

CHAPTER 103I

WELLS, BORINGS, AND UNDERGROUND USES

1031.005	Definitions.	1031.501	Licensing and regulation of wells and borings.
1031.101	Powers and duties of commissioner of health.	1031.505	Reciprocity of licenses and registrations.
1031.105	Advisory Council on Wells and Borings.	1031.525	Well contractor's license; representative's certification.
1031.111	Local authority over wells and borings.	1031.531	Limited well/boring contractor's license; representative's certification.
1031.115	Compliance with this chapter required.	1031.535	Elevator boring contractor's license; representative's certification.
1031.205	Well construction.	1031.541	Monitoring well contractor's registration; representative's certification.
1031.208	Notification filing fees and permit fees.	1031.545	Registration of drilling machines and hoists required.
1031.231	Commissioner may order repairs.	1031.601	Exploratory boring procedures.
1031.235	Real property sale; disclosure of location of wells.	1031.681	Permit for underground storage of gas or liquid.
1031.325	Landowner sealed well and boring liability.		
1031.341	Collection and enforcement of well sealing costs.		
1031.345	Well and boring sealing account.		
1031.401	Elevator borings.		

1031.005 DEFINITIONS.

[For text of subs 1 and 2, see M.S.2004]

Subd. 2a. **Certified representative.** "Certified representative" means a person certified by the commissioner to represent a well contractor, limited well/boring contractor, monitoring well contractor, or elevator boring contractor.

[For text of subs 3 and 4, see M.S.2004]

Subd. 4a. **Dewatering well.** "Dewatering well" means a nonpotable well used to lower groundwater levels to allow for construction or use of underground space. A dewatering well does not include:

- (1) an excavation 25 feet or less in depth for temporary dewatering during construction; or
- (2) a well used to lower groundwater levels for control or removal of groundwater contamination.

[For text of subd 5, see M.S.2004]

Subd. 6. **Elevator boring.** "Elevator boring" means a bore hole, jack hole, drilled hole, or excavation constructed to install an elevator hydraulic cylinder.

Subd. 7. **Elevator boring contractor.** "Elevator boring contractor" means a person with an elevator boring contractor's license issued by the commissioner.

[For text of subs 8 and 9, see M.S.2004]

Subd. 10. **Explorer.** "Explorer" means a person with an explorer's license issued by the commissioner.

[For text of subd 11, see M.S.2004]

Subd. 12. **Limited well/boring contractor.** "Limited well/boring contractor" means a person with a limited well/boring contractor's license issued by the commissioner. Limited well/boring contractor's licenses are issued for constructing, repairing, and sealing vertical heat exchangers; installing, repairing, and modifying pitless units and pitless adaptors, well casings above the pitless unit or pitless adaptor, well screens, or well diameters; constructing, repairing, and sealing drive point wells or dug wells; constructing, repairing, and sealing dewatering wells; sealing wells; and installing well pumps or pumping equipment.

Subd. 13. [Repealed, 2005 c 106 s 68]

[For text of subs 14 to 20, see M.S.2004]

Subd. 20a. **Water supply well.** "Water supply well" means a well that is not a dewatering well or monitoring well and includes wells used:

- (1) for potable water supply;
- (2) for irrigation;
- (3) for agricultural, commercial, or industrial water supply;
- (4) for heating or cooling;
- (5) as a remedial well; and
- (6) for testing water yield for irrigation, commercial or industrial uses, residential supply, or public water supply.

[For text of subs 21 to 24, see M.S.2004]

History: 2005 c 106 s 9-15

1031.101 POWERS AND DUTIES OF COMMISSIONER OF HEALTH.

[For text of subd 1, see M.S.2004]

Subd. 2. **Duties.** The commissioner shall:

- (1) regulate the drilling, construction, modification, repair, and sealing of wells and borings;
- (2) examine and license well contractors; persons constructing, repairing, and sealing vertical heat exchangers; persons modifying or repairing well casings, well screens, or well diameters; persons constructing, repairing, and sealing drive point wells or dug wells; persons constructing, repairing, and sealing dewatering wells; persons sealing wells; persons installing well pumps or pumping equipment; and persons excavating or drilling holes for the installation of elevator borings or hydraulic cylinders;
- (3) register and examine monitoring well contractors;
- (4) license explorers engaged in exploratory boring and examine individuals who supervise or oversee exploratory boring;
- (5) after consultation with the commissioner of natural resources and the Pollution Control Agency, establish standards for the design, location, construction, repair, and sealing of wells and borings within the state; and
- (6) issue permits for wells, groundwater thermal devices, vertical heat exchangers, and elevator borings.

