


STATE OF VERMONT
Agency of Natural Resources
Department of Environmental Conservation

Environmental Protection Rules
Chapter 15

WELL DRILLER LICENSING RULE

Revision to September 18, 1986 Rule

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Scott Johnstone, Secretary

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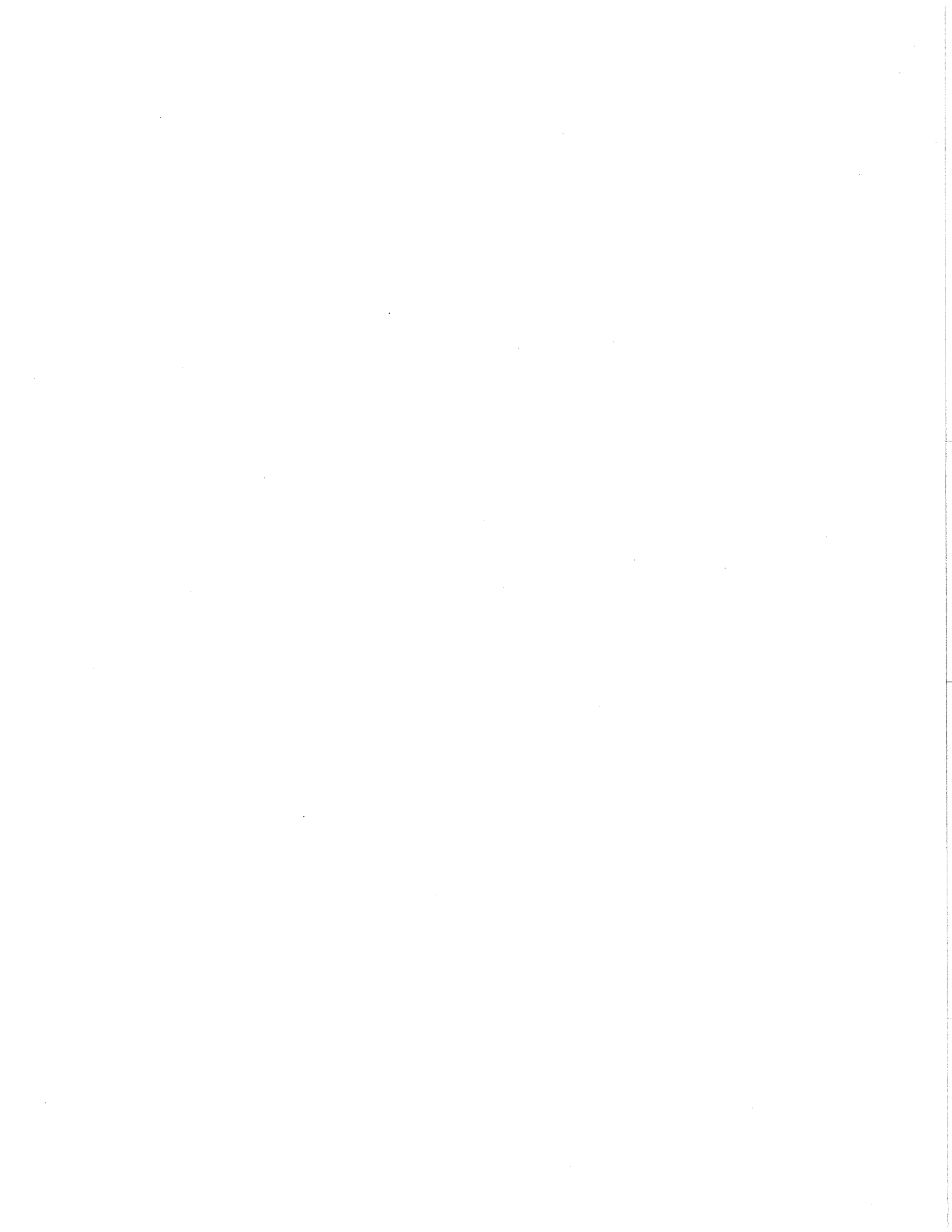


