

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the review of the Groundwater
Plan for Washington County, pursuant to
Minnesota Statutes Section 103B.255.

ORDER
APPROVING
GROUNDWATER PLAN

Whereas, the Washington County Board of Commissioners submitted a Groundwater Plan (Plan) dated March 2025 to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.255, and;

Whereas, the Board has completed its review of the Plan;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. **Authority of Plan.** The Metropolitan Surface Water Management Act in Minnesota Statutes section 103B.255 authorized counties in the seven-county metropolitan area to develop and implement groundwater plans, however, development of county groundwater plans is voluntary.
2. **Background and Nature of Groundwater in the County.** Washington County (County) is part of the seven-county Twin Cities Metropolitan Area and bordered on its east side by the St. Croix River. Groundwater provides 100% of the drinking water supply in the County. The County is the fifth most populous in Minnesota, and current estimated population in the county is 278,936. In the last 10 years the county has added about 32,300 residents, a 13% increase. This growth, along with population projections of 339,700 by 2050, will continue the increased demand on groundwater.

The County's population primarily uses public water supplies (87%). However, most cities still have some households that are not connected to the municipal water supply and instead have private wells and most residents living in townships also rely on private wells.

The County has continued to become more developed over the last 20 years. Between 2000 and 2020 there was a 16% decrease in the number of acres used for agriculture. Despite this continued development, over half the land in the county is still either undeveloped or being used for agriculture. There were large increases in the amount of land used for mixed use (47.8%), industrial (13.8%), park, and recreational or preserve (7.27%) between 2016 and 2020.

The quantity and quality of groundwater in the county is threatened by climate and human impacts. Quality issues include groundwater contamination, such as per- and polyfluoroalkyl substances (PFAS) and volatile organic compounds (VOCs) from industry practices, and nitrates, pesticides, and chlorides from various land use practices. Quantity of groundwater is affected by how much is pumped out of the ground for human use and climate impacts.

3. **Plan Development and Review.** The County began the planning process in June of 2023. The County formed a groundwater advisory committee, and a technical advisory committee, and these committees met jointly three times over the Plan development process. In addition, the County also conducted more general community engagement including administering a survey. An early draft of the Plan was submitted to reviewers and others for unofficial comment prior to the formal review process to gather additional feedback and input.

The draft Plan was received by the Board for the initial 60-day review on November 13, 2024, per MS §103B.255, subdivision 8. The County prepared a written response to the 60-day comments and held a public hearing on February 18, 2025. A revised draft of the Plan, comments received, a record of the public hearing, and a summary of changes incorporated as part of the review process was submitted to the Metropolitan Council and state agencies for the 45-day review and comment period on March 12, 2025. Most responses received during that time indicated no additional comments. The Metropolitan Council submitted additional comments which will be incorporated into the final Plan. With the close of the 45-day review period on April 28, 2025, the Board has 90 days to review and act on the Plan pursuant to Minnesota Statutes Section 103B.255 Subd 10.

