

1 Department of Health

2

3 Adopted Permanent Rules Relating to Wells and Borings

4

5 Rules as Adopted

6 4725.0100 DEFINITIONS.

7 Subpart 1. Scope. For the purposes of this chapter
8 adopted under Minnesota Statutes, chapter 103I, the terms
9 defined in this part have the meanings given them, except where
10 the context clearly indicates otherwise.

11 Subp. 2. and 3. [See Repealer.]

12 [For text of subp 4, see M.R.]

13 Subp. 5. Applicant. "Applicant" means any person who
14 applies for a well contractor's license, limited well
15 contractor's license, elevator shaft contractor's license, or
16 monitoring well contractor registration under Minnesota
17 Statutes, chapter 103I.

18 Subp. 6. and 7. [See Repealer.]

19 Subp. 8. Commissioner. "Commissioner" means the
20 commissioner of health or the commissioner's authorized
21 representative.

22 Subp. 9. Council. "Council" means the Advisory Council on
23 Wells and Borings created under Minnesota Statutes, chapter 103I.

24 Subp. 10. Licensee. "Licensee" means a person who is
25 licensed as a well contractor, limited well contractor, or
26 elevator shaft contractor under this chapter and Minnesota
27 Statutes, chapter 103I.

28 [For text of subp 11, see M.R.]

29 Subp. 12. Representative. "Representative" means the
30 individual who is in charge of the licensed or registered
31 contractor's operation and who qualifies for licensure or
32 registration on behalf of a partnership, corporation, or other
33 business association rather than on the individual's own behalf.

34 [For text of subp 13, see M.R.]

35 Subp. 14. Drilling machine. "Drilling machine" means any

1 machine or device such as a cable tool, hollow rod, or auger
2 used for construction of a well including drive point wells.

3 Subp. 15. and 16. [See Repealer.]

4 Subp. 17. Abandoned well. "Abandoned well" means a well
5 whose use has been permanently discontinued, or which is in such
6 disrepair that its continued use is impracticable, endangers the
7 quality of the groundwater, or may be a health or safety hazard.

8 Subp. 18. [See Repealer.]

9 [For text of subps 19 to 24, see M.R.]

10 Subp. 24a. Confining layer. "Confining layer" means a
11 stratum or body of soil, sediment, or rock with low vertical
12 permeability relative to the aquifers or beds above or below it.

13 Subp. 24b. Contact hour. "Contact hour" means a minimum
14 of 50 minutes of lecture, demonstration, workshop, or training
15 excluding coffee breaks, registration, meals, or social
16 activities.

17 Subp. 24c. Dewatering well. "Dewatering well" means a
18 nonpotable well used to lower groundwater levels to allow for
19 construction or use of underground space. A dewatering well
20 does not include:

21 A. excavations 25 feet or less in depth for temporary
22 dewatering during construction; or

23 B. ~~an-uncased-hole-or-excavation-25-feet-or-less-in~~
24 ~~depth-in-the-bottom-of-an-open-trench-used-for-temporary~~
25 ~~dewatering-during-construction, or~~

26 C. a well used to lower groundwater levels for
27 control or removal of groundwater contamination.

28 Subp. 25. [See Repealer.]

29 ~~{For-text-of-subp-26, see-M.R.}~~

30 ~~Subp.-26b.--Drive-point-well.--"Drive-point-well" means a~~
31 ~~well-that-consists-of-a-pointed-well-screen-attached-to-sections~~
32 ~~of-well-casing.--The-drive-point-and-casing-are-pounded, forced,~~
33 ~~or-driven-into-the-ground-by-use-of-a-hammer, weight, or maul.~~
34 ~~A-drive-point-well-is-synonymous-with-"sand-point"-or-"well~~
35 ~~point."~~

36 [For text of subps 27 26 to 30, see M.R.]

1 Subp. 30a. **Hoist.** "Hoist" means a machine or mechanical
2 device that is mounted on a truck, trailer, or skid which is
3 used to:

4 A. remove or install a pump or pumping equipment,
5 casing, screen, or pitless adapter or pitless unit;

6 B. remove an obstruction from a well; or

7 C. install grout pipe when sealing a well or boring.

8 Subp. 30b. **Monitoring well.** "Monitoring well" has the
9 meaning given in Minnesota Statutes, section 103I.005,
10 subdivision 14.

11 Subp. 31. [See Repealer.]

12 Subp. 31a. **Petroleum bulk storage site.** "Petroleum bulk
13 storage site" means a property on which petroleum products are
14 stored for sale and excludes pipeline terminals and refineries.

15 Subp. 31b. Piezometer. "Piezometer" means an
16 environmental bore hole used to measure water levels or
17 groundwater pressure surfaces. Piezometer does not include
18 devices used to sample, monitor, remediate, or measure pore
19 water pressure in the vadose zone or above a water bearing layer.

20 [For text of subp 32, see M.R.]

21 Subp. 33. **Pitless unit.** "Pitless unit" means an assembly
22 with cap which extends the upper termination of the well casing
23 above grade, and is constructed so as to prevent the entrance of
24 contaminants into the well.

25 [For text of subps 34 to 37, see M.R.]

26 Subp. 37a. **Public water supply.** "Public water supply" has
27 the meaning given in part 4720.0100, subpart 16.

28 [For text of subps 38 to 40, see M.R.]

29 Subp. 41. [See Repealer.]

30 Subp. 41a. **Registrant.** "Registrant" means a person who is
31 registered as a monitoring well contractor under this chapter
32 and Minnesota Statutes, chapter 103I.

33 Subp. 41b. **Sealing.** "Sealing" means either:

34 A. the temporary process of closing or covering a
35 well or boring with a watertight cover or cap and the use of
36 measures to protect the well from contamination; or

1 B. the process of preparing a well or boring to be
2 permanently filled with grout and the process of permanently
3 filling the well or boring with grout.

4 [For text of subps 42 to 50 49, see M.R.]

5 Subp. 49a. Unconventional well. "Unconventional well"
6 means a dug well or drive point well.

7 [For text of subp 50, see M.R.]

8 Subp. 51. Well. "Well" means well as defined in Minnesota
9 Statutes, section 103I.005, subdivision 21. Well includes
10 drinking water supply wells, dewatering wells, monitoring wells,
11 wells used to lower groundwater levels for control or removal of
12 groundwater contamination, and other water supply wells.

13 Subp. 51a. Well pump or pumping equipment. "Well pump or
14 pumping equipment" means a device, machine, or material used to
15 withdraw or otherwise obtain water from a well, and all
16 necessary seals, fittings, pump controls, and primary water
17 storage tanks. Well pump or pumping equipment does not include:

18 A. accessory water tanks, such as fire protection
19 tanks, and elevated or ground storage tanks used for public
20 water supplies;

21 B. water sampling devices that are installed in a
22 monitoring well to obtain a water sample and are then removed
23 after the sample is collected; or

24 C. devices used in the construction or rehabilitation
25 of a well to construct or develop the well.

26 [For text of subps 52 to 54, see M.R.]

27 4725.0200 APPLICATION TO ALL WELLS, ENVIRONMENTAL BORE HOLES,
28 AND EXCAVATIONS FOR ELEVATOR SHAFTS.

