

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1591

Session of
2001

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 19, 2001

AN ACT

1 Providing for the regulation of the location and construction of
2 water wells, for licensing water-well contractors and for the
3 collection of information on groundwater quality and
4 quantity; conferring powers and duties on the Department of
5 Environmental Protection; creating the Water-Well
6 Construction Technical Advisory Committee; establishing the
7 Water-Well Construction Fund; imposing penalties; and making
8 a repeal.

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21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. Short title.

24 This act shall be known and may be cited as the Water-Well
25 Construction Act.

26 Section 2. Legislative findings and declaration of purpose.

27 (a) Findings.--The General Assembly finds that a large
28 portion of this Commonwealth's citizens rely on water wells for
29 drinking water and that improperly constructed water wells can
30 adversely affect public health and cause groundwater

1 contamination.

2 (b) Purpose.--The purpose of this act is to:

3 (1) Protect public health and safety by establishing
4 location and construction standards for water wells.

5 (2) Establish a Statewide program to regulate water-well
6 construction in a manner which will protect the groundwater
7 resource for present and future use.

8 (3) Protect public health and safety and groundwater
9 resources through the licensing of water-well contractors.

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

13 Section 3. Definitions.

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

17 "Aquifer." Any geologic material, including, but not limited
18 to, sand, gravel or rock, below the land surface which has the
19 capability to transmit water.

20 "Board." The Environmental Quality Board.

21 "Casing penetration." Any hole or slot that is bored, cut,
22 ripped, burned or otherwise created through the wall of a well
23 casing at any point below the land surface. This term includes,
24 but is not limited to, any hole below the land surface that is
25 necessary to install or operate any pumping or other equipment
26 in the well.

27 "Certification board." The administrative board within the
28 Department of Environmental Protection established in section 6.

29 "Committee." The Water-Well Construction Technical Advisory
30 Committee.

1 "Decommissioned" or "decommissioning." In reference to a
2 water well, this term means that the water well is no longer
3 equipped in such a manner as to be able to draw groundwater.
4 This term also refers to a well where the pump, piping or
5 electrical components have been disconnected or removed and then
6 sealed in accordance with the decommissioning standards in the
7 regulations promulgated under this act and which is released
8 from liability under the act of June 22, 1937 (P.L.1987,
9 No.394), known as The Clean Streams Law.

10 "Department." The Department of Environmental Protection of
11 the Commonwealth.

12 "Direct supervision." Being observed and directed by a
13 licensed water-well driller who is onsite.

14 "Drinking water well." Any water well which provides or is
15 intended to provide water for human consumption if the well is
16 not regulated under the act of May 1, 1984 (P.L.206, No.43),
17 known as the Pennsylvania Safe Drinking Water Act.

18 "Fund." The Water-Well Construction Fund established in
19 section 17.

20 "Geothermal well." Any borehole in the ground constructed
21 for the purpose of extracting heat from or transferring heat to
22 the ground or groundwater. This term does not include a trench
23 necessary for installation of horizontal closed-loop heat
24 transfer systems.

25 "Groundwater." Water that is either contained in or removed
26 from an aquifer.

27 "Immediate relative." An individual's spouse, child, parent,
28 sibling, niece, nephew, grandparent, uncle, aunt or first
29 cousin, regardless of whether the relation is by consanguinity,
30 affinity or adoption.

1 "In service." A water well that is being used to locate,
2 monitor, withdraw or inject water from or into any aquifer or
3 for the purpose of transferring heat to or from the ground or
4 groundwater.

5 "Local agency." A municipality or any combination of
6 municipalities acting cooperatively or jointly under the laws of
7 this Commonwealth, county health department or joint county
8 health department.

9 "Lot." Any part of a subdivision or a parcel of land used as
10 a building site or intended to be used for building purposes,
11 whether immediate or future, which would not be further
12 subdivided.

13 "Out of service." In reference to a water well, this term
14 means that the water well is not being used to locate, monitor,
15 withdraw or inject water from or into any aquifer or for the
16 purpose of transferring heat to or from the ground or
17 groundwater and that is to be a temporarily closed water well or
18 that becomes a decommissioned water well.

19 "Person." An individual, partnership, association, company,
20 corporation, municipal authority, political subdivision or
21 agency of the Federal or State Government. The term includes the
22 officers, employees and agents of any partnership, association,
23 company, corporation, municipality, municipal authority,
24 political subdivision or any agency of Federal or State
25 Government.

26 "Secretary." The Secretary of Environmental Protection of
27 the Commonwealth.

28 "Temporarily closed" or "temporary closure." In reference to
29 a water well, this term means that the water well has been
30 closed with a sanitary cap that is removable for future

1 operational service where the pump, piping or electrical
2 components have not been disconnected or removed in accordance
3 with the temporary closure standards regulations promulgated
4 under this act.

5 "Water well." Any borehole in the ground made with the
6 intent to locate, monitor, withdraw or inject water from or into
7 any aquifer. The term includes geothermal wells. The term does
8 not include:

9 (1) A borehole made for the purpose of mining,
10 producing, extracting or injecting any gas, petroleum or
11 other liquid related to oil or gas production or storage,
12 including brine disposal.

13 (2) A ditch or other excavation such as an agricultural
14 drain, road construction drain or culvert, curtain drain,
15 tile drain or on-lot sewage disposal system that is within
16 the soil profile and within 15 feet from the soil surface and
17 that has as its purpose the diversion, storage or
18 transmission of water.

19 (3) A spring or well otherwise regulated under the
20 provisions of the act of May 1, 1984 (P.L.206, No.43), known
21 as the Pennsylvania Safe Drinking Water Act, and the
22 regulations adopted thereunder.

23 "Water-well alteration." Any activity that physically
24 modifies an existing water well. The term does not include
25 opening or unsealing of the water well for the purposes of
26 disinfecting the well, monitoring the groundwater level or the
27 repair and replacement of the pump or pumping equipment.

28 "Water-well construction." Any activity undertaken for the
29 purpose of creating, altering or decommissioning a water well.
30 This term includes, but is not limited to:

1 (1) The drilling, digging, boring, jetting or other
2 processes necessary to construct the hole in the ground.

