

G.S. 150B-21.3A Report for 15A NCAC CHAPTER 27, WELL CONTRACTOR CERTIFICATION RULES

Agency - Well Contractors Certification Commission

Comment Period - September 12 - November 21, 2017

Date Submitted to APO - May 22, 2017

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	SECTION .0100 - DUTIES AND DEFINITIONS	15A NCAC 27 .0101	DEFINITIONS	Amended Eff. May 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		15A NCAC 27 .0110	TYPES OF CERTIFICATION	Amended Eff. July 3, 2012	Necessary without substantive public interest	No		Yes	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0200 - WELL CONTRACTOR FEES	15A NCAC 27 .0201	SCHEDULE OF CERTIFICATION FEES	Amended Eff. May 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0300 - CERTIFICATION OF WELL CONTRACTORS	15A ncac 27 .0301	APPLICATION FOR CERTIFICATION	Amended Eff. May 1, 2011	Necessary without substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0400 - CERTIFICATION BY EXAMINATION	15A NCAC 27 .0401	SUBMITTAL AND PROCESSING OF APPLICATIONS FOR EXAMINATIONS	Amended Eff. May 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		15A NCAC 27 .0410	WELL CONTRACTOR EXAMINATIONS	Amended Eff. May 1, 2011	Necessary without substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		15A NCAC 27 .0420	TIME AND PLACE OF EXAMINATION	Amended Eff. May 1, 2011	Necessary without substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
		15A NCAC 27 .0430	CONDUCTING AND GRADING EXAMINATIONS	Amended Eff. May 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		15A NCAC 27 .0440	EXAMINATION RESULTS AND ISSUANCE OF CERTIFICATES	Amended Eff. May 1, 2011	Necessary without substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	SECTION .0500 - CERTIFICATION WITHOUT EXAMINATION	15A NCAC 27 .0510	RECIPROCAL WAIVER OF EXAMINATION FOR CERTIFICATION	Amended Eff. May 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		15A NCAC 27 .0520	TEMPORARY CERTIFICATION	Eff. August 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0600 - CERTIFICATION RENEWAL	15A NCAC 27 .0601	CONDITIONS AND LIMITATIONS FOR RENEWAL OF CERTIFICATIONS	Amended Eff. May 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0700 - TYPES OF CERTIFICATION	15A NCAC 27 .0702	REQUIREMENTS OF CERTIFICATION	Amended Eff. May 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0800 - CONTINUING EDUCATION REQUIREMENTS	15A NCAC 27 .0801	REQUIREMENTS	Amended Eff. July 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		15A NCAC 27 .0810	APPROVAL OF CONTINUING EDUCATION COURSES	Amended Eff. July 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		15A NCAC 27 .0820	DETERMINATION OF CREDIT	Amended Eff. July 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		15A NCAC 27 .0830	RECORDKEEPING	Amended Eff. May 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0900 - PROCEDURES FOR DISCIPLINARY ACTIONS	15A NCAC 27 .0901	REVOCAION, RELINQUISHMENT OR EXPIRATION OF CERTIFICATION	Amended Eff. May 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		15A NCAC 27 .0910	RECERTIFICATION FOLLOWING REVOCATION OR RELINQUISHMENT	Amended Eff. May 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		15A NCAC 27 .0920	NOTIFICATION TO THE DEPARTMENT	Eff. August 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

G.S. 150B-21.3A Report for 15A NCAC CHAPTER 27, WELL CONTRACTOR CERTIFICATION RULES

Agency - Well Contractors Certification Commission

Comment Period - September 12 - November 21, 2017

Date Submitted to APO - May 22, 2017

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		15A NCAC 27 .0930	CIVIL PENALTIES	Eff. August 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

COMMENTS AND RESPONSES FOR PERIODIC REVIEW OF EXISTING RULES
15A NCAC Subchapter 27, Well Contractor Certification Rules

15A NCAC 27 .0110 TYPES OF CERTIFICATION

Commenter Name: Tim Mathis, AAA GREENE BROS. WELL DRLG.

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Unnecessary

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text:

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

Comment: It is my opinion that his rule places undue burden on business owners. I feel it unnecessary to require a certified well contractor onsite at all times. As a business owner, I am ultimately responsible for all activities(good or bad) that occur on the job-site. Should a problem occur--intentional or not- I, as owner, must deal with the issue. While my certified employee may be the cause of a problem, I am ultimately the responsible party that must address it and correct it. Anyone who chooses to pursue any legal actions will direct them to the company owner regardless of who commits the wrongdoings.

