

Policy Committee Meeting Agenda

Clean Water Council

March 28, 2025

9:30 a.m. – 12:00 p.m.

[WebEx Only](#)

2024 *Policy Committee: John Barten, Rich Biske (Chair), Gail Cederberg, Kelly Gribauval-Hite, Chris Meyer, Peter Schwagerl, Marcie Weinandt, and Jessica Wilson*

9:30 Regular Business

- Introductions
- Approve today's agenda
- Approve minutes of previous meeting(s)
- Chair update
- Staff update

9:45 Review Draft Policy Statement on Data Centers and Groundwater

10:30 BREAK

10:45 Update on Private Well Initiative in Southeastern Minnesota

- Minnesota Department of Health

11:45 Public Comment

12:00 Adjourn

Possible Topics for Future Meetings

- Soil health and the "Olmsted Model" (BWSR)
- Ideas for measuring chloride reduction programs (MPCA) & new ideas for chloride reduction

Policy Committee Meeting Summary
Clean Water Council (Council)
February 28, 2025, 9:30 a.m. to 12:00 p.m.

Committee Members present: John Barten, Rich Biske (Chair), Gail Cederberg, Kelly Gribauval-Hite, Chris Meyer, Peter Schwagerl, Marcie Weinandt (Vice Chair), and Jessica Wilson.

No members absent.

Others present: Glenn Skuta (MPCA), Paul Gardner (CWC), Brianna Frisch (MPCA), Anabel Sanford (Emmons & Olivier Resources), Frieda Von Qualen (MDH), Tannie Eshenaur (MDH), Jack Slater (UMN), John Clark (Met Council), Justin Hanson (BWSR), Jeff Berg (MDA), Jason Moeckel (DNR), Holly Hatlewick (Council member and Renville SWCD), Margaret Wagner (MDA), Jim Stark (SWMP), Hayden Cordell, Carrie Jennings (Freshwater), Chris O'Brien (Freshwater), Michelle Stockness (Freshwater), Angelica Day (Nature Conservancy), Kim Dimmick (Rosemount resident), Miranda Nichols (MPCA)

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
- Approval of the February 28th meeting agenda and the January 24th meeting summary, motion by John Barten, seconded by Jessica Wilson. Motion carries unanimously.
- Chair update
- Staff update
 - The budget forecast will be out late next week. There are some economic indicators that are not looking good, so it could reflect in the budget. The Budget and Outcomes (BOC) meeting is next Friday. They may need to act quickly when the budget forecast is revealed to adjust recommendations.

Draft Clean Water Council Public Participation Plan, by Council member Jessica Wilson (*Webex 00:20:00*)

- This is a first draft of the Public Participation Plan. It has gone through the Ad Hoc Outreach group and we seek input. It is something that would be routinely referenced, updated, and adapted, as we meet the needs of the Council and its engagement work. Additionally, thanks to Jen Kader for aiding with this document.
- This is a tool for the Council to use as they go through public participation work. It also meant to inform the BOC and Policy Committees, as well as the Council's Strategic Plan.
- This Plan is based on the International Association of Public Participation (IAP2) framework.
- The purpose is to help the Council be more intentional about why, how, when, and who it is engaging. It is to make the entire process more transparent and assessable. It will also hold the Council accountable to implement the plan, and continually review and adopt its approach to meet the Council's engagement goals. The Council does not have engagement goals set yet. There are hints of what they may be in the document.
- It describes the mechanics of the Council's work. It helps with context, to know the right time to ask for input.
- For decision criteria, it reveals what is considered in/out of scope, decisions already made, and other.
- The document lists stakeholder groups. Stakeholders not included, should be added.
- A graphic of the recommendations flow chart is provided to show where the stakeholders are included.
- The IAP2 spectrum of public participation is included, with an orange box outlining an emphasis on the work. The level of engagement will change depending on which part of the recommendation process the Council is in. The techniques include the informed level, the consult level, and the involved level.
- The decision process shows how the BOC and Interagency Coordination Team (ICT) go back and forth, highlighting where the engagement can take place.
- The timeline is the final part of the document.

Comments/Questions/Discussion:

- Rich Biske: This is a great first draft. To see it in a concise form is wonderful. It is just what we needed.
- Gail Cederberg: This set a good stage for communication, transparency, and the amount of work that has gone into the draft is incredible. Thinking about a few things, I think how to get the word out is the critical

next step. We can bring it back to the folks we represent. We want comments to help move forward. We should set a timeframe for the final draft of this plan. On page eight, we talked about stakeholder lists. There was a lot of specificity on which groups to consult with. Maybe that should be more general.

- Tannie Eshenaur, Minnesota Department of Health (MDH): We have talked about this for so many years, and having this today is fantastic. Local public health is an important stakeholder, because they have a lot of skin in the game when it comes to drinking water (public and private). You should be aware that state agencies, when developing the proposals, must seek stakeholder input. We document the stakeholders involved and development of the proposals, which is sent to Minnesota Management and Budget (MMB).
 - *Response from Rich Biske:* I don't know that we've seen that process or list of stakeholders involved. Perhaps, whatever you are sending to MMB, we could include that in the proposals.
 - *Tannie Eshenaur, MDH:* The budget change item forms that go to MMB for each program is public. The current Governor requires several statements on how the proposal affects children and families, about equity, and also listing of the stakeholder engagement and development of the proposal. We could easily provide that to the Council.
- Rich Biske: I appreciate the start on the stakeholders, and we should add rights holders as a separate category within that for tribal governments. We could make a long list. Perhaps we need an interested party's assessment. Going through a process to identify those that are impacted directly or indirectly, or left out, may be a fruitful process.
- Paul Gardner: We should be deliberate and thoughtful in our description of tribal governments. I was thinking we should map the "hot topics." Different parts of the state have concerns for different issues (i.e., mining and pipelines in northeastern Minnesota, nitrates in southeast, flooding in the Red River Valley, etc.). These are things on the public's mind, whether the Council or Clean Water Fund can do something about it or not.
- Chris Meyer: Yes, we should note what is and is not in scope, but also education on what is and is not possible, because that is sometimes required. Folks show up at our county meetings, really worked up on a topic, and do not understand where the actual lever is, and how to get to it.
- Jessica Wilson: What should we aim for regarding timeline? I was thinking perhaps in a month or two, we could have this in front of the full Council for review.
 - *Rich Biske:* Yes, that sounds good. Perhaps, having something voted on by the end of the fiscal year. We also want to get input on this process from stakeholders. It would be good to test this with some of the groups. I am thinking timing and scope is especially important here.
 - *Jessica Wilson:* Let's get more eyes on this. I would love feedback from the ICT and state agencies as well.

Data Center Follow-up, by Michelle Stockness & Carrie Jennings, Freshwater (*Webex 01:07:00*)

There was significant interest and sense of urgency on this topic at the full Council. We want to see if this committee should move forward with a policy statement, including some recommendations around data centers for the full Council. Typically, we develop and generate statements over multiple meetings and refine them.

