

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 859 Session of
1993

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COY, KING, ITKIN AND NAILOR, MARCH 23, 1993

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 26, 1994

AN ACT

1 ~~Providing for the regulation of water well construction and pump~~ <—
2 ~~installation; licensing well contractors and pump~~
3 ~~installation contractors; conferring powers and duties on the~~
4 ~~Department of Environmental Resources and on local agencies;~~
5 ~~creating a technical advisory committee; and establishing the~~
6 ~~Water Well Construction and Pump Installation Account.~~

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16 PROVIDING FOR THE REGULATION OF LOCATION, CONSTRUCTION AND
17 ABANDONMENT OF WATER WELLS, FOR LICENSING OF WELL CONTRACTORS
18 AND FOR THE COLLECTION OF INFORMATION ON GROUNDWATER QUALITY
19 AND QUANTITY; CONFERRING POWERS AND DUTIES ON THE DEPARTMENT
20 OF ENVIRONMENTAL RESOURCES; CREATING A TECHNICAL ADVISORY
21 COMMITTEE; ESTABLISHING THE WATER WELL CONSTRUCTION ACCOUNT;
22 AND MAKING A REPEAL.

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14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 ~~Section 1. Short title.~~

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17 ~~This act shall be known and may be cited as the Water Well~~
18 ~~Construction and Pump Installation Act.~~

19 ~~Section 2. Declaration of purpose.~~

20 ~~The purpose of this act is to:~~

21 ~~(1) Protect public health and safety by establishing~~
22 ~~water well location, construction, pump installation and~~
23 ~~water quality standards for drinking water wells.~~

24 ~~(2) Establish a Statewide program to regulate water well~~
25 ~~construction, pump installation and water well abandonment in~~
26 ~~a manner which will protect the groundwater resource for~~
27 ~~present and future use.~~

28 ~~(3) Protect public health and safety and groundwater~~
29 ~~resources through the licensing of water well contractors and~~
30 ~~pump installation contractors.~~

~~(4) Provide information on groundwater quantity and quality which will enhance the economic and efficient use of the Commonwealth's groundwater resources.~~

~~Section 3. Definitions.~~

~~The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:~~

~~"Abandoned water well." A water well whose use has been permanently discontinued or a water well that is in such a state of disrepair that continued use for obtaining groundwater is impracticable or a water well whose purpose cannot be reasonably achieved.~~

~~"Alteration." An action that results in a breaking or opening of a water well seal, except for disinfection, groundwater monitoring or the repair or replacement of a pump or pumping equipment.~~

~~"Aquifer." A geological formation, a group of geological formations or part of a geological formation that contains sufficient saturated permeable material to yield quantities of water to wells.~~

~~"Board." The Environmental Quality Board.~~

~~"Certified water well inspector." A person certified by the Department of Environmental Resources to inspect the construction and location of a water well.~~

~~"Committee." The Water Well Construction and Pump Installation Technical Advisory Committee.~~

~~"Department." The Department of Environmental Resources of the Commonwealth.~~

~~"Drinking water well." Any water well for the provision of water for human consumption if the well has fewer than 15~~

~~service connections or does not regularly serve an average of at least 25 individuals daily at least 60 days out of the year.~~

~~"Emergency situation."— A situation where the lack of water poses an immediate and significant danger to the health and welfare of persons or livestock or a situation where the department has determined that other exceptional circumstances exist.~~

~~"Groundwater."— Water below the surface of the earth that is in the zone of saturation.~~

~~"Installation of a pump and pumping equipment."— The procedure employed in the placement and preparation for operation of a water pump and pumping equipment on a water well, including all construction involved in making entrance to the water well and establishing a seal, but not including a repair of an existing system.~~

~~"Local agency."— A municipality or any combination thereof acting cooperatively or jointly under the laws of this Commonwealth, or a county, county health department or joint county health department.~~

~~"Person."— An individual, partnership, association, company, corporation, municipality, municipal authority, political subdivision or agency of the Federal or State government. The term includes the officers, employees and agents of any partnership, association, company, corporation, municipality, municipal authority, political subdivision or any agency of Federal or State government.~~

~~"Pump and pumping equipment."— Equipment or material used or intended for use in withdrawing, obtaining or recharging groundwater, including, without limitation, seals and tanks, together with fittings and controls.~~

~~"Pump installation contractor."—A person licensed by the department and qualified to engage in the placement or removal of a water pump and pumping equipment in connection with a water well, including water lines between a water well and a storage tank.~~

~~"Secretary."—The Secretary of Environmental Resources of the Commonwealth.~~

~~"Water well."—Any hole in the ground that penetrates an aquifer made to locate groundwater, to obtain groundwater, or to inject water into any aquifer from which groundwater may be produced. The term does not include any bore hole made for the purpose of mining, or producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal. The term also includes any hole in the ground to install a groundwater heat pump.~~

~~"Water well construction."—An act necessary to obtain groundwater or to inject water into any aquifer, including the location and excavation or drilling of a water well, but excluding the installation of a pump and pumping equipment. The term does not include any bore hole made for the purpose of mining, or producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal.~~

~~"Well contractor."—A person licensed by the department to engage in the business of constructing, abandoning or altering all or any part of a water well.~~

~~Section 4.—Powers and duties of board.~~

~~(a) Rules and regulations.—The board shall have the power and its duty shall be to adopt such rules and regulations as it deems necessary for the implementation of this act. Such rules~~

~~and regulations shall include, but not be limited to, the following:~~

~~(1) Standards for the location, construction, alteration and abandonment of water wells.~~

~~(2) Standards for the installation of pumps and pumping equipment on water wells.~~

~~(3) Water quality parameters and testing standards for drinking water wells.~~

~~(4) Criteria for licensing water well drillers and pump installers.~~

~~(5) Criteria for a waiver of the location standards where these standards would deprive the owner of a tract of land subdivided on or before the effective date of this act of the right to construct a water well, provided that alternative measures are taken that are adequate to protect public health, safety and the groundwater source.~~

~~(6) Standards for the administration and enforcement of the applicable provisions of this act by local agencies.~~

~~(7) Criteria for certifying water well inspectors to administer the applicable provisions of this act.~~

~~(b) Fees. The board shall establish fees for such things as well registrations, permits, general permits, license applications, drilling rig registrations and any other activity pursuant to this act. Fees shall bear a reasonable relationship to the cost of administering this act.~~

~~Section 5. Powers and duties of department.~~

~~The department shall have the power and its duty shall be to:~~

~~(1) Administer the water well drilling and pump installation program pursuant to this act.~~

~~(2) Cooperate with local agencies and appropriate~~

1 ~~Federal, State and interstate units of government and with~~
2 ~~appropriate private organizations in carrying out its duties~~
3 ~~under this act.~~

4 ~~(3) Delegate authority to administer certain provisions~~
5 ~~of this act to any county department of health which is~~
6 ~~defined and created pursuant to the act of August 24, 1951~~
7 ~~(P.L.1304, No.315), known as the Local Health Administration~~
8 ~~Law.~~

9 ~~(4) Provide technical assistance to local agencies and~~
10 ~~review the performance of local agencies in the~~
11 ~~administration of this act.~~

12 ~~(5) Establish procedures and forms for the submission,~~
13 ~~review, approval and rejection of any applications and~~
14 ~~reports required by this act.~~

15 ~~(6) Require water well contractors to submit geological~~
16 ~~and groundwater data to the department.~~

17 ~~(7) Enter upon lands and make inspections and require~~
18 ~~the submission of papers, books and records by local agencies~~
19 ~~for the purposes set forth in this act.~~

20 ~~(8) Issue or deny licenses, permits, general permits and~~
21 ~~drilling rig registrations.~~

22 ~~(9) Establish programs for the continuing education of~~
23 ~~well contractors and pump installation contractors. Such~~
24 ~~programs shall be a formal offering of instruction or~~
25 ~~information to licensees for the purpose of maintaining~~
26 ~~skills necessary to the protection of groundwater and the~~
27 ~~health and welfare of the citizens and the competent practice~~
28 ~~of the construction of water wells and the installation of~~
29 ~~pumps and pumping equipment.~~

30 ~~(10) Establish and administer a certification system for~~

~~water well inspectors, including training and testing programs and the power to suspend or revoke the certification of a water well inspector pursuant to regulations under section 4.~~

~~(11) Issue such orders and initiate such proceedings as may be necessary for the enforcement of this act and the rules and regulations adopted pursuant to this act. These actions shall include, but are not limited to, the initiation of criminal prosecutions, including issuance of summary citations by agents of the department.~~

~~Section 6. Permits.~~

~~(a) Permit required. It shall be unlawful for any person to construct a drinking water well, alter a drinking water well or install a pump or pumping equipment on a drinking water well without having first received a permit under this section. Work on any structure which will be served by a water well for which a permit must be issued by the department or local agency which has elected to administer this section of the act shall not begin until issuance of a permit.~~

~~(b) Repair or replacement of pump. A permit shall not be required for the repair or replacement of a pump, provided that such activities comply with the rules and regulations adopted pursuant to this act.~~

~~(c) Application. Applications for permits shall be submitted in writing to the department and local agency which has elected to administer this section in accordance with section 5 and shall be in such form and accompanied by such data as shall be prescribed by the department.~~

~~(d) Fee. Every application for a permit shall be accompanied by a permit fee established under section 4.~~

~~(e) Issuance of permit. The department and any local agency which has elected to administer this section shall have the power to issue a permit for drinking water well construction or alteration or the installation of a pump or pumping equipment on a drinking water well, if it determines that the proposed activity complies with the provisions of this act, the regulations adopted hereunder and all other applicable laws administered by the department. The department and any local agency which has elected to administer this section may impose such permit terms and conditions as are necessary to assure compliance with this act and other laws administered by the department.~~

~~(f) Time. The department or any local agency which has elected to administer this section shall either issue a permit or deny a permit within ten business days of receipt of a completed permit application.~~

~~(g) Installation of permit number. The permittee shall install the permit number issued by the department in a legible, visible and permanent manner on the drinking water well upon completion of work thereon.~~

~~(h) Denial of permit. The department or any local agency which has elected to administer this section shall have the authority to deny any permit that does not satisfy the requirements of this act or the rules and regulations promulgated hereunder.~~

