

1 Department of Health

2

3 Adopted Permanent Rules Relating to the Public Water Supplies
4 and Water Well Construction Code

5

6 Rules as Adopted

7 4720.0010 WATER SUPPLY AND SEWERAGE SYSTEMS.

8 No system of water supply or system for the on-site
9 disposal of sewage~~7-industrial-waste7-garbage7-or-refuse7-in~~
10 ~~case-any~~ where such system is for public use or for the use of
11 any considerable number of persons, or in case any such system
12 affects or tends to affect the public health in any manner,
13 shall be installed by any public agency or by any person or
14 corporation, nor shall any such existing system be materially
15 altered or extended, until complete plans and specifications for
16 the installation, alteration, or extension, together with such
17 information as the commissioner of health may require, have been
18 submitted in duplicate and approved by the commissioner of
19 health insofar as any features thereof affect or tend to affect
20 the public health, and no construction shall take place except
21 in accordance with the approved plans. A well installed or
22 materially altered for the purpose of providing water to a
23 noncommunity or nontransient noncommunity water supply is exempt
24 from this part.

25 4725.0350 FEES APPLICABLE TO THIS CHAPTER.

26 Subpart 1. **Applicability.** The fees specified in this part
27 apply to this chapter. Fees are not refundable.

28 Subp. 2. **Examination application fee.** A nonrefundable fee
29 of \$50 to apply for examination for licensure or registration is
30 required for any of the following:

31 A. a well contractor license as specified in part
32 4725.0475, subpart 3, either as a representative or individual;

33 B. a limited well contractor license as specified in
34 part 4725.0475, subpart 4;

35 C. an elevator shaft contractor license as specified

1 in part 4725.0475, subpart 5; or

2 D. a monitoring well contractor registration as
3 specified in part 4725.0475, subpart 6.

4 Subp. 3. License or registration fees. An application for
5 an original or renewal license or registration must be
6 accompanied by a nonrefundable license or registration fee of:

7 A. \$250 for a well contractor's license;

8 B. \$50 for an individual well contractor's license;

9 C. \$50 for a limited well contractor's license;

10 D. \$50 for an elevator shaft contractor license; or

11 E. \$50 for a monitoring contractor registration.

12 Subp. 4. License or registration late renewal fee. If a
13 licensee or registrant fails to submit all information required
14 for the renewal of a license or registration or submits the
15 application and information after the required renewal date as
16 specified in part 4725.1300, a late fee of \$50 must be paid in
17 addition to the fees specified in subpart 3.

18 Subp. 5. Water supply well notification fee. A
19 nonrefundable ~~well~~ notification fee of \$100 for each new water
20 supply well drilled must be paid by a property owner where the
21 well is to be located.

22 Subp. 6. Permit ~~fee~~ fees. A nonrefundable permit fee to
23 be paid by a property owner where a well or wells are to be
24 located is required as follows:

25 A. \$100 annually for a water supply well that is not
26 in use and under a maintenance permit;

27 B. \$100 for construction of a monitoring well;

28 C. \$100 annually per well for a monitoring well that
29 is unsealed and under a maintenance permit;

30 D. \$100 per site for all monitoring wells, regardless
31 of number, used as leak detection devices at a single motor fuel
32 retail outlet or petroleum bulk storage site excluding tank
33 farms;

34 E. \$100 for a groundwater thermal exchange device in
35 addition to the notification fee specified in subpart 5;

36 F. \$100 for a vertical heat exchanger ~~in-addition-to~~

1 ~~the-notification-fee-specified-in-subpart-5;~~

2 G. \$100 for the construction of a dewatering well
3 except a dewatering project comprising more than ~~ten~~ five wells
4 shall pay no more than \$500 for a single permit for the wells
5 recorded on the permit;

6 H. \$100 annually for a dewatering well that is
7 unsealed and under a maintenance permit except that a dewatering
8 project comprising more than ~~ten~~ five wells shall be issued a
9 single permit for ~~\$250~~ \$500 for wells recorded on the permit;
10 and

11 I. \$100 for a boring to install an elevator shaft
12 hydraulic cylinder.

13 Subp. 7. **Drilling machine registration fee.** A person may
14 not use a drilling machine unless a nonrefundable fee of \$50 is
15 paid annually to register the drilling machine.

