

# February 2025 Environmental Quality Board meeting

**Wednesday, February 19 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](mailto: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](mailto: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 Daubengerger – Chair, EQB; Commissioner, Department of Transportation

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

- Meeting minutes from the January 15, 2024, Environmental Quality Board meeting on packet page 5
- Preliminary agenda for the February 19, 2024, Environmental Quality Board meeting

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

Catherine Neuschler – Executive Director, EQB

## 4. Election of Vice Chair (1:25 pm)

**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.

**Outcome:** The board elects a Vice Chair to serve until February 2026.

## 5. Robert’s Rules training (1:35 pm)

**Type of item:** Informational

**Summary:** Assistant Attorneys General will provide 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.

**Outcome:** Board members and staff improve their understanding of Robert’s Rules.

**Presenters:** Anne Kealing and Brian Carter – Attorney General’s office

## Break (2:25)

## 6. Energy infrastructure permitting rulemaking information (2:30 pm)

**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. An Energy Infrastructure Permitting Act memo is on packet page 9.

**Outcome:** Board members will understand, at a high-level, the 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.

**Presenter:** Colleen Hetzel – Director Environmental Review Program, EQB

## 7. 2025 Groundwater Policy Report initial outline (3:00 pm)

**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 overview memo is on packet page 12 and a preliminary report outline can be found on packet page 20.

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 will present 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.

**Public comment:** EQB will take public comment specifically on this item. Comments about topics that should be considered for inclusion in the report and the proposed public engagement are especially desired.

**Outcome:** Board members have information about the groundwater policy report, including proposed content, process, and timeline. The board provides input on the outline and proposed content and the plans for public engagement.

**Presenter:** Catherine Neuschler – Executive Director, EQB

## 8. Public comment (3:40 pm)

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

## 9. Closing and adjournment

# January 2025 Environmental Quality Board meeting

Wednesday, January 15, 2025 | 1:00-4:00 p.m. | 520 Lafayette Road, St. Paul, MN 55155, lower level conference rooms and online via Teams.

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## Minutes

### 1. Welcome and roll call

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

Members present: Joseph Bauerkemper, Ed Brands, Nancy Daubenberger, Tamar Gronvall, Rylee Hince, Todd Holman, Daniel Katzenberger, Katrina Kessler, Nicholas Martin, Paul Nelson, Angie Smith

Members excused: Grace Arnold, Peter Bakken, Brooke Cunningham, Thom Petersen, Sarah Strommen, Matt Varilek, Charles Zelle

Proxies present: Myra Kunas (for Cunningham), Melissa Kuskie (for Strommen), Stephan Roos (for Petersen), Peter Wyckoff (for Arnold), Susan Vento (for Zelle)

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

Approval of consent agenda

- Meeting minutes from December 18, 2024, Environmental Quality Board meeting
- Proposed agenda for January 15, 2025, Environmental Quality Board meeting

December 18, 2024, minutes were noted as being revised.

**Motion:** Board Member Katzenberger moved to approve the consent agenda with the December 18, 2024 minutes revised; Board Member Kessler seconded.

In favor: Bauerkemper, Brands, Daubenberger, Hince, Holman, Katzenberger, Kessler, Martin, Nelson, Smith

Opposed: none

Excused: Arnold, Bakken, Cunningham, Gronvall, Petersen, Strommen, Varilek

## 2. Executive Director's report

Catherine Neuschler – Executive Director, EQB

- Gas Resources Technical Advisory Committee (GTAC) have finished their work to produce recommendations for a temporary regulatory framework for gas production within Minnesota. EQB is still recommending a mandatory EAW during the temporary framework for any gas development project; some additional language was added to clarify that the requirement is to complete the EAW process under 4410, including the RGU decision about whether an EIS is needed for the project. Based on Tribal feedback, EQB staff have also added a recommendation that EAW publication and notification for gas resource projects be sent to Minnesota Tribal governments and not just to the distribution list that is laid out in the rules. GTAC final recommendations have been published at <https://gasproductionrules.mn.gov/>
- The 2025 Legislative session has begun; we will report on any developments regarding EQB at future Board meetings.

