

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.

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Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 9D, Well Construction and Maintenance; Sealing of Abandoned Wells, expires on March 3, 2007. See: 38 N.J.R. 4341(a).

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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.

“Apprentice well driller” means any person registered by the Board to work under the supervision of a licensed well driller of the proper class for the specific purpose of training in the practice of well drilling.

“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.

“Department” means the Department of Environmental Protection.

“Dewatering system permit” means a permit to drill well(s) for the installation, operation and abandonment of a dewatering well or dewatering well point system for temporary construction dewatering projects only.

“Dewatering well driller” means a person possessing a New Jersey dewatering well driller’s license who has at least three years of experience under the supervision of a New Jersey licensed master or journeyman well driller or dewatering well driller with concentration in the practical construction of only dewatering wells or dewatering wellpoints or who satisfies equivalent experience and other requirements of N.J.A.C. 7:9D-1.7

“Dewatering well” or “dewatering wellpoint” means a well or wellpoint installed for the removal of ground water with the intent of temporarily lowering the water table or aquifer level during construction operations.

“Disposal field” means a disposal bed or a group of one or more disposal trenches. The perimeter of the disposal field corresponds to the perimeter of the disposal bed, or a line circumscribing the outermost edges of the outermost disposal trenches and including the area between the disposal trenches.

“Distribution box” means a watertight structure which receives sanitary sewage effluent from a septic tank and distributes such sewage effluent in equal portions to two or more pipelines leading to the disposal field.

“Domestic well” means a Category 1 well as described in N.J.A.C. 7:9D-2.1(a)1, that is used primarily to supply drinking and sanitary water supply for an individual dwelling unit.

“Driving” means the pounding of the well casing into the ground.

“Dry well” means a covered pit with open-jointed lining through which drainage from roofs, basement floors or areas may seep or leach into the surrounding soil.

“Geologic log” means a description of the materials and drilling conditions encountered during the drilling of a well or boring.

“Geophysical log” means the graphic or electronic record of certain physical properties of material. Logs may include, but are not limited to, measurement of spontaneous potential, resistivity, electro-magnetic response, natural gamma radiation, temperature, caliper, water flow, velocity (sonic

and induced nuclear methods such as gamma and neutron logs.

“Ground water” means water below the land surface in a zone of saturation.

“Grout” means any material approved by the Department for use in sealing the annular space of a well during construction, or for sealing a well during decommissioning.

“Hand dug well” means a manually excavated well of permanent nature installed for water supply.

“Immediate on-site supervision” means that a New Jersey licensed well driller of the proper class is present on-site during each entire well drilling operation to oversee the work and performance of any person engaging in or assisting with the operation of the well drilling machine or the construction of any well. On site supervision does not include mobilization and de-mobilization of the well drilling equipment.

“Injection well” means a well through which liquid or gas is injected, under pressure or gravity flow, into the ground for the purpose of disposing wastes, maintaining formation pressure, recharging the aquifer, or environmental remediation.

“Jetting” means the use of a high pressure stream of air or water to mobilize earth material in advance of penetrating, driving or lowering of well casing into an aquifer.

“Journeyman well driller” means a well driller possessing a New Jersey journeyman well driller’s license who has at least three years of experience under the supervision of a New Jersey licensed master or journeyman well driller in the trade, business, or calling of well drilling, with concentration in the practical construction of wells, and the installation and repair of well pumping equipment and appurtenances thereto, or who satisfies equivalent experience and other requirements pursuant to N.J.A.C. 7:9D-1.7.

“License of the proper class” or “license” means a document issued to a person pursuant to N.J.S.A. 58:4A-4.1 et seq. authorizing the individual to engage and perform work in the trade, business, or calling of well drilling, or the installation of well pumping equipment and appurtenances thereto, or the decommissioning of wells.

“Maintenance casing” means an inner casing which can be removed to repair or replace the screen which is attached to it.

“Master well driller” means a well driller possessing a New Jersey master well driller’s license who has at least five years experience in the trade, business, or calling of well drilling, including at least two years of experience as a licensed journeyman well driller in this State, skilled in the planning, superintending, and practical construction of wells, and the installation and repair of well pumping equipment and appurtenances thereto, or who satisfies equivalent experience and other requirements pursuant to N.J.A.C. 7:9D-1.7.

"Monitoring well" means a well used to observe the elevation of the water table or potentiometric surface, or to measure the water quality of a water-bearing zone.

"Monitoring well driller" means a well driller possessing a New Jersey monitoring well driller's license who has at least three years of experience under the supervision of a New Jersey licensed master, journeyman, or monitoring well driller in the trade, business, or calling of well drilling, with concentration in the practical construction of wells, or who satisfies equivalent experience and other requirements pursuant to N.J.A.C. 7:9D-1.7.

