



Exploratory Boring and Gas Well Legislation

Well Management Section | Environmental Health Division



Protecting, maintaining, and improving the health of all Minnesotans | health.mn.gov

May 22, 2024

May 11, 2026

May 22, 2026

Authorized
rulemaking authority
Minn. Stat. 93.514

Published
Notice of Intent
to Adopt Rule
for EB

**Senate File 4612
Passes**

Initiate EB
rule
withdrawal

Initiate EB and
Gas Well Rule
Scoping

- New rulemaking authority for EB and Gas Wells
Minn. Stat. 103I.706
- Repealed rulemaking authority
Minn. Stat. 93.514

How did we get here?

New Rulemaking Authority

For both **hydrocarbon** and **nonhydrocarbon** gases

Distinguish between **types of gas based on risk** posed to:

- groundwater quality,
- health, and
- safety

Specify requirements for when gas encountered is **different from what was proposed**

New rulemaking authority

Gas Wells

- Requirements for
 - drilling,
 - construction,
 - sealing,
 - use,
 - reporting, and
 - rig registration
- Licensing and certification for persons constructing, repairing, and sealing
- Restrictions and prohibitions

Risk assessment
for both
hydrocarbon and
nonhydrocarbon
gases

Exploratory Borings

- Requirements for:
 - drilling,
 - construction,
 - permanent sealing, and
 - reporting
- Conversion to gas well
- Prohibition

Gas Well Authority Funding



General Fund: 2026 legislature authorized \$2,053,000 in FY 2027 for gas rulemaking and administrative activities.

One-time appropriation and is available until December 31, 2029



SGSR Fees: 2026 legislature authorized gas well fees

Gas rig registration - \$125.00

Gas well contractor - \$300.00

Gas certified rep. - \$100.00

Late fee - \$75.00

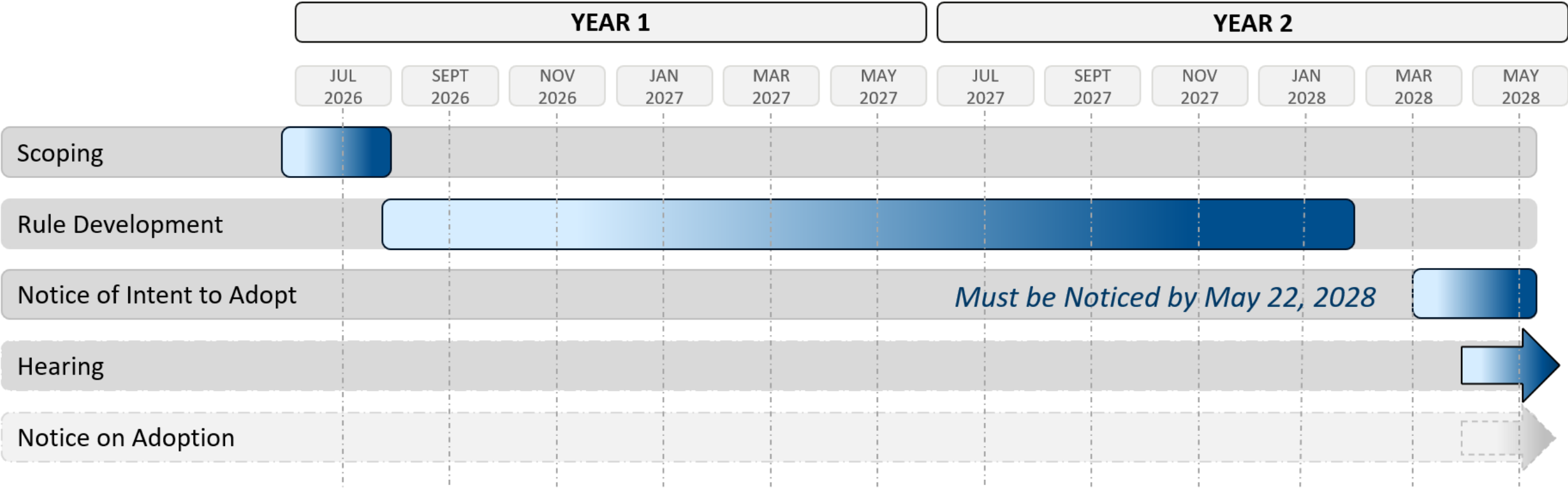
Gas exploratory boring sealing notification - \$125.00

Gas well construction notification - \$10,000

Gas well sealing notification - \$7,500

Tentative Rulemaking Timeline

GAS WELL AND EXPLORATORY BORING RULEMAKING



Description: Year 1 and 2 - Scoping: July 2026; Rule Development: July 2026 through Jan. 2028; Notice of Intent to Adopt: Must be noticed by May 22, 2028; Hearing: Start Mar. 2028; Notice of Adoption: Possible May 2028 or longer.