## 3. Environmental Congress Report out

**Presenter:** Priscilla Villa-Watt, Communications and Engagement Coordinator, EQB

**Type of item:** Informational

**Summary:** The Environmental Congress has been a long-standing EQB collaboration and engagement opportunity. Minnesota Management and Budget's Management Analysis Division (MAD) provided a summary of the conversations at each of the four meetings. EQB staff provided a summary that focused on what was learned from the Congress and how it can help EQB better meet goals around collaboration and engagement.

**Outcome:** At a future Board meeting, staff will present ideas on aligning public engagement with the strategic plan based on feedback from the Environmental Congress and the discussion at the December 18, 2024, Board meeting.

## 4. Environmental Review Projects List

**Presenters:** Catherine Neuschler – Executive Director, EQB; Kayla Walsh – Environmental Review Program Administrator, EQB

**Summary:** Over the last few months, EQB staff have been developing an environmental review “projects list” to enhance the environmental review program continuous improvement (CI) process. The purpose of the projects list is to support the staff, the Environmental Review Implementation Subcommittee (ERIS), and the Board in discussing and planning for projects to address the multiple ideas for program improvement that EQB has received from many sources.

Staff discussed the purpose and goal for the project list, how it integrates with the CI process, and how staff intend to use it for workplanning moving forward. Staff also presented a potential layout and format for the list.

**Discussion:**

- Board members asked clarifying questions related to how the projects list and the continuous improvement process work will relate to one another. Presenters said the projects list will help inform the next solicitation of the CI process. Some projects on the list have already received a matrix score as they were provided to EQB during the first CI run through. Others have not been scored yet.
- Board members expressed concerns that the list could set false expectations that EQB staff would be able to accomplish all projects on the list. Staff believe the list is a menu of suggestions for environmental review work planning and agreed to contextualize it as such.
- Staff further clarified that the projects list does not include any legislative mandates or otherwise directed work.
- Suggestion to add visual cues to identify priorities on the list and to denote historic record of what's already been done as well.

**Public comment:**

- Verlynn Schmale: The Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Commerce are charged with publishing a greenhouse gas report on January 15 every other year. Wondering why it has not yet been published as of today.

**Outcome:** Staff will continue to craft the projects list.

**5. Initial review of by-laws**

**Presenter:** Catherine Neuschler – Executive Director, EQB

**Summary:** Many boards have by-laws that help direct their governance and operations. EQB has not previously had by-laws, but recent discussions indicate that providing clarity about roles and responsibilities might be helpful. Staff presented preliminary draft by-laws.

**Discussion:**

- Would be valuable to have clarity around other EQB staff roles outside of just the environmental review program staff.
- Perhaps there should be a pathway for agenda items that doesn't rely solely on the discretion of the chair.
- The by-laws should be explicit about whether a vote carries if it is 2/3 of the quorum or 2/3 of the eligible number of votes.
- Need more clarity on the Vice Chair's role.

**Outcome:** Further review and discussion of by-laws to be brought to the Board at a future meeting.

**6. Public Comment**

There was no public comment.

## 7. Closing and adjournment

Board Member Kessler motioned to adjourn. Board Member Holman seconded.

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

Opposed: none

Excused: Arnold, Bakken, Cunningham, Petersen, Strommen, Varilek

DRAFT



## Memo

**Date:** February 7, 2025

**To:** Environmental Quality Board members

**From:** Colleen Hetzel, ER Program Director

### **RE: Minnesota Energy Infrastructure Permitting Act**

In 2024, the Minnesota Legislature passed the Minnesota Energy Infrastructure Permitting Act.<sup>1</sup> This legislation aims to streamline and clarify the process for environmental review, siting, routing jurisdiction, and permitting for energy projects. These energy projects have been governed by a patchwork of statutes and rules. The new act consolidates most of these into a single statute, repealing certain sections and adding comprehensive requirements for energy facilities and associated infrastructure in Minnesota.

The following types of energy facilities are included in this legislation: energy storage systems, high voltage transmission lines, large electric power generating plants, large wind energy conversion systems, small wind energy conversion systems, solar energy generating systems, and wind energy conversion systems.

### **History and Current Status**

Most important for EQB staff and Board members is understanding the connection between environmental review under 4410 and the environmental review of energy projects, required under different statutes. This is complex, with a long history.

In 1973, the Legislature enacted the Power Plant Siting Act and gave EQB the responsibility for siting power plants and transmission lines. For many years (until 2005), EQB had the authority and rules for siting power plants and high voltage transmission lines, conducting hearings, completing environmental review, and issuing permits. This was done under specific rules, in Minn. R., chapter 4400.

