

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

**House Bill 4215**

BY Delegate D. Smith

[Introduced ; referred  
to the Committee on the ]

1 A BILL to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to  
2 authorizing the Department of Health to promulgate a legislative rule relating to water well  
3 regulations.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH TO PROMULGATE  
LEGISLATIVE RULES.**

**§64- 5 - 1. Department of Health.**

4 The legislative rule filed in the State Register on April 2, 2008, authorized under the  
5 authority of §16-1-4 of this code, relating to the Department of Health (water well regulations, **64**  
6 **CSR 19**), is authorized with the amendments set forth below:

7 By striking out everything after the section 1 heading and inserting in lieu thereof to read as  
8 follows:

9 1.1. Scope. -- This legislative rule establishes the certification requirements for water well  
10 drillers; pump installers, and the issuance of permits for water wells. The purpose is to protect the  
11 public health, protect and prevent contamination in groundwater, and ensure fair and equitable  
12 rules for the construction of water wells and installing pumps and pumping equipment in the State  
13 of West Virginia.

14 1.2. Authority. -- W. Va. Code §§16-1-4, 16-1-6(n), 16-1-9, and 16-1-9a.

15 1.3. Filing Date. -- April 2, 2008.

16 1.4. Effective Date. -- April 2, 2008.

17 1.5. ~~Repeal and Replacement of Former Rules.~~ This legislative rule repeals and replaces  
18 ~~Department of Health rule, Water Well Regulations, 64CSR19, 1989 Sunset Provision.~~ -- This rule  
19 shall terminate and have no further force or effect on August 1, 2028.

**20 §64-19-2. Application and Enforcement.**

21 2.1. Application. -- This rule applies to all water well drillers and pump installers where the

22 pump is situated in a water well or pulls water from a well.

23 2.2. Enforcement. -- This rule shall be enforced by the Commissioner.

24 **64-19-3. Definitions.**

25 3.1. Application. -- The Bureau's standard forms for applying for well driller and pump installer  
26 certification, water well permit, or permit modification, including any additions, revisions, or  
27 modifications to the form.

28 3.2. Apprentice. -- A person working under the direction of a master or journeyman well driller  
29 or a pump installer.

30 3.3. Bureau. -- The Bureau for Public Health in the West Virginia Department of Health and  
31 Human Resources.

32 3.4. Casing. -- Pipe or tubing, constructed of specific materials with specified dimensions and  
33 weights, that is installed in a borehole during or after completion of the borehole to support the side  
34 of the hole and thereby prevent caving, to allow completion of the well, to prevent formation  
35 material from entering the well, and to prevent entry of undesirable water into the well.

36 3.5. Certified Well Driller. -- An individual granted a written certificate by the Commissioner to  
37 drill, construct, alter, or abandon water wells who meets the requirements of this rule.

38 3.6. Commercial Well -- A well that serves small businesses and facilities in which water is the  
39 prime ingredient of the service rendered.

40 3.7. Commissioner. -- The Commissioner of the West Virginia Bureau for Public Health or his  
41 or her designee.

42 3.8. Continuing Education Hour. -- One hour of participation in an organized continuing  
43 education experience under the direction of a sponsor approved by the Commissioner for renewal  
44 of a certification. One Continuing Education Hour is equal to one point.

45 3.9. Design Standards. -- Those specifications, drawings, and other details promulgated by  
46 the Commissioner to ensure proper location, design, construction, completion and abandonment  
47 of water wells and installation or removal of water pumps as referenced in the Bureau's rules,  
48 Water Well Design Standards, 64CSR46, and Public Water System Design Standards, 64CSR77.

49        3.10. Dewatering Well. -- A well used to lower groundwater levels to allow for construction of  
50        footings, sewer lines, building foundations, dams, etc.

51        3.11. Hand Dug Well. -- A manually excavated well of a permanent nature installed for water  
52        supply.

53        3.12. Heat Pump or Geothermal Well. -- Any well constructed to use the heat exchange  
54        properties of either groundwater or of geologic material penetrated by the well.

55

56        3.13. Inactive Well. -- A well that is no longer actively used. It shall have a sanitary well cap  
57        and remain in a state of repair to prevent contamination from entering the well. It may be used in  
58        the future or be properly abandoned.

59        3.14. Industrial Well. -- A well used in industrial processing, fire protection, washing, packing, or  
60        manufacturing of a product excluding food and beverages, or similar non-potable uses.

61        3.15. Irrigation Well. -- A well used to provide water for plants, livestock, or other agricultural  
62        processes.

63        3.16. Journeyman Well Driller. -- A person certified by the Commissioner to practice well  
64        drilling under the general supervision of a master well driller.

65        3.17. Master Well Driller. -- A person certified by the Commissioner to practice well drilling  
66        including pump and pumping equipment installation, and removal, when maintenance or repair of  
67        a well is required.

