

# Advisory Council on Wells and Borings Meeting

## WELL MANAGEMENT SECTION

**Date** December 11, 2023

**Location** Hybrid Teams Meeting, Freeman Building, Room B144

**Attendees** **In Person:** Tannie Eshenaur, David Henrich, David Kill, Danny Nubbe, Roger Renner, Joseph Stevens, Gabriel Sweet

**Virtually:** David Duffey, Kelly Grivauval-Hite, Bruce Johnson, Melissa King, Richard Lamb, Michael Liljegren, Jordan Mayer, Don McKeever, Michael Steffl, Steven Traut

**Others Present:** Corrie Floyd, Avery Guertin, Mark Malmanger, Kelly Medellin, Teresa Purrington, Jennifer Weier

## 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

David Kill made a motion to approve the meeting agenda for today's meeting. Roger Renner seconded the motion. The motion was approved.

Roger Renner made a motion for an addition to the agenda to discuss CEUs. Joe Stevens seconded the motion. Kelly Medellin went through roll call for approval of adding item to agenda. The motion was approved.

## Approval of last meeting minutes

Joe Stevens made a motion to approve the Advisory Council meeting minutes from October 4, 2023. David Kill seconded the motion. Kelly Medellin went through roll call for approval of meeting minutes. The motion was approved.

## Minnesota Department of Health (MDH) updates

### Water Policy updates

### Minnesota Drinking Water Action Plan

Tannie Eshenaur reported that this is an actionable 10-year plan to ensure that everyone, everywhere in Minnesota has equitable access to safe and sufficient drinking water. Equity is important, looking at existing threats, and including feedback from partners. She went through an overview of the high-level goals and strategies that are emerging to ensure safe drinking water, including: protecting sources of drinking water, establishing resilient drinking water infrastructure, ensuring safe tap water, anticipating and managing emerging risks, and engaging partners. Under each of these, there will be more specific activities/programs some of which are already in place, and highlighting where there are gaps.

## EPA Petition

Tannie Eshenaur reported on the EPA Petition. The eight counties included are Dodge, Fillmore, Goodhue, Houston, Mower, Olmsted, Wabasha, and Winona. MDH added Rice to the list of counties, as they have a need as well and the petitioners didn't object, however they were instructed to limit the scope to the eight counties cited in the petition. Nitrate contamination is not a new issue in southeast Minnesota. Private well owners and users do not have the same water quality protections that customers of community water systems do. The MN Well Code ensures that all wells are constructed and sealed properly. However, after the required water quality sample post-construction (for coliform bacteria, nitrate, and arsenic), there is no further requirement for testing or treatment. Any further action depends on the initiative and knowledge of the private well owner. MDH conducted a survey in 2016 that found less than 20% of private well owners test their well. The EPA letter was directed at MDH, the Minnesota Department of Agriculture, and the Minnesota Pollution Control Agency. The response is a collaboration of these Executive Branch agencies, with MDH leading the Phase II public health intervention to address nitrate contamination in private wells. Tannie reported that there will be three phases of the plan: immediate response, public health intervention, and environmental remediation. MDH will be leading the public health response. She reported on the EPA letter's seven directives to the agencies. Some of these actions are already happening or in development. MDH is coordinating communications for the immediate response and the public health intervention.

Tannie reported on the Tap-in Collaborative through a Clean Water Fund pilot grant to Olmsted County Soil and Water District. The Tap-In Collaborative is working with nine counties, meeting twice a week with 35 reps from those counties.

Tannie asked if there's a group of well contractors that work in southeast Minnesota, as MDH would like to work with them. Joe Stevens stated that there is a group that works in that area that would be willing to help by forming a workgroup.

## Rulemaking updates

Avery Guertin reported on rulemaking updates. The Portland Limestone Cement rules took effect on 11/23/23. The Submerged Closed Loop Heat Exchanger (SCLHE) rulemaking is in the public comments stage and will remain open until Notice of Intent to Adopt or hearing. She stated that MDH is seeking interest for individuals who would like to be on an Advisory Committee for these proposed rules.

