

Wellhead Protection Rule Revision Advisory Committee Virtual Meeting Notes - April 26, 2022

Committee Members Present

Jay Ackerman, Doug Brands, LeAnn Buck, Wayne Cymbulak, Ali Elhassan, Annie Felix-Gerth, John Greer, Robyn Hoerr, Todd Holman, Mark Janovec, Craig Johnson, Dominic Jones, Jen Kader, Lindsey Krumrie, Brian Martinson, Jason Moeckel, Steve Morse, John Paulson, Wes Stagle, Luke Stuewe, Margaret Wagner, Rick Wahlen, Dave Weirens

Others Present

Sandeep Burman, Trent Farnum, Alycia Overbo, Linda Prail, Steve Robertson, Debby Sellin-Beckerleg, Josh Skaar, Amanda Strommer, Mark Wettlaufer, Trudi Witkowski

Linda Prail, Rule Coordinator, welcomed everyone.

Sandeep Burman, Drinking Water Protection Director, welcomed and thanked everyone on behalf of the Minnesota Department of Health (MDH) Environmental Health Division (EH), Drinking Water Protection (DWP) Program for participating in this very important aspect of the adoption of rules.

Steve Robertson, Source Water Protection Unit Supervisor, also welcomed and thanked everyone for their participation on this Advisory Committee. Steve gave a brief overview how DWP developed and grew at both national and state levels. Steve also introduced MDH staff members who are working on the WHP Rule Revision project.

Alycia Overbo, Strategic Initiatives and Communications Planner, introduced the Advisory Committee members via a handout of Advisory Committee Members who responded to the Advisory Team's request to submit a photo and complete a "Getting to Know Advisory Committee Members". (Included at the end of the Minutes)

Alycia explained that "Chat" would be used during the meeting to make questions or comments and how to use "Chat."

Linda Prail, Environmental Health Rule Coordinator, introduced Josh Skaar, MDH Attorney. Linda explained why a Rule Advisory Committee is formed and their role in the rule revision process. (See attached handout: Advisory Committee Rule Making)

Linda indicated the Advisory Committee will probably be meeting four times. A timeline for the anticipated adoption of the rules has not been set up yet. In the future, the Advisory Team will try to get any handouts for the next meeting to Committee members a week in advance.

Mark Wettlaufer, Source Water Protection Planner Supervisor, shared a slide presentation on MDH's Vision for State Rule Revision (See attached slide presentation: Advisory Committee

WELLHEAD PROTECTION RULE REVISION ADVISORY COMMITTEE VIRTUAL
MEETING

Overview: MDH Vision of Revision). After Mark's slide presentation, a brief Question/Comment followed. Suggestions/Questions/Issues Raised:

Is MDH including Tribal participation in this project? [Response: Yes, MDH is coordination with Tribal Communities, however, we do not have authority to make tribes follow our rules. We are open to working with them cooperatively on drinking water.]

A suggestion was made in Chat to include a broad matrix showing connection points with how WHP rule interests 7080, feedlots, etc. (Mark will share with Advisory Committee.)

Question: Has MDH identified where there are gaps or places where the rules need to be enhanced for implementation? Steve Robertson informed the Advisory Committee has ideas of short falls in rules which we will share; however, we want the Advisory Committee to give us their perspective.

Question: DWSMA determined by groundwater time of travel – is this rule discussion open to increasing time of travel?

Alycia Overbo demonstrated the use of a Virtual Whiteboard (Jamboard) that will be used during the 20-minute small group discussions. The topic to be discussed: "What Would You Like to Improve About the WHP Program?" Mark put each Advisory Committee Member in a small group. Each group was then asked to report back to the whole group.

The Advisory Committee small groups then shared their responses with the whole group. The Advisory Team will create a summary of all the sticky notes for our next meeting. (The Jamboard Sticky Notes are included at the end of the Minutes)

Mark thanked everyone for their participation in the Advisory Committee. The consensus of the Advisory Committee for future meeting dates was to meet the 4th Tuesday of the month. Mark will send out an invite in the very near future so it will be on people's calendars. Please let us know if an alternative person will be attending for you.

If you have any questions or comments, please send them to Mark Wettlaufer at mark.wettlaufer@state.mn.us.

Minnesota Department of Health
Drinking Water Protection Program
651-201-4700
www.health.state.mn.us

April 2022

To obtain this information in a different format, call: 651-201-4700.

Advisory Committee Members



Jay Ackerman, The Cove Home Owners Association (HOA)

We are a small HOA with only 22 homes in a development that has 65 lots. We had the HOA handed over to the owners in 2018 from the developer. We try to keep the expenses down so a lot of us volunteer. I take the water samples and watch over the water system. Our wells are not on our property so that is another challenge.

