



1 Section 12. Water quality analysis report.  
2 Section 13. Licenses and drilling rig registration.  
3 Section 14. Recordkeeping and reports.  
4 Section 15. Water Well Construction and Pump Installation  
5 Technical Advisory Committee.  
6 Section 16. Penalties and remedies.  
7 Section 17. Appeals.  
8 Section 18. Water Well Construction and Pump Installation  
9 Account.  
10 Section 19. Local ordinances.  
11 Section 20. Appropriation.  
12 Section 21. Repeals.  
13 Section 22. Effective date.

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

16 Section 1. Short title.

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, in  
25 cooperation with local agencies, water well construction,  
26 pump installation and abandonment in a manner which will  
27 protect the groundwater resource for present and future use.

28 Section 3. Definitions.

29 The following words and phrases when used in this act shall  
30 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

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

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

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

15 "Board." The Environmental Quality Board.

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

18 "Department." The Department of Environmental Resources of  
19 the Commonwealth.

20 "Drinking water well." A water well which is used or  
21 intended to be used to provide water for human or livestock  
22 consumption, or both.

23 "Emergency situation." A situation where the lack of water  
24 poses an immediate and significant danger to the health and  
25 welfare of persons or livestock, or a situation where the  
26 department has determined that other exceptional circumstances  
27 exist.

28 "Groundwater." Water below the surface of the earth that is  
29 in the zone of saturation.

30 "Installation of a pump and pumping equipment." The

1 procedure employed in the placement and preparation for  
2 operation of a water pump and pumping equipment on a water well,  
3 including all construction involved in making entrance to the  
4 water well and establishing a seal, but not including a repair  
5 of an existing system.

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

10 "Person." An individual, partnership, association, company,  
11 corporation, municipality, municipal authority, political  
12 subdivision or agency of the Federal or State government. The  
13 term includes the officers, employees and agents of any  
14 partnership, association, company, corporation, municipality,  
15 municipal authority, political subdivision or any agency of  
16 Federal or State government.

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

21 "Pump installation contractor." A person qualified to engage  
22 in the placement or removal of a water pump and pumping  
23 equipment in connection with a water well, including water lines  
24 between a water well and a storage tank.

25 "Secretary." The Secretary of Environmental Resources of the  
26 Commonwealth.

27 "Sewage enforcement officer." The official of any local  
28 agency who has been certified as a sewage enforcement officer  
29 under the provisions of the act of January 24, 1966 (1965  
30 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities

1 Act.

2 "Water well." Any hole in the ground made to locate  
3 groundwater, to obtain groundwater, or to inject water into any  
4 aquifer from which groundwater may be produced. The term does  
5 not include any bore hole made for the purpose of mining, or  
6 producing, extracting or injecting any gas, petroleum or other  
7 liquid related to oil or gas production or storage, including  
8 brine disposal.

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

17 "Well contractor." A person engaged in the business of  
18 constructing, abandoning or altering all or any part of a water  
19 well.

20 Section 4. Powers and duties of Environmental Quality Board.

21 (a) Rules and regulations.--The board shall have the power  
22 and its duty shall be to adopt such rules and regulations as it  
23 deems necessary for the implementation of this act. Such rules  
24 and regulations shall include, but not be limited to, the  
25 following:

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

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

30 (3) Water quality parameters and testing standards for

1 drinking water wells.

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

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

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

12 (7) Criteria for certifying sewage enforcement officers  
13 to administer the applicable provisions of this act.

14 (b) Fees.--The board shall establish fees for license  
15 applications and drilling rig registrations. Fees shall bear a  
16 reasonable relationship to the cost of administering this act.

17 Section 5. Powers and duties of department.

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

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

21 (2) Except for section 13, utilize local agencies to  
22 enforce this act and any rules, regulations, standards and  
23 procedures adopted hereunder.

24 (3) Review the performance of local agencies in the  
25 administration of section 7.