3 (2) The installation and removal of well casings,
4 screens, liners, packers, sealants, aggregates, plugs and
5 other appurtenances inside the hole that are necessary to
6 either construct or decommission a water well.

7 (3) The creation and sealing of any casing penetrations
8 that are or will be located below the land surface following
9 construction of the well.

10 (4) Activities, including, but not limited to,
11 hydrofracturing, surging, jetting and brushing that are
12 undertaken on or inside a water well to modify or restore the
13 yield.

14 This term does not include the installation of pumps and pumping
15 equipment.

16 "Water-well construction permit." A permit issued by a
17 certified water-well enforcement officer stating that the water-
18 well location and casing of a newly constructed water well meet
19 the standards of this act and the regulations promulgated under
20 this act.

21 "Water-well contractor." A person that has been issued a
22 valid license by the Department of Environmental Protection to
23 construct, decommission or alter water wells.

24 "Water-well driller." An individual who has been issued a
25 valid water-well driller certificate by or under the authority
26 of the Department of Environmental Protection.

27 "Water-well enforcement officer." An official of a local
28 agency who:

29 (1) has been issued a valid water-well enforcement
30 officer certificate by or under the authority of the

Department of Environmental Protection;

(2) reviews permit applications and issues permits under this act; and

(3) conducts the investigations and inspections necessary to implement this act and regulations under this act.

"Water-well rig." The principal drilling or excavation equipment used in the construction, alteration or decommissioning of a water well.

"Well yield." The quantity of water per unit of time which may flow or be pumped from a drinking water well under specified conditions.

Section 4. Power and duties of Environmental Quality Board.

(a) Regulations.--The board shall have the power and its duty shall be to adopt rules and regulations as it deems necessary for the implementation of this act. The rules and regulations shall reflect the regional hydrogeological differences found in this Commonwealth. The rules and regulations shall include, but not be limited to:

(1) Standards for the location, construction, inspection, alteration and temporary closure or decommissioning of water wells, provided that:

(i) Any minimum distance requirement between an existing on-lot sewage disposal system component specified in the regulations under this act or in the act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act, or the regulations promulgated thereunder, and a proposed water well on the same lot shall not be applicable if the local agency finds, after reviewing appropriate groundwater studies

1 submitted by an applicant, the new distance between the
2 proposed water well and on-lot sewage disposal system
3 component will not pose a threat of pollution to the
4 water well.

5 (ii) Minimum distances between a proposed water well
6 on the applicant's lot and any on-lot sewage disposal
7 system component on any other lot must satisfy the
8 specifications set forth in the regulations under this
9 act.

10 (iii) No regulation may be promulgated to require
11 decommissioning of a water well in which initial
12 construction activity was commenced prior to the
13 effective date of the initial regulations promulgated
14 under this act.

15 (2) Requirements and procedures for determining and
16 reporting on water quality and well yield for drinking water
17 wells.

18 (3) Criteria for licensing and review of water-well
19 contractors and registration of water-well rigs.

20 (4) Criteria for the certification and review of water-
21 well drillers and water-well enforcement officers.

22 (5) Water-well registration and reporting requirements.

23 (6) Criteria for the programs administered by local
24 agencies under section 7, including criteria for issuing
25 water-well construction permits.

26 (b) Fees.--The board shall establish fees for water-well
27 registrations, water-well contractor license applications,
28 water-well rig permits, water-well driller certification and
29 water-well enforcement officer certification. Fees shall bear a
30 reasonable relationship to the cost of administering this act.

1 Section 5. Power and duties of Department of Environmental
2 Protection.

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

4 (1) Administer the water-well programs established under
5 this act.

6 (2) Cooperate with local agencies and appropriate
7 Federal, State and interstate units of government and with
8 appropriate private organizations in carrying out its duties
9 under this act.

10 (3) Establish procedures, forms and an appeal process
11 for the submission, review, approval, denial, modification,
12 suspension, revocation, reinstatement and rejection of any
13 water-well contractor license, water-well rig permit, water-
14 well enforcement officer certification or water-well driller
15 certification.

16 (4) Establish procedures and formats for the water-well
17 registration and water-well certification reports required by
18 this act.

19 (5) Require water-well contractors to submit geological
20 and groundwater data and any other papers, books and records
21 to the department for the purposes set forth in this act.

22 (6) Establish programs for educating the public about
23 groundwater resources, the construction and operation of
24 their water supply systems and the regulatory program enacted
25 by this act.

26 (7) Cooperate with the organizations that represent
27 water-well drillers, water-well enforcement officers and
28 businesses engaged in well-drilling activities and to assist
29 these organizations in the development of training curricula
30 that address the knowledge base, minimum skills and technical

1 aspects AND INCORPORATE THE CERTIFICATION TESTING CURRICULA <—
2 DEVELOPED BY THE NATIONAL GROUND WATER ASSOCIATION which will
3 be the subject of the department's certification
4 examinations.

5 (8) Prescribe or establish minimum continuing education
6 requirements, INCLUDING THOSE CONTINUING REQUIREMENTS <—
7 DEVELOPED BY THE NATIONAL GROUND WATER ASSOCIATION, such as
8 the number of training hours, provided that renewal of
9 certification shall not be contingent upon passage of the
10 initial certification examination.

11 (9) Review the performance of local agencies in the
12 administration of this act.

13 (10) Order a local agency to take actions deemed by the
14 department as necessary to effectively administer this act in
15 conformance with the rules and regulations of the department.

16 (11) Make inspections and require the submission of
17 papers, books and records by local agencies for the purposes
18 set forth in this act.

19 (12) Make available all water-well registration reports,
20 water-well certification reports, water-well decommissioning
21 reports and other reports related to well construction or
22 decommissioning, to the Bureau of Topographic and Geologic
23 Survey in the Department of Conservation and Natural
24 Resources. These reports, facsimiles of these reports or
25 access to the information contained in these reports shall be
26 provided in a timely manner and in an electronic format such
27 as a computer data base.

28 Section 6. Certification board.

29 (a) Establishment.--

30 (1) There is hereby created within the department a

1 State Board for Certification of Water-Well Enforcement
2 Officers, Water-Well Drillers and Water-Well Contractors.

3 (2) The certification board shall consist of five
4 members to be appointed by the secretary. One member shall be
5 a representative of local government; one member shall be a
6 water-well enforcement officer certified under the provisions
7 of this act; one member shall be a practicing registered
8 professional geologist; one member shall be a water-well
9 driller certified or licensed under the provisions of this
10 act; and one shall be a water-well contractor certified or
11 licensed under the provisions of this act.