The rules were adapted over time to reflect the review done as part of the Public Utilities Commission's consideration of need, with additional review required by EQB during EQB's permitting process. In 2005 the legislature consolidated these authorities, transferring responsibility for the siting of energy facilities to the PUC with staff support for review provided by the Department of Commerce.

EQB has worked to adapt Minn. R. 4410 to identify those projects that need environmental review, but under the processes laid out in Commerce and PUC rules (Minn. R., chapter 7850 and chapter 7854; which were moved and renumbered from EQB rules) and in various statutes (such as Minn. Stat., chapter 216B, 216E, and 216F). In many cases the statutes also lay out and direct alternative environmental review processes, such as an environmental assessment.

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<sup>1</sup> Introduced as SF4784, the Act became part of [Laws of Minnesota 2024, Chapter 126, Article 7](#).

Prior to the adoption and effective dates of the Energy Infrastructure Permitting Act, the thresholds and responsibility for environmental review for energy facilities are defined in multiple spaces. They are complex and sometimes overlapping. Broadly speaking, some smaller projects (such as smaller megawatt power plants or lower voltage transmission lines) may require environmental review only under Minn. R. 4410. Larger projects and newer project types tend to be required to go through processes laid out in PUC statutes and rules, including those alternative processes.

## Energy Infrastructure Permitting Act changes

The goal of the 2024 Minnesota Energy Infrastructure Permitting Act was, as stated above, to streamline and clarify review and permitting requirements for certain kinds of energy infrastructure. Many of the law's provisions go into effect on July 1, 2025.

A key provision of the law is that it creates a new statute (216I) that outlines the process for environmental review and designating sites and permit routes for large energy infrastructure facilities (large energy infrastructure facility means a high-voltage transmission line, a large electric power generating plant, an energy storage system, a large wind energy system, and any associated facility) and solar energy generating systems. This portion of the bill goes into effect on July 1, 2025. Until this date portions of Minn. Stat., chapter 216E and 216F as well as Minn. R., chapters 7854 and 7850 are still in effect.

The new statute language clearly divides environmental review into two tracks, a standard review and a major review. Much of this split is conceptually present in the current laws but the new statute will make things more clear.

### 1. Standard review

- All solar energy, large wind energy conversion, and energy storage systems; all generating plants fueled by natural gas or with a capacity of less than 80 MW; high voltage transmission lines (HVTLs) up to 300 kV; and HVTLs in excess of 300 kV that (1) have less than 30 miles of length in Minnesota or (2) locate 80% of the proposed line along existing HVTL right of way.
- Standard review allows the applicant to submit an Environmental Assessment (EA) with an application to the PUC, and the PUC will supplement as appropriate during the permitting process. The standard process requires a public hearing and the PUC may request an administrative law judge to preside over the hearing.

### 2. Major review

- Applies to nonrenewable generating facilities with a capacity of 80 MW or greater and HVTLs over 300 kV with 30 miles or more of length in Minnesota, more than 20% of which uses new HVTL right of way.
- Major review requires the PUC to prepare an Environmental Impact Statement (EIS) and hold a public hearing by an administrative law judge.

Certain smaller projects, such as a wind energy conversion system of less than 25 megawatts, would still be allowed to be reviewed by local units of government, that have jurisdiction over the project, instead of the PUC.

In addition, the law:

- Transfers the duties of environmental analysis (review) from the Department of Commerce to the Public Utilities Commission (PUC) as of July 1, 2025
- Requires the PUC to conduct an environmental impact statement prior to issuing a route permit for a carbon dioxide pipeline (housed in 216G and not 216I)

## Next Steps

The Environmental Quality Board must adopt rules, using the expedited process under Minnesota Statute, section 14.389, and amend Minnesota Rules, chapter 4410, to conform with the changes made in the Minnesota Energy Infrastructure Permitting Act. Many of the conforming changes will include simply updating references to rules or statutes that are being repealed. However, there are some areas that will need discussion, where thresholds and definitions have changed, to consider how these projects should be handled within 4410 in the future.

EQB staff are beginning to work on proposed amendments to the rule and will bring the proposed amendments back to the Board at a future meeting for discussion.

