

Subject Testing and remediation of private residential wells

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Overview

This bill directs the commissioner of health to establish a program to provide grants to local units of government and Tribal governments to pay to test private residential wells for contaminants, and a program to provide remediation payments to claimants for eligible costs of remediating a contaminated private residential well. The bill appropriates money to the commissioner for these purposes.

Summary

Section	Description
1	Title. Provides that this act may be cited as the Minnesota Private Residential Well Testing and Remediation Act.
2	Purpose. States the purposes of the act.
3	Definitions. Defines terms for §§ 103I.25 to 103I.225: accredited laboratory, claimant, contaminated, groundwater, local unit of government, point of entry treatment, point of use treatment, and private residential water supply well or private residential well.
4	Testing program and remediation payment program for private residential water supply wells. Adds § 103I.251. Directs the commissioner of health to establish and administer a testing program for contaminants in private residential wells and a remediation program for contaminated private residential wells. Authorizes rulemaking to implement the testing program and remediation program, and requires the commissioner to consult with the listed stakeholders in adopting these rules.

Section	Description
5	<p data-bbox="318 264 1365 296">Grant program; testing private residential water supply wells for contaminants.</p> <p data-bbox="318 310 1382 380">Adds § 1031.252. Requires the commissioner to administer a grant program to test private residential wells for contaminants.</p> <p data-bbox="367 422 1422 684">Subd. 1. Program established. Directs the commissioner to administer a program to test private residential wells for contaminants, in which the commissioner provides grants to local units of government and Tribal governments to fund tests, establishes minimum standards for local and Tribal well testing programs, provides technical assistance, provides education to the public about local and Tribal well testing programs and the importance of well testing, and lists contaminants for which a local or Tribal well testing program must test.</p> <p data-bbox="367 726 1414 873">Subd. 2. Application. Establishes requirements for local units of government and Tribal governments to apply for a grant, lists what a grant application must include, and allows joint filing of a single grant application and joint operation of a single well testing program.</p> <p data-bbox="367 915 1398 1020">Subd. 3. Grant awards. Requires the commissioner to determine grant award amounts, to award grants according to the listed order of priority, and to award grants annually.</p> <p data-bbox="367 1062 1357 1125">Subd. 4. Contract. Allows a local unit of government or Tribal government to contract with a third party to operate a well testing program.</p> <p data-bbox="367 1167 1414 1356">Subd. 5. Testing by local and Tribal well testing programs. Within the limits of available funding, requires a local or Tribal well testing program receiving a grant to test a private residential well when requested by the well’s owner or user. Allows a local unit of government or Tribal government to limit the number or frequency of tests performed on a single well.</p> <p data-bbox="367 1398 1382 1461">Subd. 6. Tests performed by accredited laboratory. Requires all tests of water samples to be performed by an accredited laboratory.</p> <p data-bbox="367 1503 1349 1608">Subd. 7. Reporting. Permits the commissioner to require local units of government and Tribal governments receiving a grant to report information necessary for the commissioner to evaluate the grant program.</p>
6	<p data-bbox="318 1654 1138 1686">Remediation; eligibility for payment and payment procedures.</p> <p data-bbox="318 1701 1357 1806">Adds § 1031.253. Requires the commissioner to administer a program to provide payments to claimants for eligible costs to remediate a contaminated private residential well.</p>

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Subd. 1. Program established. Directs the commissioner to administer a program to provide payments to claimants for eligible costs to remediate a contaminated private residential well. Assigns duties to the commissioner.

Subd. 2. Eligibility for payment. To be eligible for a payment under this section, requires that an owner or lessee of the property on which the contaminated well is located must have an annual family income of less than \$100,000. Defines annual family income, allows the commissioner to establish reporting requirements to determine annual family income, and lists entities that are not eligible for a payment under this section.