12 (3) Nominees shall be submitted to the secretary by the
13 Water-Well Construction Technical Advisory Committee which
14 shall designate a minimum of two nominees for each position.

15 (4) Each appointment shall be for a period of four
16 years.

17 (5) Until such time that a licensing and certification
18 procedure is in place, the requirement that members of the
19 board be certified or licensed shall not apply.

20 (6) The secretary may reappoint certification board
21 members for one successive term. If vacancies occur prior to
22 completion of a term, the secretary shall appoint another
23 member in accordance with this section to fill the unexpired
24 term. No individual shall serve more than eight consecutive
25 years.

26 (7) No member of this committee may also be a member or
27 alternate of the Water-Well Construction Technical Advisory
28 Committee.

29 (b) Meetings.--

30 (1) Within 180 days of the effective date of this act,

1 the secretary, or his representative, shall call the first
2 meeting of the certification board. At the initial meeting
3 the board shall elect a chairperson. Thereafter, the chairman
4 shall be elected annually.

5 (2) The board shall meet at least twice annually and
6 other meetings may be called by the chairman as needed to
7 conduct the business of the board. Three members of the board
8 shall constitute a quorum.

9 (3) The members of the board shall receive no
10 compensation for their services but shall be reimbursed for
11 actual and necessary expenses incurred in the performance of
12 their duties.

13 (c) Powers and duties.--The certification board shall have
14 the power and its duty shall be, in accordance with the rules
15 and regulations of the department, to:

16 (1) Review and approve or deny applications for
17 certification of water-well enforcement officers and water-
18 well drillers within 30 days of the receipt of the test
19 results from the testing contractor. If the board does not
20 meet within this time period, the applicants who have
21 achieved the necessary passing score on the certification
22 examination and who are not in violation or restrained by any
23 department regulation from certification shall be deemed to
24 be certified.

25 (2) Administer such examinations as prepared by the
26 department, as may be deemed necessary to determine the
27 qualification of candidates for certification. Such
28 examinations shall be held no less than four times in each
29 calendar year. The board shall determine and shall announce,
30 in sufficient time, the location and time for such

1 examinations except that the board shall allow the department
2 to schedule special walk-in examinations when a local agency
3 demonstrates an immediate need to obtain a water-well
4 enforcement officer. During the first year after the
5 effective date of this act, no fees shall be charged for the
6 examinations. During the second and subsequent years, the
7 board may collect a fee of \$10 from each applicant for
8 certification.

9 (3) Hold hearings and issue adjudications under the
10 provisions of 2 Pa.C.S. Ch. 5 Subch. A (relating to practice
11 and procedure of Commonwealth agencies) on any revocation,
12 suspension or reinstatement of certification by the
13 department, provided, that the filing of an appeal with the
14 board shall not operate as an automatic supersedeas of the
15 action of the department. Actions of the department may be
16 appealed to the Environmental Hearing Board.

17 (4) Compile and keep current a register showing the
18 names and addresses of water-well enforcement officers,
19 water-well drillers and water-well contractors. Copies of
20 this register shall be furnished on request upon payment of
21 such reasonable fees as the department shall establish.

22 Section 7. Powers and duties of local agencies.

23 (a) General rule.--County or joint county departments of
24 health shall administer this act in the territorial area subject
25 to their jurisdiction. In all other areas this act shall be
26 administered by each municipality unless the municipality has
27 transferred or delegated the administration of this act to
28 another local agency or is cooperating in the administration, in
29 conformance with 53 Pa.C.S. Ch. 23 Subch. A (relating to
30 intergovernmental cooperation), and the other local agency has

1 accepted administration of this act. No local agency shall
2 voluntarily surrender administration of the provisions of this
3 act except to another local agency pursuant to this section.

4 (b) Specific powers and duties.--Each local agency, county
5 or joint county department of health, in addition to the powers
6 and duties conferred upon it by existing law, shall have the
7 power and the duty:

8 (1) To employ or contract with an adequate number of
9 water-well enforcement officers to adequately perform the
10 services required of water-well enforcement officers within
11 the time periods set forth in this act and in accordance with
12 the rules and regulations of the department. No person shall
13 be employed or contracted as a water-well enforcement officer
14 unless the person has been certified by the department
15 pursuant to standards set by the Environmental Quality Board.
16 No individual shall be employed or contracted as a water-well
17 enforcement officer to administer the provisions of this act
18 with respect to a water well for which the individual or an
19 immediate relative was or is the contractor or with respect
20 to a water well, or the property or structure which the water
21 well is intended to serve, in which the individual or an
22 immediate relative has a financial interest. In such a case,
23 the local agency's alternate water-well enforcement officer
24 shall administer the provisions of this act with respect to
25 the particular water well.

26 (2) To have at least one alternate water-well
27 enforcement officer as authorized by the local agency to work
28 in the municipality or municipalities of the local agency.

29 (3) To employ or contract with other technical and
30 administrative personnel necessary to support the activities

1 of the water-well enforcement officer and the local agency.

2 (4) To adopt by resolution a list of individuals who are
3 water-well enforcement officers employed by the local agency
4 or by companies or corporations under contract with the local
5 agency to perform the services of water-well enforcement
6 officers.

7 (5) To set rates of compensation, maintain offices,
8 establish personnel policies and establish administrative
9 rules or policies and to purchase necessary equipment and
10 supplies.

11 (6) To set and collect fees necessary to support the
12 administrative and personnel costs of implementing the
13 requirements of ~~this act~~. SECTION 8(B)(4)(I) THROUGH (V) OF <—
14 THE ACT OF JANUARY 24, 1966 (1965 P.L.1535, NO.537), KNOWN AS
15 THE PENNSYLVANIA SEWAGE FACILITIES ACT. When engineering or
16 consulting services are required by the local agency to
17 complete their review of a permit application, the
18 application or review fees charged for such services shall be
19 reasonable and in accordance with the ordinary and customary
20 charges by the engineer or consultant for similar service in
21 the community, and in no event shall the fees exceed the rate
22 or cost charged by the engineer or consultant to the local
23 agency when fees are not reimbursed by or otherwise imposed
24 on applicants.

