

Wellhead Protection Rule Revision Advisory Committee Virtual Meeting Notes and Advice – November 29, 2022

Committee Members Present

Wayne Cymbulak, John Greer, Robyn Hoerr, Todd Holman, Mark Janovec, Dominic Jones, Melissa King, Brian Martinson, Cary McElhinney, Steve Morse, Luke Stuewe, Margaret Wagner

Others Present

Trent Farnum, Dave Hokanson, Alycia Overbo, Linda Prail, Miles Schacher, Debby Sellin-Beckerleg, Amanda Strommer, James Walsh, Mark Wettlaufer, Trudi Witkowski

Meeting

- 1) Linda Prail welcomed everyone and gave an overview of where we want to go next. A copy of the Revisor's Draft and a WHP Rule spreadsheet that summarized the proposed rule changes was emailed to everyone. Please send any comments or questions to Mark Wettlaufer regarding the rule spreadsheet or Revisor's Draft.
- 2) Mark welcomed everyone and explained to the group what they will see today on the Revisor's copy of the draft rules such as strikeouts, inserts, etc. Knowing people may have had a limited amount of time to spend reviewing the rule revisions and how complex it can get, Mark suggested using the detailed rule spreadsheet staff created as a guide to understanding the changes being proposed in conjunction with looking at the Revisors draft. The spreadsheet describes the main changes proposed to the rule and makes things much easier to track and understand.

He also described that MDH SWP staff have not reviewed and incorporated advisory committee suggestions that have been made or agency comments received on the rule as part of the November 2022 Revisors Draft and spreadsheet that was sent out. SWP staff will be doing a thorough review of all comments received during the coming months, incorporating or addressing those comments as part of another revision of the draft rule to be completed during the winter and early spring. Comments will be tracked and identified in terms of their consideration and changes made to the rule.

Next, Mark explained to the group that he will be assigning attendees into breakout groups. Source Water Protection staff will not be assigned a group as they will not be participating in the breakout group discussions. Each group may want to assign someone to take notes and send them to Mark. During the at-large discussion we can talk about comments, etc. Breakout groups can use the Jam Board to record their comments/suggestions.

WELLHEAD PROTECTION RULE REVISION ADVISORY COMMITTEE VIRTUAL
MEETING

- 3) Alycia gave a demonstration on how to use the Jam Board that breakout groups can use to record comments/suggestions.
- 4) The small groups were asked to discuss the three questions below regarding the Wellhead Protection Rule changes.
 - What parts of the rule changes need further clarification?
 - What things are missing in the proposed WHP Rule that MDH should consider?
 - Considering the changes, what suggestions do you have to improve the rule?
- 5) Questions & Answers: Small Group Jam Board Comments and at Large Comments: There were three small groups that met to discuss the questions under item # 4. Each group presented their comments on the questions above. Many of the comments sought clarification on parts of the rule changes. Other comments sought to provide MDH staff feedback on things they felt were missing from the draft rule. (See attached Jam Board comments on from the meeting.) Discussion ensued on several comments made and thoughts from the small groups. Mark thanked everyone for their input, sharing their ideas and comments. MDH staff will have a number of things to take a further look at and consider additional changes to the draft rule.
- 6) SONAR Costing and Regulatory Analysis Questions: Linda Prail led the discussion. She asked the Advisory members to start thinking about how changes to the rule will impact public water suppliers in terms of costs to carry out the new rule. Cost implications can be increases or decreases. Please send comments to Mark. Linda also conveyed to the group that this is not the only opportunity or forum to discuss the draft rule. She encouraged advisory members to share the draft rule information with their staff and others for input. She advised the advisory members to keep their constituents updated with what is going on with the rule revision.
- 7) Wrap up and Next Steps for January Meeting: The next virtual Advisory Committee Meeting is scheduled for January 31, 2023, at 1:30 p.m. It will have a similar format to today's meeting requesting new or additional feedback on the November Revisors Office Draft WHP rule and spreadsheet advisory members would like to discuss. Mark will be following up with the committee prior to the January 31 meeting regarding new comments or items they wish to discuss. Meeting adjourned at 3:28 p.m.

