

Minutes of the REGULAR MEETING OF THE METROPOLITAN AREA WATER SUPPLY TECHNICAL ADVISORY COMMITTEE

Tuesday, June 15, 2021

Committee Members Present:

Mark Maloney (Chair), Scott Anderson, John Dustman, Dale Folen, Lih-in Rezanian, Matt Saam, Jim Stark, and Ray Wuolo.

Committee Members Absent:

Kristin Asher, Robert Ellis, Crystal Ng, Jamie Wallerstedt, Bruce Westby, and Jim Westerman.

CALL TO ORDER

A quorum being present, Committee Chair Maloney called the regular meeting of the Council's Metropolitan Area Water Supply Technical Advisory Committee (TAC) to order at 1:00 p.m. on Tuesday, June 15, 2021.

Chair Maloney read aloud Governor Walz's notice, as follows:

NOTICE: Governor Walz has declared a peacetime emergency (Emergency Executive Order 20-01) in response to COVID-19 and the Metropolitan Council Chair has determined it is not practical or prudent to conduct an in-person Metropolitan Council meeting for reasons stated in the Governor's Emergency Executive Order. Accordingly, Metropolitan Council members will participate in this meeting via telephone or other electronic means and the Metropolitan Council meeting will be conducted under Minnesota Statutes section 13D.021 at the date and time stated above. This [meeting will be streamed live](#). We encourage you to monitor the meeting remotely. If you have comments, I encourage members of the public to email us at public.info@metc.state.mn.us. We will respond to your comments in a timely manner.

APPROVAL OF AGENDA AND MINUTES

Without objection the agenda was approved by consensus.

Without objection the Minutes of the April 20, 2021, Metropolitan Area Water Supply Technical Advisory Committee were approved by consensus

INFORMATION

1. Information Item: Recommendations and local perspectives – land use and water supply

- Draft problem statement and recommended actions
- Regional information: potential contaminants by land use type, source water protection areas, and changes in planned land use development
- Process and next steps to develop a statutorily required 2022 report from The Metropolitan Area Water Supply Advisory Committee (MAWSAC) to the Council and MN Legislature

As part of the presentation, Zuleyka Marquez from the City of Edina, Vanessa Demuth from Dakota County and staff member Emily Steinweg spoke about their experiences related to this topic.

As a reminder, The Metropolitan Council must consider MAWSAC's work and recommendations as it prepares its regional development framework, and TAC's role is to inform MAWSAC's work by providing scientific and engineering expertise (M.S. 473.1565).

Prompting questions provided to shape the discussion:

- a. What trade-offs or tensions do you perceive might shape public support for protecting source water through land use choices? What political or regulatory pressures are you trying to balance?
- b. What resources would help most? What financial resources, information, plans, permits, or technical assistance set us up to do better? Anything missing from current local, regional, or state agencies?
- c. Who in your community is most impacted by source water protection expectations or concerns about infrastructure changes/expansion? What outreach approaches have been most effective? Are there any gaps in resources?
- d. How could the Council and/or organizations represented on TAC help? How could the region be better prepared to support land use choices that promote source water protection and water supply sustainability?

Zuleyka Marquez, Engineer for the City of Edina, shared her experience implementing the City's [private well policy](#) for residential, industrial, commercial, and irrigation water-supply wells, which tracks and investigates potentially uncapped wells on private property. A large part of the work involves education because most residents and builders are unaware of wells on their property. The Minnesota Department of Health (MDH) provides grants to help cover the cost of sealing wells.

Emily Steinweg, Engineer in Metropolitan Council Water Supply Planning, shared her experience working with MDH and partner cities in the west metro on a pilot project to explore a multi-community collaborative approach to Wellhead Protection Planning (WHPP). The proposed project would include updating the delineation and vulnerability assessment of drinking water supply management areas and updated implementation planning. Resources are needed to fund modeling and WHPP implementation.

Vanessa Demuth, Dakota County Geologist, shared her experience with groundwater quality research and well monitoring and management. The County has a long history of water quality monitoring and [drinking water studies](#). The County's updated [Groundwater Plan](#) was adopted in January 2021. The County recently published a study on private well water quality which found that 62% of private wells had exceeded 1 – 2 drinking water standards. Based on County research and experience, she asked TAC to consider providing a recommendation to extend city water where possible.

Dakota County has found that private well owners generally do not conduct regular sampling of their wells, much less add and maintain recommended treatment. Based on the understanding that contaminants are found in a large percentage of private wells, extending public water could provide notable public health benefits. Dakota County' also has a [program to support sealing unused wells](#), which includes a well sealing grant program that reimburses well owners up to 50% of the cost, with grants capped at \$3,000.00 each.

Committee questions and discussion

Chair Maloney asked for more information about the graph found on slide nine in the presentation comparing planned development in acres in 2030 versus 2040 local comprehensive plans. Staff explained that the two tallest blue and green bars on the left are the sum for the urban service area. The shorter green and blue bars to the right are data from each community designation category.

