

Wellhead Protection Rule Revision

(Minnesota Rules, Parts 4720.5100 to 4720.5590)

RULE COMPARISON: NOVEMBER 2024

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. Some of the proposed rule changes will require the agency to provide additional support and guidance for consistent application and understanding of the requirements.

DEFINITIONS, APPLICABILITY AND PLAN DEVELOPMENT			
Rule Section (Part)	Existing Rule	Proposed Rule	Reason(s) for Change
Definitions (part 4720.5100)	✚ Definitions of the rule.	❖ 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)	✚ 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.	❖ Subpart 1 - Some grammatical changes made to better align terminology with the State Well Code.	➤ Subpart 1 - Consistency between WHP and Well Code definitions.
	✚ Subpart 2 - A delineated WHP area and plan must be completed by the public water supplier for all community and noncommunity	❖ 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 delineations for the public water supplier.	➤ Subpart 2 - Equity achieved by MDH doing all delineations for municipal PWS. Consistency and efficiency gained developing a WHP Plan.

	nontransient public water supply active wells.		➤ Targeted voluntary options for diversity of small PWS. “Best fit” approaches for small systems.
Multi-Community Drinking Water Supply Management Plan Requirements (part 4720.5115)	✚ N/A – New part.	❖ Describes requirements for developing a Multi-Community DWSMA and WHP plan. Participating PWS jointly submit proposal to MDH for approval to develop multi- community plan. PWS must follow all other WHP rule requirements as an individual system.	➤ Provide an alternative to individual plans, overlapping DWSMAs. Improve drinking water protection collaboration and implementation in neighboring communities using the same source.
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 Delineation of a Wellhead Protection Area for a New Community Municipal Public Water Supply Well (part 4720.5125)	✚ N/A – New part.	❖ 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.	➤ 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; Contact Information and Schedule (part 4720.5130)	<ul style="list-style-type: none"> ✚ Heading for this part of the rule has been modified. ✚ 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.
		❖ 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.
	✚ 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 community municipal seasonal and / or primary active 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 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.

<p>Description of the Aquifer and the Drinking Water Supply Management Area (part 4720.5201)</p>	<p>✚ N/A – New part.</p>	<p>❖ A listing of the elements that describe the protection areas, their vulnerability to contamination and the potential contamination sources on which management strategies can be developed.</p>	<p>➤ This new part provides the science-based delineation, vulnerability, aquifer and potential contaminant information needed by the PWS to develop strategies to protect the well and aquifer.</p>
<p>Wellhead Protection Area and Drinking Water Supply Management Area Delineation (part 4720.5205)</p>	<p>✚ Criteria for establishing a Wellhead Protection Area and Drinking Water Supply Management (DWSMA).</p>	<p>❖ This part of the rule is being repealed.</p>	<p>➤ This part has been revised and moved to 4720.5201.</p>
<p>Vulnerability Assessment (part 4720.5210)</p>	<p>✚ Methods, criteria for completing a vulnerability assessment of the WHPA and DWSMA.</p>	<p>❖ This part of the rule is being repealed.</p>	<p>➤ This part has been revised and moved to 4720.5201.</p>
<p>Impact of Changes on Public Water Supply Well (part 4720.5220)</p>	<p>✚ Descriptors to consider for impacts of changes to a PWS well.</p>	<p>❖ This part of the rule is being repealed.</p>	<p>➤ This part has been revised and moved to part 4720.5230.</p>
<p>Issues Identification and Prioritization, Problems and Opportunities (part 4720.5230)</p>	<p>✚ 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.</p> <p>✚ Subpart 2 – Identify water use and land use issues, problems, and opportunities. Assess problems and opportunities disclosed at public meetings, written</p>	<p>❖ “Identification and Prioritization” was inserted in heading of this part of the rule to reflect changes to the subparts.</p> <p>❖ Subpart 1 is being repealed.</p> <p>❖ Subpart 2 has been modified, combined with elements originally identified in Subpart 1 to reflect the identification of issues related to the source aquifer and well water. Consideration of public</p>	<p>➤ Remove repetition between problems and issues.</p> <p>➤ Streamline the process in this part of the rule to focus on identifying and prioritizing issues.</p> <p>➤ Request public water supplier review and comment after the completion of the draft delineation and PCSI. Comments on issues and opportunities will occur at the 60-day local</p>

