

## **Title 17. Professions, Occupations, and Businesses**

### **Chapter III. Arkansas Natural Resources Commission, Department of Agriculture**

#### **Subchapter A. Generally**

#### **Part 11. Arkansas Water Well Construction Rules**

**Codification Notes.** Acts 2023, No. 691, § 5, provided:

"Abolition of the Commission on Water Well Construction.

(a) The Commission on Water Well Construction is abolished, and its authority, duties, functions, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Arkansas Natural Resources Commission.

(b) The Commission on Water Well Construction's statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Arkansas Natural Resources Commission.

(c)(1) The abolishment of the Commission on Water Well Construction does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Commission on Water Well Construction before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or standards of the Commission on Water Well Construction shall continue to be in effect until they are amended or repealed under authority given by law.

(d) All funds and unexpended balances of appropriations transferred under this section shall continue to be used for the purposes for which they were designated."

This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(updated 2022)"

#### **Subpart 1. Scope — Definitions**

**17 CAR § 11-101. Application.**

(a) The rules hereby prescribed provide minimum standards for the construction or repair of water wells, and locations of water wells that are used or intended to be used to locate, acquire, divert, or artificially recharge ground water within the boundaries of the State of Arkansas.

(b) No water well as defined below shall be constructed or repaired contrary to the provisions of this part.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-102. Rules applicable to old wells.**

When a well constructed prior to May 27, 1969, is repaired, rehabilitated, or reconstructed, the work shall include those changes necessary to make the well conform to this part.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-103. Exemptions.**

(a) In some instances, safe, potable water may be obtained from wells in certain geographical locations that are not in strict accordance with this part.

(b) In this event permission, in writing, shall be obtained from the Arkansas Natural Resources Commission prior to developing the well.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-104. Definitions.**

For the purpose of this part, the following definitions shall apply:

(1)(A) "Abandoned water well" means a well whose use has been permanently discontinued.

(B) Any well shall be deemed abandoned that is in such a state of disrepair that continued use for the purpose of obtaining ground water is impractical;

(2) "Annular space" means the opening between a:

(A) Well hole excavation and the well casing or curb; or

(B) Casing pipe and a liner pipe;

(3) "Apprentice" means a natural person who under the supervision of a registered water well pump installer or registered water well driller is obtaining the knowledge, skills, and abilities necessary to obtain a certificate of registration as a water well pump installer or water well driller;

(4) "Apprenticeship program" means a program developed by the Arkansas Natural Resources Commission pursuant to Arkansas Code § 17-50-312 to develop certain minimum knowledge, skills, or abilities in those natural persons desiring registration as pump installers or water well drillers;

(5) "Aquifer" means a water-bearing formation that transmits water in sufficient quantity to supply a well;

(6) "Backwash" means the surging effect or reversal of water flow in a well;

(7) "Bentonite" means altered volcanic ash consisting of an assemblage of clay minerals, primarily montmorillonite, a swelling clay;

(8) "Chemigation" means any activity or method that adds a foreign substance, such as fertilizers, herbicides, fungicides, pesticides, and other substances or chemicals, to a water system through mechanical or manual means;

(9) "Commission" means the Arkansas Water Well Construction Commission as created by Acts 1969, No. 641, § 5, as amended;

(10) "Consolidated formation" means a geological formation that is firm, such as:

(A) Rock;

(B) Slate; or

(C) Clay that will not cave;

(11)(A) "Contamination" means the degradation of natural water quality as a result of human activities.

(B) There is no implication of any specific limits, since the degree of permissible contamination depends upon the intended end use, or uses, of the water;

(12) "Contraband property" means property of any nature, including personal, tangible, or intangible, but not real property, that is used or intended to be used in violation of Arkansas Code § 17-50-104;

(13) "Direct exchange loop" means a continuous unbroken pipe beneath the surface of the earth that circulates refrigerant for the purpose of sinking or sourcing thermal energy between the direct exchange loop and the earth;

(14) "Direct exchange well" means a small diameter bore hole constructed for the purpose of sinking or sourcing thermal energy between the direct exchange loop and the earth;

(15) "Established ground surface" means the elevation of the ground surface at the site of the well;

(16) "Excessive sediment" means sediment that is excessive for the purpose or intended use of the well as measured using Environmental Protection Agency Test Method 160.5 (Imhoff Cone);

(17) "Ground water" means water occurring in the ground;

(18) "Harmful bacteria". The presence of coliform bacteria constitutes the presence of harmful bacteria;

(19)(A) "Heat pump wells" means any excavation that is drilled, redrilled, cored, bored, washed, driven, dug, jetted, or otherwise artificially constructed for the purpose of obtaining or exchanging geothermal energy for use with ground water source air conditioning or heat pump systems.

(B) The excavation may have pipes installed inside the excavation to circulate or discharge various fluids for the above said use and purpose and the well may or may not be back filled after excavation.

(C) Acts 1969, No. 641, § 3(h);

(20)(A) "Major aquifers" mean water-bearing layers of rock or sediment capable of yielding water in large quantities to wells or springs.

(B) These aquifers include:

(i) The Boone aquifer; and

(ii) Those of the Ozark aquifer system, such as the Roubidoux formation and Gunter sandstone;

(21) "Master electrician" means a person currently holding a valid master electrician's license pursuant to Arkansas Code § 17-25-101 et seq., and the Arkansas Electrical Code Authority Act, Arkansas Code § 20-31-101 et seq.;

(22) "Master plumber" means a person currently holding a valid master plumber's license pursuant to Arkansas Code § 17-38-101 et seq.;

(23) "Monitoring wells" means wells constructed for the purpose of locating and sampling for engineering or geological data;

(24) "Nonpumping (static) water level" means the elevation of the water surface in a well when no water is being pumped;

(25) "Owner" means the persons who own the property on which the well is being constructed;

(26) "Packer" means a piece of downhole equipment that consists of:

(A) A sealing device;

(B) A holding or setting device; and

(C) An inside passage for fluids;

(27) "Pressure system" means a system that includes a switch or other cut-off device that operates off of the water pressure generated by the same system;

(28)(A) "Public well" means any well supplying water to a public water system as defined and regulated by the Department of Health.

(B) In general, this means a well serving or anticipated to serve fifteen (15) or more connections or an average of at least twenty-four (24) individuals sixty (60) or more days in a year;

(29) "Pump installer" means any natural person, whether connected with a firm, partnership, corporation, or public or private association, who engages for compensation in pump installation or repair;

(30)(A) "Pumping equipment" means all machinery and parts of pumps, such as deep well turbine pumps with right angle gear drive, vertical hollow shaft motors, jet

pumps and motors, submersible pumps and motors, and other parts and fittings installed or attached to the well.

(B) It does not include:

- (i) Cooling units;
- (ii) Horizontal electric motors;
- (iii) Heat pump circulating pipe; and
- (iv) Stationary diesel or gas engines;

(31) "Returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable;

(32)(A) "Rig" means the machinery used in the construction or repair of water wells.

(B) As used in this definition, the word "machinery" shall not be construed to include vehicles or any other equipment used in the transportation, or as the foundation or any other component part, of the apparatus specifically designed and used in the construction or repair of water wells;

(33) "Saturated zone" means the subsurface zone in which all openings are full of water;

(34)(A) "Sediment" means all particles or materials that are not suspended in standing water.

(B) Natural occurring minerals and elements, such as iron, sodium, silica, lignite, manganese, etc., may also be used to calculate sediment provided the minerals are not suspended;

(35)(A) "Semi-public well" means any well supplying water to a semi-public water system as defined and regulated by the Department of Health.

(B) In general, this means a well supply:

- (i) Made available to the public for drinking; or
- (ii) Used in connection with the manufacturing, processing, or

handling of:

(a) Ice;

(b) Food; or

(c) Drink;

(36) "Standard dimension ratio (SDR)" means the outside diameter in inches divided by the wall thickness in inches;

(37) "Static water level" means the level water naturally reaches in a well at atmospheric pressure;

(38) "Surface water" means water located above the ground;

(39)(A) "Thermal fluid" means a fluid used to transfer thermal energy.

(B) The thermal fluid must be biodegradable and nontoxic in soil or water;

(40) "Unconsolidated formation" means a geological formation above bedrock, such as sand or gravel, that is caving in nature;

(41)(A) "Undesirable geological formations" are formations that:

(i) Produce water; and

(ii) Have characteristics that are not conducive to the use or purpose for which the well is to be used.

(B) The characteristics of each geological formation vary greatly depending upon the location and depth of each formation.

(C) Formations with undesirable characteristics are considered undesirable relative to other formations at the same location that:

(i) Can produce water for the intended use; and

(ii) Are known to have the desired quality;

(42) "Unsaturated zone" means the subsurface zone, usually starting at the land surface, that contains both air and water;

(43)(A) "Water well" means any excavation that is drilled, redrilled, cored, bored, washed, driven, dug, jetted, or otherwise artificially constructed for the purpose of locating, acquiring, diverting, or artificially recharging ground water, but such terms do not include an excavation made for the purpose of obtaining or for prospecting for oil, natural gas, minerals, or products of mining or quarrying, or for inserting media to repressure oil or natural gas, or other products.

(B) Acts 1969, No. 641, § 3(e);

(44) "Water well contractor" means any person (including a partnership or corporation) who engages in the business of well construction or pump installation or repair, exclusive of surveying or other acts preparatory to the construction of a water well;

(45) "Water well driller" means any natural person, whether connected with a firm, partnership, corporation, or other public or private association, who engages for compensation in well construction;

(46) "Well construction" means:

(A) The act of setting up the rig for and engaging in the excavation of a water well;

(B) The modification of the borehole;

(C) The setting or removal of casing up to the point of installing or repairing pump equipment; and

(D) Plugging abandoned water wells;

(47) "Well seal" means an arrangement or device used to cap a well or to establish closure of the junction of a well pump or piping with the well casing at the upper terminal of the well; and

(48)(A) "Well yield" means the volume of water discharged from the well after construction expressed in gallons per minute (gpm) or gallons per hour (gph).

(B) Well yield is an estimate of the total volume of water the well is capable of producing at the time of construction.

**Authority.** Arkansas Code § 17-50-204.

## **Subpart 2. Procedure [Reserved]**

## **Subpart 3. Licensing and Bonding**

### **17 CAR § 11-301. Authorized constructor.**

Water wells subject to this part shall be constructed only by persons having a valid license under Acts 1969, No. 641, enacted by the General Assembly of the State of Arkansas, unless exempt under provisions of that act.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-302. Supervision.**

(a) During the construction, alteration, or repair of a water well, or installation or repair of pumping equipment there must be, on site, a person who has obtained a registration certificate and has been certified in the type of construction engaged or an apprentice under personal supervision as defined by 17 CAR § 11-310(a)(2).

