

**2009 PROPOSED RULE AMENDMENTS MARKUP**

[Amendment to SECTION 3 – LICENSING AND BONDING]

3.4 FEES. The following fees will be charged for licensing, registration, examination, and rig permitting, ~~and requests for construction reports~~. Once processed, all fees are non-refundable.

Contractor Licenses		
Drilling and Pump System License.....	<del>\$280.00</del>	<u>\$350.00</u>
Pump System License .....	<del>\$70.00</del>	<u>\$175.00</u>
<u>Drilling-Only License .....</u>	<u>\$175.00</u>	
Registration Certificates		
Driller Registration Certificate .....	<del>\$100.00</del>	<u>\$125.00</u>
Pump Installer Registration Certificate.....	<del>\$100.00</del>	<u>\$125.00</u>
Apprentice Certificate .....	<del>\$70.00</del>	<u>\$125.00</u>
Examination Fees.....	\$25.00	
Rig permit .....	<del>\$115.00</del>	<u>\$145.00</u>
<del>Official Copy Construction Report.....</del>	<del>\$10.00</del>	

[Amendment to SECTION 3 – LICENSING AND BONDING]

3.6 WATER WELL CONTRACTOR LICENSES.

3.6.1 GENERAL Any person ~~who contracts for or~~ is engaged in well construction or pump installation shall hold or be employed by a person holding an Arkansas Water Well Contractor License. The Water Well Contractor shall hold the proper license, certificates, and permits for the type of construction engaged, and shall meet continuing education requirements as set forth herein.

3.6.2 CATEGORIES.

3.6.2.1 DRILLING AND PUMP SYSTEMS. Includes ~~contracting for~~ all elements of water well construction, including drilling and pump installation.

3.6.2.2 PUMP SYSTEMS. Includes ~~contracting for~~ the installation and repair of pumps and related equipment and does not include excavating the well.

3.6.2.3 DRILLING. Includes excavation of a water well, modification of the borehole, setting or removal of casing up to the point of installing or repairing pumping equipment and plugging abandoned water wells.

3.6.3 MASTER ELECTRICIANS. A Master Electrician holding a valid license may repair or install pressure switches, control boxes and other electrical components of the pumping equipment at the well head without holding licenses issued by the Commission. The Electrician shall adhere to these regulations for the installation and is not authorized to break the well seal, or alter, cut or drill into the casing. The person shall keep the Commission advised of his or her current mailing for revisions to the regulations.

3.6.4 MASTER PLUMBERS. A Master Plumber holding a valid Master Plumber License may repair or install pressure switches, pressure tanks, valves and pipes at the well head, without holding licenses issued by the Commission. The plumber shall adhere to these regulations for the installation and is not authorized to break the well seal, or alter, cut or drill into the casing. The person shall keep the Commission advised of his or her current mailing address for revisions to the regulations.

[Amendment to SECTION 3 – LICENSING AND BONDING]

3.10 APPRENTICESHIP PROGRAM

3.10.1 GENERAL. A natural person obtaining the knowledge, skills, and abilities necessary to obtain a certificate of registration as a pump installer or water well driller under the personal supervision of a registered pump installer or registered water well driller may apply to the Commission for an apprenticeship certificate.

3.10.1.1 PERSONAL SUPERVISION. “Personal supervision” means that the supervisor is at the job site with the apprentice or within an hour’s traveling distance of the apprentice when ever the apprentice is working in well construction or pump installation. At any time when the supervisor is not physically present at the job site with the apprentice, the supervisor must be reachable by phone or radio contact.

~~3.10.1.2 IMPLEMENTATION OF PROGRAM. Until the Commission approves apprenticeship program rules and makes the program available to applicants for one year, persons applying to be certified as registered drillers and registered pump installers will not be required to complete one year of the apprenticeship program before applying for certification as a driller or pump installer.~~

~~3.10.1.2.1 Once the Commission determines that the apprenticeship program has been available for at least one year, any person applying to be registered as a certified water well driller or certified pump installer shall have~~

- ~~1. Completed at least one year of the apprenticeship program;~~

- ~~2. In the past ten (10) years, held a valid certificate of registration from the commission of the type and class for which the applicant is applying; or~~
- ~~3. A valid certificate from another state of a type and class substantially similar to the type and class for which the person is applying for a period of years that equals the minimum requirement for completion of the apprenticeship program.~~

3.10.2 REQUIREMENTS FOR APPRENTICESHIP CERTIFICATE. All applicants for apprenticeship certificates must submit the following:

1. Completed application form;
- ~~2. IRS W2 Wage and Tax Statement form or forms showing at least one year of experience while employed by a licensed water well contractor unless the applicant is applying for a geothermal apprenticeship certification to include only direct exchange wells for the purpose of emerging or developing technology, in which case no evidence of prior experience with a licensed water well contractor is required;~~
- ~~3.~~ 2. Notarized letter from a registered certificate holder stating:
  - a. that he or she holds a certificate of registration in the same area or a comparable area sought by the apprenticeship applicant and that he or she has held that certificate for at least five years,
  - b. that he or she has no record of construction violations in the specialty area unless waived by the Commission;
  - c. that he or she has no outstanding fines or fees owed to the Commission;
  - d. that he or she is willing to serve in a supervisory capacity during the apprenticeship,
  - e. the number of apprentices including the applicant that the supervisor currently supervises or anticipates supervising within a year of drafting the letter with the number not exceeding five, and
  - f. a description of training program;
- ~~4.~~ 3. Written statement from a contractor employing the supervisor whereby the contractor agrees to accept responsibility for the apprenticeship;
- ~~5.~~ 4. Copy of driver's license or other document illustrating that applicant is at least eighteen years old; and
- ~~6.~~ 5. Registration fee of seventy dollar (\$70).

3.10.3 REGISTRATION FOR CONCURRENT APPRENTICESHIPS. An applicant may register for both a drilling apprenticeship and a pump installer's apprenticeship at the same time. Each registration will require separate registration fees.

3.10.4 TRANSFER OF SUPERVISORY AUTHORITY. A supervisor may agree to temporarily transfer supervising responsibility to a person holding a certificate of registration in the area sought by the apprentice and employed by the same contractor. The supervisor to whom responsibility is temporarily transferred must not already supervise more than five other apprenticeships and must meet the requirements of 3.10.2.

3.10.5 APPRENTICE RESPONSIBILITIES. An apprentice's certificate may be revoked for engaging in prohibited activities.

3.10.5.1 DRILLER APPRENTICE RESPONSIBILITIES. A driller apprentice shall:

1. represent his supervising driller during operations at the well site;
2. not perform, or offer to perform, any services associated with water well drilling except under the personal supervision of a certified driller; and
3. not perform, or offer to perform, any services associated with pump installation unless the apprentice holds a pump installer apprentice certificate or pump installer certificate of registration.

3.10.5.2 PUMP INSTALLER APPRENTICE RESPONSIBILITIES. A pump installer apprentice shall:

1. represent his supervising pump installer during operations at the well site;
2. not perform, or offer to perform, any services associated with pump installation except under the direct supervision of a certified pump installer; and
3. not perform, or offer to perform, any services associated with water well drilling unless the apprentice holds a driller apprentice certificate or driller certificate of registration.

3.10.6 LENGTH OF APPRENTICESHIP. A person must be apprenticed with the Commission for at least one year before that person is eligible to apply for certification as a water well driller or pump installer.

3.10.7 ELIGIBILITY TO APPLY FOR DRILLER AND PUMP INSTALLER CERTIFICATION.

3.10.7.1 SUPERVISOR RECOMMENDATION. After the apprentice has completed at least one year of apprenticeship, the apprentice's supervisor may send the Commission a letter on the apprentice's behalf stating that the apprentice is ready to sit for examination to obtain a certificate of registration as a water well driller or pump installer.

3.10.7.2 APPLICATION BY APPRENTICE. After the apprentice has completed three years of apprenticeship, the apprentice may submit IRS W2 Wage and Tax Statement forms demonstrating that he has spent three years in the employ of a licensed water well contractor and that he is ready to sit for the certificate of registration examination. The Commission will then approve or disapprove the apprentice to take the examination.

3.10.7.2.1 INABILITY TO SECURE LETTER FROM CONTRACTOR. If after the apprentice has completed at least one year of apprenticeship but is unable due to extenuating circumstances to secure a letter from his supervisor recommending that he be qualified to sit for examination, the apprentice may petition the Commission to waive the requirement that he provide a letter from a supervisor prior to sitting for the examination.

3.10.8 RENEWAL OF APPRENTICESHIP CERTIFICATE. An apprentice's certificate shall be deemed expired on July 31 of each year. If the apprentice has knowingly violated

Commission rules or owes fees assessed by the Commission, the Commission may choose to deny renewal. A certificate must be renewed prior to the certificate's expiration date by complying with all of the following requirements:

1. Submission of the renewal application form; and
2. Payment of a ~~\$70 renewal~~ an annual registration fee to the Commission.