29 Subpart 1. Applicability. This chapter applies to all
30 wells, environmental bore holes, and borings for elevator shafts
31 in Minnesota except those specifically exempted by Minnesota
32 Statutes, chapter 103I. This chapter applies to state and local
33 governments except that, pursuant to Minnesota Statutes, section
34 103I.112, state and local governments are exempt from fees
35 required under this chapter.

1 Subp. 2. Owner responsibility. The owner of a well or
2 boring is bound by all the provisions of parts 4725.0100 to
3 4725.7600 which relate to location, construction, maintenance,
4 and sealing of wells or borings.

5 4725.0300 PUBLIC WATER SUPPLY.

6 In accordance with part 4720.0010, no system of water
7 supply, where such system is for public use, shall be installed
8 by any public agency or by any person or corporation, nor shall
9 any such existing system be materially altered or extended,
10 until complete plans and specifications for the installation,
11 alteration, or extension, together with such information as the
12 commissioner may require shall have been submitted in duplicate
13 and approved by the commissioner insofar as any features thereof
14 affect or tend to affect the public health. No construction
15 shall take place except in accordance with the approved plans.
16 The plans for the well shall conform as specified by this
17 chapter. No community public water supply well may be drilled
18 without approval of the site by the commissioner according to
19 part 4720.0010.

20 4725.0400 VARIANCES.

21 When the strict applicability of any provision of this
22 chapter presents practicable difficulties or unusual hardships,
23 the commissioner, in a specific instance, may grant a variance
24 consistent with the general purpose of this chapter and
25 Minnesota Statutes, chapter 103I, and upon such conditions as
26 are necessary, in the opinion of the commissioner, to protect
27 the groundwater of the state and the health, safety, and general
28 well-being of persons using or potential users of the
29 groundwater supply.

30 Any request for a variance shall be submitted to the
31 commissioner in writing and shall be signed by both the well or
32 boring owner and the licensee or registrant. In addition, any
33 person involved in providing documentary evidence in support of
34 the request shall sign the request submitted by the owner. The
35 request shall specify in detail the nature of the variance being

1 sought, the reasons for the request for the variance, and the
 2 special precautions to be taken to avoid contamination of the
 3 well or boring. The request shall also include: the proposed
 4 well or boring depth, casing type and depth, method of
 5 construction and grouting, geological conditions likely to be
 6 encountered, and location of the well or boring and of possible
 7 sources of contamination. Whether or not a request is granted,
 8 the commissioner shall state in detail the reasons for the
 9 decision.

10 4725.0450 LICENSING AND REGISTRATION.

11 Subpart 1. **Wells; vertical heat exchangers; groundwater**
 12 **thermal exchange devices.** Except for those persons exempted
 13 under Minnesota Statutes, section 103I.205, subdivision 4,
 14 paragraph (e), a person must hold a license or registration
 15 according to Minnesota Statutes, chapter 103I, to:

16 A. construct, repair, or seal a well, ~~monitoring~~
 17 ~~well, dewatering well, drive-point well, other unconventional~~
 18 ~~well, piezometer, or environmental bore-hole~~ or boring; or

19 B. construct or seal a vertical heat exchanger or
 20 groundwater thermal exchange device.

21 Subp. 2. **Elevator shafts.** After July 1, 1990, a person
 22 may not excavate a hole for an elevator shaft without holding an
 23 elevator shaft contractor license or a well contractor license.

24 Subp. 3. **Well pumps and pumping equipment.** After July 1,
 25 1990, a person may not install a well pump or pumping equipment
 26 ~~in a well~~ without holding a well contractor license or a limited
 27 well contractor license to install a well pump or pumping
 28 equipment as required by Minnesota Statutes, chapter
 29 103I. Nothing in this subpart shall prohibit a monitoring well
 30 contractor from installing a well pump or pumping equipment in a
 31 monitoring well, or a limited unconventional well contractor
 32 from installing a well pump or pumping equipment in an
 33 unconventional well. Nothing in this subpart shall prohibit a
 34 licensed plumber or plumbing contractor from installing water
 35 pressure tanks not attached to the well casing, or water storage

1 tanks, or from installing and servicing pressure water service
2 lines from the source of supply, according to applicable law.

3 4725.0500 QUALIFICATIONS FOR CONTRACTOR LICENSE OR REGISTRATION.

4 Subpart 1. **General.** An applicant for a well contractor,
5 limited well contractor, or elevator shaft contractor license,
6 or a monitoring well contractor registration, must meet the
7 requirements in this part. The applicant must have honesty,
8 integrity, and the ability to perform the work of a contractor.
9 The applicant must submit to the commissioner a properly
10 completed application and successfully complete the examination
11 provided for in this chapter and Minnesota Statutes, chapter
12 103I.

13 Subp. 2. **Well contractor.** An applicant for a well
14 contractor license to construct, repair, and seal a well,
15 unconventional well, monitoring well, environmental bore hole,
16 and an excavation for an elevator shaft; and to install a pump
17 or pumping equipment, must have four years of experience. A
18 year of experience is a year in which the applicant personally,
19 and under the supervision of a licensed well contractor, drilled
20 a minimum of five wells and was drilling wells, sealing wells,
21 and installing pumps for 1,000 hours. An applicant drilling
22 1,000 hours per year and completing fewer than five wells per
23 year may qualify if the experience is gained in constructing one
24 or more large diameter wells (casing outer diameter of ten
25 inches or more) that are more than 500 feet deep. Supervision
26 of a drilling operation shall not be considered as an equivalent
27 to personally drilling a well.

28 Subp. 2a. Individual well contractor. A person may apply
29 as an individual for a well contractor license if the person
30 meets the license requirements in Minnesota Statutes, section
31 103I.525, subdivision 1, paragraph (c).

32 Subp. 3. **Monitoring well contractor.** A person may
33 register as a monitoring well contractor to construct, repair
34 and seal monitoring wells, install pumps in monitoring wells,
35 and construct and seal environmental bore holes, if the person

1 meets the requirements in items A to C.

2 A. The person must be:

3 (1) a professional engineer registered with the
4 Board of Architecture, Engineering, Land Surveying, and
5 Landscape Architecture according to Minnesota Statutes, sections
6 326.02 to 326.15;

7 (2) a hydrologist or hydrogeologist certified by
8 the American Institute of Hydrology; or

9 (3) a geologist certified by the American
10 Institute of Professional Geologists.

11 B. The person must have three years of experience. A
12 year of experience is a year in which the applicant worked a
13 minimum of 500 hours in construction, repair, and sealing of
14 monitoring wells, piezometers, or environmental bore holes
15 including design, field supervision, or actual construction of
16 monitoring wells, piezometers, or environmental bore holes.

17 C. The applicant must have experience in design or
18 field supervision or actual construction of 50 monitoring wells,
19 piezometers, or environmental bore holes.