"Open loop geothermal well" means a well designed and installed specifically for use of the earth as a source for heat extraction/rejection.

"Oversized borehole" means a borehole which is at least four inches greater than the inside diameter of the casing which is to be inserted.

"Pitless well adapter" means a manufactured device designed for attachment to one or more openings through a well casing, and constructed so as to prevent the entry of contamination into the well, to conduct water from the well, to protect the water from freezing or extremes of temperature, and to provide access to water system components within the well.

"Pitless well unit" means a preassembled device which extends the upper end of a well casing to above grade, provided with a pitless well cap, and constructed so as to prevent the entry of contamination into the well, to conduct water from the well, to protect the water from freezing or extremes of temperature, and to provide access to the well and to the water system components within the well.

"Pitless well cap" means a gasketed, watertight, sanitary device that covers and encloses the upper termination of a pitless well unit or the well casing, and is provided with watertight connections for electrical power lines and well vent.

"Potable water" means water of a bacteriological and chemical quality conforming to applicable standards and free from impurities in such amounts sufficient to cause disease or harmful physiological effects.

"Pump" means mechanical equipment or a device used to remove or emplace fluids from or into a well.

"Pump installer" means a person possessing a New Jersey license as a pump installer who has at least one year experience under the supervision of a New Jersey licensed master or journeyman well driller or a New Jersey licensed pump installer, and is qualified to engage in the installation, removal, alteration, and repair of well pumping equipment and appurtenances thereto in connection with any well, including connecting lines between a well and storage tank or appurtenances thereto, or who satisfies equivalent experience and other requirements pursuant to N.J.A.C. 7:9D-1.7 of these rules.

"Sanitary well seal" means a manufactured device or approved arrangement which is used to cap a well or to establish or maintain a watertight junction between the well casing and the piping or equipment installed therein.

"Seepage pit" means a covered pit with open-jointed lining material through which septic tank effluent may seep or leach into the surrounding soil.

"Septic tank" means a watertight receptacle which receives the discharge of sanitary sewage from a building sewer or part thereof, and is designed and constructed so as to permit settling of settleable solids from the liquid, partial digestion of the organic matter, and discharge of the liquid portion into a disposal field or seepage pit.

"Service line" means a pipe for the transmission or conveyance of potable water under pressure either from an individual well or from a distribution main to a single realty improvement.

"Site-wide permit" means a permit to drill well which allows for the construction of an undetermined number of closed-loop geothermal wells or cathodic protection wells or geotechnical borings or dewatering wells or dewatering well-points or other types of wells as determined by the Department, restricted to a single lot and block or an easement right-of-way within a single municipality, or a contiguous property of common ownership consisting of multiple lots or blocks within a single municipality.

"Soil borer" means a person possessing a New Jersey soil borer's license who has at least three years of experience under the supervision of only a New Jersey licensed master or journeyman well driller or soil borer or monitoring well driller with concentrations in the practical construction of borings, or who satisfies equivalent experience and other requirements pursuant to N.J.A.C. 7:9D-1.7.

"Sub-account" means a special dedicated non-lapsing account established pursuant to N.J.S.A. 58:4A-14.1(b) that may be used by a licensed well driller or licensed pump installer to cover permit or license renewal fees.

"Suction line" means a pipe which conveys water at less than atmospheric pressure from a well to a pump.

"Test well" means any well which is drilled, bored, cored, or otherwise constructed for temporary use in obtaining data for engineering or for geophysical or geological exploration or evaluating aquifer potential or quality for a specific use.

"Unconsolidated formation" means a geologic formation where the sands, gravels, clays or other similar materials are loosely arranged. These formations will commonly not remain stable around an open borehole.

“Undersized borehole” means a borehole which is no larger than the inside diameter of the well casing and is constructed for emplacement of a well.

“Well” means a hole or excavation larger than four inches in diameter or a hole or excavation deeper than 10 feet in depth that is drilled, bored, cored, driven, jetted, dug, or otherwise constructed for the purpose of removal or emplacement of, or investigation of, or exploration for, fluids, water, oil, gas, minerals, soil, or rock, or for the installation of an elevator shaft.

“Well driller” means a person possessing a New Jersey license as a well driller of the proper class who engages in drilling, digging, driving, boring, coring, jetting, or other construction or repair of any well, and in the installation, removal, alteration, and repair of well pumping equipment and appurtenances thereto in connection with any well, including connecting lines between a well and a storage tank or appurtenances thereto.

“Well drilling” means any operation or activity involving the drilling, constructing, installing, repairing, replacing, modifying, stimulating or sealing of any well.