	<p>comments, data elements, and status and adequacy of official controls, plans, and other programs on water and land use.</p>	<p>comments has been moved to 4720.5330 Subp. 6a.</p> <ul style="list-style-type: none"> ❖ Subpart 3 has been added to identify priority issues for implementation. 	<p>government review period identified in 4720.5350. Subpart 2.</p>
<p>Wellhead Protection Goals (part 4720.5240)</p>	<ul style="list-style-type: none"> ✚ A plan must state goals for present and future water and land use to provide a framework for determining plan objectives and related actions. 	<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.
<p>Goals and Plan of Action (part 4720.5250)</p>	<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"> ❖ Heading of this part and Subpart 1 have been modified to just requiring a plan having measurable goals that address priority issues. ❖ Subpart 2 - A plan must include a plan of action that the PWS will undertake to achieve the goals. The plan of action includes measures, costs, and time frames. For amendment, include changes from last plan. ❖ Subparts 3 and 4 are repealed. See new part 4720.5553 <u>Method for Ranking Risk from Potential Contaminant Sources.</u> 	<ul style="list-style-type: none"> ➤ 4720.5250 was revised to improve clarity, focus, and streamline planning. ➤ Include only measurable goals and developing a plan of action that reflects the measurable goals of the plan. ➤ Emphasis is given to ranking contaminant risks and better targeting of implementation activities.
<p>Cooperative Efforts (part 4720.5260)</p>	<ul style="list-style-type: none"> ✚ N/A – New part. 	<ul style="list-style-type: none"> ❖ A plan must describe existing or proposed plans or programs of local government, state and federal agencies, or nongovernmental units that address the priority issues. 	<ul style="list-style-type: none"> ➤ Intend to recognize other partners and plans that can help a PWS address the priority issues.
<p>Evaluation Program (part 4720.5270)</p>	<ul style="list-style-type: none"> ✚ This part of the rule requires the PWS to evaluate approaches, changes in the DWSMA and progress in plan implementation. 	<ul style="list-style-type: none"> ❖ This part of the rule is being repealed. Plan implementation reporting requirements was moved to part 4720.5560, Subpart 3. 	<ul style="list-style-type: none"> ➤ Streamlined and simplified plan implementation reporting under one part.

<p>Alternate Water Supply; Contingency Strategy for Emergency Water Supply (part 4720.5280)</p>	<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. 	<ul style="list-style-type: none"> ❖ 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. ❖ Subpart 2 – Lists the items the contingency strategy must include and address. 	<ul style="list-style-type: none"> ➤ 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. ➤ MDH will work with other agencies to ensure WHP contingency elements are included in their plans.
<p>Data Elements; Inclusion (part 4720.5290)</p>	<ul style="list-style-type: none"> ✚ Requires data elements to be identified in the Scoping I and Scoping II Notices for developing a WHP Plan. 	<ul style="list-style-type: none"> ❖ This part of the rule is being repealed. Scoping I and II procedures and requirements are found in 4720.5310 and 4720.5340. 	<ul style="list-style-type: none"> ➤ Checklists will be developed to guide the development of scoping notices.

PROCEDURES FOR WELLHEAD PROTECTION PLAN DEVELOPMENT AND REVIEW

Rule Section	Existing Rule	Proposed Rule	Reason(s) for Change
<p>Wellhead Protection Plan Development; Procedures (part 4720.5300)</p>	<ul style="list-style-type: none"> ✚ Lays out the administrative and notification procedures a PWS must follow in developing a plan. ✚ Requires the PWS to notify local unit of government of their intent to develop a plan and hold at least one public meeting. 	<ul style="list-style-type: none"> ❖ This part of the rule is being repealed. 	<ul style="list-style-type: none"> ➤ 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.
<p>First Scoping Meeting Procedures (part 4720.5310)</p>	<ul style="list-style-type: none"> ✚ MDH is required to hold a Scoping 1 meeting about the delineation and vulnerability assessment with the PWS and send a Scoping 1 notice. 	<ul style="list-style-type: none"> ❖ This will still be required; but the action items for the PWS will be condensed. ❖ There will be no Scoping 1 meeting/notice for an amendment if the information listed in subpart 1, item C, 	<ul style="list-style-type: none"> ➤ With MDH completing the delineation and vulnerability assessment, the focus of the scoping meeting will be on data and information the PWS can