Attachments: Wellhead Protection Rule Comparison Table Draft Final; WHP Rule Revisions Small Group Feedback

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

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Wellhead Protection Rule Revision

(Minnesota Rules, Parts 4720.5100 to 4720.5590)

RULE COMPARISON

Draft: November 2022

This document is intended to provide a summary of existing rule requirements, proposed changes to the Wellhead Protection (WHP) Rule, and reasons for the change. It reflects major substantive changes; and is a tool to guide you through the changes. This spreadsheet does not reflect all changes and should be reviewed in conjunction with the existing and official proposed rule.

Rule Section (Part)	Existing Rule	Proposed Rule	Reason(s) for Change
Definitions (part 4720.5100)	<ul style="list-style-type: none"> Definitions of the rule. 	<ul style="list-style-type: none"> Changes were made according to the parts of the rule that were added or removed. 	<ul style="list-style-type: none"> Provide clarity in the meaning of words and their definitions. Cross reference definitions with related Statutes and MN Rules.
Applicability (part 4720.5110)	<ul style="list-style-type: none"> Subpart 1 - All PWS are required to maintain and monitor for contaminants identified within the Inner Well Management Zone (IWMZ = 200' radius around a public water supply (PWS) well); and implement measures for contaminant sources identified. 	<ul style="list-style-type: none"> Subpart 1 - Some grammatical changes made to better align terminology with the State Well Code. 	<ul style="list-style-type: none"> Subpart 1 - Consistency between WHP and State Well Code definitions.
	<ul style="list-style-type: none"> Subpart 2 - A delineated WHP area and plan must be completed by the public water supplier for all community and noncommunity nontransient public water supply active wells. 	<ul style="list-style-type: none"> Subpart 2 - A WHP area and plan will only be required for a community municipal water supply system. MDH will be responsible to do the delineation for the public water supplier. 	<ul style="list-style-type: none"> Subpart 2 - Equity achieved by MDH doing all delineations for municipal PWS. Consistency and efficiency gained in developing a WHP Plan.

			➤ Targeted voluntary options for diversity of small PWS. “Best fit” approaches for small systems.
Schedule; Inner Wellhead Management Zone (part 4720.5120)	✚ Timeframe in which public water suppliers must initiate wellhead protection measures for the inner wellhead management zone.	❖ This part of the rule is being repealed.	➤ Scheduling of IWMZ was initiated and completed. IWMZ requirements for a new well is referenced in part 4720.5110.
Preliminary Wellhead Protection Area (part 4720.5125)	✚ N/A – New part.	<ul style="list-style-type: none"> ❖ Subpart 1 - All community public water supplies must provide information about proposed new wells that allows for a preliminary wellhead protection area (WHPA) to be delineated. ❖ Subpart 2 – MDH will delineate the preliminary WHPA, assess the area for risks and share this with the PWS. 	<ul style="list-style-type: none"> ➤ This information is needed to generate a preliminary WHPA and is generally available as part of plan submittal for any new community well. ➤ MDH maintains an inventory of groundwater flow models that can be used to generate these preliminary WHPAs and has a standard approach for assessing risk within these areas. By MDH providing these preliminary WHPAs and assessments, efficiency and equity will be promoted.
Wellhead Protection Plan; Preliminary	✚ Subparts 1 and 2 - Address requirements for new municipal well construction.	❖ Subparts 1 and 2 are being repealed.	➤ Subparts 1 and 2 have been repealed and are included in part 4720.5125.
	✚ N/A – new subpart.	❖ Subpart 2a has been added to require specific contact information be submitted to the department for the development and implementation of the plan.	➤ Subpart 2a was added and parts moved from 4720.5300 so WHP manager and plan contact information is all in one part of the rule.

