



# MDH Updates

## MRWA Water & Wastewater Technical Conference

**March 7, 2023**

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*Drinking Water Protection*



# MRWA – MDH PARTNERSHIP



- Asset management template and Technical Assistance (TA)
- Lead & Copper Rule Revision training and TA
- Online training offered during the pandemic
- Online training and continuing education
- SDWA training sessions held around the state
- Source Water Protection (SWP) Implementation activities
- SWP Awards
- Operator certification and training collaboration
- MNWARN

# OUTLINE

Infrastructure Funding

Lead & Copper Rule Revision

Lead testing in schools & daycares

SDWA Unregulated Contaminants (PFAS & Mn)

Legislation

Cybersecurity

Health Equity

Climate Resilience & Sustainability

# Infrastructure Funding

PROTECTING, MAINTAINING AND IMPROVING THE HEALTH OF ALL MINNESOTANS

# New Federal Infrastructure Funding

- **Infrastructure Investment and Jobs Act (IIJA or BIL)**
  - DWRF Supplemental \$27.4 M/Y
  - Emerging Contaminants \$11.5 M/Y
  - LSL replacement \$43.2 M/Y
- **Small/Disadvantaged Communities Grant(Emerging Contaminants) \$14.3 M/Y**

# Application Process

- All projects must be on the DWRF PPL
- Deadline for applications is always the first Friday in May
- For more information visit:
  - <https://www.health.state.mn.us/communities/environment/water/dwrf/ppl.html>
  - Or just search – “MDH DWRF PPL”

# Lead & Copper Rule Revisions

# Lead and Copper Rule Revisions

1. Get the lead out.
2. Empower communities.
3. Protect children.



Some rule components take effect Oct. 2024

Lead and Copper Rule Improvements : Expected to be released for comment in late 2023.



# How has MDH been preparing for LCRR?

- Partnering with MRWA/MN AWWA for webinars/training
- Responding to Legislative activity
- Funding proposals for LSL Replacement/Inventory development
- UMN/MDH tracking tool for making LSL maps publicly available.
- Inventory spreadsheet and guidance (up on our webpage)
- Creating templates and education materials
- Behind the scenes: Preparing database and tools for scheduling, tracking, EPA reporting, etc.

# MRWA LSL Inventory Assistance

- MDH has a contract with MRWA to provide LSL inventory assistance
- In-person & virtual training sessions
- Direct assistance for small systems

# MDH LSL Inventory Assistance

- **Request For Proposal (RFP)**
  - **Contract with engineering firms with DWRP experience**
  - **Three categories of assistance**
    - **Records review**
    - **Visual inspection**
    - **LSL replacement plans**
- **Water system applies for Technical Assistance – applications hopefully by mid-May**
  - **Capped at \$75,000/category**
  - **Work order would be written between MDH & engineering firm for work requested by water system**
- **Planning on funding for five years**
  - **\$4.3 M/Y from IJA**
  - **Potentially up to \$10M/Y from state funds**

# University of Minnesota LSL inventory tool

- Mapping tool that will Allow residents to search by address to determine service line material
- Provides customized communications based on results
- Linking to tool can help with customer notifications
- Provides greater health equity for all residents of Minnesota
- Prototype available at: <https://maps.umn.edu/LSL/>

# MDH Lead Testing In Schools & Childcares

# Water Infrastructure Improvements for the Nation (WIIN) Grant: Lead Testing in Minnesota Schools and Childcares

## What does the program offer:

Provides FREE test kits to schools, childcares, and Head Starts.

Flexibility for participants to collect samples themselves or have MDH contractor collect.

Lab analysis done by an accredited laboratory.

Technical assistance and review of results so schools understand all options when remediation is necessary.

Training on best water management practices in buildings.



# Unregulated Contaminants

# Unregulated Contaminant Monitoring Rule (UCMR)

- Used by EPA to “collect data for contaminants suspected to be present in drinking water that do not have standards set under the SDWA”
- Monitoring up to 30 contaminants every 5 years
- Occurrence information is used to support decisions on future regulatory action.

