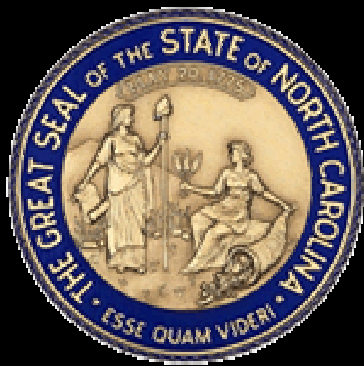


**North Carolina Administrative Code
Title 15A**

**Department of Environment and Natural Resources
Division of Water Quality**



**Chapter 27
Section .0100-.0900**

**Well Contractor
Certification Rules**

Criteria and Standards
Applicable to Well Contractor
Certification

Revised May 1, 2008
Well Contractor Certification Commission
Raleigh, NC

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CHAPTER 27 - WELL CONTRACTOR CERTIFICATION RULES**SECTION .0100 - DUTIES AND DEFINITIONS****15A NCAC 27 .0101 DEFINITIONS**

- (a) "Commission" means the Well Contractors Certification Commission as established by the North Carolina General Assembly.
- (b) "College course" means a semester unit or quarter hour unit of instruction given at a college or university, which is relevant to well contractor activities.
- (c) "Course/activity" means any course or activity with a clear purpose and objective which will maintain, improve or expand skills and knowledge relevant to the practice of well contractor activities.
- (d) "Department" means the Department of Environment and Natural Resources.
- (e) "Personally manage" means giving directions to the on-site person who is personally supervising well contractor activities.
- (f) "Personally supervise" means the on-site direction and control of all well contractor activities at any time those activities are being conducted.
- (g) "Professional development hour" or "PDH" means a nominal contact hour of instruction or presentation that is the basic unit of credit for all courses or activities related to satisfying continuing education requirements.
- (h) "Secretary" means the Secretary of the Department of Environment and Natural Resources.

*History Note: Authority G.S. 87-98.2; 87.98.12; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000.*

15A NCAC 27 .0110 TYPES OF CERTIFICATION

- (a) The following types of certification for well contractors are established:
- (1) Level A certification: this level of certification includes all well contractor activities;
 - (2) Level B certification: this level of certification includes all Level C well contractor activities; hydrofracturing; and all well construction and all well drilling techniques except air and mud rotary drilling;
 - (3) Level C certification: this level of certification includes all Level D well contractor activities and grouting; well abandonment; rehabilitating a well due to biofouling; well development (eg.-pumping or surging); packer and liner installations; and extending casing above land surface; and
 - (4) Level D certification: this level of certification includes breaking a well seal and disinfection.
- (b) Each certified well contractor shall be assigned a permanent certification number and shall be issued a certificate with that certification number. Certification numbers are not transferable and shall not be used by another well contractor.
- (c) The certification number shall be carried by the well contractor on a card issued by the Commission at all times when performing well contractor activities.

*History Note: Authority G.S. 87-98.2; 87-98.4; 87-98.12; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. May 1, 2008.*

SECTION .0200 – WELL CONTRACTOR FEES**15A NCAC 27 .0201 SCHEDULE OF CERTIFICATION FEES**

The following fees are required for well contractor certification applications, renewals and temporary certifications:

- (1) Annual Fee: This fee shall accompany each new application for certification or renewal of certification. The annual fees are as follows:
 - Level A: two hundred dollars (\$200.00)
 - Level B: one hundred fifty dollars (\$150.00)
 - Level C: one hundred twenty five dollars (\$125.00)
 - Level D: one hundred dollars (\$100.00)
- (2) Examination Fee: A fee of fifty dollars (\$50.00) shall accompany each request for examination. Where an applicant requests an examination to be administered at a time other than a regularly scheduled examination, the fee shall be one hundred dollars (\$100.00).
- (3) Temporary Certification: A fee of one hundred dollars (\$100.00) shall accompany each application for temporary certification.