~~(i) Revocation. If the department or any local agency which has elected to administer this section determines that information material to the issuance of the permit has been falsified, or the original decision of the department or local agency failed to conform to this act or the rules and~~

1 ~~regulations of the department or local agency, or that the~~
2 ~~permittee has violated the rules and regulations of the~~
3 ~~department or local agency under which the permit was issued,~~
4 ~~the permit shall be revoked. Such action shall be taken after~~
5 ~~notice and opportunity for hearing has been given to the~~
6 ~~permittee.~~

7 ~~(j) Expiration. If the permitted activity has not commenced~~
8 ~~within two years after the issuance of the permit, the permit~~
9 ~~shall expire and a new permit shall be obtained prior to the~~
10 ~~occurrence of construction, alteration or installation activity.~~

11 ~~(k) Certification by driller or installer. Within 30 days~~
12 ~~of completing the permitted activity, the licensed well driller~~
13 ~~or pump installer performing the activities shall provide~~
14 ~~written certification to the owner of the water well and to the~~
15 ~~department and to the local agency which has elected to~~
16 ~~administer this section that such activity has been performed in~~
17 ~~accordance with all applicable rules and regulations promulgated~~
18 ~~hereunder.~~

19 ~~(l) Application of section. This section shall apply only~~
20 ~~to drinking water wells not regulated under the act of May 1,~~
21 ~~1984 (P.L.206, No.43), known as the Pennsylvania Safe Drinking~~
22 ~~Water Act. Construction, alteration or pump installation~~
23 ~~activities associated with water wells, other than drinking~~
24 ~~water wells, shall not be subject to the permitting requirements~~
25 ~~of this section but shall comply with all standards and~~
26 ~~procedures established in regulations adopted under this act.~~
27 ~~Section 7. General permits.~~

28 ~~(a) Issuance. The department, in accordance with rules~~
29 ~~adopted by the board, shall issue general permits on a regional~~
30 ~~or Statewide basis for the construction of drinking water wells~~

~~and the installation of pumps and pumping equipment.~~

~~(b) Specification. General permits shall specify such design, operating and monitoring conditions as are necessary to adequately protect life, health, property and the environment under which such projects may be constructed and maintained without applying for and obtaining individual permits. The department may require the registration of any project constructed pursuant to a general permit.~~

~~(c) Publication. All general permits shall be published in the Pennsylvania Bulletin at least 30 days prior to the effective date of the permit.~~

~~Section 8. Administration by local agencies.~~

~~(a) Powers and duties. Two years after the effective date of this act, each local agency may administer section 6. If a local agency elects to administer section 6, it shall have the power and duty to:~~

~~(1) Subject to the restriction under subsection (b), utilize certified water well inspectors to administer section 6 in accordance with the rules and regulations of the department.~~

~~(2) Set and collect permit application fees which shall not exceed the administrative costs of reviewing the application and inspecting the permitted activity.~~

~~(3) Make or cause to be made such inspections and tests as may be necessary to carry out the provisions of this act for which inspections and tests authorized representatives of the local agency shall have the right to enter upon lands.~~

~~(4) Proceed under section 17 to restrain violations of this act and the rules and regulations adopted hereunder.~~

~~(5) Submit such reports and data to the department as~~

1 ~~the department may by its rules and regulations or by order~~
2 ~~require.~~

3 ~~(6) Adopt and maintain standards and procedures for~~
4 ~~applications and permits identical to those of the department~~
5 ~~and any other rules or regulations which the local agency~~
6 ~~deems necessary in order to administer and enforce section 6~~
7 ~~only if such rules and regulations are consistent with this~~
8 ~~act and the department rules and regulations adopted~~
9 ~~hereunder.~~

10 ~~(b) Restriction. No person shall be employed as a certified~~
11 ~~water well inspector to administer section 6 with respect to a~~
12 ~~water well or pump installation for which he was or is the~~
13 ~~contractor. In such a case, the local agency shall employ~~
14 ~~another certified water well inspector to administer section 6~~
15 ~~with respect to the particular water well or pump installation.~~
16 ~~Section 9. Emergencies.~~

17 ~~The department shall establish procedures for expediting the~~
18 ~~review of the permit applications required under section 6 and~~
19 ~~to be used in situations where the health and safety of people~~
20 ~~or livestock are at risk.~~

21 ~~Section 10. Abandoned water well.~~

22 ~~(a) Plugging requirement. Except as provided in subsection~~
23 ~~(b), the owner of any water well abandoned after the effective~~
24 ~~date of this act shall plug the water well in a manner~~
25 ~~prescribed by regulation of the department in order to seal the~~
26 ~~aquifer to prevent the contamination of groundwater. Failure to~~
27 ~~plug any abandoned water well in accordance with this section~~
28 ~~shall constitute a violation of this act.~~

29 ~~(b) Application of section. The plugging requirements of~~
30 ~~this section shall not apply to any water well which has been~~

~~rendered inactive by means of a cap or other suitable device which is approved by regulation of the department and which is mechanically and structurally sound.~~

~~Section 11.— Inspections and searches.~~

~~(a) General rule.— The department may make inspections and conduct tests or sampling, including the examination and copying of books, papers, records and data pertinent to any matter under investigation, in order to determine compliance with this act; and for this purpose, the duly authorized agents and employees of the department are authorized at all reasonable times to enter and examine any property, facility, operation or activity.~~

~~(b) Access by agents and employees.— Upon presenting proper identification and the purpose of the inspection, agents and employees of the department shall be given free and unrestricted entry and access. Upon being refused entry or access, the agent or employee may obtain a search warrant or other suitable order authorizing such entry and inspection. It shall be sufficient probable cause to issue a search warrant authorizing such examination and inspection if there is probable cause to believe that the object of the investigation is subject to regulation under this act, and access, examination or inspection is necessary to enforce the provisions of this act.~~

~~Section 12.— Water quality analysis report.~~

~~(a) Submission.— Except as provided in subsection (c), after the installation of any pump or pumping equipment on a drinking water well but before the drinking water well is put into use, the pump installation contractor shall submit to the department, local agency and drinking water well owner a water quality analysis report. The water quality analysis report must be based on a water sample obtained from the drinking water well~~

~~according to the procedures established by the board under
section 4.~~

~~(b) Content. The water quality analysis report must be
issued by a laboratory certified under the act of May 1, 1984
(P.L.206, No.43), known as the Pennsylvania Safe Drinking Water
Act, and shall include, at a minimum:~~

~~(1) An analysis of the testing parameters adopted by the
board pursuant to section 4.~~

~~(2) A copy of the water quality information sheet
developed by the department pursuant to subsection (c).~~

~~(c) Water quality information. The department shall develop
water quality information which shall include, but not be
limited to, drinking water quality standards, potential effects
on human health and safety relative to the tested substances,
available water treatment technologies and associated costs.
Such information shall be provided to all certified
laboratories.~~

~~(d) Notice to well users. Where the owner of a drinking
water well is not the primary user of the drinking water well,
the owner shall, within ten days of receipt of the water quality
analysis, notify other users of the results of the water quality
analysis. This notice shall be given by mail or by conspicuous
posting at the place of use in a location where it can be seen
by users.~~

~~(e) Application of section. This section shall not apply to
drinking water wells regulated under the Pennsylvania Safe
Drinking Water Act.~~

~~Section 13. Licenses and drilling rig registration.~~

~~(a) License requirement. Except as provided in subsection
(b), any person engaging or intending to engage in the business~~

1 ~~of water well construction, alteration or pump installation~~
2 ~~shall first obtain from the department a license to conduct such~~
3 ~~business. Failure to obtain a license under this subsection~~
4 ~~shall constitute a violation of this act.~~

5 ~~(b) Exemption. Any person operating under the direct~~
6 ~~supervision of a licensed water well contractor or pump~~
7 ~~installation contractor physically present at the site of the~~
8 ~~permitted activity is exempt from the requirements of subsection~~
9 ~~(a).~~

10 ~~(c) Application. An application for a license shall be in~~
11 ~~writing and shall be made on forms provided by the department.~~
12 ~~The application shall contain a statement showing:~~

13 ~~(1) The name of the applicant.~~

14 ~~(2) The business address of the applicant.~~

15 ~~(3) The residence of the applicant.~~

16 ~~(4) Any additional information that the department may~~
17 ~~require.~~

18 ~~(d) Requirements for licensee. In accordance with~~
19 ~~regulations adopted under this act, the applicant for a license~~
20 ~~shall meet all the following requirements:~~

21 ~~(1) Demonstrate to the department that the applicant is~~
22 ~~qualified to practice water well construction, alteration,~~
23 ~~abandonment or pump installation. Qualifications could~~
24 ~~include years of experience, formal education or~~
25 ~~certification by a national organization of well drillers or~~
26 ~~hydrogeologists.~~

27 ~~(2) File with the department evidence of financial~~
28 ~~responsibility, which shall include, but not be limited to, a~~
29 ~~commercial liability insurance policy or self insurance in an~~
30 ~~amount to be prescribed by rules and regulations promulgated~~

hereunder.

