

12/26/89

STATE OF MINNESOTA

MINNESOTA DEPARTMENT OF HEALTH

IN THE MATTER OF THE PROPOSED
ADOPTION OF AMENDMENTS TO THE
WATER WELL CONSTRUCTION CODE,
MINNESOTA RULES, CHAPTER 4725

STATEMENT OF NEED
AND REASONABLENESS

Rules are being proposed in response to requirements of Laws of Minnesota 1989, Chapter 326, Article 3. This law is part of the Groundwater Protection Act, and is codified as Minnesota Statutes, Chapter 103I. The new requirements relate to: licensing well contractors; licensing contractors for specific aspects of well construction, repair, sealing and well pump installation; licensing elevator shaft contractors; registration of monitoring well contractors; permit and notification procedures for well construction and maintenance; and well identification.

LEGAL BASIS

Authority for the proposed rules and amendments is found in Minnesota Statutes, Chapter 103I.

Section 103I.101, subdivision 3., Procedures for Permits. The commissioner shall by rule establish procedures for application, approval and issuance of permits by rule.

Section 103I.101, subdivision 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 diameters;
 - (ii) persons constructing unconventional wells such as drive points or dug wells;
 - (iii) persons sealing wells; and
 - (iv) persons installing well pumps or pumping equipment and excavating holes for installing elevator shafts or hydraulic cylinders;
- (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 to implement the purpose and intent of this chapter.

NEED FOR MDH REVISIONS

Minnesota Statutes, Chapter 103I, replaced Minnesota Statutes, Chapter 156A, which was the law regulating wells and borings. Many of the provisions in Chapter 156A were incorporated into Chapter 103I and new provisions added. Chapter 103I requires that rules be written to address several of these new provisions. Rules have been developed at this time to establish procedures related to permits and notifications for well construction and maintenance, the expanded licensing and registration requirements, and well identification. The statutory mandated effective date in Laws of Minnesota 1989, Chapter 326, Article 3, section 49 for the notification and permit requirements for wells, is after December 31, 1989. The bonding requirement for all contractors, and the continuing education requirements were effective on August 1, 1989, when the law became effective, as was the requirement for well identification. Although the effective date for licensing elevator shaft contractors and requiring permits for excavations for elevator shafts is July 1, 1990, (Laws of Minnesota 1989, Chapter 326, Article 3, section 49) it was decided to develop all the proposed contractor licensing and registration requirements at the same time in order to develop a consistent set of requirements and so the task forces used by the Department to assist in developing the rules could use their time most effectively.

It is necessary to revise the current rules on licensing and registration not only to include the new procedures required in Minnesota Statutes, Chapter 103I, but also to amend Chapter 4725 to apply to the new categories of contractors. Under Minnesota Statutes, Chapter 156A, monitoring well engineers were required to register annually with the commissioner and pay a registration fee. No examination or experience requirements were mandated. Chapter 103I not only changed the eligibility requirements for those who can become registered to construct or seal monitoring wells and borings, but also added examination and experience requirements for new applicants.

Minnesota Statutes, Chapter 156A, provided for a limited license for the construction of drive point wells and for well repair. The examination and experience requirements were very similar to the well contractor license. Minnesota Statutes, Chapter 103I, provides for four different categories of limited licenses. Two of them are new. Examination and experience are required for each. The limited license to construct drive point wells now also includes other unconventional wells such as dug wells and dewatering wells. A dewatering well is considered an unconventional well because of its unique type of construction. Dewatering wells are commonly used in building and road construction projects and are constructed in very large groups, not very deep in the ground and spaced very close together. They are commonly constructed for a short duration. The limited license to repair wells is essentially unchanged. Two new limited licenses have been added for well sealing and installation of well pumps and pumping equipment. Under Minnesota Statutes, Chapter 156A, only a well contractor could seal wells. Now Minnesota Statutes, Chapter 103I, establishes a separate category of limited license. Previously, a license was not required to install pumps or pumping equipment.

A new contractor license is required to excavate to install an elevator shaft

or hydraulic cylinder for an elevator shaft.

All the statutory requirements on well permits and notifications are new, so new rules must be developed. The well identification requirement is also new.

COSTS OF IMPLEMENTATION TO LOCAL GOVERNMENT

If the adoption of a rule by an agency requires the expenditure of public moneys by local public bodies, Minnesota Statutes section. 14.11, subdivision 1, requires the agency to give a reasonable estimate of the total cost to all local bodies in the state to implement the rule for two years immediately following adoption of the rule, if the estimated cost exceeds \$100,000 in either of the two years.

There would be no direct cost to local units of government resulting from these proposed revisions, unless a local unit of government employs a well contractor as its representative to perform activities requiring a license or registration. In that case, the local unit of government would likely have to pay for the continuing education costs for that contractor. All the other fees related to licensing and registration are required by Minnesota Statutes, Chapter 103I.

Minnesota Statutes, section 103I.208, subdivision 2 (4) exempts local units of government from the fees required for permits and notifications.

SMALL BUSINESS CONSIDERATIONS

Minnesota Statutes, section 14.115, requires that an agency consider five factors for reducing the impact of proposed rules on small business. The proposed amendments will have an impact on such small businesses as well contractors, monitoring well contractors, limited well contractors and elevator shaft contractors, and those small businesses that contract with a licensed or registered contractor to construct, repair or seal a well or boring. Most well, limited well, monitoring well and elevator shaft contractors meet the statutory definition of small business.

The method identified in statute for reducing the impact of the rule on small business include:

- a) the establishment of less stringent compliance or reporting requirements for small businesses;
- b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) the consolidation or simplification of compliance or reporting requirements for small businesses;
- d) the establishment of performance standards for small businesses to replace design or operational standards required in rule, and

e) the exemption of small businesses from any or all requirements of the rule.

The major purpose of these rules is to protect public health by ensuring adequate protection of the groundwater which provides almost two thirds of all drinking water supplies in the state.

a) The contractor licensing and registration rules are designed to ensure that all contractors will be adequately qualified to construct, repair and seal wells and borings in compliance with the well law and rules. Less stringent compliance with the licensing and registration rule could not ensure an adequate level of proficiency for contractors, and may result in inadequate protection of the groundwater. There is concern among some soil scientists, and to some extent among people who do percolation tests for septic systems, that the environmental bore hole definition in Minnesota Statutes, section 103.001, subdivision 8, is too restrictive, and that the monitoring well contractor registration requirement, in Minnesota Statutes, section 103I.205, subdivision 4(b) and the proposed experience requirement in section 4725.0500, subpart 3, are too stringent. Their concern is that under Minnesota Statutes, section 103I.451 environmental bore holes may only be constructed by a licensed well contractor or a monitoring well contractor. The soil scientists, septic system installers and possibly other groups who construct environmental bore holes will not be able to meet either the statutory eligibility requirements for monitoring well contractor registration or the experience requirement in the proposed rule. The Department has proposed language to attempt to seek statutory relief next session by amending the definition of environmental bore hole (Minnesota Statutes, section 103I.001, subdivision 8) so that the affected parties would be able to construct them without having to be registered as a monitoring well contractor. The affected parties supported this decision. However, if the definition of environmental bore hole is not amended, the rule requiring specific experience for monitoring well contractor registration will have an impact on these parties.

