

# **Water Well Drillers License Act (Act 610)**

## Regulations Implementing Act 610

### **Water Well Drillers License Act, the act of May 29, 1956 (P.L.1840, No.610), 32 P.S. Sections 645.1-645.13**

#### **AN ACT**

Defining and providing for the licensing of water well drillers; prevention of pollution of underground waters; conferring powers and imposing duties on the Bureau of Topographic and Geologic Survey; and prescribing penalties and fees. (Title amended June 22, 1970, P.L.388, No.123)

Compiler's Note: Section 305(b) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resources as the Department of Environmental Protection, provided that the Department of Conservation and Natural Resources shall exercise and is vested with the powers and duties established by Act 610 of 1955.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Whereas, underground water in the Commonwealth of Pennsylvania is a renewable natural resource with a great potential for further development; and whereas, it is imperative that this resource be developed, in an orderly and reasonable manner, without waste, in order to assure sufficient supplies for continued population growth and industrial development of the Commonwealth.

Therefore, it is the policy of the General Assembly of the Commonwealth of Pennsylvania to take such steps as shall be necessary to encourage the orderly development of this resource and, to this end, it is imperative that persons engaged in water well drilling and the Commonwealth closely cooperate to procure detailed information on the ground water resources for the use of State officials and the general public in the direction of ground water development.

Section 2. Short Title.-This act shall be known and may be cited as the "Water Well Drillers License Act."

Section 3. Definitions.-The following words and phrases, when used in this act, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Water well" shall mean any excavation that is drilled, bored, cored, washed, driven, dug, jetted or otherwise constructed, when the intended use of such excavation is for the location, diversion or acquisition of ground water: Provided, however, That no excavation for the purposes of (a) obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying, (b) inserting media to repressure oil or natural gas bearing formation, storing petroleum or other materials shall be deemed a "water well" for the purpose of this act.

(2) "Ground waters" shall mean waters of underground streams, channels, artesian basins, reservoirs, lakes and other occurrences of water in and under the ground, whether percolating or otherwise.

(3) "Drilling" shall mean all acts necessary to the construction of wells, such as drilling, boring, coring, washing, jetting, driving and digging.

(4) "Department" shall mean the Bureau of Topographic and Geologic Survey in the State Planning Board of the Commonwealth of Pennsylvania. ((4) amended June 22, 1970, P.L.388, No.123)

(5) "Water well driller" shall mean any water well contractor who has contracted for the drilling, digging, driving, boring, coring, washing, jetting, constructing, altering or repairing any water well.

(6) "Person" shall mean any natural person, association, partnership or corporation. Whenever used in any section prescribing and imposing a penalty or imposing a fine or imprisonment or both, the term "person," as applied to an association, shall include the members thereof and, as applied to a corporation, the officers thereof. The provisions of this act restricting or regulating the actions of any person shall be construed as regulating or restricting the actions of the employes and agents of such person.

(7) "Well Owner" shall mean any person who owns land used for any purpose on which a well has been drilled.

Section 4. License Required to Drill Water Wells.-(a) After the effective date of this act, no person shall drill a water well within the Commonwealth, unless he has first secured from the department a license issued in such form and subject to such reasonable rules and regulations as the department shall prescribe, or unless he is drilling such well within the scope of his employment by a licensed well driller.

(b) The provisions of this section shall not be applicable to-

(1) Any farmer performing any function on any land owned or leased by him for farming purposes.

(2) Any natural person drilling a well on land owned by him or of which he is a lessee and used by him as his residence.

Section 5. The department may require the well owner to seal effectively or fill any abandoned well on his property in accordance with the rules and regulations of the department.

Section 6. Application.-(a) Before any water well driller's license is issued, application shall be made, in writing, to the department on a form prepared and furnished by the department. Such application shall contain a statement showing (1) the name of the applicant, (2) the business address of the applicant, (3) the residence of the applicant, (4) the number of drilling rigs the applicant intends to operate during the license year and a short description of each rig, (5) such additional information as the department may require.

(b) An annual license fee of eight dollars (\$8.00) shall be paid by the applicant at the time he makes application for an initial license or renewal thereof. This license fee shall permit the licensee to operate one drilling rig. The applicant shall also pay an additional fee of five dollars (\$5.00) for each additional water well drilling rig he operates during the license year.

(c) The department may, upon payment of a two dollar (\$2.00) fee, issue a duplicate license or permit to replace a lost or destroyed, license or permit.

(d) Every licensee shall, prior to acquiring or activating a drilling rig with respect to which he has not paid a fee for the license year, notify the department, and the department shall upon payment of the five dollar (\$5.00) fee issue to him a permit for such rig.

Compiler's Note: The act of July 1, 1981, P.L.143, No.48, which provided for the fixing of fees charged by administrative agencies also repealed subsections (b) and (d) of section 6 of this act insofar as it establishes a set fee for any activity inconsistent with the fees set forth in the 1981 act. [Under the 1981 act the water well driller's license fee is \$60.00 and the water well driller rig fee on a per-rig basis is \$20.00.]

Section 7. Every license and rig permit issued under the provisions of this act shall expire on the last day of May next following the date of issue of such license or permit.

