



Precode Wells in Buildings

The Minnesota Department of Health (MDH) receives a steady stream of phone inquiries regarding “precode” wells located within buildings. For residences, many of these wells are located in the basement or in a basement-offset room off the side of the home foundation, often under one of the steps to the building. A number of questions regarding these wells often arise at the time of property sale. The questions tend to focus on whether or not a well located in a building is legal, compliant with current state requirements, or considered a safe water supply.

Minnesota Statewide Regulation of Wells

Started on July 15, 1974, the effective date of what is now Minnesota Rules, chapter 4725. These rules are often referred to as the “Well Code.” Prior to this date, there was no state regulation regarding construction, repair, and sealing of wells, although some local communities and counties regulated wells. Between July 15, 1974, and May 10, 1993, a well could be installed within a building, but only within an approved basement-offset room (extending beyond the building footings or foundation, with a floor 12 inches above the basement floor, and accessible from above). This option was eliminated on May 10, 1993. The rules have always allowed placing a well within a “well house,” a separate building constructed exclusively for the well and related water-supply equipment and not for other uses or storage. The rules also detail specific requirements for a well house.

Reasons for Prohibiting Wells Within Buildings

There are many, especially in basements, including assuring safe and adequate access for repair, maintenance, and sealing of the well; maintaining adequate isolation distances to contaminant sources (such as sewer lines); and preventing wells from being contaminated by sewer backups, spills, and flood waters.

Well Location Violation

Whether the location of a well is considered to be in violation of Minnesota Rules, chapter 4725 depends on the rules in effect at the time the well was constructed. A well constructed inside a building prior to July 15, 1974, would not be considered a violation of Minnesota rules. However, MDH does recommend that wells that do not conform with current requirements of Minnesota Statutes, chapter 103I and Minnesota Rules, chapter 4725 be brought into compliance or sealed by a licensed well contractor or well sealing contractor.

Current Requirements

All wells, including “precode” wells, are subject to current requirements for disclosure, maintenance/repair, and sealing. A well that is not in use and does not have a maintenance permit must be sealed by an MDH licensed well contractor or well sealing contractor. Also, a well cannot be removed and replaced with a well in the same location. If the building above the well is removed, a building cannot be constructed over or within 3 feet of the well until the well has been sealed by an MDH licensed well contractor or well sealing contractor.