

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas Department of Agriculture

Department Arkansas Water Well Construction Commission

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August 21, 2020

December 13, 2020

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Linda Luebke linda.luebke@agriculture.arkansas.gov

August 25, 2020

Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

  
Signature

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Chief Counsel, Arkansas Department of Agriculture

Title

August 25, 2020

Date



Asa Hutchinson  
Governor

# ARKANSAS DEPARTMENT OF AGRICULTURE

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Wes Ward  
Secretary of Agriculture

August 25, 2020

Honorable John Thurston  
Secretary of State  
State Capitol Rm. 01  
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Enclosed are Transmittal Sheets and copies of a Final Rule. **The Water Well Construction Commission Rules** were approved at the Arkansas Water Well Commission meeting held December 13, 2019.

The rules were reviewed and approved by the Administrative Rules Subcommittee of the Arkansas Legislative Council on August 19, 2020 and the Arkansas Legislative Council on August 21, 2020.

If more information is needed, please contact me.

Sincerely,

Wade Hodge, Chief Council  
Arkansas Department of Agriculture

WH:ll

Arkansas Water Well Construction Commission Rules  
(updated 2020)

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Arkansas Water Well Construction Commission Rules  
(updated 2020)

Section 1. Scope

1.1 Application. The rules hereby prescribed provide minimum standards for the construction or repair of water wells, and locations of water wells which are used or intended to be used to locate, acquire, divert or artificially recharge ground water within the boundaries of the State of Arkansas. No water well as defined below shall be constructed or repaired contrary to the provisions of these rules.

1.2 Rules applicable to old wells. When a well constructed prior to May 27, 1969, is repaired, rehabilitated or reconstructed, the work shall include those changes necessary to make the well conform to these rules.

1.3 Exemptions. In some instances, safe, potable water may be obtained from wells in certain geographical locations which are not in strict accordance with these rules. In this event permission, in writing, shall be obtained from the Commission prior to developing the well.

Section 2. Procedure (reserved)

Section 3. Licensing and bonding

3.1 Authorized constructor. Water wells subject to these rules ~~and~~ shall be constructed only by persons having a valid license under Act 641 of 1969, enacted by the General Assembly of the State of Arkansas, unless exempt under provisions of that Act.

3.2 Supervision. During the construction, alteration, or repair of a water well, or installation or repair of pumping equipment there must be, within a two-hour drive, a person who has obtained a registration certificate and has been certified in the type of construction engaged. The person who has obtained a registration certificate or an apprentice with proper supervision as defined by Rule 3.10.1.1 shall remain informed and have knowledge of the status of the work being accomplished.

3.3 Engineers and geologists. Arkansas Registered Professional Engineers and Arkansas Registered Professional Geologists practicing geotechnical engineering or geologic investigations may be declared exempt from certification, bonding, and testing requirements upon application for exemption from the Commission.

3.4 Fees. The following fees will be charged for licensing, registration, and rig permitting.

Drilling and Pump System License.....	\$350.00
Pump System-Only License.....	\$175.00

Drilling-Only License .....	\$175.00
Driller Registration Certificate .....	\$125.00
Pump Installer Registration Certificate.....	\$125.00
Apprentice Certificate.....	\$125.00
Rig permit .....	\$145.00

3.4.1 Fees non-refundable. All applicants for registration certificates shall pay said fees prior to completing the exam. Once processed, all application and licensing fees are non-refundable.

### 3.5 Categories for registration certificates

#### 3.5.1 Driller registration.

3.5.1.1 Consolidated. Includes water well construction techniques for all water wells, other than monitoring wells, completed in rock formation or in formations which will not cave, including the overburden and soils overlying consolidated formations.

3.5.1.2 Unconsolidated. Includes water well construction techniques for all water wells, other than monitoring wells, completed in sand, clay, and gravel formations which are caving in nature.

3.5.1.3 Monitoring and piezometer. Includes construction for the purpose of locating and sampling for engineering or geological data or sampling ground water.

3.5.1.4 Hydrofracturing. Includes pumping or injecting fluids into a well and does not include the use of explosives.

3.5.1.5 Geothermal. Includes construction of wells built for the purpose of geothermal energy exchange including earth-coupled and direct exchange systems.

#### 3.5.2 Pump installer registration.

3.5.2.1 Turbine pumps. Includes equipment consisting of, or used in conjunction with, line shaft turbine pumps.

3.5.2.2 Submersible pumps. Includes equipment consisting of, or used in conjunction with, submersible pumps and motors.

3.5.2.3 Jet pumps. Includes equipment used in conjunction with the jetting action of a venturi nozzle.

3.5.2.4 Monitoring / purging/ sampling. Includes pumps and other devices permanently installed to purge monitor wells, obtain samples from a monitoring well, or recover foreign substances from ground water.

3.5.2.5 Positive displacement pumps and other devices. Includes the installation of equipment and pumping devices not listed above, such as hand pumps, windmills, stroke pumps or sucker rod pumps and equipment.

3.5.2.6 Plugging. Registered pump installers who have demonstrated knowledge of the applicable rules and possession of the required skills by passing a test on those subjects administered by the Commission are authorized to plug abandoned water wells

### 3.6 Water well contractor licenses.

3.6.1 General. Any person who contracts for or is engaged in well construction or pump installation shall hold or be employed by a person holding an Arkansas Water Well Contractor License. The Water Well Contractor shall hold the proper license, certificates, and permits for the type of construction engaged and shall meet continuing education requirements as set forth herein.

### 3.6.2 Categories for licenses.

3.6.2.1 Drilling and pump systems. Includes contracting for all elements of water well construction, including drilling and pump installation.

3.6.2.2 Pump systems. Includes contracting for the installation and repair of pumps and related equipment and does not include excavating the well.

3.6.2.3 Drilling. Includes excavation of a water well, modification of the borehole, setting or removal of casing up to the point of installing or repairing pumping equipment and plugging abandoned water wells.

3.6.2.4 Master electricians. A Master Electrician holding a valid license may repair or install pressure switches, control boxes and other electrical components of the pumping equipment at the well head without holding licenses issued by the Commission. The Electrician shall adhere to these rules for the installation and is not authorized to break the well seal, or alter, cut or drill into the casing.

3.6.2.5 Master plumbers. A Master Plumber holding a valid Master Plumber License may repair or install pressure switches, pressure tanks, valves and pipes at the well head, without holding licenses issued by the Commission. The plumber shall adhere to these rules for the installation and is not authorized to break the well seal, or alter, cut or drill into the casing.

### 3.7 Bonding.

3.7.1 Conditions of bond for resident and nonresident contractor. The Water Well Contractor as defined in Act 641, as amended, as principal and a surety company or corporation authorized to do business in the State of Arkansas as surety shall bind themselves and their successors and assigns jointly and severally to the Arkansas Water Well Construction Commission for the use and benefit of the public in the full penal sum of no less than twenty thousand dollars (\$20,000.00) for each licensing year beginning August 1, 2016; that said principal and any person employed by him shall duly comply with Act 641 of 1969, as amended, and all rules pertaining to said Act. Any one contract, as prescribed herein by Rule 3.7.7, between said principal and a person doing business with said principal exceeding twenty thousand dollars (\$20,000.00) or the amount of aforesaid bond if in excess of twenty thousand dollars (\$20,000.00) shall require said principal to enter into a separate agreement and a bond equal to the amount of said contract as required in Subsection (c) of Section 11 of Act 641 of 1969.

3.7.2 Recovery of damages. Any and all persons doing business with said principal or person in his employ, who have been damaged by reason of violation of any of the provisions set out in Act 641 of 1969, as amended, and all rules pertaining to said Act, may in their own name and without joining the Commission as a party, sue thereon and join in said action as one of the defendants against the surety on said bond(s).

3.7.3 Exhaustion of administrative remedies. No action shall be taken against the principal and surety on said bond(s) until all reasonable administrative remedies have been exhausted by the Commission.

3.7.4 Term of bond. Each bond shall be construed as a new bond in the sum aforesaid in Rule 3.7.1, for each year it remains in full force unless the bond is waived as set forth in Rule 3.7.8.

3.7.5 Termination of bond. The surety shall terminate each bond by giving not less than thirty (30) days written notice of the effective date of said termination to the Commission. Termination shall not relieve said surety or principal of any liability during which the bond was in force until a period of not less than five (5) years from the effective date of termination has expired.

3.7.6 Bond form. The Commission shall provide a contractor's bond form to each person applying for the contractor's license. Each contractor's license shall be issued only after the receipt of the original copy of the water well contractor's bond prescribed above and said form is completed and notarized. The contractor's license may be renewed annually without receipt of a new contractor's bond form provided the Commission has proof that the original contractor's bond(s) remains in full force and effect.

3.7.7 The amount of the contract. "The amount of the contract" as used in Rule 3.7.1 shall be defined as the amount or cost of the construction of the well, including but not limited to the cost of drilling, casing, screens, grout, seals, etc., excluding the costs of systems employed, constructed or installed on the discharge side of the pressure tank or beyond the point of discharge from the pump if no tank is employed, or to pivot systems, ditches, pumping stations, pump houses, buildings, air conditioning duct work, or items which the water well contractor may construct or install, but are not directly connected with the construction of the well or included under the Definition or Scope of a water well as prescribed in Subsection (E) of Section 3, and Section 4 of Act 641 of 1969, as amended, and these rules.

3.7.8 Waiver. The Commission shall reserve the right to waive the requirement of obtaining a water well contractor's bond in the amount of twenty thousand dollars (\$20,000.00) in favor of a bond of a lesser amount to those contractors whose contracts for each one-year period consistently amount to less than twenty thousand dollars (\$20,000.00). The contractor must provide proof that he is unable to obtain a bond, or such bond would cause an undue hardship. Further, the Executive Secretary of the Commission must be willing to recommend that a bond of a lesser amount would be sufficient protection for any persons doing business with the Contractor.

3.7.9 Cash bond. Persons who install pumping equipment or repair pumping equipment that have been granted a waiver for a twenty thousand dollar (\$20,000) bond and are unable to post a twenty thousand dollar (\$20,000) bond may post in lieu of a water well contractor's bond an escrow cash bond of no less than five hundred dollars (\$500.00) per year until twenty thousand dollars (\$20,000) is accrued. Persons authorized to post an escrow cash bond in lieu of posting bond shall also submit a statement of personal indemnification signed by the principal owner or Chief Executive Officer.

### 3.8 Mail.

3.8.1 General. All persons licensed or certified by the Commission agree to keep the Commission advised of his or her current address and must readily accept all mail sent to them from the Commission.

3.8.2 Registered or certified mail. Registered or certified mail sent with proper postage and to the last known address that is returned unclaimed shall be considered adequate notification of notice served.

3.8.3 Change of address. The Commission shall be notified of any change of address within fifteen (15) days of the change.

3.8.4 Refusal to accept mail. Refusal to accept mail is considered a violation of these rules and will result in immediate suspension of any registration or license until the matter is resolved and could result in further disciplinary action.