Avery reviewed that there are four types of rulemaking processes: regular rulemaking, good cause exempt (Minn. Stat. 14.388), expedited (Minn. Stat. 14.389), and obsolete rule repeal (Minn. Stat. 14.3895). SCLHE is following the regular rulemaking process, which is the most common and complicated type of rulemaking process. She explained that rulemaking engages a lot of people by design. She reviewed the six steps in the rulemaking process: Preliminary Approvals, Request for Comment, Rule Development, Notice of Intent, Hearing, and Adoption. These steps must be completed in this order; however, there are steps in this process that can be repeated, and steps that can be added. David Henrich asked for approximate timeline of other rulemaking projects. Teresa Purrington responded that SCLHE is our current priority, and we are creating lists of other rulemaking efforts we could pursue after that. She encouraged the council to send their suggestions to Corrie Floyd.

## Licensing Discussion

Corrie Floyd reported on the licensing discussion requested at the last council meeting. He asked the council to let him know what they would like to see. David Henrich stated David Kill wanted to see how applicants are evaluated. Corrie stated that the application follows the rule requirements, what is evaluated by MDH. Roger Renner stated that we don't have qualified applicants and current well drillers are retiring. David Henrich stated an entry level drilling license with a limit on the sizes and types of water-supply wells could provide us an opportunity to create a category that would require less prerequisite experience, which could shorten the time for someone looking to enter the industry. David Kill responded that he thinks the interview is what is lost, as we knew how many were coming in with this process. Gabriel Sweet stated there are discussion-based tests with geology applicants.

## Advisory Council Survey Results

Kelly Medellin went through Survey Results in response to the October 4, 2023 meeting. The Council discussed the priorities with the lowest amount of effort and the greatest impact. David Henrich suggested one of the top priorities as our first topic in 2024, "Reviewing Continuing Education Topics". He asked MDH to think of questions to bring to the council.

## Defining Actions and Recommendations

Corrie Floyd reported on how to identify a way to have an effective and efficient flow to the meeting. He suggested for routine actions, vote by voice. David Henrich responded that hybrid meetings require a roll call vote. Tannie Eshenaur stated you could wrap things together, like the agenda and meeting minutes approval, if there aren't any changes.

## Finalize Charter and 2024 Charge

After discussion by the council, Corrie Floyd asked for a motion to accept the charter and 2024 Charge. Don McKeever made a motion. Gabriel Sweet seconded the motion. Kelly Medellin went through roll call for approval of meeting minutes. The motion was approved.

## Screen Assembly Rules workgroup

David Kill and Danny Nubbe reported on their progress with the Screen Assembly Rules workgroup. They are currently conducting research and having discussions with other people. Kelly Medellin reported that all workgroups should use the SBAR worksheet to report their findings.

## CEUs Discussion

Joe Stevens stated well drillers should get credits for the work that they do in the field. Gabriel Sweet stated the rule is open to interpretation. Don McKeever asked if there is a formalized process in place to suggest a change to the commissioner. Melissa King agreed that we should find out if there's an established procedure for the commissioner to approve other topics. The council agreed to continue this discussion at the next meeting.

## Open Forum

Public Comment: David Schulenberg had a question about abandoned wells, and the EPA GovDelivery email from MDH that referenced the grant options available. Tannie Eshenaur responded that all the field? activities will be done by our local partners. She stated that MDH is looking at having a local advisory group. They will

look at well inventories to find abandoned wells but can't definitively say that they will be able to find all wells. There are some counties that offer grants, and MDH has offered two pilot grants.

## Next meeting

Date: March 6, 2024

Time: 10:00 am – 12:00 pm

Location: Hybrid Teams Meeting, Freeman Building, Room B144

## Adjourn

David Kill made a motion to adjourn the meeting. Roger Renner seconded this motion. The motion was approved without objection.

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