

CHAPTER 4725
DEPARTMENT OF HEALTH
WATER WELL CONSTRUCTION CODE

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4725.0100 DEFINITIONS.

Subpart 1. Scope. For the purposes of this chapter adopted under Minnesota Statutes, chapter 103I, the terms defined in this part have the meanings given them, except where the context clearly indicates otherwise.

Subp. 2. [Repealed, 15 SR 78]

Subp. 3. [Repealed, 15 SR 78]

[For text of subp 4, see M.R.]

Subp. 5. Applicant. "Applicant" means any person who applies for a well contractor's license, limited well contractor's license, elevator shaft contractor's license, or monitoring well contractor registration under Minnesota Statutes, chapter 103I.

Subp. 6. [Repealed, 15 SR 78]

Subp. 7. [Repealed, 15 SR 78]

Subp. 8. Commissioner. "Commissioner" means the commissioner of health or the commissioner's authorized representative.

Subp. 9. Council. "Council" means the Advisory Council on Wells and Borings created under Minnesota Statutes, chapter 103I.

Subp. 10. Licensee. "Licensee" means a person who is licensed as a well contractor, limited well contractor, or elevator shaft contractor under this chapter and Minnesota Statutes, chapter 103I.

[For text of subp 11, see M.R.]

Subp. 12. Representative. "Representative" means the individual who is in

charge of the licensed or registered contractor's operation and who qualifies for licensure or registration on behalf of a partnership, corporation, or other business association rather than on the individual's own behalf.

[For text of subp 13, see M.R.]

Subp. 14. Drilling machine. "Drilling machine" means any machine or device such as a cable tool, hollow rod, or auger used for construction of a well including drive point wells.

Subp. 15. [Repealed, 15 SR 78]

Subp. 16. [Repealed, 15 SR 78]

Subp. 17. Abandoned well. "Abandoned well" means a well whose use has been permanently discontinued, or which is in such disrepair that its continued use is impracticable, endangers the quality of the groundwater, or may be a health or safety hazard.

Subp. 18. [Repealed, 15 SR 78]

[For text of subps 19 to 24, see M.R.]

Subp. 24a. Confining layer. "Confining layer" means a stratum or body of soil, sediment, or rock with low vertical permeability relative to the aquifers or beds above or below it.

Subp. 24b. Contact hour. "Contact hour" means a minimum of 50 minutes of lecture, demonstration, workshop, or training excluding coffee breaks, registration, meals, or social activities.

Subp. 24c. Dewatering well. "Dewatering well" means a nonpotable well used to lower groundwater levels to allow for construction or use of underground space. A dewatering well does not include:

A. excavations 25 feet or less in depth for temporary dewatering during construction; or

B. a well used to lower groundwater levels for control or removal of groundwater contamination.

Subp. 25. [Repealed, 15 SR 78]

[For text of subps 26 to 30, see M.R.]

Subp. 30a. Hoist. "Hoist" means a machine or mechanical device that is mounted on a truck, trailer, or skid which is used to:

A. remove or install a pump or pumping equipment, casing, screen, or pitless adapter or pitless unit;

B. remove an obstruction from a well; or

C. install grout pipe when sealing a well or boring.

Subp. 30b. Monitoring well. "Monitoring well" has the meaning given in Minnesota Statutes, section 103I.005, subdivision 14.

Subp. 31. [Repealed, 15 SR 78]

Subp. 31a. Petroleum bulk storage site. "Petroleum bulk storage site" means a property on which petroleum products are stored for sale and excludes pipeline terminals and refineries.

Subp. 31b. Piezometer. "Piezometer" means an environmental bore hole used to measure water levels or groundwater pressure surfaces. Piezometer does not include devices used to sample, monitor, remediate, or measure pore water pressure in the vadose zone or above a water bearing layer.

[For text of subp 32, see M.R.]

Subp. 33. Pitless unit. "Pitless unit" means an assembly with cap which extends the upper termination of the well casing above grade, and is constructed so as to prevent the entrance of contaminants into the well.

[For text of subps 34 to 37, see M.R.]

Subp. 37a. Public water supply. "Public water supply" has the meaning given in part 4720.0100, subpart 16.

[For text of subps 38 to 40, see M.R.]

Subp. 41. [Repealed, 15 SR 78]

Subp. 41a. Registrant. "Registrant" means a person who is registered as a monitoring well contractor under this chapter and Minnesota Statutes, chapter 103I.

Subp. 41b. Sealing. "Sealing" means either:

A. the temporary process of closing or covering a well or boring with a watertight cover or cap and the use of measures to protect the well from contamination; or

B. the process of preparing a well or boring to be permanently filled with grout and the process of permanently filling the well or boring with grout.

[For text of subps 42 to 49, see M.R.]

Subp. 49a. Unconventional well. "Unconventional well" means a dug well or drive point well.

[For text of subp 50, see M.R.]

Subp. 51. Well. "Well" means well as defined in Minnesota Statutes, section 103I.005, subdivision 21. Well includes drinking water supply wells, dewatering wells, monitoring wells, wells used to lower groundwater levels for control or removal of groundwater contamination, and other water supply wells.

Subp. 51a. Well pump or pumping equipment. "Well pump or pumping equipment" means a device, machine, or material used to withdraw or otherwise obtain water from a well, and all necessary seals, fittings, pump controls, and primary water storage tanks. Well pump or pumping equipment does not include:

A. accessory water tanks, such as fire protection tanks, and elevated or ground storage tanks used for public water supplies;

B. water sampling devices that are installed in a monitoring well to obtain a water sample and are then removed after the sample is collected; or

C. devices used in the construction or rehabilitation of a well to construct or develop the well.

[For text of subps 52 to 54, see M.R.]

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.0200 APPLICATION TO ALL WELLS, ENVIRONMENTAL BORE HOLES, AND EXCAVATIONS FOR ELEVATOR SHAFTS.

