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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **3824**

- 03/15/2018 Authored by Torkelson
- 03/22/2018 The bill was read for the first time and referred to the Committee on Health and Human Services Reform
- 03/22/2018 Adoption of Report: Amended and re-referred to the Committee on Health and Human Services Finance
- 04/09/2018 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to health; changing provisions for wells and borings; requiring rulemaking;

1.3 amending Minnesota Statutes 2016, sections 103I.205, subdivision 9; 103I.301,

1.4 subdivision 6; Minnesota Statutes 2017 Supplement, sections 103I.005, subdivisions

1.5 2, 17a; 103I.205, subdivisions 1, 4; 103I.208, subdivision 1; 103I.235, subdivision

1.6 3.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2017 Supplement, section 103I.005, subdivision 2, is

1.9 amended to read:

1.10 Subd. 2. **Boring.** "Boring" means a hole or excavation that ~~is not used to extract water~~

1.11 ~~and~~ includes exploratory borings, bored geothermal heat exchangers, temporary borings,

1.12 and elevator borings.

1.13 Sec. 2. Minnesota Statutes 2017 Supplement, section 103I.005, subdivision 17a, is amended

1.14 to read:

1.15 Subd. 17a. **Temporary ~~environmental well boring.~~** ~~"Temporary environmental well"~~

1.16 ~~means an environmental well as defined in section 103I.005, subdivision 8a, that is sealed~~

1.17 ~~within 72 hours of the time construction on the well begins.~~ "Temporary boring" means an

1.18 excavation that is 15 feet or more in depth that is sealed within 72 hours of the start of

1.19 construction and is drilled, cored, washed, driven, dug, jetted, or otherwise constructed to:

1.20 (1) conduct physical, chemical, or biological testing of groundwater, including

1.21 groundwater quality monitoring;

2.1 (2) monitor or measure physical, chemical, radiological, or biological parameters of  
2.2 earth materials or earth fluids, including hydraulic conductivity, bearing capacity, or  
2.3 resistance;

2.4 (3) measure groundwater levels, including use of a piezometer;

2.5 (4) determine groundwater flow direction or velocity; or

2.6 (5) collect samples of geologic materials for testing or classification, or soil vapors for  
2.7 testing or extraction.

2.8 Sec. 3. Minnesota Statutes 2017 Supplement, section 103I.205, subdivision 1, is amended  
2.9 to read:

2.10 Subdivision 1. **Notification required.** (a) Except as provided in paragraph (d), a person  
2.11 may not construct a water-supply, dewatering, or environmental well until a notification of  
2.12 the proposed well on a form prescribed by the commissioner is filed with the commissioner  
2.13 with the filing fee in section 103I.208, and, when applicable, the person has met the  
2.14 requirements of paragraph (e). If after filing the well notification an attempt to construct a  
2.15 well is unsuccessful, a new notification is not required unless the information relating to  
2.16 the successful well has substantially changed. A notification is not required prior to  
2.17 construction of a temporary ~~environmental well~~ boring.

2.18 (b) The property owner, the property owner's agent, or the licensed contractor where a  
2.19 well is to be located must file the well notification with the commissioner.

2.20 (c) The well notification under this subdivision preempts local permits and notifications,  
2.21 and counties or home rule charter or statutory cities may not require a permit or notification  
2.22 for wells unless the commissioner has delegated the permitting or notification authority  
2.23 under section 103I.111.

2.24 (d) A person who is an individual that constructs a drive point water-supply well on  
2.25 property owned or leased by the individual for farming or agricultural purposes or as the  
2.26 individual's place of abode must notify the commissioner of the installation and location of  
2.27 the well. The person must complete the notification form prescribed by the commissioner  
2.28 and mail it to the commissioner by ten days after the well is completed. A fee may not be  
2.29 charged for the notification. A person who sells drive point wells at retail must provide  
2.30 buyers with notification forms and informational materials including requirements regarding  
2.31 wells, their location, construction, and disclosure. The commissioner must provide the  
2.32 notification forms and informational materials to the sellers.

3.1 (e) When the operation of a well will require an appropriation permit from the  
3.2 commissioner of natural resources, a person may not begin construction of the well until  
3.3 the person submits the following information to the commissioner of natural resources:

3.4 (1) the location of the well;

3.5 (2) the formation or aquifer that will serve as the water source;

3.6 (3) the maximum daily, seasonal, and annual pumpage rates and volumes that will be  
3.7 requested in the appropriation permit; and

3.8 (4) other information requested by the commissioner of natural resources that is necessary  
3.9 to conduct the preliminary assessment required under section 103G.287, subdivision 1,  
3.10 paragraph (c).

3.11 The person may begin construction after receiving preliminary approval from the  
3.12 commissioner of natural resources.

3.13 Sec. 4. Minnesota Statutes 2017 Supplement, section 103I.205, subdivision 4, is amended  
3.14 to read:

3.15 Subd. 4. **License required.** (a) Except as provided in paragraph (b), (c), (d), or (e),  
3.16 section 103I.401, subdivision 2, or 103I.601, subdivision 2, a person may not drill, construct,  
3.17 repair, or seal a well or boring unless the person has a well contractor's license in possession.