- They have heard a lot of interest in data centers, in local businesses, public agencies, local units of government, and community members. They are wondering how to respond to them, and what information they need, feeling like they do not have enough of the info around sustainable water supply. Community members talk with their policy makers about it. Community members feel like they don't have a voice. There are several bills proposed recently that are moving fast. Local and state governments usually respond more slowly, so any kind of guidance this policy committee could provide, would be helpful. It would keep up with the speed of business.
- In the packet is a memo on the data centers. At the bottom are a list of suggestions for a policy statement for your consideration.

Questions/Comments/Discussion:

- John Barten: Planning ahead makes sense to avoid problems down the road. Would the DNR be able to say which areas of the state should be avoided or be able to support this kind of high water use? Could that be part of a policy piece, or is that beyond our scope and ability? Answer from Jason Moeckel, DNR: There are a lot of layers to that question. The quantity of water is squarely within the DNR's regulatory authority. Cities play an important role because they request authorization to pump a certain amount of water. They share who their customer base is, and often can figure out their top users in their communities. All the data centers are largely getting their water source from a municipality. One has a groundwater permit, just as a backup if

the city is compromised in some way. The agencies often overlap for groundwater. My overall caution, rather than think about it as a data center issue, it is more about planning for water supply more broadly. There are other facilities that can have a large impact as well. There are a lot of considerations. There is no strong mechanism for the state of Minnesota to step back and assess all things to guide all the activities you are asking about. We should not limit our thinking to only data centers. Do we have the right planning infrastructure to be thinking about all the details to consider? It is challenging.

- *Response:* We do have existing statutes that are protective. We may need to tighten up some loopholes that are in those. For example, if the priority of use is domestic use, then we need to make it clear to the cities that it does not include industrial users under their jurisdiction. It may be a simple fix. I would like to see the statute expand to include all consumptive uses of groundwater that could be achieved without water. There are clearly things that need water like drinking and irrigation. Moving heat is not one that requires consumptive use of groundwater or surface water. There can be closed loop systems, air cooling, etc. If we can talk about water uses where it is essential, or preferred, and alternatives, we could cover a lot of potential future categories.
- Gail Cederberg: From reading everything, how do we keep reminding people about the legislative priorities for the use of water. Do we do a policy or white paper, or do we start a broader discussion. Getting a policy through quickly might not be the best action. However, communicating our discussions to the Legislature, communities, and stakeholders may be a better action. We are jumping into policy, which we might need, and should do, but we should elevate the conversations. We should continue to remind people what the legislative directive is for the use of water and levels of what is important.
- Peter Schwagerl: I appreciate the conversations we are having on this topic. Can you share why water was selected for cooling in the data centers? Is it economically a cheaper way to cool things? Comparing the closed loop or more efficient systems, is it the quickest, easiest way to tap into a water supply? What is driving that business towards water cooling? *Answer from Chris O'Brien, Freshwater:* My understanding is that some of the other options (i.e., geothermal, air cooling) methods tend to be more costly, and more difficult to permit. Tapping into a city's existing permit is the quickest way. Speed is a factor for these businesses. There is a perception we are behind in creating data centers in Minnesota.
- Paul Gardner: Looking at the maps provided, looking at all the items needed for setting up these data centers, it would guide them to the area which would have the least number of issues, correct? *Answer:* Yes, these issues are at a national and international scale. They are big corporations looking at these projects. We may have a bullseye on us for these kinds of businesses arriving.
- Paul Gardner: Is it cheaper to drill your own well and pay the fees for being a high-water user? *Answer:* Cities set their water rates. To drill a well, the most expensive part is drilling it and putting in the pump. Then, it is the electricity to operate the pump. The least expensive thing is the permit fee paid for water used.
- Rich Biske: We want to stay within the scope of the Council. Can we go over what is required in these data research proposals? *Answer:* Because of the process that is being employed, the businesses are going straight to the municipal permit, so they are not hearing any of these concerns. There is no chance of DNR oversight or MDH oversight. They are circumventing the permitting process. The municipalities end up taking on that burden versus the business. The city ends up taking on that risk of water supply and water quality impacts, on behalf of their customer.
- Rich Biske: I would like to hear where members are at on next steps? Should there be a longer discussion? Are there outstanding questions?
 - Jessica Wilson: I like the idea to the League of Minnesota Cities do some informing of cities. There could be a workshop, perhaps Freshwater could join and share knowledge. The DNR has a role there too. Getting this info to the cities, to help them know what questions to ask, would be helpful. The city leaders could ask relevant people to join them too, to get it in the hands of people making those decisions. Another thought is for a long-term goal is wellhead protection planning at the city level.
 - John Barten: I am hearing it is a regional concern, but the well is a site-specific concern. So, it is harder to think of a policy piece for that. In the past, we have provided letters of support for legislation. We could look at the legislation moving through the system, for either support or opposition on behalf of the Council. I think we need to really think about a constructive policy.
- Rich Biske: Let's work on these items. Let's think about what we know now and are comfortable moving forward with. We can build on it.

Public Comment (*Webex 01:56:00*)

- Kim Dimmeick: I live on the east side of Rosemont. A company has recently decided they want to buy 447 acres next to us to put in a large data center. Right now, I am about 5 miles from the new Meta data center. Across the street, they purchased 200 acres of land for future expansion. Further down the road, they have purchased a 333-acre project, and the AUAR is already approved. There are four data centers within five miles of each other (two are hyper-scale). We have a private well. It looks like every area pulls from the Jordan aquifer. When these proposals are being approved, are we considering that the Jordan aquifer is having stress on it, because they are pulling from that same area. Iowa pulls from that aquifer too, and they are drying up because of water use. Is that going to happen to us? Additionally, there is a noise issue. I haven't heard anything yet, but I don't know who would oversee it.
 - *Jason Moeckel, DNR*: We don't know how they are getting their water (municipal source or private well), or if it is single use or multiple use of the water. Yes, that aquifer is the main work horse. You are also not far away from the Flint Hills refinery, which is the biggest water user in Dakota County. They have been using Mount Simon Aquifer for a long time. There are other aquifers with varying degrees of capacity, but also have different challenges with the chemistry. As a private well owner, if someone does use a high-volume well that impacts your well, you can file a complaint. The DNR investigates, and it needs to get resolved. That is one thing unique to Minnesota. There is a process in place. In general, the water levels in Dakota County are pretty stable, with some seasonal impacts.
 - *Rich Biske*: Thank you for sharing your local insight.