3.10.9 CHANGE OF RESPONSIBLE SUPERVISOR OR CONTRACTOR. If a supervisor terminates supervision of an apprentice, the contractor employing the apprentice must send a written statement to the Commission stating the relationship has ended. In order to continue the apprenticeship, the apprentice must find another certificate holder to supervise him or her, and that new supervisor must send a notarized letter to the Commission that meets the requirements of Rule 3.10.2.

[Amendment to SECTION 5 – CONSTRUCTION]

5.8 PLUGGING OR ABANDONMENT OF WELLS.

5.8.1 GENERAL. In an effort to restore geologic and hydrogeologic conditions existing prior to a well's construction, any person who abandons an abandoned well, as defined in Rule 8.28, must use methods and materials that will protect the ground water from surface contamination and prohibit cross-contamination (co-mingling) of aquifers. Clay, cement, or bentonite will be allowed to plug wells with certain restrictions applied when using bentonite.

~~5.8.1~~ 5.8.2 DRY HOLES. If no water is encountered and the landowner does not wish to abandon the well in the event that he might plan further development of the well at a later date, the contractor shall complete the well according to the rules and regulations, including casing, sealing, and capping the well. A letter from the landowner, stating his intentions of future development of the well, shall be sent to the Commission along with the well completion report.

~~5.8.2 SEALING OUT SOURCES OF CONTAMINATION. If an unconsolidated formation is more than ten (10) feet below ground surface, it is the contractor's responsibility to seal out any and all contamination, such as surface water or seepage, by placing the grout to the necessary depth.~~

5.8.3 FILE WELL ABANDONMENT FORM. All wells plugged in the State should be reported by the water well contractor to the AWWCC on a well abandonment form to be approved by the AWWCC within 90 days of abandonment.

~~5.8.3~~ 5.8.4.1 PLUGGING IN CONSOLIDATED FORMATIONS. All abandoned wells in consolidated formation will be filled from bottom to within 2 feet of top with cement. When information has been obtained about a well completed in a single consolidated aquifer from a water well construction report, geophysical data, or usage of a down-hole camera, the well shall be plugged with cement, clay, or bentonite to a depth

of 50 feet below the bottom of the surface casing, with a minimum depth of 100 feet of depth below land surface. The remaining depth of the well may be filled with clean sand or pea gravel. Wells completed in more than one major aquifer must have a minimum 50 foot clay, cement, or bentonite seal emplaced in the borehole within each confining unit between the aquifers, and between any aquifer and the surface overburden.

5.8.4.2 NO INFORMATION. If no information on well construction is available, the well must be filled from bottom to within 2 feet of land surface with clay, cement, or bentonite in a manner that will protect the ground-water flow system.

5.8.4 5.8.5 ~~PLUGGING IN UNCONSOLIDATED FORMATIONS.~~ All wells in unconsolidated formations will be filled with sand or natural material to 12 feet of ground surface, from 12 feet to 2 feet with bentonite or cement.

5.8.6 USAGE OF PACKERS. Packers should be emplaced in wells overlying flowing artesian aquifers, or aquifers with more than 75 feet hydrostatic head to curtail flow prior to plugging and prevent intercommunication of aquifers.

5.8.7 USAGE OF BENTONITE.

5.8.7.1 CHIPS. Bentonite chips may only be used to plug a well if the well's diameter is 4 inches or more, the well's depth is less than 600 feet below land surface, and the well contains less than 500 feet of standing water.

5.8.7.2 SLURRIES. Bentonite slurries are not allowed for well abandonment in the unsaturated zone (above water level).

5.8.7.3 PROHIBITED USE OF BENTONITE UNDER CERTAIN CONDITIONS. Bentonite should only be used in accordance with package label recommendations.

5.8.8 CAVES. A driller should contact AWWCC staff for specific abandonment procedures if he encounters caves while drilling.

[Amendment to SECTION 8-DEFINITIONS ]

8.41 UNSATURATED ZONE- means the subsurface zone, usually starting at the land surface, that contains both air and water.

8.42 BENTONITE- means altered volcanic ash consisting of an assemblage of clay minerals, primarily montmorillonite, a swelling clay.

8.43 MAJOR AQUIFERS- means water-bearing layers of rock or sediment capable of yielding water in large quantities to wells or springs. These aquifers include the Boone aquifer, and those of the Ozark aquifer system such as the Roubidoux formation and Gunter sandstone.

8.44 PACKER-means a piece of downhole equipment that consists of a sealing device, a holding or setting device, and an inside passage for fluids.