

Chapter 3200 Water Well and Water Supply Ordinance

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OLMSTED COUNTY, MN

Resolution No. 91-169

An ordinance regulating the constructing and operation of water wells and water supply systems and governing the orderly and proper sealing of water wells; establishing standards and requirements for water well and water supply managements within the incorporated and unincorporated areas of the County of Olmsted; requiring permits for construction, maintenance, and sealing of water wells; embodying and supplementing minimum standards and requirements established by Minnesota Rule: providing for the enforcement of requirements; imposing penalties for failure to comply with these provisions; promoting the health, welfare, and safety of the public, pursuant to Minnesota Statutes, Chapter 145A and 103I; and repealing Public Health Regulation #40 and all amendments thereto.

3201 General Provisions

3201.01 SHORT TITLE. This ordinance shall be known and cited as the Olmsted County Water Well and Water Supply Ordinance.

3201.02 PURPOSE. This ordinance is enacted for the following purposes:

3201.021 To protect subsurface aquifers that are the primary sources of the County's drinking water, in order to maintain the public health and the continued economic and social development of the County.

3201.022 To provide for the proper construction of new water wells, and the reconstruction and sealing of existing water wells in order to prevent contamination from being transmitted through the boreholes of these wells and entering aquifers used for potable water supply.

3201.023 To provide for the proper sizing and construction of water supply pumping, storage and distribution systems in order to reduce health and safety risks associated with their use.

3201.024 To supplement and support existing Olmsted County and State of Minnesota controls on water wells and water supply and distribution systems, through construction plan review,

permits, inspections, technical assistance, education, and investigation.

3201.025 To carry out the purposes of Minnesota State Laws and Rules on water wells, water supply and water distribution systems.

3201.03 JURISDICTION AND SCOPE. The jurisdiction of this ordinance shall apply to all of the area of Olmsted County, whether in incorporated or unincorporated areas. From and after the effective date of this ordinance, the construction, operation and sealing of water wells and the construction and operation of water supply systems shall be in conformity with the provisions of this ordinance, provided that the construction and permit requirements of this ordinance shall apply only to water supplies for which the County has received authority through Minnesota Law and a properly executed Delegation Agreement. any existing water well not in conformity with the provisions of this ordinance shall be regarded as nonconforming, but may be continued subject to the special regulations provided herein.

3201.04 INTERPRETATION, APPLICATION, AND VALIDITY. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare. Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable provisions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Should any Section of this ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the provision declared invalid.

3201.05 DISCLAIMER OF LIABILITY. This ordinance is intended to provide reasonable minimum standards of water well and water supply system construction and operation, in order to protect the general public health as it may be affected by water wells and water supply systems. The ordinance does not imply that water wells and water supply systems constructed in accordance with the provisions herein are guaranteed to be safe drinking water supplies, nor shall the ordinance create a liability on the part of, or be a cause of action against, Olmsted County or an employee thereof for any damages that may result from reliance on this ordinance.

3201.06 FEES. Fees for the administration of this ordinance may be established periodically by resolution of the Board of Commissioners of Olmsted County.

3201.07 REPEAL OF PREVIOUS ORDINANCE. Olmsted County Public Health Regulation #40, with all amendments, policies, and modifications thereto, is hereby repealed.

3202 Rules and Definitions

3202.01 RULES, WORD USAGES. For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

(1) BOARD: The word "Board" shall mean the Olmsted County Board of Commissioners.

(2) CONSTRUCTION PERMIT: A "Construction Permit" shall include a water well construction, reconstruction, or sealing permit.

(3) COUNTY: "County" shall mean Olmsted County.

(4) ENVIRONMENTAL COMMISSION: The "Environmental Commission" shall mean the

Olmsted County Environmental Commission.

(5) ENVIRONMENTAL MANAGEMENT TEAM: The "Environmental Management Team" shall mean the administrative staff appointed by the Olmsted County Board to manage the environmental health programs of the County under its authority as Board of Health.**3202.16 LOT:** The word "Lot" shall include the words piece, parcel and plot.

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(7) MASCULINE AND FEMININE GENDER: The masculine gender includes the feminine and neuter genders.

(8) PERSON: The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

(9) PLANNING DEPARTMENT: The "Planning Department" shall mean the Rochester Olmsted Planning Department.

(10) SHALL AND MAY: The word "shall" is mandatory and not discretionary; the word "may" is permissive.

(11) SINGULAR AND PLURAL: Words used in the singular shall include the plural, and the plural the singular.

(12) TENSES: Words used in the present tense shall include the future.

3202.02 DEFINITIONS. For the purpose of this ordinance, certain terms shall be defined as follows:

(1) ANNULAR SPACE: The space between two cylindrical objects one on which surrounds the other, such as the space between a drill hole and a casing pipe, or between a casing pipe and liner pipe.

(2) AQUIFER: A water bearing formation (soil or rock horizon) that transmits water in sufficient quantities to supply a well.