3.9 Continuing education. Beginning August 1, 2002, as a condition of annual license renewal, a contractor or one designee who is a partner, officer, or full-time employee and a registered driller or pump installer shall submit proof of 6 approved continuing education credits completed during the previous licensing year. For each additional designee, two (2) additional credits will be required per contractor per year. Credits exceeding the required number may be carried over into the next licensing year. The Commission may pre-approve continuing education programs and the number of credits to be given for those programs therefore. Programs submitted for pre-approval shall be considered by the Commission only upon submission, by the sponsor or attendee, of a written description, which must include the names and qualifications of the presenters, the time and location, the proposed number of credits, and the program's objectives. Programs may be held in-state or out-of-state and must be related to water wells or pump systems technology, science, or health, sound business practices, or compliance with the Commission's Rules and other governmental and industry requirements including worker health and safety. Program sponsors must provide written proof of attendance to attendees, and providers of pre-approved classes must provide a list of attendees to the Commission by July 31 of each year.

### 3.10 Apprenticeship program.

3.10.1 General. A natural person obtaining the knowledge, skills, and abilities necessary to obtain a certificate of registration as a pump installer under the personal supervision of a registered pump installer or to obtain a certificate of registration as a water well driller under the personal supervision of a registered water well driller may apply to the Commission for an apprenticeship certificate.

3.10.1.1 Personal supervision. "Personal supervision" means that the supervisor is at the job site with the apprentice or within two hours' traveling distance of the apprentice whenever the apprentice is working in well construction or pump installation. When the supervisor is not physically present at the job site with the apprentice, the supervisor must be reachable at any time by wireless telephone or radio contact.

3.10.1.2 Supervisor Employment. A registered certificate holder serving as an apprentice supervisor shall be a full-time employee of the company hiring the apprentice.

3.10.2 Requirements for apprenticeship certificate. All applicants for apprenticeship certificates must submit the following:

1. Completed application form;
2. Notarized letter from a registered certificate holder stating:
  - a. That he or she holds a certificate of registration in the same area or a comparable area sought by the apprenticeship applicant and that he or she has held that certificate for at least five of the previous ten years;

- b. That he or she has no record of construction violations in the specialty area unless waived by the Commission;
  - c. That he or she has no outstanding fines or fees owed to the Commission;
  - d. That he or she is willing to serve in a supervisory capacity during the apprenticeship;
  - e. The number of apprentices including the applicant that the supervisor currently supervises or anticipates supervising within a year of drafting the letter will not exceed five; and
  - f. A description of the training program;
- 3. Written statement from a contractor employing the supervisor whereby the contractor agrees to accept responsibility for the apprenticeship;
  - 4. Copy of driver's license or other document illustrating that applicant is at least eighteen years old; and
  - 5. Registration fee.

3.10.3 Registration for concurrent apprenticeships. An applicant may register for both a drilling apprenticeship and a pump installer's apprenticeship at the same time. Each registration will require separate registration fees.

3.10.4 Transfer of supervisory authority. A supervisor may agree to temporarily transfer supervising responsibility to a person holding a certificate of registration in the area sought by the apprentice and employed by the same contractor. The supervisor to whom responsibility is temporarily transferred must not already supervise more than five other apprenticeships and must meet the requirements of 3.10.2.

3.10.5 Apprentice responsibilities. An apprentice's certificate may be revoked for engaging in prohibited activities.

3.10.5.1 Driller apprentice responsibilities. A driller apprentice shall:

- 1. Represent his supervising driller during operations at the well site;
- 2. Not perform, or offer to perform, any services associated with water well drilling except under the personal supervision of a certified driller; and
- 3. Not perform, or offer to perform, any services associated with pump installation unless the apprentice holds a pump installer apprentice certificate or pump installer certificate of registration.

3.10.5.2 Pump installer apprentice responsibilities. A pump installer apprentice shall:

- 1. Represent his supervising pump installer during operations at the well site;
- 2. Not perform, or offer to perform, any services associated with pump installation except under the personal supervision of a certified pump installer; and
- 3. Not perform, or offer to perform, any services associated with water well drilling unless the apprentice holds a driller apprentice certificate or driller certificate of registration.

3.10.6 Length of apprenticeship. A person must be apprenticed with the Commission for at least two years before that person is eligible to apply for certification as a water well driller or pump installer.

3.10.7 Eligibility to apply for driller and pump installer certification.

3.10.7.1 Supervisor recommendation. After the apprentice has completed at least two years of apprenticeship, the apprentice's supervisor may send the Commission a letter on the apprentice's behalf stating that the apprentice is ready to sit for examination to obtain a certificate of registration as a water well driller or pump installer.

3.10.7.2 Application by apprentice. After the apprentice has completed two years of apprenticeship, the apprentice may submit IRS W2 Wage and Tax Statement forms demonstrating that he has spent three years in the employ of a licensed water well contractor and that he is ready to sit for the certificate of registration examination. The Commission will then approve or disapprove the apprentice to take the examination.

3.10.7.2.1 Inability to secure letter from contractor. If after the apprentice has completed at least two years of apprenticeship but is unable due to extenuating circumstances to secure a letter from his supervisor recommending that he be qualified to sit for examination, the apprentice may petition the Commission to waive the requirement that he provide a letter from a supervisor prior to sitting for the examination.

3.10.8 Renewal of apprenticeship certificate. An apprentice's certificate shall be deemed expired on July 31 of each year. If the apprentice has knowingly violated Commission rules or owes fees assessed by the Commission, the Commission may choose to deny renewal. A certificate must be renewed prior to the certificate's expiration date by complying with the following requirements:

1. Submission of the renewal application form; and
2. Payment of an annual registration fee to the Commission.

3.10.9 Change of responsible supervisor or contractor. If a supervisor terminates supervision of an apprentice, the contractor employing the apprentice must send a written statement to the Commission stating the relationship has ended. In order to continue the apprenticeship, the apprentice must find another certificate holder to supervise him or her, and that new supervisor must send a notarized letter to the Commission that meets the requirements of Rule 3.10.2.



### 3.10.10 Apprenticeship program exemption.

A. A person who has previously held a water well driller or pump installer certificate of registration from the Commission and seeks reinstatement shall not be required to complete the apprenticeship program.

B. A person seeking reinstatement shall pay the certificate of registration fee set out in Rule 3.4 and demonstrate via application that he or she:

1. Was previously registered in this state in the area of interest;
2. Held the registration in good standing at the time of registration;
3. Did not have his or her registration revoked for:
  - a. An act of bad faith; or
  - b. A violation of law, rule or ethics;
4. Is not holding a suspended or probationary registration or license in any state; and
5. Is sufficiently competent in his or her area of interest by satisfactorily completing a competency examination approved by the Commission.

C. If the person seeking reinstatement applies for reinstatement within a year of the expiration of his or her certificate, he or she will not be required to take the Commission's competency test.

3.10.10.1 Continuing Education. The Commission may require the person to participate in continuing education consistent with these rules.

3.10.10.2 Reciprocity. A person shall not be required to comply with the requirement of 3.10.10 to obtain reinstatement of a license if the person meets the requirements of reciprocity.

### 3.11 Rules applicable to active duty service members, returning military veterans, and spouses.

3.11.1 Expedited and temporary certification for active duty military, returning military veterans, and spouses.

A. The Commission shall expedite the certification process for any individual applying for Arkansas accreditation who

1. Holds a substantially equivalent certificate issued by another state, territory, or district who is in good standing with that state; and
2. Is one of the following:
  - a. An active duty military service member stationed in the State of Arkansas;
  - b. A returning military veteran applying within one (1) year of his or her discharge from active duty; or
  - c. The spouse of a person described by (2)(a) or (b).

B(1). The applicant will still need to demonstrate competence to drill wells or install pumps in Arkansas by passing the Commission's test.

(2). However, an applicant may obtain temporary certification pursuant to Rule 3.12.4 until the applicant has met the Commission's testing requirement.

#### 3.11.2 Consideration of military training and experience.

A. When considering an application for certification from a person described by Rule 3.11.1.2 who does not have certification from another state, territory, or district, the Commission shall:

1. Consider whether the applicant's military training and experience is substantially similar to experience or education required for the applicable permit or license; and
2. Accept documentation of the applicant's military training and experience in lieu of experience or education required for the applicable permit if the Commission determines the military training and experience is a satisfactory substitute for the experience or education required for the permit.

B. The applicant will still need to demonstrate competence to drill wells or install pumps in Arkansas by passing the Commission's test.

#### 3.11.3 License or permit expiration.

A license or permit issued by the Commission held by an active duty military service member or the spouse of an active duty military service member deployed outside Arkansas shall not expire until one hundred eighty (180) days following the active duty military service member's or the spouse's return from active deployment.

#### 3.11.4 Continuing education exemption.

A. The Commission shall allow a full or partial exemption from continuing education requirements for the following individuals:

1. An active duty military service member deployed outside of the State of Arkansas;
2. A returning military veteran applying within one (1) year of his or her discharge from active duty; or
3. The spouse of a person under (1) or (2) of this section.

B. The Commission may require the completion of continuing education before issuing any subsequent renewals.

### 3.12 Reciprocity.

#### 3.12.1 Reciprocity agreement.

An applicant holding an occupational license from an entity of another state, territory, or district of the United States that has entered into a written agreement with the Commission shall qualify for a certificate of registration as a water well driller or pump installer once he or she has satisfied the terms of the agreement.

### 3.12.2. Reciprocity qualifications.

An applicant, who holds a substantially similar certification from another state, territory, or district of the United States that has not entered into a reciprocity agreement with the Commission, applying for reciprocal certification as an Arkansas Water Well Construction Commission Water Well Driller or Pump Installer, shall meet the following requirements:

1. The applicant holds certification in good standing;
2. The applicant shall not have had a certification revoked for an act of bad faith or a violation of law, rule, or ethics;
3. The applicant does not hold a suspended or probationary license in another state, territory, or district of the United States;
4. The applicant has held the certificate for two years;
5. The applicant demonstrates sufficient competence in the field by passing the Commission's certification exam which tests applicant's knowledge of the Arkansas Water Well Construction Act, Ark. Code Ann. § 17-50-101 *et seq.*; Water Well Construction Rules; and general knowledge of water well construction.
6. The applicant is eighteen years of age or older; and
7. The applicant pays a registration fee in accord with Rule 3.4.

### 3.12.3 Required documentation of substantially similar program.

A. As evidence that the applicant's certificate from another jurisdiction is substantially similar to the Commission's requirements for a certificate of registration, the applicant shall submit the following information:

1. Evidence of current and active certification from another state, territory, or district of the United States.
2. Evidence that the other jurisdiction's certification requirements are similar to those required by the Commission.

