

CHAPTER 9D**WELL CONSTRUCTION AND MAINTENANCE;
SEALING OF ABANDONED WELLS****Authority**

N.J.S.A. 13:1D-1 et seq., 58:4A-4.1 et seq. and 58:12A-1 et seq.

Source and Effective Date

R.2007 d.95, effective March 3, 2007.
See: 38 N.J.R. 4341(a), 39 N.J.R. 1304(a).

Chapter Expiration Date

Chapter 9D, Well Construction and Maintenance; Sealing of Abandoned Wells, expires on March 3, 2012.

Chapter Historical Note

Chapter 9D, Well Construction and Maintenance; Sealing of Abandoned Wells, was adopted as new rules by R.2001 d.313, effective September 4, 2001 (operative October 4, 2001). See: 32 N.J.R. 2832(a), 33 N.J.R. 3194(a).

Chapter 9D, Well Construction and Maintenance; Sealing of Abandoned Wells, was readopted as R.2007 d.95, effective March 3, 2007. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. GENERAL REQUIREMENTS FOR
PERMITTING OF WELLS, AND FOR LICENSING OF
WELL DRILLERS AND PUMP INSTALLERS,
PROCEDURES AND PRACTICES OF THE STATE
WELL DRILLERS AND PUMP INSTALLERS
EXAMINING AND ADVISORY BOARD****7:9D-1.1 Scope**

Unless otherwise provided by rule or statute, this subchapter shall constitute the rules governing the requirements and standards for the permitting, construction and decommissioning of wells, the standards and requirements for the licensing of all well drillers of the proper class and pump installers in accordance with N.J.S.A. 58:4A-4.1 et seq., and the activities, duties, procedures and practices of the State Well Drillers and Pump Installers Examining and Advisory Board.

7:9D-1.2 Construction

These rules shall be liberally construed to permit the Department and the Board to discharge their statutory functions under the "New Jersey Subsurface and Percolating Waters Act," N.J.S.A. 58:4A-4.1 et seq.

7:9D-1.3 Applicability

(a) This chapter applies to any person, well drilling companies, partnerships, corporations or other entities engaged in pump installation, well or well pump repair, well drilling, well construction and decommissioning of wells and to any person licensed under this chapter, or seeking a license as a well driller or pump installer of the proper class.

(b) Nothing in this chapter shall be construed as applying to the drilling of blast holes in quarries or mines or to persons licensed pursuant to, and acting in accordance with The State Plumbing License Law of 1968, P.L. 1968, c.382 (N.J.S.A. 45:14C-1 et seq.); or to excavations and certain activities that do not endanger or threaten subsurface or percolating waters or endanger life.

7:9D-1.4 Severability

If any section, subsection, provision, clause or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these rules shall not be affected thereby.

7:9D-1.5 Definitions

As used in this chapter, the following words and terms shall have the following meanings unless the context clearly indicates otherwise:

"Abandoned well" means any well as defined in this section which is not in use, is not properly maintained, or no longer serves its intended use as demonstrated by the permit issued for its construction, or any well which endangers or threatens the subsurface and percolating waters by the intrusion of salt water or from any other cause, or endangers life.

"Act" means the New Jersey Subsurface and Percolating Waters Act, N.J.S.A. 58:4A-4.1 et seq., as amended.

"Administrative authority" means the local board of health having jurisdiction. When water systems serve county, State, or Federal facilities the administrative authority shall mean the Bureau of Safe Drinking Water in the Department.

"Annular space" means the space between the well casing/well screen and the wall of the borehole or, in the case of a multiple cased well, all space(s) between casing(s) and all space between the outer casing and the wall of the borehole.

"Aquifer" means a water-bearing layer of natural earth materials that will yield water in a usable quantity to a well or spring.

"Board" means the State Well Drillers and Pump Installers Examining and Advisory Board established pursuant to the Subsurface and Percolating Waters Act, N.J.S.A. 58:4A-4.1 et seq.

"Borehole" means the hole made by driving, jetting, coring drilling, augering or other means into the ground for the purpose of constructing a well pursuant to this chapter.

"Boring" or "soil boring" means any hole, any temporarily cased hole or any other such installation using direct-push methods which do not exceed a duration of 48 hours.

"Boring log" means a description of the boring including, but not limited to, the depth and nature of the material that has been penetrated, water zones and any other data or information required by the Department under this chapter.

"Building sewer line" means the pipe extending from the outer wall of a building to a septic tank or approved place of disposal including a public sewer, and the lines to all parts of the subsurface sewage disposal system, except those classified as distribution lines.

"Casing" means a pipe or tubing installed into a borehole during or after drilling to support the sides of the holes and prevent caving or the entrance of water, gas or other fluid into the hole.

"Cesspool" means a covered pit with open-jointed lining into which untreated sewage is discharged, the liquid portion of which is disposed of by leaching into the surrounding soil, the solids or sludge being retained within the pit.

"Closed loop geothermal well" means a well or a borehole drilled to a specific depth either singly or in a series wherein a continuous closed loop of pipe is inserted from one well to another for the purpose of non-contact thermal energy transfer from a fluid in the loop to or from the earth.

"Commissioner" means the Commissioner of the Department of Environmental Protection.

"Confining layer" means a layer of natural earth materials having very low hydraulic conductivity that inhibits the movement of water into and out of an aquifer.

"Consolidated formation" means a geologic formation where the sands, gravels, clays or other similar materials have been lithified. These rock formations will commonly remain stable around an open borehole without caving.

"Coring" means drilling with a hollow bit and core barrel in order to obtain a representative sample of the geologic formation.

"Decommissioning" means the permanent closure or sealing of any well in accordance with the procedures set forth in N.J.A.C. 7:9D-3.