

April 2025 Environmental Quality Board meeting

Wednesday, April 16 from 1 – 4:00 p.m.

Join in person or online

- In person: [520 Lafayette Road, St. Paul, MN 55155](#), lower level conference rooms
 - Online: For the meeting link and more information, visit the [board meeting webpage](#)
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Participating in board meetings

Attending in person

The Environmental Quality Board (EQB) will convene its meeting in person at the Minnesota Pollution Control Agency St. Paul office building. All visitors must sign in at the front desk.

Transportation options:

- Bicycle: Visit the [Saint Paul Bike Map](#) webpage for route information. Outdoor bicycle parking is available to the left of the front doors near the loading dock.
- Transit: Use [Metro Transit's Trip Planner](#) to determine the best routes and times.
- Car: You may park in a Visitor Parking space in the parking lot just outside the front door, or park in one of the visitor lots. The visitor lots are the Blue Lot (Olive St. and University Ave.) and the Jupiter Lot (on Grove St. across from the Ramsey County Law Enforcement Center); please see the [parking map](#). Parking in these lots is free of charge. You must register your vehicle at the front desk upon arrival.

Attending virtually

Members of the public may join the meeting virtually using the Teams link at the board meeting webpage link above. Please review the [Guide to Teams Participation](#) for additional information.

Accessibility

Please contact Environmental Quality Board (EQB) staff at least one week prior to the event at info.EQB@state.mn.us to arrange an accommodation. Meeting materials can be provided in different forms, such as large print, braille, or on a recording.

Public engagement opportunities at EQB meetings

EQB encourages public input and appreciates the opportunity to build shared understanding with members of the public. The opportunities for public engagement for this meeting are below.

Public comment opportunities at EQB meetings

EQB encourages public engagement and appreciates the opportunity to build shared understanding with members of the public. There are multiple ways to engage with staff and board members. One important way is to provide public comment at a board meeting.

The public comment period(s) at a board meeting provide an opportunity for members of the public to inform the board about their views related to the specific item under discussion or something related to the board's purview or authority. Tips for providing comments:

- Ensure that your comments are relevant and specific to the topic you are addressing.
- Say what you want the board to know or consider in moving forward with a piece of work.
- Identify a specific action that you want the Board to take.

If you have a question for the board or EQB staff, it will be noted by staff who will get back to you at a later time. This ensures that we have enough time at a meeting for all commenters to provide input to the board and that your questions can be fully considered.

Oral public comment



At each meeting, the agenda will show when the board will accept oral public comment. The chair will use their discretion to direct public comment and ensure the board's ability to effectively conduct business.

Procedure for giving oral public comment:

- **Virtual:** when prompted, use the "raise hand" feature in Teams, located at the top of your screen.
- **In person:** sign up at the welcome table before the meeting starts.
- When the chairperson calls on you to speak:
 - Introduce yourself before beginning your comment.
 - Please keep your remarks to the agenda item at hand.
 - Please be respectful of board members, staff, and other meeting participants. The chair, vice-chair, or other presiding officer will not tolerate personal attacks.
- The chairperson may limit commenters' time for remarks to ensure there is equal opportunity for the public to comment. Generally, your remarks will be limited to two (2) minutes.
- The chairperson may discontinue a commenter's time to speak if the comments are not reasonably related to the agenda item at hand.

Written public comment



You may submit written comment to EQB by emailing your letter to info.EQB@state.mn.us or mailing to: Environmental Quality Board, 520 Lafayette Road, Saint Paul, MN 55155. Comments must be received by EQB staff **by noon the day before the meeting**.

Staff will compile letters, make them available to members and the public, and attach them to the public record. Any written comments received after this deadline will be included in the next meeting packet.

Please only submit information that you wish to make available publicly. EQB does not edit or delete submissions that include personal information. We reserve the right to not publish any comments we deem offensive, intimidating, belligerent, harassing, bullying, or that contain any other inappropriate or aggressive behavior.

Agenda

Note that all listed times are estimates and are advisory only.

1. Welcome and roll call (1:00 pm)

Nancy Daubenberger – Chair, EQB; Commissioner, Department of Transportation

2. Approval of consent agenda (1:10 pm)

- Meeting minutes from the February 19, 2025, Environmental Quality Board meeting on packet page 5
- Preliminary agenda for the April 16, 2024, Environmental Quality Board meeting

3. Executive Director’s report (1:15 pm)

Catherine Neuschler – Executive Director, EQB

4. Spring 2025 Pollinator Report update (1:25 pm)

Type of item: Informational

Summary: The interagency pollinator protection team (IPPT) is implementing the pollinator action framework developed in 2023. They will bring forward their initial plans for reporting progress in the annual pollinator report, which they will then bring to the board during the fall of 2025.

Outcome: The board is informed about the potential contents of the 2025 pollinator annual report and has an opportunity to provide feedback to the interagency pollinator protection team.

