public and private resources for phantom reductions.

Goal 2: Ensure groundwater use is sustainable and avoid adverse impacts to surface water features due to groundwater use.

- Strategy: Develop a cumulative impact assessment and support planning efforts to achieve a sustainability standard for groundwater.
    - *Action: Prioritize areas of high water use intensity.*
        - Measure: Groundwater Management Areas (GWMA), highly sensitive areas, and areas of high water use intensity from agricultural irrigation are designated.

MAWA Comments
DWSMAs should be added here since they are also areas of high water use intensity.

Drinking Water Source Protection Vision: Drinking water is safe for everyone, everywhere in Minnesota.

Goal 1: Public Water Systems--Ensure that users of public water systems have safe, sufficient, and equitable drinking water.

- Strategy: Support prevention efforts to protect groundwater in DWSMAs.
    - *Action: Fund protective actions that assist public water suppliers in meeting safe drinking water levels.*
        - Measure: Approximately 400,000 acres of vulnerable land surrounding drinking water wellhead areas statewide are protected by 2034.

MAWA Comments
This strategy, action, and measures raises many questions about the meaning of "prevention", and "protective actions". While having measurable outcomes is a good thing, how is 400,000 acres of vulnerable land measured and protected?

Surface Water Protection and Restoration Vision: Minnesotans will have fishable and swimmable waters throughout the state.

Goal 1: Monitor, assess, and characterize Minnesota's surface waters.

- Strategy: Maintain consistent funding for a statewide monitoring system.
    - *Action: Complete Total Maximum Daily Load (TMDL) reports as needed.*
        - Measure: Publication of TMDL reports by the MPCA.

MAWA Comments

This goal, strategy, and action is very concerning. As local water managers all know, TMDLS do not clean up water. Implementing state approved and locally adopted watershed plans and 1W1P efforts are true methods to achieve fishable and swimmable waters. Completing TMDLS only meets EPA requirements and are not local priority. Conducting TMDLs has been a long-standing requirement of the MPCA and funding TMDLs fuels concerns that this would be supplanting of funds, especially in the face increasing costs at the local level to implement clean water practices.

Goal 2: Protect and restore surface waters to achieve 70% swimmable and 67% fishable waters by 2034[ii] via by prioritizing and targeting resources by major watershed.

- Strategy: Prioritize waters for protection and restoration using comprehensive watershed management plans (One Watershed One Plan or other approved plans)[iii] updated every ten years.
    - *Action: Support local efforts to support those impaired waters that are closest to meeting state water quality standards.*
        - Measure: Lists of "barely impaired" waters shared with local watersheds as they prepare comprehensive watershed management plans or other approved plans.
        - Measure: List of "barely impaired" waters that show improving trends on an annual basis.

MAWA Comments

As mentioned in our overall comments, we feel that these statements need repeating. We are very concerned about this shift to addressing "nearly impaired" and "barely impaired" waters. First, are no definitions of "nearly" or "barely" impaired. Further, this appears to be an attempt to boost TMDL/303d Impaired Waters listings/delistings in the lead up to possible reauthorization of the CWF rather than focusing on high value, high priority state waters. This approach will favor smaller water bodies of lower significance and priority where nominal efforts may "move the needle." This strategy also suggests that the priority for protection or restoration is their proximity to the water quality standard rather than their importance statewide. This topic further supports development of a statewide priority system. The Metropolitan Council has already implemented a Priority Water List recognizing that not all water bodies are created equal and with limited resources, the focus should be on the most critical resources first.

https://metrocouncil.org/Wastewater-Water/Planning/Water-Resources-Management/Priority-Waters-List.aspx

Is it reasonable to assume that 70% swimmable and 67% fishable is achievable? In thinking about each of our own individual watershed districts and the impairments that exist today, it would be impossible to reach these goals at current, or even double, funding levels. How would this goal be met if programs are blind to prioritization and geography – that approach seems like certain failure.

Goal 3: Protect and restore surface waters to achieve 70% swimmable and 67% fishable waters by 2034 via through statewide, regional, or issue-specific programs that help meet water quality goals but are not necessarily prioritized and targeted according to geography.

- Strategy: Enhance compliance for regulatory programs to accelerate progress
    - *Action: Maintain compliance rates for subsurface sewage treatment systems (SSTS) at 80 percent with a stretch goal of 90 percent.*
        - Measure: MPCA Annual SSTS Report.
    - *Action: Reduce risk of stormwater contaminants entering surface water.*
        - Measure: Point source discharge permits incorporate gains from stormwater pollutant reductions.

