



WHP Rule Update

MDH WHP Rule Revision Advisory Committee
Monday, December 16, 2024
Virtual – MS Teams

Mark Wettlaufer, SWP Planning Supervisor, MDH

WHP Rule Advisory Members:

- 6 Public Water Suppliers
- 3 WHP Plan Consultants
- Local Government Entities
- SWCD representatives
- Water Resource Nonprofits
- State Agencies

Feedback / Comments:

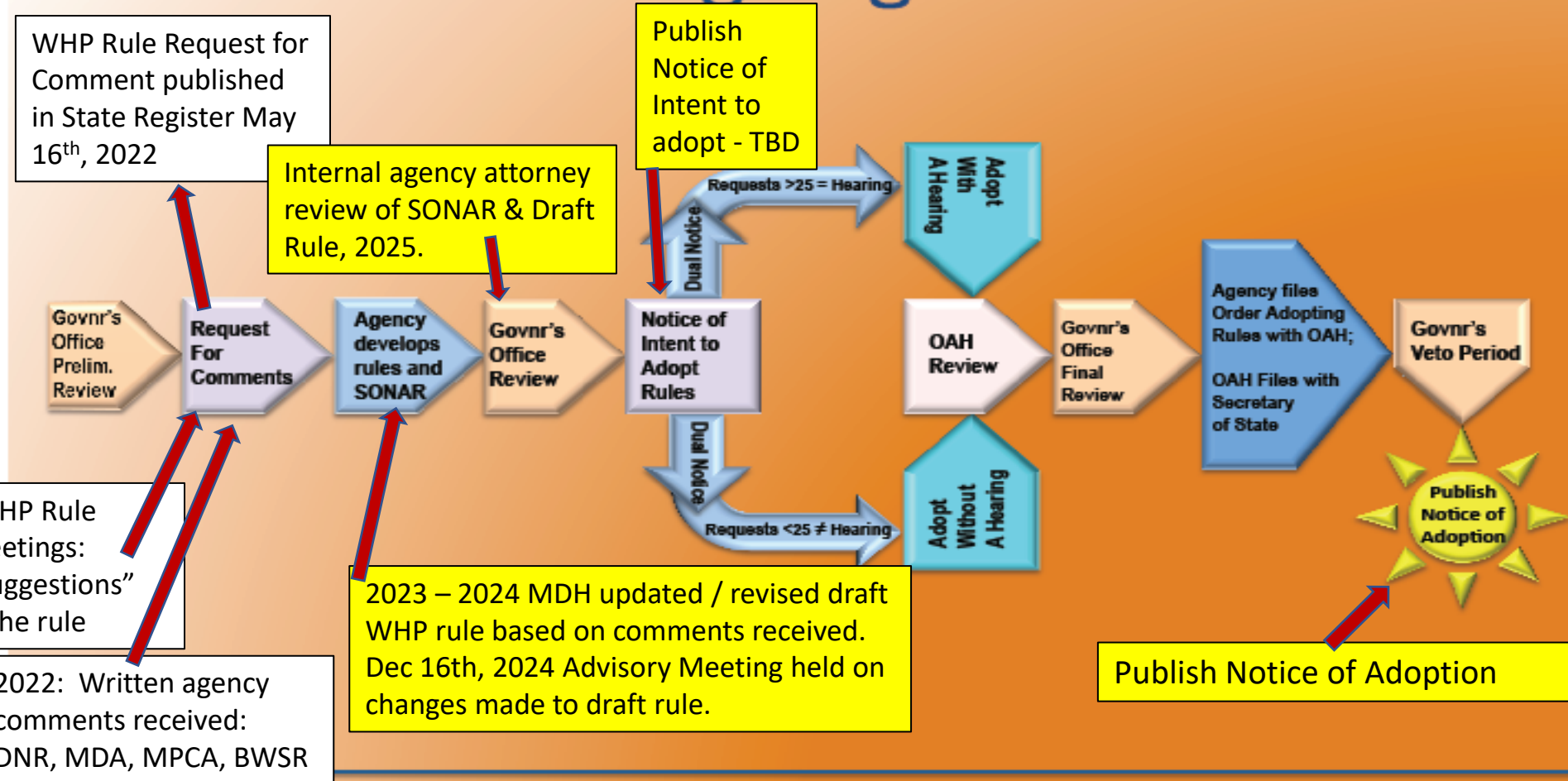
- Strong interest in the SWP Program & WHP Rule
- Questions on Rule vs. Program
- Support for MDH doing the delineations
- More to come....