Subd. 3. Application. Lists information that a claimant must include in an application for payment, and provides that in submitting an application the claimant consents to the commissioner or an agent entering the property where the well is located to investigate. Requires the commissioner to consolidate applications if more than one claimant applies for payment of remediation costs for the same residential well.

Subd. 4. Determining contamination. As part of an application, a claimant must provide evidence of contamination by submitting results of a test conducted by an accredited laboratory. Allows the commissioner to reject results that are not sufficiently recent and to test additional samples.

Subd. 5. Payment procedures. Requires the commissioner to issue payments for remediation costs in the order in which the commissioner receives completed applications, and to make determinations and issue payments within 30 days after receiving a completed application.

Subd. 6. Eligible costs and issuance of payments. Requires the commissioner to issue a payment for the eligible costs of remediation if the commissioner determines that the private residential well is contaminated and that the claimant meets the requirements of this section. Lists eligible costs of remediation. Requires payments to be issued without regard to fault. Requires the commissioner to determine the usual and customary cost for each eligible cost, and to determine payment amounts for individual claimants based on usual and customary costs determined by the commissioner. Requires reconstruction of an existing well, construction of a new well, or installation of a water treatment device for which payment is issued under this section to comply with the listed requirements.

Subd. 7. Limitations on payments. Provides that payment to a claimant cannot exceed 75% of the eligible costs of remediation and cannot be greater than \$10,000. Requires contamination to be remedied by the least expensive means

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of remediation. Limits payment to obtain an alternate water supply to the amount needed to provide drinking water for one year.

Subd. 8. Denial of application for payment. Lists grounds on which the commissioner must deny a claimant's application for payment. Prohibits the commissioner from issuing a payment for the cost of obtaining an alternate water supply incurred before the commissioner confirmed that the private residential well was contaminated.

Subd. 9. Emergencies. Notwithstanding other provisions, the commissioner may authorize payments for eligible costs incurred before the application was complete if the commissioner determines an emergency exists.

Subd. 10. New claims. Allows a claimant who previously received a remediation payment to submit a new application for payment if new contamination exists and the previous remediation was properly performed, or if the previous remediation did not eliminate the previous contamination but was properly performed.

Subd. 11. Penalties. Establishes penalties for a claimant who intentionally contaminates a private residential well or exacerbates contamination in order to receive a payment, or who submits a fraudulent claim. Requires penalties paid to be credited to the general fund.

7 **Data collection, sharing, and availability.**

Adds § 103I.254. Classifies results of private well tests and data from the remediation payment program and specifies allowable uses of this data.

Subd. 1. Definitions. Defines terms for this section: nonpublic data, private data on individuals, and summary data.

Subd. 2. Test results. Requires local and Tribal well testing programs to report to the commissioner the results of private well tests funded with grant funds. Allows the commissioner to use addresses associated with test results only to track the results of multiple tests for the same private residential well. Classifies test results reported to the commissioner as private data on individuals or nonpublic data, allows the commissioner to use test results to study and track water quality of private residential wells across the state and complete a required report, and only allows the commissioner to publish summary data derived from the test results.

Subd. 3. Remediation payment program. Classifies data collected or created by the commissioner to operate the remediation payment program as private data on individuals or nonpublic data. Allows the commissioner to use this data to

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study and track water quality of private residential wells across the state and to complete a required report. Only allows the commissioner to publish summary data derived from this data.

8 **Biennial report.**

Adds § 103I.255. Requires the commissioner to report every two years to the chairs and ranking minority members of certain legislative committees on the operation of the testing program and remediation payment program. Lists information each report must include.

9 **Disciplinary action for submission of false information in contamination remediation applications.**

Adds § 103I.503. Permits the commissioner to suspend, revoke, or impose limitations or conditions on the license or certification of a well contractor or certified representative of a well contractor for knowingly submitting false information in a claimant's application for remediation payment.

10 **Appropriations.**

Makes blank appropriations in fiscal year 2023 from the general fund to the commissioner of health for private residential well testing activities and the remediation payment program.



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