

SECTION .0100 - DUTIES AND DEFINITIONS

15A NCAC 27 .0101 DEFINITIONS

In addition to the definitions set forth in G.S. 87-98.2, the following shall apply:

- (a) "College course" means a semester unit or quarter hour unit of instruction given at a college or university, that is relevant to well contractor activities.
- (b) "Continuing Education Unit" or "CEU" means a contact hour of instruction or presentation that is the basic unit of credit for all courses or activities related to satisfying continuing education requirements. One CEU is equivalent to 60 minutes of instructional time.
- (c) "Course/activity" means any course or activity with a purpose and objective to maintain, improve or expand skills and knowledge relevant to the practice of well contractor activities.
- (d) "Personally manage" means giving directions to the on-site person who is personally supervising well contractor activities.
- (e) "Personally supervise" means the on-site direction and control of all well contractor activities at any time those activities are being conducted.
- (f) "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 and shall hereafter be referred to as "continuing education unit" or "CEU."

*History Note: Authority G.S. 87-98.2; 87.98.12; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. May 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,
2017;
Amended Eff. January 1, 2018.*

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 .0110 TYPES OF CERTIFICATION

(a) The following types of certification for well contractors are as follows:

- (1) Level A certification: this level of certification includes all well contractor activities and is required for geothermal well and related loop installations;
- (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 sonic, air rotary and mud rotary drilling;
- (3) Level C certification: this level of certification includes all Level D well contractor activities, 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, installation of a pump or other equipment in a well, and disinfection.

- (b) Each certified well contractor shall be assigned a permanent certification number and shall be issued a certificate with that certification number and level. 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.
- (d) A certified well contractor of the appropriate level must be present at all times when well contractor activities are being performed.

*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. July 3, 2012; May 1, 2008;
Readopted Eff. January 1, 2018.*

15A NCAC 27 .0120 PETITION FOR RULEMAKING

- (a) Any person wishing to request that the Commission adopt, amend, or repeal a rule shall make the request in a petition addressed to offices of the Commission:

NC Well Contractors Certification Commission
1653 Mail Service Center
Raleigh, NC 27699-1653

- (b) Additional contact information for the Commission may be found online at www.wellcontractors.nc.gov.
- (c) The petition shall contain the following information:
 - (1) the text of the proposed rule(s) for adoption or amendment;
 - (2) a statement of the reasons for adoption of the proposed rules(s) or the amendment or repeal of an existing rule(s);
 - (3) the name(s) and address(es) of the petitioner(s); and
 - (4) a request to present the petition to the Commission, if desired.
- (d) The petitioner may include the following additional information:
 - (1) the statutory authority for the agency to promulgate the rule(s);
 - (2) a statement of the effect of the proposed rule(s) on existing practices in the area involved, including cost factors for persons affected by the proposed rule(s);
 - (3) a statement explaining the computation of the cost factors;
 - (4) a description, including the names and addresses, of those most likely to be affected by the proposed rule(s); and
 - (5) documents and data supporting the proposed rule(s).
- (e) In its review of the petition, the Commission shall consider:
 - (1) whether it has authority to adopt the rule;
 - (2) the effect of the proposed rule on existing rules, programs, and practices;
 - (3) costs of the proposed rule; and
 - (4) the impact of the rule on the public and regulated entities.
- (f) The Commission shall return petitions that do not contain the information required by Paragraph (c) of this Rule.

