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310 CMR 46.00: CERTIFICATION OF WELL ~~SERVICE PROFESSIONALS~~ ~~DRILLERS~~ ~~FILING OF WELL COMPLETION REPORTS~~

Section

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46.01: Authority, Purpose, and Applicability~~General~~

- (1) Authority and Purpose. The Department of Environmental Protection (Department) promulgates 310 CMR 46.00 pursuant to the authority granted to it under M.G.L. c. 21G, §§ 14 and 20. The purpose of 310 CMR 46.00 is to provide for the implementation, administration, and enforcement of M.G.L. c. 21G, § 20, by establishing;~~among other things, establish the qualifications for certification, information to be filed upon well completion, certification responsibilities, and criteria whereby a certification can be revoked.~~
- (a) requirements, classifications, and procedures for certifying Well Service Professionals;
(b) standards to ensure that all individuals who engage in activities associated with the provision of Well Services have the education, training, and experience necessary to conduct such activities in a manner that does not compromise the quality of the Commonwealth’s water resources or adversely impact public health;
(c) record-keeping and reporting requirements; and
(d) procedures for the Department to take appropriate disciplinary action to enforce M.G.L. c. 21G, § 20 and 310 CMR 46.00.
- (2) Definitions.~~Applicability.~~
- (a) The regulations at 310 CMR 46.00 apply to:
1. any individual seeking or possessing a Certification from the Department to provide well services;
2. any Well Service Business operating in the Commonwealth; and
3. any Person offering to provide or providing to the public any Well Services in the Commonwealth.
- (b) Exemptions. Notwithstanding 310 CMR 46.01(2)(a), the regulations at 310 CMR 46.00 do not apply to any individual or business offering to construct a Well or constructing a Well used solely for the temporary de-watering of a construction site, blasting, soil vapor extraction, air sparging, grounding rod installation, or for any other purpose where the installation Casing remains in the ground for less than 48 hours after placement.
- (3) Severability. It is hereby declared that the provisions of 310 CMR 46.00 are severable. If any provision of 310 CMR 46.00 or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of 310 CMR 46.00 or any application thereof that can be given effect without the invalid provision or application.

46.02: Definitions

As used in 310 CMR 46.00, the following terms and phrases have the following meanings, unless the context clearly indicates otherwise:

Abandoned Well means ~~productive or non productive well, use of which has been permanently discontinued or has been out of service at least three years, is no longer suitable or used for monitoring purposes, or is a potential hazard to public health or safety and the situation cannot be~~

~~corrected, such as well construction terminated before completion.~~

Adequate Care means the exercise of enough caution and attention to accomplish the purpose for which something is intended, and to such a degree that no unreasonable risk to health or safety is presented. An item installed, maintained, designed, and assembled, an activity conducted, or act performed, in accordance with generally accepted standards, principles or practices applicable to a particular trade, business, occupation or profession, is adequate within the meaning of this regulation.

Adjudicatory Hearing means a hearing conducted in accordance with M.G.L. c. 30A and 310 CMR 1.00: *Adjudicatory Proceedings*.

~~Alteration means changing the structural or hydraulic characteristics of a well, including well deepening, hydrofracturing, well casing extension, replacement, or repair.~~

Applicant means an individual who applies for Certification to the Department.

Board of Health means a municipal board of health, a municipal health department, a regional health district, or any other legally constituted city, town, or county governmental unit within the Commonwealth serving as a public health agency, as established under M.G.L. c. 41, § 1, or M.G.L. c. 111, §§ 26, 26A, 27A, or 27B, or its authorized agent or representative under M.G.L. c. 111, § 30.

Borehole means the hole made by driving, jetting, coring, drilling, augering or other means into the ground for the purpose of constructing a Well.

~~Business of Well Drilling means charging a fee or advertising for hire the availability to drill productive or nonproductive wells in Massachusetts. The term drilling shall include both digging and drilling.~~

Casing means a pipe or tubing placed into a Borehole to support the sides of the Borehole to prevent caving impervious durable pipe placed in a boring to prevent the walls from caving and to serve as a vertical conduit for water in the well.

Certification means a document issued by the Department to an individual pursuant to M.G.L. c. 21G, § 20, and 310 CMR 46.00 certifying the individual to offer or perform one or more classes or subclasses of Well Services.

~~Certified Well Driller means an individual authorized by certification with the Department, or under the predecessor regulations, 313 CMR 3.00, by registration with the Department of Conservation and Recreation, to engage in the business and supervise the drilling, altering, or decommissioning of wells in Massachusetts, and who signs and submits the well completion report to the Department and the municipal board of health.~~

Certification of the Proper Class means a Certification that authorizes the particular class or subclass of Well Service that is being offered or performed.

Certified Closed Loop Ground Source Heat Pump Well Driller means an individual holding a valid Certification that authorizes the individual to install, maintain and decommission Closed Loop Ground Source Heat Pump Wells, and to perform Pump Installation.

Certified Level 1 Pump Installer means an individual holding a valid Certification that authorizes the individual to install and maintain Pump Systems with a pumping capacity less than or equal to 100 gallons per minute. This subclass includes two divisions: Level 1A and Level 1B. A Certified Level 1A Pump Installer is authorized to determine Well Yield, and a Certified Level 1B Pump Installer is not authorized to determine Well Yield.

Certified Level 2 Pump Installer means an individual holding a valid Certification that authorizes the individual to install and maintain Pump Systems with a pumping capacity greater than 100 gallons per minute and to determine Well Yield.

Certified Monitoring Well Driller means an individual holding a valid Certification that authorizes the individual to install, maintain and decommission Monitoring Wells.

Certified Water Well Driller means an individual holding a valid Certification that authorizes the individual to install, maintain and decommission Water Wells, and to perform Pump Installation.

Certified Well Driller means an individual who is a Certified Water Well Driller, Certified Monitoring Well Driller, Certified Closed Loop Ground Source Heat Pump Well Driller, or Certified Well Yield Enhancement Technician.

Certified Well Yield Enhancement Technician means an individual holding a valid Certification that authorizes the individual to offer or perform Well Yield Enhancement and Pump Installation.

Certify means to issue a Certification pursuant to M.G.L. c. 21A, § 20, and 310 CMR 46.00.