MAWA Comments
As stated above, funding state/EPA required reports like the SSTS Annual Report or updates to the MN Stormwater Manual that are long-standing requirements of the MCA fuels concerns that this would be supplanting of funds. Even if this is not supplanting, the optics of Clean Water Funds paying for ongoing operational costs should be a concern.

- Strategy: Support competitive grants for protection and restoration activities.
    - *Action: Provide opportunities for competitive grants that meet statewide priorities.*
        - Measure: Annual grant funding round by BWSR for competitive grants to address statewide priorities.

MAWA Comments
We support both competitive grants and funding of 1W1P programs. Competitive grants could better provide opportunities to meet statewide priorities.

- Strategy: Identify policy options that will accelerate the protection and restoration of surface waters.
    - *Action: Clean Water Council Policy Committee will make annual policy recommendations.*
        - Measure: Biennial policy recommendations.

MAWA
Minnesota Association of Watershed Administrators

MAWA Comments

It should be noted that the local watershed plans and 1W1Ps incorporate both local and state priorities. We believe there should be a tighter link between Council strategies and actions to state supported local plans. Without this there may be a misalignment of goals for the Council and the goals from local plans.

General housekeeping comments

We would like to suggest that the document be converted to a letter/number outline system to better track and follow all the Visions, Goals, Strategies, Actions, and Measures. Under the Vision: All Minnesotans value water and take actions to sustain and protect it., Goal 1: Build capacity of local communities to protect and sustain water resources, Action: Support innovative efforts that accelerate progress toward clean water goals there is a measure of mussels, culverts. We presume this may be a typo.

Gardner, Paul (MPCA)

From: Peter LaFontaine <plafontaine@fmr.org>
Sent: Monday, January 8, 2024 3:26 PM
To: Gardner, Paul (MPCA)
Cc: Whitney Clark
Subject: Input on CWC strategic plan

Hi Paul,

Thanks for the opportunity to comment on the CWC draft strategic plan.

I appreciate your inclusion of several items on continuous living cover. Can I suggest re-wording it as "*market-based* continuous living cover"? (You do refer to "income-generating" CLC on p.9, which is a fine alternative term.) This differentiates the Forever Green approach from annual systems that just incorporate a non-harvestable cover crop; and it frames the Council's actions as catalyzing a shift away from conventional BMPs, where the benefits cease when the public funding goes away.

If you're open to a really crazy idea: Have you considered giving market-based CLC its own standalone section? FMR sees it as a tentpole strategy -- although I'm sure you have good reasons for the current structure.

A couple of other notes:

* Vision 1>Goal 1>Strategy 2>Action 3: "*Measure: Alternative land management activities supported that protect groundwater such as easements, perennials, and continuous living cover.*"

If appropriate for this document, we at FMR would like to see more specificity there -- namely, that the Council prioritizes support for research, development, and commercialization of CLC systems, whether by Forever Green, other institutions, or private-sector businesses. Building out the supply chains is going to be a huge part of the solution here, so the plan really should allude to that component, too.

* Vision 2>Goal 1>Strategy 3>Action 1: "*Measure: Approximately 400,000 acres of vulnerable land surrounding drinking water wellhead areas statewide are protected by 2034*" and "*Measure: Landowner adoption of practices that protect drinking water through technical assistance, conservation equipment support, financial assistance, easements, drinking water protection/restoration grants, targeted wellhead protection grants, continuous living cover, soil health grants, etc.*"

Again, if appropriate, we'd like to see priority for market-based CLC approaches in both these items.

Thanks,
Peter

Peter LaFontaine | Agricultural Policy Manager
Friends of the Mississippi River
C: 928-814-3590

Gardner, Paul (MPCA)

From: Linda Vavra <lvavra@fedtel.net>
Sent: Friday, January 5, 2024 9:08 PM
To: Gardner, Paul (MPCA)
Subject: Clean Water Council Strategic Plan 2024-2028

Dear Paul,

Thank you for the opportunity to comment on the strategic plan. I see that you have put a lot of work and thought into this plan, and I thank you for that.

You are planning on doing extensive Measuring thru out the plan. But I fail to see what is planned to fix any of the existing issues that have all ready been identified.

Our land owners are very serious about cleaning up our rivers and streams but they can't afford to do it on their own. The financial help that our watershed has received over the years from the Clean Water funds has enabled the watershed to encourage and assist those landowners to get things done. Please help us to continue to help them by continuing clean water funding.

I also believe the citizens of Minnesota were dedicated to cleaning up the waters of our state, they did so by passing the clean water taxation years ago. They did it because they know how much it costs to correct the issues. They were looking for funding back then and funding in the future. Not more Measuring.

Thank you and the Clean Water Council for your dedication and support.