Requirements; Schedule (part 4720.5130)	✚ Subpart 3 - Specifies that all wells must be considered in the development of a WHP Plan.	❖ Subpart 3 - Changed to clarify that a WHP Plan must be developed for only active municipal and seasonal primary wells.	➤ This clarification will result in less confusion about applicability of the rule.
	✚ Subpart 4 - Describes additional time allowed to develop a WHP Plan.	❖ Subpart 4 - Changed to allow the PWS to request more time to complete a plan.	➤ Subpart 4 - Simplified to allow more flexibility for the PWS to request more time to complete a WHP Plan.
	✚ N/A – new subpart.	❖ Subpart 5 - Added to specify the revocation of a WHP Plan.	➤ Subpart 5 - Added so the department officially has a process to discontinue WHP Planning and related requirements.

CONTENT OF A WELLHEAD PROTECTION PLAN AND A CONTINGENCY PLAN			
Rule Section	Existing Rule	Proposed Rule	Reason(s) for Change
Data Elements; Assessment (part 4720.5200)	✚ Data elements for developing a WHP plan must be assessed by the PWS.	❖ This part of the rule is being repealed.	➤ Based on program experience, focus more specifically on elements necessary to develop a WHP Plan as proposed in draft rule.
<u>Description of the Aquifer and the Drinking Water Supply Management Area</u> (part 4720.5201)	✚ N/A – New part.	❖ A listing of the elements that describe the protection areas, their vulnerability to contamination and the potential contamination sources therein on which management strategies can be developed.	➤ With MDH developing the first part of the WHP plan, this addition to the rule clarifies the components that will form the core reporting requirements of that part.

<p>Wellhead Protection Area and Drinking Water Supply Management Area Delineation (part 4720.5205)</p>	<ul style="list-style-type: none"> ✚ Criteria for establishing a Wellhead Protection Area and Drinking Water Supply Management (DWSMA). 	<ul style="list-style-type: none"> ❖ This part of the rule is being repealed. 	<ul style="list-style-type: none"> ➤ This part has been revised and moved to 4720.5201.
<p>Vulnerability Assessment (part 4720.5210)</p>	<ul style="list-style-type: none"> ✚ Methods and criteria for completing a vulnerability assessment of the WHPA and DWSMA. 	<ul style="list-style-type: none"> ❖ This part of the rule is being repealed. 	<ul style="list-style-type: none"> ➤ This part has been revised and moved to 4720.5201.
<p>Impact of Changes on Public Water Supply Well (part 4720.5220)</p>	<ul style="list-style-type: none"> ✚ Descriptors to consider for impacts of changes to a PWS well. 	<ul style="list-style-type: none"> ❖ This part of the rule is being repealed. 	<ul style="list-style-type: none"> ➤ This part has been revised and moved to part 4720.5230.
<p>Issues Identification and Prioritization, Problems and Opportunities (part 4720.5230)</p>	<ul style="list-style-type: none"> ✚ Subpart 1 - A plan must identify water use and land use issues, problems, and opportunities related to the aquifer serving the public water supply well, the well water, and the DWSMA. ✚ Subpart 2 – Identify water use and land use issues, problems, and opportunities, and assess problems and opportunities disclosed at public meetings and in written comments, data elements, and status and adequacy of official controls, plans, and other programs on water use and land use. 	<ul style="list-style-type: none"> ❖ Subpart 2 - Must identify issues related to protection of source water aquifer and well water in DWSMA. ❖ Includes many factors to consider which are listed in entirety in the draft rule. ❖ Subpart 3 - Must prioritize issues for implementation. 	<ul style="list-style-type: none"> ➤ Removes repetition between problems and issues. ➤ Streamline planning process to focus on identifying and prioritizing issues.
<p>Wellhead Protection Goals</p>	<ul style="list-style-type: none"> ✚ A plan must state goals for present and future water and land use to 	<ul style="list-style-type: none"> ❖ This part of the rule is being repealed. 	<ul style="list-style-type: none"> ➤ Measurable Goals of a WHP Plan was moved to 4720.5250.