Presenters: Rebeca Gutierrez-Moreno, PhD – State Pollinator Coordinator, EQB

5. Gas production rulemaking (1:55 pm)

Type of item: Decision

Summary: In 2024, the Minnesota Legislature directed the DNR to convene a Gas and Oil Resources Technical Advisory Committee (GTAC) to make recommendations to the commissioner of natural resources on the creation of a temporary regulatory framework for gas exploration and production. The commissioner then made recommendations to the Legislature on laws to implement the temporary framework.

In addition, the Legislature gave the agencies that made up GTAC permissive authority to adopt rules governing gas and oil exploration or production, as applicable. The language related to EQB stated that “the Environmental Quality Board may adopt or amend rules to establish mandatory categories for environmental review as they pertain to gas and oil production.”

The legislative language also stated that “an agency adopting rules under this section must use the expedited process...[t]he agency must publish notice of intent to adopted expedited rules within 24 months of the effective date” of the law.

The staff recommendation is that EQB should move forward and develop environmental review mandatory categories for gas production. The recommendation is in a resolution on page 11 of the packet.

Public comment: EQB will take public comment specifically on this item.

Outcome: Staff will receive Board direction on whether to move forward with developing a rule.

Presenter: Jesse Krzenski – Environmental Review Program Administrator, EQB

Break (2:40 pm)

6. By-laws (2:45 pm)

Type of item: Decision

Summary: Initial draft by-laws were presented to the Board in January. Changes were made based on Board discussion at that time, including:

- Article II, membership and officers, Board duties
 - Added references to Minn. Stat. § 13.02, which contains definitions about not public and nonpublic data
 - Added the non-delegation requirement of Minn. Stat. § 116C.03 for clarity
- Article IV, meetings
 - Clarified parliamentary procedure
- Article V, staff
 - Added language clarifying the overall role and duties of staff, both generally and with more information on non-environmental review staff roles
 - Added information on the technical representatives – a role laid out in rule for staff of member agencies
- Article VI, adoption and amendments
 - Changed the threshold for amendments to majority vote

Outcome: The Board approves the by-laws by adoption the resolution on page 17 of the packet or directs additional needed changes.

Presenter: Catherine Neuschler – Executive Director, EQB

7. Public comment (3:30 pm)

The board welcomes any additional oral public comment. Please see guidance and procedures on packet page 2.

8. Closing and adjournment



February 2025 Environmental Quality Board meeting

Wednesday, February 19, 2025 | 1:00-4:00 p.m. | 520 Lafayette Road, St. Paul, MN 55155, lower level conference rooms and online via Teams.

Minutes

1. Welcome and roll call

Chair Nancy Daubenberger called to order the regular meeting of the Environmental Quality Board.

Members present: Grace Arnold, Peter Bakken, Joseph Bauerkemper, Ed Brands, Nancy Daubenberger, Tamar Gronvall, Rylee Hince, Todd Holman, Daniel Katzenberger, Katrina Kessler, Nicholas Martin, Paul Nelson, Thom Petersen, Angie Smith, Sarah Strommen

Members excused: Brooke Cunningham, Matt Varilek, Charles Zelle

Proxies present: Myra Kunas (for Cunningham), Stephan Roos (for Petersen), Susan Vento (for Zelle)

EQB staff present: Catherine Neuschler, Stephanie Aho, Rebeca Gutierrez-Moreno, Colleen Hetzel, Hazel Houle, Jesse Krzenski, Sarah Lerohl, Priscilla Villa-Watt, Kayla Walsh

The Chair reported that she authorized an emergency action under the environmental review rules on February 4, 2025, for Minnesota Power to dredge sediment from about 5 acres of waters near their Boswell power plant in Cohasset.

Approval of consent agenda

- Meeting minutes from January 15, 2025, Environmental Quality Board meeting
- Proposed agenda for February 19, 2025, Environmental Quality Board meeting

Motion: Board Member Katzenberger moved to approve the consent agenda; Board Member Kessler seconded.

In favor: Arnold, Bakken, Bauerkemper, Daubenberger, Gronvall, Hince, Holman, Katzenberger, Kessler, Martin, Nelson, Smith