Reporting requirements for activities regulated under Chapter 103I have not changed from those required under Minnesota Statutes, Chapter 156A, and are still required under Minnesota Statutes, Chapter 103I.

b) Strict compliance with the requirements specifying when permits and notifications must be submitted to the Department must be maintained by all parties to allow the Department every possible opportunity to inspect wells at the time of construction. There is flexibility for the contractor since Part 4725.1838 specifies provisions for applying for construction permits or submitting construction notifications under emergency conditions.

c) With regard to deadlines for compliance with licensing and registration requirements, annual renewal of licenses and registrations allows for adequate time for individuals to plan for meeting those deadlines.

d) The only performance standard addressed in the proposed rules is the well identification provision in Part 4725.6750. Since the Department of Health

provides the well label with the unique well number stamped onto it, and provides two alternatives for the other required information to be added, it is not reasonable to develop any other identification standard.

- e) Small businesses and customers of small businesses should be afforded the same public health protection as other individuals. It is not appropriate to exempt a business on the basis of size from any or all of the rule requirements nor did the Legislature make provision in Minnesota Statutes, Chapter 103I for such an exemption.

STATEMENT OF NEED AND REASONABLENESS

The proposed rules include deletions of and modifications to existing language and new language. The rules are proposed to: delete language that is inconsistent with Minnesota Statutes, Chapter 103I; add new requirements and revise current requirements that allow the commissioner to implement the new contractor licensing and registration requirements, and permit and notification requirements; and to reorganize existing rules for clarity and consistency.

The Notice of Intent to solicit outside opinion was published in the State Register on August 7, 1989 at 14, S.R. 292 (Exhibit A).

The proposed rules were developed with assistance from representatives of many groups affected by the rule. The Department held seven three hour meetings between August and November 1989 with three ad hoc task forces (Exhibit B) to discuss registration and permit issues related to monitoring wells; licensing for limited well contractors and well notifications and elevator shaft contractor licensing and elevator shaft permit issues. Four public meetings were held with well contractors around the state to discuss the provisions of Minnesota Statutes, Chapter 103I, and suggestions for the proposed rules. The Department also worked with the Minnesota Water Well Association on well contractor licensing and notification and well labelling issues. Review of the proposed rule was performed by the Advisory Council on Wells and Borings. The 15 member council represents the well industry, the mineral exploration industry, monitoring well contractors, the Minnesota Department of Health, the Minnesota Department of Natural Resources, the Minnesota Geological Survey, the Minnesota Pollution Control Agency and the public.(Exhibit C).

With regard to the requirements of Minnesota Statutes, section 16A.128, the Department has notified the Department of Finance of the Department's intent to adopt the above-entitled matter. A copy of the Department's notice and the Commissioner of Finance's reply are attached as Exhibit D.

Title Change. The new title of chapter 4725 reflects the fact that chapter 4725 addresses many aspects of the management of wells and borings in the state and is not only related to the construction of water wells.

Part 4725.0100 DEFINITIONS

4725.0100 Subp. 1. Scope. The amendments to this subpart are necessary and

reasonable to implement the change in statutory citation from Minnesota Statutes, Chapter 156A, to Minnesota Statutes, Chapter 103I.

4725.0100 Subp. 2. Scope of subparts 3 to 15. This subpart is repealed because it no longer applies. The organization of chapter 4725 has been changed.

4725.0100 Subp. 3. Act. This subpart is repealed since no reference is made in the chapter to the term "Act." Also, since the statute has been changed from Minnesota Statutes, Chapter 156A, to Minnesota Statutes, Chapter 103I, the statutory reference is incorrect.

4725.0100 Subp. 5. Applicant. "Applicant" has been amended to include any person applying for the new categories of contractor license or registration as provided in Minnesota Statutes, Chapter 103I.

4725.0100 Subp. 6. Application for examination. This subpart has been repealed because the "application for examination" is now described in part 4725.0700.

4725.0100 Subp. 7. Application for licensure. This subpart has been repealed because the "application for licensure" is now described in part 4725.0900.

4725.0100 Subp. 8. Commissioner. The amendment to this subpart is necessary to clarify who specifically is authorizing persons to act on the commissioner's behalf. The amendment is reasonable because it is consistent with the powers and duties attributed to the commissioner in Minnesota Statutes, section 103I.101.

4725.0100 Subp. 9. Council. The statutory name and structure of the council was changed by Minnesota Statutes, section 103I.105. The amendment reflects the change.

4725.0100 Subp. 10. Licensee. This term has been amended to include the new categories of licensees specified in Minnesota Statutes, Chapter 103I.

4725.0100 Subp. 12. Representative. Part 4725.1400 specifies who is in charge of a contractor's operation and applies to monitoring well contractors as well as contractors. The definition has been amended to reflect the amendments to Part 4725.1400.

4725.0100 Subp. 14. Drilling machine. The term is described in the drilling machine registration requirement in Minnesota Statutes, Chapter 103I.545, subdivision 1. The amendment reflects use of the term in this section.

4725.0100 Subp. 15. Year of experience. The definition is repealed and is incorporated into the standards in Part 4725.0500.

4725.0100 Subp. 16. Application of subparts 17 to 54. This subpart is proposed for repeal to implement the organizational changes of this chapter.

4725.0100 Subp. 17. Abandoned well. The word "water" has been removed from the definition to make it consistent with the definition of well in Minnesota

Statutes, section 103I.005, subdivision 21. The phrase "endangers the quality of the groundwater," is another condition in Minnesota Statutes, section 103I.231, that requires a well to be sealed. This phrase further clarifies the definition of abandoned well.

4725.0100 Subp. 18. Administrative authority. This definition is being repealed because it is no longer necessary. Minnesota Statutes, Chapter 145A only allows local enforcement of the state well management rules through delegation from the commissioner to Community Health Boards.

4725.0100 Subp. 24a. Confining layer. The word "layer" has been substituted for the word "bed" because "layer" is a more precise term than "bed" and is also a more modern term.

4725.0100 Subp. 24b. Contact hour. This term is necessary to define to clarify the amount of time needed to meet the continuing education requirements in part 4725.1625. Although an hour is sixty minutes, fifty minutes are designated for instruction and it is expected that ten minutes of the "contact hour" will be used for breaks.