*History Note: Authority G.S. 87-98.5; 87-98.9;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. May 1, 2008.*

SECTION .0300 - CERTIFICATION OF WELL CONTRACTORS**15A NCAC 27 .0301 APPLICATION FOR CERTIFICATION**

(a) The Commission shall accept applications for certification as a well contractor from any person who is at least 18 years of age and whose application meets all the following conditions:

- (1) Each application shall be submitted on forms provided by the Commission, which are designed for requesting certification as a well contractor by way of examination, reexamination, or temporary certification and must be completed and submitted with an appropriate fee to the office of the chairman of the Commission.
- (2) Each application has been determined to be complete by the Commission. Incomplete applications and applications not accompanied by an appropriate fee and attachments shall not be processed and shall be returned to the applicant.
- (3) Each application shall contain proof of experience as provided in Paragraph (f) of this Rule.
- (4) Except for those applications where renewal of certification is requested, each application shall include a request for the well contractor examination.

(b) Applicants who have intentionally supplied false information must wait 12 months before resubmitting an application for certification.

(c) The Commission shall not schedule an applicant to take the required examination until his application has been reviewed and the applicant has met all other conditions for certification. The applicant must pass the examination within three consecutive attempts or within a one year period of time after application submittal, whichever expires first, or a new application shall be required. An applicant who has failed the examination after three consecutive attempts shall be required to obtain eight PDH units prior to resubmittal of an application for certification.

(d) A certification shall not be issued until the applicant passes the required examination, passes the field observation for Level A if required, and all applicable fees have been received.

(e) Proof of full-time experience meeting the requirements specified in 15A NCAC 27 .0701 in well contractor activities shall be demonstrated by providing one of the following:

- (1) An affidavit on a form provided by the Commission from at least one currently North Carolina certified well contractor, who has not committed any violation of 15A NCAC 02C or 15A NCAC 27 within the past two years, attesting that the applicant has been working in well contractor activities under the supervision of a certified well contractor of the desired level or higher for a minimum of the required quantity of experience; or
- (2) Any other proof of working in well contractor activities for a minimum of the required quantity of experience. At a minimum, the proof submitted shall demonstrate that the applicant has received a level of instruction in well construction techniques and practices found in publications used as the basis for a course of study or apprenticeship program, as shown in Paragraph (g) of this Rule. Proof submitted must also show that the applicant has a working knowledge of the 15A NCAC 02C .0100 (Well Construction Rules), the 15A NCAC 27 (Well Contractor Certification Rules) and applicable statutes.

(g) The WCCC shall approve a course of study or apprenticeship program whose educational materials or program meets technical aspects of well construction. The course of study or apprenticeship program shall provide the level of instruction in well construction techniques and practices found in publications recognized by the National Ground Water Association (NGWA) or other publications determined by the Commission to be equivalent to those recognized by NGWA.

*History Note: Authority G.S. 87-98.5; 87-98.6; 87-98.9; 143B-301.11; S.L. 2001-440;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Codifier determined that findings did not meet criteria for temporary rule on July 12, 2002;
Temporary Adoption Eff. September 12, 2002;
Amended Eff. May 1, 2008; August 1, 2004.*

SECTION .0400 - CERTIFICATION BY EXAMINATION**15A NCAC 27 .0401 SUBMITTAL AND PROCESSING OF APPLICATIONS FOR EXAMINATIONS**

- (a) An application for examination shall be received by the Commission, at least 30 days prior to the date upon which the examination is scheduled to be administered and the appropriate fee must accompany the application.
- (b) Upon receipt of the application by the Commission, the application shall be reviewed by the designee(s) of the Commission for eligibility to take the examination. The designee(s) shall notify the applicant of his or her eligibility in writing and advise of the date, time and place of the examination.
- (c) If the designee(s) of the Commission determines that the applicant is not eligible for examination, the designee(s) shall notify the applicant in writing and advise of the reason for ineligibility. In the event that the applicant is determined to be ineligible for the examination, the annual fee and examination fee shall be refunded. Upon learning of ineligibility, the applicant may request a meeting with the Commission, relative to the ineligibility, if the applicant so desires. Such requests must be in writing and shall be submitted no later than 30 days following the date of receipt of the letter of notification. The Commission shall review the request and grant or deny it no later than the second Commission meeting following receipt of the request. The applicant shall be given written notice of the decision to grant or deny the request and the reasons therefore.
- (d) Any applicant who knowingly supplies false information on the application for certification for the purpose of gaining eligibility, shall be ineligible for the examination and must forfeit the examination fee.

