

4725.1838 EMERGENCY NOTIFICATIONS AND PERMITS.

Notifications and applications for permits may be verbally reported under emergency conditions for construction of water-supply wells, elevator borings, 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 or boring, 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 water-supply well, or dewatering 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 or 4725.1825. If emergency conditions affecting construction of a monitoring well or elevator boring occur during normal business hours, the contractor may verbally provide the information required for permits under part 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 water-supply well, monitoring well, dewatering well, or elevator boring may begin if the property owner, property owner's agent, or contractor, as required in item A, telephones the Minnesota 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 water-supply well or dewatering well, or within five working days after the start of construction under an emergency permit for a monitoring well or elevator boring. 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; 103I.111; 103I.205; 103I.221; 103I.301; 103I.401; 103I.451; 103I.501; 103I.525; 103I.531; 103I.535; 103I.541; 103I.621*

History: *15 SR 78; 33 SR 211*

Published Electronically: *September 2, 2008*