Sincerely

Linda Vavra President MN, Watersheds , President

Gardner, Paul (MPCA)

From: Jamie Beyer <bdswd@runestone.net>
Sent: Tuesday, January 2, 2024 9:31 AM
To: Gardner, Paul (MPCA)
Subject: Strategic Plan Comments

- *Action: Characterize natural and synthetic contaminants in groundwater.*
  - Measure: Locations with high concentrations of natural contaminants mapped.
  - Measure: Groundwater monitoring performed as appropriate for contaminants

"Natural contaminants?" Natural background findings are not pollutants. This recognition is made for surface water – for eg, wetlands – the same should be recognized for specific groundwater conditions.

- *Action: Reduce risk of bacteria in groundwater.*
  - Measure: 80 percent compliance rate maintained for subsurface septic treatment (SSTS) systems with a stret 90 percent, as recorded in MPCA's annual SSTS report.

This goal might be more effective if it required a reduction in the number of waivers MPCA issues, vs. compliance.

Happy New Year Paul!

Comments below. Thanks, Jamie

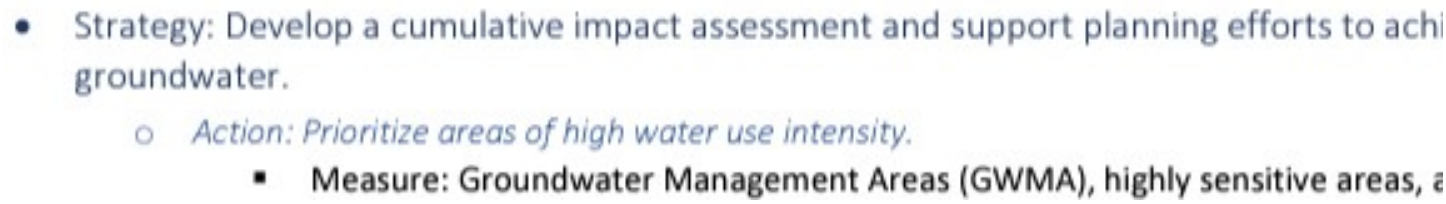
- *Action: Reduce nitrate contamination of groundwater.*
  - Measure: Nitrogen Fertilizer Management Plan implemented in priority townships w assessing agricultural practices, forming local advisory teams, and publishing recomn

This policy has no trigger – applies to whole townships with or without exceedances? Each township represents about 23,040 acres. This would be a very, very costly policy to implement, and would tank land prices and tax bases all across Minnesota. It would be better to recognize and report on the achievements of the landmark Nitrogen Fertilizer Rule implementation. MPCA and BWSR completely ignore that the Nitrogen Fertilizer Rule were enacted, like either it never happened or has always been in place, which is beyond frustrating to producers that are currently working through the logistics of this rule. CWC has an opportunity to measure a new program that the state has enacted.

- *Action: Complete plans and fund activities for protection and restoration of groundwater statew*
  - Measure: Groundwater Restoration and Protection Strategies (GRAPS) completed for boundaries by YEAR

Groundwater isn't bound by watershed/1W1Plan boundaries, so designing reports that confine groundwater findings to a surface boundary is faulty logic. It does make sense to require that groundwater data be reported to any and all of the

60 1W1Plans that are associated, but creating artificial boundaries for groundwater ensures that there will be a mismatch of surface practices in relation to groundwater supplies….you will be encouraging the wrong practices in the wrong places, and wasting both public and private resources for phantom reductions.



Add DWSMA's, they are also areas of high water use intensity.

Jamie Beyer, Administrator
Bois de Sioux Watershed District
704 Hwy 75 South
Wheaton, MN 56296
****
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****
bdswd.com

Gardner, Paul (MPCA)

From: Michelle Stockness <MStockness@freshwater.org>
Sent: Tuesday, January 16, 2024 2:43 PM
To: Gardner, Paul (MPCA)
Cc: cjennings; Chris O'Brien
Subject: Freshwater comments on the draft Clean Water Council Strategic Plan 1/16/24

Hi Paul,

Below are our comments on the draft strategic plan. Thanks for allowing the opportunity to comment!

