

1.1 **Department of Health**

1.2 **Proposed Permanent Rules Relating to Wellhead Protection**

1.3 **4720.5100 DEFINITIONS.**

1.4 Subpart 1. **Scope.** The terms used in parts 4720.5100 to ~~4720.5590~~ 4720.5580 have
1.5 the meanings given them in Minnesota Statutes, section 103I.005 and in this part.

1.6 Subp. 2. [See repealer.]

1.7 Subp. 3. **Aquifer.** "Aquifer" has the meaning given in part 4725.0100, subpart 21.

1.8 Subp. 4. [See repealer.]

1.9 Subp. 5. [See repealer.]

1.10 Subp. 6. **Commissioner.** "Commissioner" means the commissioner of health.

1.11 Subp. 7. **Community water supply.** "Community water supply" has the meaning
1.12 given to "community water system" in Code of Federal Regulations, title 40, section 141.2
1.13 (1992 and as subsequently amended).

1.14 Subp. 7a. **Community municipal water supply.** "Community municipal water supply"
1.15 means one that is owned or operated by a home rule charter city, a statutory city, a city of
1.16 the first class, and a town. For the purpose of this subpart, community municipal water
1.17 supply also includes a water user district.

1.18 Subp. 8. [See repealer.]

1.19 Subp. 9. [See repealer.]

1.20 Subp. 10. **Contamination.** "Contamination" has the meaning given in part 4725.0100,
1.21 subpart 34.

1.22 Subp. 11. **Contingency strategy.** "Contingency strategy" means ~~the part of a wellhead~~
1.23 ~~protection plan that describes~~ an organized, planned, and coordinated course of action that

2.1 identifies the location and provision of an alternate drinking water supply if the public water
2.2 supply is disrupted ~~by mechanical failure or contamination.~~

2.3 Subp. 12. **Department.** "Department" means the Minnesota Department of Health.

2.4 Subp. 13. **Drinking water supply management area or DWSMA.** "Drinking water
2.5 supply management area" or "DWSMA" means ~~the surface and subsurface area surrounding~~
2.6 ~~a public water supply well, including the wellhead protection area, that must be managed~~
2.7 ~~by the entity identified in a wellhead protection plan. The boundaries of the drinking water~~
2.8 ~~supply management area are:~~ the area that encloses one or more wellhead protection areas
2.9 that is developed or approved by the department and managed to protect a public water
2.10 supply. The boundaries of the drinking water supply management area are delineated by
2.11 identifiable surficial physical features, parcel boundary, permanent landmarks, or political
2.12 and administrative boundaries.

2.13 A. ~~center lines of highways, streets, roads, or railroad rights-of-way;~~

2.14 B. ~~section, half-section, quarter-section, quarter-quarter-section, or other fractional~~
2.15 ~~section lines of the United States public land survey;~~

2.16 C. ~~property or fence lines;~~

2.17 D. ~~the center of public drainage systems;~~

2.18 E. ~~public utility service lines; or~~

2.19 F. ~~political boundaries.~~

2.20 Subp. 14. **Drinking water supply management area vulnerability.** "Drinking water
2.21 supply management area vulnerability" means ~~an assessment of the likelihood for a potential~~
2.22 ~~contaminant source within the drinking water supply management area to contaminate a~~
2.23 ~~public water supply well based on:~~ the degree of connection between the land surface and
2.24 the aquifer on which the drinking water supply management area is based.

3.1 ~~A. the aquifer's inherent geologic sensitivity; and~~

3.2 ~~B. the chemical and isotopic composition of the groundwater.~~

3.3 Subp. 14a. **Emergency response area.** "Emergency response area" means the area
3.4 surrounding a public water supply well that represents a one-year time of travel capture
3.5 zone.

3.6 Subp. 15. **Flow boundaries.** "Flow boundaries" means hydrologic or geologic
3.7 boundaries, including:

3.8 A. the physical limits of an aquifer;

3.9 B. lakes, rivers, streams, drainage ditches, or other surface hydrologic features;

3.10 C. ~~areas~~ of contrasting geologic materials; or

3.11 D. the pumping influence of other wells.

3.12 Subp. 16. [See repealer.]

3.13 Subp. 17. **Groundwater.** "Groundwater" has the meaning given in Minnesota Statutes,
3.14 section 115.01, subdivision 6.

3.15 Subp. 17a. **Hydraulic conductivity.** "Hydraulic conductivity" means a physical
3.16 property which measures the ability of a material to transmit fluid through pore spaces and
3.17 fractures in the presence of an applied hydraulic gradient.

3.18 Subp. 18. **Hydraulic gradient.** "Hydraulic gradient" means the slope of the water
3.19 table or potentiometric surface.

3.20 Subp. 18a. **Hydrogeologic setting.** "Hydrogeologic setting" means a conceptual
3.21 assessment of the sources and sinks of groundwater in the flow system taking into account
3.22 geologic and hydraulic boundaries.

4.1 Subp. 19. **Inner wellhead management zone.** "Inner wellhead management zone"
4.2 means the land within a 200-foot radius of a public water supply well.

4.3 Subp. 20. **Isolation distance.** "Isolation distance" means the distance from a
4.4 contamination source as described in parts 4725.4450 and 4725.5850.

4.5 Subp. 20a. **Land cover.** "Land cover" means the characteristics of the land surface
4.6 usually described by thematic classes such as urban, agriculture, and forest.

4.7 Subp. 20b. **Land use.** "Land use" means the human use of land for economic,
4.8 residential, recreational, conservational, and governmental purposes.

4.9 Subp. 21. **Local unit of government.** "Local unit of government" has the meaning
4.10 given in ~~part 8405.0110, subpart 5~~ Minnesota Statutes, section 103B.305, subdivision 5.

4.11 Subp. 21a. **Multicommunity drinking water supply management**
4.12 **area.** "Multicommunity drinking water supply management area" means the combination
4.13 of two or more community municipal water supply wellhead protection areas that are
4.14 encapsulated within a single drinking water supply management area.

4.15 Subp. 21b. **Multicommunity wellhead protection plan.** "Multicommunity wellhead
4.16 protection plan" means a wellhead protection plan as defined in subpart 45 that combines
4.17 two or more community municipal water supply plans.

4.18 Subp. 22. **Municipal public water supply well.** "Municipal public water supply well"
4.19 means a public water supply well owned, managed, or operated by a municipality as defined
4.20 in Minnesota Statutes, section 103B.305, subdivision 6. For the purpose of this subpart,
4.21 municipal water supply well also includes one owned by a town or water user district.

4.22 Subp. 23. [See repealer.]

4.23 Subp. 24. [See repealer.]

5.1 Subp. 25. **Official controls.** "Official controls" has the meaning given in ~~part~~
5.2 ~~8405.0110, subpart 7~~ Minnesota Statutes, section 103B.305, subdivision 7.