Civil Administrative Penalty and Penalty each means a civil administrative penalty assessed by the Department pursuant to M.G.L. c. 21A, § 16.

Closed Loop Ground Source Heat Pump Well or Closed Loop GSHPW means a Well drilled, driven or bored into the earth for the purpose of transferring heat to or from the earth for heating and cooling purposes. For the purposes of these regulations, this definition is restricted to only include wells that use a closed-loop fluid system that prevents the discharge or escape of the contents of the closed-loop into the subsurface, and that the entire length of the closed-loop tubing or piping is grouted in place such that vertical migration of fluid exterior to the closed-loop tubing or piping is restricted upon completion of the well installation.

Commissioner means the Commissioner of the Department of Environmental Protection or his or her authorized designee.

Continuing Education means Department-approved seminars, workshops, training courses, conferences, field demonstrations or other means to satisfy the Department's training contact hour requirements for the renewal of a Certification.

Decommissioning means the act of filling, sealing and plugging a Well such that the continued existence of the Well will neither pose a health or safety hazard nor serve as a conduit for movement of water to or from the Well or between water bearing zones (i.e., the part or parts of the aquifer that yield water to the Well). ~~plugging of an abandoned well so that it will not serve as a conduit for movement of water to or from the well or between water bearing zones.~~

Department means the Massachusetts Department of Environmental Protection.

~~Drawdown means extent of lowering of the water surface in a well resulting from discharge of water in the well.~~

Drilling Rig means any power-driven percussion, rotary, boring, coring, digging, jetting or augering machine used to construct a Well or Borehole.

Engage in the Business means having a principal financial interest in the firm doing business.

~~Hydrofracturing means the science of entering a dry or low yield water well with special mechanical or inflatable well packers, used in conjunction with high pressure volume pumps to inject water for cleaning out existing seams and breaking into new aquife~~

Immediate Field Supervision means oversight and management by an individual holding a currently valid Certification of the Proper Class and who is present on-site to oversee work performed by an individual who does not possess a valid Certification of the Proper Class to perform such work. On-site supervision is not required for mobilization and de-mobilization of equipment used in Well Drilling ~~providing sufficient onsite direction to the drilling crew and~~

~~oversight of the drilling operation to ensure compliance with state regulations, municipal codes, and permit requirements on well location, drilling operation, use of equipment, materials, personnel, and quality of workmanship. For productive wells, this includes making certain that any required municipal permit has been obtained and state dig-safe regulations are complied with before starting the drilling operation, as well as performing onsite supervision of drilling startup, setting of casing, installing the protective well seal, and testing for well yield. For nonproductive wells, this includes the certified well driller inquiring with the municipality about regulations, and either obtaining or ensuring that any required municipal permit is obtained before starting the drilling operation, making certain that state dig-safe regulations are complied with, and providing sufficient technical oversight to ensure that guidelines contained in the Department's Standard References for Monitoring Wells are followed.~~

Monitoring Well means any cased excavation or opening into the ground made by digging, boring, drilling, driving, jetting or other methods for the purpose of determining the physical, chemical, biological, or radiological properties of groundwater. The term Monitoring Well includes piezometers and observation Wells that were installed for purposes other than those listed above but does not include Wells whose primary purpose is to provide a supply of potable water.

~~Municipal Board of Health means the municipal board established in compliance with M.G.L. c. 41, § 21 and M.G.L. c. 111, § 26. For purposes of 310 CMR 46.00, board of health includes a department of health established pursuant to M.G.L. c. 111, §§ 26A through 26E.~~

~~Nonproductive Well means either a well not having sufficient water available for its intended use or a well used for groundwater monitoring purposes or any well installation tool which is left in the ground for more than 48 hours after the installation. Guidelines for locating, drilling, installing, sampling, and decommissioning monitoring wells are contained in the Department's Standard References for Monitoring Wells.~~

Open Loop Ground Source Heat Pump Well means a Well drilled, driven or bored into the earth for the purpose of withdrawing groundwater from the subsurface and/or discharging groundwater back to the subsurface associated with a heating and cooling system that transfers heat to or from the earth. For the purposes of these regulations, this definition includes wells that use a closed-loop system in which any portion of the length of the finished well is not grouted, such that vertical migration of fluid exterior to the closed-loop tubing or piping is not restricted.

Packer means a device used to provide a seal between the outside of the piping or tubing string and the inside of the Casing, liner, or Borehole. Packers are primarily used to isolate and contain water injected or produced within the piping or tubing string or to protect the Casing from pressure.

Person means any agency or political subdivision of the federal government or the Commonwealth, any state, public or private corporation or authority, individual, trust, firm, joint stock company, partnership, association, or other entity, and any officer, employee, or agent of said person, and any group of said persons.

Pitless Adapter means a manufactured device designed for attachment to one or more openings through a Casing and constructed to prevent the entry of contaminants into a Well, to conduct water from the Well, to protect the water from freezing or extremes of temperature, and to provide access to water system components within the Well.

~~Productive Well means a well having sufficient water available for its intended use.~~

Proficiency means competence in the classified activity. Proficiency may be evaluated by the Department based on evidence from references, the application form and other pertinent sources.

~~Protective Well Seal means device or arrangement which seals the annular space between casing and rock, or between casing and unconsolidated formations, to prevent pollutants from entering the well.~~

Pump Installation means the installation, servicing, removal, alteration, repair or replacement of Pump System equipment and appurtenances thereto, including connecting lines between a Well and storage tank and appurtenance thereto.

Pump System means the mechanical equipment or devices used to remove water from a Well. For a Well with a Pitless Adapter, the Pump System includes all piping and the Pitless Adapter. For a Well with a submersible pump and without a Pitless Adapter, the Pump System includes all piping up to the metering device or, if none, then up to the main control valve inside the foundation of the structure served by the Well. For a Well without a submersible pump and without a Pitless Adapter, the Pump System includes all piping up to and including the wellhead. For installation or repair purposes, the Pump System includes all piping up to the metering device or, if none, then up to the main control valve inside the foundation of the structure served by the Well.

Qualifying Individual means an individual who possesses a Certification of the Proper Class and is designated by a Well Service Business for assigned Well Services.