Marilyn Bayerl, Bayerl Water Resources

Doug Brands, City of Edgerton

LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts (MASWCD)

I serve as the Executive Director for MASWCD. My work includes providing information and advocacy work for local SWCD programs and activities. Local SWCDs work with private landowners to implement a variety of conservation programs and practices for improving soil and water resources throughout the state.



Wayne Cymbaluk, Stearns County Soil & Water Conservation District

Community Conservationist: Coordinate with and assist water suppliers in developing and implementing their wellhead/source water protection plans. Identify and assist in applying for funding to implement approved plans. Track implementation activities and address unfulfilled obligations.

Joe Dusek, City of Eden Prairie

Annie Felix-Gerth, Board of Water and Soil Resources

Ali Elhassan, Metropolitan Council



John Greer, Barr Engineering Co.

I am a Senior Hydrogeologist at Barr. I have been with Barr for 33 years. I have prepared dozens of wellhead protection plans. My work on the Rochester wellhead protection plan included piloting an alternative approach to completing potential contaminant source inventories. I have also assisted many clients with implementation of their wellhead protection plans and preparation of Source Water Implementation and Competitive Grant applications.

Matt Hilgart, Association of Minnesota Counties



Robyn Hoerr, Minnesota Rural Water Association

As Source Water Protection staff for the Minnesota Rural Water Association over the past 24 years, I have worked cooperatively with the Minnesota Department of Health Source Water Protection Unit staff to provide technical assistance to public water supply systems across the state of Minnesota; assistance activities have largely been focused on Wellhead Protection Plan development, and Wellhead Protection Plan implementation activities.



Todd Holman, The Nature Conservancy

I am the Camp Ripley Sentinel Landscape (CRSL) coordinator. Our program supports land protection and best practices funding for communities, private landowners etc. that protect water quality and quantity, to include ground water recharge in the CRSL program area.

Mark Janovec, StanTec Consulting Services

I am a hydrogeologist for Stantec and have been working to develop wellhead protection plans for our municipal clients for the past 27 years, starting two years before the rules were finalized. I work on both Part 1 and Part 2 plans for our clients and have completed approximately 50 plans in total (including plan amendments). My role at Stantec also involves helping communities locate, design, drill, and develop new water supply wells. Our experience with wellhead protection planning plays a big role in helping cities to expand their well fields.

Craig Johnson, League of Minnesota Cities

The League of Mn Cities is a statewide association formed in 1913 that provides advice, training, and advocacy on behalf of 837 of the state's 854 cities. My own work focuses on land use, environmental, and energy issues as they relate to cities. I also communicate with the League of Minnesota Cities Insurance Trust, which provides insurance coverage to most Minnesota cities, on issues that affect potential city liability or claims potentials.

Dominic Jones, Red Rock Rural Water System

Employed by Red Rock Rural Water System as Manager since 1993. Responsible for all oversight of a multi-county system including the financials, water distribution, water treatment, water source development, well head protection and provides guidance to a 9-member board of directors. The system provides potable water to parts of 9 counties that includes 2,500 rural homes and businesses, and 14 small communities. Our 3 independent water sources are always the number 1 priority of the system.



Jen Kader, Freshwater Society

Our mission is to inspire and empower people to value and preserve fresh water. As a part of that mission, we focus on making sure that ALL Minnesotans have access to safe and reliable drinking water.



Lindsey Krumrie, Minnesota Pollution Control Agency

I am a watershed project manager out of the Duluth office. I work on watershed restoration and protection strategies within the Northeast Region of Minnesota. Protecting groundwater and groundwater/surface water interaction is rising to the top of our priorities as we work with local partners within our watersheds.

Brian Martinson, Association of Minnesota Counties (AMC)

I am the Environment and Natural Resources Policy Analyst for AMC. We support clean water efforts through a number of programs, both as counties and through the work of other entities.

Jason Moeckel, Minnesota Department of Natural Resources



Steve Morse, Minnesota Environmental Partners

John Paulson, City of Hutchinson

My wellhead protection implementation and development responsibilities are shared with Water Department staff. I work closely with various city departments on regulatory, environmental, and project development.

Wes Slagle, Townsedge Estates



Luke Stuewe, Minnesota Department of Agriculture

Luke Stuewe supervises regional staff in the Minnesota Department of Agriculture's Fertilizer Management Unit throughout Central and Southwestern MN. The staff in this unit work primarily on activities related to the demonstration and promotion of nitrogen fertilizer best management practices. Communication and coordination with local ag stakeholders and groups is an integral part of our work. Both the state's Nitrogen Fertilizer Management Plan and Groundwater Protection Rule guide our work.



