

1.1 **Department of Health**

1.2 **Proposed Permanent Rules Governing Drinking Water Protection**

1.3 **4720.9020 PUBLIC HEALTH PRIORITY POINTS.**

1.4 Subpart 1. **Existing eligible public drinking water supply.** Only existing eligible
1.5 public drinking water supply projects can be assigned priority points under subparts 2 to 4
1.6 4b.

1.7 Subp. 2. **Acute violations.** A maximum of 100 priority points may be assigned to a
1.8 project as described in items A to E.

1.9 *[For text of item A, see Minnesota Rules]*

1.10 B. Twenty-five priority points must be assigned if there have been one or more
1.11 violations of the nitrate or nitrite maximum contaminant level ~~defined as an acute violation~~
1.12 in Code of Federal Regulations, title 40, section ~~141.32(a)(1)(iii)(B)~~ 141.62, within the past
1.13 36 calendar months.

1.14 *[For text of item C, see Minnesota Rules]*

1.15 D. Twenty-five priority points must be assigned if there have been one or more
1.16 violations of the maximum contaminant level for ~~total coliforms~~ E. coli pursuant to Code
1.17 of Federal Regulations, title 40, section ~~141.32(a)(1)(iii)(C)~~ 141.860(a), when ~~total coliforms~~
1.18 ~~are~~ E. coli is determined to be present in the wells of a groundwater system or at the point
1.19 of entry for a surface water system within the past 36 calendar months.

1.20 E. Fifteen priority points must be assigned if there have been one or more violations
1.21 of the maximum contaminant level for ~~total coliforms~~ E. coli pursuant to Code of Federal
1.22 Regulations, title 40, section ~~141.32(a)(1)(iii)(C)~~ 141.860(a), when ~~total coliforms are~~ E.
1.23 coli is determined to be present in a part of the system other than the wells of a groundwater
1.24 system or at the point of entry for a surface water system within the past 36 calendar months.
1.25 Points may not be assigned under this item if points have been assigned under item D.

2.1 [For text of subparts 3 and 4, see Minnesota Rules]

2.2 Subp. 4a. Exceeding a confirmed health advisory level. Fifteen priority points must
2.3 be assigned if a confirmed health advisory level has been exceeded within the past 36
2.4 calendar months.

2.5 Subp. 4b. Lead service lines. Fifteen priority points must be assigned if the project
2.6 results in the replacement of lead service lines. Documentation of the number of lead service
2.7 lines in the project area must be provided. The proposed project must include replacing all
2.8 portions of the water service line downstream of any lead components.

2.9 Subp. 5. Contaminated private wells. Only projects that will result in the creation
2.10 of an eligible public water supply or connection to an eligible public water supply may be
2.11 assigned points under this subpart. More than 50 percent of the private wells in the proposed
2.12 project service area must meet a criterion in item A or B for priority points to be assigned
2.13 under item A or B. If 50 percent or less of the private wells in the proposed project service
2.14 area meet a criterion, one-half of the listed points must be assigned. Results of tests, done
2.15 in accordance with the United States Environmental Protection Agency approved analytical
2.16 methods, must be submitted.

2.17 [For text of item A, see Minnesota Rules]

2.18 B. Ten priority points must be assigned if a drinking water advisory has been
2.19 issued or a special well construction area has been established by the Minnesota Department
2.20 of Health.