(b) At all times in which only an apprentice is on site, the person supervising the apprentice under 17 CAR § 11-310(a)(2) shall remain informed and have knowledge of the status of the work being accomplished.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-303. Engineers and geologists.**

Arkansas registered professional engineers and Arkansas registered professional geologists practicing geotechnical engineering or geologic investigations may be declared exempt from certification, bonding, and testing requirements upon application for exemption from the Arkansas Natural Resources Commission.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-304. Fees.**

(a) The following fees will be charged for licensing, registration, and rig permitting:

Drilling and Pump System License	\$350
Pump System-Only License	\$175
Drilling-Only License	\$175

Driller Registration Certificate	\$125
Pump Installer Registration Certificate	\$125
Apprentice Certificate	\$125
Rig permit	\$145

(b) **Fees nonrefundable.**

(1) All applicants for registration certificates shall pay said fees prior to completing the exam.

(2) Once processed, all application and licensing fees are nonrefundable.

**Authority.** Arkansas Code §§ 17-50-204, 17-50-311.

**17 CAR § 11-305. Categories for registration certificates.**

(a) Driller registration:

(1)(A) Consolidated.

(B) Includes water well construction techniques for all water wells, other than monitoring wells, completed in rock formation or in formations which will not cave, including the overburden and soils overlying consolidated formations;

(2)(A) Unconsolidated.

(B) Includes water well construction techniques for all water wells, other than monitoring wells, completed in sand, clay, and gravel formations which are caving in nature;

(3)(A) Monitoring and piezometer.

(B) Includes construction for the purpose of locating and sampling for engineering or geological data or sampling ground water;

(4)(A) Hydrofracturing.

(B) Includes pumping or injecting fluids into a well and does not include the use of explosives; and

(5)(A) Geothermal.

(B) Includes construction of wells built for the purpose of geothermal energy exchange including earth-coupled and direct exchange systems.

(b) Pump installer registration:

(1)(A) Turbine pumps.

(B) Includes equipment consisting of, or used in conjunction with, line shaft turbine pumps;

(2)(A) Submersible pumps.

(B) Includes equipment consisting of, or used in conjunction with, submersible pumps and motors;

(3)(A) Jet pumps.

(B) Includes equipment used in conjunction with the jetting action of a venturi nozzle;

(4)(A) Monitoring/purging/sampling.

(B) Includes pumps and other devices permanently installed to:

(i) Purge monitor wells;

(ii) Obtain samples from a monitoring well; or

(iii) Recover foreign substances from ground water;

(5)(A) Positive displacement pumps and other devices.

(B) Includes the installation of equipment and pumping devices not listed above, such as:

(i) Hand pumps;

(ii) Windmills;

(iii) Stroke pumps; or

(iv) Sucker rod pumps and equipment; and

(6)(A) Plugging.

(B) Registered pump installers who have demonstrated knowledge of the applicable rules and possession of the required skills by passing a test on those subjects administered by the Arkansas Natural Resources Commission are authorized to plug abandoned water wells.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-306. Water well contractor licenses.**

**(a) General.**

(1) Any person who contracts for or is engaged in well construction or pump installation shall hold or be employed by a person holding an Arkansas Water Well Contractor License.

(2) The water well contractor shall:

(A) Hold the proper license, certificates, and permits for the type of construction engaged; and

(B) Meet continuing education requirements as set forth herein.

**(b) Categories for licenses:**

(1)(A) Drilling and pump systems.

(B) Includes contracting for all elements of water well construction, including drilling and pump installation;

(2)(A) Pump systems.

(B) Includes contracting for the installation and repair of pumps and related equipment and does not include excavating the well;

(3)(A) Drilling.

(B) Includes:

(i) Excavation of a water well;

(ii) Modification of the borehole;

(iii) Setting or removal of casing up to the point of installing or repairing pumping equipment; and

(iv) Plugging abandoned water wells;

(4)(A) Master electricians.

(B) A master electrician holding a valid license may repair or install pressure switches, control boxes, and other electrical components of the pumping equipment at the well head without holding licenses issued by the Arkansas Natural Resources Commission.

(C) The electrician shall adhere to this part for the installation and is not authorized to break the well seal or alter, cut, or drill into the casing; and

(5)(A) Master plumbers.

(B) A master plumber holding a valid Master Plumber License may repair or install pressure switches, pressure tanks, valves, and pipes at the well head, without holding licenses issued by the commission.

(C) The plumber shall adhere to this part for the installation and is not authorized to break the well seal or alter, cut, or drill into the casing.

**Authority.** Arkansas Code § 17-50-204.

### **17 CAR § 11-307. Bonding.**

#### **(a) Conditions of bond for resident and nonresident contractor.**

(1) The water well contractor, as defined in Acts 1969, No. 641, as amended, as principal and a surety company or corporation authorized to do business in the State of Arkansas as surety shall bind themselves and their successors and assigns jointly and severally to the Arkansas Natural Resources Commission for the use and benefit of the public in the full penal sum of no less than twenty thousand dollars (\$20,000) for each licensing year beginning August 1, 2016, that said principal and any person employed by him or her shall duly comply with Acts 1969, No. 641, as amended, and all rules pertaining to said act.

(2) Any one (1) contract, as prescribed herein by subsection (g) of this section, between said principal and a person doing business with said principal exceeding twenty thousand dollars (\$20,000) or the amount of aforesaid bond if in excess of twenty thousand dollars (\$20,000) shall require said principal to enter into a separate agreement and a bond equal to the amount of said contract as required in Acts 1969, No. 641, § 11(c).

(b) **Recovery of damages.** Any and all persons doing business with said principal or person in his or her employ, who have been damaged by reason of violation of any of the provisions set out in Acts 1969, No. 641, as amended, and all rules pertaining to said act, may in their own name and without joining the commission as a party, sue

thereon and join in said action as one (1) of the defendants against the surety on said bond or bonds.

(c) **Exhaustion of administrative remedies.** No action shall be taken against the principal and surety on said bond or bonds until all reasonable administrative remedies have been exhausted by the commission.

(d) **Term of bond.** Each bond shall be construed as a new bond in the sum aforesaid in subsection (a) of this section, for each year it remains in full force unless the bond is waived as set forth in subsection (h) of this section.

(e) **Termination of bond.**

(1) The surety shall terminate each bond by giving not less than thirty (30) days written notice of the effective date of said termination to the commission.

(2) Termination shall not relieve said surety or principal of any liability during which the bond was in force until a period of not less than five (5) years from the effective date of termination has expired.

(f) **Bond form.**

(1) The commission shall provide a contractor's bond form to each person applying for the contractor's license.

(2) Each contractor's license shall be issued only after the receipt of the original copy of the water well contractor's bond prescribed above and said form is completed and notarized.

(3) The contractor's license may be renewed annually without receipt of a new contractor's bond form provided the commission has proof that the original contractor's bond or bonds remain in full force and effect.

(g) **The amount of the contract.** "The amount of the contract" as used in subsection (a) of this section shall be defined as the amount or cost of the construction of the well, including, but not limited to, the cost of drilling, casing, screens, grout, seals, etc., excluding the costs of systems employed, constructed, or installed on the discharge side of the pressure tank or beyond the point of discharge from the pump if no tank is employed, or to pivot systems, ditches, pumping stations, pump houses, buildings, air conditioning duct work, or items that the water well contractor may

construct or install, but are not directly connected with the construction of the well or included under the definition or scope of a water well as prescribed in Acts 1969, No. 641, § 3(e) and § 4, as amended, and this part.

(h) **Waiver.**

(1) The commission shall reserve the right to waive the requirement of obtaining a water well contractor's bond in the amount of twenty thousand dollars (\$20,000) in favor of a bond of a lesser amount to those contractors whose contracts for each one-year period consistently amount to less than twenty thousand dollars (\$20,000).

(2) The contractor must provide proof that he or she is unable to obtain a bond, or such bond would cause an undue hardship.

(3) Further, the Executive Secretary of the Commission must be willing to recommend that a bond of a lesser amount would be sufficient protection for any persons doing business with the contractor.

(i) **Cash bond.**

(1) Persons who install pumping equipment or repair pumping equipment that have been granted a waiver for a twenty thousand-dollar bond and are unable to post a twenty thousand-dollar bond may post in lieu of a water well contractor's bond an escrow cash bond of no less than five hundred dollars (\$500) per year until twenty thousand dollars (\$20,000) is accrued.

(2) Persons authorized to post an escrow cash bond in lieu of posting bond shall also submit a statement of personal indemnification signed by the principal owner or chief executive officer.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-308. Mail.**

(a) **General.** All persons licensed or certified by the Arkansas Natural Resources Commission:

(1) Agree to keep the commission advised of his or her current address; and

(2) Must readily accept all mail sent to them from the commission.

(b) **Registered or certified mail.** Registered or certified mail sent with proper postage and to the last known address that is returned unclaimed shall be considered adequate notification of notice served.

(c) **Change of address.** The commission shall be notified of any change of address within fifteen (15) days of the change.

(d) **Refusal to accept mail.** Refusal to accept mail is considered a violation of this part and will result in immediate suspension of any registration or license until the matter is resolved and could result in further disciplinary action.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-309. Continuing education.**

(a) Beginning August 1, 2002, as a condition of annual license renewal, a contractor or one (1) designee who is a partner, officer, or full-time employee and a registered driller or pump installer shall submit proof of six (6) approved continuing education credits completed during the previous licensing year.

(b) For each additional designee, two (2) additional credits will be required per contractor per year.

(c) Credits exceeding the required number may be carried over into the next licensing year.

(d)(1) The Arkansas Natural Resources Commission may preapprove continuing education programs and the number of credits to be given for those programs therefore.

(2) Programs submitted for preapproval shall be considered by the commission only upon submission, by the sponsor or attendee, of a written description, which must include the:

- (A) Names and qualifications of the presenters;
- (B) Time and location;
- (C) Proposed number of credits; and

(D) Program's objectives.

(e) Programs may be held in-state or out-of-state and must be related to:

(1) Water wells or pump systems technology, science, or health;

(2) Sound business practices; or

(3) Compliance with the commission's rules and other governmental and industry requirements, including worker health and safety.

(f) Program sponsors must provide written proof of attendance to attendees, and providers of preapproved classes must provide a list of attendees to the commission by July 31 of each year.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-310. Apprenticeship program.**

(a) **General.**

(1) A natural person obtaining the knowledge, skills, and abilities necessary to obtain a certificate of registration as a pump installer under the personal supervision of a registered pump installer or to obtain a certificate of registration as a water well driller under the personal supervision of a registered water well driller may apply to the Arkansas Natural Resources Commission for an apprenticeship certificate.