(3) CASING: The impervious, durable pipe placed in a well to prevent the walls from caving and to seal off surface drainage or undesirable water, gas, or other fluids to prevent them from entering the well.

(4) COLIFORM ORGANISMS: All of the aerobic and facultative anaerobic, gram negative, non spore forming, rod shaped bacteria which ferment lactose with gas formation within 48 hours at 35 degrees centigrade.

(5) CONFINING LAYER: A stratum or body of soil, sediment, or rock with low vertical permeability relative to the aquifers or beds above or below it.

(6) CURB STOP: A device designed to control the flow of water within a service line from a water main.

(7) DWELLING: Any building or portion thereof which contains one or more living units, including buildings containing rooms for transient use.

(8) DELEGATION AGREEMENT: The properly executed delegation of responsibility to local government, as provided in Minnesota Statute 145A and 103I.

(9) IMMINENT HAZARD: An actual or potential immediate threat to the health, safety or well being of humans or livestock, or the degradation of the public groundwater system.**3202.211 KARST:** A type of topography that is formed over limestone, dolomite, or gypsum by dissolving or solution, and that is characterized by closed depressions or sinkholes, caves, and underground drainage.

(10) KARST: A type of topography that is formed over limestone, dolomite, or gypsum by dissolving or solution, and that is characterized by closed depressions or sinkholes, caves, and underground drainage.

(11) MAINTENANCE PERMIT: A permit issued to a well owner, that allows a well to exist which would otherwise be required to be sealed as provided by this ordinance.

(12) MAXIMUM CONTAMINANT LEVELS (MCLS): The upper limit for contaminants in drinking water, established by the U.S. Environmental Protection Agency, Safe Drinking Water Act, 1975, and amendments thereto.

(13) MUNICIPALITY: A city, village, township, borough, county, district, or other political subdivision of the state created by or pursuant to state law or any combination of such units acting cooperatively or jointly.

(14) NONCONFORMING: A well is "nonconforming" if it does not meet the provisions of Section 5.00, or exceeds the water quality criteria of the MCLs and RALs.

(15) NORMAL WORK DAYS: The days which the Planning department is open to the public for business.

(16) OWNER: Any person or persons having a legal interest in real or personal property or any person in possession or control of real or person property including, but not limited to, mortgagees, contract for deed vendees and contract for deed vendors.

(17) POTABLE WATER: Water which is safe for human consumption in that it is free from impurities in amounts sufficient to cause disease or harmful physiological effects. Any water supply which serves a residence or business is intended to be potable.

(18) PLASTIC: "Plastic" shall have the meaning assigned to it in Minnesota Rules Chapter 4725.7000.

(19) PRE GROUT: Prior to the grouting procedure as part of completing the construction or reconstruction of a well, according to the provisions of this ordinance.

(20) PRESSURE TANK DRAW DOWN VOLUME: The amount of liquid stored in the tank and available for use between the time that the water pump stops and when it begins the next pumping cycle.

(21) PRINCIPAL BUILDING OR STRUCTURE: The primary or predominant building or structure on any lot.

(22) PUBLIC COMMUNITY WATER SUPPLY: "Public Community water Supply" shall have the

meaning given in Minnesota Rules Chapter 4720.0100 subpart 16.

(23) PUBLIC NON COMMUNITY WATER SUPPLY: "Public non community water supply" shall have the meaning given in Minnesota Rules Chapter 4720.0100 subpart 16.

(24) RECOMMENDED ALLOWABLE LIMITS (RALS): Upper levels of potential drinking water contaminants, based on the risk of potential adverse health effects. The RALs are prepared by the Minnesota Department of Health and includes amendments thereto, and should be used in the absence of MCLs.

(25) RECONSTRUCTION: Work which includes the modification of the well casing, screen, diameter, or depth below the upper termination of the well casing.

(26) REGIONAL FLOOD: A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur with an average frequency in the magnitude of a one hundred (100) year recurrence interval.

(27) WATER WELL: "Well" means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed if the excavation is intended for the location, diversion, artificial recharge, or acquisition of groundwater. Well includes monitoring wells, drive point wells, and dewatering wells. "Well" includes monitoring wells, drive point wells, and dewatering wells. "Well" does not include:

- a. an excavation by backhoe, or otherwise for temporary dewatering of groundwater for nonpotable use during construction, if the depth of the excavation is 25 feet or less;
- b. an excavation made to obtain or prospect for oil, natural gas, minerals, or products of mining or quarrying;
- c. an excavation to insert media to repressure oil or natural gas bearing formations or to store petroleum, natural gas, or other products;
- d. an excavation for nonpotable use for wildfire suppression activities; or
- e. borings.

(28) WELL SEALING: The procedure of filling a well with materials according to the provisions of this ordinance, so as to retard the movement of contaminants through the well.

3203 Administration

3203.01 AGENT. The Environmental Commission shall administer this ordinance through the Environmental Management Team, with the Planning Director of the Rochester Olmsted Planning Department acting as agent. The Planning Director may designate employees of the county to act on his behalf to administer and enforce this ordinance.