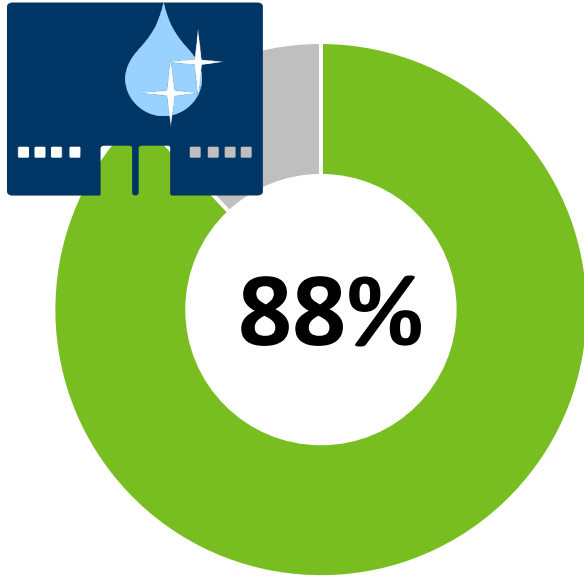


# UCMR 5 (2023-2025)

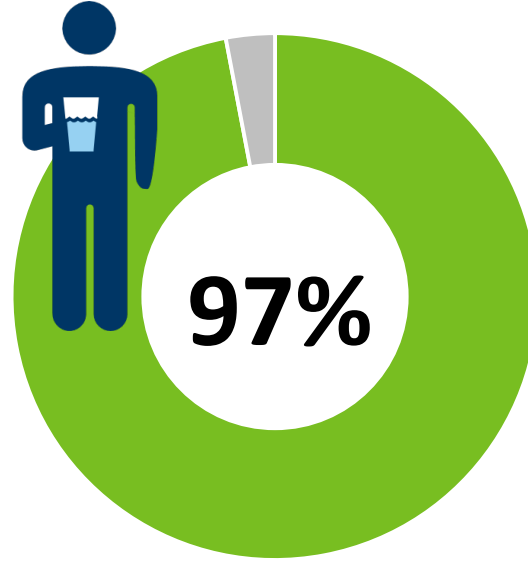
- All PWSs >3,300 (select <3,300)
- Surface Water Systems sampled 4 times (quarterly)
- Ground Water Systems sampled twice (5-7 months apart)
- Samples collected at entry points to systems
- Consecutive systems are subject to the rule
- 29 PFAS and Lithium
- MDH collects samples and pays for analysis (>3,300)

- EPA National Primary Drinking Water Regulations
  - Draft PFAS rule expected any day.
  - Expected MCLs for PFOS and PFOA
  - Rule will become final after a 12-month comment period
  - PWSs will have time after rules become final for compliance
- MDH currently revising state values for PFOS and PFOA
- Expect to continue calculating PFAS mixtures HRI