B. To demonstrate that the applicant meets reciprocity requirements, the applicant shall provide the Commission with:

1. The names of all states in which the applicant is currently certified or has been previously certified;
2. Letters of good standing or other information from the licensing entity of each jurisdiction in which the applicant is currently or has ever been certified showing that the applicant has not had his certificate revoked for an act of bad faith or a violation of law, rule, or ethics and does not hold a certificate on a suspended or probationary status.

### 3.12.4 Temporary certification for a person holding certification from a substantially similar program.

A. The Commission shall grant a 90-day temporary certificate of registration to any individual holding a water well driller or pump installer certificate of registration from another state, territory, or district of the United States upon being presented with

evidence of a current and active occupational certification substantially similar to the practice of water well drilling or pump installing in Arkansas.

B. An individual holding a substantially similar certification shall submit a completed application, proof of certification, and a certificate of registration fee identified in Rule 3.4.

3.12.5 Applicant with experience from a state, territory, or district that does not require certification.

An applicant from a state that does not certify water well drillers shall meet requirements 5, 6, and 7 in Rule 3.12.2, as well as provide the following documents:

1. An affidavit containing separate paragraphs accounting for at least two years of employment by a water well drilling or pump installation business or businesses including the following information:

- a. Business phone number and address,
- b. Name of applicant's supervisor;
- c. Description of duties performed by applicant while employed by the business;
- d. Dates of applicant's employment,
- e. Number of well drilled by applicant or the number to which applicant has installed pumps, or both, if applicable, and
- f. Type of rigs used by applicant to perform these duties.

2. Either two years of Internal Revenue Service (IRS) W2 Wage and Tax Statement Forms demonstrating two years of employment as a water well driller or pump installer, whichever is applicable, or insurance or bonding documents corresponding to dates of employment with the business or businesses.

### 3.13 Criminal background checks.

3.13.1 Disqualification from registration and licensure due to criminal conviction.

A. The Commission shall require all applicants to undergo a state and federal background check at the Commission's expense.

B. With the exception of a waiver granted pursuant to Rule 3.13.2, no individual is eligible to receive or hold certification or licensure if the individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses identified in Ark. Code Ann. § 17-3-102(a) by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 *et seq.*, or otherwise previously sealed, pardoned or expunged under prior law.

C(1). An individual seeking certification or licensure shall be permanently disqualified from receiving certification or licensure if the individual has been convicted of any of the crimes listed at Ark. Code Ann. § 17-3-102(e).

(2). The permanent disqualification for an offense listed in § 17-3-102(e) does not apply to an individual who holds a valid certification or license on July 24, 2019.

D. The Commission shall not disqualify an applicant if the date of conviction or incarceration or on which probation for the disqualifying offense occurred is more than five (5) years prior to application for certification or license, if the individual:

1. Was not convicted for committing a violent or sexual offense; and
2. Has not been convicted of any other offense during the five-year disqualification period; or
3. The applicant was arrested for but not subsequently convicted for an offense.

### 3.13.2 Waiver of disqualification due to criminal conviction.

A. If an individual has been convicted of a crime listed in Ark. Code Ann. § 17-3-102(a), except for those permanently disqualifying offenses found in subsection (e), the Commission may waive disqualification or revocation of a certification or license based on the conviction if a request for a waiver is made by:

1. An affected applicant; or
2. An individual holding a certification or license subject to revocation.

B. The Commission may grant a waiver on the following basis without limitation:

1. The age at which the offense was committed;
2. The circumstances surrounding the offense;
3. The length of time since the offense was committed;
4. Subsequent work history since the offense was committed;
5. Employment references since the offense was committed;
6. Character references since the offense was committed;
7. Relevance of the offense to a commission license or certification; and
8. Other evidence demonstrating that certification or licensure of the applicant does not pose a threat to the health or safety of the public.

C. A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.

D. The Commission will respond with a decision in writing and will state the reasons for the decision.

E. An appeal of a determination under this section will be subject to the Administrative Procedures Act § 25-15-201 *et seq.*

### 3.13.3 Pre-certification or pre-licensure criminal background check.

A. An individual may petition the Commission for a pre-certification or pre-licensure determination of whether the individual's criminal record will disqualify the individual from certification or licensure and whether a waiver may be obtained.

B. The individual shall obtain the pre-certification or pre-licensure criminal background check petition form from the Commission.

C. The Commission shall respond to a completed petition with a written decision within a reasonable time.

- D. The Commission's response will state the reason or reasons for the decision.
- E. All decisions of the Commission in response to the petition will be determined by the information provided by the individual.
- F. Any decision made by the Commission in response to a pre-certification or pre-licensure criminal background check petition is not subject to appeal.
- G. The Commission shall retain a copy of the petition and response for review during the formal application process.

## Section 4. Reporting

4.1 Reports. Within ninety (90) days after a water well has been constructed or repaired, the constructor shall submit a report of construction to the Arkansas Water Well Construction Commission on such forms as are prescribed and furnished by the Commission. The date of construction and time of completion shall be the date and time the rig is removed or pulled off the bore hole or well. Reports must be legible, must supply all requested information applicable to the type of work done, and must contain the longitude and latitude of the well location.

4.1.1 Test holes. When a water well contractor constructs a test hole for a well that may be developed into a water well, the contractor shall file a construction report within thirty (30) days after the date of construction regardless of the stage of completion of the water well.

4.2 Domestic wells. The contractor is required to maintain adequate records at his place of business of pumps installed in water wells used for domestic purposes. Generally all warranty information should be maintained as well as depth of settings, size of wire, size of pipe, etc.

4.3 Copy to be provided to customer. A copy of the construction report shall be provided to the customer upon demand.

## Section 5. Construction

Note: Construction requirements vary according to type of formation, type of well and intended use. Please review both the general requirements and Section 6, "Special well construction techniques" for the type of well you are working on.

## 5.1 Location.

5.1.1 General. In establishing the location of a well, the constructor shall consider sources of contamination which exist on or adjacent to the premises where the well is to be located. As far as possible, the well shall be located on ground which is higher than sources of contamination and shall have ready access for repairs, maintenance, treatment and inspection.

5.1.2 Relation to sources of contamination. Determination of minimum lateral distances to locate a well from potential sources of contamination involves evaluation of the character and location of the sources of contamination, types of geologic formations present, depth to the aquifer, effect on ground water movement by well pumping and possibilities of flooding of the site by surface waters. Based on practice and experience, accepted minimum lateral distances for some common sources of pollution with respect to a well have been established. The lack of specific distances for other possible sources of contamination such as streams, refuse disposal sites, excavations, waste treatment facilities, buried oil and gasoline storage tanks, improperly constructed wells and cisterns, etc. does not minimize their potential hazard. These must be evaluated in each situation and a distance arrived at based on the pertinent facts.

5.1.3 Minimum lateral distances. The following minimum lateral distances shall apply for common sources of contamination listed:

Potential sources of contamination	Minimum lateral distances for clay and loam soils
Cess Pools	100 Feet
Leaching Pit	100 Feet
Pit Privy	100 Feet
Subsurface Seepage Tile	100 Feet
Manure Piles	100 Feet

Septic Tank	100 Feet
Sewers (Cast iron with water tight, leaded or mechanical joints)	50 Feet
Footing Drains (No connection to a sewer or a sump handling sewage)	10 Feet
Pump House Floor Drain (Cast iron with water tight joints and having free fall discharge to ground surface)	2 Feet

When the upper formations are more pervious, the lateral distances shall be increased (i.e., double the distance for highly pervious gravel formations).

5.1.4 Flood water. Locations subject to flooding should be avoided. If no reasonable alternate site exists, wells may be constructed in flood zones providing special protective construction is included.

5.1.5 Vertical closed loop systems / wells. Vertical closed loop systems and wells shall not be located closer than fifty (50) feet to a septic tank, its field lines, or other water supply wells used for human consumption. This requirement may be waived. An approved waiver may be requested by contacting the Commission office by telephone or mail. Written approval must be obtained from the Commission prior to construction of the well.

5.1.6 Open loop systems / wells. The location of open loop wells shall meet the same criteria as water wells used for domestic or human consumption.

5.1.7 Industrial and irrigation wells. No industrial or irrigation well shall be located nearer than one hundred (100) feet to any other well producing potable water. It is recommended that locations subject to flooding be avoided. If no reasonable alternate exists, wells should be constructed with the casing terminating two (2) feet above the maximum known flood water elevation.

5.1.8 Relations to buildings. With respect to buildings, the location of a well shall be as follows:



5.1.8.1 Adjacent to building. When a well must be located adjacent to a building, it shall be located so that the center line of the well extended vertically will clear any projection from the building by not less than ten (10) feet. The well shall also be located at least ten (10) feet away from any power lines.

5.1.8.2 Inside building. The casing top of a well and any other opening shall not terminate in the basement of any building, or in any pit, room or space which is below ground surface or connected to a basement, which is not properly drained or pumped. Where it is necessary to seal out seep water or rain water in small diameter wells that are underground, National Water Well Association approved pitless adapters, or an approved seal, shall be used.

5.2 Design factors. The design of each well shall include consideration of the following:

5.2.1 Natural protection. Location of the well shall include utilization of every natural protection available to promote sanitary conditions.

5.2.2 Undesirable geological formations. The exclusions of water bearing formations which are or may become contaminated formations which have undesirable characteristics.

5.2.3 Durability. The use of construction methods and materials which will result in a durable well producing safe water, without excessive sediment and sand, or harmful bacteria.

5.3 Materials and technical requirements.

5.3.1 Construction water. Water used in the drilling process should be obtained from a source which will not result in contamination of the well. It is required that an appropriate amount of chlorine solution be added to the construction water in order to protect the well from contamination. Please refer to the tables in Section 11 to determine the proper amount of chlorine to use.

5.3.2 Plumbness and alignment. Each drilled well shall be tested for plumbness and alignment and the bore of the hole shall be sufficiently plumb and straight to receive the casing without binding. The casing shall be sufficiently plumb and straight so that it will not interfere with installation and operation of the pump.

5.3.3 Yield. Each well shall be tested for yield and draw down by pump, bailer, or air.

5.4 Casing. The casing shall be installed where the purpose of casing is to seal off surface, near surface, or deeper contaminants or where the purpose is to retain the wall of the well in addition to repelling outside contaminants. In selection of casing pipe, consideration shall be given to the strain to which the pipe will be subjected during

construction and the corrosiveness of the water with which it comes in contact. Used or reject pipe is not acceptable.

5.4.1 Temporary (outer) casing. Casing intended for construction purposes only shall be of weight and design as necessary to be watertight and permit installation without distortion or rupture to the specified depth.

5.4.2 Grouting guides. Protective casing that is to be grouted in the drill hole should have sufficient guides welded to the casing to permit the unobstructed flow and disposition of the thickness of grout specified.

5.4.3 Screens. Screen openings shall provide the maximum amount of open area consistent with the strength of screen and the grading of the water bearing formation or gravel pack. The opening shall permit maximum transmitting ability without clogging or jamming.