*History Note: Authority G.S. 87-98.6; 87-98.9; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. May 1, 2008.*

15A NCAC 27 .0410 WELL CONTRACTOR EXAMINATIONS

- (a) Well contractor examinations shall be comprehensive examinations that are standardized statewide. The examinations shall be designed to determine the applicant's knowledge of applicable rules; the ability to perform well contractor activities; and the ability to supervise, direct, manage and control the contracting activities of the well contracting business.
- (b) The Commission shall administer a written examination orally or on an individual basis upon submission by the applicant of a request form provided by the commission wherein the applicant states that he or she does not read, does not read well, or has a medical condition necessitating oral examination.
- (c) If any other request for an accommodation in taking the examination is based on a medical condition, the applicant shall submit, in addition to a request form, supporting documentation from a physician.
- (d) A grade on the examination of 70 percent or more shall be passing. Results of the examination shall be reported as either passing or failing.
- (e) The eligible applicant shall show photo identification for admittance to the exam.

*History Note: Authority G.S. 87-98.6; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. May 1, 2008.*

15A NCAC 27 .0420 TIME AND PLACE OF EXAMINATION

- (a) An examination shall be given at least twice a year. Additional examinations may be scheduled by the Commission. Information regarding the date, time, and place shall be made available upon request.
- (b) Each applicant filing for examination shall be notified in writing of the date, time and place of the examination and the required grade for passing the examination.

*History Note: Authority G.S. 143B-301.11; 87-98.6;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000.*

15A NCAC 27 .0430 CONDUCTING AND GRADING EXAMINATIONS

- (a) Examinations, prepared by members of the Commission or its authorized representatives and approved by the Commission, shall be given only to those who, after filing a proper application, have been determined to be eligible. Examinations shall be conducted and graded under the supervision of a representative of the Commission, or its authorized representatives. When each applicant receives his examination, he shall identify himself by way of his driver's license or other form of photographic identification satisfactory to the proctor and the identification number shall be recorded on the face of the examination paper.
- (b) Representatives of the Commission or other authorized representatives, who are supervising the examinations may take appropriate action against applicants, including dismissal from the examination, if cheating does occur. If the applicant holds a certificate already, the Commission may revoke the certification in accordance with G.S. 87-98.8 and 15A NCAC 27 .0901 for cheating on an examination.

*History Note: Authority G.S. 87-98.6; 87-98.8; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000.*

15A NCAC 27 .0440 EXAMINATION RESULTS AND ISSUANCE OF CERTIFICATES

- (a) After an examination, the applicant shall be informed, in writing only, by the Commission or its authorized representatives as to the results of his examination. If a passing score is made, such notification constitutes certification by the Commission. After each examination, a list of those certified shall be drawn up and made a part of the permanent records of the Commission. Copies of these lists shall be provided to each Commission member. Upon completion of the examination process, the applicant who passes the examination shall be issued a certificate.
- (b) Under normal circumstances, neither the examination grade nor the examination paper of any applicant shall be made available to anyone other than the members of the Commission and those approved persons who assist in conducting and grading the examinations. The examination papers shall be held by the Commission in a secure location for a period of six months following notification to the applicant. Questions by the applicant concerning the examination must be made in writing to the Commission within six months of the notification date. An applicant who fails to pass an examination shall be entitled to and notified of the privilege to review his examination in the presence of one or more Commission members or its authorized representative in Raleigh, or at another location approved by the Commission.

*History Note: Authority G.S. 87-98.6; 87-98.8; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000.*

SECTION .0500 - CERTIFICATION WITHOUT EXAMINATION**15A NCAC 27 .0501 CERTIFICATION BY LEGISLATIVE EXEMPTION**

History Note: Authority G.S. 87-98.7; 143B-301.11; S.L. 1997, c. 358, s. 9;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Repealed Eff. May 1, 2008.

15A NCAC 27 .0510 RECIPROCAL WAIVER OF EXAMINATION FOR CERTIFICATION

(a) The Commission may waive the examination requirement of this Chapter for an applicant who is licensed or holds a certification to practice well contractor activities in another State which also provides for equivalent reciprocal waiver of examination for licensing or certification to practice well construction activities in that state to North Carolina certified well contractors.