*History Note: Authority G.S. 143B-301.11; 150B-20;
Eff. October 1, 2018.*

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.*

SECTION .0300 - CERTIFICATION OF WELL CONTRACTORS

15A NCAC 27 .0301 APPLICATION FOR CERTIFICATION

- (a) Applicants seeking certification as a well contractor shall:
 - (1) submit an application for the level of certification being sought on forms provided by the Commission as set forth in Paragraph (b) of this Rule;
 - (2) submit the required fee as set forth in Rule .0201 of this Chapter;
 - (3) complete a field observation for Level A applicants; and
 - (4) pass the examination for the level of certification being sought as provided in Section .0400 of these Rules.
- (b) The form to apply for certification as a well contractor can be found online at www.wellcontractors.nc.gov and shall include the following information:
 - (1) the applicant's name;
 - (2) last four digits of applicant's social security number;
 - (3) contact information, including home, employer and mailing addresses;
 - (4) educational information, including proof of completion of coursework as provided in Paragraph (g) of this Rule;
 - (5) employment information, including proof of experience as provided in Paragraph (f) of this Rule; and
 - (6) stamp and signature of a notary.
- (c) Applicants for certification must be at least 18 years of age.
- (d) A photograph of the applicant shall be obtained by the Commission prior to issuance of certification.
- (e) If an applicant fails to pass the examination within three consecutive attempts or within a one year period of time after application submittal, whichever expires first, a new application shall be required. An applicant who has failed the examination after three consecutive attempts shall obtain eight CEUs as set forth in Rule .0820 of this Chapter prior to resubmittal of an application for certification.
- (f) Proof of full-time equivalent experience as specified in Rule .0702 of this Chapter in level specific well contractor activities obtained within seven years prior to application submittal or previous certification by examination at a comparable or higher level, shall be demonstrated by providing one of the following:
 - (1) payroll records and 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 either 15A NCAC 02C, this Chapter, or any county well ordinance 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;
 - (2) proof of previous certification by examination as a well contractor in North Carolina at a comparable or higher level, such as the applicant's previous certification number;
 - (3) a letter of good standing from another state's well contractor licensing or certification organization showing the applicant has not violated well construction or licensing rules of that State in the past five years; or
 - (4) any other proof that demonstrates the applicant has received a level of instruction in well construction techniques and practices appropriate for the level being sought.

(g) The Commission shall approve a course of study with a program and educational materials meeting technical aspects of well construction. The course of study shall provide needs-to-know education for the level being sought. The experience requirements for an applicant may be reduced up to three months and the Level A field observation may be waived for successful completion of the course to be determined on a case-by-case basis considering the length of the course and material covered.

History Note: Authority G.S. 87-98.5; 87-98.6; 87-98.9; 87-98.12; 87-98.14; 143B-301.11;
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, 2011; May 1, 2008; August 1, 2004;
Readopted Eff. January 1, 2018.

SECTION .0400 - CERTIFICATION BY EXAMINATION

15A NCAC 27 .0401 SUBMITTAL AND PROCESSING OF APPLICATIONS FOR EXAMINATIONS

- (a) An applicant for certification as a well contractor shall submit a complete application for certification by examination to the Commission with the appropriate fee(s) and, if applicable, proof of completion of coursework as provided in Rule .0301(e) of this Chapter.
- (b) Upon receipt of the complete application by the Commission, the application shall be reviewed for eligibility to take the examination.
- (c) If the Commission determines that the applicant is eligible for examination:
- (1) Level A applicants required to complete a field observation shall be notified by the designee(s) in writing to schedule a field observation. Once a field observation is successfully completed by the applicant the designee(s) shall notify the applicant in writing of his or her assignment to the next scheduled examination or requirement for an out-of-cycle examination. A successfully completed field observation will count toward the application requirements for up to 60 months; and
 - (2) All other approved applicants shall be notified in writing of their assignment to the next scheduled examination. The notification shall advise the applicant of the date, time and place of the examination and the required grade for passing the examination. The assigned examination must be at least 30 days after the date of application approval.
- (d) 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. 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.
- (e) 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 annual and examination fees. Applicants who have intentionally supplied false information must also wait 12 months before being eligible to resubmit an application for certification.

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, 2011; May 1, 2008.
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

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 .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. The Commission shall conduct examinations and field observations in English.

(b) If an applicant needs an accommodation in taking the examination based upon a medical condition, he or she shall submit a request form that includes the following information:

- (1) the applicant's name;
- (2) accommodation requested; and
- (3) supporting documentation from a physician.

Upon receipt of the information required by this Paragraph, the Commission will consider each request on a case by case basis.

(c) 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.

*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, 2011; May 1, 2008;
Readopted Eff. January 1, 2018.*

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

15A NCAC 27 .0417 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0418 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0419 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0420 TIME AND PLACE OF EXAMINATION

An examination shall be given at least twice a year. Information regarding the date, time, and place shall be made available upon request and online at www.wellcontractors.nc.gov.

*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, 2011;
Readopted Eff. January 1, 2018.

