

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 326\***

Short Title: Amend Well Contractors Certification-AB.

(Public)

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Sponsors: Representative Mitchell.

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Referred to: Ways and Means.

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March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW RELATING TO THE CERTIFICATION OF WELL CONTRACTORS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 87-98.4(a) reads as rewritten:

"(a) Certification Required. – No well contractor shall perform or offer to perform any well contractor activity without being certified under this Article. The Commission may specify the types of general construction activities or geophysical activities that are not directly related to locating, testing, or withdrawing groundwater; evaluating, testing, developing, draining, or recharging any groundwater reservoir or aquifer; or controlling, diverting, or otherwise causing the movement of water from or into any aquifer and are therefore not well construction activities."

**SECTION 2.** G.S. 87-98.7 reads as rewritten:

"§ **87-98.7. Issuance and renewal of certificates; temporary ~~certification.~~certification; refusal to issue a certificate.**

(a) Issuance. – An applicant, upon satisfactorily meeting the appropriate requirements, shall be certified to perform in the capacity of a well contractor and shall be issued a suitable certificate by the Commission designating the level of the person's competency. A certificate shall be valid for one year or until any of the following occurs:

(1) The certificate holder voluntarily surrenders the certificate to the Commission.

(2) The certificate is revoked or suspended by the Commission for cause.

(b) Renewal. – A certificate shall be renewed annually by payment of the annual fee. A person who fails to renew a certificate within ~~three months~~30 days of the expiration of the certificate must reapply for certification under this Article.

(c) Temporary Certification. – A person may receive temporary certification to construct a well upon submission of an application to the Commission and subsequent

1 approval in accordance with the criteria established by the Commission and upon  
2 payment of a temporary certification fee. A temporary certification shall be granted to  
3 the same person only once per calendar year and may not be valid for a period in excess  
4 of 45 consecutive days. To perform additional well contractor activity during that same  
5 calendar year, the person shall apply for certification under this Article.

6 (d) Refusal to Issue a Certificate. – The Commission shall not issue a certificate  
7 under any of the following circumstances:

8 (1) The applicant has not paid civil penalties assessed against the applicant  
9 under G.S. 87-94 for a violation of this Article, Article 7 of this  
10 Chapter, or any rule adopted to implement either of those Articles.

11 (2) The applicant has not conducted all restoration activities ordered by  
12 the Department related to a violation by the applicant of Article 7 of  
13 this Chapter.

14 (3) The applicant has a history of not complying with this Article, Article  
15 7 of this Chapter, or any rule adopted to implement either of those  
16 Articles and, as determined by the Commission, at least some of these  
17 violations are significant violations."

18 **SECTION 3.** G.S. 87-94(a) reads as rewritten:

19 "(a) Any person who violates any provision of this Article, Article 7A of this  
20 Chapter, any order issued pursuant thereto, or any rule adopted thereunder, shall be  
21 subject to a civil penalty of not more than ~~one hundred dollars (\$100.00)~~five thousand  
22 dollars (\$5,000) for each violation, as determined by the Secretary of Environment and  
23 Natural Resources. Each day of a continuing violation shall be considered a separate  
24 offense. No person shall be subject to a penalty who did not directly commit the  
25 violation or cause it to be committed."

26 **SECTION 4.** G.S. 143B-301.11(b) reads as rewritten:

27 "(b) Delegation. – The Commission ~~may, by rule, may~~ delegate to the Secretary  
28 any of its powers, other than the power to adopt rules."

29 **SECTION 5.** This act is effective when it becomes law.