



North Carolina Department of Environment and Natural Resources  
North Carolina Well Contractors Certification Commission

Beverly Eaves Perdue  
Governor

John Nykamp  
Chairman

Dee Freeman  
Secretary

To: Ted Bush, Chief, Aquifer Protection Section  
Ted Lyon, Chief, DEH- On Site Water Protection Section  
County Environmental Health Department Supervisors

From: John Nykamp, Chairman, NC Well Contractors Certification Commission

Date: September 1, 2009

Subject: NC Well Contractors Certification Commission  
Guidelines for Disciplinary Referrals

The NC Well Contractors Certification Commission (WCCC) is committed to enforcing the statutes and rules related to well contractors certification and well construction standards. The WCCC wants to promote upgrades in professionalism in the well contractor field and supports the efforts of the DWQ-Aquifer Protection Section, DEH-On Site Water Protection Section / Private Water Supply Protection Branch and the local county Health Departments in ensuring that well construction standards are maintained. Support of these rules sometimes may require enforcement actions and disciplinary actions. The attached guidelines are designed to facilitate the disciplinary process and will hopefully enhance the decision making ability of the WCCC.

Well contractors that repeatedly violate Well Construction Standards (15 NCAC Section 2C), Certification Rules (Chapter 27), or any local well ordinances should be referred per the attached guidelines. Enforcement penalties will be issued by WCCC staff for contractors performing well contractor activities without certification, but violations of well construction standards will be handled by DWQ-APS and DEH-OWPS-PWSPB. All disciplinary actions against contractors' certification will be administered by the WCCC.

Reviewing this process will insure a continued effort toward improved compliance with certification and construction standards. Please review the attached Guidelines with your staff. If you have questions, feel free to contact Drew Morgan of the Commission's staff at 733-0026 x302.

w/Attachment

## **Guidelines for Referring a Certified Well Contractor to the NC Well Contractors Certification Commission for Disciplinary Action**

The North Carolina Well Contractors Certification Commission (WCCC) governs the issue of the fitness of an individual to be certified as a well contractor in the State of North Carolina as it relates to the criteria outlined in NCGS 87-98.8.

The Division of Water Quality (DWQ), Division of Environmental Health (DEH), and local health departments are responsible for enforcement of the 15A NCAC 2C Well Construction Standards as delegated by the Secretary of the Department of Environment and Natural Resources.

It requires a joint effort by the staff of the DWQ-Aquifer Protection Section, DEH-On Site Water Protection Section / Private Water Supply Protection Branch, County Health Departments and the WCCC to promote the integrity of the Well Contractors Certification program by dealing in a timely, consistent manner with well contractors that operate in violation of the 15A NCAC 2C Well Construction Standards, Chapter 27, or any local well ordinances.

### **Grounds for Commission Action:**

NCGS 87-98.9- The Commission may issue a written reprimand to a certified well contractor or, in accordance with the provisions of Article 3A of Chapter 150B of the General Statutes, may suspend or revoke the certificate of a well contractor if the Commission finds that the well contractor has:

1. Engaged in fraud or deception in connection with obtaining certification or in connection with any well contractor activity.
2. Failed to use reasonable care, judgment, or the application of the person's knowledge or ability in the performance of any well contractor activity.
3. Been grossly negligent or has demonstrated willful disregard of any applicable laws or rules governing well construction.

Please keep in mind that any action by the WCCC is limited to a written letter of reprimand, suspension, or revocation of the well contractor certification. The Commission does not issue civil penalties.

### **When to Refer a Certified Well Contractor:**

1. DWQ- Aquifer Protection Section, DEH-On Site Water Protection Section / Private Water Supply Protection Branch, or Director of a County Health Department may elect to refer any well contractor, at any time, to the WCCC for review, if it feels that it has sufficient justification.
2. The WCCC requests a contractor be referred after a contractor receives two (2) or more major violations of the 2C Well Construction Standards (Note: DEH and LHD have stated they do not have the authority to assess civil penalties) Major violations may include, but are not limited to, issues dealing with casing, grout, location, development and abandonment.

Some examples of major violations are: 1) failure to grout; 2) use of improper materials; 3) fraud; 4) termination of well casing below land surface; 5) gross improper well abandonment; 6) improper well location; 7) willful disregard of any rules applicable to well drilling or certification.

Cases involving minor violations may also be referred when the referring authority determines that justification exists for further disciplinary action.

Note: The responsible agency should take the next appropriate enforcement action (e.g.- A NOV is not corrected so the agency fines them a civil penalty).

Revised 9/1/2009



# Guidelines for Referring a Certified Well Contractor to the NC Well Contractors Certification Commission for Disciplinary Action

## **How to Refer a Certified Well Contractor:**

Contact the Commission's Enforcement Specialist on staff, Drew Morgan, R.S. at (919) 733-0026 x302 to inform him of the pending referral and for any questions on putting together a referral package.

## **All referrals to the WCCC must be properly documented and submitted to Commission staff at:**

NC Well Contractors Certification Commission  
c/o Drew Morgan, R.S.  
1618 Mail Service Center  
Raleigh, NC 27699-1618

## **Documentation of a referral package must contain the following:**

- A request for disciplinary action on the "NCWCC-12" form provided by the Commission. (available online at [www.ncwelldriller.org](http://www.ncwelldriller.org))
- Clear legible copies (all copies should be made from the original form, not from degraded fax or carbon copies) of all field inspection forms and Notice of Violation and any responses received. Information on the inspection form and the NOV must be in agreement. (and any other relevant documentation such as invoices, or affidavits from homeowners or inspectors)
- Copy of any enforcement action taken and any response received from the violator.
- Photographs and/or video clearly depicting the problem encountered. A brief description of each photo or narration of video should accompany each submittal so that the purpose of the visual evidence is clear. Include a visible ruler, etc. in the photograph for scale purposes.
- Chronology/sequence of events including all site visits, phone contacts, letter dates, water sampling and any other activity associated with the case.

## **For Citizen Referrals:**

Refer private water supply well violations of 15A NCAC 2C .0300 to the Division of Environmental Health / On Site Water Protection Section / Private Water Supply Protection Branch (DEH-OSWPS-PWSPB)

Refer other type of well violations to the Division of Water Quality / Aquifer Protection Section (DWQ-APS)

**Citizens** that wish to refer a well contractor should work with their county environmental health department, DEH, or APS office in developing a proper referral package. Referrals should follow the guidelines above under "How to Refer a Certified Well Contractor"

**Non-certified individuals engaging in well contractor activities** without proper well contractor certification are in violation of the Chapter 27 Well Contractor Certification rules. For these cases, contact the Commission's Enforcement Specialist on staff, Drew Morgan, R.S., at (919) 733-0026 x302. Any civil penalties assessed are only for violation(s) of the certification requirement and do not preclude any other enforcement action by others for 15A NCAC 2C Well Construction Violations.

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