



**State of Minnesota
Joint Powers Agreement
Amendment 1 to SWIFT Contract No. 256530**

Agreement Effective Date:	9/16/2024	Total Agreement Amount:	\$ 161,200.00
Original Expiration Date:	6/30/2026	Original Agreement Amount:	\$ 161,200.00
Current Agreement Expiration Date:	6/30/2026	Previous Amendment(s) Total:	\$ 0.00
Requested Agreement Expiration Date:	6/30/2027	This Amendment:	\$ 0.00

This amendment is by and between the **State of Minnesota, acting through its Commissioner of Agriculture ("State")** and **Dakota County Water Resources ("Governmental Unit")** whose designated business address is **14955 Galaxie Ave. Suite 335, Apple Valley, MN 55124**. State and Governmental Unit may be referred to jointly as "Parties."

Recitals

- The State has an Agreement with the **Dakota County Water Resources** identified as **SWIFT Agreement Number 256530** ("Original Agreement") to provide coordination for a private well treatment program in Dakota, Scott and Washington Counties. Activities to be coordinated by Dakota County.
- To continue the coordination for a private well treatment program in Dakota, Scott and Washington Counties.
- The State and the **Dakota County Water Resources** are willing to amend the Original Agreement as stated below.

Agreement Amendment

In this Amendment, changes to pre-existing Agreement language will use ~~strike through~~ for deletions and underlining for insertions.

REVISION 1. Clause 1.2. "Term of Agreement" is being amended as follows:

1. Term of Agreement

- 1.2 Expiration date: ~~June 30, 2026~~ **June 30, 2027** , or until all obligations have been satisfactorily fulfilled, whichever occurs first.

REVISION 2. Clause 2. "Agreement's between the Parties" is amended as follows:

- 1) Using existing water quality data from MDA's Private Well Pesticide Sampling (PWPS) Project or county pesticide programs, target wells that have indicated pesticide concentrations at or above the HRL and make the well owners aware of this opportunity.
- 2) Following criteria established in this Scope of Work, identify and prioritize private well owners that are eligible for reverse osmosis treatment systems.
- 3) Develop a process to provide mitigation through professional installation of reverse osmosis treatment systems, adhering to the specifications established in this Scope of Work.
- 4) Coordinate with MDA on the testing of installed reverse osmosis systems to demonstrate efficacy.

The project will provide coordination for administering reverse osmosis systems for private wells, in accordance with the duties in **Workplan Exhibit A-1**, which is attached and incorporated into this agreement, **and which replaces Workplan Exhibit A in its entirety.**

REVISION 3. Clause 3. "Payment" is amended as follows:

Governmental Unit will be paid by the State after the Governmental Unit's presentation of itemize invoices for services performed and the supporting documentation for the invoices and written acceptance of such services by the State's Authorized Representative or the State's Authorized Project Manager pursuant to paragraph 4. Invoices shall be submitted timely and in accordance with **Budget Exhibit B-1**, which is attached and incorporated into this agreement, **and which replaces Budget Exhibit B in its entirety.**

Invoices for payment will be sent by the due dates listed in **Exhibit B-1**.

Electronic format to: MDA.Accounts-Payable@state.mn.us

Reports should be submitted by the due dates listed in **Exhibit B-1**.

Electronic format to: MDA.PFMD.Contracts@state.mn.us

The total obligation of the State under this agreement will not exceed **One Hundred Sixty-one Thousand Two Hundred Dollars and 00/100 (\$161,200.00).**

REVISION 4. Clause 4. "Authorized Representatives" is amended as follows:

The State's Authorized Representative responsible for administration and supervision of this agreement is **Kimberly Kaiser, Groundwater Monitoring Unit, Minnesota Department of Agriculture, Pesticide and Fertilizer Management Division, 625 N. Robert Street, St. Paul, Mn, 55155-2538, Phone: 651-392-5038; Email: Kimberly.kaiser@state.mn.us**, or his/her successor, who is authorized to accept the services provided under this agreement.

The State's Authorized Project Manager responsible for communications and daily management is **Brennon Schaefer, Monitoring Unit Hydrologist 3, Pesticide & Fertilizer Management, Minnesota Department of Agriculture, Minnesota Department of Agriculture, 625 Robert St N., St. Paul, MN 55155; Phone: 651-201-6491; Email: brennon.schaefer@state.mn.us**, or his/her successor, who is authorized to accept the services provided under this agreement.

