

7300 Water Supply Section

**7302 Regulations For Licensing Water Well Contractors, Pump Installer
Contractors, Well Drillers, Well Drivers, And Pump Installers**

Adopted: October 31, 2002

Effective: January 1, 2003

1.0 General Provisions

- 1.1 Purpose. It is the purpose of these regulations to:
 - 1.1.1 Protect the public health and to conserve and protect the water resources of the state.
 - 1.1.2 Examine and license those persons engaged in
 - 1.1.2.1 Contracting for and the drilling, boring, coring, driving, digging, construction, installation, removal, or repair of wells and test wells; and
 - 1.1.2.2 Abandoning, sealing and or modifying wells and test wells; and
 - 1.1.2.3 The installation, repair or removal of pumping equipment in and for a well.
 - 1.1.3 Provide for the Secretary to appoint a Water Well Licensing Board to advise and assist the Secretary in the administration of the licensing program.
- 1.2 Statutory Authority. The Department of Natural Resources and Environmental Control establishes and adopts these regulations pursuant to the authority granted by §6010(a) and §6023 of the Delaware Environmental Protection Act, Title 7 **Del.C.**, Chapter 60.
- 1.3 Scope and Applicability
 - 1.3.1 Minimum requirements are hereby prescribed governing the licensing of persons who conduct activities governed by these regulations.
 - 1.3.2 No person shall conduct any activity contrary to the provisions of these regulations.
 - 1.3.3 If any part of these regulations or the application of any part thereof is held invalid or unconstitutional, the application of such part to other persons or circumstances and the remainder of these regulations shall not be affected thereby and shall be deemed valid and effective.
 - 1.3.4 These regulations being necessary for the protection and conservation of the water resources of the state, shall be liberally construed in order to preserve the land, surface water and groundwater resources of the State of Delaware.
 - 1.3.5 The Department shall have the right to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relative to the enforcement of these regulations; upon verbal notice and after presenting official identification to the owner, occupant, custodian, or agent of the property.
 - 1.3.6 The provisions of these regulations shall supercede previous versions of these regulations.

TITLE 7 NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DELAWARE ADMINISTRATIVE CODE

- 1.4 Enforcement and Penalties. The provisions of these regulations shall be enforced by the Department as provided in Title 7 **Del.C.**, §6005 and §6013. Such enforcement may include suspension or revocation of any license for cause. The failure of the Department to enforce any of the provisions of these regulations shall not constitute a waiver by the Department of such provisions.

2.0 Definitions

“Agricultural Well” means a well used for watering livestock, poultry, and for aquaculture uses; or solely for watering household yards and gardens; or for other purposes related to farming in general but not including the irrigation of lands or crops. Water is not used for human consumption or to service a dwelling.

“Application Fee” means the fee that must be submitted with an application for a license in one of the categories of these regulations.

“Board” means the Water Well Licensing Board.

“Construction of Wells” means all acts necessary to complete a well from the initial penetration or excavation of the ground through development, equipment installation, and disinfection. Set-up of construction equipment before actual penetration or excavation is not considered part of construction.

“Department” means the Department of Natural Resources and Environmental Control.

“Dewatering” means a well used to temporarily remove ground water during the construction of footings, sewer lines, building foundations, elevator shafts, etc.

“Geotechnical Well” means a well constructed for monitoring water quality, measuring water levels, for removing a product mixed with or adjacent to groundwater or for injecting air or other product(s) into the groundwater with the intent to remediate contamination. Geotechnical wells are typically classified as observation, monitor, recovery or injection wells.

“Installation” means the placement of pumps, and/or pumping equipment in and for wells; and the removal of pumps and related equipment in and for wells for repair, service or the reinforcement thereof.

“Irrigation Well” means a well that is used for the watering of lands or crops other than household lawns and gardens.

“License Fees” means the fee for licensing water well contractors, pump installer contractors, well drillers, well drivers, and pump installers.

“Person” means any individual, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, or owner, or any Federal, State or local governmental agency or public district or any officer or employee thereof.

“Pumps and/or Pumping Equipment” means any equipment or material(s) utilized or intended for use in withdrawing or obtaining ground water or other fluids from wells.

