

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 567—Chapter 40, 567—Chapter 49, and 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 well contractor who has successfully passed an examination prescribed by the department to determine the applicant’s qualifications to perform well drilling or pump services or both.

Commented [1]: Certified well contractor - Defined in 455B.190A.

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

Commented [2]: Class 1 well - Defined in 455B.190.

“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:

Commented [3]: Class 2 well - Defined in 455B.190.

- 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 50 feet or less in depth and having a casing inside diameter of 2 inches or less constructed by joining a screened drive point with lengths of pipe and driving the assembly into a shallow sand and gravel aquifer.

Commented [4]: Class 3 well - Defined in 455B.190.

“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.

Commented [5]: Classification - Defined in Chapter 81.

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

Commented [6]: CEU - Defined in Chapter 81.

“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.

Commented [7]: Direct charge - text using this term is being struck, and direct responsible charge is defined in Chapter 81.

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

Commented [8]: Director - Defined in Chapter 40 and 455B.101.

“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.

Commented [9]: Issuing agency - Defined in Chapter 81.

“Pump installer” means a person certified by the department to perform pump services.

“Pump services” is defined in Iowa Code chapter 455B.190A. The term also includes means the installation, repair, and maintenance of water systems; modification of the upper terminus of a well; well plugging; well rehabilitation; or the construction of Class 3 wells.

Commented [10]: Pump services - Keep; updated definition from 455B.190A

“Upper terminus” means the upper ten feet of the well casing as measured from the finished surface grade.

Commented [11]: Upper terminus - Defined in Chapter 49.

“Water systems” means any part of the mechanical portion of a water well that delivers water from the well to a valve that separates the well from the plumbing system. “Water systems” includes the pump, drop pipe to the well, electrical wire from the pump to the first electrical panel or connection outside the casing, piping from the well to the pressure tank or first valve outside the casing, pitless unit or adapter, and all related miscellaneous fittings necessary to operate the pump. “Water systems” does not include any outside piping to other buildings and does not include the piping that carries the water in the remainder of the distribution system.

Commented [12]: Water systems - Defined in 455B.190A.

“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.

Commented [13]: Water well - Defined in 455B.171.

“Well construction” means constructing a water well and installing necessary casing, screen, liners, grout, seals, and other appurtenances.

Commented [14]: Well construction - Defined in Chapter 49.

“Well driller” means a person certified by the department to perform well drilling services.

“Well drilling services” means the same as “well services” as defined in Iowa Code chapter 455B.190A, new well construction, well reconstruction, The term includes well rehabilitation, well repair, installation of pitless equipment, or well plugging.

Commented [15]: Well plugging - Defined in Chapter 49.

“Well plugging” means the closure of an abandoned well with plugging materials by procedures which will

~~permanently seal the well from contamination by surface drainage and permanently seal off the well from contamination into an aquifer. "Well plugging" involves the proper application of filling and sealing materials.~~

~~"Well plugging contractor" means a well contractor certified to plug only Class 1 or Class 3 wells but not certified to abandon Class 2 wells or perform any other well services.~~

~~"Well reconstruction" means modifying the original construction of a well. "Well reconstruction" includes, but is not limited to, deepening the well, installing a liner, installing or replacing a screen with one of a different diameter or length, installing a pitless adapter, extending the casing, or hydrofracturing a well. Replacing a screen with one of identical diameter and length or replacing a pitless adapter is considered repair, not reconstruction.~~

~~"Well rehabilitation" means the physical or chemical cleaning of a well.~~

~~"Well services" means both well drilling services and pump services.~~

Commented [16]: Well reconstruction - Defined in Chapter 49.

Commented [17]: Well rehabilitation - Defined in Chapter 49.

Commented [18]: Well services - Defined in 455B.190A.

567—82.2(455B) General.

82.2(1) Certified well contractor requirement.

~~a. All well services shall be performed by a certified well contractor pursuant to this chapter, except that a person may perform well services on their own property without being certified.~~

~~b. Prior to performing well drilling services, a certified well contractor shall notify:~~

~~(1) The department or the county, prior to performing well drilling services for if a well that does not have the required construction permits; or-~~

~~(2) A certified 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(2) Applicability exception. These rules shall not apply to a water operator certified pursuant to Iowa Code section 455B.213, when the water operator is performing pump services on any well owned by a PWS public water supply system as defined in Iowa Code section 455B.171. These rules shall not apply to a wastewater operator certified pursuant to Iowa Code section 455B.213, when the wastewater operator is performing pump services on a groundwater monitoring well, groundwater dewatering well, or other well not used to provide drinking water, owned by a sewer system as defined in Iowa Code section 455B.171. Pump installer certification requirements shall not apply to monitoring wells.~~

~~82.2(3) Address change of address. Any certified well contractors who possesses a certificate must shall report address changes to the department a change in address within 30 days after the change.~~

Commented [19]: Old 82.2(2) - strike; in 455B.190A.2.b.