Subpart 1. Applicability. This chapter applies to all wells, environmental bore holes, and borings for elevator shafts in Minnesota except those specifically exempted by Minnesota Statutes, chapter 103I. This chapter applies to state and local governments except that, pursuant to Minnesota Statutes, section 103I.112, state and local governments are exempt from fees required under this chapter.

Subp. 2. Owner responsibility. The owner of a well or boring is bound by all the provisions of parts 4725.0100 to 4725.7600 which relate to location, construction, maintenance, and sealing of wells or borings.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.0300 PUBLIC WATER SUPPLY.

In accordance with part 4720.0010, no system of water supply, where such system is for public use, shall be installed by any public agency or by any person or corporation, nor shall any such existing system be materially altered or extended, until complete plans and specifications for the installation, alteration, or extension, together with such information as the commissioner may require shall have been submitted in duplicate and approved by the commissioner insofar as any features thereof affect or tend to affect the public health. No construction shall take place except in accordance with the approved plans. The plans for the well shall conform as specified by this chapter. No community public water supply well may be drilled without approval of the site by the commissioner according to part 4720.0010.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.0400 VARIANCES.

When the strict applicability of any provision of this chapter presents practicable difficulties or unusual hardships, the commissioner, in a specific instance, may grant a variance consistent with the general purpose of this chapter and Minnesota Statutes, chapter 103I, and upon such conditions as are necessary, in the opinion of the commissioner, to protect the groundwater of the state and the health, safety, and general well-being of persons using or potential users of the groundwater supply.

Any request for a variance shall be submitted to the commissioner in writing and shall be signed by both the well or boring owner and the licensee or registrant. In addition, any person involved in providing documentary evidence in support of the request shall sign the request submitted by the owner. The request shall specify in detail the nature of the variance being sought, the reasons for the request for the variance, and the special precautions to be taken to avoid contamination of the well or boring. The request shall also include: the proposed well or boring depth, casing type and depth, method of construction and grouting, geological conditions likely to be encountered, and location of the well or boring and of possible sources of contamination. Whether or not a request is granted, the commissioner shall state in detail the reasons for the decision.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.0450 LICENSING AND REGISTRATION.

Subpart 1. Wells; vertical heat exchangers; groundwater thermal exchange devices. Except for those persons exempted under Minnesota Statutes, section 103I.205, subdivision 4, paragraph (e), a person must hold a license or registration according to Minnesota Statutes, chapter 103I, to:

A. construct, repair, or seal a well or boring; or

B. construct or seal a vertical heat exchanger or groundwater thermal exchange device.

Subp. 2. Elevator shafts. After July 1, 1990, a person may not excavate a hole for an elevator shaft without holding an elevator shaft contractor license or a well contractor license.

Subp. 3. Well pumps and pumping equipment. After July 1, 1990, a person may not install a well pump or pumping equipment without holding a well contractor license or a limited well contractor license to install a well pump or pumping equipment as required by Minnesota Statutes, chapter 103I. Nothing in this subpart shall prohibit a monitoring well contractor from installing a well pump or pumping equipment in a monitoring well, or a limited unconventional well contractor from installing a well pump or pumping equipment in an unconven-

tional well. Nothing in this subpart shall prohibit a licensed plumber or plumbing contractor from installing water pressure tanks not attached to the well casing, or water storage tanks, or from installing and servicing pressure water service lines from the source of supply, according to applicable law.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.0500 QUALIFICATIONS FOR CONTRACTOR LICENSE OR REGISTRATION.

Subpart 1. General. An applicant for a well contractor, limited well contractor, or elevator shaft contractor license, or a monitoring well contractor registration, must meet the requirements in this part. The applicant must have honesty, integrity, and the ability to perform the work of a contractor. The applicant must submit to the commissioner a properly completed application and successfully complete the examination provided for in this chapter and Minnesota Statutes, chapter 103I.

Subp. 2. Well contractor. An applicant for a well contractor license to construct, repair, and seal a well, unconventional well, monitoring well, environmental bore hole, and an excavation for an elevator shaft; and to install a pump or pumping equipment, must have four years of experience. A year of experience is a year in which the applicant personally, and under the supervision of a licensed well contractor, drilled a minimum of five wells and was drilling wells, sealing wells, and installing pumps for 1,000 hours. An applicant drilling 1,000 hours per year and completing fewer than five wells per year may qualify if the experience is gained in constructing one or more large diameter wells (casing outer diameter of ten inches or more) that are more than 500 feet deep. Supervision of a drilling operation shall not be considered as an equivalent to personally drilling a well.

Subp. 2a. Individual well contractor. A person may apply as an individual for a well contractor license if the person meets the license requirements in Minnesota Statutes, section 103I.525, subdivision 1, paragraph (c).

Subp. 3. Monitoring well contractor. A person may register as a monitoring well contractor to construct, repair and seal monitoring wells, install pumps in monitoring wells, and construct and seal environmental bore holes, if the person meets the requirements in items A to C.

A. The person must be:

(1) a professional engineer registered with the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture according to Minnesota Statutes, sections 326.02 to 326.15;

(2) a hydrologist or hydrogeologist certified by the American Institute of Hydrology; or

(3) a geologist certified by the American Institute of Professional Geologists.

B. The person must have three years of experience. A year of experience is a year in which the applicant worked a minimum of 500 hours in construction, repair, and sealing of monitoring wells, piezometers, or environmental bore holes including design, field supervision, or actual construction of monitoring wells, piezometers, or environmental bore holes.

C. The applicant must have experience in design or field supervision or actual construction of 50 monitoring wells, piezometers, or environmental bore holes.

Subp. 4. Limited well contractor. A person must have a well contractor license or a separate limited well contractor license for each of the categories in items A to C to:

- A. construct, repair, and seal unconventional wells;
- B. install or repair well screens or pitless units or adaptors and well casings from the pitless unit or adaptor to the upper termination of the well casing;
- C. install a well pump or pumping equipment;
- D. seal wells; or
- E. construct, repair, or seal dewatering wells.