~~Recovery means the time required after well pumping ceases for the water level in the well to rise to pre-pumping level.~~

~~Static Water Level means the distance from established ground surface to the stabilized water surface in a well which is neither being pumped nor under the influence of pumping.~~

Special Certification for Drilling Monitoring Wells means a former class of certification that was issued only for drilling monitoring wells. This type of certification is no longer available.

Substantially Complete means the work performed has rendered a Well ready to be used for its intended purpose.

Training Contact Hours (TCH) means the hours of training a person has had prior to the renewal of a Well Service Professional Certification. Each seminar, workshop, training course, or college course will have a specific training hour value as rated by the Department or an agent authorized by the Department.

Unauthorized Practice means acting as, advertising as, holding oneself out to be, or representing oneself as being a Certified Well Driller, or Certified Level 1 or Level 2 Pump Installer when not in possession of a currently valid Certification of the Proper Class.

Water Well means any Well whose primary purpose is to extract water from underground and other Wells, such as cathodic protection wells, injection wells, Open Loop Ground Source Heat Pump Wells, and ground test wells, excluding Monitoring Wells, Closed Loop Ground Source Heat Pump Wells, and Well Yield Enhancement activities.

Well or Waterwell means any hole, excavation, shaft, or other opening into the ground made by drilling, boring, coring, driving, jetting, digging, or otherwise constructed to inject or withdraw water or other fluids or gases, monitor soil gases, monitor groundwater levels or water quality, transfer heat to or from the earth's subsurface, or provide cathodic protection, including the associated Pump System. ~~-or shaft constructed into the ground for the purpose of injecting or extracting water and other fluids, or to monitor groundwater levels and water quality. Not included are wells used on a temporary basis for the purpose of dewatering excavations, stabilizing hillsides or earth embankments, sampling soil vapors, or sampling groundwater if the installation tool is left in the ground less than 48 hours.~~

Well Completion means a well for which well data required for the well completion report has been obtained and the drilling rig is moved off the site at the end of the drilling operation.

Well Completion Report means the report required to be filed with the Department after

completing one or more Well Services pursuant to M.G.L. c. 21G, § 20, and 310 CMR 46.05(4)(c).

~~Well Driller means any individual, corporation, company, association, trust, or partnership that drills, constructs, alters, or decommissions a well for a fee, or advertises for hire to provide such services in Massachusetts.~~

Well Drilling means the construction, reconstruction or renovation of Wells, the establishment or repair of a connection through the Casing and the repair of Wells, including repairs which require the opening of the Casing.

Well Drilling Rig means any power driven, percussion, rotary, digging, jetting, direct push, vibrating, hydrofracturing, ~~or~~ augering machine, or other machine used in the construction, alteration or decommissioning of a ~~w~~Well.

Well Service means any operation or activity involving the drilling, constructing, installing, decommissioning, repairing, replacing, renovating, developing, stimulating, sealing or otherwise altering any Well or Pump System.

Well Service Business means a person, other than an individual or government entity, providing one or more Well Services in exchange for money or services regardless of whether the person has any formal organization.

Well Service Professional means an individual who has been certified by the Department as a Certified Water Well Driller, Certified Monitoring Well Driller, Certified Closed Loop Ground Source Heat Pump Well Driller, Certified Level 1 Pump Installer, Certified Level 2 Pump Installer or Certified Well Yield Enhancement Technician.

Well Yield means either: (a) the gallons per minute (gpm) of water that can flow or be withdrawn from a Well, at a sustained rate, during the last 15 minutes of a four hour continuous flowing or pumping test, provided that the rate sustained during the last 15 minutes of the test does not exceed that of the first three hours and 45 minutes of the test; or (b) if, after a minimum of 15 minutes of a continuous flowing or pumping test, the water level in the Well fluctuates by three inches or less in any subsequent 15-minute pumping interval, then the pumping rate, in gallons per minute, sustained during that subsequent 15-minute interval.

Well Yield Enhancement means a process to restore the productivity of a Well, including Well development, cleaning, or rehabilitation. Well Yield Enhancement techniques include using water or other substances under pressure that have been approved by the Department for such purposes.

Well Yield means the smaller of two well test measurements to determine:

- (a) gallons per minute of water discharged while being pumped over a four hour period; and
- (b) gallons per minute of water discharged after a minimum of 1½ hours of well recovery.

46.032: Certification Requirements Well Service Professional and Well Service Business Prohibitions

(1) Well Service Professional Prohibition. No person shall offer or perform any Well Service unless he or she either:

- (a) holds a currently valid Certification of the Proper Class; or
- (b) is acting under the Immediate Field Supervision of a Well Service Professional who holds a currently valid Certification of the Proper Class.

(2) Well Service Business Prohibition. No Well Service Business shall operate a business to offer or perform Well Services unless such Well Service Business employs or engages a Qualifying Individual.

(1) ~~Certification Required.~~ Unless a holder of a certificate in accordance with 310 CMR 46.02, or a registration in accordance with the predecessor regulations, 313 CMR 3.00, no person shall

~~engage in the business of well drilling in the Commonwealth. This certification requirement does not include wells used on a temporary basis for the purpose of dewatering excavations, stabilizing hillsides or earth embankments, sampling soil gases, or sampling groundwater if the installation tool is left in the ground less than 48 hours.~~

~~(2) Requirements for Certification. To obtain a certificate, an applicant must show satisfactory evidence that the applicant has attained:~~

- ~~(a) experience in drilling wells in Massachusetts by being actively engaged in drilling of productive wells in Massachusetts under the immediate field supervision of a Massachusetts certified well driller for at least 36 months prior to application date;~~
- ~~(b) knowledge of well drilling by passing a written general examination, prepared and administered by the National Ground Water Association (NGWA), or by the Department; and~~
- ~~(c) competency in the drilling of wells sufficient to assume the function and duties of a certified well driller, attested to in a sworn affidavit by a Massachusetts certified well driller who supervised the applicant's work.~~

~~(3) Waiver. The Department may waive certain requirements set forth in 310 CMR 46.02(2) when the Department receives satisfactory evidence under one of the following options that the applicant:~~

