

Policy Committee Meeting Agenda

Clean Water Council

March 25, 2022

9:30 a.m. – 12:30 p.m.

WebEx Only

2022 Policy Committee: John Barten, Rich Biske (Chair), Kelly Gribauval-Hite, Raj Rajan, Victoria Reinhardt (Vice Chair), Peter Schwagerl, Phil Sterner, Jordan Vandal, and Marcie Weinandt

9:30 Regular Business

- Introductions
- Approve today's agenda
- Approve minutes of previous meeting
- Chair and staff update
 - House Legacy Finance Hearing this week
 - Other bill hearings: PFAS, chloride, SWCD funding, House CWF bill

10:00 Timing for Biennial Recommendations/Review of Standing Policy Platform

10:30 BREAK

10:45 Reviewing Steps for Future Policy Statements & Lining Up Committee Topics for April-June

- **Shoreland Management:** DNR available starting in May or later for deeper dive
- **Drainage:** Discussing at BOC; looking for more project opportunities
- **Soil Health:** 4/11 MOSH Collaboration Forum-Advancing a Systems Approach to Soil Health
- **Water Storage:** Interagency white paper in progress
- **Private Wells**

11:30 Emerging issues from the Legislature of Possible Interest

- Microplastics
- Tire-based chemicals
- Neonicotinoids

12:00 Adjourn

Policy Committee Meeting Summary
Clean Water Council (Council)
February 24, 2022, 9:30 a.m. to 12:00 p.m.

Committee Members present: Rich Biske (Chair), Kelly Gribauval-Hite, Raj Rajan, Victoria Reinhardt (Vice Chair), Peter Schwagerl, and Phil Sterner.

Members absent: John Barten, Jordan Vandal, and Marcie Weinandt.

To watch the WebEx video recording of this meeting, please go to <https://www.pca.state.mn.us/clean-water-council/policy-ad-hoc-committee>, or contact [Brianna Frisch](#).

Regular Business

- Introductions
- Motion to approve February 25 meeting agenda and January 28 meeting summaries, moved by Kelly Gribauval-Hite and seconded by Peter Schwagerl. Motion approved by vote unanimously.
- Chair and staff update
 - The 2022 Chair and Vice Chair selection for the Policy Committee: No other nominations came forward, so Rich Biske will be Chair and Victoria Reinhardt continues to serve as Vice Chair.
 - There is a House Legacy Finance Hearing on February 16: Paul Gardner (Clean Water Council Administrator) talked about the Clean Water Funds (CWFs) since the last session.
 - Other bill hearings:
 - There are multiple bills on per- and polyfluoroalkyl Substances [PFAS](#) that would ban it from products (cookware, cosmetics, food packaging, juvenile products), and it is getting national attention.
 - A chloride reduction bill will be heard next week and appears to have bipartisan support.
 - Another bill would support more private well testing and mitigation. It is similar to what the Minnesota Department of Health (MDH) is doing on their pilot projects.
 - The Governor and the House seek general fund aid for Soil and Water Conservation District (SWCDs) capacity to replace CWFs. The SWCD aid which would be similar to county or local government aid.
 - Jason Moeckel, Minnesota Department of Natural Resources (DNR): The [SF3055](#) related to White Bear Lake is scheduled for a hearing in the Senate next Monday afternoon.

Minnesota Department of Health (MDH) Update on Pharmaceutical Policy Statement for Council Approval
(WebEx 00:27:30)

The MDH requested some paragraphs be updated, to include more of their current efforts. This is to re-approve the policy statement, so it can be brought forward to the full Council at the Monday meeting.

- Motion to approve with the amendment by Victoria Reinhardt, seconded by Raj Rajan, motion approved by vote.

Follow-up to Soil Health Conversation (WebEx 00:31:00)

There was a robust discussion on a potential soil health policy statement at the last meeting. Representative Lippert proposed several bills at the Legislature. Paul Gardner has worked on a draft policy statement option, which provides the context and resources, but leave the Council's position blank at this time. The Council can decide what they would like to share, which can stimulate others talking about this topic.