4725.0100 Subp. 24c. Dewatering Well. The term is necessary to define because it is used in Minnesota Statutes, section 103I.005, subdivision 21, 103I.205, subdivision 1 (e) and section 103I.208, subdivision 2 and more clarification is needed in rule. Dewatering wells are primarily used to further depress or lower groundwater levels to install sewer lines, footings, or other construction projects. Buildings which are deeper than groundwater levels may use dewatering wells. Dewatering wells used to lower groundwater levels for control or removal of groundwater contamination are unique wells that require special expertise. For that reason, these wells are regulated as a water well, and must be installed by a contractor licensed to install any type of well. Because the location, purpose and construction of the wells are not to provide drinking water, the water should not be used for potable purposes. The exemption of 25 feet or less for temporary dewatering is specified in Minnesota Statutes, section 103I.005, subdivision 21. The exemption in item (b) pertains to holes or "sumps" dug in the bottom of trenches or excavations typically used for short term dewatering of small quantities of water. Most dewatering operations for construction in uncased holes 25 feet from the bottom of excavated trenches would not cause a potential threat to the groundwater and are therefore exempted from these rules.

4725.0100 Subp. 25. Director. All references to the term "director" have been deleted from Chapter 4725 and the administrative authority invested in the commissioner and any of the commissioner's representatives. It is thus necessary to repeal this subpart.

4725.0100 Subp. 26b. Drive point well. The definition further clarifies the statutory definition in Minnesota Statutes, section 103I.005, subdivision 5, by including two commonly used terms "well points" and "sand points" that are synonymous terms with "drive point".

4725.0100 Subp. 30a. Hoist. Definition of this term is necessary to clarify which equipment must be registered by licensed and registered contractors under Minnesota Statutes, Chapter 103I, and Minnesota Rules, Chapter 4725. The language concerning the hoist mounting is added to exclude equipment such as ropes, pulleys and wrenches which are used to "hoist" and technically may be a "machine." The intent of the law is to have identification of equipment at the work site.

4725.0100 Subp. 30b. Monitoring well. The deletion from this definition is necessary to remove the reference to the repealed Minnesota Statutes, Chapter 156A, and replace it with reference to the definition of "monitoring well," as specified in Minnesota Statutes, section 103I.005, subdivision 14.

4725.0100 Subp. 31. Municipality. This term is necessary to repeal because it is no longer used in chapter 4725.

4725.0100 Subp. 31a. Piezometer. This term is new to chapter 4725 and definition is necessary to ensure precise and consistent application. The term is commonly defined (see American Heritage Dictionary) as a device to measure pressure or compressibility. The water table is a pressure surface. In these rules, a piezometer is regulated as an environmental bore hole. Vadose zone pore water pressure measurement is excluded from regulation inasmuch as water in the vadose zone is not strictly groundwater, and therefore borings measuring this do not meet the legislative definition of "well" found in Minnesota Statutes, section 103I.005, subdivision 21.

4725.0100 Subp. 33. Pitless unit. The definition of the term "pitless unit" is necessary to amend to reflect the use of the word "termination": for the upper most point of the well casing.

4725.0100 Subp. 37a. Public water supply. Reference to this definition in the Public Water Supply Rules, Chapter 4730, has been added to ensure a commonly understood definition of the term. Reference to Chapter 4730 is reasonable because parts of chapter 4725 apply to public water supply wells.

4725.0100 Subp. 41 Pumps and pumping equipment. This term is being repealed and replaced with the term "well pump and pumping equipment."

4725.0100 Subp. 41a. Registrant. This term is necessary to define so it is clear that the reference is to a monitoring well contractor. This is reasonable because monitoring well contractors are required to be registered under Minnesota Statutes sections 103I.205, subdivision 4 (b) and 103I.541.

4725.0100 Subp. 41b. The term "sealing" is necessary to define to limit confusion with the term "abandon" and "abandoned" which have in the past been used to mean a well which is in disuse and has not been properly closed or sealed; the act of properly capping, closing or sealing of a well; a well which has not been sealed; and a well which has been closed or sealed. The term "sealing" will refer to the act of properly protecting or closing a well whether by placement of a mechanical seal, cap, or cover or by filling the

well with grout.

4725.0100 Subp. 51. Well. Statutory reference for the definition is necessary to ensure that the most current and correct use of the term is used in chapter 4725. It is reasonable to reference to section 103I.005, subdivision 2 because that statutory term is to be applied to Chapter 4725. The list of wells added to the statutory definition further clarifies the definition.

4725.0100 Subp. 51a. Well pumps and Pumping Equipment. "Well pumps and pumping equipment" replaces the phrase "pumps and pumping equipment. This definition is broader, in that it includes "devices, machines or materials" used to withdraw water from a well, recognizing that new types of pumping equipment have been developed. The definition retains the seals, fittings and tanks which are necessary to protect the well from contamination and allow the pumping equipment to properly operate. The definition excludes accessory water tanks such as fire protection tanks and public water supply tanks because they are regulated under other rules.

PART 4725.0200. APPLICATION TO ALL WELLS, ENVIRONMENTAL BOREHOLES AND EXCAVATION FOR ELEVATOR SHAFTS. Amendments to this part are necessary to reflect the new areas of regulation that have been added by Minnesota Statutes Chapter 103I.

Subpart 2 incorporates the provision that all owners of wells or borings are bound by the requirements of Chapter 4725. This provision specifies that owners of wells and borings must comply with these standards to protect the groundwater. This requirement has been moved from part 4725.0400 of the current rule.

PART 4725.0300. PUBLIC WATER SUPPLY. Reference to the Public Water Supply Rules have been included for clarification of the plan and site review procedure in Part 4730.0010. "Municipal" was changed to "community public water supply" to be consistent with the term used in Chapter 4730.

PART 4725.0400. VARIANCES. The term "modification" has been changed to the more commonly used term "variances." The amendments also address borings in addition to wells, and to provide that registrants as well as licensees may apply for a variance. The requirement that an owner of a well or boring is bound by the requirements of Chapter 4725 has been deleted because it has been incorporated into part 4725.0200, subpart 2.

PART 4725.0450. LICENSING AND REGISTRATION. Minnesota Statutes, Chapter 103I, expands the areas of activity that require licensure or registration. This part has been added to clarify who may perform those activities. Subpart 1 lists the activities previously regulated under Minnesota Statutes, Chapter 156A, and the newly regulated environmental bore holes authorized under Minnesota Statutes, Chapter 103I.

Subparts 2 and 3 clarify when licenses will be needed for excavation for installation of elevator shafts or hydraulic cylinders for elevator shafts and installation of well pumps and pumping equipment.