Freshwater comments:

1. Page 1, Groundwater Vision- Great! We are happy to see a groundwater focus and identification of actions across state agencies and organizations.
2. Page 3, Groundwater Vision, Goal 2: sustainable use- we would like to see a strategy added to support water reuse, recharge research and pilot projects. Support for circular water initiatives.
3. Page 3, Groundwater Vision, Goal 2: sustainable use- we would like to see a strategy added around supporting DNR conservation strategies for high-capacity permits.
4. Page 3, Groundwater Vision, Goal 2: sustainable use- we would like to see a strategy added to support to assist DNR efforts to help identify areas that can support new high water use facility siting, and conversely, areas where new large capacity groundwater users will be problematic.
5. Page 4- Drinking Water Source Protection, Strategy- Prevention of and management of newly identified risks: we would like to see a new action around supportive innovative technology pilots to measure and treat contaminants of emerging concern (CECs).
6. Page 5, Drinking Water Protection, Goal 2- Private wells: Great! We like the focus on private well quality and support- we feel like this is a gap in Minnesota.
7. Page 7- Surface Water Protection, Goal 2- protection and restore, Strategy- Restore and Protect water resources for public use and public health including drinking water- we would like to see a measure to show list of waters with high nitrate concentrations that aren't tracked via Groundwater Protection Rule.
8. Page 7- Surface Water Protection, Goal 3- we would like to see an action around encouragement of stormwater and green infrastructure. Maybe the use of Envision Sustainable Infrastructure to scope projects?
9. Page 7- Surface Water Protection- we would like to see a goal around flood protection. There are no goals discussing flooding to date. This is especially critical for urban areas and redevelopment/ new development and lower income communities.
10. Page 8- All Minnesotan's value water, Goal 1- maintain and increase capacity to improve water quality, Action engage non-traditional audiences- we would like to see support for water workforce initiatives to build capacity in public and tribal government roles that work in water.
11. Page 8- All Minnesotan's value water, Goal 1- maintain and increase capacity to improve water quality, engage with nontraditional communities, we would like to see an action to work with local communities to develop environmental justice and equity rating systems for prioritizing projects or funding.
12. Page 9- All Minnesotan's value water, Goal 1- maintain and increase capacity to improve water quality, we like the action around engaging chloride users. Thank you.

Michelle Stockness, PE (she/her)
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FRESHWATER

Inspiring and empowering people to value and conserve water

Read our Blog and keep updated on your water news and events.

Rick Hansen
State Representative

District 53B

Minnesota House of Representatives

January 19, 2024

Clean Water Council
520 Lafayette Road North
St Paul, MN 55155

Thank you for the opportunity to provide input on the Clean Water Council strategic plan.

Minnesota is currently faced with a public health crisis of nitrates in groundwater. The Minnesota Groundwater Protection Act was passed in 1989. Minnesota voters approved a Clean Water Legacy amendment in 2008. The Clean Water Council was established before the amendment and made recommendations on funding for nearly 20 years. I would encourage the council to spend more time and seek more public, not stakeholder, input in developing a new strategic plan.

The strategic plan as written may have been appropriate 20 years ago however Minnesota's ground and surface water quality has deteriorated despite hundreds of millions of dedicated dollars being spent. I would ask the Clean Water Council to focus on the outcomes of the money rather than inputs and spending of the money. What I mean rather than counting inputs such as participants, acres and expenditures focus on water quality improvements with measurable deliverables.

Now faced with a public health crisis, we should concentrate on projects, proposals, and programs to solve water quality problems facing Minnesota. To achieve this, the council must be independent, thoughtful, and deliberative and do what is right. The Legislature has tasked you with that responsibility. We cannot do more of the same with more money and less results. There are only 10 years left of these dedicated dollars and they should produce results not programs. A strong evaluation component of effectiveness is needed not just the status quo.

I look forward to working with you. I am available to answer any questions or to meet with you with further explanation.

Sincerely,

Rick Hansen
Chair, Environment and Natural Resources Finance and Policy

Rick Hansen
State Representative

District 53B

Minnesota House of Representatives

January 22, 2024

Clean Water Council
520 Lafayette Road North
St Paul, MN 55155

Dear Clean Water Council:

This morning, you are considering unanticipated Supplemental Clean Water Fund appropriations that are an addition to the two-year biennial budget adopted by the Legislature in 2023.

It appears the preliminary recommendation for $18 million in additional Clean Water Funds are being distributed to multiple programs and projects throughout the state, as has been done in the past.

What is different now is the immediate challenge of the public health crisis of nitrates in southeastern Minnesota. The need to focus efforts and try new problem-solving efforts is critical and requires full public debate.

Therefore, I ask that you make no formal recommendation to the Legislature to spend the unanticipated $18 million. The Legislature, working with the public and local, state, and federal agencies, can introduce bills, have hearings, and pass appropriations to help resolve the nitrate water pollution problem.

The timeline will not differ if you adopt recommendations today; a supplemental budget will go into effect on July 1. What will be different is more public involvement, through the Legislature, in creating and developing an innovative response to Minnesota's nitrate problems.

Sincerely,

Rick Hansen
Chair, Environment and Natural Resources Finance and Policy