

Wellhead Protection Rule Revision Advisory Committee Virtual Meeting Notes and Advice – December 16, 2024

Committee Members Present

Jay Ackerman, Anita Anderson, James Backstrom, Wayne Cymbulak, Robyn Hoerr, Kyle Jacobson (MDH), Mark Janovec, Craig Johnson, Dominic Jones, Lindsey Krumrie, Ed Lenz, Brian Martinson, Lanya Ross, Luke Stuewe, Rick Whalen.

Others Present

Trent Farnum, Debby Sellin-Beckerleg, Amanda Strommer, Mark Wettlaufer, Trudi Witkowski, John Woodside

Meeting

- 1) Mark welcomed everyone and gave a summary of the purpose of the committee. Mark updated the committee on changes to the committee and new members. Michelle Stockness, Executive Director for the Freshwater Society and Lanya Ross, Met Council is in a new position and now officially noted as a member of the Advisory Committee. Jen Cader, Met Council is out on leave but will be back soon.
- 2) Rule Making Progress: Mark presented a Rulemaking Progress Chart (See attached: WHP Adv Committee _ Rule Changes Summary; Slide # 3). Mark wanted to show our members how we have been progressing in the rule adoption process and the next steps in adopting the rules. The goal is to have something in place early 2027.
 - ⊖ Lanya talked about MET Council is trying to update the local planning assistance and guidance to the metro area and is interested in sharing information with their planners. Lanya will urge planners to get back to MDH especially related to the new WHP Planning option and requirements in the rule for developing a Multi Community DWSMA and Plan.
- 3) Recap of the Rule Changes: Mark did a slide presentation highlighting the primary changes being made to the rule and the continued steps the agency will take in 2025 towards the completion of the WHP Rule revision process. (See attachment: WHP Adv Committee _ Rule Changes Summary; Slides 4-11).
- 4) After the presentation was completed, Mark offered some additional comments and items for discussion. Several advisory committee members had questions and comments. Below is a summary of the discussion that ensued:

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- What is the effective date the rule would go into effect, and what would be done for plans already being developed? Answer: Mark described that the agency hopes the rule will go into effect in February or March 2027.
- In regard to plans already being developed or will be starting to be required to be amended close to the new rule effective date, Mark commented that for WHP plans required to be amended before the rule goes into effect there may be a four to sixth month window when existing plans will be finished by consultants or delayed from starting to be fair to PWS, Consultants and the agency. This part in the rule is still being worked on. Several advisory members supported and reacted favorably to the lag time concept for both starting and completing a plan amendment and some allowance for plans close to the effective date to fall under the revised rule. Most members liked the lead time of a 2027 effective date and that it allows some lead time of the rule changes that are going into effect.
- ⊖ Mark described that he has not received a lot of comments from the advisory committee on the draft rule. Some comments offered reflected on if naturally occurring contaminants will be required to be discussed in a WHP Plan. Mark felt the primary focus in a WHP Plan should be on anthropogenic contaminants not naturally occurring ones. That said, naturally occurring ones like arsenic can be identified but there is limited things we can do to address them through wellhead protection and source water protection work since these type of contaminants are usually dealt with thru treatment processes.
- Other questions and discussion focused on the duration a WHP plan is in effect and opportunities to amend a plan at the time a significant contaminant is detected. Mark described that typically a plan is in effect for 10 years if the geology and well are considered vulnerable. WHP Plans where the geology is nonvulnerable and no changes in water use or pumping occurs may be in effect without amending up to 20 years.
- Another question in the draft rule was posed about what constituted a significant land use change in a DWSMA when a WHP Plan is being amended? Mark described that if the change has the ability to alter or impact water quality or quantity of a public water supply well(s) or aquifer in some way it should be considered. Local WHP Teams need to thoroughly consider land use changes and potential impacts.
- Other advisory committee members commented that they appreciated the work MDH and MRWA are doing in terms of work on the rule and supporting WHP work in their communities and work with Rural Water Systems.

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- Another comment was received about the work being done in the west metro and appreciated that MDH has developed and included criteria for allowing the development of a Multi Community DWSMA and Plan.

5) WHP Next Steps:

- Mark requested that any future comments on the revised WHP Rule be sent to Mark or Debby if they have things they would like to share. Mark encouraged everyone to share the revised WHP and changes being proposed with other PWS, consultants, resource partners, etc. you work with and provide feedback.
- Wellhead Protection webpage: Continue to check the website as the proposed WHP rules will be posted on the webpage. WHP Rule Website: [Wellhead Protection Rule Revision - MN Dept. of Health](#)

Meeting adjourned at 2:30 p.m.

Minnesota Department of Health
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Attachments: WHP Rule Update

December 2024

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