Adjournment (*Webex 02:21:49*)



Public Health Intervention Status Update: Addressing Nitrate in Southeast Minnesota

Sophia Walsh | Environmental Consultant, Water Policy Center

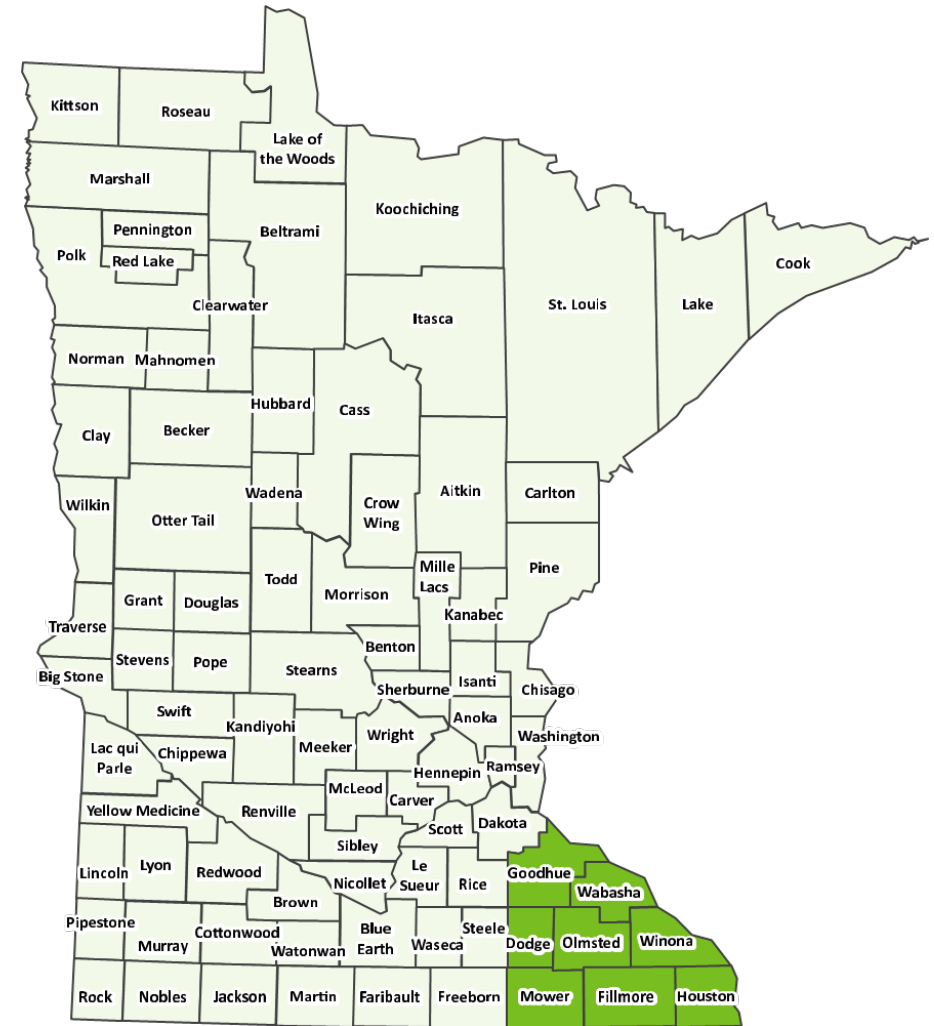
Frieda von Qualen | Planning Director, Water Policy Center



EPA directive to state agencies

Develop a coordinated and comprehensive work plan to reduce nitrate contamination of drinking water aquifers in eight southeastern Minnesota counties.

Letter, Minnesota's response, reports:
[Response to Nitrate in Southeast Minnesota](#)



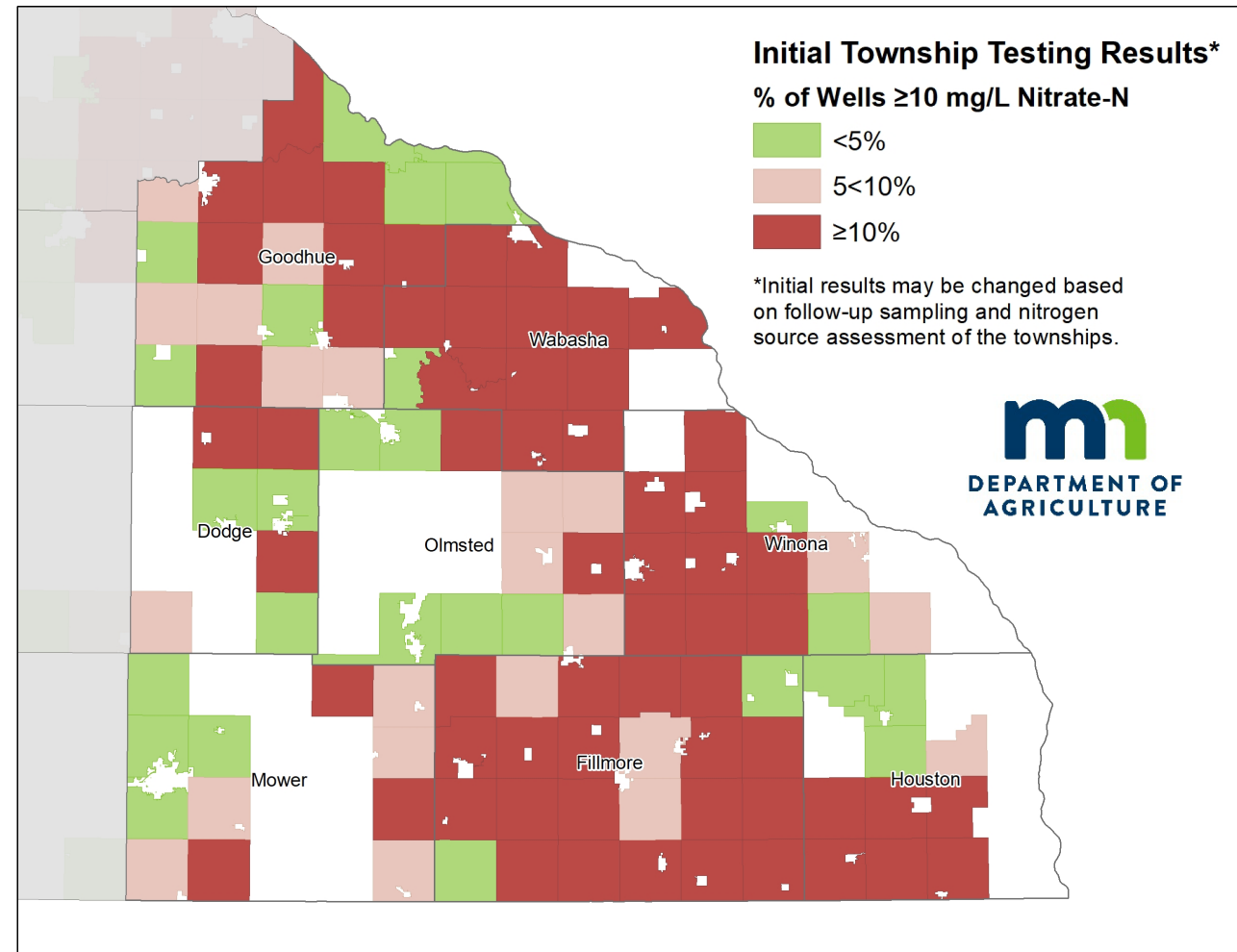
Required components of the work plan

1. Develop coordinated communication plan
2. Identify all private wells
3. Provide education and outreach:
 - Private wells owners/users
 - Community water system customers
4. Offer testing for all private wells
5. Offer remediation for wells that exceed drinking water guidance
6. Establish public access to data and records
7. Report quarterly to US EPA