5.3 Subp. 26. **Potential contaminant source.** "Potential contaminant source" means any
5.4 human-related activity that includes all point and nonpoint sources of pollution as defined
5.5 in Minnesota Statutes, section 103F.711, subdivision 6, that presents a risk to groundwater
5.6 quality.

5.7 Subp. 27. **Public water supplier or supplier.** "Public water supplier" or "supplier"
5.8 has the meaning given to "supplier of water" in Code of Federal Regulations, title 40, section
5.9 141.2 (1992 and as subsequently amended).

5.10 Subp. 28. **Public water supply or supply.** "Public water supply" or "supply" has the
5.11 meaning given to "public water system" in Code of Federal Regulations, title 40, section
5.12 141.2 (1992 and as subsequently amended).

5.13 Subp. 29. **Public water supply well.** "Public water supply well" means a well as
5.14 defined in Minnesota Statutes, section 103I.005, subdivision 21, that serves a public water
5.15 supply and is not a dewatering well or a monitoring well serving a public water supply.

5.16 Subp. 30. [See repealer.]

5.17 Subp. 31. **Pumping test.** "Pumping test" means a ~~test, as described in parts 4720.5520~~
5.18 ~~and 4720.5530, that is used to determine the aquifer transmissivity~~ field experiment in which
5.19 a well is pumped at a controlled rate and water-level response is measured in one or more
5.20 surrounding observation wells and also in the pumped well itself. Aquifer test is another
5.21 name for a pumping test.

5.22 Subp. 32. [See repealer.]

5.23 Subp. 33. [See repealer.]

6.1 Subp. 34. **Specific capacity test.** "Specific capacity test" means the productivity of
6.2 a well obtained by dividing the gallons of water pumped per unit time by the number of
6.3 feet the water level in the well is lowered due to its pumping.

6.4 Subp. 35. [See repealer.]

6.5 Subp. 36. **Time of travel.** "Time of travel" means the estimated amount of time over
6.6 which groundwater will move through a portion of an aquifer and the overlying geologic
6.7 materials to recharge a well in use.

6.8 Subp. 37. [See repealer.]

6.9 Subp. 38. [See repealer.]

6.10 Subp. 39. [See repealer.]

6.11 Subp. 40. **Watershed district.** "Watershed district" means a district established under
6.12 Minnesota Statutes, chapter 103D.

6.13 Subp. 41. **Watershed management organization.** "Watershed management
6.14 organization" has the meaning given in Minnesota Statutes, section 103B.205, subdivision
6.15 13.

6.16 Subp. 42. **Well vulnerability.** "Well vulnerability" means ~~an assessment of the~~
6.17 likelihood of contamination entering a public water supply well based on the ~~criteria~~ method
6.18 specified in part 4720.5550, subpart ~~2~~ 3.

6.19 Subp. 43. **Wellhead protection.** "Wellhead protection" means a method of preventing
6.20 well contamination by effectively managing potential contaminant sources in all or a portion
6.21 of the well's recharge area. Source water protection is synonymous with wellhead protection
6.22 for systems using groundwater as their water source.

6.23 Subp. 43a. **Wellhead protection area.** "Wellhead protection area" has the meaning
6.24 given in Minnesota Statutes, section 103I.005, subdivision 24.

7.1 Subp. 44. **Wellhead protection measure.** "Wellhead protection measure" means a
7.2 method adopted and implemented by a public water supplier to prevent contamination of a
7.3 public water supply, and approved by the department under parts 4720.5110 to ~~4720.5590~~
7.4 4720.5580. Other words used in wellhead protection plans that are synonymous with this
7.5 term include action, activity, and management strategy.

7.6 Subp. 45. **Wellhead protection plan or plan.** "Wellhead protection plan" or "plan"
7.7 means a document that provides for the protection of a public water supply, is submitted to
7.8 the department, is implemented by the public water supplier, and complies with:

7.9 A. the wellhead protection elements specified in the 1986 amendments to the
7.10 federal Safe Drinking Water Act, United States Code, title 42, chapter 6A, subchapter XII,
7.11 part C, section 300h-7 (1986 and as subsequently amended); and

7.12 B. parts 4720.5200 to ~~4720.5290~~ 4720.5280.

7.13 Subp. 45a. **Wellhead protection plan amendment or plan amendment.** "Wellhead
7.14 protection plan amendment" or "plan amendment" means a document that revises and
7.15 updates a wellhead protection plan. An amendment is submitted to the department and is
7.16 implemented by the public water supplier.

7.17 **4720.5110 APPLICABILITY.**

7.18 Subpart 1. **Inner wellhead management zone.** A public water supplier must:

7.19 A. maintain the isolation distances for new potential contaminant sources specified
7.20 in parts 4725.4450 and 4725.5850 ~~for potential contamination sources~~ that are to be located
7.21 around the public water supply well following the schedule specified in part 4720.5120;

7.22 B. monitor potential contaminant sources that were in existence, recorded, or
7.23 authorized before May 10, 1993, and that are not in compliance with parts 4725.4450 and
7.24 4725.5850; and

8.1 C. implement wellhead protection measures for potential contaminant sources
8.2 within the inner wellhead management zone.

8.3 Subp. 2. **Wellhead protection area.** For a community municipal public water supply,
8.4 primary, or seasonal well ~~and a nontransient noncommunity public water supply well~~, the
8.5 community municipal public water supplier must:

8.6 ~~A. delineate the wellhead protection area and the drinking water supply~~
8.7 ~~management area;~~

8.8 ~~B. A.~~ A. prepare a wellhead protection plan for the drinking water supply management
8.9 area; and

8.10 ~~C. B.~~ B. implement wellhead protection measures in a wellhead protection plan ~~for~~
8.11 ~~the drinking water supply management area.~~

8.12 **4720.5115 MULTICOMMUNITY DRINKING WATER SUPPLY MANAGEMENT**
8.13 **PLAN REQUIREMENTS.**

8.14 Subpart 1. **Applicability.** To develop and implement a multicomunity drinking
8.15 water supply management area and plan, subparts 2 to 6 must be met in addition to the
8.16 wellhead protection requirements specified in parts 4720.5110 to 4720.5580.

