

Wellhead Protection Rule Revision Advisory Committee Virtual Meeting Notes and Advice – June 28, 2022

Committee Members Present

Jay Ackerman, James Backstrom, Marilyn Bayerl, Doug Brands, Wayne Cymbaluk, Annie Felix-Gerth, John Greer, Robyn Hoerr, Todd Holman, Mark Janovec, Craig Johnson, Dominic Jones, Melissa King, Lindsey Krumrie, Brian Martinson, Luke Stuewe, Margaret Wagner, Rick Whalen

Others Present

Anita Anderson, Cynthia Hakala, Alycia Overbo, Linda Prail, Steve Robertson, Debby Sellin-Beckerleg, Josh Skaar, Amanda Strommer, James Walsh, Mark Wettlaufer, Trudi Witkowski

Meeting

1. Linda Prail, Rule Coordinator, welcomed everyone and thanked members for their comments and that their participation is appreciated. If not able to attend advisory committee meetings, please review notes and let us know if you have any comments and questions. Linda briefly reminded the advisory committee of some of the differences between WHP Rule considerations and SWP Program. Keeping in mind this distinction is important going forward in terms of comments on the rule and advice by the Advisory Committee. The SWP Unit is interested in all suggestions provided but wants members to focus on providing advice on the regulatory impacts of the rule changes on all public water systems being able to comply meet WHP rule requirements.
2. Mark Wettlaufer, MDH Planner Supervisor, gave a recap of the May 24 Advisory Committee Meeting. Mark and SWP staff categorized the Chat comments from the May meeting. Again, great comments and suggestions were received. Mark tried to answer questions and then categorized the questions in terms of their implication relative to the rule, or the WHP Program. He also referred to the meeting notes sent out that they contained the Powerpoint slides, chat questions and comments, and handout materials that were sent out in advance of the meeting. If anyone has any questions or comments about meeting notes, please contact him.
3. Mark Wettlaufer gave a Powerpoint slide presentation on WHP for Small Public Water Systems (see attached slides: WHP for Small Public Water Systems.) His presentation highlighted the importance of all PWS managing the Inner Well Management Zone and how the rule was being revised to provide both regulatory and non-regulatory approaches based on the types and capacity of the various types of public water systems. Changes are also being made based on staff experiences working with and helping PWS implement WHP related activities.

- a. Several questions and comments were received from Advisory Team Members in regard to proposed small system rule changes:
- i. **Has MDH received input from small systems in terms of WHP planning and support?** Answer: Indirectly yes. Twenty-five years of rule based WHP planning experience has shown many small systems generally lack the capacity to do planning. Our approach is to provide more direct technical assistance thru the SWP Grants Program and creating more specific ways to provide direct technical support to those with the greatest need. We are also going to continue to support streamlined WHP action plan development for those systems we feel are able and interested in developing voluntary WHP plans. MDH Source Water Protection Unit has hired a small systems planner to support work for small systems.
 - ii. **Is MDH small systems staff supportive of the changes and what do they think?** Answer: Yes, MDH SWP Unit staff have discussed these changes with the Noncommunity and Community Public Water Supply Unit Supervisors. Most see the change as a positive step in being able to better target systems that may be most vulnerable to contaminant threats and new opportunities to help small systems and vulnerable populations with the greatest need.
 - iii. **If MDH is not requiring a WHP plan be developed for small systems (non-municipal and noncommunity non-transient systems), will this mean they will have the same requirements as transient systems?** Answer: Technically yes. Under the proposed rule changes, all Noncommunity Systems (noncommunity and transient) and all Community Non-Municipal systems will **only** be required to implement measures to address contaminant threats or issues identified in the Inner Well Management Zone.
 - iv. **What source water quality monitoring is done for small systems?** Answer: Small systems are required to have routine sampling done at the point they distribute water out to the public for consumption. Not all systems are sampled or monitored at the well; but typically, most small systems do not have extensive treatment processes.
 1. **Concern was raised regarding the level of support for small systems if WHP planning requirements were removed from the WHP Rule.** Answer: Generally, mandating a WHP Plan may not always result in small systems ability implement and protect their source of drinking water. We are confident that better utilization of existing and new resources within the DWP Section we result in increased support and direct assistance to small systems that help them protect their drinking water in a way that best suits their needs and capabilities. MDH DWP Section staff can also be more flexible and strategic in targeting and assisting the most vulnerable small PWS systems.
 2. **Several comments were made regarding the advantage of providing more direct technical assistance to small systems since they don't have the expertise**