4. **Local Review.** Washington County sent a copy of the draft Plan to state review agencies, local government units, and adjacent counties on November 13, 2024 for their review. The draft Plan was also distributed to other stakeholders and was made available to the general public for review. The initial 60-day comment period ended on January 13, 2025. Written comments were received from: the Board of Water and Soil Resources, Carnelian Marine St. Croix Watershed District, City of Woodbury, Dakota County, a member of the Groundwater Technical Advisory Committee, the Metropolitan Council, Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Rice Creek Watershed District, Valley Branch Watershed District, and Washington Conservation District. The County prepared a written response to comments received. The County held a public hearing on February 18, 2025. During the public hearing, the County received comments from Brown's Creek Watershed District as the District had missed the 60-day comment period. The County also received comments from two individuals pertaining to the County's intent to explore becoming a delegated well authority.
5. **Metropolitan Council (Council) Review.** During the 60-day review, the Council submitted comments that included typographic and organizational suggestions, clarifications and additional context, as well as a request to ensure the Plan is Americans with Disabilities Act compliant. The County addressed the comments, and during the final 45-day review, the Council provided three additional comments for consideration, which the County chose to incorporate. The comments included a request to add the Council as a possible partner for Action 4.A.5; and two re-writes of Section 3.2 where the role of the Council is discussed. Four pages of the Plan are impacted by these comments, and replacement pages to be incorporated into the final approved Plan are attached.
6. **Department of Agriculture (MDA) Review.** Comments were submitted to the County during the 60-day review. MDA thanked the County for referencing the Minnesota Nitrogen Fertilizer Management Plan (NFMP), the Minnesota Agricultural Water Quality Certification Program, and AgBMP Loan Program. MDA also thanked the County for including mention of their work with area farmers as a high priority. MDA provided additional comments related to metrics, standards, and private well testing, and typography. The County revised the Plan to address these comments, and during the final 45-day review MDA thanked the County for incorporating their previous comments and stated they had no additional comments.
7. **Department of Health (MDH) Review.** MDH commended the County for their hard work and thorough job putting together the Plan during 60-day review, stating that the Plan was a well written, well thought out, and accurate plan that encompassed the groundwater issues and opportunities present in Washington County. Additional comments received included typographic notes, requests for clarification and suggestions for the goals and strategies, as well as comments on the County's intent to explore becoming a delegated well authority, and the requirement of well testing at time of property transfer. The County worked to incorporate the comments from MDH, including meeting to discuss. During the final 45-day review, MDH staff stated they appreciated County staff working collaboratively with them to address their comments, and that all comments were adequately addressed.
8. **Department of Natural Resources (DNR) Review.** During the 60-day review, DNR provided comments related to data centers, appropriations, reuse, and partnering with cities on water level monitoring, among others. DNR staff commented that the Plan was well done and expressed appreciation that the section on wetlands addressed protection of groundwater dependent wetlands. The County responded to comments and during the 45-day review, no additional comments from the DNR were submitted.

9. **Pollution Control Agency (PCA) Review.** The PCA provided comments during the 60-day review related to data centers, measurability of goals, and inclusion of wetland restoration. During the 45-day review, PCA staff thanked the County for incorporating their feedback throughout the process, and stated they had no additional comments.
10. **Department of Transportation (DOT) Review.** The DOT did not provide formal comment.
11. **Board Review.** Comments were submitted to the County during the 60-day review, and County staff and Board staff had follow-up discussions on addressing the comments. Board staff commended the County on conducting a robust community and partner engagement process and noted that the plan was well written and clearly structured. Staff also thanked the County for inclusion of both environmental justice and climate change considerations in the Plan. Additional comments submitted related to measurability of goals and strategies, targeting and prioritization, and typographical comments. BWSR staff had no additional comment during the final review period.
12. **Plan Summary.** The vision statement of this Plan is: “We envision a future where there is plenty of clean water in Washington County to support human health, community growth, and a thriving natural environment.” The Plan contains an implementation section detailing four broad goals to reach that vision and 21 strategies to address the goals.
 - Goal #1. Groundwater Quality: Groundwater is safe to drink
 - Goal #2. Groundwater Quantity: Groundwater is plentiful to support human needs and a thriving natural environment
 - Goal #3. Groundwater Education: People who live and work in Washington County understand the importance of protecting groundwater, how to conserve water and use it efficiently, and prevent contamination
 - Goal #4. Groundwater Governance: Groundwater management is coordinated, efficient, and effective.

The strategies are prioritized from high to low, and further defined by specific actions to take, and how the County will participate in those actions (lead, partner, regulate, educate, fund, advocate, monitor, operate). Many of the actions represent continuation of past efforts that have proven successful and/or necessary, however approximately 40 percent are identified as being new. Each action includes how implementation will be measured, and each strategy includes overall measures of success over the 10-year life of the Plan.

13. **Central Region Committee Meeting.** On June 2, 2025, the Board’s Central Region Committee and staff met in St. Paul and via teleconference to review and discuss the final Plan. Those in attendance from the Board’s committee were Joe Collins (in-person), Jill Crafton (in-person), Jayne Hager Dee (in-person), Mark Zabel (online) Mike Runk (in-person), Lori Cox (online), Joel Larson (online), Heather Johnson (in-person), Steve Robertson (in-person), and Grant Wilson (online). Board staff in attendance included Marcey Westrick (Central Regional Manager, in-person) and Michelle Jordan (Board Conservationist, in-person). Washington County staff in attendance included Stephanie Souter (Senior Program Manager, in-person), Jessica Collin-Pilarski (Senior Planner, in-person), Smita Rakshit (Public Health Program Supervisor, in-person), Adriana Atcheson (Senior Planner, in-person), and Georgia Eilertson (Planner, in-person). Jessica Collin-Pilarski provided highlights of the Plan and process to the committee. Board staff recommended approval of the Plan. After presentation and discussion, the committee unanimously voted to recommend the approval of the Plan to the full board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving the Groundwater Plan for Washington County pursuant to Minnesota Statutes Section 103B.255, Subd. 10.