16 Subp. 8. **Pump hoist registration fee.** A person may not
17 use a pump hoist unless a nonrefundable fee of \$50 is paid
18 annually to register the pump hoist.

19 Subp. 9. **Well disclosure fee.** In accordance with the
20 disclosure provisions of Minnesota Statutes, section 103I.235, a
21 nonrefundable disclosure fee of \$20 shall be collected. Of the
22 \$20 fee collected, \$17.50 must be transmitted to the
23 commissioner of health for each well disclosure certificate
24 received during the quarter.

25 Subp. 10. **Variance fee.** A nonrefundable fee of \$100 shall
26 be charged by the commissioner to request a variance from this
27 chapter.

28 Subp. 11. **Electronic payment.** The fees specified in this
29 part may be paid electronically.

30 4725.0410 VARIANCE.

31 Subpart 1. **General.** The commissioner shall grant a
32 variance to any provision of this chapter according to the
33 procedures and criteria specified in parts 4717.7000 to
34 4717.7050.

35 [For text of subps 2 and 3, see M.R.]

1 4725.1075 APPLICATION FOR LICENSURE OR REGISTRATION.

2 Subpart 1. Application for licensure or registration. A
3 person must apply for licensure or registration on a form
4 provided by the commissioner.

5 [For text of items A and B, see M.R.]

6 C. The application for licensure or registration must
7 be accompanied by the nonrefundable licensure or registration
8 fee specified in part 4725.0350.

9 Subp. 2. [See repealer.]

10 4725.1250 BONDING.

11 At the time the fee is submitted for initial licensure or
12 registration, or licensure or registration renewal, the licensee
13 or registrant must show proof of holding a corporate surety bond
14 as required by Minnesota Statutes, chapter 103I. The bond must
15 be submitted to the commissioner. One bond is required for each
16 licensee or registrant. If on proof to the commissioner it is
17 shown that multiple licenses or registrations are held by one
18 licensee or registrant, the bond held by that licensee or
19 registrant may cover all licenses and registrations. The
20 licensee or registrant must be named as the principal. The bond
21 must be signed by an official of the company who is legally
22 authorized to represent the company. The bond may be used by
23 the commissioner to compensate persons injured or suffering
24 financial loss because of failure of a licensee or registrant to
25 properly perform the duties under part 4725.0475 and Minnesota
26 Statutes, chapter 103I. The term of the bond must be continuous
27 or concurrent with the term of the license or registration. The
28 penal sum of the bond is noncumulative and is not to be
29 aggregated every year that the bond is in force. The bond must
30 be written by a corporate surety licensed to do business in
31 Minnesota. The corporate surety shall be responsible for
32 providing 30 days' written notice to the commissioner of
33 cancellation of a licensee's or registrant's bond. If a bond is
34 canceled, a licensee or registrant must not perform work
35 requiring the license or registration until the licensee or

1 registrant obtains another bond meeting the requirements of this
2 part. An individual well contractor, as described in Minnesota
3 Statutes, section 103I.525, subdivision 1, paragraph (c), is
4 exempt from the requirements of this part.

5 4725.1300 LICENSE OR REGISTRATION RENEWAL.

6 Licenses expire on January 31 of each year and
7 registrations expire on December 31 of each year. Each licensee
8 or registrant shall submit an application for license or
9 registration renewal on forms provided by the commissioner no
10 later than January 31 for licenses and December 31 for
11 registrations. The renewal application must be accompanied by
12 the license and registration fees. A penalty fee must also be
13 paid if the renewal is submitted after the January 31 license or
14 December 31 registration deadline. At the time of license or
15 registration renewal, the approved continuing education courses
16 completed by the individual well contractor or representative as
17 required by part 4725.1650 must be listed and the licensee or
18 registrant must provide the bond required under part 4725.1250.

19 4725.1800 DRILLING MACHINE AND HOIST REGISTRATION.