- ~~(a) is certified in another state with comparable certification requirements and well drilling conditions, has been certified in that state for a period of at least three years, and is in good standing. If certification requirements are not comparable, the Department shall require at least one year additional experience of being actively engaged in the drilling of productive wells in Massachusetts under the immediate field supervision of a Massachusetts certified well driller.~~
- ~~(b) was previously certified in Massachusetts within two years of receipt of application for reinstatement, and submits payment of fees in arrears as determined by the Department.~~
- ~~(c) is certified by NGWA as a Certified Well Driller, and beyond NGWA certification requirement, has at least one year additional experience of being actively engaged in drilling productive wells in Massachusetts under the immediate field supervision of a Massachusetts certified well driller.~~

~~(4) Special Certification for Drilling Monitoring Wells Only. An applicant may apply for a special certificate for drilling monitoring wells only if the applicant has either:~~

- ~~(a) certification as a NGWA Certified Well Driller, including having passed the specialty examination on monitoring well construction; or~~
- ~~(b) equivalent certification from National Drilling Contractors Association (NDCA) and meets equivalent qualification requirements.~~

~~(5) Temporary Certification. The Department may issue a temporary certificate for administrative purposes, provided the applicant has met qualifications set forth in 310 CMR 46.02(2), 310 CMR 46.02(3) or 310 CMR 46.02(4). A temporary certificate shall be valid for up to 90 days. The fee for a temporary certificate shall be the same as for an annual certification.~~

46.043: Certification Requirements, Classifications, and Procedures~~Contents and Responsibilities~~

(1) General.

- (a) An individual who intends to offer or perform one or more Well Services in the Commonwealth shall file a complete application using the form prescribed by the Department for such purposes and obtain a Certification in the particular class or subclass of Well Services being offered or performed.
- (b) Each Well Service Business shall employ or engage a Qualifying Individual for the particular class or subclass of Well Services being offered or performed.
- (c) Certifications are not transferable.

(2) Classifications. The Department may approve an Applicant for one or more of the following classes or subclasses.

- (a) Well Driller. Certification in the Well Driller class may include one or more of the following subclasses:
 - 1. Water Well Driller;

2. Monitoring Well Driller;
3. Closed Loop Ground Source Heat Pump Well Driller; and
4. Well Yield Enhancement Technician.

(b) Pump Installer. Certification in the Pump Installer class may include one or both of the following subclasses;

1. Level 1 Pump Installer; and
2. Level 2 Pump Installer.

(3) Certification Application. To be eligible for Certification, each Applicant must:

- (a) submit a complete application on a form prescribed by the Department documenting the Applicant meets the requirements in 310 CMR 46.04(4): *Requirements for Certification* for each subclass for which Certification is sought;
- (b) demonstrate Proficiency in each subclass for which Certification is sought; and
- (c) pay the requisite fee under 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*. An Applicant may apply for Certification in multiple subclasses simultaneously at no additional fee.

(4) Requirements for Certification.

(a) Requirements for Certification as a Certified Water Well Driller. Except as otherwise provided by 310 CMR 46.04(4)(a)3., an Applicant for Certification as a Certified Water Well Driller shall demonstrate the following to the Department's satisfaction:

1. the equivalent of two years prior experience drilling Water Wells in Massachusetts under Immediate Field Supervision prior to filing his or her application; and
2. Proficiency in Water Well construction as demonstrated by passing an oral or written examination(s) on Water Well drilling approved by the Department.
3. Prior Certification. Any Certified Well Driller possessing a valid Certification issued by the Department as of December 31, 2026, except an individual who possesses only a valid Special Certification for Drilling Monitoring Wells, is presumed to satisfy the requirements in 310 CMR 46.04(4)(a)1. and 2.

(b) Requirements for Certification as a Certified Monitoring Well Driller. An Applicant for Certification as a Certified Monitoring Well Driller shall demonstrate to the Department's satisfaction:

1. the equivalent of two years prior experience drilling Monitoring Wells in Massachusetts under Immediate Field Supervision prior to filing his or her application; and
2. Proficiency in construction of Monitoring Wells as demonstrated by passing an oral or written examination(s) on Monitoring Well drilling and construction and Borehole decommissioning approved by the Department.
3. Prior Certification. Any Certified Well Driller possessing a valid Certification issued by the Department as of December 31, 2026, is presumed to satisfy the requirements in 310 CMR 46.04(4)(b)1. and 2.

(c) Requirements for Certification as a Certified Closed Loop Ground Source Heat Pump Well Driller. An Applicant for Certification as a Certified Closed Loop Ground Source Heat Pump Well Driller shall demonstrate to the Department's satisfaction:

1. the equivalent of two years prior experience drilling Closed Loop Ground Source Heat Pump Wells in Massachusetts under Immediate Field Supervision prior to filing his or her application; and
2. Proficiency in Closed Loop GSHPW construction as demonstrated by passing an oral or written examination(s) on Closed Loop GSHPW construction approved by the Department.
3. Prior Certification. Any Certified Well Driller possessing a valid Certification issued by the Department as of December 31, 2026, except an individual who possesses only a valid Special Certification for Drilling Monitoring Wells, is presumed to satisfy the requirements in 310 CMR 46.04(4)(c)1. and 2.

(d) Requirements for Certification as a Certified Well Yield Enhancement Technician. An Applicant for Certification as a Certified Well Yield Enhancement Technician shall demonstrate to the Department's satisfaction:

1. the equivalent of two years prior experience in Well Yield Enhancement in Massachusetts under Immediate Field Supervision prior to filing his or her application; and
2. Proficiency in Well Yield Enhancement as demonstrated by passing an oral or written examination(s) approved by the Department.
3. Prior Certification. Any Certified Well Driller possessing a valid Certification issued by the Department as of December 31, 2026, except an individual who possesses only a valid Special Certification for Drilling Monitoring Wells, is presumed to satisfy the requirements in 310 CMR 46.04(4)(d)1. and 2.

(e) Requirements for Certification as a Certified Level 1A or Level 1B Pump Installer.

—In the case of an application for Certification received from an Applicant prior to [one year after the effective date of the regulations being promulgated]:

1.

