

1 15A NCAC 27 .0101 is amended without notice pursuant to G.S. 150B-21.5(a)(4) as follows:

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3 **15A NCAC 27 .0101 DEFINITIONS**

4 In addition to the definitions set forth in G.S. 87-98.2, the following shall apply:

5 ~~(a) "Commission" means the Well Contractors Certification Commission as established by the North Carolina General~~  
6 ~~Assembly.~~

7 ~~(b)(a) "College course" means a semester unit or quarter hour unit of instruction given at a college or university,~~  
8 ~~which that is relevant to well contractor activities.~~

9 ~~(b) "Continuing Education Unit" or "CEU" means a contact hour of instruction or presentation that is the basic unit~~  
10 ~~of credit for all courses or activities related to satisfying continuing education requirements. One CEU is equivalent~~  
11 ~~to 60 minutes of instructional time.~~

12 ~~(c) "Course/activity" means any course or activity with a clear purpose and objective which will to maintain,~~  
13 ~~improve or expand skills and knowledge relevant to the practice of well contractor activities.~~

14 ~~(d) "Department" means the Department of Environment and Natural Resources.~~

15 ~~(e)(d) "Personally manage" means giving directions to the on-site person who is personally supervising well~~  
16 ~~contractor activities.~~

17 ~~(f)(c) "Personally supervise" means the on-site direction and control of all well contractor activities at any time those~~  
18 ~~activities are being conducted.~~

19 ~~(g)(f) "Professional development hour" or "PDH" means a nominal contact hour of instruction or presentation that is~~  
20 ~~the basic unit of credit for all courses or activities related to satisfying continuing education requirements and shall~~  
21 ~~hereafter be referred to as "continuing education unit" or "CEU." One CEU is equivalent to 60 minutes of instructional~~  
22 ~~time.~~

23 ~~(h) "Secretary" means the Secretary of the Department of Environment and Natural Resources.~~

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25 *History Note: Authority G.S. 87-98.2; 87.98.12; 143B-301.11;*

26 *Temporary Adoption Eff. December 15, 1998;*

27 *Eff. August 1, 2000;*

28 *Amended Eff. May 1, 2011;*

29 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*  
30 *2017.*

31 *Amended Eff. January 1, 2018.*

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1 15A NCAC 27 .0110 is readopted with changes as published in 32:05 NCR 450 as follows:

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3 **15A NCAC 27 .0110 TYPES OF CERTIFICATION**

4 (a) The following types of certification for well contractors are ~~established~~ as follows:

5 (1) Level A certification: this level of certification includes all well contractor activities and is required  
6 for geothermal well and related loop installations;

7 (2) Level B certification: this level of certification includes all Level C well contractor ~~activities;~~  
8 ~~activities, hydrofracturing; hydrofracturing,~~ and all well construction and all well drilling techniques  
9 except sonic, air rotary and mud rotary drilling;

10 (3) Level C certification: this level of certification includes all Level D well contractor ~~activities, and~~  
11 ~~grouting; grouting,~~ well ~~abandonment; abandonment,~~ rehabilitating a well due to ~~biofouling;~~  
12 ~~biofouling,~~ well development (~~eg. pumping or surging); (eg. -pumping or surging),~~ packer and liner  
13 ~~installations; installations,~~ and extending casing above land surface; and

14 (4) Level D certification: this level of certification includes breaking a well seal, installation of a pump  
15 or other equipment in a well, and disinfection.

16 (b) Each certified well contractor shall be assigned a permanent certification number and shall be issued a certificate  
17 with that certification number and level. Certification numbers are not transferable and shall not be used by another  
18 well contractor.

19 (c) The certification number shall be carried by the well contractor on a card issued by the Commission at all times  
20 when performing well contractor activities.

21 (d) A certified well contractor of the appropriate level must be present at all times when well contractor activities  
22 are being performed.

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24 *History Note: Authority G.S. 87-98.2; 87-98.4; 87-98.12; 143B-301.11;*

25 *Temporary Adoption Eff. December 15, 1998;*

26 *Eff. August 1, 2000;*

27 *Amended Eff. July 3, 2012; May 1, 2008.*

28 *Readopted Eff. January 1, 2018.*

1 15A NCAC 27 .0301 is readopted with changes as published in 32:05 NCR 450 as follows:

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3 **15A NCAC 27 .0301 APPLICATION FOR CERTIFICATION**

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5 (a) ~~The Commission shall accept applications for certification as a well contractor from any person who is at least 18~~  
6 ~~years of age and whose application meets all the following conditions:~~ Applicants seeking certification as a well  
7 contractor shall:

8 (1) ~~Each application shall be submitted on current forms provided by the Commission, which are~~  
9 ~~designed for requesting certification as a well contractor by way of examination or reexamination~~  
10 ~~and must be completed and submitted with the appropriate fee(s) to the Commission office; submit~~  
11 ~~an application for the level of certification being sought on forms provided by the Commission as~~  
12 ~~set forth in Paragraph (b) of this Rule;~~

13 (2) ~~Incomplete applications and applications not accompanied by the appropriate fee(s) and attachments~~  
14 ~~shall not be processed and shall be returned to the applicant; submit the required fee as set forth in~~  
15 ~~Rule .0201 of this Chapter;~~

16 (3) ~~Each application shall contain proof of experience as provided in Paragraph (d) of this Rule and~~  
17 ~~proof of completion of coursework as provided in Paragraph (e) of this Rule if applicable; and~~  
18 ~~complete a field observation for Level A applicants; and~~

19 (4) ~~Except for those applications where renewal of certification is requested, each application shall~~  
20 ~~include a request for the well contractor examination. pass the examination for the level of~~  
21 ~~certification being sought as provided in Section .0400 of these Rules.~~

22 (b) The form to apply for certification as a well contractor can be found online at [www.wellcontractors.nc.gov](http://www.wellcontractors.nc.gov) and  
23 shall include the following information:

24 (1) the applicant's name;

25 (2) last four digits of applicant's social security number;

26 (3) contact information, including home, employer and mailing addresses;

27 (4) educational information, including proof of completion of coursework as provided in Paragraph (g)  
28 of this Rule;

29 (5) employment information, including proof of experience as provided in Paragraph (f) of this Rule;

30 and

31 (6) stamp and signature of a notary.

32 (c) Applicants for certification must be at least 18 years of age.

33 (d) A photograph of the applicant shall be obtained by the Commission prior to issuance of certification.

34 (b)(c) ~~The Commission shall not schedule an applicant to take the required examination until the application has been~~  
35 ~~reviewed and the applicant has met all other conditions for certification. The applicant must~~ If an applicant fails to  
36 pass the examination within three consecutive attempts or within a one year period of time after application submittal,  
37 whichever expires first, or a new application shall be required. An applicant who has failed the examination after three

1 consecutive attempts shall ~~be required to~~ obtain eight CEUs as set forth in Rule .0820 of this Chapter prior to  
2 resubmittal of an application for certification.

3 ~~(e)~~ A certification shall not be issued until all applicable fees have been received, the applicant passes the field  
4 observation for Level A if required, the applicant passes the required written examination, and a photograph is obtained  
5 of the applicant by a representative of the Commission.

6 ~~(d)~~(f) Proof of full-time equivalent experience ~~meeting the requirements~~ as specified in Rule .0702 of this Chapter in  
7 level specific well contractor activities obtained within seven years prior to application submittal or previous  
8 certification by examination at a comparable or higher level, shall be demonstrated by providing one of the following:

9 (1) ~~An payroll records and an~~ affidavit on a form provided by the Commission from at least one  
10 currently North Carolina certified well contractor who has not committed any violation of either  
11 ~~15A NCAC 02C or~~ 15A NCAC 02C, this Chapter, or any county well ordinance within the past two  
12 years, attesting that the applicant has been working in well contractor activities under the supervision  
13 of a certified well contractor of the desired level or ~~higher for a minimum of the required quantity~~  
14 ~~of experience and submits appropriate payroll records as proof;~~ higher;

15 (2) ~~Proof~~ proof of previous certification by examination as a well contractor in North Carolina at a  
16 comparable or higher ~~level;~~ level, such as the applicant's previous certification number;

17 (3) ~~Proof of individual certification as a well contractor in another state with comparable licensing or~~  
18 ~~certification requirements for a minimum of the required quantity of experience for the level being~~  
19 ~~sought and of activities appropriate to the level being sought and submits appropriate payroll records~~  
20 ~~as proof. A~~ letter of good standing from ~~that~~ another state's well contractor licensing or certification  
21 organization ~~must be included~~ showing the applicant has not violated well construction or licensing  
22 rules of that State in the past five years; or

23 (4) ~~Any any other specific proof of working in well contractor activities for a minimum of the required~~  
24 ~~quantity of experience. At a minimum, the proof submitted shall demonstrate that~~ demonstrates the  
25 applicant has received a level of instruction in well construction techniques and practices appropriate  
26 for the level being sought.

27 ~~(e)~~(g) The Commission shall approve a course of study ~~whose~~ with a program and educational materials ~~and program~~  
28 ~~meets~~ meeting technical aspects of well construction. The course of study shall provide needs-to-know education for  
29 the level being sought. The experience requirements for an applicant may be reduced up to three months and the Level  
30 A field observation may be waived for successful completion of the ~~course.~~ course to be determined on a case-by-  
31 case basis considering the length of the course and material covered.

