

CHAPTER 82  
WELL CONTRACTOR CERTIFICATION

[Prior to 5/12/93, see also 567—Ch 37]

**567—82.1(455B) Definitions.** In addition to the definitions in Iowa Code sections 455B.171, 455B.190 and 455B.190A, which are hereby adopted by reference, the following definitions shall apply to this chapter:

“*Certified well contractor*” means a contractor certified to construct wells, install pitless adapters, and abandon wells.

“*Class 1 well*” means a well 100 feet or less in depth and 18 inches or more in diameter.

“*Class 2 well*” means a well more than 100 feet in depth or less than 18 inches in diameter or a bedrock well. Bedrock wells include:

1. Wells completed in a single confined aquifer;
2. Wells completed in a single unconfined aquifer; and
3. Wells completed in multiple aquifers.

“*Class 3 well*” means a sandpoint well or a well 50 feet or less in depth constructed by joining a screened drive point with lengths of pipe and driving the assembly into a shallow sand and gravel aquifer.

“*Classification*” means one of three levels of well contractor certification, designated as certified well contractor, provisionally certified well contractor or well plugging contractor. All three are referred to as “certified well contractor” in the following rules unless specifically identified otherwise.

“*Continuing education unit (CEU)*” means ten contact hours of participation in an organized education experience under responsible sponsorship, capable direction, and qualified instruction.

“*Direct charge*” means the certified well contractor at the well site responsible for ensuring that the well services are performed as required in 567—Chapters 38, 39, 43, 49 and 110.

“*Director*” means the director of the department of natural resources or a designee.

“*Issuing agency*” means a professional, technical/educational organization authorized by the department to provide continuing education for certification renewal in accordance with the commitments and guidelines detailed in the written issuing agency agreement and procedures.

“*Water well*” means any excavation that is drilled, cored, bored, augered, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for groundwater, monitoring groundwater, utilizing the geothermal properties of the ground, or extracting water from or injecting water into the aquifer. “Water well” does not include an open ditch or drain tiles or an excavation made for obtaining or prospecting for oil, natural gas, minerals, or products mined or quarried.

“*Well plugging contractor*” means a contractor certified to plug only class 1 or class 3 wells but not certified to abandon class 2 wells, construct wells, or install pitless adapters.

“*Well services*” means new well construction, well reconstruction, installation of pitless equipment, or well plugging.

**567—82.2(455B) General.**

**82.2(1) Certified well contractor requirement.** All well services provided on or after July 1, 1993, shall be performed by a well contractor who has been certified by the department pursuant to this chapter except that a person may construct or reconstruct a well, install pitless equipment or plug a well on the person’s own property without being certified. A well contractor shall notify the department or the county prior to drilling or reconstructing a well that does not have the required construction permits. A well contractor shall notify the department prior to drilling a well if the use of the water requires a water use allocation and the owner has not applied for or been issued a water use allocation.

**82.2(2)** *Certified well contractor present.* A certified well contractor shall be present at the well site and in direct charge of the well services being performed or provided.

**82.2(3)** *Change of address.* Any certified well contractor who possesses a certificate must report to the department a change in address within 30 days after the change.

**567—82.3(455B) Classification of well contractors.**

**82.3(1)** *Classifications.* There shall be three classifications of certified well contractors:

- a. Certified well contractor.
- b. Provisionally certified well contractor.
- c. Well plugging contractor.

**82.3(2)** *Certified well contractor.* In order to be certified as a certified well contractor, an applicant shall have met the experience requirements, successfully completed the well contractor certification test, been issued a certificate by the department, and renewed the certification in accordance with rules 82.10(455B) and 82.11(455B).

**82.3(3)** *Provisionally certified well contractor.* A provisionally certified well contractor does not meet all the experience requirements for a certified well contractor. In order to be a provisionally certified well contractor, an applicant shall:

- a. Sign a statement on the application form that there is a shortage of certified well contractors;
- b. Complete and submit an application documenting at least one year of work experience in well services performed under the direct supervision of a certified well contractor;
- c. Include on the application a signature of a certified well contractor who employs the applicant for provisional certification. By signing the application, the certified well contractor certifies to be jointly liable for any violation of the rules regarding well services provided by the provisionally certified well contractor and that the violation is grounds for suspension or revocation of the certification of the certified well contractor and the provisionally certified well contractor; and
- d. Receive a passing score on the written examination.