26 (4) Cooperate with local agencies and appropriate  
27 Federal, State and interstate units of government and with  
28 appropriate private organizations in carrying out its duties  
29 under this act.

30 (5) Order a local agency to undertake actions deemed by

1 the department necessary to administer effectively the  
2 applicable provisions of this act in conformance with the  
3 rules and regulations of the department.

4 (6) Provide technical assistance to local agencies,  
5 including the training of personnel.

6 (7) Establish procedures and forms for the submission,  
7 review, approval and rejection of any applications and  
8 reports required by this act.

9 (8) Require water well contractors to submit geological  
10 and groundwater data to the department.

11 (9) Enter upon lands and make inspections and require  
12 the submission of papers, books and records by local agencies  
13 for the purposes set forth in this act.

14 (10) Issue or deny licenses and issue drilling rig  
15 registrations.

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

22 Section 6. Powers and duties of local agencies.

23 (a) Counties and municipalities.--County or joint county  
24 departments of health shall administer section 7 in the area  
25 subject to their jurisdiction. In all other areas, section 7  
26 shall be administered by each municipality unless the  
27 municipality has transferred or delegated the administration of  
28 section 7 to another local agency and the other local agency has  
29 accepted administration of section 7, or the municipality is  
30 cooperating in such administration in conformance with the act

1 of July 12, 1972 (P.L.762, No.180), referred to as the  
2 Intergovernmental Cooperation Law. Municipalities are hereby  
3 encouraged jointly to administer section 7 on a county or joint  
4 county level. No local agency shall voluntarily surrender  
5 administration of the provisions of this act except to another  
6 local agency pursuant to this section.

7 (b) Powers and duties.--Each local agency, in addition to  
8 the powers and duties conferred upon it by existing law, shall  
9 have the power and the duty to:

10 (1) Utilize sewage enforcement officers to administer  
11 section 7 in accordance with the rules and regulations of the  
12 department. No person shall be employed as a sewage  
13 enforcement officer to administer section 7 with respect to a  
14 water well or pump installation for which he was or is the  
15 contractor. In such a case, the local agency shall employ  
16 another sewage enforcement officer to administer section 7  
17 with respect to the particular water well or pump  
18 installation.

19 (2) Set and collect permit application fees. The fee  
20 schedule may establish graduated charges, but shall not  
21 exceed the administrative costs of reviewing the application  
22 and inspecting the permitted activity.

23 (3) Make or cause to be made such inspections and tests  
24 as may be necessary to carry out the provisions of this act.  
25 Authorized representatives of the local agency shall have the  
26 right to enter upon lands for such purpose.

27 (4) Proceed under section 16 to restrain violations of  
28 this act and the rules and regulations adopted hereunder.

29 (5) Submit such reports and data to the department as  
30 the department may by its rules and regulations or by order



1       require.

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

8       Section 7. Permits.

9       (a) Permit required.--It shall be unlawful for any person to  
10      construct a drinking water well, alter a drinking water well or  
11      install a pump or pumping equipment on a drinking water well or  
12      construct any structure to be served by a drinking water well  
13      without having first received a permit under this section.

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

18      (c) Application.--Applications for permits shall be  
19      submitted in writing to the local agency in accordance with  
20      section 6, and shall be in such form and accompanied by such  
21      data as shall be prescribed by the department.

22      (d) Fee.--Every application for a permit shall be  
23      accompanied by a permit fee, established by the local agency  
24      pursuant to section 6.

25      (e) Issuance of permit.--The local agency shall have the  
26      power to issue a permit for drinking water well construction or  
27      alteration or the installation of a pump or pumping equipment on  
28      a drinking water well, if it determines that the proposed  
29      activity complies with the provisions of this act, the  
30      regulations adopted hereunder and all other applicable laws

1 administered by the department. It may impose such permit terms  
2 and conditions as are necessary to assure compliance with this  
3 act and other laws administered by the department.