[For text of subs 3 and 4, see M.S.2004]

Subd. 5. **Commissioner to adopt rules.** The commissioner shall adopt rules including:

- (1) issuance of licenses for:
 - (i) qualified well contractors, persons modifying or repairing well casings, well screens, or well diameters;
 - (ii) persons constructing, repairing, and sealing drive point wells or dug wells;
 - (iii) persons constructing, repairing, and sealing dewatering wells;
 - (iv) persons sealing wells;
 - (v) persons installing well pumps or pumping equipment;
 - (vi) persons constructing, repairing, and sealing vertical heat exchangers; and
 - (vii) persons constructing, repairing, and sealing elevator borings;
- (2) issuance of registration for monitoring well contractors;
- (3) establishment of conditions for examination and review of applications for license and registration;

(4) establishment of conditions for revocation and suspension of license and registration;

(5) establishment of minimum standards for design, location, construction, repair, and sealing of wells and borings to implement the purpose and intent of this chapter;

(6) establishment of a system for reporting on wells and borings drilled and sealed;

(7) establishment of standards for the construction, maintenance, sealing, and water quality monitoring of wells in areas of known or suspected contamination;

(8) establishment of wellhead protection measures for wells serving public water supplies;

(9) establishment of procedures to coordinate collection of well and boring data with other state and local governmental agencies;

(10) establishment of criteria and procedures for submission of well and boring logs, formation samples or well or boring cuttings, water samples, or other special information required for and water resource mapping; and

(11) establishment of minimum standards for design, location, construction, maintenance, repair, sealing, safety, and resource conservation related to borings, including exploratory borings as defined in section 1031.005, subdivision 9.

Subd. 6. **Fees for variances.** The commissioner shall charge a nonrefundable application fee of \$175 to cover the administrative cost of processing a request for a variance or modification of rules adopted by the commissioner under this chapter.

History: 2005 c 106 s 16,17; 1Sp2005 c 4 art 6 s 2

NOTE: The amendment to subdivision 6 by Laws 2005, First Special Session chapter 4, article 6, section 2, is effective July 1, 2006. Laws 2005, First Special Session chapter 4, article 6, section 2, the effective date.

1031.105 ADVISORY COUNCIL ON WELLS AND BORINGS.

(a) The Advisory Council on Wells and Borings is established as an advisory council to the commissioner. The advisory council shall consist of 18 voting members. Of the 18 voting members:

(1) one member must be from the Department of Health, appointed by the commissioner of health;

(2) one member must be from the Department of Natural Resources, appointed by the commissioner of natural resources;

(3) one member must be a member of the Minnesota Geological Survey of the University of Minnesota, appointed by the director;

(4) one member must be a responsible individual for a licensed explorer;

(5) one member must be a certified representative of a licensed elevator boring contractor;

(6) two members must be members of the public who are not connected with the boring or well drilling industry;

(7) one member must be from the Pollution Control Agency, appointed by the commissioner of the Pollution Control Agency;

(8) one member must be from the Department of Transportation, appointed by the commissioner of transportation;

(9) one member must be from the Board of Water and Soil Resources appointed by its chair;

(10) one member must be a certified representative of a monitoring well contractor;

(11) six members must be residents of this state appointed by the commissioner, who are certified representatives of licensed well contractors, with not more than two from the seven-county metropolitan area and at least four from other areas of the state who represent different geographical regions; and

(12) one member must be a certified representative of a licensed vertical heat exchanger contractor.

(b) An appointee of the well drilling industry may not serve more than two consecutive terms.

(c) The appointees to the advisory council from the well drilling industry must:

(1) have been residents of this state for at least three years before appointment; and

(2) have at least five years' experience in the well drilling business.

(d) The terms of the appointed members and the compensation and removal of all members are governed by section 15.059, except section 15.059, subdivision 5, relating to expiration of the advisory council does not apply.

History: 2005 c 106 s 18

103I.111 LOCAL AUTHORITY OVER WELLS AND BORINGS.

Subdivision 1. **Delegation of duties of commissioner.** (a) The commissioner of health may enter into an agreement with a board of health to delegate all or part of the inspection, reporting, and enforcement duties authorized under provisions of this chapter pertaining to permitting, construction, repair, and sealing of wells and elevator borings.

(b) A board of health may delegate its powers and duties to other boards of health within its jurisdiction. An agreement to delegate powers and duties of a board of health must be approved by the commissioner and is subject to subdivision 3.

[For text of subs 2 to 2c, see M.S.2004]

Subd. 3. **Preemption unless delegation.** Notwithstanding any other law, a political subdivision may not regulate the construction, repair, or sealing of wells or borings unless the commissioner delegates authority under subdivisions 1 and 2.

