

CHAPTER 103I

WELLS, BORINGS, AND UNDERGROUND USES

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1031.101 POWERS AND DUTIES OF THE COMMISSIONER OF HEALTH.

[For text of subs 1 to 5, see M.S.2000]

Subd. 6. **Fees for variances.** The commissioner shall charge a nonrefundable application fee of \$150 to cover the administrative cost of processing a request for a variance or modification of rules adopted by the commissioner under this chapter.

History: *1Sp2001 c 9 art 1 s 3*

NOTE: The amendment to subdivision 6 by Laws 2001, First Special Session chapter 9, article 1, section 3, is effective July 1, 2002. Laws 2001, First Special Session chapter 9, article 1, section 3, the effective date:

1031.112 FEE EXEMPTIONS FOR STATE AND LOCAL GOVERNMENT.

(a) The commissioner of health may not charge fees required under this chapter to a federal agency, state agency, or a local unit of government or to a subcontractor performing work for the state agency or local unit of government.

(b) "Local unit of government" means a statutory or home rule charter city, town, county, or soil and water conservation district, watershed district, an organization formed for the joint exercise of powers under section 471.59, a board of health or community health board, or other special purpose district or authority with local jurisdiction in water and related land resources management.

History: *1Sp2001 c 9 art 1 s 4*

NOTE: The amendment to this section by Laws 2001, First Special Session chapter 9, article 1, section 4, is effective July 1, 2002. Laws 2001, First Special Session chapter 9, article 1, section 4, the effective date.

1031.208 NOTIFICATION FILING FEES AND PERMIT FEES.

Subdivision 1. **Well notification fee.** The well notification fee to be paid by a property owner is:

(1) for a new well, \$150, which includes the state core function fee;

(2) for a well sealing, \$30 for each well, which includes the state core function fee, except that for monitoring wells constructed on a single property, having depths within a 25 foot range, and sealed within 48 hours of start of construction, a single fee of \$30; and

(3) for construction of a dewatering well, \$150; which includes the state core function fee, for each well except a dewatering project comprising five or more wells shall be assessed a single fee of \$750 for the wells recorded on the notification.

[For text of subd 1a, see M.S.2000]

Subd. 2. **Permit fee.** The permit fee to be paid by a property owner is:

(1) for a well that is not in use under a maintenance permit, \$125 annually;

(2) for construction of a monitoring well, \$150, which includes the state core function fee;

(3) for a monitoring well that is unsealed under a maintenance permit, \$125 annually;

(4) for monitoring wells used as a leak detection device at a single motor fuel retail outlet, a single petroleum bulk storage site excluding tank farms, or a single

agricultural chemical facility site, the construction permit fee is \$150, which includes the state core function fee, per site regardless of the number of wells constructed on the site, and the annual fee for a maintenance permit for unsealed monitoring wells is \$125 per site regardless of the number of monitoring wells located on site;

(5) for a groundwater thermal exchange device, in addition to the notification fee for wells, \$150, which includes the state core function fee;

(6) for a vertical heat exchanger, \$150;

(7) for a dewatering well that is unsealed under a maintenance permit, \$125 annually for each well, except a dewatering project comprising more than five wells shall be issued a single permit for \$625 annually for wells recorded on the permit; and

(8) for excavating holes for the purpose of installing elevator shafts, \$150 for each hole.

History: *1Sp2001 c 9 art 1 s 5,6*

NOTE: The amendments to subdivisions 1 and 2 by Laws 2001, First Special Session chapter 9, article 1, sections 5 and 6, are effective July 1, 2002. Laws 2001, First Special Session chapter 9, article 1, sections 5 and 6, the effective dates.

1031.235 REAL PROPERTY SALE; DISCLOSURE OF LOCATION OF WELLS.

Subdivision 1. **Disclosure of wells to buyer.** (a) Before signing an agreement to sell or transfer real property, the seller must disclose in writing to the buyer information about the status and location of all known wells on the property, by delivering to the buyer either a statement by the seller that the seller does not know of any wells on the property, or a disclosure statement indicating the legal description and county, and a map drawn from available information showing the location of each well to the extent practicable. In the disclosure statement, the seller must indicate, for each well, whether the well is in use, not in use, or sealed.