Section 8. The department shall have the power to suspend or revoke the license of any water well driller, if the same was obtained through error or fraud, for failure to file the reports or maintain the records required by the provisions of this act for fraudulent operations or for any other violation of this act. Proceedings shall be conducted in accordance with the provisions of the Administrative Agency Law, the act approved the fourth day of June, one thousand nine hundred forty-five (Pamphlet Laws 1388). The department shall have the authority to grant new licenses to persons whose licenses have been revoked.

Section 9. Every person licensed as a water well driller shall write his usual signature with pen and ink in the space provided for that purpose on the license issued to him immediately upon receipt of such license. The licensee shall conspicuously display his license at his principal place of business. The person in charge of each drilling rig shall, at all times, have in his possession, when engaged in drilling, the drilling rig permit issued under the provisions of this act.

Section 10. Records and Reports.-  
(a) Every licensee shall be required to keep a record of each well upon a form to be prescribed by the department, setting forth the exact geographic location and log of the well containing a description of materials penetrated, the size and depth, the diameters and lengths of casing and screen installed, the static and pumping levels, and the yield and such other information pertaining to the construction or operation of the well or wells as the department may require, but no water well driller shall be required to furnish information as to coal deposits or other valuable minerals. This record shall be available to the department upon request.

The department or any authorized representative shall have the power to make such inspection and require the taking of such samples as may be deemed necessary by the department. Such inspections and samples shall not materially increase the drilling costs.

(b) The department may, when in its discretion it deems it proper, require licensees to file, with the department, reports containing such data from the records maintained pursuant to subsection (a) of this section as the department reasonably deems necessary to effectuate the purpose of this act. In no case, may the department require such report to be filed prior to the elapse of twenty-one (21) days after the completion of the well.

(c) In addition to the reports and records provided for in subsections (a) and (b) of this section, every water well driller shall file, with the department within twenty-four (24) hours of making a contract to drill a water well, a report in the nature of a statement of intention to drill, which shall include the name and address of the owner of the well, the township and county in which the well is to be located, and the approximate date on which the drilling is to commence.

Section 11. Penalties.-  
(a) Summary offense. Any person who shall drill a well in violation of section four of this act shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not to exceed one hundred dollars (\$100.00) and, in default thereof, to suffer imprisonment not to exceed ten (10) days.

(b) Misdemeanor. Any person previously convicted of a summary offense under the provisions of subsection (a) of this section, who shall drill any well or cause any well to be drilled in violation of section four of this act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not to exceed five hundred dollars (\$500.00) or, in default of such fine, to suffer imprisonment not to exceed three (3) months.

(c) Failure to keep records or file reports. Any licensee who shall fail to keep the records or file the reports required by this act shall, upon conviction in a summary proceeding, be sentenced to pay a

fine not to exceed two hundred dollars (\$200.00) or, in default of payment thereof, suffer imprisonment not to exceed ten (10) days.

(d) Failure to have drilling rig permit in possession. Every person in charge of a drilling rig, who shall fail to have in his possession a current permit issued with respect to such drilling rig in violation of section nine of this act, shall, upon summary conviction, be sentenced to pay a fine not to exceed ten dollars (\$10.00) or, in default thereof, to suffer five (5) days' imprisonment. Every licensee who shall, knowingly, permit an employe to be in charge of the operation of a drilling rig without having in his possession a current permit issued with respect to such rig shall, upon summary conviction, be sentenced to pay a fine not to exceed one hundred dollars (\$100.00) or, in default of such fine, to suffer imprisonment not to exceed ten (10) days.

(e) Every person to whom a license has previously been issued under the provisions of this act, who shall drill a water well or permit an employe to drill a water well while such person's license is under suspension or after such person's license has been revoked and not restored, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not to exceed five hundred dollars (\$500.00) or to suffer imprisonment for three (3) months, or both.

(f) Any water well owner who shall abandon any existing well without effectively sealing or filling such well when requested to do so by the department shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not to exceed five hundred dollars (\$500.00) and, in default of such fine, to suffer imprisonment not to exceed thirty (30) days.

Section 12. The department is hereby authorized, empowered and directed to effectuate the provisions of this act and to adopt, amend and rescind such reasonable rules and regulations as may be necessary to accomplish the purposes of this act.

Section 13. All fees payable under this act and all other moneys received in connection with the administration thereof, together with all fines and penalties collected under the provisions of this act for violation of the same and all bail forfeited, shall be paid into the State Treasury, and shall be credited to the general appropriation of the Bureau of Topographic and Geologic Survey in the State Planning Board for the purpose of administration of this act. The expenditure of these funds for the administration and enforcement of this act is hereby authorized and, for these purposes, such funds are hereby appropriated.

(13 amended June 22, 1970, P.L.388, No.123)

Compiler's Note: The act of July 1, 1981, P.L.143, No.48, which provided for the fixing of fees charged by administrative agencies also repealed section 13 of this act insofar as it establishes a set fee for any activity inconsistent with the fees set forth in the 1981 act.

Section 14. If any part, section, subsection, sentence, clause or phrase in this act shall be held unconstitutional or invalid for any reason, such invalidity shall not affect the validity of the remaining portions of the act.

Section 15. The provisions of this act shall become effective June 1, 1956.