to do so on their own. We need to better understand their needs and continue to support them apply for SWP Grants to address them.

Answer. Yes, there is still much work the DWP Section and SWP staff need to do to figure out how to best help small systems. That is why we hired a small systems planner to form a workgroup within DWP Section to determine how to better serve them and address their drinking water protection needs. Other support can come from SWCDs, MRWA and others depending on the issue and technical assistance needed. (Assist with SWP Grants in some instances, septic upgrades, etc.)

4. WHP Plan Review and Approval Process was presented by Amanda Strommer, MDH Planner. (See attached slides: WHP Plan Review and Approval Process: Part 1 Wellhead Protection Plan and Part 2 Wellhead Protection Plan
 - a. Several comments and questions were made by advisory committee members in regard to streamlined review and approval processes:
 - i. **Questions were about raised regarding the timelines for approval of the Part I if a PWS decides to do the Part I Plan, and timing of the city or governing board approving the Part II or final plan.**

Answer(s): At this time, MDH intends to do all Part I WHP Plans for the reasons explained at the meetings. We don't currently have a procedure in place in the proposed rule that would allow for Part 1 submittals outside of this mechanism but would like to be able to accommodate those water suppliers that feel strongly about using their own consultant. One mechanism for this might be via MDH acting as the general contractor, if you will, and subcontracting the Part 1 work. We would need to define circumstances and a process for contracting out Part I / delineation work. Regarding Part II plan approvals, our current rule has not been clear on expectations for city or utility board approval and acceptance of plans. For MDH, it would be preferable to know and have it in rule that the city is aware of the plan; reviewed and approved it thru their governing body before submitting it to agency final approval.
 - ii. **Will MDH use existing plans developed as the basis for the agency doing new Part I plans in the future?**

Answer: Yes, MDH will build upon existing delineation work that has been done, along with using newer modeling techniques and data that becomes available to improve the accuracy of the delineations.
 - iii. **MDH receiving comments on Part 2s, building local partnerships and LGU comments.** **Answer:** MDH staff provide technical assistance to the PWS during the development of a WHP plan. We strongly encourage LGU and State agency input during the development of the plan. To accomplish this, MDH recommends the PWS form a local WHP Team to assist in the development of the plan, particularly vulnerable plans. Involvement in plan development by all stakeholders and partners fosters ownership and buy in necessary for successful plan implementation.

5. Mark described some of the next steps and provided a preview of what will be considered in the next two meetings. More details about the proposed rule will be provided. MDH plans to develop a rule summary document that will highlight some of the main rule changes to make review and discussion of those changes easier by the Advisory Committee. Linda Prail also suggested that advisory committee members start thinking about costs that will be passed down to the LGU's, or businesses related to changes being proposed in the revised rule. Costs to MDH and State agencies should also be considered. Linda Prail will provide additional information and lead more discussion on this at future advisory committee meetings.