TABLE OF CONTENTS

SUBCHAPTER ONE - PURPOSE AND AUTHORITY	-1-
15-101 Purpose	-1-
15-102 Authority	-1-
SUBCHAPTER TWO - DEFINITIONS	-1-
15-201 Definitions	-1-
SUBCHAPTER THREE - GENERAL	-2-
15-301 Applicability	-2-
15-302 Prohibitions	-2-
15-303 Exemptions	-3-
15-304 Denial and Revocation of License	-3-
15-305 Appeals	-3-
SUBCHAPTER FOUR - CLASSES OF LICENSES	-3-
15-401 Classes of Licences	-3-
SUBCHAPTER FIVE - LICENSING	-3-
15-501 Responsibilities	-3-
15-502 License Exemptions	-4-
15-503 License Application	-4-
15-504 Education and Experience	-5-
15-505 Fee, Period of License	-5-
15-506 Reciprocity with Other States	-5-
15-507 Qualifying Individual Duties	-6-
15-508 License Renewal	-7-
15-509 Termination of Operation	-7-
15-510 Denial and Revocation of License	-7-
15-511 License Reinstatement	-7-
SUBCHAPTER SIX - SUBCONTRACTING	-8-
15-601 Responsibilities	-8-
SUBCHAPTER SEVEN - RECORDS, REPORTS AND WELL TAGS	-8-
15-701 Record Retention and Reporting	-8-
15-702 Reporting Exemptions	-9-
15-703 Inspection of Records	-10-
15-704 Well Tags	-10-
SUBCHAPTER EIGHT - CLOSURE OF ABANDONED WELLS	-10-
15-801 Responsibilities	-10-

SUBCHAPTER NINE - FORMS; LISTS AND NOTICES	-11-
15-901 Adoption of Forms, Maps, and Reporting Procedures	-11-
15-902 List of Currently Licensed Well Drillers	-11-
 SUBCHAPTER TEN - WATER WELL ADVISORY COMMITTEE	 -11-
15-1001 Committee's Role and Responsibilities	-11-

SUBCHAPTER ONE - PURPOSE AND AUTHORITY

15-101 Purpose

The purpose of this rule is to protect public health and the environment by providing for the licensing of water and monitoring well drillers, the recording and reporting of each well drilled, and the closure of abandoned wells. The Water Well Advisory Committee is established as a forum for the well driller industry and other interested parties to advise and assist agency staff on well drilling and groundwater issues.

15-102 Authority

This rule is adopted under the authority of 10 Vermont Statutes Annotated (V.S.A.) §1390-1410.

SUBCHAPTER TWO - DEFINITIONS

15-201 Definitions

Unless otherwise stated the following definitions apply throughout this rule.

ABANDONED WELL means any well or hole whose original purpose and use has been permanently discontinued or which is in such a state of disrepair that the well or hole has the potential for transmitting contaminants into an aquifer or otherwise threatens the public health or safety.

AGENCY means the Vermont Agency of Natural Resources.

COMMISSIONER means the Commissioner of the Department of Environmental Conservation or the Commissioner's designated representative.

DEPARTMENT means the Department of Environmental Conservation.

GROUNDWATER means water below the land surface, but does not include surface waters

within the meaning of 10 V.S.A. § 1251(13).

HOLE means any excavation, deeper than twenty feet with at least one horizontal dimension less than five feet.

LICENSEE means an individual who holds a valid license to engage in the business of drilling water or monitoring wells in the State of Vermont.

PUBLIC WATER SYSTEM means any system or combination of systems owned or developed by a person, which provides drinking water through pipes or other constructed conveyances to the public and which: (A) has at least 15 service connections; or (B) serves an average of at least 25 individuals for at least sixty (60) day a year. Public water system shall also mean any part of a system which does not provide drinking water, if use of such a part could affect the quality or quantity of the drinking water supplied by the system. Public water system shall also mean a system which bottles drinking water for public distribution and sale.

QUALIFYING INDIVIDUAL means a licensed well driller designated to oversee and is responsible for the daily drilling operations of a business, governmental or other entity engaged in the business of well drilling.

SECRETARY means the secretary of the Agency of Natural Resources or the Secretary's designated representative.

WELL means any hole deeper than 20 feet drilled, driven or bored into the earth to locate, monitor, extract or recharge groundwater or any hole deeper than 20 feet drilled, driven or bored for the primary purpose of transferring heat to or from the earth's subsurface.