68        3.18. Person. -- An individual, partnership, association, syndicate, company, firm, trust,  
69        corporation, government corporation, institution, department, division, bureau, agency, federal  
70        agency, or any other entity recognized by law.

71        3.19. Potable Water. -- Water free from impurities in amounts sufficient to cause disease or  
72        harmful physiological effects, with bacteriological, chemical, physical, and radiological quality  
73        conforming to applicable rules and standards of the Bureau for Public Health.

74        3.20. Potable Water Well. -- Any water well that provides potable water, other than a public  
75        water supply for human consumption.

76

77       3.21. Public Water System. -- Any water supply or system that regularly supplies or offers to  
78 supply water for human consumption through pipes or other constructed conveyances, if serving  
79 at least an average of ~~twenty-five~~ 25 individuals per day for at least ~~sixty~~ 60 days per year, or which  
80 has at least ~~fifteen~~ 15 service connections, and includes:

81           3.21.a. 3.21.1. Any collection, treatment, storage, and distribution facilities under the  
82 control of the owner or operator of the system and used primarily in connection with the system;  
83 and

84           3.21.b. 3.21.2. Any collection or pretreatment storage facilities not under such control  
85 which are used primarily in connection with the system.

86           3.21.c. 3.21.3. A public water system does not include a system which meets all of the  
87 following conditions:

88           3.21.c.1. 3.21.3.a. It consists only of distribution and storage facilities and does not  
89 have any collection and treatment facilities;

90           3.21.c.2. 3.21.3.b. It obtains all of its water from, but is not owned or operated by a  
91 public water system that otherwise meets the definition;

92           3.21.c.3. 3.21.3.c. It does not sell water to any person; and

93           3.21.c.4. 3.21.3.d. It is not a carrier conveying passengers in interstate commerce.

94       3.22. Pump. -- Any mechanical equipment or device used to transfer water from a well.

95       3.23. Pump Installation Contractor. -- An entity that contracts or agrees to perform a service  
96 or function related to any portion of installing a pump or pumping equipment into a water well or  
97 public water supply in exchange for money or comparable compensation.

98       3.24. Pump Installer. -- Any person who engages for compensation in pump or pumping  
99 equipment installation, removal, alteration, or repair and who is certified by the Commissioner to  
100 practice pump and pumping equipment installation to withdraw water from a well.

101       3.25. Pumping Equipment. -- Equipment or related materials that are used or intended to  
102 assist withdrawing groundwater from a well, including seals and other safeguards to protect the

103 water from contamination; associated fittings; intake and discharge piping; controls to provide  
104 sanitary water storage facilities; and deliver water to a distribution piping system.

105 3.26. Test Wells (Exploratory/ Observation). -- A well that is used to obtain information on  
106 groundwater quantity; quality; aquifer characteristics; and availability of production water supply  
107 for manufacturing, commercial, and industrial facilities.

108 3.27. Water Return Well. -- A well constructed for returning water that has passed through the  
109 heat pump system to the subsurface.

110 3.28. Water Well. -- Any excavation or penetration in the ground, whether drilled, bored,  
111 cored, driven, washed, jetted, hand dug, or otherwise constructed that enters or passes through  
112 an aquifer for purposes that may include, but are not limited to, a potable water supply, exploration  
113 for water, industrial, irrigation, commercial, dewatering, or geothermal heat pump wells, and water  
114 return wells. This definition shall not include ground water monitoring activities, and all activities  
115 for the exploration, development, production, storage, and recovery of coal, oil, and gas and other  
116 mineral resources regulated under Chapters 22, 22a, or 22b of the W. Va. Code.

117 3.29. Water Well Contractor. -- Any individual, partnership, syndicate, association, company,  
118 firm, trust, corporation, or any other entity that contracts to drill, construct, alter, or abandon water  
119 wells in the State of West Virginia.

120 3.30. Well Completion Report. -- A record, accurately kept at the time of drilling, showing the  
121 depth; thickness and character of the different strata penetrated; location of water-bearing strata;  
122 water level; depth; size, type, and amount of casing installed; location of the well; owner; driller;  
123 pump installer; date the well was completed; information on any permanent well pumping  
124 equipment installed by the well driller or pump installer; and any other information required by the  
125 Commissioner.

126 3.30.a. 3.30.1. For geothermal and dewatering wells, one completion form, indicating well  
127 locations, is required for a system regardless of the number of wells.

128 3.30.b. 3.30.2. If wells vary in depth or geology, a single representative geologic log for  
129 each type is required. Water bearing zones, any voids, and coal seams or voids, or both

130 penetrated shall be documented on the geologic log indicating appropriate depths.

131

132       3.31. Well Driller. -- An individual who engages in water well drilling, construction, alteration,  
133 or abandonment, or who supervises these activities.

134 **§4-19-4. Permits to Install.**

135       4.1. ~~After the effective date of this rule, no~~ No person shall drill, construct, alter, or abandon a  
136 water well unless the Commissioner, pursuant to this rule, has issued a valid permit, except where  
137 the emergency procedures set forth in subsection 4.3 of this rule apply.