The legislation was passed May 25, 2024 and the expedited rule making process needs to be complete within 18 months, which means by November 25, 2025.



## Memo

**Date:** February 7, 2025

**To:** Environmental Quality Board members

**From:** Catherine Neuschler, EQB Executive Director

### RE: Overview of EQB's 2025 Groundwater Policy Report

EQB is tasked with completing a groundwater policy report, which is due in September 2025. An interagency workgroup has been developing the purpose, audience, and a preliminary outline for the report. This memo provides information about the statutory requirements, the audience, and the purpose of the report. Attached to the memo are:

- 1) The preliminary high-level outline for the report
- 2) A proposed engagement plan

Board members should review the preliminary outline and proposed engagement plan; staff will walk through those items at the Board meeting and request feedback from the Board on any needed changes.

### What is the purpose of this report?

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”.

In addition, EQB is directed to consolidate certain other water quality assessments – prepared by other agencies – and submit them with the report. Therefore, attached to the report will be three data appendices that fulfill the requirements of Minn. Stat. 103A.43 and 103H.175. Because these are not EQB reports, they are not further discussed here and the Board will not be asked to approve them. The data appendices will include:

- Appendix A - Five Year Assessment of Water Quality Trends and Prevention Efforts (MPCA and MDA)
- Appendix B - Groundwater Monitoring Status Report (MPCA-led under Minn. Stat. 103H.175)
- Appendix C - Groundwater Quantity (DNR)

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

## Who is this report for?

This report is for the those who have funding and policy responsibilities for Minnesota’s groundwater (including, but not limited to groups like the Minnesota legislature, Tribal governments, local governments, and regional entities responsible for water); local water authorities like SWCDs and public water systems and suppliers; and the public and public interest groups seeking data to support their understanding of key groundwater issues.

## What is this report going to tell the audience?

The groundwater policy report will include:

- Introduction to groundwater and groundwater management
  - High-level information about groundwater
  - Overview of Minnesota’s policy/values/vision around groundwater (Minn. Stat., chap 103H)
  - High-level summary of the roles of the state agencies in protecting groundwater
- Overarching goal for the state’s groundwater protection programs
- Importance of protecting groundwater for health, the economy, and the environment
- Highlights of key threats to Minnesota’s groundwater
- Overview of state agency collaborations, tools, and programs/actions that are being taken to mitigate threats and reach the goal
  - Program successes
  - Gaps and opportunities (both to enact and encourage)

The appendices will provide more in-depth information on:

- Water quality (ground and surface) and groundwater degradation trends
- How the state agencies work together to monitor groundwater
- Groundwater quantity

## Next Steps

After the Board’s review and input, EQB staff will conduct public engagement as outlined in the engagement plan. Staff will return to the Board in April or May to share an update, including any changes to the general outline made based on public engagement. Throughout this time, members of the workgroup will be expanding on the outline and drafting the report. Staff plan to bring the final groundwater policy report to the August Board meeting.

## Workgroup

EQB	Catherine Neuschler, Priscilla Villa-Watt
MPCA - Groundwater	Erik Smith
MPCA - Surface water (as needed)	Kim Laing, Eileen Campbell, Heather Johnson
MDA	Jeff Berg, Kim Kaiser, Dave Tollefson
DNR	Pooja Kanwar, Claudia Hochstein
MDH	Steve Robertson, Jane de Lambert, Tannie Eshenaur, Frieda von Qualen
MetCouncil	Lanya Ross, Jen Kostrzewski
BWSR	Suzanne Rhees
MnDOT	Katherine Lind, Nick Olson
DEED	Neal Young

## Groundwater Policy Report Outline: High Level

### 1. Executive Summary

### 2. Introduction (to groundwater and groundwater management)

- High-level information about groundwater – what it is; where it is found; the connection from groundwater to surface water (how groundwater influences surface water)
- Overview of Minnesota’s policy/values/vision around groundwater (Minn. Stat., chap 103H)
- High-level summary of the roles of the state agencies in protecting groundwater

### 3. Big Picture Goal

The goal of all the state’s groundwater protection programs is to ensure that Minnesota has safe<sup>1</sup> and sustainable<sup>2</sup> groundwater to equitably<sup>3</sup> meet the state’s needs.<sup>4</sup>

### 4. Importance of Protecting Groundwater

This short section will provide a high-level discussion that contextualizes “safe and sustainable groundwater” and why having safe and sustainable groundwater to equitably meet our needs is important to Minnesota.

