

Goodhue County Water Quality Ordinance

“The County Board of Goodhue County Ordains”

Section 1. **PURPOSES**

- 1.01 The Goodhue County Board accepts the premise that an abundant source of safe water is essential to the maintenance of the public health and the continued economic and social development of the County
- 1.02 Goodhue County has an extensive supply of ground water. These waters are subject to contamination from a variety of sources. The karst geology of the County increases the risk of contamination.
- 1.03 This Ordinance provides that wells which are identified as actual or potential sources of pollution or contamination to the aquifers shall be the primary concern for the health officials enforcing this Ordinance.

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SECTION 3. **HEALTH AUTHORITY: DUTIES OF GOODHUE COUNTY BOARD OF HEALTH**

- 3.01 The authority to adopt and enforce this Ordinance is pursuant to Minnesota Statutes Chapter 145A and 103I, as in effect at the date of this Ordinance. The provisions of Minnesota Rules Chapter 4725 (as in effect in 1991, and any subsequent amendments) and Minnesota Statutes Chapter 103I (as in effect in 1991, and any subsequent amendments) are hereby incorporated and made a part of this Ordinance.
- 3.02 The Goodhue-Wabasha Board of Health through the Goodhue County Public Health Service (herein designated the Health Authority) and its agents shall enforce this Ordinance. Such duties include but are not limited to:
- 1) making necessary inspections and tests,
 - 2) issuing permits,
 - 3) issuing notices of rejection of permits and notices of violation,
 - 4) issuing stop-work orders,
 - 5) making necessary reports and keeping proper records, and
 - 6) taking reports to the County Attorney for violations of this Ordinance.

SECTION 4 **PERMIT REQUIREMENTS**

4.01 **Permits Required**

- Subd. 1 No person shall begin to construct, reconstruct or seal a well within the County of Goodhue, Minnesota, without having first obtained a permit from the Health Authority.
- Subd. 2 No County Department Office or City within Goodhue County shall issue a building, remodeling, alteration, or demolition permit for buildings or facilities until the proposed water supply or proposed dealing procedures for any well on that property has been approved by the Health Authority.

4.02 **Permits for Well construction or Well Reconstruction**

- Subd. 1 Permit applications for water well construction or reconstruction shall be made in writing by a water well contractor licensed by the State of Minnesota. These applications shall be submitted to the Health Authority prior to the beginning of construction or reconstruction.
- Subd. 2 The application shall contain:
- a) a legal description of the land where the well is or will be located,

- b) name, address, and telephone number of the land owner, licensee, and well owner as applicable,
- c) construction or reconstruction methods to be used, geologic formations, and
- d) any other information needed by the Health Authority.

No permit shall be required for pump repairs or installation that may be performed by limited licensed pump installers under the terms of Minnesota Rules Chapter 4725.

4.03 Approval of Application

If after consideration of the application for permit the Health Authority is satisfied that the construction contemplated complies with the provisions of this Ordinance, the Health Authority shall issue a permit to the applicant. Where new well construction is to replace an existing well, the permit shall not be granted until provisions have been made for proper sealing of such existing well. One copy of the permit shall be kept at the work site and one copy shall be maintained in the office of the Health Authority.

4.04 Permits Not Issued

No permit for well construction or reconstruction shall issue where a public or municipal water supply is available.

Municipal water shall be considered available for connection if:

- 1) a municipality will permit a landowner to receive the service and the projected cost of connection does not substantially exceed the projected cost of drilling a private well, or
- 2) a municipality will permit a land owner to receive the service and a municipality requests that the property be connected as part of a projected plan for development or water quality preservation, or
- 3) a municipality will permit a landowner to receive the service and conditions existing on the affected property make it an unacceptable site for a private well as determined by the Health Authority under this section.

4.05 Violations

Where violations of this Ordinance occur, the Health Authority may revoke the permit. Notice of revocation shall be sent by mail to the applicant. The notice shall state the reasons for revocation.

SECTION 5 EMERGENCY PERMITS

5.01 The standards set by Minnesota Rules 4725 shall govern. Application for permits may be made verbally to representatives of the Health Authority. A list with telephone numbers of such representatives shall be provided by the Health Authority upon request. If those representatives are unavailable, work shall proceed and notice shall be provided at the first possible opportunity.

SECTION 6 PERMIT FEES AND EXEMPTIONS

6.01 Appropriate fees must accompany permit applications. State and local units of government shall be exempt from well permit fees. However, state and local units of government are expected to have appropriate applications to the office of the Health Authority prior to the beginning of the work project.