(2) **Personal supervision.**

(A) "Personal supervision" means that the supervisor is at the job site with the apprentice or within two (2) hours' traveling distance of the apprentice whenever the apprentice is working in well construction or pump installation.

(B) When the supervisor is not physically present at the job site with the apprentice, the supervisor must be reachable at any time by wireless telephone or radio contact.

(3) **Supervisor employment.** A registered certificate holder serving as an apprentice supervisor shall be a full-time employee of the company hiring the apprentice.

(b) **Requirements for apprenticeship certificate.** All applicants for apprenticeship certificates must submit the following:

(1) Completed application form;

(2) Notarized letter from a registered certificate holder stating:

(A) That he or she holds a certificate of registration in the same area or a comparable area sought by the apprenticeship applicant and that he or she has held that certificate for at least five (5) of the previous ten (10) years;

(B) That he or she has no record of construction violations in the specialty area unless waived by the commission;

(C) That he or she has no outstanding fines or fees owed to the commission;

(D) That he or she is willing to serve in a supervisory capacity during the apprenticeship;

(E) The number of apprentices, including the applicant, that the supervisor currently supervises or anticipates supervising within a year of drafting the letter will not exceed five (5); and

(F) A description of the training program;

(3) Written statement from a contractor employing the supervisor whereby the contractor agrees to accept responsibility for the apprenticeship;

(4) Copy of driver's license or other document illustrating that applicant is at least eighteen (18) years old; and

(5) Registration fee.

(c) **Registration for concurrent apprenticeships.**

(1) An applicant may register for both a drilling apprenticeship and a pump installer's apprenticeship at the same time.

(2) Each registration will require separate registration fees.

(d) **Transfer of supervisory authority.**

(1) A supervisor may agree to temporarily transfer supervising responsibility to a person holding a certificate of registration in the area sought by the apprentice and employed by the same contractor.

- (2) The supervisor to whom responsibility is temporarily transferred must:
  - (A) Not already supervise more than five (5) other apprenticeships; and
  - (B) Meet the requirements of subsection (b) of this section.

**(e) Apprentice responsibilities.**

(1) An apprentice's certificate may be revoked for engaging in prohibited activities.

**(2) Driller apprentice responsibilities.** A driller apprentice shall:

(A) Represent his or her supervising driller during operations at the well site;

(B) Not perform, or offer to perform, any services associated with water well drilling except under the personal supervision of a certified driller; and

(C) Not perform, or offer to perform, any services associated with pump installation unless the apprentice holds a pump installer apprentice certificate or pump installer certificate of registration.

**(3) Pump installer apprentice responsibilities.** A pump installer apprentice shall:

(A) Represent his or her supervising pump installer during operations at the well site;

(B) Not perform, or offer to perform, any services associated with pump installation except under the personal supervision of a certified pump installer; and

(C) Not perform, or offer to perform, any services associated with water well drilling unless the apprentice holds a driller apprentice certificate or driller certificate of registration.

**(f) Length of apprenticeship.** A person must be apprenticed with the commission for at least two (2) years before that person is eligible to apply for certification as a water well driller or pump installer.

**(g) Eligibility to apply for driller and pump installer certification.**

(1) **Supervisor recommendation.** After the apprentice has completed at least two (2) years of apprenticeship, the apprentice's supervisor may send the commission a letter on the apprentice's behalf stating that the apprentice is ready to sit

for examination to obtain a certificate of registration as a water well driller or pump installer.

**(2) Application by apprentice.**

(A) After the apprentice has completed two (2) years of apprenticeship, the apprentice may submit Internal Revenue Service W-2 Wage and Tax Statement forms demonstrating that he or she:

(i) Has spent two (2) years in the employ of a licensed water well contractor; and

(ii) Is ready to sit for the certificate of registration examination.

(B) The commission will then approve or disapprove the apprentice to take the examination.

(C) **Inability to secure letter from supervisor.** If after the apprentice has completed at least two (2) years of apprenticeship but is unable due to extenuating circumstances to secure a letter from his or her supervisor recommending that he or she be qualified to sit for examination, the apprentice may petition the commission to waive the requirement that he or she provide a letter from a supervisor prior to sitting for the examination.

**(h) Renewal of apprenticeship certificate.**

(1) An apprentice's certificate shall be deemed expired on July 31 of each year.

(2) If the apprentice has knowingly violated commission rules or owes fees assessed by the commission, the commission may choose to deny renewal.

(3) A certificate must be renewed prior to the certificate's expiration date by complying with the following requirements:

(A) Submission of the renewal application form; and

(B) Payment of an annual registration fee to the commission.

**(i) Change of responsible supervisor or contractor.**

(1) If a supervisor terminates supervision of an apprentice, the contractor employing the apprentice must send a written statement to the commission stating the relationship has ended.

(2) In order to continue the apprenticeship, the apprentice must find another certificate holder to supervise him or her, and that new supervisor must send a notarized letter to the commission that meets the requirements of subsection (b) of this section.

**(j)(1) Apprenticeship program exemption.**

(A) A person who has previously held a water well driller or pump installer certificate of registration from the commission and seeks reinstatement shall not be required to complete the apprenticeship program.

(B) A person seeking reinstatement shall pay the certificate of registration fee set out in 17 CAR § 11-304 and demonstrate via application that he or she:

(i) Was previously registered in this state in the area of interest;

(ii) Held the registration in good standing at the time of registration;

(iii) Did not have his or her registration revoked for:

*(a)* An act of bad faith; or

*(b)* A violation of law, rule, or ethics;

(iv) Is not holding a suspended or probationary registration or license in any state; and

(v) Is sufficiently competent in his or her area of interest by satisfactorily completing a competency examination approved by the commission.

(C) If the person seeking reinstatement applies for reinstatement within a year of the expiration of his or her certificate, he or she will not be required to take the commission's competency test.

(2) **Continuing education.** The commission may require the person to participate in continuing education consistent with this part.

(3) **Reciprocity.** A person shall not be required to comply with the requirement of this subsection to obtain reinstatement of a license if the person meets the requirements of reciprocity.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-311. Rules applicable to active duty service members, returning military veterans, and spouses.**

**(a) Expedited and temporary certification for active duty military, returning military veterans, and spouses.**

(1) The Arkansas Natural Resources Commission shall expedite the certification process for any individual applying for Arkansas accreditation who:

(A) Holds a substantially equivalent certificate issued by another state, territory, or district who is in good standing with that state; and

(B) Is one (1) of the following:

(i) An active duty military service member stationed in the State of Arkansas;

(ii) A returning military veteran applying within one (1) year of his or her discharge from active duty; or

(iii) The spouse of a person described by subdivision (a)(1)(B)(i) or (ii) of this section.

(2)(A) The applicant will still need to demonstrate competence to drill wells or install pumps in Arkansas by passing the commission's test.

(B) However, an applicant may obtain temporary certification pursuant to 17 CAR § 11-312(d) until the applicant has met the commission's testing requirement.

**(b) Consideration of military training and experience.**

(1) When considering an application for certification from a person described by subdivision (a)(1)(B) of this section who does not have certification from another state, territory, or district, the commission shall:

(A) Consider whether the applicant's military training and experience is substantially similar to experience or education required for the applicable permit or license; and

(B) Accept documentation of the applicant's military training and experience in lieu of experience or education required for the applicable permit if the commission determines the military training and experience is a satisfactory substitute for the experience or education required for the permit.

(2) The applicant will still need to demonstrate competence to drill wells or install pumps in Arkansas by passing the commission's test.

(c) **License or permit expiration.** A license or permit issued by the commission held by an active duty military service member or the spouse of an active duty military service member deployed outside Arkansas shall not expire until one hundred eighty (180) days following the active duty military service member's or the spouse's return from active deployment.

(d) **Continuing education exemption.**

(1) The commission shall allow a full or partial exemption from continuing education requirements for the following individuals:

(A) An active duty military service member deployed outside of the State of Arkansas;

(B) A returning military veteran applying within one (1) year of his or her discharge from active duty; or

(C) The spouse of a person under subdivision (d)(1)(A) or (B) of this section.

(2) The commission may require the completion of continuing education before issuing any subsequent renewals.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-312. Reciprocity.**

(a) **Reciprocity agreement.** An applicant holding an occupational license from an entity of another state, territory, or district of the United States that has entered into a written agreement with the Arkansas Natural Resources Commission shall qualify for a certificate of registration as a water well driller or pump installer once he or she has satisfied the terms of the agreement.

(b) **Reciprocity qualifications.** An applicant, who holds a substantially similar certification from another state, territory, or district of the United States that has not entered into a reciprocity agreement with the commission, applying for reciprocal

certification as a commission water well driller or pump installer, shall meet the following requirements:

- (1) The applicant holds certification in good standing;
- (2) The applicant shall not have had a certification revoked for:
  - (A) An act of bad faith; or
  - (B) A violation of law, rule, or ethics;
- (3) The applicant does not hold a suspended or probationary license in another state, territory, or district of the United States;
- (4) The applicant has held the certificate for two (2) years;
- (5) The applicant demonstrates sufficient competence in the field by passing the commission's certification exam which tests applicant's knowledge of:
  - (A) The Arkansas Water Well Construction Act, Arkansas Code § 17-50-101 et seq.;
  - (B) This part; and
  - (C) General knowledge of water well construction;
- (6) The applicant is eighteen (18) years of age or older; and
- (7) The applicant pays a registration fee in accord with 17 CAR § 11-304.

**(c) Required documentation of substantially similar program.**

(1) As evidence that the applicant's certificate from another jurisdiction is substantially similar to the commission's requirements for a certificate of registration, the applicant shall submit the following information:

(A) Evidence of current and active certification from another state, territory, or district of the United States; and

(B) Evidence that the other jurisdiction's certification requirements are similar to those required by the commission.

(2) To demonstrate that the applicant meets reciprocity requirements, the applicant shall provide the commission with:

(A) The names of all states in which the applicant is currently certified or has been previously certified; and

(B) Letters of good standing or other information from the licensing entity of each jurisdiction in which the applicant is currently or has ever been certified showing that the applicant:

(i) Has not had his or her certificate revoked for an act of bad faith or a violation of law, rule, or ethics; and

(ii) Does not hold a certificate on a suspended or probationary status.

**(d) Temporary certification for a person holding certification from a substantially similar program.**

(1) The commission shall grant a ninety-day temporary certificate of registration to any individual holding a water well driller or pump installer certificate of registration from another state, territory, or district of the United States upon being presented with evidence of a current and active occupational certification substantially similar to the practice of water well drilling or pump installing in Arkansas.

(2) An individual holding a substantially similar certification shall submit:

(A) A completed application;

(B) Proof of certification; and

(C) A certificate of registration fee identified in 17 CAR § 11-304.