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

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

~~a. Certified well contractor, including-~~

~~(1) Well driller, and-~~

~~(2) Pump installer.~~

~~b. Provisionally certified well contractor, including-~~

~~(1) Well driller, and-~~

~~(2) Pump installer.~~

~~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 examination for well drilling services or pump services, or both, been issued a certificate by the department, and renewed the certification in accordance with this chapter rules 82.10(455B) and 82.11(455B).~~

~~82.3(3) Provisionally certified well contractor. The requirements and conditions for provisional well contractor certification are described in Iowa Code section 455B.190A. 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 half of the work experience required for~~

full certification 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. Successfully complete, with a passing score, the well contractor certification examination for well drilling services or pump services or both.~~

~~82.3(4) Change from provisionally certified well contractor to certified well contractor. A~~ The provisionally certified well contractor ~~will~~ shall become a certified well contractor after the submission of an application showing all ~~certification~~ 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 ~~shall~~ 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 ~~this chapter rules 82.10(455B) and 82.11(455B).~~

~~567—82.4 and 82.5 Reserved.~~

~~567—82.4(455B) Experience requirements. 82.6(1)~~ All applicants shall meet the experience requirements as shown below. Educational programming approved by the department may be substituted for up to one half of any experience requirement at the rate of one ~~continuing education unit (CEU)~~ for each 100 hours of required experience.

| CLASSIFICATION | EXPERIENCE |
|--|--|
| Certified Well Contractor (well driller) | Two years' employment and 2000 hours work experience in Class 1 and Class 2 well construction |
| Certified Well Contractor (pump installer) | Two years' employment and 1000 hours work experience in the installation, repair, and maintenance of water systems |
| Provisionally Certified Well Contractor | One half of the employment and experience required for full certification |
| Well Plugging Contractor | None |

~~82.46(2) Applicable experience review committee. The department may appoint a peer review committee to help evaluate relevant well services work experience submitted by applicants for certification. The committee should consist of three members recommended by the Iowa Water Well Association, two members recommended by the Iowa Environmental Health Association, one member recommended by the Iowa Groundwater Association and one member recommended by the Iowa Environmental Council. Committee recommendations shall be considered by the department, which shall make the final determination of eligibility.~~

~~567—82.57(455B) Certification and examination fees.~~ The following fees are nonrefundable except as noted in ~~subrule 82.68(64).~~

~~82.57(1) Examination fee.~~ The examination fee for each examination; ~~shall be \$50.~~

~~82.57(2) Oral examination fee.~~ The oral examination fee for each oral examination; ~~shall be \$100.~~

~~82.57(3) Certification fees.~~

~~a. Well drilling contractors.~~

~~(1) The Initial certification fee for well drilling contractors shall be \$75 for each one-half year of a two-year period from the date of issuance to June 30 of the next even-numbered year; \$75.~~

~~(2) Certification renewal fee: \$300.~~

~~b. Pump installation contractors and well plugging contractors.~~

~~(1) The Initial certification fee for pump installation contractors and well plugging contractors; 1. shall be \$75 for each one-half year of the first year of certification; \$75, and~~

Commented [20]: New 82.5(3)"a"(2) - moved from old 82.7(6).

~~2. \$50~~ For each additional one-half year period to June 30 of the next even-numbered year: \$50.

~~(2) Certification renewal fee: \$200.~~

~~82.57(4) Provisionally certified well contractor fee. The p~~Provisionally certified well contractor fee: ~~shall~~ be \$150.

~~82.57(5) Late certification p~~Penalty fee. The penalty fee shall be \$100 for each 30 days in delinquency. The ~~p~~Penalty fee ~~is~~ for late payment of the initial certification fee or renewal fee: \$100.

~~82.7(6) Certification renewal fees. The certification renewal fee for certified well drilling contractors shall be \$300 for the two year period. The certification renewal fee for pump installers and well plugging contractors shall be \$200 for the two year period.~~

~~82.57(76) Duplicate certificate fee. A currently certified well contractor may obtain a duplicate certificate upon payment of a \$20 fee.~~

~~82.57(87) 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(s) and pay a certification fee of \$1000.~~

567—82.68(455B) Examinations.