138       4.2. A permit to drill, construct, alter, or abandon a water well shall be obtained jointly by the  
139 water well contractor and property owner. Application for the permit shall be made at least ~~fifteen~~  
140 15 calendar days prior to the actual well drilling, construction, alteration, or abandonment unless  
141 emergency conditions prevail as set forth in subsection 4.3 of this rule.

142       4.3. The following applies to emergency water well permits:

143           4.3.a. 4.3.1. The Commissioner may issue an emergency water well permit to minimize  
144 actual or potential harm to human health, the environment, or property;

145           4.3.b. 4.3.2. A certified well driller requesting an emergency permit under this section shall  
146 contact the Commissioner no later than the next business day after the emergency occurs. The  
147 certified well driller shall submit a completed water well permit application and a well completion  
148 report to the Commissioner within five calendar days after the initial contact is made; and

149           4.3.b.1. 4.3.2.a. The application shall include a clear and concise factual description of  
150 the nature and scope of the emergency.

151           4.3.c. 4.3.3. The Commissioner, upon issuance of an emergency permit, shall assign to  
152 the well driller an emergency permit number and specify the date of approval. The well driller shall  
153 make the approved permit available for any on-site inspection by authorized representatives.

154       4.4. Water wells shall be drilled, constructed, altered, or abandoned in accordance with the  
155 Bureau's rules, Water Well Design Standards, 64CSR46, and Public Water Systems Design  
156 Standards, 64CSR77. These standards constitute the minimum standards for the drilling,

157 construction, alteration, or abandonment of a water well, pump, and pumping equipment. Any  
158 plans approved by the Commissioner pursuant to this rule shall be in substantial compliance with  
159 this rule-mentioned standards. Where applicable, an underground injection control permit shall be  
160 obtained from the West Virginia Department of Environmental Protection (DEP) in compliance with  
161 DEP's rule, Underground Injection Control, 47CSR13, prior to construction for a water well.

162 4.5. Application for a permit to construct, alter, and abandon water wells shall be made to the  
163 Commissioner on forms prescribed by the Commissioner. The master water well driller and  
164 property owner shall jointly sign this application. By signing the application, the property owner  
165 acknowledges that the information provided on the application is true; the property owner is  
166 responsible for informing the certified well driller of the location of any known existing or proposed  
167 on-site sewage systems and ensuring that these systems are in compliance with all applicable  
168 state rules.

169 4.6. In cases where a water well contractor is changed, the applicable permits shall be  
170 reissued to reflect these changes prior to construction. No additional permit fee is required.

171 4.7. In the event the permit application is denied, the Commissioner shall state, in writing,  
172 the one or more reasons for denial and furnish it to the applicant within ~~fifteen~~ 15 calendar days  
173 from receipt of the permit application.

174 4.8. A permit, unless revoked, is valid for a period of one year from the date of issuance. In the  
175 event the construction or alteration is not completed within that time, the Commissioner may  
176 extend the time limit upon written request by the permittee. If the water well is not constructed  
177 within the appropriate period, a new well permit shall be obtained from the Commissioner prior to  
178 the start of any well drilling activity pursuant to subsection 4.5 of this rule.

179 4.9. The Commissioner may revoke or deny a permit to install if the applicant or permittee fails  
180 to comply with the provisions of the permit, any applicable provision of the rules, or orders issued  
181 pursuant thereto. The revocation or denial shall be in writing and shall state the reasons for  
182 revocation or denial.

183 4.10. Any person, whose application for a permit to construct a water well system that has

184 been revoked or denied, may, within thirty 30 calendar days from receipt of the permit denial or  
185 revocation, request a hearing in accordance with section 14 of this rule.

186 4.11. The following activities may be conducted by a certified well driller without an individual  
187 permit issued by the Commissioner:

188 4.11.a. 4.11.1. The repair of any well, including redevelopment, cleaning, or screen  
189 replacements, provided that this does not include deepening of the well; and

190 4.11.b. 4.11.2. Acidizing a well.

191 4.12. The Commissioner may inspect the well site, well logging, grouting, and provide for  
192 taking of geologic or water samples, or both.

193 4.13. The Commissioner may charge a fee for each permitting service listed in Appendix A of  
194 this rule.

195 4.14. Upon issuance of a permit, the Commissioner shall provide the owner and contractor  
196 with information prepared by the Commissioner explaining the importance of water well sampling,  
197 the procedures for sampling, and how the water can be tested to assure a safe supply of water.

#### 198 **§64-19-5. Records of Completed Water Wells.**

199 5.1. Within thirty (30) calendar days after the water well has been constructed, altered, or  
200 abandoned, the certified well driller shall submit a completion report to the Commissioner. The  
201 date of construction and time of completion is the date and time the rig is removed or pulled off the  
202 borehole or well. The certified well driller who actually performed the construction, alteration, or  
203 abandonment of the well or provided the on-site supervision of the well construction, alteration, or  
204 abandonment shall sign the completion report. A master well driller is required to sign the  
205 completion report when a journeyman well driller conducts the on-site supervision and drilling.