Tom Gile, Board of Water and Soil Resources (BWSR):

- The state agencies can share what is already in motion. The McKnight Foundation has approved a grant on soil health. The proposal would create an action plan for scaling up the adoption of soil health management practices that mitigate the impacts of climate change and increase landscape resiliency. It is a two year proposed project, which will bring together a number of stakeholders. This effort is to work with, and pass through, a bulk of funding to the Minnesota Office of Soil Health (MOSH). MOSH would lead the literature review, as well as some of the facilitations of discussion on this topic. It would also bring relevant stakeholders (state agencies, agricultural groups, environmental groups) to the table. This can include conversations about barriers to soil health, practices, adoption of practices, etc.

- The state agencies are looking to build beyond this project to have some state goals, including long-term ones to help scale up some of these practices. There are current programs and initiatives that touch on this topic.

Questions:

- Rich Biske: Do you have an intended audience and a timeline of influence?
 - *Answer:* The full proposal will be sent to Paul.
 - *Comment from Dave Weirens, BWSR:* This will be a two year project from start to finish. They feel it is essential to have broad conversations on soil health goals and to try to develop a strategy that has a buy-in from all the groups that are involved in soil health. The University of Minnesota and the MOSH are excellent groups to work with for this movement.
- Rich Biske: What would the Council like to see? Would other Clean Water Fund programs be better aligned, or informed, by some kind of metrics?
- Brad Jordahl Redlin, Minnesota Department of Agriculture (MDA): The MOSH will be having a forum in early April, and they are inviting many people across different disciplines and groups. They can make sure the Council can be invited.
- Next steps include keeping up on this topic, modifying the policy statement as these items evolve. Perhaps by December, the Council may have a standing position. The state agencies, if given enough time, can show how some of their proposals might fit into the soil health area.

Reviewing Topics for Future Policy Statements (WebEx 00:56:00)

The Policy Committee previously reviewed the ranking of policy topics list. At the last meeting, the members identified their top five topics. The items that ranked at the top included: water storage, manure, shoreland protection, and private wells. Other items that ranked high, but already had a policy statement included: underground utilities, support the PFAS blueprint, chloride, and pharmaceutical source reduction.

- How does the Policy Committee want to move forward with their policy statements for the upcoming Clean Water Council Biennial Report due December 1, 2022?

Discussion:

- Rich Biske: There are a few options. Items that have a policy could be set aside for now, because the Council has a good position. A second category that is connected to the Council's Strategic Plan or the proposals. To review those options. A third category of new items that have not been vetted in some form yet. Having a timeline, which includes getting the full Council's input, would be good to have to manage the time between now and when the report is due. This is an extensive list. *Answer from Paul Gardner:* The report is due December 1, but the Council needs to review the final version and vote before it is submitted. The October meeting is usually when the full Council reviews and votes, so the November meeting can be used if anything was changed, for the final approval. The funding recommendations usually are done by August. There is more time with the policy recommendations part of the report.
- Phil Sterner: I would like to vote plastics, to try to move that up. It was missed when previously voting. *Response by Paul Gardner:* There are more microplastics sampling about to begin.
- Jason Moeckel, DNR: In previous years, the Policy Committee has mentioned the loss of natural shorelines. So, Jason has been following up on this topic, connecting with different agency staff on updates. This led to forming a group, which invited people from different lakes and river associations. They are looking at the current efforts, and have a draft report of it. They are preparing to share with the Council. They are looking to set the stage on some important questions in this area, and how the Council might be able to help them move items forward. Natural shoreland conditions have the highest benefits for water quality and habitat for fish and wildlife, so that is the target. The approach so far has not been very effective; it does not protect enough. Wisconsin has been doing some different efforts that may be good options to consider for alternatives. It would be good to have a discussion on items to consider, that may be beneficial to Minnesota. Even survey information may be really useful to gain more information about this area from those who have property on lakes and water bodies. This group could be ready to meet with the Council in about May, at the earliest.
 - Phil Sterner: Looking at the rights of people with lake property, so are you looking at the lake owners as well as the public rights, for any kind of survey work? *Answer:* They are looking to identify where some of

the gaps and shortcoming are, to help flush those out. It is an important question, so it is something we can note.