The Governmental Unit's Authorized Representative is **Georg Fischer, Physical Development Director, 14955 Galaxie Ave. Suite 335, Apple Valley, MN 55124; Phone: 952-891-7007; Email: Georg.Fischer@CO.DAKOTA.MN.US** or his/her successor. If the Authorized Representative changes at any time during this agreement, the Governmental Unit must immediately notify the State.

The Governmental Unit's Authorized Project Manager is **Nikki Stewart, 14955 Galaxie Ave. Suite 335, Apple Valley, MN 55124; Phone: 952-891-7554; Email: Nikki.Stewart@co.dakota.mn.us**; or his/her successor. If the Authorized Project Manager changes at any time during this agreement, the Governmental Unit must immediately notify the State.

The Original Agreement and any previous amendments are incorporated into this amendment by reference. Except as amended herein, the terms and conditions of the Original Agreement and all previous amendments remain in full force and effect.

1. State Encumbrance Verification

Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05

Print Name: _____

Signature: _____

Title: _____

Date: _____

SWIFT Contract No. 256530

PO Number: 51649

2. Governmental Unit

The Governmental Unit certifies that the appropriate person has executed the Agreement on behalf of the Governmental Unit as required by applicable articles, bylaws, resolutions, or ordinances.

Print Name: _____

Signature: _____

Title: _____

Date: _____

3. Minnesota Department of Agriculture

With delegated authority

Print Name: _____

Signature: _____

Title: _____

Date: _____

4. Commissioner of Administration

As delegated to The Office of State Procurement

Print Name: _____

Signature: _____

Title: _____

Date: _____

Admin ID: 92336

Exhibit A-1: Metro Area Private Well Mitigation Scope of Work

Project Title Metro Area Private Well Mitigation Scope of Work

Dakota County Environmental Resources Department

Project Leader and Principal Investigator

Nikki Stewart

14955 Galaxie Ave.

Apple Valley, MN 55124-8579

952-891-7554

Email: Nikki.Stewart@co.dakota.mn.us

Minnesota Department of Agriculture Project Management

Brennon Schaefer

Hydrologist, Minnesota Department of Agriculture (MDA)

625 N. Robert Street

St. Paul, Mn 55155-2538

651-201-6491

Email: brennon.schaefer@state.mn.us

Project Duration

This project is proposed to start on September 16, 2024, and continue through ~~June 30, 2026~~
June 30, 2027.

Background

The Minnesota Department of Agriculture (MDA) and Dakota County Environmental Resources Department have identified private drinking water wells in Dakota, Scott, and Washington Counties that have exceeded the Minnesota Department of Health (MDH) established Health Risk Limit (HRL) for total cyanazine. Cyanazine is a herbicide that was historically used on corn in Minnesota but is no longer registered for use. Monitoring conducted between 2019 and 2023, in these three counties has identified approximately 105 private wells with total cyanazine concentrations at or above the chronic HRL (1,000 ng/L), many of which also exceed the acute HRL (3,000 ng/L). Monitoring is continuing in these counties and the number of impacted wells is expected to grow as previously untested wells are being identified and evaluated each year. Since cyanazine has not been used in Minnesota for over 20 years (registration ended in 2002), it is anticipated that concentrations in groundwater will begin to decline eventually.

The actions detailed in this Scope of Work are modeled after an MDH sponsored Clean Water Fund pilot grant awarded to the Olmsted Soil and Water Conservation District in 2021. That program involved a collaborative of SWCDs and local public health agencies, known as “TAP-IN”, that covered six counties in southeastern Minnesota. This Scope of Work provides details for the development of a program similar to “TAP-IN” to fund water treatment for private wells that exceed established pesticide HRLs.

Exhibit A-1: Metro Area Private Well Mitigation Scope of Work

Purpose

The purpose of this Scope of Work is to specify requirements for a Joint Powers Agreement (JPA) that will provide funding for the implementation a private well drinking water pesticide mitigation program in Dakota County, Scott County and Washington County. The JPA will be administered by Dakota County and be accomplished through a unique partnership between local water resource managers and the MDA.

Goal

The goal of this effort is to protect sources of drinking water (private wells) and reduce the associated risks for residents located in the three counties identified above, by providing point-of-use water treatment for drinking water from private wells with elevated concentrations of pesticides.