206 5.2. Completion reports shall be filed for pump installation. When the pumping equipment is  
207 installed after the record of completion has been submitted, the record shall be amended by the  
208 certified well driller or pump installer and resubmitted to the Commissioner within thirty 30 calendar  
209 days of installation of the pumping equipment. The certified well driller or pump installer who  
210 actually performed the installation of the pump system shall sign the amended record of

212        5.2.a. A completion report is not required for the repair of pumps or the replacement of  
213 pumps or pumping equipment if the depth of the setting and efficiency are not affected.

214        5.3. The contractor shall provide two copies of the completion report to the Commissioner and  
215 one copy of the completion report to the owner.

216 **§64-19-6. General Provisions for well driller certifications of the proper class and pump  
217 installer certifications.**

218        6.1. No person shall drill, construct, alter, or abandon any water well without possessing a  
219 valid West Virginia certification of the proper class issued by the Commissioner and complying  
220 with the applicable sections of this rule.

221        6.2. No person shall install, repair, or replace a well pump or well pumping equipment or  
222 engage in that business without possessing a valid West Virginia certification of the proper class  
223 issued by the Commissioner and complying with applicable sections of this rule. A property owner  
224 may be allowed to install the pump system and sign the completion record if, prior to the  
225 installation, the property owner passes an examination administered by the Commissioner with a  
226 minimum score of seventy 70 percent. This examination shall demonstrate the individual's  
227 knowledge of the applicable rules.

228        6.3. Well drillers shall be classified into one of three classes: master well driller; journeyman  
229 well driller; or an apprentice well driller.

230        6.3.a. 6.3.1. A certified master well driller, after meeting the requirements of subsection 9.2  
231 of this rule, may:

232            6.3.a.1. 6.3.1.a. Drill, construct, install, repair, replace, alter, or abandon water wells,  
233 including public water supply wells;

234            6.3.a.2. 6.3.1.b. Install or replace well pumping equipment and appurtenances,  
235 storage tanks and connecting lines between a well and storage tank;

236            6.3.a.3. 6.3.1.c. Perform yield and drawdown testing of wells; and supervise  
237 journeymen well drillers and apprentices;

238        6.3.a.4. 6.3.1.d. Sign permit applications and certify that a well has been drilled,  
239 constructed, installed, repaired, modified, altered, or abandoned in conformance with all  
240 applicable state and well drill and pump installation standards;

241

242        6.3.a.5. 6.3.1.e. Qualify as a candidate to be appointed to the Advisory Board;

243        6.3.a.6. 6.3.1.f. Supervise journeymen and apprentices; and

244        6.3.a.7. 6.3.1.g. Perform field observations to verify qualifications of applicants for all  
245 certifications covered by this rule.

246        6.3.b. 6.3.2. A certified journeymen well driller, after meeting all of the requirements of  
247 subsection 9.2 of this rule, may:

248        6.3.b.1. 6.3.2.a. Drill, construct, install, repair, replace, alter, or abandon a well, except  
249 a public water system's supply wells;

250        6.3.b.2. 6.3.2.b. Install or replace well pumping equipment and appurtenances,  
251 storage tanks, and connecting lines between a well and storage tank;

252        6.3.b.3. 6.3.2.c. Perform yield and drawdown testing of wells; and

253        6.3.b.4. 6.3.2.d. Supervise apprentices.

254        6.3.c. 6.3.3. An apprentice may perform well drilling as a well driller only under the  
255 immediate on-site supervision of a master or journeyman well driller.

256        6.3.d. 6.3.4. A journeyman or master well driller shall be on-site in direct charge of drilling,  
257 constructing, altering, or abandoning a water well.

258        6.4. Pump installers shall be classified into two classes, as a certified pump installer or an  
259 apprentice.

260        6.4.a. 6.4.1. A certified pump installer, after meeting the requirements of subsection 9.2 of  
261 this rule, may:

262        6.4.a.1. 6.4.1.a. Install or replace well pumping equipment and appurtenances,  
263 pressure tanks, and connecting lines between a well and storage tank;

264        6.4.a.2. 6.4.1.b. Qualify as a candidate for appointment to the Advisory Board; and

265        6.4.a.3. 6.4.1.c. Perform yield and drawdown testing of wells.

266        6.4.b. 6.4.2. An apprentice may perform pump installations, and replace appurtenances,  
267 pressure tanks, and connecting lines while under the immediate on-site supervision of a master or  
268 journeyman well driller, or pump installer.

269        6.5. A certified person pump installer or water well driller shall have in her or his possession a  
270 valid certification for the proper class at all times during any operations.