“Well permit” means a written approval issued by the Department to a licensed well driller and a property owner which authorizes a licensed well driller of the proper class to construct a well or wells.

“Well pit” means a below ground chamber or vault for the purpose of enclosing and providing access to a wellhead which terminates below grade.

“Well record” means the form to be completed by the well driller, depicting the construction details of any well provided by the Department at the time of well permit issuance.

“Well stimulation” means the stimulation of a well to increase its productivity. Stimulation techniques include, but are not limited to, blasting, hydro-fracturing, chemical treatment, surging, and dry-icing.

“Well water system” means a system which derives water from a well to supply potable or non-potable water for any purpose.

7:9D-1.6 General provisions

(a) No person shall drill, construct, install, repair, replace, modify, stimulate or decommission any well or engage in such business without possessing a valid New Jersey well driller’s license of the proper class unless that activity is performed under the direct and immediate on-site supervision of a New Jersey licensed well driller of the proper class issued by the Department.

(b) No person shall drill, construct, install, or replace a well without first having obtained a well permit pursuant to

this chapter, except in the case of an emergency under N.J.A.C. 7:9D-1.12.

(c) No person shall install, repair or replace a well pump or well pumping equipment or engage in such business without being or employing a New Jersey licensed pump installer or a New Jersey licensed well driller of the proper class.

(d) No person shall conduct any operation involving the drilling, coring, boring, driving, jetting, digging or other construction or repair of any well pursuant to N.J.A.C. 7:9D-1.11 without the immediate on-site supervision of a licensed well driller of the proper class. The name of the well drilling company shall be displayed on the equipment used by such driller.

1. There shall be one licensed well driller of the proper class on site for each well drilling rig on site.

(e) No well driller shall perform any well drilling operation without maintaining the area surrounding the operation in a sanitary condition and providing proper containment of all materials and surface drainage away from the well.

7:9D-1.7 General provisions for well driller licenses of the proper class, pump installer licenses and apprentice registrations

(a) Well driller licenses are classified as master well driller licenses, journeyman well driller licenses, monitoring well driller licenses, dewatering well driller licenses, and soil borer licenses. The Department may establish other license categories of the proper class as deemed necessary by recommendation of the Board. The authority to conduct the well drilling activities for each license of the proper class is established as follows:

1. A master well driller is authorized to:

i. Drill, construct, install, repair, replace, modify, stimulate, or disconnect a well of any category;

ii. Install or replace well pumping equipment and appurtenances, storage tanks and appurtenances and connecting lines between a well and storage tank;

iii. Perform yield and drawdown testing of wells;

iv. Supervise three or more journeyman well drillers and apprentice well drillers and sponsor apprentice well drillers;

v. Certify public non-community and non-public well water systems where the mains are less than four inches in diameter;

vi. Certify that a well has been drilled, constructed, installed, repaired, replaced, modified, or stimulated in conformance with all applicable State and well drilling and pump installation standards;

vii. Qualify as a candidate to be appointed to the Board;

viii. Perform field observations to verify qualifications of applicants for all licenses covered by this chapter; and

ix. Seal and decommission any well in compliance with N.J.A.C. 7:9D-3.

2. A journeyman well driller is authorized to:

i. Drill, construct, install, repair, replace, modify, stimulate, or disconnect a well of any category except public community supply wells;

ii. Install or replace well pumping equipment and appurtenances, storage tanks and appurtenances and connecting lines between a well and storage tank;

iii. Perform yield and drawdown testing of wells;

iv. Seal and decommission any well in compliance with N.J.A.C. 7:9D-3;

v. Qualify as a candidate for appointment to the Board; and

vi. Sponsor apprentice well drillers.

3. A journeyman (Class B) well driller is authorized to:

i. Drill, construct, install, repair, replace, modify, stimulate, or disconnect a well of any category except public community supply wells and Category 3 wells;

ii. Install or replace well pumping equipment and appurtenances, storage tanks and appurtenances and connecting lines between a well and storage tank;

iii. Perform yield and drawdown testing of wells;

iv. Seal and decommission any well, except Category 3 wells, in compliance with N.J.A.C. 7:9D-3;

v. Qualify as a candidate for appointment to the Board; and

vi. Sponsor apprentice well drillers.

4. A dewatering well driller is authorized to:

i. Drill, construct, install, replace, modify, stimulate or disconnect any dewatering well or dewatering well-point which does not penetrate a confined aquifer;

ii. Seal and decommission only dewatering wells or dewatering wellpoints which have not penetrated any confining layers;

iii. Qualify as a candidate for appointment to the Board; and

iv. Sponsor apprentice well drillers.