**(e) Applicant with experience from a state, territory, or district that does not require certification.** An applicant from a state that does not certify water well drillers shall meet requirements in subdivisions (b)(5)–(7) of this section, as well as provide the following documents:

(1) An affidavit containing separate paragraphs accounting for at least two (2) years of employment by a water well drilling or pump installation business or businesses including the following information:

(A) Business phone number and address;

(B) Name of applicant's supervisor;

(C) Description of duties performed by applicant while employed by the business;

(D) Dates of applicant's employment;

(E) Number of wells drilled by applicant or the number to which applicant has installed pumps, or both, if applicable; and

(F) Type of rigs used by applicant to perform these duties; and

(2) Either:

(A) Two (2) years of Internal Revenue Service W-2 Wage and Tax Statement forms demonstrating two (2) years of employment as a water well driller or pump installer, whichever is applicable; or

(B) Insurance or bonding documents corresponding to dates of employment with the business or businesses.

**Authority.** Arkansas Code §§ 17-50-204, 17-50-311.

**17 CAR § 11-313. Criminal background checks.**

**(a) Disqualification from registration and licensure due to criminal conviction.**

(1) The Arkansas Natural Resources Commission shall require all applicants to undergo a state and federal background check at the commission's expense.

(2) With the exception of a waiver granted pursuant to subsection (b) of this section, no individual is eligible to receive or hold certification or licensure if the individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses identified in Arkansas Code § 17-3-102(a) by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court, unless the conviction was:

(A) Lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, Arkansas Code § 16-90-1401 et seq.; or

(B) Otherwise previously sealed, pardoned, or expunged under prior law.

(3)(A) An individual seeking certification or licensure shall be permanently disqualified from receiving certification or licensure if the individual has been convicted of any of the crimes listed at Arkansas Code § 17-3-102(e).

(B) The permanent disqualification for an offense listed in Arkansas Code § 17-3-102(e) does not apply to an individual who held a valid certification or license on July 24, 2019.

(4) The commission shall not disqualify an applicant if the date of conviction or incarceration or on which probation for the disqualifying offense occurred is more than five (5) years prior to application for certification or license, if:

(A) The individual:

(i) Was not convicted for committing a violent or sexual offense; and

(ii) Has not been convicted of any other offense during the five-year disqualification period; or

(B) The applicant was arrested for but not subsequently convicted for an offense.

**(b) Waiver of disqualification due to criminal conviction.**

(1) If an individual has been convicted of a crime listed in Arkansas Code § 17-3-102(a), except for those permanently disqualifying offenses found in Arkansas Code § 17-3-102(e), the commission may waive disqualification or revocation of a certification or license based on the conviction if a request for a waiver is made by:

(A) An affected applicant; or

(B) An individual holding a certification or license subject to revocation.

(2) The commission may grant a waiver on the following basis without limitation:

(A) The age at which the offense was committed;

(B) The circumstances surrounding the offense;

(C) The length of time since the offense was committed;

(D) Subsequent work history since the offense was committed;

(E) Employment references since the offense was committed;

(F) Character references since the offense was committed;

(G) Relevance of the offense to a commission license or certification; and

(H) Other evidence demonstrating that certification or licensure of the applicant does not pose a threat to the health or safety of the public.

(3) A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.

(4) The commission will respond with a decision in writing and will state the reasons for the decision.

(5) An appeal of a determination under this section will be subject to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

**(c) Precertification or prelicensure criminal background check.**

(1) An individual may petition the commission for a precertification or prelicensure determination of whether the individual's criminal record will disqualify the individual from certification or licensure and whether a waiver may be obtained.

(2) The individual shall obtain the precertification or prelicensure criminal background check petition form from the commission.

(3) The commission shall respond to a completed petition with a written decision within a reasonable time.

(4) The commission's response will state the reason or reasons for the decision.

(5) All decisions of the commission in response to the petition will be determined by the information provided by the individual.

(6) Any decision made by the commission in response to a precertification or prelicensure criminal background check petition is not subject to appeal.

(7) The commission shall retain a copy of the petition and response for review during the formal application process.

**Authority.** Arkansas Code § 17-50-204.

**Subpart 4. Reporting**

**17 CAR § 11-401. Reports.**

(a)(1) Within ninety (90) days after a water well has been constructed or repaired, the constructor shall submit a report of construction to the Arkansas Natural Resources Commission on such forms as are prescribed and furnished by the commission.

(2) The date of construction and time of completion shall be the date and time the rig is removed or pulled off the bore hole or well.

(3) Reports must:

(A) Be legible;

(B) Supply all requested information applicable to the type of work done;

and

(C) Contain the longitude and latitude of the well location.

(b) **Test holes.** When a water well contractor constructs a test hole for a well that may be developed into a water well, the contractor shall file a construction report within thirty (30) days after the date of construction regardless of the stage of completion of the water well.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-402. Domestic wells.**

(a) The contractor is required to maintain adequate records at his or her place of business of pumps installed in water wells used for domestic purposes.

(b) Generally all warranty information should be maintained as well as depth of settings, size of wire, size of pipe, etc.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-403. Copy to be provided to customer.**

A copy of the construction report shall be provided to the customer upon demand.

**Authority.** Arkansas Code § 17-50-204.

## **Subpart 5. Construction**

### **17 CAR § 11-501. Construction requirements generally.**

(a) Construction requirements vary according to:

- (1) Type of formation;
- (2) Type of well; and
- (3) Intended use.

(b) Please review both the general requirements and Special Well Construction Techniques, 17 CAR § 11-601 et seq., for the type of well you are working on.

**Authority.** Arkansas Code § 17-50-204.

### **17 CAR § 11-502. Location.**

(a) **General.**

(1) In establishing the location of a well, the constructor shall consider sources of contamination that exist on or adjacent to the premises where the well is to be located.

(2) As far as possible, the well shall:

(A) Be located on ground that is higher than sources of contamination;

and

(B) Have ready access for:

- (i) Repairs;
- (ii) Maintenance;
- (iii) Treatment; and
- (iv) Inspection.

(b) **Relation to sources of contamination.**

(1) Determination of minimum lateral distances to locate a well from potential sources of contamination involves evaluation of the:

- (A) Character and location of the sources of contamination;
- (B) Types of geologic formations present;

- (C) Depth to the aquifer;
- (D) Effect on ground water movement by well pumping; and
- (E) Possibilities of flooding of the site by surface waters.

(2) Based on practice and experience, accepted minimum lateral distances for some common sources of pollution with respect to a well have been established.

(3) The lack of specific distances for other possible sources of contamination such as streams, refuse disposal sites, excavations, waste treatment facilities, buried oil and gasoline storage tanks, improperly constructed wells and cisterns, etc., does not minimize their potential hazard.

(4) These must be evaluated in each situation and a distance arrived at based on the pertinent facts.

**(c) Minimum lateral distances.**

(1) The following minimum lateral distances shall apply for common sources of contamination listed:

Potential sources of contamination	Minimum lateral distances for clay and loam soils
Cess Pools	100 Feet
Leaching Pit	100 Feet
Pit Privy	100 Feet
Subsurface Seepage Tile	100 Feet
Manure Piles	100 Feet
Septic Tank	100 Feet

Sewers (Cast iron with water tight, leaded 50 Feet or mechanical joints)

Footing Drains (No connection to a sewer 10 Feet or a sump handling sewage)

Pump House Floor Drain (Cast iron with 2 Feet water tight joints and having free fall discharge to ground surface)

(2) When the upper formations are more pervious, the lateral distances shall be increased (i.e., double the distance for highly pervious gravel formations).

(d) **Flood water.**

(1) Locations subject to flooding should be avoided.

(2) If no reasonable alternate site exists, wells may be constructed in flood zones providing special protective construction is included.

(e) **Vertical closed loop systems/wells.**

(1) Vertical closed loop systems and wells shall not be located closer than fifty feet (50') to:

(A) A septic tank;

(B) Its field lines; or

(C) Other water supply wells used for human consumption.

(2) This requirement may be waived.

(3) An approved waiver may be requested by contacting the Arkansas Natural Resources Commission office by telephone or mail.

(4) Written approval must be obtained from the commission prior to construction of the well.

(f) **Open loop systems/wells.** The location of open loop wells shall meet the same criteria as water wells used for domestic or human consumption.

(g) **Industrial and irrigation wells.**

(1) No industrial or irrigation well shall be located nearer than one hundred feet (100') to any other well producing potable water.

(2) It is recommended that locations subject to flooding be avoided.

(3) If no reasonable alternate exists, wells should be constructed with the casing terminating two feet (2') above the maximum known flood water elevation.

(h) **Relations to buildings.** With respect to buildings, the location of a well shall be as follows:

(1) **Adjacent to building.**

(A) When a well must be located adjacent to a building, it shall be located so that the center line of the well extended vertically will clear any projection from the building by not less than ten feet (10').

(B) The well shall also be located at least ten feet (10') away from any power lines; and

(2) **Inside building.**

(A) The casing top of a well and any other opening shall not terminate in the basement of any building, or in any pit, room, or space that is below ground surface or connected to a basement, which is not properly drained or pumped.

(B) Where it is necessary to seal out seep water or rain water in small diameter wells that are underground, National Ground Water Association-approved pitless adapters, or an approved seal, shall be used.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-503. Design factors.**

The design of each well shall include consideration of the following:

(1)(A) Natural protection.

(B) Location of the well shall include utilization of every natural protection available to promote sanitary conditions;

(2)(A) Undesirable geological formations.

(B) The exclusions of water bearing formations that are or may become contaminated formations that have undesirable characteristics; and

(3)(A) Durability.

(B) The use of construction methods and materials that will result in a durable well producing safe water without excessive sediment and sand or harmful bacteria.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-504. Materials and technical requirements.**

**(a) Construction water.**

(1) Water used in the drilling process should be obtained from a source that will not result in contamination of the well.

(2) It is required that an appropriate amount of chlorine solution be added to the construction water in order to protect the well from contamination.

(3) Please refer to the tables in 17 CAR § 11-1001 et seq., to determine the proper amount of chlorine to use.

**(b) Plumbness and alignment.**

(1) Each drilled well shall be tested for plumbness and alignment, and the bore of the hole shall be sufficiently plumb and straight to receive the casing without binding.

(2) The casing shall be sufficiently plumb and straight so that it will not interfere with installation and operation of the pump.

**(c) Yield.** Each well shall be tested for yield and draw down by:

(1) Pump;

(2) Bailer; or

(3) Air.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-505. Casing.**

(a)(1) The casing shall be installed where the purpose of casing is to:

- (A) Seal off surface, near surface, or deeper contaminants; or
- (B) Retain the wall of the well in addition to repelling outside

contaminants.

(2) In selection of casing pipe, consideration shall be given to the strain to which the pipe will be subjected during construction and the corrosiveness of the water with which it comes in contact.