Margaret Wagner, Minnesota Department of Agriculture

Margaret is the manager of the Nonpoint Fertilizer Section at the MDA. She works with staff on activities that help identify potential sources of nitrate-nitrogen contamination and evaluate and implement practices at the local level to reduce nitrate in groundwater. Work activities include implementing the Groundwater Protection Rule in Minnesota.



Rick Wahlen, City of Eden Prairie

I am the manager of utility operations responsible for well head protection, source water protection planning, water supply planning, and all municipal water, wastewater, and stormwater activities.

What is your favorite thing about spring?

- Jay: Fishing Season.
- Jen: Storms, and the smell of wet soil and emergence of bright green things they bring.
- John Greer: No more snow and the start of baseball season.
- Todd: Open water again. 😊
- Dominic: Bass fishing! Walleye, crappie and perch fishing a close second.
- Margaret: Longer days and budding trees
- Craig: Having one.
- Mark: It is warmer than the winter... usually!
- Robyn: I love to see the greening of the landscape and feel the temperatures getting warmer--I can't wait to get started planting a garden!
- Wayne: Being able to get back on the water to fish and kayak.
- Lindsey: I love planting my garden and getting my seeds started in spring!
- Rick: The rebirth of life in so many forms; the return of song-birds, and especially the longer days of sunshine.
- John Paulson: Getting back outside to enjoy hiking, fishing, foraging for nature's bounty (morels), and hunting turkeys.
- LeAnn: Longer hours of daylight.
- Brian: Getting closer to Summer.
- Wes: Warmer weather.



Wellhead Protection (WHP) Program: MDH Vision for State Rule Revision

WHP Advisory Team Meeting
Tuesday, April 26th, 2022

Mark Wettlaufer, MDH SWP Unit

MDH Vision for WHP

↑ interest in drinking water protection!

Existing rule approved in 1997...

What has changed???



Water resource framework in Minnesota

Protection opportunities -
State dedicated funding, Federal Farm Bill, Environmental Partners, etc.

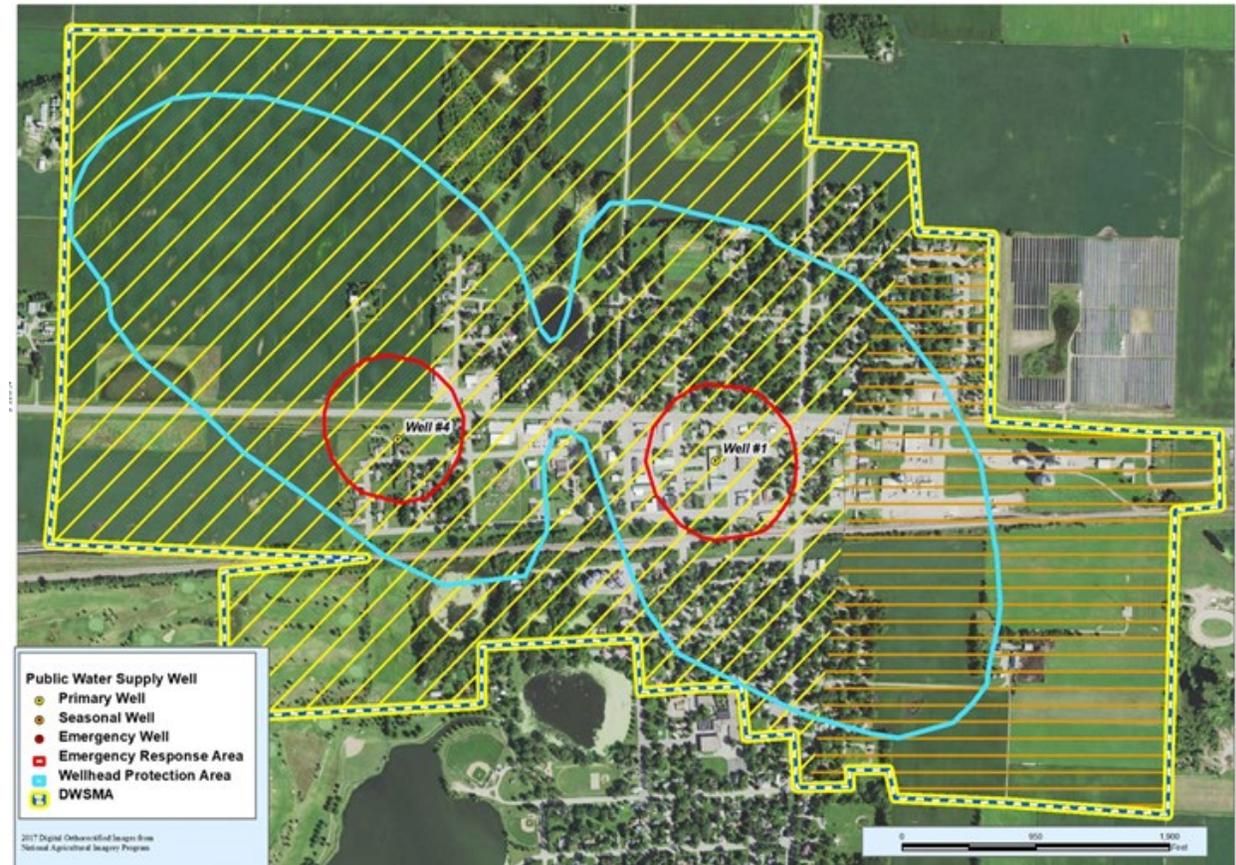
25 years of WHP Experience -
working with public water suppliers, state & local government partners, environmental groups, etc.