PART 4725.0500. QUALIFICATIONS FOR CONTRACTOR LICENSE OR REGISTRATION

Subpart 1. General. Minnesota Statutes, Chapter 103I, changes the eligibility requirements for monitoring well contractors, expands the categories of limited well contractor licenses, and requires licensure for persons excavating for installation of elevator shafts and hydraulic cylinders for elevator shafts. The statute also mandates examination and experience requirements for all new limited well contractor, and elevator shaft contractor licenses and monitoring well contractor registration. All the experience requirements are directed toward providing adequate protection of the groundwater by ensuring that proficient applicants will be licensed or registered.

Subpart 2. Well contractor. The number of years of experience required for well contractors has been amended in relation to the experience requirements for the other licenses and registration. The change from three years of experience in the current rule, to four years is based on the premise that well contractors are licensed to perform all of the activities permitted under all the limited licenses, the elevator shaft contractor license and the monitoring well contractor registration and would therefore need a longer period to become proficient. This requirement was discussed with the officers of the Minnesota Water Well Association and is supported by them. This experience requirement is longer than the requirement for any other license or registration under this chapter. The type of experience required has been changed from the current rule to reflect the new requirement for pump installation and repair, and also so that a person with experience in construction of large diameter wells more than five hundred feet deep is no longer restricted to doing that type of work. In the current rule, a person with experience in construction of large diameter wells more than five hundred feet could qualify for a well contractor license. The experience gained in constructing this type of well should serve adequately in constructing any shallower well or boring. The requirement that experience must consist of 1000 hours per year and five wells per year under the supervision of a licensed contractor is in the current rule.

Subpart 3. Monitoring well contractor. The provisions in this new subpart reflect new statutory eligibility requirements for monitoring well contractors under Minnesota Statutes, section 103I.20, subdivision 4(b). Under Chapter 156A, only professional engineers certified as civil or geological engineers were eligible for monitoring well contractor registration. No experience or examination was required. Minnesota Statutes, section 103I.205, subdivision 4(b) allows any professional engineer registered with the State Board of Architecture, Engineering, Land Surveying, or Landscape Architecture, and any hydrologist or hydrogeologist registered with the American Institute of Hydrology (AIH), and any geologist registered with the American Institute of Professional Geologists (AIPG) to register as a monitoring well contractor. The experience of these three groups is wide ranging and includes conducting soil borings for soil testing, designing monitoring wells and borings and actually constructing monitoring wells. The wide range of experience included in the amendment addresses the experience of these three groups. The 500 hour

experience requirement, although less than that for some of the other licenses, is included because many of the groups now eligible for monitoring well contractor registration will have had more than 1500 hours experience in the education and work necessary for registration with the Board of Architecture, Engineering, Land Surveying, or Landscape Architecture, the AIH or the AIPG. Also, since monitoring well contractors may only deal with monitoring wells and environmental bore holes, it is reasonable that they do not need as long to qualify as a well contractor who is licensed to deal with a much wider range of wells and borings. The Monitoring Well Advisory Task Force agreed that 500 hours per year for three years was necessary to ensure proficiency for performing the registration activities. The requirement that the applicant shall have had experience in design, or field supervision or actual construction of at least 50 wells or borings provides another safeguard for ensuring that the construction of monitoring wells and borings will be performed in a manner that will adequately protect the groundwater.

Subpart 4. Limited Well Contractor. This subpart reflects the changes in statute that added new categories of limited well contractor license. Under Chapter 156A, a contractor with a limited license with three years experience could be granted a license to construct drive point wells, and to repair wells. Minnesota Statutes, section 103I.205, subdivision 4(c) requires limited licenses for constructing and sealing unconventional wells, repairing well casings and screens, and installing wells pumps or pumping equipment.

Subpart 5. Limited well contractor qualifications for unconventional wells. The limited license to construct unconventional wells allows the contractor to construct, repair and seal dug wells, drive point wells and dewatering wells. Under Minnesota Statutes, section 156A.03, subdivision 2, there was a license to construct drive point wells. With regard to dewatering operations it would be burdensome for dewatering well contractors to be restricted to only constructing the wells, when in many cases the wells are installed for very short periods of time and are sealed immediately after they are no longer needed.

The three year experience requirement of drilling five unconventional wells per year and having 1000 hours experience per year constructing, repairing or sealing unconventional wells, and installing pumps in unconventional wells is less than the experience for the full well contractor license but is extensive. Under Minnesota Statutes, Chapter 156A, three years experience was required for a limited license to construct drive point wells. The experience requirement was supported by the Advisory Task Force on Limited Well Contractors.

The requirement that an applicant with experience related to drive point wells and dug wells must gain that experience under either a licensed contractor or a contractor licensed to construct repair and seal unconventional wells is similar to the requirement for a full well contractor license. This requirement is necessary so the applicant gains familiarity with the state construction and sealing standards for unconventional wells under the supervision of a person familiar with those standards and fully trained to work with unconventional wells.

Subp. 6 Limited Well Contractor license to install or repair well screens or pitless adapters or units or well casings. The limited well contractor license to repair well screens and well casings was allowed under Chapter 156A as part of a limited license to construct and seal drive point wells. The experience requirements for that limited license were the same as for a full well contractor license and have only been changed with regard to the number of years of experience required. The Advisory Task Force on Limited Well Contractor Licenses recommended the two years experience because it was thought that repairing wells needs less experience than well sealing or constructing and sealing unconventional wells. Since Minnesota Statutes section 103I.205, subdivision 4(c), provides for one license for well repair and one for constructing and sealing unconventional wells, the two year experience requirement is adequate for the one task. The limited license for well repair under the current rules requires that the experience be gained under the supervision of a licensed contractor. This means either a well contractor or a contractor licensed to repair wells. This requirement remains unchanged in this chapter.

Subp. 7. Limited well contractor qualifications to install a pump or pumping equipment. The limited license to install a well pump and pumping equipment is a new license. The experience requirements are less extensive than those for the other limited licenses and are easier to gain because the task is less complex. The two year requirement and 1000 hours aggregate experience address the fact that many persons currently work in well pump installation and repair work on a part time basis. The Advisory Task Force on Limited Well Contractor Licenses supported the experience requirement that a pump installer should have installed at least twenty pumps, worked a minimum of two years and 1000 hours in aggregate.

Subp. 8. Elevator shaft contractor. The elevator shaft contractor license is a new license under Minnesota Statutes, section 103I.401, subdivision 2. Currently well contractors may construct elevator shafts. The two year work experience requirement for elevator shaft contractors is less stringent than the experience requirements for the well sealing license and unconventional well license. The excavation for elevator shafts is rarely more than 25 feet deep and is not as complex as well drilling. However, the experience requirement of the years and design, supervision or actual construction and practical experience of three borings for elevator shafts each year are necessary to ensure that the groundwater will be protected.

Subp. 9. Experience required in Minnesota. The requirement that experience for all contractors be gained in Minnesota or in an area with similar geology is in the current rule for well contractors, Part 4725.0100, subpart 15. To ensure protection of the groundwater, it is imperative that contractors be familiar with the geology of the area. If contractors come into the state from other states, one year of experience in Minnesota provides at least the minimum time to become familiar with the geology of the area.