**82.3(4)** *Change from provisionally certified well contractor to certified well contractor.* The provisionally certified well contractor shall become a certified well contractor after the submission of an application showing all requirements for certification have been met and submission of appropriate fees to the department. The certificate for a provisionally certified well contractor will be issued for one year. The department will issue a certified well contractor certificate after the one-year period and the receipt of appropriate fees.

**82.3(5)** *Well plugging contractor.* In order to be certified as a well plugging contractor, an applicant shall take a four-hour training course designated by the department, successfully complete a well plugging test, be issued a certificate by the department, and renew the certification in accordance with rules 82.10(455B) and 82.11(455B).

**567—82.4** Reserved.

**567—82.5** Reserved.

**567—82.6(455B) Experience requirements.** All applicants shall meet the experience requirements as shown below.

CLASSIFICATION	EXPERIENCE
Well Contractor	Two Years
Provisionally Certified Well Contractor	One Year
Well Plugging Contractor	None

**567—82.7(455B) Certification and examination fees.** The following fees are nonrefundable except as noted in 82.8(4).

**82.7(1) Examination application fee.** The examination application fee for each examination shall be \$50.

**82.7(2) Oral examination fee.** The oral examination fee for each oral examination shall be \$100.

**82.7(3) Certification fees.** The initial certification fee for certified well contractors shall be \$75 for each one-half year of a two-year period from the date of issuance to June 30 of even-numbered years. The initial certification fee for well plugging contractors shall be \$50 for each one-half year period from the date of issuance to June 30 of even-numbered years.

**82.7(4) Provisionally certified contractor fee.** The provisional contractor fee shall be \$150.

**82.7(5) Penalty fee.** The penalty fee shall be \$100 for each 30 days in delinquency. The penalty fee is for late payment of the initial certification fee or renewal fee.

**82.7(6) Certification renewal fees.** The certification renewal fee for certified well contractors shall be \$300 for the two-year period. The certification renewal fee for well plugging contractors shall be \$200 for the two-year period.

**82.7(7) Duplicate certificate fee.** A currently certified well contractor may obtain a duplicate certificate upon payment of a \$20 fee.

**82.7(8) Recertification fee.** Contractors who have not earned sufficient CEUs for certification renewal and who wish to recertify within two years after expiration of their certification must retake and pass the written examination and pay a certification fee of \$1000.

**567—82.8(455B) Examinations.**

**82.8(1) Examination application.** All persons wishing to take the examination required to become a certified water well contractor shall complete the Water Well Contractor Certification Examination Application, Form 43970. A listing of dates and locations of examinations is available from the department upon request. The application form requires the applicant to indicate educational background, training and past experience in providing well services. The completed application and the application fee shall be sent to the director and addressed to Iowa Department of Natural Resources, Well Contractor Certification, 502 East Ninth Street, Des Moines, Iowa 50319-0034. Application for examination must be received by the department at least 30 days prior to the date of examination. The department may allow local county environmental health officials to take the written examination, even though they do not meet the work experience or training requirements, provided that they pay the examination fee. If they receive a passing score on the examination, they will receive a letter of acknowledgment, but will not be allowed to perform any work on a well or on abandoned wells.

**82.8(2) Application evaluation.** The director shall designate department personnel to evaluate all applications for examination, certification, and renewal of certification.

**82.8(3) Application expiration.** A properly completed application for examination will be valid for one year from the date the application is approved by the department.

**82.8(4) Refund of examination application fee.** The department may refund a portion of the examination application or reexamination application fee for an applicant who does not qualify for examination within one year of making the application. If the applicant will qualify for a scheduled examination within one year, the applicant will be notified when the examination may be taken and the fee will not be refunded.

**82.8(5) Reexamination.** Upon failure of the first examination, an applicant may be reexamined at the next scheduled examination. Upon failure of the second examination, the applicant shall be required to wait a period of 180 days between each subsequent examination.