Subp. 5. Limited well contractor qualifications for unconventional wells. An applicant for a limited well contractor license to construct, repair, and seal an unconventional well must have three years of experience. A year of experience is a year in which the applicant personally drilled five unconventional wells and worked for a minimum of 1,000 hours constructing, repairing, and sealing unconventional wells, and installing pumps in unconventional wells. An applicant whose experience is constructing unconventional wells must have gained the experience under a licensed well contractor or a limited well contractor licensed to construct, repair, and seal unconventional wells.

Subp. 6. Limited well contractor license to install or repair well screens or pitless adaptors or units and well casings. An applicant for a limited well contractor license to install or repair well screens or pitless adaptors or units and well casings from the pitless device to the upper termination of the well must have two years of experience. A year of experience is a year in which the applicant worked a minimum of 1,000 hours and personally installed or repaired five well screens or pitless units or adaptors and well casings from the pitless unit or adaptor to the upper termination of the well. The experience must have been gained under the supervision of a licensed well contractor or limited well contractor licensed to install or repair well screens or pitless units or adaptors and well casings from the pitless unit or adaptor to the upper termination of the well.

Subp. 7. Limited well contractor qualifications to install a pump or pumping equipment. An applicant for a limited well contractor license to install a pump or pumping equipment must have two years of experience in pump installation and repair. The applicant must have personally installed 20 pumps. The work must include a minimum of 1,000 hours installing well pumps or pumping equipment.

Subp. 8. Elevator shaft contractor. An applicant for an elevator shaft contractor license must have two years of experience related to the construction, repair, and sealing of excavations or borings for the installation of elevator shafts or hydraulic cylinders. The applicant must have designed, supervised, or actually constructed three borings for elevator shafts each year.

Subp. 9. Experience required in Minnesota. The experience for an applicant for licensure as a well contractor, limited well contractor, or elevator shaft contractor, or for registration as a monitoring well contractor, must be gained in Minnesota. However, if an applicant who gained experience outside Minnesota provides the commissioner with information demonstrating that the experience was gained in an area with the same or similar geological and drilling conditions as Minnesota, the experience shall be considered to meet the experience requirements of this part. An applicant from a state having no standards or licensing or registration program, or standards less strict than those adopted in Minnesota, must obtain at least one year of experience in Minnesota.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.0600 [Repealed, 15 SR 78]

4725.0700 APPLICATION FOR LICENSURE OR REGISTRATION.

An applicant shall submit an application to the commissioner on forms provided by the commissioner. The application must be accompanied by a filing fee of \$50. The fee shall be made payable to the Minnesota state treasurer.

The applicant must submit written documentation of experience as required in part 4725.0500. This includes, but is not limited to, water well records, construction logs for wells or borings, letters from employers verifying employment, and work reports.

The filing fee for an application shall not be refunded for any reason except when an applicant is not found to be qualified to take the written examination. If the applicant meets the requirements in part 4725.0500, the applicant shall take the examination in part 4725.1000.

Subp. 2. [Repealed, 15 SR 78]

Statutory Authority: *MS s 103I.101*

History: 15 SR 78

4725.0800 [Repealed, 15 SR 78]

4725.0900 COUNCIL EVALUATION OF APPLICANTS.

Upon request by the commissioner, the council may conduct oral examinations using a standardized examination developed by the commissioner in consultation with the council. Upon request by the commissioner, the council may also provide recommendations as to the appropriate disciplinary action for licensees and registrants found to be in violation of Minnesota Statutes, chapter 103I and this chapter.

Statutory Authority: *MS s 103I.101*

History: 15 SR 78

4725.1000 EXAMINATION.

Subpart 1. [Repealed, 15 SR 78]

Subp. 2. **Examination.** An applicant shall take an examination which may be a combination of written and oral questions as determined by the commissioner with the advice of the council. Satisfactory completion of the examination is a mandatory prerequisite for licensure or registration.

Subp. 3. [Repealed, 15 SR 78]

Statutory Authority: *MS s 103I.101*

History: 15 SR 78

4725.1050 FEES FOR LICENSURE OR REGISTRATION.

Subpart 1. **Licensure or registration application.** Upon satisfactory completion of the examination, the applicant must submit the required fee for a license or registration within one year after the date on which the applicant is notified of passing the examination. The submittal must be on a form provided by the commissioner, must be completed by the applicant, and must be accompanied by a \$250 fee for a well contractor license, a \$50 fee for an individual well contractor license, a \$50 fee for each of the categories of limited well contractor license, a \$50 fee for an elevator shaft contractor license, and a \$50 fee for registration as a monitoring well contractor. The license or registration fee shall be made payable to the Minnesota state treasurer. The fee shall not be refunded for any reason.

Subp. 2. **Deadline for receipt of license or registration fee.** If an applicant passes the examination or qualifies for licensure or registration but the commissioner does not receive the fee for licensure or registration within one year from the date of the letter from the commissioner notifying the applicant of eligibility for licensure or registration, no license or registration may be issued.

Statutory Authority: *MS s 103I.101*

History: 15 SR 78

4725.1100 [Repealed, 15 SR 78]

4725.1200 [Repealed, 15 SR 78]**4725.1250 BONDING.**

At the time the fee is submitted for initial licensure or registration or licensure or registration renewal, the person must show proof of holding a corporate surety bond in the amount of \$10,000. A copy of the bond shall be submitted to the commissioner. For an applicant seeking more than one limited license under part 4725.0500, subpart 4, only one bond is required. The bond may be used by the commissioner to compensate persons injured or suffering financial loss because of failure of a licensee or registrant to properly perform the duties under part 4725.0450 and Minnesota Statutes, chapter 103I. The term of the bond shall be concurrent with the term of the license or registration. The penal sum of the bond is noncumulative and is not to be aggregated every year that the bond is in force. The bond shall be written by a corporate surety licensed to do business in Minnesota. The corporate surety shall be responsible for providing 30 days' written notice to the commissioner of cancellation of a licensee's or registrant's bond. If a bond is canceled, a licensee or registrant shall not work under the license or registration until another bond meeting the requirements of this part is obtained. A person applying for an individual well contractor license is exempt from the requirements of this part.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1300 LICENSE OR REGISTRATION RENEWAL.