WELL DRILLER refers to both classes of licensed drillers, monitoring and water well, unless specifically identified otherwise.

SUBCHAPTER THREE - GENERAL

15-301 Applicability

This rule applies to any individual, business, governmental or other entity that intends to engage in drilling water or monitoring wells in the State of Vermont.

15-302 Prohibitions

No individual shall engage in the business of well drilling or closing abandoned wells without a valid water or monitoring well driller's license. No business, governmental or other entity engaged in the business of well drilling shall drill or close abandoned wells without a qualifying individual overseeing and taking responsibility for the daily drilling operations.

15-303 Exemptions

Licenses or reporting or both are not required for activities specified in sections 15-502 and 15-702 of this Rule.

15-304 Denial and revocation of license

A well driller's license may be denied, suspended, revoked, or renewal denied in accordance with section 15-510 of this Rule.

15-305 Appeals

All final decisions made by the Commissioner regarding license denial, suspension, revocation, renewal, or closure of abandoned wells may be appealed as provided by 10 V.S.A. § 1400.

SUBCHAPTER FOUR - CLASSES OF LICENSES

15-401 Classes of licenses

The Department shall issue two classes of well driller licenses. A licensee may be approved for more than one class of license. The classes of licenses shall be as follows:

(a) Water well driller. -- This class shall consist of any person engaged in the business of constructing wells for the purpose of locating, extracting or recharging groundwater, or for the purpose of transferring heat to or from the earth's subsurface, or for closing abandoned wells.

(b) Monitoring well driller. -- This class shall consist of any person engaged in the business of constructing or closing wells drilled for the purpose of monitoring groundwater quantity or quality.

SUBCHAPTER FIVE - LICENSING

15-501 Responsibilities

(a) Any individual who intends to engage in the business of drilling wells in the State of Vermont shall file a complete application with the Commissioner and obtain a well driller's license. The licensee shall be issued a license which may include their license number and class, the business, governmental or other entity's name, and the name(s) and license numbers of the designated qualifying individual(s).

(b) A business, governmental or other entity in the business of constructing wells to locate, monitor, extract, recharge or remediate groundwater is required to have at least one qualifying individual. The qualifying individual(s) is responsible for notifying the Commissioner of changes, including but not limited

to, the following: any name or address change for the individual or business; retirement; dismissal; inability to oversee the daily drilling operations; or termination of operations per section 15-509 of this Rule. Based on these changes a new license may be issued.

(c) A licensee is responsible for notifying the Commissioner of any change in information provided on his or her license or renewal application.

(d) Any individual, business, governmental or other entity engaged in the business of well construction shall follow all applicable state and federal construction and abandonment standards.

(e) Licenses are not transferable. The Commissioner may issue or renew a license with conditions. Any conditions applied to the license may be appealed in accordance with section 15-305 of this Rule.

15-502 License Exemptions

The following parties are not required to hold well driller licenses:

(a) Employees of a water or monitoring well driller business with a licensed qualifying individual shall not be required to be licensed.

(b) People engaged in: exploratory excavations analyzing foundation conditions related to construction, constructing wells for the temporary de-watering of construction sites, blasting, soil vapor extraction, air sparging, grounding rod installation or other practices identified by the Commissioner.

(c) People engaged in pump installation and pump servicing are exempt from licensing.

(d) People engaged in well development, cleaning or rehabilitation are exempt from licensing.

15-503 License application

To be eligible for a well driller's license each applicant must:

(a) Submit a complete application on a form provided by the Department;

(b) Pay any required fee;

(c) Meet the educational and experience requirements set forth in section 15-504 of this Rule;

(d) Obtain a passing grade on both the Vermont Licensing Test and the National Ground Water Association or equivalent tests as determined by the Commissioner related to each license

class. If requested by the applicant, the licensing test may be taken orally or by demonstration if the applicant fails the written test. If an applicant for a well driller's license does not pass the written test, the applicant may be retested by appointment after 30 days;

(e) Identify the name of the business the applicant is or will be associated with and the applicant's status (i.e. owner, partner, employee, qualifying individual);

(f) If designated as a qualifying individual, complete the Qualifying Individual Agreement on the License Application Form; and

(g) Satisfy all other state mandated requirements for licensing, including but not limited to, signing required licensing statements and registration with the Secretary of State.