271        6.6. A certified pump installer or water well driller may run power and control wiring from the  
272 disconnect box and breaker panel to water well equipment without obtaining an electrician's  
273 license. A certification issued pursuant to this rule does not authorize the certificate holder to alter  
274 the existing electrical service to any building or structure or perform any other electrical work  
275 covered by any national, state, or local codes and ordinances, if the latter are more restrictive.

276        6.7. A certified or licensed plumber may provide plumbing services as a plumbing contractor  
277 to install pressure switches, pressure tanks, valves, and pipes without holding certifications from  
278 the Commissioner. The certified or licensed plumber shall not break the well seal or alter, cut, or  
279 drill into the casing for the purpose of performing repairs to the pumping equipment or  
280 appurtenances, unless he or she is certified as a pump installer or passes an examination  
281 administered by the Commissioner with a minimum score of 70 percent and completes two hours  
282 of continuing education related to pump installation each year as evidenced by submission of a  
283 certificate of continuing education completion. This subsection shall not apply to wells utilized by  
284 public water systems.

285        6.8. A certified or licensed electrician may do perform electrical contracting, repair, or install  
286 pressure switches, control boxes, and other electrical components of the pumping equipment  
287 without holding certifications issued by the Commissioner. The electrician shall adhere to these  
288 rules for the installation and may not break the well seal or alter, cut, or drill into the casing, unless  
289 the certified or licensed electrician is certified as a pump installer.

290 **§64-19-7. Application and Certification Examination Procedures and Fee Requirements.**

291        7.1. An applicant for a West Virginia master well drilling certification shall:

292        7.1.a. 7.1.1. Submit an application on the forms prescribed by the Commissioner pursuant  
293        to satisfying all experience and other requirements specified and provide evidence of the  
294        following:

295            7.1.a.1. 7.1.1.a. The applicant shall demonstrate two years of relevant work  
296        experience with a minimum of ~~three thousand~~ 3,000 hours as a journeyman. To demonstrate  
297        relevant experience, the applicant shall specify the dates of employment, description of the work,  
298        and provide the name of the supervising certified well driller;

299            7.1.a.2. 7.1.1.b. The applicant shall demonstrate that he or she has resolved any  
300        revocation or suspension of a previously issued well drilling certification or of any outstanding  
301        violation or fine pursuant to the rule;

302            7.1.a.3. 7.1.1.c. The applicant shall obtain a minimum grade of ~~seventy~~ 70 percent on  
303        each portion of the written examinations and perform a possible field test demonstrating the  
304        applicant's expertise; and

305            7.1.a.4. 7.1.1.d. The applicant shall be at least ~~eighteen~~ 18 years of age.

306        7.2. An applicant for a West Virginia journeyman well drilling certification shall:

307            7.2.a. 7.2.1. Submit an application on the forms prescribed by the Commissioner pursuant  
308        to satisfying all experience and other requirements specified and provide evidence of the  
309        following:

310            7.2.a.1. 7.2.1.a. The applicant shall demonstrate relevant work experience of two  
311        years with a minimum of ~~three thousand~~ 3,000 hours as an apprentice under the supervision of a  
312        master or journeyman well driller. To demonstrate relevant experience, the applicant shall specify  
313        the dates of employment, description of the work, and provide the name of the supervising certified  
314        well driller;

315            7.2.a.2. 7.2.1.b. The applicant shall obtain a minimum grade of ~~seventy~~ 70 percent on  
316        each portion of the written examinations and a possible field test demonstrating the applicant's  
317        expertise;

318            7.2.a.3. 7.2.1.c. The applicant shall demonstrate he or she has resolved any

319 revocation or suspension of a previously issued well drilling certification or of any outstanding  
320 violation or fine pursuant to the rule; and

321           7.2.a.4. 7.2.1.d. The applicant shall be at least eighteen 18 ~~year~~ years of age.

322 Provided, That the Commissioner may waive the eighteen-year age requirement if requested to do  
323 so, in writing, by the applicant, to a minimum age of sixteen 16 and completion of the 10<sup>th</sup> grade.

324 The minimum age requirements are verified each semester that the student is currently attending  
325 school and maintaining a 2.0 average on a 4.0 scale towards graduation requirements. Failure to  
326 meet this requirement is grounds for revocation of the certificate.

327           7.3. An applicant for a West Virginia pump installer certification shall:

328           7.3.a. 7.3.1. Submit an application on the form prescribed by the Commissioner pursuant  
329 ~~to satisfying all experience and other requirements specified~~ and provide evidence of the  
330 following:

331           7.3.a.1. 7.3.1.a. The applicant shall demonstrate relevant work experience of two  
332 years' experience with a minimum of ~~one thousand~~ 1,000 hours as an apprentice under the  
333 supervision of a pump installer or a master or journeyman well driller. To demonstrate relevant  
334 experience, the applicant shall specify the dates of employment, description of the work, and  
335 provide the name of the supervising certified well driller or pump installer;

336           7.3.a.2. 7.3.1.b. The applicant shall obtain a minimum grade of ~~seventy~~ 70 percent on  
337 each portion of the written examinations.

