



Request for City Council Committee Action from the Department of Regulatory Services

Date: May 6, 2010

To: Council Member Glidden, Chair of Regulatory Services, Energy & Environment

Subject: Well Program Delegation Agreement between the Minneapolis Board of Health and the Minnesota Department of Health

Recommendation: Approval of Well Program Delegation Agreement for signature

Previous Directives: Regulatory Services business plan requires regular review of city ordinances, contracts, and agreements used by the Department of Regulatory Services. When necessary to ensure they are meeting the city goals and the Regulatory Services core values the ordinance, contracts and agreements must be amendment, renewed and updated.

Department Information

Prepared by: Thomas Frame, Environmental Engineer, Environmental Services, 673-5807

Approved by:
Lori Olson, Deputy Director Environment Management

Burt Osborne, Director of Operations, Licensing & Environmental Services

Rocco Forté, Assistant City Coordinator Emergency Preparedness and Regulatory Services

Presenters in Committee: Lori Olson, Deputy Director Environmental Management
Thomas Frame, Environmental Engineer Environmental Services

Reviews

- Permanent Review Committee (PRC): Approval ___ Date _____
- Civil Rights Approval Approval ___ Date _____
- Policy Review Group (PRG): Approval ___ Date _____

Financial Impact

- No financial impact
- Action is within the Business Plan

Community Impact

- City Goals – This agreement contributes to *The City of Minneapolis’s Goals of an Enriched Environment and A safe Place to Call Home.*

Supporting Information - Attached

Since 1991 the City of Minneapolis has maintained a well program through a delegation agreement with the Minnesota Department of Health. Through that agreement the city has been able to continue its efforts to ensure that the ground water continues to be protected, provide a local resource for residents, businesses and developers on well construction, sealing and maintenance and provide support in case of an emergency.

The original agreement approved in 1991 was amended once in 1998. The State of Minnesota is in the process of updating and reestablishing all current well delegation agreements with local environmental health programs in the state. The existing Well Program Delegation Agreement and its attachments are scheduled to sunset on June 30, 2010. The new delegation agreement will replace it and those attachments as a stand-alone document. This agreement has been reviewed and approved by the City Attorneys Office and maintains all the current program elements of the existing agreement.

Two copies of the delegation agreement are being submitted for signature and will be forwarded to the Commissioner of the Minnesota Department of Health for signature along with supporting documentation which includes applicable city ordinances, Minneapolis well program staff and emergency contact information. Upon signature by the Commissioner of the Minnesota Department of Health one copy of the completed agreement will be retained by the state and the other returned to the City of Minneapolis.

Applicable City Ordinances –

Title 3 Air Pollution and Environmental Protection

Chapter 48. Minneapolis Watershed Management Authority

48.20. State rules and statutes. (a) Minnesota Rules (2001), Chapters 4715, 4725, 7035, 7037, 7041, 7042, 7044, 7045, 7048, 7050, 7056, 7060, 7080, 7100, 7105, 7150, and 7151, and subsequent updates, are made part of this chapter as if fully set forth herein. Minnesota Statute 115.061 (2003), and subsequent updates, are made part of this chapter as if fully set forth herein.

48.260. Wells. (a) Where not previously defined, terminology used in this section shall have the meanings given in Minnesota Statutes, Section 103I.05 and Minnesota Rules, Chapter 4725.

(b) No person shall construct, modify or reconstruct any well without first having filed a well construction application and receiving written approval from a licensed well inspector for the City of Minneapolis. Interim verbal approval may be given, provided the permit has been processed, and is received by the applicant within five (5) days of verbal approval. The permit must note that verbal approval was given and the date of such approval. For each type of well to be constructed, modified or reconstructed including, but not limited to: monitoring wells; recovery/remediation wells; domestic drinking water wells; nontransient, noncommunity public water supply wells; air cooling wells; industrial wells; noncommunity public supply well, or irrigation wells, the applicant shall pay the permit fee(s) required by section 48.310 to the authority. This fee is in addition to the state core function fee as established in Minnesota Statutes, Section 103I.208, Subd. 1a.

(c) Any person that owns a monitoring well, a recovery well/remedial well, or an out of service well within the city shall register each well with the authority and pay the authority the annual registration fee(s) required by section 48.310.

(d) No person shall seal any well without first filing a well sealing application, receiving written approval from a licensed well inspector for the City of Minneapolis and paying the authority all permit fee(s) required by section 48.310 for all wells including, but not limited

to monitoring wells; recovery/remediation wells; domestic drinking water wells; nontransient, noncommunity public water supply wells; air cooling wells; industrial wells; noncommunity public supply well, or irrigation wells. Temporary monitoring wells are exempt from the fee(s). The fee is in addition to the state core function fee as established in Minnesota Statutes, Section 1031.208, Subd. 1a. Interim verbal approval may be given, provided the permit has been processed, and is received by the applicant within five (5) days of verbal approval. The permit must note that verbal approval was given and the date of such approval.

(e) Persons constructing temporary monitoring well(s) shall provide notification to the authority by filing a well sealing application with the authority.

(f) No person shall damage, tamper, or take any action that compromises the functionality or integrity of a wellhead protection device. Any earthwork, construction, demolition, or other activity conducted within a wellhead protection area that has the potential to damage wellhead protection devices or disturb wellhead protection areas and thereby open a portal of entry and cause contamination or create a risk of contamination shall constitute a violation of this chapter.

(g) A request for a variance from specific requirements of the standards contained in Minnesota Rules, Chapter 4725 must be reviewed by the State Commissioner of Health pursuant to Minnesota Rules, Chapter 4717.7000. If the request for variance is approved by the Commissioner of Health, the city shall allow construction, reconstruction or sealing of the well pursuant to the conditions of the Commissioner's approval.

(h) For wells for which no owner information can be located by the authority, the owner of the property on which the well is located shall become responsible for the well. Such responsibility shall include, but not be limited to, registration and proper sealing. (2002-Or-169, § 25, 11-8-02)

Minneapolis Well Program Staff

<i>Dedicated staff – permitting, inspections, public queries, data management, enforcement, program management and coordination</i>	
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