“Pump Installer Contractor” means any person licensed by the State of Delaware to engage in the business of contracting for the installation, modification, or repair of water well pumps and related equipment.

“Pump Installer” means any person licensed by the State of Delaware to act in responsible charge of all on-site work in the installation, maintenance, and repair of pumps and related equipment in and for wells.

"Repair of Wells" means the repair or rehabilitation of a well to restore the original yield to the best extent possible, providing the location and physical dimensions of the well are not changed.

"Secretary" means the Secretary of the Department of Natural Resources and Environmental Control or his or her duly authorized designee.

"Test Boring and Coring" means the removal and collection of soil samples from the earth by means of augers, core-barrels, spoons, wash casing and bailers for the purpose of obtaining geologic and hydrologic information.

"Well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, testing, acquisition, artificial recharge or injection of fluids or gases, or to otherwise make use of groundwater and where the depth is greater than the diameter or width. For the purpose of these regulations this definition does not include geotechnical test; soil, telephone, and construction piling borings; fence posts or test pits. Horizontal closed loop heat pump circulation systems constructed within twenty (20) feet of the ground surface are not considered wells.

"Water Well Contractor" means any person engaged in the business of contracting for the construction of water wells, and/or the installation of pumping equipment in or for wells.

"Well Driller" means any person in responsible charge of all on-site work relating to the drilling, boring, coring, driving, digging, construction, installation, removal or repair of a well.

"Well Driver" means any person in responsible charge for all on-site work relating to the driving, construction, installation, removal or repair of driven wells, or the installation modification or repair of water well pumps and related equipment ordinarily used in driven wells.

3.0 Water Well Licensing Board

3.1 Board Membership. The Secretary shall appoint a Water Well Licensing Board (hereafter referred to as the "Board") to advise and assist the Secretary in the administration of the licensing program. The Board shall consist of six members as follows: four members shall hold valid well driller, well driver or pump installer licenses, one member shall be from the office of the Delaware Geological Survey, and one member shall be from the Department. All members shall serve at the pleasure of the Secretary. The member from the Department shall act as secretary of the Board and shall be responsible for the keeping of records, the collection of fees, and any other duties delegated either by the Secretary or the Board. All persons appointed to the Board shall be citizens of the United States and residents of the State of Delaware.

3.2 Board Responsibilities. The Board, with the consent of the Secretary, shall establish and administer such procedures and guidelines as may be necessary for licensing any person involved in contracting for and the construction, abandonment or repair of wells or in contracting for and the installation, removal, maintenance, modification or repair of pumps in and for wells, including:

3.2.1 Developing application forms

3.2.2 Developing examinations

3.2.3 Reviewing applications for adherence to the requirements of these regulations.

3.2.4 Examining candidates

TITLE 7 NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DELAWARE ADMINISTRATIVE CODE

3.2.5 Recommending the granting, renewal or denial of licenses

3.2.6 Recommending the suspension or revocation of licenses

4.0 Who Must Be Licensed

4.1 Water Well Contractor, Pump Installer Contractor

4.1.1 All persons who engage in the business of contracting for drilling, boring, coring, driving, digging, construction, installation, removal or repair of a well in the State of Delaware shall be licensed by the Department as a water well contractor.

4.1.2 All persons who engage in the business of contracting for the installation, maintenance or repair of pumps and pumping equipment in and for wells in the State of Delaware shall be licensed by the Department as a pump installer contractor or a water well contractor.

4.2 Well Driller, Well Driver. Except as noted in §§4.4.1 and 4.4.2 of these regulations, all persons who engage in any of the following activities in the State of Delaware shall be licensed by the Department as a well driller or well driver or shall be under the direct on-site supervision of a licensed well driller or well driver while engaged in such activities.

4.2.1 The drilling, boring, coring, driving, digging, construction, installation, removal or repair of a

4.2.2 The drilling, boring, coring, driving, digging, construction, installation, or removal of any excavation other than a well, to a depth greater than twenty (20) feet from the natural ground surface, where the depth is greater than the width and where the saturated zone is intercepted.