PART 4725.0600. APPLICATIONS AND FEES. This part is repealed because part 4725.0700 now includes these requirements.

PART 4725.0700 APPLICATION FOR LICENSURE AND EXAMINATION

Subpart 1. Submission of application. This subpart has been amended to reflect the fact that an application fee for monitoring well contractor registration is not included in Minnesota Statutes, section 103I.541, and should be addressed in this chapter. The deletion of the requirement that the application for examination fee be paid with a money order, bank draft or certified check is necessary to reduce the burden for applicants. The amendment allowing applicants to submit written documentation of experience as required by this chapter rather than letters of reference provides more flexibility for the applicant in documenting his or her experience.

Subpart 2. Reapplication. This subpart is repealed because the requirements in this subpart are incorporated into subpart 1.

PART 4725.0800. APPLICATION FOR LICENSURE. This part is repealed because the requirements are included in part 4725.1050.

PART 4725.0900. COUNCIL EVALUATION OF APPLICANTS. This part is repealed because it is expected that the council would not be able to evaluate the very large number of persons on an individual basis who are likely to apply for all the new categories of license. The council has many other advisory duties which could not be adequately met if this activity were to be continued.

PART 4725.1000. EXAMINATION.

Subpart 1. Application for examination. This subpart is repealed because the some of the requirements have been incorporated into part 4725.0700. The requirement that the Advisory Council on wells and Borings determine that an applicant is qualified is deleted because it is beyond the advisory capacity of the council under Minnesota Statutes, section 103I.105.

Subpart 2. This subpart is in current rule and has ben amended to provide a more effective examination process.

Subpart 3. This subpart has is repealed because the requirement is incorporated into part 4725.1400.

PART 4725.1050. FEES FOR LICENSURE AND REGISTRATION. This new rule incorporates requirements from part 4725.0800 and reflects the new statutory changes regarding contractor license fees. The monitoring well contractor registration fee requirement has been incorporated from part 4725.1850, subpart 1.

PART 4725.1100. DENIAL OF APPLICATION. This part is repealed because the requirements in part 4725.1050 address license and registration application.

PART 4725.1200. LICENSE REQUIREMENT This part is repealed because much of it is already stated in Minnesota Statutes, Chapter 103I, and the rest is incorporated in part 4725.1300.

PART 4725.1250. BONDING. This new rule part on bonding for licensed and registered contractors is required in Minnesota Statutes, sections 103I.525, subdivision 5; 103I.531, subdivision 5; 103I.533, subdivision 5; 103I.535, subdivision 5; and 103I.541, subdivision 3. Since the commissioner is entrusted with calling the bond if a contractor fails to properly perform duties according to Minnesota Statutes, Chapter 103I, or Chapter 4725, procedures facilitating this activity have been included. The thirty day cancellation notice that must be provided by the bonding company was suggested by a representative of the insurance industry as an adequate time for the person holding the bond to make alternative arrangements to obtain a new bond.

PART 4725.1300. LICENSE OR REGISTRATION RENEWAL The amendments to this part reflect statutory requirements regarding contractor fees, contractor bonding and continuing education requirements contained in Minnesota Statutes, sections 103I.525, 103I.531, 103I.535, and 103I.541. The dates for renewal of licenses and registration which were in parts 4725.1300 and 4725.1850 subpart 2 of and have been reorganized in this part for clarification. The contractor fees are required under Minnesota Statutes, sections 103.525, subdivision 6; 103I.531 subdivision 6; and 103I.535, subdivision 6. The monitoring well contractor registration fee is in part 4725.1850, subpart 1, of the current rule. The commissioner is responsible for ensuring that, at the time of license or registration renewal, contractors have met the continuing education requirements, that is why written proof that the continuing education requirement has been met is included in this part. The reason that the language on expiration of a license and registration has been deleted is that it is incorporated into part 4725.1350.

PART 4725.1325. DENIAL OF LICENSE OR REGISTRATION RENEWAL. This new rule part reflects the statutory requirement in Minnesota Statutes, section 103I.701, subdivision 1 that authorizes the commissioner to deny an application of renewal of a license or registration if the applicant has violated the law or rules.

PART 4725.1350. EXPIRATION OF LICENSE OR REGISTRATION. Minnesota Statutes, sections 103I.525, 103I.531, 103I.535 and 103I.541, require experience examination and continuing education to obtain and retain a license or registration. An individual who does not renew a license or registration may not keep current as to new developments in well and boring construction and sealing, rules, or well advisories. The new rule part is necessary to ensure that licensed or registered contractors fulfill the continuing education requirement so that they will maintain the same level of expertise as new applicants.

PART 4725.1400. LICENSING OR REGISTRATION OF PARTNERSHIPS, CORPORATIONS, BUSINESS ASSOCIATIONS, OR GOVERNMENT AGENCIES. This part has been amended to address both licensees and registrants and provides for licensing or registration of government agencies. Many government agencies are involved in some of the activities regulated under this chapter. Under current rule, in addition to individuals holding a license or registration, corporations, partnerships, or business associations are licensed. This provision has been

extended to registered monitoring well contractors. Making one representative of an organization serve as the responsible party under the license or registration is necessary to provide for accountability in meeting the standards of law and rules. Several monitoring well contractors are very large corporations with branch offices around the state. The new provision in subpart 2 which allows monitoring well contractors with offices in multiple locations to have one representative for each location will add accountability to the work being done by that office.

The other requirements in this part are in current rule and remain necessary to provide safeguards for maintaining responsible licensed or registered individuals.

PART 4725.1500. SUSPENSION OR REVOCATION OF LICENSE OR REGISTRATION.

Subpart 1. Commissioner Action. The amendments to this part have been added to make the part consistent with the statutory requirement in Minnesota Statutes, section 103I.701, subdivision 2. This requirement provides for groundwater protection by ensuring that contractors violating the law and rules will not be able to work.

Subpart 2. The amendment that the Advisory Council on Wells and Borings recommends that the Commissioner make an investigation to determine whether a contractor has violated the law or rules makes the Council's action more in keeping with its advisory capacity established in Minnesota Statutes, section 103I.105.

PART 4725.1600 REINSTATEMENT. Subpart 1. Revoked license or registration. The word "review" has been substituted for the word "hearing," to clarify that a hearing as required by Minnesota Statutes, Chapter 14 is not being referred to here.

Subpart 3 has been amended to clarify that an informal hearing procedure may be used for reinstatement of a person whose license or registration has been suspended indefinitely. Only the suspension and revocation proceedings have to meet the requirements of Minnesota Statutes, Chapter 14.