- Groundwater provides much of Minnesota’s drinking water
  - Describe why safe drinking water is important
- Groundwater has many uses in our state’s economy
  - Describe why we need clean groundwater for the economy (agriculture, industry)
- Groundwater is an important part of Minnesota’s environment; it is valued even where it isn’t consumed
  - Describe the benefits of groundwater to Minnesota’s environment
  - Describe the cultural, spiritual, and aesthetic benefits of groundwater, groundwater supported ecosystems, and groundwater-fed surface waters

### 5. Key threats to Minnesota’s groundwater

This longer report section will describe key threats to meeting the high-level goal of safe and sustainable groundwater to equitably meet the state’s needs, or threats that might prevent us from meeting the goal into the future (over the next 10 – 50 years). It will also discuss how climate change exacerbates each threat and makes meeting the goal more challenging and emphasize equity issues in meeting the high-level goal.

#### A. Groundwater quality concerns

Pollutants in groundwater can make groundwater unsafe to drink, difficult to use for certain industries that need high water quality (e.g. irrigation, chip manufacturing), or cause other environmental impacts. Groundwater quality varies across Minnesota, with different challenges in different areas. The challenges can be exacerbated by climate change. Not everyone knows what is in their water, and there are inequities in exposure to contaminated water/access to clean water. It can be challenging and expensive to clean up pollution in groundwater and expensive to treat water to safe standards for use.

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<sup>1</sup> “Safe” to be defined but primarily a water quality issue – clean, free from pollution, etc.

<sup>2</sup> “Sustainable” to be defined with key factors – something like adequate, accessible groundwater available for the needs of current and future generations

<sup>3</sup> “Equitably” to be defined – perhaps generational (present/future); without disparities by race, income, geography

<sup>4</sup> “Needs” to be defined – water supply needs; for human health, the economy, the environment and ecosystems, and cultural/spiritual/ aesthetic. Also discussion of what it means to “meet” them.

- **Geography:** Groundwater quality concerns are different in different areas of the state. This section of the report will describe some of the concerns by geography.
- **Pollutants:** This section of the report will discuss pollutants of concern that are driving state actions and program work today and emerging issues that are likely to impact state work (over the next 10 – 50 years).
  - Nitrate
  - PFAS
  - Chloride (and salts)
  - Pesticides (cyanazine and neonics)
  - Geogenic contamination
  - Emerging contaminants
    - Microplastics

**Climate sidebar:** Climate change can exacerbate groundwater quality challenges. It can lead to more high intensity precipitation, which impacts the quality of water that is naturally recharging aquifers – more sediments, etc. That can also potentially lead to infiltration of pollutants we don't usually look for – like cyanotoxins. Flooding can make a well unsafe to use, especially wells that are positioned in shallow groundwater, and increase the costs of replacement wells (due to need to drill deeper).

## B. Groundwater quantity concerns

A lack of groundwater can impact access to drinking water, disrupt agricultural practices, hinder economic growth and development, and adversely impact the land surface and ecosystems. Across Minnesota there are increasing demands on our groundwater for multiple uses, making it more likely we might not have sufficient groundwater in certain parts of the state to meet every desire or need over the next 10 – 50 years.

- **Geography:** Groundwater quantity concerns are different in different areas of the state. This section of the report will describe groundwater quantity concerns by geography, include areas of the state where there is less groundwater and more concern about groundwater overuse.
- **Uses:** This section will start with a high-level overview of the state's water allocation priorities (Minn. Stat. 103G.261) and then discuss specific uses currently happening in Minnesota and likely new or expanding uses.
  - Consumer use of municipal water (update from 2015)
    - Residents (drinking, lawn watering, etc.)
    - Industries (maybe review which industries are using municipal water)
    - Describe potential stress to groundwater quantity of groundwater being pumped, used once, and then exported to surface water (update 2015 info)
  - Agricultural uses
    - Irrigation (update 2015 info)
    - Livestock and dairies
    - Green fertilizer (TBD)
  - Dewatering and withdrawals for construction
  - New and expanding water-intensive (or potentially water-intensive) industries
    - Data centers (and connected energy uses that might need water)
    - Sustainable aviation fuel
    - Hydrogen

- Cannabis (TBD)
- Geothermal heating (TBD)

**Climate sidebar:** Climate change can exacerbate groundwater quantity challenges. Drought and longer growing seasons can increase the need for water for irrigation; make wells run dry; increase conflicts over water use; lead to the need for restrictions on uses (like watering); decreases recharge and therefore impacts aquifer levels (dry wells, need to drill deeper and pay money); fluctuating levels in the aquifer can impact land and soils (sinkholes).