~~(3) Pay the annual license fee.~~

~~(4) File with the department evidence of receipt of a license bond in the amount of \$10,000 on a form prescribed and furnished by the department and conditioned upon faithful performance of all of the requirements of this act that are certified by the well driller in sections 6(k) and 12(a) and (b).~~

~~(5) Register with the department any drilling rig which will be owned and operated during the license year and pay a registration fee for each rig registered.~~

~~(6) Provide any other information the department deems necessary.~~

~~(c) Regulations. The board may adopt such regulations to provide proof of an operator's qualifications and to provide for proof of financial responsibility of licensees as necessary to insure compliance with this act.~~

~~(f) Renewal. Any license issued pursuant to this section is not transferable and shall be renewed annually. The department may require each individual licensed pursuant to this section to attend continuing education programs as a prerequisite for the renewal of a license.~~

~~(g) Duplicates. The department may issue a duplicate license or rig registration to replace a lost or destroyed license or registration.~~

~~(h) Suspension or revocation. Whenever the department determines that the holder of a license issued pursuant to this section has violated any provision of this act, any rule or regulation adopted under this act, any order of the department, or any condition of any permit or license issued by the~~

1 ~~department, the department is authorized to suspend or revoke~~
2 ~~any such license.~~

3 ~~(i) Limitation on reissuance. The department shall not~~
4 ~~issue a new license to a water well contractor or pump~~
5 ~~installation contractor within one year after revocation of the~~
6 ~~contractor's previous license.~~

7 ~~(j) Reciprocal licensing. The department, upon application~~
8 ~~therefor and payment of the fees required by the department, may~~
9 ~~issue a well contractor license or a pump installation~~
10 ~~contractor license, or both, to a person who holds a similar~~
11 ~~license in any state, territory or possession of the United~~
12 ~~States, or in any foreign country, if the requirements for~~
13 ~~licensing of a well contractor or pump installation contractor,~~
14 ~~or both, under which the license was issued are of a standard~~
15 ~~not lower than that specified by the provisions of this act and~~
16 ~~the rules and regulations adopted hereunder. The provisions of~~
17 ~~this subsection shall apply to those states and territories that~~
18 ~~provide similar provisions to Pennsylvania water well~~
19 ~~contractors or pump installation contractors.~~

20 ~~Section 14. Interim fees and requirements.~~

21 ~~(a) Water well registration fees and requirements. Until~~
22 ~~alternative fees are established by the department by~~
23 ~~regulation, a registration fee of \$20 for each water well~~
24 ~~constructed shall be paid by the owner of the water well.~~

25 ~~(b) Interim requirements. Until such time as the department~~
26 ~~adopts permit requirements and fees for water wells by~~
27 ~~regulation, no person shall construct a water well unless the~~
28 ~~registration fee has been paid. Each well contractor shall~~
29 ~~register with the department each water well by completing and~~
30 ~~submitting the form provided by the department, including the~~

1 ~~registration fee prescribed by the department, for each water~~
2 ~~well.~~

3 ~~(c) Water well contractor and pump installation contractor~~
4 ~~registration fee. Until alternative license fees are~~
5 ~~established by the department by regulation, an annual~~
6 ~~registration fee of \$80 is to be paid to the department by any~~
7 ~~person engaging or intending to engage in the business of water~~
8 ~~well construction, alteration or pump installation. Each water~~
9 ~~well contractor and pump installation contractor shall register~~
10 ~~with the department by completing and submitting the form~~
11 ~~provided by the department, including the registration fee.~~

12 ~~(d) Drilling rig registration fee. Until alternative fees~~
13 ~~are established by the department by regulation, a drilling rig~~
14 ~~registration fee of \$30 is to be paid to the department for each~~
15 ~~drilling rig which is to be operated during the registration~~
16 ~~year. Each water well contractor shall register each drilling~~
17 ~~rig with the department by completing and submitting the form~~
18 ~~provided by the department, including the registration fee.~~

19 ~~(e) Use of registration fees. All interim and registration~~
20 ~~fees collected by the department shall be deposited in the Water~~
21 ~~Well Construction and Pump Installation Account established~~
22 ~~under section 19 and are to be used to fund the development and~~
23 ~~operation of the water well programs established by this act.~~
24 ~~Section 15. Recordkeeping and reports.~~

25 ~~The department is authorized to require any well contractor~~
26 ~~or pump installation contractor to establish and maintain such~~
27 ~~records and make such reports and furnish such data as the~~
28 ~~department deems necessary to demonstrate that the well~~
29 ~~contractor or pump installation contractor is complying with~~
30 ~~this act and the rules and regulations adopted hereunder.~~

~~Section 16. Water Well Construction and Pump Installation~~

~~Technical Advisory Committee.~~

~~(a) Establishment and composition. There is hereby established the Water Well Construction and Pump Installation Technical Advisory Committee. The committee shall consist of seven members, all of whom shall be appointed by the secretary within three months of the effective date of this act and all of whom must be residents of this Commonwealth with five years of experience in Pennsylvania in their respective fields. Two members shall be water well contractors, one a cable tool driller and the other a rotary driller. One member shall be a hydrogeologist and one member shall be a practicing sanitarian, chosen from a list of at least four names submitted by the department's Citizens Advisory Council to the secretary, who shall sit as a representative of the public interest. One member shall be a licensed plumber who shall be a representative of the pump installation industry. One member shall be a practicing sewage enforcement officer, and one member shall be a representative of local government.~~

~~(b) Expenses. Committee members shall not receive a salary but shall be reimbursed for all necessary expenses incurred in the performance of their duties.~~

~~(c) Meetings, chairman, etc. All actions of the committee shall be by majority vote of the full committee. The committee shall meet upon the call of the secretary, but not less than semiannually, to carry out its duties under this act. The committee shall select a chairperson and such other officers and establish bylaws as it deems appropriate. The department shall provide clerical and technical support as the committee may reasonably require.~~

~~(d) Formulation of regulations, etc. The department shall consult with the committee in the formulation, drafting and presentation stages of all regulations of a technical nature promulgated under this act. The committee shall be given a reasonable opportunity to review and comment on all regulations of a technical nature prior to their submission to the board for initial consideration. The written comments of the committee shall be presented to the board with any regulatory proposal.~~

~~Section 17. Penalties and remedies.~~

~~(a) Summary offense. A person who violates any provision of this act, any rule or regulation of the department, any order of the department, or any term or condition of a permit or license of the department issued pursuant to this act, or who resists or interferes with an officer, agent or employee of the department or a local agency in the performance of his duties commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$1,000, and costs, for each separate offense, or, in default of payment thereof, shall be sentenced to imprisonment for a period of not more than 30 days.~~

~~(b) Equitable relief. The department or the local agency may apply to the Commonwealth Court or to a court of common pleas having jurisdiction for a preliminary, special or final injunction to restrain or prevent violations of this act or to compel compliance with this act or any rule, regulation, order, license or permit issued pursuant to this act.~~

~~(c) Civil penalties. In addition to proceeding under any other remedy available at law or in equity for a violation of any provision of this act, any rule or regulation of the department or order of the department, or any term or condition~~

1 ~~of any permit or license issued pursuant to this act, the~~
2 ~~department may assess a civil penalty upon a person for such~~
3 ~~violation. Such a penalty may be assessed whether or not the~~
4 ~~violation was willful or negligent. When the department assesses~~
5 ~~a civil penalty, it shall inform the person of the amount of the~~
6 ~~penalty. The person charged with the penalty shall then have 30~~
7 ~~days to pay the penalty in full or, if the person wishes to~~
8 ~~contest either the amount of the penalty or the fact of the~~
9 ~~violation, the person shall, within the 30 day period, file an~~
10 ~~appeal of the action with the Environmental Hearing Board.~~
11 ~~Failure to appeal within 30 days shall result in a waiver of all~~
12 ~~legal rights to contest the violation or the amount of the~~
13 ~~penalty. The maximum civil penalty which may be assessed~~
14 ~~pursuant to this section is \$1,000 per day for each violation.~~

15 ~~(d) Remedies cumulative. The penalties and remedies~~
16 ~~prescribed by this act shall be deemed cumulative and the~~
17 ~~existence of or exercise of any remedy shall not prevent the~~
18 ~~department from exercising any other remedy hereunder, at law or~~
19 ~~in equity.~~

20 ~~(e) Each day separate offense. Violations on separate days~~
21 ~~shall constitute separate offenses.~~

22 ~~Section 18. Appeals.~~

23 ~~(a) General rule. Any person aggrieved by an action of the~~
24 ~~department in granting or denying a permit under this act shall~~
25 ~~have the right, within 30 days after receipt of notice of the~~
26 ~~action, to request a hearing before the department. Hearings~~
27 ~~under this subsection and any subsequent appeal shall be~~
28 ~~conducted pursuant to 2 Pa.C.S. (relating to administrative law~~
29 ~~and procedure). The Attorney General shall be notified in~~
30 ~~writing by the appellant of any appeal challenging the~~

~~constitutionality of any provisions of this act or the validity
of any rule or regulation promulgated hereunder.~~

~~(b) Appeal to Environmental Hearing Board. Any person who
is aggrieved by any action of the department taken under the
provisions of this act, including, but not limited to, denials
of licenses, shall have the right, within 30 days of receipt of
the notice thereof, to appeal the action to the Environmental
Hearing Board in accordance with section 1921(a) of the act of
April 9, 1929 (P.L.177, No.175), known as The Administrative
Code of 1929.~~

~~Section 19. Water Well Construction and Pump Installation
Account.~~

~~(a) Establishment. All fees, fines and penalties received
by the department under this act shall be paid into the State
Treasury into a special account to be known as the Water Well
Construction and Pump Installation Account, which is hereby
established.~~

~~(b) Appropriation. All moneys placed in the Water Well
Construction and Pump Installation Account are hereby
appropriated to the department for the purposes set forth in
this act.~~

~~(c) Allocations. The department shall, to the extent
practicable, allocate the moneys received by the Water Well
Construction and Pump Installation Account, including all
interest generated thereon, for the development and
implementation of the programs set forth in this act. This
includes public information, public education and technical
assistance programs for drinking water wells.~~

~~Section 20. Local ordinances.~~

~~Except with respect to local ordinances which prohibit the~~

~~1 drilling of water wells or establish water quality parameters~~
~~2 for water wells which are more stringent than those adopted by~~
~~3 the board, all local ordinances, rules or regulations purporting~~
~~4 to regulate water well construction or pump installation~~
~~5 regulated by this act are hereby preempted.~~

~~6 Section 21. Transfer of funds.~~

~~7 All moneys currently collected under the act of May 29, 1956~~
~~8 (1955 P.L.1840, No.610), known as the Water Well Drillers~~
~~9 License Act, shall be immediately transferred to the Water Well~~
~~10 Construction and Pump Installation Account.~~

~~11 Section 22. Repeals.~~

~~12 The act of May 29, 1956 (1955 P.L.1840, No.610), known as the~~
~~13 Water Well Drillers License Act, is repealed.~~

~~14 Section 23. Effective date.~~

~~15 This act shall take effect as follows:~~

~~16 (1) Sections 1, 2, 3, 4, 5, 14, 15, 16, 19, 21, 22 and~~
~~17 23 of this act shall take effect immediately.~~

~~18 (2) The remainder of this act shall take effect in 24~~
~~19 months.~~

20 SECTION 1. SHORT TITLE.

<—

21 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE WATER WELL
22 CONSTRUCTION ACT.