Opposed: none

Excused: Brands, Cunningham, Petersen, Strommen, Varilek

2. Executive Director's report

Catherine Neuschler – Executive Director, EQB

- Greenhouse gas (GHG) emission inventory: At the January board meeting a commenter asked some questions about Minnesota's GHG emission inventory. This is a biennial report that tracks the state's greenhouse gas emissions that are contributing to climate change. Commissioner Kessler provided some information in the meeting; she and MPCA also followed up with the commenter. The GHG emission inventory was submitted to the legislature January 15 and rolled out publicly by Commissioners Kessler and Arnold on January 30.
- Legislative updates
 - The Department of Natural Resources (DNR) presented the Gas Technical Advisory Committee's recommendations on a temporary regulatory framework to authorize gas production in Minnesota; EQB is waiting to see if the legislature drafts a bill to set up a temporary framework. If they do, EQB staff expect the temporary framework to remain in place until a permanent regulatory framework is established through rulemaking. EQB staff will share more with the board on likely plans for rulemaking in the spring.
 - EQB staff are particularly watching for bills that impact the overall environmental review process. There are a few bills that include changes to various parts of the ER process – from petitions, EIS scoping, the AUAR process, to environmental review for off-highway vehicles. Staff review these bills and look for opportunities to share when we have concerns about the impact of provisions on the program with the bill's author and other legislators.
- Project updates
 - GHG Calculator: Work on the Climate Calculator is progressing on schedule. The Tech advisory Team and User Group met in January and provided a lot of useful feedback that is directly impacting design choices, especially in the areas of input flexibility and output clarity. Most emission source calculations are now incorporated into the calculator with updated methodology memos available for each finished source. In addition, the mitigation and adaptation portions of the calculator are in progress and have received very positive feedback. A complete draft calculator is expected at the end of February; Steph will be giving an overview of its functionality at the March ERIS meeting.
 - Youth Engagement: EQB staff have identified a potential program to partner with (that works with high school students) and hope to have more info for the board about that soon.
 - Engagement: In response to Board Member Hince, EQB staff have been thinking about EQB's engagement work and how we continue to intentionally build that out and connect with the board. Following up on the strategic plan, I've been working on drawing up actions, results, and measures so that we can report back to the board on how we are doing meeting the strategic plan outcomes and implementing the key strategies. Engagement is a key piece of this, so we should have a more in-depth conversation about the actions we can take to meet our outcome of fostering meaningful conversations around environmental issues and how we track and measure our results. The plan is to bring this forward for discussion at a future meeting.

3. Election of Vice Chair

Type of item: Decision

Summary: Under the board's operating rules, a vice chairperson is to be elected at the first meeting in February each year. The Vice Chair presides at board meetings and can fulfill the duties of the Chair when the Chair is absent or not available.

Motion: Board Member Katzenberger moved to approve Nick Martin as Vice Chair; Board Member Nelson seconded.

In favor: Arnold, Bakken, Bauerkemper, Daubenberger, Gronvall, Holman, Katzenberger, Kessler, Nelson, Smith

Opposed: none

Abstained: Martin

Excused: Brands, Cunningham, Hince, Petersen, Strommen, Varilek

Outcome: The board elected Board Member Nick Martin as Vice Chair to serve until February 2026.

4. Robert's Rules training

Presenters: Anne Kealing and Brian Carter – Attorney General's Office

Type of item: Informational

Summary: Assistant Attorney General Brian Carter provided an overview and training of Robert's Rules of Order. Robert's Rules are the parliamentary procedures adopted by the board in Minn. R. 4405.6000.

Discussion:

- There are procedural rules in Minnesota Rules Chapter 4405 that say that the most current revision of Roberts Rules of Order governs EQB's meeting procedures.
- When the board takes a vote, a passing vote requires a majority of all members of the board, not just the majority of the present members that make up a quorum.
- Per Roberts Rules 49:21, small boards are allowed to do informal discussions without voting to suspend the rules.

Outcome: Board members and staff improved their understanding of Robert's Rules.

5. Energy infrastructure permitting rulemaking information

Presenter: Colleen Hetzel – Environmental Review Program Director, EQB

Type of item: Informational

Summary: In 2024, the Minnesota Legislature passed the Minnesota Energy Infrastructure Permitting Act. This legislation aims to streamline and clarify the process for environmental review, siting, routing jurisdiction, and permitting for certain energy facilities and projects. (These facility types include energy storage or battery systems, high voltage transmission lines, large electric power generating plants, wind energy systems, and solar energy generating systems.)

These energy projects have been governed by a patchwork of statutes and rules. The new act consolidates most of these into a single statute and repeals other statutes and rules. It also directs EQB to update our rules to conform with the changes, and requires the use of expedited rulemaking procedures.

Discussion:

- The board will need to authorize notice of the rules, planned for August; if the board authorizes the chair to be the designee moving forward, the rules would go to the Chair for authorization and would not come back to the full board, but the board would be updated about developments.
- EQB staff informed Tribes through MNTEC that this rulemaking process is going to happen, and staff are working with EQB's Tribal point of contact to make sure that Tribal nations are aware of the process as well.

Outcome: Board members heard updates that need to be made to the rules in Minn. R., chapter 4410; the board's authorities for rulemaking, including the limited scope of expedited rulemaking; and the process and timeline for developing and adopting the rules.