- Kelly Gribauval-Hite: I think this is an area that needs to be discussed. These can be contentious issues. There is a balance that needs to happen between the property owner and the community. There are also wildlife impacts.
- Rich Biske: Was there a local government a part of this planning group? *Answer:* Yes, a few Soil and Water Conservation District (SWCD) folks because they are on the front lines of this kind of work. Some of the restoration work, in particular.
- Rich Biske: In the past, there was interest in changing the shoreland standards, and previous attempts can often be lost. Could the group capture that experience in lessons learned before? *Answer:* Yes, that is part of what they would like to share. It is mentioned in the dialogue they have been sharing.
- The Policy Committee would like to hear from this group, when they are ready to meet, possibly in May.
- Regarding the policy topics, some items have things moving forward already.
 - Rich Biske: Regarding water storage, could the Policy Committee get an update on this? I understand there is a group of state agency staff that could provide up with it? It sounds like a white paper is being done, if that could be brought to the Council when ready? *Answer:* Yes, they will be contacted.
- There has been some questions and feedback regarding drainage, and how well it is synchronized with other watershed planning efforts. Tom Gile with BWSR will be talking to the Budget and Outcomes Committee at their next meeting, if others are interested in joining.
- Next steps will follow up on what has been talked here. Other items will follow after. There are many organizations that have a standing platform that is approved every year. Perhaps, this is something the Policy Committee would like to take this approach. Items considered still current.
 - Rich Biske: Yes, and to take action on carry over items. It is a good idea.

Update on Pig Eye's Island Landfill, by Victoria Reinhardt (*WebEx 01:34:00*)

The Legislature has put together legislation in [HF3627](#) for a group task force to address issues related to the Pigs Eye Landfill. It would be helpful to provide a vote of support for this item. This would use general funds.

- Motion for the Policy Committee to support this task force legislation by Victoria Reinhardt, seconded by Rich Biske. No discussion. Motion approved by vote unanimously. A letter of support can be sent to the chair of the Legislative committee.
- This will move to the full Council for review and approval.

Adjournment (*WebEx 01:51:40*)

Clean Water Council Policy Implementation Progress

Policy	Adopted In	Key Policy Recommendations	Progress	Future Actions Needed
Riparian Buffers	FY 13-14	Require buffers along Public waters and ditches and private ditches that drains into Public waterways	Minnesota Buffer Law was signed into law in June 2015 and requires 50 foot buffer along Public waters and 16.5 foot buffer along Public drainage systems	All the policy goals are achieved. The State Agencies and Local governmental units are responsible for ensuring the buffers are maintained.
		Fund local implementation & enforcement	CWF provides funding for technical support for local units of government	
		One State Agency oversee Local activities	Board of Soil & Water Resources (BWSR) has overall implementation responsibility with technical support from other Agencies.	
Water Retention, Storage and Infiltration	FY 13-14	Require all major (HUC 8) watersheds outside 7-county metro area develop comprehensive watershed management plans.	All non-metro water planning and implementaiton is based on major watersheds. Water retention/storage goals have been incorporated in 1W1P requirements via statute (103B.801) and agency plan content requirements.	BWSR currently working on white paper looking at the technical issues, policy considerations, and potential costs necessary to scale up adoption of water storage and treatment. [This is from FY18-19]
Living Cover for Drinking Water Protection	FY16-17	Require the establishment of living cover in vulnerable areas such as wellhead & upstream of surface water intakes	These areas are targeted, but voluntary, the progress is limited.	
		Property Transfers: Notify the buyers the potential existance of lead-pipes between the water main and taps, and provide informational material to mitigate risks.		Legislation may be necessary to ensure the seller discloses the existence of lead piping. [New Lead & Copper Rule requires water utility notify property owner about possibility of lead pipes]