23 SECTION 2. LEGISLATIVE FINDINGS AND DECLARATION OF PURPOSE.

24 (A) FINDINGS.--THE GENERAL ASSEMBLY FINDS THAT A LARGE
25 PORTION OF THIS COMMONWEALTH'S CITIZENS RELIES ON WATER WELLS
26 FOR DRINKING WATER AND THAT IMPROPERLY CONSTRUCTED WELLS CAN
27 ADVERSELY AFFECT PUBLIC HEALTH AND CAUSE GROUNDWATER
28 CONTAMINATION.

29 (B) PURPOSE.--THE PURPOSE OF THIS ACT IS TO:

30 (1) PROTECT PUBLIC HEALTH AND SAFETY BY ESTABLISHING

1 WATER WELL LOCATION, CONSTRUCTION AND ABANDONMENT STANDARDS
2 FOR DRINKING WATER WELLS.

3 (2) ESTABLISH A STATEWIDE PROGRAM TO REGULATE WATER WELL
4 CONSTRUCTION AND WATER WELL ABANDONMENT IN A MANNER WHICH
5 WILL PROTECT THE GROUNDWATER RESOURCE FOR PRESENT AND FUTURE
6 USE.

7 (3) PROTECT PUBLIC HEALTH AND SAFETY AND GROUNDWATER
8 RESOURCES THROUGH THE LICENSING OF WATER WELL CONTRACTORS.

9 (4) PROVIDE INFORMATION ON GROUNDWATER QUANTITY AND
10 QUALITY WHICH WILL ENHANCE THE ECONOMIC AND EFFICIENT USE OF
11 THIS COMMONWEALTH'S GROUNDWATER RESOURCES.

12 SECTION 3. DEFINITIONS.

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
14 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
15 CONTEXT CLEARLY INDICATES OTHERWISE:

16 "ABANDONED WATER WELL." A WATER WELL, THE USE OF WHICH HAS
17 BEEN DISCONTINUED, OR A WATER WELL THAT IS IN SUCH A STATE OF
18 DISREPAIR OR CONTAMINATION THAT CONTINUED USE FOR OBTAINING
19 GROUNDWATER IS IMPRACTICABLE OR A WATER WELL WHOSE PURPOSE
20 CANNOT BE REASONABLY ACHIEVED.

21 "AGRICULTURAL ACTIVITY." THE COMMERCIAL PRODUCTION OF
22 AGRICULTURAL CROPS, LIVESTOCK OR LIVESTOCK PRODUCTS, POULTRY
23 PRODUCTS, MILK OR DAIRY PRODUCTS, OR FRUITS AND OTHER
24 HORTICULTURAL PRODUCTS.

25 "ALTERATION." THE BREAKING OR OPENING OF A WATER WELL FOR
26 THE PURPOSE OF MODIFYING THE WELL CONSTRUCTION OR WELL YIELD,
27 EXCEPT FOR DISINFECTION, GROUNDWATER MONITORING OR THE REPAIR OR
28 REPLACEMENT OF A PUMP OR PUMPING EQUIPMENT.

29 "AQUIFER." ANY GEOLOGIC MATERIAL (SOIL, SAND, GRAVEL, ROCK)
30 BELOW THE LAND SURFACE WHICH HAS THE CAPABILITY TO TRANSMIT

1 WATER.

2 "BOARD." THE ENVIRONMENTAL QUALITY BOARD.

3 "COMMITTEE." THE WATER WELL CONSTRUCTION TECHNICAL ADVISORY

4 COMMITTEE.

5 "DEPARTMENT." THE DEPARTMENT OF ENVIRONMENTAL RESOURCES OF

6 THE COMMONWEALTH.

7 "DRINKING WATER WELL." ANY WATER WELL WHICH PROVIDES OR IS

8 INTENDED TO PROVIDE WATER FOR HUMAN CONSUMPTION IF THE WELL IS

9 NOT REGULATED UNDER THE ACT OF MAY 1, 1984 (P.L.206, NO.43),

10 KNOWN AS THE PENNSYLVANIA SAFE DRINKING WATER ACT.

11 "GROUNDWATER." WATER BENEATH THE LAND SURFACE.

12 "LOCAL AGENCY." A MUNICIPALITY OR ANY COMBINATION THEREOF

13 ACTING COOPERATIVELY OR JOINTLY UNDER THE LAWS OF THIS

14 COMMONWEALTH, OR A COUNTY, COUNTY HEALTH DEPARTMENT OR JOINT

15 COUNTY HEALTH DEPARTMENT.

16 "PERSON." AN INDIVIDUAL, PARTNERSHIP, ASSOCIATION, COMPANY,

17 CORPORATION, MUNICIPALITY, MUNICIPAL AUTHORITY, POLITICAL

18 SUBDIVISION OR AGENCY OF THE FEDERAL OR STATE GOVERNMENT. THE

19 TERM INCLUDES THE OFFICERS, EMPLOYEES AND AGENTS OF ANY

20 PARTNERSHIP, ASSOCIATION, COMPANY, CORPORATION, MUNICIPALITY,

21 MUNICIPAL AUTHORITY, POLITICAL SUBDIVISION OR ANY AGENCY OF

22 FEDERAL OR STATE GOVERNMENT.

23 "SECRETARY." THE SECRETARY OF ENVIRONMENTAL RESOURCES OF THE

24 COMMONWEALTH.

25 "WATER WELL." ANY HOLE IN THE GROUND MADE TO LOCATE,

26 MONITOR, WITHDRAW OR INJECT WATER FROM OR INTO ANY AQUIFER. THE

27 TERM DOES NOT INCLUDE ANY BOREHOLE MADE FOR THE PURPOSE OF

28 MINING OR PRODUCING, EXTRACTING OR INJECTING ANY GAS, PETROLEUM

29 OR OTHER LIQUID RELATED TO OIL OR GAS PRODUCTION OR STORAGE,

30 INCLUDING BRINE DISPOSAL. THE TERM ALSO INCLUDES ANY HOLE IN THE

1 GROUND FOR THE PURPOSE OF USING GROUNDWATER AS PART OF A HEATING
2 OR COOLING SYSTEM AND ANY MONITORING WELL.

3 "WATER WELL CONSTRUCTION." ANY ACTIVITY UNDERTAKEN TO OBTAIN
4 GROUNDWATER FROM OR TO INJECT WATER INTO ANY AQUIFER, INCLUDING
5 THE LOCATION AND EXCAVATION OR DRILLING OF A WATER WELL, BUT
6 EXCLUDING THE INSTALLATION OF A PUMP AND PUMPING EQUIPMENT. THE
7 TERM DOES NOT INCLUDE ANY BOREHOLE MADE FOR THE PURPOSE OF
8 MINING OR PRODUCING, EXTRACTING OR INJECTING ANY GAS, PETROLEUM
9 OR OTHER LIQUID RELATED TO OIL OR GAS PRODUCTION OR STORAGE,
10 INCLUDING BRINE DISPOSAL.

11 "WELL CONTRACTOR." A PERSON LICENSED BY THE DEPARTMENT OF
12 ENVIRONMENTAL RESOURCES UNDER SECTION 11 TO CONSTRUCT, ABANDON
13 OR ALTER A WATER WELL.

14 "WELL YIELD." THE QUANTITY OF WATER PER UNIT OF TIME WHICH
15 MAY FLOW OR BE PUMPED FROM A WELL UNDER SPECIFIED CONDITIONS.
16 SECTION 4. POWERS AND DUTIES OF BOARD.

17 (A) RULES AND REGULATIONS.--THE ENVIRONMENTAL QUALITY BOARD
18 SHALL HAVE THE POWER AND ITS DUTY SHALL BE TO ADOPT SUCH RULES
19 AND REGULATIONS AS IT DEEMS NECESSARY FOR THE IMPLEMENTATION OF
20 THIS ACT. SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT NOT BE
21 LIMITED TO, THE FOLLOWING:

22 (1) STANDARDS FOR THE LOCATION, CONSTRUCTION, ALTERATION
23 AND ABANDONMENT OF WATER WELLS.

24 (2) REQUIREMENTS AND PROCEDURES FOR DETERMINING AND
25 REPORTING ON WATER QUALITY AND WELL YIELD FOR DRINKING WATER
26 WELLS.

27 (3) CRITERIA FOR LICENSING WELL CONTRACTORS AND
28 REGISTRATION OF DRILLING RIGS.

29 (4) WATER WELL REGISTRATION AND REPORTING REQUIREMENTS.

30 (5) CRITERIA FOR A WAIVER OF THE LOCATION STANDARDS

1 WHERE THESE STANDARDS CANNOT BE MET FOR A WELL TO BE DRILLED
2 ON PROPERTY WHICH WAS SUBDIVIDED ON OR BEFORE THE EFFECTIVE
3 DATE OF THIS ACT, PROVIDED THAT ALTERNATIVE MEASURES ARE
4 TAKEN THAT ARE ADEQUATE TO PROTECT PUBLIC HEALTH, SAFETY AND
5 THE GROUNDWATER RESOURCES.

6 (B) FEES.--THE BOARD SHALL ESTABLISH FEES FOR WATER WELL
7 REGISTRATIONS, LICENSE APPLICATIONS, DRILLING RIG REGISTRATIONS
8 AND ANY OTHER ACTIVITY PURSUANT TO THIS ACT. FEES SHALL BEAR A
9 REASONABLE RELATIONSHIP TO THE COST OF ADMINISTERING THIS ACT.

10 SECTION 5. POWERS AND DUTIES OF DEPARTMENT.

11 THE DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL HAVE THE
12 POWER AND ITS DUTY SHALL BE TO:

13 (1) ADMINISTER THE WATER WELL PROGRAMS ESTABLISHED
14 PURSUANT TO THIS ACT.

15 (2) COOPERATE WITH LOCAL AGENCIES AND APPROPRIATE
16 FEDERAL, STATE AND INTERSTATE UNITS OF GOVERNMENT AND WITH
17 APPROPRIATE PRIVATE ORGANIZATIONS IN CARRYING OUT ITS DUTIES
18 UNDER THIS ACT.

19 (3) ESTABLISH PROCEDURES AND FORMS FOR THE SUBMISSION,
20 REVIEW, APPROVAL AND REJECTION OF ANY LICENSE APPLICATIONS,
21 REGISTRATIONS AND REPORTS REQUIRED BY THIS ACT.