4 (f) Time.--The local agency shall either issue a permit or  
5 deny a permit within seven days of receipt of a completed permit  
6 application.

7 (g) Installation of permit number.--The permittee shall  
8 install the permit number issued by the local agency in a  
9 legible, visible and permanent manner on the drinking water well  
10 upon completion of work thereon.

11 (h) Denial of permit.--The local agency shall have the  
12 authority to deny any permit that does not satisfy the  
13 requirements of this act or the rules and regulations  
14 promulgated hereunder.

15 (i) Revocation.--If the local agency determines that  
16 information material to the issuance of the permit has been  
17 falsified, or the original decision of the local agency failed  
18 to conform to this act or the rules and regulations of the  
19 department, or that the permittee has violated the rules and  
20 regulations of the department under which the permit was issued,  
21 the permit shall be revoked. Such action shall be taken after  
22 notice and opportunity for hearing has been given to the  
23 permittee.

24 (j) Expiration.--If the permitted activity has not commenced  
25 within two years after the issuance of the permit, the permit  
26 shall expire and a new permit shall be obtained prior to the  
27 occurrence of construction, alteration or installation activity.

28 (k) Certification by driller or installer.--Within ten days  
29 of completing the permitted activity, the licensed well driller  
30 or pump installer performing the activities shall provide

1 written certification to the owner of the water well and to the  
2 local agency that said activity has been performed in accordance  
3 with all applicable rules and regulations promulgated hereunder.

4 (1) Application of section.--This section shall apply only  
5 to drinking water wells not regulated under the act of May 1,  
6 1984 (P.L.206, No.43), known as the Pennsylvania Safe Drinking  
7 Water Act. Construction, alteration or pump installation  
8 activities associated with water wells other than drinking water  
9 wells shall not be subject to the permitting requirements of  
10 this section but shall comply with all standards and procedures  
11 established in regulations adopted under this act.

12 Section 8. Water wells contributing to groundwater  
13 contamination.

14 The owner of any water well which is determined by the  
15 department or the local agency to be contributing to groundwater  
16 contamination shall bring the well into compliance with the  
17 construction or abandonment regulations adopted pursuant to this  
18 act within 90 days after notification of such determination.

19 Section 9. Emergencies.

20 The department shall establish procedures for expediting the  
21 review of the permit applications required in section 7 in  
22 emergency situations.

23 Section 10. Abandoned water well.

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

1 (b) Application of section.--The plugging requirements of  
2 this section shall not apply to any water well which has been  
3 rendered inactive by means of a temporary cap or other suitable  
4 device which is approved by regulation of the department and  
5 which is mechanically and structurally sound.

6 Section 11. Inspections and searches.

7 (a) General rule.--The department may make inspections and  
8 conduct tests or sampling, including the examination and copying  
9 of books, papers, records and data pertinent to any matter under  
10 investigation, in order to determine compliance with this act;  
11 and for this purpose, the duly authorized agents and employees  
12 of the department are authorized at all reasonable times to  
13 enter and examine any 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 12. Water quality analysis report.

26 (a) Submission.--Except as provided in subsection (f), after  
27 the installation of any pump or pumping equipment on a drinking  
28 water well but before the drinking water well is put into use,  
29 the pump installation contractor shall submit to the local  
30 agency a water quality analysis report. Such report must be

1 based on a water sample obtained from the drinking water well  
2 according to the procedures established by the board under  
3 section 4.

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

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

10 (2) A copy of the water quality information sheet  
11 developed by the department pursuant to subsection (d).

12 (c) Copy for local agency.--The pump installation contractor  
13 shall provide the drinking water well owner, local agency and  
14 the department with a copy of the water quality analysis report.

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

22 (e) Notice to well users.--Where the owner of a drinking  
23 water well is not the primary user of the drinking water well,  
24 the owner shall, as soon as practicable, notify other users of  
25 the results of the water quality analysis. Such notice shall be  
26 given by mail or by conspicuous posting at the place of use in a  
27 location where it can be seen by users.

