Policy Committee Meeting Agenda

Clean Water Council

December 19, 2025

9:30 a.m. – 11:00 a.m.

WebEx Only

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 and previous meeting minutes
- Chair update
- Staff update

9:45 Public Comment

Members of the public who would like to provide comment about something not on the agenda are welcome to do so at this time.

10:00 Large-volume water users policy statement

The policy statement has been refined further based on previous comments and work group input. Our intent in this meeting is to have a focused discussion around a couple of remaining items before voting to send this along to the full Council at their January meeting.

11:00 Adjourn

Policy Committee Meeting Summary
Clean Water Council (Council)
November 21, 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.

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 November 21st meeting agenda and October 24th meeting summary, motion by Marcie Weinandt, seconded by Kelly Gribauval-Hite. Motion carries unanimously.
- Chair update
  - The Board of Water and Soil Resources (BWSR) is updating the procedures with buffers. There was a meeting yesterday, and another will be on November 25th discussing these updates. It is a good refresher to learn about the Buffer Law. Tom Gile is a good point of contact.
  - The policy committee would like to remain at 9:30. They would also like to remain virtual only, at this time.
- Staff update
  - Marcie Weinandt will be leaving the Council January 3rd, 2026. The December full Council meeting will be her last meeting. The Watershed Districts does have a recommendation put forward to the Governor's Office.

Public Comment *(Webex 00:24:00)*

- Lisa Tilman: Minnesota Cities Stormwater Coalition (MCSC) feels chloride is an issue that cities have been working on, and have made a lot of progress with. They are hoping you can think through some of these policies (see letter included in meeting packet) to help move them forward. They had a subcommittee put together a list of some ideas and options they felt would be directions we could go in Minnesota to address those concerns. Steps to move forward, we are not saying every single thing needs to happen, rather a selection of certain ones could make some movement on the chloride efforts more broadly across the state. *Response from Rich Biske:* Thank you for your information. It will make our discussion more efficient. We appreciate it.
- Gail Cederberg following up to Ryan Lee (public member) regarding the red stain on 35E northbound: The red stain on the highway is from a business that was transporting materials to a wastewater treatment plant south of St. Paul. It was a leaking truck, it has been reported to the Minnesota Pollution Control Agency (MPCA), the duty officer, and reported to the state. It is non-toxic and non-hazardous, basically a stain on the road. It has been handled. We appreciate you reaching out asking about it!

Updating the Chloride Policy Statement (road salt) *(Webex 00:32:00)*
Council member Jessica Wilson has reviewed the current Chloride Policy Statement for updates, as there have been changes since the policy was last updated for FY22 (meeting packet includes her notes on suggested changes).

- This is a tough problem, and trends are not going in the right direction. What more we can do, and how to scale things up? This item is ripe for scaling.
- Much of the chloride reduction emphasis and efforts is routed through the regulatory municipal separate storm sewer systems (MS4) program. This is appropriate, but it is not enough by itself. If MS4 communities execute the MS4 permit perfectly, the waterbody impairments will persist and worsen. The ideas in the MS4 permit are good but cannot meet the problem. The impact versus effort matrix provides tasks and projects based on their potential impact and effort required to complete. When viewing the matrix, the MS4 permit

items (in red text), plus steps toward achieving the vision for a better future (in green text). Overall, the MS4 permit items alone is not enough, there are other items we can be doing.