(b) The Commission may grant a waiver of the examination requirement to an applicant who provides evidence satisfactory to the Commission that the applicant:

- (1) Meets the requirements for Certification established by the Commission under this Chapter; and
- (2) Became licensed or certified in the other State after passing in that state an examination that is equal or comparable to the examination for which the applicant is seeking the waiver.

History Note: Authority G.S. 87-98.6; 87-98.7; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000.

15A NCAC 27 .0520 TEMPORARY CERTIFICATION

(a) Temporary certification may be granted to any applicant in accordance with the requirements of G.S. 87-98.7(c).

(b) An applicant for temporary certification shall be required to meet all the application criteria as outlined in 15A NCAC 27 .0301(a).

History Note: Authority G.S. 87-98.6; 87-98.7; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000.

SECTION .0600 - CERTIFICATION RENEWAL**15A NCAC 27 .0601 CONDITIONS AND LIMITATIONS FOR RENEWAL OF CERTIFICATIONS**

- (a) Certification issued pursuant to this Rule shall not be transferable and shall expire on December 31 of each year through the year 2000. Certification shall expire on June 30, 2001 and shall expire on June 30 of each year thereafter. A certification may be renewed without examination for ensuing years by making application to the Commission no later than the expiration date of the certification and paying the renewal fee. Receipt by the Commission of such application and the appropriate fee(s) shall extend the validity of the current certification until a new certification is received or the applicant is notified by the Commission that formal administrative action has been taken to suspend, revoke or deny renewal of the certification.
- (b) If a certification is not renewed in accordance with G.S. 87-98.7(b) and G.S. 87-98.9, the certification shall become void and may be renewed only in accordance with the requirements of G.S. 87-98.7(b).
- (c) No application for a renewal shall be granted if the applicant's certification is suspended or revoked until the period for such suspension or revocation has expired.
- (d) Individuals certified under this program shall notify the Well Contractors Certification Commission within 30 days in writing of any change of their business or personal address.
- (e) The Commission shall notify the well contractor of nonpayment of the annual renewal fee in accordance with G.S. 87-98.9. Notice shall be attempted by certified mail or personal service.

*History Note: Authority G.S. 87-98.6; 87-98.7(b); 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000.*

SECTION .0700 - TYPES OF CERTIFICATION**15A NCAC 27 .0701 ESTABLISHMENT OF TYPES OF CERTIFICATION**

*History Note: Authority G.S. 87-98.5; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Temporary Adoption Expired September 30, 1999.*

15A NCAC 27 .0702 REQUIREMENTS OF CERTIFICATION

- (a) Level A- To obtain Level A certification, an applicant must:
- (1) Submit proof of 18 months of well contractor experience as specified in 15A NCAC 27 .0301;
 - (2) Satisfactorily complete the well contractor certification field observation; and
 - (3) Pass the Level A exam.
- (b) Level B- To obtain Level B certification, an applicant must:
- (1) Submit proof of 12 months experience in related well contractor activities as specified in 15A NCAC 27 .0301; and
 - (2) Pass the Level B exam.
- (c) Level C- To obtain Level C certification, an applicant must:
- (1) Submit proof of 6 months experience in related well contractor activities as specified in 15A NCAC 27 .0301; and
 - (2) Pass the Level C exam.
- (d) Level D- To obtain Level D certification, an applicant must:
- (1) Submit proof of 6 months experience in related well contractor activities as specified in 15A NCAC 27 .0301; and
 - (2) Pass the Level D exam.
- (e) If a certificate issued under this Section is not renewed under G.S. 87-98.7, or is revoked, the well contractor must apply for certification by examination in order to be recertified.

*History Note: Authority G.S. 87-98.5; 143B-301.11;
Eff. May 1, 2008.*

15A NCAC 27 .0703 LEVEL D CERTIFICATION WITHOUT EXAMINATION

- (a) Unless an applicant is found to have engaged in an act that would constitute grounds for disciplinary action, the Commission shall issue a Level D certificate without examination to any person who since April 1, 2003 has been actively and continuously engaged in well contractor activities including breaking the well seal, and has been continuously registered as a pump installer with the Department or employed by a firm or corporation that has been continuously registered with the Department.
- (b) To obtain certification under this Section, a person must submit an application for Level D to the Commission and pay the annual fee prior to June 30, 2008.
- (c) A well contractor who is certified under this Section must continuously maintain the certification in good standing in order to remain certified.
- (d) If a certificate issued under this Section is not renewed under G.S. 87-98.7, is suspended, or is revoked, the well contractor must apply for certification by examination in order to be recertified.