25 (7) To make or cause to be made such inspections and
26 tests as may be necessary to carry out the provisions of this
27 act, and the local agency's authorized representatives shall
28 have the right to enter upon lands for said purpose.

29 (8) To proceed to restrain violations of this act and
30 the rules and regulations promulgated under this act.

1 (9) To submit such reports and data to the department as
2 the department may by its rules and regulations or by order
3 require.

4 (10) To adopt and maintain standards and procedures for
5 applications and permits identical to those of the
6 department. ~~Any other rules or regulations which the local~~ <—
7 ~~agency deems necessary in order to administer and enforce~~
8 ~~this act may only be adopted if they are consistent with this~~
9 ~~act and the rules and regulations promulgated under this act.~~

10 (11) To make such inspections of and to verify
11 measurements made by applicants on public or private
12 properties which are determined by the local agency's
13 authorized representative to have natural or manmade features
14 from which specific isolation distances are required prior to
15 the approval of water-well construction permits. The local
16 agency's authorized representative shall have the right to
17 enter upon lands for these purposes.

18 (c) Limitations.--

19 (1) No municipality, local agency or water-well
20 enforcement officer may, orally or in writing, suggest,
21 recommend or require the use of any individual or firm
22 providing services which may be required or are subject to
23 review pursuant to this act or the regulations hereunder.

24 (2) The following shall apply:

25 (i) Except as set forth in subparagraph (ii), no
26 water-well enforcement officer shall perform any
27 consulting or design work or related services required or
28 regulated under this act within the municipality or local
29 agency by which the officer is employed or with which the
30 officer has a contractual relationship.

(ii) Subparagraph (i) shall not apply if:

(A) the work is for a water well which will serve the residence of the water-well enforcement officer or an immediate relative;

(B) the undertaking of the work is approved in advance by the local agency and the department; and

(C) the work is permitted and inspected by an alternate well-water officer.

(3) No water-well enforcement officer may issue a permit or participate in the official processing of an application for a water-well permit in which the water-well enforcement officer, an immediate relative of the water-well enforcement officer, a business associate of the water-well enforcement officer or an employer of the water-well enforcement officer, other than the local agency, has a financial interest.

(d) Existing municipal ordinances.--

(1) Provisions of municipal water-well construction ordinances in effect on ~~the effective date of the regulations promulgated under this act~~ OR BEFORE NOVEMBER 1, 2001, that do not at least equal the minimum requirements of the regulations promulgated under this act shall be amended to provide for the minimum requirements.

(2) Provisions of municipal water-well construction ordinances in effect on ~~the effective date of the regulations promulgated under this act~~ OR BEFORE NOVEMBER 1, 2001, that equal or exceed the minimum requirements of the regulations promulgated under this act shall remain in effect until such time as they no longer equal or exceed the minimum requirements of the regulations adopted under this act.

~~(e) Review of ordinances by department. After the effective~~

~~date of the regulations promulgated under this act, the department shall review any municipal water well construction ordinance proposing to exceed the minimum requirements of this act based on the following standards:~~

~~(1) That certain clear and convincing local, geologic, topographic or public health and safety circumstances or conditions justify the more stringent provision.~~

~~(2) That the more stringent provision shall be adequate for the purpose intended and shall meet a standard of performance equal to or greater than that prescribed by this act.~~

~~(3) That the more stringent provision would not diminish or threaten the health, safety and welfare of the public.~~

~~(4) That the more stringent provision shall be generally consistent with the legislative findings and purpose described in section 2.~~

~~(f)~~ (E) Reimbursement.--Expenses for activities under this section shall be deemed eligible for reimbursement under section 6(b)(1) of the act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act.

Section 8. Licensing of water-well contractors and permitting of water-well rigs.

(a) License requirement.--It shall be a violation of this act for any person to undertake the construction, alteration or decommissioning of a water well unless it is under the authority of a valid water-well contractor license. All water-well contractors shall register annually with the department. The contractor shall insure that certified water-well drillers are responsible for the construction, alteration and decommissioning of all water wells for which the contractor has been retained.

1 The contractor shall also obtain a yearly permit for all water-
2 well rigs employed in the construction, alteration or
3 decommissioning of water wells.

4 (b) Application.--An application for a license shall be in
5 writing on forms provided by the department and shall be
6 accompanied by the water-well contractor license fee and water-
7 well rig registration fee, if applicable, as established under
8 section 12, or as set by regulation of the board. The
9 application shall contain a statement showing:

10 (1) The name of the applicant.

11 (2) The business address of the applicant.

12 (3) The registration of all water-well rigs that will be
13 used during the license year.

14 (4) Any additional information the department may
15 require.

16 (c) Requirements for licensee.--Until such time as the board
17 adopts regulations on licensee qualifications, the department
18 may issue and renew licenses and rig registrations based on
19 satisfaction of the requirements contained in subsection (b). In
20 accordance with regulations promulgated under this act, the
21 applicant for a license shall meet all the following
22 requirements:

23 (1) Demonstrate to the department that the applicant and
24 the applicant's agents and employees are qualified to
25 practice water-well construction, alteration and
26 decommissioning.

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

1 under this act.

2 (3) Pay the annual license fees.

3 (4) Register with the department any water-well rig to
4 be operated during the license year and pay a registration
5 fee for each water-well rig registered. The department shall
6 issue one water-well rig placard with the water-well
7 contractor license number for each water-well rig registered.
8 The water-well contractor shall post such placards on each
9 rig registered under his license.

10 (5) Provide any other information the department deems
11 necessary.

12 (d) Regulations.--The board shall adopt such regulations to
13 provide proof of a licensee's qualifications and to provide for
14 proof of financial responsibility of licensees as is necessary
15 to insure compliance with this act.

16 (e) Renewal.--Any license issued under this section is not
17 transferable and must be renewed annually. The board by
18 regulation may require individuals licensed under this section
19 to attend continuing education programs as a prerequisite for
20 the renewal of a license.

21 (f) Duplicates.--The department may issue a duplicate
22 license or rig registration to replace a lost or destroyed
23 license or registration.