		has already been obtained and deemed sufficient.	provide to support the department to complete them.
Aquifer Test Plan; Procedures (part 4720.5320)	<ul style="list-style-type: none"> ✚ Aquifer test plan requirements. 	<ul style="list-style-type: none"> ❖ This part of the rule is being repealed. 	<ul style="list-style-type: none"> ➤ Future aquifer test plan needs or requirements will be incorporated into WHP rule guidance.
Delineation, Vulnerability Assessment, and Potential Contaminant Source Inventory and 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 – Revised to MDH providing the PWS: a map of emergency response area, wellhead protection area, and drinking water supply management area; a description of hydrogeologic setting and a description and map of vulnerability assessment; and an inventory and risk ranking of potential contaminant sources in the DWSMA based on criteria in part 4720.5553. ❖ Previous review timeframes and notices required in Subpart 2 – 6 are being repealed since MDH will be developing the delineation, vulnerability assessment and potential contaminant source inventory (PCSI) with direct input from the PWS. ❖ New Subpart 6a specifies a 60-day review and written comment period on items provided by MDH to the PWS found in Subpart 1. MDH will notify PWS if there are any changes made based on feedback they provide. ❖ New Subpart 6b specifies that MDH must provide <u>access</u> to the delineations, vulnerability assessment and PCSI to local government, tribal nations with 	<ul style="list-style-type: none"> ➤ Consistency in WHP modeling and vulnerability assessment work in the State. With the development of regional groundwater flow models and MDH serving as a central repository for smaller-scale models used in previous WHPA delineations, the agency is in a better position to efficiently complete WHP delineation work in-house rather than requiring some public water suppliers to complete this work. MDH completing the delineation portion of the WHP planning process reduces some of the inequities related to the cost of plan development for PWSs. ➤ Improved efficiency. Less procedural time will be spent in the review and approval of WHP delineations and PCSI work.

		<p>jurisdiction in any portion of the DWSMA, as well as State and federal agencies listed.</p> <ul style="list-style-type: none"> ❖ New Subpart 7 specifies that a PWS must hold one public information meeting for the public, local governments and tribal nations with jurisdiction in any portion of the DWSMA within 60 days after completion of this part of the WHP Plan. 	
<p>Second Scoping Meeting Procedures (part 4720.5340)</p>	<ul style="list-style-type: none"> ✚ Requires MDH to hold a Scoping 2 meeting with the PWS about the data elements, contaminants, future land use changes and impacts to the well and aquifer required by the PWS to address in the development of remaining parts of the WHP Plan. 	<ul style="list-style-type: none"> ❖ Specific reference to all the data elements in Subpart 1 and 2 has been dropped. Requirements have been condensed or reframed within other parts of the rule. (See 4720.5201 – 5280 and 4720.5400). 	<ul style="list-style-type: none"> ➤ Scoping requirements have been reframed to better target the most critical items to consider in developing the remaining parts of the WHP Plan.
<p>Local 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. 	<p>Subpart 1 – Combines 60-day local government review and comment with State, Federal Agency review into one process. Previously, agency review and approval officially occurred <u>after</u> the WHP Plan has been completed under 4720.5360). Entities notified and other changes include:</p> <ul style="list-style-type: none"> ▪ Focus on entities with jurisdiction wholly or partial in the DWSMA (not WHPA). ▪ Removed notifying Regional Development Commission. ▪ Added Tribal Nations, Met Council and MN Dept. of Transportation (MNDOT) to the list of agencies notified. ▪ Notify BWSR, DNR, MDA, MPCA, and other state or federal agencies the PWS 	<ul style="list-style-type: none"> ➤ Combines local and state agency review into one comment period. ➤ Officially notify Tribal Nations, MNDOT and Met Council for review of WHP Plans during the local plan review process. ➤ Requests comments from State agencies earlier during the local WHP Plan review period rather than after local approval has occurred. ➤ Reduce the burden on a PWS for plan approval in the official publication and notification of a public hearing.

	<ul style="list-style-type: none"> ✚ Subpart 3 - PWS must consider comments. ✚ Subpart 4 - Requires official public hearing. 	<p>or MDH determine could assist review the plan.</p> <ul style="list-style-type: none"> ❖ Subpart 2 – PWS must allow for 60-day review, comment from governmental units. ❖ Subpart 3 - PWS must consider comments from the entities listed in finalizing the plan. ❖ Repealed Public Hearing requirement of Subpart 4. Added new Subpart 5 that the PWS governing council or board must approve the wellhead protection plan before submittal to MDH. 	<ul style="list-style-type: none"> ➤ Simplify local plan approval by just requiring the PWS have board or council approval of the WHP Plan.
<p>Departmental Review; 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"> ❖ Changed heading of this part of the rule to reflect only MDH review since Agency review and comment has been moved up under 4720.53650. ❖ 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. ❖ Subparts 2 and 3 regarding state agency review and comment is being repealed since their review has been moved up earlier in the process under 4720.5350. ❖ Subpart 4 – Final MDH approval has been changed from 90 days to 60 days. ❖ The time a PWS must make changes to a plan that has been disapproved by the agency has been reduced from 120 days to 60 days. (See Subpart 4, B) 	<ul style="list-style-type: none"> ➤ There will no longer be a separate state agency review during the final stage of the MDH plan approval process. State agencies will be able to review and comment on the WHP plan earlier on before it is being considered final. ➤ MDH time frame for final plan review and approval has been reduced to 60 days. ➤ PWS time for making corrections to a disapproved plan has shortened to 60 days so the time without an up-to-date approved WHP plan is reduced.