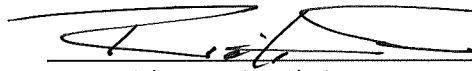
3. Washington County, Minnesota Groundwater Plan 2025-2035, and replacement pages, attached to this Order, defines the groundwater and groundwater-related problems within the County, possible solutions thereto, and an implementation program through 2035.
4. The Washington County Groundwater Plan will be effective June 25, 2025 through June 25, 2035.
5. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.255.

ORDER

The Board hereby approves the attached Washington County Groundwater Plan 2025-2035, with replacement pages.

Dated at Saint Paul, Minnesota this 25th day of June 2025.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

A handwritten signature in black ink, appearing to read 'Rich Sve', is written over a horizontal line.

BY: Rich Sve, Vice Chair

BOARD ORDER

Reinvest in Minnesota (RIM) Reserve Conservation Practices and Reimbursement Payment Rates

PURPOSE

Authorize the Board of Water and Soil Resources (BWSR) staff to update and maintain the list of approved conservation practices and establish conservation practice reimbursement payment rates for RIM Reserve Conservation Easement Programs.

RECITALS /FINDINGS OF FACT

- A. The Minnesota State Legislature has appropriated funds to BWSR to acquire and restore permanent RIM conservation easements under Minnesota Statutes, Sections 103F.505 to 103F.531.
- B. Minnesota Statutes, Section 103F.527, subdivision 2, directs the board to determine which approved practices are eligible for payments or reimbursement under a conservation easement program.
- C. Minnesota Statutes, Section 103F.515, subdivision 6, authorizes the board to establish rates for payments to the landowner for the conservation easement and related practices.
- D. BWSR has established approved practices and practice reimbursement rates through Board Resolutions 10-26 and 22-16 and now seeks greater flexibility to update and maintain appropriate payments in changing market conditions.
- E. Establishing and streamlining the authority for staff to set RIM Reserve conservation practice reimbursement payment rates will promote clarity and efficiency and further the goals of the program.

ORDER

NOW THEREFORE, the Board hereby authorizes BWSR staff, with Executive Director approval, to:

1. Update and maintain the list of approved conservation practices and the subset of approved practices that are eligible for reimbursement from BWSR. If the list of approved conservation practices is modified, BWSR will publish the updated list of approved conservation practices.
2. Establish conservation practice reimbursement payment rates that reflect existing market conditions. These rates shall be reviewed, updated, and published annually.
3. Upon publication of RIM conservation practice reimbursement payment rates, any previously established rates are superseded by the new published rates.

IT IS FURTHER ORDERED that:

4. Board Resolution 10-26 and Board Resolution 22-16, which established the approved practices and current payment rates are rescinded upon publication of new practices and reimbursement rates established pursuant to this order.

Dated at St. Paul, Minnesota, this June 25, 2025.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Rich Sve, Vice Chair
Board of Water and Soil Resources

Date: 6-25-25

TECHNICAL AMENDMENT TO BOARD ORDER

Reinvest in Minnesota (RIM) Reserve Drinking Water Program

PURPOSE

To correct a language error in Board Order #25-21.

RECITALS /FINDINGS OF FACT

- A. On April 23, 2025, the Board issued Board Order #25-21, which stated in part:
BE IT FURTHER RESOLVED THAT, the Executive Director is delegated to approve Drinking Water Protection Partner Grants consistent with this order (emphasis added).
- B. The use of the word "Grants" in Board Order #25-21 was made in error as it unintentionally limits the scope of the Order.
- C. Consistent with statute, the word intended to be used in Board Order #25-21 was "Agreements" rather than "Grants."

ORDER

The Board hereby Orders:

- 1. That Board Order #25-21 be amended by substituting the word "Agreements" for "Grants" as described in the Recitals above.
- 2. That a corrected version of Board Order #25-21 reflecting this Amendment be attached hereto and filed.

Dated at St. Paul, Minnesota, this June 23, 2025.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Rich Sve, Vice Chair
Board of Water and Soil Resources

Date: 6-25-25