

## **Title 25 Indiana Code (Statutes)**

### **Article 39. WATER WELL DRILLING AND PUMP INSTALLER CONTRACTORS**

#### **Information Maintained by the Office of Code Revision Indiana Legislative**

**IC 25-39-1** Repealed, January 1, 1988

*(Repealed by P.L.262-1987, SEC.6.)*

#### **Chapter 1.5. Applicability Provisions**

Sec. 1. For the purposes of this article, the occupation of a licensee is a regulated occupation under IC 25-1-7-1.

Sec. 2. For the purposes of licensing a water well driller and well water pump installer under IC 25-39-3, the department of natural resources is a "board" under IC 25-1-8-1.

Sec. 3. IC 25-39-3 and IC 25-39-4 do not apply to the following:

(1) A person who installs a well that:

(A) is for personal use; and

(B) is not greater than one and one-fourth (1 1/4) inches inside diameter and not greater than twenty-four (24) feet deep.

(2) A plumber who:

(A) is licensed under IC 25-28.5;

(B) is registered with the department under section 4 of this chapter; and

(C) installs wells that are not greater than one and one-fourth (1 1/4) inches inside diameter and not greater than twenty-four (24) feet deep.

(3) A person who installs or repairs a water well pump or water well pumping equipment for personal use.

(4) A person who is working under the direction and personal supervision of a person who holds a license.

Sec. 4. A plumber licensed under IC 25-28.5 must register with the department before the plumber installs a well or well water pump.

#### **IC 25-39-2 Definitions**

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "**Abandoned well**" means a well:

(1) whose original purpose and use have been discontinued for more than five (5) years; or

(2) that is in such a state of disrepair that using it to obtain ground water is impractical or a health hazard.

Sec. 3. "**Annular space**" means the space between the exterior of the well casing and the natural formation in a drilled well.

Sec. 4. "**Aquifer**" means any underground geologic formation (consolidated or unconsolidated) that has the ability to receive, store, and transmit water in amounts sufficient for the satisfaction of any beneficial use.

Sec. 5. "**Bentonite clay**" means a commercial clay or clay mineral product that has been approved by the commission by rule adopted under IC 4-22-2.

Sec. 6. "**Casing**" means a pipe installed to prevent unwanted solids, liquids, or gases from entering the interior of a well.

Sec. 7. "**Commission**" refers to the natural resources commission.

Sec. 8. "**Department**" refers to the department of natural resources.

Sec. 9. "**Director**" refers to the director of the department of natural resources.

Sec. 10. "**Ground water**" means water occurring beneath the surface of the ground regardless of location or form.

Sec. 11. "**Grouting**" means the process of sealing the annular space in a well.

Sec. 12. "**License**" refers to a water well driller's and water well pump installer's license issued by the department under this article.

Sec. 12.5. "**Licensee**" refers to a person who has been issued a water well driller's and water well pump installer's license issued by the department under this article.

Sec. 13. "**Neat cement**" means a mixture of ninety-four (94) pounds of cement and no more than six (6) gallons of clean water. Additives designed to increase fluidity may not exceed five percent (5%) of the total mixture.

Sec. 14. "**Plugged**" means the insertion of a material in a well that prevents the migration of gas, liquid, or solid material up or down the well.

Sec. 15. "**Water well driller**" means a person who operates well drilling or driving equipment or engages in the drilling or driving of wells.

Sec. 15.5. "**Water well pump installer**" means a person who installs or repairs water well pumps.

Sec. 16. "**Well**" means a hole drilled or driven to:

- (1) obtain geologic information on aquifers;
- (2) monitor the quality or quantity of ground water;
- (3) obtain ground water; or
- (4) utilize the geothermal properties of earth formations.

### **IC 25-39-3 Basic Requirements for Licensing**

Sec. 1. (a) An individual may not be a water well driller or water well pump installer without a license.

(b) The department shall issue a license to each individual who applies and qualifies for a license under this chapter.

(c) The license of the licensee operating well drilling equipment or installing a water well pump shall be carried by the licensee and presented for inspection by a representative of the department upon request.

(d) Every license expires on December 31 of the year for which it was issued.