REQUIRED ADDITIONAL INFORMATION

Rule Section	Existing Rule	Proposed Rule	Reason(s) for Change
<p>Required Additional Information (part 4720.5400)</p>	<ul style="list-style-type: none"> ✚ Subpart 1 - The department shall select data elements to be used in the WHP Plan based on the hydrological setting and vulnerability of the well and DWSMA. ✚ 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"> ❖ The heading for this part of the rule changed to reflect a movement away from a more stringent data element approach to planning. ❖ Subpart 1 - The department shall select additional information to be used following 4720.5340 based on the hydrological setting, vulnerability of the well and DWSMA. ❖ Subpart 2 - The department shall select <u>additional</u> information about the physical environment for land and water use management such as land cover, surface water resources (wetlands, lakes, streams) and areas of extractive mining. Many of the data elements previously listed and considered under this subpart are identified and considered in 4720.5201 – 5280 or removed from this subpart. Also: <ul style="list-style-type: none"> ▪ Information about local government land use controls, state and federal water and land resource programs have been moved up under this part from Subpart 3. ▪ Consider the implications of a variety of drinking water related programs, practices, easements implemented thru local conservation efforts of the PWS and SWCDs. Consider MDA Mitigation designations, work (if applicable) and 	<ul style="list-style-type: none"> ➤ Improve WHP Planning through streamlined identification of pertinent information, core issues and actions to protect drinking water. ➤ Many of the prescriptive data elements in Subpart 2 -5 were considered or applied earlier on at the time the delineation and PCSI are completed, and issues considered under 4720.5230. ➤ Reduce duplication in consideration of some data considered as part of the delineation, vulnerability assessment and PCSI. ➤ Since nearly all community WHP Plans will be amendments, consider drinking water protection work already done and their implications as part of plan development and implementation of WHP going forward.

		<p>Watershed Plans as part of local drinking water implementation.</p> <ul style="list-style-type: none"> ❖ Subparts 3 – 5 are being repealed. Most water quantity and quality information identified in Subparts 4- 5 are identified and considered earlier in the plan development process and in other parts of the rule. 	
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GENERAL WELLHEAD PROTECTION REQUIREMENTS, METHODS, AND CRITERIA

Rule Section	Existing Rule	Proposed Rule	Reason(s) for Change
<p>Data Reporting Requirements (part 4720.5500)</p>	<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"> ➤ GIS data and reporting has become more standardized since the adoption of the WHP Rule in 1997. ➤ MDH is developing the first part of the plan, reducing some of the needs for specific data reporting requirements found in 4720.5500. ➤ PWS plan development and reporting criteria can be provided as guidance outside the rule.
<p>Methods and Criteria for Wellhead Protection Area and Drinking Water Supply Management Area Delineation (part 4720.5510)</p>	<ul style="list-style-type: none"> ✚ This part of the original rule provides a very detailed description of the data, criteria and techniques used to complete a WHP delineation. 	<ul style="list-style-type: none"> ❖ Subparts 1 – 6 are being repealed. ❖ Subpart 7 has been added and describes MDH will determine the WHP area and boundaries using a delineation method that is most appropriate for the hydrologic setting and aquifer used by the PWS well. MDH will maintain documentation of the delineation 	<ul style="list-style-type: none"> ➤ This part of the rule has been streamlined since MDH will be directing or completing the development of the WHP delineation, vulnerability assessment and components necessary for this part of the WHP Plan.