4.2.3 The installation, maintenance or repair of water well pumps or pumping equipment in or for wells

4.3 Pump Installer. Except as noted in §4.4 of these regulations, all persons who engage in the installation maintenance or repair of water well pumps and pumping equipment in and for wells in the State of Delaware shall be licensed by the Department as a pump installer, well driller, or well driver, or shall be under the direct on-site supervision of a licensed plumber, pump installer, well driller or well driver.

4.4 Exceptions

4.4.1 A person owning or leasing land on which he or she is installing maintaining or repairing pumping equipment in or from a well used for the irrigation of crops, for watering livestock or poultry, for aquaculture uses, or for other on-farm purposes where the water is not to be used for human consumption or to service a residential dwelling is exempt from the requirement to hold a pump installer license.

4.4.2 A person who holds a Delaware Plumbers License or who is working under the direct on-site supervision of a Delaware licensed plumber, well driller, well driver or pump installer and who installs maintains, or repairs pumps and pumping equipment in and for wells is exempt from the requirement to hold a pump installer license.

5.0 Licensing Procedures

5.1 Application Fee. All applications shall include the required non-refundable application fee.

5.2 Minimum Requirements

5.2.1 Contractor Liability Insurance Coverage

5.2.1.1 All water well contractors and pump installer contractors shall carry and maintain the following minimum levels of contractor's liability insurance coverage:

Bodily Injury:	\$100,000 each person
	\$300,000 each occurrence
Property Damage:	\$50,000 each occurrence
	\$50,000 each aggregate

5.2.2.2 Failure to provide evidence of continual insurance coverage shall result in the automatic suspension of the water well contractor or pump installer contractor license. The suspension shall remain in effect until the Department has received proof of insurance or until the license expires. The insurance held by the water well contractor or pump installer contractor shall cover all licensed well drillers, well drivers, pump installers, and others in their employ.

5.2.2 Well Driller

5.2.2.1 Applicants shall be at least eighteen years of age.

5.2.2.2 Applicants shall have at least two years experience in operating well construction equipment, in constructing wells, and in the installation, maintenance, and repair of pumps in and for wells. The Board may recommend granting a license with conditions limiting the scope of the license based on the applicant's experience. Examples of license limitations may include but are not limited to work on geotechnical wells or dewatering wells or to the operation of certain types of equipment.

5.2.2.3 Applicants shall demonstrate professional competence by passing a written or oral examination.

5.2.2.4 Applicants shall only perform work as a well driller when under the employ of a licensed water well contractor.

5.2.3 Well Driver

5.2.3.1 Applicants shall be at least eighteen years of age.

5.2.3.2 Applicants shall have at least two years experience in operating well driving equipment, in constructing wells, and in the installation, maintenance, and repair of pumps in and for wells.

5.2.3.3 Applicants shall demonstrate professional competence by passing a written or oral examination.

5.2.3.4 Applicants shall only perform work as a well driver when under the employ of a licensed water well contractor.

5.2.4 Pump Installer

5.2.4.1 Applicants shall be at least eighteen years of age.

TITLE 7 NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DELAWARE ADMINISTRATIVE CODE

- 5.2.4.2 Applicants shall have at least one year experience in the installation, maintenance, and repair of pumps in and for wells.
- 5.2.4.3 Applicants shall demonstrate professional competence by passing a written or oral examination.
- 5.2.4.4 Applicants shall only perform work as a pump installer when under the employ of a licensed water well contractor or pump installer contractor.]
- 5.3 Application Procedures
- 5.3.1 Water well contractor and pump installer contractor license applications shall consist of the following:
- 5.3.1.1 An application on forms provided by the Department, signed by an officer of the business seeking the license, and bearing the signature and seal or stamp of a notary public.
- 5.3.1.2 A listing of all past or outstanding civil, administrative, or criminal proceedings instituted against the applicant (including any form of permit suspensions or revocations) for any environmental or regulatory violations over the past five (5) years, regardless of location. Include details of the violation, the proceedings, and the outcome of the proceedings.
- 5.3.1.3 All appropriate application and license fees.
- 5.3.1.4 Evidence of current Contractor Liability Insurance coverage meeting the requirements of §5.2.1 of these regulations.
- 5.3.2 Well Driller, Well Driver license applications shall consist of the following:
- 5.3.2.1 Submission of a signed and notarized application on forms provided by the Department.
- 5.3.2.2 A listing of all past or outstanding civil, administrative, or criminal proceedings instituted against the applicant (including any form of permit suspensions or revocations) for any environmental or regulatory violations over the past five (5) years, regardless of location. Include details of the violation, the proceedings, and the outcome of the proceedings.
- 5.3.2.3 Submission of the appropriate application fee.
- 5.3.2.4 Submission of references from two persons who are actively engaged in the well drilling business and who hold current licenses as well drillers or well drivers.
- 5.3.3 Pump Installer license applications shall consist of the following:
- 5.3.3.1 Submission of a signed and notarized application on forms provided by the Department.
- 5.3.3.2 A listing of all past or outstanding civil, administrative, or criminal proceedings instituted against the applicant (including any form of permit suspensions or revocations) for any environmental or regulatory violations over the past five (5) years, regardless of location. Include details of the violation, the proceedings, and the outcome of the proceedings.
- 5.3.3.3 Submission of the appropriate application fee.