Sec. 2. (a) An application for a license must be made on a form prescribed by the commission in rules adopted under IC 4-22-2. The purpose of the form is to identify the applicant and obtain information to determine if the applicant is qualified to be licensed.

(b) An application for an original license or a license renewal must be accompanied by a license fee of one hundred dollars (\$100).

(c) Unless an applicant has held an original license for less than one (1) year, a license renewal application must be accompanied by:

- (1) a copy of the continuing education verification of attendance forms; and
- (2) a statement by the applicant attesting that the applicant has complied with the continuing education requirements under IC 25-39-6.

Sec. 3. (a) To qualify for an original license an individual must:

- (1) be at least eighteen (18) years of age;
- (2) furnish evidence from three (3) references, two (2) of whom are water well drillers, water well pump installers, or licensed plumbing contractors familiar with the applicant's work experience and professional competency; and

- (3) have successfully completed a competency examination prepared and administered by the department.
- (b) The competency examination shall be administered at least two (2) times every calendar year.
- (c) The fee to take the competency examination shall be set by the director under IC 25-1-8. This fee is nonrefundable and must be paid each time an applicant applies to take the examination.

Sec. 3.5. –Grandfathering Provisions

- (a) Notwithstanding this article, an individual, who is not exempt under this article, is not required to have a license to install a water well pump until January 1, 2011.
- (b) Notwithstanding section 3 of this chapter, the department shall issue an original license to an applicant who meets the following qualifications:
  - (1) Is at least eighteen (18) years of age.
  - (2) Furnishes evidence that the applicant has installed water well pumps for at least three (3) years.
  - (3) Furnishes references from three (3) individuals who are licensed under this article and who are familiar with the applicant's experience and competency.
  - (4) Complies with the requirements under section 2 of this chapter.
- (c) This section expires July 1, 2011.

**IC 25-39-3-4 Preparation of the Competency Examination**

Sec. 4. (a) In consultation with the Indiana Well Drilling Contractors Association and the Indiana Ground Water Association, the department shall prepare one (1) or more competency examinations to determine if an applicant for a license is qualified to be a water well driller and water well pump installer.

- (b) The competency examination must include questions to determine if the applicant for a license has adequate knowledge and expertise concerning the following:
  - (1) Placement of wells.
  - (2) Well drilling procedures.
  - (3) Operations of well drilling and water well pump equipment.
  - (4) Contamination precautions.
  - (5) Installation of well casing and water well pumps.
  - (6) Well grouting procedures.
  - (7) Well screen design and installation.
  - (8) Pitless adapter units.
  - (9) Installation of pumping apparatus.
  - (10) Well disinfection.
  - (11) Sealing abandoned wells.
  - (12) Ground water occurrence.
  - (13) Aquifer characteristics.
  - (14) Drawdown requirements and limitations.
  - (15) Depth considerations.
  - (16) Methods of measuring well yield.
  - (17) The requirements of this chapter and other laws relating to wells.
  - (18) Other accepted standards relating to the drilling, operation, and abandonment of wells and water well pumps.

## **IC 25-39-4 Regulation of Water Well Drilling**

### Records of Wells Drilled

Sec. 1. (a) Each licensee shall keep accurate records for each well drilled. The record for each well must contain the following information:

- (1) The location of the well.
- (2) The depth and diameter of the well.
- (3) The date the contractor completed the well.
- (4) The character and thickness of materials or formations drilled.
- (5) The static water level and performance data of the well.
- (6) Any other information required by rule.

(b) Each licensee shall, within thirty (30) days after the completion of a well, forward a copy of the record of the well to the department on forms prescribed or approved by the department.

### Establishment of and compliance with rules

Sec. 2. (a) The commission shall, by rule, establish standards for well siting, construction, and operation. The standards must address the following:

- (1) Placement of wells.
- (2) Well drilling procedures.
- (3) Operation of well drilling and water well pump equipment.
- (4) Contamination precautions.
- (5) Well casing and water well pump specification and installation.
- (6) Well grouting procedures.
- (7) Well screen design and installation.
- (8) Pitless adapter units.
- (9) Installation of pumping apparatus.
- (10) Well disinfection techniques.
- (11) Sealing and plugging abandoned wells.
- (12) Other generally accepted standards relating to the drilling, operation, or abandonment of wells.

