

Advisory Council on Wells and Borings Meeting

WELL MANAGEMENT SECTION

Date June 5, 2024

Location Hybrid Teams Meeting, Freeman Building, Room B144

Attendees **In Person:** David Duffey, Tannie Eshenaur, David Henrich, Bruce Johnson, Melissa King, Roger Renner, Gabriel Sweet

Virtually: David Kill, Richard Lamb, Michael Liljegren, Jordan Mayer, Don McKeever, Michael Steffl, Steven Traut

Others Present: Anita Anderson, Corrie Floyd, Tom Hogan, Dave Hokanson, Kelly Medellin, Teresa Purrington, Frieda vonQualen

Absent: Kelly Gribauval-Hite, Danny Nubbe, Joseph Stevens

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

Don McKeever added a motion to Local Codes and Authority Discussion under New Business, David Duffey seconded the motion. Roger Renner made a motion to approve the meeting agenda for today's meeting with the addition. Bruce Johnson seconded the motion. Kelly Medellin went through roll call and the motion was approved.

Approval of last meeting minutes

Mike Steffl made a motion to accept the Advisory Council minutes from March 6, 2024. David Kill seconded the motion. Kelly Medellin went through roll call and the motion was approved.

David Henrich stated Old Business should be listed first on the agenda.

New Business

Advisory Council

Tom Hogan, Minnesota Department of Health, Environmental Health Division Director, reported that he met with David Henrich and Dave Schulenberg to discuss resetting the Advisory Council. He stated he wants to move to the future but bring forward some of the positive things in the past.

Teresa Purrington reported that the council's role is to provide advice to the commissioner and authority in rule. She met with Chris Elvrum to provide some insight into past meetings. She stated she wants to start bringing these conversations back, and to get advice and recommendations from the council. She researched the past meetings, including the duration and number of the meetings held per year. She stated that she

would like to continue with having four meetings per year, three hours per meeting, and keep the hybrid option for now. Roger Renner stated that parking is an issue at the Freeman Building and would like MDH to consider holding the meetings somewhere else. Melissa King agreed and offered Pollution Control as a meeting space. Teresa mentioned that there will be monthly leadership meetings with Tom Hogan outside the council with the Minnesota Water Well Association (MWWA) and will be able to tackle some of the concerns from the council. David Henrich stated there's more work that needs to be done now than there was in the past. Teresa Purrington responded that there will be rulemaking efforts moving forward and advice from the council will be needed. Don McKeever agreed with David Henrich and stated the codes are outdated.

MDH Announcements

Water Policy updates

Tannie Eshenaur reported on the Be a Well Savvy Real Estate Professional online training. She also reported that they'll have brochures in multiple languages available, including in Somali and Hmong.

Tannie Eshenaur also reported on the Clean Water Fund supplemental budget activities. She stated that the MDH received \$2.79M from the Clean Water Fund supplemental funds to provide well testing, well inventory, outreach and education, and local staff capacity to address nitrate in groundwater in southeast Minnesota. MDH also received supplemental Clean Water Fund dollars to expand analysis and communications about PFAS in fish. The Southeast Minnesota efforts relate to the larger Clean Water Funded Private Well Initiative; together, the goal is to offer private well testing to every private well owner in the state within 10 years.

Frieda vonQualen reported on the 7 EPA directives. David Henrich asked if the age of the well was considered in the testing results. Frieda vonQualen responded that this was communicated.

Frieda vonQualen reported on the three state agencies response, including the three phases. Phase 2 starts July 1 with funding available with the new fiscal year. Phase 3 will include long term nitrate strategies. HF 5247 was granted to the Department of Agriculture for mitigation for private wells with nitrate concentrations above 10 ppm, but MDH will be working closely with them.

Frieda vonQualen reported on the limited bottled water initiative for a pregnant person or baby under one year old. David Henrich asked if this message was sent to the well contractors in that area, including guidance. Teresa Purrington responded that she sent the information to Dave Schulenburg. Melissa King asked for a link to the tool kit as well. Here is the link: [Response to EPA Nitrate Letter for Southeast Minnesota](#).

Frieda vonQualen also reported on free well test kits, that there have been 14 eligible requests to date. She also reported on public community meetings scheduled for Southeast Minnesota. Three will be in person, one will be virtual.

Legislative updates

Teresa Purrington reported on legislative updates and referred to the Legislative Updates handout. Mike Liljegren reported on the oil and gas extraction regulatory technical advisory committee and rulemaking authority. He stated this gave agencies the authority to amend or adopt rules within 24 months, as well as establish a technical advisory committee. The committee will put together a temporary framework.

Dave Hokanson from Drinking Water Protection (DWP) reported on the water service line plan review submittal by licensed well contractors. He stated this allows for the design and actual work. David Henrich asked if there are any other barriers or holes in the process. Dave Hokanson responded that he doesn't see any barriers, but this doesn't include Department of Labor and Industry (DLI). Anita Anderson from DWP agreed with Dave Hokanson, she doesn't see any barriers.

Rulemaking updates

Avery Guertin reported on rulemaking updates on the Submerged Closed Loop Heat Exchanger (SCLHE) rulemaking. This rulemaking is currently in the Rule Development stage, and includes the rule draft, SONAR, and working with an Advisory Committee. They are still on target to publish the intent to adopt by November 2024. She encouraged the Council to review the proposed rule revisions and provide comments. David Henrich asked if the Council could submit suggestions on proposed definitions. Avery Guertin responded comments can be submitted via comment form or emailed to wellrules.mdh@state.mn.us. She reminded the Council of the rulemaking webpage which is regularly updated with proposed revision documents and other relevant information.