20 Subp. 4. Limited well contractor. A person must have a
21 well contractor license or a separate limited well contractor
22 license for each of the categories in items A to C to:

23 A. construct, repair, and seal unconventional wells,
24 ~~drive-point-wells, dug-wells, or dewatering-wells;~~

25 B. install or repair well screens or pitless units or
26 adaptors and well casings from the pitless unit or adaptor to
27 the upper termination of the well casing; or

28 C. install a well pump or pumping equipment;

29 D. seal wells; or

30 E. construct, repair, or seal dewatering wells.

31 Subp. 5. Limited well contractor qualifications for
32 unconventional wells. An applicant for a limited well
33 contractor license to construct, repair, and seal an
34 unconventional well must have three years of experience. A year
35 of experience is a year in which the applicant personally
36 drilled five unconventional wells and worked for a minimum of

1 1,000 hours constructing, repairing, and sealing unconventional
2 wells, and installing pumps in unconventional wells. An
3 applicant whose experience is constructing ~~dug-wells-or-drive~~
4 ~~point~~ unconventional wells must have gained the experience under
5 a licensed well contractor or a limited well contractor licensed
6 to construct, repair, and seal unconventional wells.

7 Subp. 6. Limited well contractor license to install or
8 repair well screens or pitless adaptors or units and well
9 casings. An applicant for a limited well contractor license to
10 install or repair well screens or pitless adaptors or units and
11 well casings from the pitless device to the upper termination of
12 the well must have two years of experience. A year of
13 experience is a year in which the applicant worked a minimum of
14 1,000 hours and personally installed or repaired five well
15 screens or pitless units or adaptors and well casings from the
16 pitless unit or adaptor to the upper termination of the well.
17 The experience must have been gained under the supervision of a
18 licensed well contractor or limited well contractor licensed to
19 install or repair well screens or pitless units or adaptors and
20 well casings from the pitless unit or adaptor to the upper
21 termination of the well.

22 Subp. 7. Limited well contractor qualifications to install
23 a pump or pumping equipment. An applicant for a limited well
24 contractor license to install a pump or pumping equipment must
25 have two years of experience in pump installation and repair.
26 The applicant must have personally installed 20 pumps. The work
27 must include a minimum of 1,000 hours installing well pumps or
28 pumping equipment.

29 Subp. 8. Elevator shaft contractor. An applicant for an
30 elevator shaft contractor license must have two years of
31 experience related to the construction, repair, and sealing of
32 excavations or borings for the installation of elevator shafts
33 or hydraulic cylinders. The applicant must have designed,
34 supervised, or actually constructed three borings for elevator
35 shafts each year.

36 Subp. 9. Experience required in Minnesota. The experience

1 for an applicant for licensure as a well contractor, limited
 2 well contractor, or elevator shaft contractor, or for
 3 registration as a monitoring well contractor, must be gained in
 4 Minnesota. However, if an applicant who gained experience
 5 outside Minnesota provides the commissioner with information
 6 demonstrating that the experience was gained in an area with the
 7 same or similar geological and drilling conditions as Minnesota,
 8 the experience shall be considered to meet the experience
 9 requirements of this part. An applicant from a state having no
 10 standards or licensing or registration program, or standards
 11 less strict than those adopted in Minnesota, must obtain at
 12 least one year of experience in Minnesota.

13 4725.0700 APPLICATION FOR LICENSURE OR REGISTRATION.

14 An applicant shall submit an application to the
 15 commissioner on forms provided by the commissioner. ~~Except for~~
 16 ~~an applicant for registration as a monitoring well contractor,~~
 17 The application must be accompanied by a filing fee of \$50. The
 18 fee shall be made payable to the Minnesota state treasurer.

19 The applicant must submit written documentation of
 20 experience as required in part 4725.0500. This includes, but is
 21 not limited to, water well records, construction logs for wells
 22 or borings, letters from employers verifying employment, and
 23 work reports.

24 The filing fee for an application shall not be refunded for
 25 any reason except when an applicant is not found to be qualified
 26 to take the written examination. If the applicant meets the
 27 requirements in part 4725.0500, the applicant shall take the
 28 examination in part 4725.1000.

29 Subp. 2. [See Repealer.]

30 4725.0900 COUNCIL EVALUATION OF APPLICANTS.

31 Upon request by the commissioner, the council shall
 32 ~~evaluate each applicant and forward its recommendations to the~~
 33 ~~commissioner. The commissioner or council~~ may conduct oral
 34 ~~interviews and require sworn affidavits and other supporting~~
 35 ~~evidence to determine qualifications of the~~

1 applicant examinations using a standardized examination
2 developed by the commissioner in consultation with the council.
3 Upon request by the commissioner, the council may also provide
4 recommendations as to the appropriate disciplinary action for
5 licensees and registrants found to be in violation of Minnesota
6 Statutes, chapter 103I and this chapter.

7 4725.1000 EXAMINATION.

8 Subpart 1. [See Repealer.]

9 Subp. 2. Examination. An applicant shall take an
10 examination which may be a combination of written and oral
11 questions as determined by the commissioner with the advice of
12 the council. Satisfactory completion of the examination is a
13 mandatory prerequisite for licensure or registration.

14 Subp. 3. [See Repealer.]

15 4725.1050 FEES FOR LICENSURE OR REGISTRATION.

16 Subpart 1. Licensure or registration application. Upon
17 satisfactory completion of the examination, the applicant must
18 submit the required fee for a license or registration within one
19 year after the date on which the applicant is notified of
20 passing the examination. The submittal must be on a form
21 provided by the commissioner, must be completed by the
22 applicant, and must be accompanied by a \$250 fee for a well
23 contractor license, a \$50 fee for an individual well contractor
24 license, a \$50 fee for each of the three categories of limited
25 well contractor license, a \$50 fee for an elevator shaft
26 contractor license, and a \$50 fee for registration as a
27 monitoring well contractor. The license or registration fee
28 shall be made payable to the Minnesota state treasurer. The fee
29 shall not be refunded for any reason.

30 Subp. 2. Deadline for receipt of license or registration
31 fee. If an applicant passes the examination or qualifies for
32 licensure or registration but the commissioner does not receive
33 the fee for licensure or registration within one year from the
34 date of the letter from the commissioner notifying the applicant
35 of eligibility for licensure or registration, no license or

1 registration may be issued.

2 4725.1250 BONDING.

3 At the time the fee is submitted for initial licensure or
4 registration or licensure or registration renewal, the person
5 must show proof of holding a corporate surety bond in the amount
6 of \$10,000. A copy of the bond shall be submitted to the
7 commissioner. For an applicant seeking more than one limited
8 license under part 4725.0500, subpart 4, only one bond is
9 required. The bond may be used by the commissioner to
10 compensate persons injured or suffering financial loss because
11 of failure of a licensee or registrant to properly perform the
12 duties under part 4725.0450 and Minnesota Statutes, chapter
13 103I. The term of the bond shall be concurrent with the term of
14 the license or registration. The penal sum of the bond is
15 noncumulative and is not to be aggregated every year that the
16 bond is in force. The bond shall be written by a corporate
17 surety licensed to do business in Minnesota. The corporate
18 surety shall be responsible for providing 30 days' written
19 notice to the commissioner of cancellation of a licensee's or
20 registrant's bond. If a bond is canceled, a licensee or
21 registrant shall not work under the license or registration
22 until another bond meeting the requirements of this part is
23 obtained. A person applying for an individual well contractor
24 license is exempt from the requirements of this part.