- 15A NCAC 27 .0421 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0422 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0423 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0424 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0425 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0426 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0427 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0428 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0429 RESERVED FOR FUTURE CODIFICATION**

15A NCAC 27 .0430 CONDUCTING AND GRADING EXAMINATIONS

- (a) Examinations, prepared by members of the Commission or its authorized representatives, shall be given only to those who, after filing a complete application, have been determined to be eligible.
- (b) To gain entrance to the examination, each applicant shall identify him or herself by way of his or her driver's license or other form of photographic identification reasonably satisfactory to the proctor and with an admission ticket as provided by the Commission upon application approval.
- (c) Examinations shall be conducted and graded under the supervision of a representative of the Commission.
- (d) Representatives of the Commission who are supervising the examinations may take appropriate action against applicants, including dismissal from the examination, if cheating does occur. If a North Carolina certified well contractor assists an applicant in cheating on the examination, the Commission shall revoke the certification in accordance with G.S. 87-98.8 and Rule .0901 of this Chapter.

History Note: Authority G.S. 87-98.6; 87-98.8; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. May 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,
2017.

- 15A NCAC 27 .0431 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0432 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0433 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0434 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0435 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0436 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0437 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0438 RESERVED FOR FUTURE CODIFICATION**

15A NCAC 27 .0439 RESERVED FOR FUTURE CODIFICATION

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

(a) After an examination, the applicant shall be informed in writing of the results of his or her examination. If a passing score is obtained, the applicant shall be certified and a certificate shall be issued.

(b) 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 its authorized representatives who assist in conducting and grading the examinations. The examination papers shall be held by the Commission for a period of 12 months following notification to the applicant. Questions by the applicant concerning the examination shall be made in writing to the Commission within 12 months of the notification date. An applicant who fails to pass an examination, and who is still eligible to retake the examination under their current application in accordance with the rules of this Chapter, shall be entitled to and notified of the privilege to review his or her examination, within 12 months of the applicant's failed exam, in the presence of one or more Commission members or its authorized representative.

*History Note: Authority G.S. 87-98.6; 87-98.8; 93B-8; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. May 1, 2011;
Readopted Eff. January 1, 2018.*

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 .0502 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0503 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0504 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0505 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0506 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0507 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0508 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0509 RESERVED FOR FUTURE CODIFICATION

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 written examination and field observation 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;
Amended Eff. May 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,
2017.*

15A NCAC 27 .0511 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0512 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0513 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0514 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0515 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0516 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0517 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0518 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0519 RESERVED FOR FUTURE CODIFICATION

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,
2017.*

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 June 30 of each year. A certification may be renewed without examination for ensuing years by making application to the Commission, obtaining any required continuing education units, and paying the renewal fee no later than the expiration date of the certification. Receipt by the Commission of all required documentation and 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) A well contractor serving on temporary active duty in the uniformed services of the United States for a period of time exceeding 80 consecutive days in a certification period, shall be granted an extension of time for which to submit renewal fee with proof of orders, within 30 days of completion of orders.
- (c) If a certification is not renewed by June 30, or by the extension of time granted in (b), the certification is expired. The contractor is not to engage in well contractor activities, and is subject to disciplinary action and civil penalties for any violation of the certification requirement. Certification may be regained during this time by making application to the Commission, submitting documentation for any required continuing education units, and paying the renewal fee no later than 30 days from expiration or renewal extension date of the certification.

- (d) If a certification is not renewed within 30 days from the June 30 or renewal extension expiration of the certification 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).
- (e) No application for a renewal shall be granted if the applicant's certification is suspended until the period for such suspension has expired.
- (f) No application for a renewal shall be granted until a photograph of the applicant is obtained by a representative of the Commission for use on the applicant's wallet card.
- (g) Individuals certified under this program shall notify the Commission within 30 days in writing regarding any change of their personal or professional contact information.
- (h) 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; Amended Eff. May 1, 2011; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