- 5.3.3.4 Submission of references from two persons who are actively engaged in the well drilling and/or pump installation business and who hold current licenses as well drillers, well drivers, pump installers, or plumbers.
- 5.4 Application Review. The Board shall review the application and may interview the applicant to determine that the application is in proper form and meets the requirements of these regulations. The applicant shall be notified of their eligibility for examination. Applicants who are determined to be ineligible for examination shall be so notified in writing and may reapply 90 days from the date of notification.
- 5.5 Examination Notification. The Department shall notify each eligible applicant of the time and place of the examination.
- 5.6 Examination
- 5.6.1 The written examination shall be given at least annually and at such other times as the number of applicants warrants. Oral examinations will be scheduled and administered as necessary.
- 5.6.2 The examination shall consist of a written or oral examination, and shall fairly test the applicant's knowledge and application in the following subjects:
- 5.6.2.1 Basics of well drilling methods and basics of well construction;
- 5.6.2.2 State and local laws and ordinances concerning the construction, abandonment, modification and repair of wells and/or the removal, installation or maintenance of pumps and pumping equipment, and
- 5.6.2.3 The rules and regulations promulgated in connection therein.
- 5.6.3 Eligibility for examination shall expire 12 months from the date the Board reviews the application.
- 5.6.4 Applicants who fail to receive a passing grade shall wait at least 90 days before re-taking the examination.
- 5.7 Reapplication after Failure of Examination. When an applicant fails to receive a passing grade during his or her period of eligibility, the applicant will be required to re-apply for a license subject to the requirements of §5.3 of these regulations.
- 5.8 License Issuance. The applicant shall submit the appropriate license fee upon receipt of notification of receiving a passing score on the examination. Thereafter, the Department shall issue a license.
- 5.9 License Denial. Any person whose application for a license has been denied shall be notified in writing and provided the reason(s) for the decision. Within thirty (30) days of notification, the person shall notify the Secretary in writing if a public hearing pursuant to 7 Del.C. §6006 is desired. If no hearing request is received within the thirty (30) day period, the decision for denial shall become final.
- 6.0 License Renewal**
- 6.1 License Term. Licenses issued pursuant to these regulations are not transferable and shall expire on December 31 of each year. The Department shall send a written notice to the address on file for each water well contractor and pump installer contractor to remind them to renew the licenses for the company and their employees. It is the responsibility of the license holder to renew the license yearly and to notify the Department of any changes.

TITLE 7 NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DELAWARE ADMINISTRATIVE CODE

6.2 Application for Renewal

6.2.1 In order to avoid a lapse in license term, the following shall be submitted no later than November 30 of the year the license expires.

6.2.1.1 A renewal application on forms provided by the Department.

6.2.1.2 Well drillers, well drivers and pump installers shall submit satisfactory evidence of compliance with the continuing education requirements of §6.3 of these regulations, except as exempted by §6.3.2.2.

6.2.1.3 Applicable renewal fee.

6.2.2 An expired license may be renewed within one (1) year following its expiration by submitting the information required in §6.2.1(.1-.3) of these regulations and any applicable late fee.