6. 2025 Groundwater Policy Report initial outline

Presenter: Catherine Neuschler – Executive Director, EQB

Type of item: Informational

Summary: EQB is tasked by the legislature with regularly completing a groundwater policy report, which is due in September 2025. The groundwater policy report fulfills the requirements of Minn. Stat. 103A.204 – for EQB to report on policy issues related to its responsibilities for “coordination of state groundwater protection programs”. Attached to the report will be three data appendices (prepared by MPCA, MDA, and DNR) that fulfill the requirements of Minn. Stat. 103A.43 and 103H.175.

An interagency workgroup has been developing the purpose, audience, and a preliminary outline for the report. The working group has identified that the groundwater policy report should support informed decision making on groundwater issues by:

- Providing foundational information about groundwater in Minnesota
- Describing the state's collaborative approach to protecting groundwater
- Describing important threats to Minnesota's groundwater and the actions being taken to mitigate those threats - including showcasing success
- Identifying gaps and opportunities to be addressed if we want to continuously improve our approaches to mitigating the threats

EQB staff presented an outline of the report, plans for engagement around the topic areas of the report, and a timeline for board review and approval of interim work products and the final report.

Discussion:

- The attached reports will consist of new data updated through at least 2023.
- Board members stated it would be beneficial to not just describe activities but also identify if they are working.

Outcome: Board members have information about the groundwater policy report, including proposed content, process, and timeline.

7. Public Comment

- Verlynn Schmale: The commenter noted that “in 2010 that MPCA was charged by the Minnesota state legislature to adopt a rule to protect fish and aquatic life from nitrates. The current MPCA Rulemaking Docket and Record lists the status of the “development statewide water quality standard for nitrate for the protection of aquatic life” as TBD.
 - Status is summarized as TBD.
 - The timetable for public comment is listed as TBD.
 - The timetable for adoption is TBD.”

Mr. Schmale called upon the public members of the EQB to add Water Quality Standards generally and the status of the statewide water quality standard for the protection of aquatic life, specifically, to the EQB agenda in March 2025.

Last month he also came before the board to ask why the the greenhouse gas emissions report to legislature had not been issued by the January 15th due date. MPCA issued the report to the public in late January, approximately January 30th. Upon the release, MPCA quoted Commissioner Kessler stating investments Minnesota has made over the last three years will get us back on track to meet the greenhouse Gas Reduction goals. He stated that this comment made by Commissioner Kessler was not true.

He added, “Don't believe me, believe Anne Claflin, research scientist for MPCA, who in the December 18th, 2024 webinar reviewed the GCAM model used to project the impact of the current policies. She stated that the current policies were quote, clearly are not getting us to our greenhouse gas reduction goals.”

He called upon the public members of the EQB to add the greenhouse gas emissions report and related GCAM model to the next board agenda. If data to support the statement that the current policies will get us back on track cannot be provided, he called on the EQB to reject the report and have the report reissued with the following three changes:

1. Update the data through 2023, so trends since the pandemic can be better evaluated.

2. Create a Met Council in Greater Minnesota geographic subtotal, so greenhouse gas emissions impact from the state's large investments in transportation and housing can be better understood.
3. include the GCAM modeling of current policies through 2028, consistent with the Minnesota state biennial budget.

Board Member Kessler: Responded that she would follow up with Mr. Schmalle.

8. Closing and adjournment

Having reached the end of the agenda, the Chair asked if there was any further business. Board Member Nelson asked Board Member Petersen, Commissioner, MDA, to brief the board on the status of the bird flu.

- Board Member Petersen shared that MDA's Rural Finance Authority (RFA) Board announced an emergency for avian flu, which will secure disaster loans for farmers.
- MDA and the Minnesota Department of Health (MDH) are watching developments closely. Minnesota dairy farms are generally located where poultry farms are located, so there's a danger of spreading the avian flu to cattle, which causes a loss of milk production. Minnesota is also number one in turkey production in the U.S. so avian flu is a big concern.

Adjournment:

With no further business, the Chair adjourned the meeting.

RESOLUTION OF THE MINNESOTA ENVIRONMENTAL QUALITY BOARD

Authorizing rulemaking for mandatory categories pertaining to gas and oil production

In 2024, the Minnesota Legislature gave multiple agencies permissive authority to adopt rules governing gas and oil production, as applicable (Laws of Minnesota 2024, chapter 116, article 3, section 23; establishing Minnesota Statutes, section 93.514).

Minn. Stat. 93.514 states that “the Environmental Quality Board may adopt or amend rules to establish mandatory categories for environmental review as they pertain to gas and oil production.” The statute also directs that “an agency adopting rules under this section must use the expedited process...[t]he agency must publish notice of intent to adopt expedited rules within 24 months of the effective date” of the law.

The staff recommend that EQB move forward with developing environmental review mandatory category rules for gas production.

The board resolves to use the authority granted in Minn. Stat. 93.514 to adopt or amend rules to establish mandatory categories for environmental review for gas production using the expedited rulemaking process.