### C. Water infrastructure concerns

Water infrastructure is a key component of ensuring that residents of Minnesota have access to safe and sustainable groundwater and that their needs are equitably met.

- What and how: This section of the report will describe key infrastructure components and how that infrastructure supports getting groundwater to where it is used and ensuring it is clean and usable when it gets there.
  - Water distribution systems and treatment

This section will also cover the impacts of specific kinds of impact on groundwater quality and quantity.

  - Tile drainage
- Concerns: Aging infrastructure impacts the quality and quantity of groundwater that is delivered to users and has a direct impact on groundwater quality and quantity; there are issues in funding repairs and improvements to infrastructure, including equity in paying and access.

**Climate Sidebar:** Climate change exacerbates many water infrastructure challenges. Climate change can degrade and destroy infrastructure; increase precipitation that washes out or overwhelms infrastructure; and cause pipes to burst from freeze/thaw cycles.

### D. Equity issues

Residents of Minnesota have different experiences when it comes to safe and sustainable groundwater, including different experiences accessing drinking water; with how water is used for the economy; and with groundwater impacts on ecosystems. This section will describe equity issues in meeting the goal of safe and sustainable groundwater.

- Private wells (for individuals and < 25 people) – quality; information about water quality; well interference; more vulnerability to climate impacts; paying for treatment; deeper wells
  - Especially of concern for economically disadvantaged homeowners
- Environmental justice – communities of color are disproportionately impacted by contaminated groundwater

## 6. State tools, actions, and programs to maintain safe and sustainable groundwater

This longer report section will describe what the state is doing to meet our high-level goal of safe and sustainable groundwater that equitably meets the state’s needs, both now and looking forward into the future (10 – 50 years). It will describe the state’s groundwater protection tools and programs and how we coordinate them.

It will highlight key successes within those programs and where there are relevant needs, gaps, or opportunities and the actions that can or should be taken, both actions that could be taken by the state (things we can lead and enact) and those that would help support others in what they are doing (things we can encourage). Much of this section might point outwards to other reports and the goals, strategies, and actions included in those.

### A. Interagency Collaboration and Structures

Responsibility for groundwater protection is vested in a multi-agency approach. A robust interagency governance framework is in place, and the agencies work through formal and informal coordinating groups to effectively align our work.



- Structures: ICT, ICT subgroups like IAGWDW team and IWAT, interagency GRAPS team, MAWSAC/TAC, 1W1P
- Successes: Minnesota Water Management Framework
- Opportunities

**Climate Sidebar:** Minnesota also has a plan (Climate Action Framework) and structures (climate subcabinet, etc.) to work in a holistic/cross-cutting way on climate issues.

## B. Monitoring and data tools

The state agencies work together to understand our groundwater quality and groundwater quantity through monitoring; we provide data, and evaluate and assess conditions, trends, and emerging threats.

- **Monitoring:** This section will provide an overview of how we monitor to understand if we have safe and sustainable groundwater, and for the water quality and quantity concerns described above (refer to appendices for details). It will also provide an overview and examples of how we evaluate and assess conditions and potential threats.
  - Focus on monitoring systems
  - Describe monitoring successes and accomplishments
- **Evaluation and data sharing:** This section will provide a high-level overview of how we assess and evaluate the data coming from monitoring. It will likely point to detailed information in the appendices or other groundwater reports, etc. It will also provide an overview of how we work to provide and share data, including:
  - Online data tools
  - GW atlas and “seamless data”
  - Support to local governments (such as through GRAPS)
- **Action and program support:** This section will set the context for how the data gathering and evaluation supports our programs and actions to protect groundwater quality and quantity.
- **Gaps and Opportunities**

**Climate Sidebar:** How monitoring helps us understand what is happening to our water due to the impacts of climate change. (Flow data, maybe the groundwater age/recharge dating.)