3203.02 AGENT, SPECIFIC POWERS AND DUTIES. The Agent shall have the following powers and duties in addition to any others that the Agent may now have or hereafter be given. The Agent shall:

3203.021 Enforce and administer this ordinance;

3203.022 Issue permits as required by the terms of this ordinance;

3203.023 Conduct inspections of the construction and the sealing of water wells to determine compliance with the terms of this ordinance;

3203.024 Maintain permanent and current records of this ordinance, including but not limited to all amendments, variances, and appeals and applications therefore;

3203.025 Receive, publish legal notices, research and report upon all applications for appeals, variances, amendments, and other matters to the designated official bodies;

3203.026 Institute in the name of the County, any appropriate actions or proceedings against a violator.

3203.027 Coordinate the administration of this ordinance with the other health and land development regulations enforced by the County.

3203.03 COMPLIANCE REQUIRED. It shall be the duty of all property owners, contractors, subcontractors, and other persons involved in the construction or repair of wells or water systems or in the sealing of wells, before beginning or undertaking any such work, to see that such work does not conflict with and is not in violation of the provision of this ordinance. Any such property owner, contractor, subcontractor, or other person performing such work in violation of the provisions of this ordinance shall be held accountable for such violation, whether or not a permit is required or obtained for the work.

3203.04 PERMIT REQUIRED. Permits are required as follows:

3203.041 No person shall construct or reconstruct a well or seal a well within Olmsted County without having first obtained a permit to do so from the Agent stating that the proposed activity conforms to the requirements of this ordinance, except that a permit shall not be required for modifications to the casing necessary to install pumps or pitless units, or to extend the casing above the ground surface.

3203.042 The owner of a well is required to obtain a maintenance permit for a well which has not been properly sealed in accordance with this ordinance, and is not operable, or is not in use, or is disconnected from a power supply. A maintenance permit shall not be issued for a well which is required to be sealed by article vi of this ordinance.

3203.05 PERMIT COORDINATION. The issuance of permits by local governments shall be coordinated with the issuance of permits for wells in accordance with the following provisions:

3203.051 No permit that will allow construction, remodeling, alteration, or demolition of a building or facilities, or a change in use of a lot or structure, or an individual sewage treatment system shall be valid, nor shall any such permits be issued, until any necessary plans or permits for proposed water supply, permits for sealing of existing wells, or maintenance permits for wells on that property have been approved by the Agent.

3203.052 Failure to abide by the requirements of this ordinance may result in revocation of other local governments permits on the subject property.

3203.053 Applications related to zoning, metes and bounds lot splits, conditional use permits, and zoning variances shall not be processed until unused wells located on the affected

properties have been sealed or sealing permits or maintenance permits have been issued.

3203.054 The Agent may require that a property owner enter into a contract with the County specifying completion dates for well construction, well sealing, or water supply system improvement as a condition of permit approval.

3203.06 VIOLATIONS. Any well construction or reconstruction or well sealing being carried out without a required permit or otherwise being carried out in a manner not in conformance with or not permitted by this ordinance, shall be prohibited. The County Board or the Agent may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations.

3203.07 ENFORCEMENT. The County may initiate any of the following actions in enforcing the requirements of this ordinance. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this ordinance, and the County may pursue, by appropriate actions or proceedings, any or all additional remedies.

3203.071 MISDEMEANOR. Any person within the County who violates this ordinance, or permits a violation to exist on property under his control, or fails to take action to abate the existence of the violation as ordered or notified by the County shall be guilty of a misdemeanor, and upon conviction shall be punished as provided by law. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

3203.072 EQUITABLE RELIEF. In the event a violation exists or there is a threat of violation of this ordinance, the County may take appropriate action if necessary to prevent, restrain, correct, or abate such violations or threatened violations. Such action may include application for injunctive relief, action to compel performance, or other appropriate action in court.

3203.073 CITATION. The Agent may issue citations for violations of this ordinance as authorized by the County Board of Commissioners.

3203.074 CIVIL ACTION OR COST AS SPECIAL TAX. The County Board by resolution may specify a non exclusive list of activities prohibited by Sections of this ordinance and declare those activities to be public nuisances. Such list shall be in addition to those activities determined to be public nuisances under Minnesota Statutes Chapter 103I. If a person fails to comply with the provisions of this ordinance prohibiting those activities which are deemed to be a public nuisance, the County may make corrections at County expense and recover the costs incurred for corrective action in civil action in any court of the competent jurisdiction, or, at the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against the real property as provided by law.

3203.075 CONTRACTUAL REMEDIES. The Agent may initiate actions on behalf of the County to compel compliance with contracts provided for in this ordinance.

3203.076 SUSPENSION OR REVOCATION. The Agent may suspend or revoke a permit for violation of the applicable provision of this ordinance.

3203.08 ENVIRONMENTAL COMMISSION. The Environmental Commission as established by resolution of the County Board shall hear and decide appeals from, and review any order, interpretation, requirement, decision, or determination made by an administrative official charged with enforcing this ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town or municipality within Olmsted County, or of Olmsted County or the State of Minnesota. The appeal procedures are indicated in Section

4.06 of this ordinance.