8.17 Subp. 2. **Proposal requirements.** The wellhead protection managers for the community
8.18 municipal public water suppliers must submit a proposal in writing to the department to
8.19 develop a multicomunity drinking water supply management area and plan. The proposal
8.20 must include:

8.21 A. a list of all participating public water suppliers and contact information for
8.22 each wellhead protection manager;

8.23 B. a map of the participating public water suppliers' drinking water supply
8.24 management areas and vulnerabilities, as previously approved by the department;

9.1 C. the designated lead wellhead protection managers for the project. The individual
9.2 names, titles, and contact information must be provided to the department as part of the
9.3 proposal;

9.4 D. a letter of support from each participating wellhead protection manager; and

9.5 E. a description of the public water suppliers' capacity to develop, administer, and
9.6 coordinate plan implementation activities in the drinking water supply management area
9.7 among public water suppliers and local units of government.

9.8 Subp. 3. **Proposal review; notice.** No later than 30 days after receiving a proposal
9.9 to develop a multicomunity drinking water supply management area and plan as described
9.10 in subpart 2, the department will evaluate the merits of the proposal based on the geology,
9.11 scope, and capabilities of the community municipal public water suppliers to administer
9.12 the multicomunity plan and will notify the wellhead protection managers whether their
9.13 proposal has been approved or disapproved.

9.14 Subp. 4. **Approval to participate.** After the department approves the proposal as
9.15 described in subpart 3, each participating public water supplier must submit to the department
9.16 a resolution from their governing council or board to participate in the multicomunity
9.17 drinking water management area and plan no later than 60 days after the department's
9.18 approval.

9.19 Subp. 5. **Plan development process.** Development of a multicomunity drinking
9.20 water supply management area and plan must contain the following items:

9.21 A. designation of a lead wellhead protection manager that must coordinate with
9.22 each project participant and the department through the planning process;

9.23 B. all participating public water suppliers must continue implementing the
9.24 suppliers' existing individual wellhead protection plan until the multicomunity plan is
9.25 approved by the department;

10.1 C. to fulfill the requirement of a public information meeting, as specified in part
10.2 4720.5330, subpart 7, each participating public water supplier must:

10.3 (1) hold one public information meeting for their governing board or council
10.4 in their respective jurisdiction; and

10.5 (2) hold one joint open house meeting by all participating public water
10.6 suppliers for local resource partners regarding the development of the multicommunity
10.7 drinking water supply management area and plan; and

10.8 D. after the multicommunity plan is completed, the governing council or board
10.9 of each participating public water supplier must approve the plan before it is submitted to
10.10 the department for approval.

10.11 Subp. 6. **Plan implementation.** In addition to part 4720.5560, the following items
10.12 are specific requirements for implementing a multicommunity drinking water supply
10.13 management plan:

10.14 A. each participating public water supplier must be responsible for implementing
10.15 wellhead protection measures that occur within the supplier's jurisdiction of the
10.16 multicommunity drinking water supply management area as identified in the multicommunity
10.17 drinking water supply management plan; and

10.18 B. all participating public water suppliers must jointly meet to discuss and
10.19 coordinate plan implementation activities at a minimum of once every two years and notify
10.20 the department when the meeting is held.

10.21 **4720.5125 PRELIMINARY DELINEATION OF A WELLHEAD PROTECTION**
10.22 **AREA FOR A NEW COMMUNITY MUNICIPAL PUBLIC WATER SUPPLY WELL.**

10.23 Subpart 1. **Information needed about a new well.** When a new well is proposed, in
10.24 addition to the requirements of part 4720.0010, a community municipal public water supplier
10.25 must provide:

11.1 A. a map showing the location of the proposed well along with x-y coordinates
11.2 in latitude-longitude or UTM NAD83 datum;

11.3 B. an estimate of the projected annual demand of water supply to be met by the
11.4 new well;

11.5 C. a copy of the well construction diagram showing the proposed well construction
11.6 and the anticipated geology; and

11.7 D. plans for a pumping test of the new well, if available.

11.8 Subp. 2. **Preliminary delineation and assessment.** Based on the information provided
11.9 from subpart 1, the department shall:

11.10 A. determine a preliminary delineation of a wellhead protection area;

11.11 B. determine the impacts that existing land use and existing water use, in the
11.12 preliminary wellhead protection area, may have on the movement of contaminants to the
11.13 aquifer serving the proposed community municipal public water supply well; and

11.14 C. communicate this preliminary assessment to the department's plan review
11.15 engineer in order to assist in determining suitability of the proposed new community
11.16 municipal well site.

11.17 **4720.5130 WELLHEAD PROTECTION PLAN; ~~PRELIMINARY REQUIREMENTS;~~**
11.18 **CONTACT INFORMATION AND SCHEDULE.**

11.19 Subpart 1. [See repealer.]

11.20 Subp. 2. [See repealer.]

11.21 Subp. 2a. **Contact information.** A community municipal public water supplier must
11.22 identify one or more persons to manage and coordinate plan development and
11.23 implementation. The community municipal public water supplier must:

12.1 A. indicate the name, address, email address, and telephone number of the wellhead
 12.2 protection manager; and

12.3 B. notify the department when the plan manager changes and update the contact
 12.4 information.

12.5 Subp. 3. **Schedule.** ~~An initial~~ A wellhead protection plan must be completed and
 12.6 submitted by the community municipal public water supplier for all ~~the~~ primary and seasonal
 12.7 wells in a public water supply system within two years after:

12.8 ~~A. an additional well is connected to a municipal public water supply system; or~~

12.9 ~~B. the community municipal public water supplier receives notification from the~~
 12.10 ~~department as specified in part 4720.5550 for:~~ that a new or amended wellhead protection
 12.11 plan is needed.

12.12 ~~(1) a community well not included under item A; or~~

12.13 ~~(2) a nontransient noncommunity public water supply.~~

12.14 Subp. 4. **Additional time.** ~~In addition to the two years allowed in subpart 3, the public~~
 12.15 ~~water supplier has an additional six months to submit the plan:~~ If additional time is needed
 12.16 to complete the wellhead protection plan, the community municipal public water supplier
 12.17 must request additional time in writing.

12.18 ~~A. for each two existing or new wells, up to six wells;~~

12.19 ~~B. if the public water supply is not owned by a federal, state, or local unit of~~
 12.20 ~~government;~~

12.21 ~~C. if funds are not available to support plan development or implementation;~~

12.22 ~~D. if the wellhead protection area lies in more than two governmental jurisdictions;~~

12.23 ~~or~~

13.1 ~~E. if pumping of a well that is not a part of the water supply system influences~~
13.2 ~~the boundaries of the wellhead protection area being delineated.~~

13.3 Subp. 5. **Revocation of wellhead protection plan.** The department must revoke a
13.4 wellhead protection plan under one or more of the following circumstances:

13.5 A. the public water supplier joins with another public water supplier; and

13.6 B. community municipal wells in a DWSMA are either no longer in use or the
13.7 classification has changed to something other than primary or seasonal.