5. A soil borer is authorized to:

i. Drill and install any Category 5 well;

ii. Seal and decommission only Category 5 wells in compliance N.J.A.C. 7:9D-3;

iii. Qualify as a candidate for appointment to the Board; and

iv. Sponsor apprentice well drillers.

6. A monitoring well driller is authorized to:

i. Drill, construct, install, repair, replace, modify, stimulate, or disconnect any Category 3 and Category 5 well which does not require permanent well pumping equipment;

ii. Seal and decommission any Category 3 and Category 5 well in compliance with N.J.A.C. 7:9D-3;

iii. Qualify as a candidate for appointment to the Board; and

iv. Sponsor apprentice well drillers.

(b) An apprentice well driller is authorized to perform well drilling work as a well driller only under the immediate on-site supervision of a master or journeyman well driller, or well driller of the proper class.

(c) A pump installer is authorized to:

1. Install or replace well pumping equipment and appurtenances, storage tanks and appurtenances and connecting lines between a well and storage tank;

2. Perform yield and drawdown testing of wells; and

3. Qualify as a candidate for appointment to the Board.

(d) A licensed well driller of the proper class or a pump installer shall at all times during any operation have in her or his possession the valid license of the proper class.

7:9D-1.8 Application and licensing examination procedures and requirements for well driller licenses of the proper class, pump installer licenses, and apprentice registrations

(a) An applicant for a New Jersey master well drilling license shall:

1. Submit a complete application on the form prescribed by the Department pursuant to (l) below and satisfy all experience and other requirements specified by this subchapter and provide evidence of the following:

i. Five years of well drilling experience, of which two years must be as a licensed New Jersey journeyman well driller; and

ii. That he or she has resolved any revocation or suspension of a previously issued well drilling license or settled any outstanding violation or fine pursuant to the Act;

2. Obtain a passing grade of at least 80 percent on each portion of the written examination for the master well driller license administered; and

3. Satisfy all licensing requirements as set forth in this chapter.

(b) An applicant for a New Jersey journeyman well drilling license shall:

1. Submit a completed application on the form prescribed by the Department pursuant to (l) below and satisfy all experience and other requirements specified by this subchapter and provide evidence of the following:

i. Three years of well drilling experience as an apprentice well driller under the supervision of a master or journeyman well driller. This information shall be submitted on the Department's apprentice work log form and shall specify dates and descriptions of work and the name of the supervising master or journeyman well driller;

ii. A written recommendation of the master or journeyman well driller who has agreed to sponsor the applicant;

iii. A high school diploma or G.E.D.;

iv. That he or she has resolved any revocation or suspension of a previously issued well drilling license or of any outstanding violation or fine pursuant to the Act; and

v. Any applicant that does not possess the required experience in the State of New Jersey shall submit evidence that he or she is in possession of a valid National Ground Water Association Certification (NGWA) in the appropriate well drilling category, evidence of three years of drilling experience in any other state, and any other requirements deemed necessary by the Board for such applicants;

2. Obtain a passing grade of at least 80 percent on each portion of the written examination for the journeyman well driller license administered; and

3. Satisfy all licensing requirements as set forth in this chapter.

(c) An applicant for a New Jersey dewatering well drilling license shall:

1. Submit a completed application on the form prescribed by the Department pursuant to (l) below and satisfy all experience and other requirements specified by this subchapter and provide evidence of the following:

i. Three years of experience drilling and sealing dewatering well or dewatering wellpoints as an apprentice well driller under the supervision of either a master or journeyman well driller or licensed dewatering well driller;

ii. A high school diploma or G.E.D.; and

iii. That he or she has resolved any revocation or suspension of a previously issued license of the proper

class or any outstanding violation or fine pursuant to the Act;

2. Obtain a passing grade of at least 80 percent on each portion of the written examination for the dewatering well drillers license administered; and

3. Satisfy all licensing requirements as set forth in this chapter.

(d) An applicant for a New Jersey soil borer license shall:

1. Submit a completed application on the form prescribed by the Department pursuant to (l) below and satisfy all experience and other requirements specified by this subchapter and provide evidence of the following:

i. Three years of experience drilling and sealing borings as an apprentice well driller under the supervision of either a master or journeyman well driller, licensed soil borer or monitoring well driller;

ii. A high school diploma or G.E.D.; and

iii. That he or she has resolved any revocation or suspension of a previously issued license of the proper class or any outstanding violation or fine pursuant to the Act;

2. Obtain a passing grade of at least 80 percent on each portion of the written examination for the soil borer license administered; and

3. Satisfy all licensing requirements as set forth in this chapter.

(e) An applicant for a New Jersey monitoring well drilling license shall:

1. Submit a completed application on the form prescribed by the Department pursuant to (l) below and satisfy all experience and other requirements specified by this subchapter and provide evidence of the following:

i. Three years of well drilling experience as an apprentice well driller under the supervision of a master or journeyman well driller or a monitoring well driller. This information shall be submitted on the Department's apprentice work log form and shall specify dates and descriptions of work and the name of the supervising master or journeyman well driller or monitoring well driller;

ii. A written recommendation of the master or journeyman well driller or monitoring well driller who has agreed to sponsor the applicant;

iii. A high school diploma or G.E.D.;

iv. That he or she has resolved any revocation or suspension of a previously issued well drilling license or of any outstanding violation or fine pursuant to the Act; and

v. All applicants that do not possess the required experience in the State of New Jersey shall submit evidence that he or she is in possession of valid National Ground Water Association Certification (NGWA) in the appropriate well drilling category, evidence of three years of drilling experience in any other state, and any other requirements deemed necessary by the Board for such applicants;

2. Obtain a passing grade of at least 80 percent on each portion of the written examination for the monitoring well driller license administered; and

3. Satisfy all licensing requirements as set forth in this chapter.

(f) An applicant for a New Jersey apprentice well driller registration shall:

1. Submit a completed general application on the form prescribed by the Department pursuant to (l) below and provide evidence of the following:

i. Proof that the applicant is at least 18 years of age; and

ii. A signed statement by a New Jersey licensed well driller of the proper class stating her or his willingness to sponsor the apprentice's training in the appropriate well drilling category.

(g) An applicant for a New Jersey pump installers license shall:

1. Submit a completed application on the form prescribed by the Department pursuant to (l) below and satisfy all experience and other requirements specified by this subchapter and provide evidence of the following:

i. One year of experience in the installation, removal, alteration and repair of well pumping equipment and appurtenances under the supervision of either a master or journeyman well driller or New Jersey licensed pump installer;

ii. A high school diploma or G.E.D.; and

iii. That he or she has resolved any revocation or suspension of a previously issued license of the proper class or any outstanding violation or fine pursuant to the State Act;

2. Obtain a passing grade of at least 80 percent on each portion of the written examination for the pump installer's license administered; and

3. Satisfy all licensing requirements as set forth in these rules.

(h) The Department shall review each application upon receipt of all the information required in (l) below and either notify the applicant of any deficiencies or notify the applicant of her or his eligibility to take the appropriate examination. Applicants for apprentice registration will be notified of the sufficiency or insufficiency of their applications.

1. The Department shall grade all examinations and submit the results to the State Well Drillers and Pump Installers Examining and Advisory Board.

2. The Board shall review the results of each examination at the next regularly scheduled meeting and certify the findings to the Commissioner or designee.

(i) The Department shall notify all applicants of the results of their examination.

(j) The Department shall issue the appropriate license to successful applicants upon full payment of the appropriate initial license fee in N.J.A.C. 7:9D-1.9.

(k) An unsuccessful applicant may review his or her examination at the Department during normal working hours for a period of 30 days from the date of written receipt of their examination results.

(l) Applications for a license under this section shall be submitted on a form prescribed by the Department and shall include the following:

1. Name, address, age, and daytime or work telephone number;

2. Social security number;

i. Under the New Jersey Child Support Act, N.J.S.A. 2A:4-30 et seq., disclosure of applicant's social security number is mandatory. The social security number shall be used solely for the purpose of an internal unique identifier;

3. Education;

4. Work experience;

5. Verification of work experience; and

6. A signed and notarized Oath of Applicant stating as follows: "I certify under penalty of law that the information provided in this document is true, accurate and complete. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate or incomplete information, including fines and/or imprisonment." If, at anytime, the Department finds information or evidence that an applicant obtained a license under false pretenses, such findings shall render the license null and void.

(m) All applicants for a well drillers license, other than those applying for a master well driller license or those who satisfy out-of-State experience requirements, shall meet the apprentice well driller experience requirement. This requirement shall not apply to any applicant who applies for said examination from September 4, 2001 through September 4, 2004 provided the applicant has satisfied all other requirements as set forth in this subchapter.

7:9D-1.9 Licensing examination application fees, licensing fees and renewal requirements for all well driller licenses of the proper class and pump installer licenses and apprentice registrations, and establishment of special dedicated non-lapsing account

(a) All classes of well driller licenses and pump installer licenses shall be renewed once every three years on a schedule which applies to all licensees. Renewals shall be made by submitting the renewal form provided by the Department and the renewal fee prior to June 30.

(b) A non-refundable \$35.00 application fee is required with all applications made for any licensing examination and shall be made by check or money order payable to "Treasurer, State of New Jersey" and submitted to the Department.