20 Upon licensure or registration, the licensee or registrant
21 must register all drilling machines and hoists and pay a fee for
22 each machine or hoist. Each time the licensee or registrant
23 renews licensure or registration under part 4725.1300, the
24 licensee or registrant must renew each drilling machine and
25 hoist registration and must pay a renewal fee for each drilling
26 machine or hoist. Upon acquiring additional drilling machines
27 or hoists after initial licensure or registration or after
28 renewal of licensure or registration, the licensee or registrant
29 must register the machine or hoist and pay the hoist or drilling
30 machine registration fee. Upon receipt of the required fee and
31 information, a drilling machine or hoist registration card shall
32 be issued for identification purposes for each drilling machine
33 and hoist registered by the contractor. The card shall be
34 carried on the drilling machine or hoist at all times where it
35 may be inspected by the commissioner.

1 In the case of a licensee or registrant with more than one
2 representative, the licensee or registrant may designate one
3 representative to register all the licensee's or registrant's
4 drilling machines and hoists.

5 The registration card and decals furnished for a drilling
6 machine or hoist are not transferable.

7 4725.1820 NOTIFICATION FOR CONSTRUCTION OF WATER SUPPLY WELLS.

8 The owner of the property where a water supply well is to
9 be located, the property owner's agent, a licensed well
10 contractor, or a limited well contractor licensed to construct
11 dug wells and drive point wells must submit notification of
12 construction of the proposed well to the commissioner according
13 to this part. This part does not apply to the construction of
14 monitoring wells; dewatering wells; or drive point wells
15 installed by the well owner on the owner's property for
16 residential or agricultural use.

17 [For text of item A, see M.R.]

18 B. Notification must be made on a form provided by
19 the commissioner. The notification must be legible, accompanied
20 by the required fee, and signed by the representative of the
21 licensee or the owner of the property where the well is located,
22 or the property owner's agent.

23 [For text of item C, see M.R.]

24 D. The notification must include the following
25 information for each well:

26 [For text of subitem (1), see M.R.]

27 (2) the name, address, and telephone number of
28 the well owner, and property owner if different; and

29 (3) the township number, range number, section
30 and one quartile, or street address if the property is located
31 in an incorporated area, of the proposed well location.

32 E. A new notification must be filed with the
33 commissioner if:

34 [For text of subitems (1) and (2), see M.R.]

35 F. The notification is valid for 18 months from the

1 date it is filed.

2 4725.1825 DEWATERING WELL CONSTRUCTION PERMITS.

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

8 [For text of items A to G, see M.R.]

9 H. A copy of the permit shall be made available at
10 the dewatering site at all times during construction.

11 4725.1830 MONITORING WELL CONSTRUCTION PERMIT.

12 This part applies to all monitoring wells, including drive
13 point wells used as monitoring wells.

14 [For text of items A to I, see M.R.]

15 4725.1831 GROUNDWATER THERMAL EXCHANGE DEVICE PERMITS.

16 This part applies to the construction of a groundwater
17 thermal exchange device (heat pump) with reinjection to an
18 aquifer.

19 [For text of items A to E, see M.R.]

20 4725.1833 VERTICAL HEAT EXCHANGER CONSTRUCTION PERMITS.

21 This part applies to the construction of vertical heat
22 exchangers.

23 [For text of items A to E, see M.R.]

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 [For text of items A to F, see M.R.]

28 4725.1836 NOTIFICATION AND PERMIT.

29 The fees specified in part 4725.0350, must accompany all
30 notifications and permit applications. Notification or permit
31 fees may be paid electronically and the permit requests or
32 notifications may be submitted by facsimile. Notification and
33 permit application fees shall not be refunded.

1 4725.1848 WELL MAINTENANCE PERMITS.

2 [For text of subps 1 to 3, see M.R.]

3 Subp. 4. **Water supply well maintenance permits.** An annual
4 well maintenance permit is required for an unsealed water supply
5 well that is not in use or that is inoperable. The owner of the
6 property on which such a well is located must submit the annual
7 permit fee along with the permit application, or have the well
8 sealed.