1: Maintain & Improve science based WHP Work

✓ Continue to improve WHP delineation & vulnerability work

Also consider:

- MN 1w1p watershed planning framework & WHP, and
- Regional & aquifer based drinking water protection needs and efforts.



2: Improve WHP Rule Processes & Efficiency

Consider:

- ✓ “lessons learned” to make improvements
- ✓ time needed to develop & review WHP plans
- ✓ costs of plan development of the public water supplier & agency
- ✓ WHP implementation needs of small PWS



3: Consider drinking water protection opportunities outside the WHP Rule



- ✓ Alternatives to rule based WHP Plans
- ✓ Targeting WHP technical assistance & implementation based on the need & type of PWS
- ✓ Drinking water related protection activities occurring thru other Federal, State & Local Programs (1w1p, other grants & resource planning efforts)
- ✓ Land Use planning & official controls

Questions?

Thanks!

What would you like to improve about the WHP Program?

Group 1 Delineations on a regional basis - differences in importance of delineations would need to take into account specifics of the part of the state

Cover crops in DWSMAs - sometimes there is difficulty in selling the crops to recoup investment. How could the rule incorporate this? Perhaps included in data elements?

Reduce a lot of the procedural aspects to the rule, lots of letters sent, few comments, no attendance at public meetings

Similarly, when the Part 2 Actions are prepared, they should be organized with respect to water "hydrogeographic boundaries" rather than political boundaries.

See the time between when a system is brought into the program shortened

Technical Assistance was talked about to continue working with MRWA to provide the assistance

Another option to consider is to invest in and build capacity within SWCD's across the state to assist with the process.

This would help work through the jurisdictional issues with WHP implementation between communities, counties, townships and other

Group 3

Is it reasonable to ask communities to include in their WHPP any formal link between community development planning and water supply planning (such as an overlay district)?

Unify WHPP with the Water Supply Plan Update - unify the Part 1 study between communities with adjoining/overlapping DWSMA

Would like to see agencies provide more technical support on the delineation earlier and the contaminant source inventory.

Group 5

(We put ours on the next slide)

Group 2

Clearly identify which rules apply to different types of PWS

Increase funding for WHP implementation and technical assistance capacity between MDH and MRWA

Continue support to MRWA to provide technical support for plan development in smaller systems

Discrepancy between how MDH planners interpret/implement rule

Increase interagency awareness of wellhead protection areas

There is discrepancy of delineations between communities. Needs to reduce

Possibly increase the time of travel measure/criteria

Guidance on prioritization of WHP implementation activities

Provide technical assistance where it is most needed. New system operators, small PWS operators, etc.

Continue to build the SWP relationship with MRWA for such an important partnership.

MDH has been great to work with in helping others to understand the rules/requirements. Keep this up or even grow this capacity to assist PWS.

Getting the local communities to implement drinking water protection into their comprehensive watershed management plan

Look at characterization of vulnerability of DWSMAs (rating) & how it is delineated. Look at surface water and GW.

Group 4

Look for opportunities to integrate local water planning with wellhead planning

Address both human induced pollution and natural pollutants (arsenic)

Room 5's notes :)

Clarity on definitions, delineations

How MDH defines vulnerability isn't always clear. How those are contrived and how they're managed in some case and others can differ.

How conjunctive delineations are defined

Utilize existing tribal data submitted to the EPA

System sizes

How equitably can smaller systems be supported? Does the abbreviated process meet local needs?

Technical assistance

A final thought I want to contribute before we sign off--part of my desire to expand beyond the 10yr timeframe and collaborate at a larger scale is my desire to see if the WHP Rule can "lift all boats" and provide benefits for private well owners.

Collaboration--thinking beyond the 10yr time of travel

10-yr time zone may not capture everything...what happens at the 11 year and 15 year mark? Or how does one DWSMA's activities impact another?

Can planning for aquifer resources be tied to the same scale as IWIP to help connect to implementation funding available through those efforts?

Very excited about the collaborative planning opportunity identified in the vision