[For text of subs 4 to 8, see M.S.2004]

History: 2005 c 106 s 19,20

103I.115 COMPLIANCE WITH THIS CHAPTER REQUIRED.

A person may not construct, repair, or seal a well or boring, except as provided under the provisions of this chapter.

History: 2005 c 106 s 21

103I.205 WELL CONSTRUCTION.

[For text of subs 1 to 3, see M.S.2004]

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

(b) A person may construct, repair, and seal a monitoring well if the person:

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

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

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

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

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

A person must register with the commissioner as a monitoring well contractor on forms provided by the commissioner.

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

(1) installing or repairing well screens or pitless units or pitless adaptors and well casings from the pitless adaptor or pitless unit to the upper termination of the well casing;

(2) constructing, repairing, and sealing drive point wells or dug wells;

(3) installing well pumps or pumping equipment;

(4) sealing wells;

(5) constructing, repairing, or sealing dewatering wells; or

(6) constructing, repairing, or sealing vertical heat exchangers.

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

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

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

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

[For text of subds 5 to 8, see M.S.2004]

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

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

History: 2005 c 106 s 22,23

103I.208 NOTIFICATION FILING FEES AND PERMIT FEES.

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

(1) for a new water supply well, \$175, which includes the state core function fee;

(2) for a well sealing, \$35 for each well, which includes the state core function fee, except that for monitoring wells constructed on a single property, having depths within a 25 foot range, and sealed within 48 hours of start of construction, a single fee of \$35; and

(3) for construction of a dewatering well, \$175, which includes the state core function fee, for each dewatering well except a dewatering project comprising five or more dewatering wells shall be assessed a single fee of \$875 for the dewatering wells recorded on the notification.

[For text of subd 1a, see M.S.2004]

Subd. 2. Permit fee. The permit fee to be paid by a property owner is:

(1) for a water supply well that is not in use under a maintenance permit, \$150 annually;

(2) for construction of a monitoring well, \$175, which includes the state core function fee;

(3) for a monitoring well that is unsealed under a maintenance permit, \$150 annually;

(4) for monitoring wells used as a leak detection device at a single motor fuel retail outlet, a single petroleum bulk storage site excluding tank farms, or a single

agricultural chemical facility site, the construction permit fee is \$175, which includes the state core function fee, per site regardless of the number of wells constructed on the site, and the annual fee for a maintenance permit for unsealed monitoring wells is \$150 per site regardless of the number of monitoring wells located on site;

(5) for a groundwater thermal exchange device, in addition to the notification fee for water supply wells, \$175, which includes the state core function fee;

(6) for a vertical heat exchanger, \$175;

(7) for a dewatering well that is unsealed under a maintenance permit, \$150 annually for each dewatering well, except a dewatering project comprising more than five dewatering wells shall be issued a single permit for \$750 annually for dewatering wells recorded on the permit; and

(8) for an elevator boring, \$175 for each boring.

History: 2005 c 106 s 24,25; 1Sp2005 c 4 art 6 s 3,4

NOTE: The amendments to subdivisions 1 and 2 by Laws 2005, First Special Session chapter 4, article 6, sections 3 and 4 respectively, are effective July 1, 2006. Laws 2005, First Special Session chapter 4, article 6, sections 3 and 4, the effective dates.

103I.222 [Repealed, 2005 c 106 s 68]

103I.231 COMMISSIONER MAY ORDER REPAIRS.

(a) The commissioner may order a property owner to take remedial measures, including making repairs, reconstructing, or sealing a well or boring according to provisions of this chapter. The order may be issued if the commissioner determines, based on inspection of the water or the well or boring site or an analysis of water from the well or boring, that the well or boring:

(1) is contaminated or may contribute to the spread of contamination;

(2) is required to be sealed under this chapter and has not been sealed according to provisions of this chapter;

(3) is in a state of disrepair so that its continued existence endangers the quality of the groundwater;

(4) is a health or safety hazard; or

(5) is located in a place or constructed in a manner that its continued use or existence endangers the quality of the groundwater.

(b) The order of the commissioner may be enforced in an action to seek compliance brought by the commissioner in the district court of the county where the well or boring is located.

History: 2005 c 106 s 26

103I.235 REAL PROPERTY SALE; DISCLOSURE OF LOCATION OF WELLS.

Subdivision 1. **Disclosure of wells to buyer.** (a) Before signing an agreement to sell or transfer real property, the seller must disclose in writing to the buyer information about the status and location of all known wells on the property, by delivering to the buyer either a statement by the seller that the seller does not know of any wells on the property, or a disclosure statement indicating the legal description and county, and a map drawn from available information showing the location of each well to the extent practicable. In the disclosure statement, the seller must indicate, for each well, whether the well is in use, not in use, or sealed.