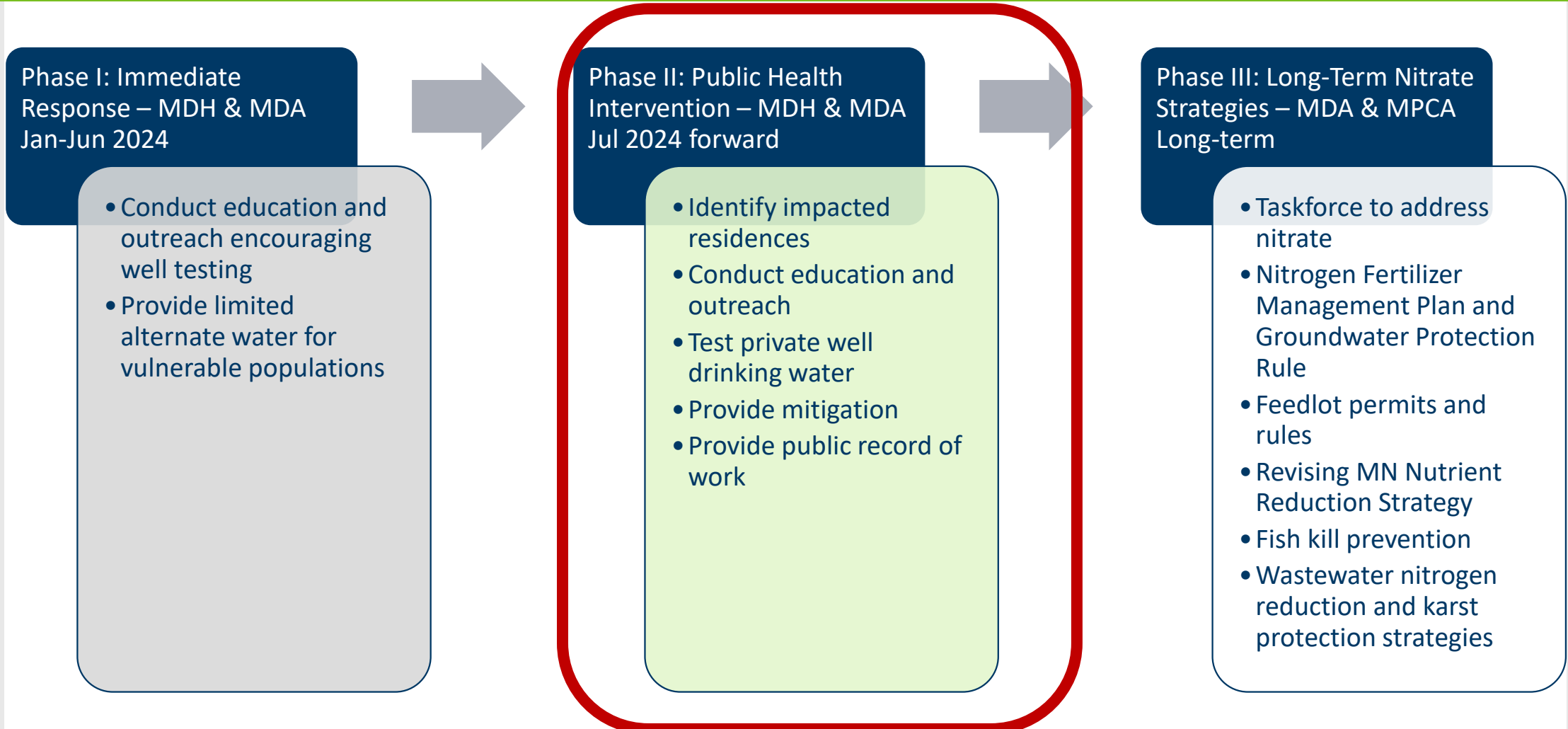
The concern is with private wells

- Community water systems: Safe Drinking Water Act protects consumers
- Private wells have little protection:
 - Well Code regulates construction, sealing
 - Owner responsible for testing, mitigation, operation
 - Pre-code wells are very vulnerable

Township Testing results for 8 county area



Workplan has three phases



CWF helps fund public health intervention

CWF

\$2.79M to MDH

- Well inventory
- Testing
- Education, outreach, community engagement
- Staff capacity (local and state)



GF

\$2.8M to MDA

- Home water treatment
- Option to transfer to MDH for a mitigation program



Fund Year 1
of a 10-year public
health intervention



Efforts align with the Clean Water Council Strategic Plan

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

Goal 2: *Ensure that private well users have safe, sufficient, and equitable access to drinking water.*

- Testing
- Mitigation
- Policy

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.



Phase II: Public Health Intervention

- **Free water tests**
- **Mitigation** for households with nitrate above 10 mg/L
- **Well inventory** to locate private wells
- **Outreach**
- **Use a scalable approach**



**Leverage and elevate Tap-In
and existing efforts**

Private Well Test Results

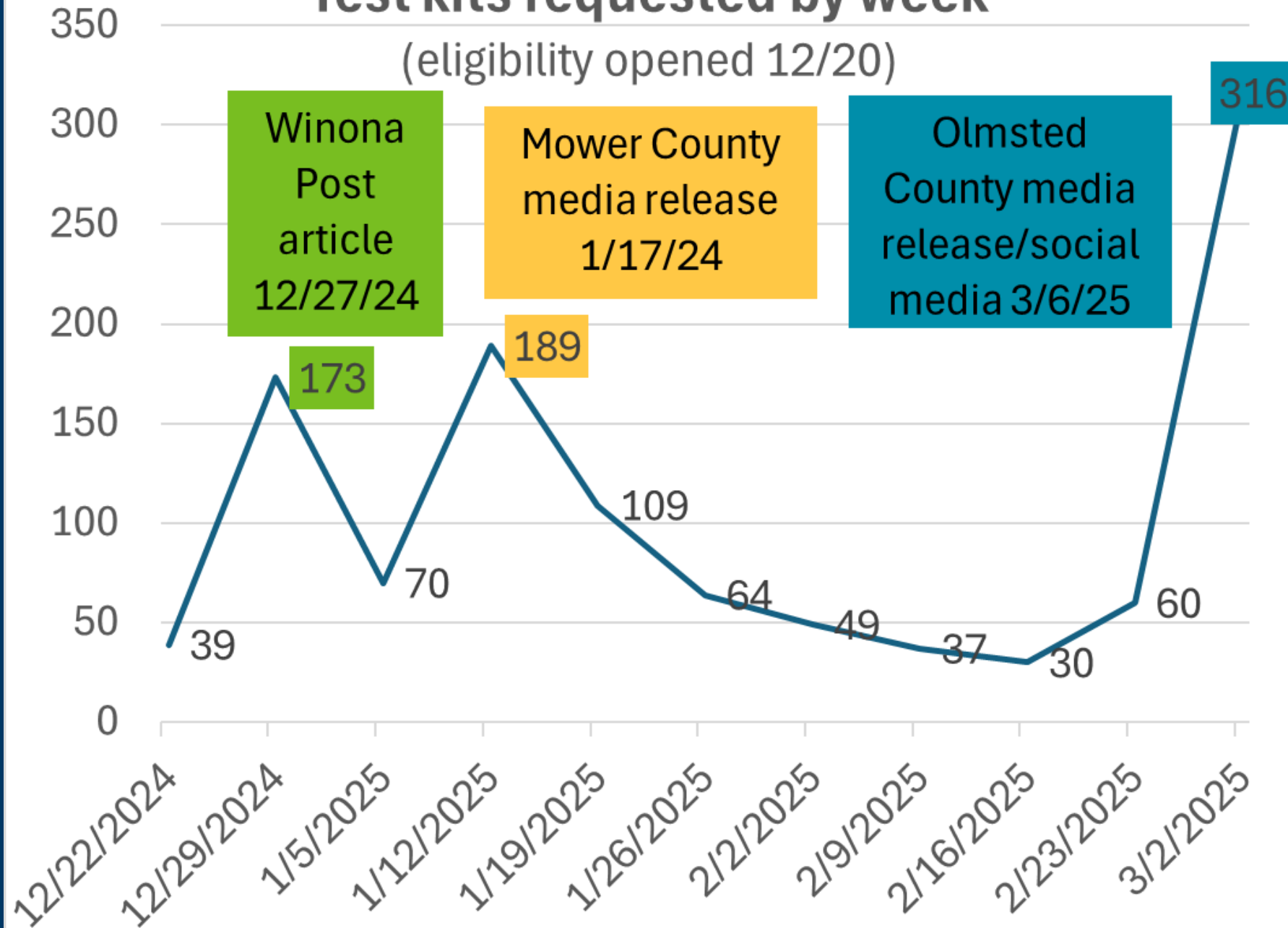
Out of 236 Test Kits:

- **11% nitrate >10 mg/L**
- 12% bacteria present
- 1% E.coli present
- 12% arsenic present
- 45% lead present
- 5% manganese present

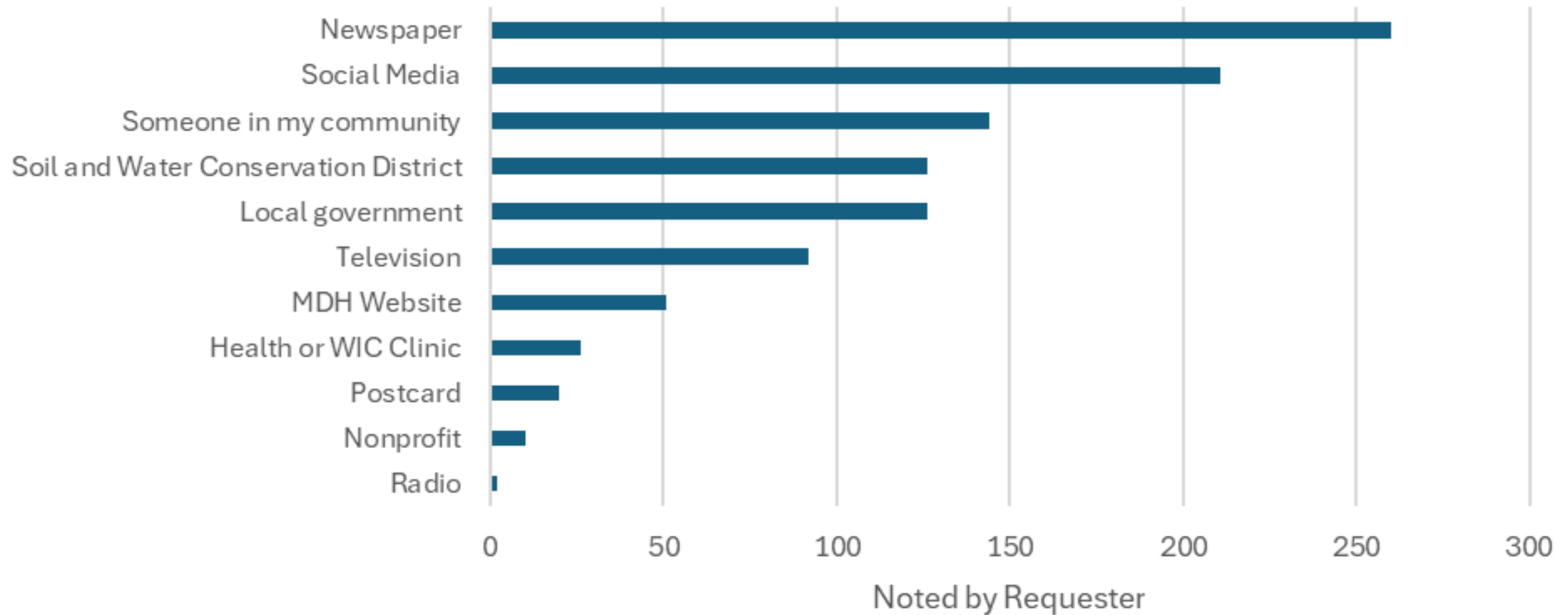


Test kits requested by week

(eligibility opened 12/20)



Most private well test kit requesters heard about the opportunity from Newspaper, Social Media or Someone in their Community



How did you hear about the free well test kit?

Outreach and Education

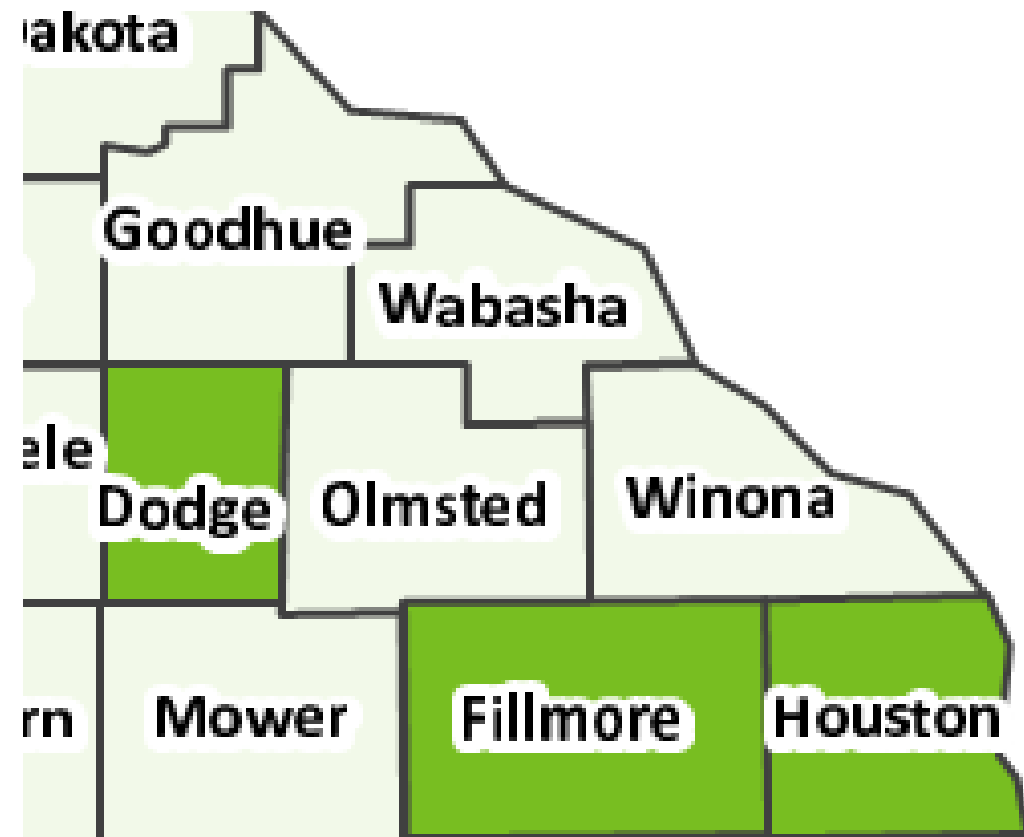
Starting a family?
Now is a great time to test your private well water.