Wellhead Protection Advisory Committee Members

Name of Committee Member and Organization Representing

1. Jay Ackerman, The Cove Mobile Home Park
2. James Backstrom, MDH Drinking Water Protection Noncommunity Unit
3. Marilyn Bayerl, Bayerl Water Resources
4. Doug Brands, City of Edgerton
5. LeAnn Buck, MN Association of Soil & Water Conservation Districts
6. Wayne Cymbulak, Stearns County Soil and Water Conservation
7. Ali Elhassan, Metropolitan Council
8. Annie Felix-Gerth, MN Board of Water and Soil Resources
9. John Greer, Barr Engineering
10. Robyn Hoerr, MN Rural Water Association
11. Todd Holman, The Nature Conservancy
12. Mark Janovec, StanTec
13. Craig Johnson, League of MN Cities
14. Dominic Jones, Red Rock Rural Water System
15. Jen Kader, Freshwater Society
16. Melissa King, Board of Water and Soil Resources
17. Lindsey Krumrie, MN Pollution Control
18. Brian Martinson, Association of Minnesota Counties
19. Jason Moekel, MN Department of Natural Resources
20. Steve Morse, MN Environmental Partners
21. John Paulson, City of Hutchinson, Environmental Planning
22. Wes Slagle, Townsedge Estates
23. Luke Stuewe, MN Department of Agriculture
24. Margaret Wagner, MN Department of Agriculture
25. Rick Whalen, Eden Prairie Public Works