PART 4725.1650. CONTINUING EDUCATION REQUIREMENTS. This new rule part adds procedures for meeting the statutory requirements for continuing education specified in Minnesota Statutes, sections 103I.525, subdivision 8; 103I.531, subdivision 8; 103I.535, subdivision 8; and 103I.541, subdivision 4. The annual six hour requirement is a little less stringent than continuing education requirements for other types of license or registration programs. However, since this is a new requirement, it is important to ensure that programs are available to allow contractors to meet the requirement without too much difficulty. The Department will provide some of the education programs that will meet the requirement.

Applicants initially registered or licensed are exempt from the continuing education requirement during their first year of licensure or registration because some applicants may become licensed or registered at a time during a year after which a course that would meet the continuing education

requirement was offered.

Certificates of attendance or other documentation showing attendance at a continuing education course is necessary to provide proof that the licensee or registrant has met the continuing education requirement. It is reasonable to provide for submission of this documentation with the renewal application to allow the Department to ensure that the continuing education requirement has been met.

PART 4725.1675. CRITERIA FOR CONTINUING EDUCATION. Criteria have been specified in this new rule part to ensure that the activities made available for continuing education credit will fulfill the purpose of assisting licensees and registrants in maintaining their skills to perform their work in a manner that protects the groundwater.

A. The list of topic areas included in item A is broad enough to allow contractors in all the different license and registration categories to have access to courses that will meet the continuing education requirements. As new courses become available it is important that the commissioner will have the opportunity to add courses to the list.

B. Written objectives for an activity which describe expected outcomes for the participant are necessary to provide the Department with clear written information by which a judgement can be made to approve the usefulness of the activity.

C. Criteria for qualified persons presenting an activity are necessary to allow the Department to evaluate whether the individual is qualified to present the information on the activity, and assure that the subject is being taught by knowledgeable persons.

D. The one contact hour required for a continuing education activity is included because any period less than the fifty minutes constituting the contact hour would not be a long enough period to conduct any activity that could be considered for meeting the continuing education activity.

E. Requiring attendance documentation is necessary to verify that a licensee or registrant has met the continuing education requirement. Maintaining the participation records for two years is necessary to ensure that the Department will be able to verify that the continuing education requirements were met.

PART 4725.1685. ADVISORY COUNCIL REVIEW OF CONTINUING EDUCATION PROGRAMS It is an appropriate role for the council, given its statutory charge, (Minnesota Statutes, section 103I.105) and the wide range of experience and expertise of its members, to review continuing education programs and activities. Review by the council is necessary to ensure that the continuing education activities are relevant to the current practice needs for technical training by the regulated industries.

PART 4725.1700. PLACEMENT OF DECALS AND LICENSE OR REGISTRATION NUMBER This

part has been amended to reflect the statutory requirements OF Minnesota Statutes, section 103I.545, regarding registration of drill rigs and hoists.

PART 4725.1800. DRILLING MACHINE AND HOIST REGISTRATION. This part has been amended to reflect the statutory requirements in Minnesota Statutes, section 103I.545, regarding registration fees for drill rigs and hoists. Under Minnesota Statutes, Chapter 156A, when a well contractor became licensed, one drill rig was registered with no fee. Each additional drill rig was registered and a \$5 fee was required.

The new requirement that a licensee or registrant with a representative is responsible for registration of all equipment is necessary to ensure that all equipment will be registered in compliance with chapter 4725 and Minnesota Statutes section 103I.545.

The language regarding issuance of new registration cards and decals has been deleted because this procedure is no longer used.

PERMITS AND NOTIFICATIONS

PART 4725.1820. NOTIFICATION FOR CONSTRUCTION OF WELLS

This part clarifies the statutory requirement in Minnesota Statutes, section 103I.205, that notifications are required on certain wells.

Item A. clarifies that wells constructed by particular contractors and others identified in Minnesota Statutes, section 103I.205, subdivision 1, require notification.

Item B. Public water supply rules specified in part 4720.0010 require that wells may not be constructed without submission of a plan and a plan review by the commissioner. This part allows for submission of the construction permit and the plan review at the same time and thus eliminates possible duplication of information.

Item C. For administrative purposes notifications are required to be submitted on forms provided by the commissioner. These notification forms will be attached to the well report forms required by Minnesota Statutes, section 103I.205, subdivision 9. A well contractor must submit these forms to the commissioner after completing construction of a well. They are imprinted with unique well identifiers that the well contractor will assign after the well has been constructed. The signature from both the well contractor and the property owner is necessary to ensure that both parties are informed about the rule requirements. In some cases only a property owner's agent will be available to sign the notification, and it is thus reasonable to allow for this circumstance. The fee is required under Minnesota Statutes, section 103I.208, subdivision 1.

Item D. For protection of groundwater it is important to track construction of every well to ensure that construction is in compliance with the required

standards. Notification is the statutorily required means available for tracking every well.

Item E. The information required on the notification is very basic, but is the minimum necessary for the Department to keep track of the well, locate it for inspection purposes if necessary and ensure that the appropriate fee is being submitted. The pump capacity of the well determines the fee.

Item F. The fee required with a well notification is required in Minnesota Statutes, section 103I.208, subdivision 1.

Item G. One purpose of notification is to inform the Department of well drilling so that the well may be inspected at the time of construction. If a property owner notifies the Department that a well is going to be constructed prior to selecting a well contractor, or selects a contractor who does not actually drill the well, a new notification would have to be submitted to the Department so that staff knows who has drilled the well. If the well location changes after submittal of the notification, the Department has to be notified for inspection purposes. A new notification does not have to be submitted if the contractor drilled a dry hole. Information on the completed well should be submitted to update the notification.

Item H. In some cases a notification may be filed with the commissioner, but actual construction may not take place immediately. In the case of municipal wells, a long period of time is needed before actual construction of the well for site and plan review. A year provides sufficient time to complete a well, but not so long that conditions may change and necessitate new information.

PART 1425.1825. DEWATERING WELL CONSTRUCTION PERMITS This part clarifies that all dewatering wells, including drive point wells which are used only for dewatering, are subject to the requirements of this part. Many drive point wells are used for domestic purposes and would be subject to the notification requirement in Minnesota Statutes, section 103I.205, subdivision 1.

A. This item is required by Minnesota Statutes, section 103I.205, subdivision 1 (e).

B. For administrative purposes permit applications are required to be submitted on forms provided by the commissioner. The signature from both the well contractor and the property owner ensures that both parties are informed about the rule requirements. In some cases only a property owner's agent will be available to sign the permit application, so this circumstance is provided for.

C. For tracking every well it is important that a permit application be submitted for each well, except for projects where multiple wells often of similar construction and depth are being constructed on the same site. Dewatering contracts are commonly very large projects where one hundred or more wells will be constructed to lower the water table to allow for construction of a pipeline or sewer line. These wells are very commonly used for short periods of time.