The Environmental Commission shall also have the authority to grant variances to the provisions of this ordinance under certain are indicated in Section 4.02 and 4.04 of this ordinance. Appeals from decisionson variances and appeals shall be made to District Court.

3203.09 RECORDS. The Agent shall keep a record of the minutes of the meeting of the Environmental Commission and all actions taken by the Environmental Commission in the administration of this ordinance.

3204 Procedures

3204.01 PERMIT PROCEDURES WELL CONSTRUCTION, SEALING, AND MAINTENANCE.

(1) APPLICATION FOR PERMITS. An application for a permit shall be made in writing, completed in its entirety, and signed by the applicant. A well construction or sealing permit shall be applied for by the well contractor licensed by the State of Minnesota for water well construction or sealing. Application shall be made in duplicate upon forms furnished by the Agent, and shall include the owner's name, the name of the licensed contractor if applicable, and a legal description of the property where the well is or is proposed to be located. Additional information regarding location of potential sources of contamination, buildings, water distribution system sizing and location may be required to show compliance with the intent of this Ordinance.

(a)Construction applications shall include the proposed construction materials, well depth and anticipated geological formations to be encountered.

(b) In the case of applications for maintenance permits, the Minnesota unique well number or Olmsted County well construction permit number must be supplied. If the unique well number or County permit number is not known, then the well depth, casing diameter, depth of casing, and method of construction must be provided.

(c) In the case of applications for well sealing permits, the Minnesota unique well number or Olmsted county well construction permit number must be supplied. If the unique well number or County permit number is not known, then the depth, casing diameter, depth of casing, and method of construction must be provided; except that for well sealing this information shall be provided not later than at the time of notification under Section 4.086.

3204.02 CONDITIONS OF MAINTENANCE PERMIT ISSUANCE. Except as provided in Section 8.06, the following conditions shall be met prior to issuance of a maintenance permit:

(1) The well shall meet all provisions of this ordinance concerning isolation distances to sources of contamination, and proper location.

(2) The well shall be constructed with a steel casing or approved plastic casing, which is intact, properly capped and extends a minimum of 12 inches above grade and 24 inches above regional flood.

(3) The well's borehole or ungrouted annular space shall not inter connect two or more aquifers that have been identified by the Minnesota Geological Survey, nor shall there be other inter connection of formations prohibited by this ordinance.

(4) The property owner shall provide water analysis information, from a Minnesota Certified Lab,

taken within six months of permit application, showing water quality in compliance with the MCLs and RALs. The information shall be limited to coliform bacteria and nitrate nitrogen, unless other contaminants are identified in the vicinity which may adversely affect the water quality of the well.

(5) The well shall not be a drive point well.

(6) If the well serves a residence which is located on property served by a public community water supply, then a maintenance permit shall be issued only if the well conforms to the provisions of Section 5.00 of this ordinance. It shall not be cross connected with the public water supply.

3204.03 ACTION ON APPLICATION FOR PERMITS. If, after review of the application for a permit, the Agent is satisfied that the proposed action or condition complies with the provision of this ordinance, the Agent shall issue a permit. In the case of a construction permit, the permit or an accurate photo copy of it shall be kept at the work site during the entire work period, and presented to the Agent upon request. If the Agent is not satisfied that the proposed action or condition will comply with the provisions of this regulation, the county shall deny issuance of a permit until such application has been revised or corrected.

3204.04 PUBLIC COMMUNITY WATER SUPPLY AREAS. No well construction permit shall be issued where a city or county managed public community water supply is available, until the responsible authority of that community water supply has reviewed and established conditions for construction that will protect the public water supply.

3204.05 REPLACEMENT WELLS. No well construction permit that will allow replacement of an existing well shall be issued until provisions have been made for proper sealing of the existing well in accordance with applicable regulations and standards.

3204.06 VIOLATION ON OTHER PROPERTY. In the event that a violation notice has been issued under this ordinance related to another property or permitted activity, the Agent may withhold approval of well construction, well sealing, or maintenance permits for the water well contractor or property owner involved until the violation has been corrected.

3204.07 ALTERATION OF CONDITIONS FOR PERMIT. Construction authorized by the permit shall not be altered or modified without the proposed work being reviewed and accepted by the Agent.

3204.08 TRANSFERABILITY AND EXPIRATION OF PERMIT. All permits are non transferable from person to person. Well construction and well sealing permits issued hereunder shall expire one year from the date of issuance. Maintenance permits shall expire three years after the date of issuance.

3204.09 SUSPENSION OR REVOCATION OF PERMITS. The Agent may suspend or revoke a permit for violation of the applicable provisions of this ordinance. In the case of construction permits, all work on any well shall cease immediately upon issuance by the Agent of a notice to suspend work. The owner of a well for which a maintenance permit has expired or has been suspended may be given up to 30 days to bring the well into compliance with the ordinance provisions.