- We want to continue to emphasize and expand source control but also advance remediation pathway for existing impairments.
- This is a wicked problem that requires a combination of approaches and bold action.
- Proposed changes for policy document:
  - In the introduction to the policy, the focus has been on winter maintenance and source control. Now, we learned more, and develop tools. So, we can include research, planning, design standards, behavior changes, and remediation for a more comprehensive approach to addressing the problem.
  - Things to keep:
    - Sustain and enhance funding for the Smart Salting training program and the MPCA's chloride reduction budget.
    - Dedicate a portion of chloride reduction budget to capital investments in equipment modernization to reduce deicing salt use.
    - Provide liability protection for Smart Salting certified applicators. Provide research funds to develop new technology, alternative materials, and treatment technologies.
    - Have the MPCA convene and lead a stakeholder process to develop recommendations for new labeling requirements.
  - Deletions:
    - Charging a fee - this has been achieved.
    - Adoption of the MPCA model ordinance items – proposing instead to add occupational licensure as state action.
  - Additions:
    - Implement a granular salt tax to incentivize more judicious use, drive a shift toward more sustainable practices, save taxpayers money on costly repairs and remediation down the line, and invest funds in chloride reduction programs.
    - Incorporate low salt design standards into building and site development standards including in sustainability program guidelines for state-funded projects.
    - Research and develop a remediation pathway for surface waterbodies that are already impaired.
    - Establish an occupational licensure program for winter maintenance professionals.
    - Establish a broad community-based social marketing campaign centered on chloride reduction.
    - Require Smart Salting certification, utilization of established industry best practices, and proper bulk storage for winter maintenance contracts let by state agencies and state-owned facilities.

Discussion:

- John Barten: Could you explain the difference between the licensure and the Smart Salting certification? *Answer:* The Smart Salting certification is optional. It is a great program. In the MS4 you must be trained, and Smart Salting is one training you can take. Many small communities take the Smart Salting training through the state. It is nice to have a certification through the state.
- John Barten: Is it a requirement that they attend the Smart Salting for the occupational licensure? *Answer:* I think it should be. There could be other ideas there. The training program could then be used for the licensure.
- John Barten: You talked about a tax on salt. Do you envision developing the low salt design standards as coming from the tax. Or do you envision some Clean Water Funds (CWFs) allocated to those purposes before the tax is implemented. *Answer:* I think we need to make investments in these clean water efforts now. It does seem to me that the tax idea is not a slam dunk, and this is the first time it is out there. We will see how people react to it. However, I think we should shoot for the moon. We can be supporting these in the interim.
- John Barten: Any thoughts on the amount of funding that would be needed? *Answer:* That is a good question. I will think about it. I will follow up and be ready at a future discussion.
- Rich Biske: What would be the priorities for directing it to? *Answer:* In the short term, we have a lot of good scaffolding. We have a nationally recognized Smart Salting program. I think that program is under stress. If we could pump more funds into that program, we could get it to do the good work and grow it. Both training and grants about de-icing implementation activities (so it does not get pulled into other areas). It would be an easy first thing to do. For the stormwater research, there is a new center on cold climate at the University of

Minnesota: Cold Climate Center of Excellence for Stormwater Infrastructure Technology (CCCESIT). I think Minnesota has been leading in many ways, and they could do innovative work, and it would be another area to invest in.

- Rich Biske: Are some of the private sectors also in the landscaping business? Because they might have a pesticide license. Has that been approached before? *Answer:* I think it is worth checking in with those industry organizations to see what their appetite is for it.
- Jen Kader: Should Jessica Wilson take the next steps to include these suggestions in the next document, weave into the current statement. There are a few things to explore, but it does not preclude it from inclusion. Any concerns or full speed ahead? *Response:* Weave it and then react at the next version of the document.

Large-Volume Water Users Policy Statement *(Webex 01:23:00)*

The policy statement has been updated to reflect suggestions from the last Policy Committee meeting and incorporates substantial input provided by the working group that spent time on this over the last month. While some areas seem closer to complete, others will need further discussion. The meeting packet contains a marked-up version from the working group, as well as the current draft.

- The updates:
  - A new introduction, which repurposed content from elsewhere, included some contextualizing, and a heads up on what's to come.
  - Problem statement was refined. It was broadened to more fully reflect other LVWUs. It also resolved concerns about hyperbole.
- Where we need to focus next:
  - The current capacities around understanding and planning for regional groundwater sustainability.
  - The two bullets at the end of the "recommendations" section, which had a lot of comments. So, it would be good to reassess them.