SECTION 7 NOTIFICATION FOR INSPECTION

7.01 It shall be the duty of the well contractor to notify the Health Authority in person, in writing or by telephone, between the hours of 8:00 am and 4:00 pm on the workday preceding the inspection:

- a) for site evaluations,
- b) when construction, reconstruction or sealing begins, or
- c) when grouting a well under construction.

7.02 If an authorized representative of the Health Authority does not appear for an inspection at the designated time, (excluding Saturdays, Sundays, or holidays), the well contractor may proceed. Within two working days, he shall complete an “underground construction” form as provided by the Health Authority. An applicant, upon the request of the Health Authority, shall permit access to the affected premises at any reasonable time for the purpose of inspection.

SECTION 8 WATER WELL RECORDS

- 8.01 Within thirty (30) days after completion of work on a new well, reconstructed well, or sealed abandoned well, the Minnesota licensed well contractor shall submit the water well records and final water sample results to the Health Authority. The Health Authority shall forward the remaining copies of the water well records and final water sample results to the Minnesota Department of Health.

SECTION 9 ACCEPTABILITY OF A WATER-BEARING FORMATION FOR A POTABLE WATER SUPPLY

- 9.01 With regard to coliform and nitrate nitrogen, the depth of the well is adequate only when organisms of the coliform group are not present and nitrate nitrogen levels are 10.0 parts per million (ppm) or less. The Health Authority shall inform the well owner that the presence of any coliform or nitrate nitrogen in excess of 5.0 ppm is indicative of pollution.

- 9.02 Prior to grouting as part of completing construction of a well, the licensed well contractor shall arrange for testing the well water for nitrate nitrogen concentration, and report those results to the Health Authority. The Health Authority may require the sample or a duplicate sample be submitted by the well contractor to a laboratory certified by the State of Minnesota for the required analysis, the expense of such testing is to be paid by the licensed well contractor.

If the nitrate nitrogen level is less than 5.0 ppm the licensed well contractor may proceed with grouting. If the nitrate nitrogen level is 10.0 ppm or greater, the well shall be drilled and cased deeper at which time another water sample shall be taken and tested before grouting. This process shall continue until the nitrate nitrogen level is less than 10.0 ppm.

If the nitrate nitrogen level of the sample is 5.0 ppm or greater but less than 10.0 ppm and other factors indicate that the nitrate nitrogen level in the finished well will be less than 10.0 ppm, the well contractor may grout the well upon obtaining the approval of the Health Authority and the well owner signing the "Notice and Statement of Acceptance" provided by the Health Authority.

SECTION 10 USE OF EXISTING WELLS

- 10.01 An existing well may be used as a source of water supply for any new building intended for permanent or transient human occupancy if the well is constructed or reconstructed to meet the minimum standards of this

Ordinance and the well is not an abandoned well as defined in Minnesota Rules Chapter 4725 and Minnesota Statute 103I.

SECTION 11 **IMPROPERLY CONSTRUCTED OR RECONSTRUCTED WELLS**

In determining whether or not a well is properly constructed or reconstructed the Health Authority shall refer to in Minnesota Rules Chapter 4725 (The Water Well Construction Code). The Health Authority shall provide written notice to the landowner and the licensed well contractor where improper construction or reconstruction has occurred. The landowner and the licensed well contractor shall correct the improper construction or reconstruction. The time limit for compliance shall be thirty (30) days from issuance of the notice, but may be shorter in cases of imminent hazard to health or safety.

SECTION 12 **ABANDONED WELLS**

12.01 In determining whether or not a well is an abandoned well as defined in Minnesota Rules Chapter 4725 and Minnesota Statute 103I, the Health Authority may consider any or all of the following factors:

- 1) that the well is a potential or actual source of contamination for the aquifer,
- 2) that the well is used to supply drinking water and is contaminated,
- 3) that an attempt was made to permanently seal the well, but the seal is not effective or was not performed in accordance with the provisions of Minnesota Rules Chapter 4725,
- 4) that the location, construction, or maintenance of the well endangers ground water quality or may be a health or safety hazard,
- 5) that the well is inoperable, not in use, or is disconnected from a power supply and the owner has not obtained a maintenance permit, or
- 6) that the well was not constructed by a licensed or registered contractor or by a person exempt from licensing or registration.