5.4.4 Joints. All casing pipe joints shall be watertight welded construction or threaded couplings.

5.4.5 Upper terminal. The casing, well curb or riser pipe shall be terminated at a height above ground surface consistent with the proposed plans for a pump house and pump installation but not less than eight (8) inches above ground surface or twenty-four (24) inches above maximum high-water level where flooding occurs.

5.4.6 Steel casing for domestic, individual, and stock wells. Casing for domestic, individual and stock wells of steel construction shall be as follows: Minimum eleven (11) pound black steel pipe may be used in consolidated formations. ASA Galvanized Standard Weight Schedule 40 pipe, one (1) inch I.D. to four (4) inches I.D. pipe size and weight are covered in Rule 11. 4.090-inch I. D. galvanized pipe, 9-1/2 pound (schedule 30) may be used on a statewide basis with the following provision that any failure of this weight pipe within a five (5) year period be replaced by the contractor at no cost to the landowner.

5.4.7 PVC casing. Effective January 1, 1989, PVC plastic casing may be used provided the PVC pipe is manufactured as water well casing and is permanently marked as well casing. The casing shall be made to ASTM F480. The Contractor shall be responsible to assure that the PVC wall thickness shall be sufficient to withstand both the formation and hydrostatic pressures imposed on the casing during its installation and development. PVC casing shall be used only when construction practices will allow the bore hole to remain open during casing installation and the casing can be lowered freely without driving.

5.4.8 Fiberglass casing. Fiberglass reinforced plastic well casing, tested in accordance with ASTM D1180 (American Society Testing Materials), may be used where judged desirable by the contractor and approved by the customer, in consolidated and unconsolidated formations. Each coupling shall form a watertight seal. Pipe having a minimum bursting pressure of 660 PSI may be used.

#### 5.4.9 Casing of industrial and irrigation wells.

5.4.9.1 General. All casing, including steel shall be strong enough to resist the forces imposed during installation and other forces that can be expected after installation. It shall be the contractor's responsibility to see that all casing used in industrial and irrigation wells will not collapse. Any material used in construction of industrial and irrigation wells that collapses or breaks within (5) five years shall be renewed with a material strong enough to withstand the stress or pressure without charge to the customer.

5.4.9.2 PVC casing. PVC 160 PSI NSF or stronger material classification may be used in construction of industrial and irrigation wells, where judged desirable by the contractor and approved by the customer in unconsolidated formations. All pipes shall be permanently marked under a method suitable to the National Sanitation Foundation. Plastic pipe must be made of new, not reclaimed material.

5.4.9.3 Joints. The joints of all casing shall be watertight and plumb and in alignment. All casing shall be installed to seal off water bearing formations that contain undesirable water (such as saline) and prevent water from the surface entering the fresh water aquifer so as not to contaminate them. Each joint of PVC pipe shall have a minimum of four (4) screws or rivets in the coupling.

5.4.10 Casing in consolidated formations. Metal or plastic casing shall extend a minimum of one (1) foot into solid bedrock or slate in a cement or Bentonite seal at least one (1) inch thick from rock upward for five (5) feet. In wells where consolidated formations, such as bedrock or slate, occur as a definable unit, the casing shall be set into the consolidated formation and sealed below all crevices that would normally release water of inferior quality into the well. Plastic casing may be used to case through overburden in consolidated formations, providing the casing meets the requirements for the depth being cased.

5.4.10.1 Rock below creviced formation. The diameter of the drill hole through the creviced formation shall be a minimum of two (2) inches greater than the diameter of the casing. If an outer casing is left in place in the earth mantle, the annular opening around that casing shall be sealed as outlined in Rule 5.4.11. All wells constructed in consolidated formations shall be cased a minimum of ten (10) feet from ground surface or one (1) foot minimum into the consolidated formation.<sup>1</sup> All casing left permanently installed in consolidated formations shall be grouted with the appropriate materials, as outlined in Rule 5.5, from the bottom of the casing upward five (5) feet. Where a desirable water bearing formation underlies a crevice or undesirable water bearing formation, the overlaying formation should be completely grout sealed and watertight. Drilling construction should extend into the desired formation.

<sup>1</sup>Ten feet from ground surface or one foot minimum into the consolidated formation means that wells must be cased at least ten feet. Wells will never have less than 5 feet of cement or Bentonite grout in the annulus. Wells must also be cased at least one foot into consolidated formations. Minimum of one foot into consolidated rock means

that many times even thought the formation is consolidated, ground water, at a particular depth would be undesirable and additional casing and grout to a depth greater than one foot into consolidated formation is required.

5.4.11 Casing in unconsolidated formations. Unconsolidated formations such as sand and gravel may extend to or near the ground surface. Generally, however, they lie below the ground surface at varying depths and are covered by an over burden of earth. The kind, nature and depth of the over burden are factors in determining how a well shall be constructed. Wells constructed in unconsolidated formations shall have a permanent casing installed, in which the casing or screen shall extend the complete length of the drill hole. A minimum of the upper ten (10) feet shall be filled with grout after the casing is in place.

5.4.11.1 Gravel wall construction. When an oversized drill hole is constructed to permit the placement of a gravel wall around the well screen or perforated casing, the annular opening between the casing and the drill hole shall be sealed in the top twenty (20) feet with concrete, cement, or Bentonite grout. If a permanent outer casing is installed, it shall extend to a depth of at least twenty (20) feet depending on the formations present, the annular opening between the drill hole and the outer casing shall be sealed as provided for in Rule 5.4.12. The annular opening between inner and outer casings shall be filled with concrete, cement, or Bentonite grout in the upper twenty (20) feet.

## 5.5 Grouting.

5.5.1 Sand and cement grout. This mixture should consist of cement, sand and water, in the proportion of one bag of cement (94 pounds) and an equal volume of dry sand to not more than six (6) gallons of clean water.

5.5.2 Neat cement grout. This mixture should consist of one bag of cement (94 pounds) to not more than six (6) gallons of clean water. Additives up to 6% by weight to increase fluidity may be used.

5.5.3 Concrete. This mixture should consist of cement, sand, aggregate (gravel), and water in the proportion of one bag of cement (94 pounds) and an equal amount of dry sand and aggregate and clean water. Concrete can be used in the top ten (10) feet of the annular space around the casing of the large diameter wells when the annular space is larger than two (2) inches from the outside of the casing wall to the face of the bore hole. Aggregate shall be no larger than 1/5 of the dimension between the outside casing and the face of the bore hole. All concrete shall be placed to prevent voids.

5.5.4 Bentonite grout. Bentonite or sealing clay grout is a manufactured clay product that expands in contact with moisture to form a seal that prevents the movement of water and may be used in consolidated and unconsolidated formations. It is the responsibility of the contractor to make the viscosity of the bentonite thick enough to seal out all contaminates.

5.5.5 Grouting of metal-cased wells. Metal casing shall be encased in a cement seal at least two (2) inches thick from ground level to a distance of at least ten (10) feet below established ground surface.

5.5.6 Grouting of curbed wells. Curbed wells shall be concreted at least six (6) inches thick poured monolithically from the upper terminal to a distance of at least ten feet below established ground surface.

## 5.6 Well seals or caps.

5.6.1 General. Well seals or caps installed on wells shall be securely capped. The seal may provide ventilation but shall be sufficiently tight and secure to prohibit foreign objects, insects and other creatures from entering the well. The well seal shall be secure to prohibit entrance to the well from unauthorized persons without tools or excessive physical exertion.

5.6.2 Timing. The well seal or cap shall be installed immediately upon completion of the well and prior to departure of the driller and or contractor or his drilling equipment from the well site. An effort should be made by the driller or contractor to ensure that the well seal or cap provided/installed is compatible to the type of pump and pipe to be installed.

5.6.3 Seals or caps when pump installed. Well seals or caps shall be installed on all water wells after pump installation and shall be securely capped. The seal MAY provide ventilation but be sufficiently tight and secure to prohibit foreign objects, contamination, insects and other pests from entering the well. The well seal shall be secure to prohibit entrance to the well from unauthorized persons without tools or excessive physical exertion. All wells in consolidated areas will be vented with insect proof vents. If the well is located inside a building it shall be vented to the outside.

5.6.4 Pitless adapters. Pitless adapters shall be installed in a manner that excludes entrance of water or other materials into the well.

5.6.5 Test holes. The contractor shall insure that the well/hole is capped to prevent injury or pollution. If the test well is abandoned, then the well shall be plugged as outlined in Rule 5.8.

## 5.7 Disinfection.

5.7.1 General. Every new well, or existing water supply system that has been disrupted for service or repair, should be disinfected before it is returned to use. Water in the well and storage tank should be treated with a strong chlorine solution to destroy disease organisms. All pipe lines and fixtures in the distribution system should be rinsed and flushed with chlorinated water. All wells, excluding irrigation, will be disinfected.

5.7.2 Timing. If the constructor of the well is also responsible for preparing the well for the pump installation and making the pump installations, disinfection may be postponed until his work is completed. In the event the constructor does not have this responsibility, it is required before capping the well that an appropriate amount of chlorine solution be introduced into the well.

5.7.3 Disinfection and pump installation. At the time of new pump installation or reinstallation of an existing pump, the water system shall be chlorinated to a minimum concentration of 50 ppm for a minimum of 24 hours. Each well shall be disinfected by tablets and/or liquid.

5.7.4 Water. Water, which has contacted pipe or equipment used in chemigation, shall not be allowed to back siphon or be used to backwash the well.

5.7.5 Emergencies. If an emergency exists, the water system may be used, provided, the system is not for human consumption, and the system is disinfected as soon as the situation permits. Refer to the tables in Section 11 for guidance on administering chlorine.

## 5.8 Plugging or abandonment of wells.

5.8.1 General. To restore geologic and hydrogeologic conditions existing prior to a well's construction, any person who abandons an abandoned well, as defined in Rule 10.28, must use methods and materials that will protect the ground water from surface contamination and prohibit cross-contamination (co-mingling) of aquifers. Clay, cement, or bentonite will be allowed to plug wells with certain restrictions applied when using bentonite.

5.8.2 Dry holes. If no water is encountered and the landowner does not wish to abandon the well in the event that he might plan further development of the well at a later date, the contractor shall complete the well according to the rules, including casing, sealing, and capping the well.

5.8.3 File well abandonment form. All wells plugged in the State should be reported by the water well contractor to the AWWCC on a well abandonment form to be approved by the AWWCC within ninety (90) days of abandonment.

5.8.4.1 Consolidated formations. When information has been obtained about a well completed in a single consolidated aquifer from a water well construction report, geophysical data, or usage of a down-hole camera, the well shall be plugged with cement, clay, or bentonite to a depth of fifty (50) feet below the bottom of the surface casing, with a minimum depth of one hundred (100) feet of depth below land surface. The remaining depth of the well may be filled with clean sand or pea gravel. Wells completed in more than one major aquifer must have a minimum fifty (50) foot

clay, cement, or bentonite seal emplaced in the borehole within each confining unit between the aquifers, and between any aquifer and the surface overburden.