**82.8(6) Reexamination fee.** Upon each reexamination when a valid application is on file, the applicant shall submit to the department the examination fee at least ten days prior to the date of examination.

**82.8(7) Application invalidation.** Failure to successfully complete the examination within one year from the date of approval of the application shall invalidate the application.

**82.8(8) Retention of completed examination.** Completed examinations will be retained by the director for a period of one year, after which they will be destroyed.

**82.8(9) Oral examination.** Upon written request by an applicant for well contractor certification, the director will consider the presentation of an oral examination on an individual basis when the applicant has failed the written examination at least twice, the applicant has shown difficulty in reading or understanding written questions but may be able to respond to oral questioning, the applicant is capable of communicating in writing with regard to departmental requirements and inquiries, and the director has received a written recommendation for an oral examination from a department staff member attesting to the operational and performance capabilities of the applicant. The director shall designate department personnel to administer the examination. The examination shall contain practical questions pertaining to groundwater law, well construction, well maintenance, and well abandonment.

**82.8(10) Reasonable accommodation.** Upon request for certification by an applicant, the director will consider on an individual basis reasonable accommodation to allow administration of the examination without discrimination on the basis of disability. The applicant shall request the accommodation 30 days prior to the date of the examination. The applicant must provide documentation of eligibility for the accommodation. Documentation shall be submitted with the completed examination application. Accommodations based on documentation may include site accessibility, oral examination, extended time, separate testing area, or other concerns. If a reasonable accommodation is considered to be an oral examination, the oral examination fee shall apply.

#### **567—82.9(455B) Certification by examination.**

**82.9(1) Examination requirement.** All applicants for certification shall successfully complete and pass an examination prior to receiving certification.

**82.9(2) Certification application time line.** Application for certification must be received by the department within 30 days after the date the applicant receives notification of having passed the examination. All applications for certification shall be made on a form provided by the department and shall be accompanied by the certification fee.

**82.9(3) Late certification application.** Applications for certification by examination which are received more than 30 days but less than 60 days after the applicant receives notification of having passed the examination shall be accompanied by the certification fee and the penalty fee. Applicants who do not apply for certification within 60 days' notice of having passed the examination will not be certified on the basis of that examination.

**82.9(4) Denial appeal.** Applicants may appeal a denial of certification within 30 days of receiving written notification, pursuant to 567—Chapter 7.

#### **567—82.10(455B) Certification renewal.**

**82.10(1) Renewal period.** All certificates shall expire on June 30 of even-numbered years and must be renewed every two years in order to maintain certification.

**82.10(2) Application for renewal.** Application for renewal will be mailed to all certified well contractors 60 days prior to the expiration date of their certificates. Application for renewal must be made in accordance with this rule and the instructions on the form in order for the applicant to renew the certificate for the next two-year period. Application for renewal of a certificate without penalty must be received by the director or postmarked prior to the expiration of the certificate, and shall be accompanied by the certification renewal fee.

**82.10(3) Late application.** Late application for renewal of a certificate may be made provided that such late application shall be received by the director or postmarked within 60 days of the expiration of the certificate on forms provided by the department. Such late application shall be accompanied by the penalty fee and the certification renewal fee.

**82.10(4) Failure to renew.** If a certificate holder fails to renew within 60 days following expiration of the certificate, the right to renew the certificate automatically terminates. Certification may be allowed at any time following such termination provided that the applicant passes an examination. The applicant must then apply for certification in accordance with subrule 82.7(8) and rule 82.9(455B).

**82.10(5) Expired certificate.** A certified well contractor may not continue to provide well services after expiration of a certificate without renewal thereof.

**567—82.11(455B) Continuing education.**

**82.11(1) CEU requirements.** Continuing education must be earned during two-year periods between April 1 and March 31 of even-numbered years. A certified well contractor must earn 1.6 units or 16 contact hours during each two-year period. A well plugging contractor may be required to earn 0.2 units or 2 contact hours during each two-year period as determined by the department, provided the well plugging contractor is notified of the requirement at the beginning of the renewal period. Newly certified (previously uncertified) well contractors who are certified after April 1 of even-numbered years will not be required to earn CEUs until the next two-year period.