6.3 Persons who apply for renewal of their licenses under §§6.2.1 and 6.2.2 of these regulations shall not be required to take an examination.

6.4 Applicants for the renewal of licenses that have been expired for more than one (1) year shall be subject to all requirements of section 5 of these regulations.

6.5 Continuing Education Credit Hours

6.5.1 A person holding two (2) or more licenses issued under these regulations may fulfill the continuing education requirements for renewal of all licenses by obtaining the larger of the minimum hours of continuing education subject to the requirements of these regulations.

6.5.2 Persons holding valid well driller or well driver licenses shall complete a minimum of four (4) hours of continuing education credits prior to being granted a license renewal, with the following exceptions:

6.5.2.1 Persons holding valid well driller or well driver licenses that contain conditions limiting the license holder to the installation of dewatering wells and pumping equipment shall complete a minimum of two (2) hours of continuing education prior to being granted a license renewal.

6.5.2.2 Persons holding valid well driller or well driver licenses with a condition limiting them to the construction of geotechnical wells with hand operated tools are not required to obtain continuing education as a requirement for license renewal.

6.5.3 Persons holding valid pump installer licenses shall complete a minimum of two (2) hours of continuing education prior to being granted a license renewal.

6.5.4 Continuing education hours required for persons licensed for less than one year shall be required as outlined in Table 1.

CONTINUING EDUCATION HOURS REQUIRED FOR LICENSE RENEWAL

Months Licensed	Well Driller Well Driver (WD)	Dewatering (WD)	Pump Installer (PI)
Less than 1	0	0	0
Between 1 and 3	0	0	0
Between 3 and 6	2	1	2 1
Between 6 and 12	4	2	2

(Table 1)

- 6.5.5 The licensed person shall be responsible for all costs of obtaining the required number of continuing education hours.
- 6.5.6 Continuing education credits for renewal of a license held for less than one year by a person who did not hold a license during the previous twelve months shall be required as shown in table 1.

7.0 Continuing Education Programs

7.1 Continuing Education Program Approval

- 7.1.1 Continuing education programs shall be designed to improve, advance or extend the license holder's professional skills and knowledge relating to the practice of construction, maintenance, repair or abandonment of wells or pump installation, removal, modification, maintenance or repair. Acceptance of continuing education programs shall be based upon the curriculum or program content and the qualifications of the instructor.
- 7.1.2 Prospective continuing education programs shall be submitted for the Board's approval on application form(s) provided by the Department; and, the program(s) shall be instructed by persons knowledgeable in the subject matter.
- 7.1.3 Applications shall include the following minimum information:
 - 7.1.3.1 Course outline or syllabus including the course objectives
 - 7.1.3.2 Length of course or courses in actual training hours
 - 7.1.3.3 Name and qualifications of instructor(s)
 - 7.1.3.4 Approval of a program shall remain in effect for as long as it remains essentially unchanged.
 - 7.1.3.5 Any significant changes in items outlined in §7.1.3 shall require resubmission and approval.
 - 7.1.3.6 Approval of program(s) dealing with proposed revisions or additions to the states' regulations governing wells may be considered for continuing education credit

TITLE 7 NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DELAWARE ADMINISTRATIVE CODE

providing the program(s) are held within the first six (6) months of implementation of the requirements.