(3) Used or reject pipe is not acceptable.

(b) **Temporary (outer) casing.** Casing intended for construction purposes only shall be of weight and design as necessary to be watertight and permit installation without distortion or rupture to the specified depth.

(c) **Grouting guides.** Protective casing that is to be grouted in the drill hole should have sufficient guides welded to the casing to permit the unobstructed flow and disposition of the thickness of grout specified.

(d) **Screens.**

(1) Screen openings shall provide the maximum amount of open area consistent with the strength of screen and the grading of the water bearing formation or gravel pack.

(2) The opening shall permit maximum transmitting ability without clogging or jamming.

(e) **Joints.** All casing pipe joints shall be watertight welded construction or threaded couplings.

(f) **Upper terminal.** The casing, well curb, or riser pipe shall be terminated at a height above ground surface consistent with the proposed plans for a pump house and pump installation but not less than eight inches (8") above ground surface or twenty-four inches (24") above maximum high-water level where flooding occurs.

(g) **Steel casing for domestic, individual, and stock wells.** Casing for domestic, individual, and stock wells of steel construction shall be as follows:

(1) Minimum eleven-pound black steel pipe may be used in consolidated formations;

(2) ASA galvanized standard weight Schedule 40 pipe, one inch (1") ID to four inches (4") ID pipe size and weight are covered in 17 CAR § 11-1001 et seq.; and

(3) 4.090-inch ID galvanized pipe, nine and one-half-pound (Schedule 30), may be used on a statewide basis with the following provision that any failure of this weight pipe within a five-year period be replaced by the contractor at no cost to the landowner.

(h) **PVC casing.**

(1) Effective January 1, 1989, PVC plastic casing may be used provided the PVC pipe is manufactured as water well casing and is permanently marked as well casing.

(2) The casing shall be made to ASTM F480.

(3) The contractor shall be responsible to ensure that the PVC wall thickness shall be sufficient to withstand both the formation and hydrostatic pressures imposed on the casing during its installation and development.

(4) PVC casing shall be used only when:

(A) Construction practices will allow the bore hole to remain open during casing installation; and

(B) The casing can be lowered freely without driving.

(i) **Fiberglass casing.**

(1) Fiberglass reinforced plastic well casing, tested in accordance with ASTM D1180 (ASTM International), may be used where judged desirable by the contractor and approved by the customer, in consolidated and unconsolidated formations.

(2) Each coupling shall form a watertight seal.

(3) Pipe having a minimum bursting pressure of six hundred sixty pounds per square inch (660 psi) may be used.

(j) **Casing of industrial and irrigation wells.**

(1) **General.**

(A) All casing, including steel, shall be strong enough to resist the forces imposed during installation and other forces that can be expected after installation.

(B) It shall be the contractor's responsibility to see that all casing used in industrial and irrigation wells will not collapse.

(C) Any material used in construction of industrial and irrigation wells that collapses or breaks within five (5) years shall be renewed with a material strong enough to withstand the stress or pressure without charge to the customer.

**(2) PVC casing.**

(A) PVC 160 PSI NSF or stronger material classification may be used in construction of industrial and irrigation wells, where judged desirable by the contractor and approved by the customer in unconsolidated formations.

(B) All pipes shall be permanently marked under a method suitable to the NSF.

(C) Plastic pipe must be made of new, not reclaimed material.

**(3) Joints.**

(A) The joints of all casing shall be watertight and plumb and in alignment.

(B) All casing shall be installed to:

(i) Seal off water-bearing formations that contain undesirable water (such as saline); and

(ii) Prevent water from the surface entering the fresh water aquifer so as not to contaminate them.

(C) Each joint of PVC pipe shall have a minimum of four (4) screws or rivets in the coupling.

**(k) Casing in consolidated formations.**

(1)(A) Metal or plastic casing shall extend a minimum of one foot (1') into solid bedrock or slate in a cement or bentonite seal at least one inch (1") thick from rock upward for five feet (5').

(B) In wells where consolidated formations, such as bedrock or slate, occur as a definable unit, the casing shall be set into the consolidated formation and

sealed below all crevices that would normally release water of inferior quality into the well.

(C) Plastic casing may be used to case through overburden in consolidated formations, providing the casing meets the requirements for the depth being cased.

**(2) Rock below creviced formation.**

(A) The diameter of the drill hole through the creviced formation shall be a minimum of two inches (2") greater than the diameter of the casing.

(B) If an outer casing is left in place in the earth mantle, the annular opening around that casing shall be sealed as outlined in subsection (I) of this section.

(C)(i) All wells constructed in consolidated formations shall be cased a minimum of ten feet (10') from ground surface or one foot (1') minimum into the consolidated formation.

**(ii) Note.**

*(a)* Ten feet (10') from ground surface or one foot (1') minimum into the consolidated formation means that wells must be cased at least ten feet (10').

*(b)* Wells will never have less than five feet (5') of cement or bentonite grout in the annulus.

*(c)* Wells must also be cased at least one foot (1') into consolidated formations.

*(d)* Minimum of one foot (1') into consolidated rock means that many times even though the formation is consolidated, ground water, at a particular depth, would be undesirable and additional casing and grout to a depth greater than one foot (1') into consolidated formation is required.

(D) All casing left permanently installed in consolidated formations shall be grouted with the appropriate materials, as outlined in 17 CAR § 11-506, from the bottom of the casing upward five feet (5').

(E) Where a desirable water bearing formation underlies a crevice or undesirable water bearing formation, the overlying formation should be completely grout sealed and watertight.

(F) Drilling construction should extend into the desired formation.

**(l)(1) Casing in unconsolidated formations.**

(A) Unconsolidated formations such as sand and gravel may extend to or near the ground surface.

(B) Generally, however, they lie below the ground surface at varying depths and are covered by an overburden of earth.

(C) The kind, nature, and depth of the overburden are factors in determining how a well shall be constructed.

(D) Wells constructed in unconsolidated formations shall have a permanent casing installed in which the casing or screen shall extend the complete length of the drill hole.

(E) A minimum of the upper ten feet (10') shall be filled with grout after the casing is in place.

**(2) Gravel wall construction.**

(A) When an oversized drill hole is constructed to permit the placement of a gravel wall around the well screen or perforated casing, the annular opening between the casing and the drill hole shall be sealed in the top twenty feet (20') with concrete, cement, or bentonite grout.

(B)(i) If a permanent outer casing is installed:

*(a)* It shall extend to a depth of at least twenty feet (20'), depending on the formations present; and

*(b)* The annular opening between the drill hole and the outer casing shall be sealed as provided for in subdivision (l)(1) of this section.

(ii) The annular opening between inner and outer casings shall be filled with concrete, cement, or bentonite grout in the upper twenty feet (20').

**Authority.** Arkansas Code § 17-50-204.

**Codification Notes.** "PVC" means polyvinyl chloride.

"ID" means inside diameter.

"PSI" means pounds per square inch.

**17 CAR § 11-506. Grouting.**

(a) **Sand and cement grout.** This mixture should consist of cement, sand, and water, in the proportion of one (1) bag of cement (ninety-four (94) pounds) and an equal volume of dry sand to not more than six (6) gallons of clean water.

(b) **Neat cement grout.**

(1) This mixture should consist of one (1) bag of cement (ninety-four (94) pounds) to not more than six (6) gallons of clean water.

(2) Additives up to six percent (6%) by weight to increase fluidity may be used.

(c) **Concrete.**

(1) This mixture should consist of cement, sand, aggregate (gravel), and water in the proportion of one (1) bag of cement (ninety-four (94) pounds) and an equal amount of dry sand and aggregate and clean water.

(2) Concrete can be used in the top ten feet (10') of the annular space around the casing of the large diameter wells when the annular space is larger than two inches (2") from the outside of the casing wall to the face of the bore hole.

(3) Aggregate shall be no larger than one-fifth (1/5) of the dimension between the outside casing and the face of the bore hole.

(4) All concrete shall be placed to prevent voids.

(d) **Bentonite grout.**

(1) Bentonite or sealing clay grout is a manufactured clay product that expands in contact with moisture to form a seal that prevents the movement of water and may be used in consolidated and unconsolidated formations.

(2) It is the responsibility of the contractor to make the viscosity of the bentonite thick enough to seal out all contaminants.

(e) **Grouting of metal-cased wells.** Metal casing shall be encased in a cement seal at least two inches (2") thick from ground level to a distance of at least ten feet (10') below established ground surface.

(f) **Grouting of curbed wells.** Curbed wells shall be concreted at least six inches (6") thick poured monolithically from the upper terminal to a distance of at least ten feet (10') below established ground surface.

**Authority.** Arkansas Code § 17-50-204.

### **17 CAR § 11-507. Well seals or caps.**

#### **(a) General.**

(1) Well seals or caps installed on wells shall be securely capped.

(2) The seal may provide ventilation but shall be sufficiently tight and secure to prohibit foreign objects, insects, and other creatures from entering the well.

(3) The well seal shall be secure to prohibit entrance to the well from unauthorized persons without tools or excessive physical exertion.

#### **(b) Timing.**

(1) The well seal or cap shall be installed immediately upon completion of the well and prior to departure of the driller and or contractor or his or her drilling equipment from the well site.

(2) An effort should be made by the driller or contractor to ensure that the well seal or cap provided/installed is compatible to the type of pump and pipe to be installed.

#### **(c) Seals or caps when pump installed.**

(1) Well seals or caps shall be installed on all water wells after pump installation and shall be securely capped.

(2) The seal may provide ventilation but be sufficiently tight and secure to prohibit foreign objects, contamination, insects, and other pests from entering the well.

(3) The well seal shall be secure to prohibit entrance to the well from unauthorized persons without tools or excessive physical exertion.

(4) All wells in consolidated areas will be vented with insect-proof vents.

(5) If the well is located inside a building it shall be vented to the outside.

(d) **Pitless adapters.** Pitless adapters shall be installed in a manner that excludes entrance of water or other materials into the well.

(e) **Test holes.**

(1) The contractor shall ensure that the well/hole is capped to prevent injury or pollution.

(2) If the test well is abandoned, then the well shall be plugged as outlined in 17 CAR § 11-509.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-508. Disinfection.**

(a) **General.**

(1) Every new well or existing water supply system that has been disrupted for service or repair should be disinfected before it is returned to use.

(2) Water in the well and storage tank should be treated with a strong chlorine solution to destroy disease organisms.

(3) All pipe lines and fixtures in the distribution system should be rinsed and flushed with chlorinated water.

(4) All wells, excluding irrigation, will be disinfected.

(b) **Timing.**

(1) If the constructor of the well is also responsible for preparing the well for the pump installation and making the pump installations, disinfection may be postponed until his or her work is completed.

(2) In the event the constructor does not have this responsibility, it is required before capping the well that an appropriate amount of chlorine solution be introduced into the well.