A nighttime photograph of a gas well drilling rig. The rig is illuminated by bright work lights, and a tall derrick structure is visible. A yellow Deere excavator is positioned to the right of the rig. The scene is set in a dark, wooded area.

Gas Well Requirements

Minnesota Statutes, Section 103I.005, Subdivision 10b

“Gas well” means an excavation that is constructed to locate, extract, or produce gas.

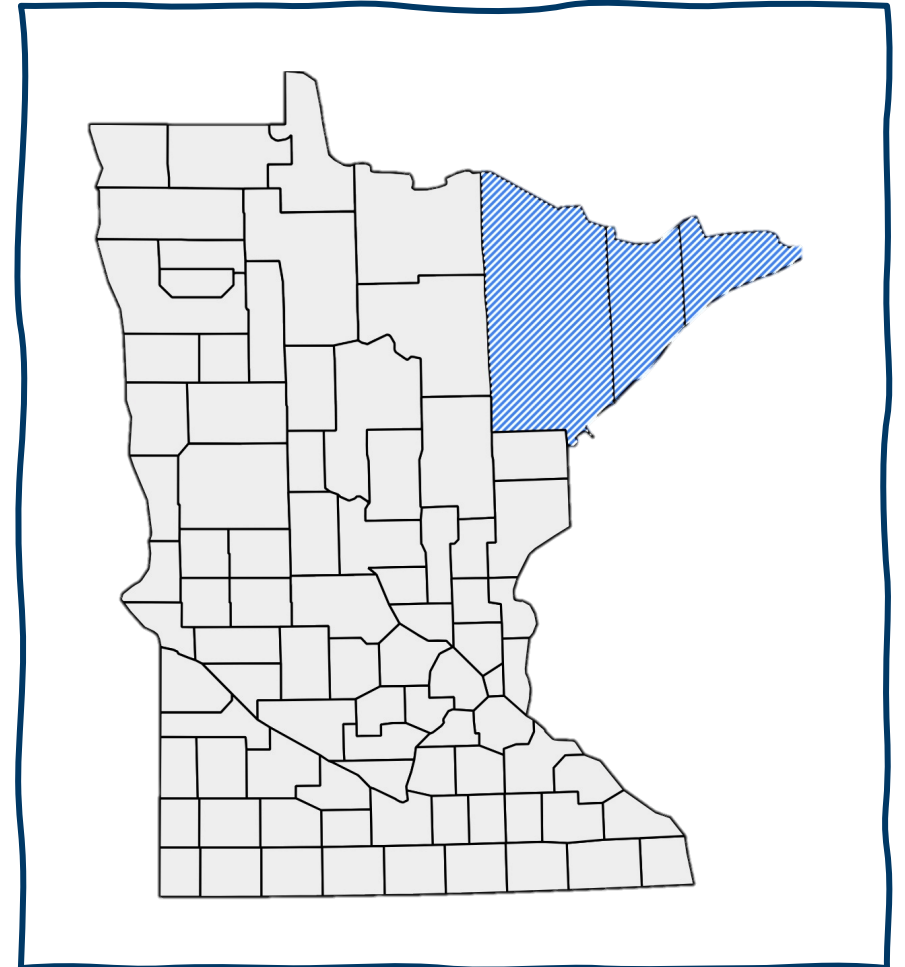
Gas Well Moratorium and Restrictions

Temporary Moratorium

- Until MDH adopts rules
- Legislature enacts for DNR:
 - Authority to issue Gas Resource Development Permits
 - To collect fees for Gas Resource Development Permits

Well Restrictions

- Can only be constructed for extracting or producing helium
- Limited to Cook, Lake, and St. Louis Counties
- Not for oil



Gas Well Prohibited Use

Minnesota Statutes, Section 103I.005, Subdivision 11a

"Hydraulic fracturing treatment" means all stages of the treatment of a gas well by the application of fluid under pressure that is expressly intended to initiate or propagate fractures in a target geologic formation to enhance production of oil and gas.

Injection and Disposal

Prohibited unless:

- an approved drilling fluid
- EPA class 2 injection well permit is authorized

Hydraulic Fracturing treatment

Prohibited in a Gas Well

Conversion

Prohibited conversion to another type of well or boring

A photograph of an exploratory boring site in a wooded area. A white pickup truck is parked in the foreground, and a drilling rig is visible in the background. The scene is set against a backdrop of evergreen and deciduous trees under a clear blue sky.