(b) At the time of closing of the sale, the disclosure statement information, name and mailing address of the buyer, and the quartile, section, township, and range in which each well is located must be provided on a well disclosure certificate signed by the seller or a person authorized to act on behalf of the seller.

(c) A well disclosure certificate need not be provided if the seller does not know of any wells on the property and the deed or other instrument of conveyance contains the statement: "The Seller certifies that the Seller does not know of any wells on the described real property."

(d) If a deed is given pursuant to a contract for deed, the well disclosure certificate required by this subdivision shall be signed by the buyer or a person authorized to act on behalf of the buyer. If the buyer knows of no wells on the property, a well disclosure certificate is not required if the following statement appears on the deed followed by the signature of the grantee or, if there is more than one grantee, the signature of at least one of the grantees: "The Grantee certifies that the Grantee does not know of any wells on the described real property." The statement and signature of the grantee may be on the front or back of the deed or on an attached sheet and an acknowledgment of the statement by the grantee is not required for the deed to be recordable.

(e) This subdivision does not apply to the sale, exchange, or transfer of real property:

(1) that consists solely of a sale or transfer of severed mineral interests; or

(2) that consists of an individual condominium unit as described in chapters 515 and 515B.

(f) For an area owned in common under chapter 515 or 515B the association or other responsible person must report to the commissioner by July 1, 1992, the location and status of all wells in the common area. The association or other responsible person must notify the commissioner within 30 days of any change in the reported status of wells.

(g) For real property sold by the state under section 92.67, the lessee at the time of the sale is responsible for compliance with this subdivision.

(h) If the seller fails to provide a required well disclosure certificate, the buyer, or a person authorized to act on behalf of the buyer, may sign a well disclosure certificate based on the information provided on the disclosure statement required by this section or based on other available information.

(i) A county recorder or registrar of titles may not record a deed or other instrument of conveyance dated after October 31, 1990, for which a certificate of value is required under section 272.115, or any deed or other instrument of conveyance dated after October 31, 1990, from a governmental body exempt from the payment of state deed tax, unless the deed or other instrument of conveyance contains the statement made in accordance with paragraph (c) or (d) or is accompanied by the well disclosure certificate containing all the information required by paragraph (b) or (d). The county recorder or registrar of titles must not accept a certificate unless it contains all the required information. The county recorder or registrar of titles shall note on each deed or other instrument of conveyance accompanied by a well disclosure certificate that the well disclosure certificate was received. The notation must include the statement "No wells on property" if the disclosure certificate states there are no wells on the property. The well disclosure certificate shall not be filed or recorded in the records maintained by the county recorder or registrar of titles. After noting "No wells on property" on the deed or other instrument of conveyance, the county recorder or registrar of titles shall destroy or return to the buyer the well disclosure certificate. The county recorder or registrar of titles shall collect from the buyer or the person seeking to record a deed or other instrument of conveyance, a fee of \$30 for receipt of a completed well disclosure certificate. By the tenth day of each month, the county recorder or registrar of titles shall transmit the well disclosure certificates to the commissioner of health. By the tenth day after the end of each calendar quarter, the county recorder or registrar of titles shall transmit to the commissioner of health \$27.50 of the fee for each well disclosure certificate received during the quarter. The commissioner shall maintain the well disclosure certificate for at least six years. The commissioner may store the certificate as an electronic image. A copy of that image shall be as valid as the original.

(j) No new well disclosure certificate is required under this subdivision if the buyer or seller, or a person authorized to act on behalf of the buyer or seller, certifies on the deed or other instrument of conveyance that the status and number of wells on the property have not changed since the last previously filed well disclosure certificate. The following statement, if followed by the signature of the person making the statement, is sufficient to comply with the certification requirement of this paragraph: "I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate." The certification and signature may be on the front or back of the deed or on an attached sheet and an acknowledgment of the statement is not required for the deed or other instrument of conveyance to be recordable.