(part 4720.5240)	provide a framework for determining plan objectives and related actions.		
<u>Objectives Goals and Plan of Action</u> (part 4720.5250)	<ul style="list-style-type: none"> ✚ Subpart 1 - A plan must have measurable objectives for the well and DWSMA. ✚ Subpart 2 - Includes details on plan of action, establishing priorities, and implementation responsibilities. ✚ Subpart 3 – PWS must establish priorities in the plan of action with specific requirements listed in rule. ✚ Subpart 4 – Plan of action implementation responsibilities. 	<ul style="list-style-type: none"> ❖ Subpart 1 - A plan must have measurable goals that address the priority issues. ❖ Subpart 2 - A plan must include a plan of action that the PWS will undertake to achieve the goals. ❖ Plan of action includes measures, costs, and time frames. ❖ For amendment, include changes from last plan. 	<ul style="list-style-type: none"> ➤ Making rule less repetitive and clarifying need to address priority issues. ➤ Include only measurable goals and developing a plan of action that reflects the measurable goals of the plan.
<u>Cooperative Efforts</u> (part 4720.5260)	✚ N/A – New part.	❖ A plan must describe existing or proposed plans or programs of local units of government, state and federal agencies, or nongovernmental units that address the priority issues.	➤ Intend to recognize other partners and plans that can help a PWS address the priority issues.
<u>Evaluation Program</u> (part 4720.5270)	✚ This part of the rule requires the PWS to evaluate approaches, changes in the DWSMA and progress in plan implementation.	❖ This part of the rule is being repealed.	➤ This part has been revised and moved to 4720.5560.
<u>Alternate Alternative Water Supply; Contingency Strategy for Emergency Water Supply</u> (part 4720.5280)	<ul style="list-style-type: none"> ✚ Subpart 1 - A plan must have contingency strategy that addresses disruptions of the public water supply caused by contamination or mechanical failures. ✚ Subpart 2 - Lists numerous specific requirements and procedures. 	❖ Subpart 1 - A contingency strategy must address disruptions of the public water supply caused by contamination, natural hazards, malevolent acts, or mechanical failures; and be a stand-alone document or part of a local, state, or federally recognized plan that includes specific requirements.	➤ Goal is to be less repetitive by allowing other plans to be used that meet the requirements such as Department of Natural Resources Water Supply Plan, American Water Infrastructure Act Contingency Planning requirements, etc.

		❖ Subpart 2 - List of requirements streamlined to include description of main components of PWS in preparation to respond to a disruption, identify the location and provisions of alternate drinking water, identify emergency personnel, equipment, material, and services, and identify ways to reduce the vulnerability of the PWS to disruption and improve response capabilities.	
Data Elements; Inclusion (part 4720.5290)	✚ Requires data elements to be identified in the Scoping I and Scoping II Notices for developing a WHP Plan.	❖ This part of the rule is being repealed.	➤ This part has been revised and moved to 4720.5310 and 4720.5340.

PROCEDURES FOR WELLHEAD PROTECTION PLAN DEVELOPMENT AND REVIEW

Rule Section	Existing Rule	Proposed Rule	Reason(s) for Change
Wellhead Protection Plan Development; Procedures (part 4720.5300)	<p>✚ Lays out the administrative and notification procedures a PWS must follow in developing a plan.</p> <p>✚ Requires the PWS to notify local unit of government of their intent to develop a plan and hold at least one public meeting.</p>	❖ This part of the rule is being repealed.	➤ The requirement to appoint a wellhead protection manager and submit contact information was moved to 4720.5130. The requirement to hold a public information meeting was moved to 4720.5330.
First Scoping Meeting Procedures (part 4720.5310)	✚ MDH is required to hold a Scoping 1 meeting about the delineation and vulnerability assessment with the PWS and send a Scoping 1 notice.	<p>❖ This will still be required; but the action items for the PWS will be condensed.</p> <p>❖ There will be no Scoping 1 meeting/notice for an amendment if the information listed in subpart 1, item C,</p>	➤ With MDH developing the first part of the WHP plan, the focus of this meeting will be on identifying data the PWS may be able to supply to help accomplish this task.