CHAPTER 27 - WELL CONTRACTOR CERTIFICATION RULES

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 level specific well contractor experience as specified in Rule .0110 of this Chapter or submit a combination of proof of completion of approved training as specified in Paragraph (g) of Rule .0301 with proof of level specific well contractor experience;
 - (2) Complete the well contractor certification field observation with a passing score or submit proof of successful completion of approved training as specified in Paragraph (g) of Rule .0301; and
 - (3) Pass the Level A written examination.
- (b) Level B- To obtain Level B certification, an applicant must:
 - (1) Submit proof of 12 months experience in level specific well contractor activities as specified in Rule .0110 of this Chapter or submit a combination of proof of completion of approved training as specified in Paragraph (g) of Rule .0301 with proof of level specific well contractor experience; and
 - (2) Pass the Level B written examination.
- (c) Level C- To obtain Level C certification, an applicant must:
 - (1) Submit proof of six months experience in level specific well contractor activities as specified in Rule .0110 of this Chapter or submit a combination of proof of completion of approved training as specified in Paragraph (g) of Rule .0301 with proof of level specific well contractor experience; and
 - (2) Pass the Level C written examination.
- (d) Level D- To obtain Level D certification, an applicant must:
 - (1) Submit proof of six months experience in level specific well contractor activities as specified in Rule .0110 of this Chapter or submit a combination of proof of completion of approved training as specified in Paragraph (g) of Rule .0301 with proof of level specific well contractor experience; and
 - (2) Pass the Level D written examination.

(e) If a certificate issued under this Section is not renewed in accordance with 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;
Amended Eff. May 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017;
Amended Eff. February 1, 2018.

15A NCAC 27 .0703 LEVEL D CERTIFICATION WITHOUT EXAMINATION
15A NCAC 27 .0704 CERTIFICATION WITHOUT EXAMINATION IN 2008

History Note: Authority G.S. 87-98.5; 143B-301.11;
Eff. May 1, 2008;
Repealed Eff. May 1, 2011.

SECTION .0800 – CONTINUING EDUCATION REQUIREMENTS

15A NCAC 27 .0801 REQUIREMENTS

(a) Every certified well contractor shall obtain two Continuing Education Units (CEU) each year for the first three years of the contractor's certification. CEUs shall be earned during the renewal period. The renewal period is July 1 through June 30.

(b) If subject to disciplinary action, the certified well contractor shall complete continuing education as required by the Commission per G.S. 87-98.12.

(c) Selection of courses and activities that meet the requirements of Rule .0820 of this Chapter is the responsibility of the certified well contractor.

(d) CEUs may be earned as follows:

- (1) completion of college courses or community college courses;
- (2) completion of continuing education courses, including correspondence, televised, videotaped, audiotapes, webinars, and other courses/tutorials that provide a completion certificate;
- (3) teaching or instructing a course described in Subparagraph (1) or (2) of this Paragraph;
- (4) attending or making presentations at professional or technical events, including seminars, in-house courses, workshops, meetings, conventions, or conferences; or
- (5) authoring published papers, articles, or books.

History Note: Authority G.S. 87-98.12; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. July 1, 2015; May 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

15A NCAC 27 .0802 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0803 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0804 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0805 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0806 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0807 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0808 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0809 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0810 APPROVAL OF CONTINUING EDUCATION COURSES

- (a) Courses shall be preapproved by a representative(s) of the Commission no less than 30 days prior to the course date.
- (b) Course approvals shall expire June 30 of each certification period for which they have been approved.
- (c) Representatives of the Commission shall be allowed to attend any approved course for the purpose of auditing without fee or advance notice.
- (d) 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 shall result in the maintenance, improvement, or expansion of skills and knowledge related to the practice of well contractor activities. Additionally, requests for approval of courses or activities shall include the following information:
 - (1) course or activity content;
 - (2) timed agenda for the course;
 - (3) all course or activity dates and locations;
 - (4) qualifications of instructors (including both education and experience); and
 - (5) a sample of completion certificate or other forms provided by or to be preapproved by the Commission for use in documenting attendance.
- (e) CEU credit shall not be awarded for courses involving sales of products to course attendees.

