

## CHAPTER 103I

## WELLS, BORINGS, AND UNDERGROUND USES

103L101	POWERS AND DUTIES OF COMMISSIONER OF HEALTH.	103L525	WELL CONTRACTOR'S LICENSE; REPRESENTATIVE'S CERTIFICATION.
103L208	NOTIFICATION FILING FEES AND PERMIT FEES.	103L531	LIMITED WELL/BORING CONTRACTOR'S LICENSE; REPRESENTATIVE'S CERTIFICATION.
103L235	REAL PROPERTY SALE; DISCLOSURE OF LOCATION OF WELLS.	103L621	PERMITS FOR GROUNDWATER THERMAL EXCHANGE DEVICES.

**103L101. POWERS AND DUTIES OF COMMISSIONER OF HEALTH.**

*[For text of subs 1 to 5, see M.S.2006]*

Subd. 6. **Fees for variances.** The commissioner shall charge a nonrefundable application fee of \$215 to cover the administrative cost of processing a request for a variance or modification of rules adopted by the commissioner under this chapter.

**History:** 2007 c 147 art 16 s 2

**NOTE:** The amendment to subdivision 6 by Laws 2007, chapter 147, article 16, section 2, is effective July 1, 2008. Laws 2007, chapter 147, article 16, section 2, the effective date.

**103L208 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, \$215, which includes the state core function fee;
- (2) for a well sealing, \$50 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 \$50; and
- (3) for construction of a dewatering well, \$215, 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 \$1,075 for the dewatering wells recorded on the notification.

*[For text of subd 1a, see M.S.2006]*

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, \$175 annually;
- (2) for construction of a monitoring well, \$215, which includes the state core function fee;
- (3) for a monitoring well that is unsealed under a maintenance permit, \$175 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 \$215, 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 \$175 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, \$215, which includes the state core function fee;
- (6) for a vertical heat exchanger, \$215;
- (7) for a dewatering well that is unsealed under a maintenance permit, \$175 annually for each dewatering well, except a dewatering project comprising more than five dewatering wells shall be issued a single permit for \$875 annually for dewatering wells recorded on the permit; and

(8) for an elevator boring, \$215 for each boring.

**History:** 2007 c 147 art 16 s 3,4

**NOTE:** The amendments to subdivisions 1 and 2 by Laws 2007, chapter 147, article 16, sections 3 and 4, are effective July 1, 2008. Laws 2007, chapter 147, article 16, sections 3 and 4, the effective dates.

### **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 \$45 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 \$37.50 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.2006]*

**History:** 2007 c 147 art 16 s 5

**NOTE:** The amendment to subdivision 1 by Laws 2007, chapter 147, article 16, section 5, is effective July 1, 2008. Laws 2007, chapter 147, article 16, section 5, the effective date.

### 103I.525 WELL CONTRACTOR'S LICENSE; REPRESENTATIVE'S CERTIFICATION.

*[For text of subs 1 to 4, see M.S.2006]*

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 \$25,000 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 to 9, see M.S.2006]*

**History:** 2007 c 124 s 1

### **103L531 LIMITED WELL/BORING CONTRACTOR'S LICENSE; REPRESENTATIVE'S CERTIFICATION.**

*[For text of subs 1 to 5, see M.S.2006]*

Subd. 6. **License fee.** The fee for a limited well/boring contractor's license is \$75. The fee for three or more limited well/boring contractor licenses is \$225.

*[For text of subs 7 to 9, see M.S.2006]*

**History:** 2007 c 124 s 2

### **103L621 PERMITS FOR GROUNDWATER THERMAL EXCHANGE DEVICES.**

*[For text of subs 1 and 2, see M.S.2006]*

Subd. 3. **Construction requirements.** (a) Withdrawal and reinjection for the groundwater thermal exchange device must be accomplished by a closed system in which the waters drawn for thermal exchange do not have contact or commingle with water from other sources or with polluting material or substances. The closed system must be constructed to allow an opening for inspection by the commissioner.

(b) Wells that are part of a groundwater thermal exchange system may not serve another function, except water may be supplied to the domestic water system if:

(1) the supply is taken from the thermal exchange system ahead of the heat exchange unit; and

(2) the domestic water system is protected by an airgap or backflow prevention device as described in rules relating to plumbing enforced by the commissioner of labor and industry.

(c) A groundwater thermal exchange system may be used for domestic water heating only if the water heating device is an integral part of the heat exchange unit that is used for space heating and cooling.

*[For text of subd 4, see M.S.2006]*

**History:** 2007 c 140 art 12 s 2