The Health Authority shall locate and identify abandoned wells. The Health Authority shall notify in writing the owner of the land of the existence of the abandoned well and the appropriate corrective action the land owner shall take. The Health Authority shall choose the most appropriate corrective action from the following:

- 1) make the well usable and operable in compliance with the requirements of Chapter 4725,

- 2) close and seal the well as in compliance with Minnesota Rule 4725.2700, or
- 3) obtain a maintenance permit.

The time for compliance shall be thirty (30) days from issuance of the notice, but may be shorter in cases of imminent hazard to health or safety.

SECTION 13 **MAINTENANCE PERMITS**

13.01 Application

Except for new well construction, any well that is not in use or is inoperable must be sealed or have an annual maintenance permit. Application for a maintenance permit shall be made on forms furnished by the Health Authority. One copy shall remain on file in the office of the Health Authority. The forms shall contain the following information:

- 1) a legal description of where the well is located,
- 2) name, address, telephone number of the land owner and/or well owner,
- 3) geological formations, and
- 4) any other information required by the Health Authority.

13.02 Rejection of Application

If after consideration of the application for permit, the Health Authority deems that the well will not meet with the provisions of the Minnesota Statutes Chapter 103I and Minnesota Rules 4725, the Health Authority shall refuse to issue a maintenance permit until the well is brought up to proper standards.

13.03 Expiration

A maintenance permit issued from the Health Authority shall expire after one year. Written notice prior to expiration shall be furnished by the Health Authority. It is the responsibility of the maintenance permit holder to reapply before the expiration date or seal the well within thirty (30) days after the expiration date.

SECTION 14 **WATER LINE, PUMP AND PRESSURE TANK SIZING**

14.01 The following table and rules establish the minimum pump capacity, water line sizing, and pressures for 1 to 14 homes:

Subd 1 Pumps and Pressure Tanks

Number of Homes	Pump Capacity in gpm at the well head against average Pressure of 50 P.S.I.	Pressure tank size shall shall provide draw down capacity of 30-50 P.S.I. cycle Equal to the required pump Capacity in gpm.
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1 to 2 homes	10 gpm each home
3 to 5 homes	5 gpm each home + 10 gpm
6 to 14 homes	3 gpm each home + 20 gpm

EXAMPLE I

To calculate the pump and pressure tank capacity for our homes multiply four homes by 5 gpm and add 10 gpm to equal the total required pump capacity of 30 gpm at 50 P.S.I. The pressure tank capacity must be sized to provide at least 30 gallons of draw down between cycles.

Subd 2 Water Pressure and Water Line Sizing

Water lines shall provide at peak flow:

- 1) no more than 5 P.S.I. of friction loss for each 100' of pipe length,
- 2) a minimum pressure of 30 P.S.I. to each service connection during the maximum momentary volume rate of water flow,
- 3) a minimum pressure of 20 P.S.I. to the plumbing fixture at the highest elevation, and
- 4) water service lines for one house shall be a minimum of 1' in diameter. When lengths are more than 350' or when more than one home will be served by the water lines, appropriately sized larger diameter lines must be provided.

Subd 3 Water line, pump and pressure tank sizing not addressed in Subd. 1 and 2 of this section shall be governed by the Minnesota plumbing Code and Appendixes.

14.02 Whenever any component of a water supply system is constructed, installed, repaired or replaced the entire system shall be disinfected prior to the system being placed into use as a potable supply. All new, repaired or reconditioned wells and pumping equipment shall be disinfected with Chlorine so applied that a concentration of at least 50 ppm is obtained in all parts of the well. Disinfection in a well repair operation may be accomplished at the beginning of the operation with Chlorine applied to obtain a concentration of 200 ppm for the period of well repair.

SECTION 15 VARIANCES

15.01 Variances – State of Minnesota Approval, Health Authority Agent Approval

Any affected person may request a variance from a specific requirement of this Ordinance. A request for a variance must first be submitted to and approved by the Minnesota Commissioner of Health or their representative pursuant to the provisions of Minnesota Rules 4725.0400. After approval of the Commissioner, the Applicant must submit a request for variance to the Health Authority on a form provided by the Health Authority.

An agent of the Health Authority may approve the request where strict applicability would impose practical difficulties or unusual hardships and under such conditions where the groundwater of the county and the health, safety, and wellbeing of persons using or potential users is protected.