(b) At the time of closing of the sale, the disclosure statement information, name and mailing address of the buyer, and the quartile, section, township, and range in which each well is located must be provided on a well disclosure certificate signed by the seller or a person authorized to act on behalf of the seller.

(c) A well disclosure certificate need not be provided if the seller does not know of any wells on the property and the deed or other instrument of conveyance contains the statement: "The Seller certifies that the Seller does not know of any wells on the described real property."

(d) If a deed is given pursuant to a contract for deed, the well disclosure certificate required by this subdivision shall be signed by the buyer or a person authorized to act on behalf of the buyer. If the buyer knows of no wells on the property, a well disclosure certificate is not required if the following statement appears on the deed followed by the signature of the grantee or, if there is more than one grantee, the signature of at least one of the grantees: "The Grantee certifies that the Grantee does not know of any wells on the described real property." The statement and signature of the grantee may be on the front or back of the deed or on an attached sheet and an acknowledgment of the statement by the grantee is not required for the deed to be recordable.

(e) This subdivision does not apply to the sale, exchange, or transfer of real property:

(1) that consists solely of a sale or transfer of severed mineral interests; or

(2) that consists of an individual condominium unit as described in chapters 515 and 515B.

(f) For an area owned in common under chapter 515 or 515B the association or other responsible person must report to the commissioner by July 1, 1992, the location and status of all wells in the common area. The association or other responsible person must notify the commissioner within 30 days of any change in the reported status of wells.

(g) For real property sold by the state under section 92.67, the lessee at the time of the sale is responsible for compliance with this subdivision.

(h) If the seller fails to provide a required well disclosure certificate, the buyer, or a person authorized to act on behalf of the buyer, may sign a well disclosure certificate based on the information provided on the disclosure statement required by this section or based on other available information.

(i) A county recorder or registrar of titles may not record a deed or other instrument of conveyance dated after October 31, 1990, for which a certificate of value is required under section 272.115, or any deed or other instrument of conveyance dated after October 31, 1990, from a governmental body exempt from the payment of state deed tax, unless the deed or other instrument of conveyance contains the statement made in accordance with paragraph (c) or (d) or is accompanied by the well disclosure certificate containing all the information required by paragraph (b) or (d). The county recorder or registrar of titles must not accept a certificate unless it contains all the required information. The county recorder or registrar of titles shall note on each deed or other instrument of conveyance accompanied by a well disclosure certificate that the well disclosure certificate was received. The notation must include the statement "No wells on property" if the disclosure certificate states there are no wells on the property. The well disclosure certificate shall not be filed or recorded in the records maintained by the county recorder or registrar of titles. After noting "No wells on property" on the deed or other instrument of conveyance, the county recorder or registrar of titles shall destroy or return to the buyer the well disclosure certificate. The county recorder or registrar of titles shall collect from the buyer or the person seeking to record a deed or other instrument of conveyance, a fee of \$40 for receipt of a completed well disclosure certificate. By the tenth day of each month, the county recorder or registrar of titles shall transmit the well disclosure certificates to the commissioner of health. By the tenth day after the end of each calendar quarter, the county recorder or registrar of titles shall transmit to the commissioner of health \$32.50 of the fee for each well disclosure certificate received during the quarter. The commissioner shall maintain the well disclosure certificate for at least six years. The commissioner may store the certificate as an electronic image. A copy of that image shall be as valid as the original.

(j) No new well disclosure certificate is required under this subdivision if the buyer or seller, or a person authorized to act on behalf of the buyer or seller, certifies on the deed or other instrument of conveyance that the status and number of wells on the property have not changed since the last previously filed well disclosure certificate. The following statement, if followed by the signature of the person making the statement, is sufficient to comply with the certification requirement of this paragraph: "I am familiar

with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate." The certification and signature may be on the front or back of the deed or on an attached sheet and an acknowledgment of the statement is not required for the deed or other instrument of conveyance to be recordable.

(k) The commissioner in consultation with county recorders shall prescribe the form for a well disclosure certificate and provide well disclosure certificate forms to county recorders and registrars of titles and other interested persons.

(l) Failure to comply with a requirement of this subdivision does not impair:

(1) the validity of a deed or other instrument of conveyance as between the parties to the deed or instrument or as to any other person who otherwise would be bound by the deed or instrument; or

(2) the record, as notice, of any deed or other instrument of conveyance accepted for filing or recording contrary to the provisions of this subdivision.

[For text of subd 2, see M.S.2004]

History: 1Sp2005 c 4 art 6 s 5

NOTE: The amendment to subdivision 1 by Laws 2005, First Special Session chapter 4, article 6, section 5, is effective July 1, 2006. Laws 2005, First Special Session chapter 4, article 6, section 5, the effective date.