24 (g) Suspension or revocation.--Whenever the department
25 determines that the holder of a license issued pursuant to this
26 section has violated any provision of this act, any rule or
27 regulation adopted under this act, any order of the department
28 or any condition of any license issued under this act, the
29 department may suspend or revoke that license.

30 (h) Limitation on reissuance.--The department may not issue

1 a new license to a water-well contractor within one year after
2 revocation of the contractor's previous license.

3 (i) Reciprocal licensing.--The department, upon application
4 for the license and payment of the fees required by the
5 department, shall issue a water-well contractor license to a
6 person who holds a similar license in any state, territory or
7 possession of the United States, or in any foreign country, if
8 the requirements for licensing of a water-well contractor under
9 which the license was issued are of a standard not lower than
10 those specified by the provisions of this act and the rules and
11 regulations promulgated under this act. The provisions of this
12 subsection shall apply to those states and territories that
13 provide similar provisions to water-well contractors of this
14 Commonwealth.

15 (j) Equivalency.--On an annual basis, the board will
16 identify states where a license and a water-well drillers
17 certification are equivalent to the Commonwealth's standards. In
18 such cases, Commonwealth licensure or certification shall be
19 granted.

20 Section 9. Certification of water-well drillers.

21 (a) General rule.--Except as provided in subsections (b) and
22 (c), it shall be a violation of this act for any individual to
23 construct, decommission or alter a water well without first
24 obtaining, through processes approved by the department, a
25 water-well driller certificate.

26 (b) Exemption.--Any individual operating under the direct
27 supervision of a certified water-well driller is exempt from the
28 requirements of subsection (a).

29 (c) Direct supervision.--Only one water-well construction,
30 alteration or decommissioning operation can be directly

1 supervised by a licensed water-well driller at any given time
2 unless all of the water-well construction, alteration or
3 decommissioning operations being supervised simultaneously are
4 being done for the same client, on the same site and under the
5 same contract with that client.

6 (d) Interim certification.--Until such time as the board
7 promulgates regulations regarding the certification requirements
8 for water-well drillers, the department shall issue interim
9 certificates to individuals that provide the department with the
10 following information:

11 (1) The name of the applicant.

12 (2) The business address of the applicant.

13 (3) The affiliation with any water-well contractor.

14 (4) Any additional information the department may
15 require.

16 Section 10. Water-well registration.

17 (a) Registration identification number.--In advance of
18 constructing or altering any water well and upon the payment of
19 the registration fee established by section 12 or as may be
20 required by regulation of the board, the water-well contractor
21 shall obtain from the department a water-well registration
22 identification number, in the form of a tag, label or other
23 device, which shall be permanently affixed to the water well
24 upon completion of the work and in a manner specified by the
25 department.

26 (b) Registration required.--

27 (1) The information required to register newly
28 constructed or altered water wells shall be provided by the
29 water-well contractor and be on a form prescribed by the
30 department. The required information shall at a minimum

1 include:

2 (i) the water-well registration identification
3 number;

4 (ii) the name of the water-well owner;

5 (iii) the address of the property owner on which the
6 water well is located;

7 (iv) the name and license number of the water-well
8 contractor responsible for the work;

9 (v) the name, certification number and signature of
10 the water-well driller that supervised the work;

11 (vi) the exact geographic location of the water
12 well;

13 (vii) a log of the water well containing a
14 description of materials penetrated;

15 (viii) the size, depth, diameters and lengths of the
16 boring, the casings and the screen installed;

17 (ix) the static water level, pumping water level and
18 pumping rate; and

19 (x) any other information the department deems
20 necessary.

21 The water quality analysis and well yield reports, as
22 required by section 11, shall be submitted to the department
23 at the time of registration of each drinking water well.

24 (2) The information required to register decommissioned
25 water wells shall be provided by the water-well contractor
26 and be on a form prescribed by the department. The required
27 information shall at a minimum include:

28 (i) the water-well registration identification
29 number, if one was previously issued for the water well;

30 (ii) the date of decommissioning;

(iii) the type of closure performed;

(iv) the name and license number of the water-well contractor responsible for the decommissioning;

(v) the name, certification number and signature of the water-well driller that supervised the decommissioning;

(vi) the exact geographic location of the water well;

(vii) the materials used; and

(viii) any other information the department deems necessary.

The water-well contractor shall return the water-well registration tag to the department whenever a water well with a registration tag is decommissioned. The water-well contractor shall not be required to obtain a registration identification number or pay a fee in connection with the decommissioning of any water well.

(c) Certification by water-well contractor.--Within 30 days of completing the construction, alteration or decommissioning of a water well, the water-well contractor performing the work shall provide written certification to the owner of the water well that the work was performed in accordance with this act and with all applicable standards, rules and regulations. This certification shall be accomplished on a form prescribed by the department containing the information required by this subsection or as may be established by regulation of the board.

(d) Duty to notify local agency and department.--A licensed driller shall notify the local agency and the department within 30 days of any action to temporarily close or decommission a water well.

1 Section 11. Water quality analysis and well yield reports.

2 (a) Water quality analysis report.--The water-well
3 contractor shall collect and submit to the department and the
4 owner of the drinking water well a water quality analysis
5 report. The report shall be based on a water sample obtained
6 from the drinking water well according to the procedures
7 established by the board under section 4.

8 (b) Content.--The report shall include water quality
9 analyses performed by a laboratory certified under the act of
10 May 1, 1984 (P.L.206, No.43), known as the Pennsylvania Safe
11 Drinking Water Act, of the contaminants specified by regulation
12 and any other substances which the drinking water-well owner may
13 request.

14 (c) Water quality information.--The department shall develop
15 water quality information which shall include, but not be
16 limited to, water quality standards, potential effects on human
17 health and safety relative to the tested substances, available
18 water treatment technologies and associated costs. The
19 information shall be provided to all certified laboratories and
20 water-well contractors who shall provide this information to the
21 owner of the drinking water well.

22 (d) Notice to well users.--Where the owner of a drinking
23 water well is not the sole user of the water from a drinking
24 water well, the owner shall, within 48 hours of receipt of the
25 water quality analysis report, notify all other users of the
26 results of the water quality analysis. The notice shall be given
27 by mail or by conspicuous posting at the place of use in a
28 location where it will be seen by users.