Discussion:

- Rich Biske: The comments and explanations are great. There were a few edits. Perhaps, we can review those? Some have been resolved, so we want to view the unresolved ones.
- Jason Moeckel, Minnesota Department of Natural Resources (DNR): Regarding "Requests from proposers of new data centers to have water guaranteed have caused concern that this statute could be circumvented, or water suppliers could feel pressure to continue supply in the event of an emergency longer than they should." Please understand, people think they might be able to get around it, but Minnesota law says domestic water supply is to be protected. If we get into an emergency situation, where the water supply is threatened. The obligation is to supply it to the domestic customers. There would likely be limited use, because a shut off would be a big deal. It does not mean they would have to cease operations. *Response:* It is the revised version. We include the statement to make sure we acknowledge the concerns.
- Jen Kader: Another item to review is the paragraph that starts with "Finally, as a state, we do not yet have a good way to understand the cumulative impact of large-volume water users on a regional basis". It could be broadened to say, "regional impacts, cumulative impacts is not easily or quickly understood".
  - Jessica Wilson: I think we are acknowledging there is an opportunity there, and there are some pilots where we've begun to do that integration. The West Metro Wellhead Protection Plan Pilot is an example of it. There is more regional work together, understanding the regional resources. Additionally, the West Metro Regional Water Supply Action Plan, with folks meeting and talking about how to get more inter-governmental collaboration. We can share that we acknowledge it is an area of need, beginning stages of doing better in this space, and here are two pilot examples where we can continue this work.
  - Jason Moeckel, DNR: That is a helpful way to frame it in a policy statement.
  - Rich Biske: In other policy statements we often acknowledge the resources available. This would be a good place to include it, along with the relationship and coordination between them.
  - Jason Moeckel, DNR: The Council has provided investments in building out the groundwater monitoring network for the metro areas specifically. The CWFs continue to maintain the network too.
  - Jessica Wilson: The wellhead protection plan regional work was also funded by CWFs. It speaks to the maturity and sophistication over time, there has been so much investment.

    - Tannie Eshenaur, Minnesota Department of Health (MDH): In the few places where the groups that should be involved in the process are named to be included, please include the MDH as well. We bring the perspective of the potential changes to drinking water supply management areas. It is our technical specialty as well as the potential impact to private well users. I think the area of potential changes to water chemistry is something we are working hard to build out. It is mentioned in other places, but MDH should be included.
- Next steps: Jen will weave in these comments. She will meet with the work group, to make decisions on it.
- The policy committee will hold the December 19th meeting. It will be a shortened meeting 9:30-11:00 to finish the policy statements up.

Adjournment *(Webex 02:15:44)*

Clean Water Council

Final Draft for Policy Committee Meeting December 19, 2025

Large-volume water users

Introduction

In response to recent increases in interest from prospective large-volume water users, the Clean Water Council is interested in understanding risks associated with overuse or contamination of water from large-volume water users, and in addressing the potential gaps in the statewide, regional and local decision-making processes. To that end, this document will:

- Summarize the Clean Water Council's policy statement with high level recommendations
- Explore the current conditions and future concerns
- Elaborate on the recommendations for policies or actions needed

Individual large-volume users of water, or those using more than 100 million gallons of water per year or one million gallons per day, are not new to Minnesota. As a state, Minnesota has an identity synonymous with water, and there is a perception that water is abundant and limitless. There is concern that large-volume water users are being attracted to Minnesota without appropriate consideration of water needs, limitations, or water sustainability. Increased interest from large-volume water users, most recently data centers, have raised concerns about siting large-volume water users in locations where sustainable water supply could become (or already is) an issue. The concern becomes more acute when groundwater is the source of water for local water supply.

While the demand for new data centers has spurred the development of this policy statement, the Council is looking at this more holistically in considering large-volume water users in general, including those already permitted and operational. Additionally, while concerns exist around energy, air pollution, long-term economic development, and other issues, the Council within its charge is interested predominantly in the implications specific to water.

Policy Statement

In response to a recent increase in interest from prospective large-volume water users and demonstration of clear need for a coordinated response, the Clean Water Council recommends that the State of Minnesota implement the following actions to protect groundwater across jurisdictional boundaries and for future generations:

- Enhance regional groundwater models and use them to prevent negative impacts before they occur.
- Increase intention around siting and design of new facilities with respect to water supply.
- Incorporate large-volume water users as considerations in existing state, regional, and local water plans.