Licenses expire on January 31 of each year and registrations expire on December 31 of each year. Each licensee or registrant shall submit an application for license or registration renewal on forms provided by the commissioner no later than January 31 for licenses and December 31 for registrations. The license or registration renewal application shall be accompanied by a fee of \$250 for a well contractor license and \$50 for an individual well contractor license, a limited well contractor license, elevator shaft contractor license, or monitoring well contractor registration. A penalty fee of \$10 shall also be paid if the renewal is submitted after the January 31 license or December 31 registration deadline. At the time of license or registration renewal, the licensee or registrant shall provide written proof that the continuing education required by part 4725.1650 has been completed and shall provide a copy of the license or registration bond required under part 4725.1250. A renewal license or registration card shall be sent to the licensee or registrant after the license or registration application has been submitted and after all other conditions of licensure or registration have been met. The renewal license or registration shall consist of a card in duplicate and contain the name of the licensee or registrant; the licensee's or registrant's representative, if applicable; expiration date; and the license or registration number. One card shall be kept posted with the original license or registration. The other shall be carried by the licensee or registrant or the licensee's or registrant's representative.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1325 DENIAL OF LICENSE OR REGISTRATION RENEWAL.

If the licensee or registrant fails to obtain a well permit or to submit a report of construction of a well or elevator shaft or a report of sealing a well or elevator shaft, or violates any other provision of Minnesota Statutes, chapter 103I, the commissioner may deny renewal of the license or registration.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1350 EXPIRATION OF LICENSURE OR REGISTRATION.

A person who does not renew the license or registration within one year as required under part 4725.1300 must take the examination in part 4725.1000 to relicense or reregister.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1400 LICENSING OR REGISTRATION OF PARTNERSHIPS, CORPORATIONS, BUSINESS ASSOCIATIONS, OR GOVERNMENT AGENCIES.

Subpart 1. Individuals. An individual may apply for registration as a monitoring well contractor or for licensure as a well contractor, limited well contractor, or elevator shaft contractor.

Subp. 1a. Partnerships, corporations, business associations, or government agencies. A partnership, corporation, business association, or government agency may apply for registration as a monitoring well contractor or for licensure as a well contractor, limited well contractor, or elevator shaft contractor. Upon initial registration or licensure, and upon subsequent renewal, a partnership, corporation, business association, or government agency, must designate, on a form provided by the commissioner, at least one licensed or registered individual to serve as a representative for purposes of compliance with the chapter. Each designated representative of a partnership, corporation, business association, or government agency must take the examination in part 4725.1000, but the registrant or licensee shall be the partnership, corporation, business association, or the government agency. Each designated representative shall be responsible for conducting all operations under his or her supervision according to Minnesota Statutes, chapter 103I and this chapter.

A. A person who acts as a representative may not represent more than one well contractor, monitoring well contractor, limited well contractor, or elevator shaft contractor.

B. When a representative no longer works for the registrant or licensee or is otherwise incapable of fulfilling the responsibilities of the registration or license, the registrant or licensee shall inform the commissioner within five days of such fact. If a licensee or registrant has only one designated representative and the representative no longer works for the registrant or licensee, the registrant or licensee shall give the name of a qualified individual who shall be responsible for the work of the registrant or licensee until a new representative is registered or licensed. All applications, examinations, fees, and other requirements must be satisfied in order to qualify the new representative within 90 days. If he or she does not qualify, the contractor shall be without a registration or license and must cease operations.

Subp. 2. Change of registration or licensure. If an individual has his or her own registration or license and desires to act as a representative, or if a representative desires to obtain a registration or license in his or her own name, the partnership, corporation, business association, government agency, or the individual, as the case may be, need only submit an application for registration or licensure and the fee. The examination in part 4725.1000 need not be retaken.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1500 SUSPENSION OR REVOCATION OF LICENSE OR REGISTRATION.

Subpart 1. Commissioner action. The commissioner may suspend or revoke a license or registration if the registrant or licensee has violated the provisions of this chapter or Minnesota Statutes, chapter 103I. The commissioner may initiate such proceedings.

Subp. 2. Investigation. The commissioner may make an investigation to determine if there has been a violation of this chapter or Minnesota Statutes, chapter 103I, and, in so doing, may request the registrant or licensee to appear before the commissioner to determine the merits of the situation in question.

[For text of subp 3, see M.R.]

Subp. 4. Revoked license or registration. A suspended or revoked license or registration certificate along with the current renewal certification must be returned to the commissioner when the license or registration of a well contractor who is subject to part 4725.0450, is revoked or suspended. The disciplinary action shall apply to both the licensee or registrant and the licensee's or registrant's representative.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1600 REINSTATEMENT.

Subpart 1. Revoked license or registration. A revoked license or registration may not be reinstated. The licensee or registrant whose license or registration has been revoked may be relicensed or reregistered by filing the usual applications and fees, and by taking the examination. The commissioner shall require an investigation or review to determine whether the person should be issued a new license or registration; provided, however, that in no case shall a new license or registration be issued prior to one year after the revocation has taken effect.

Subp. 2. Suspended license or registration. A licensee or registrant suspended for a specified time shall be automatically reinstated at the end of that time. Nothing in this chapter shall be interpreted to prevent the making of such reinstatement conditional upon terms established by the commissioner in an order of suspension.

A licensee or registrant suspended for an indefinite time may be reinstated at the commissioner's own motion after due investigation to determine that the conditions upon which the suspension was based have been corrected or upon the commissioner receiving reasonable assurance that the conditions will not recur.