15.02 Variances – Application to Variance Board

After receiving the Minnesota Commissioner of Health's approval, if the Health Authority agent believes granting the variance might not protect the groundwater of the county or the health, safety, wellbeing or persons using or potential users, the agent shall provide the requesting party with an application for a variance.

The applicant shall provide the following information:

- a) name and address of the applicant,
- b) the legal description of the property involved in the request for the variance,
- c) the names and addresses of owners of the property or any persons having a legal interest therein,
- d) a site plan showing all pertinent dimensions, buildings and significant natural features having an influence on the variance,
- e) all necessary State and Federal permits,
- f) the variance request and a statement outlining the unique or particular situation or peculiar hardship involved in creating the need for a variance,
- g) certification of Approval by the Minnesota Commissioner of Health or their representative, and
- h) all materials provided to the State for approval of the state variance.

15.03

Variance Board

The application for a variance shall be submitted to the Variance Board. The Variance Board shall consist of the Administrator of the Health Authority, the County Commissioner in whose district the variance has been requested, and the chairperson of the County Board. If the district in which the variance is requested is the chairperson's own district, then the vice-chairperson shall also serve on the Variance Board.

15.04

Hearing

A) the variance Board shall hold at least one public hearing on any application for a variance. Notice of the purpose, time and place of such public hearing shall be published in a newspaper of general circulation in the town, municipality or other areas concerned. At least ten (10) days prior to the date of the hearing.

Written notice of such public hearing shall be mailed to all property owners of record within five hundred (500) feet of the affected property, the affected Board of Town Supervisors, and the Municipal Council of any municipality within two (2) miles of the affected property.

B) The Variance Board shall schedule a hearing as soon as possible but not longer than thirty (30) calendar days after receipt of the application, and shall send to the applicant by mail notice of the hearing date, time and location pursuant to this Section. Failure by the applicant to attend the hearing waives the applicants right to a hearing.

C) The hearing shall be conducted in general accord with the rules of evidence, except the Variance Board may consider reliable hearsay. The hearing shall be recorded, by court reporters, tape recorder or other means.

D) The Variance Board shall state the reasons for their decision. The Variance Board shall send to the applicant by mail notice of the decision of the County Board as soon as possible but not longer than thirty (30) days after the close of the hearing.

Variations shall only be granted where the groundwater of the county and the health, safety, and wellbeing of persons using or potential users is protected and the person requesting the variance would have a practical difficulties or an unusual hardship in complying with the Ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The Variance Board may impose conditions in the granting of variations to insure

compliance and to protect the groundwater of the county and health, safety, and well being of persons using or potential users. A violation of any condition set forth in granting a variance shall be a violation of this Ordinance and shall automatically terminate the variance.

“Hardship” as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls and the plight of the landowner is due to circumstances unique to his property not created by the landowner. Economic considerations alone shall not constitute hardship if a reasonable use for the property exists.

15.05 Appeal

Any aggrieved person may appeal to the district court in the county in which the land is located on questions of law and fact within thirty (30) days after receipt of notice of the decision. The standard on appeal for questions of fact is whether the decision is rational and is based on sufficient evidence on the record. Failure by the aggrieved person to appeal within thirty (30) days waives his right to appeal.

15.06 Reapplication for Variances

No application for a variance which has been denied totally or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions.

SECTION 16 INTERPRETATION

16.01 Where ambiguity in the Minnesota Rules Chapter 4725 exists, the Health Authority shall use the Minnesota Department of Health interpretations.

SECTION 17 NEW STATUTES AND RULES

17.01 The requirements contained in the Ordinance are intended to be comparable to the statutes and rules concerning wells in the State of Minnesota. Whenever new statutes and rules are passed or adopted, those which are mandatory shall be

SECTION 18 **PENALTIES**

- 18.01 1) Any person who violates this Ordinance is guilty of a misdemeanor.
- 2) Additionally, the County may pursue any other penalty, remedy, or relief as provided by law including but not limited to those listed in Minnesota Statute Chapter 103I.705-715 and the removal and abatement of public nuisances under Minnesota Statute Chapter 145A.04

SECTION 19 **SEVERABILITY**

19.01 If any provision or application of any provision of this Ordinance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance.

SECTION 20 **EFFECTIVE DATE**

This regulation shall be in full force and effect upon adoption and publication pursuant to law.

Dated this day of December, 1991

GOODHUE COUNTY BOARD OF COMMISSIONERS

Richard Mallan, Chairman

ATTEST:

Steven Bloom, County Administrator