		<p>method, a description of the methods and calculations used as identified in items A – F.</p> <ul style="list-style-type: none"> ❖ Subpart 8 has been added and describes that MDH will select a method to delineate a WHP area that incorporates the same basic delineation criteria currently used to complete a WHP area delineation described in 4720.5510. ❖ Subpart 9 has been added stating that MDH must delineate a DWSMA boundary. ❖ Only streamlined criteria and data is listed for completing a delineation for Subparts 7 – 9 to allow for more flexibility in the delineation methods and modeling used. 	<ul style="list-style-type: none"> ➤ New criteria under Subpart 8 also addresses 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. ➤ Streamlining of this part of the rule will allow for some flexibility in the delineation and modeling techniques used and allow for new approaches to be used in the future.
<p>Pumping Test Standards for Larger Sized Water Supply Systems (part 4720.5520)</p>	<ul style="list-style-type: none"> ✚ This part of the original rule provides a very detailed description of the criteria and techniques used for completing a well pump test for 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 of the rule is no longer needed since MDH is developing the first part of the plan. MDH may provide guidance to PWS when and where it may be necessary to complete a pump test on a PWS well.
<p>Pumping Test Standards for Smaller Sized Water Supply Systems (part 4720.5530)</p>	<ul style="list-style-type: none"> ✚ Detailed description of the criteria and techniques for completing a PWS well pump test. 	<ul style="list-style-type: none"> ❖ This part of the rule is being repealed. 	<ul style="list-style-type: none"> ➤ This part of the rule is no longer needed since MDH is developing the first part of the plan. MDH may provide guidance to PWS a when and where it may be necessary to complete a pump test on a PWS well.

<p>Aquifer Test Plan Content (part 4720.5540)</p>	<p>✚ Detailed description for completion of an aquifer test plan for a PWS well.</p>	<p>❖ This part of the rule is being repealed.</p>	<p>➤ This part of the rule is no longer needed since MDH is developing the first part of the plan. MDH may provide guidance to PWS when and when it may be necessary to complete a aquifer test plan.</p>
<p>Method for Assessing Well Vulnerability (part 4720.5550)</p>	<p>✚ Describes the methods and criteria for assessing well vulnerability.</p>	<p>❖ Subpart 2 has been repealed. ❖ This part has been changed and a new Subpart 3 has been added to reflect a “weight of evidence” approach to determine how well vulnerability will be assessed.</p>	<p>➤ 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.</p>
<p>Method for Ranking Risk from Potential Contaminant Sources (part 4720.5553)</p>	<p>✚ N/A – New part.</p>	<p>❖ 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.</p>	<p>➤ Risk ranking criteria will assist the public water supplier in prioritizing and targeting management strategies to reduce risks to drinking water and public health.</p>
<p>Criteria for Plan Review (part 4720.5555)</p>	<p>✚ 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.</p>	<p>❖ 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 is found in parts 4720.5100 to 4720.5580.</p>	<p>➤ 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 as outlined in the rule.</p>

<p>Implementation of Approved Wellhead Protection Plan (part 4720.5560)</p>	<p>✚ Describes requirement for WHP implementation.</p>	<ul style="list-style-type: none"> ❖ Added language that a PWS must describe barriers to implementation; or other methods used to achieve goals identified in the plan. ❖ Repealed Subpart 2 requiring the notification to local units of plan adoption. ❖ Added language that a PWS must report plan implementation activities every 4 years to the department. 	<ul style="list-style-type: none"> ➤ 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.
<p>Amendments and Extensions to Wellhead Protection Plan (part 4720.5570)</p>	<p>✚ 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.</p>	<ul style="list-style-type: none"> ❖ Heading for this part of the rule was changed to reflect MDH use of WHP Plan extensions to nonvulnerable systems. (See last bullet below.) ❖ 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 continues to be nonvulnerable, ▪ no change in status of the existing PWS wells, and 	<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

		<ul style="list-style-type: none"> ▪ the WHP Plan has not been previously extended. 	necessary to amend all plans beginning at year eight after the last approval. This gives MDH the flexibility to focus on PWSs and WHP areas that are at the greatest risk to contaminants.
Variance Procedures (part 4720.5580)	<ul style="list-style-type: none"> ✚ Describes circumstances under which a variance from the WHP Rules shall be granted following 4717.7000 – 4720-7050 	<ul style="list-style-type: none"> ❖ No changes have been made to this part. 	➤ N/A
Informal Resolution of Disputes (part 4720.5590)	<ul style="list-style-type: none"> ✚ Describes the procedures a public water supplier may use to resolve any conflict about WHP Plan development and implementation. 	<ul style="list-style-type: none"> ❖ This part of the rule is being repealed. 	➤ The department relies on technical assistance and good communication to resolve problems developing a plan.

Note: Some of the proposed rule changes require the agency to provide additional support and guidance for consistent application and understanding of the requirements. The MDH SWP Unit is committed to providing the necessary support needed for the rule changes.

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