3204.10 RENEWAL OF MAINTENANCE PERMIT. Maintenance permits may be renewed for wells which meet the provisions of Article V and Section 4.002, 4.006 of this ordinance. The owner of the property for which the maintenance permit has been issued shall be responsible

for making application for renewal of the permit, including the required water analysis referenced in Section 4.0024.

3204.11 VARIANCES FINDINGS. A variance from a provision of this ordinance may be granted by the Environmental Commission, after referral to the Minnesota Department of Health if required under Section 4.043, in those cases where, due to circumstances peculiar to the property, the strict application of the ordinance is found to impose unnecessary hardship to a property owner, and where such variance can be granted without jeopardizing the present or future public health or adversely affecting the environment Commission finds evidence that all the following facts and conditions exist:

(1) That there are exceptional and extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties.

(2) That the authorizing of such variance will not be of substantial detriment to adjacent property, to the present and future public health, and to the environment, and will not impair the intent and purpose of this ordinance or the public interest.

(3) That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

(4) That the variance requested is the minimum variance which would alleviate the hardship.

(5) That there are no practical alternatives available without the granting of a variance.

(6) That the unique circumstances and hardship are not due to the actions or inaction of the applicant.

3204.12 VARIANCE PROCEDURES. The procedures for a property owner to obtain a variance are as follows:

(1) The applicant shall obtain the application and necessary forms from the Agent.

(2) The applicant shall return the completed application and necessary forms to the Agent along with required exhibits and pay the required fee.

(3) A request for a variance from a provision of this ordinance, which is also stated in Minnesota Rules, must first be submitted to the Minnesota Department of Health for review and action. In this case the Agent shall refer the applicant to the appropriate office of the Minnesota Department of Health. A variance request which is denied by the Minnesota Department of Health may not be heard by the County.

(4) A variance request which is either approved by, or does not require action by the Minnesota Department of Health, shall be heard by the Environmental Commission. The Agent shall set a date for the variance request to be heard, and shall notify the applicant and the clerk of the jurisdiction in which the property is located of that date.

(5) The Environmental Commission shall receive testimony from the Agent, including any comment received from the Minnesota Department of Health, and from the applicant. The Environmental Commission shall adopt findings based upon the evidence presented in testimony and shall act upon the variance within sixty (60) days from the date of hearing the application. The Environmental Commission may act to approve a variance request as

submitted, to approve the variance with conditions or in modified form, or to deny the requested variance based on the adopted findings.

(6) If the variance is approved, a certified copy of the approved variance shall be mailed to the petitioner.

(7) A certified copy of an approved variance, along with the legal description of the property, shall be transmitted to the County Recorder for recording.

(8) The decision and findings of the Environmental Commission shall be communicated to the County Board within thirty five (35) days of the Environmental Commission's action.

3204.13 APPEAL PROCEDURES. A decision of the Agent may be appealed to the Environmental Commission in those circumstances in which the appellant alleges that the Agent has erred in the interpretation or application of a provision of this ordinance such that the ordinance as written ought to be generally applied in a manner different than the Agent has applied or intends to apply it. Such appeal may be taken by an aggrieved person or by any officer, department, board or bureau of a town or municipality within Olmsted County, or of Olmsted County or the State of Minnesota. Should a zoning certificate or building permit shall be issued as a result of the Agent's decision, such permit shall be suspended until the Environmental Commission has rendered a decision on the appeal. The procedure for appeals is as follows:

(1) The appeal application shall be submitted along with the required fee, to the Agent within ten (10) days of the Agent's decision.

(2) Within thirty five (35) days after receipt of the appeal application, the Environmental Commission shall conduct a hearing to receive the testimony from the appellant and the Agent on the matter. If the appellant requests that this hearing be delayed, the Environmental Commission may table the matter for up to thirty five (35) days.

(3) After consideration of the testimony, the Environmental Commission shall adopt findings and shall act upon the appeal within thirty five (35) days of the scheduled hearing date. The findings shall specify the nature of the error in interpretation or administration of the ordinance, if any; the intent of the ordinance in the provision or provisions in question; the intended general application of the ordinance in circumstances similar to those addressed in the appeal; and the impact of this general application on the present and future public health and natural environment.

3204.14 NOTIFICATION FOR INSPECTION. The well contractor shall provide notice to the Agent of the date and time the contractor proposes to proceed with each of the following:

(1) Establishing the construction site, and/or initiating well construction.

(2) When well casing will be at the construction site and available for inspection.

(3) When the pre grout nitrate nitrogen test has been completed, and the results of that test. When grouting the well casing into the annular space will commence.

(4) When disinfection of the water well, pump, and piping has been completed and the well is ready to be sampled.

(5) When sealing a well will commence.

3204.15 NOTIFICATION PROCEDURES.

(1) All notices shall include the permit number and directions to the work site. Notices shall be made during normal work hours on normal work days of the Agent. Notice shall be given a minimum of two working hours in advance for the procedures listed in Sections 4.084 and 4.086.