5.8.4.2 No information. If no information on well construction is available, the well must be filled from bottom to within two (2) feet of land surface with clay, cement, or bentonite in a manner that will protect the ground-water flow system.

5.8.5 Unconsolidated formations. All wells in unconsolidated formations will be filled with sand or natural material to twelve (12) feet of ground surface, from twelve (12) feet to two (2) feet with bentonite or cement.

5.8.6 Usage of packers. Packers should be emplaced in wells overlying flowing artesian aquifers, or aquifers with more than seventy-five (75) feet hydrostatic head to curtail flow prior to plugging and prevent intercommunication of aquifers.

5.8.7 Usage of bentonite.

5.8.7.1 Chips. Bentonite chips may only be used to plug a well if the well's diameter is four (4) inches or more, the well's depth is less than six hundred (600) feet below land surface, and the well contains less than five hundred (500) feet of standing water.

5.8.7.2 Slurries. Bentonite slurries are not allowed for well abandonment in the unsaturated zone (above water level).

5.8.7.3 Prohibited use of bentonite under certain conditions. Bentonite should only be used in accordance with package label recommendations.

5.8.8 Caves. A driller should contact AWWCC staff for specific abandonment procedures if he encounters caves while drilling.

## 5.9 Fracturing.

5.9.1 General. Fracturing includes the use of explosives, acid, or pumping fluids (hydrofracturing) into a water well. A Driller registered in category 4 shall supervise hydrofracturing. A driller registered in category 1-3 may use explosives or acid without being registered in category 4. Wells which do not meet the requirements of these construction rules shall not be fractured.

5.9.2 Water. Water used in fracturing must be free of contamination and chlorinated to fifty (50) milligrams per liter chlorine prior to injection.

5.9.3 Relation to sources of contamination. Water wells located closer than one hundred (100) ft. to any potential source of contamination shall not be fractured.

5.9.4 Process. The following action must take place when hydrofracturing a water well:

1. Analysis of the well site and well to determine the location of other wells and potential sources of contamination in the immediate vicinity. Determine if the well needs repair and if so bring up to standards. Determine the effect on geological formations and ground water.

2. Conduct a test and estimate well yield.

3. Advise owner of hazards and potential liability of fracturing.

4. Disinfect well to be fractured to 50 milligrams per liter chlorine.

5. Fracture well.

6. Reinstall pump equipment.

7. Disinfect well and pump equipment.

8. Pump well to recover no less than the amount of water injected.

9. Conduct test and estimate well yield.

10. Complete a construction report. On the report, in the space provided for description of formation, indicate the depth and PSI (or amount of explosive) of each zone fractured.

\* The above steps are not meant to be all inclusive. The contractor remains responsible and liable for damages to the well or wells in the immediate vicinity resulting from hydrofracturing, even though the Contractor may have complied with these rules.

5.9.5 Consolidated formations. Fracturing PSI shall not be excessive.

## Section 6. Special well construction techniques

6.1 Artesian wells. In known artesian territories, initial drilling operations shall extend into but not through the formation confining the water. The casing shall be installed and the annular opening between the drill hole and casing sealed with cement or Bentonite grout and allowed to set. The hole shall then be extended into artesian formation. Flow control from the well shall be provided by valved pipe connections, watertight pump connections, or receiving reservoirs set at an altitude corresponding to the artesian head.

6.2 Driven, dug, or bored wells. Wells in this classification are dug, bored or driven, unless the type or purpose of the well applies to all methods of well construction (test holes, heat pump wells etc.).

6.2.1 Driven wells. On all driven wells there shall be an outer casing grouted from ground surface to a minimum ten (10) feet depth. Plastic or steel casing



that will accommodate the outside diameter of the pipe being driven shall be placed in a hole that has a minimum diameter of four (4) inches larger than the surface casing. This should give a minimum of two (2) inches thickness of grout.

6.2.2 Dug or bored wells. Every dug or bored well shall have a continuous watertight lining of steel casing or concrete pipe extending from above ground surface to a depth of at least ten (10) feet below the ground surface. When more than one formation bearing suitable water exists, the lower formation should be used. The lining in the producing zone shall readily admit water and shall be structurally sound to withstand external pressures.

6.2.3 Annular openings. The open space between the excavation and the installed lining shall be sealed with grout. If the first ten (10) feet of the casing is jointed, such as concrete, and would allow surface water to seep into cracks of casing, the grout will continue from the ten (10) foot seal to ground level.

6.2.4 Upper terminal. The watertight lining shall extend at least eight (8) inches above finished ground surface. A cover slab at least two and one half (2 1/2) inches thick, adequately reinforced and having a diameter sufficient to overlap the lining by two (2) inches shall be provided. The top of the slab shall be sloped to drain to all sides and a watertight joint made where the slab rests on the well lining using cement mortar or a mastic compound. A manhole, if installed, shall consist of a metal curb cast in the slab and extending four (4) inches above the slab. The manhole shall have a watertight covering having sides to overhang the curb at least two (2) inches. Adequately sized pipe (plastic pipe may be used) shall be cast in place in the slab, extending at least eight (8) inches above the slab, to accommodate the type of pump or pump piping proposed for the well. If the well contractor does not install the pump, a cap (seal) will be placed on top of the pipe. The owner or licensed driller may cut off the cap and must leave a minimum of two (2) inches above the slab.

6.3 Industrial and irrigation wells. This section applies to wells constructed for purposes other than human consumption.

6.3.1 Outer casing seal for gravel well industrial and irrigation wells. Industrial wells shall be sealed with a concrete slab or grouted or both. Irrigation wells shall be sealed with a bentonite seal. It is optional to use a slab for an irrigation well.

6.3.1.1 Slabs. Slabs must be of reinforced concrete and at least four (4) inches thick and have a diameter sufficient to overlap the drill hole by two (2) feet. The top of the slab shall be sloped to drain to all sides.

6.3.1.2 Grout. Grout must be composed of sodium montmorillonite clay, also known as Bentonite, cement, or a sodium montmorillonite (Bentonite)-cement mixture and shall fill the annular opening between the casing and the drill hole in the upper ten (10) feet.

6.3.1.3 Timing. If noted on the Report of Water Well Construction, a slab may be placed on non-grouted wells within one year of the date of construction to allow for settling.

6.3.1.4 Gravel refill pipes. Gravel refill pipes may be installed if they terminate above the concrete slab surface and are provided with watertight caps.

6.3.2 Public notice. Each new industrial or irrigation well and each existing industrial or irrigation well when brought under the rules of the Act shall have a weatherproof sign attached in a conspicuous location stating that "THIS WATER IS NOT FOR DRINKING PURPOSES" or a suitable decal of weatherproof material.

6.3.3 Casing, screen, and all material for industrial and irrigation wells of steel construction over four inches in diameter. The minimum wall thickness shall be seven gauge or .1875. All material used shall not allow sand or sediment to enter a well. Where there is an acid condition screen material may be stainless steel, plastic, bronze, or other material suitable for the water and ground formations in which the well has been completed.

6.3.4 Gravel refill pipes. Gravel refill pipes may be installed if they terminate above ground surface and are provided with water tight caps.

6.3.5 Artificial pack. Wells designed for placement of an artificial pack shall be provided with an adequate screen having openings based upon size of the gravel. The well shall be developed to insure free entry of water without sediment.

6.4 Geothermal (heat pump) wells. Heat pump wells are designed for two major types of Heat pump Systems.

6.4.1 Closed loop or earth coil. Fluid is circulated in a continuous unbroken pipe beneath the surface of the earth or under ponds, swimming pools, lakes or in a medium where the system can obtain a sufficient cooling or heat exchange. Normally no fluid is gained or lost. Depths of installation vary and are dependent upon the type and size of closed loop system, the land area available, soils/formation, climate, and seasonal variation in ground temperature, etc. There are three types of closed loop heat pump well systems:

6.4.1.1 Horizontal system. A closed loop system where pipes are installed horizontally under the earth's surface or under ponds, swimming pools, lakes, etc.

6.4.1.2 Vertical system. A closed loop system where pipes are vertically installed beneath the surface of the earth.

6.4.1.3 Combination horizontal and vertical system. A system that has pipes installed beneath the earth's surface horizontally and vertically.

6.4.1.4 Direct exchange (DX) wells. A small diameter bore hole constructed for the purpose of sinking or sourcing thermal energy between the direct exchange loop and the earth.

6.4.1.4.1 Additional construction standards.

1. A DX well shall comply with Commission Rules 5.1 and 5.2
2. The DX well does not have to be completely vertical.
3. The DX well casing is a metal tube with the bottom capped, running from the bottom of the bore hole to within 1 foot of the top of the bore hole. A thermal fluid can be used to fill the DX Well Casing to within 2 feet of the top of the DX Well casing. A water tight sealing material will be used to seal the top of the DX Well Casing. The material can be silicone, latex, or other material suitable for the seal. The DX Well Casing shall comply with Rule 5.5.5.
4. DX Well Casing will be required if the pH of the material around the DX Loop can not be corrected to a pH of 8.5 or greater with the use of back fill or grout.
5. If the DX well Casing material is steel, then no cathodic protection is required. (The DX Loop is Copper, which is more noble than steel; therefore, the steel acts as cathodic protection.) The joints will be threaded or welded.
6. If the DX Well Casing material is copper, cathodic protection is required. The Joint will be welded using Arkansas Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) standards for joining Refrigeration copper.
7. The DX Loop can be constructed of Type L copper tubing (ACR) Any joint must comply with HVACR standards for joining Refrigeration Copper. The copper tubing's length and diameter must be sized for proper refrigerant flow.

6.4.2 Open loop or water source. Water is obtained from a source (water well, lake, river, etc.) and circulated, usually one time, for the purpose cooling or heat exchange. Water quality, quantity and disposal are primary concerns with open loop systems. There are three types/categories of open loop well systems:

6.4.2.1 General. Open loop wells shall be constructed in the same manner and conform to rules for wells used for domestic purposes. This shall pertain to the supply well and return well.

6.4.2.2 Single well open system. Water is obtained from a well, circulated and returned to the same well.

6.4.2.3 Dual well open system. Water is obtained from a supply well, circulated, and injected/dumped into a return well. These wells may be designed to switch roles and the return well becomes the supply well, the supply well the return well.

6.4.2.4 Single well / waste open system. Water is obtained from a well, circulated, and dumped/wasted into some other medium (land surface, lake, pond, ditch, sewer, etc.).

6.4.3 Vertical closed loop systems / wells. The Contractor is responsible and shall insure that water quantity and quality are not adversely affected.

6.4.3.1 Grouting. Closed loop wells constructed in consolidated formations shall be back filled with grout (prescribed in Rule 5.5) the entire length of the bore hole. Wells constructed in unconsolidated formations may be back filled with cuttings, sand, or native material, provided the material does not adversely affect the quality of the ground water. The upper ten (10) feet (minimum requirement) of wells constructed in unconsolidated formations shall be grouted (prescribed in Rule 5.5). A well meeting requirements for a domestic water well is not required to be back filled.