The board further resolves that staff shall begin the process of developing the rules and bring forward a notice of intent to adopt expedited rules for board approval in order to meet the timeline laid out in Minn. Stat. 93.514.

The board approved and adopted this resolution on April 16, 2025.

Nancy Daubenberger, Chair
Minnesota Environmental Quality Board

Date: _____

BYLAWS OF THE MINNESOTA ENVIRONMENTAL QUALITY BOARD

ARTICLE I. INTRODUCTION

1. Purpose. The Environmental Quality Board (EQB or Board) desires to conduct its business and perform its responsibilities and duties in an orderly, efficient, transparent, fair, and lawful manner. These bylaws are established for that purpose.
2. Application. Unless otherwise specifically indicated, these bylaws apply to the transaction of all EQB business and the conduct of all EQB meetings.
3. Compliance with applicable law. It is the specific intent of the EQB to perform its responsibilities and conduct its hearings and meetings in accordance with all applicable federal law and state statutes and regulations. In the case of a discrepancy between these bylaws and applicable law, the provisions of all such applicable law control.

ARTICLE II. MEMBERSHIP AND OFFICERS

1. Membership. The Environmental Quality Board is composed of members named by statute or appointed by the governor in accordance with Minn. Stat. § 116C.03.
2. Officers. The officers of the EQB are the Chair and Vice-Chair.
 - a. The Chair is appointed by the governor from the members of the Board.
 - b. The Vice-Chair is elected by the members of the Board. The Vice-Chair is elected annually at the regularly scheduled meeting held in February.
3. Duties of the Chair. The Chair has the following responsibilities:
 - a. Supervise the affairs of the Board and communicate such affairs to all Board members.
 - b. Preside at all Board meetings.
 - c. Schedule regular meetings.
 - d. Call special meetings when deemed necessary and desirable.
 - e. Propose Board meeting agendas.
 - f. Sign on behalf of the Board any actions or documents necessary to record the Board's decisions after the Board's consideration of the same.
 - g. Work with the EQB Executive Director and the Minnesota Pollution Control Agency to acquire appropriate staff and consultant support (per Minn. Stat. § 116C.03, subd 4).
 - h. Work with the Minnesota Pollution Control Agency to ensure completion of an annual performance evaluation for the EQB Executive Director.
 - i. Carry out duties assigned to the Chair for operation of the EQB's environmental review program under Minn. Stat. ch. 116D and Minn. R. ch. 4410.

- j. Carry out duties assigned to the Chair under Minn. Stat. ch. 116C and any other rules promulgated by EQB.
- 4. Duties of the Vice-Chair. The Vice-Chair has the following responsibilities:
 - a. To perform those duties delegated by the Chair.
 - b. To act as Chair in the event of the Chair's illness, disability, absence from a meeting or not being readily able to function as Chair.
 - c. To call special meetings when deemed necessary and desirable.
- 5. Duties of all Board members. All Board members have the following responsibilities:
 - a. To regularly attend Board meetings and carry out the Board's powers and duties provided in law and executive order.
 - b. Individual members shall not act or speak to represent the Board on any subject unless the Board's position has been officially determined.
 - c. Individual members of the Board shall not disclose any not public data as defined by Minn. Stat. § 13.02 and § 13.37, except as required by law.
 - d. Individual members of the Board (i) may not discuss attorney-client privileged information outside of the Board and the Board's legal counsel, and (ii) may not waive attorney-client privilege on behalf of the Board.
 - e. Board members may not delegate their powers and responsibilities to any other person, per Minn. Stat. 116C.03, subd. 2.

ARTICLE III. COMMITTEES

- 1. As required to carry out the Board's responsibilities, duties, and initiatives, the Board may establish subcommittees and task forces and appoint members and chairpersons to the same.
- 2. Unless otherwise prescribed by statute or rule, subcommittees shall consist of more than three members but fewer than a quorum of the Board for the purpose of gathering information, making findings, and bringing recommendations to the Board.
- 3. The membership of all committees shall be posted on the EQB website and made available in alternate formats upon request.

ARTICLE IV. MEETINGS

- 1. Notice. Notices of all EQB meetings shall be made in a manner in accordance with Minn. Stat. ch. 13D (Open Meeting Law) and Minn. R. ch. 4405.
- 2. Open Meetings and Records. All meetings of the Board shall be open to the public as provided by law. The votes of the members shall be recorded by voice vote or by roll call if so called. The minutes shall be available to the public upon request made to the Executive Director. Minutes of Board meetings and other records, including recordings, shall be preserved in compliance with EQB's record retention schedule.
- 3. Closed Meetings. The Chair may call a closed meeting or close a meeting if the closure is authorized by statute or permitted by attorney-client privilege. In all cases where a meeting is closed, the Board shall abide by the requirements for closed meetings in Minn. Stat. ch. 13D. Closed meeting minutes and recordings may not be available to the public upon request.