(k) The commissioner in consultation with county recorders shall prescribe the form for a well disclosure certificate and provide well disclosure certificate forms to county recorders and registrars of titles and other interested persons.

(l) Failure to comply with a requirement of this subdivision does not impair:

(1) the validity of a deed or other instrument of conveyance as between the parties to the deed or instrument or as to any other person who otherwise would be bound by the deed or instrument; or

(2) the record, as notice, of any deed or other instrument of conveyance accepted for filing or recording contrary to the provisions of this subdivision.

[For text of subd 2, see M.S.2000]

History: *1Sp2001: c 9 art 1 s 7*

NOTE: The amendment to subdivision 1 by Laws 2001, First Special Session chapter 9, article 1, section 7, is effective July 1, 2002. Laws 2001, First Special Session chapter 9, article 1, section 7, the effective date.

1031.525 WELL CONTRACTOR'S LICENSE.

[For text of subd 1, see M.S.2000]

Subd. 2. **Application fee.** The application fee for a well contractor's license is \$75. The commissioner may not act on an application until the application fee is paid.

[For text of subs 3 to 5, see M.S.2000]

Subd. 6. **License fee.** The fee for a well contractor's license is \$250, except the fee for an individual well contractor's license is \$75.

[For text of subd 7, see M.S.2000]

Subd. 8. **Renewal.** (a) A licensee must file an application and a renewal application fee to renew the license by the date stated in the license.

(b) The renewal application fee for a well contractor's license is \$250.

(c) The renewal application must include information that the applicant has met continuing education requirements established by the commissioner by rule.

(d) At the time of the renewal, the commissioner must have on file all properly completed well reports, well sealing reports, reports of excavations to construct elevator shafts, well permits, and well notifications for work conducted by the licensee since the last license renewal.

Subd. 9. **Incomplete or late renewal.** If a licensee fails to submit all information required for renewal in subdivision 8 or submits the application and information after the required renewal date:

(1) the licensee must include a late fee of \$75; and

(2) the licensee may not conduct activities authorized by the well contractor's license until the renewal application, renewal application fee, late fee, and all other information required in subdivision 8 are submitted.

History: 1Sp2001 c 9 art 1 s 8-11

NOTE: The amendments to subdivisions 2, 6, 8, and 9 by Laws 2001, First Special Session chapter 9, article 1, sections 8, 9, 10, and 11, are effective July 1, 2002. Laws 2001, First Special Session chapter 9, article 1, sections 8, 9, 10, and 11, the effective dates.

1031.531 LIMITED WELL/BORING CONTRACTOR'S LICENSE.

[For text of subd 1, see M.S.2000]

Subd. 2. **Application fee.** The application fee for a limited well/boring contractor's license is \$75. The commissioner may not act on an application until the application fee is paid.

[For text of subs 3 to 5, see M.S.2000]

Subd. 6. **License fee.** The fee for a limited well/boring contractor's license is \$75.

[For text of subd 7, see M.S.2000]

Subd. 8. **Renewal.** (a) A person must file an application and a renewal application fee to renew the limited well/boring contractor's license by the date stated in the license.

(b) The renewal application fee for a limited well/boring contractor's license is \$75.

(c) The renewal application must include information that the applicant has met continuing education requirements established by the commissioner by rule.

(d) At the time of the renewal, the commissioner must have on file all properly completed well sealing reports, well permits, vertical heat exchanger permits, and well notifications for work conducted by the licensee since the last license renewal.

Subd. 9. **Incomplete or late renewal.** If a licensee fails to submit all information required for renewal in subdivision 8 or submits the application and information after the required renewal date:

(1) the licensee must include a late fee of \$75; and

(2) the licensee may not conduct activities authorized by the limited well/boring contractor's license until the renewal application, renewal application fee, and late fee, and all other information required in subdivision 8 are submitted.

History: *1Sp2001 c 9 art 1 s 12-15*

NOTE: The amendments to subdivisions 2, 6, 8, and 9 by Laws 2001, First Special Session chapter 9, article 1, sections 12, 13, 14, and 15, are effective July 1, 2002. Laws 2001, First Special Session chapter 9, article 1, sections 12, 13, 14, and 15, the effective dates.