338           7.3.a.3. 7.3.1.c. The applicant shall be at least eighteen 18 years of age. Provided,  
339 That, the Commissioner may waive the eighteen-year age requirement if requested to do so, in  
340 writing, by the applicant, to a minimum age of sixteen 16 and completion of the 10<sup>th</sup> grade. The  
341 minimum age requirements are verified each semester that the student is currently attending  
342 school and maintaining a 2.0 average on a 4.0 scale towards graduation requirements. Failure to  
343 meet this requirement is grounds for revocation of the certificate.

344           7.3.b. 7.3.2. Pump installers actively engaged in pump installation on or before the  
345 effective date of this rule are exempt from the minimum experience and testing requirements.

346 Pump installers seeking to qualify under this provision shall, within one year of the effective date of  
347 the rule, submit evidence on the prescribed forms, of ~~ten~~ 10 pump installations completed within  
348 the past two years.

349 7.4. The Commissioner shall review each application upon receipt of all the information  
350 required and either notify the applicant of any deficiencies or notify the applicant of her or his  
351 eligibility to take the appropriate examination.

352 7.5. The Commissioner shall notify, in writing, all applicants of the results of their examinations.

353 7.6. The Commissioner shall issue the appropriate certification to successful applicants upon  
354 receipt of full payment of the appropriate ~~initial~~ certification fee.

355 7.7. Certifications are not transferable or assignable and shall automatically become invalid  
356 upon suspension or revocation.

357 ~~7.8. Water well drillers with a valid current West Virginia water well certification actively  
358 engaged in well drilling on or before the effective date of this rule shall be classified as master well  
359 drillers. The Commissioner shall issue master well driller certification for these individuals as of the  
360 effective date of this rule and the certification shall be valid for one year from the date of issuance~~

361 7.9. 7.8. An individual working to obtain ~~the~~ current West Virginia driller certification shall  
362 register with the Commissioner, on the prescribed forms, within ~~one hundred and eighty~~ 180  
363 calendar days from the effective date of the rule. The applicant is eligible to become a master  
364 water well driller if he or she has two years of experience, obtain a minimum grade of ~~seventy~~ 70  
365 percent on each portion of one or more written examination for the certified master well driller and  
366 passes a possible field test demonstrating his or her expertise.

367 7.10. 7.9. ~~For an~~ An individual who holds a legal certification or who has practiced well drilling  
368 in accordance with all laws and rules in a state that does not have comparable certification  
369 classes, the applicant shall have acquired the following experience:

370 7.10.a. 7.9.1. For a master well driller - Six years of well drilling experience;

371 7.10.b. 7.9.2. For a journeyman driller - Four years of well drilling experience; or

372 7.10.c. 7.9.3. For a pump installer - Three years of pump installation experience; and

373        7.10.d. 7.9.4. For all classes each individual shall have passed any all written examination  
374 requirements and obtained a minimum grade of seventy 70 percent on each portion of the ~~one or~~  
375 ~~more~~ written examination and any other requirements determined necessary by the  
376 Commissioner.

377        7.11. 7.10. The Commissioner may review applications from individuals who hold a legal  
378 certification for well drilling in another state with comparable certification classes. The  
379 Commissioner may grant a comparable certification for the applicant if appropriate.

380        7.12. 7.11. All certifications expire ~~one year~~ two years from the date of issuance and shall be  
381 renewed ~~thirty~~ 30 days prior to expiration. The applicant shall submit a completed renewal on  
382 forms provided by the Commissioner. Applicants shall provide evidence of bonding and insurance  
383 as required by section 8 of this rule. Applicants shall supply evidence of continuing education  
384 requirements in accordance with section 9 of this rule for certification renewal.

385        7.12.a. 7.11.1. A certificate holder who fails to renew his or her certification within six  
386 months following the ~~renewal~~ expiration date of the certification shall not have the certification  
387 reinstated until he or she successfully passes the written examinations or field test prescribed by  
388 the Commissioner for applicants for a new certificate.

389        7.14. 7.12. A certificate holder may place his or her certification on inactive status for a two-  
390 year period if the certificate holder has submitted an application for inactive status ~~within sixty at~~  
391 least 60 days before the expiration date of the certificate. Before the Commissioner reactivates the  
392 certificate of an inactive-status certificate, that certificate holder shall satisfy any renewal  
393 requirements.

394        7.15. 7.13. A certificate holder may obtain a duplicate certificate to replace a certificate that  
395 has been lost, destroyed, or mutilated if the certificate holder makes a written, ~~notarized~~ request to  
396 the Commissioner, stating the reason for the request.

397        7.16. 7.14. The Commissioner may charge a fee for each certification service provided as  
398 listed in Appendix B of this rule.