25 4725.1300 LICENSE OR REGISTRATION RENEWAL.

26 Licenses expire on January 31 of each year and
27 registrations expire on December 31 of each year. Each licensee
28 or registrant shall submit an application for license or
29 registration renewal on forms provided by the commissioner no
30 later than January 31 for licenses and December 31 for
31 registrations. The license or registration renewal application
32 shall be accompanied by a fee of \$250 for a well contractor
33 license and \$50 for an individual well contractor license, a
34 limited well contractor license, elevator shaft contractor
35 license, or monitoring well contractor registration. A penalty

1 fee of \$10 shall also be paid if the renewal is submitted after
2 the January 31 license or December 31 registration deadline. At
3 the time of license or registration renewal, the licensee or
4 registrant shall provide written proof that the continuing
5 education required by part 4725.1650 has been completed and
6 shall provide a copy of the license or registration bond
7 required under part 4725.1250. A renewal license or
8 registration card shall be sent to the licensee or registrant
9 after the license or registration application has been submitted
10 and after all other conditions of licensure or registration have
11 been met. The renewal license or registration shall consist of
12 a card in duplicate and contain the name of the licensee or
13 registrant; the licensee's or registrant's representative, if
14 applicable; expiration date; and the license or registration
15 number. One card shall be kept posted with the original license
16 or registration. The other shall be carried by the licensee or
17 registrant or the licensee's or registrant's representative.

18 4725.1325 DENIAL OF LICENSE OR REGISTRATION RENEWAL.

19 If the licensee or registrant fails to obtain a well permit
20 or to submit a report of construction of a well or elevator
21 shaft or a report of sealing a well or elevator shaft, or
22 violates any other provision of Minnesota Statutes, chapter
23 103I, the commissioner may deny renewal of the license or
24 registration.

25 4725.1350 EXPIRATION OF LICENSURE OR REGISTRATION.

26 A person who does not renew the license or registration
27 within one year as required under part 4725.1300 must take the
28 examination in part 4725.1000 to relicense or reregister.

29 4725.1400 LICENSING OR REGISTRATION OF PARTNERSHIPS,
30 CORPORATIONS, BUSINESS ASSOCIATIONS, OR GOVERNMENT AGENCIES.

31 Subpart 1. Individuals. An individual may apply for
32 registration as a monitoring well contractor or for licensure as
33 a well contractor, limited well contractor, or elevator shaft
34 contractor.

1 Subp. 1a. Partnerships, corporations, business
 2 associations, or government agencies. A partnership,
 3 corporation, business association, or government agency may
 4 apply for registration as a monitoring well contractor or for
 5 licensure as a well contractor, limited well contractor, or
 6 elevator shaft contractor. Upon initial registration or
 7 licensure, and upon subsequent renewal, a partnership,
 8 corporation, business association, or government agency with
 9 ~~branch-offices-in-multiple-locations-applying-for-monitoring~~
 10 ~~well-registration-may-apply-to-have-one-representative-for-each~~
 11 ~~of-these-offices---~~A, must designate, on a form provided by the
 12 commissioner, at least one licensed or registered individual to
 13 serve as a representative for purposes of compliance with the
 14 chapter. Each designated representative of a partnership,
 15 corporation, business association, or government agency must
 16 take the examination in part 4725.1000, but the registrant or
 17 licensee shall be the partnership, corporation, business
 18 association, or the government agency. ~~Upon-registration-or~~
 19 ~~licensure-of-the-representative-or-agency, the person~~ Each
 20 designated representative shall be responsible for the
 21 ~~supervision-of~~ conducting all operations ~~required-of-the~~
 22 ~~contractor-under-this-chapter~~ under his or her supervision
 23 according to Minnesota Statutes, chapter 103I and this chapter.

24 A. A person who acts as a representative may not
 25 represent more than one well contractor, monitoring well
 26 contractor, limited well contractor, or elevator shaft
 27 contractor.

28 B. When the a representative no longer works for the
 29 registrant or licensee or is otherwise incapable of fulfilling
 30 the responsibilities of the registration or license, the
 31 registrant or licensee shall inform the commissioner within five
 32 days of such fact and. If a licensee or registrant has only one
 33 designated representative and the representative no longer works
 34 for the registrant or licensee, the registrant or licensee shall
 35 give the name of a qualified individual ~~acceptable-to-the~~
 36 ~~commissioner,~~ who shall be responsible for the work of the

1 registrant or licensee until a new representative is registered
 2 or licensed. All applications, examinations, fees, and other
 3 requirements must be satisfied in order to qualify the new
 4 representative within 90 days. If he or she does not qualify,
 5 the contractor shall be without a registration or license and
 6 must cease operations.

7 Subp. 2. Change of registration or licensure. If an
 8 individual has his or her own registration or license and
 9 desires to act as a representative, or if a representative
 10 desires to obtain a registration or license in his or her own
 11 name, the partnership, corporation, business association,
 12 government agency, or the individual, as the case may be, need
 13 only submit an application for registration or licensure and the
 14 fee. The examination in part 4725.1000 need not be retaken.

15 4725.1500 SUSPENSION OR REVOCATION OF LICENSE OR REGISTRATION.

16 Subpart 1. Commissioner action. The commissioner may
 17 suspend or revoke the a license of-a-well-contractor,-limited
 18 well-contractor,-or-elevator-shaft-contractor or the
 19 registration of-a-monitoring-well-contractor, if the registrant
 20 or licensee has violated the provisions of this chapter or
 21 Minnesota Statutes, chapter 103I. The commissioner may initiate
 22 such proceedings.

23 Subp. 2. Investigation. The commissioner may make an
 24 investigation to determine if there has been a violation of this
 25 chapter or Minnesota Statutes, chapter 103I, and, in so doing,
 26 may request the registrant or licensee to appear before the
 27 commissioner to determine the merits of the situation in
 28 question. ~~In each case the council shall make a recommendation~~
 29 ~~to the commissioner.~~

30 [For text of subp 3, see M.R.]

31 Subp. 4. Revoked license or registration. A suspended or
 32 revoked license or registration certificate along with the
 33 current renewal certification must be returned to the
 34 commissioner when the license or registration of a well
 35 contractor who is subject to part 4725.0450, is revoked or

1 suspended. The disciplinary action shall apply to both the
2 licensee or registrant and the licensee's or registrant's
3 representative.

4 4725.1600 REINSTATEMENT.

5 Subpart 1. **Revoked license or registration.** A revoked
6 license or registration may not be reinstated. The licensee or
7 registrant whose license or registration has been revoked may be
8 relicensed or reregistered by filing the usual applications and
9 fees, and by taking the examination. The commissioner shall
10 require an investigation or review to determine whether the
11 person should be issued a new license or registration; provided,
12 however, that in no case shall a new license or registration be
13 issued prior to one year after the revocation has taken effect.

14 Subp. 2. **Suspended license or registration.** A licensee or
15 registrant suspended for a specified time shall be automatically
16 reinstated at the end of that time. Nothing in this chapter
17 shall be interpreted to prevent the making of such reinstatement
18 conditional upon terms established by the commissioner in an
19 order of suspension.