- a. An Applicant for Certification as a Certified Level 1A Pump Installer shall demonstrate to the Department's satisfaction that he or she satisfies the following:
 - i. the equivalent of one year prior Pump Installation experience on Pump Systems with a pumping capacity less than or equal to 100 gallons per minute prior to filing his or her application; or
 - ii. Proficiency in Pump Installation work as demonstrated by passing an oral or written examination(s) on Pump Installation (Level 1) and determining Well Yield approved by the Department.
- b. An Applicant for Certification as a Certified Level 1B Pump Installer shall demonstrate to the Department's satisfaction that he or she has a currently valid license to perform plumbing work issued pursuant to 248 CMR 3.00: *General Provisions Governing the Conduct of Plumbing and Gas Fitting Work Performed in the Commonwealth.*
- c. Prior Certification. Any Certified Well Driller possessing a valid Certification issued by the Department as of December 31, 2026, except an individual who possesses only a valid Special Certification for Drilling Monitoring Wells, is presumed to satisfy the requirements in 310 CMR 46.04(4)(e)1.

2. In the case of an application for Certifications received from an Applicant on or after [one year after the effective date of the regulations being promulgated]:

- a. An Applicant for Certification as a Certified Level 1A Pump Installer shall demonstrate to the Department's satisfaction Proficiency in Pump Installation work as demonstrated by passing an oral or written examination(s) on Pump Installation (Level 1) and determining Well Yield approved by the Department.
- b. An Applicant for Certification as a Certified Level 1B Pump Installer shall demonstrate to the Department's satisfaction that he or she has a currently valid license to perform plumbing work issued pursuant to 248 CMR 3.00: *General Provisions Governing the Conduct of Plumbing and Gas Fitting Work Performed in the Commonwealth.*

(f) Requirements for Certification as a Certified Level 2 Pump Installer.

—In the case of an application for Certification received from an Applicant prior to [one year after the effective date of the regulations being promulgated]:

1.

- a. An Applicant for Certification as a Certified Level 2 Pump Installer shall demonstrate to the Department's satisfaction:
 - i. the equivalent of one year prior Pump Installation experience on Pump Systems with a pumping capacity greater than 100 gallons per minute prior to filing his or her application; or
 - ii. Proficiency in Pump Installation work as demonstrated by passing an oral or written examination(s) on Pump Installation (Level 2) and determining Well Yield approved by the Department.
- b. Prior Certification. Any Certified Well Driller possessing a valid Certification issued by the Department as of December 31, 2026, except an individual who possesses only a valid Special Certification for Drilling Monitoring Wells, is presumed to satisfy the requirements in 310 CMR 46.04(4)(f)1.

2. In the case of an application for Certification received from an Applicant on or after [one year after the effective date of the regulations being promulgated],

an Applicant for Certification as a Certified Level 2 Pump Installer shall demonstrate to the Department's satisfaction Proficiency in Pump Installation work as demonstrated by passing an oral or written examination(s) on Pump Installation (Level 2) and determining Well Yield approved by the Department.

(5) Fees, Term of Certification.

(a) The fees for initial Certification and renewal of Certification shall be published in 310 CMR 4.00: *Timely Action Schedule and Fee Provisions.*

(b) All Certifications will expire on December 31 of each year, unless renewed.

(6) Content of Certificates. To provide documentation of Certification, the Department will issue a Certificate which contains, at a minimum, the following information:

(a) Certifications:

1. the certified Well Service Professional's name and address;
2. the term when the Certification is valid;
3. the certified Well Service Professional's exclusive Certification number;
4. the subclass(es) certified; and
5. the signature of the Commissioner or the Commissioner's designee.

(7) Renewal of Certifications.

(a) Each Person seeking to renew a Certification shall submit to the Department a complete renewal application form prescribed by the Department with the applicable fee annually by December 31. If a Certification renewal application is received subsequent to expiration of the annual Certification period, the renewal fee shall then be twice the established Certification fee, unless otherwise determined by the Department. If more than a year has elapsed since the expiration of Certification, the renewal fee for the missed year will also apply. If two or more years have elapsed since the expiration of Certification, the holder of the expired Certification may not apply for renewal but must instead re-apply for a new Certification.

(b) Each individual seeking to renew a Certification after [insert date one year after promulgation] shall provide documentation of participation in the following Training Contact Hours (TCH) of Continuing Education, as appropriate, during the current term of Certification:

1. Certified Well Driller: 4 TCH
2. Certified Level 1 and/or Level 2 Pump Installer: 2 TCH

(c) Upon written request, the Department may defer all or a portion of the requisite TCH needed for renewal of Certification if an unforeseeable and unavoidable circumstance occurs that prevents the individual's fulfillment of the TCH requirements. An individual who is granted such a deferral is required to fulfill the deferred TCH requirements as soon as reasonably possible and no later than June 30th of the renewal term or the Department may suspend the Certification.

(d) Each individual seeking to renew a Certification shall demonstrate he or she meets the applicable requirements for Certification in 310 CMR 46.04(4): *Requirements for Certification* if seeking to add one or more subclasses, as applicable.

(e) Each individual seeking to renew a Certification shall attest to his or her past compliance with the applicable requirements in 310 CMR 46.05: *Responsibilities of Qualifying Individuals, Well Service Professionals, Well Service Businesses and Other Persons*, as applicable.

(8) Modification of Certifications.

(a) General. Any Person seeking to modify a Certification shall submit to the Department a modification request using the form prescribed by the Department for such purposes.

(b) In addition to the modification request form required by 310 CMR 46.04(8)(a), any individual seeking to modify a Certification to add one or more subclasses shall demonstrate to the Department's satisfaction that he or she meets the applicable requirements in 310 CMR 46.04(4): *Requirements for Certification* and attest to his or her compliance with the applicable requirements in 310 CMR 46.05: *Responsibilities of Qualifying Individuals, Well Service Professionals, Well Service Businesses and Other Persons*, as applicable.

(c) After issuance of a Certification, the individual named therein shall notify the Department of any material changes by submitting the modification request form required by 310 CMR 46.04(8)(a). The phrase "material change" herein includes, without limitation, a change in the information previously provided to the Department on an application form for Certification.

(d) Modification of a Certification shall not extend the term of the Certification.

(9) Denial, Suspension, and Revocation of Certification.

(a) Denial of Certification. In addition to any other bases for denial allowed by law, the Department may deny issuance, renewal, or reinstatement of Certification upon a determination that:

1. the Applicant failed to meet the requirements in 310 CMR 46.04(4): *Requirements for Certification* for the class or subclass sought;
2. the Applicant lacks the Proficiency required for Certification in the class or subclass sought;
3. the Applicant has provided false or inaccurate information in the application;
4. the Applicant has not corrected a violation of M.G.L. c. 21G, § 20, 310 CMR 46.00 or any other statute or regulation administered by the Department;
5. the Applicant has not paid in full any civil administrative penalty, civil penalty or criminal penalty owing for violation of M.G.L. c. 21G, § 20, 310 CMR 46.00 or any other statute or regulation administered by the Department; or
6. other good cause for denial exists.

