

**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
(KDHE) PRESENTATION TO THE KANSAS LEGISLATURE'S
JOINT COMMITTEE ON ADMINISTRATIVE RULES AND
REGULATIONS**

Presented by Michael Cochran, Bureau of Water, Geology Section
April 22, 2013

Proposed amended regulations for Article 30 - Water Well Contractor's License;
Water Well Construction and Abandonment

INTRODUCTION

Good morning. My name is Mike Cochran. I am Chief of the Geology Section which is located within the Kansas Department of Health and Environment's Bureau of Water. With me this morning is Richard Harper, Chief of the Water Well Unit.

KDHE is proposing to amend the following regulations found in Article 30 – Water Well Contractor's License; Water Well Construction and Abandonment:

K.A.R. 28-30-2 Definitions.

K.A.R. 28-30-3 Licensing.

K.A.R. 28-30-4 General operating requirements.

K.A.R. 28-30-5 Construction requirements for public water supply wells.

K.A.R. 28-30-6 Construction regulations for all water wells not included under K.A.R. 28-30-5.

REASONS FOR REGULATION DEVELOPMENT

Reasons for the proposed regulation amendments include:

- Many of these regulations being amended have not been updated since 1993. One regulation has not been updated since 1987. Therefore the regulations need to be updated to reflect current regulatory language standards and format and to use current industry terminology and practices.
- One of the proposed amendments reduces paperwork for both KDHE and industry in regards to an unnecessarily burdensome waiver process for flush-mount monitoring well installations.
- Provides better organization, clarity and makes the regulations more user friendly. Examples of this include placing definitions in alphabetical order and consolidating the fee requirements into one regulation.

- Enhance protection of the public health and environment by ensuring a person who has a KDHE issued water well contractor's license is retained on the staff of corporations.

ECONOMIC IMPACT

- There are no additional costs to KDHE.
- There is no economic impact to other government agencies.
- The elimination of the requirement to obtain a waiver prior to installation of a flush-mount monitoring well, if certain conditions are met, reduces the costs to industry and KDHE and should speed up implementation of remediation projects. For example, in 2012 KDHE reviewed 221 waiver requests for 1563 wells. While it is important these flush mount installations are done correctly, these installations are not a significant risk since this type of well is often part of a KDHE approved environmental remediation project.
- The proposed regulation changes may result in a minor economic impact to corporations since these will have to replace an individual who had taken the license exam, and subsequently leaves the corporation, by employing someone who has either previously taken and passed the exam or having someone within the corporation study for, take and pass the exam and obtain the Kansas Water Well Contractor's License. This ensures there is a responsible person with the corporation who has the required knowledge of proper water well construction, reconstruction and abandonment and also has knowledge of Kansas hydrogeologic conditions in order necessary to protect the public health and the environment.

OUTREACH

- KDHE discussed the proposed changes on several occasions with the Kansas Ground Water Association Board of Directors and the general membership at several KGWA sponsored seminars. This organization consists mostly of water well contractors, but also includes environmental/water consultants, water well service companies and suppliers.
- A copy of the public notice, economic impact statement and the proposed amended regulations were provided to the Executive Director of KGWA.
- The proposed regulations were published in the February 21, 2013, Kansas Register establishing a 60+ day public comment period and providing notice of the public hearing for the regulations. The public hearing will be conducted at 10

a.m. Tuesday, April 30, 2013, in the Flint Hills Conference Room, third floor, Curtis State Office Building, 1000 S.W. Jackson, Topeka, Kansas.

- The proposed regulations, the economic impact statement and the public notice are also posted on the KDHE Geology Section website. This website is referenced in the public notice that has been published in the Kansas Register.
- A summary of the proposed amended regulations, the economic impact statement, the notice for the public hearing and the KDHE website for the information on the proposed amended regulation package were all published in the Kansas Ground Water Association Spring 2013 Newsletter. The newsletter also contained a statement by Dale Hayse, Director of the KGWA, stating that the KGWA will provide testimony at the public hearing in support of the proposed amended regulations.
- KDHE is accepting information, comments and suggestions to assist in developing the proposed regulation changes. KDHE has not received any comments to date.

AMENDED REGULATION DESCRIPTION

We are prepared to discuss the proposed regulations in more detail. Please refer to the regulation description document found in your packet. Included in your packet is a diagram depicting the construction of a flush mount monitoring well.

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REGULATION SUMMARY

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28-30-2 Definitions.

1. Defines specific new terms used throughout the proposed regulation changes.
 - a. "Above-grade surface completion"
 - b. "At-grade surface completion"
 - c. "Designated person"
 - d. "Drill rig"
 - e. "Drilling fluid"
 - f. "Fresh groundwater"
 - g. "Monitoring well"
2. Place all Definitions in alphabetical order.

28-30-3 Licensing.

1. Clarifies, organizes and consolidates the requirements for obtaining a water well contractor's license. Uses current regulatory language, style and format.
2. Requires corporations to retain on staff an individual who has taken and passed the water well contractor examination.
3. Removes the "Reciprocity" provision. As a matter of practice and practicality, reciprocity has not been implemented. One must be aware of and understand the hydrogeologic conditions of Kansas and the requirements of KDHE to be protective. The hydrogeologic conditions and the requirements are not the same between states. This is not equivalent to other licenses that have national standards which apply between states. Ensuring out of state contractors have this knowledge cannot be properly accomplished through reciprocity.
4. Moves the water well construction fee and drill rig license number requirements to K.A.R. 28-30-4. This provides clarification, consolidation and better organization since these do not pertain to the contractor's license.
5. Further clarifies the requirement an individual who has taken and passed the water well contractor examination is retained by a corporation and establishes the timeframe for accomplishing this if such person leaves the employment of the company.

28-30-4 General operating requirements.

- Provides clarification and uses current regulatory language, style and format.
- Incorporates the water well construction fee and drill rig license number requirements that were moved from K.A.R. 28-30-3.

28-30-5 Construction regulations for public water supply wells.

- Provides an update by deleting the reference to sanitation zones since these zones no longer exist. The sanitation zones were replaced by the county health/environmental codes.
- Clearly states the public water supply statute and regulation with which water wells must comply in regards to construction.

28-30-6 Construction regulations for all wells not included under section K.A.R. 28-30-5.

- Provides clarification and current regulatory language, style and format.
- Allows flush mount for monitoring wells when the wells are located in high-traffic areas, providing certain conditions are met, without first obtaining a waiver from KDHE.