22 (4) REQUIRE WELL CONTRACTORS TO SUBMIT GEOLOGICAL AND
23 GROUNDWATER DATA TO THE DEPARTMENT.

24 (5) ENTER UPON LANDS AND MAKE INSPECTIONS, TAKE SAMPLES
25 AND REQUIRE THE SUBMISSION OF PAPERS, BOOKS AND RECORDS FOR
26 THE PURPOSES SET FORTH IN THIS ACT.

27 (6) ISSUE, MODIFY, SUSPEND OR DENY LICENSES AND DRILLING
28 RIG REGISTRATIONS.

29 (7) ESTABLISH PROGRAMS FOR PUBLIC EDUCATION AND FOR THE
30 CONTINUING EDUCATION OF WELL CONTRACTORS. THESE PROGRAMS

1 SHALL INCLUDE A FORMAL OFFERING OF INSTRUCTION OR INFORMATION
2 TO LICENSEES FOR THE PURPOSE OF MAINTAINING SKILLS NECESSARY
3 FOR THE PROTECTION OF GROUNDWATER AND THE HEALTH AND WELFARE
4 OF THE CITIZENS AND THE COMPETENT PRACTICE OF THE
5 CONSTRUCTION, ALTERATION AND ABANDONMENT OF WATER WELLS.

6 (8) ISSUE SUCH ORDERS, ASSESS CIVIL PENALTIES AND
7 INITIATE SUCH PROCEEDINGS AS MAY BE NECESSARY FOR THE
8 ENFORCEMENT OF THIS ACT AND THE RULES AND REGULATIONS ADOPTED
9 PURSUANT TO THIS ACT. THESE ACTIONS SHALL INCLUDE, BUT ARE
10 NOT LIMITED TO, THE INITIATION OF CRIMINAL PROSECUTIONS,
11 INCLUDING ISSUANCE OF SUMMARY CITATIONS BY AGENTS OF THE
12 DEPARTMENT.

13 SECTION 6. WELL REGISTRATIONS.

14 (A) REGISTRATION REQUIRED.--WATER WELLS CONSTRUCTED, ALTERED
15 OR ABANDONED AFTER THE EFFECTIVE DATE OF THIS ACT SHALL BE
16 REGISTERED WITH THE DEPARTMENT OF ENVIRONMENTAL RESOURCES BY THE
17 WELL CONTRACTOR PERFORMING THE WORK NO LATER THAN THE END OF THE
18 CALENDAR QUARTER FOLLOWING THE QUARTER IN WHICH THE WORK WAS
19 COMPLETED. SUCH REGISTRATION SHALL BE ACCOMPLISHED UPON A FORM
20 OR IN A FORMAT AND ACCOMPANIED BY SUCH INFORMATION AS SHALL BE
21 PRESCRIBED BY THE DEPARTMENT OR AS MAY HEREAFTER BE REQUIRED BY
22 REGULATION OF THE ENVIRONMENTAL QUALITY BOARD. THE REGISTRATION
23 OF A WATER WELL SHALL BE DEEMED TO BE CERTIFICATION TO THE
24 DEPARTMENT BY THE WELL CONTRACTOR THAT THE WORK DESCRIBED
25 THEREIN WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS SET FORTH
26 IN THIS ACT AND AS HEREAFTER MAY BE ESTABLISHED BY REGULATION OF
27 THE BOARD.

28 (B) REGISTRATION INFORMATION.--AT A MINIMUM, THE
29 REGISTRATION OF A NEWLY CONSTRUCTED OR ALTERED WELL SHALL
30 IDENTIFY THE NAMES AND ADDRESSES OF THE WELL OWNER AND WELL

1 CONTRACTOR PERFORMING THE WORK, THE EXACT GEOGRAPHIC LOCATION
2 AND LOG OF THE WELL CONTAINING A DESCRIPTION OF MATERIALS
3 PENETRATED, THE SIZE AND DEPTH, THE DIAMETERS AND LENGTHS OF
4 CASING AND SCREEN INSTALLED, THE STATIC AND PUMPING LEVELS AND
5 THE WELL YIELD. AT A MINIMUM, THE REGISTRATION OF AN ABANDONED
6 WELL SHALL IDENTIFY THE NAMES AND ADDRESSES OF THE WELL OWNER
7 AND THE WELL CONTRACTOR PERFORMING THE WORK, THE EXACT
8 GEOGRAPHIC LOCATION OF THE WELL, THE MATERIALS USED AND METHOD
9 OF EMPLACEMENT. INFORMATION ON WATER QUALITY AND WELL YIELD OF
10 DRINKING WATER WELLS, AS REQUIRED UNDER SECTION 10, SHALL BE
11 SUBMITTED TO THE DEPARTMENT AT THE TIME OF REGISTRATION OF SUCH
12 WELLS.

13 (C) REGISTRATION IDENTIFICATION NUMBER.--IN ADVANCE OF
14 CONSTRUCTING OR ALTERING ANY WATER WELL, AND UPON THE PAYMENT OF
15 THE REGISTRATION FEE ESTABLISHED UNDER SECTION 12 OR AS
16 HEREFTER MAY BE REQUIRED BY REGULATION OF THE BOARD, THE WELL
17 CONTRACTOR SHALL OBTAIN FROM THE DEPARTMENT A WELL REGISTRATION
18 NUMBER, IN THE FORM OF A LABEL OR OTHER DEVICE, WHICH SHALL BE
19 PERMANENTLY AFFIXED TO THE WELL UPON COMPLETION OF THE WORK AND
20 IN A MANNER SPECIFIED BY THE DEPARTMENT. THE WELL CONTRACTOR
21 SHALL RETURN THE WELL REGISTRATION NUMBER LABEL TO THE
22 DEPARTMENT IN CONNECTION WITH THE ABANDONMENT OF ANY WATER WELL
23 WHICH OCCURS AFTER THE EFFECTIVE DATE OF THIS ACT OR THE
24 ALTERATION OF ANY WATER WELL WHICH IS CONSTRUCTED AFTER THE
25 EFFECTIVE DATE OF THIS ACT. SUCH NUMBER SHALL BE RECORDED WITH
26 THE WELL REGISTRATION MADE TO THE DEPARTMENT BY THE WELL
27 CONTRACTOR IN ACCORDANCE WITH SUBSECTION (A). THE WELL
28 CONTRACTOR SHALL NOT BE REQUIRED TO OBTAIN IN ADVANCE A WELL
29 REGISTRATION NUMBER OR PAY A FEE IN CONNECTION WITH THE
30 ABANDONMENT OF ANY WATER WELL.

(D) CERTIFICATION BY WELL CONTRACTOR.--WITHIN 30 DAYS OF COMPLETING THE CONSTRUCTION, ALTERATION OR ABANDONMENT OF A WATER WELL, THE WELL CONTRACTOR PERFORMING THE WORK SHALL PROVIDE WRITTEN CERTIFICATION TO THE OWNER OF THE WATER WELL THAT SUCH WORK WAS PERFORMED IN ACCORDANCE WITH THIS ACT AND ALL APPLICABLE STANDARDS, RULES AND REGULATIONS. THIS CERTIFICATION SHALL BE ACCOMPLISHED ON A REGISTRATION FORM PRESCRIBED BY THE DEPARTMENT CONTAINING THE INFORMATION REQUIRED UNDER SUBSECTION (B) OR AS MAY HEREAFTER BE ESTABLISHED BY REGULATION OF THE BOARD.

SECTION 7. ADMINISTRATION BY LOCAL AGENCIES.

NOTHING IN THIS ACT SHALL PREVENT LOCAL AGENCIES FROM ENACTING LOCAL ORDINANCES REGULATING WATER WELL CONSTRUCTION PROVIDED THAT THE ORDINANCE IS NOT LESS STRINGENT THAN THE STANDARDS FOR WATER WELL CONSTRUCTION, WATER WELL LOCATION AND WELL ABANDONMENT ADOPTED BY THE ENVIRONMENTAL QUALITY BOARD UNDER THIS ACT.

SECTION 8. ABANDONED WATER WELL.

(A) ABANDONMENT REQUIREMENT.--EXCEPT AS PROVIDED IN SUBSECTION (B), THE OWNER OF ANY ABANDONED WATER WELL SHALL EMPLOY METHODS ACCEPTABLE TO THE DEPARTMENT OF ENVIRONMENTAL RESOURCES OR AS MAY HEREAFTER BE PRESCRIBED BY REGULATION OF THE ENVIRONMENTAL QUALITY BOARD TO EFFECTIVELY SEAL THE WELL IN ORDER TO PREVENT THE CONTAMINATION OF GROUNDWATER, PRESERVE THE HYDROLOGIC SYSTEM AND PROTECT THE PUBLIC HEALTH AND SAFETY. FAILURE TO ABANDON A WATER WELL IN ACCORDANCE WITH THIS SECTION SHALL CONSTITUTE A VIOLATION OF THIS ACT.

(B) APPLICATION OF SECTION.--THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO ANY WATER WELL WHICH HAS BEEN RENDERED TEMPORARILY INACTIVE FOR NO LONGER THAN 24 MONTHS BY

1 MEANS OF A SUITABLE DEVICE WHICH IS ACCEPTABLE TO THE DEPARTMENT
2 AND WHICH IS MECHANICALLY AND STRUCTURALLY SOUND, OR TO ANY
3 WATER WELL WHICH IS INTENDED TO BE USED TO SUPPORT AN
4 AGRICULTURAL ACTIVITY.

5 SECTION 9. INSPECTIONS AND SEARCHES.

6 (A) GENERAL RULE.--THE DEPARTMENT OF ENVIRONMENTAL RESOURCES
7 MAY MAKE INSPECTIONS AND CONDUCT TESTS OR SAMPLING, INCLUDING
8 THE EXAMINATION AND COPYING OF BOOKS, PAPERS, RECORDS AND DATA
9 PERTINENT TO ANY MATTER UNDER INVESTIGATION, IN ORDER TO
10 DETERMINE COMPLIANCE WITH THIS ACT; AND FOR THIS PURPOSE, THE
11 DULY AUTHORIZED AGENTS AND EMPLOYEES OF THE DEPARTMENT ARE
12 AUTHORIZED AT ALL REASONABLE TIMES TO ENTER AND EXAMINE ANY
13 PROPERTY, FACILITY, OPERATION OR ACTIVITY.