**82.11(2) Certificate renewal.** Only those certified well contractors fulfilling the continuing education requirements before the end of each two-year period (March 31) will be allowed to renew their certificates. The certificates of certified well contractors not fulfilling the continuing education requirements shall expire on June 30 of every even-numbered year.

**82.11(3) CEU approval.** All activities for which continuing education credit will be granted must be approved by an accredited college or university, an issuing agency, or by the department, and shall be related to well services, relevant aspects of Iowa groundwater law, well construction, well maintenance, and well abandonment practices which protect groundwater and water supplies.

**82.11(4) CEU extensions.** The director may, in individual cases involving hardship or extenuating circumstances, grant an extension of time of up to six months within which to fulfill the minimum continuing education requirements. Hardship or extenuating circumstances include documented health-related confinement or other circumstances beyond the control of the certified well contractor which prevent attendance at the required activities. All requests for extensions must be made prior to March 31 of each even-numbered year.

**82.11(5) CEU reporting.** It is the certified well contractor's personal responsibility to maintain a written record and to notify the department of the continuing education credit earned during the period. The continuing education credits earned during the period shall be shown on the application for renewal.

**82.11(6) Alternative CEU requirements.** A certified well contractor shall be deemed to have complied with the continuing education requirements of this rule during periods that the certified well contractor serves honorably on active duty in the military services, or for periods that the person is a government employee working as a well contractor and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the director.

**567—82.12(455B) Certified well contractor obligations.**

**82.12(1) Submission of records and samples.** Each certified well contractor shall submit drilling records and drill cutting samples, when required, to the Geological Survey Bureau, Department of Natural Resources, Oakdale Campus, University of Iowa, Iowa City, Iowa 52242, telephone (319) 338-1575, or as otherwise directed by the department, as follows:

*a.* Within 30 days of completion of any water well used as part of a public water supply, a well used for withdrawal of water for which a permit is required by rule 567—50.1(455B), or wells used to monitor groundwater quantity or quality required by the department if so directed by the geological survey bureau, department of natural resources. The certified well contractor must submit the drilling records and samples required by subrules 82.12(2) and 82.12(3).

b. Within 30 days of the completion of any water well used as part of a nonpublic water supply or other water wells used to access groundwater.

c. Prior to constructing a water well to be used as part of a nonpublic water supply or other water well used to access groundwater, the certified well contractor must contact the local health department in the county in which the water well is to be located to determine if submittal of drill cutting samples is required.

**82.12(2) *Drilling records.*** Drilling records must be submitted on the water well driller's log form provided by the geological survey bureau, department of natural resources.

**82.12(3) *Water well log.*** The water well driller's log shall include the following:

- a. Location and legal description (quarter section, section number, township, range and county).
- b. Reference point for all depth measurements.
- c. Depth at which each significant change of formation occurs.
- d. Depth at which pump is set, the nonpumping and pumping water levels in the well measured from the land surface, and the rate and duration the well was pumped.
- e. Identification of the material of which each significant stratum is composed.
- f. Depth at which hole diameters (bit sizes) change.
- g. Normal hole diameter of the well bore.
- h. Total depth of the completed hole.
- i. Depth or location of any lost drilling fluids, drilling materials, or tools.
- j. Casing depth, grouting schedule, including materials used and method of placement, and description of the well casing and liner pipe.
- k. Description of well screens including diameter, length, material slot sizes, amount of open area, and location in well.
- l. Description of physical and chemical well development activities.

**82.12(4) *Cutting samples.*** Drill cutting samples shall be collected at intervals of 5 feet and at each pronounced change in geological formation. The geological survey bureau, department of natural resources, will provide drill cutting bags.

**82.12(5) *Test pumping.*** Certified well contractors shall provide the requested test pumping data for water wells used as part of a public water supply pursuant to 567—subrule 41.12(2) and for water wells utilized as part of a regulated water use pursuant to 567—subrule 50.6(1).

#### **567—82.13(455B) Disciplinary actions.**

**82.13(1) Reasons for disciplinary action.** Disciplinary action may be taken against a certified well contractor on any of the grounds specified in Iowa Code section 455B.190A and the following more specific grounds: (Iowa Code section 455B.109 authorizes the assessment of administrative penalties for violations of Iowa Code chapter 455B or rules, permits, and orders promulgated or issued pursuant to Iowa Code chapter 455B. The department will follow 567—Chapter 10 for assessing such penalties.)