20 A licensee or registrant suspended for an indefinite time
21 may be reinstated at the commissioner's own motion after due
22 investigation to determine that the conditions upon which the
23 suspension was based have been corrected or upon the
24 commissioner receiving reasonable assurance that the conditions
25 will not recur.

26 Subp. 3. **Petition for reinstatement.** The person whose
27 license or registration has been indefinitely suspended may
28 petition the commissioner for licensure or registration
29 reinstatement. The commissioner may permit oral presentation by
30 the person whose license or registration has been indefinitely
31 suspended upon a showing by the petitioner that reasonable
32 grounds exist for such presentation.

33 4725.1650 CONTINUING EDUCATION REQUIREMENTS.

34 A well contractor, limited well contractor, and elevator
35 shaft contractor may not renew a license, and a monitoring well

1 contractor may not renew a registration, without having
2 successfully completed six contact hours of continuing education
3 activities acceptable to the commissioner during the year
4 preceding the year for which the license or registration renewal
5 is sought.

6 Applicants initially licensed or registered are exempt from
7 the continuing education requirements for the following year's
8 license or registration renewal.

9 Certificates of attendance or other documentation of
10 attendance must be submitted with the renewal application.

11 4725.1675 CRITERIA FOR CONTINUING EDUCATION.

12 A continuing education activity must meet the criteria in
13 items A to E for credit to be given.

14 A. The activity must be related to wells and borings,
15 drilling technology, groundwater contamination, health aspects
16 of water quality, groundwater monitoring, geology, hydrology,
17 well construction and sealing, water systems and water
18 treatment, or other subjects approved by the commissioner.

19 B. The activity must have a specific, written
20 objective that describes expected outcomes for the participant.

21 C. The activity must be presented by a person
22 knowledgeable about recent developments in the subject. The
23 person's qualifications must be documented by either specialized
24 training in the subject matter or work experience in the subject
25 area.

26 D. The activity must be at least one contact hour as
27 defined in part 4725.0100, subpart 24b.

28 E. The activity must document participation,
29 including but not limited to earned credits and verification of
30 attendance. Program sponsors shall maintain attendance sheets
31 for two years.

32 4725.1685 ADVISORY COUNCIL REVIEW OF CONTINUING EDUCATION
33 PROGRAMS.

34 The Advisory Council on Wells and Borings ~~shall~~ may review
35 continuing education programs and make recommendations to the

1 commissioner as to the acceptability for continuing education
2 credits for each license or registration category.

3 4725.1700 PLACEMENT OF DECALS AND LICENSE OR REGISTRATION NUMBER.

4 A licensee or registrant shall place in a conspicuous
5 location on both sides of each drilling machine or hoist his or
6 her license or registration number in figures not less than
7 three inches high and 1-1/2 inches wide. The figures shall be
8 in a contrasting color to the rest of the machine or hoist.
9 Decals designating the year for which the license or
10 registration was issued or renewed and the words, "MINNESOTA
11 LICENSED WELL CONTRACTOR, LIMITED WELL CONTRACTOR, OR ELEVATOR
12 SHAFT CONTRACTOR," or "REGISTERED MONITORING WELL CONTRACTOR,"
13 whichever is applicable, shall be affixed directly adjacent to
14 and below the license or registration number on each drilling
15 machine or hoist. Contractors using small drilling machines or
16 hoists or other devices for well or elevator shaft installation,
17 well repair, or well or elevator shaft sealing shall attach
18 their decal on a portable display to be shown at the well or
19 boring site. The decals shall be issued by the commissioner
20 upon licensure or registration and renewal.

21 4725.1800 DRILLING MACHINE AND HOIST REGISTRATION.

22 Upon licensure or registration under part 4725.0450, the
23 licensee or registrant must register all drilling machines and
24 hoists and pay a \$50 fee for each machine or hoist. Each time
25 the licensee or registrant renews licensure or registration
26 under part 4725.1300, the licensee or registrant must renew each
27 drilling machine and hoist registration and must pay a \$50
28 renewal fee for each drilling machine or hoist. Upon acquiring
29 additional drilling machines or hoists after initial licensure
30 or registration under part 4725.0450 or after renewal of
31 licensure or registration under part 4725.1300, the licensee or
32 registrant must register the machine or hoist and pay the \$50
33 registration fee. Upon receipt of the required fee and
34 information, a drilling machine or hoist registration card shall
35 be issued for identification purposes for each drilling machine

1 and hoist registered by the contractor. The card shall be
2 carried on the drilling machine or hoist at all times where it
3 may be inspected by the commissioner.

4 In the case of a licensee or registrant with a more than
5 one representative, ~~the-representative-of~~ the licensee or
6 registrant ~~is-responsible-for-registering~~ may designate one
7 representative to register all the licensee's or registrant's
8 drilling machines and hoists.

9 The registration card and decals furnished for a drilling
10 machine or hoist are not transferable. The card and decals
11 shall be returned to the commissioner when a drilling machine is
12 sold, traded, or otherwise disposed of.

13 PERMITS AND NOTIFICATIONS

14 4725.1820 NOTIFICATION FOR CONSTRUCTION OF WELLS.

15 A well must not be constructed until the owner of the
16 property where the well is to be located, the property owner's
17 agent, a licensed well contractor, or a limited unconventional
18 well contractor submits notification of construction of the
19 proposed well to the commissioner according to this part. This
20 part does not apply to the construction of monitoring wells,
21 dewatering wells, or drive point wells installed by the well
22 owner on the owner's property for residential or agricultural
23 use.

24 A. Notification is required for all wells constructed
25 by a licensed contractor and other persons allowed to construct
26 wells under Minnesota Statutes, section 103I.205, subdivision 4,
27 paragraph (e).

28 B. Notification is required for all public water
29 supply wells as defined in part 4725.0100, subpart 37a.
30 Notifications may be submitted with the plan required in part
31 4725.0300.

32 C. The property owner, the property owner's agent, a
33 licensed well contractor, or a limited unconventional well
34 contractor must submit the notification on a form provided by
35 the commissioner. The notification must be legible, be

1 accompanied by the fee required in this part, and be signed by
 2 the licensed contractor ~~and~~ or the owner of the property where
 3 the well is located, or the property owner's agent.

4 D. A notification must be completed for each well.

5 E. The notification must include the following
 6 information for each well:

7 (1) the name, business address, telephone number,
 8 and license number of the licensed contractor;

9 (2) the name, address, and telephone number of
 10 the well owner or property owner, if different;

11 (3) the legal description or street address of
 12 the proposed well location or a map having a scale at least
 13 one-half inch to the mile; and

14 (4) a determination of whether the anticipated
 15 capacity of the well pump will be less than or greater than 50
 16 gallons per minute.

17 F. The owner of the property where a well is to be
 18 located must pay a \$50 notification fee for each well with a
 19 well pump capacity of less than 50 gallons per minute and a \$100
 20 fee for each well with a well pump capacity of 50 gallons per
 21 minute or more.

22 G. ~~The property owner must file~~ A new notification
 23 must be filed with the commissioner if:

24 (1) a licensed contractor other than the one
 25 listed on the original notification completes the well; and/or

26 (2) the well is completed on property other than
 27 that listed on the original notification.