399 **§64-19-8. Bonding of Water Well and Pump Installation Contractors.**

400        8.1. Each water well and pump installation contractor shall have a current contractor's bond  
401 payable to the Commissioner upon forfeiture and liability insurance coverage effective throughout  
402 West Virginia in a form determined by the Commissioner. The Commissioner shall determine the  
403 amount of the contractor's bond, which may not exceed ~~five thousand dollars~~ \$5,000. Lack of a  
404 current contractor's bond is considered sufficient grounds for denial of a water well or pump  
405 installation permit.

406        8.2. Forfeiture of the contractor's bond is predicated upon a failure to drill, construct, repair,  
407 replace, alter, or abandon a well or upon installation of a pump in a water well in accordance with  
408 this rule and the Bureau's rule, Water Well Design Standards, 64CSR46.

409        8.3. The surety shall have the option of forfeiting the contractor's bond or completing the well  
410 in accordance with this rule and standards specified in subsection 8.2 of this rule. The  
411 Commissioner shall expend all proceeds from a forfeiture due to failure to alter or abandon the well  
412 in accordance with applicable rules and standards. The Commissioner shall retain and expend  
413 any excess funds collected for the purpose of altering or abandoning water wells in accordance  
414 with applicable rules and standards.

415        8.4. The surety shall have the option of canceling a contractor's bond after providing notice to  
416 the Commissioner at least ~~thirty~~ 30 days prior to cancellation.

417        8.5. In lieu of the bond required by subsection 8.1 of this rule, the Commissioner may accept  
418 an irrevocable letter of credit issued by a bank chartered by the State of West Virginia or a member  
419 bank of the federal reserve system. Confirmation of the irrevocable letter of credit shall be in  
420 writing and shall be signed by the issuing or confirming bank.

#### 421 **§64-19-9. Continuing Education Program and Requirements.**

422        9.1. The continuing education program shall be a formal offering of instruction or information  
423 to certificate holders and registrants for the purpose of maintaining, enhancing, and developing the  
424 skills necessary for the protection of groundwater and the health and general welfare of the  
425 citizens and to increase the competence of well drillers and pump installers.

426        9.2. ~~Beginning two years after the effective date of this rule, a~~ A certified master well driller

427 shall show proof of ~~three hours~~ six hours of continuing education related to water well drilling every  
428 year two years. Additionally, for a certified master well driller to install pumps, he or she shall show  
429 proof of ~~two~~ four hours of continuing education related to pump installation every year two years.  
430 A certified journeyman driller shall show proof of ~~two~~ four hours of continuing education every year two  
431 two years. For a certified journeyman driller to install pumps, the journeyman driller shall show  
432 proof of ~~one hour~~ two hours of continuing education related to pump installation every year two  
433 years. ~~The~~ A certified pump installer shall show proof of ~~two~~ four hours of continuing education  
434 every year two years to maintain the certification. Each certificate holder shall submit a copy of the  
435 certificates of completion as proof of meeting the continuing education requirements.

436 9.3. Only courses or programs designated or approved by the Commissioner are acceptable  
437 for continuing education.

438 9.4. To obtain pre-approval of a course the sponsor or attendee shall submit the following  
439 information to the Commissioner: a written course description, which includes the names and  
440 qualifications of the presenters; the time and location of the course; the proposed number of hours;  
441 and the program objectives.

442 9.5. Programs for continuing education units may be held in state or out of state. Approved  
443 topics include water wells or pump system technology, science, health, sound business practices,  
444 rule compliance, ~~including other governmental~~ and industry requirements, including worker health  
445 and safety.

446 9.6. Program sponsors shall provide proof of attendance to attendees.

447 **§64-19-10. Identification Numbers of Water Well Rigs and Well Head.**

448 10.1. All ~~water well contractors shall ensure that all water well rigs they use or those used by~~  
449 ~~their employees are~~ shall be clearly marked with legible and plainly visible identification numbers  
450 at all times.

451 10.2. The identification number to be used on water well drilling rigs is the certification number  
452 of the water well driller at the well site who is responsible for the water well drilling operations.

453 10.3. Certification numbers shall be printed on each side of every water well drilling rig in

454 numerals of not less than two inches high and the numerals shall be in a color sufficiently different  
455 from the color of the vehicle or equipment so that the certification number is plainly legible.

456 ~~10.4. Water well contractors shall ensure that all water well rigs they use or those used by their~~  
457 ~~employees are clearly marked as provided in subsections 10.2 and 10.3 of this rule.~~

458 ~~10.5. 10.4.~~ Each well drilling contractor shall securely attach a metal tag or engraved well cap  
459 to the wellhead containing the following information: the contractor's name, address, and permit  
460 number; the depth of the well; and the date of construction or alteration.

461 **§64-19-11. Advisory Board.**

462 11.1. The Commissioner may establish an advisory board and designate the chairman of the  
463 board.