D. The information required on the permit is very basic, and is similar for each type of permit, but is the minimum necessary for the Department to keep track of the well, or dewatering project and locate it for inspection purposes if necessary.

E. Deep wells constructed through more than one aquifer pose a threat to each aquifer penetrated. It is critical that the correct construction methods, are used, thus the Department must have the construction information required by this part.

F. This requirement is necessary for the Department to be able to track who is responsible for completing work on the well or project.

G. In some cases a permit application may be filed with the commissioner and approved, but actual construction may not take place. A year provides a reasonable amount of time for construction to be completed.

H. Permit fees are required by and set in Minnesota Statutes, section 103I.208, subdivision 2.

I. Having a permit at the construction site ensures that an inspector is able to verify that the permit has been approved.

PART 4725.1830. MONITORING WELL CONSTRUCTION PERMIT. This part clarifies that all monitoring wells, including drive point wells which are used for monitoring, are subject to the requirements of this part. Many drive point wells are used for domestic purposes and would be subject to the notification requirement in Minnesota Statutes, section 103I.205, subdivision 1.

A. This item is required by Minnesota Statutes, section 103I.205.

B. Monitoring investigations are frequently conducted on properties with complex histories, multiple contaminants, limited drilling budgets and complicated hydrologic characteristics. To assess the need for monitoring wells, drilling and sampling techniques have been developed which allow for collection of samples as the drilling progresses. Samples may be taken over numerous intervals or (no intervals) and the hole then immediately sealed if the hole is not needed as a monitoring well. Exempting these short-term investigative holes will facilitate the placement of monitoring wells, which, when cased require a permit.

C. For administrative purposes, permit applications are required to be submitted on forms provided by the commissioner. The signature from both the well contractor and the property owner is necessary to ensure that both parties are informed about the rule requirements. In some cases only a property owner's agent will be available to sign the permit application.

D. For tracking every well, it is important that a permit application be submitted for each well. Minnesota Statutes, section 103I.208, subdivision 2, allows for monitoring wells used as leak detection devices at a petroleum bulk

storage site or a motor fuel retail outlet to submit one permit application per site. However, for tracking and inspection purposes it is important that all the wells be listed on the permit. The distinction between tank farms and petroleum bulk storage sites is that tank farms are only those petroleum storage facilities at pipeline terminals and oil refineries.

E. This item provides a method for the commissioner to make sure that the contract requirement of Minnesota Statutes, section 103I.205, subdivision 8, for monitoring wells has been met.

F. The information required on the permit is very basic, but is the minimum necessary for the Department to keep track of the well, and locate it for inspection purposes.

G. This requirement is necessary for the same reason as stated for part 4725.1825, Item E.

H. One of the most basic requirements of well construction regulations is the requirement to extend the casing above ground level. This prevents surface water, spills, and other debris from entering the well. Location above grade also provides a reference to identify the well location and existence. Minnesota Statutes, section 103I.205, subdivision 5, now allows well casings to terminate at ground level when used as leak detection devices or for evaluating groundwater conditions. The major application for at-grade wells is at gasoline stations where casings above ground may interfere with traffic. Because of the potential for contaminants to enter an at-grade well (especially at gasoline stations), the possibility that someone may accidentally fill a monitoring well with fuel, and the possibility that the well will be paved or built over, additional safeguards are needed, including a map showing the well location for future reference, and a diagram of the well cap and vault or manhole. Minnesota Statutes, section 103I.205, subdivision 5 requires the use of an impermeable locking cap.

I. This requirement makes the contractor responsible for all the work done under the permit.

J. In some cases a permit application may be filed with the commissioner and approved, but actual construction may not take place. Six months provides a reasonable amount of time for construction to be completed.

K. The requirement for permit fees is in Minnesota Statutes, section 103I.208, subdivision 2. For recordkeeping purposes it is necessary that all wells at a site be listed on the permit for retail motor fuel outlets or petroleum bulk storage facilities.

L. Having a permit at the construction site ensures that an inspector is able to verify that the permit has been approved.

A. This item is required by Minnesota Statutes, section 103I.401, subdivision 1.

B. For administrative purposes, permit applications are required to be submitted on forms provided by the commissioner. The signature from both the elevator shaft contractor or well contractor and the property owner ensures that both parties are informed about the rule requirements. In some cases only a property owner's agent will be available to sign the permit application.

C. The information required on the permit is very basic, but is the minimum necessary for the Department to keep track of the elevator shaft, and locate it for inspection purposes.

D. This requirement is necessary for the same reason as stated for part 4725.1825, Item E.

E. This requirement makes the contractor responsible for all the work done under the permit.

F. In some cases a permit may be filed with the commissioner, but actual construction may not take place. A year provides sufficient time to complete a well, but not so long that conditions may change and necessitate new information.

G. Permit fees are set in Minnesota Statutes, section 103I.401, subdivision 1.

H. Having a permit at the construction site ensures that an inspector is able to verify that the permit has been approved.

PART 1425.1836. NOTIFICATION AND PERMIT FEES. Fees are required by Minnesota Statutes, sections 103I.208 and 103I.401. Administrative costs are incurred in both processing and refunding fees. In some cases inspections may have to be made when permits are denied or applicants indicate that the well or boring will not be constructed. Thus it is reasonable that fees not be refunded.

PART 1425.1837. EXCEPTION TO NOTICE AND PERMIT. Minnesota Statutes, section 103I.205, requires a permit for "construction" but does not require a permit for "repair", or "modification" as activities separate from construction of a well or boring. Repair involving substantial changes to the well; that can affect the sanitary quality of the water produced from the well, that change the aquifer the well is drawing from or may affect groundwater quality are similar in effect to new wells and require a permit.

PART 1425.1838. EMERGENCY NOTIFICATIONS AND PERMITS. There are provisions under Minnesota Statutes, section 103I.205, subdivision 2, for emergency permits and notifications. The limits on when the emergency procedure may be used are included to ensure that no construction takes place that would endanger the groundwater without the commissioner having had an opportunity to review the monitoring or dewatering permit application. The definition of emergency conditions is included to provide guidance for contractors in determining when emergency procedures may be used. This rule part is included

to facilitate construction of wells in such situations as a farmer needing water for livestock.

- A. This procedure is convenient for the property owner or contractor and ensures that the department is notified in a timely manner.
- B. This procedure for contacting the Department after normal business hours, like the procedure in A, is convenient for the property owner and ensures that the department is notified in a timely manner.
- C. This requirement ensures that the Department has a written record of the notification or permit application in a short enough time period after construction to properly track the well.
- D. This item places time restrictions on use of the emergency procedure and is necessary to discourage abuse of the regular notification and permit system.
- E. In the rush to complete a well in emergencies, it is more likely that a contractor may overlook potential sources of contamination sources, or to violate other requirements of the rule. This is a reminder that the emergency permit does not allow substandard work.
- F. Abuse of the emergency provisions by contractors will be restricted by this provision.