Each bar represents the sum of acreage reported in local comprehensive plans that communities identified for both greenfield development as well as an estimation of acres that are candidate sites for infill or redevelopment area in fully developed areas. When comparing 2030 plans to 2040 plans, there is a significant drop in the acreage identified. A variety of factors may have an impact, such as reduced forecasts between 2030 and 2040, trends in increased density, or how restrictive or accommodating a plan might be compared to their last plan. The largest bars (more planned development) tend to be on the edge of the urban area where more greenfield development and lower density developments are planned.

Committee Member Stark asked what, if any, authority cities have to regulate land use for water protection outside the extent of their public water supply systems. Chair Maloney shared that from his experience, cities may self-impose regulations that include Drinking Water Supply Management Area (DWSMA) consideration in land use analysis and development. Committee Member Stark then asked about development that may overlap a sensitive aquifer that is not necessarily a DWSMA and if cities have any authority to regulate that land use. Chair Maloney responded that the city would have to zone that area a certain way or direct how that land could be used, which is best accomplished proactively via planning and zoning regulations because it's hard to do from a reactionary position.

Council Member Anderson asked if the West Metro Water Supply Work Group has determined any mechanisms that will be used to communicate about different vulnerabilities. Staff responded that the intention of the project is for communities to come up with the best ways for them to share information together and jointly work through the challenges to guide development. The hope is that with everyone working together a consensus will be reached on methods for communications.

Chair Maloney asked Ms. Marquez if there is any financial assistance for those who discovered unsealed wells on their property. Ms. Marquez indicated that this information can be found on the City's website. Grants are awarded to program applicants, not offered as a component of a permit review. Hardships related to the cost of sealing wells are most often related to smaller projects. Ms. Demuth shared that Dakota County has three grants to help with unsealed wells.

Chair Maloney asked Ms. Demuth whether her recommendation to connect properties with private wells to city water was a suggestion for a regional water system or a suggestion for review on a case-by-case basis where feasible. Ms. Demuth acknowledged that there are challenges around this topic and then stated that both approaches could be recommended from the perspective of working to protect health because Dakota County has found that many well owners do not conduct even the most basic well testing and maintenance.

2. Information Item: Recommendations – Mural Group Exercise

Exercise to gather input regarding:

- Level of support for the draft problem statement
- Suggested Changes to improve Committee member support
- Revisions to proposed actions and prioritization based on ease of implementation and potential impact
- Actions that could be taken sooner rather than later, including:
 - Examples of efforts and key takeaways to inform our efforts
 - Key stakeholders (potential leaders and partners)

Committee members were invited to join an online Mural board for this exercise.

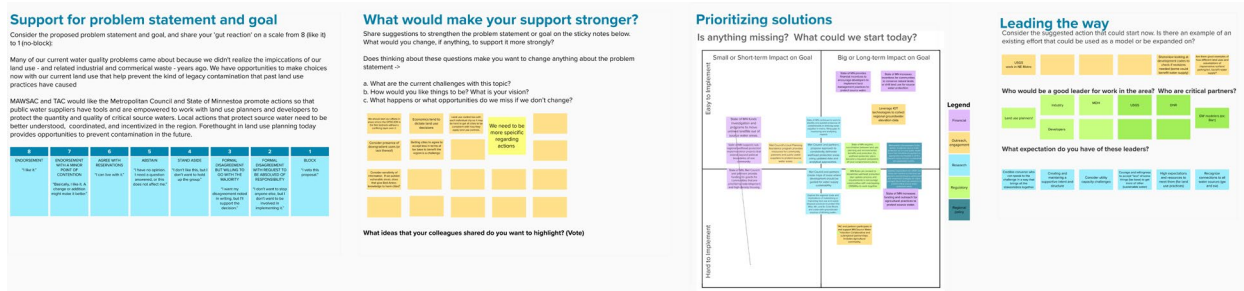


Figure 1: Depiction of the completed Mural board exercise.

Summary of results:

Committee members were asked to share their level of support for the draft problem statement on a scale of 1 to 8, with 1 being no support and 8 being full endorsement. Six committee members participated. Four Committee members endorsed with a minor point of contention and two Committee members agreed with reservations.

Committee members shared their suggestions to strengthen their support for the draft problem statement and then flagged suggestions they want to prioritize. Each Committee member was allocated five votes and the following results were captured:

- Three votes were placed on the comment “Land use control lies with each individual city so it may be hard to get all cities to be consistent with how they apply land use controls.”
- Three votes were placed on the comment “Consider sensitivity of information. If we publish vulnerable areas, does that give Bad Actors knowledge to harm cities?”
- Two votes were placed on the comment “Economics tend to dictate land use decisions”
- Two votes were placed on the comment “We should begin our efforts in areas where the Prairie Du Chien-Jordan Aquifer is the first bedrock aquifer and lacks a protective confining cover.”
- One vote was placed on the comment “Consider presence of downgradient users (or lack thereof)”
- One vote was placed on the comment “Getting cities to agree to accept less in terms of tax base to benefit the region is a challenge”
- One comment was added indicating that we need to be more specific with our proposed actions.