3.18 (b) A person may construct, repair, and seal an environmental well or temporary boring  
3.19 if the person:

3.20 (1) is a professional engineer licensed under sections 326.02 to 326.15 in the branches  
3.21 of civil or geological engineering;

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

3.23 (3) is a professional geoscientist licensed under sections 326.02 to 326.15;

3.24 (4) is a geologist certified by the American Institute of Professional Geologists; or

3.25 (5) meets the qualifications established by the commissioner in rule.

3.26 A person must be licensed by the commissioner as an environmental well contractor on  
3.27 forms provided by the commissioner.

3.28 (c) A person may do the following work with a limited well/boring contractor's license  
3.29 in possession. A separate license is required for each of the four activities:

4.1 (1) installing, repairing, and modifying well screens, pitless units and pitless adaptors,  
4.2 well pumps and pumping equipment, and well casings from the pitless adaptor or pitless  
4.3 unit to the upper termination of the well casing;

4.4 (2) sealing wells and borings;

4.5 (3) constructing, repairing, and sealing dewatering wells; or

4.6 (4) constructing, repairing, and sealing bored geothermal heat exchangers.

4.7 (d) A person may construct, repair, and seal an elevator boring with an elevator boring  
4.8 contractor's license.

4.9 (e) Notwithstanding other provisions of this chapter requiring a license, a license is not  
4.10 required for a person who complies with the other provisions of this chapter if the person  
4.11 is:

4.12 (1) an individual who constructs a water-supply well on land that is owned or leased by  
4.13 the individual and is used by the individual for farming or agricultural purposes or as the  
4.14 individual's place of abode; or

4.15 (2) an individual who performs labor or services for a contractor licensed under the  
4.16 provisions of this chapter in connection with the construction, sealing, or repair of a well  
4.17 or boring at the direction and under the personal supervision of a contractor licensed under  
4.18 the provisions of this chapter; ~~or.~~

4.19 ~~(3) a licensed plumber who is repairing submersible pumps or water pipes associated~~  
4.20 ~~with well water systems if: (i) the repair location is within an area where there is no licensed~~  
4.21 ~~well contractor within 50 miles, and (ii) the licensed plumber complies with all relevant~~  
4.22 ~~sections of the plumbing code.~~

4.23 Sec. 5. Minnesota Statutes 2016, section 103I.205, subdivision 9, is amended to read:

4.24 Subd. 9. **Report of work.** Within ~~30~~ 90 days after completion or sealing of a well or  
4.25 boring, the person doing the work must submit a verified report to the commissioner  
4.26 containing the information specified by rules adopted under this chapter.

4.27 Within 30 days after receiving the report, the commissioner shall send or otherwise  
4.28 provide access to a copy of the report to the commissioner of natural resources, to the local  
4.29 soil and water conservation district where the well is located, and to the director of the  
4.30 Minnesota Geological Survey.

5.1 Sec. 6. Minnesota Statutes 2017 Supplement, section 103I.208, subdivision 1, is amended  
5.2 to read:

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

5.5 (1) for construction of a water supply well, \$275, which includes the state core function  
5.6 fee;

5.7 (2) for a well sealing, \$75 for each well or boring, which includes the state core function  
5.8 fee, except that a single fee of \$75 is required for all temporary ~~environmental wells~~ borings  
5.9 recorded on the sealing notification for a single property, ~~having depths within a 25-foot~~  
5.10 ~~range, and sealed within 72 hours of start of construction, except that temporary borings~~  
5.11 less than 25 feet in depth are exempt from the notification and fee requirements in this  
5.12 chapter;

5.13 (3) for construction of a dewatering well, \$275, which includes the state core function  
5.14 fee, for each dewatering well except a dewatering project comprising five or more dewatering  
5.15 wells shall be assessed a single fee of \$1,375 for the dewatering wells recorded on the  
5.16 notification; and

5.17 (4) for construction of an environmental well, \$275, which includes the state core function  
5.18 fee, except that a single fee of \$275 is required for all environmental wells recorded on the  
5.19 notification that are located on a single property, and except that no fee is required for  
5.20 construction of a temporary ~~environmental well~~ boring.

5.21 Sec. 7. Minnesota Statutes 2017 Supplement, section 103I.235, subdivision 3, is amended  
5.22 to read:

5.23 Subd. 3. **Temporary ~~environmental well~~ boring and unsuccessful well exemption.**  
5.24 This section does not apply to temporary ~~environmental wells~~ borings or unsuccessful wells  
5.25 that have been sealed by a licensed contractor in compliance with this chapter.

5.26 Sec. 8. Minnesota Statutes 2016, section 103I.301, subdivision 6, is amended to read:

5.27 Subd. 6. **Notification required.** A person may not seal a well or boring until a notification  
5.28 of the proposed sealing is filed as prescribed by the commissioner. Temporary borings less  
5.29 than 25 feet in depth are exempt from the notification requirements in this chapter.

6.1 Sec. 9. **RULEMAKING; WELL AND BORING RECORDS.**

6.2 (a) The commissioner of health shall amend Minnesota Rules, part 4725.1851, subpart  
6.3 1, to require the licensee, registrant, or property owner or lessee to submit the record of well  
6.4 or boring construction or sealing within 90 days after completion of the work, rather than  
6.5 within 30 days after completion of the work.

6.6 (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
6.7 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
6.8 Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,  
6.9 section 14.388.