Subp. 3. Petition for reinstatement. The person whose license or registration has been indefinitely suspended may petition the commissioner for licensure or registration reinstatement. The commissioner may permit oral presentation by the person whose license or registration has been indefinitely suspended upon a showing by the petitioner that reasonable grounds exist for such presentation.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1650 CONTINUING EDUCATION REQUIREMENTS.

A well contractor, limited well contractor, and elevator shaft contractor may not renew a license, and a monitoring well contractor may not renew a registration, without having successfully completed six contact hours of continuing education activities acceptable to the commissioner during the year preceding the year for which the license or registration renewal is sought.

Applicants initially licensed or registered are exempt from the continuing education requirements for the following year's license or registration renewal.

Certificates of attendance or other documentation of attendance must be submitted with the renewal application.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1675 CRITERIA FOR CONTINUING EDUCATION.

A continuing education activity must meet the criteria in items A to E for credit to be given.

A. The activity must be related to wells and borings, drilling technology, groundwater contamination, health aspects of water quality, groundwater monitoring, geology, hydrology, well construction and sealing, water systems and water treatment, or other subjects approved by the commissioner.

B. The activity must have a specific, written objective that describes expected outcomes for the participant.

C. The activity must be presented by a person knowledgeable about recent developments in the subject. The person's qualifications must be documented by either specialized training in the subject matter or work experience in the subject area.

D. The activity must be at least one contact hour as defined in part 4725.0100, subpart 24b.

E. The activity must document participation, including but not limited to earned credits and verification of attendance. Program sponsors shall maintain attendance sheets for two years.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1685 ADVISORY COUNCIL REVIEW OF CONTINUING EDUCATION PROGRAMS.

The Advisory Council on Wells and Borings may review continuing education programs and make recommendations to the commissioner as to the acceptability for continuing education credits for each license or registration category.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1700 PLACEMENT OF DECALS AND LICENSE OR REGISTRATION NUMBER.

A licensee or registrant shall place in a conspicuous location on both sides of each drilling machine or hoist his or her license or registration number in figures not less than three inches high and 1-1/2 inches wide. The figures shall be in a contrasting color to the rest of the machine or hoist. Decals designating the year for which the license or registration was issued or renewed and the words, "MINNESOTA LICENSED WELL CONTRACTOR, LIMITED WELL CONTRACTOR, OR ELEVATOR SHAFT CONTRACTOR," or "REGISTERED MONITORING WELL CONTRACTOR," whichever is applicable, shall be affixed directly adjacent to and below the license or registration number on each drilling machine or hoist. Contractors using small drilling machines or hoists or other devices for well or elevator shaft installation, well repair, or well or elevator shaft sealing shall attach their decal on a portable display to be shown at the well or boring site. The decals shall be issued by the commissioner upon licensure or registration and renewal.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1800 DRILLING MACHINE AND HOIST REGISTRATION.

Upon licensure or registration under part 4725.0450, the licensee or registrant must register all drilling machines and hoists and pay a \$50 fee for each machine or hoist. Each time the licensee or registrant renews licensure or registration under part 4725.1300, the licensee or registrant must renew each drilling machine and hoist registration and must pay a \$50 renewal fee for each drilling

machine or hoist. Upon acquiring additional drilling machines or hoists after initial licensure or registration under part 4725.0450 or after renewal of licensure or registration under part 4725.1300, the licensee or registrant must register the machine or hoist and pay the \$50 registration fee. Upon receipt of the required fee and information, a drilling machine or hoist registration card shall be issued for identification purposes for each drilling machine and hoist registered by the contractor. The card shall be carried on the drilling machine or hoist at all times where it may be inspected by the commissioner.

In the case of a licensee or registrant with more than one representative, the licensee or registrant may designate one representative to register all the licensee's or registrant's drilling machines and hoists.

The registration card and decals furnished for a drilling machine or hoist are not transferable. The card and decals shall be returned to the commissioner when a drilling machine is sold, traded, or otherwise disposed of.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

PERMITS AND NOTIFICATIONS

4725.1820 NOTIFICATION FOR CONSTRUCTION OF WELLS.

A well must not be constructed until the owner of the property where the well is to be located, the property owner's agent, a licensed well contractor, or a limited unconventional well contractor submits notification of construction of the proposed well to the commissioner according to this part. This part does not apply to the construction of monitoring wells, dewatering wells, or drive point wells installed by the well owner on the owner's property for residential or agricultural use.

A. Notification is required for all wells constructed by a licensed contractor and other persons allowed to construct wells under Minnesota Statutes, section 103I.205, subdivision 4, paragraph (e).

B. Notification is required for all public water supply wells as defined in part 4725.0100, subpart 37a. Notifications may be submitted with the plan required in part 4725.0300.

C. The property owner, the property owner's agent, a licensed well contractor, or a limited unconventional well contractor must submit the notification on a form provided by the commissioner. The notification must be legible, be accompanied by the fee required in this part, and be signed by the licensed contractor or the owner of the property where the well is located, or the property owner's agent.

D. A notification must be completed for each well.

E. The notification must include the following information for each well:

(1) the name, business address, telephone number, and license number of the licensed contractor;

(2) the name, address, and telephone number of the well owner or property owner, if different;

(3) the legal description or street address of the proposed well location or a map having a scale at least one-half inch to the mile; and

(4) a determination of whether the anticipated capacity of the well pump will be less than or greater than 50 gallons per minute.

F. The owner of the property where a well is to be located must pay a \$50 notification fee for each well with a well pump capacity of less than 50 gallons per minute and a \$100 fee for each well with a well pump capacity of 50 gallons per minute or more.

G. A new notification must be filed with the commissioner if:

(1) a licensed contractor other than the one listed on the original notification completes the well; and/or

(2) the well is completed on property other than that listed on the original notification.

A new fee is not required for a new notification filed under this item.