Rulemaking Progress Chart

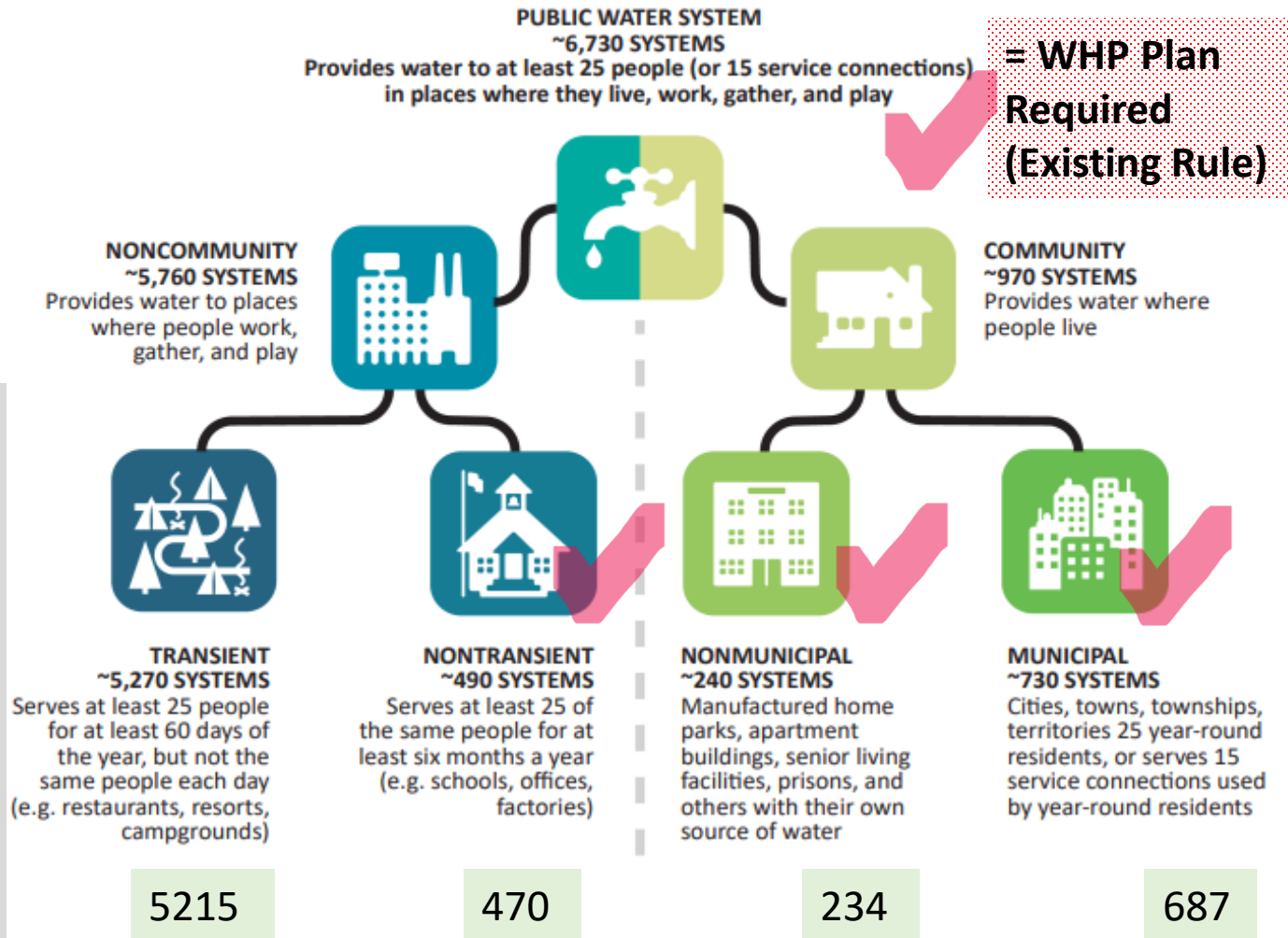


Proposed Rule Changes: Highlights

Only **Community Municipal PWS** Systems will be required to develop a rule based WHP Plan (4720.5110)

WHY???

- ✓ Set realistic WHP regulatory expectations for Community Non-Municipal and NC Non-transient PWS Systems.
- ✓ System needs & planning capacity
- ✓ No land use controls or authority outside their property boundaries.
- ✓ Prioritize WHP implementation work in the IWMZ (200') around the well. (*required* in rule)
- ✓ Address nonpoint pollution, threats of these systems through 1w1p & local plans
- ✓ Prioritize technical assistance, voluntary action plans for vulnerable systems & populations.



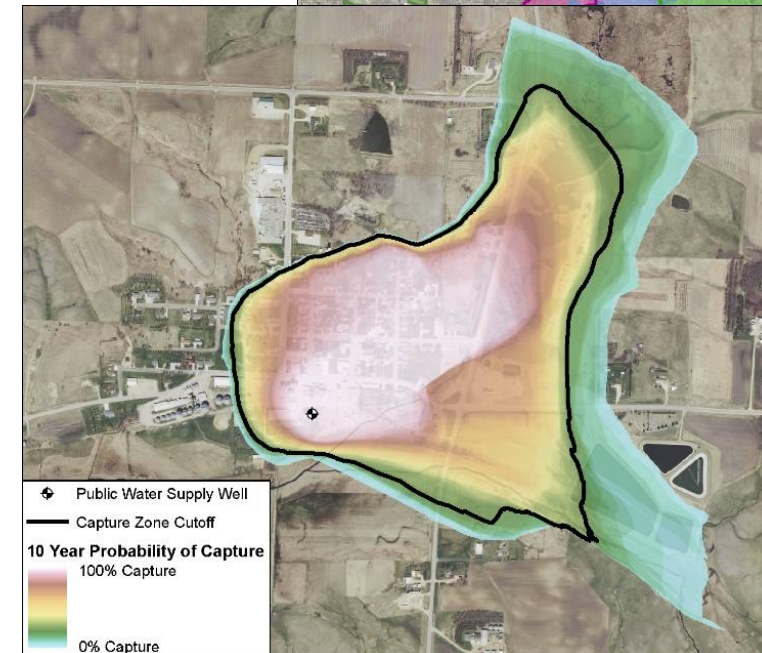
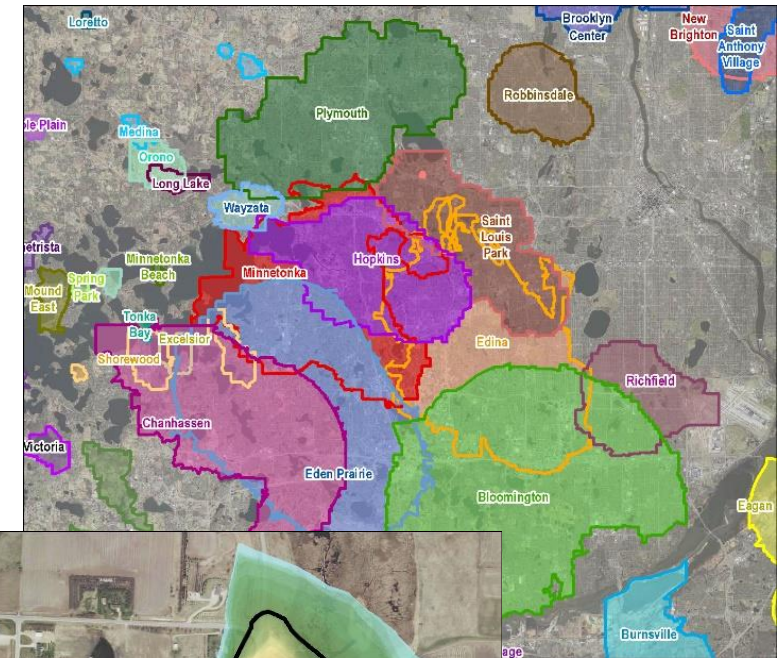
Proposed Rule Changes: Highlights