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

Attachments

- WHP for Small Public Water Systems,
- WHP Plan Review and Approval Process: Part 1 Wellhead Protection Plan and Part 2 Wellhead Protection Plan

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

June 2022

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



Wellhead Protection for Small Public Water Systems

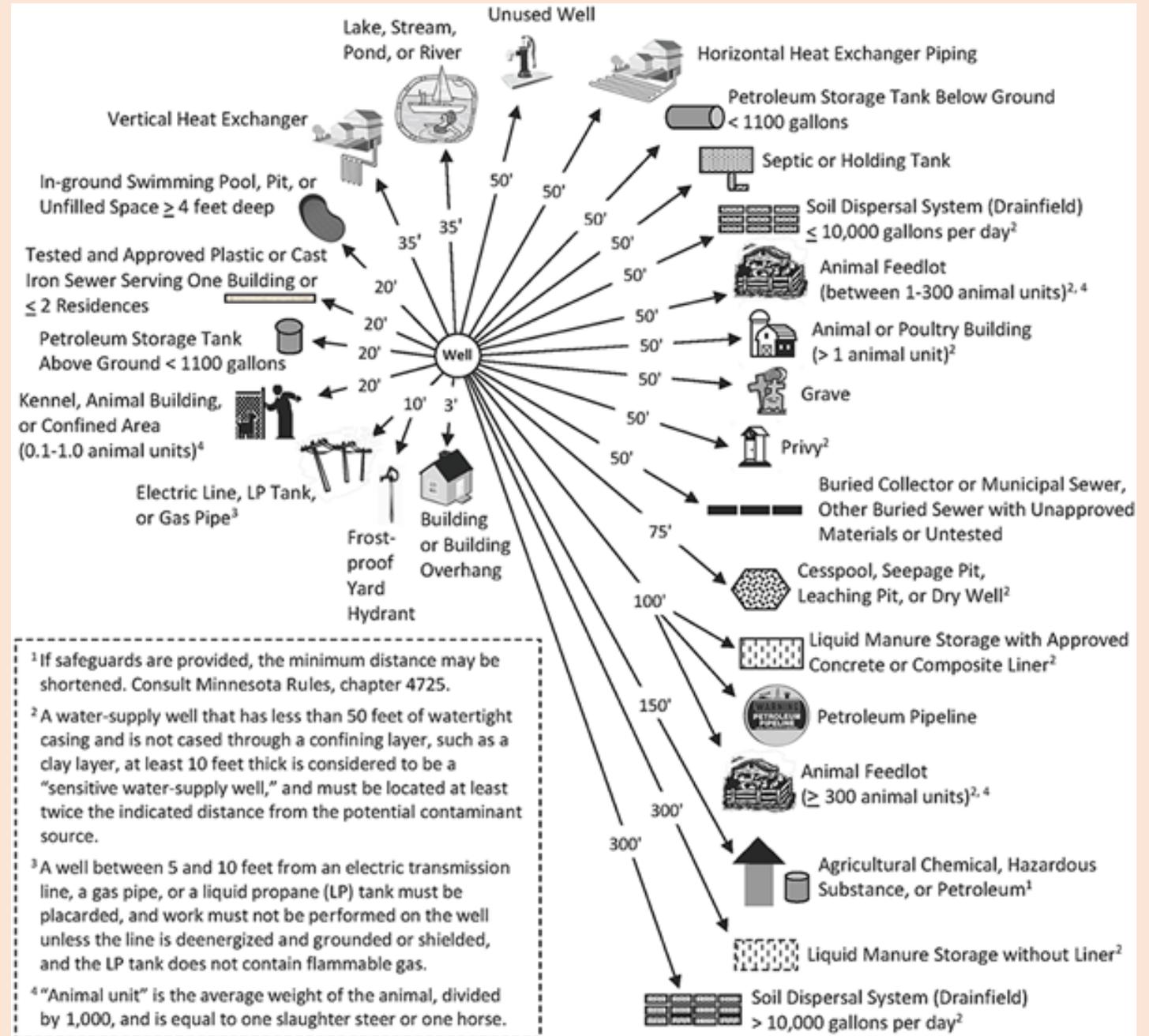
WHP Advisory Team Meeting
Tuesday, June 28th, 2022

Mark Wettlaufer, MDH SWP Unit

The Inner Well Management Zone (IWMZ)

“First line of defense for all PWS Systems”

IWMZ = 200’ radius around the well.



¹ If safeguards are provided, the minimum distance may be shortened. Consult Minnesota Rules, chapter 4725.