H. The notification is valid for one year from the date it is filed. If the property owner, property owner's agent, a licensed well contractor, or a limited unconventional well contractor submits a written request to the commissioner, and shows the well has not been completed or constructed, the commissioner may extend the expiration date for an additional six months.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1825 DEWATERING WELL CONSTRUCTION PERMITS.

This part applies to all dewatering wells as defined in part 4725.0100, subpart 24c, including drive point wells used for dewatering. Until June 30, 1992, this part does not apply to dewatering wells that are constructed and that operate down to 45 feet.

A. A dewatering well must not be constructed until a permit has been issued by the commissioner to the limited well contractor or well contractor.

B. The limited well contractor or well contractor must submit to the commissioner a dewatering well permit application on a form provided by the commissioner. The application must be legible and signed by the limited well contractor or well contractor and the property owner or agent.

C. A permit application must be completed for each dewatering well or dewatering well project.

D. The permit shall include the following information for each well:

(1) the name, business address, and license number of the limited well contractor or well contractor;

(2) the name and address of the dewatering well owner or property owner, if different;

(3) the legal description or street address of the proposed dewatering well location or a map having a scale at least one-half inch to the mile; and

(4) the anticipated depth of the dewatering well.

E. Permit applications for dewatering wells constructed through a confining layer must include the following information for each well in addition to that required in item D:

(1) the diameter of the dewatering well;

(2) the drilling method;

(3) the casing materials;

(4) the materials and methods used to grout the well; and

(5) a cross-sectional diagram of the well.

F. Permits are not transferable. Only the permit holder is authorized to construct the dewatering well or wells.

G. The permit is valid for one year from the date it is issued. If the permit holder submits to the commissioner a written request for an extension, and shows that the dewatering well has not been completed or constructed, the commissioner may extend the expiration date for an additional six months.

H. The owner of the property where a dewatering well or wells are to be located must pay a \$50 permit fee for each dewatering well. However, for a project consisting of more than ten wells, the fee is \$500.

I. A copy of the permit shall be made available at the dewatering site at all times during construction.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1830 MONITORING WELL CONSTRUCTION PERMIT.

This part applies to all monitoring wells, including drive point wells used as monitoring wells.

A. A monitoring well must not be constructed until a permit has been issued by the commissioner to the monitoring well contractor or well contractor.

B. A permit is not required for monitoring wells sampled during drilling in an uncased hole that is sealed upon completion of drilling.

C. A monitoring well contractor must submit to the commissioner a monitoring well permit application on a form provided by the commissioner. The application must be legible and signed by the monitoring well contractor or well contractor and the property owner or agent.

D. A permit application must be completed for each monitoring well. However, for monitoring wells used as leak detection devices at a petroleum bulk storage site or a motor fuel retail outlet, a single permit application may be completed for all wells on a site drilled under a single contract.

E. A permit application for a monitoring well owned by a person other than the property owner must verify that a written agreement exists according to Minnesota Statutes, section 103I.205, subdivision 8.

F. The permit application must include the following information for each well:

(1) the name, business address, and registration number of the monitoring well contractor or license number of the well contractor;

(2) the name and address of the monitoring well owner and property owner, if different;

(3) the legal description or street address of the proposed monitoring well location or a map having a scale at least one-half inch to the mile; and

(4) the anticipated well depth.

G. Permit applications for monitoring wells constructed through a confining layer must include the following information for each well in addition to that required in item F:

(1) the diameter of the well;

(2) the drilling method;

(3) the casing materials;

(4) the materials and methods used to grout the well; and

(5) a cross-sectional diagram of the well.

H. Permit applications for at-grade wells must include the following information for each well in addition to that required in item F:

(1) an explanation of why the well casing cannot terminate 12 inches above ground;

(2) a map showing the location of the proposed well referenced to a bench mark, a permanent landmark, or the corners of the property; and

(3) a cross-sectional diagram of the well cap and vault or manhole.

I. Permits are not transferable. Only the permit holder is authorized to construct the well.

J. The permit is valid for six months from the date it is issued. If the permit holder submits to the commissioner a written request for an extension, and shows the monitoring well has not been completed or constructed, the commissioner may extend the expiration date for an additional six months.

K. The owner of the property on which a monitoring well is to be located

must pay a \$50 permit fee for each monitoring well. One permit is required for monitoring wells drilled under a single contract, used as leak detection devices at a petroleum bulk storage site or retail motor fuel outlet. The permit fee is \$50 per site regardless of the number of wells. Subsequent wells drilled on the site under a separate contract are exempt from additional permit fees, but a new permit listing all new wells is required. A site consists of a single continuous piece of property on which the petroleum bulk storage facility or motor fuel retail outlet is located. The site does not include other properties on which monitoring wells are constructed to evaluate a spill or leak associated with the petroleum facility. Owners of petroleum retail outlets or bulk storage facilities installing more than one monitoring well must list each well on the permit.

L. A copy of the permit shall be made available at the monitoring well site at all times during construction.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1835 ELEVATOR SHAFT CONSTRUCTION PERMITS.

This part applies to an excavation or hole for installation of an elevator shaft or hydraulic cylinder for an elevator shaft.

A. After July 1, 1990, an excavation or hole for an elevator shaft must not be constructed until a permit has been issued by the commissioner to the elevator shaft contractor or well contractor.

B. An elevator shaft contractor or well contractor must submit to the commissioner an elevator shaft permit application on a form provided by the commissioner. The application shall be legible and signed by the elevator shaft contractor or well contractor and the elevator shaft owner and property owner or agent.

C. The permit must include the following information for each hole or excavation for the elevator shaft:

(1) the name, business address, and license number of the elevator shaft contractor or well contractor;

(2) the name and address of the elevator shaft owner or property owner, if different;

(3) the legal description or street address of the proposed excavation location or a map having a scale at least one-half inch to the mile; and

(4) the anticipated depth of the elevator shaft hole or excavation.