Specific Objectives

- 1) Using existing water quality data from MDA's Private Well Pesticide Sampling (PWPS) Project or county pesticide programs, target wells that have indicated pesticide concentrations at or above the HRL and make the well owners aware of this opportunity.
- 2) Following criteria established in this Scope of Work, identify and prioritize private well owners that are eligible for reverse osmosis treatment systems.
- 3) Develop a process to provide mitigation through professional installation of reverse osmosis treatment systems, adhering to the specifications established in this Scope of Work.
- 4) Coordinate with MDA on the testing of installed reverse osmosis systems to demonstrate efficacy.

Methods

The MDA will contact past participants of sampling programs with documented pesticide concentrations at or above the Health Risk Limit. Well owners that have not previously consented to sharing private data (name, address, e-mail and phone #) will be provided with a consent form that will allow the MDA to share their contact information with Dakota, Scott and Washington Counties. Dakota County will coordinate outreach to interested residents with the mitigation program application and prioritization materials. Recipients of reverse osmosis systems will also be required to consent to release of their name and location information as participants in the program.

Reverse osmosis treatment systems purchased and installed as part of this program must meet the following requirements:

1. Be installed in accordance with State of Minnesota Plumbing Code (MN Rules, chapter 4714), by a water contractor licensed under chapter 326B or a plumber licensed under chapter 326B;
2. Comply with MN Rules, on "Water Conditioning Equipment" (part 4714.0611);
3. Use appropriate technology to address the contaminant identified in the testing; and

Exhibit A-1: Metro Area Private Well Mitigation Scope of Work

4. Be labeled under MN Rules, part 4714.0611, UPS section 611.1.3 as an appropriate technology to address the contaminant identified in the testing.

Any deviation from these requirements must be approved in advance by the MDA Project Manager.

Cost Share Criteria

The following criteria have been established to guide cost share for the purchase and/or installation of point-of-use reverse osmosis water treatment systems. Any deviations from these criteria will need to be discussed in advance with and approved by the MDA Project Manager.

1. 100% cost share for households with a private well that is equal to or exceeds the total cyanazine, or other established pesticide HRL. Priority will be given to those wells with concentrations over the acute HRL.

All efforts will be made by the counties to minimize costs for reverse osmosis system purchase, installation, and maintenance in order to provide as many systems as possible to those at highest risk from pesticide exposure. Pretreatment may also be included when necessary to the overall treatment process.

Partnership Roles

Dakota County: Responsible for overall project coordination and administration. Additional local partners in Scott and Washington Counties will be sub-contracted by **Dakota County** to facilitate local operations, communication, and outreach with impacted well owners.

Minnesota Department of Agriculture: Initial outreach to participants with previously identified high pesticide results from MDA private well programs. Provide on-going project oversight, outreach, education and technical assistance. The MDA will also be responsible for testing of wells for pesticides and testing of the installed reverse osmosis treatment systems.

Deliverables

Dakota County will provide the MDA with quarterly update meetings with reports of program progress, contracting updates, the number of systems installed for pesticide mitigation, along with the associated expenditures.

Exhibit A-1: Metro Area Private Well Mitigation Scope of Work

Budget

Total Project Costs for FY25-~~26~~ 27 \$161,200

Task	Description	Estimated Amount
Pesticide Mitigation	Reverse osmosis system purchase and installation	\$135,700
Administration - Dakota County	Coordinating with partners, identifying eligible wells, coordinating water treatment contractors and general project outreach and technical assistance activities.	\$7,500
County Coordination	Project outreach and technical assistance activities for Dakota, Scott and Washington Counties at \$6,000 each.	\$18,000
	Total	\$161,200