4. Presiding Officer. The Chair or, in the absence of the Chair, the Vice-Chair, presides at all meetings. If at a Board meeting, neither the Chair nor Vice-Chair are present but a quorum exists, the members shall elect from within the membership an acting Chair to run the meeting.
5. Quorum. A quorum of the full Board means a majority of the permanent members of the Board as established under Minn. Stat. § 116C.03, subd. 2, excluding vacancies. A majority of an established subcommittee is a quorum.
6. Voting. Each member shall have one (1) vote in the transaction of business of the Board. An affirmative vote of a majority of all members of the board is necessary to take action. When computing a majority of all members of the board, absences or abstentions must be included and vacancies must be excluded. All members present, including the chairperson, shall vote or abstain on every matter presented for board action. A vote will be recorded by voice vote unless a roll call vote is requested. A roll call vote may be requested by any member and a roll call vote will be used for meetings where any Board member is participating virtually via teleconference or interactive technology, per Minn. Stat. ch. 13D.
7. Meeting Arrangements. The Board shall normally meet at a regularly scheduled time and place designated by the chair from 1:00 pm until 4:00 pm, or as the agenda dictates. The Chair may call for recess for appropriate breaks or for purposes of furthering the agenda. The chair of the Board shall select a meeting location that is convenient and suitable for the members, staff, and general public. Meetings may be in-person, virtual, or hybrid.
8. Parliamentary Procedure. The most current version of Robert's Rules of Order, Revised, shall govern the conduct of the meeting except when state statute, policies, and these bylaws state otherwise. Board meetings follow the Robert's Rules of Order Procedure in Small Boards, with the exception that motions do require a second. The Chair shall make all parliamentary rulings. The Board's assigned Assistant Attorney General or the Attorney General, the Executive Director, or a designee of the Executive Director shall serve as the parliamentarian advisor.
9. Board Meeting Agenda Development. All matters for preliminary agenda consideration with pertinent information included shall be submitted to the Executive Director. The Executive Director shall develop an agenda to be reviewed and proposed by the Chair prior to the Board meeting. Placement of items on the proposed agenda will be at the discretion of the Chair.
10. Conflicts of Interest. Each Board member is obligated to determine whether they have a perceived, potential, or actual conflict of interest with respect to any matter before the EQB and to comply with all requirements of law regarding any potential conflict.

ARTICLE V. STAFF

1. Staff. As described in Minn. Stat. § 116C.03, staff and consultant support for EQB activities is provided by the Minnesota Pollution Control Agency (MPCA); the MPCA also provides administrative services (personnel, budget, payroll, and contract administration).
2. Executive Director. The EQB shall employ an Executive Director. The Executive Director shall be responsible to the Board and communicate and report regularly to the Chair. The Executive Director or designee shall attend all Board meetings but shall not vote. All staff report to the Executive Director.
3. Duties of Staff. The staff are responsible for the day-to-day operations of the Environmental Quality Board as an administrative agency of state government, making administrative decisions based on the Board's adopted policies, resolutions, and direction.
 - a. The Executive Director shall have authority to conduct the administrative and general operations of the Environmental Quality Board, including the following responsibilities:

- i. Managing staff resources, including hiring, discipline, performance evaluation, work-planning, other human resource-related transactions, and making requests for staff support from other agencies of state government.
 - ii. Managing budget resources, including preparing and submitting EQB budgets through the processes established by the Governor's office or Minnesota Management and Budget (MMB), and keeping the Board fully advised as to its financial condition.
 - iii. Entering into contracts and interagency agreements for regular operational services and the implementation of the approved annual workplan.
 - iv. Recommending an annual workplan for Board approval, overseeing implementation of the Board-approved workplan, and ensuring the staff work aligns with the broad powers and authorities of the Board's mission, vision and plan direction.
 - v. Representing and implementing the Board's orders, resolutions, and policies.
 - vi. Presenting to the Board program plans, studies and reports prepared for Board purposes and action and recommending to the Board for adoption those measures deemed necessary and prudent to carry out the programs and duties of the Board or for the efficient administration of the affairs of the Board.
 - vii. Ensuring that all resolutions, rules, regulations, and orders of the Board are carried out.
 - viii. Implementing legislative appropriations, policy, and statute.
 - ix. Communicating and interacting with the Governor's office, state and federal agencies, local governments, special districts, joint powers authorities, and the legislature; and participating in relevant meetings.
 - x. Ensuring appropriate implementation of the Board meeting procedures under Minn. R., ch. 4405.
 - xi. Recording and maintaining a record and minutes of the meetings and process and information relating to Board business.
 - xii. Participating in an annual performance evaluation as determined by the Chair and the Minnesota Pollution Control Agency.
 - xiii. Making regular reports to the Board regarding operations and other relevant information necessary for the Board to properly oversee the activities of the organization.
- b. EQB staff, under the direction of the Executive Director, bring policy, technical, and program area expertise and carry out responsibilities related to implementation of Board decisions, the EQB's strategic plan, workplan, and appropriate Minnesota Statutes, Rules, and Executive Orders. These include, but are not limited to:
- i. Implementing approaches to protecting pollinators and other critical areas of Minnesota's biodiversity, including implementation of Executive Order 19-28, *Restoring Healthy, Diverse Pollinator Populations that Sustain and Enhance Minnesota's Environment, Economy, and Way of Life*.
 - ii. Coordination and reporting related to water programs.
 - iii. Implementing public engagement and communications approaches in alignment with the strategic goals.
 - iv. Serving as the board meeting administrator and providing administrative and organizational support.