D. Permit applications for elevator shaft excavations constructed through a confining layer must include the following information in addition to that required in item C:

(1) the diameter of the excavation or hole for the elevator shaft;

(2) the drilling method;

(3) the casing materials;

(4) the materials and methods used to grout the excavation or hole;

and

(5) a cross-sectional diagram of the excavation or hole.

E. Permits are not transferable. Only the permit holder is authorized to construct the excavation or hole for the elevator shaft.

F. The permit is valid for one year from the date it is issued. If the permit holder submits to the commissioner a written request for an extension, and shows the elevator shaft has not been completed or constructed, the commissioner may extend the expiration date for an additional six months.

G. The owner of the property where the elevator shaft is to be located must pay a \$50 permit fee for each elevator shaft excavation or hole.

H. A copy of the permit must be available at the elevator shaft excavation site at all times during excavation of the elevator shaft.

Statutory Authority: *MS s 103I.101*

History: 15 SR 78

4725.1836 NOTIFICATION AND PERMIT FEES.

The appropriate fees must accompany all notifications and permit applications. Notification or permit fees may be paid electronically. Notification and permit application fees shall be refunded if written application is received within 30 days of submission of incorrect fees, or if written application is received within one year of notification or issuance of a permit if a well or boring was not completed. The notification or permit application may be made by facsimile transmission.

Statutory Authority: *MS s 103I.101*

History: 15 SR 78

4725.1837 EXCEPTION TO NOTICE AND PERMIT.

A permit or notification is not required for installation of a pump or pumping equipment or repair of an existing well or boring if the repair does not involve deepening the well or boring, or removal or installation of casing.

Statutory Authority: *MS s 103I.101*

History: 15 SR 78

4725.1838 EMERGENCY NOTIFICATIONS AND PERMITS.

Notifications and applications for permits may be verbally reported under emergency conditions for construction of wells, monitoring wells, and dewatering wells, except for monitoring wells and dewatering wells constructed through a confining layer and for at-grade monitoring wells. Emergency conditions are exceptional circumstances where a delay in starting construction poses an immediate and significant danger to health or safety and there is no time for prior notification or obtaining the required permit.

Exceptional circumstances include, but are not limited to, cases where well failure will leave livestock or persons without drinking water, where inaction presents an imminent threat to contamination of the well, boring, or groundwater, where delay will result in collapse or damage to the well, where delay will result in the endangerment of health or safety such as in an unstable excavation, or where such construction is court ordered.

A. If emergency conditions affecting construction of a well occur during normal business hours, the property owner, the property owner's agent or a licensed contractor may verbally provide to an authorized representative of the commissioner the information required for notification under part 4725.1820. If emergency conditions affecting construction of a monitoring well, dewatering well, or elevator shaft occur during normal business hours, the contractor may verbally provide the information required for permits under part 4725.1825, 4725.1830, or 4725.1835, whichever is applicable, to an authorized representative of the commissioner.

B. If emergency conditions occur after business hours or on a nonbusiness day, construction of a well, monitoring well, or dewatering well, or excavation for an elevator shaft may begin if the property owner or contractor, as required in item A, telephones the Department of Health and leaves a message on the answering service reporting the applicable information required in part 4725.1820, 4725.1825, 4725.1830, or 4725.1835.

C. A written notification or written permit application and the applicable fees must be received by the commissioner within five working days after emergency notification of the start of construction of a well, or within five work-

ing days after the start of construction under an emergency permit for a dewatering well, monitoring well, or elevator shaft. The property owner, the property owner's agent, or a licensed or registered contractor is responsible for submitting a written notification or permit and fee.

D. The emergency notification or permit shall be void if construction is not started within 72 hours of verbal reporting.

E. All construction and location standards in this chapter shall apply to wells and borings constructed under emergency conditions.

F. The commissioner shall not issue emergency permits to or accept emergency notifications from contractors who violate the emergency notification or permit requirements.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1840 UNSUCCESSFUL COMPLETION OF A WELL OR BORING.

If an attempt to complete construction of a well, monitoring well, dewatering well, or excavation for installation of an elevator shaft for which a notification or permit has been filed is unsuccessful, a new notification or permit need not be filed if:

A. the construction and depth of the new well or excavation is not substantially different from the initial well; and

B. the person installing the well or elevator shaft amends the notification or permit to indicate the location of the completed well or boring.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1842 APPROVAL OF CONSTRUCTION PERMITS.

The commissioner shall review a permit application upon submission. A permit shall be issued if the application is complete and is in compliance with this chapter.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1845 DENIAL OF CONSTRUCTION PERMIT APPLICATION.

Subpart 1. **Grounds for denial of application.** The commissioner may deny a permit application or revoke a permit for construction of a monitoring well, dewatering well, or excavation for installation of an elevator shaft if:

A. the person constructing the well or boring is not licensed or registered according to this chapter;

B. information submitted in the permit application is determined to be false or misrepresented;

C. the construction of the well or boring would not be in conformance with this chapter;

D. issuance of the permit conflicts with statute or rule;

E. a provision of the permit is violated;

F. the well or boring would be constructed into or through contaminated soil or groundwater, and construction or use of the well or boring would result in contamination of a well or boring, allow contamination to spread, or would adversely affect groundwater remediation; or

G. pumping from the well or boring would intercept groundwater contamination and construction or use of the well or boring would result in contamination of a well or boring, allow contamination to spread, or would adversely affect groundwater remediation.

Subp. 2. Notice requirement. The commissioner shall give the applicant or permit holder written notice of the permit application denial or permit revocation. The notice shall state the reason for denial or revocation. A denied permit application or revoked permit may be revised or corrected and resubmitted to the commissioner for reconsideration.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1848 WELL MAINTENANCE PERMITS.

Subpart 1. Permit required. Annual maintenance permits are required for monitoring wells and dewatering wells that are not permanently sealed within 14 months of construction and wells that are not sealed, are inoperable, are not in use, or are disconnected from a power supply.

