

Advisory Council on Wells and Borings Meeting

WELL MANAGEMENT SECTION

Date March 6, 2024

Location Hybrid Teams Meeting, Freeman Building, Room B144

Attendees **In Person:** David Duffey, David Henrich, Bruce Johnson, David Kill, Richard Lamb, Michael Liljegren, Don McKeever, Danny Nubbe, Roger Renner, Michael Steffl, Joseph Stevens

Virtually: Tannie Eshenaur, Kelly Gribauval-Hite, Melissa King, Jordan Mayer, Steven Traut

Others Present: Corrie Floyd, Kelly Medellin, Teresa Purrington

Absent: Gabriel Sweet

Call to Order

David Henrich, Chair, called the meeting to order, and asked Kelly Medellin to go through the roll call.

Approval of meeting agenda

Motion from Joe Stevens to add extending meeting times discussion to the agenda. Motion from Don McKeever to add old business and new business to meeting agendas. Motion from Bruce Johnson to add open forum to agendas.

Bruce Johnson made a motion to approve the meeting agenda for today's meeting with the additions. Joe Stevens seconded the motion. Kelly Medellin went through roll call and the motions were approved.

Approval of last meeting minutes

Mike Steffl challenged wording in the minutes under EPA Petition: "Private wells don't have the protections and older wells are vulnerable to Nitrates". Tannie Eshenaur explained what this meant. David Henrich asked if the minutes should be revised. She responded she can revise that statement.

David Kill made a motion to accept the Advisory Council minutes except for the revision from December 11, 2023. Kelly Medellin went through roll call for approval of the meeting minutes with the revision. The motion was approved.

Minnesota Department of Health (MDH) updates

Water Policy updates

Tannie Eshenaur reported that the clean water council and legislature are developing a statewide action plan. Should be out for public comment in April. She encouraged council members to comment.

Tannie Eshenaur reported on the EPA directive to the State of Minnesota. Majority of work will begin in July for the State if funding is approved. Environmental groups have asked if this is in scope and stated that

osmosis and well construction doesn't fit in that frame although most of the wells that exceed the standards for Nitrate are pre-code wells. Joe Stevens stated the council should participate. David Henrich asked which groups would appreciate the council's support. Tannie Eshenaur responded that the Clean Water Council would appreciate the support, and the Legacy Committee Chair's in the House and the Senate, would be the best to contact.

Tannie Eshenaur also reported on agency support of the EPA directive. MDH and the Department of Agriculture are leading the first and second phases. The third phase is led by the Department of Agriculture. David Kill asked what the \$6.4 million allocated to the directive is targeted for. Tannie Eshenaur reported that the EPA gave MDH seven directives and the creation of the 'Tap In Collaborative' that would be covered by the funding. Mike Liljegren asked where this stands in the legislature. Tannie responded that she hasn't seen it in a bill but it could be part of the governor's budget expected soon.

Rulemaking updates

Corrie Floyd reported on rulemaking updates on behalf of Avery Guertin, Well Management Rulemaking Coordinator. Well Management is currently in the SONAR and rule development phase of Submerged Closed Loop Heat Exchanger, and still accepting comments. Avery Guertin is monitoring the rulemaking inbox if there are questions. David Henrich asked if we're starting to develop rule language. Corrie Floyd responded Well Management is preparing to move to that phase.

WMS Staff Changes

Corrie Floyd reported on Well Management staff changes. A document was added to the packet and is on the website at <https://www.health.state.mn.us/communities/environment/water/wells/contactus.html>. We have a new unit, called the Technical Unit, with a new supervisor, John Olson. David Henrich asked about the purpose of the Technical Unit. Corrie Floyd responded they are responsible for permitting, rulemaking, variances, and coordination of delegated well programs.

Legislative Bills

Corrie Floyd facilitated discussion with members about bills that have been or may be introduced that affect wells and borings, and groundwater. He asked members to go around and report on the bill number, if known, title/topic, and a summary if known.

Tannie Eshenaur: Bill that increases fee on Nitrogen Fertilizer, that would be given to Department of Agriculture, for well mitigation in southeast counties.

Teresa Purrington: MDH doesn't have any legislative initiatives. Tracking SF 628, SF 4074, HF 4716.

Jordan Mayer: Passed.

Kelly Gribauval-Hite: SF 4327.

Melissa King: Nothing to report that involves groundwater.

Steven Traut: Passed.

Joseph Stevens: Passed.

Danny Nubbe: Passed.

David Kill: Passed.

Michael Steffl: Passed.

Don McKeever: Passed.

Roger Renner: No legislative initiatives.

Michael Liljegren: Department of Natural Resources (DNR) is looking at bill language for potential rulemaking for nonpetroleum gasses in the state, especially with the discovery of Helium.

Richard Lamb: Passed.

Bruce Johnson: Passed.

David Henrich: SF 3842 Minnesota Department of Labor and Industry (DOLI) Noncom Water Service Line. HF 3412 modifying water appropriation priorities.

David Duffey: Passed.

