

Advisory Council on Wells and Borings Meeting

WELL MANAGEMENT SECTION

Date September 4, 2024

Location In-person meeting, MPCA

Attendees **In Person:** David Duffey, Tannie Eshenaur, David Henrich, Bruce Johnson, David Kill, Melissa King, Richard Lamb, Michael Liljegren, Don McKeever, Danny Nubbe, Michael Steffl, Joseph Stevens, Gabriel Sweet

Virtually: Kelly Gribauval-Hite, Steven Traut

Others Present: Avery Guertin, Kelly Medellin, Teresa Purrington

Absent: Jordan Mayer, Roger Renner

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

Kelly Gribauval-Hite made a motion to approve the meeting agenda. Danny Nubbe seconded the motion. Kelly Medellin went through roll call and the motion was approved.

Approval of last meeting minutes

Don McKeever made a motion to accept the Advisory Council minutes from June 5, 2024. David Kill seconded the motion. Kelly Medellin went through roll call and the motion was approved.

Old Business

Advisory Council and 3rd Party CEUs: Next Steps

Teresa Purrington reported on 3rd Party CEUs. MDH 4725.1675 requirements state that an individual well contractor or a certified representative of a well contractor or monitoring well contractor must successfully complete six contact hours of continuing education activities annually, of which at least two hours must be obtained from a continuing education program presented or sponsored by the commissioner. Continuing education must be related to wells or borings, drilling technology, groundwater contamination, health aspects of water quality, groundwater monitoring, geology, hydrology, well or boring construction or sealing, water systems or treatment, geothermal systems, dewatering, or elevator borings. Any other

continuing education topic must be approved by the commissioner. There are others that can be approved, and the council can review those topics.

Teresa Purrington reported that Well Management is creating a SharePoint site for the council that will include agendas, minutes, and approving continuing education on the site. The council can complete that work outside of the regular meetings. She will let the council know when the site is live. David Henrich asked the council if they are comfortable with the digital platform. Council stated they are willing to learn. Teresa Purrington responded that we could hold a training during one of our meetings. Don McKeever stated that the Advisory Council could approve CEUs before the SharePoint site is live. Teresa Purrington responded that we could add that to the agenda for next meeting if there are CEUs for the Council to review. David Henrich asked if the forms will be available for MWWA to add CEUs before the next meeting in January. Teresa Purrington responded there's an opportunity for the council to create a process for approval by the commissioner. She also stated that the council could bring the requirements for consideration, and then create a process after that.

New Business

MDH Announcements

Water Policy updates

Tannie Eshenaur reported on hiring a project manager for our work in SE MN for nitrate EPA Petition. Her name is Sophia Walsh. She will invite Sophia to attend the next meeting.

Tannie Eshenaur reported on the Minnesota Drinking Water Action Plan. The first draft of the plan has been reviewed by partners. The next draft will be to invite the public to provide feedback. She stated she will send the QR code to the council after this meeting. She hopes to release the plan before the next legislative session.

Tannie Eshenaur reported on the SE MN Nitrate Response Plan. They're currently in Phase II of the plan and received supplemental funding July 1 from the Clean Water Fund. There are an estimated 36,000 wells in those 8 counties. MDH will offer free testing, conduct a well inventory, outreach, and provide some staff to local partners. Mitigation was not approved with these funds but general fund support for reverse osmosis through the Minnesota Department of Agriculture was appropriated. Free testing is done through SE MN Analysis Laboratory. The team is working on displaying nitrate results on the MN Data Portal, and this should take place sometime within in the next month. Phase III has started, and the Department of Agriculture and the Pollution Control Agency created a taskforce to address nitrate in drinking water aquifers. Don McKeever asked how the nitrates are getting into the wells. Tannie Eshenaur responded that wells that haven't met the requirements of the well code has been shown to be an issue, also allowing pesticides and bacteria to enter by the same pathway.

Tannie Eshenaur reported on the provision of limited bottled water and that MDH has received six eligible requests. There have been 29 eligible requests to date for testing.

Tannie Eshenaur reported on the Clean Water Council. The Council is developing a budget for FY26/27 and policy recommendations. She went through the list of important meetings coming up. She encouraged the council to attend the meetings.

Continuing Education Topics for 2025

Teresa Purrington reported on continuing education topics for 2025. She asked for feedback from the council. The council responded with the feedback below.