Clean Water Council Policy Implementation Progress

Advancing Drinking Water Protection	FY 16-17	Renters: Notify the renters the potential existance of lead-pipes between the water main and taps and provide informational material to mitigate risks.		Legislation may be necessary to ensure the landlord discloses the existence of lead piping. [Note above for Lead & Copper Rule revision in 2021]
		Establish a panel of subject matter expert from around the country to advise MN lawmakers and Agencies ways to protect and improve drinking water quality.	MDH has a contract with U of MN's Water Resources Center and Humphrey School of Public Affairs to convene an expert panel and their report is now in the review phase.	Policy Committee review the report and recommend policy actions [done 2020]; CWF recommended in FY22-23 to support implementation of report.
		State mandate source water protection plans (SWPP) for surface water systems.	Minneapolis, St. Paul, and St. Cloud has them, but 21 others are yet to draft SWPPs. [This is from FY18-19]	CWC strategic plan: Complete revised source water assessments for all 23 surface water systems by 2025 & complete source water intake protection planning by 2027 .
De-icing Chloride Reduction	FY 18-19 [revised FY22-23]	Fully fund the Smart Salting applicator training and certification program, and MPCA chloride reduction program aimed at reducing salt use.	The MPCA's Strategic Plan includes chloride reduction efforts. The MPCA has requested and CWC has recommended CWF monies to provide the training program statewide.	The CWC has recommended funding for the Chloride Reduction Program for FY22-23.
		Request that the Legislature give MPCA the authority to charge a fee for chloride training.		New recommendation FY22-23
		Provide liability protection for the Smart Salting program certifiacd private winter de-icing applicators to reduce salt use.	During 2018 and 2020 legislative sessions, bills were introduced in the both houses, but were not included in the Omnibus bills.	Re-introduce, pass and sign into law the liability protection Bill.
		Provide research funds to develop new technology, alternatives and best management practices		New recommendation FY22-23
		Encourage and support the adoption of the MPCA's Chloride Reduction Model Ordinance language by local government entities.		
		Have the MPCA convene and lead a stakeholder process to develop recommendations for new labelling requirements on bags of de-icing chemicals sold in Minnesota.		New recommendation FY22-23

Clean Water Council Policy Implementation Progress

Pharmaceutical Pollution Prevention	FY18-19 [revised for FY24-25]	Fund research on the pathways of pharmaceuticals into surface water and ground water, identify priority pharmaceuticals that pose the greatest risk to human health and aquatic life, identify and support practicable solutions to reduce their entry into Minnesota waters, and recoup reasonable costs through an industry-funded safe medication return program.		
		Require the words or symbols for “do not flush” be printed on all prescription pharmaceutical labels, and remove any existing instructions to flush unused portions.		
		Adopt a “Safe Medication Return Program” funded by the pharmaceutical producers.	Washington State and several other states have passed similar legislation and are going through rulemaking or are just starting their programs.	
		Require the words or symbols for “do not flush” be printed on all prescription pharmaceutical labels, and remove any existing instructions to flush unused portions.		
Increasing Continuous Productive Vegetative Cover	FY18-19	Establish a Minnesota Agricultural Diversification Steering Council	The Council recommended funding to establish the Minnesota Agricultural Diversification Steering Council at the University of Minnesota.	Legislature to approve the CWC's recommendation.
		Create a Minnesota Agricultural Diversification Network		
		Provide financial support and technical assistance to municipalities to reduce chloride discharges and allow flexibility for how municipalities achieve these reductions.		The CWC has recommended funding for the Chloride Reduction Program for FY22-23.

Clean Water Council Policy Implementation Progress

Chloride Reduction: Water Softening	FY22-23	Update the state plumbing code to effectively prohibit the installation of new water softeners in Minnesota that use timers rather than on-demand regeneration systems.		New recommendation for FY22-23
		Fund a program for activities, training, and grants that reduce chloride pollution. Grants should support upgrading, optimizing, or replacing water softener units.		The CWC has recommended funding for the Chloride Reduction Program for FY22-23.
Disclosure of Well Water Quality at Time of Sale	FY22-23	Require all sellers of real property to test drinking water from wells for bacteria, nitrate, arsenic, manganese, and lead		
		Inform buyers and renters of the test results		
		Direct buyers to mitigation guidance from the Minnesota Department of Health		
PFAS	FY24-25	The Clean Water Council recommends that the State of Minnesota implement the comprehensive PFAS Blueprint, which uses the following priorities to prevent, manage, and clean up PFAS pollution in Minnesota.	Approved by the Policy Committee but not yet by the full Council.	
Underground Utilities	FY24-25	To create an accurate inventory of Minnesota's underground utility infrastructure, the Clean Water Council (CWC) recommends that the State of Minnesota develop an accurate map of all underground utilities installed in the state and require Minnesota's public and private sectors to support sharing of necessary data in a secure and confidential manner.		
Soil Health	FY24-25	Specific Policy TBD		