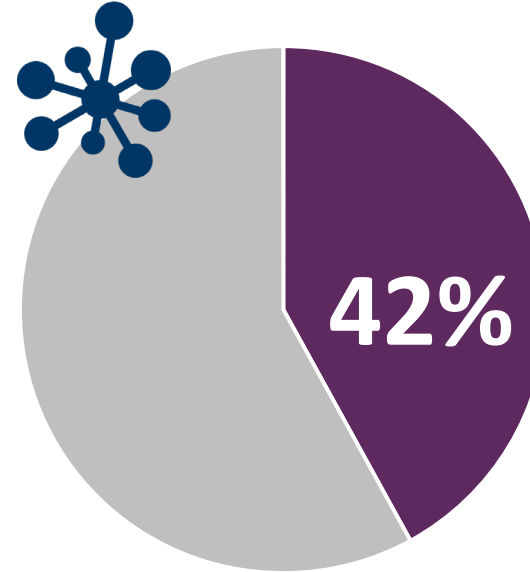
# Statewide PFAS Monitoring: Status



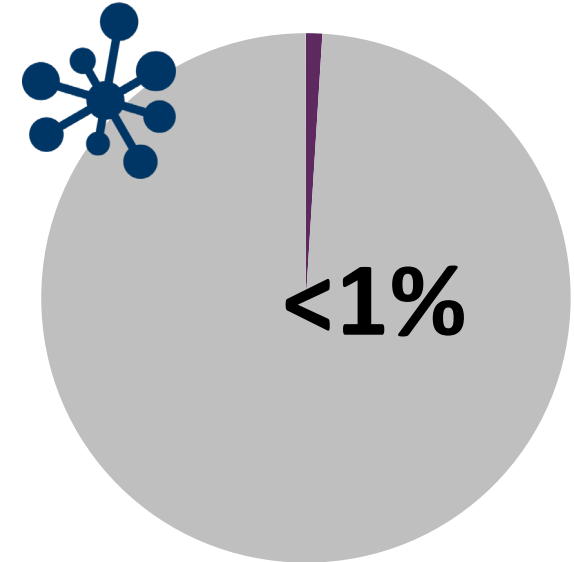
88% of community water systems tested or in progress (854)



97% of community water system customers covered under testing (4.4 million)

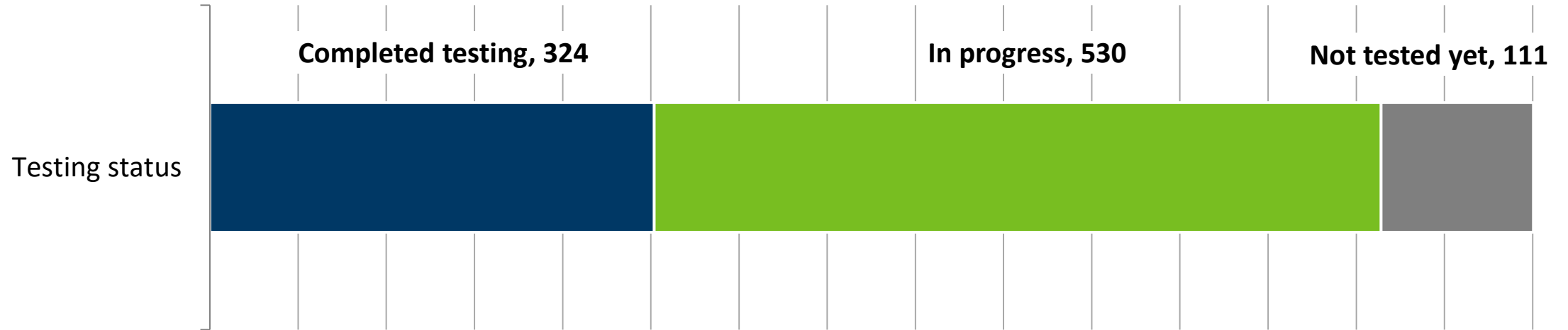


Roughly 42% of systems tested had a PFAS detection



<1% of systems tested have results above health guidance (5)