(c) **Disinfection and pump installation.**

(1) At the time of new pump installation or reinstallation of an existing pump, the water system shall be chlorinated to a minimum concentration of fifty parts per million (50 ppm) for a minimum of twenty-four (24) hours.

(2) Each well shall be disinfected by tablets and/or liquid.

(d) **Water.** Water that has contacted pipe or equipment used in chemigation shall not be allowed to back siphon or be used to backwash the well.

(e) **Emergencies.**

(1) If an emergency exists, the water system may be used, provided the system:

(A) Is not for human consumption; and

(B) Is disinfected as soon as the situation permits.

(2) Refer to the tables in 17 CAR § 11-1001 et seq., for guidance on administering chlorine.

**Authority.** Arkansas Code § 17-50-204.

### **17 CAR § 11-509. Plugging or abandonment of wells.**

(a) **General.**

(1) To restore geologic and hydrogeologic conditions existing prior to a well's construction, any person who abandons an abandoned well, as defined in 17 CAR § 11-104(1), must use methods and materials that will protect the ground water from surface contamination and prohibit cross-contamination (co-mingling) of aquifers.

(2) Clay, cement, or bentonite will be allowed to plug wells with certain restrictions applied when using bentonite.

(b) **Dry holes.** If no water is encountered and the landowner does not wish to abandon the well in the event that he or she might plan further development of the well at a later date, the contractor shall complete the well according to the rules, including casing, sealing, and capping the well.

(c) **File well abandonment form.** All wells plugged in the state should be reported by the water well contractor to the Arkansas Natural Resources Commission on

a well abandonment form to be approved by the commission within ninety (90) days of abandonment.

(d) **Consolidated formations.**

(1) When information has been obtained about a well completed in a single consolidated aquifer from a water well construction report, geophysical data, or usage of a down-hole camera, the well shall be plugged with cement, clay, or bentonite to a depth of fifty feet (50') below the bottom of the surface casing, with a minimum depth of one hundred feet (100') of depth below land surface.

(2) The remaining depth of the well may be filled with clean sand or pea gravel.

(3) Wells completed in more than one (1) major aquifer must have a minimum fifty-foot clay, cement, or bentonite seal emplaced:

- (A) In the borehole within each confining unit between the aquifers; and
- (B) Between any aquifer and the surface overburden.

(e) **No information.** If no information on well construction is available, the well must be filled from bottom to within two feet (2') of land surface with clay, cement, or bentonite in a manner that will protect the groundwater flow system.

(f) **Unconsolidated formations.** All wells in unconsolidated formations will be filled with sand or natural material to twelve feet (12') of ground surface, from twelve feet (12') to two feet (2') with bentonite or cement.

(g) **Usage of packers.** Packers should be emplaced in wells overlying flowing artesian aquifers, or aquifers with more than seventy-five feet (75') hydrostatic head to curtail flow prior to plugging and prevent intercommunication of aquifers.

(h) **Usage of bentonite.**

(1) **Chips.** Bentonite chips may only be used to plug a well if the:

- (A) Well's diameter is four inches (4") or more;
- (B) Well's depth is less than six hundred feet (600') below land surface;

and

- (C) Well contains less than five hundred feet (500') of standing water.

(2) **Slurries.** Bentonite slurries are not allowed for well abandonment in the unsaturated zone (above water level).

(3) **Prohibited use of bentonite under certain conditions.** Bentonite should only be used in accordance with package label recommendations.

(i) **Caves.** A driller should contact the commission's staff for specific abandonment procedures if he or she encounters caves while drilling.

**Authority.** Arkansas Code § 17-50-204.

### **17 CAR § 11-510. Fracturing.**

#### **(a) General.**

(1) Fracturing includes the use of explosives, acid, or pumping fluids (hydrofracturing) into a water well.

(2) A driller registered in category 4 shall supervise hydrofracturing.

(3) A driller registered in category 1–3 may use explosives or acid without being registered in category 4.

(4) Wells that do not meet the requirements of these construction rules shall not be fractured.

(b) **Water.** Water used in fracturing must be free of contamination and chlorinated to fifty (50) milligrams per liter chlorine prior to injection.

(c) **Relation to sources of contamination.** Water wells located closer than one hundred feet (100') to any potential source of contamination shall not be fractured.

#### **(d) Process.**

(1) The following actions must take place when hydrofracturing a water well:

(A)(i) Analysis of the well site and well to determine the location of other wells and potential sources of contamination in the immediate vicinity.

(ii) Determine:

(a) If the well needs repair and if so bring up to standards; and

(b) The effect on geological formations and ground water;

(B) Conduct a test and estimate well yield;

- (C) Advise owner of hazards and potential liability of fracturing;
- (D) Disinfect well to be fractured to fifty (50) milligrams per liter chlorine;
- (E) Fracture well;
- (F) Reinstall pump equipment;
- (G) Disinfect well and pump equipment;
- (H) Pump well to recover no less than the amount of water injected;
- (I) Conduct test and estimate well yield; and
- (J)(i) Complete a construction report.

(ii) On the report, in the space provided for description of formation, indicate the depth and PSI (or amount of explosive) of each zone fractured.

(2) The above steps are not meant to be all inclusive.

(3) The contractor remains responsible and liable for damages to the well or wells in the immediate vicinity resulting from hydrofracturing, even though the contractor may have complied with this part.

(e) **Consolidated formations.** Fracturing PSI shall not be excessive.

**Authority.** Arkansas Code § 17-50-204.

## **Subpart 6. Special Well Construction Techniques**

### **17 CAR § 11-601. Artesian wells.**

(a) In known artesian territories, initial drilling operations shall extend into but not through the formation confining the water.

(b) The casing shall be installed and the annular opening between the drill hole and casing sealed with cement or bentonite grout and allowed to set.

(c) The hole shall then be extended into artesian formation.

(d) Flow control from the well shall be provided by valved pipe connections, watertight pump connections, or receiving reservoirs set at an altitude corresponding to the artesian head.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-602. Driven, dug, or bored wells.**

(a) Wells in this classification are dug, bored, or driven, unless the type or purpose of the well applies to all methods of well construction (test holes, heat pump wells, etc.).

**(b) Driven wells.**

(1) On all driven wells there shall be an outer casing grouted from ground surface to a minimum ten feet (10') depth.

(2) Plastic or steel casing that will accommodate the outside diameter of the pipe being driven shall be placed in a hole that has a minimum diameter of four inches (4") larger than the surface casing.

(3) This should give a minimum of two inches (2") thickness of grout.

**(c) Dug or bored wells.**

(1) Every dug or bored well shall have a continuous watertight lining of steel casing or concrete pipe extending from above ground surface to a depth of at least ten feet (10') below the ground surface.

(2) When more than one (1) formation bearing suitable water exists, the lower formation should be used.

(3) The lining in the producing zone shall:

(A) Readily admit water; and

(B) Be structurally sound to withstand external pressures.

**(d) Annular openings.**

(1) The open space between the excavation and the installed lining shall be sealed with grout.

(2) If the first ten feet (10') of the casing is jointed, such as concrete, and would allow surface water to seep into cracks of casing, the grout will continue from the ten-foot seal to ground level.

**(e) Upper terminal.**

(1) The watertight lining shall extend at least eight inches (8") above finished ground surface.

(2) A cover slab at least two and one-half inches (2 1/2") thick, adequately reinforced and having a diameter sufficient to overlap the lining by two inches (2") shall be provided.

(3) The top of the slab shall be sloped to drain to all sides and a watertight joint made where the slab rests on the well lining using cement mortar or a mastic compound.

(4) A manhole, if installed, shall consist of a metal curb cast in the slab and extending four inches (4") above the slab.

(5) The manhole shall have a watertight covering having sides to overhang the curb at least two inches (2").

(6) Adequately sized pipe (plastic pipe may be used) shall be cast in place in the slab, extending at least eight inches (8") above the slab, to accommodate the type of pump or pump piping proposed for the well.

(7) If the well contractor does not install the pump, a cap (seal) will be placed on top of the pipe.

(8) The owner or licensed driller may cut off the cap and must leave a minimum of two inches (2") above the slab.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-603. Industrial and irrigation wells.**

(a) This section applies to wells constructed for purposes other than human consumption.

**(b) Outer casing seal for gravel well industrial and irrigation wells.**

(1)(A) Industrial wells shall be sealed with a concrete slab, grouted, or both.

(B) Irrigation wells shall be sealed with a bentonite seal.

(C) It is optional to use a slab for an irrigation well.

**(2) Slabs.**

(A) Slabs must be of reinforced concrete and at least four inches (4") thick and have a diameter sufficient to overlap the drill hole by two feet (2').

(B) The top of the slab shall be sloped to drain to all sides.

(3) **Grout.** Grout must be composed of sodium montmorillonite clay, also known as bentonite, cement, or a sodium montmorillonite (bentonite)-cement mixture and shall fill the annular opening between the casing and the drill hole in the upper ten feet (10').

(4) **Timing.** If noted on the Report of Water Well Construction, a slab may be placed on nongrouted wells within one (1) year of the date of construction to allow for settling.

(5) **Gravel refill pipes.** Gravel refill pipes may be installed if they:

(A) Terminate above the concrete slab surface; and

(B) Are provided with watertight caps.

(c) **Public notice.** Each new industrial or irrigation well and each existing industrial or irrigation well when brought under the rules of Acts 1969, No. 641, shall have a:

(1) Weatherproof sign attached in a conspicuous location stating that "THIS WATER IS NOT FOR DRINKING PURPOSES"; or

(2) Suitable decal of weatherproof material.

(d) **Casing, screen, and all material for industrial and irrigation wells of steel construction over four inches in diameter.**

(1) The minimum wall thickness shall be 7 gauge, or three-sixteenths of one inch (0.1875").

(2) All material used shall not allow sand or sediment to enter a well.

(3) Where there is an acid condition screen material may be stainless steel, plastic, bronze, or other material suitable for the water and ground formations in which the well has been completed.

(e) **Gravel refill pipes.** Gravel refill pipes may be installed if they terminate above ground surface and are provided with water tight caps.

(f) **Artificial pack.**

(1) Wells designed for placement of an artificial pack shall be provided with an adequate screen having openings based upon size of the gravel.

(2) The well shall be developed to ensure free entry of water without sediment.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-604. Geothermal (heat pump) wells.**

(a) Heat pump wells are designed for two (2) major types of heat pump systems.

(b) **Closed loop or earth coil.**

(1) Fluid is circulated in a continuous unbroken pipe beneath the surface of the earth or under ponds, swimming pools, lakes, or in a medium where the system can obtain a sufficient cooling or heat exchange.

(2) Normally no fluid is gained or lost.