*History Note: Authority G.S. 87-98.12; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. July 1, 2015; May 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.*

15A NCAC 27 .0811 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0812 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0813 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0814 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0815 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0816 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0817 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0818 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0819 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0820 DETERMINATION OF CREDIT

- (a) Courses or activities shall 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 (CEU) for any approved and completed course or activity in each of the following categories:
 - (1) credit for college or community college courses shall be 45 CEUs 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 televised, videotaped, audiotapes, webinars, and other courses/tutorials that provide a completion certificate shall be one CEU for each hour of attendance;
 - (3) credit for published papers, articles, and books is 10 CEUs; or

- (4) credit for teaching or presenting in Subparagraphs (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.
- (b) CEU credit shall not be awarded to an individual certified well contractor for scheduled portions of a program where the individual did not attend, was not awake, or in which the individual certified well contractor did not personally participate.

History Note: Authority G.S. 87-98.12; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. July 1, 2015; May 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

15A NCAC 27 .0821 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0822 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0823 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0824 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0825 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0826 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0827 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0828 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0829 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0830 RECORDKEEPING

The responsibility of maintaining records to be used to support credits claimed is the responsibility of the contractor. To claim CEU credit, the contractor or course provider shall provide documentation as specified in this Rule to representatives of the Commission. Documentation for courses taken must be submitted during the certification period for which CEU are being claimed or as noted in G.S. 87-98.7(b). Courses taken prior to the current certification period shall not be accepted, unless an extension has been granted as noted in Rule .0840(b) of this Chapter, Rule .0840(c) of this Chapter or G.S. 87-98.7(b). The course provider shall be responsible for submitting documentation as specified in this Rule for classes where 10 or more certified well contractors are present. Documentation to claim CEU credit is required to include, but is not limited to:

- (1) A log showing the type of activity claimed, sponsoring organization, location, duration, instructors name and CEU credits claimed on forms provided by the Commission; and
- (2) Attendance verification records in the form of completion certificates or forms provided or preapproved by the Commission.

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, 2011; May 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

15A NCAC 27 .0831 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0832 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0833	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0834	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0835	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0836	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0837	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0838	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0839	RESERVED FOR FUTURE CODIFICATION
15A NCAC 27 .0840	SPECIAL PROVISIONS FOR CONTINUING EDUCATION

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, 2011;
Repealed Eff. July 1, 2015.

SECTION .0900 - PROCEDURES FOR DISCIPLINARY ACTIONS

15A NCAC 27 .0901 REVOCATION, RELINQUISHMENT OR EXPIRATION OF CERTIFICATION

- (a) The Commission may suspend or revoke the certification of a well contractor or issue a letter of reprimand 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 administer disciplinary action including a letter of reprimand, suspension or revocation of the certification of a well contractor. The Chairman shall convene a disciplinary committee meeting to review the circumstances of any proposed letter of reprimand, suspension or revocation. 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 mailing 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 has been 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 received 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 within 30 days.
- (h) Certification may be relinquished by submission to the Commission of the original certificate, wallet card and a notarized statement of relinquishment.
- (i) If a letter of reprimand is issued, 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, 2011; May 1, 2008; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

15A NCAC 27 .0902 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0903 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0904 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0905 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0906 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0907 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0908 RESERVED FOR FUTURE CODIFICATION

15A NCAC 27 .0909 RESERVED FOR FUTURE CODIFICATION

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 that the applicant shall comply with the laws and regulations.
- (b) After revocation, Level A applicants must also pass the field observation prior to written examination.
- (c) Within 120 days following receipt of a complete 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 Rule .0301 of this Chapter. Additional eligibility requirements including a show cause conference may be imposed by the Commission. Eligibility shall be granted only if there is substantial evidence that the conditions leading to the revocation or relinquishment have been corrected.
- (d) Recertification of a person as a well contractor shall only occur by means of application, field observation if applicable and examination. The examination(s) shall not be waived. The applicant shall meet the eligibility requirements set forth in Rule .0301 of this Chapter. The applicant shall not be eligible for temporary certification under G.S. 87-98.7(c).
- (e) 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; Amended Eff. May 1, 2011; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

- 15A NCAC 27 .0911 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0912 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0913 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0914 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0915 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0916 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0917 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0918 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0919 RESERVED FOR FUTURE CODIFICATION**

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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,
2017.

- 15A NCAC 27 .0921 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0922 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0923 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0924 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0925 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0926 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0927 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0928 RESERVED FOR FUTURE CODIFICATION**
- 15A NCAC 27 .0929 RESERVED FOR FUTURE CODIFICATION**

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;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.