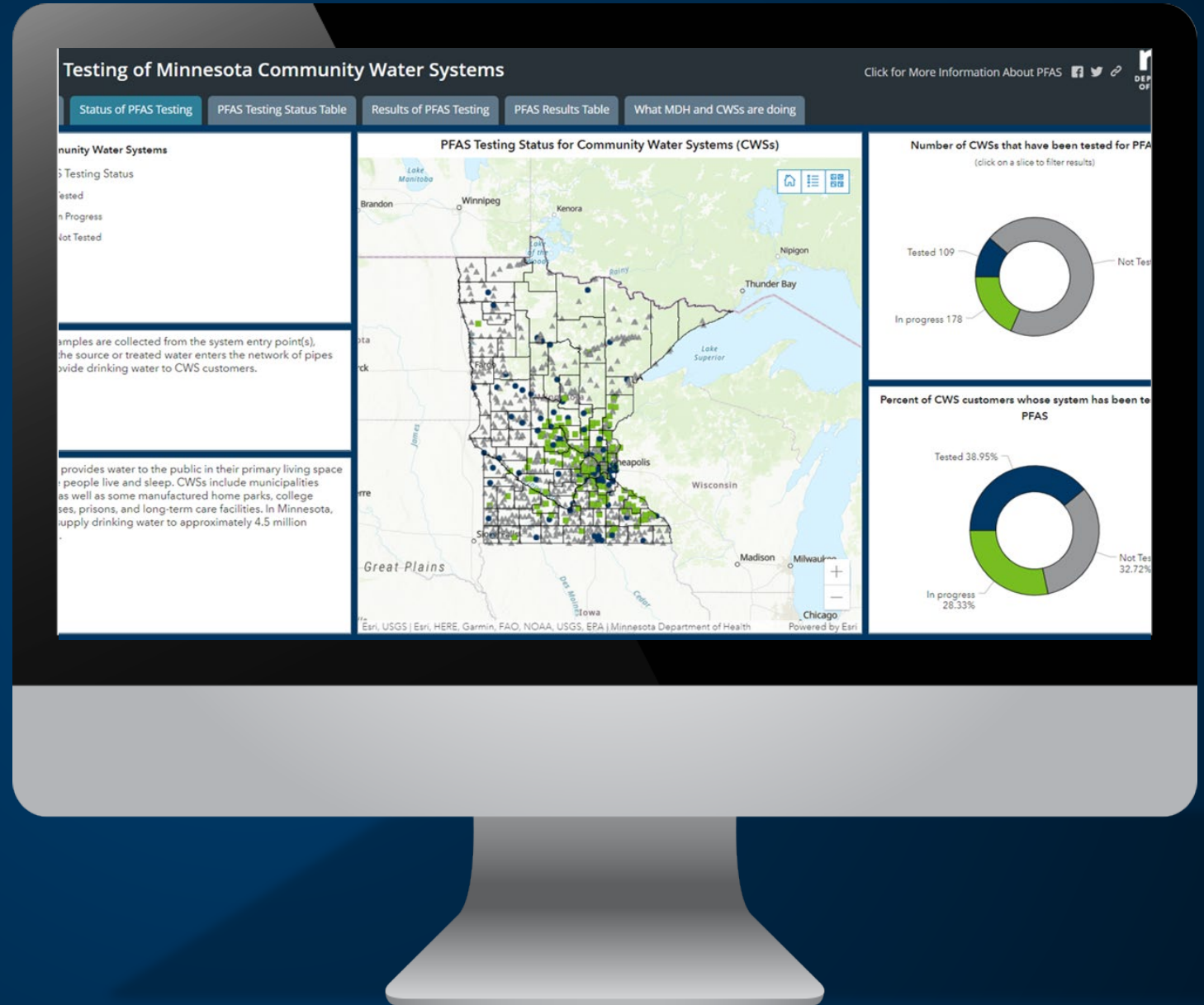
# Statewide PFAS Sampling Summary



- MDH expects to have tested all systems by March 2023
- MDH will revisit systems and conduct follow-up sampling throughout spring/summer 2023

# Interactive PFAS dashboard contains:

- Status of PFAS testing in drinking water
- PFAS testing results
- Health guidance
- Actions MDH and systems are taking



# Manganese Response Plan (MRP)

- **Why was plan developed?**
  - Manganese data for most CPWSs from the General Water Chemistry Project (GWCP : 2010 - 2014)
  - Minnesota HRL for Manganese in 2018 – 100ppb
  - National concerns following UCMR 4
  - MRP developed to follow-up on the existing data from the GWCP
  - Systems from GWCP with manganese over 100 ppb requested to participate

# MRP by the Numbers

- Sampling wrapped up in 2022
- 106 systems received Health Risk Advisory letters
- 70 systems did Public Notice to customers
- 25 have already taken action to reduce manganese levels (optimize treatment, take well offline, source management,)
- Many others have plans to install treatment
- Keep those iron/manganese filters optimized to keep manganese below 100 ppb!!!