(2) The Agent shall make a judgment as to whether an inspection will be made based on the known characteristics of a well and on the availability of staff. Inspections may be scheduled or may extend beyond normal work hours or work days only when authorized by the Agent. The fee schedule may provide for an additional fee for such inspections.

(3) If, after proper advance notice, the Agent cannot appear at the designated time for an inspection of the procedures listed in Sections 4.084 and 4.086, the Agent shall authorize the well contractor to proceed with the scheduled work.

(4) If the Agent determines an inspection to be necessary, the Agent shall attempt to provide inspections for procedures listed in Section 4.084 and 4.086 even in the event of improper notice. The fee schedule may provide for a penalty for such inspections. Notices for procedures listed in Section 4.084 and 4.086 that are provided with less than the required advance notice may be denied and the contractor required to re schedule the work to be inspected.

(5) After improper advance notice for procedures listed in 4.084 and 4.086, the Agent may authorize the well contractor to proceed on the condition that the well contractor file an affidavit signed by the well owner on a form provided by the Agent, specifying that the work was completed in accordance with applicable requirements, approved plans, and permit, under the following circumstances:

(6) When weather or other phenomena beyond the well contractor's control may adversely affect the well.

(7) When a multiaquifer well may degrade the groundwater system if there is undue delay.

(8) When the well is in an area affected by a spill or other source of contamination, or the Minnesota Department of Health has issued a well construction advisory for the immediate area of the well.

(9) When the Agent will be unable to provide for an inspection even were adequate notice to have been provided.

(10) For circumstances deemed to be similar to the above circumstances in the judgment of the Agent.

3204.16 EMERGENCY PROCEDURES. When and where emergency conditions occur that can be expected to affect the health and welfare of humans and livestock, the well contractor may proceed with well construction or reconstruction in accordance with this ordinance of a permit.

(1) In the event of an emergency condition, a licensed well contractor may commence work after receiving verbal approval from the Agent prior to the application for, and issuance of a permit.

(2) In the event of an emergency condition when the Agent's office is closed, a licensed

contractor may commence work after notifying the well owner that the Agent has not been contacted and a permit has not been issued.

(3) A person working under the provisions of this ordinance during emergency conditions without a permit shall make application for a permit on the next work day following the occurrence of the emergency.

(4) Emergency work privileges shall not be extended to a person who has received a violation notice for a pending violation of the provisions of this ordinance.

(5) A person working under the provisions of this Section in a situation determined not to be an emergency by the Agent shall be guilty of a violation of this ordinance.

3204.17 WATER WELL RECORD. A copy of the Minnesota Department Health water well record shall be submitted by the contractor to the Agent within thirty (30) days of completion of water well construction, reconstruction, or sealing. Failure by the Contractor to submit water well construction or sealing records shall be grounds for denial of the processing of future permit applications.

3205 Standards for New and Reconstructed Wells

3205.01 WATER WELL CONSTRUCTION STANDARDS. Minnesota Statute 103I, Minnesota Rules Chapter 4725, and amendments thereto are hereby adopted by reference as the construction standards for Olmsted County, except as limited in this Section and other provisions of this ordinance.

(1) A drive point well shall not be constructed for use as a potable water supply. Wells constructed for potable water supplies shall be of the cased, or cased and grouted type, installed according to Minnesota Rules.**3205.12** The open borehole of the finished well shall not penetrate a confining layer that has been identified by the Minnesota Geological Survey, except as needed by the well contractor to identify the confining layer. If the confining layer is penetrated more than 10 feet or in a manner that compromises the integrity of the confining layer as a whole, then that portion of the borehole in the confining layer as a whole, then that portion of the borehole in the confining layer shall be filled and sealed.**(2)** Grouting of the annular space during well construction, and the placement of grout during the well sealing process, shall be done in one continuous operation. The Agent may allow an exception to the requirement for continuous operation under circumstances where continuous grouting is not feasible.

3205.02 CONSULTATION. When there is question or ambiguity about the application of Minnesota Statute or Rules, the Agent shall consult the responsible agency of the State of Minnesota.

3205.03 NITRATE TESTING. Prior to grouting as part of completing construction of a well, the licensed well contractor shall arrange for testing the well's water for nitrate nitrogen concentration, and report those results to the Agent. The Agent may require the sample or a duplicate sample be submitted by the well contractor, to the County's laboratory or other laboratory certified by the State of Minnesota for the required analysis. The results of the test will be used in the following determinations:

(1) If the pre grout nitrate nitrogen level is less than 1.0 mg/1, the well contractor may proceed with grouting after the required notice to the Agent.

(2) If the pre grout nitrate nitrogen level is 1.0 mg/1 or greater, but less than 5.0 mg/1 other factors indicate that the nitrate nitrogen level in the finished well can be expected to be less than 1.0 mg/1, the well contractor may grout the well upon obtaining approval of the Agent, and a signed statement of acceptance from the well owner on a form provided by the Agent.