13.8 **4720.5201 DESCRIPTION OF THE AQUIFER AND THE DRINKING WATER**
13.9 **SUPPLY MANAGEMENT AREA.**

13.10 The wellhead protection plan must characterize the aquifer and describe the drinking
13.11 water supply management area with the following information:

13.12 A. a summary of the hydrogeologic setting provided by the department and a map
13.13 of the drinking water supply management area, incorporating the wellhead protection area
13.14 and the emergency response area;

13.15 B. a summary of the vulnerability assessment provided by the department and a
13.16 map of the vulnerabilities of the drinking water supply management area when more than
13.17 one vulnerability has been identified;

13.18 C. a summary of the potential contaminant source inventory with a map showing
13.19 locations;

13.20 D. the inner wellhead management zone contamination source reports provided
13.21 by the department or a summary of the reports;

13.22 E. a discussion of the information identified in the scoping notice described in
13.23 part 4720.5340; and

14.1 F. if the wellhead protection plan has an amendment, a description of any changes
14.2 and implications since the last plan approval to the:

14.3 (1) delineated wellhead protection area and drinking water supply management
14.4 area;

14.5 (2) water supply system and aquifer used;

14.6 (3) land use in the drinking water supply management area; and

14.7 (4) potential contaminant source inventory.

14.8 **4720.5230 ISSUES IDENTIFICATION AND PRIORITIZATION, PROBLEMS,**
14.9 **AND OPPORTUNITIES.**

14.10 Subpart 1. [See repealer.]

14.11 Subp. 2. **Identification.** ~~To identify water use and land use issues, problems, and~~
14.12 ~~opportunities, the public water supplier must assess~~ A wellhead protection plan must identify
14.13 issues related to the protection of the source water aquifer and well water within the drinking
14.14 water supply management area. The following factors are to be considered:

14.15 ~~A. those problems and opportunities disclosed at public meetings and in written~~
14.16 ~~comment;~~

14.17 ~~B. the data elements identified by the department in parts 4720.5310, subpart 2,~~
14.18 ~~and 4720.5340, subpart 2; and~~

14.19 ~~C. the status and adequacy of official controls, plans, and other local, state, and~~
14.20 ~~federal programs on water use and land use.~~

14.21 A. recommended measures from the inner wellhead management zone report;

14.22 B. high and medium risk potential contaminant sources;

15.1 C. water quality detections and trends for a contaminant identified in the well
15.2 water and the aquifer. A contaminant to be considered:

15.3 (1) has a maximum contaminant level (MCL) specified in Code of Federal
15.4 Regulations, title 40, part 141 (1995 and as subsequently amended); or

15.5 (2) has a health risk limit (HRL) as described in parts 4717.7810 to 4717.7900.

15.6 D. ownership of the land within a 50-foot radius around the well;

15.7 E. jurisdictional land use controls in the DWSMA;

15.8 F. adequacy and effectiveness of official controls, zoning regulations, and other
15.9 regulations used to manage potential contaminant sources with high or medium risk;

15.10 G. implications of climate change and extreme weather on the well and aquifer;

15.11 H. projected land use changes in the drinking water supply management area over
15.12 the next ten years;

15.13 I. projected changes to the aquifer in regard to water quality and water quantity
15.14 over the next ten years;

15.15 J. capabilities of the community municipal public water supplier to address water
15.16 supply disruption and security of the public water supply well;

15.17 K. financial, technical, administrative, and regulatory resources of the community
15.18 municipal public water supplier; and

15.19 L. availability of land and water resource technical and financial assistance
15.20 programs that support wellhead protection and mitigation.

15.21 Subp. 3. **Priority issues.** A wellhead protection plan must specify those issues
15.22 prioritized for implementation. The wellhead protection plan must state the method used to
15.23 prioritize issues and indicate any issues that were not given priority.

16.1 **4720.5250** ~~OBJECTIVES~~ GOALS AND PLAN OF ACTION.

16.2 Subpart 1. ~~Objectives~~ Measurable goals. A wellhead protection plan must have
16.3 measurable ~~objectives for the well and drinking water supply management area~~ goals that
16.4 address the priority issues.

16.5 Subp. 2. **Plan of action.** A wellhead protection plan must state a plan of action that
16.6 the community municipal public water supplier will undertake to achieve the goals. A plan
16.7 of action must:

16.8 A. ~~address the problems and opportunities identified in the wellhead protection~~
16.9 ~~plan~~ provide a brief description of each wellhead protection measure;

16.10 B. ~~identify and prioritize the wellhead protection measures that will be used~~
16.11 provide the cost of implementing the wellhead protection measure, when it can be estimated,
16.12 and the funding source;

16.13 C. ~~identify proposed changes in well construction, maintenance, and use~~ a time
16.14 frame for the implementation of the wellhead protection measure identified in the plan; and

16.15 D. ~~identify a time frame for the implementation of the action identified in the~~ for
16.16 an amendment, describe the changes in the goals and plan of action from the last approved
16.17 plan.

16.18 Subp. 3. [See repealer.]

16.19 Subp. 4. [See repealer.]

16.20 **4720.5260** COOPERATIVE EFFORTS.

16.21 A wellhead protection plan must describe those existing or proposed plans or programs
16.22 of local units of governments, state and federal agencies, or nongovernmental units that
16.23 address the priority issues determined in part 4720.5230.

17.1 **4720.5280 ALTERNATE WATER SUPPLY; CONTINGENCY STRATEGY FOR**
17.2 **EMERGENCY WATER SUPPLY.**

17.3 Subpart 1. **Contingency strategy required.** A ~~wellhead protection plan must have a~~
17.4 ~~contingency strategy that addresses~~ must:

17.5 A. address disruptions of the water supply caused by contamination, natural
17.6 hazards, malevolent acts, or mechanical failures of the public water supply system; and

17.7 B. be a stand-alone document or part of a local, state, or federally recognized plan
17.8 that includes the requirements of subpart 2.