- a. Knowingly making any false statement, representation, or certification on any application, record, report or document required to be maintained or submitted under any applicable permit or rule of the department.
- b. Failure to renew certification.
- c. Failure to obtain required continuing education units.
- d. Failure to submit required drill cutting samples, records or other reports required under applicable permits or rules of the department, including failure to submit complete records or reports.
- e. Failure to use reasonable care or judgment or to apply knowledge or ability in performing the duties of a certified well contractor.

*f.* Violation of well construction standards or other requirements contained in 567—Chapters 38, 39, 43, 49 and 110.

*g.* Failure to advise a person for whom well services are being provided that a hazardous or potentially hazardous condition, as defined in Iowa Code section 455B.381(2), has been encountered.

*h.* Knowingly causing or allowing a hazardous or potentially hazardous condition due to well construction to exist.

**82.13(2)** Disciplinary sanctions allowable are:

*a.* *Revocation of a certificate.* Revocation of a certificate may be permanent without chance of recertification or it may be for a specified period of time.

*b.* *Partial revocation or suspension.* Revocation or suspension of the practice of a particular aspect of the contractor's responsibility.

*c.* *Probation.* Probation under specified conditions relevant to the specific grounds for disciplinary action. Additional education or training or reexamination may be required as a condition of probation. Reexamination may include written and oral examinations.

*d.* *Fees.* The department shall determine which fees in rule 82.7(455B) apply.

**82.13(3)** Procedure.

*a.* The director shall initiate disciplinary action. The director may investigate any alleged factual situation that may be grounds for disciplinary action under subrule 82.13(1) and report the results of the investigation to the commission.

*b.* The director may issue an administrative order that may assess a penalty or refer a case to the attorney general for prosecution for any disciplinary action.

*c.* Written notice by certified mail shall be provided to a certified well contractor or well plugging contractor against whom disciplinary action is being considered. The certified well contractor or well plugging contractor will be given 20 days' advance notice that an informal hearing has been scheduled before the commission. The notice will provide the specific date, time, and place, at which time the commission will hold the informal hearing to determine whether a formal hearing is warranted or whether informal resolution can be reached. The certified well contractor or well plugging contractor may present any relevant facts and indicate the certified well contractor's or well plugging contractor's position in the matter.

*d.* A certified well contractor or well plugging contractor who receives notice of an informal hearing shall communicate orally or in writing with the director, and efforts shall be made to clarify the respective positions of the certified well contractor or well plugging contractor and the director. The staff may present a recommendation to the commission at the informal hearing concerning disciplinary sanctions.

*e.* Failure to attend the informal hearing or otherwise communicate facts and position relevant to the matter by the scheduled date will be considered by the commission when determining whether a formal hearing is warranted.

*f.* If agreement as to appropriate disciplinary sanction, if any, can be reached with the certified well contractor or well plugging contractor, and the commission concurs, a written stipulation and settlement between the department and the certified well contractor or well plugging contractor shall be entered. The stipulation and settlement shall recite the basic facts and violations alleged, any facts presented by the certified well contractor or well plugging contractor and the reasons for the particular sanctions imposed.

*g.* If the commission determines that no disciplinary action is warranted on the facts asserted, the certified well contractor or well plugging contractor shall be notified of the decision in writing.

*h.* If the commission determines that an opportunity for formal hearing is required to impose any disciplinary sanction specified in subrule 82.13(2), the director shall proceed in accordance with 567—Chapter 7.

**567—82.14(455B,272C) Revocation of certificates.** Upon revocation of a certificate in accordance with the authority provided in Iowa Code section 455B.190A, application for certification may be allowed after two years from the date of revocation. Any such applicant must pass an examination and be certified in the same manner as other applicants. The department may require the applicant to take and pass a written and oral examination in order to become recertified. The department will decide which fees in rule 82.7(455B) will apply.

These rules are intended to implement Iowa Code sections 455B.187 and 455B.190A.

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