Subp. 2. Permit application. The owner of the property where the well is located must submit to the commissioner a maintenance permit application on a form provided by the commissioner. The application must be legible, accompanied by the correct fee, and signed by the property owner where the well is located. The permit application shall include the following information for each well:

- A. the name, telephone number, and address of the property owner and well owner, if different;
- B. the legal description of the well location; and
- C. the Minnesota unique well number. If the unique number is not known, the depth, diameter, and construction of the well must be reported.

The commissioner shall review a permit application upon submission. A permit shall be issued if the application is complete and is in compliance with this chapter. A permit shall not be issued for a well that is required to be sealed by this chapter or Minnesota Statutes, section 103I.301.

Subp. 3. Permit conditions. The conditions in items A to E apply to permits.

- A. Maintenance permits are not transferable. If ownership of the property changes, an application must be made for a new maintenance permit.
- B. A maintenance permit is valid for one year from the date it is issued.
- C. A maintenance permit does not allow construction or repair that would require notification or a permit according to this chapter.
- D. All provisions of this chapter involving the proper isolation distance from contamination sources and necessary seals and safeguards apply to a well under a maintenance permit.

E. The commissioner may deny a permit application or revoke a permit for violation of this chapter. The commissioner shall give the applicant or permit holder written notice of the permit application denial or permit revocation. The notice shall state the reason for denial or revocation.

Subp. 4. Well maintenance permits. An annual well maintenance permit is required for an unsealed well that is not in use, that is inoperable, or from which the power supply has been disconnected. The owner of the property on which such a well is located must submit an annual \$50 permit fee along with the permit application, or have the well sealed.

Subp. 5. Monitoring well maintenance permits. The provisions in items A to C apply to monitoring well maintenance permits.

A. The owner of property on which an unsealed monitoring well is located must obtain a maintenance permit starting 14 months after construction of the well and must pay a fee of:

- (1) \$50 for each monitoring well that is unsealed; or
- (2) \$50 for each motor fuel retail outlet or petroleum bulk storage site that has unsealed monitoring wells located on the site.

The permit must be renewed annually until the well is sealed.

B. A maintenance permit application must be completed for each monitoring well. However, a single permit application may be completed for monitoring wells used as leak detection devices at a petroleum bulk storage site or a motor fuel retail outlet. The permit must list each well and include the well location and unique well number. A site or outlet consists of a single continuous piece of property on which the petroleum bulk storage or retail motor fuel outlet is located. The site does not include other properties on which monitoring wells are constructed to evaluate a spill or leak associated with the petroleum facility.

C. Monitoring wells that are inoperable or not in use, or for which no maintenance permit has been obtained 14 months after construction, must be permanently sealed.

Subp. 6. **Dewatering well maintenance permits.** The conditions in items A to C apply to dewatering well maintenance permits.

A. No later than 14 months after construction of a dewatering well, the owner of the property on which a dewatering well is located must obtain a maintenance permit for an unsealed dewatering well and must pay a fee of:

(1) \$25 for each dewatering well that is unsealed; or

(2) \$250 for a dewatering project consisting of ten or more unsealed dewatering wells.

The permit must be renewed annually for wells that are in use.

B. A maintenance permit for a dewatering project of ten or more dewatering wells must list each well and include the well location and unique well number.

C. Dewatering wells that are inoperable or not in use, or for which no maintenance permit has been obtained, must be permanently sealed.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1849 DRIVE POINT WELL CONSTRUCTION NOTIFICATION.

Subpart 1. **Scope.** This part applies to drive point wells constructed by an individual on property that is owned or leased by the individual and that is used for agricultural purposes or as the individual's place of residence.

Subp. 2. **Notification.** Written notification of construction of a drive point well installed by a property owner must be filed with the commissioner within ten days after completion of the well. The owner of the drive point well must provide the following information on a notification form provided by the commissioner:

(1) the name, address, and telephone number of the drive point well owner and property owner, if different;

(2) the legal description of the well location; and

(3) the date the well was constructed.

Subp. 3. **Retail sale of drive point well materials.** A person who sells drive point well materials at retail must:

A. provide each buyer with a copy of the notification form and informational materials provided by the department; and

B. maintain a record of the date of sale and name and address of each purchaser of drive point well materials.

The record must be made available to the commissioner for inspection. The record must be maintained on the premises for three years, or as an alternative may be filed with the commissioner on a yearly basis.

The commissioner shall provide copies of the drive point notification form and information about well regulations to retail sellers of drive point well materials.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*

4725.1850 [Repealed, 15 SR 78]

WELL LABEL RECORDS, LABELS, SAMPLES

4725.6750 WELL IDENTIFICATION LABEL.

Subpart 1. Label required. Upon completing construction and before placing a well into service, an identification label provided by the commissioner must be attached to the well by the person constructing the well.

Subp. 2. Exceptions. Wells installed for temporary use that are permanently sealed within 90 days of construction are exempt from the labeling requirements of this part.

Subp. 3. Markings. The person who installs a well shall mark the well identification label with the depth of the well, the name or license or registration number of the person who constructed the well, and the date the well was constructed. The markings shall be stamped, engraved, or embossed in permanent letters and numbers no less than five millimeters ($3/16$ inch) high. As an alternative to marking the well identification label, the person may attach a separate label to the well casing, well cap, pump control box, or electrical panel. The separate label shall be marked with the depth of the well, the name or license or registration number of the person who constructed the well, and the date the well was constructed.

Subp. 4. Attachment of label. The well identification label provided by the commissioner shall be attached to the well casing in a visible location by use of a stainless steel clamp or metal band or strap. Alternately, the label may be attached to a concrete pump base or pedestal by the use of screws or fasteners, or may be attached to a monitoring well manhole or vault.

Subp. 5. Removal of label. The well identification label may only be removed by a person licensed or registered to modify the well. Upon completion of modification or repair of the well, the label must be reattached.

Subp. 6. Well modification. A new well identification label must be attached to the well by any person who alters the well depth, diameter, or casing.

Statutory Authority: *MS s 103I.101*

History: *15 SR 78*