17.9 Subp. 2. **Requirements.** The contingency strategy must:

17.10 A. ~~identify the water supply replacement alternatives, including the location of~~
17.11 ~~the replacement supply that will be available during a disruption~~ describe the main
17.12 components of the community municipal public water supply system;

17.13 B. ~~be based on:~~ identify alternative drinking water sources and the source location
17.14 in case of disruption;

17.15 (1) ~~the location and capacity of individual wells and storage tanks;~~

17.16 (2) ~~the location, type, and capacity of the water treatment facility;~~

17.17 (3) ~~the location and capacity of major distribution lines; and~~

17.18 (4) ~~the location of key points for isolating parts of the water supply system;~~

17.19 C. ~~be based on water use and demand~~ identify emergency personnel, equipment,
17.20 material, and services;

17.21 D. ~~prioritize water uses and demands into low, medium, and high categories~~ have
17.22 a procedure to inform the public of the response actions to be taken; and

17.23 E. ~~have:~~

- 18.1 ~~(1) the response coordinator's name, telephone number, address, and response~~
18.2 ~~assignments;~~
- 18.3 ~~(2) the names, addresses, telephone numbers, and response assignments of~~
18.4 ~~personnel for public health, water supply operations, and public relations;~~
- 18.5 ~~(3) an alternate for each of the individuals identified in subitems (1) and (2);~~
- 18.6 ~~(4) a list of services, equipment, and supplies available to respond to a~~
18.7 ~~disruption;~~
- 18.8 ~~(5) a list of services, equipment, and supplies not available but needed to~~
18.9 ~~respond to a disruption; and~~
- 18.10 ~~(6) a plan of action and time frame for obtaining the services, equipment, and~~
18.11 ~~supplies identified in subitem (5);~~
- 18.12 F. ~~have a procedure to:~~
- 18.13 ~~(1) identify the disruption;~~
- 18.14 ~~(2) notify response personnel;~~
- 18.15 ~~(3) identify incident direction and control;~~
- 18.16 ~~(4) identify internal communication;~~
- 18.17 ~~(5) inform the public;~~
- 18.18 ~~(6) assess the incident on a continual basis;~~
- 18.19 ~~(7) assess a contamination disruption;~~
- 18.20 ~~(8) assess a mechanical disruption;~~
- 18.21 ~~(9) provide an alternative water supply; and~~
- 18.22 ~~(10) impose water use restrictions; and~~

19.1 ~~G. E.~~ identify ways to reduce the vulnerability of the water supply system to
19.2 disruption and to improve the community's response capabilities.

19.3 **4720.5310 FIRST SCOPING MEETING PROCEDURES.**

19.4 Subpart 1. **Scoping meeting; delineation and vulnerability assessments.** If required
19.5 by the department, a community municipal public water supplier and the department shall
19.6 ~~meet~~ have a scoping meeting to discuss the data elements specified in part 4720.5400 that
19.7 ~~the department determines must be contained in the wellhead protection plan and be used~~
19.8 ~~to:~~

19.9 A. the methods and criteria the department must use to delineate the wellhead
19.10 protection area and the drinking water supply management area; and

19.11 B. the methods the department must use to assess the vulnerability of the well and
19.12 the drinking water supply management area; and

19.13 C. the information that the community municipal public water supplier must
19.14 provide the department, if available, regarding:

19.15 (1) existing pumping test data, including specific capacity test information,
19.16 for their wells;

19.17 (2) the volume of water that has been used in the past five years and projected
19.18 amounts to be used over the next five years;

19.19 (3) well construction and maintenance records;

19.20 (4) existing or future water use conflicts and well interference problems in
19.21 the area; and

19.22 (5) nonregulatory water quality data collected by the public water supplier
19.23 from the community municipal public water supply wells.

20.1 Subp. 2. ~~Scoping decision; notice~~ Meeting summary letter. ~~No later than~~ Within
20.2 30 days After of the scoping meeting specified in subpart 1, the department ~~shall~~ must notify
20.3 the community municipal public water supplier in writing of the ~~data elements specified in~~
20.4 ~~part 4720.5400 that must be:~~ information identified at the scoping meeting that the community
20.5 municipal public water supplier must provide the department.

20.6 ~~A. used to perform the delineation and vulnerability assessments;~~

20.7 ~~B. contained in the wellhead protection plan; and~~

20.8 ~~C. submitted to the department.~~

20.9 **4720.5330 DELINEATION AND, VULNERABILITY ASSESSMENT, AND**
20.10 **POTENTIAL CONTAMINANT SOURCE INVENTORY REVIEW; PROCEDURES.**

20.11 Subpart 1. ~~Delineation and, vulnerability assessment; submittal, and potential~~
20.12 contaminant source inventory. ~~Before the remaining portion of the wellhead protection~~
20.13 ~~plan is prepared, a public water supplier must submit to~~ The department must provide a
20.14 community municipal public water supplier:

20.15 ~~A. the maps and documentation required in part 4720.5205~~ a map showing the
20.16 boundaries of the emergency response area, the wellhead protection area, and the drinking
20.17 water supply management area;

20.18 ~~B. the vulnerability assessment required in part 4720.5210~~ a description of the
20.19 hydrogeologic setting;

20.20 ~~C. information regarding the delineation method upon request; and~~

20.21 ~~C. D. the data elements required under part 4720.5310, subpart 2.~~ when there is
20.22 more than one vulnerability, a written description of the vulnerability assessment and a map
20.23 showing the vulnerability throughout the drinking water supply management area; and

21.1 E. an inventory of potential contaminant sources that are in the drinking water
21.2 supply management area and rank the risk to the community municipal public water supply
21.3 well based on the criteria specified in part 4720.5553.

21.4 Subp. 2. [See repealer.]

21.5 Subp. 3. [See repealer.]

21.6 Subp. 4. [See repealer.]

21.7 Subp. 5. [See repealer.]

21.8 Subp. 6. [See repealer.]

21.9 Subp. 6a. **Community municipal public water supplier comments.** Within 60 days
21.10 after the department provides the information specified in subpart 1, the community municipal
21.11 public water supplier must review and provide written comments regarding changes to the
21.12 delineation, vulnerability assessment, and potential contaminant source inventory or state
21.13 that the supplier has no comments or requested changes. The department must notify the
21.14 community municipal public water supplier in writing of any changes made or reasons
21.15 changes were not made based on specified wellhead protection rule requirements.

21.16 Subp. 6b. **Access to local units of government, state, and federal agencies.** The
21.17 department must provide access to a copy of the wellhead protection area delineation, the
21.18 drinking water supply management area boundary, the vulnerability assessment, and potential
21.19 contaminant source inventory to:

21.20 A. local units of government and Tribal Nations wholly or partly within the
21.21 drinking water supply management area;

21.22 B. watershed districts and watershed management organizations wholly or partly
21.23 within the wellhead protection area;

21.24 C. the Minnesota Department of Agriculture;

- 22.1 D. the Minnesota Department of Natural Resources;
 22.2 E. the Minnesota Pollution Control Agency;
 22.3 F. the Metropolitan Council;
 22.4 G. the Board of Water and Soil Resources;
 22.5 H. the Minnesota Department of Transportation; and
 22.6 I. any other state or federal agency that the community municipal public water
 22.7 supplier and the department determine could assist with the development of the wellhead
 22.8 protection plan in part 4720.5130.