		has already been obtained and deemed sufficient.	
Aquifer Test Plan; Procedures (part 4720.5320)	<ul style="list-style-type: none"> ✚ Aquifer test plan requirements. 	❖ This part of the rule is being repealed.	➤ With MDH developing the first part of the plan, this part was removed.
Delineation and Vulnerability Assessment Review; Procedures (part 4720.5330)	<ul style="list-style-type: none"> ✚ Subpart 1 - Requires maps, documentation, vulnerability assessment, and data elements to be submitted to MDH. ✚ Subpart 2 - MDH shall approve or disapprove within 60 days. ✚ Subpart 3 – Disapproval notice statement and reason for disapproval. ✚ Subpart 4 – Resubmittal within 45 days of disapproval. ✚ Subpart 5 – Revised information and review of resubmittal. ✚ Subpart 6 - PWS has within 30 days from Part 1 approval to notify local units of government. ✚ Subpart 7 - PWS has within 60 days from Part 1 approval to hold public information meeting. 	<ul style="list-style-type: none"> ❖ Subpart 1 - MDH will provide PWS with a map of emergency response area, wellhead protection area, and drinking water supply management area, description of hydrogeologic setting and delineation method, and description and map of vulnerability assessment. ❖ Subpart 6 - PWS has 30 days to provide written comments regarding delineation and vulnerability assessment. ❖ MDH will notify PWS if there are any changes made based on feedback. ❖ The PWS shall notify local units of government, state, and federal agencies regarding the delineation and vulnerability assessment. ❖ Subpart 7 - PWS must hold one public information meeting about the delineation, drinking water supply management area boundary, and vulnerability assessments. 	➤ Between ongoing development of regional groundwater flow models and serving as a central repository for smaller-scale models used for previous WHPA delineations, MDH is now in a position to efficiently complete this work in-house rather than requiring some public water suppliers to complete this work themselves. In addition to efficiencies noted above, this resolves inequities related to the cost of plan development for PWSs.
Potential Contaminant Source Inventory; (part 4720.53345)	<ul style="list-style-type: none"> ✚ N/A – New part. 	❖ Outlines the requirements and review process of the potential contaminant source inventory by the public water supplier and approval by MDH.	➤ Incorporates development and completion procedural requirements for the potential contaminant source inventory (PCSI) in one part.

<p>Second Scoping Meeting Procedures (part 4720.5340)</p>	<ul style="list-style-type: none"> ✚ MDH is required to hold a Scoping 2 meeting about contaminants, impacts, future changes to the PWS and implementation part of the plan with the PWS and send a Scoping 2 notice. 	<ul style="list-style-type: none"> ❖ Most items are still required, but are condensed or identified within other parts of the rule and are not referenced as the data elements. 	<ul style="list-style-type: none"> ➤ Items critical to the Scoping II for the PWS to consider in developing the remaining parts of the WHP Plan are found in 4720.5201 – 5335 and 4720.5400.
<p>Local State Review; Approval (part 4720.5350)</p>	<ul style="list-style-type: none"> ✚ Subpart 1 - Requires that the PWS submit their wellhead protection plan to local units of government. Review entities include: <ul style="list-style-type: none"> ▪ Local units of government wholly or partly within the wellhead protection area; ▪ Regional development commission; and ▪ Watershed districts and watershed management organizations wholly or partly within the wellhead protection area. ✚ Subpart 2 - PWS must allow 60 days for governmental units to comment in writing. ✚ Subpart 3 - PWS must consider comments. ✚ Subpart 4 - Requires official public hearing. 	<ul style="list-style-type: none"> ❖ Subpart 1 - Propose to combine the department consultation review process (currently part 4720.5360, subpart 2) and submit draft Wellhead Protection Plan to local units of government, state, and federal agencies. Review entities include: <ul style="list-style-type: none"> ▪ Local units of government wholly or partly within the wellhead protection area; ▪ Watershed districts and watershed management organizations wholly or partly within the wellhead protection area; ▪ Minnesota Department of Agriculture; ▪ Minnesota Department of Natural Resources; ▪ Minnesota Pollution Control Agency; ▪ Board of Water and Soil Resources; and ▪ Any other state or federal agency that the PWS and the department determine could assist with the review of the plan. ❖ Subpart 2 – PWS must allow 60 days for governmental units to comment in writing. 	<ul style="list-style-type: none"> ➤ Combines local and state agency review into one comment period. ➤ A public hearing will no longer be required.