David Henrich asked what the council can expect from this information sharing. Corrie Floyd responded the intent was to bring awareness within the group. David Henrich stated he would like the council to be more read in these topics and this group should understand how bills affect water policy. Michael Steffl asked David Henrich to expand on the SF 3842. He responded that the work that's covered under statute would require plans to be submitted to MDH. Teresa Purrington responded this is a Drinking Water Protection (DWP) initiative and they have given their technical assistance. Teresa Purrington reiterated that the council is specifically geared to Wells and Borings, and legislative initiatives should be specific to that area.

Screen Assembly Rules workgroup

Corrie Floyd reported on the progress with the Screen Assembly Rules workgroup. He thanked Danny Nubbe and David Kill for their time and attending multiple meetings with Well Management staff. Danny Nubbe reported on their Situation, Background, Assessment, Recommendation (SBAR) analysis. He stated they were looking for a reason why the rule was enacted for screens and couldn't find anything from the history. He recommended that until we can come up with more information, we should follow the current process of submitting a variance. Corrie Floyd stated that in the code currently, that's not permitted (stated the rule verbiage). Michael Liljegren asked if MDH looked at the SONAR, it shouldn't make a difference if you are in the same aquifer. Don McKeever stated he believes that's the issue; it can be the same aquifer. Danny Nubbe responded that the top sand can be different from the bottom sand. He stated they couldn't find a case to support the reasoning. David Henrich stated this shouldn't be included in SCLHE rules, but in construction rules as this is a greater issue as a well construction practice. Tannie Eshenaur responded that it's not random in the code, we need to research the change to see if there's some discovery in science and technology. David Henrich asked if the workgroup could dig a little deeper on this topic. The workgroup agreed to continue to research this topic and the council would discuss at the next meeting.

2024 Charge Item: Reviewing Continuing Education (CEU)

Corrie Floyd facilitated discussion on reviewing continuing education rule requirements as one of the Charge items for 2024. Asked the members to answer the questions “What is your feedback on the current CEU process?”

The council discussed the answer to this question. Mike Steffl stated he thinks it’s way too restrictive, and that business and safety should be in CEUs. Joseph Stevens stated what is “related to” our industry, business and safety are related and should qualify. Danny Nubbe stated we should have other topics rather than what’s listed. Don McKeever responded that in Minnesota Rules, part 4725.1685 it states that the council can review continuing education programs. He also stated list topics could include safety, business, insurance, general operation, management of a company. Mike Steffl stated to add any OSHA, MSHA or HAZWOPER approved classes. David Henrich asked if taking those approved classes should be counted as 8 hours or 1 hour. Mike Steffl responded that he believes it should be 8 hours. David Henrich stated there should be variety in CEUs and they should be only considered as 1 hour. Joseph Stevens stated confined spaces should be added. Roger Renner stated that other states offer more CEUs. Tannie Eshenaur stated we should be cautious counting CEUs for other organizations and counting them twice. David Henrich stated it’s already in rule that we can review education requirements. Don McKeever stated he would rather give MDH the broad topics and have them review them. David Henrich stated he agrees, it shouldn’t be a complicated process with the council review. Corrie Floyd stated MDH does review documentation regarding CEU content. David Henrich stated the council could review that information prior to meetings. Steven Traut stated that confined space is a huge thing, and the safety of handling chlorine and acid is important. David Henrich stated council should look at the title, presenter, content, expected outcomes and length. Melissa King would like to know what the current process is, and we should establish core competencies. Corrie stated MDH will compose a proposal for how to handle topics and put together a list.

Open Forum

David Henrich stated this is an opportunity to discuss the other added agenda items. Joseph Stevens stated the dynamic of the council has changed. There should be more items added to the agenda and be able to address more topics if the meetings were longer. Danny Nubbe stated that everyone should be in person, and it needs to be longer. Joseph Stevens stated in the past, the council was a little more forward looking and that has changed. Roger Renner stated we should have it at the MN State Retirement building for the parking issues. Corrie Floyd responded that the building comes with a cost and there’s issues with availability. Don McKeever stated the meeting could be at different locations throughout the state. Joseph Stevens suggested maybe we need to think about two full day meetings in the year. David Henrich stated these meetings should be at least 3 hours. Danny Nubbe stated he thinks it should be at least 4 hours.

Joseph Stevens motioned that we block off 4 hours of time, David Kill seconded the motion. Kelly Medellin went through roll call. The motion was approved.

Public Comment

No public comments.

Next meeting

Date: June 5, 2024

Time: 10:00 am – 12:00 pm

Location: Hybrid Teams Meeting, Freeman Building, Room B144

Adjourn

Joseph Stevens made a motion to adjourn the meeting. Danny Nubbe seconded this motion. The motion was approved without objection.

Minnesota Department of Health
Well Management Section
625 Robert St. N.
St. Paul, MN 55164-0975
651-201-4600
health.wells@state.mn.us
www.health.state.mn.us/wells

03/06/2024

To obtain this information in a different format, call: 651-201-4600.