32  
33 *History Note:* Authority G.S. 87-98.5; 87-98.6; 87-98.9; 87-98.12; 87-98.14; 143B-301.11; S.L. 2001-440;  
34 Temporary Adoption Eff. December 15, 1998;  
35 Eff. August 1, 2000;  
36 Codifier determined that findings did not meet criteria for temporary rule on July 12, 2002;  
37 Temporary Adoption Eff. September 12, 2002;

1 *Amended Eff. May 1, 2011; May 1, 2008; August 1, 2004.*  
2 *Readopted Eff. January 1, 2018.*

1 15A NCAC 27 .0410 is readopted with changes as published in 32:05 NCR 450 as follows:

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3 **15A NCAC 27 .0410 WELL CONTRACTOR EXAMINATIONS**

4 (a) Well contractor examinations shall be comprehensive examinations that are standardized statewide. The  
5 examinations shall be designed to determine the applicant's knowledge of applicable rules; the ability to perform well  
6 contractor activities; and the ability to supervise, direct, manage and control the contracting activities of the well  
7 contracting business. ~~Examinations and field observations shall be conducted in English.~~ The Commission shall  
8 conduct examinations and field observations in English.

9 (b) ~~If a request for an accommodation in taking the examination is based on a medical condition, the applicant shall~~  
10 ~~submit, in addition to a request form, supporting documentation from a physician.~~ If an applicant needs an  
11 accommodation in taking the examination based upon a medical condition, he or she shall submit a request form that  
12 includes the following information:

13 (1) the applicant's name;

14 (2) accommodation requested; and

15 (3) supporting documentation from a physician.

16 Upon receipt of the information required by this Paragraph, the Commission will consider each request on a case by  
17 case basis.

18 (c) A grade on the examination of 70 percent or more shall be passing. Results of the examination shall be reported  
19 as either passing or failing.

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21 *History Note: Authority G.S. 87-98.6; 143B-301.11;*  
22 *Temporary Adoption Eff. December 15, 1998;*  
23 *Eff. August 1, 2000;*  
24 *Amended Eff. May 1, 2011; May 1, 2008.*  
25 *Readopted Eff. January 1, 2018.*

1 15A NCAC 27 .0420 is readopted with changes as published in 32:05 NCR 450 as follows:

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3 **15A NCAC 27 .0420 TIME AND PLACE OF EXAMINATION**

4 An examination shall be given at least twice a year. ~~Additional examinations may be scheduled by a representative(s)~~  
5 ~~of the Commission.~~ Information regarding the date, time, and place shall be made available upon ~~request.~~ request and  
6 online at [www.wellcontractors.nc.gov](http://www.wellcontractors.nc.gov).

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8 *History Note: Authority G.S. 87-98.6; 143B-301.11;*

9 *Temporary Adoption Eff. December 15, 1998;*

10 *Eff. August 1, 2000;*

11 *Amended Eff. May 1, 2011.*

12 *Readopted Eff. January 1, 2018.*

1 15A NCAC 27 .0440 is readopted with changes as published in 32:05 NCR 450 as follows:

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3 **15A NCAC 27 .0440 EXAMINATION RESULTS AND ISSUANCE OF CERTIFICATES**

4 (a) After an examination, the applicant shall be ~~informed,~~ informed in writing ~~only, by the Commission or its~~  
5 ~~authorized representatives as to~~ of the results of his or her examination. If a passing score is obtained, the applicant  
6 shall be certified ~~such notification constitutes certification by the Commission, and a certificate shall be issued. After~~  
7 ~~each examination, a list of those passing shall be drawn up and made a part of the permanent records of the~~  
8 ~~Commission. Upon completion of the examination process, applicants who pass the examination shall be issued a~~  
9 ~~certificate.~~

10 (b) ~~Under normal circumstances, neither~~ Neither the examination grade nor the examination paper of any applicant  
11 shall be made available to anyone other than the members of the Commission and its authorized representatives who  
12 assist in conducting and grading the examinations. The examination papers shall be held by the Commission ~~in a~~  
13 ~~secure location~~ for a period of ~~six~~ 12 months following notification to the applicant. Questions by the applicant  
14 concerning the examination ~~must~~ shall be made in writing to the Commission within ~~six~~ 12 months of the notification  
15 date. An applicant who fails to pass an examination, and who is still eligible to retake the examination under their  
16 current application in accordance with the Rules of this Chapter, shall be entitled to and notified of the privilege to  
17 review his or her examination, within ~~six~~ 12 months of the applicant's failed exam, in the presence of one or more  
18 Commission members or its authorized representative.

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20 *History Note: Authority G.S. 87-98.6; 87-98.8; 93B-8; 143B-301.11;*

21 *Temporary Adoption Eff. December 15, 1998;*

22 *Eff. August 1, 2000;*

23 *Amended Eff. May 1, 2011.*

24 *Readopted Eff. January 1, 2018.*