

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 35. WELL DRILLER AND PUMP INSTALLER LICENSING**

785:35-1-4. Violations and penalties

(a) **Misdemeanor violations.** Any person who, after notice from the Board violates or refuses or neglects to comply with any provision of 82 O.S. 1991, §§1020.1 through 1020.22, as amended and the rules of this Chapter, or who commits waste shall be guilty of a misdemeanor, and upon conviction shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each offense. Any person who, after notice that he is in violation thereof continues to violate any provision of this act, and fails to comply therewith within a reasonable length of time, is guilty of a separate offense for each day the violation continues.

(b) **Administrative penalties.** *The Board may, after notice and hearing, impose on any person administrative penalties of up to Five Thousand Dollars (\$5000.00) and may revoke, suspend or deny renewal of any license or operator certification for each violation of the rules regarding license or certification requirements, the requirement to obtain a license or certification, or minimum construction or installation standards. Each day a violation continues shall constitute a separate violation. Such administrative penalties shall be deposited in the Well Drillers and Pump Installers Remedial Action Indemnity Fund except as otherwise provided in 785:35-1-5(c).* [82:1020.16(E)]

(1) **Notice of violation and proposed assessment.** In addition to revoking, suspending or not renewing a license or operator certification, the Board may impose administrative penalties against drillers or operators who fail, refuse or neglect to comply with rules or orders of the Board. Such administrative penalties shall be imposed only after notice and opportunity for hearing on the proposed imposition of such penalties. The notice of the proposed assessment of administrative penalties shall inform the respondent of the provisions of the Board rules or order at issue and the proposed amount of the penalty. A letter, citation, petition, notice of violation, consent order or final order may constitute a notice of proposed assessment for purposes of initiating administrative penalty proceedings if it meets the requirements of this section.

(2) **Administrative fine schedule.** The schedule of fines in this Section is based on violation of requirements common to the rules promulgated under authority of the 82 O.S. Section 1085.2; Oklahoma Groundwater Law in 82 O.S. Section 1020.1 and following, particularly Section 1020.16 on well driller and pump installer licensing. The fine schedule for citations issued by the Board for violations of the following requirements is:

- (A) Engaged in commercial activity without a license.
 - (i) First - \$1,000.00
 - (ii) Second or subsequent - up to \$5,000.00.
- (B) Engaged in commercial activity without an operator's certification.
 - (i) First - \$1,000.00.
 - (ii) Second or subsequent - up to \$5,000.00.
- (C) Failure to have present a certified operator at the drilling, plugging or pump installation site.
 - (i) First - \$1,000.00.
 - (ii) Second or subsequent up to \$5,000.00.
- (D) Failure to have rig used in drilling or pump installation properly identified
 - (i) First - \$1,000.00.

- (ii) Second or subsequent up to \$5,000.00.
- (E) Failure to submit a multi-purpose completion report form or electronic version
 - (i) First - ~~\$50.00~~\$250.00.
 - (ii) Second or subsequent ~~\$250.00~~\$500.00.
- (F) Violation of groundwater well, fresh water observation well and water well test holes minimum standard
 - (i) First - \$1,000.00.
 - (ii) Second or subsequent up to \$5,000.00.
- (G) Violation of heat exchange well minimum standard
 - (i) First - \$1,000.00.
 - (ii) Second or subsequent up to \$5,000.00.
- (H) Violation of monitoring well and geotechnical boring minimum standard
 - (i) First - \$1,000.00.
 - (ii) Second or subsequent up to \$5,000.00.
- (I) Violation of pump installation minimum standard.
 - (i) First - \$1,000.00.
 - (ii) Second or subsequent up to \$5,000.00.
- (J) Violation of minimum standard for plugging and capping wells and test holes.
 - (i) First - \$1,000.00.
 - (ii) Second or subsequent up to \$5,000.00.
- (K) Violation of minimum standard for plugging site assessment observation well, monitoring well and geotechnical borings.
 - (i) First - \$1,000.00.
 - (ii) Second or subsequent up to \$5,000.00.

(3) **Administrative Citations**

(A) Issuance of a citation. A citation which is issued to a person for violation of one or more of the compliance requirements provided in Section 785:35-1-4(b)(2) shall advise the person of the hearing date at which the person may contest the issuance of the citation and/or the amount of the fine. Such hearings shall be conducted in compliance with the Oklahoma Administrative Procedures Act and the Oklahoma Open Meetings Act.

(B) Orders following hearing. A final order may uphold the citation as issued, reduce the amount of the fine or dismiss the action. A default order may be issued if the person cited has been advised in writing of the hearing date and fails to appear. The fine is due and payable immediately upon issuance of the order unless otherwise provided therein. A final order is appealable to the district court in accordance with the Oklahoma Administrative Procedures Act.