		<ul style="list-style-type: none"> ❖ Subpart 3 - PWS must consider comments from any person or entity that submits them. ❖ Subpart 5 - PWS governing council or board must approve the wellhead protection plan before it is submitted to MDH. 	
<p>Departmental Review; Remaining Portion of Wellhead Protection Plan (part 4720.5360)</p>	<ul style="list-style-type: none"> ✚ Subpart 1 - After the public hearing, the PWS submits six copies of the plan and comments and summary of changes made as a result of local review process. ✚ Subpart 2 - Upon receipt of the plan, MDH transmits to the Minnesota Department of Agriculture, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Board of Water and Soil Resources, and any other state or federal agency for 60-day review. ✚ Subpart 3 - No later than 90 days after PWS files the final plan with MDH, MDH shall approve or disapprove and provide the PWS notice of approval or disapproval. 	<ul style="list-style-type: none"> ❖ Subpart 1 - PWS must submit their final wellhead protection plan to MDH in digital format and written comments received and summary of responses to comments. ❖ Subpart 4 - MDH has 90 days to approve or disapprove. 	<ul style="list-style-type: none"> ➤ There will no longer be a separate state agency review during this stage of the process. State agencies will be able to review the plan before it is considered final (moved to part 4720.5350).

DATA ELEMENTS FOR A WELLHEAD PROTECTION PLAN <u>REQUIRED ADDITIONAL INFORMATION</u>			
Rule Section	Existing Rule	Proposed Rule	Reason(s) for Change
<u>Data Elements Required Additional Information</u>	<ul style="list-style-type: none"> ✚ Subpart 1 - The department shall select data elements to be used in plan. 	<ul style="list-style-type: none"> ❖ Subpart 1 - The department shall select additional information to be used in plan. 	<ul style="list-style-type: none"> ➤ Improve WHP Planning through streamlined identification of pertinent core issues and

(part 4720.5400)	<ul style="list-style-type: none"> ✚ Subpart 2 - Specific list of data elements for physical environment. ✚ Subpart 3 - Specific list of data elements for land use. ✚ Subpart 4 - Specific list of data elements for water quantity. ✚ Subpart 5 - Specific list of data elements for water quality. 	<ul style="list-style-type: none"> ❖ Subpart 2 - The department shall select information about the physical environment, land and water use management such as surface water resources (wetlands, lakes, streams) and areas of extractive mining. ❖ Information about local government land use controls, state and federal water and land resource programs, and pollution control programs. Specific list in proposed rule. 	actions to protect drinking water.
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GENERAL WELLHEAD PROTECTION REQUIREMENTS, <u>METHODS</u> , AND CRITERIA			
Rule Section	Existing Rule	Proposed Rule	Reason(s) for Change
Data Reporting Requirements (part 4720.5500)	<ul style="list-style-type: none"> ✚ Describes the data and geo spatial reporting requirements needed to develop a WHP Plan. 	<ul style="list-style-type: none"> ❖ This part of the rule is being repealed. 	<ul style="list-style-type: none"> ➤ MDH is developing the first part of the plan, reducing the need for specific data reporting requirements found in 4720.5555.
<u>Methods and Criteria for Wellhead Protection Area and Drinking Water Supply Management Area Delineation</u> (part 4720.5510)	<ul style="list-style-type: none"> ✚ Detailed description of the data, criteria and techniques used to complete a WHP delineation. 	<ul style="list-style-type: none"> ❖ Only streamlined criteria and data is listed for completing a delineation. 	<ul style="list-style-type: none"> ➤ This part of the rule has been streamlined since MDH is developing the first part of the WHP Plan. It also clarifies the need to use hydraulic conductivity and aquifer thickness as parameters when delineating WHPAs (rather than transmissivity alone) and incorporates consideration of nearby PWS wells and water systems when delineating WHPAs and DWSMAS. This