- c. The Environmental Review program staff, under the direction of the Executive Director, provide technical expertise on the environmental review program upon request to the legislature, other state agencies, local governments, and others. They shall have authority to conduct certain administrative and general responsibilities of the environmental review program, including:
 - i. Providing technical assistance to project proposers, government units, and the public.
 - ii. Providing guidance and information to support and enhance Minnesota’s environmental review program, including the provision of climate information.
 - iii. Collecting and evaluating data to monitor statewide environmental review activities and measure the effectiveness of the program.
 - iv. Producing the *EQB Monitor*.
 - v. Receiving and reviewing information and taking actions related to the administration of the environmental review program as described in Minn. Stat. ch. 116D and Minn. R. ch. 4410, and as designated by the Board or the Chair.
- 4. Technical Representative. As defined in Minn. R. 4405.0100, these are staff of member agencies that serve as a designated representative of that agency member of the Board. The technical representatives support their agency’s participation on the Board, serve as a conduit of information between EQB and agency staff, and support special projects as needed.

ARTICLE VI. ADOPTION AND AMENDMENT

- 1. Effective Date. These bylaws shall be effective as of the date of approval and adoption by the Board.
- 2. Amendments. These Bylaws may be amended by a majority vote of all Board members. All proposed amendments shall be presented in writing. The Board shall review the proposed changes at least one meeting prior to adoption.

The Board approved and adopted these bylaws on [month] [day], [year].

 Nancy Daubenberger, Chair
 Minnesota Environmental Quality Board

Date: _____

RESOLUTION OF THE MINNESOTA ENVIRONMENTAL QUALITY BOARD

Adoption of board bylaws

The Environmental Quality Board (EQB or board) desires to conduct its business and perform its responsibilities and duties in an orderly, efficient, transparent, fair, and lawful manner.

To meet this purpose, board members and staff have proposed bylaws that state and direct how the board operates.

Proposed bylaws were reviewed by the board on January 15, 2025 and April 16, 2025.

The board resolves to adopt the Bylaws of the Minnesota Environmental Quality Board as proposed in the April 16, 2025 meeting packet.

The board further resolves to direct the Chair and Executive Director to implement this resolution by producing a final version of the adopted bylaws to be signed by the Chair.

The board approved and adopted this resolution on April 16, 2025.

Nancy Daubenberger, Chair
Minnesota Environmental Quality Board

Date: _____

Date: February 20, 2025

To: EQB Board

From: Jeff Broberg, LPG, MA, Director Minnesota Well Owners Organization (MNWOO)

Re: Comments on initiating EQB's 2025 Groundwater Policy Report.

I am so sorry to take up your time yesterday with tech issues for Teams audio. I wanted to follow with a short note about the importance of the EQB's efforts to assess Groundwater and prepare a 2025 Policy Report and I wanted to highlight a few items of particular interest to Minnesota Well Owners Organization (MNWOO).

I first wanted to express appreciation for GW policy to recognize Minnesota's diverse groundwater resources. The MNDNR has mapped our six groundwater provinces for three decades and newer-era state-wide groundwater susceptibility maps plus the more detailed County Geologic Atlas maps have provided a useful two-dimensional view of where GW is at risk and where GW has hydrological protection. In the last 10 to 20 years our state-wide investment in geological and aquifer mapping has given us a new three-dimensional view and we can see how aquifers in the subsurface can interact or remain isolated. Even more recently geologists and hydrologists have added the element of time to our understanding of GW, and we can both measure and estimate how rapidly surface water and the water in the soil and infiltrate into our groundwater.

With the collection of available maps, cross sections, aquifer delineation and time-risk analysis developed and published by multiple state and federal agencies MNWOO believes the information if delivered in a popular format we can lead Minnesotans across a new threshold of understanding that leads to better GW protection.

I wanted to raise a few issues today and follow-up with EQB staff as the GW Policy Report is developed.

First: MNWOO believes Minnesota EQB and State Agencies have an obligation to make the best available information available to the public, and we believe

the State has an unequivocal duty to inform all well owners of local risks to GW supplies and contaminated GW, regardless of whether the contaminants are geogenic (arsenic, manganese and iron), from Nitrogen fertilities and pesticides from farms, or from PFAS dumps and sludge spreading.