- Social Media, TV, Radio, Newspaper
- Community meetings, webinars
- Private Well Steward Network, UMN Extension
- Groundwater Awareness Week, Drinking Water Week
- MDH Website
- Realtor CEUs, Buying and Selling a Home brochures
- Well mitigation navigator with county laboratory
- Social science research with UMN

Well inventory

- Identify all private wells supplying drinking water for a home (county by county)
- Provide information to update the County Well Index (which updates Minnesota Well Index)

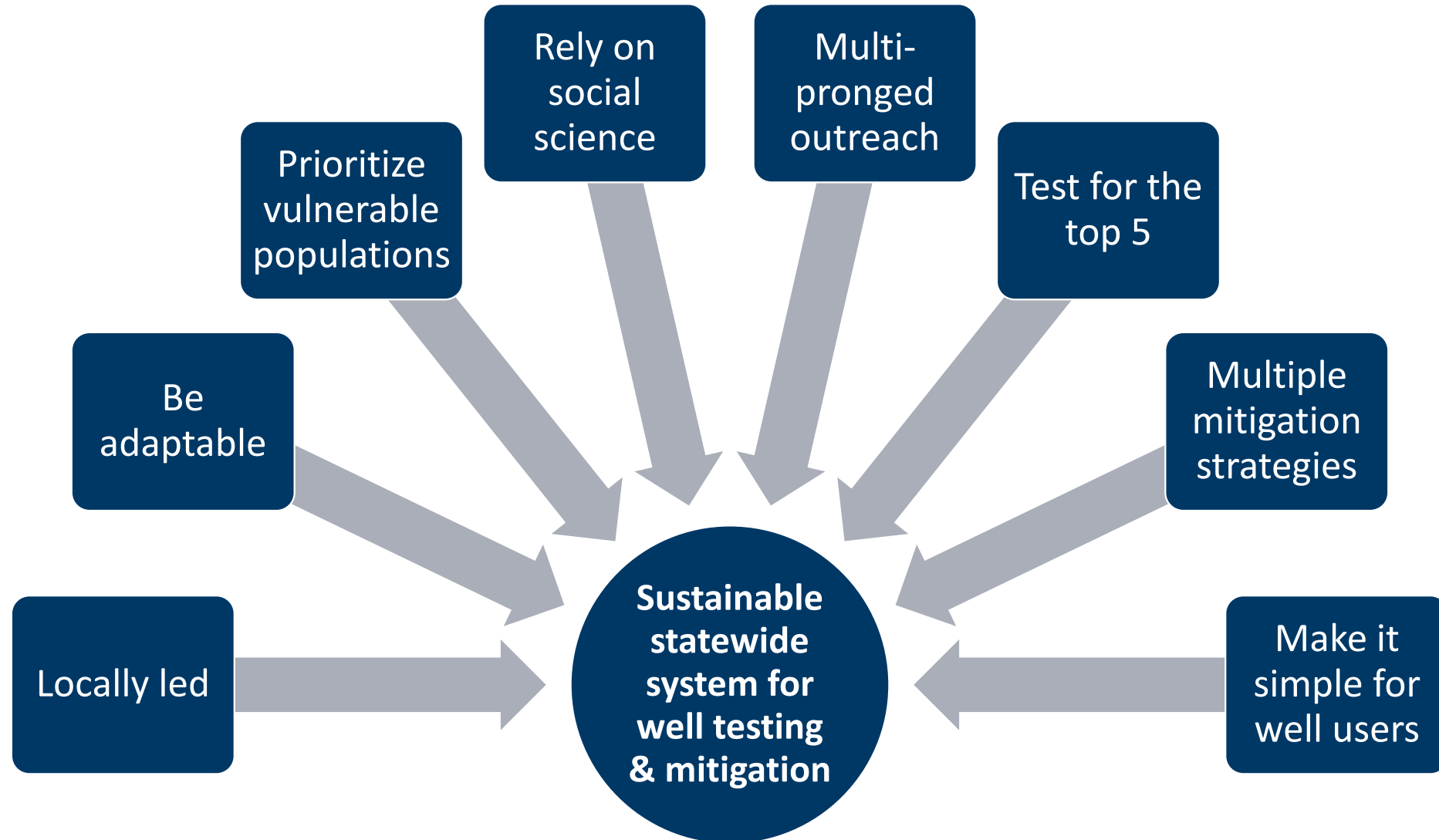


Where do we go from here?

- Expand mitigation options to maximize cost/benefit and sustainability
- Improve test kit return rate and bacteria hold time compliance
- Address nitrate and other "top five" contaminants in other parts of the state



Approaches to carry forward



Questions?

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Southeast Minnesota, Mitigation Project

Nikol Ross | Hydrologist, Monitoring Section
March 28, 2025

CWF helps fund public health intervention

CWF

\$2.79M to MDH

- Well inventory
- Testing
- Education, outreach, community engagement
- Staff capacity (local and state)



GF

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- Home water treatment
- Option to transfer to MDH for a mitigation program