- Reasons for drilling and technologies (Gabe Sweet)
- Geology 101 (Gabe Sweet)
- Common violations (David Henrich)
- 2014 MDH MWWA presentation (David Henrich)
- Delegated authorities (Rich Lamb)
- PFAS (Tannie Eshenaur)
- Results of sampling, where are the maps? (Tannie Eshenaur)
- New well construction numbers (Don McKeever)
- eFiling for permitting (Don McKeever)
- Mineral exploration (Don McKeever)

Rulemaking updates

Avery Guertin reported on rulemaking updates on the Submerged Closed Loop Heat Exchanger (SCLHE) rulemaking. The Advisory Committee has had six meetings. Currently working on SONAR development. The comment period is still open. She encouraged the council to review and provide comments.

Education Topic: City of Elko, New Market Situation

Ellen Considine, Supervisor for the Groundwater Technical Unit with the Department of Natural Resources (DNR) reported on the situation with the City of Elko, New Market. She stated her team gets involved with the difficult permits. An aquifer test was run in Scott County. The city went to DNR to ask for a permit amendment, partially because they're a growing city but primarily Niagara Bottled Water wanted to build a plant. There are 174 known domestic wells within 1 mile of the cities' 3 wells. There was a lot of attention to the project, and a group that created a Facebook page. DNR ran aquifer tests, and everything ran normally. They received 24 complaints after running the tests, but DNR didn't hear about this for months. People were complaining about manganese and iron, odor, sediment, and clogged filters. DNR doesn't have expertise on groundwater quality and high-capacity pumping, have not sought data, and the complaints were solicited. Danny Nubbe asked why DNR doesn't have a council like this one. Ellen Considine stated she will look at that. DNR went to USGS and they stated water quality can change in response to high-capacity pumping, every well responds differently to pumping, and fluctuates over time in domestic wells. The permit was issued. DNR required baseline water

quality sampling, notifications about process for complaining, repeat sampling during pumping periods, city will investigate to complaints and document what they did. There is a water quality gap.

Advice Topic: Council Rulemaking Listening Session

David Henrich forwarded an email containing suggested topics on rulemaking to Avery Guertin. The topics were generated by Advisory Council members and others. Avery Guertin presented the list of rulemaking topics and asked the council members to share justifications for possible rule changes. Council members discussed the following topics:

- At-grade monitoring well vault requirement – discussed issues with elevated pads that expose the vault to damage over time.
- Right-of-way well break away standards – concerns about roadway hazards.
- Environmental well and temporary borings grouting requirement – installation and grouting requirement concerns.
- Bentonite chips: discussion on including use of bentonite chips and pell plugs; recommended the Nebraska grout Study as a reference for grouting materials.
- Environmental well permits – consistency in footage requirements.
- Delegated programs – concerns about inconsistent requirements.
- Other drilling methods – recommended inclusion of sonic drilling, casing advance, dual rotary, reverse circulation, direct push, and cone penetration test methods; concerns over grouting requirements for every method.
- Isolation distances – discussion about not recognizing differences in site features; recommended using a PE or PG to conduct fate transport analysis of a site to allow for variations in isolation distance requirements.
- Screen assemblies – discussion on lack of screen definition; needs for submerged closed loop heat exchanger screen configurations; concerns over compliant coupling.
- Well completion – concerns over defining when a well is complete, requirements for paperwork.
- Grout settling requirement – discussion on minimum requirements that should result in correction.
- Maintenance permits – discussion about requiring an inspection at time of sale.
- Environmental wells under 50 feet – concerns over annular space requirements.
- Licensing requirements – concerns over what experienced means; recommended two classes of licensing and other ways for people to obtain a license; recommended creating a license class for contractors that only do work on residential wells; recommended change to align titles with other associated trades.
- Materials used to connect to the pitless unit – recommended less restrictive materials that can be used.

- Plan review process – recommended DLI have authority over the review of distribution and MDH have authority over the water supply review, concerns over overlapping authority and unclear rule requirements.

Council Member Open Forum

The council discussed potential future agenda items.

- Talk about code
- eLicensing/eFiling
- GPS/GIS
- Legislative updates from other related industries

The council discussed industry hot topics.

- Potential of using water as a source of cooling and AI
- Some government agencies looking at Minnesota for storing hydrogen underground, compressed usable gas

Action Items

- Advisory Council SharePoint site training during a meeting.
- Council could create a process for CEU additional items for approval by the commissioner. The Council could bring the requirements for consideration, and then create a process after that.

Next meeting

Date: December 3, 2024

Time: 9:30 am – 12:00 pm

Location: MPCA

Adjourn

Joe Stevens moved to end the meeting. Mike Steffl seconded the motion. Without objection, the meeting was adjourned.

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ADVISORY COUNCIL ON WELLS AND BORINGS MEETING 20240904

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