(b) Suspension and Revocation. In addition to any other bases for suspension or revocation allowed

by law, a Certification may be suspended or revoked for cause including:

1. a violation of M.G.L. c. 21G, § 20, 310 CMR 46.00 or any other statute or regulation administered by the Department;
2. failure to pay in full any civil administrative penalty, civil penalty or criminal penalty owing for violation of M.G.L. c. 21G, § 20, 310 CMR 46.00 or any other statute or regulation administered by the Department;
3. an intentional misstatement or misrepresentation of fact on an application form or Well Completion Report;
4. a failure to keep, deliver, or submit a Well Completion Report;
5. a failure to perform Well Services with Adequate Care; and
6. any Unauthorized Practice.

(c) In the event a Certification is denied, suspended, or revoked, the Department will provide the Applicant written notice of the reasons for such action and the right to an Adjudicatory Hearing. Applicants may request an Adjudicatory Hearing on the Department's decision to suspend or revoke a Certification pursuant to 310 CMR 46.04(9)(b) in accordance with the procedures and deadlines set forth in 310 CMR 46.07.

(d) A Well Service Professional whose Certification has been suspended may request reinstatement in writing at the end of the suspension term. The Department may reinstate the Certification if the Well Service Professional has corrected any violation of M.G.L. c. 21G, § 20, 310 CMR 46.00 or any other statute or regulation administered by the Department cited in the suspension notice and the Department is satisfied that all other conditions in the suspension notice have been met.

(e) The Department will not reinstate or renew a Certification that has been revoked. The holder of the revoked Certification may re-apply for a new Certification one year after the date of revocation.

(10) Reinstatement After Expiration.

(a) The holder of a Certification that expired within the prior two years due to a failure to apply for renewal may apply to the Department for reinstatement using a form provided by the Department for such purposes.

(b) Each individual seeking to reinstate an expired Certification shall provide documentation of participation in the following training contact hours (TCH) of Continuing Education for each particular class or subclass of Well Services being certified during the last year the Certification was valid or during the period in which the individual failed to renew the Certification:

1. Certified Well Driller: 4 TCH
2. Certified Level 1 and/or Level 2 Pump Installer: 2 TCH

(c) In addition to the requirements in 310 CMR 46.04(10)(b), each individual seeking to reinstate an expired Certification shall demonstrate he or she meets the applicable requirements for Certification in 310 CMR 46.04(4): *Requirements for Certification* if seeking to add one or more subclass, and attest to his or her compliance with the applicable requirements in 310 CMR 46.05: *Responsibilities of Qualifying Individuals, Well Service Professionals, Well Service Businesses and Other Persons*, as applicable.

(11) Inactive Status for Well Service Professionals.

(a) Any Well Service Professional may advise the Department in writing that they desire to assume inactive status and to discontinue the provision of Well Services in the Commonwealth. Such notice shall be provided by the deadline set forth in 310 CMR 46.04(7)(a) for renewal of Certification. Upon the filing of such notice, the Well Service Professional shall continue to file annual renewal forms using the form prescribed by the Department for such purposes for as long as he or she remains on inactive status but shall no longer be able to provide Well Services in the Commonwealth until and unless reinstated. Any inactive Well Service Professional in the Commonwealth shall pay the application fee imposed pursuant to 310 CMR 4.00: *Timely Action Schedule and Fee Provisions* for inactive status but shall not be required to comply with the provisions of 310 CMR 46.04(7)(b) or (c) applicable to renewal of Certification.

(b) Upon the filing of a notice that he or she wishes to assume inactive status, the Well Services Professional shall be removed from the rolls of those certified as active until and unless he or she:

1. requests reinstatement to the active rolls using the form prescribed by the Department for such purposes;
2. demonstrates compliance with the provisions of 310 CMR 46.04(7)(b) during his or her last active term of Certification;
3. demonstrates compliance with 310 CMR 46.04(7)(c) during his or her last inactive term; and
4. pays the application fee imposed pursuant to 310 CMR 4.00: *Timely Action Schedule and Fee Provisions* for reinstatement.

(12) Waiver. The Department may waive certain requirements set forth in 310 CMR 46.024(24) for the Well Service Professional subclasses set forth in 310 CMR 46.04(2)(a) when the Department receives satisfactory evidence under one of the following options that the Applicant:

- ~~(a) is certified in another state with comparable certification requirements and well drilling conditions, has been certified in that state for a period of at least two years, and is in good standing. If certification requirements are not comparable, the Department shall require at least one year additional experience of being actively engaged in Well Drillingthe drilling of productive wells in Massachusetts under the Immediate Field Supervision of an individual who possesses a valid Certification of the Proper Class- for which the Applicant seeks certificationMassachusetts certified well driller.~~
- ~~(b) was previously certified in Massachusetts within two years of receipt of application for reinstatement, and submits payment of fees in arrears as determined by the Department.~~
- ~~(c) is certified by the National Ground Water Association (NGWA) as a Certified Well Driller, and in addition to NGWA certification requirements, has at least one year additional experience of being actively engaged in Well Drillingproductive wells in Massachusetts under the Immediate Ffield Ssupervision of an individual who possesses a valid Certification of the Proper Class for which the Applicant seeks certificationMassachusetts certified well driller.~~

~~(1) Certified Well Driller Identification.~~

~~(a) Certificate. To provide documentation of valid well driller certification, following the applicant's payment of the applicable fee, the Department will issue a Certificate to qualified applicants containing the name, address, and certification number of the certified well driller, type of well drilling for which the certification is valid, annual period of validation, and the signature of the Commissioner, or the Commissioner's designee. The Certificate is nontransferable, and the certification number shall not be re-assigned if a certification is not renewed.~~

46.03 : continued

~~(b) Advertisement. Any advertising of availability for hire to drill wells in Massachusetts shall include the name and certification number of the certified well driller engaged in the business being advertised.~~