14 (B) ACCESS BY AGENTS AND EMPLOYEES.--UPON PRESENTING PROPER
15 IDENTIFICATION AND THE PURPOSE OF THE INSPECTION, AGENTS AND
16 EMPLOYEES OF THE DEPARTMENT SHALL BE GIVEN FREE AND UNRESTRICTED
17 ENTRY AND ACCESS. UPON BEING REFUSED ENTRY OR ACCESS, THE AGENT
18 OR EMPLOYEE MAY OBTAIN A SEARCH WARRANT OR OTHER SUITABLE ORDER
19 AUTHORIZING SUCH ENTRY AND INSPECTION. IT SHALL BE SUFFICIENT
20 PROBABLE CAUSE TO ISSUE A SEARCH WARRANT AUTHORIZING SUCH
21 EXAMINATION AND INSPECTION IF THERE IS PROBABLE CAUSE TO BELIEVE
22 THAT THE OBJECT OF THE INVESTIGATION IS SUBJECTED TO REGULATION
23 UNDER THIS ACT, AND ACCESS, EXAMINATION OR INSPECTION IS
24 NECESSARY TO ENFORCE THE PROVISIONS OF THIS ACT.

25 SECTION 10. WATER QUALITY ANALYSIS AND WELL YIELD REPORT.

26 (A) SUBMISSION.--IN ACCORDANCE WITH REGULATIONS ADOPTED BY
27 THE ENVIRONMENTAL QUALITY BOARD, THE WELL CONTRACTOR SHALL
28 SUBMIT TO THE DEPARTMENT OF ENVIRONMENTAL RESOURCES AND THE
29 DRINKING WATER WELL OWNER A WATER QUALITY ANALYSIS REPORT. SUCH
30 REPORT MUST BE BASED ON A WATER SAMPLE OBTAINED FROM THE

1 DRINKING WATER WELL ACCORDING TO THE PROCEDURES ESTABLISHED BY
2 THE BOARD UNDER SECTION 4.

3 (B) CONTENT.--THE REPORT SHALL INCLUDE WATER QUALITY
4 ANALYSES PERFORMED BY A LABORATORY CERTIFIED UNDER THE ACT OF
5 MAY 1, 1984 (P.L.206, NO.43), KNOWN AS THE PENNSYLVANIA SAFE
6 DRINKING WATER ACT, OF THE CONTAMINANTS SPECIFIED BY REGULATION
7 AND ANY OTHER SUBSTANCES WHICH THE DRINKING WATER WELL OWNER MAY
8 REQUEST.

9 (C) WATER QUALITY INFORMATION.--THE DEPARTMENT SHALL DEVELOP
10 WATER QUALITY INFORMATION WHICH SHALL INCLUDE, BUT NOT BE
11 LIMITED TO, DRINKING WATER QUALITY STANDARDS, POTENTIAL EFFECTS
12 ON HUMAN HEALTH AND SAFETY RELATIVE TO THE TESTED SUBSTANCES,
13 AVAILABLE WATER TREATMENT TECHNOLOGIES AND ASSOCIATED COSTS.
14 SUCH INFORMATION SHALL BE PROVIDED TO ALL CERTIFIED LABORATORIES
15 AND WELL CONTRACTORS WHO SHALL PROVIDE THIS INFORMATION TO THE
16 OWNER OF THE DRINKING WATER WELL.

17 (D) WELL YIELD INFORMATION.--IN ACCORDANCE WITH REGULATIONS
18 ADOPTED BY THE BOARD, THE WELL CONTRACTOR SHALL SUBMIT TO THE
19 DEPARTMENT AND THE DRINKING WATER WELL OWNER A WELL YIELD
20 REPORT. THE WELL YIELD REPORT MUST BE BASED ON TESTING OF THE
21 DRINKING WATER WELL ACCORDING TO THE PROCEDURES ESTABLISHED BY
22 THE BOARD UNDER SECTION 4.

23 (E) NOTICE TO WELL USERS.--WHERE THE OWNER OF A DRINKING
24 WATER WELL IS NOT THE PRIMARY USER OF THE DRINKING WATER WELL,
25 THE OWNER SHALL, WITHIN 48 HOURS OF RECEIPT OF THE WATER QUALITY
26 ANALYSIS REPORT, NOTIFY OTHER USERS OF THE RESULTS OF THE WATER
27 QUALITY ANALYSIS. THIS NOTICE SHALL BE GIVEN BY MAIL OR BY
28 CONSPICUOUS POSTING AT THE PLACE OF USE IN A LOCATION WHERE IT
29 WILL BE SEEN BY USERS.

30 (F) EFFECTIVE DATE.--THE REQUIREMENTS TO PROVIDE WATER

1 QUALITY ANALYSIS AND WELL YIELD REPORTS TO DRINKING WATER WELL
2 OWNERS WILL TAKE EFFECT UPON PROMULGATION OF REGULATIONS
3 ESTABLISHED BY THE BOARD UNDER SECTION 4.

4 SECTION 11. LICENSES AND DRILLING RIG REGISTRATION.

5 (A) LICENSE REQUIREMENT.--EXCEPT AS PROVIDED IN SUBSECTION

6 (B), IT SHALL BE UNLAWFUL FOR ANY PERSON TO CONSTRUCT OR ALTER A
7 WATER WELL WITHOUT FIRST OBTAINING FROM THE DEPARTMENT OF
8 ENVIRONMENTAL RESOURCES A LICENSE TO CONDUCT SUCH ACTIVITY.

9 FAILURE TO OBTAIN A LICENSE UNDER THIS SUBSECTION SHALL

10 CONSTITUTE A VIOLATION OF THIS ACT. THE ENVIRONMENTAL QUALITY

11 BOARD BY REGULATION MAY REQUIRE THAT ABANDONMENT OF A WATER WELL

12 SHALL BE PERFORMED BY A LICENSED WELL CONTRACTOR.

13 (B) EXEMPTION.--ANY INDIVIDUAL OPERATING UNDER THE DIRECT

14 SUPERVISION OF A LICENSED WELL CONTRACTOR IS EXEMPT FROM THE

15 REQUIREMENTS OF SUBSECTION (A).

16 (C) APPLICATION.--AN APPLICATION FOR A LICENSE SHALL BE IN

17 WRITING ON FORMS PROVIDED BY THE DEPARTMENT AND SHALL BE

18 ACCOMPANIED BY THE WELL CONTRACTOR LICENSE FEE AND RIG

19 REGISTRATION FEE, IF APPLICABLE, AS ESTABLISHED UNDER SECTION 12

20 OR AS HEREAFTER SET BY REGULATION OF THE BOARD. THE APPLICATION

21 SHALL CONTAIN A STATEMENT SHOWING:

22 (1) THE NAME OF THE APPLICANT.

23 (2) THE BUSINESS ADDRESS OF THE APPLICANT.

24 (3) THE RESIDENCE OF THE APPLICANT.

25 (4) THE REGISTRATION OF ANY DRILLING RIG WHICH WILL BE
26 OWNED OR OPERATED BY THE LICENSEE DURING THE LICENSE YEAR.

27 (5) ANY ADDITIONAL INFORMATION THAT THE DEPARTMENT MAY
28 REQUIRE.

29 (D) REQUIREMENTS FOR LICENSEE.--UNTIL SUCH TIME AS THE BOARD
30 PROMULGATES REGULATIONS ON LICENSEE QUALIFICATIONS, THE

1 DEPARTMENT MAY ISSUE AND RENEW LICENSES AND RIG REGISTRATIONS
2 BASED ON SATISFACTION OF THE REQUIREMENTS CONTAINED IN
3 SUBSECTION (C). IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER
4 THIS ACT, THE APPLICANT FOR A LICENSE SHALL MEET ALL THE
5 FOLLOWING REQUIREMENTS:

6 (1) DEMONSTRATE TO THE DEPARTMENT THAT THE APPLICANT,
7 HIS AGENTS AND EMPLOYEES ARE QUALIFIED TO PRACTICE WATER WELL
8 CONSTRUCTION, ALTERATION AND ABANDONMENT. QUALIFICATIONS
9 COULD INCLUDE YEARS OF EXPERIENCE, FORMAL EDUCATION OR
10 CERTIFICATION BY A NATIONAL ORGANIZATION OF WELL DRILLERS
11 THAT HAS BEEN APPROVED BY THE DEPARTMENT.

12 (2) FILE WITH THE DEPARTMENT EVIDENCE OF FINANCIAL
13 RESPONSIBILITY, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, A
14 COMMERCIAL LIABILITY INSURANCE POLICY OR SELF-INSURANCE IN AN
15 AMOUNT TO BE PRESCRIBED BY RULES AND REGULATIONS PROMULGATED
16 UNDER THIS ACT.

17 (3) PAY THE ANNUAL LICENSE FEES.

18 (4) REGISTER WITH THE DEPARTMENT ANY DRILLING RIG WHICH
19 WILL BE OWNED AND OPERATED DURING THE LICENSE YEAR AND PAY A
20 REGISTRATION FEE FOR EACH RIG REGISTERED. THE DEPARTMENT
21 SHALL ISSUE ONE DRILLING RIG PLACARD WITH THE WELL
22 CONTRACTOR'S LICENSE NUMBER FOR EACH DRILLING RIG REGISTERED.
23 THE WELL CONTRACTOR MUST POST SUCH PLACARDS ON EACH RIG
24 REGISTERED UNDER HIS LICENSE.

25 (5) PROVIDE ANY OTHER INFORMATION THE DEPARTMENT DEEMS
26 NECESSARY.

27 (E) REGULATIONS.--THE BOARD MAY ADOPT SUCH REGULATIONS TO
28 PROVIDE PROOF OF A LICENSEE'S QUALIFICATIONS AND TO PROVIDE FOR
29 PROOF OF FINANCIAL RESPONSIBILITY OF LICENSEES AS NECESSARY TO
30 INSURE COMPLIANCE WITH THIS ACT.