28 A new fee is not required for a new notification filed under
 29 this item.

30 H. The notification is valid for one year from the
 31 date it is ~~issued~~ filed. If the property owner, property
 32 owner's agent, a licensed well contractor, or a limited
 33 unconventional well contractor submits a written request to the
 34 commissioner, and shows the well has not been completed or
 35 constructed, the commissioner may extend the expiration date for
 36 an additional six months.

1 4725.1825 DEWATERING WELL CONSTRUCTION PERMITS.

2 This part applies to all dewatering wells as defined in
3 part 4725.0100, subpart 24c, including drive point wells used
4 for dewatering. Until June 30, 1992, this part does not apply
5 to dewatering wells that are constructed and that operate down
6 to 45 feet.

7 A. A dewatering well must not be constructed until a
8 permit has been issued by the commissioner to the limited well
9 contractor or well contractor.

10 B. The limited well contractor or well contractor
11 must submit to the commissioner a dewatering well permit
12 application on a form provided by the commissioner. The
13 application must be legible and signed by the limited well
14 contractor or well contractor and the property owner or agent.

15 C. A permit application must be completed for each
16 dewatering well or dewatering well project.

17 D. The permit shall include the following information
18 for each well:

19 (1) the name, business address, and license
20 number of the limited well contractor or well contractor;

21 (2) the name and address of the dewatering well
22 owner or property owner, if different;

23 (3) the legal description or street address of
24 the proposed dewatering well location or a map having a scale at
25 least one-half inch to the mile; and

26 (4) the anticipated depth of the dewatering well.

27 E. Permit applications for dewatering wells
28 constructed through a confining layer must include the following
29 information for each well in addition to that required in item D:

30 (1) the diameter of the dewatering well;

31 (2) the drilling method;

32 (3) the casing materials;

33 (4) the materials and methods used to grout the
34 well; and

35 (5) a cross-sectional diagram of the well.

1 F. Permits are not transferable. Only the permit
2 holder is authorized to construct the dewatering well or wells.

3 G. The permit is valid for one year from the date it
4 is issued. If the permit holder submits to the commissioner a
5 written request for an extension, and shows that the dewatering
6 well has not been completed or constructed, the commissioner may
7 extend the expiration date for an additional six months.

8 H. The owner of the property where a dewatering well
9 or wells are to be located must pay a \$50 permit fee for each
10 dewatering well. However, for a project consisting of more than
11 ten wells, the fee is \$500.

12 I. A copy of the permit shall be made available at
13 the dewatering site at all times during construction.

14 4725.1830 MONITORING WELL CONSTRUCTION PERMIT.

15 This part applies to all monitoring wells, including drive
16 point wells used as monitoring wells.

17 A. A monitoring well must not be constructed until a
18 permit has been issued by the commissioner to the monitoring
19 well contractor or well contractor.

20 B. A permit is not required for monitoring wells
21 sampled during drilling in an uncased hole that is sealed upon
22 completion of drilling.

23 C. A monitoring well contractor must submit to the
24 commissioner a monitoring well permit application on a form
25 provided by the commissioner. The application must be legible
26 and signed by the monitoring well contractor or well contractor
27 and the property owner or agent.

28 D. A permit application must be completed for each
29 monitoring well. However, for monitoring wells used as leak
30 detection devices at a petroleum bulk storage site or a motor
31 fuel retail outlet, a single permit application may be completed
32 for all wells on a site drilled under a single contract.

33 E. A permit application for a monitoring well owned
34 by a person other than the property owner must verify that a
35 written ~~contract-exists-between-the-well-owner-and-the-property~~

~~1 owner-that-describes-the-nature-of-the-work-to-be-performed, the~~
~~2 estimated-cost-of-the-work, and the provisions for sealing the~~
3 well agreement exists according to Minnesota Statutes, section
4 103I.205, subdivision 8.

5 F. The permit application must include the following
6 information for each well:

7 (1) the name, business address, and registration
8 number of the monitoring well contractor or license number of
9 the well contractor;

10 (2) the name and address of the monitoring well
11 owner and property owner, if different;

12 (3) the legal description or street address of
13 the proposed monitoring well location or a map having a scale at
14 least one-half inch to the mile; and

15 (4) the anticipated well depth.

16 G. Permit applications for monitoring wells
17 constructed through a confining layer must include the following
18 information for each well in addition to that required in item F:

19 (1) the diameter of the well;

20 (2) the drilling method;

21 (3) the casing materials;

22 (4) the materials and methods used to grout the
23 well; and

24 (5) a cross-sectional diagram of the well.

25 H. Permit applications for at-grade wells must
26 include the following information for each well in addition to
27 that required in item F:

28 (1) an explanation of why the well casing cannot
29 terminate 12 inches above ground;

30 (2) a map showing the location of the proposed
31 well referenced to a bench mark, a permanent landmark, or the
32 corners of the property; and

33 (3) a cross-sectional diagram of the well cap and
34 vault or manhole.

35 I. Permits are not transferable. Only the permit
36 holder is authorized to construct the well.

1 J. The permit is valid for six months from the date
2 it is issued. If the permit holder submits to the commissioner
3 a written request for an extension, and shows the monitoring
4 well has not been completed or constructed, the commissioner may
5 extend the expiration date for an additional six months.

6 K. The owner of the property on which a monitoring
7 well is to be located must pay a \$50 permit fee for each
8 monitoring well. One permit is required for monitoring wells
9 drilled under a single contract, used as leak detection devices
10 at a petroleum bulk storage site or retail motor fuel outlet.
11 The permit fee is \$50 per site regardless of the number of
12 wells. Subsequent wells drilled on the site under a separate
13 contract are exempt from additional permit fees, but a new
14 permit listing all new wells is required. A site consists of a
15 single continuous piece of property on which the petroleum bulk
16 storage facility or motor fuel retail outlet is located. The
17 site does not include other properties on which monitoring wells
18 are constructed to evaluate a spill or leak associated with the
19 petroleum facility. Owners of petroleum retail outlets or bulk
20 storage facilities installing more than one monitoring well must
21 list each well on the permit.

22 L. A copy of the permit shall be made available at
23 the monitoring well site at all times during construction.

24 4725.1835 ELEVATOR SHAFT CONSTRUCTION PERMITS.

25 This part applies to an excavation or hole for installation
26 of an elevator shaft or hydraulic cylinder for an elevator shaft.

27 A. After July 1, 1990, an excavation or hole for an
28 elevator shaft must not be constructed until a permit has been
29 issued by the commissioner to the elevator shaft contractor or
30 well contractor.

31 B. An elevator shaft contractor or well contractor
32 must submit to the commissioner an elevator shaft permit
33 application on a form provided by the commissioner. The
34 application shall be legible and signed by the elevator shaft
35 contractor or well contractor and the elevator shaft owner and

1 property owner or agent.

2 C. The permit must include the following information
3 for each hole or excavation for the elevator shaft:

4 (1) the name, business address, and license
5 number of the elevator shaft contractor or well contractor;

6 (2) the name and address of the elevator shaft
7 owner or property owner, if different;

8 (3) the legal description or street address of
9 the proposed excavation location or a map having a scale at
10 least one-half inch to the mile; and

11 (4) the anticipated depth of the elevator shaft
12 hole or excavation.