This seems to be the case with any contractor activities state wide. Plumbers, Electricians and HVAC Contractors all work under one license and this should be the case with Well Contractors.

Commenter Name: Todd Muench, Parratt-Wolff, Inc.

Do I agree with the Agency's determination? Yes

I would determine this rule's classification as: undefined

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: Another type of comment

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: Please consider adding a licensing classification for Monitoring Well Drillers. Other states have this designation such as Maryland with the Master Geotechnical Driller license. the classification would included auger, mud, fluid, wet rock coring, DPT and Sonic (all drilling methods) but eliminate the pump installation and electrical exam from the testing procedure.

Agency Response:

The agency's final determination is "necessary with substantive public interest." These comments will be considered during the readoption process.

COMMENTS AND RESPONSES FOR PERIODIC REVIEW OF EXISTING RULES
15A NCAC Subchapter 27, Well Contractor Certification Rules

15A NCAC 27 .0301 APPLICATION FOR CERTIFICATION

Commenter Name: Tim Mathis, AAA GREENE BROS. WELL DRLG.

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Unnecessary

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text:

Rule: The applicant must pass the examination within three consecutive attempts or within a one year period of time after application submittal, whichever expires first, or a new application shall be required

Comment: This section: "one year period of time after application submittal" needs to be revised to "one year from the Commissions approval of application."

Agency Response:

The agency's final determination is "necessary with substantive public interest." Comments will be considered during the readoption process.

COMMENTS AND RESPONSES FOR PERIODIC REVIEW OF EXISTING RULES
15A NCAC Subchapter 27, Well Contractor Certification Rules

15A NCAC 27 .0410 WELL CONTRACTOR EXAMINATIONS

Commenter Name: Tim Mathis, AAA GREENE BROS. WELL DRLG.

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Unnecessary

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: It is my opinion that requiring a closed book exam is a step in the wrong direction. In colleges and universities across the state, they are realizing that there will never be a time whenever "information" is not available. If we have a question, we can look in our books, internet, or call. Thus I do not agree with the new rule of "closed book" exams.

Commenter Name: Stephen Rice

Do I agree with the Agency's determination? Yes

I would determine this rule's classification as: undefined

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: Another type of comment

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: The commission should return to the open book exams! There are no classes or programs to take to prepare for a closed book exam. Either return to open book or offer courses at local community colleges for this certification as all other industry provide, such as Electrical contractors, Construction contractors, and on. Thank you for your time in this matter!

Agency Response:

The agency's final determination is "necessary with substantive public interest." Comments will be considered during the readoption process.

COMMENTS AND RESPONSES FOR PERIODIC REVIEW OF EXISTING RULES
15A NCAC Subchapter 27, Well Contractor Certification Rules

15A NCAC 27 .0420 TIME AND PLACE OF EXAMINATION

Commenter Name: Tim Mathis, AAA GREENE BROS. WELL DRLG.

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Necessary with substantive public interest

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text:

Rule: 15A NCAC 27 .0420 TIME AND PLACE OF EXAMINATION

An examination shall be given at least twice a year. Additional examinations may be scheduled by a representative(s) of the Commission. Information regarding the date, time, and place shall be made available upon request.

Comment: Exams need to be scheduled for the western part and also the eastern part of the state along with central North Carolina. It is very expensive to send an employee on a 5 hour drive to and from the exam site.(Gas, vehicle, motel, meals, etc.)

Commenter Name: Unknown

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Necessary with substantive public interest

Do I want to submit a written comment on this rule? No

My comment type on this rule is: undefined

Do I want to enter a comment, or submit a file? undefined

Agency Response:

The agency's final determination is "necessary with substantive public interest." Comments will be considered during the readoption process.

COMMENTS AND RESPONSES FOR PERIODIC REVIEW OF EXISTING RULES
15A NCAC Subchapter 27, Well Contractor Certification Rules

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

Commenter Name: Tim Mathis, AAA GREENE BROS. WELL DRLG.

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Unnecessary

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text:

Rule: An applicant who fails to pass an examination, and who is still eligible to retake the examination under their current application, shall be entitled to and notified of the privilege to review his or her examination, within six months of the applicant's failed exam, in the presence of one or more Commission members or its authorized representative.

Comment: If an applicant fails the exam and needs a review. The exam should be able to be taken the same day after the review session. The rule of having to wait a period of time between exam and review puts even more hardship on the employer. Because you have to send, pay wages, room and board for two different times.

Agency Response:

The agency's final determination is "necessary with substantive public interest." Comments will be considered during the readoption process.