1 (F) RENEWAL.--ANY LICENSE ISSUED PURSUANT TO THIS SECTION IS
2 NOT TRANSFERABLE AND SHALL BE RENEWED ANNUALLY. THE BOARD BY
3 REGULATION MAY REQUIRE EACH INDIVIDUAL OPERATING UNDER A LICENSE
4 PURSUANT TO THIS SECTION TO ATTEND CONTINUING EDUCATION PROGRAMS
5 AS A PREREQUISITE FOR THE RENEWAL OF A LICENSE.

6 (G) DUPLICATES.--THE DEPARTMENT MAY ISSUE A DUPLICATE
7 LICENSE OR RIG REGISTRATION TO REPLACE A LOST OR DESTROYED
8 LICENSE OR REGISTRATION.

9 (H) SUSPENSION OR REVOCATION.--WHENEVER THE DEPARTMENT
10 DETERMINES THAT THE HOLDER OF A LICENSE ISSUED PURSUANT TO THIS
11 SECTION HAS VIOLATED ANY PROVISION OF THIS ACT, ANY RULE OR
12 REGULATION ADOPTED UNDER THIS ACT OR ANY CONDITION OF ANY
13 LICENSE ISSUED UNDER THIS ACT, THE DEPARTMENT IS AUTHORIZED TO
14 SUSPEND OR REVOKE ANY SUCH LICENSE.

15 (I) LIMITATION ON REISSUANCE.--THE DEPARTMENT SHALL NOT
16 ISSUE A NEW LICENSE TO A WELL CONTRACTOR WITHIN ONE YEAR AFTER
17 REVOCATION OF THE CONTRACTOR'S PREVIOUS LICENSE.

18 (J) RECIPROCAL LICENSING.--THE DEPARTMENT, UPON APPLICATION
19 THEREFORE AND PAYMENT OF THE FEES REQUIRED BY THE DEPARTMENT,
20 MAY ISSUE A WELL CONTRACTOR LICENSE TO A PERSON WHO HOLDS A
21 SIMILAR LICENSE IN ANY STATE, TERRITORY OR POSSESSION OF THE
22 UNITED STATES OR IN ANY FOREIGN COUNTRY IF THE REQUIREMENTS FOR
23 LICENSING OF A WELL CONTRACTOR UNDER WHICH THE LICENSE WAS
24 ISSUED ARE OF A STANDARD NOT LOWER THAN THAT SPECIFIED BY THE
25 PROVISIONS OF THIS ACT AND THE RULES AND REGULATIONS ADOPTED
26 UNDER THIS ACT. THE PROVISIONS OF THIS SUBSECTION SHALL APPLY TO
27 THOSE STATES AND TERRITORIES THAT PROVIDE SIMILAR PROVISIONS TO
28 COMMONWEALTH WATER WELL CONTRACTORS.

29 SECTION 12. INTERIM FEES AND REQUIREMENTS.

30 (A) WATER WELL REGISTRATION FEES.--UNTIL ALTERNATIVE FEES

1 ARE ESTABLISHED BY THE ENVIRONMENTAL QUALITY BOARD BY
2 REGULATION, A REGISTRATION FEE OF \$35 FOR EACH WATER WELL
3 CONSTRUCTED OR ALTERED AFTER THE EFFECTIVE DATE OF THIS ACT
4 SHALL BE PAID BY THE WELL CONTRACTOR TO THE DEPARTMENT OF
5 ENVIRONMENTAL RESOURCES IN ACCORDANCE WITH SECTION 6.

6 (B) INTERIM REQUIREMENTS.--UNTIL SUCH TIME AS THE BOARD
7 ADOPTS REGISTRATION REQUIREMENTS AND FEES FOR WATER WELLS BY
8 REGULATION, NO PERSON SHALL CONSTRUCT OR ALTER A WATER WELL
9 UNLESS THE INTERIM REGISTRATION FEE HAS BEEN PAID. EACH WELL
10 CONTRACTOR SHALL REGISTER WITH THE DEPARTMENT EACH WATER WELL BY
11 COMPLETING AND SUBMITTING THE FORM PROVIDED BY THE DEPARTMENT,
12 INCLUDING THE REGISTRATION FEE PRESCRIBED BY THE DEPARTMENT, FOR
13 EACH WATER WELL IN ACCORDANCE WITH SECTION 6.

14 (C) WELL CONTRACTOR LICENSE FEE.--UNTIL ALTERNATIVE ANNUAL
15 LICENSE FEES AND REQUIREMENTS ARE ESTABLISHED BY THE BOARD BY
16 REGULATION, AN ANNUAL LICENSE FEE OF \$80 IS TO BE PAID TO THE
17 DEPARTMENT BY ANY PERSON PRIOR TO CONSTRUCTING OR ALTERING A
18 WATER WELL. EACH WELL CONTRACTOR SHALL APPLY TO THE DEPARTMENT
19 BY COMPLETING AND SUBMITTING THE APPLICATION FORM PROVIDED BY
20 THE DEPARTMENT, INCLUDING THE LICENSE FEE IN ACCORDANCE WITH
21 SECTION 11.

22 (D) DRILLING RIG REGISTRATION FEE.--UNTIL ALTERNATIVE ANNUAL
23 FEES ARE ESTABLISHED BY THE BOARD BY REGULATION, AN ANNUAL
24 DRILLING RIG REGISTRATION FEE OF \$30 IS TO BE PAID TO THE
25 DEPARTMENT BY THE WELL CONTRACTOR FOR EACH DRILLING RIG WHICH IS
26 TO BE OWNED OR OPERATED DURING THE REGISTRATION YEAR. EACH WELL
27 CONTRACTOR SHALL REGISTER EACH DRILLING RIG WITH THE DEPARTMENT
28 BY COMPLETING AND SUBMITTING THE FORM PROVIDED BY THE
29 DEPARTMENT, INCLUDING THE REGISTRATION FEE IN ACCORDANCE WITH
30 SECTION 11.

(E) USE OF REGISTRATION FEES.--ALL FEES COLLECTED BY THE DEPARTMENT SHALL BE DEPOSITED IN THE WATER WELL CONSTRUCTION ACCOUNT ESTABLISHED UNDER SECTION 17 AND ARE TO BE USED TO FUND THE DEVELOPMENT AND OPERATION OF THE WATER WELL PROGRAMS ESTABLISHED BY THIS ACT.

SECTION 13. RECORDKEEPING AND REPORTS.

THE DEPARTMENT OF ENVIRONMENTAL RESOURCES IS AUTHORIZED TO REQUIRE ANY WELL CONTRACTOR TO ESTABLISH AND MAINTAIN SUCH RECORDS AND MAKE SUCH REPORTS AND FURNISH SUCH DATA AS THE DEPARTMENT DEEMS NECESSARY TO DEMONSTRATE THAT THE WELL CONTRACTOR IS COMPLYING WITH THIS ACT AND THE RULES AND REGULATIONS ADOPTED UNDER THIS ACT. THE WRITTEN CERTIFICATION REQUIRED UNDER SECTION 6(D) SHALL BE KEPT FOR TEN YEARS BY THE WELL CONTRACTOR.

SECTION 14. WATER WELL CONSTRUCTION TECHNICAL ADVISORY COMMITTEE.

(A) ESTABLISHMENT AND COMPOSITION.--THERE IS HEREBY ESTABLISHED THE WATER WELL CONSTRUCTION TECHNICAL ADVISORY COMMITTEE. THE COMMITTEE SHALL CONSIST OF SEVEN MEMBERS, ALL OF WHOM SHALL BE APPOINTED BY THE SECRETARY OF ENVIRONMENTAL RESOURCES WITHIN THREE MONTHS OF THE EFFECTIVE DATE OF THIS ACT AND ALL OF WHOM MUST BE RESIDENTS OF THIS COMMONWEALTH WITH FIVE YEARS OF EXPERIENCE IN THIS COMMONWEALTH IN THEIR RESPECTIVE FIELDS. TWO MEMBERS SHALL BE WATER WELL CONTRACTORS, ONE A CABLE TOOL DRILLER AND THE OTHER A ROTARY DRILLER. ONE MEMBER SHALL BE A HYDROGEOLOGIST LICENSED PURSUANT TO THE ACT OF MAY 23, 1945 (P.L.913, NO.367), KNOWN AS THE ENGINEER, LAND SURVEYOR AND GEOLOGIST REGISTRATION LAW, AND ONE MEMBER SHALL BE A PRACTICING SANITARIAN, CHOSEN FROM A LIST OF AT LEAST FOUR NAMES SUBMITTED BY THE DEPARTMENT OF ENVIRONMENTAL RESOURCES' CITIZENS ADVISORY

1 COUNCIL TO THE SECRETARY, WHO SHALL SIT AS A REPRESENTATIVE OF
2 THE PUBLIC INTEREST. ONE MEMBER SHALL REPRESENT THE HOME
3 BUILDING INDUSTRY. ONE MEMBER SHALL BE A PRACTICING SEWAGE
4 ENFORCEMENT OFFICER, AND ONE MEMBER SHALL BE A REPRESENTATIVE OF
5 TOWNSHIP GOVERNMENT.

6 (B) EXPENSES.--COMMITTEE MEMBERS SHALL NOT RECEIVE A SALARY
7 BUT SHALL BE REIMBURSED FOR ALL NECESSARY EXPENSES INCURRED IN
8 THE PERFORMANCE OF THEIR DUTIES.

9 (C) MEETINGS, CHAIRMAN, ETC.--ALL ACTIONS OF THE COMMITTEE
10 SHALL BE BY MAJORITY VOTE OF THE FULL COMMITTEE. THE COMMITTEE
11 SHALL MEET UPON THE CALL OF THE SECRETARY, BUT NOT LESS THAN
12 SEMIANNUALLY, TO CARRY OUT ITS DUTIES UNDER THIS ACT. THE
13 COMMITTEE SHALL SELECT A CHAIRPERSON AND SUCH OTHER OFFICERS AND
14 ESTABLISH BYLAWS AS IT DEEMS APPROPRIATE. THE DEPARTMENT SHALL
15 PROVIDE CLERICAL AND TECHNICAL SUPPORT AS THE COMMITTEE MAY
16 REASONABLY REQUIRE.