29 (e) Well yield report.--In accordance with regulations
30 adopted by the board, the water-well contractor shall submit to

1 the department and drinking water-well owner a well yield
2 report. The well yield report must be based on testing of the
3 drinking water well according to the procedures established by
4 the board under section 4.

5 Section 12. Interim fees and requirements.

6 (a) Water-well registration fee.--Until alternative fees are
7 established by the board by regulation, a registration fee of
8 \$35 for each water well constructed or altered after the
9 effective date of this act shall be paid by the well contractor
10 to the department. Each well contractor shall register with the
11 department each water well by completing and submitting the form
12 provided by the department, including the registration fee
13 prescribed by the department, for each water well in accordance
14 with section 11.

15 (b) Water-well contractor license fee.--Until alternative
16 annual license fees are established by the board by regulation,
17 an annual license fee of \$80 shall be paid to the department by
18 any person prior to constructing or altering a water well. Each
19 water-well contractor shall apply to the department by
20 completing and submitting the application form provided by the
21 department, including the license fee, in accordance with
22 section 8.

23 (c) Water-well rig registration fee.--Until alternative
24 annual fees are established by the board by regulation, an
25 annual water-well rig registration fee \$30 shall be paid to the
26 department by the water-well contractor for each water-well rig
27 which is to be owned or operated during the registration year.
28 Each water-well contractor shall register each water-well rig
29 with the department by completing and submitting the form
30 provided by the department, including the registration fee, in

1 accordance with section 8.

2 (d) Water-well drillers certification fee.--Until
3 alternative annual fees are established by the board by
4 regulation, an annual water-well driller certification fee of
5 \$20 shall be paid to the department by each individual water-
6 well driller.

7 (e) Use of registration fees.--All fees collected by the
8 department shall be deposited in the Water-Well Construction
9 Fund established under section 17.

10 Section 13. Recordkeeping and reports.

11 The department may require any water-well contractor to
12 establish and maintain such records and make such reports and
13 furnish such data as the department deems necessary to
14 demonstrate that the water-well contractor is complying with
15 this act and the rules and regulations promulgated under this
16 act. A copy of the written certification required by section
17 11(d) shall be kept for ten years by the water-well contractor.

18 Section 14. Water-Well Construction Technical Advisory
19 Committee.

20 (a) Establishment and composition.--

21 (1) There is hereby established the Water-Well
22 Construction Technical Advisory Committee. The committee
23 shall consist of ~~20~~ 23 members, all of whom shall be <—
24 appointed by the secretary within three months of the
25 effective date of this act and all of whom must be residents
26 of this Commonwealth with five years of experience in this
27 Commonwealth in their respective fields. In addition, one
28 alternate member shall be appointed for each member. The
29 alternate member shall take the place of the respective
30 member whenever that member is unable to attend an official

1 meeting. The committee shall encourage alternate members to
2 attend all meetings even when not taking the place of the
3 member.

4 (2) The committee shall be composed of the following
5 members:

6 (i) Four members shall be water-well contractors
7 recommended from the membership of the Pennsylvania
8 Ground Water Association, at least one shall be a cable
9 tool driller and at least one shall be a rotary driller.

10 (ii) Two geologists with expertise in hydrogeology
11 shall be recommended from the membership of the
12 Pennsylvania Council of Professional Geologists and
13 licensed under the act of May 23, 1945 (P.L.913, No.367),
14 known as the Engineer, Land Surveyor and Geologist
15 Registration Law.

16 (iii) One member shall be a public health official,
17 chosen from a list of at least four names submitted by
18 the department's Citizens Advisory Council to the
19 secretary.

20 (iv) Three members shall be water-well owners,
21 chosen from a list of six names submitted by the
22 department's Citizens Advisory Council to the secretary.

23 (v) One member representing Pennsylvania townships
24 of the first class shall be recommended from the
25 membership of the Pennsylvania State Association of
26 Township Commissioners.

27 (vi) One member representing Pennsylvania townships
28 of the second class shall be recommended from the
29 membership of the Pennsylvania State Association of
30 Township Supervisors.

(vii) One member representing Pennsylvania boroughs shall be recommended from the membership of the Pennsylvania State Association of Boroughs.

(viii) One member representing Pennsylvania cities shall be recommended from the membership of the Pennsylvania League of Cities and Municipalities.

(ix) One member representing Pennsylvania counties shall be recommended from the membership of the County Commissioners Association of Pennsylvania.

(x) One member representing the home building industry shall be recommended from the membership of Pennsylvania Home Builders Association.

(xi) Two members representing agriculture shall be recommended from the membership of the Pennsylvania Farm Bureau.

(xii) One member representing sewage enforcement officers shall be recommended from the membership of the Pennsylvania Association of Sewage Enforcement Officers.

(xiii) One member representing county health departments with a water-well ordinance in effect upon the effective date of this act.

(xiv) One member representing municipal authorities shall be recommended from the membership of the Pennsylvania Municipal Authorities Association.

(XV) ONE MEMBER REPRESENTING THE PUBLIC WATER SUPPLIERS SHALL BE RECOMMENDED BY THE AMERICAN WATER WORKS ASSOCIATION (AWWA).

<—

(XVI) ONE MEMBER REPRESENTING THE BOTTLED WATER INDUSTRY SHALL BE RECOMMENDED BY THE PENNSYLVANIA BOTTLED WATER ASSOCIATION.

(b) Expenses.--Committee members shall not receive a salary but shall be reimbursed for all necessary expenses incurred in the performance of their duties. An alternate may not be reimbursed unless serving in place of the appointed member.