15-504 Education and Experience

The Commissioner shall require at least the following as part of a complete license application:

(a) (1) For a water well driller: document participation in the drilling of at least the five most recent wells and provide the Well Completion Reports, if available; or

(2) For a monitoring well driller: document participation in and provide a description of the most recent five projects and provide the Well Completion Reports, if available.

(b) Document at least 36 months of well installation experience or document 24 months of well installation experience with a minimum of a two year degree in an engineering, environmental science, well drilling or related degree. Documented experience as an apprentice to a licensed well driller will also be considered on a month for a month basis toward the 24 or 36 months.

(c) Document the principal types of drilling methods, experience, and equipment with which the applicant has proficiency.

15-505 Fee, Period of License

The fee for a license application, reapplication or renewal shall be set by statute. All licenses will expire on June 30, 2002 and every third year thereafter, and must be renewed to remain valid. The fee for a new license may be paid in full or annually over the licensing period, at the election of the driller. Application fee for a new license within the three year licensing cycle will be prorated annually.

15-506 Reciprocity with Other States

A monitoring well or water well driller's license held in another state, territory or province may be

accepted in lieu of requirements in sections 15-503 (c) and (d) and 15-504 of this Rule if a reciprocal agreement is in place between the Department and licensing body for that state, territory or province. The applicant is still required to take and pass the Vermont licensing test. The applicant shall provide a certified copy of the out-of-state license(s) with the Vermont License Application. All other application requirements, fees and documentation apply under this rule.

15-507 Qualifying Individual Duties

A licensed well driller shall be the qualifying individual for only one business, governmental, or other entity. A business, governmental, or other entity may have more than one qualifying individual.

The qualifying individual:

- (a) shall be a licensed well driller and an owner, partner, corporate officer or employee for a business, governmental or other entity engaged in the business of well drilling;
- (b) shall complete the Qualifying Individual Agreement Form along with his or her employer (the business, governmental or other entity engaged in the business of well drilling) delegating to the licensee the responsibility to act as the qualifying individual;
- (c) shall be directly in charge of the daily well drilling operations and assure that all wells meet the current construction and closure standards;
- (d) shall review all Well Completion Reports and ensure all reports are complete, accurate and filed within 90 days of well completion;
- (e) shall ensure all wells are tagged within 30 days of completion per section 15-704 of this Rule;
- (f) shall keep complete and accurate records of all wells attempted, drilled, and closed;
- (g) shall notify the Department of any change in information provided on his or her application;
- (h) shall promptly respond to and investigate, where appropriate, client complaints and notify the Department of suspected public health or environmental threats, if encountered;
- (i) shall keep abreast of changes in industry technology, state, federal and safety regulations regarding well drilling practices; and
- (j) shall have oversight responsibility for work conducted by a well drilling subcontractor(s).

15-508 License Renewal

Each licensee shall submit to the Department a complete renewal application with the required fees, and shall provide documentation of participation in at least 8 hours of educational and training activities over the last three year renewal period. Licenses with outstanding fees shall not be renewed.

The Commissioner may deny a licensee's renewal application per section 15-510 of this Rule.

15-509 Termination of Operations

The qualifying individual for a business, governmental or other entity shall notify the Commissioner in writing within ten (10) days of leaving the operation or of the operation ceasing all well drilling activities in Vermont. No drilling shall take place following the last day of the qualifying individual's active oversight of the business. A business, governmental or other entity may engage in well drilling after retaining a new qualifying individual. Within 10 days of retaining a qualifying individual, the operation shall provide to the Commissioner the name of the new qualifying individual and a copy of that individual's license.

A licensee who ceases active well drilling operations shall notify the Department of the future location and disposition of their records. Inspection of those records shall be governed under section 15-703 of this Rule.

15-510 Denial and revocation of license

A license may be denied, suspended, or revoked, or the renewal thereof denied by the Commissioner on the Commissioner's own investigation and motion or upon written complaint of others, if after notice and opportunity for hearing the Commissioner finds that the applicant or license holder has committed conduct specified under 3 V.S.A. § 129a as constituting unprofessional conduct by a licensee.