Avery Guertin also reported on the topics the rulemaking advisory committee has discussed at the four meetings held to date. Teresa Purrington asked if any Council members were on the committee. Avery Guertin responded there are two members who are on the Council that are serving on the rulemaking advisory committee. Avery Guertin also stated that developing rules for current and potential future SCLHE technologies is important to note. MDH needs to draw upon the expertise and seek advice from the council. She will send out a survey to the council for possible material use, due by June 19.

Teresa Purrington reported on rulemaking for chapter 4725 revisions. She met with MWWA board and listened to their suggestions. So far, MDH has gathered rules for revision from staff. MDH will host a listening session at an upcoming council meeting to gather advice and recommendations.

Database project

Teresa Purrington reported on the Well Management database project. The section worked with Water Policy Center and Source Water Protection (SWP) to document how the WELLS database connects to CWI and MWI. She stated we learned why MWI was going down and resolved the issue.

Teresa Purrington also reported on the modernization database documentation project. She stated our current WELLS database is around 27 years old. The section wants to be in the forefront of technology updates. Moving to a new technology, there will be challenges, but we're doing the necessary work upfront by documenting the issues. There is an agency database that programs are moving to, and Winona County is also using it. If this is a viable option, the section could transition to a more modernized database to include notification, registration, licensing and permitting. Tannie Eshenaur reported that there's a business need for the program, and she's working with outside stakeholders on a Legislative-Citizen Commission Minnesota Resources (LCCMR) proposal to talk about displaying this for external stakeholders. She stated a big piece of health equity is to have access to data. Gabe Sweet stated this would also reduce redundancies between the agencies. Mike Steffl asked if Minnesota has reached out to Wisconsin about their modern database. Corrie Floyd reported that the section is aware that they've gone fully electronic, and there are local examples such as Winona County which will be helpful. Gabe Sweet asked how much legwork has been established with a needs study for internal and external users. Teresa Purrington clarified that there are two separate projects going on, CWI/MWI and the MDH modernized project. She stated the MDH modernized project has been

thoroughly studied and CWI/MWI project is separate. She also stated that the section will provide guidance documents to help external users and will ask for advice from the council on that guidance.

Advice on Online Request Forms

Corrie Floyd reported on the online request forms. He asked for advice from the council ahead of the meeting with test form links. He stated that refund requests and blank record requests are two areas that needed to be modernized. Online requests would be received the same way every time, which will expedite the time to complete those requests. David Henrich asked if these are test forms now and if more testing is needed. Corrie Floyd responded they are still in test and the section would appreciate feedback from the council and other stakeholders. He also stated that he will provide links and the questions after the meeting. Teresa Purrington asked the council what the best way to communicate these changes to contractors and where should the links go on the website. David Henrich responded we should make sure they are searchable as well. Gabe Sweet asked how do they request these records now. Corrie Floyd responded they contact whoever they contacted in the past. Gabe Sweet stated there should be communication post rollout. Corrie Floyd asked the council what would get the industries attention. Roger Renner responded communication should be through the CEU providers and MDH direct CEU, as not all licensed well contractors are MWWA members.

Temporary Borings Memorandum

David Henrich reported on the temporary boring's memorandum emailed to contractors August 31, 2023. He reported that there were contractors that were not operating under the memorandum requirements.

Kara Dennis reported on the background of the change. She stated that remedial wells, monitoring wells and environmental boreholes were streamlined into Environmental Wells and Temporary Borings. She stated that delegated well programs do not have statutory authority to regulate temporary borings. Gabe Sweet asked if temporary borings and exploratory borings are the same or different. Kara Dennis responded that they are different, and exploratory borings were not part of temporary borings changes. David Henrich asked how big the workload is for temporary borings between 15 and less than 25 feet. Corrie Floyd responded that they are not prioritized the same as fee-based requirements.

Teresa Purrington asked the council how the section could improve communications. David Henrich stated that if a notice is sent out, it should be included in the meetings. Gabe Sweet stated the less digging to get the information would be appreciated.

MDH CEUs

Kara Dennis reported on MDH Provided CEUs, a 2-hour program available any time in the MDH Online Learning Center. In the future, she will provide the 2-hour program at the MWWA convention. The online training can be taken any time until January 31, 2025. The program includes MDH updates, PFAS and groundwater topics, administrative best practices, and tips from WM inspectors. She encouraged the council to rate and provide feedback after taking the training to help with further improvements.

Local Codes and Authority Discussion

David Henrich reported that there's a perception by external partners that contractors do not have the authority that they have. Tom Hogan asked if this is like what Dave Hokanson reported on jurisdiction. David Henrich read the authority and how it's being misinterpreted. Teresa Purrington asked if he has problems with

any other cities or agencies. David Henrich responded that they don't. Don McKeever stated this could be a problem with other contractors closed loop permits. Teresa Purrington stated MDH defined this relationship in the SCLHE rules. She also stated this is an opportunity to discuss this relationship with DLI with opening the 4725 rules up.

Next meeting

Date: September 4, 2024

Time: 10:00 am – 3:00 pm

Location: Minnesota Pollution Control Agency, 520 Lafayette Rd, St Paul, MN 55155,
Lower-Level Conference Room

Adjourn

Don McKeever moved to end the meeting. David Kill seconded the motion. Kelly Medellin went through roll call and the motion was approved.

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