

4725.0410 VARIANCE.**Subpart 1. General.**

A. The commissioner shall grant a variance to any provision of this chapter according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

B. A person requesting a variance must submit a written request on a form prescribed by the commissioner, along with the nonrefundable fee as required in Minnesota Statutes, chapter 103I.

C. A variance application for a well or boring located in the jurisdiction of a delegated program must be submitted, along with the fee as specified in Minnesota Statutes, chapter 103I, to the commissioner. The delegated program may require a separate application and fee.

D. A variance must be applied for and granted prior to commencing the activity for which the variance is requested.

E. An application submitted without the information required by this part and parts 4717.7000 to 4717.7050 shall be denied 18 months after the date received by the commissioner.

F. Construction, and the conditions of a granted variance, must be completed within 18 months of variance approval or the variance is void, unless conditions of the variance specify otherwise.

Subp. 2. Requests for construction, repair, or sealing variance. In addition to the information required in part 4717.7000, subpart 2, the applicant must submit to the commissioner, in writing, the following information for a request to vary a construction, repair, or sealing provision related to wells or borings in parts 4725.2010 to 4725.7450:

A. the location of the well or boring in terms of the township number, range number, section number, three-quarter sections, and the street address if assigned;

B. the unique number, if assigned;

C. the name, address, and telephone number of the contractor doing work, the property owner, and the well owner;

D. a scaled map showing the location of the well or boring in relation to all property lines, structures, utilities, and contamination sources cited in part 4725.4450;

E. the proposed depth of the well or boring;

F. the casing type, its diameter, and its depth;

G. a description of the method of construction, grout materials, and method of emplacement;

- H. a description of the anticipated geologic conditions;
- I. the depth to water, pumping rate, number of persons served by the well, and a description of the use of the well; and
- J. information on special construction methods, safety measures, or precautions proposed to protect public health, safety, and the environment.

Subp. 3. **Additional standards for variance request from isolation distance.** In addition to the information in subparts 1 and 2, a variance request to part 4725.4450 must include:

- A. information on special construction methods or precautions proposed to prevent contamination of the well and groundwater;
- B. a description of the age, design, size, and type of construction of any existing or potential contamination source as specified in part 4725.4450;
- C. any testing, inspection, or certification data and the name and address of the person supplying the data;
- D. information on soil type from a soil survey, percolation test, or soil boring report; and
- E. a copy of any review of contamination sources done by a local or state unit of government under other applicable regulations.

Subp. 4. **Additional standards for variance to be placed on a deed.** In addition to the information in subparts 1 and 2, a variance to be placed on a real property deed must include:

- A. the complete name(s) of the fee owner(s) as the name(s) appears on the deed;
- B. the property identification number;
- C. the Torrens certificate number if the property is Torrens property; and
- D. the legal property description.

Subp. 5. **Emergency variances.** A variance may be verbally granted by the commissioner in an emergency where a delay in starting work poses an immediate and significant danger to health or safety.

- A. The person applying for the variance must submit a completed application and fee to the commissioner prior to receiving approval.
- B. Verbal approval must be given by the commissioner prior to starting construction.
- C. Construction must be according to conditions verbally reported.

D. The emergency variance shall be void if construction is not started within 72 hours of verbal approval.

E. All construction and location standards in this chapter, except those specifically modified under the variance, shall apply to wells and borings constructed under an emergency variance.

F. The commissioner shall not issue an emergency variance to persons who have violated the emergency variance requirements.

Statutory Authority: *MS s 14.05; 103I.101; 103I.111; 103I.205; 103I.221; 103I.301; 103I.401; 103I.451; 103I.501; 103I.525; 103I.531; 103I.535; 103I.541; 103I.621; 144.05; 144.12; 144.122; 144.383; 157.04; 157.08; 157.09; 157.13*

History: *15 SR 1597; 17 SR 2773; 18 SR 1222; 33 SR 211*

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