The Policy Report must recognize that all of us share our acquirers with local households, farms, cities, and business. But currently multi-agency policies have not articulated the shared concerns in the manner required by the Safe Drinking Water Act. As a policy initiative the Groundwater Protection Rule could fill a gap in programs and funding between PWUS and community water supply systems, but instead it is the State's policy to exclude PWUS who are outside of community Drinking Water Supply Management Areas (DWSMAS) from testing, treatment, consumer notifications, constant messaging, or alternative water supplies.

Now 75% of Minnesota's use groundwater from community systems and 25%, an estimated 1.2 million Minnesotans, rely on private wells. But PWUS are ignored, or neglected in Agency budgets, capacity, and programing. While all agencies state a goal of equity in protecting GW and public health there is no equity in programs, capacity or budgets for broad aquifer protection that would help Minnesotan. MNWOO advocates that policy should take a multi-agency effort to define and correct the incongruity of programs and funding that continues to ignore PWUS who share the same aquifers as their abutting community water suppliers.

The second issue I wanted to raise was about encouraging an effort to start the policy review with a detailed risk management assessment before completing the strategic management necessary for a GW Policy Report. I make a distinction between the two approaches: risk management assesses past failures with a goal of not repeating ineffective policy or action; strategic management is aspirational and needs to focus on what can be done with the available resources.

But strategic management disappears if mistakes are not revealed and corrected. We have a demonstrated pattern of making the same mistakes decade after decade. We see the cascading and never-ending mistakes in addressing the nitrate contamination of GW in the karst and central sands.

A number of specific issues come to mind: the inability of multiple agencies to adopt a unified message about groundwater risk, groundwater protection and public health, our regrettable 50-year history of trying to achieve GW protection and water quality improvement with voluntary action with ag-producers by spending millions of dollars without success, or the deep disparity between water quality testing and consumer notification where community water system are served but households with private wells are on their own even when they share contaminated aquifers with communities.

Risk management would catalogue and characterize history in a way that can move us away from repeated mistakes and would give hope to the aspirations of strategic management and policy development. Without honest risk assessment we fear Minnesota will stay stuck in promoting the status quo without policies that have hope to show improvement with new narratives, capacity, and funding.

There are three other issues that should be addressed:

- None of the agencies dealing with GW know how many private wells are in service; current estimates range from 740,000 to over 1.5million. This lack of reliable numbers and demographic information creates continuing uncertainty and is a barrier to effective policy and funding. There can be no realistic GW program assessment or budgets without knowing how many households and individuals' wells have, are sharing aquifers or who are at risk of having contaminated drinking water. The number of wells is the most critical denominator for every policy, program, and budget, but we still cannot even guess how many wells are in service for drinking water.
 - The Health Department has allowed the MN Well Index (MWI) to fall more than a decade behind in software upgrades or robust data maintenance. Now the MWI backlog is so large that updating this enormous database seems impossible to envision a policy fix for who, or how the MWI can be modernized and used for planning and implementation.
 - With so many well sharing aquifers across the job of counting how many are in use, where they are, and the

details of well construction and water quality need to be recorded is similar to Minnesota vehicle registrations or fishing licensing; dealing with over a million wells records in every corner of the State is a big undertaking that requires constant effort. Unfortunately, in the last decade MDH has been starved of the necessary resources to count the wells.

- EQB clearly recognizes that no less than ten State Agencies deal with GW in Mn. The list does not even include the UofM, Federal Agencies like the USGS and US Corps of Engineers of all the local government units who deal with GW. During yesterday's discussion one of the questions that EQB wanted answered was "How does an LGU/advocate or citizen navigate through the silos of water responsibilities."
 - MNWOO can tell you that Minnesota's 10-agency multi-centric water management is not effective for protecting drinking water in the karst. We also know this will not change and we saw no option other than to go to a higher authority outside of the State Agencies to insist on coordinated policy and action. We joined ten other organizations to file an Emergency Petition with the USEPA. Withing months USEPA saw the biggest problem was lack of coordinated efforts and different stories about nitrate in drinking water.
 - USEPA ordered that three Minnesota agencies coordinate their efforts to communicate, test drinking water and provide services to all those with wells who share our aquifers. After decades of water quality declines, and after years of work to get programs, consumer notification, and funding MNWOO felt that there was no path to progress without coordinated multi-agency messaging for needed efforts to protect groundwater, or in addressing the health risks of drinking contaminated water.
 - MNWOO advocates for a uniform message to promote routine water quality testing for every household, and water treatment if the water is tainted, but we remain frustrated that there is no multi-agency message and only small token programs to assist private well owners.

We want to thank you for the opportunity to address the EQB.
We are encouraged and remain hopeful that our continuing
issues can be resolved.

Sincerely

Jeff Broberg, LPG, MA

Director, MNWOO

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