(3) Depths of installation vary and are dependent upon the type and size of closed loop system, the land area available, soils/formation, climate, and seasonal variation in ground temperature, etc.

(4) There are three types of closed loop heat pump well systems:

(A)(i) Horizontal system.

(ii) A closed loop system where pipes are installed horizontally under the earth's surface or under ponds, swimming pools, lakes, etc.;

(B)(i) Vertical system.

(ii) A closed loop system where pipes are vertically installed beneath the surface of the earth; and

(C)(i) Combination horizontal and vertical system.

(ii) A system that has pipes installed beneath the earth's surface horizontally and vertically.

(5) **Direct exchange (DX) wells.**

(A) A small diameter bore hole constructed for the purpose of sinking or sourcing thermal energy between the direct exchange loop and the earth.

(B) Additional construction standards:

(i) A DX well shall comply with 17 CAR §§ 11-502–11-503;

(ii) The DX well does not have to be completely vertical;

(iii)(a) The DX well casing is a metal tube with the bottom capped, running from the bottom of the bore hole to within one foot (1') of the top of the bore hole.

(b) A thermal fluid can be used to fill the DX well casing to within two feet (2') of the top of the DX well casing.

(c) A watertight sealing material will be used to seal the top of the DX well casing.

(d) The material can be:

(1) Silicone;

(2) Latex; or

(3) Other material suitable for the seal.

(e) The DX well casing shall comply with 17 CAR § 11-506(e);

(iv) DX well casing will be required if the pH of the material around the DX loop cannot be corrected to a pH of 8.5 or greater with the use of backfill or grout;

(v)(a) If the DX well casing material is steel, then no cathodic protection is required.

(b)(1) The DX loop is copper, which is more noble than steel.

(2) Therefore, the steel acts as cathodic protection.

(3) The joints will be threaded or welded;

(vi)(a) If the DX well casing material is copper, cathodic protection is required.

(b) The joint will be welded using Arkansas heating, ventilation, air conditioning, and refrigeration (HVACR) standards for joining refrigeration copper; and

(vii)(a) The DX loop can be constructed of Type L copper tubing.

(b) Any joint must comply with HVACR standards for joining refrigeration copper.

(c) The copper tubing's length and diameter must be sized for proper refrigerant flow.

**(c) Open loop or water source.**

(1) Water is obtained from a source (water well, lake, river, etc.) and circulated, usually one (1) time, for the purpose cooling or heat exchange.

(2) Water quality, quantity and disposal are primary concerns with open loop systems.

(3) There are three (3) types/categories of open loop well systems:

**(A) General.**

(i) Open loop wells shall be constructed in the same manner and conform to rules for wells used for domestic purposes.

(ii) This shall pertain to the supply well and return well;

**(B)(i) Single well open system.**

(ii) Water is obtained from a well, circulated, and returned to the same well;

**(C)(i) Dual well open system.**

(ii) Water is obtained from a supply well, circulated, and injected/dumped into a return well.

(iii) These wells may be designed to switch roles and the return well becomes the supply well, the supply well the return well; and

**(D)(i) Single well/waste open system.**

(ii) Water is obtained from a well, circulated, and dumped/wasted into some other medium (land surface, lake, pond, ditch, sewer, etc.).

**(d) Vertical closed loop systems/wells.**

(1) The contractor is responsible and shall ensure that water quantity and quality are not adversely affected.

**(2) Grouting.**

(A) Closed loop wells constructed in consolidated formations shall be back filled with grout, prescribed in 17 CAR § 11-506, the entire length of the bore hole.

(B) Wells constructed in unconsolidated formations may be backfilled with cuttings, sand, or native material, provided the material does not adversely affect the quality of the ground water.

(C) The upper ten feet (10') (minimum requirement) of wells constructed in unconsolidated formations shall be grouted (prescribed in 17 CAR § 11-506).

(D) A well meeting requirements for a domestic water well is not required to be backfilled.

**(3) Horizontal excavation.**

(A) The top of the bore hole may terminate at the bottom of the excavation for installation of horizontal pipes.

(B) The horizontal excavation is not required to be backfilled with grout.

(C) The grout shall be placed at least ten feet (10') below the bottom of the excavation in unconsolidated formations.

**(e) Approved fluids.**

(1) The fluid or liquid used for circulation must be an approved fluid.

(2) Fluids that are highly combustible, corrosive, or toxic will not be used.

(3) A list of approved fluids will be maintained by the Arkansas Natural Resources Commission.

(4) Ethylene glycol is not an approved fluid.

(5) Approved fluids include, but are not limited to:

(A) Water;

(B) Salt water;

(C) Calcium chloride; and

(D) Food-quality propylene glycol.

**(f) Joints and fittings.**

(1) All joints and fittings installed and buried shall be heat, socket, or butt fused.

(2) Glue or clamps shall not be used below ground level unless the joint or connection:

- (A) Serves as a service outlet; and
- (B) Is not covered with earth.

**(g) Circulating pipes.**

- (1) The circulating pipes shall be made of approved materials.
- (2) Approved circulating pipe are approved gas rated materials such as polyethylene and polybutylene.
- (3) Polyvinyl chloride (PVC) material is not acceptable for circulating pipes for closed loop systems below ground level.
- (4) Polyethylene pipe meeting or exceeding PPI PE 3408, ASTM D 3350, cell classification 355434C, SDR-11 is approved.
- (5) Polybutylene pipe meeting or exceeding ASTM D 3309, rated at one hundred sixty pounds per square inch (160 psi) at seventy-three degrees Fahrenheit (73°F) and also one hundred pounds per square inch (100 psi) at one hundred eighty degrees Fahrenheit (180°F), is approved.

**(h) Pressure testing. Pipes:**

- (1) Shall be pressure tested at one hundred fifty percent (150%) of maximum working pressure for fifteen (15) minutes prior to installation; and
- (2) Shall not leak.

**Authority.** Arkansas Code §§ 17-50-204, 17-50-204.

**17 CAR § 11-605. Monitoring and piezometer wells.**

- (a) This section applies to monitoring well construction.
- (b) Monitoring wells are exempted from the construction requirements established in 17 CAR § 11-401 et seq. – 17 CAR § 11-1001 et seq.
- (c) Design and construction techniques published by the Environmental Protection Agency in Resource Conservation Recovery Act Ground Water Monitoring Technical

Enforcement Guidance Document shall be used as a guide in the location, construction, and design of monitoring wells.

(d)(1) The latest publication of this document may be obtained by contacting:

Arkansas Natural Resources Commission  
10421 W. Markham Street  
Little Rock, Arkansas 72205  
Phone: (501) 682-1611

(2) Ask for the RCRA book on monitor wells.

(3) The cost is twenty-two dollars (\$22.00).

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-606. Test and sample wells.**

Water wells constructed for the purpose of locating or sampling ground water or other scientific purposes shall be constructed in a manner that shall not:

(1) Contaminate ground water; or

(2) Provide a conduit to further contaminate ground water.

**Authority.** Arkansas Code §§ 17-50-204, 17-50-204.

**17 CAR § 11-607. Public and semi-public wells.**

(a) Wells for public and semi-public water systems shall be located, designed, and constructed in accordance with the respective rules of the Department of Health and shall have written approval from the department prior to the start of construction.

(b) If uncertain that a well is public or semi-public, the well contractor shall obtain a written determination from the department prior to construction.

**Authority.** Arkansas Code § 17-50-204.

## **Subpart 7. Pump Installation**

### **17 CAR § 11-701. Pump installation generally.**

(a) Installation shall be in accordance with the manufacturer's recommendation and this part.

(b) All pump installations shall be designed and installed to prevent contamination of the well.

**Authority.** Arkansas Code § 17-50-204.

### **17 CAR § 11-702. Licensing and registration.**

Pump installation shall be by a licensed water well contractor and registered pump installer.

**Authority.** Arkansas Code § 17-50-204.

### **17 CAR § 11-703. Efficiency.**

(a) Pump capacity shall be consistent with intended use and yield characteristics of the well.

(b) The pumping capacity of the pump installed in a well shall be consistent with the:

- (1) Intended use of the ground water; and
- (2) Yield characteristics of the well.

**Authority.** Arkansas Code § 17-50-204.

### **17 CAR § 11-704. Location of pressure tanks and switches.**

(a) Pressure tanks and switches shall be located:

- (1) Above ground; or

- (2) In a pit or basement that is adequately drained.
- (b) A pressure tank may be buried provided the tank is designed for installation below ground.
- (c) Tanks designed for use inside the bore of a water well must be:
  - (1) Designed for that purpose; and
  - (2) Approved by the Arkansas Natural Resources Commission.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-705. Venting of gasses.**

Toxic or flammable gases shall be vented from a well to the outside above roof level or a point where they will not produce a hazard.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-706. Upper terminal.**

Pump installers shall leave no less than eight inches (8") of casing above normal ground level.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-707. Temporary seal.**

(a) If the pump equipment is not installed at the time drilling is completed, all openings to the well must be closed to prevent pollution or vandalism.

(b) After installation, all open spaces must be sealed off to prevent contamination of the ground water.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-708. Pipe drop, wire, etc.**

(a) All pipe drop, wire, pumps and other pumping equipment shall be clean and installed to permit removal and repair of all equipment.

(b) If equipment or tools are lost in the well and not recovered a statement describing the item or items lost shall be attached to the installation report, or, maintained in the contractor's records, when no report is required.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-709. Well tanks.**

Well tanks installed shall be adequate to meet the needs of the water system.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-710. Plumbness.**

All pumps shall be installed in a plumb manner so as not to interfere with proper operation or efficiency and not cause excessive wear on pumping equipment.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-711. Prevention from contamination.**

(a) Pumping equipment shall be installed in such a manner to discourage the entrance of contamination into the ground water.

(b) Discharge pipes shall include devices that will discourage the entrance of animals.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-712. Check valves.**

Pumping equipment installed that may be used in conjunction with chemigation shall employ at least one (1) check valve or other back siphoning device between the well head and point of entrance of the foreign substances.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-713. Submersible pump installation.**

**(a) Check valves.**

- (1) Submersible pumps shall have no less than two (2) check valves installed.
- (2) One (1) check valve must be installed above ground.
- (3) Submersible pumps used for irrigation are excluded from this requirement.

**(b) Wire.** Wire shall be secured to the drop pipe in a manner that will:

- (1) Support the weight of the wire; and
- (2) Keep the wire close to the pipe.

**(c) Torque arrestors and cable guards.**

(1) Torque arrestors and cable guards shall be used on all submersible installations.

(2) Torque arrestors are not required for pump installation using steel pipe or schedule 80 PVC.