## C. Groundwater quality protection

The state agencies have multiple authorities (SDWA, CWA, state laws); programs; and policy tools to ensure Minnesota has clean groundwater. The agencies work through these programs to take actions that protect groundwater quality, and we work to incorporate equity into the ways we address threats to groundwater quality. This section will discuss the programs we have and actions we are taking to address some of the key threats to groundwater quality mentioned above.

- **Nitrate:** This section will describe the steps the state is taking and how state agencies are working together to prevent and reduce nitrate in groundwater, including the programs that support this specific goal and the actions that are targeted to this goal.
  - Programs and tools
    - Source water protection
    - Groundwater protection rule and fall fertilizer restrictions
    - Permits (feedlot permits that include manure application)
    - Soil health programs and living cover (including buffers)
    - MAWQCP

- Action plans that are targeted to specific needs
  - SE Minnesota response
  - Drinking water action plan
  - 1W1P and local planning support
- Successes
- Gaps and Opportunities
- **PFAS:** This section will describe the steps the state is taking and how state agencies are working together to identify and mitigate PFAS in groundwater.
  - Programs and tools
    - SDWA, CWA, remediation and clean-up
  - Action plans
    - PFAS Blueprint
  - Successes
    - Amara’s law
    - Monitoring
  - Gaps/opportunities
- **Chloride:** This section will describe the steps the state is taking and how state agencies are working together to implement and support actions that help to reduce chloride infiltrating to groundwater
  - Programs and tools
    - Smart salting
  - Successes
  - Gaps/opportunities
- **Geogenic pollutants:** This section will build on the discussion above about the increasing realization of the potential impact of naturally-occurring pollutants and will describe the steps the state is taking and how state agencies are working together to manage these pollutants.
  - Programs and tools
    - SDWA
  - Successes
  - Gaps/opportunities

**Climate sidebar:** On one of these issues, how we specifically work to consider climate impacts.

#### **D. Groundwater quantity protection**

The state, primarily through DNR, has multiple authorities, programs, and tools to manage water resources and water use. In addition, water supplies are managed at the local level and – particularly in the metro area – through regional collaboration. Water planning works to achieve multiple goals and support multiple water uses and users. These programs protect groundwater quantity by promoting efficiency, managing withdrawals, etc.

- Programs and tools
  - Water appropriation permitting
    - Including expanded enforcement/APO authority
  - Promoting conservation and efficiency in water use
    - Residential and municipal (supporting local governments)

- Agricultural, other
  - Water supply planning
    - Planning for development
  - Groundwater management area plans
- Successes
- Gaps/opportunities
  - **Sidebar:** Water reuse is an emerging topic that is on everyone’s mind. Many see it as an opportunity, but there are also concerns. The issue is complex (and we need to learn more).

**Climate Sidebar:** How our programs and initiatives on natural and working lands protect groundwater quality **and** quantity by holding water on the landscape and filtering contaminants, preventing runoff and protecting the quality and quantity of water that recharges aquifers. This becomes even more important with climate change.

### E. Water infrastructure support

The state works to support water infrastructure construction, repair, and resiliency to ensure that our infrastructure enables safe and sustainable groundwater that is equitably available.

- Programs
  - Planning (state actions and local planning and work)
    - Maintaining existing infrastructure, planning for new/expanded infrastructure, and both primary and emergency needs
    - Source water protection: Includes emergency response, contingency planning
  - Funding – Public Facilities Authority, bonding, etc.
    - Talk about who pays for what
    - Past and current investment vs future investment needs
- Successes
- Gaps/opportunities

**Climate Sidebar:** Hazard mitigation plan or other work to ensure infrastructure is resilient to climate change.

### F. Water Equity

- Programs
- Successes
- Gaps/opportunities

## Conclusion

Wrap-up and next steps. Likely to highlight major threats/concerns and surface the largest needs for filling the gaps or meeting the opportunities that help us continuously improve Minnesota’s groundwater protection work.

# 2025 Water Policy Report - Engagement Plan

## Audience

Aligns with the audiences identified for the report itself. EQB will ask participating agencies to identify specific audience members that should be reached out to and may ask for additional support in engaging with those folks.