1031.535 ELEVATOR SHAFT CONTRACTOR'S LICENSE.

[For text of subd 1, see M.S.2000]

Subd. 2. **Application fee.** The application fee for an elevator shaft contractor's license is \$75. The commissioner may not act on an application until the application fee is paid.

[For text of subds 3 to 5, see M.S.2000]

Subd. 6. **License fee.** The fee for an elevator shaft contractor's license is \$75.

[For text of subd 7, see M.S.2000]

Subd. 8. **Renewal.** (a) A person must file an application and a renewal application to renew the license by the date stated in the license.

(b) The renewal application fee for an elevator shaft contractor's license is \$75.

(c) The renewal application must include information that the applicant has met continuing education requirements established by the commissioner by rule.

(d) At the time of renewal, the commissioner must have on file all reports and permits for elevator shaft work conducted by the licensee since the last license renewal.

Subd. 9. **Incomplete or late renewal.** If a licensee fails to submit all information required for renewal in subdivision 8 or submits the application and information after the required renewal date:

(1) the licensee must include a late fee of \$75; and

(2) the licensee may not conduct activities authorized by the elevator shaft contractor's license until the renewal application, renewal application fee, and late fee, and all other information required in subdivision 8 are submitted.

History: *1Sp2001 c 9 art 1 s 16-19*

NOTE: The amendments to subdivisions 2, 6, 8, and 9 by Laws 2001, First Special Session chapter 9, article 1, sections 16, 17, 18, and 19, are effective July 1, 2002. Laws 2001, First Special Session chapter 9, article 1, sections 16, 17, 18, and 19, the effective dates.

1031.541 MONITORING WELL CONTRACTORS.

[For text of subds 1 to 2a, see M.S.2000]

Subd. 2b. **Application fee.** The application fee for a monitoring well contractor registration is \$75. The commissioner may not act on an application until the application fee is paid.

[For text of subd 3, see M.S.2000]

Subd. 4. **Renewal.** (a) A person must file an application and a renewal application fee to renew the registration by the date stated in the registration.

(b) The renewal application fee for a monitoring well contractor's registration is \$75.

(c) The renewal application must include information that the applicant has met continuing education requirements established by the commissioner by rule.

(d) At the time of the renewal, the commissioner must have on file all well reports, well sealing reports, well permits, and notifications for work conducted by the registered person since the last registration renewal.

Subd. 5. **Incomplete or late renewal.** If a registered person submits a renewal application after the required renewal date:

(1) the registered person must include a late fee of \$75; and

(2) the registered person may not conduct activities authorized by the monitoring well contractor's registration until the renewal application, renewal application fee, late fee, and all other information required in subdivision 4 are submitted.

History: 1Sp2001 c 9 art 1 s 20-22

NOTE: The amendments to subdivisions 2b, 4, and 5 by Laws 2001, First Special Session chapter 9, article 1, sections 20, 21, and 22, are effective July 1, 2002. Laws 2001, First Special Session chapter 9, article 1, sections 20, 21, and 22, the effective dates.

103I.545 REGISTRATION OF DRILLING MACHINES REQUIRED.

Subdivision 1. **Drilling machine.** (a) A person may not use a drilling machine such as a cable tool, rotary tool, hollow rod tool, or auger for a drilling activity requiring a license or registration under this chapter unless the drilling machine is registered with the commissioner.

(b) A person must apply for the registration on forms prescribed by the commissioner and submit a \$75 registration fee.

(c) A registration is valid for one year.

Subd. 2. **Pump hoist.** (a) A person may not use a machine such as a pump hoist for an activity requiring a license or registration under this chapter to repair wells or borings, seal wells or borings, or install pumps unless the machine is registered with the commissioner.

(b) A person must apply for the registration on forms prescribed by the commissioner and submit a \$75 registration fee.

(c) A registration is valid for one year.

History: 1Sp2001 c 9 art 1 s 23

NOTE: The amendment to this section by Laws 2001, First Special Session chapter 9, article 1, section 23, is effective July 1, 2002. Laws 2001, First Special Session chapter 9, article 1, section 23, the effective date.