



Legislative Water Commission

Barb Huberty, Director

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March 27, 17

Meeting Minutes

Members Present:

House

Representative David Bly
Representative Peter Fischer
Representative Glenn Gruenhagen
Representative Clark Johnson
Representative John Poston
Representative Paul Torkelson

Senate

Senator Kent Eken
Senator Jason Isaacson
Senator Andrew Lang
Senator Carrie Ruud
Senator Bill Weber
Senator Charles Wiger

The meeting was called to order at 6:04 pm on March 27, 2017.

Rep Fischer moved approval of the December 14, 2016 minutes. THE MOTION PREVAILED.

Acting Chair Torkelson called for the nomination of co-chairs. Rep Fischer nominated Rep Torkelson and Sen Wiger to be co-chairs. With no other nominations made, Sen Weber moved that the nominations be closed and that a unanimous ballot be passed in favor of electing the nominees. Members voted unanimously to elect Rep Torkelson and Sen Wiger as co-chairs. Rep Torkelson continued as Chair of the meeting.

Rep Fischer noted that the House State Government Finance omnibus bill includes a provision to repeal the LWC. The comparable Senate bill does not include the repeal at this time, so the decision to keep or repeal the LWC will be addressed in a conference committee. Rep Johnson asked that all LWC members work to maintain the LWC. Sen Isaacson said that with a sunset date of 2019, it is important for the LWC to show productivity, like the stormwater reuse provision that was recently amended to the environment omnibus bills in each chamber.

Utilizing the materials supplied in the meeting packet, Director Huberty gave a broad overview of past LWC efforts while members asked questions about the contents. Rep Gruenhagen reflected on the expenditures summary and suggested that outcomes achieved for the expenditures would be more meaningful. Rep Bly explained that the LWC tours are where accomplishments can be seen. Rep Torkelson referenced the recently published Office of the Legislative Auditor report on Clean Water Fund expenditures, which indicated that there is a lag time between investment and improvements. He also noted that you would have to evaluate each program and each project to quantify pollutant reductions.

Rep Gruenhagen then expressed his concern about regulations driving up the cost of infrastructure. Construction of wastewater treatment plant upgrades in the City of Glencoe to meet the new phosphorous standard will cost them \$5M. Glencoe and other cities are participating in lawsuit against MPCA believing that they did not use sound science or adequate peer review. Rep Gruenhagen said the infrastructure burden on small cities must be addressed.

Sen Isaacson asked whether the state had a master water plan. Director Huberty indicated that each agency dealing with water has plans and that the Environmental Quality Board (EQB) recently published their statewide Water Policy Report. Rep Torkelson mentioned that local county water management plans and One Watershed One Plans are also important because they set local priorities. Sen Isaacson said he is interested in seeing what the statewide needs are. Rep Torkelson noted that the boundaries of surface watersheds are not the same as groundwater basin boundaries and the conditions and needs vary across them. Sen Isaacson believes a comprehensive plan for the state is needed. Rep Johnson asked how the elimination of the EQB would impact statewide planning. Director Huberty indicated that some of the EQB's duties would be eliminated and others would be distributed to other agencies, but that would not affect the Interagency Coordination Team's work done across all agencies.

Rep Fischer mentioned that DNR's groundwater management areas do not exist in all areas of the state where there are water availability limitations. For instance, the southwest part of the state depends on piping water from the Missouri River via the Lewis and Clark Regional water system and he felt it is important that the state not neglect other areas with needs. Rep Torkelson said there is no need to manage what is not there, alluding to the absence of available quality groundwater in SW MN.

Rep Fischer asked whether DNR's water appropriations change over time. Director Huberty did not know that answer, but will follow up with DNR.

Rep Gruenhagen said some P detected in water is natural and that MPCA does not measure or consider that when developing standards. Director Huberty noted that phosphorous in wastewater effluent is not a natural addition.

Members were given a short survey to complete by Monday 4/3 to help the co-chairs plan for future meetings.

Pam Blixt and John Barten, members of the Clean Water Council (CWC), gave a presentation detailing the 5-part drinking water policy recommendations and the living cover policy recommendation contained in the CWC's [FY18-19 Clean Water Fund and Policy Recommendations Report](#) (see pages 19-22). The CWC started in 2006 and began making recommendations for clean water fund expenditures in 2008. They gave their first policy recommendations in their FY16-17 report (buffers and water storage). If anyone is interested in being a champion to advance any of these policies, please contact Pam.