17 (D) FORMULATION OF REGULATIONS, ETC.--THE DEPARTMENT SHALL
18 CONSULT WITH THE COMMITTEE IN THE FORMULATION, DRAFTING AND
19 PRESENTATION STAGES OF ALL REGULATIONS OF A TECHNICAL NATURE
20 PROMULGATED UNDER THIS ACT. THE COMMITTEE SHALL BE GIVEN A
21 REASONABLE OPPORTUNITY TO REVIEW AND COMMENT ON ALL REGULATIONS
22 OF A TECHNICAL NATURE PRIOR TO THEIR SUBMISSION TO THE
23 ENVIRONMENTAL QUALITY BOARD FOR INITIAL CONSIDERATION. THE
24 WRITTEN COMMENTS OF THE COMMITTEE SHALL BE PRESENTED TO THE
25 BOARD WITH ANY REGULATORY PROPOSAL.

26 SECTION 15. PENALTIES AND REMEDIES.

27 (A) SUMMARY OFFENSE.--A PERSON WHO VIOLATES ANY PROVISION OF
28 THIS ACT, ANY RULE OR REGULATION OF THE DEPARTMENT OF
29 ENVIRONMENTAL RESOURCES, ANY ORDER OF THE DEPARTMENT, OR ANY
30 TERM OR CONDITION OF A WELL REGISTRATION OR LICENSE OF THE

1 DEPARTMENT ISSUED PURSUANT TO THIS ACT, OR WHO RESISTS OR
2 INTERFERES WITH AN OFFICER, AGENT OR EMPLOYEE OF THE DEPARTMENT
3 IN THE PERFORMANCE OF HIS DUTIES COMMITS A SUMMARY OFFENSE AND
4 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT LESS
5 THAN \$100 NOR MORE THAN \$1,000, AND COSTS, FOR EACH SEPARATE
6 OFFENSE OR, IN DEFAULT OF PAYMENT THEREOF, SHALL BE SENTENCED TO
7 IMPRISONMENT FOR A PERIOD OF NOT MORE THAN 30 DAYS. FOR PURPOSES
8 OF THIS SUBSECTION, A SUMMARY OFFENSE MAY BE PROSECUTED BEFORE
9 ANY DISTRICT JUSTICE IN THE COUNTY WHERE THE OFFENSE OCCURRED.
10 EMPLOYEES OF THE DEPARTMENT AUTHORIZED TO CONDUCT INSPECTIONS OR
11 INVESTIGATIONS ARE HEREBY DECLARED TO BE LAW ENFORCEMENT
12 OFFICERS AUTHORIZED TO ISSUE OR FILE CITATIONS FOR SUMMARY
13 VIOLATIONS UNDER THIS ACT, AND THE GENERAL COUNSEL IS HEREBY
14 AUTHORIZED TO PROSECUTE THESE OFFENSES.

15 (B) EQUITABLE RELIEF.--THE DEPARTMENT MAY APPLY TO THE
16 COMMONWEALTH COURT OR TO A COURT OF COMMON PLEAS HAVING
17 JURISDICTION FOR A PRELIMINARY, SPECIAL OR FINAL INJUNCTION TO
18 RESTRAIN OR PREVENT VIOLATIONS OF THIS ACT OR TO COMPEL
19 COMPLIANCE WITH THIS ACT OR ANY RULE, REGULATION, ORDER, LICENSE
20 OR REGISTRATION ISSUED PURSUANT TO THIS ACT.

21 (C) CIVIL PENALTIES.--IN ADDITION TO PROCEEDING UNDER ANY
22 OTHER REMEDY AVAILABLE AT LAW OR IN EQUITY FOR A VIOLATION OF
23 ANY PROVISION OF THIS ACT, ANY RULE OR REGULATION OF THE
24 DEPARTMENT OR ORDER OF THE DEPARTMENT, OR ANY TERM OR CONDITION
25 OF ANY WELL REGISTRATION OR LICENSE ISSUED PURSUANT TO THIS ACT,
26 THE DEPARTMENT MAY ASSESS A CIVIL PENALTY UPON A PERSON FOR SUCH
27 VIOLATION. SUCH A PENALTY MAY BE ASSESSED WHETHER OR NOT THE
28 VIOLATION WAS WILLFUL OR NEGLIGENT. WHEN THE DEPARTMENT ASSESSES
29 A CIVIL PENALTY, IT SHALL INFORM THE PERSON OF THE AMOUNT OF THE
30 PENALTY. THE PERSON CHARGED WITH THE PENALTY SHALL THEN HAVE 30

1 DAYS TO PAY THE PENALTY IN FULL OR, IF THE PERSON WISHES TO
2 CONTEST EITHER THE AMOUNT OF THE PENALTY OR THE FACT OF THE
3 VIOLATION, THE PERSON SHALL, WITHIN THE 30-DAY PERIOD, FILE AN
4 APPEAL OF THE ACTION WITH THE ENVIRONMENTAL HEARING BOARD.
5 FAILURE TO APPEAL WITHIN 30 DAYS SHALL RESULT IN A WAIVER OF ALL
6 LEGAL RIGHTS TO CONTEST THE VIOLATION OR THE AMOUNT OF THE
7 PENALTY. THE MAXIMUM CIVIL PENALTY WHICH MAY BE ASSESSED
8 PURSUANT TO THIS SECTION IS \$1,000 PER DAY FOR EACH VIOLATION.

9 (D) REMEDIES CUMULATIVE.--THE PENALTIES AND REMEDIES
10 PRESCRIBED BY THIS ACT SHALL BE DEEMED CUMULATIVE AND THE
11 EXISTENCE OF OR EXERCISE OF ANY REMEDY SHALL NOT PREVENT THE
12 DEPARTMENT FROM EXERCISING ANY OTHER REMEDY UNDER THIS ACT, AT
13 LAW OR IN EQUITY.

14 (E) EACH DAY SEPARATE OFFENSE.--VIOLATIONS ON SEPARATE DAYS
15 SHALL CONSTITUTE SEPARATE OFFENSES.

16 SECTION 16. APPEALS.

17 ANY PERSON AGGRIEVED BY ANY ACTION OF THE DEPARTMENT OF
18 ENVIRONMENTAL RESOURCES TAKEN UNDER THE PROVISIONS OF THIS ACT,
19 INCLUDING, BUT NOT LIMITED TO, DENIALS OF LICENSES, SHALL HAVE
20 THE RIGHT, WITHIN 30 DAYS OF RECEIPT OF THE NOTICE OF THE
21 ACTION, TO APPEAL THE ACTION TO THE ENVIRONMENTAL HEARING BOARD
22 IN ACCORDANCE WITH THE ACT OF JULY 13, 1988 (P.L.530, NO.94),
23 KNOWN AS THE ENVIRONMENTAL HEARING BOARD ACT, AND 2 PA.C.S. CH.
24 5 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH
25 AGENCIES).

26 SECTION 17. WATER WELL CONSTRUCTION ACCOUNT.

27 (A) ESTABLISHMENT.--ALL FEES, FINES AND PENALTIES RECEIVED
28 BY THE DEPARTMENT OF ENVIRONMENTAL RESOURCES UNDER THIS ACT
29 SHALL BE PAID INTO THE STATE TREASURY INTO A RESTRICTED ACCOUNT
30 TO BE KNOWN AS THE WATER WELL CONSTRUCTION ACCOUNT, WHICH IS

1 HEREBY ESTABLISHED.

2 (B) APPROPRIATION.--ALL MONEYS PLACED IN THE WATER WELL
3 CONSTRUCTION ACCOUNT ARE HEREBY APPROPRIATED TO THE DEPARTMENT
4 OF ENVIRONMENTAL RESOURCES FOR THE PURPOSES SET FORTH IN THIS
5 ACT UPON APPROVAL OF THE GOVERNOR.

6 (C) ALLOCATIONS.--THE DEPARTMENT OF ENVRIONEMTNAL RESOURCES
7 SHALL, TO THE EXTENT PRACTICABLE, ALLOCATE THE MONEYS RECEIVED
8 BY THE WATER WELL CONSTRUCTION ACCOUNT, INCLUDING ALL INTEREST
9 GENERATED THEREON, FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE
10 PROGRAMS SET FORTH IN THIS ACT. THIS INCLUDES PUBLIC
11 INFORMATION, PUBLIC EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS
12 FOR DRINKING WATER WELLS.

13 SECTION 18. TRANSFER OF FUNDS.

14 ALL MONEYS CURRENTLY COLLECTED UNDER THE ACT OF MAY 29, 1956
15 (1955 P.L.1840, NO.610), KNOWN AS THE WATER WELL DRILLERS
16 LICENSE ACT, SHALL BE IMMEDIATELY TRANSFERRED TO THE WATER WELL
17 CONSTRUCTION ACCOUNT.

18 SECTION 19. STATUS OF EXISTING LICENSES AND PERMITS.

19 WELL DRILLER LICENSES AND DRILLING RIG PERMITS ISSUED UNDER
20 THE ACT OF MAY 29, 1956 (1955 P.L.1840, NO.610), KNOWN AS THE
21 WATER WELL DRILLERS LICENSE ACT, SHALL REMAIN IN FULL FORCE AND
22 EFFECT FOR SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ACT.
23 LICENSEES SHALL APPLY FOR A LICENSE AND REGISTER DRILLING RIGS
24 UNDER THIS ACT NO LATER THAN 60 DAYS PRIOR TO THE EXPIRATION OF
25 THEIR CURRENT LICENSE AND ANNUALLY THEREAFTER AND RECEIVE A
26 LICENSE BEFORE THEY CONSTRUCT OR ALTER A WATER WELL.

27 SECTION 20. CONSTRUCTION OF ACT.

28 NOTHING IN THIS ACT SHALL BE CONSTRUED TO ALTER THE
29 REQUIREMENTS CONTAINED IN THE ACT OF MAY 1, 1984 (P.L.206,
30 NO.43), KNOWN AS THE PENNSYLVANIA SAFE DRINKING WATER ACT, AND

1 APPLICABLE REGULATIONS, OR THE REQUIREMENTS CONTAINED IN OTHER
2 ENVIRONMENTAL STATUTES.

3 SECTION 21. REPEAL.

4 THE ACT OF MAY 29, 1956 (1955 P.L.1840, NO.610), KNOWN AS THE
5 WATER WELL DRILLERS LICENSE ACT, IS REPEALED.

6 SECTION 22. EFFECTIVE DATE.

7 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.