6.4.3.2 Horizontal excavation. The top of the bore hole may terminate at the bottom of the excavation for installation of horizontal pipes. The horizontal excavation is not required to be back filled with grout. The grout shall be placed at least 10 feet below the bottom of the excavation in unconsolidated formations.

6.4.4 Approved fluids. The fluid or liquid used for circulation must be an approved fluid. Fluids which are highly combustible, corrosive or toxic will not be used. A list of approved fluids will be maintained by the Commission. Ethylene Glycol is not an approved fluid. Approved fluids include but are not limited to: water, salt water, calcium chloride, food quality propylene glycol.

6.4.5 Joints and fittings. All joints and fittings installed and buried shall be heat, socket or butt fused. Glue or clamps shall not be used below ground level unless the joint or connection serves as a service outlet, and the joint or connection is not covered with earth.

6.4.6 Circulating pipes. The circulating pipes shall be made of approved materials. Approved circulating pipe are approved gas rated materials such as polyethylene and polybutylene. Polyvinyl chloride (PVC) material is not acceptable for circulating pipes for closed loop systems, below ground level. Polyethylene pipe meeting or exceeding PPI PE 3408, ASTM D 3350, cell classification 355434C, SDR-11 is approved. Polybutylene pipe meeting or exceeding ASTM D 3309, rated at 160 PSI at 73 degrees Fahrenheit and also 100 PSI at 180 degrees Fahrenheit, is approved.

6.4.7 Pressure testing. Pipes shall be pressure tested at 150% of maximum working pressure for 15 minutes prior to installation and shall not leak.

6.5 Monitoring and piezometer wells. This rule applies to monitoring well construction. Monitoring wells are exempted from the construction requirements established in Sections 4 through 16 of these rules. Design and Construction Techniques published by the Environmental Protection Agency in RCRA GROUND-WATER MONITORING TECHNICAL ENFORCEMENT GUIDANCE

DOCUMENT (TEGD) shall be used as a guide in the location, construction, and design of monitoring wells. The latest publication of this document may be obtained by contacting: *Arkansas Water Well Construction Commission, 101 East Capitol Avenue, Suite 350, Little Rock, Arkansas 72201, phone (501) 682-1025*. Ask for the RCRA book on monitor wells - cost \$22.00.

6.6 Test and sample wells. Water wells constructed for the purpose of locating, or sampling ground water or other scientific purposes shall be constructed in a manner which shall not contaminate ground water or provide a conduit to further contaminate ground water.

6.7 Public and semi-public wells. Wells for public and semi-public water systems shall be located, designed, and constructed in accordance with the respective rules of the Arkansas Department of Health (ADH) and shall have written approval from the ADH prior to the start of construction. If uncertain that a well is public or semi-public, the well contractor shall obtain a written determination from the ADH prior to construction.

## Section 7. Pump installation

7.1 General. Installation shall be in accordance with the manufacturer's recommendation and these rules. All pump installations shall be designed and installed to prevent contamination of the well.

7.2 Licensing and registration. Pump installation shall be by a licensed Water Well Contractor and registered pump installer.

7.3 Efficiency. Pump capacity shall be consistent with intended use and yield characteristics of the well. The pumping capacity of the pump installed in a well shall be consistent with the intended use of the ground water and with the yield characteristics of the well.

7.4 Location of pressure tanks and switches. Pressure tanks and switches shall be located above ground or in a pit or basement that is adequately drained. A pressure tank may be buried provided, the tank is designed for installation below ground. Tanks designed for use inside the bore of a water well must be designed for that purpose and approved by the Commission.

7.5 Venting of gasses. Toxic or flammable gases shall be vented from a well to the outside above roof level or a point where they will not produce a hazard.

7.6 Upper terminal. Pump Installers shall leave no less than eight inches of casing above normal ground level.

7.7 Temporary seal. If the pump equipment is not installed at the time drilling is completed, all openings to the well must be closed to prevent pollution or

vandalism. After installation, all open spaces must be sealed off to prevent contamination of the ground water.

7.8 Pipe drop, wire, etc. All pipe drop, wire, pumps and other pumping equipment shall be clean and installed to permit removal and repair of all equipment. If equipment or tools are lost in the well and not recovered a statement describing the item or items lost shall be attached to the installation report, or, maintained in the contractor's records, when no report is required.

7.9 Well tanks. Well tanks installed shall be adequate to meet the needs of the water system.

7.10 Plumbness. All pumps shall be installed in a plumb manner so as not to interfere with proper operation or efficiency, and not cause excessive wear on pumping equipment.

7.11 Prevention from contamination. Pumping Equipment shall be installed in such a manner to discourage the entrance of contamination into the ground water. Discharge pipes shall include devices which will discourage the entrance of animals.

7.12 Check valves. Pumping Equipment installed, which may be used in conjunction with chemigation shall employ at least one check valve or other back siphoning device between the well head and point of entrance of the foreign substances.

#### 7.13 Submersible pump installation.

7.13.1 Check valves. Submersible Pumps shall have no less than two (2) check valves installed. One check valve must be installed above ground. Submersible Pumps used for irrigation are excluded from this requirement.

7.13.2 Wire. Wire shall be secured to the drop pipe in a manner which will support the weight of the wire and keep the wire close to the pipe.

7.13.3 Torque arrestors and cable guards. Torque arrestors and cable guards shall be used on all submersible installations. Torque arrestors are not required for pump installation using steel pipe or schedule 80 PVC.

7.13.4 Clamps. All clamps used shall be all stainless steel.

#### 7.14 Jet pump installation.

7.14.1 Check valves. Jet Pumps shall have a check valve installed on the discharge side of the pressure tank.

7.14.2 Approved pipe drop. Polyethylene plastic pipe and fittings shall be a minimum of SDR-7 PE-2306, with a pressure rating of 160 PSI and is approved for use as the drop pipe in jet pump installations.

7.14.3 Clamps. All clamps used shall be all stainless steel.

#### 7.15 Turbine pumps.

7.15.1 Steel column pipe for line shaft turbine pumps. Column pipe for irrigation wells shall be of .188 steel wall thickness. Flange or threaded steel column pipe shall be used on turbine pump installation. Plastic Column Pipe for turbine pump installation may be used provided the pipe meets or exceeds specifications.

#### 7.16 Pressure systems.

7.16.1 Relief valve. All pressure systems will have a pressure relief valve installed between the well seal and pressure switch.

7.17 Power and control wiring. Licensees and registrants may run power and control wiring from a disconnect box to water well equipment without obtaining an electrician's license. Licensees and registrants may not alter the existing electrical service to any building or structure. (See Act 493 of 1999) All wiring must meet the requirements of the National Electrical Code 1999 edition, of the National Fire Protection Association, or any updates or new editions of the National Electrical Code adopted by the Board of Electrical Examiners after notice and public hearing.

### Section 8. Rig permits and rig confiscation.

8.1 General. A contractor who owns and operates a water well rig shall follow the Commission's rig permitting requirements. Each rig owned and operated by a contractor shall have a separate permit per permit year. Rig permits are not transferable.

8.1.1 Rig operation. No water well contractor shall operate a rig or permit an employee to operate a rig unless the contractor holds a valid rig permit issued by the Commission. The contractor shall firmly and conspicuously attach the permit to the rig for which it was issued.

8.2 Requirements. In order to obtain a rig permit, a contractor must hold a valid license, make proper application for a rig permit and pay the required permit fee.

8.3 Expiration. Rig permits shall expire on July 31 each year. The contractor must renew the rig permit annually by applying for the renewal no later than thirty (30) days after the expiration date.

8.3.1 Late fee. After August 31 of each year, the Commission shall not renew a rig permit unless the application, applicable fee and a late penalty of twenty-five dollars (\$25) is submitted.

8.4 Rig Confiscation. Those persons who continuously violate Arkansas law and these rules requiring that they obtain the proper registration, licensure, and training for construction of water wells as well as the proper bond to protect well owners are subject to forfeiture of certain property and proceeds in accordance with Ark. Code Ann. § 17-50-401, *et seq.*

## Section 9. Excessive Sediment.

9.1 Excessive sediment standards . The following standards shall be used to determine when excessive sediment exists in a well. Excessive sediment will be determined using EPA Test Method 160.5 (Imhoff Cone). Amounts in excess of the below standards are considered excessive.

1. 1 mg/liter - water to be used directly in contact with, or in the processing of, food and beverages.
2. 5 mg/liter - water for homes, institutions, municipalities, and industries.
3. 10 mg/liter - water for sprinkler irrigation systems, industrial evaporative cooling systems, and any other use where a moderate amount of sediment is not especially harmful.
4. 15 mg/liter - water for flood-type irrigation

9.2 Arkansas Water Well Construction Commission Excessive Sediment Protocol. When determining whether a well produces excessive sediment in accordance with the above standards, Commission staff shall use the following procedure for collecting samples.

9.2.1 Routine water well inspections. Routine water well inspections for which no specific complaint of excessive sediment has been received shall include the following sampling process using EPA Test Method 160.5 (Imhoff Cone) and USGS approved 500 ml sample bottles:

1. The well shall be purged by three (3) volumes of water,
2. Five (5) samples shall be collected over a two (2) hour period, spaced at a minimum of twenty (20) minute intervals,



3. Sediment volume shall be estimated from all five (5) samples and averaged to determine the amount of sediment produced by the well, and
4. Data shall be recorded on an AWWCC inspection form.

If it is determined that the sediment amount exceeds 5 mg/L, the AWWCC staff member shall follow the protocol outlined in 9.2.1.2.

9.2.1.2 Investigation of excessive sediment complaints or wells that produce more than 5 mg/L of sediment. If a complaint of excessive sediment is received, or if a routine well inspection reveals that a well is producing more than 5 mg/L of sediment, the following sampling process using EPA Test Method 160.5 (Imhoff Cone) and USGS approved 500 ml sample bottles shall be followed:

1. Staff inspectors shall coordinate with an ANRC registered geologist or engineer who has been trained in water quality data collections. These two individuals will conduct the sampling of the well in question,
2. The well shall be purged by three (3) volumes,
3. Five (5) samples shall be collected over a two (2) hour period, spaced at a minimum of twenty (20) minute intervals,
4. At the time of sampling, a data collection sheet shall be completed. The data collection sheet shall include, at a minimum:
  - a. Date,
  - b. Time each sample was collected,
  - c. Well location to include longitude and latitude,
  - d. Well owner information,
  - e. Location where the sample was taken (i.e. faucet in the home, etc.),
  - f. Photos, if possible,
  - g. Aquifer information, and
  - h. General description of the area including a site sketch if possible,
5. All efforts to prevent sample contamination shall be used to include the use of the USGS approved 500 ml sample bottles. After the samples are collected, the bottles are to be sealed and labeled with the date and the initials of the person collecting the sample, and
6. Following the sealing of the samples, a "Chain of Custody" form shall be completed by the employee who completed the sampling and shall include:

- a. Information from the data collection sheets,
- b. Names of the personnel collecting the samples,
- c. Name and Location of the lab the sample was taken to,
- d. Initials of the lab personnel who accepted delivery of the samples, and

7. Samples shall be placed on ice and kept at cool temperatures until they are delivered to a qualified water quality testing laboratory. The samples shall be delivered to a qualified laboratory within seventy-two (72) hours of collection.