Rep Gruenhagen asked if buffer strips were included in the living cover recommendation. Mr Barten replied that they would be only if they were contained in a wellhead protection area. Rep Gruenhagen then referenced a news article in the Daily Journal that said buffer strips are harmful to the environment because as the vegetation decays, phosphorous is released. Mr Barten said that historically, phosphorous in runoff from areas with grass or native vegetation is significantly less in terms of pollutant release and transport. Research on tile drainage water conducted by Dr Gyles Randall at the U of MN's Waseca field station showed that phosphorous loss is less in alfalfa than row crops. Rep Gruenhagen will email the article to Director Huberty so that she can distribute it to LWC members.

Rep Fischer asked if any bills have been introduced this Session that address any of the CWC's recommendations. Director Huberty mentioned Rep Wagenius' bill requiring source water protection plans for surface water suppliers and Rep Thissen introduced a bill to require lead testing of water in schools. Rep Fischer asked about the extent of the lead pipe problem and how to address it. Ms Blixt indicated that the extent of lead pipes and how cities choose to address it varies from city to city, so the CWC opted not to tackle that. Sen Ruud expressed her thanks for the CWC work done by the presenters and the other members.

While waiting for the next presentation to launch, Rep Torkelson mentioned that this year the co-chairs will pre-set meeting times for both during Session and the Interim.

Dean Lotter, City Manager for the City of New Brighton, described the content of the Metropolitan Area Water Supply Advisory Committee's (MAWSAC) 2017 report to the Legislature. Groundwater availability in the metropolitan area is static and the population is growing, so conservation will be needed. Currently, individuals use about 125 gallons per day and the goal is to reach 90 gpd. Woodbury is an example of a community that has a robust water conservation program, having already reduced demand by 3.8 million gallons. By targeting 6 high volume businesses, 1 million gallons were saved. The cost of water infrastructure is high, so saving water can offset the cost for new water system components. Another example an apartment complex that used 2.7M gallons per quarter; by installing new, water-efficient toilets, they saved 853,000 gallons (~30%). New Brighton's water supply is challenged by the release of contaminants from the former Army ammunition plant; most recently 1-4 dioxane was detected. It is the responsibility of MAWSAC's Technical Advisory Committee to share new ideas and make recommendations for MAWSAC to consider as policy changes.

Rep Johnson said he was surprised at the number of private wells in the metro area and asked whether Met Council planning is evaluating options to connect to surface water instead of groundwater. Mr Lotter explained that each community faces that question and needs to decide whether and how to diversify. He explained that New Brighton buys surface water from Minneapolis and uses ground water, but they can't use both at the same time. Minneapolis uses chloramine disinfection and New Brighton uses chlorine; they can't be mixed.

Rep Fischer noted that most groundwater users are too far away to cost-effectively use the Mississippi River. He also noted that the quarry water being used by Burnsville and Savage could be affected by contamination from the Freeway Landfill if pumping is stopped and asked how that would be handled. Mr Lotter did not know the answer to that but that a representative from Burnsville on MAWSAC.

Dr Carrie Jennings, Research and Policy Director for the Freshwater Society, described their most recent report: The Water Underground – Stretching Supplies. Where groundwater recharges rapidly, water quality issues can be a concern. Where it recharges very slowly, it should be considered a finite resource and its use is more like mining. Therefore it is necessary to consider different strategies to sustain it, including reduction of use, reuse and recharge. Sometimes water recharges an aquifer at locations far from the people who pump it. It is important to know who is sharing the resource and the groundwater sources differ a great deal across the state. For instance, in SE MN, water is generally available to everyone. But in areas where people are drawing water from surficial aquifers, finding it and having adequate supplies is much more challenging. There is an interagency work group looking at reuse options for the state and their recommendations are expected to be released in June.

In response to the reports' chart showing the current status of regulations, Rep Gruenhagen asked how MN regulations compare to surrounding states. Dr Jennings did not have an answer to that but gave a

brief history of how MN water regulations evolved. Each agency was established to protect water according to their jurisdictional area, so each developed regulations for their area of responsibility. For the most part, those regulations did not need to be integrated. Although early regulations may have been created in separate silos, they provide checks and balances. With water reuse, better integration between agencies will be needed.

Rep Gruenhagen said there is plenty of water and that the federal government subsidized drainage, so they are a big culprit in causing flooding. Even though government means well, some of their policies can make things worse.

Rep Fischer would like to explore the problem of people in the metro area who keep private wells when public water supplies are available.

The meeting adjourned at 8:02 pm.