

## **Subcommittee on Minnesota Water Policy Recommendations on Drinking Water**

The University of Minnesota, in cooperation with the Minnesota Department of Health, the Metropolitan Council of the Twin Cities, and the Environmental Quality Board's State Water Plan for 2020. Each provides recommendations about sustainable and safe sources of drinking water for the future. These reports also provide valuable suggestions and considerations for legislative action. They are summarized in the following text. I recommend that these reports be evaluated together, by this committee, and by including the authors and stakeholders. This process would take some time. However, it could result in a legislative initiative that would incorporate the individual reports and prepare legislation that could ensure sustainable sources of drinking water for the future.

"The Future of Minnesota Drinking Water--A Framework for Managing Risk": This summary of the report and the report's recommendations are my opinions. The report was prepared by staff and faculty from the University of Minnesota's Humphrey School of Public Affairs and the University of Minnesota's Water Resources Center. Funding was provided by the Minnesota Department of Health. (Ann Lewandowski, Lucia Levers, Eileen Kirby (UMN Water Resources Center). Additional project contributors: Steve Kelley (UMN Humphrey School of Public Affairs); Menard Loth Ntouko Siewe (Research Assistant).

The purpose of the report is to identify opportunities for better managing risks to Minnesota's drinking water. This document is a summary that focuses on legislative recommendations in the report.

Review of Results with Possible Legislative Actions Based on the Report: Minnesota is recognized as having progressive drinking-water management. However, the future of safe drinking water is challenged by ever-increasing numbers of contaminants, a growing and shifting population, climate change, and aging infrastructure. The aging population in Greater Minnesota, shifts in population, and increasingly sophisticated and costly water treatment have all created financial challenges for communities. Consequently, advanced planning is considered to be a priority to ensure safe and sufficient drinking water while providing environmental protection. The University of Minnesota's report presents a framework for this planning effort. This document, by the Legislative Water Policy Subcommittee, is intended to briefly summarize parts of the report as they relate to possible legislative action. The legislative recommendations in this document are based on my interpretation of the report

The report is detailed and can be assessed at the following link:  
<https://www.wrc.umn.edu/future-minnesota-drinking-water>

The UM report promotes a Governance Assessment Framework (framework) as a means for structuring a state water plan. The legislative actions highlighted below address the recommendations in the report in my opinion. The report does not recommend specific legislation.

1. Improved Governance: The report recommends the creation of a coordinating entity. In my opinion, this could be accomplished by charging an interagency coordinating team to provide a plan and an annual report. The most appropriate groups for taking on this responsibility would be the Interagency Coordinating Team, coordinated by the Minnesota Department of Health or the Environmental Quality Board because of their increasing overlap between drinking water and wastewater.

2. Increase staffing for water utilities: Legislation is needed to provide support for curriculum programs at colleges, to establish a professional accreditation program, and to provide tuition support. Legislation also could provide support and a process to efficiently allow consolidation of utilities in those areas of concern. Finally, legislation would be helpful in providing assistance that encourages cost-effectiveness measures, and alternative arrangements, for affordable water treatment and distribution systems, as well as means encouraging the sharing of staff between communities. Some of this has been included in draft bills during prior sessions. I think anything that affects the general fund is a non-starter for the session. I would suggest a water subcommittee hearing to provide scope for a bill during sessions that follow.

\*Stakeholder comments: I think this idea will need more vetting as you note. Staffing is certainly an issue at both drinking water and wastewater facilities, but I was a little surprised by the study's suggestion to establish a professional accreditation program. There have been past efforts on addressing staffing issues at the legislature. The Minnesota Municipal Utility Association has been doing more work in this area and I think would be a good resource for you. I think consolidation and regionalization of utilities should be looked at as a separate issue. This is a topic that gets brought up repeatedly. Perhaps we need to create some incentives to promote such consolidation, such as awarding more points or financial assistance through PFA programs. Jeff Freeman probably has better ideas on this as well as a sense of the extent of need for consolidation from a physical infrastructure standpoint. Finally, this ties to 4 below as well, but I think it would be a good idea for the Legislature to explore how the integrated planning provisions that were codified in the federal Water Infrastructure Improvement Act (passed in January 2019) into Minnesota law. This act provided local communities "critical new flexibilities in meeting their Clean Water Act (CWA) obligations." We're still exploring what that could look like at the state level, but it would be good for the state to start thinking about cost-effective ways to address long term water problems. If you're not familiar with the act, NACWA has a page with links to it [here](#).

3. Impacts of Climate Change: Legislation should support and be based on priorities included in the Environmental Quality Board's State Water Plan. \*Stakeholder comments: The MPCA introduced legislation last year for a climate change grant program for water infrastructure that would have been funded by general obligation bonds. This might be worth looking into as something to support if they are moving forward with it again this year.

4. Aging infrastructure (both drinking water and sewage) is a growing threat to the delivery of safe drinking water. Additional funding is needed to upgrade facilities through bonding and other programs. No legislation is recommended unless funding would be required from outside the general fund. Support the bonding process and other processes that are able to provide funding for infrastructure. \*Stakeholder Comments: I think the most important thing that the subcommittee can do on this issue is to support more bonding funding for PFA programs. As noted above, probably one of the best things Minnesota could do is take a more serious look at including integrated planning into its systems. As noted above, perhaps a version of it could be codified as was done at federal level. Alternatively, it could be required as part of the PFA

process or a bonus could be given to those who engage in a more comprehensive integrated plan for their water infrastructure needs when seeking PFA funding.