103I.325 LANDOWNER SEALED WELL AND BORING LIABILITY.

Subd. 2. **Liability after sealing.** The owner of a well or boring is not liable for contamination of groundwater from the well or boring that occurs after the well or boring has been sealed by a licensed contractor in compliance with this chapter if a report of sealing has been filed with the commissioner of health by the contractor who performed the work, and if the owner has not disturbed or disrupted the sealed well or boring.

History: 2005 c 106 s 27

103I.341 COLLECTION AND ENFORCEMENT OF WELL SEALING COSTS.

Subdivision 1. **Lien for sealing costs.** The commissioner and the Board of Water and Soil Resources have a governmental services lien under section 514.67 for the costs of sealing a well or boring that the commissioner or board has contracted to be sealed under section 103I.315, subdivision 2; or 103I.335. The lien attaches to the real property where the well or boring is located. The lien is perfected by recording the lien with the county recorder or registrar of titles where the well or boring and the property are located and serving or mailing by return receipt a copy of the lien to the property owner.

[For text of subs 2 and 3, see M.S.2004]

Subd. 4. **Satisfaction of lien.** The amount due and interest of a lien under this section may be paid at any time. When the amount of the lien including accrued interest is paid, the commissioner or board must execute a satisfaction of the lien and record the satisfaction with the county recorder or registrar of titles where the lien was recorded.

[For text of subd 5, see M.S.2004]

History: 2005 c 4 s 27,28

103I.345 WELL AND BORING SEALING ACCOUNT.

[For text of subd 1, see M.S.2004]

Subd. 2. **Expenditures.** Subject to appropriation by law, money in the account established under subdivision 1 may be used by the commissioner for sealing wells and borings.

History: 2005 c 106 s 28

1031.401 ELEVATOR BORINGS.

Subdivision 1. **Permit required.** (a) A person may not construct an elevator boring until a permit for the hole or excavation is issued by the commissioner.

(b) The elevator boring permit preempts local permits except local building permits, and counties and home rule charter or statutory cities may not require a permit for elevator borings.

Subd. 2. **License required.** A person may not construct an elevator boring unless the person possesses a well contractor's license or an elevator boring contractor's license issued by the commissioner.

Subd. 3. **Sealing.** A well contractor or elevator boring contractor must seal a hole or excavation that is no longer used for an elevator boring. The sealing must be done according to rules adopted by the commissioner.

Subd. 4. **Report.** Within 30 days after completion or sealing of an elevator boring, the person doing the work must submit a report to the commissioner on forms provided by the commissioner.

History: 2005 c 106 s 29

1031.501 LICENSING AND REGULATION OF WELLS AND BORINGS.

(a) The commissioner shall regulate and license:

- (1) drilling, constructing, and repair of wells;
- (2) sealing of wells;
- (3) installing of well pumps and pumping equipment;
- (4) excavating, drilling, repairing, and sealing of elevator borings;
- (5) construction, repair, and sealing of environmental bore holes; and
- (6) construction, repair, and sealing of vertical heat exchangers.

(b) The commissioner shall examine and license well contractors, limited well/boring contractors, and elevator boring contractors, and examine and register monitoring well contractors.

(c) The commissioner shall license explorers engaged in exploratory boring and shall examine persons who supervise or oversee exploratory boring.

History: 2005 c 106 s 30

1031.505 RECIPROCITY OF LICENSES AND REGISTRATIONS.

Subdivision 1. **Reciprocity authorized.** The commissioner may issue a license or register a person under this chapter, without giving an examination, if the person is licensed or registered in another state and:

- (1) the requirements for licensing or registration under which the well or boring contractor was licensed or registered do not conflict with this chapter;
- (2) the requirements are of a standard not lower than that specified by the rules adopted under this chapter; and
- (3) equal reciprocal privileges are granted to licensees or registrants of this state.

Subd. 2. **Fees required.** A well or boring contractor must apply for the license or registration and pay the fees under the provisions of this chapter to receive a license or registration under this section.

History: 2005 c 106 s 31

1031.525 WELL CONTRACTOR'S LICENSE; REPRESENTATIVE'S CERTIFICATION.

Subdivision 1. **Certification application.** (a) A person must file an application and application fee with the commissioner to represent a well contractor.

(b) The application must state the applicant's qualifications for certification as a representative, and other information required by the commissioner. The application must be on forms prescribed by the commissioner.

(c) A person may apply as an individual if the person:

(1) is not representing a firm, sole proprietorship, partnership, association, corporation, or other entity including the United States government, any interstate body, the state, and an agency, department, or political subdivision of the state; and

(2) meets the well contractor certification and license requirements under this chapter.