13 D. Permit applications for elevator shaft excavations
14 constructed through a confining layer must include the following
15 information in addition to that required in item C:

16 (1) the diameter of the excavation or hole for
17 the elevator shaft;

18 (2) the drilling method;

19 (3) the casing materials;

20 (4) the materials and methods used to grout the
21 excavation or hole; and

22 (5) a cross-sectional diagram of the excavation
23 or hole.

24 E. Permits are not transferable. Only the permit
25 holder is authorized to construct the excavation or hole for the
26 elevator shaft.

27 F. The permit is valid for one year from the date it
28 is issued. If the permit holder submits to the commissioner a
29 written request for an extension, and shows the elevator shaft
30 has not been completed or constructed, the commissioner may
31 extend the expiration date for an additional six months.

32 G. The owner of the property where the elevator shaft
33 is to be located must pay a \$50 permit fee for each elevator
34 shaft excavation or hole.

35 H. A copy of the permit must be available at the
36 elevator shaft excavation site at all times during excavation of

1 the elevator shaft.

2 4725.1836 NOTIFICATION AND PERMIT FEES.

3 The appropriate fees must accompany all notifications and
4 permit applications. Notification or permit fees may be paid
5 electronically. Notification and permit application fees ~~are~~
6 not-refundable shall be refunded if written application is
7 received within 30 days of submission of incorrect fees, or if
8 written application is received within one year of notification
9 or issuance of a permit if a well or boring was not
10 completed. The notification or permit application may be made
11 by facsimile transmission.

12 4725.1837 EXCEPTION TO NOTICE AND PERMIT.

13 A permit or notification is not required for installation
14 of a pump or pumping equipment or repair of an existing well or
15 boring if the repair does not involve deepening the well or
16 boring, or removal or installation of casing.

17 4725.1838 EMERGENCY NOTIFICATIONS AND PERMITS.

18 Notifications and applications for permits may be verbally
19 reported under emergency conditions for construction of wells,
20 monitoring wells, and dewatering wells, except for monitoring
21 wells and dewatering wells constructed through a confining layer
22 and for at-grade monitoring wells. Emergency conditions are
23 exceptional circumstances where a delay in starting construction
24 poses an immediate and significant danger to health or safety
25 and there is no time for prior notification or obtaining the
26 required permit.

27 Exceptional circumstances include, but are not limited to,
28 cases where well failure will leave livestock or persons without
29 drinking water, where inaction presents an imminent threat to
30 contamination of the well, boring, or groundwater, where delay
31 will result in collapse or damage to the well, where delay will
32 result in the endangerment of health or safety such as in an
33 unstable excavation, or where such construction is court ordered.

34 A. If emergency conditions affecting construction of

1 a well occur during normal business hours, the property owner,
2 the property owner's agent or a licensed contractor may verbally
3 provide to an authorized representative of the commissioner the
4 information required for notification under part 4725.1820. If
5 emergency conditions affecting construction of a monitoring
6 well, dewatering well, or elevator shaft occur during normal
7 business hours, the contractor may verbally provide the
8 information required for permits under part 4725.1825,
9 4725.1830, or 4725.1835, whichever is applicable, to an
10 authorized representative of the commissioner.

11 B. If emergency conditions occur after business hours
12 or on a nonbusiness day, construction of a well, monitoring
13 well, or dewatering well, or excavation for an elevator shaft
14 may begin if the property owner or contractor, as required in
15 item A, telephones the Department of Health and leaves a message
16 on the answering service reporting the applicable information
17 required in part 4725.1820, 4725.1825, 4725.1830, or 4725.1835.

18 C. A written notification or written permit
19 application and the applicable fees must be received by the
20 commissioner within ~~72-hours~~ five working days after emergency
21 notification of the start of construction of a well, or
22 within ~~72-hours~~ five working days after the start of
23 construction under an emergency permit for a dewatering well,
24 monitoring well, or elevator shaft. The property owner, the
25 property owner's agent, or a licensed or registered contractor
26 is responsible for submitting a written notification or permit
27 and fee. ~~The-licensed-or-registered-contractor-is-responsible~~
28 ~~for-submitting-a-written-permit-application-and-fee.~~

29 D. The emergency notification or permit shall be void
30 if construction is not started within 72 hours of verbal
31 reporting.

32 E. All construction and location standards in this
33 chapter shall apply to wells and borings constructed under
34 emergency conditions.

35 F. The commissioner shall not issue emergency permits
36 to or accept emergency notifications from contractors who

1 violate the emergency notification or permit requirements.

2 4725.1840 UNSUCCESSFUL COMPLETION OF A WELL OR BORING.

3 If an attempt to complete construction of a well,
4 monitoring well, dewatering well, or excavation for installation
5 of an elevator shaft for which a notification or permit has been
6 filed is unsuccessful, a new notification or permit need not be
7 filed if:

8 A. the construction and depth of the new well or
9 excavation is not substantially different from the initial well;
10 and

11 B. the person installing the well or elevator shaft
12 amends the notification or permit to indicate the location of
13 the completed well or boring.

14 4725.1842 APPROVAL OF CONSTRUCTION PERMITS.

15 The commissioner shall review a permit application upon
16 submission. A permit shall be issued if the application is
17 complete and is in compliance with this chapter.

18 4725.1845 DENIAL OF CONSTRUCTION PERMIT APPLICATION.

19 Subpart 1. Grounds for denial of application. The
20 commissioner may deny a permit application or revoke a permit
21 for construction of a monitoring well, dewatering well, or
22 excavation for installation of an elevator shaft ~~for any~~
23 ~~violation of this chapter.~~ if:

24 A. the person constructing the well or boring is not
25 licensed or registered according to this chapter;

26 B. information submitted in the permit application is
27 determined to be false or misrepresented;

28 C. the construction of the well or boring would not
29 be in conformance with this chapter;

30 D. issuance of the permit conflicts with statute or
31 rule;

32 E. a provision of the permit is violated;

33 F. the well or boring would be constructed into or
34 through contaminated soil or groundwater, and construction or

1 use of the well or boring would result in contamination of a
2 well or boring, allow contamination to spread, or would
3 adversely affect groundwater remediation; or

4 G. pumping from the well or boring would intercept
5 groundwater contamination and construction or use of the well or
6 boring would result in contamination of a well or boring, allow
7 contamination to spread, or would adversely affect groundwater
8 remediation.

9 Subp. 2. Notice requirement. The commissioner shall give
10 the applicant or permit holder written notice of the permit
11 application denial or permit revocation. The notice shall state
12 the reason for denial or revocation. A denied permit
13 application or revoked permit may be revised or corrected and
14 resubmitted to the commissioner for reconsideration.

15 4725.1848 WELL MAINTENANCE PERMITS.

16 Subpart 1. Permit required. Annual maintenance permits
17 are required for monitoring wells and dewatering wells that are
18 not permanently sealed within 14 months of construction and
19 wells that are not sealed, are inoperable, are not in use, or
20 are disconnected from a power supply.