			allows for possible benefits gained from aggregating these areas into a single management structure.
Pumping Test Standards for Larger Sized Water Supply Systems (part 4720.5520)	 Detailed description of the criteria and techniques for completing a PWS well pump test.	❖ This part of the rule is being repealed.	➤ This part of the rule is no longer needed since MDH is developing the first part of the plan.
Pumping Test Standards for Smaller Sized Water Supply Systems (part 4720.5530)	 Detailed description of the criteria and techniques for completing a PWS well pump test.	❖ This part of the rule is being repealed.	➤ This part of the rule is no longer needed since MDH is developing the first part of the plan.
Aquifer Test Plan Content (part 4720.5540)	 Detailed description for completion of an aquifer test plan for a PWS well.	❖ This part of the rule is being repealed.	➤ This part of the rule is no longer needed since MDH is developing the first part of the plan.
Criteria Method for Assessing Well Vulnerability (part 4720.5550)	 Describes the methods and criteria for assessing well vulnerability.	❖ This part has been changed to reflect a “weight of evidence” approach to determine well vulnerability will be assessed.	➤ The department repealed the use of specific methods and criteria for determining well vulnerability. This change will provide more options as technology or data becomes available to improve well vulnerability determinations.
Method for Assessing Drinking Water Supply Management Area Vulnerability	 N/A – New part.	❖ This part outlines how the DWSMA Vulnerability will be evaluated and determined based on geologic sensitivity of the aquifer, presences of human caused contaminants or indicators of	➤ This change clarifies the components needed for assessing the vulnerability of the DWSMA. The previous version of the rule (4720.5210) only required a description of the

(part 4720.5551)		recent recharge and risk from run-off and surface water contributions.	method used to determine DWSMA vulnerability without a framework for the necessary components.
<u>Method for Ranking Risk From Potential Contaminant Sources</u> (part 4720.5553)	✚ N/A – New part.	❖ Provides ranking criteria for determining potential contaminant risk to drinking water and public health in the DWSMA. Risks will be ranked as low, moderate or high by the department.	➤ Risk ranking criteria will assist the public water supplier in prioritizing and targeting management strategies to reduce risks to drinking water and public health.
Criteria for Plan Review (part 4720.5555)	✚ Subpart 1 - Criteria for compliance with rules for completing a WHP delineation. ✚ Subpart 2 - Principles of review based on specific hydrologic management of water criteria, health and environmental protection criteria, and management criteria.	❖ Subpart 1 - This part of the rule is being repealed. ❖ Subpart 2 - This part of the rule is being repealed. ❖ Specified department review for compliance with parts 4720.5100 to 4720.5580.	➤ The department is completing Part 1 of the WHP Plan; there is no reason to have criteria in the rule for approving Subpart 1-2. ➤ The department is responsible for reviewing and approving the final WHP Plan, and considering the parts of the WHP plan the public water supplier is required to complete.
Implementation of Approved Wellhead Protection Plan (part 4720.5560)	✚ Describes requirement for WHP implementation.	❖ Added language that a PWS must describe barriers to implementation; or other methods used to achieve goals identified in the plan. ❖ Repealed requirement of notification to local units of plan adoption. ❖ Added language that a PWS must report plan implementation activities every 4 years to the department.	➤ Previously there was no reporting method for the department to become aware of barriers to implementation and ways to improve the WHP Program. ➤ No clear benefit was identified for requiring the PWS to notify local governments of plan approval.