8. Sediment volume shall be estimated from all five (5) samples and averaged to determine the amount of sediment produced by the well using EPA Test Method 160.5

## Section 10. Definitions

For the purpose of these rules, the following definitions shall apply:

10.1 **Commission** means the Arkansas Water Well Construction Commission as created by Section 5 of Act 641 of 1969, as amended.

10.2 **Water well** means any excavation that is drilled, redrilled, cored, bored, washed, driven, dug, jetted or otherwise artificially constructed for the purpose of locating, acquiring, diverting or artificially recharging ground water; but such terms do not include an excavation made for the purpose of obtaining or for prospecting for oil, natural gas, minerals, or products of mining or quarrying, or for inserting media to repressure oil or natural gas, or other products. (Subsection E, Section 3, of Act 641 of 1969).

10.3 **Heat pump wells**-means any excavation that is drilled, redrilled, cored, bored, washed, driven, dug, jetted or otherwise artificially constructed for the purpose of obtaining or exchanging geothermal energy for use with ground water source air conditioning or heat pump systems. The excavation may have pipes installed inside the excavation to circulate or discharge various fluids for the above said use and purpose and the well may or may not be back filled after excavation. (Subsection H, Section 3, of Act 641 of 1969).

10.4 **Well construction** means the act of setting up the rig for and engaging in the excavation of a water well, the modification of the borehole, the setting or removal of casing up to the point of installing or repairing pump equipment, and plugging abandoned water wells.

10.5 **Aquifer** means a water bearing formation that transmits water in sufficient quantity to supply a well.

10.6 **Established ground surface** means the elevation of the ground surface at the site of the well.

10.7 **Non-pumping (static) water level** means the elevation of the water surface in a well when no water is being pumped.

10.8 **Annular space** means the opening between a well hole excavation and the well casing or curb, or between a casing pipe and a liner pipe.

10.9 **Well seal** means an arrangement or device used to cap a well or to establish closure of the junction of a well pump or piping with the well casing at the upper terminal of the well.

10.10 **Unconsolidated formation** means a geological formation above bedrock such as sand or gravel which is caving in nature.

10.11 **Consolidated formation** means a geological formation which is firm such as rock, slate or clay that will not cave.

10.12 **Owner** means the persons who own the property on which the well is being constructed.

10.13 **Rig** means the machinery used in the construction or repair of water wells. As used in this definition the word "machinery" shall not be construed to include vehicles or any other equipment used in the transportation, or as the foundation, or any other component part, of the apparatus specifically designed and used in the construction or repair of water wells.

10.14 **Chemigation** means any activity or method which adds a foreign substance; such as fertilizers, herbicides, fungicides, pesticides, and other substances or chemicals, to a water system through mechanical or manual means.

10.15 **Backwash** means the surging effect or reversal of water flow in a well.

10.16 **Pressure system** means a system that includes a switch or other cut off device that operates off of the water pressure, generated by the same system.

10.17 **Excessive sediment** means sediment which is excessive for the purpose or intended use of the well as measured using EPA Test Method 160.5 (Imhoff Cone).

10.18 **Sediment** - All particles or materials which are not suspended in standing water. Natural occurring minerals and elements such as iron, sodium, silica, lignite, manganese, etc. may also be used to calculate sediment provided the minerals are not suspended.

10.19 **Undesirable geological formations** are formations that produce water which have characteristics that are not conducive to the use or purpose for which the well is to be used. The characteristics of each Geological Formation vary greatly depending upon the location and depth of each formation. Formations with undesirable characteristics are considered undesirable relative to other formations at the same location which can produce water for the intended use, which are known to have the desired quality.

10.20 **Ground water** - Water occurring in the ground.

10.21 **Surface water**- Water located above the ground.

10.22 **Harmful bacteria** - The presence of coliform bacteria constitutes the presence of harmful bacteria.

10.23 **Saturated zone** - The subsurface zone in which all openings are full of water.

10.24 **Contamination** - The degradation of natural water quality as a result of man's activities. There is no implication of any specific limits, since the degree of permissible contamination depends upon the intended end use, or uses, of the water.

10.25 **Monitoring wells** - Wells constructed for the purpose of locating and sampling for Engineering or Geological data.

10.26 **Static water level** - The level water naturally reaches in a well, at atmospheric pressure.

10.27 **Well yield** - The volume of water discharged from the well after construction expressed in gallons per minute (gpm) or gallons per hour (gph). Well yield is an estimate of the total volume of water the well is capable of producing at the time of construction.

10.28 **Abandoned water well** means a well whose use has been permanently discontinued. Any well shall be deemed abandoned which is in such a state of disrepair that continued use for the purpose of obtaining ground water is impractical.

10.29 **Standard dimension ration (SDR)** - Outside diameter in inches divided by the wall thickness in inches.

10.30 **Master plumber** - A person currently holding a valid master plumbers license pursuant to Arkansas Code Ann. 17-31-101 et. seq.

10.31 **Master electrician** - A person currently holding a valid master electricians license pursuant to Arkansas Code Ann. 17-25-101 et. seq. and 20-31-101 et. seq.

10.32 **Water well contractor** means any person (including a partnership or corporation) who engages in the business of well construction or pump installation or repair, exclusive of surveying or other acts preparatory to the construction of a water well.

10.33 **Water well driller** means any natural person, whether connected with a firm, partnership, corporation, or other public or private association, who engages for compensation in well construction.

10.34 **Pump installer** means any natural person, whether connected with a firm, partnership, corporation, or public or private association, who engages for compensation in pump installation or repair.

10.35 **Public well** means any well supplying water to a public water system as defined and regulated by the Arkansas Department of Health. In general, this means a well serving or anticipated to serve 15 or more connections or an average of at least 24 individuals 60 or more days in a year.

10.36 **Semi-public well** means any well supplying water to a semi-public water system as defined and regulated by the Arkansas Department of Health. In general, this means a well supply made available to the public for drinking or used in connection with the manufacturing, processing, or handling of ice, food, or drink.

10.37 **Apprentice** means a natural person who under the supervision of a registered Water Well Pump Installer or registered Water Well Driller is obtaining the knowledge, skills, and abilities necessary to obtain a Certificate of Registration as a Water Well Pump Installer or Water Well Driller.

10.38 **Apprenticeship program** means a program developed by the Commission pursuant to § 17-50-312 to develop certain minimum knowledge, skills or abilities in those natural persons desiring registration as Pump Installers or Water Well Drillers.

10.39 **Direct exchange well** means a small diameter bore hole constructed for the purpose of sinking or sourcing thermal energy between the direct exchange loop and the earth.

10.40 **Direct exchange loop** means a continuous unbroken pipe beneath the surface of the earth that circulates refrigerant for the purpose of sinking or sourcing thermal energy between the direct exchange loop and the earth.

10.41 **Thermal fluid** means a fluid used to transfer thermal energy. The thermal fluid must be biodegradable and non-toxic in soil or water.

10.42 **Unsaturated zone** means the subsurface zone, usually starting at the land surface, which contains both air and water.

10.43 **Bentonite** means altered volcanic ash consisting of an assemblage of clay minerals, primarily montmorillonite, a swelling clay.

10.44 **Major aquifers** mean water-bearing layers of rock or sediment capable of yielding water in large quantities to wells or springs. These aquifers include the Boone aquifer, and those of the Ozark aquifer system such as the Roubidoux formation and Gunter sandstone.

10.45 **Packer** means a piece of downhole equipment that consists of a sealing device, a holding or setting device, and an inside passage for fluids.

10.46 **Contraband property** means property of any nature, including personal, tangible, or intangible, but not real property, that is used or intended to be used in violation of Ark. Code Ann. § 17-50-104.

10.47 **Pumping equipment** means all machinery and parts of pumps such as deep well turbine pumps with right angle gear drive, vertical hollow shaft motors, jet pumps and motors, submersible pumps and motors, and other parts and fittings installed or attached to the well. It does not include cooling units, horizontal electric motors, heat pump circulating pipe, and stationary diesel or gas engines.

10.48 **Returning military veteran** means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

[Remainder of this page purposefully left blank. Rules continue on next page.]

Section 11. Tables

Table 1. Casing Dimensions.

<b>Size</b>	<b>External</b>	<b>Internal</b>	<b>Thickness</b>	<b>Weight plain end</b>	<b>(Lbs. / Ft.) Threaded and coupled</b>
1.00	1.315	1.049	.133	1.68	1.70
1.25	1.660	1.049	.140	2.27	2.30
1.50	1.900	1.610	.145	2.72	2.75
2.00	2.375	2.061	.154	3.65	3.75
2.50	2.875	2.469	.203	5.79	5.90
3.00	3.500	3.068	.216	7.58	7.70
3.50	4.000	3.548	.226	9.11	9.25
4.00	4.500	4.026	.237	10.70	11.00
5.00	5.563	5.047	.258	14.62	15.00

Table 2. Chlorine Compound Required to Produce a 50-mg / l Solution in 100 ft (30.5 m) of Water-Filled Casing\*

Casing Diameter		Volume 100ft. (30.5 m)		65% HTH, Perchloron, etc. (dry weight)		25% Chloride of Lime (dry weight)H		5.25% Purex, Chlorox, etc.(sodium hypochlorite)  (liquid measure)	
in	mm	gal	m <sup>3</sup>	oz	g	oz	g	oz	l
2	51	16.3	0.06	0.2	5.7	0.5	14.2	2	0.06
4	102	65.3	0.25	0.7	19.8	2	56.7	9	0.3
6	152	147	0.56	2	56.7	4	113	20	0.6
8	203	261	.99	3	85.1	7	198	34	1.0
10	254	408	1.5	4	113	11	312	56	1.7
12	305	588	2.2	6	170	16	454	80	2.4
16	406	1,045	4.0	11	312	28	794	128	3.8
20	508	1,632	6.2	17	482	43	1,219	214	6.4
24	610	2,350	8.9	24	680	63	1,786	298	8.7

Note: Liquid sodium hypochlorite in a 12-percent solution is often sold for use in water and wastewater treatment plants, and as a commercial bleach or for use in swimming pools. Utilizing a solution of this nature would call for a liquid (chemical) measure equal to one-half the volumes presented in column 5.

\*EPA recommends a minimum concentration of 100 mg/ l available chlorine. To obtain this concentration, double the amounts indicated.