28 (f) Application of section.--This section shall not apply to  
29 drinking water wells regulated under the Pennsylvania Safe  
30 Drinking Water Act.

1 Section 13. Licenses and drilling rig registration.

2 (a) License requirement.--Except as provided in subsection  
3 (b), any person engaging or intending to engage in the business  
4 of water well construction, alteration or pump installation  
5 shall first obtain from the department a license to conduct such  
6 business. Failure to obtain a license under this subsection  
7 shall constitute a violation of this act.

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

13 (c) Application.--An application for a license shall be in  
14 writing and shall be made on forms provided by the department.  
15 The application shall contain a statement showing:

- 16 (1) The name of the applicant.  
17 (2) The business address of the applicant.  
18 (3) The residence of the applicant.  
19 (4) Such additional information as the department may  
20 require.

21 (d) Requirements for licensee.--In accordance with  
22 regulations adopted under this act, the applicant for a license  
23 shall meet all the following requirements:

- 24 (1) Demonstrate to the department that the applicant is  
25 qualified to practice water well construction, alteration,  
26 abandonment or pump installation.  
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 hereunder.

2 (3) Pay the annual license fee.

3 (4) File with the department evidence of receipt of a  
4 license bond in the amount of \$10,000 on a form prescribed  
5 and furnished by the department and conditioned upon faithful  
6 performance of all of the requirements of sections 7(k) and  
7 12(a), (b) and (c) of this act.

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

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

13 (e) Regulations.--The board may adopt such regulations to  
14 provide proof of an operator's qualifications and to provide for  
15 proof of financial responsibility of licensees as necessary to  
16 insure compliance with this act.

17 (f) Renewal.--Any license issued pursuant to this section is  
18 not transferable and shall be renewed annually.

19 (g) Duplicates.--The department may issue a duplicate  
20 license or rig registration to replace a lost or destroyed  
21 license or registration.

22 (h) Suspension or revocation.--Whenever the department  
23 determines that the holder of a license issued pursuant to this  
24 section has violated any provision of this act, any rule or  
25 regulation adopted under this act, any order of the department,  
26 or any condition of any permit or license issued by the  
27 department, the department is authorized to suspend or revoke  
28 any such license.

29 (i) Limitation or reissuance.--The department shall not  
30 issue a new license to a water well contractor or pump

1 installation contractor within one year after revocation of the  
2 contractor's previous license.

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

15 Section 14. Recordkeeping and reports.

16 The department is authorized to require any licensed well  
17 contractor or pump installation contractor to establish and  
18 maintain such records and make such reports and furnish such  
19 data as the department deems necessary to demonstrate that the  
20 licensee is complying with this act and the rules and  
21 regulations adopted hereunder.

22 Section 15. Water Well Construction and Pump Installation

23 Technical Advisory Committee.

24 (a) Establishment and composition.--There is hereby  
25 established the Water Well Construction and Pump Installation  
26 Technical Advisory Committee. The committee shall consist of  
27 five members, all of whom shall be appointed by the secretary  
28 within three months of the effective date of this act and all of  
29 whom must be residents of this Commonwealth with five years of  
30 experience in Pennsylvania in their respective fields. Two



1 members shall be water well contractors, one a cable tool  
2 driller and the other a rotary driller. One member shall be a  
3 hydrogeologist and one member shall be a practicing sewage  
4 enforcement officer, chosen from a list of at least four names  
5 submitted by the Citizens Advisory Council to the secretary, who  
6 shall sit as a representative of the public interest. One member  
7 shall be a licensed plumber who shall be a representative of the  
8 pump installation industry.