21 Subp. 2. Permit application. The owner of the property
22 where the well is located must submit to the commissioner a
23 maintenance permit application on a form provided by the
24 commissioner. The application must be legible, accompanied by
25 the correct fee, and signed by the property owner where the well
26 is located. The permit application shall include the following
27 information for each well:

28 A. the name, telephone number, and address of the
29 property owner and well owner, if different;

30 B. the legal description of the well location; and

31 C. the Minnesota unique well number. If the unique
32 number is not known, the depth, diameter, and construction of
33 the well must be reported.

34 The commissioner shall review a permit application upon
35 submission. A permit shall be issued if the application is

1 complete and is in compliance with this chapter. A permit shall
2 not be issued for a well that is required to be sealed by this
3 chapter or Minnesota Statutes, section 103I.301.

4 Subp. 3. Permit conditions. The conditions in items A to
5 E apply to permits.

6 A. Maintenance permits are not transferable. If
7 ownership of the property changes, an application must be made
8 for a new maintenance permit.

9 B. A maintenance permit is valid for one year from
10 the date it is issued.

11 C. A maintenance permit does not allow construction
12 or repair that would require notification or a permit according
13 to this chapter.

14 D. All provisions of this chapter involving the
15 proper isolation distance from contamination sources and
16 necessary seals and safeguards apply to a well under a
17 maintenance permit.

18 E. The commissioner may deny a permit application or
19 revoke a permit for violation of this chapter. The commissioner
20 shall give the applicant or permit holder written notice of the
21 permit application denial or permit revocation. The notice
22 shall state the reason for denial or revocation.

23 Subp. 4. Well maintenance permits. An annual well
24 maintenance permit is required for an unsealed well that is not
25 in use, that is inoperable, or from which the power supply has
26 been disconnected. The owner of the property on which such a
27 well is located must submit an annual \$50 permit fee along with
28 the permit application, or have the well sealed.

29 Subp. 5. Monitoring well maintenance permits. The
30 provisions in items A to C apply to monitoring well maintenance
31 permits.

32 A. The owner of property on which an unsealed
33 monitoring well is located must obtain a maintenance permit
34 starting 14 months after construction of the well and must pay a
35 fee of:

36 (1) \$50 for each monitoring well that is

1 unsealed; or

2 (2) \$50 for each motor fuel retail outlet or
3 petroleum bulk storage site that has unsealed monitoring wells
4 located on the site.

5 The permit must be renewed annually until the well is sealed.

6 B. A maintenance permit application must be completed
7 for each monitoring well. However, a single permit application
8 may be completed for monitoring wells used as leak detection
9 devices at a petroleum bulk storage site or a motor fuel retail
10 outlet. The permit must list each well and include the well
11 location and unique well number. A site or outlet consists of a
12 single continuous piece of property on which the petroleum bulk
13 storage or retail motor fuel outlet is located. The site does
14 not include other properties on which monitoring wells are
15 constructed to evaluate a spill or leak associated with the
16 petroleum facility.

17 C. Monitoring wells that are inoperable or not in
18 use, or for which no maintenance permit has been obtained 14
19 months after construction, must be permanently sealed.

20 Subp. 6. Dewatering well maintenance permits. The
21 conditions in items A to C apply to dewatering well maintenance
22 permits.

23 A. No later than 14 months after construction of a
24 dewatering well, the owner of the property on which a dewatering
25 well is located must obtain a maintenance permit for an unsealed
26 dewatering well and must pay a fee of:

27 (1) \$25 for each dewatering well that is
28 unsealed; or

29 (2) \$250 for a dewatering project consisting of
30 ten or more unsealed dewatering wells.

31 The permit must be renewed annually for wells that are in use.

32 B. A maintenance permit for a dewatering project of
33 ten or more dewatering wells must list each well and include the
34 well location and unique well number.

35 C. Dewatering wells that are inoperable or not in
36 use, or for which no maintenance permit has been obtained, must

1 be permanently sealed.

2 4725.1849 DRIVE POINT WELL CONSTRUCTION NOTIFICATION.

3 Subpart 1. Scope. This part applies to drive point wells
4 constructed by an individual on property that is owned or leased
5 by the individual and that is used for agricultural purposes or
6 as the individual's place of residence.

7 Subp. 2. Notification. Written notification of
8 construction of a drive point well installed by a property owner
9 must be filed with the commissioner within ten days after
10 completion of the well. The owner of the drive point well must
11 provide the following information on a notification form
12 provided by the commissioner:

13 (1) the name, address, and telephone number of
14 the drive point well owner and property owner, if different;

15 (2) the legal description of the well location;
16 and

17 (3) the date the well was constructed.

18 Subp. 3. Retail sale of drive point well materials. A
19 person who sells drive point well materials at retail must:

20 A. provide each buyer with a copy of the notification
21 form and informational materials provided by the department; and

22 B. maintain a record of the date of sale and name and
23 address of each purchaser of drive point well materials.

24 The record must be made available to the commissioner for
25 inspection. The record must be maintained on the premises for
26 three years, or as an alternative may be filed with the
27 commissioner on a yearly basis.

28 The commissioner shall provide copies of the drive point
29 notification form and information about well regulations to
30 retail sellers of drive point well materials.

31 WELL LABEL RECORDS, LABELS, SAMPLES

32 4725.6750 WELL IDENTIFICATION LABEL.

33 Subpart 1. Label required. Upon completing construction
34 and before placing a well into service, an identification label
35 provided by the commissioner must be attached to the well by the

1 person constructing the well.

2 Subp. 2. **Exceptions.** Wells installed for temporary use
3 that are permanently sealed within 90 days of construction are
4 exempt from the labeling requirements of this part.

5 Subp. 3. **Markings.** The person who installs a well shall
6 mark the well identification label with the depth of the well,
7 the name or license or registration number of the person who
8 constructed the well, and the date the well was constructed.
9 The markings shall be stamped, engraved, or embossed in
10 permanent letters and numbers no less than five millimeters
11 (3/16 inch) high. As an alternative to marking the well
12 identification label, the person may attach a separate label to
13 the well casing, well cap, pump control box, or electrical
14 panel. The separate label shall be marked with the depth of the
15 well, the name or license or registration number of the person
16 who constructed the well, and the date the well was constructed.

17 Subp. 4. **Attachment of label.** The well identification
18 label provided by the commissioner shall be attached to the well
19 casing in a visible location by use of a stainless steel clamp
20 or metal band or strap. Alternately, the label may be attached
21 to a concrete pump base or pedestal by the use of screws or
22 fasteners, or may be attached to a monitoring well manhole or
23 vault.

24 Subp. 5. **Removal of label.** The well identification label
25 may only be removed by a person licensed or registered to modify
26 the well. Upon completion of modification or repair of the
27 well, the label must be reattached.

28 Subp. 6. **Well modification.** A new well identification
29 label must be attached to the well by any person who alters the
30 well depth, diameter, or casing.

31

32 **REPEALER.** Minnesota Rules, parts 4725.0100, subparts 2, 3,
33 6, 7, 15, 16, 18, 25, 31, and 41; 4725.0600; 4725.0700, subpart
34 2; 4725.0800; ~~4725.0900~~; 4725.1000, subparts 1 and 3; 4725.1100;
35 4725.1200; and 4725.1850, are repealed.