# Legislation



# MDH FY 2024-25 Biennial Budget Request

- **Reinstate Water & Wastewater Advisory Council**
- **Lead Service Line Inventory (\$6 M)**
- **Lead Remediation in Schools and Childcare Centers (\$2 M)**
- **Strengthening Public Drinking Water Systems ' Infrastructure (\$23 M)**
  - Emergency power and well redundancy
  - Cybersecurity
  - Cross connection control
  - Very small system infrastructure maintenance
  - Floodplain mapping
  - Water reuse
  - Solar power generation in DWSMAs

# Introduced Legislation : LSL

- Grant program to help municipalities inventory and replace lead service lines(LSLs)
- Sets a goal of removal of all LSLs statewide by 2033
- 100% grant for private LSL replacements
- 50% grants and 0% interest loans for public LSL replacements
- Grants can be used for repaying loans
- Grant program for municipalities to inventory local lead service lines
- \$800 M for replacements
- \$20 M for inventories

# Introduced Legislation: Lead in Schools

- Lead Testing and Remediation in Public and Charter Schools
- Modifies existing public and charter school testing requirements
- Sets 5 ppb as a standard for remediation for fixtures in school drinking water.
- Clarifies reporting requirements to parents.
- Requires reporting of lead results to MDH.
- Grant for tribal schools to remediate

# Cybersecurity

- **Governor's Executive Order 22-20**
- State agencies with regulatory oversight over critical infrastructure providers must utilize their existing authority to enable providers to counter immediate cyber threats. Includes:
  1. PWS register with the MN Fusion Center
  2. MDH to provide guidance on actions to take if a cyber attack occurs
  3. MDH to provide criteria for cyber self-assessments
  4. PWS to annually certify self-assessment completion to MDH

- **EPA Guidance to States – Released March 3<sup>rd</sup>, 2023**

- *“Addressing PWS cybersecurity in sanitary surveys or an alternate process”*
- EPA’s requirement : states must include cybersecurity when they conduct regular audits of water systems through sanitary surveys
- States may choose from three options when evaluating cybersecurity.
  1. States may allow water utilities to conduct a self-assessment or third-party facilitated assessment prior to the sanitary survey and then review the findings for unaddressed gaps that may represent significant deficiencies.
  2. States may conduct the assessment while performing the sanitary survey in a traditional inspection format.
  3. States may use an alternative program to conduct the assessment, but it must be as stringent as the sanitary survey program, occur no less frequently than the sanitary survey, and address gaps like the significant deficiency process described in EPA’s regulations.

# Cybersecurity

- MDH will continue to provide materials and guidance on where to find self assessment materials.
  - CISA, AWWA, EPA
- MDH will begin requiring certification of cyber assessments, submitted by July 1<sup>st</sup>, 2024.
- MDH inspectors will include cybersecurity in sanitary survey inspections.
  - Determine if any gaps in cybersecurity were found during self assessments and if those issues have been or plan to be addressed.

# Health Equity

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# Health Equity Legislation

- **Proposed amendment to LSL bill**

- "Disadvantaged community" definition: Three of the following criteria-
  - (1) 20 percent or more of the residents have income below the federal poverty thresholds
  - (2) the tract has a United States Centers for Disease Control and Prevention Social Vulnerability Index greater than 0.80
  - (3) the upper limit of the lowest quintile of household income is less than the state upper limit of the lowest quintile
  - (4) the housing vacancy rate is greater than the state average
  - (5) the percent of the population receiving Supplemental Nutrition Assistance Program (SNAP) benefits is greater than the state average.

# MDH Health Equity for PWSs

- **Health Equity Workgroup established in MDH & DWP**
  - “Disadvantaged community” definition evaluation
  - Developing a GIS application based on public water system service area boundaries
  - Developing a Lead Service Line Replacement Planning tool
  - Community engagement

- **HF 1132**

- All capital projects (including water/wastewater projects funded by PFA) would have to receive formal approval from the U of M Center for Sustainable Building research before construction could be funded.

# MDH Climate Resiliency & Sustainability for PWSs

- **Climate Adaptation and Drinking Water Resilience Workgroup established in MDH & DWP**
  - **Floodplain Analysis** – Target the most “at risk” PWS near or within a floodplain.
  - **Extreme weather preparation for small systems** – build awareness of potential impacts through MRWA trainings, impacts of climate change.
  - **Risk Analysis of systems** – Utilize EPA CREAT assessment tools for to assess flooding, drought and other impacts on infrastructure
  - **Increased Communication** – MDH staff, PWSs, stakeholders; create guidance around increasing climate preparedness and sustainability



**Thank You!**

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