~~82.68(1) Type of e~~Examination ~~types~~. There ~~are~~will be four well contractor examinations available:

- ~~A e~~General fundamentals examination ~~for~~ well drilling and pump installation contractors.
- ~~An e~~Specialty examination ~~for~~ well drillers.
- ~~An e~~Specialty examination ~~for~~ pump installers.
- ~~An e~~Specialty examination ~~for~~ well plugging contractors.

~~82.68(2) Required examinations.~~

a. Well drilling contractors and pump installers must take and pass the general fundamentals examination and at least one of the specialty examinations. Examinations may be taken at the same time and place or at different times. Work shall be limited to the specialty in which proficiency has been demonstrated by written examination.

b. Well plugging contractors must take and pass the well plugging examination only.

~~82.68(3) Examination application.~~

a. A person wishing to take the examination(s) required to become a certified well contractor shall complete and submit an examination application form provided by the department. ~~the 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.~~

b. All examination ~~The completed applications shall be accompanied by~~ and the examination application fee, shall be sent to the director and addressed to the Iowa Department of Natural Resources, Well Contractor Certification, 401 SW 7th Street, Suite M, Des Moines, Iowa 50309. Application for examination must be received by the department at least 60 days prior to the date of the examination.

c. The department may allow local county environmental health officials to take an ~~the written~~ examination, even ~~if~~though they do not meet the work experience or training requirements, provided they pay the examination fee. If an ~~the~~ officials receives a passing score on the examination, they will receive a letter of acknowledgement; however, they will not be certified and will not be allowed to perform any well services.

~~82.68(4) Application evaluation. After evaluating an application, the department will notify an applicant of examination eligibility or non-eligibility. The director may designate department personnel and the experience review committee to evaluate all applications for examination.~~

~~82.68(5) Application expiration. An approved properly completed examination application for the examinations will~~shall be valid for one year from the approval date, ~~the application is approved by the department.~~ All required examinations shall ~~must~~ be completed within one year of application.

~~82.68(6) Refund of e~~Examination ~~application fee~~ refund. 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~~ approval. If an ~~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~~

Commented [21]: New 82.5(3)"b"(2) - moved from old 82.7(6).

Commented [22]: Old 82.7(6) - Moved to new 82.5(3).

refunded.

82.68(7) Reexamination.

a. Upon failure of the first examination, ~~an~~ the applicant may apply for reexamination, ~~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 reexamination.

~~82.8(8) Reexamination fee. b.~~ Upon each reexamination while a valid application is on file, ~~an~~ the applicant shall submit ~~to the department~~ the examination fee to the department ~~at least ten days prior to the date of examination.~~

~~82.68(89) Application invalidation.~~ Failure to successfully complete the necessary examinations within one year from the ~~date of~~ application approval ~~date~~ of the application shall invalidate ~~an~~ the application.

~~82.8(10) Retention of completed examinations.~~ Completed examinations shall be retained by the director for a period of one year, after which they may be destroyed.

~~82.68(914) Oral examination.~~ Upon written request by an applicant ~~for well contractor certification~~, the director will consider the administration 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 appropriate examination, as defined in 82.8(1).~~

~~82.68(1012) Reasonable accommodation.~~ Upon an applicant's request, ~~request for certification by an applicant~~, the director will consider, ~~on an individual basis~~, reasonable accommodation to allow administration of ~~an~~ the examinations without discrimination on the basis of disability. ~~An~~ The applicant shall request the accommodation 30 days prior to the examination ~~date of the examination.~~ ~~An~~ The applicant shall ~~must~~ provide documentation of eligibility for the accommodation. ~~Documentation shall be submitted with the completed examination application form.~~ Accommodations based on documentation may include site accessibility, oral examination, extended time, separate testing area, or other concerns. If an oral examination is considered a reasonable accommodation ~~is considered to be an oral examination~~, the oral examination fee shall apply.

567—82.79(455B) Contractor certification by examination.

82.79(1) Examination requirement. All applicants for well contractor certification shall ~~successfully complete and~~ pass the relevant examinations prior to receiving certification.

~~82.9(2) Certification by registration without testing.~~ A well contractor who is engaged in performing pump services on or prior to June 30, 2004, and who registers as a pump installer with the department by June 30, 2004, shall be deemed to have met the certification requirements of this chapter without examination. The experience requirement will apply. Beginning July 1, 2004, a pump installer seeking an initial well contractor certification shall meet the testing requirements for certification established in this chapter.