In the event a well driller license application is denied, the Commissioner will provide the applicant written notification of the reasons for such denial.

15-511 License Reinstatement

License expiration:

- (a) If a license has expired due to a failure to renew, and it has been expired for a period of less than 1 year, the licensee may file a renewal application and pay the applicable fee. The continuing education requirements of a minimum of 8 hours plus a prorated number of hours (up to 8 hours since the license lapsed) will be required. The applicant for reinstatement shall not operate as a well driller until the expired license has been reinstated;

(b) If the license has been expired for more than 1 year, a new license will need to be applied for meeting all the requirements of sections 15-503, 15-504 and 15-505 of this Rule.

License suspension: A person whose license has been suspended may be reinstated at the end of the period of suspension, provided the Commissioner is satisfied that all conditions in the suspension have been met.

License revocation: A revoked license shall not be reinstated or renewed. However, the revoked license holder may re-apply for a new license one (1) year after the effective date of revocation. The Commissioner may require an investigation to determine whether the former licensee should be issued a new license.

SUBCHAPTER SIX - SUBCONTRACTING

15-601 Responsibilities

A licensed well driller:

- (a) may subcontract all or part of the drilling, construction, development, injection, testing, grouting, abandonment or other related work on a well. However, the licensee shall remain fully responsible for all subcontracted work;
- (b) shall maintain all appropriate records, file all required reports, and perform all other activities as though the subcontractor were a regular employee of the licensee;
- (c) shall be knowledgeable of and approve all work performed under the subcontract.

A written agreement between the parties which outlines the responsibilities of the licensee and subcontractor should be in place prior to beginning work.

SUBCHAPTER SEVEN - RECORDS, REPORTS AND WELL TAGS

15-701 Record Retention and Reporting

(a) Each licensee shall keep accurate records for a minimum of six (6) years. The records to be kept shall be at a minimum those related to well drilling activities: contracts with landowners, consultants and subcontractors; invoices; a copy of the Well Completion Report; maps and other well location information.

(b) Each licensee shall file a report with the Department and well owner on each water well constructed, including but not limited to the name of the owner, location, depth, character of rocks or earth formations and fluids encountered, and other reasonable and appropriate information the

Department may require. All Well Completion Reports shall be signed by a Vermont licensed well driller.

(c) The reports required to be filed under section 15-701 of this Rule shall be on forms provided by the Department as follows:

(1) Each licensee classified as a water well driller shall submit a Well Completion Report within 90 days after completing the construction of a water well or closure of an abandoned water well.

(2) Each licensee classified as a monitoring well driller shall submit a monitoring Well Completion or closure Report or approved equivalent within 90 days after completing the construction or closure of a monitoring well. Reporting on the construction of a monitoring well shall be limited to information obtained at the time of construction and need not include the work products of others. The filing of a monitoring Well Completion or closure Report shall be delayed for one or more six-month periods from the date of construction upon the filing of a request form provided by the Department which is signed by both the licensee and well owner.

(3) Each licensee shall submit a Well Completion Report for all wells unable to be completed or wells unable to be used for their intended purpose (such as dry wells or destroyed wells). The Well Completion Report shall be submitted within 90 days of leaving the well site.

(d) When a well is drilled under the supervision of another professional, such as a geologist or engineer, who is not a licensed driller, the licensee shall remain responsible for maintaining complete and accurate records and filing the required Well Completion or closure Reports.

(e) Well Completion Reports for monitoring wells drilled for projects under the review, oversight or permitting jurisdiction of a state or federal agency shall be submitted by the licensee to the appropriate oversight agency, division or program (i.e. monitoring well reports for a hazardous waste remediation project will be submitted to the Waste Management Division).

15-702 Reporting Exemptions

(a) The following activities do not require filing a Well Completion Report:

(1) exploratory excavations analyzing foundation conditions related to construction;

(2) constructing wells for the temporary de-watering of construction sites;

(3) blasting;

(4) soil vapor extraction, air sparging;

- (5) grounding rod installation;
- (6) pump installation and servicing;
- (7) well development, cleaning, rehabilitation; and
- (8) other practices identified by the Commissioner.