MDH will DO ALL Delineations for rule based WHP Plans. (4720.5330, 5125)

Why?

- Efficiency... MDH Access to Regional GW Models
- Consistency... Standardized, Internal approach
- Cost Savings & Equity for all PWS
- News Wells – Preliminary WHPAs – In House Models

NOTE: By rule, it remains the responsibility of the PWS to complete a WHP Plan, regardless of increased commitment on the part of the department to do the delineation.



Proposed Rule Changes: Highlights

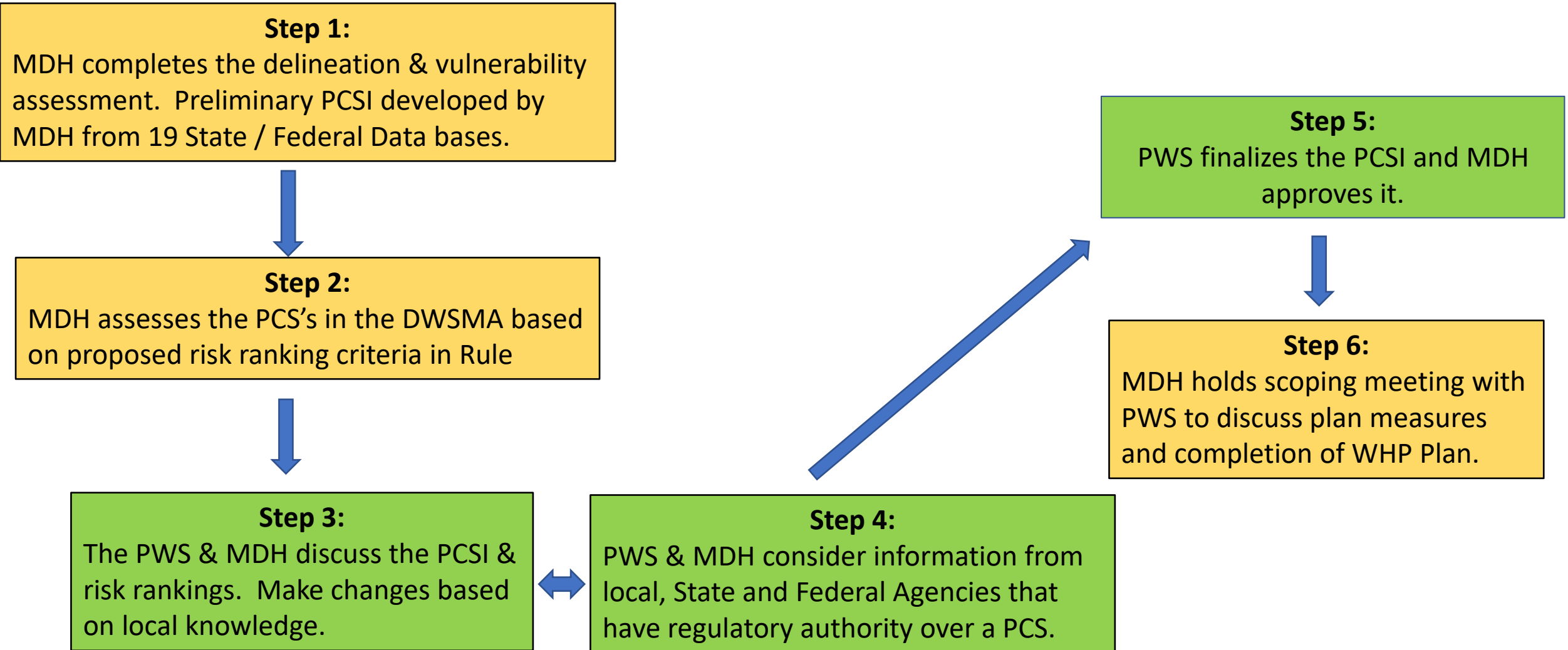
MDH will generate the preliminary Potential Contaminant Source Inventory (PCSI) after completing the preliminary delineation of the WHPA for the Municipal PWS.
Risk ranking of PCSI to be done as Part of plan development