Exploratory Boring Requirements

Minnesota Statutes, Section 103I.005, Subdivision 10b

***"Encounter gas"** means a sustained presence of gas in an exploratory boring for at least 24 hours and in which gas has not dissipated prior to sealing.*

Exploratory Boring Prohibition and Conversion

- Prohibited use for gas extraction



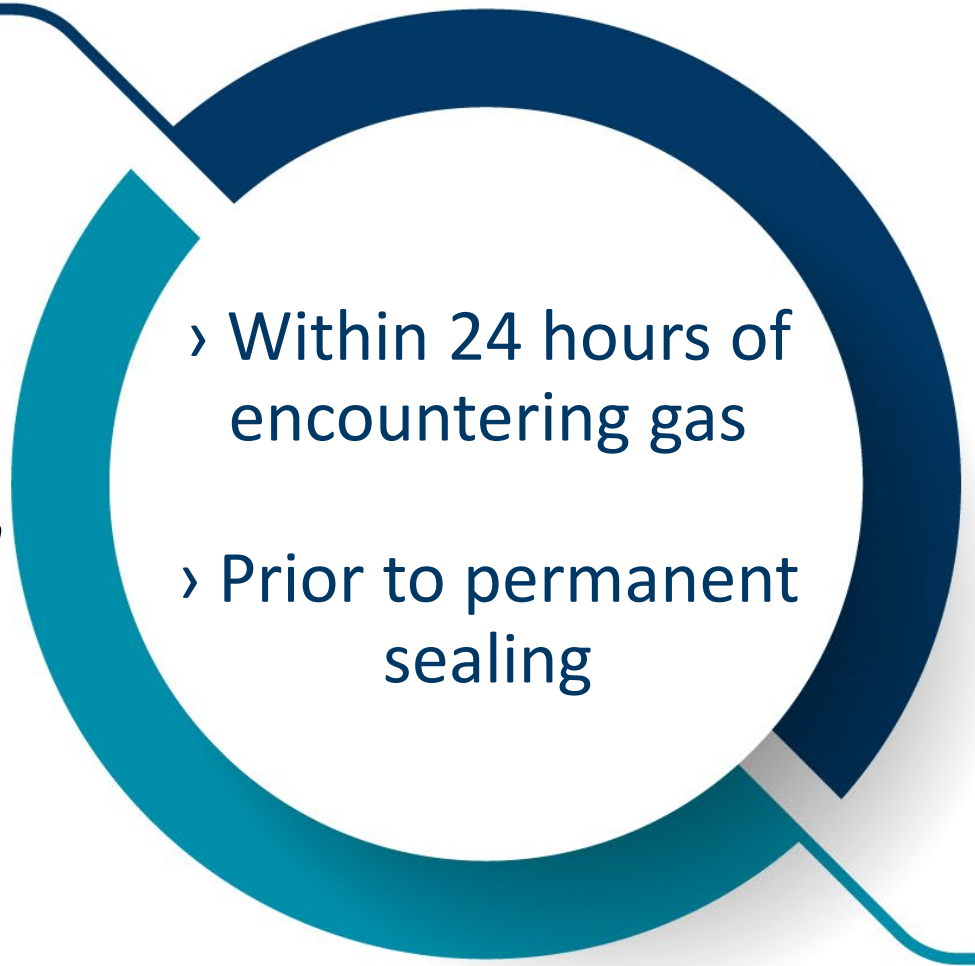
- Conversion allowed if:
 - The innermost casing meets API 5CT
 - It is constructed prior to July 1, 2025
 - In compliance with Minn. Stat. 103I
- Conversion is not allowed until:
 - after rules are adopted
 - legislature authorizes gas resource development permits
 - legislature enacts gas resource development permit fee

INTERIM GUIDANCE FOR EXPLORATORY BORING NOTIFICATIONS

Notify MDH

**651-201-4600 or
health.wells@state.mn.us**

- *Permanent Sealing Notification*
- *Sealing notification fee \$125*

- 
- › Within 24 hours of encountering gas
 - › Prior to permanent sealing

Notify DNR

**Exploration Compliance
Administrator**

Permanent Sealing Requirements

Permanent Sealing Report must include:

- Gas was encountered
- Depth(s) at which gas was encountered

Method for Permanent Sealing must:

- Be grouted from the bottom of the boring to within two feet of the established ground surface

Exploratory Boring Sealing Requirements

10 days

- Constructed according to Minn. Rule 4727
- Permanently sealed

Extended
timeline

- Constructed to prevent movement of gas and water:
- Within and from one geologic formation to another