(3) If the pre grout nitrate nitrogen concentration mg/1 or greater, the well shall be drilled and cased deeper to obtain water meeting the pre grouting requirement stated above.

(4) A well which is constructed or reconstructed under permit process, shall be analyzed for coliform bacteria and nitrate nitrogen. The concentrations shall not exceed the levels referenced in the MCLs and RALs. The Agent may require analysis for additional contaminants that have been identified as, or are suspected to be influencing the well. Water analysis shall be completed prior to placing the well into service as a potable water supply.

3206 Standards for Well Sealing

3206.01 ADOPTION BY REFERENCE. Minnesota Statute 103I, and Minnesota Rules Chapter 4725 and amendments thereto, are hereby adopted by reference as the standards for well sealing for Olmsted County, except as limited in this Section and other provisions of this ordinance.

3206.02 PUBLIC COMMUNITY WATER SUPPLY. A well, located on residential property served by a public community water supply, which does not conform to this ordinance, shall be sealed in accordance with this ordinance, except as provided in Article IV, Section 4.0026.

3206.03 IDENTIFICATION. The Agent is authorized to take steps necessary to locate, identify, facilitate and notify property owners of responsibility to enforce reconstruction or sealing of unsafe or unused wells.

3206.04 NOTICE AND ENFORCEMENT OF WELL SEALING. The Agent shall notify the owner of a well which is required to be sealed, of the requirement for sealing. The owner shall insure that an application is made for a well sealing, maintenance, or reconstruction permit within fifteen (15) working days of notification by the Agent. The Agent may specify a compliance period of up to a year. In case of imminent hazard, the Agent may compel immediate compliance. The Agent may require that a well be sealed prior to occupancy of a new structure or within thirty (30) days of completion of a new or reconstructed well serving the property. In the event that the owner does not comply, the Agent may initiate enforcement actions as provided in Article III, Section 3.12 of this ordinance.

3207 Standards for Water Distribution Systems

3207.01 MINNESOTA PLUMBING CODE. The standards of the Minnesota Plumbing Code, Chapter 4715 and its amendments thereto, shall guide construction and installation of water supply systems, except where more restrictive standards identified below apply.

3207.02 PUMP, PRESSURE TANK, AND WATERLINE SIZING; AND OPERATING PRESSURE.

(1) The minimum pump capacity in gallons per minute (gpm) at the well head shall be determined at a minimum pressure of 50 pounds per square inch (psi).

(2) Pressure tank draw down volume shall be sufficient to allow a minimum of one minute of pump operation during each cycle. The minimum acceptable pressure tank draw down volume

for dwellings shall be determined by multiplying the factor in the pressure tank draw down column of the chart times the gpm of the required pump capacity. These standards are summarized in the "Chart of Pump and Pressure Tank Capacity" shown in Table 7.022. This chart establishes the minimum pump and pressure tank capacity, for water supplies serving up to 14 dwellings, and/or a total population of not more than 24 persons.

3207.03 CHART OF PUMP AND PRESSURE TANK CAPACITY.

| Number of Dwellings | Factor to Determine Pump Capacity in gpm | Minimum Tank Draw down |
|----------------------------|---|-------------------------------|
| 1 or 2 | 10 per dwelling | 1.0 |
| 3 to 5 | 5 per dwelling + 10 gpm | 1.2 |
| 6 to 14 | 3 per dwelling + 20 gpm | 1.5 |

Example: To calculate the pump and pressure tank capacity for 4 dwellings, multiply 4 dwellings x 5 gpm and add 10 gpm. This is the total required pump capacity of 30 gpm at 50 psi. The minimum required pressure tank draw down volume can be determined by multiplying 30 gpm x 1.2. The product 36 is the number of gallons of water that must be supplied by the pressure tank between pump cycles.

- (1) Water lines shall be sized to provide a minimum of 10 gpm at the service connection of each dwelling with a minimum of (1) inch internal diameter.
- (2) A minimum operating pressure of 30 psi shall be maintained at a dwelling service connection during the maximum momentary volume rate of water flow, or at a rate of 10 gpm, whichever is the greater rate.

3207.04 BACKFLOW PROTECTION FOR WATER SYSTEMS.

- (1) Curb stops shall be placed in each water service line when the water system is serving two or more service connections. When the individual water service line directly links a service connection and the water system's pressure tank, the valve shall be placed in a utility easement located as close to the tank as feasible; otherwise, it shall be located at the lot line. The valves shall be appropriately sized to provide adequate volume and pressure as specified in this Ordinance.
- (2) When there are commercial or industrial buildings, or two or more dwellings are to be served by the water system, a backflow preventer shall be provided for each building service line. A dual backflow preventer meeting the American Society of Sanitary Engineering (ASSE) Standards 1024 shall be installed on each water service line within each dwelling. A reduced pressure zone backflow preventer meeting ASSE Standard 1014 shall be provided on the water service line for each industrial or commercial use building. Backflow preventers shall be sufficiently sized to maintain minimum pressure to the service connection. The owner of the property at the time the water line is installed into the building shall arrange for installation of the required backflow preventer.