(4) **Payment of fines.** A person who is ordered to pay a fine shall submit the fine to the Oklahoma Water Resources Board, 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118. A person who decides not to contest the issuance of the citation shall submit payment of the fine to the same address on or before the hearing date indicated on the citation.

785:35-1-6. Well Drillers and Pump installers Advisory Council

(a) **Creation of Council.** The Well Drillers and Pump Installers Advisory Council is hereby created. The Council shall consist of eight (8) members appointed by and serving at the pleasure of the Oklahoma Water Resources Board. The Board shall seek nominations from each of the Congressional districts and the remaining members shall be appointed at large. The Executive Director of the Board shall be a member ex officio. At least one member shall represent each licensed activity. The term for a member on the advisory council shall be two (2) years. Upon the expiration of said terms, their successors shall be appointed for terms of two (2) years. Any vacancy occurring on the Council shall be filled within 60 days of such vacancy. Council members may be removed by the Board without cause.

(b) **Qualifications for Council membership.** Each Council member shall have been licensed as a well driller or pump installer by the Board for at least five (5) years prior to appointment to the Council, and must be in good standing with the Board at the time of appointment and during the term of Council membership.

(c) **Organization of Council.** The Council shall meet at least once each twelve months and otherwise at the call of the Board or Executive Director of the Board. The Executive Director or his or her designee shall chair the first Council meeting, at which the Council members may elect a chair for a term of one year from among their membership. In the event of a vacancy on the Council, the remaining Council members may make nominations or recommendations, subject to approval and appointment by the Board. The Executive Director or his or her designee will consult with an elected chair concerning meeting agendas.

(d) **Duties of the Council.** The Council shall have the following duties:

- (1) Recommend new rules and rules amendments to the Board, provided such recommendations must be in writing and must be concurred in by a majority of the membership of the Council;
- (2) Review and recommend approval or denial of use of monies in the Well Drillers and Pump Installers Remedial Action Indemnity Fund for:
 - (A) Remedial actions to protect groundwater from pollution or potential pollution from wells or boreholes under the jurisdiction of the Board which do not meet minimum standards for construction or that have been abandoned, and
 - (B) Inspections, licensing, enforcement and education by the Board; and
- (3) Recommend seeking reimbursement for any remedial action taken or required by the Board.

(e) Continuing Education. Attendance by members of the Council at meetings organized in accordance with 785:35-1-6(c) shall qualify as continuing education requirements per OAC 785:35-3-5(e)(5).

~~(e)~~(f) **Effect of rule.** Nothing in this section shall be construed to limit or restrict the Board's authority regarding water well and pump installer licensing or use of the Well Drillers and Pump Installers Remedial Action Indemnity Fund.

~~785:35-5-3. Requirements for multi-purpose completion report~~

~~—Each licensee or certified operator as the case may be shall file a multi-purpose completion report for each groundwater well, water well test hole, fresh water observation well, or heat exchange well completed or plugged. The report shall be on forms provided by the Board or electronically online and shall be filed within sixty (60) days after the date of completion or plugging. Each licensee or certified operator as the case may be shall file a multi-purpose completion report electronically online for each monitoring well, site assessment observation~~

well and geotechnical boring within sixty (60) days after the date completed or plugged. Information regarding multiple monitoring wells, geotechnical borings and heat exchange wells may be accumulated together in a single report if all of the excavations are located in the same ten-acre tract, have substantially the same lithology encountered in the subsurface, and have substantially the same depth and construction. If more than one boring or well is included on a multi-purpose completion report, a site map shall be attached to the report which indicates the distance of each well or boring from permanent reference points such as streets, roads or section lines. Provided, a report need not be filed for a geotechnical boring 20 feet deep or less in which groundwater or contamination is not present. Effective July 1, 2009, all multi-purpose completion reports shall be submitted with latitude and longitude data. Completion and plugging reports shall be filed on electronic or hardcopy forms provided by the Board and shall be filed within sixty (60) days after completion or plugging.