Committee members reviewed the proposed actions described in the posted meeting materials and added their input, with results as follow:

- In no particular order (due to a glitch in the Mural application):
 - The State of MN supports subregional wellhead protection implementation projects that extend beyond political boundaries of one community.
 - The State of MN, The Metropolitan Council, and partner organizations provide funding for grants for communities that are prioritizing redevelopment and high-density housing.
 - The Metropolitan Council’s Local Planning Assistance program provides resources for community planners and public water suppliers to protect source water areas.
 - The State of MN continues its efforts to identify and publish the presence of contaminants found in drinking water supplies in the Metropolitan Area in order to fill gaps in monitoring and analyze impacts.
 - The Metropolitan Council and partner organizations propose an effort to consistently delineate wellhead protection areas using updated data and analytical approaches.

- The Metropolitan Council and partner organizations create maps to guide development for water supply sustainability.
 - Explore the regional costs and implications of maintaining and improving land use and waste disposal practices to protect the Mississippi, Minnesota, and St. Croix Rivers and vulnerable groundwater sources of drinking water.
 - The State of MN requires coordination between land use planning and environmental protection and benefits. For example, wellhead protection plans are a required component of local comprehensive plans.
 - The MN Rules are revised to streamline the Wellhead Protection Plan update process and requires communities with overlapping Drinking Water Supply Management Areas to work together.
 - The Metropolitan Development Guide is updated to recognize source water protection as a crucial public health issue that is appropriate and feasible to consider in all of the Metropolitan Council's work rather than being limited to matters involving watersheds and wastewater.
 - Local Water Supply Plan and Comprehensive Plan requirements ensure land use planners and developers incorporate and implement strategies to protect critical source water protection areas via land use practices in urban and agricultural areas.
- Organized according to ease of implementation and potential impact:
 - Feasible to start now:
 - Replicate the US Geological Survey work in the Northeast Metro throughout the region
 - Replicate the City of Shoreview's efforts to review the development code to determine if revisions could benefit water supply and proceed with any that receive adequate support in communities throughout the region
 - Relatively easy to implement with more immediate, smaller scale impact:
 - The State of MN provides financial incentives that encourage developers to implement best management practices to protect source water
 - The State of MN increases incentives for communities to conserve natural lands and establish land use practices protective of source water
 - Relatively easy to implement with longer-term, more significant impact:
 - Leverage internet of things (IOT) technologies to collect regional groundwater elevation data
 - Relatively hard to implement with more immediate or smaller impact:
 - The State of MN provides funding to investigate unlined landfills and move them out of source water areas.
 - Relatively hard to implement with longer-term or bigger impact:
 - TAC and its partners participate in and support The MN Source Water Protection Collaborative and subregional partnerships which include the agricultural community.
 - The State of MN increases funding and outreach for agricultural practices to protect source water.
 - The following were suggested as potential leaders and critical partners in these efforts:
 - Land Use Planners
 - Industry
 - Developers
 - The MN Department of Health

- The US Geological Survey
- The MN Department of Natural Resources
- Groundwater Modelers, such as those at Barr Engineering
- The following are the expectations for this group and its leaders:
 - Serve as a credible convener that can speak to the challenges in a way that brings the various stakeholders together
 - Develop and maintain a supportive intent and structure
 - Consider challenges to utility capacity
 - Possess the courage and will to address difficult issues such as potential limitations to the tax base inherent with some measures that would benefit water sustainability
 - High expectations for land use practices and sufficient resources to meet them
 - Recognize connections to water from all sources

3. Information shared by committee members prior to adjournment:

Before adjourning the meeting, Chair Maloney asked attendees to share any closing thoughts.

Staff member Clark stated that he agreed with Committee member Folen’s comment that it’s possible to prioritize both water resources protection and development, it doesn’t have to be one or the other. Support of mapping efforts is a good place to start

Committee Member Folen stated that doing the right thing is not always the cheap thing, let’s do the right thing.

Committee member Stark indicated that this was a good meeting with discussion on significant topics, but he would like to see this group zero in on specific recommendations. We are slowly embarking on that path.

Committee member Dustman commented that technology is changing and leveraging IOT will help with PFAS through collection of data on aquifer velocity and direction. Aquifers beneath the Metro are not as vulnerable as those beneath ring cities, where wellhead protection efforts should be focused.

Committee Member Wuolo reminded the group that groundwater issues we are currently facing were caused 15+ years ago. We must be mindful of what is happening today, not only what happened in the past.

Staff Member Ross stated that she will be presenting at the Land Use Advisory Committee (LUAC) in July. Please reach out to her if you’d like information to watch the meeting, which will be on the Met Council’s website.

Next steps

- TAC perspectives will be shared with MAWSAC
- TAC input will be used to begin drafting MAWSAC’s report
- The next TAC meeting will focus on groundwater-surface water interaction

ADJOURNMENT

Business completed; the meeting adjourned at 2:59 p.m.

Jinger Pulkrabek
Recording Secretary