82.79(23) Certification-application time line.

a. In order to receive a certificate, an applicant who passes an examination shall submit the appropriate certification fee to ~~Application for certification must be received by the department within 30 days of~~ after the date the applicant receives notification from the department of passing ~~of having passed~~ the examinations. Payment may be digitally submitted in accordance with the instructions on the department's website at www.dnr.iowa.gov, mailed, or hand delivered. All certification fee payments that are mailed or hand delivered shall be submitted with the applicant's notification of passing the examination. ~~All applications for certification shall be made on a form provided by the department and shall be accompanied by the certification fee.~~

b. ~~82.9(4) Late certification application.~~ Any certification payment digitally submitted, postmarked, or hand delivered to the department. Applications for certification by examination which are received more than 30 days but less than 60 days after the date the applicant ~~has received notification of having passed~~ ing the examination shall be accompanied by the appropriate certification fee and the late certification penalty fee.

c. Applicants who do not submit the appropriate ~~apply for certification fee~~ within 60 days' notice of ~~having passed~~ ing the examination will not be certified on the basis of that examination.

Commented [23]: Old 82.9(2) - Strike; in 455B.190A.7.

82.79(35) 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)-82.7(4) Certificate renewal.~~

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

b. Continuing education requirements for renewal. The CEU credits detailed in ~~rule 567—82.8(455B)~~ shall be obtained prior to any certificate renewal.

~~c. 82.10(2) Application for renewal applications and fee.~~

(1) Certification renewal applications shall be made available. Application for renewal will be mailed to certified well contractors ~~on the department's website at www.dnr.iowa.gov~~ 60 days prior to the ~~certificate~~ 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 their certificate for the next two year period.

(2) All renewal applications shall be digitally submitted. for renewal of a certificate without penalty must be received by the director or postmarked, or hand delivered to the department prior to ~~certificate~~ the expiration of the certificate, and shall be accompanied by the ~~appropriate~~ certification renewal fee.

~~d. 82.10(3) Late renewal application. Any certification renewal application digitally submitted, postmarked, or hand delivered to the department after certificate expiration.~~ 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 appropriate~~ certification renewal fee ~~and the late certification renewal penalty fee.~~

e. 82.10(4) Failure to renew. If a ~~certified well contractor~~ certificate holder fails to renew within 60 days following ~~certificate~~ expiration of the certificate, the right to renew the certificate ~~is~~ automatically terminated. Certification may be allowed at any time following such termination, provided that the applicant passes the appropriate examinations ~~and submits the appropriate certification fee in accordance with this rule.~~ The applicant must then apply for certification in accordance with subrule 82.7(8) and rule 82.9(455B).

f. 82.8(5) Expired certificate. A certified well contractor may not continue to provide well services after ~~certificate~~ expiration of a certificate without renewal thereof.

567—82.8+1(455B) Continuing education.

82.8+1(1) CEU requirements. Continuing education ~~units (CEUs)~~ must be earned during two-year periods between April 1 and March 31 of even-numbered years.

a. A certified well contractor holding well driller certification or both well driller and pump installer certifications must earn 1.6 ~~CEU~~ units or 16 contact hours during each two-year period.

b. A certified well contractor holding only pump installer certification must earn 1.0 ~~CEU~~ units or 10 contact hours during each two-year period.

c. A well plugging contractor may be required to earn 0.2 ~~CEU~~ 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.

d. 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.

82.8+1(2) Certificate renewal. Only those certified well contractors fulfilling the ~~CEU~~ continuing education requirements before the end of each two-year period (March 31) will be allowed to renew their certificate(s). ~~All~~ The certificates of certified well contractors not fulfilling the ~~CEU~~ continuing education requirements shall expire on June 30 of every even-numbered year.

82.8+1(3) CEU approval. All activities for which ~~CEU~~ continuing education credit will be granted must be approved by an accredited college or university, ~~technical institute~~ an issuing agency, or by the department, and shall be related to well services, relevant aspects of Iowa groundwater law, well construction, well maintenance, well abandonment practices, well contractor safety (no more than 0.2 CEU per renewal), water system maintenance, ~~and~~ Iowa hydrogeologic conditions which protect groundwater and water supplies.

82.8+1(4) CEU exceptions. 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

Commented [24]: Old 82.10 - now 82.7(4); Combined with Certification rule (old 82.9; new 82.7).

Commented [25]: Clarified.

Commented [26]: Matches revisions to Chapter 81.

~~CEU 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 ~~extension requests for extensions~~ extension requests must be made prior to March 31 of each even-numbered year.