WHY & HOW???

- ✓ Base line consistency generating a preliminary PCSI
- ✓ Do PCSI assessment earlier with hydro input.
- ✓ Share Preliminary WHPA and PCSI with PWS at the beginning of the planning process for input and changes.
- ✓ Risk ranking to be done to target “high risk threats” not focus on all PCSI, particularly in high vulnerable settings.
- ✓ More individual risk assessment in plans following criteria.



Proposed PCSI Rule Changes & Workflow



Proposed Rule Changes: Highlights

Simplified PWS requirements for the development of the remaining portions of the WHP Plan. Removed prescriptive “data elements” from the rule. *(Changed 4720.5230, 5201, 5340, etc. Repealed 4720.5400, related items)*

HOW?

- ✓ Proposed development of the plan relies more specifically on issues related to aquifer vulnerability, water quality, land use changes, prioritization of medium and high risk PCSI, implications of extreme weather, etc. in the development of management strategies.
- ✓ Applying “25 years of lessons learned” developing plans combined with MDH doing the delineations allows us to streamline the rule without losing the science still maintain the important requirements and attributes needed in a WHP Plan.



Proposed Rule Changes: Highlights

Draft rule will reduce the time needed to complete a WHP Plan. Streamlined plan development, procedural review & approval procedures. (4720.5330, 5350, 5360)

HOW?

- ✓ Reduced time to review and approve the delineated WHPA. Proposed 30 day PWS review / comment period after the department completes and submits to PWS.
- ✓ A public information meeting about the delineation, vulnerability assessment and PCSI can be held anytime during the development of the plan. (no longer within 60 days of delineation approval)
- ✓ State agency review is proposed to be combined with the 60 day local government review period, not after the final plan is submitted to MDH.
- ✓ No Public hearing requirement. Only need “approval” by the governing board or council for submittal of the final plan to the department.



Proposed Rule Changes: Highlights

Target and prioritize 10-year plan amendments for high vulnerable settings, allow longer plan duration timeframes for original or existing Nonvulnerable WHP Plans where no changes to the PWS have occurred. (4720.5570)

WHY & HOW?

- ✓ Focus WHP planning and implementation resources on high vulnerable aquifers and at-risk public water systems.
- ✓ Shift plan extensions from policy to an option under the rule. Allow for up to 20 year plan extensions for nonvulnerable WHP Plans where no new wells or changes are occurring.
- ✓ Require on-going implementation of existing nonvulnerable WHP Plans.
- ✓ Allow for a one-time extension of a plan up to 20 years.



WHP Rule Next Steps...

- Continue to take input, comments on the draft rule from PWS, Stakeholders, Advisory Committee (2024-2025)
- Internal Agency / Attorney review of SONAR and draft WHP Rule (2025)
- Publish Notice of Intent to Adopt



Questions?

WHP Rule Website:

[Wellhead Protection Rule Revision - Minnesota Department of Health \(state.mn.us\)](http://state.mn.us)

Thanks!