- Minnesota Tribes
- Local governments, local water authorities, regional water entities, public water suppliers, etc.
- Interest groups representing key sectors (environmental and conservation groups; public health groups; business and economic development groups; agricultural sector representatives)
  - General public members of those groups or sectors

## Report development engagement (Feb-March)

### Purpose of Engagement

The purpose of the engagement will be primarily to get input on what should be included in the report so that it is useful for the identified audiences. This will include surfacing the audience's concerns about groundwater and what they see as gaps and opportunities for the state programs. It isn't meant to be an overarching engagement on the entirety of the state's groundwater management programs.

The engagement will gather:

1. Input on whether the purpose(s) of the report (supporting informed decision-making; providing foundational information; describing the collaborative approach; describing important threats; identifying gaps and opportunities) will meet the needs of the audience
2. Input on whether the preliminary overall direction and outline will fulfill the purpose(s) of the report
3. Ideas for information that should be provided – including stories about the importance of groundwater; the audience's concerns about groundwater quality and quantity; and the audience's ideas of gaps to be filled and opportunities to be pursued

### Questions

- The goal of all the state's groundwater protection programs is to ensure that Minnesota has safe and sustainable groundwater to equitably meet the state's needs.
  - Are there things you would add or change in that goal, or other ways that you would express it?
  - Does the outline help you understand how we will talk about the goal?
- We want to provide some foundational information about groundwater and the state of groundwater in Minnesota:

- What overview information would you like to see in the report? (If we note specific potential data – is that useful?)
- Is there anything we can add/change to the data appendices to make them more useful for you in your work? (Look at 2015 and 2020 data appendices)
- In talking about groundwater and why it is important to Minnesota/the geography of Minnesota:
  - Are we appropriately emphasizing the value of groundwater?
  - What important stories or local actions should we include?
  - Especially for Tribal nations – when we talk about the benefits of groundwater – is there traditional ecological knowledge (TEK) that we should include?
- Key threats or concerns to Minnesota’s groundwater
  - Are there key threats to groundwater that should be covered but aren’t included in this outline?
  - What important stories or specific local, Tribal, or other concerns should we include? (storytelling)
  - Are there additional equity impacts or concerns that are missing?
- State tools, actions, and programs
  - Are there specific tools, actions, and programs that are missing?
  - What important success stories should we include?
  - We plan to include gaps and opportunities – what gaps or opportunities do you see in the way state programs address the key threats to Minnesota’s groundwater?
    - What might help make state tools, actions, programs more useful to you?
    - Where could the state help support your work to protect groundwater?

## Platforms

- Focus groups
- Webinar
- Engagement HQ
- Snap survey

## Incorporating Feedback

- EQB will organize the input into themes and do some summaries
  - Designed to help us shape what we should include in the report
- Internal agency workgroup discussion - based on the engagement feedback, what should we consider adding, clarifying, or changing in the report?
  - Particular focus on what data we can provide; what threats we talk about; and what gaps and opportunities we focus on and identify as something we can address
- Summary and report out to the Board on what changes were made to the report in response to the feedback
  - At a high level, based on themes. No individual response to comment.

## Timeline

- January 2025: Agencies review preliminary purpose and outline
- Early February 2025: Tribes receive preliminary outline; questions; and request for interest in engaging in the development of the report
- February 7, 2025: Preliminary purpose and outline provided in EQB February meeting packet
- February 19, 2025: Preliminary purpose and outline presented at EQB February meeting
  - Public comment taken at the Board meeting
  - Written version of purpose and outline released after this meeting if not provided in Board packet
- February 24 to March 28, 2025: Public engagement period
  - This is the primary public input period; tribal coordination and engagement may start sooner or extend longer depending on need
- April 2025: Review, consider, and incorporate feedback
- May 9, 2025: Written overview of feedback; description of changes made to the report outline; revised outline provided in EQB May meeting packet
- May 21, 2025: Present overview of feedback and changes made at EQB May meeting
  - Public comment taken at the Board meeting
- July 2025: Agencies review draft final
- Early August 2025: Tribes receive draft final report
- August 8, 2025: Draft final report provided in EQB August meeting packet
- August 20, 2025: Draft final report presented to EQB Board for approval
  - Public comment taken at the Board meeting

## Other Notes

- Support from Public Board Members on engagement process
- Consider incorporating specific language people are using around groundwater (to help us with plain language)

## Report post-publication engagement (Aug – Oct)

- Deadline: Mid-July due date for a communications and roll-out plan
- Content to shape targeted outreach
- Press release
- Coordination with agency communication teams