(c) The initial and renewal fees for all licenses of the proper class and fees for apprentice registrations and late renewals are as follows:

1. Master well driller's license	\$75.00
2. Journeyman well driller's license	\$75.00
3. Dewatering well driller's license	\$75.00
4. Soil borer's license	\$75.00
5. Monitoring well driller's license	\$75.00
6. Pump installer's license	\$75.00
7. Apprentice registration	\$30.00
8. Late renewal fee	\$10.00

(d) A licensee who fails to renew his or her license prior to the June 30 renewal payment deadline may have his or her license renewed by payment of the appropriate renewal fee and late payment fee within six months following the renewal date of the license.

(e) A licensee who fails to renew his or her license within six months following the renewal date of the license shall not have the license reinstated until he or she successfully passes the written examination prescribed by the Department for applicants for a new license of the proper class.

(f) A special dedicated non-lapsing account is established by the Division of Budget and Finance within the Department into which any licensed individual may deposit funds to cover well permit and license renewal fees. Sub-accounts shall be established for each individual licensee or company, if specifically requested. Upon authorization of the licensee, the Department shall withdraw well permit application fees or license renewal application fees from the appropriate sub-account.

7:9D-1.10 State Well Drillers and Pump Installers Examining and Advisory Board

(a) The nine members of the State Well Drillers and Pump Installers Examining and Advisory Board are appointed by the Commissioner or his or her designee.

(b) The Board shall be composed of the following:

1. Three master well drillers whose collective experience represents each geologic area of the State and each drilling method allowed under this chapter;
2. One member who is a well driller in any classification established by the Department;
3. One member not employed by the State and who has no pecuniary involvement in well drilling or pump installing;
4. Three representatives of the Department; and
5. One licensed pump installer.

(c) All Board members shall be appointed for a term of three years with three members appointed or reappointed each year.

1. A Board member may be removed by the Commissioner upon a determination that the Board member exhibited misconduct, incompetence, neglect of duty or for other good cause shown.

(d) Board members, except for those who are Department employees, shall receive reimbursement for travel expenses in accordance with departmental policies and procedures which the Department determines are necessary and incident to the position.

(e) At least once each year, the Commissioner shall call for meetings of the Board, having a quorum of five or more members of which at least three shall be licensees.

(f) The duties of the Board shall include, but not be limited to, the following:

1. Examining the qualifications and experience of all persons applying for any well driller license of the proper class, pump installer license or apprentice registration;
2. Certifying all applicants scheduled for a license examination and certifying the results of any examinations administered pursuant to N.J.A.C. 7:9D-1.8 to the Commissioner;
3. Recommending to the Commissioner appropriate new rules or amendments to this chapter;
4. Advising the Department regarding any enforcement actions or any complaints against licensed well drillers, licensed pump installers, apprentice well drillers, or any person pursuant to this chapter; and

5. Periodically reviewing and modifying the contents of the examinations administered pursuant to N.J.A.C. 7:9D-1.8.

7:9D-1.11 Well permits

(a) Except where the emergency procedures set forth in N.J.A.C. 7:9D-1.12 apply, the owner or authorized agent of the land on which the well drilling activity is conducted and the New Jersey licensed well driller of the proper class shall sign and obtain a valid New Jersey well permit from the Department prior to drilling, constructing, installing, physically altering, or redesignating the use of any well.

(b) The use of a well may not be redesignated pursuant to (a) above unless the well driller is able to verify that the well to be redesignated satisfies all applicable construction standards established for the new use of the well.

(c) A licensed well driller may obtain a site-wide permit when installing dewatering well point systems, closed-loop geothermal well systems, cathodic protection wells, or soil borings.

(d) Well permits are valid for a period of one year from the date of issuance except for well permits issued for domestic use which are valid for a period of two years.

1. If the well is not constructed within the appropriate period, a new well permit shall be obtained from the Department prior to the start of any well drilling activity.

(e) Original State well permits or copies thereof shall be available on-site at all times for inspection by any authorized local and/or State representative.

(f) A State well permit shall be required prior to the construction of all wells as described in N.J.A.C. 7:9D-2, regardless of well diameter and total well depth except for those wells described in (g) and (h) below.

1. All wells requiring a permit to drill shall be completed on the forms prescribed by the Department giving the owner's name and address, name of facility, well driller's name and address, the proposed diameter, the proposed depth, the proposed pumping capacity, the type of well, the proposed location of well in relation to any building structure and potential sources of contamination, the date of application, the signature of owner, signature of well driller and registration number of the well driller who has submitted the application form.

(g) As provided by N.J.S.A. 58:4A-14a(2), the following activities may be conducted by a well driller without an individual permit issued by the Department:

1. The repair of any well to include redevelopment or in kind well screen replacements;
2. The installation of pitless well adapters;

i. Pitless well adapters may also be installed by licensed pump installers without an individual permit.