9 Subp. 5. **Monitoring well maintenance permits.** The
10 provisions in items A to C apply to monitoring well maintenance
11 permits.

12 A. The owner of property on which an unsealed
13 monitoring well is located must obtain a maintenance permit
14 starting 14 months after construction of the well and must pay
15 the required permit fee. The permit must be renewed annually
16 until the well is sealed.

17 [For text of items B and C, see M.R.]

18 Subp. 6. **Dewatering well maintenance permits.** The
19 conditions in items A to C apply to dewatering well maintenance
20 permits.

21 A. No later than 14 months after construction of a
22 dewatering well, the owner of the property on which a dewatering
23 well is located must obtain a maintenance permit for an unsealed
24 dewatering well and must pay the required permit fee. The
25 permit must be renewed annually for wells that are in use.

26 [For text of items B and C, see M.R.]

27 4725.2010 APPLICABILITY.

28 The general construction and use requirements specified in
29 parts 4725.2010 to 4725.3875 apply to all wells and borings
30 except exploratory borings regulated under chapter 4727.

31 4725.2020 INTERCONNECTION OF AQUIFERS PROHIBITED.

32 [For text of subps 1 and 2, see M.R.]

33 Subp. 3. **Aquifers in rock.** Aquifers in rock separated by
34 the Decorah, Glenwood, Saint Lawrence, and Eau Claire confining

1 layers must not be interconnected. The confining layers
2 specified are defined in "Geology of Minnesota: A Centennial
3 Volume" by Sims, P.K. and Morey, G.B., pages 459-473, "Paleozoic
4 Lithostratigraphy of Southeastern Minnesota" by George Austin
5 which is incorporated by reference in part 4725.0150.

6 4725.3350 INTERCONNECTIONS AND CROSS CONNECTIONS.

7 No connection between a well or boring and another well,
8 boring, water supply system, or contamination source is allowed
9 unless the connection is:

10 A. protected by an air gap as described in part
11 4715.2010;

12 [For text of items B to D, see M.R.]

13 4725.4450 DISTANCES FROM CONTAMINATION SOURCE.

14 Subpart 1. Isolation distances. A water supply well must
15 be located where there is optimum surface drainage and at the
16 highest practical elevation. A water supply well must be as far
17 as practical from a contamination source, but no less than 150
18 feet upgrade from a sanitary landfill, dump, or waste
19 stabilization pond.

20 A water supply well must be no less than:

21 [For text of items A to D, see M.R.]

22 E. 50 feet from:

23 [For text of subitem (1), see M.R.]

24 (2) an animal feedlot as defined in part
25 7020.0300, subpart 3, except as provided in subpart 2;

26 [For text of subitems (3) to (12), see M.R.]

27 [For text of items F and G, see M.R.]

28 [For text of subp 2, see M.R.]

29 4725.6150 DEWATERING WELL.

30 Subpart 1. Scope. This part applies to a dewatering well
31 as defined in Minnesota Statutes, section 103I.005, subject to
32 the exemption in Minnesota Statutes, section 103I.115. A
33 dewatering well must be constructed in accordance with the
34 general construction standards in parts 4725.2010 to 4725.3875.

1 A dewatering well must not be used for a purpose other than
2 dewatering. A dewatering well is exempt from the provisions in
3 parts 4725.4050 to 4725.5650.

4 [For text of subps 2 to 6, see M.R.]

5 4725.6450 APPLICABILITY AND USE.

6 In addition to the general construction and use
7 requirements in parts 4725.2010 to 4725.3875, a monitoring well
8 that is not in use must be sealed.

9 4725.6650 CONSTRUCTION OF MONITORING WELLS.

10 Subpart 1. PVC materials. A monitoring well must be
11 constructed according to parts 4725.2010 to 4725.3875, except
12 that a monitoring well may be constructed with flush threaded
13 polyvinyl chloride (PVC) casing and screens if:

14 [For text of items A to D, see M.R.]

15 [For text of subps 2 and 3, see M.R.]

16 REPEALER. Minnesota Rules, parts 4725.0550, subpart 2; and
17 4725.1075, subpart 2, are repealed.