All other applicable state and federal construction and abandonment standards and regulations still apply to the activities listed above.

(b) Monitoring wells installed, removed and closed (properly filled) in the same day for the purpose of in-situ soil or groundwater sampling do not require submittal of a Well Completion Report.

(c) No Well Completion Report shall be required to be filed with the Department if the well is hand driven or dug by use of a hand auger or other manual means. No records are required for excavations up to 20 feet deep.

15-703 Inspection of Records

The Commissioner may require a licensee to produce and allow copying of, upon reasonable notice, all documents related to well drilling activities (i.e. books, records, maps) and other pertinent data maintained by the licensee.

15-704 Well Tags

The licensee shall ensure all water wells have a tag permanently attached to the well casing within 30 days of completion using tags provided by the Commissioner and the tag number filled in on the Well Completion Report. The licensee will ensure all monitoring wells are identified by a label, mark or tag as appropriate. A map(s) should be developed and maintained by the licensee showing each monitoring well location and corresponding identification label, mark or tag.

SUBCHAPTER EIGHT - CLOSURE OF ABANDONED WELLS

15-801 Responsibilities

The Commissioner may order a person legally responsible for an abandoned well to close the abandoned well in accordance with the rules established by the Department for the purpose of groundwater protection. An order shall not be issued until the person legally responsible for the abandoned well has been given notice and an opportunity for an informal conference with the Commissioner. Well closure is to be completed in accordance with applicable standards. Each class of well shall be closed only by a driller licensed for that specific class of well (water or monitoring).

SUBCHAPTER NINE - FORMS; LISTS AND NOTICES

15-901 Adoption of Forms, Maps, and Reporting Procedures

The Commissioner may create, modify or revise forms, maps and reporting procedures needed to carry out the purposes of this Rule. Before the procedures are issued, the Commissioner shall provide the Water Well Advisory Committee and the Groundwater Coordinating Committee with drafts for their review and comment. The Commissioner will consider the comments and recommendations from the Water Well Advisory Committee and the Groundwater Coordinating Committee prior to adopting procedures. Copies of the final procedures shall be sent to all current licensees.

15-902 List of Currently Licensed Well Drillers

(a) The Commissioner will maintain a list of all currently licensed well drillers. The list will include licenses which have been revoked or suspended, including date of revocation or period of suspension for the last three year licensing cycle.

(b) The Commissioner shall annually file a list of all currently licensed well drillers with the regional and other offices of this Agency, the Department of Health, Agency of Transportation, Agency of Administration, Plumber's Board, and the Secretary of State.

SUBCHAPTER TEN - WATER WELL ADVISORY COMMITTEE

15-1001 Committee role and responsibilities

The Vermont Water Well Advisory Committee was created under authority of 10 V.S.A. § 1395b as follows:

(a) The committee shall consist of seven members: the director of the groundwater and water supply division, the state geologist, a representative from the department of health, and four members appointed by the governor. Three of the four public members shall be licensed well drillers, with at least five years of experience. The fourth public member shall be a person not associated with the well-drilling business who has an interest in wells and water quality.

(b) The purpose of the committee is to advise and assist agency personnel in the formulation of policy, including recommended statutory and regulatory changes, regarding the proper installation and maintenance of water wells, licensing of well drillers, and groundwater issues impacted by well-drilling activities. The committee shall promote and encourage cooperation and communication between governmental agencies, licensed well drillers, and members of the general public.

(c) Members shall be appointed for terms of five years, with the initial appointments of the public members made for lesser terms, so that the appointments do not all expire

simultaneously. Vacancies shall be filled by the governor for the length of an unexpired term.

(d) The committee shall elect a chair and a secretary, and shall meet from time to time as may be necessary, but not less than quarterly.

(e) The public members of the committee shall be volunteers, and will serve without compensation.

The Water Well Advisory Committee may refer complaints to the Commissioner concerning a well driller(s) or other related parties, violations of construction standards, well drilling industry issues or other pertinent information for review and possible action. The Commissioner may also request the aid of the Water Well Advisory Committee to provide technical expertise, gather information, or provide recommendations for action on specific topics.

END OF RULE