22.9 Subp. 7. **Public information meeting.** Within 60 days of the receipt of the notice of
 22.10 ~~approval completion~~ from the department, a public water supplier must hold one public
 22.11 information meeting for the general public, local units of government, and Tribal nations
 22.12 wholly or partially in the DWSMA about the ~~approved~~:

- 22.13 A. wellhead protection area delineation;
 22.14 B. drinking water supply management area boundary; ~~and~~
 22.15 C. vulnerability assessments; and
 22.16 D. potential contaminant inventory.

22.17 **4720.5340 SECOND SCOPING MEETING PROCEDURES.**

22.18 Subpart 1. **Scoping meeting; ~~remaining portion of wellhead protection plan.~~** A
 22.19 community municipal public water supplier and the department shall ~~meet~~ have a scoping
 22.20 meeting to discuss the data elements specified in part 4720.5400 that the department
 22.21 determines must be contained in the wellhead protection plan and used to prepare the
 22.22 remaining portion of the wellhead protection plan.

23.1 A. the required content of a wellhead protection plan as specified in parts
 23.2 4720.5201 to 4720.5280 and additional information as specified in part 4720.5400; and

23.3 B. the work plan for developing the wellhead protection plan within the time
 23.4 schedule as specified in part 4720.5130.

23.5 Subp. 2. **Scoping decision; notice.** ~~No later than~~ Within 30 days after the scoping
 23.6 meeting specified in subpart 1, the department shall notify the community municipal public
 23.7 water supplier in writing of the data elements specified in part 4720.5400 that must be:
 23.8 results of the meeting and the required content of the plan and additional information that
 23.9 must be used to prepare the wellhead protection plan.

23.10 ~~A. used to prepare the remaining portion of the wellhead protection plan;~~

23.11 ~~B. contained in the wellhead protection plan; and~~

23.12 ~~C. submitted to the department.~~

23.13 **4720.5350 LOCAL REVIEW; PUBLIC HEARING APPROVAL.**

23.14 Subpart 1. **Submittal to local units of government, state, federal agencies, and**
 23.15 **Tribal Nations.** The community municipal public water supplier must submit a copy of
 23.16 ~~the remaining portion of the wellhead protection plan to~~ the department and:

23.17 A. local units of government and Tribal Nations wholly or partly within the
 23.18 ~~wellhead protection~~ drinking water supply management area;

23.19 B. the ~~regional development commission, if any~~ Metropolitan Council, when
 23.20 applicable; and

23.21 C. watershed districts and watershed management organizations wholly or partly
 23.22 within the ~~wellhead protection~~ drinking water supply management area.;

23.23 D. the Minnesota Department of Agriculture;

- 24.1 E. the Minnesota Department of Natural Resources;
24.2 F. the Minnesota Pollution Control Agency;
24.3 G. the Board of Water and Soil Resources;
24.4 H. the Minnesota Department of Transportation; and
24.5 I. any other state or federal agency that the community municipal public water
24.6 supplier and the department determine could assist with the review of the wellhead protection
24.7 plan in part 4720.5130.

24.8 Subp. 2. ~~Local~~ **Wellhead protection plan review.** A community municipal public
24.9 water supplier must allow 60 days for the governmental units identified in subpart 1 to
24.10 comment in writing on the ~~remaining portion of the~~ wellhead protection plan.

24.11 Subp. 3. **Comments; consideration.** A community municipal public water supplier
24.12 must consider any comments ~~of a local unit of government, regional development~~
24.13 ~~commission, watershed district, or water management organization, if any, that:~~ of the
24.14 agencies listed in subpart 1 in finalizing the wellhead protection plan.

24.15 ~~A. identify and describe any conflict the commenting party has with the plan,~~
24.16 ~~when the conflict is not already identified in the remaining portion of the wellhead protection~~
24.17 ~~plan; and~~

24.18 ~~B. state the commenting party's position on a conflict identified by the public~~
24.19 ~~water supplier for consideration by the department during the department's review of the~~
24.20 ~~plan.~~

24.21 Subp. 4. [See repealer.]

24.22 Subp. 5. **Approval of wellhead protection plan.** The community municipal public
24.23 water supplier governing council or board must approve the wellhead protection plan before
24.24 it is submitted to the department.

25.1 **4720.5360 DEPARTMENTAL REVIEW; REMAINING PORTION OF WELLHEAD**
25.2 **PROTECTION PLAN.**

25.3 Subpart 1. **Submittal to department.** ~~After conducting a public hearing,~~ A community
25.4 municipal public water supplier must submit to the department six copies of the final wellhead
25.5 protection plan in part 4720.5130 in digital format and:

25.6 A. ~~the remaining portion of the wellhead protection plan, including the data~~
25.7 ~~elements to be submitted to the department as specified in part 4720.5340, subpart 2~~ a copy
25.8 of all written comments received on the draft plan;

25.9 B. ~~written comments received on the entire plan; and~~ a summary of responses to
25.10 comments, including comments not addressed and changes incorporated into the plan as a
25.11 result of the review process; and

25.12 C. ~~a summary of changes made to the entire plan as a result of the local review~~
25.13 ~~process~~ documentation of the wellhead protection plan approval by the governing board or
25.14 council as described in part 4720.5350, subpart 5.

25.15 Subp. 2. [See repealer.]

25.16 Subp. 3. [See repealer.]

25.17 Subp. 4. **Review; notice; resubmittal.** ~~No later than 90~~ Within 60 days after a
25.18 community municipal public water supplier files submits the remaining portion of a wellhead
25.19 protection plan, the department shall approve or disapprove the remaining portion of the
25.20 wellhead protection plan based on the criteria specified in part 4720.5555, and shall provide
25.21 the community municipal public water supplier notice of approval or disapproval of the
25.22 wellhead protection plan.

25.23 A. If the ~~remaining portion of a wellhead protection plan is disapproved,~~ the
25.24 department shall, as part of its notice of disapproval, provide the community municipal
25.25 public water supplier with:

26.1 (1) a written statement that identifies those portions of the disapproved
 26.2 wellhead protection plan that require revision; and

26.3 (2) the reasons for disapproval.

26.4 B. A community municipal public water supplier must revise a disapproved
 26.5 wellhead protection plan and submit the revision to the department within ~~120~~ 60 days after
 26.6 receiving notice of disapproval.

26.7 C. On receipt of a revised plan, the department shall follow the same review
 26.8 process as for an originally submitted wellhead protection plan.

26.9 **4720.5400 ~~DATA ELEMENTS~~ REQUIRED ADDITIONAL INFORMATION.**

26.10 Subpart 1. **Selection.** The department shall select ~~data elements~~ additional information
 26.11 to be used in a wellhead protection plan in accordance with ~~parts 4720.5310 and part~~
 26.12 4720.5340 based on the hydrogeological setting and vulnerability of the well and the drinking
 26.13 water supply management area ~~known at both the time the scoping meeting is held and the~~
 26.14 ~~scoping decision notice is mailed.~~

26.15 Subp. 2. **Physical environment land and water use management.** The department
 26.16 shall select ~~data elements~~ information about the physical environment for land and water
 26.17 use management from the areas described in items A to ~~D~~ B.