Metro Private Well Pesticide Mitigation							
Objectives - See Exhibit A-1							
Please Note: The Governmental Unit has the discretion to transfer up to 10% of the funds between categories without approval the State's Authorized Representative or the State's Authorized Project Manager. However, the Governmental Unit shall notify the State's Authorized Project Manager as soon as practicable of the transfer. The State's Authorized Representative or the State's Authorized Project Manager must approve transfers greater than 10%.							
Billing Cycle State Fiscal Year	Calendar Year	Description of Deliverables	Total	Mitigation Costs	County Coordination-Outreach	Administration	Other
		Projected Project Start Date is September 16, 2024					
Quarter 1, 2025	Jul-Sep 2024	Reverse osmosis system purchase and installation. Coordinating with partners, identifying eligible wells, coordinating water treatment contractors and general project outreach and technical assistance activities.	21,088	16,963	2,250	1,875	
Quarter 2, 2025	Oct-Dec 2024	Reverse osmosis system purchase and installation. Coordinating with partners, identifying eligible wells, coordinating water treatment contractors and general project outreach and technical assistance activities.	19,212 <u>4,969</u>	16,962	2,250 <u>1,621</u>	3,348	
Quarter 3, 2025	Jan-Mar 2025	Reverse osmosis system purchase and installation. Coordinating with partners, identifying eligible wells, coordinating water treatment contractors and general project outreach and technical assistance activities.	21,088 <u>44,922</u>	16,963 <u>41,651</u>	2,250 <u>2,614</u>	1,875 <u>657</u>	
Quarter 4, 2025	Apr-Jun 2025	Reverse osmosis system purchase and installation. Coordinating with partners, identifying eligible wells, coordinating water treatment contractors and general project outreach and technical assistance activities.	19,212 <u>22,126</u>	16,962 <u>20,497</u>	2,250 <u>1,376</u>	253	
FY25 Total			80,600 <u>72,017</u>	67,850 <u>62,148</u>	9,000 <u>5,611</u>	3,750 <u>4,258</u>	
Quarter 1, 2026	Jul-Sep 2025	Reverse osmosis system purchase and installation. Coordinating with partners, identifying eligible wells, coordinating water treatment contractors and general project outreach and technical assistance activities.	21,088 <u>10,609</u>	16,963 <u>9,266</u>	2,250 <u>701</u>	1,875 <u>642</u>	
Quarter 2, 2026	Oct-Dec 2025	Reverse osmosis system purchase and installation. Coordinating with partners, identifying eligible wells, coordinating water treatment contractors and general project outreach and technical assistance activities.	19,212 <u>2,312</u>	16,962 <u>1,879</u>	2,250 <u>253</u>	180	

Billing Cycle State Fiscal Year	Calendar Year	Description of Deliverables	Total	Mitigation Costs	County Coordination- Outreach	Administration	Other
Quarter 3, 2026	Jan-Mar 2026	Reverse osmosis system purchase and installation. Coordinating with partners, identifying eligible wells, coordinating water treatment contractors and general project outreach and technical assistance activities.	21,088 <u>12,710</u>	16,963 <u>10,401</u>	2,250 <u>1,906</u>	1,875 <u>403</u>	
Quarter 4, 2026	Apr-Jun 2026	Reverse osmosis system purchase and installation. Coordinating with partners, identifying eligible wells, coordinating water treatment contractors and general project outreach and technical assistance activities.	19,212 <u>12,710</u>	16,962 <u>10,401</u>	2,250 <u>1,906</u>	<u>403</u>	
FY26 Total			80,600 <u>38,341</u>	67,850 <u>31,947</u>	9,000 <u>4,766</u>	3,750 <u>1,628</u>	
<u>Quarter 1, 2027</u>	<u>Jul-Sep 2026</u>	<u>Reverse osmosis system purchase and installation. Coordinating with partners, identifying eligible wells, coordinating water treatment contractors and general project outreach and technical assistance activities.</u>	<u>12,710</u>	<u>10,401</u>	<u>1906</u>	<u>403</u>	
<u>Quarter 2, 2027</u>	<u>Oct-Dec 2026</u>	<u>Reverse osmosis system purchase and installation. Coordinating with partners, identifying eligible wells, coordinating water treatment contractors and general project outreach and technical assistance activities.</u>	<u>12,710</u>	<u>10,401</u>	<u>1906</u>	<u>403</u>	
<u>Quarter 3, 2027</u>	<u>Jan-Mar 2027</u>	<u>Reverse osmosis system purchase and installation. Coordinating with partners, identifying eligible wells, coordinating water treatment contractors and general project outreach and technical assistance activities.</u>	<u>12,711</u>	<u>10,402</u>	<u>1905</u>	<u>404</u>	
<u>Quarter 4, 2027</u>	<u>Apr-Jun 2027</u>	<u>Reverse osmosis system purchase and installation. Coordinating with partners, identifying eligible wells, coordinating water treatment contractors and general project outreach and technical assistance activities.</u>	<u>12,711</u>	<u>10,401</u>	<u>1906</u>	<u>404</u>	
FY27 Total			<u>50,842</u>	<u>41,605</u>	<u>7,623</u>	<u>1,614</u>	
All Years Project Total			<u>161,200</u>	<u>135,700</u>	<u>18,000</u>	<u>7,500</u>	