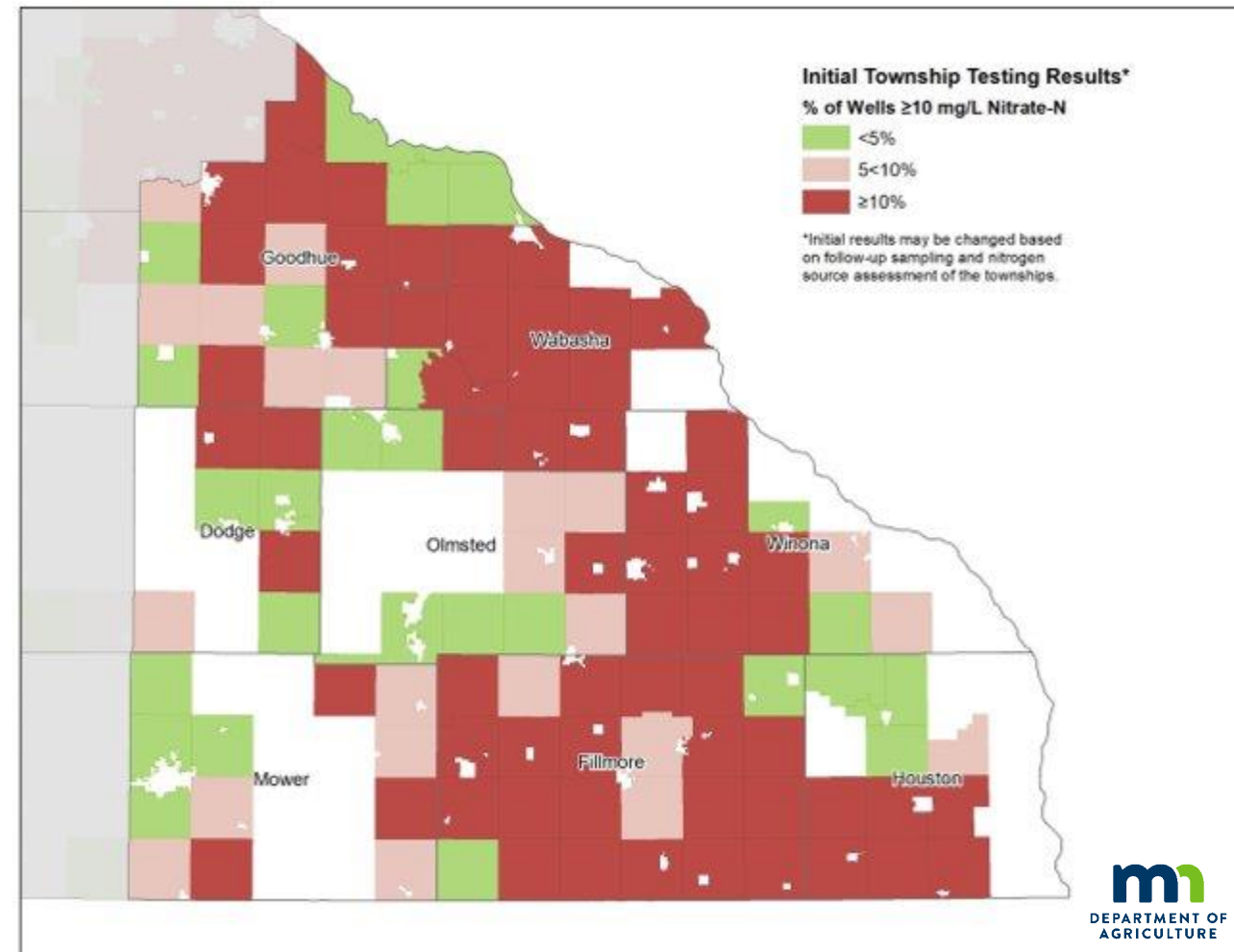


Fund Year 1 of 10-year public health intervention



Getting Started

- May–July, 2024 – Pre-planning
- Funding available July 2024
 - JPA signed with Olmsted County in July
- Reached out directly to MDA private well testing participants – over 1,200
 - Township Testing
 - Private Well Pesticide Sampling Program
 - Southeast Volunteer Monitoring Network
- 1st Reverse Osmosis Installed in October, 2024



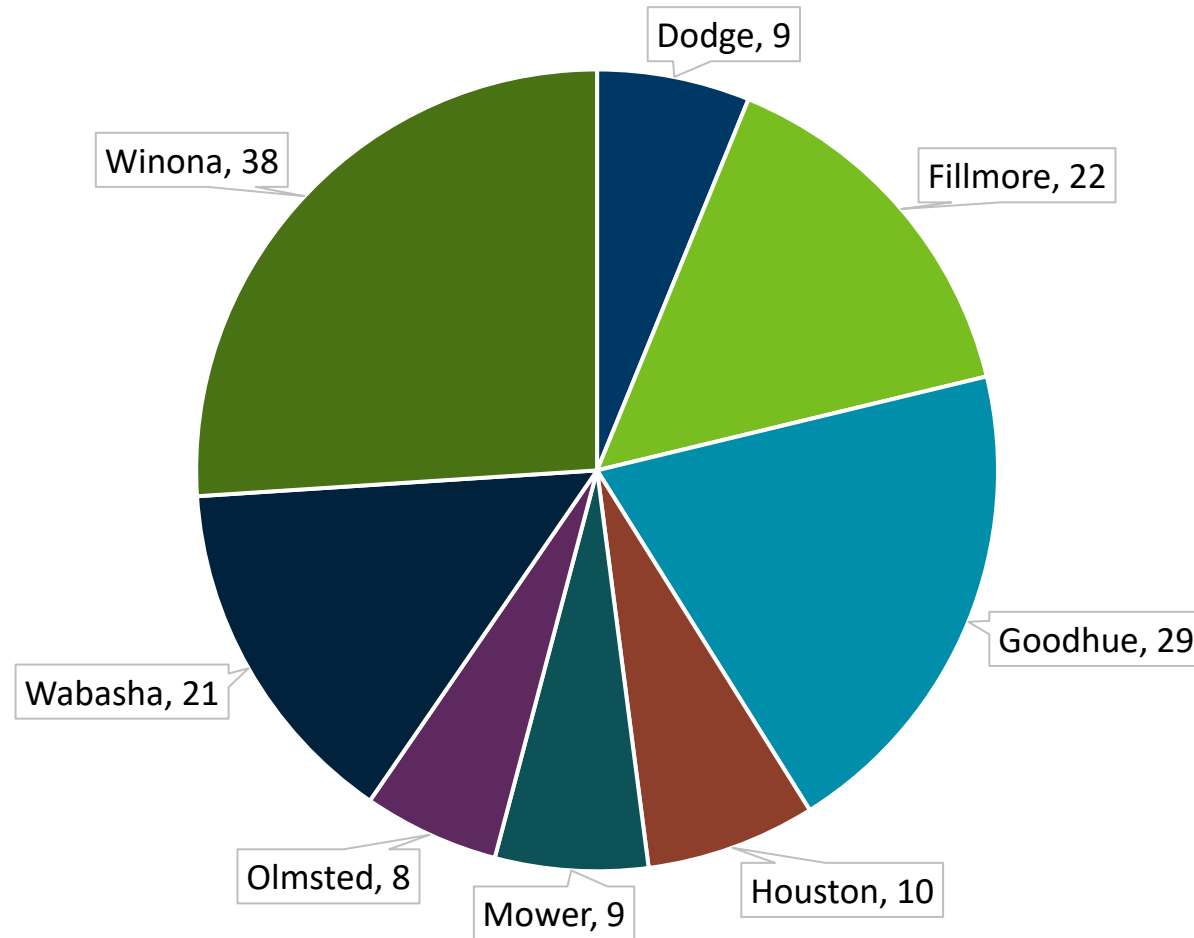
Reverse Osmosis Installations

- 146 - systems-installed to date
 - ~12% installed ROs were for households in a vulnerable population
 - ~31% of households below 300% of the federal poverty level
 - 12 exceeded for both nitrate (10 mg/L) and cyanazine (1 μ g/L)
 - 5 exceeded only cyanazine HRL