3. Test borings and any Category 5 wells which are 50 feet or less in total depth and 8.5 inches or less in borehole diameter;

4. Cathodic protection wells which are 50 feet or less in total depth and six inches or less in borehole diameter; and

5. Dewatering wells or dewatering wellpoints which are 25 feet or less in total depth and six inches or less in borehole diameter.

(h) Any activity performed pursuant to (g) above shall be performed and completed by a licensed well driller of the proper class and any resulting well shall be decommissioned in accordance with N.J.A.C. 7:9D-3 except that no well abandonment report shall be required.

(i) Where appropriate, the Department shall, as a condition of a well permit, require that a well driller comply with one or more of the following conditions:

1. Limit or modify the depth, screened interval or open hole interval, design, well location and/or specify special or alternative construction methods used;

2. Provide advanced notice of drilling in order to allow for the inspection of the well site by authorized representatives and/or provide for the taking of geophysical logs, geologic or water samples as necessary; and/or

3. Any requirement deemed necessary by the Department to protect public health and/or the subsurface and percolating waters of the State.

(j) The owner of the property on which a well is drilled shall be responsible for ensuring that all information provided on the well permit application is true, accurate and complete. In cases where the licensed well driller or other authorized agent signs for the owner, he or she shall assume the owner's responsibility for the information on the permit application.

(k) The well permit application shall be returned without review to the licensed well driller if the Department determines that:

1. The application is incomplete, contains inaccurate information, lacks sufficient information or is illegible;

2. The application is not accompanied by a check or money order made payable to the "Treasurer, State of New Jersey"; or

3. Insufficient funds are available in the specified sub-account authorized for well permit application fee payment.

(l) Any request for deviation from standards pursuant to N.J.A.C. 7:9D-2.8 shall be submitted to the Department.

7:9D-1.12 Provisions for issuance of emergency well drilling permits

(a) The Department may issue an emergency well permit to minimize actual or avert potential harm to human health, the environment, or property.

(b) A licensed well driller requesting an emergency well permit under this section shall contact the Department on the day of the emergency or, when the emergency occurs after business hours, on a weekend or on a holiday, the next working day thereafter. The Department must receive a completed well permit application from the well driller.

1. Within five business days of the emergency well permit number issuance, the licensed well driller shall submit to the Department a completed well permit application.

2. The application shall include a clear and concise factual description of the nature and scope of the emergency and verification upon request by the Department.

(c) The Department, upon issuance of an emergency permit, shall assign to the licensed well driller an emergency well drilling permit number and specify the date of approval. The licensed well driller shall make the permit number and approval date available for any on-site inspection by any authorized local, State or Federal representative.

7:9D-1.13 Provisions for issuance of expedited well drilling permits

(a) The Department may issue an expedited well permit for those well permit applications initially received via telefax machines or other electronic media. The expedited permit processing service can be utilized only in conjunction with the special dedicated non-lapsing account established under N.J.A.C. 7:9D-1.9(f) or any other Department-approved payment method.

(b) A licensed well driller requesting an expedited well permit under this section shall properly complete the appropriate well permit application form and send a copy to the Department via telefax machine or other electronic media.

(c) Upon receipt of a properly completed permit application via electronic media, the Department shall verify that sufficient funds exist in the driller's sub-account to cover the appropriate well permit fee and the additional fee for the expedited service as per N.J.A.C. 7:9D-1.16(b). Upon this finding, the Department shall transmit an approved copy of the well permit to the licensed driller via telefax machine or other electronic media.

(d) The well driller shall submit the completed well permit application form (hard copy) to the Department within five business days of the expedited well permit number issuance. The well driller shall assure that the assigned well permit number is properly noted on the application form.

(e) An expedited well permit approval may be issued for a public community supply well only in those cases where the Bureau of Safe Drinking Water has issued its approval to construct the well.

7:9D-1.14 Provisions for denial, revocation or cancellation of well permits

(a) The Department shall deny the issuance of a well permit upon a determination of the following:

1. The well driller has failed to pay the required initial or renewal licensing fee, pursuant to these rules or the Subsurface and Percolating Waters Act. Such action taken by the Department to deny such well permit applications shall not restrict or prohibit the property owner from securing the services of another New Jersey licensed well driller to obtain a permit to drill well; or

2. The site where the well is to be drilled is designated by the Department as an area where wells may not be constructed, including, but not limited to, contaminated aquifers, areas of salt water intrusion, and other areas where environmental remediation may be adversely affected by the construction and/or operation of wells.

(b) The Department may revoke a well permit upon a determination of the following:

1. The permit application contained false or inaccurate information; or

2. The owner, well driller or both failed to comply with any requirement of the State Act or this subchapter or has not complied with one or more conditions of the State well permit issued for the particular well.