Subd. 2. Certification application fee. The application fee for certification as a representative of a well contractor is \$75. The commissioner may not act on an application until the application fee is paid.

[For text of subd 3, see M.S.2004]

Subd. 3a. Issuance of certification. If an applicant meets the experience requirements established by rule and passes the examination as determined by the commissioner, the commissioner shall issue the applicant a certification to represent a well contractor.

Subd. 4. Issuance of license. If a person employs a certified representative, submits the bond under subdivision 5, and pays the license fee under subdivision 6, the commissioner shall issue a well contractor's license.

Subd. 5. Bond. (a) As a condition of being issued a well contractor's license, the applicant, except a person applying for an individual well contractor's license, must submit a corporate surety bond for \$10,000 approved by the commissioner. The bond must be conditioned to pay the state on performance of work in this state that is not in compliance with this chapter or rules adopted under this chapter. The bond is in lieu of other license bonds required by a political subdivision of the state.

(b) From proceeds of the bond, the commissioner may compensate persons injured or suffering financial loss because of a failure of the applicant to perform work or duties in compliance with this chapter or rules adopted under this chapter.

[For text of subs 6 and 7, see M.S.2004]

Subd. 8. Renewal. (a) A licensee must file an application and a renewal application fee to renew the license by the date stated in the license.

(b) The renewal application fee for a well contractor's license is \$250, except the fee for an individual well contractor's license is \$75.

(c) The renewal application must include information that the certified representative of the applicant has met continuing education requirements established by the commissioner by rule.

(d) At the time of the renewal, the commissioner must have on file all properly completed well and boring construction reports, well and boring sealing reports, reports of elevator borings, water sample analysis reports, well and boring permits, and well notifications for work conducted by the licensee since the last license renewal.

[For text of subd 9, see M.S.2004]

History: 2005 c 106 s 32-37

1031.531 LIMITED WELL/BORING CONTRACTOR'S LICENSE; REPRESENTATIVE'S CERTIFICATION.

Subdivision 1. Certification application. (a) A person must file an application and an application fee with the commissioner to represent a limited well/boring contractor.

(b) The application must state the applicant's qualifications for the certification, and other information required by the commissioner. The application must be on forms prescribed by the commissioner.

Subd. 2. Certification application fee. The application fee for certification as a representative of a limited well/boring contractor is \$75. The commissioner may not act on an application until the application fee is paid.

[For text of subd 3, see M.S.2004]

Subd. 3a. **Issuance of certification.** If an applicant meets the experience requirements established by rule and passes the examination as determined by the commissioner, the commissioner shall issue the applicant a certification to represent a limited well/boring contractor.

Subd. 4. **Issuance of license.** If a person employs a certified representative, submits the bond under subdivision 5, and pays the license fee under subdivision 6, the commissioner shall issue a limited well/boring contractor's license. If the other conditions of this section are satisfied, the commissioner may not withhold issuance of a dewatering limited license based on the applicant's lack of prior experience under a licensed well contractor.

Subd. 5. **Bond.** (a) As a condition of being issued a limited well/boring contractor's license for constructing, repairing, and sealing drive point wells or dug wells, sealing wells or borings, constructing, repairing, and sealing dewatering wells, or constructing, repairing, and sealing vertical heat exchangers, the applicant must submit a corporate surety bond for \$10,000 approved by the commissioner. As a condition of being issued a limited well/boring contractor's license for installing or repairing well screens or pitless units or pitless adaptors and well casings from the pitless adaptor or pitless unit to the upper termination of the well casing, or installing well pumps or pumping equipment, the applicant must submit a corporate surety bond for \$2,000 approved by the commissioner. The bonds required in this paragraph must be conditioned to pay the state on performance of work in this state that is not in compliance with this chapter or rules adopted under this chapter. The bonds are in lieu of other license bonds required by a political subdivision of the state.

(b) From proceeds of a bond required in paragraph (a), the commissioner may compensate persons injured or suffering financial loss because of a failure of the applicant to perform work or duties in compliance with this chapter or rules adopted under this chapter.

[For text of subs 6 and 7, see M.S.2004]

Subd. 8. **Renewal.** (a) A person must file an application and a renewal application fee to renew the limited well/boring contractor's license by the date stated in the license.

(b) The renewal application fee for a limited well/boring contractor's license is \$75.

(c) The renewal application must include information that the certified representative of the applicant has met continuing education requirements established by the commissioner by rule.

(d) At the time of the renewal, the commissioner must have on file all properly completed well and boring construction reports, well and boring sealing reports, well and boring permits, water quality sample reports, and well notifications for work conducted by the licensee since the last license renewal.