~~(c) Rig Permit and Rig Markings for Field Identification. For each well drilling rig used to engage in the well drilling business in Massachusetts, a certified well driller shall apply to the Department for a rig permit. Following the applicant's payment of the applicable fee, the Department will issue a rig decal designating the annual period for which the permit is valid. The decal shall be affixed to the well drilling rig for which it is issued; in no case shall a well drilling rig be operated without the decal affixed. For field identification, the certified well driller shall display in a conspicuous location on both sides of each well drilling rig the words "Massachusetts Certified Well Driller" or "Massachusetts Certified Monitoring Well Driller" (as specified on the Certificate), as well as the certification number. Letters in these words shall be at least two inches high. If a certification is not renewed or is suspended or revoked, or if a well drilling rig is no longer used by the certified driller, all rig markings referring to Massachusetts certification shall be removed.~~

~~(2) Immediate Field Supervision. A certified well driller engaged in, or assigned to the business of drilling a well, shall provide immediate field supervision as defined in 310 CMR 46.01(2), and as specified by the municipal board of health.~~

~~(3) Well Completion Report. The certified well driller who provided immediate field supervision on drilling of a well shall submit a report to the Department, with a copy to the municipal board of health, within 30 days of well completion. The report shall be on a form furnished by the Department, and shall contain information on, at minimum, well location; well owner name and address; municipal board of health permit; well use; well completion date; casing type, size, length, and depth into bedrock; protective well seal; well depth; depth to bedrock and water bearing zones; well screen and setting; static water level; well yield from productive wells, including drawdown, recovery, and testing method used; drilling log describing materials penetrated; hydrofracturing; well abandonment; and well driller business. The certified well driller who provided immediate field supervision shall sign the report, thereby attesting to information accuracy and completeness. For installation of groups of monitoring wells, the certified well driller shall submit one well completion report containing data on a typical well and noting the number of wells installed in the group, unless individual well completion reports are required by the municipality.~~

~~(4) Annual Renewal. A certified well driller shall submit annually to the Department an application for certification and rig permit renewal at least 30 days prior to the expiration of the~~

~~certification, accompanied by the applicable certification fee. The application shall contain, at minimum, the applicant's current address, name of the business for which the applicant is engaged in drilling wells, number of wells drilled under the applicant's supervision during the current certification period, and the applicant's signature. If a certification renewal application is received subsequent to expiration of the annual certification period, the certification fee shall then be twice the established certification fee. Subsequent to renewal, a certified well driller shall notify the Department of any changes in address or business entity.~~

46.054: Criteria for Suspension or Revocation of Certification, Penalties and Other Actions Responsibilities of Qualifying Individuals, Well Service Professionals, Well Service Businesses, and Other Persons

(1) Qualifying Individual Duties.

- (a) Well Service Professionals may serve as the Qualifying Individual for one or more Well Service Businesses provided they hold a currently valid Certification for the particular class or subclass of work assigned to him or her by each Well Service Business.
- (b) A Well Service Business may have more than one Qualifying Individual, provided that the Well Service Business maintains at least one Qualifying Individual for each subclass of Well Service that it offers.
- (c) The Qualifying Individual for assigned work shall:
 - 1. provide Immediate Field Supervision of assigned work; and
 - 2. attest that the Well Completion Report for assigned work is accurate and complete prior to submittal to the Department.

(2) Work Performance Standards.

- (a) Duty of Adequate Care. Well Service Professionals shall exercise Adequate Care in the performance of Well Services to prevent damage to public and private property and to prevent creating risks to human health and the environment.
- (b) Well Yield Enhancement Prohibitions. In addition to the requirements of 310 CMR 46.05(3)(a), a Certified Water Well Driller and Certified Well Yield Enhancement Technician shall not use dry ice, dynamite, proppants, or any chemical for Well Yield Enhancement, unless the chemical has been approved for potable water applications by the Department in accordance with 310 CMR 22.04(8) or by the U.S. Environmental Protection Agency, or conforms to the applicable American National Standards Institute (ANSI), and the National Sanitation Foundation (NSF) Standard 60 or 61 and is capable of producing finished water that meets all federal and state Maximum Contaminant Levels and drinking water standards.
- (c) Application of Department Standards and Guidelines. Well Services shall be presumed to protect public and private property, human health and the environment if performed in accordance with the Department's written practices, procedures, standards, and guidelines in effect at the time the work is performed.

(3) Record Retention and Reporting.

- (a) Duty to Keep and Maintain Records.
 - 1. Each Well Service Professional shall keep and maintain accurate records for Well Service work for a minimum of seven years following the completion of work.
 - 2. Each Well Service Business shall keep and maintain accurate business records pertaining to the provision of Well Services for a minimum of seven years following the completion of work. Such business records include, without limitation, copies of contracts and invoices.
- (b) Field Logs. Well Service Professionals and Well Service Businesses shall complete and maintain field logs for the Well Services they perform. Such logs shall be available for inspection on-site at all times when work is in progress and shall be maintained in accordance with 310 CMR 46.05(34)(a).
- (c) Well Completion Reports. Each Well Service Professional shall complete and submit a Well Completion Report for the Well Services they perform using the form prescribed by the Department for such purposes. Such reports shall be maintained in accordance with 310 CMR 46.05(34)(a). The Well Service Professional shall sign and submit the completed Well Completion Report to the Department and the Board of Health having jurisdiction over the Well within thirty days of completing any Well Service. Such reports shall be submitted electronically to the Department in accordance with the instructions provided by the Department with the prescribed form, unless electronic submittal is not available and in which case submittal may be provided by hard copy. Well Completion Reports shall include, as applicable to the Well Services performed, the following information:
 - 1. the latitude and longitude GPS coordinates of the Well;
 - 2. the Well owner's name and address;
 - 3. the Board of Health permit number, if any;
 - 4. the use of the Well;

5. the Well Service Professional's name, number and signature;
6. the name of the Person who provided Immediate Field Supervision for each Well Service performed;
7. the name of the Well Service Business that contracted the work;
8. the dates Well Services were commenced and completed;
9. the depth of the Well;
10. the Well Yield in gallons per minute;
11. any change in information previously reported for the Well; and
12. such other information as the Department may specify on the prescribed form.

(4) Reporting Exemptions. A Well Completion Report is not required for the following:

- (a) Monitoring Wells for the purpose of in-situ soil or groundwater sampling that are installed, removed, and closed on the same day; and
- (b) hand-driven or dug Wells constructed with the use of a hand auger or by other manual means.