26.18 A. Information about ~~precipitation~~ the physical environment must ~~include~~ contain:

26.19 (1) ~~an existing map or list of local precipitation gaging stations~~ a land use
 26.20 land cover map; and

26.21 (2) surface water resources comprising wetlands, lakes, and streams; and

26.22 (2) ~~(3) an existing table showing the average monthly and annual precipitation~~
 26.23 ~~in inches for the preceding five years~~ areas of extractive mining.

26.24 B. ~~Information about the geology of the area must include:~~

27.1 ~~(1) an existing geologic map and a description of the geology, including~~
27.2 ~~aquifers, confining layers, recharge areas, discharge areas, sensitive areas as defined in~~
27.3 ~~Minnesota Statutes, section 103H.005, subdivision 13, and groundwater flow characteristics;~~

27.4 ~~(2) existing records of the geologic materials penetrated by wells, borings,~~
27.5 ~~exploration test holes, or excavations, including those submitted to the department;~~

27.6 ~~(3) existing borehole geophysical records from wells, borings, and exploration~~
27.7 ~~test holes; and~~

27.8 ~~(4) existing surface geophysical studies.~~

27.9 ~~C. Information about the soil conditions must include:~~

27.10 ~~(1) existing maps of the soils and a description of soil infiltration~~
27.11 ~~characteristics; and~~

27.12 ~~(2) a description or an existing map of known eroding lands that are causing~~
27.13 ~~sedimentation problems.~~

27.14 ~~D. Information about water resources must include:~~

27.15 ~~(1) an existing map of the boundaries and flow directions of major watershed~~
27.16 ~~units and minor watershed units;~~

27.17 ~~(2) an existing map and a list of public waters as defined in Minnesota~~
27.18 ~~Statutes, section 103G.005, subdivision 15, and public drainage ditches;~~

27.19 ~~(3) the shoreland classifications of the public waters listed under subitem (2),~~
27.20 ~~pursuant to part 6120.3000 and Minnesota Statutes, sections 103F.201 to 103F.221;~~

27.21 ~~(4) an existing map of wetlands regulated under chapter 8420 and Minnesota~~
27.22 ~~Statutes, sections 103G.221 to 103G.2373; and~~

28.1 ~~(5) an existing map showing those areas delineated as floodplain by existing~~
28.2 ~~local ordinances.~~

28.3 B. Information about local government land use controls, state and federal water
28.4 and land resource programs, and pollution control programs, containing:

28.5 (1) comprehensive plans and maps;

28.6 (2) zoning ordinances and zoning maps;

28.7 (3) floodplain ordinances and floodplain maps;

28.8 (4) shoreland ordinances;

28.9 (5) technical assistance and cost-sharing programs of soil and water
28.10 conservation districts, watershed districts, and watershed management organizations;

28.11 (6) conservation easement programs;

28.12 (7) mitigation level designation of the drinking water supply management
28.13 area as identified in part 1573.0040; and

28.14 (8) comprehensive watershed management planning as described in Minnesota
28.15 Statutes, section 103B.801.

28.16 Subp. 3. [See repealer.]

28.17 Subp. 4. [See repealer.]

28.18 Subp. 5. [See repealer.]

28.19 **4720.5510 METHODS AND CRITERIA FOR WELLHEAD PROTECTION AREA**
28.20 **AND DRINKING WATER SUPPLY MANAGEMENT AREA DELINEATION.**

28.21 Subpart 1. [See repealer.]

28.22 Subp. 2. [See repealer.]

29.1 Subp. 3. [See repealer.]

29.2 Subp. 4. [See repealer.]

29.3 Subp. 5. [See repealer.]

29.4 Subp. 6. [See repealer.]

29.5 Subp. 7. **Wellhead protection area delineation method.** The department must
29.6 determine wellhead protection area boundaries using a delineation method that is most
29.7 appropriate for the hydrogeologic setting and the aquifer used by the public water supply
29.8 well. The department must maintain documentation of the following information, depending
29.9 on the delineation method:

29.10 A. a description of the hydrogeologic setting used to characterize the aquifer;

29.11 B. identification of the five delineation criteria described in subpart 8;

29.12 C. a description of the delineation method used;

29.13 D. a description of parameters used for the delineation, in addition to the
29.14 delineation criteria described in subpart 8;

29.15 E. a description of the delineation results, containing:

29.16 (1) the results of model calibrations when a groundwater flow model is used;

29.17 and

29.18 (2) a narrative describing the uncertainties related to the accuracy of the
29.19 calculated wellhead protection area; and

29.20 F. the calculations performed or, when a computer model is used, the electronic
29.21 data input and solution files.

29.22 The documentation described in this subpart must be provided to the public water supplier
29.23 upon request.

- 30.1 Subp. 8. Criteria. The department shall select a method to delineate a wellhead
30.2 protection area incorporating the following criteria:
- 30.3 A. the time of travel must be at least ten years;
- 30.4 B. the locations and potential influences of flow boundaries must be identified
30.5 using existing information and incorporated in the delineation method;
- 30.6 C. the daily volume of water pumped must be calculated for each well in the public
30.7 water supply system and:
- 30.8 (1) be determined by dividing the annual volume of water pumped by 365;
30.9 and
- 30.10 (2) be based on the greatest annual volume of water used during the previous
30.11 five years or the greatest annual volume of water projected over the next five years, whichever
30.12 is greater. Years when there are atypical volumes of water used may be excluded from the
30.13 high-five year calculation. A combined greatest annual volume of water is used where wells
30.14 are close together and in the same aquifer;
- 30.15 D. the groundwater flow field must be identified and considered for the aquifer
30.16 used by the public water supply well and:
- 30.17 (1) the ambient hydraulic gradient must be estimated using existing data that
30.18 is from a location upgradient of the public water supply well and beyond the pumping
30.19 influence of the public water supply well; and
- 30.20 (2) the method used to estimate the groundwater flow field must address
30.21 uncertainty; and
- 30.22 E. aquifer properties must include hydraulic conductivity, aquifer thickness, and
30.23 effective porosity.

31.1 Subp. 9. **Drinking water supply management area boundary.** The department must
31.2 delineate the boundary of a drinking water supply management area.

31.3 **4720.5550 CRITERIA METHOD FOR ASSESSING WELL VULNERABILITY.**

31.4 Subpart 1. **Department determination.** The department shall ~~use the criteria specified~~
31.5 ~~in this part to assign priority and notify a public water supplier in writing that a wellhead~~
31.6 ~~protection plan must be prepared for an existing well~~ assess each public water supply well
31.7 vulnerability.

