

CHAPTER 156A

WATER WELLS AND EXPLORATORY BORING

156A.02	Definitions; exclusions.	156A.071	Exploratory boring; licensing and regulation.
156A.03	Regulation and licensing.	156A.08	Penalties.
156A.05	Powers and duties of the commissioner.	156A.10	Groundwater thermal exchange devices; licensing and regulation.
156A.07	Water well contractors' licenses.		

156A.02 DEFINITIONS; EXCLUSIONS.

Subdivision 1. For the purposes of sections 156A.01 to 156A.08, "water well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of the same is for the location, diversion, artificial recharge, or acquisition of ground water; provided, however, that the term does not include excavation by backhoe, or otherwise for temporary dewatering of ground water for nonpotable use during construction, where the depth thereof is 25 feet or less; nor shall it include an excavation other than exploratory boring made for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying or for the inserting media to repressure oil or natural gas bearing formations or for storing petroleum, natural gas or other products.

Subd. 2. For the purposes of sections 156A.01 to 156A.08, "water well contractor" and "contractor" means any person, firm, copartnership, association or corporation, who shall construct, abandon, or repair a water well upon land other than his own for compensation. "Water well drilling machine" means any machine or device such as a cable tool, rotary, hollow rod, or auger, used for construction, abandonment, or repair of a water well.

Subd. 3. Sections 156A.01 to 156A.08 shall not require licensing of (1) an individual who drills a water well on land which is owned or leased by him and is used by him for farming or agricultural purposes or as his place of abode, or (2) to an individual who performs labor or services for a water well contractor in connection with the drilling, abandonment, or repair of a water well at the direction and at the personal supervision of a licensed water well contractor; provided, however, that the individual shall comply with all other provisions of sections 156A.01 to 156A.08 and with any rule, regulation or well code adopted thereunder.

[For text of subds 4 and 5, see M.S.1980]

Subd. 6. For the purposes of sections 156A.02 to 156A.08 "groundwater thermal exchange device" means any space heating or cooling device, the operation of which is dependent upon extraction and reinjection of groundwaters from an independent aquifer. Thermal exchange devices licensed under this chapter shall be sealed against the introduction of any foreign substance into the system, but shall be so constructed as to permit periodic inspection of water quality and temperature.

History: 1981 c 179 s 2; 1981 c 278 s 2-4

156A.03 REGULATION AND LICENSING.

Subdivision 1. The state commissioner of health shall regulate and license the drilling and constructing of all water wells within this state, examine and license water well contractors and, after consultation with the commissioner of

MINNESOTA STATUTES 1981 SUPPLEMENT

609

WATER WELLS AND EXPLORATORY BORING 156A.05

natural resources and the pollution control agency establish standards for the design, location, construction, abandonment, and repair of water wells within this state. As provided in section 156A.071, the commissioner shall license explorers engaged in exploratory boring and shall examine individuals who supervise or oversee exploratory boring.

Subd. 2. No contractor shall drill, construct, abandon, or repair a water well within this state unless in possession of a valid license to do so issued annually by the state commissioner of health. An applicant who is otherwise qualified but who does not have practical field experience in the operation of conventional drilling machines such as a cable tool, rotary, hollow rod, or auger, but who does install unconventional wells such as drive point, or who is in the well repair service which involves modification to the well casing, screen, depth, or diameter below the upper termination of the well casing, shall have his license limited to such water well contracting work.

Subd. 3. A professional engineer registered pursuant to the provisions of sections 326.02 to 326.15, in the branches of civil or geological engineering, shall not be required to be licensed as a water well contractor under the provisions of this section to drill test borings or to install piezometer wells for engineering purposes, or to construct ground water quality sampling and monitoring wells as defined in rules promulgated by the commissioner. Test holes, piezometer wells installed for engineering purposes, and other wells described by this subdivision, shall be constructed, maintained and abandoned in accordance with this chapter and the rules promulgated thereunder.

Any professional engineer engaged in the practice of constructing ground water quality sampling and monitoring wells as described in this subdivision shall register with the commissioner on forms provided by the commissioner.

History: 1981 c 179 s 1; 1981 c 278 s 5,6

156A.05 POWERS AND DUTIES OF THE COMMISSIONER.

Subdivision 1. The state commissioner of health shall possess all powers reasonable and necessary to enable him to exercise effectively the authority granted to him by sections 156A.01 to 156A.08.

Subd. 2. The commissioner of health shall by December 31, 1971, in the manner prescribed by chapter 15, hold a public hearing and promulgate rules and regulations necessary to carry out the purposes of sections 156A.01 to 156A.08 including, but not limited to:

- (a) Issuance of licenses for qualified water well contractors.
- (b) Establishment of conditions for examination and review of applications for license.
- (c) Establishment of conditions for revocation and suspension of license.
- (d) Establishment of minimum standards for design, location, construction, abandonment, and repair of wells to effectuate the purpose and intent of sections 156A.01 to 156A.08.
- (e) Establishment of a system for reporting on wells drilled and abandoned by licensed water well contractors.

Subd. 3. The state commissioner of health may inspect water wells drilled, abandoned, or repaired or being drilled, abandoned, or repaired, and shall have access to same at all reasonable times.