PART 4725.1840. UNSUCCESSFUL COMPLETION OF A WELL OR BORING

Minnesota Statutes, section 103I.205, subdivision 1, does not require a new notification or permit for unsuccessful completion of a well or boring for which a permit or notification has been applied. This part clarifies how this statutory provision will be enforced.

PART 4725.1842. APPROVAL OF CONSTRUCTION PERMITS. Since permits are required by Minnesota Statutes, Chapter 103I, it is understood that there will be an approval procedure.

PART 4725.1845. DENIAL OF CONSTRUCTION PERMIT APPLICATION. The commissioner is empowered to deny or revoke permits that do not comply with the requirements of Minnesota Statutes, Chapter 103I, and this chapter. This subpart clarifies the procedure.

PART 4725.1848. WELL MAINTENANCE PERMITS

Subpart 1. Permit Conditions. Minnesota Statutes, section 103I.205, subdivision 3, requires maintenance permits for certain wells. This subpart clarifies the statutory provision by specifying that all monitoring wells and dewatering wells constructed after December 31, 1989 will require annual maintenance permits. Also unused wells that are inoperable will require maintenance permits.

Subpart 2. Permit Application. For administrative purposes, permit applications are required to be submitted on forms provided by the commissioner. The signature of the property owner ensures that he or she is informed about the rule requirements. The information required on the permit application is necessary to adequately track the well. Maintenance permits, like construction permits, are subject to review by the commissioner.

A maintenance permit may only be granted for a well that is inoperable, or not connected to a power supply, but may not be granted if the well poses a threat to the groundwater, or is a health or safety hazard. This is why the unique well number and well construction information is needed for evaluation.

Subpart 3. Permit Conditions.

A. This requirement is necessary to provide for clear tracking of responsibility for the well.

B. Minnesota Statutes, section 103I.205, subdivision 3, requires an annual maintenance permit. This item clarifies this requirement.

C. This item clarifies the conditions for a maintenance permit in contrast to a construction permit or notification.

D. It is understood from Minnesota Statutes, Chapter 103I, that all wells must meet construction standards in statute and in Chapter 4725. This requirement also applies to wells under maintenance agreements. This item clarifies this point.

E. Minnesota Statutes, Chapter 103I, empowers the commissioner to deny or revoke a permit for violation of the rules. This item further clarifies this procedure.

Subpart 4. Well Maintenance Permits. This subpart is included to verify the maintenance permit conditions and the fee required by Minnesota Statutes, section 103I.208, subdivision 2.

Subpart 5. Monitoring well maintenance permits.

A. This item clarifies the procedures required in Minnesota Statutes, section 103I.205, subdivision 3.

B. Minnesota Statutes, section 103I.205, subdivision 3, requires that a maintenance permit be submitted annually for every unsealed monitoring well constructed after January 1, 1990, so that the wells can be tracked. It is also very important for tracking monitoring wells constructed around motor fuel retail outlets and petroleum bulk fuel storage sites that they be listed on the site permit.

C. This item provides further clarification of the requirement specified in Minnesota Statutes, section 103I.301, subdivision 2, for when a well must be sealed.

Subpart 6. Dewatering well maintenance permits.

A. This item clarifies the statutory requirements for when a dewatering well maintenance permit is required and what fees are required.

B. For tracking purposes it is important that the information required in this item be submitted to the commissioner.

C. This item clarifies when a dewatering well must be sealed according to Minnesota Statutes, section 103I.301, subdivision 4.

PART 4725.1849. DRIVE POINT WELL CONSTRUCTION NOTIFICATION

Subpart 1. Scope. This subpart clarifies which drive point wells are subject to the special provisions in Minnesota Statutes 103I.205, subdivision 1 (d).

Subpart 2. Notification. This subpart clarifies the requirement specified in Minnesota Statutes, section 103I.205, subdivision 1(d), on when a notification is required. The information on the notification is required for inspection of and tracking the well.

Subpart 3. Retail sales of drive point wells.

Minnesota Statutes, section 103I.205, subdivision 1(d) requires that retailers must provide each buyer with notification forms and informational materials about well construction. Item B provides a mechanism for the commissioner to verify that the retailer has provided the statutorily required information to each buyer of a drive point well.

Minnesota Statutes, section 103I.205, subdivision 1(d) requires that the commissioner provide copies of a notification form and informational materials to each retailer of drive point wells. Retailers must keep the records for three years so that the commissioner may have the opportunity to verify that the notification forms and informational materials are being made available to the public. Given the very large number of retailers of drive point well equipment, the commissioner may only be able to check with these establishments infrequently.

PART 4725.1850. REGISTRATION OF ENGINEERS WHO DRILL MONITORING WELLS

Subpart 1. Subpart 1 is repealed because of changes in Minnesota Statutes, section 103I.205, subdivision 4, to the eligibility requirements for monitoring well contractor registration and because the requirements for the registration fee and date of registration are incorporated into part 4725.0900.

Subpart 2 is repealed because the requirements are incorporated into 4725.1300.

Subpart 3 is repealed because the requirement is already specified in Minnesota Statutes, section 103I.205, subdivision 4(b).

PART 4725.6750. WELL IDENTIFICATION LABEL.

Subpart 1. Label required. This subpart further clarifies the requirement specified in Minnesota Statutes, section 103I.205, subdivision 7.

Subpart 2. Exceptions. The purpose of a well labeling requirement is to ensure that a well can be identified for as long as it is in use. Many wells may be active for twenty or thirty years. Short term wells and wells installed for temporary use do not need similar long term identification.

Subpart 3. Markings. Minnesota Statutes, section 103I.205, subdivision 7, requires that the person installing the well must attach the label. Alternative methods of labeling are included in this part to facilitate compliance with the requirement.

Subpart 4. Attachment of Label. It is important the well label not be damaged either by the natural elements or by tampering. Thus requiring that stainless steel clamps, metal bands or straps be used to attach the label to the well is the most practical means to ensure that the label stays permanently attached to the well, because stainless steel is an element that is impervious to rusting, decomposition and hard enough to deter tampering.

Subpart 5. Removal of label. Labels may have to be removed if the well needs repair or modification. It is most practical to have the person repairing the well reattach the label.

Subpart 6. Well modification. Labels must be attached to the wells at all times to comply with Minnesota Statutes, section 103I.205, subdivision 7, that is why it is necessary that a person repairing or modifying a well be responsible for re-attaching the well label

Exhibits

Exhibit A. Notice of Solicitation

Exhibit B. Advisory Task Forces

Exhibit C. Advisory Council on Wells and Borings

Exhibit D. Notice to Commissioner of Finance and Reply From Commissioner of Finance