31.8 Subp. 2. [See repealer.]

31.9 Subp. 3. **Well vulnerability determination.** The department must determine a well
31.10 to be vulnerable or not vulnerable based on the weight of evidence of:

31.11 A. water chemistry and isotopic data;

31.12 B. geologic sensitivity near the well; and

31.13 C. well construction.

31.14 **4720.5553 METHOD FOR RANKING RISK FROM POTENTIAL CONTAMINANT**
31.15 **SOURCES.**

31.16 Subpart 1. **Ranking value.** Potential contaminant sources inventoried in a drinking
31.17 water supply management area must be ranked as presenting a high, medium, or low risk
31.18 to public health.

31.19 Subp. 2. **Ranking criteria.** The following factors must be considered in ranking the
31.20 risk of a potential contaminant source:

31.21 A. the vulnerability of the drinking water supply management area;

31.22 B. the vulnerability and physical integrity of each community municipal public
31.23 water supply well;

- 32.1 C. the land cover characteristics of the drinking water supply management area;
- 32.2 D. the location of each potential contaminant source in relation to:
- 32.3 (1) the public water supply well;
- 32.4 (2) the inner wellhead management zone;
- 32.5 (3) the emergency response area; and
- 32.6 (4) the wellhead protection area;
- 32.7 E. the status and history of the potential contaminant source;
- 32.8 F. the risk mitigation; and
- 32.9 G. the contaminant release history; and
- 32.10 H. the ability of the geologic materials or geochemical conditions found between
- 32.11 the potential contaminant source and the open interval of the well to reduce the concentration
- 32.12 of contaminants below the levels of concern.

32.13 **4720.5555 CRITERIA FOR PLAN REVIEW.**

32.14 The department must review a wellhead protection plan for compliance with parts

32.15 4720.5100 to 4720.5580.

32.16 Subpart 1. [See repealer.]

32.17 Subp. 2. [See repealer.]

32.18 **4720.5560 IMPLEMENTATION OF APPROVED WELLHEAD PROTECTION**

32.19 **PLAN.**

32.20 Subpart 1. **Wellhead protection plan implementation.** A community municipal

32.21 public water supplier must begin implementation of a wellhead protection plan no later than

32.22 within 60 days after the public water supplier has received receiving department approval

32.23 of the plan or amendments to the extension of the nonvulnerable plan. If wellhead protection

33.1 measures cannot be completed, the community municipal public water supplier must
33.2 document:

33.3 A. the barriers to implementation; and

33.4 B. other actions taken, other than the stated wellhead protection measures, that
33.5 achieved the goals of the plan of action.

33.6 Subp. 2. [See repealer.]

33.7 Subp. 3. **Plan implementation report.** The community municipal public water supplier
33.8 must report implementation activities to the department at least every four years and at the
33.9 beginning of the process as specified in part 4720.5570, subparts 1 and 5.

33.10 **4720.5570 AMENDMENTS AND EXTENSIONS TO WELLHEAD PROTECTION**
33.11 **PLAN.**

33.12 Subpart 1. **Amendments required.** A community municipal public water supplier
33.13 must review and amend a wellhead protection plan:

33.14 A. if a well is added to the community municipal public water supply system;
33.15 where:

33.16 (1) the new well is in an existing drinking water supply management area
33.17 and the drinking water supply management area vulnerability is changing from nonvulnerable
33.18 to vulnerable; or

33.19 (2) the new well is outside the existing drinking water supply management
33.20 area and the well is determined to be vulnerable;

33.21 B. ~~if the boundaries of a wellhead protection area being delineated overlaps the~~
33.22 ~~boundaries of a department approved wellhead protection area of another public water~~
33.23 ~~supply system~~ if a contaminant is released or detected in a public water supplier's source

34.1 of drinking water and is substantiated by the department as presenting a potential public
34.2 health concern; or

34.3 C. every ten years from the date of the last approval of a plan by the department.

34.4 Subp. 2. **Amendment procedure.** Amendments to a wellhead protection plan must
34.5 be developed ~~and reviewed~~ in the same manner specified in parts ~~4720.5300~~ 4720.5310 to
34.6 ~~4720.5360 for an initial wellhead protection plan.~~

34.7 Subp. 3. **Amendment timing.** The process of amending a wellhead protection plan
34.8 in compliance with subpart 1, item C, must:

34.9 A. begin eight years after the date of the last approval of a plan by the department;
34.10 and

34.11 B. if additional time is needed to complete the wellhead protection plan, the public
34.12 water supplier must request additional time in writing.

34.13 Subp. 4. **Amendment ~~criteria~~ content.** Amendments to a wellhead protection plan
34.14 must comply with parts ~~4720.5200~~ 4720.5201 to ~~4720.5290~~ and 4720.5500 to 4720.5540
34.15 4720.5280.

34.16 Subp. 5. **Wellhead protection plan extensions.** The department must allow a
34.17 community municipal public water supplier to continue implementing an existing plan for
34.18 an additional ten years from the last approval date if:

34.19 A. the drinking water supply management area continues to be nonvulnerable;

34.20 B. there is no change in status of the community municipal public water supply
34.21 wells;

34.22 C. the wellhead protection plan has not been previously extended; and

34.23 D. the water supply contingency strategy is up to date.

35.1 **4720.5580 VARIANCE PROCEDURES.**

35.2 The commissioner shall grant a variance to parts ~~4720.5200~~ 4720.5201 to 4720.5570
35.3 only according to the procedures and criteria in parts 4717.7000 to 4717.7050.

35.4 **REPEALER.** Minnesota Rules, parts 4720.5100, subparts 2, 4, 5, 8, 9, 16, 23, 24, 30, 32,
35.5 33, 35, 37, 38, and 39; 4720.5120; 4720.5130, subparts 1 and 2; 4720.5200; 4720.5205;
35.6 4720.5210; 4720.5220; 4720.5230, subpart 1; 4720.5240; 4720.5250, subparts 3 and 4;
35.7 4720.5270; 4720.5290; 4720.5300; 4720.5320; 4720.5330, subparts 2, 3, 4, 5, and 6;
35.8 4720.5350, subpart 4; 4720.5360, subparts 2 and 3; 4720.5400, subparts 3, 4, and 5;
35.9 4720.5500; 4720.5510, subparts 1, 2, 3, 4, 5, and 6; 4720.5520; 4720.5530; 4720.5540;
35.10 4720.5550, subpart 2; 4720.5555, subparts 1 and 2; 4720.5560, subpart 2; and 4720.5590,
35.11 are repealed.