- 7.1.3.7 Subject to approval by the Board, continuing education relevant to the practice of well construction, abandonment, and repair; and pump installation, removal, maintenance and repair may be obtained by, but are not limited to the following:
 - 7.1.3.7.1 Courses, seminars, workshops, and lectures given by accredited educational institutions.
 - 7.1.3.7.2 Courses, seminars, workshops, or lectures given by national, state or local trade associations, professional organizations, product vendors, manufacturers, etc.
 - 7.1.3.7.3 Extension studies and correspondence courses.
 - 7.1.3.7.4 Papers written by a licensee and published in a professional journal or scientific media requiring peer review.
 - 7.1.3.7.5 Instruction of continuing education courses.
 - 7.1.3.7.6 Attendance at conferences and conventions sponsored by regional, national or local trade associations or professional organizations.
- 7.2 Assignment of Credit
 - 7.2.1 Continuing education credits shall be awarded on an hour-for-hour basis for attendance at an approved continuing education program unless otherwise indicated in §7.2.2 through 7.2.6 of these regulations.
 - 7.2.2 Credits shall be awarded in not less than one-half ($\frac{1}{2}$) hour increments.
 - 7.2.3 Instructor(s) of approved continuing education programs shall receive credits at the rate of one (1) credit for two (2) hours of continuing education instruction.
 - 7.2.4 A maximum of five (5) credit hours will be given]for each day of attendance at a national, regional or local trade association conference or convention.
 - 7.2.5 One-half ($\frac{1}{2}$) credit hour will be given for attendance at a trade association or professional organization meeting or seminar.
 - 7.2.6 A maximum of three (3) credit hours shall be awarded for each paper written by a licensee and published in a scientific media or professional journal requiring peer review. The subject of the paper shall be directly related to the license holder's license category.
- 7.3 Reporting Credits
 - 7.3.1 Approved continuing education credits obtained within the appropriate license renewal period shall be credited as provided in §7.2 of these regulations.
 - 7.3.2 The license holder is responsible for submission of proof of attendance at all approved continuing education programs. Documentation of credits received shall consist of any one of the following, unless otherwise approved by the Board:
 - 7.3.2.1 A record of attendance for each course on forms provided by the Department or,
 - 7.3.2.2 An official student transcript issued by the educational institution or,

7.3.2.3 A certificate or other documentation signed by the instructor or sponsor of the program providing the name of the individual who attended, the date the program was held, the name of the program, and the number of training hours completed.

7.3.3 Inability to substantiate credit hours earned shall be grounds for disallowance of the credits in question.

8.0 Identification Of License Holder

All well drillers, well drivers and pump installers licensed under these regulations shall, while he or she is performing any activity governed by these regulations, have in his or her possession a valid and current identification card furnished by the Department and shall exhibit it on demand. The card shall bear his or her name, type of license, license number and the license expiration date.

9.0 Marking Vehicles And Equipment

All licensed water well contractors and pump installer contractors shall mark each well drilling rig, well driving rig, water tank truck, and well and pump service vehicle used by the contractor or his employee(s) with legible and plainly visible identification markings. The identification markings shall include the name of the company, corporation, or contractor and the water well or pump installer contractor's valid license number. The identification marking(s) shall be displayed on each side of the vehicle(s) and equipment in letters and numerals at least 1½ inches high. The letters and numerals shall be in a color sufficiently different from the color of the vehicle or equipment so that identification markings are plainly legible. Weatherproof decals or magnetic signs meeting the requirements of these regulations are acceptable.

10.0 Responsibilities Of Water Well Contractors, Pump Installer Contractors, Well Drillers, Well Drivers And Pump Installers

10.1 Pursuant to these regulations, licensed water well contractors, pump installer contractors, well drillers, well drivers and pump installers shall be responsible for the following:

10.1.1 Initiating work only on wells for which the proper approval has been granted

10.1.2 Compliance with all applicable laws, regulations and requirements

10.1.3 The conduct of work carried out by themselves and any employee or others under their supervision

10.1.4 The proper and timely submission of all required reports and forms

10.1.5 Maintaining contractor's liability insurance pursuant to the requirements of these regulations at all times

10.1.6 Submitting proof of insurance annually

10.1.7 Notifying the Department of any changes of employment, address, phone, etc.

10.1.8 Submission of renewal and continuing education credit forms prior to license expiration.

10.1.9 Well drillers, well drivers and pump installers shall only perform work authorized by their license while in the employ of the licensed water well contractor or pump installer contractor listed on their license certificate.

11.0 Suspension Or Revocation Of License

11.1 Board Meeting

11.1.1 Whenever the Board obtains information that a licensee may be or may have been engaging in practices which are in violation of the laws, regulations or conditions of permits in relation to their license or when a licensee may no longer be performing their duties properly, the Board shall notify the license holder describing the alleged violation and requesting that the alleged offender appear before the Board to address the alleged violations or deficiencies and, if necessary, show cause why his or her license(s) should not be suspended or revoked.