464 11.2. The advisory board membership shall consist of, but not necessarily be limited to, the  
465 following members:

466 11.2.a. 11.2.1. Three certified master well drillers;

467 11.2.a.1. 11.2.1.a. These three members ~~may~~ shall represent and have actual  
468 experience from the various geologic areas of the state and be familiar with the various  
469 appropriate drilling methods used in different regions of West Virginia.

470 11.2.b. 11.2.2. One certified pump installer;

471 11.2.c. 11.2.3. One employee of the West Virginia Bureau for Public Health;

472 11.2.d. 11.2.4. One representative from a local health department;

473 11.2.e. 11.2.5. One employee of the West Virginia Department of Environmental  
474 Protection;

475 11.2.f. 11.2.6. One individual who is not employed by the state and who has no commercial  
476 or economic involvement in well drilling or pump installation;

477 11.2.g. 11.2.7. One academic or technical expert who is either:

478 11.2.g.1. 11.2.7.a. Employed by the West Virginia Geological Survey or the United  
479 States Geological Survey;

480 11.2.g.2. 11.2.7.b. A professional hydrologist or hydrogeologist; or

481        11.2.g.3. 11.2.7.c. A geology or hydrogeology professor from a college or university in  
482        West Virginia.

483        11.3. The Water Well Advisory Board ~~may exercise~~ has the following duties:

484        11.3.a. 11.3.1. Recommend changes in the certification program as needed to the  
485        Commissioner;

486        11.3.b. ~~Receive complaints regarding certification issues and appeals of certification~~  
487 ~~decisions and recommend follow up actions to the Commissioner;~~

488        11.3.c. 11.3.2. Recommend written tests and field tests required for certification and assist  
489        in the preparation and administration of written tests, as appropriate;

490        11.3.d. 11.3.3. Recommend continuing education classes and instructors; and

491        11.3.e. 11.3.4. Perform other duties that may be assigned by the Commissioner.

492 **§64-19-12. Inspections and Water Sampling.**

493        12.1. The Commissioner may make as many inspections as necessary, during the  
494        construction, installation, modification, or operation of a water well, pump, and pumping  
495        equipment to determine compliance with the applicable provisions of this rule and the Bureau's  
496        rule, Water Well Design Standards, 64CSR46. An inspection may include, without limitation,  
497        water sampling for the detection of any contaminants, the documentation of a violation of  
498        construction standards, technical procedures, or any other requirements established under the  
499        rule. The owner or occupant of a dwelling, establishment, or land where a water well is located  
500        shall provide the Commissioner access for making the inspection. The Commissioner shall record  
501        the findings of inspections on forms prescribed for the that purpose.

502 **§64-19-13. Penalties, Suspension, and Revocation of Certifications.**

503        13.1. Persons who violate the provisions of this rule are subject to the civil and administrative  
504        penalties of W. Va. Code §6-1-9a and to potential civil or criminal penalties under W. Va. Code  
505        §16-1-9, §16-1-9a, and §16-1-18.

506        13.2. The Commissioner may suspend, revoke, or deny certification of a driller or pump  
507        installer if the information on the application form is incomplete, inaccurate, false, misleading, or

508 indicates that the provisions of this rule cannot be met. The Commissioner may revoke or  
509 suspend the certification of a driller or pump installer who knowingly violates this rule.

510 13.3. When certification has been denied, suspended, or revoked, the person affected shall  
511 immediately discontinue the drilling, altering, constructing, and abandonment of water wells.

512 13.4. A denial, suspension, or revocation of certification shall be in writing from the  
513 Commissioner and shall state specific reasons for the denial, suspension, or revocation.

514 13.5. The Commissioner shall send a written notice of the suspension or revocation of a  
515 certification at least ~~ten~~ 10 calendar days prior to the actual revocation or suspension.

516 **§64-19-14. Administrative Due Process.**

517 14.1. Administrative Due Process. -- Any person adversely affected by the enforcement of  
518 this rule desiring a contested case hearing to determine any rights, duties, interests, or privileges  
519 shall do so in the manner prescribed in the West Virginia Department of Health's Procedural Rule,  
520 Rules of Procedure for Contested Case Hearings and Declaratory Rulings, 64CSR1.

1      **Appendix A. Permitting Fees.**

2      1. Construction /Installation Permits

3              A. Heat exchange wells: Permit Fee is determined by the ton rating of the heat pump machine.  
4      When more than one heat pump machine is hooked together, the cumulative total of the ton rating is used to  
5      determine the fee: One to fifty ton heat pump system \$150; over fifty ton system \$300.

6              ~~Permitting fees for water well permits are located in the Bureau's rule, Fees for Permits,~~  
7      ~~64CSR30.~~

8  
9  
10      NOTE: The purpose of this bill is to authorize the Department of Health to promulgate a  
11      legislative rule relating to water well regulations.

This section is new; therefore, strike-throughs and underscoring have been omitted.