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

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

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

28 (e) Review of non-technical regulations.--The advisory  
29 committee established under the act of January 24, 1966 (1965  
30 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities

1 Act, shall review all non-technical regulations promulgated  
2 under this act.

3 Section 16. Penalties and remedies.

4 (a) Summary offense.--A person who violates any provision of  
5 this act, any rule or regulation of the department, any order of  
6 the department, or any term or condition of a permit or license  
7 of the department issued pursuant to this act, or who resists or  
8 interferes with an officer, agent or employee of the department  
9 or a local agency in the performance of his duties commits a  
10 summary offense and shall, upon conviction, be sentenced to pay  
11 a fine of not less than \$100 nor more than \$1,000, and costs,  
12 for each separate offense, or, in default of payment thereof,  
13 shall be sentenced to imprisonment for a period of not more than  
14 30 days.

15 (b) Equitable relief.--The department or the local agency  
16 may apply to the Commonwealth Court or to a court of common  
17 pleas having jurisdiction for a preliminary, special or final  
18 injunction to restrain or prevent violations of this act or to  
19 compel compliance with this act or any rule, regulation, order,  
20 license or permit 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 permit or license issued pursuant to this act, the  
26 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 hereunder, at law or  
13 in equity.

14 (e) Each day separate offense.--Violations on separate days  
15 shall constitute separate offenses.

#### 16 Section 17. Appeals.

17 (a) General rule.--Any person aggrieved by an action of a  
18 sewage enforcement officer in granting or denying a permit under  
19 this act shall have the right, within 30 days after receipt of  
20 notice of the action, to request a hearing before the local  
21 agency. Hearings under this subsection and any subsequent appeal  
22 shall be conducted pursuant to Title 2 of the Pennsylvania  
23 Consolidated Statutes (relating to administrative law and  
24 procedure). The Attorney General shall be notified in writing by  
25 the appellant of any appeal challenging the constitutionality of  
26 any provisions of this act or the validity of any rule or  
27 regulation promulgated hereunder.

28 (b) Appeal to Environmental Hearing Board.--Any person who  
29 is aggrieved by any action of the department taken under the  
30 provisions of this act, including, but not limited to, denials

1 of licenses, shall have the right, within 30 days of receipt of  
2 the notice thereof, to appeal the action to the Environmental  
3 Hearing Board in accordance with section 1921(a) of the act of  
4 April 9, 1929 (P.L.177, No.175), known as The Administrative  
5 Code of 1929.

6 Section 18. Water Well Construction and Pump Installation  
7 Account.

8 (a) Disposition of fees, penalties, etc.--All fines,  
9 penalties, license fees and rig registration fees collected by  
10 the department under this act shall be paid into the State  
11 Treasury and deposited into a restricted revenue account in the  
12 General Fund to be known as the Water Well Construction and Pump  
13 Installation Account, which is hereby established. This account  
14 shall be administered by the department to carry out the  
15 provisions of this act.

16 (b) Appropriation.--All moneys placed into the Water Well  
17 Construction and Pump Installation Account under this section  
18 are hereby appropriated on a continuing basis to the department  
19 for such purposes as are authorized in this act.

20 (c) Fines and penalties to local agency.--All fines and  
21 penalties collected by the local agency shall be paid to the  
22 local agency.

23 Section 19. Local ordinances.

24 Except with respect to local ordinances which prohibit the  
25 drilling of water wells or establish water quality parameters  
26 for water wells and which are more stringent than those adopted  
27 by the board, all local ordinances, rules or regulations  
28 purporting to regulate water well construction or pump  
29 installation regulated by this act are hereby preempted.

30 Section 20. Appropriation.

1       The sum of \$800,000, or as much thereof as may be necessary,  
2       is hereby appropriated to the Department of Environmental  
3       Resources for the fiscal year July 1, 1989, to June 30, 1990, to  
4       carry out the provisions of this act.

5       Section 21.   Repeals.

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

8       Section 22.   Effective date.

9       This act shall take effect as follows:

10           (1)   Sections 3, 4, 5, 15 and 20 of this act shall take  
11       effect immediately.

12           (2)   The remainder of this act shall take effect in 18  
13       months.