~~82.814(5) CEU reporting.~~ It is the certified well contractor's personal responsibility to maintain a written record ~~and to notify the department of the CEU continuing education credit earned during each renewal the period, and report the~~. The continuing education credits ~~to the department by following the instructions on the department's website at www.dnr.iowa.gov earned during the period shall be shown on the renewal application for renewal.~~

~~82.814(6) Alternative CEU requirements.~~ A certified well contractor shall be deemed to have complied with the ~~CEU continuing education~~ requirements of this rule during periods that ~~they~~ the certified well contractor serves honorably on active duty in the military services, ~~or for periods of that the person is a~~ government employment ~~tee~~ 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—~~82.912(455B)~~ Certified well contractor obligations.

~~82.912(1) Submission of records and sample submissions.~~ Each certified well contractor shall submit drilling records ~~and~~ and drill cutting samples, when required, to the department, ~~and to the Iowa Geological Survey (IGS), or the local county health department,~~ as follows:

a. Within 30 days of completion of ~~either~~ any water well used as part of a public water supply, a well used for ~~water withdrawal of water~~ for which a permit is required by rule 567—50.1(455B), or a department-required wells used to monitor groundwater quantity or quality, ~~required by the department if so directed by the department. The~~ a certified well contractor ~~shall must~~ submit to the department the well record form ~~drilling records required by subrules 82.912(2) and 82.12(3) and shall must~~ submit to the IGS Iowa geological survey the cutting samples required by subrule 82.912(34).

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.~~ The a certified well contractor ~~shall must~~ submit to the department the well record form ~~drilling records required by subrules 82.102(2) and 82.12(3).~~

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 ~~shall 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.

~~82.912(2) Well record form—Drilling records.~~ Well ~~d~~Drilling records ~~shall must~~ be submitted on the lowa well record ~~water well driller's log form available on the department's website.~~

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

- a. Well 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.

~~82.912(34) Cutting samples.~~ Drill cutting samples shall be collected at intervals of five ~~5~~ feet and at each pronounced change in geological formation. The IGS Iowa geological survey will provide drill cutting bags.

Commented [27]: "or the local..." - added as "c" requires submittal to the local county health dept.

Commented [28]: "well used as part..." - redundant; all water wells require the submittal of a well record form.

82.212(45) *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).
[ARC 4426C, IAB 5/8/19, effective 6/12/19]

567—82.103(455B) Disciplinary actions.

82.103(1) *Reasons for disciplinary action.* Disciplinary action may be taken against a certified well contractor ~~or well plugging 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 the provisions of 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 CEUs ~~continuing education units~~.
- d. Failure to submit, within the time 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 or well plugging~~ contractor.
- f. Violation of well construction, plugging or pump installation 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.
- i. Drilling or reconstructing a well without a construction permit.

82.103(2) *Disciplinary sanctions allowable are:*

- a. ~~Certificate~~ *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 82.57(455B) apply.
- e. *Penalties.* Civil penalties may be assessed in accordance with Iowa Code section 455B.109.

82.103(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 82.132(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 ~~or well plugging~~ contractor against whom disciplinary action is being considered. The certified ~~well 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 or well plugging~~ contractor may present any relevant facts and indicate ~~their~~ the certified well or well plugging contractor's position in the matter.
- d. A certified well ~~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

Commented [29]: A well plugging contractor is a certified well contractor.

Commented [30]: Similar to Chapter 81.

Commented [31]: The term "certified well contractor" is used in every other instance in this Chapter, and a certified well plugging contractor is a certified well contractor.

of the certified ~~well or well plugging~~ contractor and the director. ~~Department~~The staff may present a recommendation concerning disciplinary sanctions to the commission at the informal hearing.

e. Failure to attend the informal hearing or otherwise to 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 ~~or well plugging~~ contractor and the commission concurs, a written stipulation and settlement between the department and the certified ~~well 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 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 ~~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 82.113(2)~~, the director shall proceed in accordance with ~~567—Chapter 7~~.

~~567—82.114(455B,272C) R~~**Certificate revocation of certificates.** Upon ~~certificate~~ 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 ~~revocation date of revocation~~. Any such applicant ~~shall~~ 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 ~~shall will determine~~ decide which fees in ~~rule 567—82.75(455B)~~ will apply.

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

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¹ Effective date of 567—82.1(455B), 82.2(2), 82.3(455B), and 82.6(455B) (published 12/9/92 IAB) delayed until adjournment of the 1993 General Assembly by the Administrative Rules Review Committee at its meeting held January 5, 1993.

Commented [32]: This is a restatement of the previous sentence with a "may" instead of a "shall".