[For text of subd 9, see M.S.2004]

History: 2005 c 106 s 38-43

1031.535 ELEVATOR BORING CONTRACTOR'S LICENSE; REPRESENTATIVE'S CERTIFICATION.

Subdivision 1. **Certification application.** (a) An individual must file an application and application fee with the commissioner to represent an elevator boring contractor.

(b) The application must state the applicant's qualifications for the certification, and other information required by the commissioner. The application must be on forms prescribed by the commissioner.

Subd. 2. **Certification application fee.** The application fee for certification as a representative of an elevator boring contractor is \$75. The commissioner may not act on an application until the application fee is paid.

[For text of subd 3, see M.S.2004]

Subd. 3a. **Issuance of certification.** If the applicant meets the experience requirements established by rule and passes the examination as determined by the commissioner, the commissioner shall issue the applicant a certification to represent an elevator boring contractor.

Subd. 4. **Issuance of license.** If a person employs a certified representative, submits the bond under subdivision 5, and pays the license fee under subdivision 6, the commissioner shall issue an elevator boring contractor's license to the applicant.

Subd. 5. **Bond.** (a) As a condition of being issued an elevator boring contractor's license, the applicant must submit a corporate surety bond for \$10,000 approved by the commissioner. The bond must be conditioned to pay the state on performance of work in this state that is not in compliance with this chapter or rules adopted under this chapter.

(b) From proceeds of the bond, the commissioner may compensate persons injured or suffering financial loss because of a failure of the applicant to perform work or duties in compliance with this chapter or rules adopted under this chapter.

[For text of subd 6, see M.S.2004]

Subd. 7. **Validity.** An elevator boring contractor's license is valid until the date prescribed in the license by the commissioner.

Subd. 8. **Renewal.** (a) A person must file an application and a renewal application fee to renew the license by the date stated in the license.

(b) The renewal application fee for an elevator boring contractor's license is \$75.

(c) The renewal application must include information that the certified representative of the applicant has met continuing education requirements established by the commissioner by rule.

(d) At the time of renewal, the commissioner must have on file all reports and permits for elevator boring work conducted by the licensee since the last license renewal.

Subd. 9. **Incomplete or late renewal.** If a licensee fails to submit all information required for renewal in subdivision 8 or submits the application and information after the required renewal date:

(1) the licensee must include a late fee of \$75; and

(2) the licensee may not conduct activities authorized by the elevator boring contractor's license until the renewal application, renewal application fee, and late fee, and all other information required in subdivision 8 are submitted.

History: 2005 c 106 s 44-51

1031.541 MONITORING WELL CONTRACTOR'S REGISTRATION; REPRESENTATIVE'S CERTIFICATION.

Subdivision 1. **Registration.** A person seeking registration as a monitoring well contractor must meet examination and experience requirements adopted by the commissioner by rule.

Subd. 2. **Validity.** A monitoring well contractor's registration is valid until the date prescribed in the registration by the commissioner.

Subd. 2a. **Certification application.** (a) An individual must submit an application and application fee to the commissioner to apply for certification as a representative of a monitoring well contractor.

(b) The application must be on forms prescribed by the commissioner. The application must state the applicant's qualifications for the certification, and other information required by the commissioner.

Subd. 2b. **Issuance of registration.** If a person employs a certified representative, submits the bond under subdivision 3, and pays the registration fee of \$75 for a monitoring well contractor registration, the commissioner shall issue a monitoring well

contractor registration to the applicant. The fee for an individual registration is \$75. The commissioner may not act on an application until the application fee is paid.

Subd. 2c. **Certification application fee.** The application fee for certification as a representative of a monitoring well contractor is \$75. The commissioner may not act on an application until the application fee is paid.

Subd. 2d. **Examination.** After the commissioner has approved an application, the applicant must take an examination given by the commissioner.

Subd. 2e. **Issuance of certification.** If the applicant meets the experience requirements established by rule and passes the examination as determined by the commissioner, the commissioner shall issue the applicant a certification to represent a monitoring well contractor.

Subd. 3. **Bond.** (a) As a condition of being issued a monitoring well contractor's registration, the applicant must submit a corporate surety bond for \$10,000 approved by the commissioner. The bond must be conditioned to pay the state on performance of work in this state that is not in compliance with this chapter or rules adopted under this chapter. The bond is in lieu of other license bonds required by a political subdivision of the state.

(b) From proceeds of the bond, the commissioner may compensate persons injured or suffering financial loss because of a failure of the applicant to perform work or duties in compliance with this chapter or rules adopted under this chapter.

Subd. 4. **Renewal.** (a) A person must file an application and a renewal application fee to renew the registration by the date stated in the registration.

(b) The renewal application fee for a monitoring well contractor's registration is \$75.

(c) The renewal application must include information that the certified representative of the applicant has met continuing education requirements established by the commissioner by rule.