(5) Advertisement.

- (a) Well Service Professionals may advertise their services to the public, provided that their Certification numbers are included in the advertisement.
- (b) Well Service Professionals shall not do business under any name, or use any Certification number, other than the name and Certification number stated in their Certification.

(6) Possession of Certificate. Well Service Professionals shall always have the Department-issued Certification in their possession while performing Well Services. A Well Service Professional shall produce his or her Certification for inspection upon request by an employee or agent of the Department.

(7) Well Drilling Rigs and Service Vehicles. A Well Service Business shall place its name in letters not less than two inches high in a conspicuous location on both sides of its Well Drilling Rig(s) and any other service vehicle(s) used in providing Well Services.

~~(1) Any failure to comply with 310 CMR 46.00, or any act or failure to act which endangers public health or safety, shall be considered sufficient criterion for the suspension or revocation of certification and for other action by the Department and the Commonwealth, pursuant to applicable law, including, but not limited to, civil, administrative and other penalties and fines.~~

~~(2) Any well driller who fails to certify with the Department and offers services for hire, or any certified well driller who either fails to submit a well completion report in accordance with 310 CMR 46.03(3), submits a report that includes false, misleading or inaccurate statements, or falsifies a certification application, is subject to suspension or revocation of certification by the Department and to other action by the Department and the Commonwealth, pursuant to applicable law, including, but not limited to, civil, administrative and other penalties and fines.~~

46.04: continued

~~(3) The Department may require any person to provide information as the Department deems necessary to determine whether such person is subject to, in violation of, or has violated M.G.L. c. 21G, § 14, M.G.L. c. 21G, § 20 or 310 CMR 46.00.~~

46.065: Enforcement, Requirements for Information, and Right of EntrySeverability

(1) Authority to Inspect. The Department may investigate suspected violations of M.G.L. c. 21G, § 20, 310 CMR 46.00 and administrative orders issued pursuant to M.G.L. c. 21G, § 14. The Department may require anyone who the Department suspects is violating any such requirement, or assisting in such a violation, to produce and allow copying or duplicating records (e.g., books, papers, photographs, videos, and other documents) for the purpose of ascertaining compliance. The duly authorized agents and employees of the Department, at all reasonable times, may enter and examine any property, facility, operation, or activity in accordance with M.G.L. c. 21G, § 13. The owner, operator, or other person in charge of the property, facility, operation, or activity, upon presentation of proper identification, shall give such agents and employees free and unrestricted entry and access in accordance with M.G.L. c. 21G, § 13.

(2) Enforcement. The Department may take enforcement action pursuant to applicable law to enforce the provisions of M.G.L. c. 21G, § 20, and 310 CMR 46.00. Such action may include, without limitation, the following:

- (a) issuing such orders as necessary to aid in the implementation and enforcement of M.G.L. c. 21G, § 20, and 310 CMR 46.00. Such orders may include, but shall not be limited to, orders requiring

persons to cease and desist any activity that is in violation of 310 CMR 46.00 or to carry out such activities necessary to bring such person into compliance. The Department may also require any person to provide information, in a timeframe specified by the Department, that the Department deems necessary to determine whether such person is subject to, in violation of, or has violated M.G.L. c. 21G, § 20, or 310 CMR 46.00;

(b) suspending or revoking a Certification issued pursuant to M.G.L. c. 21G, § 20, and 310 CMR 46.00;

(c) assessing Civil Administrative Penalties pursuant to M.G.L. c. 21A, § 16, 310 CMR 5.00, and M.G.L. c. 21G, § 14; and/or

(d) referring the suspected violation to the Attorney General or appropriate District Attorney for injunctive relief and/or civil or criminal enforcement.

(3) Violations. It shall be a violation of 310 CMR 46.00 for any Person to:

(a) engage in Unauthorized Practice or otherwise hold themselves out to the public as a certified Well Service Professional or Well Service Business in violation of any requirement of M.G.L. c. 21G, § 20, and 310 CMR 46.00;

(b) provide any false, inaccurate, incomplete, or misleading statement or information in any application form submitted to the Department pursuant to 310 CMR 46.00;

(c) provide any false, inaccurate, incomplete, or misleading statement or information in any record, document or report that is submitted to the Department or that must be maintained pursuant to M.G.L. c. 21G, § 20, and 310 CMR 46.00;

(d) fail to provide any information required by the Department pursuant to 310 CMR 46.00;

(e) fail to timely file a Well Completion Report in accordance with 310 CMR 46.05(4)(c); or

(f) violate any other provision of 310 CMR 46.00.

46.07. Appeals

~~If any provision of 310 CMR 46.00 or its application is held to be invalid, such invalidity shall not affect any provisions of 310 CMR 46.00 not specifically held invalid.~~

(1) Right to Adjudicatory Hearing. Subject to the provisions of 310 CMR 46.07(2), except for a suspension or revocation based upon the criteria set forth in M.G.L. c. 30A, section 13, for which there is no right to an adjudicatory hearing, whenever the Department issues an administrative order to a Person, or seeks to deny a Person's application for a Certification or suspend, or revoke a Certification issued to a Person, such Person shall have the right to an adjudicatory hearing in accordance with M.G.L. c. 30A and 310 CMR 1.00: *Adjudicatory Proceedings*.

(2) Requirements. Any Person having a right to initiate an adjudicatory hearing pursuant to 310 CMR 46.07(1) shall file a written notice of claim for an adjudicatory appeal in compliance with the applicable provisions of 310 CMR 1.00: *Adjudicatory Proceedings*. The notice shall be filed with the Department within 21 days from the date that the notice of Department action was issued. The date of issuance of the Department's action shall be: (a) the date on which the Department hand delivers the document; (b) the date of receipt if the Department sends the document by certified mail; (c) three days after the date on which the Department places the document in the mail, if transmitted by first class mail, and (d) the date on which the Department initiates transmission, if delivered by electronic mail, facsimile or other electronic means.

(3) Where to File. A notice of claim shall be filed with the Department as specified in the document being appealed.

REGULATORY AUTHORITY

310 CMR 46.00: M.G.L. c. 21G, §§ 14 and 20.

NON-TEXT PAGE