(b) A well that is drilled after December 31, 1987, must be drilled in compliance with the rules adopted under this section.

Sec. 3. The commission may not establish standards under section 2 of this chapter that prohibit the use of well casing that is at least two (2) inches in diameter.

### Plugging wells not equipped with casing

Sec. 4. A well that is drilled after December 31, 1987, and not equipped with casing must be plugged by the driller within seventy-two (72) hours after drilling is completed.

### Annular space grouting

Sec. 5. A well that is drilled after December 31, 1987, and equipped with casing must have the annular space grouted with neat cement, bentonite clay, or another material that has been approved by the commission by the driller when the well is completed.

### Sealing abandoned or unused wells

Sec. 6. (a) A well that was abandoned before January 1, 1988, must be sealed by the use of a welded or threaded cap, or in accordance with rules adopted by the commission under IC 4-22-2. If the director determines that a well described in this subsection poses a hazard to human health, the well shall be plugged in accordance with rules

adopted by the commission under IC 4-22-2.

(b) The owner of land upon which is situated a well that is abandoned after December 31, 1987, must have the well plugged by a water well driller or pump installer within one (1) year after it is abandoned.

(c) A well that has not been used for more than three (3) months, but has not been abandoned, must be sealed at or above the land surface with a welded or threaded cap, or in accordance with rules adopted by the commission under IC 4-22-2.

#### Causes for Suspension or revocation of license; refusal to grant or renew license

Sec. 7. (a) Under IC 4-21.5-3-6, the director may **suspend or revoke the license** of a licensee who has done any of the following:

- (1) Acted as a licensee without a license in violation of this article.
- (2) Secured a license through error or fraud.
- (3) Failed to comply with any of the requirements of sections 1, 2, 4, 5, and 6 of this chapter.

(b) Under IC 4-21.5-3-5, the director may **refuse to grant, renew, or restore a license** to a person who has done any of the following:

- (1) Acted as a licensee without a license in violation of this article.
- (2) Secured a license through error or fraud.
- (3) Failed to comply with any of the requirements of sections 1, 2, 4, 5, and 6 of this chapter.

#### Proceedings by the department against violators

Sec. 8. (a) The department may initiate injunctive proceedings in the appropriate court against a person who acts as a licensee without a license or while the person's license is suspended. The department may not be compelled to give bond in such a cause.

(b) After an action has been filed and notice has been given, all matters involved in the action shall be held in abeyance until the action has been tried and determined.

(c) If a defendant continues to violate this article after notice of the action has been given but before trial and determination, the department may, upon a verified showing of those acts of the defendant, obtain a temporary restraining order without notice. The order is effective until the cause has been tried and determined.

#### Rules to be adopted by the commission

Sec. 9. (a) The commission shall adopt rules under IC 4-22-2 to implement this article.

(b) The commission may adopt rules under IC 4-22-2 to do the following:

- (1) Establish standards for the licensing of dewatering well drillers.
- (2) Regulate the drilling of dewatering wells.
- (3) Exempt the drilling of a dewatering well from the application of this chapter if the commission determines that application of this chapter is inappropriate.

#### Confidentiality of certain records

Sec. 10. Upon written application by the owner of a well or the licensee, the department shall keep the record of a well confidential for a period of one (1) year, and that record is not considered to be a public record.

#### Well types exempt from statute

Sec. 11. This article does not apply to wells drilled:

- (1) under or incidental to an activity under IC 14-34 or IC 14-37;

(2) for the sole purpose of supplying water for the secondary recovery of petroleum resources; or  
(3) for the sole purpose of evaluating the foundation characteristics of earth materials to support bridges, roadways, buildings, or other engineered structures.

#### **IC 25-39-5-1 Crimes and Infractions**

Sec. 1. A person who **acts as a water well driller or pump installer without a license** in violation of this article commits a Class B misdemeanor.