			➤ A consistent schedule for WHP implementation reporting was needed.
Amendments and Extensions to Wellhead Protection Plan (part 4720.5570)	 Describes that a PWS must review and begin amending a WHP Plan at year eight after the last plan approval date. The amendment must follow and use the same criteria for development as an initial WHP plan.	<ul style="list-style-type: none"> ❖ Added criteria that a WHP Plan is to be amended if a new well is added to the system when the DWSMA or well is vulnerable. ❖ Added language to allow a PWS to request more time to complete a WHP Plan amendment. ❖ Added new language allowing nonvulnerable plans to be extended another 10 years from the last approval date if: <ul style="list-style-type: none"> ▪ the DWSMA is nonvulnerable, ▪ no change in status of the existing PWS wells, and ▪ the WHP Plan has not been previously extended. 	<ul style="list-style-type: none"> ➤ The rule needed specific language identifying when a WHP Plan should be amended after a new PWS well is added to the system. It is most important for WHP that a PWS begin to amend a plan before year eight for a new well in a vulnerable setting to give adequate time for plan preparation and adoption. ➤ No allowance was identified under the original rule for giving additional time when a plan is being amended. ➤ In low vulnerability settings where no significant land use changes or threats are occurring, the department determined it would not be necessary to amend all plans beginning at year eight after the last approval. This gives MDH flexibility to focus on PWSs that are at the greatest risk.
Multi Community Municipal Wellhead Protection Plan and Drinking Water Supply Management Area	 N/A – New part.	<ul style="list-style-type: none"> ❖ New rule part added to allow multiple communities to develop a WHP Plan and DWSMA. 	<ul style="list-style-type: none"> ➤ Criteria and procedures for a Multi Community WHP Plan and DWSMA are under development. This approach will result in efficiencies in shared management area boundaries.

(part 4720.5575)			
Variance Procedures (part 4720.5580)	 Describes circumstances under which a variance from the WHP Rules shall be granted following 4717.7000 – 4720-7050	❖ No changes have been made to this part.	➤ N/A
Informal Resolution of Disputes (part 4720.5590)	 Describes the procedures a public water supplier may use to resolve any conflict about WHP Plan development and implementation.	❖ This part of the rule is being repealed.	➤ The department relies on technical assistance and good communication to resolve problems developing a plan.

Minnesota Department of Health
Source Water Protection
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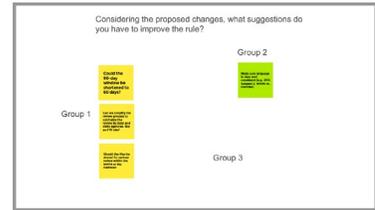
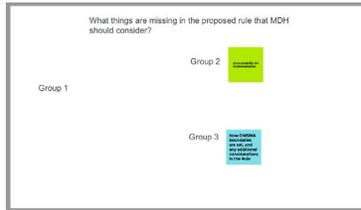
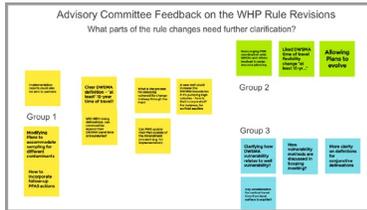
November 2022

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Advisory Committee Feedback on the WHP Rule Revisions

NOVEMBER 29, 2022

Feedback meeting notes



What parts of the rule changes need further clarification?

Group 1 – Implementation reports could also be sent to partners.

Modify Plans to accommodate sampling for different contaminants.

How to incorporate follow-up PFAS action.

Clear DWSMA definition – “at least” 10-year time of travel?

With MDH doing delineations, can communities expand their DWSMA travel time or boundaries?

What is the process for assessing vulnerability change midway through the Plan?

Can PWS update their Plan outside of the Amendment process? (e.g. for implementation)

Group 2 – Allowing Plans to evolve.

Encouraging PWS coordination with SWCDs and other involved in water resource planning.

Liked DWSMA time of travel flexibility change “at least 10-yr”

Group 3 – Clarifying how DWSMA vulnerability relates to well vulnerability?

How vulnerability methods are discussed in Scoping meeting?

More clarity on definitions for conjunctive delineations.

Any consideration for vertical travel time from land surface to aquifer?

What things are missing in the proposed rule that MOH should consider?

Group 1 – No response

Group 2 – Accountability for implementation.

Group 3 – How DWSMA boundaries are set, and any additional considerations in the Rule.

Considering the proposed changes, what suggestions do you have to improve the rule?

Group 1 – Could the 90-day window be shortened to 60 days?

Can we simplify the review process to centralize the review by local and state agencies, like an FTP site?

Should the Plan be shared for partner review within the WHPA or the DWSMA?

Group 2 – Make sure language is clear and consistent (e.g. .5110 Subpart 2, WHPA vs. DWSMA)

Group 3 – No response.

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11/29/2022

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