Clean Water Council

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Problem

While Minnesota is a water rich state, water is not an unlimited resource. Large increases in water use can increase the risk for over-using our water resources. Over-use can impact individuals, businesses, communities and ecosystems. People are concerned about the risk of over-allocating water for large water volume users. Hyperscale data centers, for instance, can use up to 1-5 million gallons of water per day, or the equivalent of a small city[1]. The addition of one data center alone can dramatically impact local groundwater levels. Quality can also be impacted, as pumping of large volumes of water can change groundwater chemistry through changing flow patterns and mobilizing contaminants such as arsenic, manganese, and others. The addition of multiple large-volume water users within a single community (or adjacent communities) can therefor create significant impacts on local and regional groundwater sustainability, local water quality, groundwater-dependent waters, ecosystems, and future availability of groundwater.

In considering these impacts, it is important to note that water for domestic consumption is considered by the State of Minnesota as the highest priority use, therefor higher than water for large-volume water users, as identified in State Statute (Minn. Stat. §103G.261). The prioritization of uses is an important safeguard, ensuring that water is available for domestic consumption (public and private) as long as possible in the event of an emergency. Requests from proposers of new data centers to have water guaranteed have caused concern that this statute could be circumvented, or water suppliers could feel pressure to continue supply in the event of an emergency longer than they should. Private well impacts are also a concern, as well interference and quality changes can create hardship for users and financial risks for municipalities if large water users are on a municipal water supply system. Additionally, the volume of water needed for supply or being added to wastewater streams can create challenges for local infrastructure capacity, leading to additional financial and planning implications for a community.

Large-volume water users can be an attractive development option to communities due to their potential economic benefit. However, the information needed to be able to weigh benefits and risks of a proposed development is not always readily available. Proposals can be too early in design to contain sufficient information about water need, nondisclosure agreements can limit transparency, and data that is available can be lacking, whether that is because it is out of date, not available at a useful scale, or reflective of only what is built rather than what has been planned for. This makes evaluation of risk challenging and can likewise make it hard to prioritize minimization of water-related impacts. Fortunately, work in recent years has better equipped Minnesota to respond to the influx of interest from large-volume water users. The State is not starting from scratch. The following are the tools or resources are a sampling of what we have as a result of Clean Water Fund investments:

- One Watershed, One Plan has elevated groundwater as an issue on regional scales across the state, drawing attention to need for protection and restoration
- The DNR has engaged in aquifer monitoring for water supply planning across the state, with specific attention to areas of concern

[1] (Include reference to Freshwater data centers fact sheet, McKinsey & Company Report, and MCEA documents)

- Staff in the Twin Cities metropolitan region have been researching and planning around water sustainability and have worked to cultivate intergovernmental relationships:
    - Metro Model 3 (Metro Model 4 in the works)
    - Multi-community Wellhead Protection Plan pilot
    - Subregional water planning collaboratives
    - Metropolitan Council commissioned research paper on large-volume water users, due in early 2026, that will have a checklist guide for cities to use

To that end, we have information and tools available to enhance decision making. While we can build on top of that, much of the work can simply be leveraged. For instance, some groundwater models exist for the metro region and other parts of Minnesota at greater risk of over withdrawal. These models and other tools can inform safe water yield thresholds. However, as a state, we do not yet have a good way to understand the cumulative impact of large-volume water users everywhere or assurances that this information is consistently leveraged between plans and jurisdictions. Water in aquifers, like water on the surface, does not adhere to jurisdictional boundaries. Decisions in one community impact the communities around it, and vice versa. As demonstrated above, large-volume water users impact both groundwater quantity and quality. Whether we look at individual proposals or cumulatively, we do not have the tools to fully understand regional impact. Regional planning support for cities and intergovernmental collaboration is needed to help manage for regional impact.

At the end of the 2025 legislative session, the State Legislature set new expectations for pre-application and early coordination with the Department of Natural Resources for any new data centers. This provides an opportunity to discuss the regulatory framework, but also do an assessment of possible locations under consideration and share resource concerns, trends, other wells, etc. While this can help to address some siting concerns and support private industry and communities in making early informed decisions regarding data centers, additional action with regard to all large-volume water users is needed to safeguard water availability for today and the future.