*History Note: Authority G.S. 87-98.5; 143B-301.11;
Eff. May 1, 2008.*

15A NCAC 27 .0704 CERTIFICATION WITHOUT EXAMINATION IN 2008

The Commission shall issue a certificate to the level appropriate to the applicants' experience without additional examination to any person currently certified as a well contractor as of June 30, 2008 upon receipt of their annual renewal request with fee and required PDH for that renewal.

*History Note: Authority G.S. 87-98.5; 143B-301.11;
Eff. May 1, 2008.*

SECTION .0800 - CONTINUING EDUCATION REQUIREMENTS**15A NCAC 27 .0801 REQUIREMENTS**

- (a) Every certified well contractor is required to obtain eight Professional Development Hours (PDH) units during the renewal period.
- (b) If a registrant exceeds the annual requirement in any renewal period, a maximum of eight PDH units may be carried forward into the subsequent renewal period.
- (c) Selection of courses and activities which meet the requirements of 15A NCAC 27 .0820 is the responsibility of the certified well contractor. Certified well contractors have the option of selecting courses other than those offered by sponsors. Post evaluation of courses offered by entities other than sponsors approved pursuant to 15A NCAC 27 .0810 could result in non-acceptance of courses for the purpose of meeting the continuing education requirements.
- (d) PDH units may be earned as follows:
- (1) Completion of college courses or community college courses.
 - (2) Completion of continuing education courses (including, but not limited to correspondence, televised, videotaped, audiotapes, and other short courses/tutorials) that provide a completion certificate.
 - (3) Teaching or instructing a course described in Subparagraph (d)(1) or (d)(2) of this Rule.
 - (4) Attending or making presentations at professional or technical events (including but not limited to seminars, in-house courses, workshops, meetings, conventions, or conferences).
 - (5) Authoring published papers, articles, or books.
 - (6) Active participation in professional or technical societies as defined in 15A NCAC 27 .0820.

*History Note: Authority G.S. 87-98.12; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000.*

15A NCAC 27 .0810 APPROVAL OF CONTINUING EDUCATION COURSES

- (a) For the purposes of this Section, "sponsor" means an organization or individual approved by the Commission after having supplied, on a form provided by the Commission, the information required by this Rule with respect to the organization's or individual's ability to provide instruction for courses or activities to maintain, improve, or expand the skills and knowledge related to the practice of well contractor activities. After evaluation the Commission may grant approval of all courses offered by a particular "sponsor".
- (b) The Commission may require any sponsor that has received Commission approval for its course(s) to apply for renewal of such approval either annually or when the sponsor's course offerings or course schedule varies from what was previously approved, whichever occurs first.
- (c) The Commission shall approve courses that instruct on well contractor activities and the use of well contractor equipment, products, and materials. To be approved, courses and activities must contain a clear purpose and objective and result in the maintenance, improvement, or expansion of skills and knowledge related to the practice of well contractor activities. Additionally, to be approved, requests for approval of courses or activities shall include the following information:
- (1) course content;
 - (2) course schedule;
 - (3) level of instruction provided (i.e., beginning, intermediate, advanced);
 - (4) qualifications of instructors (including both education and experience); and
 - (5) materials provided, field experiences, and other activities available in connection with the course(s).

History Note: Authority G.S. 87-98.12; 143B-301.11;

*Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000.*

15A NCAC 27 .0820 DETERMINATION OF CREDIT

The Certification Commission has final authority with respect to approval of courses, sponsors, credit, PDH values for courses, and other methods of earning credit. Courses or activities must maintain, improve or expand the skills and knowledge related to the practice of well contractor activities in order for a well contractor to receive credit. The Commission shall award the stated hours of credit (PDH) for any acceptable and successfully completed activity in each of the following categories:

- (1) Credit for college or community college courses shall be 45 PDH for receipt of a passing grade in the course, regardless of the number of credits awarded by the college or community college.
- (2) Credit for continuing education courses (including, but not limited to, correspondence, televised, videotaped, audiotapes, and other short courses/tutorials) that provide a completion certificate shall be one PDH unit for each hour of attendance or contact time.
- (3) Credit for published papers, articles and books is 10 PDH.
- (4) Credit for active participation in professional and technical societies is limited to two PDH per organization. "Active participation" requires that the well contractor attend at least 50 percent of the regularly scheduled meetings. PDH credits for this type of activity are not earned until the end of each year of membership in the organization.
- (5) Credit for teaching or presenting in Items (1) and (2) of this Rule are double the stated credits. Credit for teaching or presenting is available only for the first time that a well contractor teaches such a course or makes such a presentation. Credit for teaching a course is not available to a well contractor if the well contractor is a full-time member of the faculty (as defined by the institution) where the course is taught.

*History Note: Authority G.S. 87-98.12; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000.*

15A NCAC 27 .0830 RECORDKEEPING

The responsibility of maintaining records to be used to support credits claimed is the responsibility of the contractor. Records required include, but are not limited to:

- (1) A log showing the type of activity claimed, sponsoring organization, location, duration, instructors or speakers name and PDH credits earned; and
- (2) Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

*History Note: Authority G.S. 87-98.12; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. May 1, 2008.*

15A NCAC 27 .0840 SPECIAL PROVISIONS FOR CONTINUING EDUCATION

(a) Given the intrinsic educational value of preparing for and successfully passing an examination, a well contractor certified by way of examination or reciprocity pursuant to Rule .0510(b) of this Chapter for having passed an examination comparable to that administered by the Commission shall not be required to obtain any professional development hours prior to the first renewal of certification.

(b) A well contractor serving on temporary active duty in the uniformed services of the United States for a period of time exceeding 120 consecutive days in a year shall be granted an extension of time in which to obtain the professional development hours required during that renewal period. The extension shall allow the requesting well contractor 12 months from the date the extension is granted to correct the deficiency in professional development hours (PDH) for the renewal period in issue.

(c) If certified by a physician, a well contractor experiencing physical disability, illness, or other incapacitating medical condition such that the well contractor is incapable of attending continuing education courses or activities during a given renewal period shall be granted an extension of time in which to obtain professional development hours required during that renewal period. The extension shall allow the requesting well contractor 12 months from the date the extension is granted to correct the deficiency in professional development hours (PDH) for the renewal period in issue.

*History Note: Authority G.S. 87-98.12; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000.*

SECTION .0900 - PROCEDURES FOR DISCIPLINARY ACTIONS**15A NCAC 27 .0901 REVOCATION, RELINQUISHMENT OR EXPIRATION OF CERTIFICATION**

(a) The Commission may issue a letter of reprimand, suspend, or revoke the certification of a well contractor in accordance with the provisions of G.S. 87-98.8, G.S. 150B-3, and G.S. Chapter 150B, Article 3A.

(b) The disciplinary committee is delegated the authority to propose disciplinary action of suspension or revocation of the certification of a well contractor. The Chairman shall convene a disciplinary committee to review the circumstances of any proposed revocation or suspension. Written notice of the meeting of the committee shall be served on the well contractor personally or by certified mail at least 15 days prior to the meeting, and shall contain the following: the date, time, and place of the meeting; the disciplinary action proposed; notice of the reasons for the proposed disciplinary action; and an invitation to attend the committee meeting and present facts and reasons why the disciplinary action should not be taken. If served by mail, the notice shall be addressed to the well contractor at his or her last business address on file with the Commission.

(c) The disciplinary committee shall consist of the following:

- (1) The Chairman;
- (2) Two members of the Commission, appointed by the Chairman:
 - (A) a member who is a certified well contractor; and
 - (B) a member who is an environmental health professional actively engaged in well inspection and permitting.

(d) The disciplinary committee members shall consider the facts and reasons in support of or against the proposed disciplinary action, and within 10 working days of the conclusion of the committee meeting, the committee shall make and issue a decision. The disciplinary committee shall report the decision to the Commission at its next scheduled meeting.

(e) The well contractor shall be informed of the disciplinary committee's decision in writing, which shall contain the following: the disciplinary action, if any, which is proposed to be taken; notice of the reasons for the action; and a statement giving the well contractor the opportunity for a hearing under G.S. Chapter 150B, Article 3A.