~~(c) Meetings, chairperson, etc. All actions of the committee shall be by majority vote of the members assembled if a quorum is present. A quorum shall be considered as being one more than 50% of the total membership. 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 other officers and establish bylaws as it deems appropriate. The department shall provide clerical and technical support as the committee may reasonably require.~~

~~(d) Regulations. The department shall consult with the committee in the formulation, drafting and presentation stages of all regulations promulgated under this act. The committee shall be given a reasonable opportunity to review and comment on all regulations 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.~~

(C) MEETINGS, CHAIRPERSON, ETC.--ALL ACTIONS OF THE COMMITTEE SHALL BE BY MAJORITY VOTE OF THE MEMBERS OR ALTERNATES PRESENT. A QUORUM SHALL BE AT LEAST ONE MORE THAN HALF OF THE NUMBER OF COMMITTEE MEMBERS, HOWEVER, VACANCIES SHALL NOT BE COUNTED WHEN CALCULATING THE NUMBER NEEDED FOR A QUORUM. THE COMMITTEE SHALL MEET UPON THE CALL OF THE SECRETARY, OR CALL OF THE CHAIR OR UPON REQUEST OF EIGHT COMMITTEE MEMBERS, BUT NOT LESS THAN SEMIANNUALLY, TO CARRY OUT ITS DUTIES UNDER THIS ACT. THE COMMITTEE SHALL SELECT A CHAIRPERSON AND OTHER OFFICERS AND ESTABLISH BYLAWS, AS IT DEEMS APPROPRIATE. THE DEPARTMENT SHALL

1 PROVIDE CLERICAL AND TECHNICAL SUPPORT AS THE COMMITTEE MAY
2 REASONABLY REQUIRE.

3 (D) REGULATIONS.--

4 (1) THE DEPARTMENT SHALL SUBMIT TO THE COMMITTEE FOR
5 REVIEW AND COMMENT ALL REGULATIONS, GUIDANCE DOCUMENTS,
6 POLICY POSITIONS AND SIMILAR ACTIVITIES PROMULGATED, ADOPTED,
7 IMPLEMENTED OR PUT INTO PLACE UNDER THIS ACT, WHEN ANY OF
8 THOSE DOCUMENTS ARE IN THE FORMULATION, DRAFTING OR SIMILAR
9 EVOLUTIONARY STAGES OF DEVELOPMENT AND WILL AFFECT, IN ANY
10 MANNER WHATSOEVER, THE RELATED WATER-WELL STANDARDS.

11 (2) THE COMMITTEE SHALL BE GIVEN A REASONABLE
12 OPPORTUNITY TO REVIEW AND COMMENT ON ALL REGULATIONS PRIOR TO
13 THEIR SUBMISSION TO THE BOARD FOR INITIAL CONSIDERATION. THE
14 WRITTEN COMMENTS OF THE COMMITTEE SHALL BE PRESENTED TO THE
15 BOARD WITH ANY REGULATORY PROPOSAL.

16 (3) SHOULD THE COMMITTEE DESIRE TO REVIEW AND COMMENT ON
17 ANY DRAFT DOCUMENT, POLICY OR GUIDANCE DOCUMENT NOT SUBMITTED
18 TO IT BY THE DEPARTMENT, THE DEPARTMENT SHALL SUBMIT THAT
19 DOCUMENT FOR REVIEW AND COMMENT WHEN A MOTION TO RECEIVE AND
20 REVIEW THAT DOCUMENT IS PASSED BY A MAJORITY OF THE COMMITTEE
21 MEMBERS.

22 Section 15. Penalties and remedies.

23 (a) Summary offense.--

24 (1) A person who violates any provision of this act, any
25 regulation of the department, any order of the department, or
26 any term or condition of a well registration or license of
27 the department issued under this act, or who resists or
28 interferes with an officer, agent or employee of the
29 department in the performance of his duties commits a summary
30 offense and shall, upon conviction, be sentenced to pay a

1 fine of not less than \$100 nor more than \$1,000 and costs for
2 each separate offense or, in default of payment thereof,
3 shall be sentenced to imprisonment for a period of not more
4 than 30 days.

5 (2) For purposes of this subsection, a summary offense
6 may be prosecuted before the district justice with
7 jurisdiction over the area where the offense occurred.

8 (3) Employees of the department authorized to conduct
9 inspections or investigations are hereby declared to be law
10 enforcement officers authorized to issue or file citations
11 for summary violations under this act and the General Counsel
12 is hereby authorized to prosecute these offenses.

13 (b) Equitable relief.--The department may apply to the
14 Commonwealth Court or to a court of common pleas having
15 jurisdiction for preliminary, special or final injunction to
16 restrain or prevent violations of this act or to compel
17 compliance with this act or any rule, regulation, order, license
18 or registration issued under this act.

19 (c) Civil penalties.--

20 (1) In addition to proceeding under any other remedy
21 available at law or in equity for a violation of any
22 provision of this act, any rule or regulation of the
23 department or order of the department, or any term or
24 condition of any well registration or license issued under
25 this act, the department may assess a civil penalty upon a
26 person for such violation. The maximum civil penalty which
27 may be assessed under this subsection shall be \$1,000 per day
28 for each violation. The penalty may be assessed whether the
29 violation was willful or negligent.

30 (2) When the department assesses a civil penalty, it

1 shall inform the person of the amount of the penalty. The
2 person charged with the penalty shall then have 30 days to
3 pay the penalty in full or, if the person wishes to contest
4 either the amount of the penalty or the fact of the
5 violation, the person shall, within the 30-day period, file
6 an appeal of the action with the Environmental Hearing Board.
7 Failure to appeal within 30 days shall result in a waiver of
8 all legal rights to contest the violation or the amount of
9 the penalty.

10 (d) Remedies cumulative.--The penalties and remedies
11 prescribed by this act shall be deemed cumulative, and the
12 existence of or exercise of any remedy shall not prevent the
13 department from exercising any other remedy under this act, at
14 law or in equity.

15 (e) Separate offense.--Violations on separate days shall
16 constitute separate offenses.

17 Section 16. Local agency hearings and appeals.

18 (a) Right to hearing.--Any person aggrieved by an action of
19 a local agency or water-well enforcement officer in granting or
20 denying a permit, issuing an order or other actions taken under
21 this act shall have the right within 30 days after receipt of
22 notice of the action to request a hearing before the local
23 agency.

24 (b) Revocation of permits.--

25 (1) Revocation of permits shall occur only after:

26 (i) notice and opportunity for hearing have been
27 given to the permittee; and

28 (ii) the opportunity to appeal is exhausted.