(a) Groundwater wells, groundwater well test holes, fresh water observation wells, open-loop geothermal wells, and marginal quality groundwater wells. The operator shall file a completion or plugging report for each groundwater well, groundwater well test hole, fresh water observation well, open-loop geothermal well, or marginal quality groundwater well completed or plugged. The completion report must include the following information:

- (1) Completion or plugging date;
- (2) Latitude and longitude of the well or test hole;
- (3) A lithologic description of each stratum encountered during excavation of the borehole from the land surface to the total depth of the well;
- (4) A description of the finding location for the well;
- (5) The well owner's name, address, and telephone number;
- (6) The type of well construction;
- (7) The intended use purpose of the well;
- (8) Borehole specifications;
- (9) Surface pipe and casing construction specifications;
- (10) Screen specifications and screened interval;
- (11) Surface seal and annular seal materials and interval;
- (12) Completion type;
- (13) Hydrologic data including the depth of static water level, depth at which groundwater was encountered during construction of the well, and the estimated yield of the well;
- (14) Name of the pump installation contractor, if known and applicable;
- (15) Pump horsepower and rated flow, if applicable;
- (16) Depth of the bottom of the pump, if applicable;
- (17) Water right permit number, if applicable;
- (18) Variance request number, if applicable;
- (19) Proximity to the nearest potential pollution source and the type of pollution source;
- (20) Well disinfection procedure;
- (21) The sampled total dissolved solids concentration of the groundwater produced by the well in parts per million (ppm); and
- (22) Certification from the operator verifying the accuracy of the information on the report.

(b) Geotechnical borings, site assessment observation wells, and monitoring wells. The operator shall file a completion or plugging report for each geotechnical boring, site assessment

observation well, and monitoring well completed or plugged, except as provide below. Reports for the completion or plugging of geotechnical borings, site assessment observation wells, and monitoring wells must be filed electronically. Information regarding multiple geotechnical borings, site assessment observation wells, or monitoring wells may be accumulated together in a single report if all the excavations are located in the same ten-acre tract, have substantially the same lithology encountered in the subsurface, and have substantially the same depth and construction. If more than one boring or well is included on a report, a site map shall be attached to the report which indicates the distance of each well or boring from permanent reference points such as streets, roads or section lines. A report need not be filed for a geotechnical boring 20 feet deep or less in which groundwater or contamination is not present. The completion report must include the following information:

- (1) Completion date;
- (2) Latitude and longitude of the well or test hole;
- (3) A lithologic description of each stratum encountered during excavation of the borehole from the land surface to the total depth of the well;
- (4) A description of the finding location for the boring or well;
- (5) The owner's name, address, and telephone number;
- (6) The type of boring or well construction;
- (7) The intended use purpose of the boring or well;
- (8) Borehole specifications;
- (9) Surface pipe and casing construction specifications, if applicable;
- (10) Screen specifications and screened interval, if applicable;
- (11) Surface seal and annular seal materials and interval, if applicable;
- (12) Hydrologic data including the depth of static water level and the depth at which groundwater was encountered during construction of the well;
- (13) Variance request number, if applicable; and
- (14) Certification from the operator verifying the accuracy of the information on the report.

(c) **Closed-loop geothermal (heat exchange) wells.** The operator shall file a completion or plugging report for each closed-loop geothermal well completed or plugged. Information regarding multiple closed-loop geothermal wells may be accumulated together in a single report if all of the excavations are located in the same ten-acre tract, have substantially the same lithology encountered in the subsurface, and have substantially the same depth and construction. If more than one well is included on a report, a site map shall be attached to the report which indicates the distance of each well or boring from permanent reference points such as streets, roads or section lines. The completion report must include the following information:

- (1) Completion date;
- (2) Latitude and longitude of the well(s);
- (3) A lithologic description of each stratum encountered during excavation of the borehole from the land surface to the total depth of the well(s);
- (4) A description of the finding location for the well(s);
- (5) The well owner's name, address, and telephone number;
- (6) Borehole specifications;
- (7) Surface pipe and casing construction specifications, if applicable;
- (8) Heat exchange loop material specifications;
- (9) Grout sealing materials and interval;

- (10) Variance request number, if applicable;
- (11) Proximity to the nearest potential pollution source and the type of pollution source;
and
- (12) Certification from the operator verifying the accuracy of the information on the report.

(d) Plugging reports. The plugging report for groundwater wells, groundwater well test holes, fresh water observation wells, marginal quality groundwater wells, geothermal wells, monitoring wells, site assessment observation wells, and geotechnical borings must contain the following information:

- (1) Plugging date;
- (2) Latitude and longitude of the well, test hole, or boring;
- (3) A description of the finding location for the well;
- (4) The well owner's name, address, and telephone number;
- (5) The type of well construction;
- (6) The former use purpose of the well;
- (7) Casing removal or perforation interval;
- (8) Backfill material and installation depth;
- (9) Grout and sealing materials, methods, and installation depth;
- (10) Well identification number, if known and applicable;
- (11) Water right permit number, if applicable;
- (12) Variance request number, if applicable;
- (13) Proximity to the nearest potential pollution source and the type of pollution source;
and
- (14) Certification from the operator verifying the accuracy of the information on the report.