

# Minnesota Department of Health

## Division of Environmental Health

### REQUEST FOR COMMENTS

#### **Possible Amendment to Rules Governing Wellhead Protection, *Minnesota Rules*, 4720.5100 to 4720.5590, Revisor ID Number 4710**

**Subject of Rules.** The Minnesota Department of Health requests comments on its possible amendments to rules governing wellhead protection. The Department is considering rule amendments that provide programmatic efficiencies for public water suppliers in the development and implementation of wellhead plans. The revisions will improve the ability of the agency to integrate drinking water protection into other State water resource protection programs such as the Board of Water and Soil Resources' *One Watershed, One Plan*. Subject areas will include:

- Definitions
- Applicability
- Schedule, Inner Wellhead Management Zone
- Wellhead Protection Plan; Preliminary Requirements; Schedule
- Contents of Wellhead Protection Plan
- Procedures for Wellhead Protection Plan Development and Review
- Data Elements for Wellhead Protection Plan
- General Wellhead Protection Requirements and Criteria
- Criteria for Assessing Wellhead Vulnerability
- Criteria for Plan Review
- Implementation of Approved Wellhead Protection Plan
- Amendments to a Wellhead Protection Plan
- Variance Procedures
- Informal Resolution of Disputes

**Persons Affected.** The amendments would likely affect public water supplies that obtain drinking water from wells and persons who get their drinking water from these public water supplies.

**Statutory Authority.** Statute 103I.101, subdivision 5, grants the Commissioner of Health authority to adopt Wellhead Protection Rules. Wellhead protection is mandated as part of the 1989 MN Groundwater Act and 1986 amendments to the Federal Safe Drinking Water Act. The Minnesota Groundwater Protection Rule, Minnesota Rules Chapter 1573, relies upon wellhead protection delineation and planning to target nitrogen best practices in areas where public water supply wells are impacted by cropland use of commercial nitrogen fertilizer.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rule amendments in writing or orally until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments.

The Department has formed an advisory committee to comment on the possible rules.

MDH is also interested in whether local governments might be required to adopt or amend an ordinance or other regulation to implement these rules and therefore requests that local governments provide us with relevant information about their ordinances.

The Department is seeking information about whether the cost of complying with the rule in the first year after the rule takes effect will exceed \$25,000 for any small city or business under Minnesota Statutes, section 14.127, and information about the “cumulative effect of the rule with other federal and state regulations,” as required by Minnesota Statutes, section 14.131(8).

**Rules Drafts.** The Department has not yet drafted the possible rule amendments and does not anticipate that a draft of the rule amendments will be available before the publication of the proposed rules.

**Agency Contact Person.** Written or oral comments, questions, a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Linda Prail, Rule Coordinator, Environmental Health Division, MDH, PO Box 64975, St. Paul, MN 55164-0975, phone: 651 201-5792, e-mail: [linda.prail@state.mn.us](mailto:linda.prail@state.mn.us).

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person as provided above.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the administrative law judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: April 14, 2022

Signed by Jan Malcolm  
Jan Malcolm  
Commissioner Department of Health