Recommendations

The Council has a statutory role to foster coordination and cooperation as part of the Clean Water Legacy Act. The Council is interested in protecting groundwater across jurisdictional boundaries and for future generations. The Council encourages improved data sharing, local government capacity building, and broader intergovernmental collaboration. Doing so would protect groundwater in a way that also provides efficient and coordinated responses for industry decision-making.

To address these concerns, the Council recommends the following.

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1. Enhance regional groundwater models and use them to assess and manage risks to groundwater.

- Enhance regional groundwater models in order to better understand current conditions, the influence of new proposals, and cumulative impacts on water supply, aquifers, and groundwater dependent surface waters and ecosystems. Ensure these regional models are translated for and integrated into local water plans for communities across the state and factor in forecasted population growth and climate change.

- Modernize the Statewide Drought Plan to incorporate extreme weather threats and address triggers for groundwater conservation based on risks to groundwater supply. This would better tie the risk (overuse of groundwater) to the triggers and could help communities and industry better understand the risks and prepare for emergencies. Further, this could provide some assurance to communities that the state and water suppliers have a coordinated emergency response plan to address the concern of over allocation of water to particular uses.

- Collaborate with neighboring states, Tribal governments, and Canada to more fully reflect conditions along borders.

- Identify areas of the state where limited groundwater resources or groundwater-dependent surface waters may restrict large water users to use only non-conventional solutions such as closed-loop geothermal systems, water reuse, rainwater capture, or surface water sources. Similarly, identify areas of the state with more abundant groundwater where large-volume groundwater use is less likely to interfere with higher priority uses or groundwater-dependent waters and ecosystems.

2. Increase intention around siting and design of new facilities with regard to water supply.

- With sufficient information around anticipated wateruse and intended source as well as an increased understanding of conditions, early coordination with the Minnesota Department of Employment and Economic Development and the Minnesota Department of Natural Resources (and the Met Council, where appropriate) could allow them to assist with siting of new facilities from a groundwater availability and water supply perspective.

- Develop a framework or tool to aid the public and private sector in better evaluating water risk and/or more strategically site or design large-volume water use industries.

- Encourage co-location of large-volume water uses with wastewater treatment facilities or other beneficial industries, and consider opportunities for recharge of treated discharge.

- Incentivize closed loop geothermal systems and water reuse systems.

- Remove the ability for Non-Disclosure Agreements to pertain to water use when that use is in excess of 10,000 gallons per day, 100 million gallons per year, or greater than 40% of a community's municipal supply.

3. Incorporate large-volume water users as considerations in existing state, regional, and local water plans.

- Include large-volume water users as considerations in Groundwater Restoration and Protection Strategies (GRAPS) and the development or amendment of comprehensive watershed management plans (One Watershed One Plan or other approved plans). Groundwater use and discharges to surface waters from data centers should be of particular interest. Encourage amendments for comprehensive watershed management plans in areas which have recently seen an increased interest from developers.

- Include large-volume water users as considerations for municipal planning efforts, more closely aligning land use decisions with water supply and protection plans, including local and regional Wellhead Protection Plans, Water Supply Plans (including emergency preparedness plans), Local Water Plans, and Local Comprehensive Plans in the metro area.

- When new land use decisions allowing for large-volume water users are proposed, the DNR should review impacts on high-priority current and future water use; MDH should be engaged for review of Drinking Water Supply Management Areas, water chemistry and private well considerations; and, in the metro area, the Metropolitan Council should review whether impacts to water availability will require a change to population forecasts or service availability. These local planning resources should be informed by statewide risk management plans including the Statewide Drought Plan.

- Develop a framework or tool that local communities could use to ensure they have full access to needed information to evaluate proposals and understand risks to water availability and infrastructure capacity. The resources ought to include models and examples for hosting community conversations around this topic to give Minnesotans a seat at the table in planning in advance of a proposal and ideas for tying land use decisions to water supply and resource protection goals more directly.

- Work with the Metropolitan Council, the League of Minnesota Cities, and the Coalition of Greater Minnesota Cities, and Minnesota Association of Townships for proactive outreach and training opportunities.

- Require large-volume water users on and off municipal supply track and report their water use to better inform local decision-making for future development inquiries and land use plans.