Where a dry chemical is used, it should be mixed with water to form a chlorine solution before putting it into the well.



Table 3. How to Sanitize a Water System to 400 ppm using Autotrol's Well Sanitizer Pellets. Autotrol's pellets contain 70% calcium hypochlorite and 30% inert material.

Well Diameter-Inches	For each 100 feet of water depth use*		
	Weight of Pellets lbs. - oz.	Cups of Pellets	Number of Pellets
2	0 - 1.5	1 / 4	40
3	0 - 3.0	2 / 5	80
4	0 - 6.0	3 / 4	140
5	0 - 8.0	1	200
6	0 - 12.0	1 - 1/2	300
8	1 - 5.0	2 - 1/2	500
10	2 - 0	4	800
12	3 - 0	6	---
24	12 - 0	24	---
36	26 - 0	---	---

\* To produce a 400 PPM chlorine dosage

Note: Pellets Weight = 1.14 gram each, 25 pellets/oz., 400 pellets/lb.

1 cup of pellets = 1/2 lb., or 8 oz., or 200 pellets

Autotrol Corporation's Well Sanitizer chlorinating pellets can be used for well, storage tank, or cistern sanitization. The number of pellets used will depend on the amount of

water in the system to be sanitized. To produce a 400 ppm chlorine concentration, to sanitize a water system, use one-half (1/2) pound chlorination pellets for each 100 gallons of water in the system ( $1/2 \text{ lb}/100 \text{ gal} = 8 \text{ oz}/100 \text{ gal} = 200 \text{ pellets}/100 \text{ gal} = 1 \text{ cup pellets}/100 \text{ gal}$ ). Table 3 shows how many pellets to use per 100 feet of water in various diameter wells.

### **Drilled Wells**

1. Remove the cap or seal from the casing and measure the depth of the water in the well, then refer to the Table to determine how many chlorine pellets should be used. In some instances, removing the seal to measure the water can be a difficult task, and it is easier to estimate well and water depth from well log or other records.
2. Remove well cap and determine if there is an unobstructed path from the top of the well to the water level. If it is not possible to remove the well cap, remove vent or sanitization access plug.
3. Drop one pellet into the well and listen to hear if it hits the water. If the pellet hits the water, drop one-half (1/2) the number of pellets determined to be needed into the well. These will sink to the bottom and sanitize the lower part of the well.
4. Mix the remaining pellets in a few gallons of water in a CLEAN plastic container and pour the solution into the well.
5. In order to mix the chlorine thoroughly throughout the entire water system, it is necessary to recirculate the water in the well. This can be accomplished by connecting a hose to an outside silcock that is located after the pressure tank. Use hose to run water back down the well (this also rinses upper portion of well). After about 15 minutes of recirculation the water, a strong chlorine odor should be apparent. Turn off hose.
6. Bypass water softener and filters and open each water outlet in the water system until chlorine is present in water. This procedure assures that all the water in the system is chlorinated.
7. Allow the chlorinated water to stand in the system for at least six (6) hours, and preferably overnight. After this, open an outside faucet and flush system until water runs chlorine free. Repeat flush operation on each faucet in system.

#### **Note:**

- A. Chlorine may break loose iron deposits, slime and organic material. This material will make the water run colored. The material broken loose may plug pump screens. **DO NOT CONTINUE TO RUN PUMP IF WATER DOESN'T FLOW.**
- B. The high level of chlorine required to sanitize a water system is corrosive to most metals and chlorine solution must not be allowed to remain in water system more than 36 hours before being completely flushed from system.

8. After system has been completely flushed, perform a bacterial analysis on the water following all applicable procedures.

### **Large Diameter Bored Wells**

Calculate the volume of water in well by determining the total cubic inches or cubic feet of water in the well. Each 231 cubic inches of water is equal to one gallon. Each cubic foot of water is 7.5 gallons of water. Use 1/2 pound of chlorine pellets for each 100 gallons of water in well. Dissolve pellets in clean, plastic pail and add to well. Pour two cups of pellets directly into well. Connect a garden hose to a faucet in water system and run water from hose back down well. When strong chlorine odor is present in hose water, wash down sides of well with chlorinated water. Proceed with steps Nos. 6, 7 and 8 of instructions for Drilled Wells.

### **Springs and Cisterns**

Mix about 1/2 cup of pellets in 5 gallons of water use this to scrub the walls of the spring box or holding tank. With a constant flow of fresh water from the spring there is probably no way of detaining the chlorine solution in the reservoir for more than a few minutes. However, the chlorinated water should flow through the pipeline to disinfect the distribution system. Cisterns can be disinfected in the same way, but a source of clean water will be needed to flush the dirty waste out of the system.

Note: This product is intended to sanitize a water supply system that has been temporarily contaminated and is not intended to solve a recurring contamination problem.

NOTE: These rules are the minimum requirements for water wells constructed in Arkansas.

- < For additional information pertaining to public or semi-public water systems, contact the Arkansas Department of Health.
- < For information regarding water use reporting, water rights, and ground water diversions, contact the Arkansas Natural Resources Commission, a Division of the Arkansas Department of Agriculture.
- < For information on having your well water sampled, contact your local county sanitarian, county health unit.
- < For additional information on water well construction or if you believe you have a complaint, contact the Arkansas Water Well Construction Commission, a Division of the Arkansas Department of Agriculture.
- < For Underground Storage Tank information contact the Arkansas Department of Energy and Environment.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE**  
**ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT/AGENCY Arkansas Department of Agriculture  
DIVISION Arkansas Natural Resources Commission  
DIVISION DIRECTOR Bruce Holland  
CONTACT PERSON Wade Hodge  
ADDRESS 1 Natural Resources Drive, Little Rock, AR 72205  
PHONE NO. 501-219-6361 FAX NO. 501-682-3991  
E-MAIL wade.hodge@agriculture.arkansas.gov  
NAME OF PRESENTER AT COMMITTEE MEETING Wade Hodge  
PRESENTER E-MAIL  
wade.hodge@agriculture.arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.  
B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.  
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.  
D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
One Capitol Mall, 5<sup>th</sup> Floor  
Little Rock, AR 72201

\*\*\*\*\*

1. What is the short title of this rule? Arkansas Water Well Construction Commission rules
2. What is the subject of the proposed rule? Addition of language specific to active duty military members, returning military veterans, and spouses; reciprocity, and criminal background checks
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes \_\_\_\_\_ No x \_\_\_\_\_  
If yes, please provide the federal rule, regulation, and/or statute citation. \_\_\_\_\_
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?  
Yes \_\_\_\_\_ No x \_\_\_\_\_  
If yes, what is the effective date of the emergency rule? \_\_\_\_\_  
When does the emergency rule expire? \_\_\_\_\_  
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No \_\_\_\_\_

5. Is this a new rule? Yes \_\_\_\_\_ No x \_\_\_\_ If yes, please provide a brief summary explaining the rule.

Does this repeal an existing rule? Yes \_\_\_\_\_ No x \_\_\_\_ If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes X No \_\_\_\_\_ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled “mark-up.”** (See attachment)

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. A.C.A. § 17-50-204(a); 17-1-108; 17-3-101
7. What is the purpose of this proposed rule? Why is it necessary? The purpose of these amendments is to reform occupational licensing by making it easier for individuals from other states to obtain licensure; to implement rules for criminal background checks and disqualifying offenses.
8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). www.agriculture.arkansas.gov
9. Will a public hearing be held on this proposed rule? If requested. Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, please complete the following:  
Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Place: \_\_\_\_\_
10. When does the public comment period expire for permanent promulgation? (Must provide a date.)  
April 25, 2020
11. What is the proposed effective date of this proposed rule? (Must provide a date.)  
August 1, 2020
12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.
13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e).

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known. Unknown.

### **FINANCIAL IMPACT STATEMENT**

#### **PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas Department of Agriculture

**DIVISION** Arkansas Natural Resources

**Commission** \_\_\_\_\_

**PERSON COMPLETING THIS STATEMENT** Wade Hodge

**TELEPHONE NO.** 501-219-6361 **FAX NO.** \_\_\_\_\_

**EMAIL:** wade.hodge@agriculture.arkansas.gov \_\_\_\_\_

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** Water Well Construction Commission Rules \_\_\_\_\_

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes \_\_\_ No x
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes x No \_\_\_\_\_
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes x No \_\_\_\_\_

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;
  - (b) The reason for adoption of the more costly rule;
  - (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
  - (d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.
4. If the purpose of this rule is to implement a federal rule or regulation, please state the following: N/A
- (a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \_\_\_\_\_

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \_\_\_\_\_

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

**Next Fiscal Year**

\$ \_ Unknown \_\_\_\_\_

\$ \_ Unknown \_\_\_\_\_

Licensed Industrial Hemp growers and processors \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

**Next Fiscal Year**

\$ \_ none \_\_\_\_\_

\$ \_ none \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private

individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes \_\_\_\_\_ No x \_\_\_\_\_

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously

with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.





Asa Hutchinson  
Governor

# ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205  
agriculture.arkansas.gov  
(501) 225-1598



Wes Ward  
Secretary of Agriculture

## **Summary of Proposed Amendments to Arkansas Water Well Construction Commission Rules**

### **Purpose**

The purpose of the proposed rule amendments approved by the Arkansas Water Well Construction Commission (Commission) is to comply with laws passed during the 2019 legislative session.

### **Background**

The Commission met on December 13, 2019 to consider rule changes in response to laws passed during the 2019 session which require rules for reciprocity and temporary licensure, portability of occupational licenses for military members and spouses, and criminal background checks for individuals seeking occupational licenses. Other changes were made as discussed below.

### **Key points**

These amendments comply with the following Acts of 2019:

- Act 990 of 2019 requires occupational licensing entities to promulgate a rule regarding criminal background checks
- Act 315 provides for elimination of the word “regulation” in favor of the word “rule.”
- Act 820 of 2019 requires occupational licensing entities to promulgate a rule regarding portability of licenses for military members and spouses
- Act 1011 of 2019 requires occupational licensing entities to promulgate rules providing for reciprocity and temporary licensure

### **Discussion**

In addition to the changes made to comply with 2019 Acts, an amendment is also proposed to change a reference to “direct supervision” to “personal supervision” because personal supervision is the term defined in the rules. Additionally, an amendment is proposed to remove a provision for a late fee from the rule because the Commission does not have statutory authority to assess a late fee.

The reciprocity and temporary licensure provisions allow individuals holding similar licenses in other states to practice in this state while their credentials are being vetted to see if they are substantially similar to Arkansas’ requirements. The criminal background rule allows an individual to petition the Board for a determination as to whether their criminal conviction disqualifies them from licensure. The military licensure rule requires the Board to grant expedited licensure to active duty military service members, returning military veterans, and their spouses, if they hold a substantially equivalent occupational license in good standing in another state, territory, or district of the United States. The new rule additions will help to reduce any barriers individuals might face in obtaining a license in this state or when returning to the workforce.