Subd. 4. The commissioner may order the owner of a well to take remedial measures, including making repairs, reconstructing or abandoning the well in accordance with rules of the commissioner. The order may be issued if the commissioner determines, based upon inspection of the well and site or an analysis of water from the well, that any of the following conditions exist:

- (1) the well is contaminated,
- (2) the well has not been abandoned in accordance with the rules of the commissioner,
- (3) the well is in such a state of disrepair that its continued existence endangers the quality of the ground water,
- (4) the well is located in such a place or constructed in such a manner that its continued use or existence endangers the quality of the ground water.

The order may be enforced in an action to seek compliance brought by the commissioner in the district court of the county in which the well is located.

The owner has a cause of action for civil damages against any person whose action or inaction caused contamination of the well. The right of an owner to maintain a course of action as provided herein extends for a period of six years after the owner knows or becomes aware of the contamination of the well. The court shall award damages, reasonable attorneys' fees, and costs and disbursements.

History: 1981 c 278 s 8

156A.07 WATER WELL CONTRACTORS' LICENSES.

Subdivision 1. Any person not already licensed under sections 156A.01 to 156A.08 who desires to engage in the drilling, making, construction, abandonment, or repair of one or more wells in this state shall first file an application with the commissioner for a contractor's license, setting out his qualifications therefor, the equipment proposed to be used in the contracting, and other information as may be required by the commissioner, all upon forms prescribed by the commissioner. The commissioner shall charge a fee in an amount prescribed by him pursuant to section 144.122 for the filing of the application by any person, and he shall not act upon any application until the fee has been paid. When the commissioner has approved the application, the applicant shall take an examination given by the commissioner.

[For text of subd 2, see M.S.1980]

Subd. 4. All persons licensed under the provisions of sections 156A.01 to 156A.08 shall, within 30 days after completion or abandonment of any well, submit a verified report to the Minnesota department of health upon forms provided by it containing the following information: (a) the name and address of the owner of the well and the actual location of the well; (b) a well log of the materials and water encountered in connection with drilling the well, together with all pumping tests relating thereto; (c) other information as the commissioner of health may require concerning the drilling or abandonment of the well. The commissioner of health shall send one copy of the report to the commissioner of natural resources, the local soil and water conservation district within which the well is located, and one copy to the director of the Minnesota geological survey within 30 days of receipt from the water well contractor. The department of health may: (1) Establish procedures for coordinating well data collection with other state and local governmental agencies; and (2) Establish criteria and procedures for submission of well logs, formation samples or well cuttings, water

samples or other special information which may be required for geologic and water resource mapping to protect, develop, and manage, for the public health and welfare and to assist in the development of a state water information system. The license of any person licensed under sections 156A.01 to 156A.08 may be suspended or revoked, as provided in section 156A.03, for violation of any of the provisions of this subdivision.

[For text of subds 5 to 9, see M.S.1980]

History: 1981 c 278 s 9,10

156A.071 EXPLORATORY BORING; LICENSING AND REGULATION.

[For text of subds 1 to 6, see M.S.1980]

Subd. 7. **Permanent and temporary abandonment procedures.** Permanent and temporary abandonment of exploratory borings shall be accomplished pursuant to rules adopted in accordance with this chapter.

[For text of subds 8 and 9, see M.S.1980]

History: 1981 c 278 s 11

156A.08 PENALTIES.

Any person who shall willfully violate any lawful regulation, rule or order of the commissioner, or who shall engage in the business of drilling or making water wells without first having obtained a license as in sections 156A.01 to 156A.08 required, or who shall engage in the business of exploratory boring without either being licensed in accordance with the provisions of this chapter, or being registered as a professional engineer or certified as a professional geologist, or who shall violate any provision of sections 156A.01 to 156A.08, shall be guilty of a gross misdemeanor. Any violation of sections 156A.01 to 156A.08 shall be prosecuted by the county attorney in the county in which the said violation occurred or is occurring, and the trial thereof shall be held in that county.

History: 1981 c 278 s 12

156A.10 GROUNDWATER THERMAL EXCHANGE DEVICES: LICENSING AND REGULATION.

Subdivision 1. Notwithstanding any department or agency rule to the contrary, the department of health shall issue, upon request and submission of a \$50 fee, permits for the reinjection of water by a properly constructed well into the same aquifer from which the water was drawn exclusively for the operation of a groundwater thermal exchange device. Withdrawal and reinjection shall be accomplished by means of a closed system in which the waters drawn for thermal exchange shall have no contact or commingling with water from other sources or with any polluting material or substances and so constructed as to allow opening for inspection by the department. As a condition of the permit, an applicant shall agree to allow inspection by the department during regular working hours for department inspectors. A maximum of 200 permits shall be issued for small systems having maximum capacities of 20 gallons per minute or less, which shall be subject to inspection twice annually. A maximum of ten permits shall be issued for larger systems having maximum capacities from 20 to 50 gallons per minute, which shall be subject to inspection four times per year. The department may by rule provide for administration of this section.

MINNESOTA STATUTES 1981 SUPPLEMENT

Subd. 2. Water appropriation permit requirements and penalties provided in sections 105.41 to 105.416 and any related rules promulgated and enforced by the department of natural resources shall apply to groundwater thermal exchange permit recipients if actual rate of flow exceeds 20 gallons per minute. Validity of the permit is contingent upon compliance with all provisions of subdivision 1. Noncompliance shall subject the permitted party to any sanctions applicable to the noncomplying activity available to the Minnesota department of health and Minnesota pollution control agency.

History: 1981 c 179 s 3