Sec. 2. A person who **fails to keep the records or file the reports** required by IC 25-39-4-1 or who knowingly **files any report containing false information** commits a Class B infraction. The failure to submit records for each water well drilled constitutes a separate infraction.

Sec. 3. A person who knowingly **violates a standard** established under IC 25-39-4-2 commits a Class B infraction.

Sec. 4. A person who knowingly **fails to plug a well** in violation of IC 25-39-4-4 commits a Class B infraction.

Sec. 5. A person who knowingly **fails to grout a well** in violation of IC 25-39-4-5 commits a Class B infraction.

Sec. 6. A person who **fails to seal, plug, or cap a well** in violation of IC 25-39-4-6 commits a Class C infraction.

Sec. 7. A **plumber who installs a well without first registering with the department** under IC 25-39-1.5-4 commits a Class B misdemeanor.

#### **IC 25-39-6 Continuing Education**

##### **IC 25-39-6-1**

Continuing education required

Sec. 1. Except as provided in section 6 of this chapter, a licensee who has held a license for at least one (1) calendar year shall complete six (6) actual hours of continuing education before December 31 of each even-numbered year.

##### **IC 25-39-6-2**

Continuing education record retention

Sec. 2. A licensee shall retain the following for each continuing education course the individual attends:

(1) A record of:

- (A) the number of hours the individual spent in the continuing education course;
- (B) the name of the person or organization presenting the continuing education course;
- (C) the date, location, and title of the continuing education course; and
- (D) the number of hours of continuing education awarded for the course.

(2) Verification that the individual attended the course.

The records and verification of attendance must be retained for three (3) years after the individual attends a continuing education course.

##### **IC 25-39-6-3**

Application for course approval

Sec. 3. (a) An institution, organization, governmental agency, or individual that wishes to offer continuing education courses for the purposes of this chapter must apply in writing to the department for approval of each course. An application for approval of a course must be received by the department not less than thirty (30) days before the course is offered. The department shall approve or deny an application for approval of a continuing education course not more than ten (10) business days after receiving the application.

(b) An application must include the following information:

- (1) The title of the course and subjects that will be presented.
- (2) The name of the person or organization presenting the continuing education course.
- (3) The date, location, and title of the continuing education course.
- (4) The number of hours of continuing education to be offered.
- (5) Course outlines for the subjects to be offered.
- (6) The fee to be charged for each course.
- (7) Any other information requested by the department.

(c) The department may approve an application for approval of a continuing education course that addresses one (1) of the following topics:

- (1) Water well construction.
- (2) Pump installation and repair.
- (3) Grouting.
- (4) Water sample collection and sampling.
- (5) Contamination of water supplies.
- (6) Other topics the department determines to be relevant for the continued improvement of the knowledge of a license holder.

#### **IC 25-39-6-4**

Post continuing education course submissions

Sec. 4. An institution, organization, governmental agency, or individual that has been approved to offer a continuing education course for the purposes of this chapter shall submit to the department not more than forty-five (45) days after the course has been completed a typed listing of the following information:

- (1) The name of each individual who attended the course, including each individual's license number.
- (2) The title of the course.
- (3) The name of the person or organization presenting the continuing education course.
- (4) The date, location, and title of the continuing education course.
- (5) The number of hours of continuing education each individual received.

#### **IC 25-39-6-5**

**Listing of continuing education courses**

Sec. 5. The department shall maintain and make available to the public a list of future continuing education courses that will satisfy the continuing education requirements of this article.

*As added by P.L.84-2010, SEC.90.*

#### **IC 25-39-6-6**

**Waiver or modification of requirements**

Sec. 6. A licensee may apply in writing to the department for a waiver or modification of the continuing education requirements applying to the licensee under this article if the licensee:

- (1) establishes that an emergency existed during the period for which the continuing education was required;
- (2) has had an incapacitating illness verified by the applicant and a licensed physician; or
- (3) was prevented from completing the continuing education requirement because of active military duty during the period for which the continuing education was required.

#### **IC 25-39-6-7**

**Contract to administer chapter**

Sec. 7. The department may enter into a contract with the Indiana Ground Water Association to administer this chapter.