(f) The notice shall be served on the well contractor personally or by certified mail. If notice cannot be given personally or by certified mail, then notice shall be given in the manner provided in G.S. 1A-1, Rule 4(j1). The notice shall also state that, to obtain a hearing, the well contractor must file a written request for a hearing with the Commission at its business address no later than the 30th day following the date of receipt of the disciplinary committee's written decision. A hearing request which is mailed satisfies the 30 days' filing requirement if the hearing request is postmarked no later than the 30th day following the date of the receipt of the written decision.

(g) The disciplinary action shall become the final action of the Commission if the well contractor does not request a hearing in 30 days.

(h) Certification may be relinquished by submission to the Certification Commission of the original certificate and a notarized statement of relinquishment.

(i) The Certification Commission or its delegate(s) may issue a written reprimand to a well contractor in accordance with G.S. 87-98.8. The reprimand shall be delivered personally or by certified mail. A copy of the letter shall be kept in the well contractor's file and a copy must be sent to the well contractor's employer of record. The well contractor shall be given the opportunity to put a letter of rebuttal into the file when a reprimand has been issued.

*History Note: Authority G.S. 87-98.8; 143B-300; 150B-3; 150B-38; 150B-40; 150B-43;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. May 1, 2008.*

15A NCAC 27 .0910 RECERTIFICATION FOLLOWING REVOCATION OR RELINQUISHMENT

(a) After revocation or relinquishment has been effective for a period determined by the Commission, a person may apply in writing for recertification by the Commission, including in his petition any relevant facts concerning changes to conditions under which revocation or relinquishment occurred. Such facts shall show clearly that applicant shall comply with the laws and regulations.

(b) Within 120 days following receipt of an application for recertification, the Commission shall notify the applicant by letter of its decision to deny or grant examination eligibility in accordance with procedures set out in 15A NCAC 27 .0301. Additional eligibility requirements including a show cause conference may be imposed by the Commission. Eligibility shall only be granted if there is substantial evidence that the conditions leading to the revocation or relinquishment have been corrected.

(c) Recertification of a person as a well contractor shall only occur by means of application and examination. The examinations shall not be waived. The applicant shall meet the eligibility requirements set forth in 15A NCAC 27 .0301. The applicant shall not be eligible for temporary certification under G.S. 87-98.7(c).

(d) Upon notification of the Commission's decision to deny eligibility, the applicant may appeal the decision pursuant to the procedures contained in G.S. 150B, Article 3A.

History Note: Authority G.S. 87.98.8; 143B-301.11; 150B-3; 150B-43;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000.

15A NCAC 27 .0920 NOTIFICATION TO THE DEPARTMENT

The Commission shall notify the Department of all actions taken in accordance with this Section.

History Note: Authority G.S. 87.98.8; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000.

15A NCAC 27 .0930 CIVIL PENALTIES

(a) Civil Penalties may be assessed by the Secretary against any person who directly commits or causes a violation of the provisions of the North Carolina Well Contractors Certification Act or any rule adopted thereunder. Each day of a continuing violation shall be a separate violation.

(b) The Commission shall make the final agency decision in civil penalties assessed by the Secretary and shall exercise its quasi-judicial powers in accordance with G.S. 150B.

History Note: Authority G.S. 87-94; 87.98.4; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000.

APPENDIX A

Chapter 27 rule designations that are available to the
Well Contractors Certification Commission for future rulemaking

15A NCAC 27 .0102	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0103	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0104	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0105	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0106	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0107	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0108	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0109	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0111- .0199	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0202- .0299	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0302- .0399	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0402	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0403	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0404	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0405	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0406	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0407	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0408	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0409	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0411	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0412	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0413	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0414	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0415	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0416	RESERVED FOR FUTURE CODIFICATION
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15A NCAC 27 .0431	RESERVED FOR FUTURE CODIFICATION
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15A NCAC 27 .0441- .0499 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0502 RESERVED FOR FUTURE CODIFICATION
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15A NCAC 27 .0521- .0599 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0602- .0699 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0802 RESERVED FOR FUTURE CODIFICATION
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15A NCAC 27 .0841- .0899 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0902 RESERVED FOR FUTURE CODIFICATION
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15A NCAC 27 .0931- .0999 RESERVED FOR FUTURE CODIFICATION