² A water-supply well that has less than 50 feet of watertight casing and is not cased through a confining layer, such as a clay layer, at least 10 feet thick is considered to be a “sensitive water-supply well,” and must be located at least twice the indicated distance from the potential contaminant source.

³ A well between 5 and 10 feet from an electric transmission line, a gas pipe, or a liquid propane (LP) tank must be placarded, and work must not be performed on the well unless the line is deenergized and grounded or shielded, and the LP tank does not contain flammable gas.

⁴ “Animal unit” is the average weight of the animal, divided by 1,000, and is equal to one slaughter steer or one horse.

Managing the IWMZ...

Maintain setbacks & awareness of contaminant threats.

Routine review & update of IWMZ Survey Form by MDH staff & PWS Manager.

PWS required to implement measures for setback deficiencies or high-risk contaminants. (Similar to WHP Plans.)



Management Benefits for the PWS...

Involves the immediate area around the well (usually) owned by the PWS.

More focus on management of point vs. nonpoint contaminant sources (nitrates, PFAS, etc.)

Allows for other approaches and tools to be used for non-point source threats.

WHP Rule & Program Framework: Matching capabilities & resources with the PWS

What the PWS can do:

- Manage the IWMZ – Required / expected
- Apply for SWP Grants to improve infrastructure and manage certain contaminant threats (replacing, locating or sealing a well, treatment, moving a tank, etc.)
- Request technical assistance through MDH SWP Programs, Sanitarians, SWP / DWP staff.
- Work with local resource partners as the need arises

WHP Rule & Program Framework: Matching capabilities & resources with the PWS

What State & Local Partners can do:

- Establish framework for local drinking water protection: programs / planning / address non-point & point threats, risks
- Advocate for the Interagency work and local use of GRAPs
- Support the implementation of the GW Rule
- Support drinking water protection through 1w1p (prioritize & target non-point pollution, water quantity issues)
- Support funding for drinking water protection to protect limited groundwater resources & threats to highly vulnerable aquifers.

New WHP opportunities for Small PWS Systems:

SWP Program Support

- New Small Systems Planner
- Increase support for SWP by existing DWP Section staff
- Increase SWP Grant Opportunities
- Focus on nonpoint source drinking water pollution & SWP needs thru State Water Resource Programs

Small Systems Planner & Supervisors

- Coordinate DWP Section staff to:
- Prioritize, target and incentivize development of streamlined WHP “action” plans (**outside rule**)
 - Focus on vulnerable populations and PWS systems.
 - Focus on direct technical assistance where needed.

Summary

- Set realistic expectations on “who can do what” under the WHP rule
- Identify how to best support what the PWS can do
- Consider existing and new support mechanisms in place for the SWP & WHP Program
- Consider local, State & Federal conservation programs, delivery, priorities & multiple benefits.



Wellhead Protection (WHP) Plan: Review and Approval

WHP Advisory Team Meeting
Tuesday, June 28th, 2022

Amanda Strommer, MDH SWP Unit

Wellhead Protection Plan: Review and Approval



- Overall goal to compress the timeframes for review and approval of the plans.

Part 1 Wellhead Protection Plan

- Proposed rule lays out public water supply review process for the Part 1 vulnerability assessment and delineation.
- Less back and forth since MDH proposes to write Part 1 WHP Plans.
- Notification of local units of government, state, and federal agencies.
- Public water supplier must hold one Public Information Meeting about the delineation, DWSMA boundary, and vulnerability assessments.

Part 2 Wellhead Protection Plan

- Current Rule requires separate local and state agency review and comment periods for Part 2 WHP Plans.
- Propose to combine the review process and submit draft Wellhead Protection Plan to local units of government, state, and federal agencies for 60 day review at the same time.



Part 2 Wellhead Protection Plan

- Public water supplier governing council or board must approve the wellhead protection plan before it is submitted to MDH.
- MDH has 90 days to approve or disapprove.



Questions?