(c) The well driller shall be responsible for cancellation of all approved State well permits which have either expired or in those instances where the well construction was never initiated. All cancellations shall be made by the New Jersey licensed well driller using the forms prescribed by the Department.

7:9D-1.15 Well record requirements

(a) All well records shall be maintained as follows:

1. A licensed well driller shall, within 90 days of completion of the drilling, constructing, installing, repairing, replacing or modifying any well requiring a permit to drill, file a completed well record on the forms provided by the Department.

i. A well is completed when all drilling and the physical construction of the well has been completed by the well driller.

ii. All well records shall be signed by the well driller who actually performed the construction of the well, or provided the on-site supervision of the well construction;

2. Where a well is equipped with a pump having a capacity in excess of 70 gallons per minute (gpm) and the equipment is installed after the well record has been submitted, the well record shall be amended by the licensed well driller or pump installer and resubmitted to the Department within 90 days of installation of the pumping equipment; and

3. Well records shall be accurate, complete and legible using the forms prescribed by the Department giving the geologic log (that is, description of materials penetrated during well drilling), the location of the well, the date of well construction and date well completed, the size and depth of the well, the diameter of the borehole and well casing installed, the length of well casing, the length of any well screen or open hole interval, a description of all equipment and materials used to construct the well, the static water level and yield of the well, information on any permanent well pumping equipment installed by the well driller or pump installer, name and registration number of the well driller who constructed the well and other such information pertaining to the construction of the well.

(b) Where a site-wide permit is issued, one well record form shall be submitted for all wells that are the subject of that permit.

7:9D-1.16 Fees for permit to drill well

(a) Non-refundable payment of well permit fees is required for any well requiring a permit to drill pursuant to the State Act and these rules. Payment shall be made by check or money order, payable to "Treasurer, State of New Jersey" and submitted with the appropriate permit application to the Department.

(b) Well permit fees are assessed as follows:

1. Each permit application for any well other than those described in (b)2 below shall be accompanied by a fee of \$50.00;
2. Each permit application for a well equipped with a pump capable of producing 70 gallons per minute or more shall be accompanied by a fee of \$125.00;
3. Each site-wide permit application for borings, cathodic protection wells, closed loop geothermal well systems or dewatering well systems shall be accompanied by a fee of \$500.00. A site-wide permit shall allow for the construction of 10 or more borings, cathodic protection wells, closed loop geothermal wells, or dewatering wells or dewatering wellpoints for each project area. Where less than 10 borings, cathodic protection wells, closed loop geothermal wells, or dewatering wells or dewatering wellpoints are proposed to be drilled at a site, individual well permits shall be applied for pursuant to (a)1 above.

(c) The Department shall annually publish a list of acceptable electronic media for expedited permit processing and the associated additional fee for each individual permit shall be \$25.00.

SUBCHAPTER 2. REQUIREMENTS AND PROCEDURES FOR THE CONSTRUCTION, INSTALLATION, OPERATION AND MAINTENANCE OF WELLS

7:9D-2.1 Well categories

(a) The following well categories are for the purposes of establishing general and specific well construction standards:

1. Category 1 Potable Water Supply Wells: domestic, non-public, public community supply, and public non-community wells;
2. Category 2 Non Potable Water Supply Wells: fire protection, irrigation, test, industrial, livestock, open loop geothermal and injection or recharge wells;
3. Category 3 Resource Evaluation Wells: monitoring wells, air sparging wells, soil vapor extraction wells, recovery wells, and wells or wellpoints installed for environmental remediation projects;
4. Category 4 Special Use Wells: methane gas extraction wells, closed-loop geothermal wells, dewatering wells or dewatering wellpoints, cathodic protection wells, oil and gas exploration wells, elevator shafts and any other such well which may, in the discretion of the Department require a permit pursuant to the State Act and N.J.A.C. 7:9D-1.11; and
5. Category 5 Geotechnical Wells: test borings, probe holes, uncased holes drilled or otherwise constructed for the purpose of obtaining data for engineering and/or geophysical, hydrological or geological purposes and borings involving the use of direct-push technologies.

7:9D-2.2 General construction requirements for all wells

(a) The following general construction requirements shall apply to the construction of all categories of wells pursuant to the State Act:

1. A New Jersey licensed well driller shall be on-site and directly supervise each well drilling operation, and there shall be one licensed well driller of the proper class on site for each well drilling rig on site;
2. All water used in the construction, alteration, repair or decommissioning of any well shall be of potable quality;
3. All well drilling rigs, tools, pipe and other drilling equipment shall be maintained in a clean and operational state to prevent contamination to the well or work site;