(d) At the time of the renewal, the commissioner must have on file all well and boring construction reports, well and boring sealing reports, well permits, and notifications for work conducted by the registered person since the last registration renewal.

Subd. 5. **Incomplete or late renewal.** If a registered person submits a renewal application after the required renewal date:

(1) the registered person must include a late fee of \$75; and

(2) the registered person may not conduct activities authorized by the monitoring well contractor's registration until the renewal application, renewal application fee, late fee, and all other information required in subdivision 4 are submitted.

History: 2005 c 106 s 52

1031.545 REGISTRATION OF DRILLING MACHINES AND HOISTS REQUIRED.

[For text of subd 1, see M.S.2004]

Subd. 2. **Hoist.** (a) A person may not use a machine such as a hoist for an activity requiring a license or registration under this chapter to repair wells or borings, seal wells or borings, or install pumps unless the machine is registered with the commissioner.

(b) A person must apply for the registration on forms prescribed by the commissioner and submit a \$75 registration fee.

(c) A registration is valid for one year.

History: 2005 c 106 s 53

1031.601 EXPLORATORY BORING PROCEDURES.

[For text of subd 1, see M.S.2004]

Subd. 2. **License required to make borings.** (a) Except as provided in paragraph (d), a person must not make an exploratory boring without an explorer's license. The

fee for an explorer's license is \$75. The explorer's license is valid until the date prescribed in the license by the commissioner.

(b) A person must file an application and renewal application fee to renew the explorer's license by the date stated in the license. The renewal application fee is \$75.

(c) If the licensee submits an application fee after the required renewal date, the licensee:

(1) must include a late fee of \$75; and

(2) may not conduct activities authorized by an explorer's license until the renewal application, renewal application fee, late fee, and sealing reports required in subdivision 9 are submitted.

(d) An explorer must designate a responsible individual to supervise and oversee the making of exploratory borings. Before an individual supervises or oversees an exploratory boring, the individual must file an application and application fee of \$75 to qualify as a responsible individual. The individual must take and pass an examination relating to construction, location, and sealing of exploratory borings. A professional engineer or geoscientist licensed under sections 326.02 to 326.15 or a professional geologist certified by the American Institute of Professional Geologists is not required to take the examination required in this subdivision, but must be certified as a responsible individual to supervise an exploratory boring.

[For text of subd 3, see M.S.2004]

Subd. 4. Map of borings. By ten days before beginning exploratory boring, an explorer must submit to the commissioners of health and natural resources a county road map having a scale of one-half inch equal to one mile, as prepared by the Department of Transportation, or a 7.5 minute series topographic map (1:24,000 scale), as prepared by the United States Geological Survey, showing the location of each proposed exploratory boring to the nearest estimated 40 acre parcel. Exploratory boring that is proposed on the map may not be commenced later than 180 days after submission of the map, unless a new map is submitted.

[For text of subs 5 to 8, see M.S.2004]

Subd. 9. Sealing report. (a) By 30 days after permanent or temporary sealing of an exploratory boring, the explorer must submit a report to the commissioners of health and natural resources.

(b) The report must be on forms provided by the commissioner of health and include:

(1) the location of each drill hole in as large a scale as possible, which is normally prepared as part of the explorer's record;

(2) the type and thickness of overburden and rock encountered;

(3) identification of water bearing formations encountered;

(4) identification of hydrologic conditions encountered;

(5) method of sealing used;

(6) methods of construction and drilling used; and

(7) average scintillometer reading of waste drill cuttings from uranium or other radioactive mineral exploratory borings before backfilling of the recirculation pits.

History: 2005 c 106 s 54,55; 1Sp2005 c 4 art 6 s 6

1031.681 PERMIT FOR UNDERGROUND STORAGE OF GAS OR LIQUID.

[For text of subs 1 to 10, see M.S.2004]

Subd. 11. Permit fee schedule. (a) The commissioner of natural resources shall adopt a permit fee schedule under chapter 14. The schedule may provide minimum fees for various classes of permits, and additional fees, which may be imposed subsequent to the application, based on the cost of receiving, processing, analyzing, and

issuing the permit, and the actual inspecting and monitoring of the activities authorized by the permit, including costs of consulting services.

(b) A fee may not be imposed on a state or federal governmental agency applying for a permit.

(c) The fee schedule may provide for the refund of a fee, in whole or in part, under circumstances prescribed by the commissioner of natural resources. Fees received must be deposited in the state treasury and credited to the general fund. Permit fees received are appropriated annually from the general fund to the commissioner of natural resources for the costs of inspecting and monitoring the activities authorized by the permit, including costs of consulting services.

History: *1Sp2005 c 1 art 2 s 124*