5. The Threat of Emerging Contaminants: Because many emerging contaminants are not fully addressed at the federal level, it is important to prioritize and manage them in order to make sound decisions about optimizing treatment between the source and the tap. Pursuing the wrong contaminants could lead to costs without benefits and waste resources. Legislation is needed to assess comparative risk assessments of the ever-increasing list of contaminants of emerging concern. Would this be possible at MDH without significant increased funding? \*Stakeholder comment: This type of legislation is absolutely needed, but I don't know what it should look like. A similar assessment is desperately needed for wastewater treatment as well. This is a little bit off the wall, but legislators have college interns during the session, maybe one could do a research report on this. Or perhaps your committee could seek a foundation grant to hire a graduate student or law student to look into the topic? I think this is an extremely important area that needs further work, but it also probably needs further research before legislation can be introduced. This is one of those situations where I wish the process for acquiring and LC CMR grant was not so cumbersome and lengthy, because that also seems like it would be a good funding source to do some kind of study on this.

6. Water Safety Planning: Legislative direction is needed to steer the preparation of a plan that would combine water supply plans, wellhead management plans, emergency response plans, existing treatment and distribution network diagrams, and best operating procedures. This support would help produce a plan template and to fund a pilot in several cities by enabling MDH to work with suppliers to explore the advantages of WSPs. Would this be possible without significant funding? \*Stakeholder comment: I don't see how you do this type of planning without additional funding, but it might be possible using existing agency resources. Again I wonder if this is an area where a grant from a foundation or funding from the LCCMR or Clean Water Council might be possible. To really do this right, I'm inclined that having someone outside the agencies with organizational management expertise might develop the best product.

7. Private and domestic wells: The report recommends a positive change in the statutory requirement for well testing during the transfer of properties with wells. This would protect buyers and send a signal that the quality of water from private wells needs to be addressed. Providing more readily available and accessible resources for owners to identify hazards associated with local aquifers, and wells of particular design and age, would also encourage them to develop their own cost-effective approach to water safety planning. Bill language in preparation. \* Stakeholder comment: I believe this would be a good idea, but I also can see that it will run into political obstacles. I think that whomever the author is, it should be someone who has experience navigating legislation through political hurdles.

8. Citizen Engagement: Legislative support is needed to encourage greater citizen engagement in advocating for improved drinking-water safety. \*Stakeholder comments: I could use some help in understanding the scope of this need. Stakeholder comments: Perhaps I don't understand this, but this does not seem to be a job for the legislature. For starters, I think improving drinking water is an area that already has more citizen engagement than other areas. Water is an area where there are multiple nonprofits that work on citizen engagement. Moreover I don't think it is the job of

A summary of the Metropolitan Council's "Metropolitan Water Supply Plan:

The Twin Cities seven-county metropolitan area is home to three million people, over half of Minnesota's population. Securing residents' safe and plentiful water – while protecting the

diverse water resources – requires coordinated, interdisciplinary and ongoing effort.

Although the seven-county region is relatively water-rich, the region’s steady population growth, increased groundwater pumping, changing land use, and variable weather and climate is challenging some communities’ ability to meet current and future water demand.

This report summarizes findings, recommendations, and continuing planning activities that address the water supply needs of the metropolitan area. It also documents work done since 2005 by Metropolitan Council (Council), with the Metropolitan Area Water Supply Policy (MAWSAC) and Technical Advisory Committees (TAC), and other partners, to fulfill the requirement of Minnesota Statute 473.1565.

Activities include:

- 1) Support for collaboration
- 2) Development and maintenance of a base of technical information including: a) Surface and groundwater availability analyses b) Water demand projections c) Water withdrawal and use impact analyses d) Modeling e) Similar studies
- 3) Development and periodic update of a Metropolitan Area Master Water Supply Plan (Master Plan) that: a) Provides guidance for local water supply systems and future regional investments b) Emphasizes conservation, interjurisdictional cooperation, and long-term sustainability c) Addresses the reliability, security, and cost-effectiveness of the metropolitan area water supply and its local and sub-regional components
- 4) Recommendations:
  - a) Clarify the appropriate roles and responsibilities of local, regional, and state government in metropolitan area water supply
  - b) Streamline and consolidate metropolitan area water supply decision-making and approval processes
  - c) Fund ongoing and long-term metropolitan area water supply planning activities and capital investments
  - d) Accelerate source water protection for community water systems
  - e) Emphasize source-water protection in watershed management
  - f) Prevent nitrate contamination of drinking water and groundwater

The Council considers the work and recommendations of the policy and technical advisory committees as the Council prepares regional development framework updates. Minnesota’s Clean Water Fund supports two Metropolitan Council programs that increase communities’ implementation of projects to help achieve sustainable water supplies.

**Brief summary of the Environmental Quality Board’s 2020 state water plan as it relates to drinking water. The plan calls for:**

Ensuring that drinking water is safe by:

- Accelerate source water protection for community water systems.
- Emphasize source water protection in watershed management, and
- Prevent nitrate contamination of drinking water and groundwater.

Stakeholder Comments\*

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