3207.05 DISINFECTION OF WELLS, PUMPS, PRESSURE TANKS, AND WATER LINES.

Whenever any component of a water supply system is constructed, installed, repaired, or replaced, the affected parts of the water well and water distribution system shall be cleaned, flushed, and disinfected before water is supplied for human consumption. Disinfectants shall be flushed from the water well and water system, and analysis performed to demonstrate that

harmful concentrations of the disinfectant have been removed before the water is used for human consumption.

3207.06 WELLS AND PUMPS USED FOR THERMAL EXCHANGE.

(1) If a ground water heat pump or other thermal exchange unit is proposed to use water from the well also used for a domestic water supply, the pump capacity and pressure tank size must be increased to provide an adequate water supply for the rated capacity of the unit in addition to the minimum supply required in Section 7 for domestic use. Domestic water needs shall take priority over water demand for thermal exchange devices.

(2) Discharge of water to waste from a ground water heat pump system shall be allowed only in accordance with applicable State of Minnesota and Olmsted County ordinances.

(3) Building permit or other relevant permits related to building construction shall not be issued until the plans for a proposed heat pump or other thermal exchange system using ground water have been reviewed and acted on by the Agent, and the State of Minnesota has completed its required review process for construction, water appropriations, and discharge permits.

3208 Use of Existing Wells and Water Systems

3208.01 USE OF EXISTING CONFORMING WELL. Proposed new single family and multi family dwellings, commercial or industrial use buildings, or other buildings, may be served by an existing well provided the well meets minimum construction and water quality standards of Article V, Section 5.00 of this ordinance.

3208.02 USE OF EXISTING NONCONFORMING WELL. Exception to the construction and/or water quality requirements of Article V Section 5.00 is allowed under the following conditions:

(1) An existing well on a neighboring property that does not meet current minimum construction standards of this ordinance may be used to serve existing or proposed building construction if the well was constructed according to standards of a previous Olmsted County water well construction ordinance, and provides water quality in accordance with Section 5.044 of this ordinance.

(2) An existing well located on the same property as the existing or proposed building construction may be used as the water supply if the well water quality does not exceed the levels referenced in Section 5.044 of this ordinance, except that driven point wells shall not be accepted. An existing nonconforming well shall serve no more than two dwellings.

(3) An existing nonconforming well shall not be used to serve a new public non community water supply.

3208.03 WATER ANALYSIS REQUIRED. Analysis to determine water quality referenced in Article VIII of this ordinance shall be performed by a Minnesota State certified lab at the property owner's expense. The analysis shall be performed within six months of proposal to use the well. Sample collection shall be arranged by the property owner in conjunction with the Agent.

3208.04 USE OF EXISTING WELL FOR RESEARCH PURPOSES. Upon approval of the Environmental Commission, and notwithstanding the provisions of Section 4.002, the Agent may issue or renew a maintenance permit to allow the continuance of a well under all of the following circumstances:

- (1) The well by reason of its location, surrounding land use, geologic setting, or other circumstances is especially suited for use for research purposes.
- (2) The well does not present an immediate threat to the groundwater or to the public health.
- (3) A unit of government or an educational institution that has conducted or is conducting research involving wells requests that the well be maintained for current or future research.
- (4) The well owner agrees to properly seal the well at the time the maintenance permit expires, in accordance with the provisions of Articles IV and VI.

3208.05 USE OF EXISTING WATER SYSTEMS. Any new principal structure, located on a lot that is not connected to an existing water system as of the effective date of this ordinance, shall provide both a curb stop and backflow prevention as required in Sections 7.041 and 7.042.

Resolution No. 91 169

WHEREAS, a Notice of Intent to Enact by resolution the Olmsted County Well and Water Supply Ordinance, as set forth herein, was duly published; and

WHEREAS, a public hearing on said resolution was held on November 19, 1991, in the County Commissioners' meeting room second floor, Olmsted County Courthouse, Rochester, Minnesota, and

WHEREAS, it is deemed to be in the public interest for the preservation of public health to adopt the Olmsted County Water Well and Water Supply Ordinance;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, pursuant to Minnesota Statutes, Chapters 145A and 103I, and any subsequent amendments, that Public Health Regulation No. 40 is repealed as of the effective date of Olmsted County Water Well and Water Supply Ordinance, and that the Olmsted County Water Well and Water Supply Ordinance, as on file in the office of the Olmsted County Auditor Treasurer, is hereby adopted this 17th day of December, 1991.

Dated at Rochester, Minnesota this 17th day of December, 1991.

OLMSTED COUNTY BOARD OF COMMISSIONERS

**CONTACT ROCHESTER OLMSTED COUNTY PLANNING DEPARTMENT FOR
CURRENT WELL, ISTS PROGRAM AND EXCEPTION FEE SCHEDULE**

**CONTACT THE COUNTY ENVIRONMENTAL RESOURCES DEPARTMENT FOR A
CURRENT SCHEDULE OF WATER TESTING FEES IN OLMSTED COUNTY**