11.1.2 The Board shall hold an informal meeting, open to the public, to review the alleged violations. The Board shall consider testimony of the license holder, the Department, any relevant witnesses, and the public and shall make a recommendation to the Secretary.

11.2 Secretary's Decision. The Secretary may suspend or revoke the license of a water well contractor, pump installer contractor, well driller, well driver or pump installer after considering the recommendations of the Water Well Licensing Board when it is found that the license holder:

11.2.1 Has practiced fraud, deception or concealment of material facts in obtaining a license or in the performance of their duties.

11.2.2 Has not used reasonable care, judgment or the application of their knowledge or ability in the performance of his or her duties.

11.2.3 Is incompetent or unable to perform his or her duties properly.

11.2.4 Has violated any provision of these regulations, other applicable regulations or permit condition(s), and any other environmental laws or regulations within the State of Delaware.

11.2.5 Has violated any lawful order, regulation, or rule rendered or adopted by the Department.

11.2.6 Is found guilty of misconduct in the pursuit of his or her profession.

11.3 Notification

11.3.1 Any person whose license has been suspended or revoked shall be notified in writing and provided the reason(s) for the decision.

11.4 Appeals. Any person whose license has been suspended or revoked may appeal to the Environmental Appeals Board pursuant to Title 7 **Del.C.**, §6008 within 20 days after receipt of the Secretary's decision.

11.5 License Suspension – Terms and Conditions

11.5.1 A person whose water well contractor or pump installer contractor license has been suspended shall not contract for the construction, abandonment, modification or repair of a well or for the installation, maintenance, repair or removal of a pump in or for a well; and shall not advertise, solicit business or receive payment as a water well contractor or pump installer contractor during the term of license suspension.

11.5.2 A person whose well driller or well driver license has been suspended shall not physically operate a well rig, construct, drill, bore, core, drive, dig, install, remove or repair a well, abandon a well, install a pump in or for a well, remove a pump from a well, modify a pump

in or for a well, service a pump in or for a well, or undertake any activity that requires a license as a well driller or well driver during the term of license suspension.

11.5.3 A person whose pump installer license has been suspended shall not install a pump in or for a well, remove a pump from a well, modify a pump in or for a well, service a pump in or for a well, or undertake any activity that requires a license as a pump installer during the term of license suspension.

11.5.4 Vehicles or equipment used in any activity requiring a license pursuant to these regulations shall not bear the name or contractor's license number of the suspended license during the term of a water well or pump installer contractor license suspension.

11.5.5 Upon expiration of the term of suspension, the license of the suspended person, shall be deemed in good standing on the first calendar day after the term of suspension has expired. In cases where a license expires prior to the end of the suspension period, the licensee must comply with the requirements of section 6 of these regulations before the license is reinstated.

11.6 License Revocation – Terms and Conditions

11.6.1 A person whose water well contractor or pump installer contractor license has been revoked shall not contract for the construction, abandonment, modification or repair of a well or for the installation, maintenance, repair or removal of a pump in or for a well; and shall not advertise, solicit business or receive payment as a water well contractor or pump installer contractor until that person has first obtained a current Delaware water well contractor or pump installer contractor license.

11.6.2 A person whose well driller or well driver license has been revoked shall not physically operate a well rig, construct a well, drill, bore, core, drive, dig, install, remove or repair a well, abandon a well, repair or modify a well, install a pump in or for a well, remove a pump from a well, modify a pump in or for a well, service a pump in or for a well, or undertake any activity that requires a license as a well driller or well driver until that person has first obtained a current Delaware well driller or well driver license.

11.6.3 A person whose pump installer license has been revoked shall not install a pump in or for a well, remove a pump from a well, modify a pump in or for a well, service a pump in or for a well, or undertake any activity that requires a license as a pump installer during the term of license revocation and until that person has first obtained a current Delaware pump installer license.

11.6.4 Vehicles or equipment used in any activity requiring a license pursuant to these regulations shall not bear the name or water well or pump installer contractor's license number of the revoked license during the term of license revocation.

11.6.5 Upon completion of the term of revocation, the person may submit an application for a license under these regulations.

2 DE Reg. 997 (12/1/99)

6 DE Reg. 801 (12/1/02)