29 (2) If work has not been commenced on a property for
30 which a water-well construction permit has been issued and

1 for which the permittee has received notice of a permit
2 revocation, the permittee may not commence work on the water
3 well and the permit shall be suspended until the applicant
4 has requested a hearing under subsection (a), the hearing has
5 been conducted and a decision announced or the time for such
6 request has expired. If the time has expired and no hearing
7 request has been received by the local agency, the revocation
8 shall be final.

9 (3) If work has commenced on a property for which a
10 water well construction permit has been issued and for which
11 the permittee has received notice of a permit revocation, the
12 permittee shall cease work on the water well except such work
13 as may be needed to secure the water well to prevent
14 contamination of the groundwater or prevent a safety hazard.
15 The permit shall be suspended until the permittee has
16 requested a hearing under subsection (a), the hearing has
17 been conducted and a decision announced or until the time for
18 such request has expired. If the time has expired and no
19 hearing request has been received by the local agency, the
20 revocation shall be final.

21 (c) Hearings.--Hearings under subsections (a) and (b) shall
22 be conducted pursuant to 2 Pa.C.S. Ch. 5 Subch. B (relating to
23 practice and procedure of local agencies).

24 (d) Appeals.--

25 (1) Any subsequent appeal shall be to the court of
26 common pleas of the county where the land to which the permit
27 pertains is located. The Attorney General shall be notified
28 in writing by the appellant of any appeal challenging the
29 constitutionality of any provision of this act or the
30 validity of any rule or regulation promulgated under this

1 act.

2 (2) Any order, permit or decision of the department
3 under this act, except as otherwise provided by sections 5
4 and 6(c), shall be taken, subject to the right of notice and
5 appeal to the Environmental Hearing Board, pursuant to
6 section 1921-A of the act of April 9, 1929 (P.L.177, No.175),
7 known as The Administrative Code of 1929 and 2 Pa.C.S. Ch. 5
8 Subch. A (relating to practice and procedure of Commonwealth
9 agencies).

10 Section 17. Water-Well Construction Fund.

11 (a) Establishment.--There is established in the State
12 Treasury a restricted nonlapsing fund to be known as the Water-
13 Well Construction Fund for the deposit of all fees, fines and
14 civil penalties authorized by this act and collected by the
15 department. All moneys in the fund are hereby appropriated on a
16 continuing basis to the department for the costs of
17 administering the provisions of this act.

18 (b) Grants to owners of water wells.--

19 (1) ~~Fifty~~ FORTY percent of the money contained in the <—
20 fund each fiscal year shall be used by the department to
21 provide grants to owners of water wells to offset costs
22 incurred by the owner in decommissioning a water well in
23 accordance with the standards and requirements imposed
24 pursuant to this act.

25 (2) During a fiscal year, an owner may not make more
26 than one application for a grant under this subsection.

27 (c) Reimbursement to local agencies.--

28 (1) Each fiscal year ~~40%~~ 50% of the moneys contained in <—
29 the fund shall be used for reimbursing the expenses incurred
30 by local agencies in the enforcement of section 7.

(2) Reimbursement requests under this subsection may be submitted simultaneously with, and on the same forms used for, reimbursement requests under section 6(b)(1) of the act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act.

(d) Other sources.--The fund may be supplemented by appropriations from the General Assembly, the Federal, State or a local government or from any private source.

Section 18. Transfer of funds.

All moneys currently collected under the act of May 29, 1956 (1955 P.L.1840, No.610), known as the Water Well Drillers License Act, shall be immediately transferred to the Water-Well Construction Fund.

Section 19. Status of existing licenses and permits.

Water-well driller licenses and water-well rig permits issued under the act of May 29, 1956 (1955 P.L.1840, No.610), known as the Water Well Drillers License Act, shall remain in full force and effect for six months after the effective date of the regulations adopted under this act.

Section 20. Savings provision.

The provisions of this act shall not affect any suit, prosecution or other action instituted, prior to the effective date of this act, to enforce any right or abate any violation of any act or part thereof repealed by this act.

Section 21. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

1 Section 22. Repeal.

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

4 Section 23. Applicability.

5 ~~With the exception of the rules and regulations regarding~~ <—

6 THIS ACT SHALL NOT APPLY TO THE FOLLOWING: <—

7 (1) WITH THE EXCEPTION OF THE RULES AND REGULATIONS
8 REGARDING standards for the inspection, alteration, temporary
9 closure or decommissioning of water wells as established by
10 the board under section 4, ~~the provisions of this act shall~~ <—
11 ~~not apply to~~ any well in which initial construction activity
12 was commenced prior to the effective date of the regulations
13 promulgated under this act.

14 (2) ANY WELL, BOREHOLE OR PROBE DRILLED PURSUANT TO THE <—
15 ACT OF JULY 7, 1980 (P.L.380, NO.97), KNOWN AS THE SOLID
16 WASTE MANAGEMENT ACT, THE ACT OF OCTOBER 18, 1988 (P.L.756,
17 NO.108), KNOWN AS THE HAZARDOUS SITES CLEANUP ACT, THE ACT OF
18 JULY 6, 1989 (P.L.169, NO.32), KNOWN AS THE STORAGE TANK AND
19 SPILL PREVENTION ACT, ACT OF MAY 19, 1995 (P.L.4, NO.2),
20 KNOWN AS THE LAND RECYCLING AND ENVIRONMENTAL REMEDIATION
21 STANDARDS ACT, AND 42 U.S.C. § 321 AND 9601 ET SEQ.

22 (3) ANY WELL, BOREHOLE OR PROBE DRILLED FOR THE PURPOSE
23 OF CONDUCTING A CHARACTERIZATION OF A POTENTIALLY
24 CONTAMINATED SITE.

25 Section 24. Construction.

26 Unless where specifically authorized, nothing in this act
27 shall be construed to alter the requirements contained in the
28 act of May 1, 1984 (P.L.206, No.43), known as the Pennsylvania
29 Safe Drinking Water Act, and applicable regulations or the
30 requirements contained in other environmental statutes.

1 Section 25. Effective date.

2 This act shall take effect as follows:

3 (1) Section 7 shall take effect 180 days after
4 promulgation of regulations established by the Environmental
5 Quality Board under section 4.

6 (2) Section 11 shall take effect upon promulgation of
7 regulations established by the Environmental Quality Board
8 under section 4.

9 (3) The remainder of this act shall take effect
10 immediately.