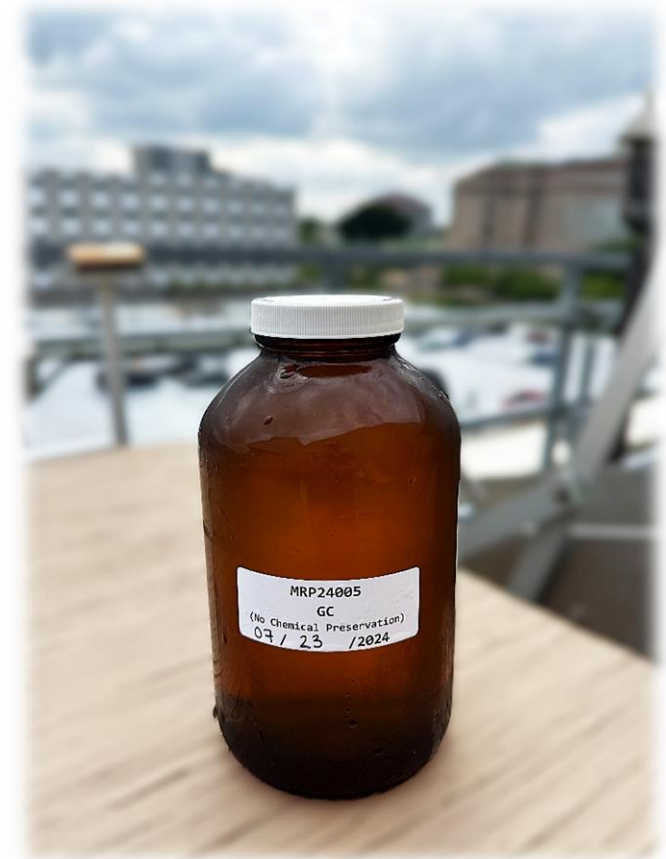
Reverse Osmosis Installations

Locations of 146 Reverse Osmosis Installed in Southeast, MN



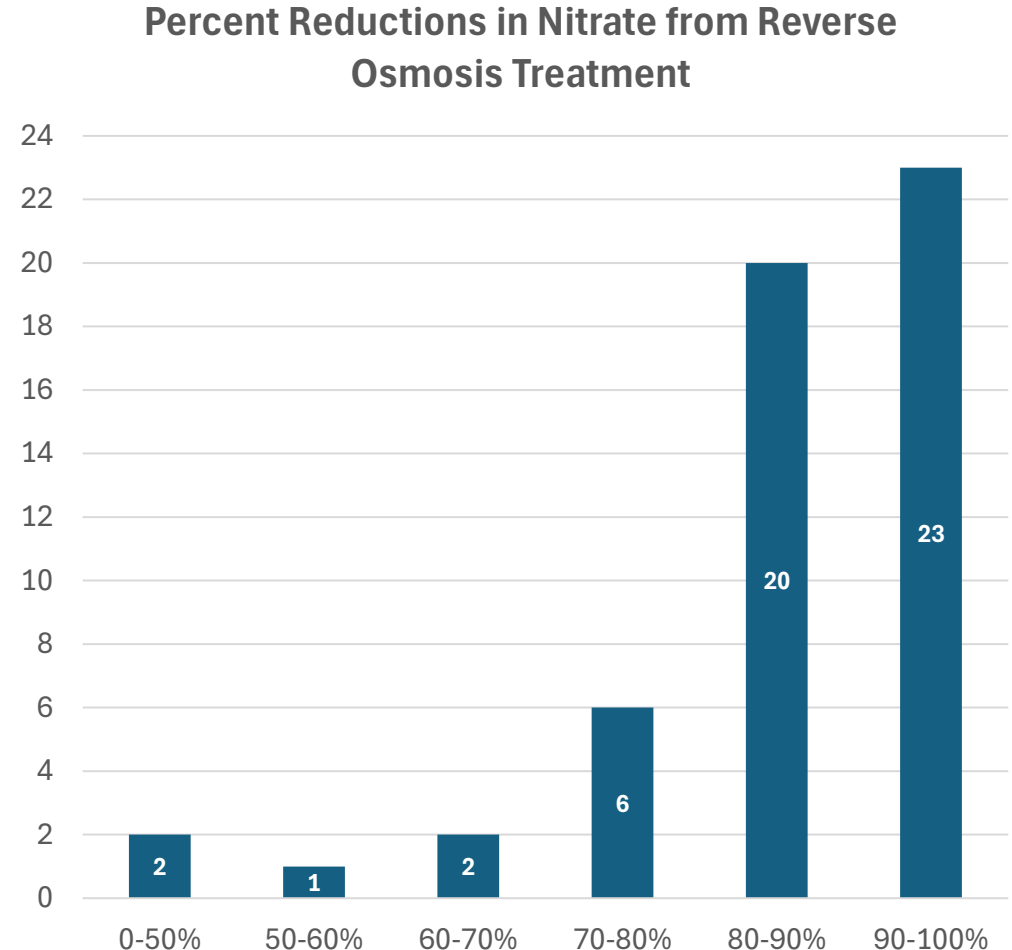
Follow-up Sampling

- All households with installed ROs will receive a follow-up sample to test the effectiveness of the system
 - SEMWAL directly mails out bottles for nitrate sampling
 - All follow-up nitrate results have been below 10 mg/L nitrate
 - Median post treatment is 1.6 mg/L
- The MDA has conducted in-person cyanazine testing this winter
 - 15 sites – sampled & received results
 - 2 sites - recently sampled, no results yet



Follow-up Nitrate Sampling

- All below the health risk limit of 10 mg/L nitrate-nitrogen
- 110 sites have a post-treatment nitrate sample
 - 54 have a pre & post treatment samples
 - Median post-treatment (RO) sample was 1.6 mg/L
 - Median reduction 88%
- Range of post treatment nitrate 0-6.7 mg/L
- Range of reduction 38-100%



Follow-up Cyanazine Sampling – Southeast

- 15 sites sampled in SE
 - 100% reduction at all sites
 - 11 atrazine and cyanazine related chemicals



- Reach out beyond the MDA testing participants
 - ✓ Reach out to known households with a nitrate exceedance
 - ✓ MDH is sampling for 5 contaminants (Nitrate, Coliform Bacteria, Arsenic, Lead, Manganese)
 - ✓ Improve response rate from original list of participants
 - MDA – Sent reminder letters to original outreach group

TAP-IN Treatment Application for Reverse Osmosis



<https://bit.ly/TAPINTreatmentApplication>



Questions?

Nikol Ross, Hydrologist

Clean Water Council

1st Draft Policy Statement on Data Centers as of 24 March 2025

Data Centers

Data centers provide a valuable economic service by processing an increasing amount of information. These facilities require cooling methods to control heat, which can include a large use of groundwater.

Minnesota has a relative abundance of groundwater, but the Council has concerns about siting data centers (or other high-level water users) in locations where sustainable supply is an issue.

The Council has a statutory role to foster coordination and cooperation as part of the Clean Water Legacy Act. The Council encourages improved data sharing, local government capacity building, and broader interagency collaboration to protect groundwater resources in a way that also provides rapid responses for industry decision making.

To address these concerns, the Council recommends the following.

- Inclusion of the Minnesota Department of Natural Resources (and the Met Council where appropriate) to be a part of the state's economic development "one-stop shop" of agencies that respond to interest from data center developers.
- Use of the Minnesota Geospatial Commons as a platform to
 1. help the private sector evaluate water risk at a more granular level
 2. enhance regional groundwater models
 3. identify locations with plentiful groundwater where cooling use will not interfere with other higher priority uses
 4. identify where there might co-location opportunities with a beneficial industry, and
 5. identify opportunities for recharge and for surface water sources for cooling.
- Inclusion of data centers or high-volume water users as considerations in Groundwater Restoration and Protection Strategies (GRAPS) and comprehensive watershed management plans (One Watershed One Plan or other approved plans). Discharges to surface waters from data centers should be of particular interest.
- Possible modification of once-through cooling prohibitions in the Minnesota Groundwater Protection Act (Minn. Stat. §[103G.271 Subdivision 5](#)). Modifications could encourage closed loop geothermal systems or other innovative approaches that provide multiple benefits.
- Capacity building for local governments so that they can evaluate risks to groundwater supplies more quickly. State associations such as the League of Minnesota Cities and the Coalition of Greater Minnesota Cities would be logical partners for training opportunities.