**(d) Clamps.** All clamps used shall be all stainless steel.

**Authority.** Arkansas Code § 17-50-204.

**Codification Notes.** "PVC" means polyvinyl chloride.

**17 CAR § 11-714. Jet pump installation.**

**(a) Check valves.** Jet pumps shall have a check valve installed on the discharge side of the pressure tank.

(b) **Approved pipe drop.** Polyethylene plastic pipe and fittings shall be a minimum of SDR-7 PE-2306, with a pressure rating of one hundred sixty pounds per square inch (160 psi) and approved for use as the drop pipe in jet pump installations.

(c) **Clamps.** All clamps used shall be all stainless steel.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-715. Turbine pumps — Steel column pipe for line shaft turbine pumps.**

(a) Column pipe for irrigation wells shall be of three-sixteenths of one inch (.188”) steel wall thickness.

(b) Flange or threaded steel column pipe shall be used on turbine pump installation.

(c) Plastic column pipe for turbine pump installation may be used provided the pipe meets or exceeds specifications.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-716. Pressure systems — Relief valve.**

All pressure systems will have a pressure relief valve installed between the well seal and pressure switch.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-717. Power and control wiring.**

(a) Licensees and registrants may run power and control wiring from a disconnect box to water well equipment without obtaining an electrician's license.

(b)(1) Licensees and registrants may not alter the existing electrical service to any building or structure.

(2) See Acts 1999, No. 493.

(c) All wiring must meet the requirements of:

(1) The National Electrical Code, 1999 edition, of the National Fire Protection Association; or

(2) Any updates or new editions of the National Electrical Code adopted by the Board of Electrical Examiners of the State of Arkansas after notice and public hearing.

**Authority.** Arkansas Code § 17-50-204.

## **Subpart 8. Rig Permits and Rig Confiscation**

### **17 CAR § 11-801. Rig permits and rig confiscation generally.**

(a)(1) A contractor who owns and operates a water well rig shall follow the Arkansas Natural Resources Commission's rig permitting requirements.

(2) Each rig owned and operated by a contractor shall have a separate permit per permit year.

(3) Rig permits are not transferable.

#### **(b) Rig operation.**

(1) No water well contractor shall operate a rig or permit an employee to operate a rig unless the contractor holds a valid rig permit issued by the commission.

(2) The contractor shall firmly and conspicuously attach the permit to the rig for which it was issued.

**Authority.** Arkansas Code § 17-50-204.

### **17 CAR § 11-802. Requirements.**

In order to obtain a rig permit, a contractor must:

(1) Hold a valid license;

(2) Make proper application for a rig permit; and

(3) Pay the required permit fee.

**Authority.** Arkansas Code §§ 17-50-204, 17-50-310.

**17 CAR § 11-803. Expiration.**

(a)(1) Rig permits shall expire on July 31 each year.

(2) The contractor must renew the rig permit annually by applying for the renewal no later than thirty (30) days after the expiration date.

(b) **Late fee.** After August 31 of each year, the Arkansas Natural Resources Commission shall not renew a rig permit unless the application, applicable fee, and a late penalty of twenty-five dollars (\$25.00) are submitted.

**Authority.** Arkansas Code §§ 17-50-204, 17-50-310.

**17 CAR § 11-804. Rig confiscation.**

Those persons who continuously violate Arkansas law and this part, requiring that they obtain the proper registration, licensure, and training for construction of water wells as well as the proper bond to protect well owners, are subject to forfeiture of certain property and proceeds in accordance with the Arkansas Water Well Rig Confiscation Act, Arkansas Code § 17-50-401 et seq.

**Authority.** Arkansas Code § 17-50-204.

**Subpart 9. Excessive Sediment**

**17 CAR § 11-901. Excessive sediment standards.**

(a) The following standards shall be used to determine when excessive sediment exists in a well.

(b) Excessive sediment will be determined using EPA Test Method 160.5 (Imhoff Cone).

(c) Amounts in excess of the below standards are considered excessive:

(1) One milligram per liter (1 mg/L) – water to be used directly in contact with, or in the processing of, food and beverages;

(2) Five milligrams per liter (5 mg/L) – water for homes, institutions, municipalities, and industries;

(3) Ten milligrams per liter (10 mg/L) – water for sprinkler irrigation systems, industrial evaporative cooling systems, and any other use where a moderate amount of sediment is not especially harmful; and

(4) Fifteen milligrams per liter (15 mg/L) – water for flood-type irrigation.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-902. Arkansas Natural Resources Commission excessive sediment protocol.**

(a) When determining whether a well produces excessive sediment in accordance with the above standards, Arkansas Natural Resources Commission staff shall use the following procedure for collecting samples.

(b) **Routine water well inspections.** Routine water well inspections for which no specific complaint of excessive sediment has been received shall include the following sampling process using Environmental Protection Agency Test Method 160.5 (Imhoff Cone) and United States Geological Survey-approved five hundred milliliter (500 ml) sample bottles:

(1) The well shall be purged by three (3) volumes of water;

(2) Five (5) samples shall be collected over a two-hour period, spaced at a minimum of twenty-minute intervals;

(3) Sediment volume shall be estimated from all five (5) samples and averaged to determine the amount of sediment produced by the well; and

(4)(A) Data shall be recorded on a commission inspection form.

(B) If it is determined that the sediment amount exceeds five milligrams per liter (5 mg/L), the commission staff member shall follow the protocol outlined in subdivision (c) of this section.

(c)(1) Investigation of excessive sediment complaints or wells that produce more than five milligrams per liter (5 mg/L) of sediment.

(2) If a complaint of excessive sediment is received, or if a routine well inspection reveals that a well is producing more than five milligrams per liter (5 mg/L) of sediment, the following sampling process using Environmental Protection Agency Test Method 160.5 (Imhoff Cone) and United States Geological Survey-approved five hundred milliliter (500 ml) sample bottles shall be followed:

(A)(i) Staff inspectors shall coordinate with a commission-registered geologist or engineer who has been trained in water quality data collections.

(ii) These two (2) individuals will conduct the sampling of the well in question;

(B) The well shall be purged by three (3) volumes;

(C) Five (5) samples shall be collected over a two-hour period, spaced at a minimum of twenty-minute intervals;

(D)(i) At the time of sampling, a data collection sheet shall be completed.

(ii) The data collection sheet shall include, at a minimum:

(a) Date;

(b) Time each sample was collected;

(c) Well location, to include longitude and latitude;

(d) Well owner information;

(e) Location where the sample was taken (i.e., faucet in the home, etc.);

(f) Photos, if possible;

(g) Aquifer information; and

(h) General description of the area, including a site sketch if possible;

(E)(i) All efforts to prevent sample contamination shall be used to include the use of the United States Geological Survey-approved five hundred milliliter (500 ml) sample bottles.

(ii) After the samples are collected, the bottles are to be sealed and labeled with the date and the initials of the person collecting the sample;

(F) Following the sealing of the samples, a Chain of Custody form shall be completed by the employee who completed the sampling and shall include:

- (i) Information from the data collection sheets;
- (ii) Names of the personnel collecting the samples;
- (iii) Name and location of the lab the sample was taken to; and
- (iv) Initials of the lab personnel who accepted delivery of the

samples;

(G)(i) Samples shall be placed on ice and kept at cool temperatures until they are delivered to a qualified water quality testing laboratory.

(ii) The samples shall be delivered to a qualified laboratory within seventy-two (72) hours of collection; and

(H) Sediment volume shall be estimated from all five (5) samples and averaged to determine the amount of sediment produced by the well using Environmental Protection Agency Test Method 160.5.

**Authority.** Arkansas Code § 17-50-204.

## Subpart 10. Tables

**17 CAR § 11-1001. Table 1 — Casing Dimensions.**

Size	External	Internal	Thickness	Weight plain end	(Lbs. / Ft.) Threaded and coupled
1.00	1.315	1.049	.133	1.68	1.70

1.25	1.660	1.049	.140	2.27	2.30
1.50	1.900	1.610	.145	2.72	2.75
2.00	2.375	2.061	.154	3.65	3.75
2.50	2.875	2.469	.203	5.79	5.90
3.00	3.500	3.068	.216	7.58	7.70
3.50	4.000	3.548	.226	9.11	9.25
4.00	4.500	4.026	.237	10.70	11.00
5.00	5.563	5.047	.258	14.62	15.00

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-1002. Table 2 — Chlorine Compound Required to Produce a 50-mg / l Solution in 100 ft (30.5 m) of Water-Filled Casing\*.**

Casing Diameter	Volume 100 ft. (30.5 m)	65% HTH, Perchloron, etc. (dry weight)	25% Chloride of Lime (dry weight)H	5.25% Purex, Chlorox, etc.(sodium hypochlorite) (liquid measure)
in mm	gal m <sup>3</sup>	oz g	oz g	oz l

2	51	16.30.06	0.2	5.7	0.5	14.2	2	0.06	
4	102	65.30.25	0.7	19.8	2	56.7	9	0.3	
6	152	147	0.56	2	56.7	4	113	20	0.6
8	203	261	.99	3	85.1	7	198	34	1.0
10	254	408	1.5	4	113	11	312	56	1.7
12	305	588	2.2	6	170	16	454	80	2.4
16	406	1,045	4.0	11	312	28	794	128	3.8
20	508	1,632	6.2	17	482	43	1,219	214	6.4
24	610	2,350	8.9	24	680	63	1,786	298	8.7

(a) **Note.**

(1) Liquid sodium hypochlorite in a 12-percent solution is often sold for use in water and wastewater treatment plants, and as a commercial bleach or for use in swimming pools.

(2) Utilizing a solution of this nature would call for a liquid (chemical) measure equal to one-half the volumes presented in column 5.

(b)(1) \*EPA recommends a minimum concentration of 100 mg/l available chlorine.

(2) To obtain this concentration, double the amounts indicated.

(c) Where a dry chemical is used, it should be mixed with water to form a chlorine solution before putting it into the well.

**Authority.** Arkansas Code § 17-50-204.

**17 CAR § 11-1003. Table 3 — How to Sanitize a Water System to 400 ppm using Autotrol's Well Sanitizer Pellets.**

(a) Autotrol's pellets contain seventy percent (70%) calcium hypochlorite and thirty percent (30%) inert material.

Well Diameter-Inches    For each 100 feet of water depth use\*

	Weight of Pellets lbs. - oz.	Cups of Pellets	Number of Pellets
2	0 - 1.5	1 / 4	40
3	0 - 3.0	2 / 5	80
4	0 - 6.0	3 / 4	140
5	0 - 8.0	1	200
6	0 - 12.0	1 - 1/2	300
8	1 - 5.0	2 - 1/2	500
10	2 - 0	4	800
12	3 - 0	6	---
24	12 - 0	24	---
36	26 - 0	---	---

\* To produce a 400 PPM chlorine dosage

Note: Pellets Weight = 1.14 gram each, 25 pellets/oz., 400 pellets/lb.

1 cup of pellets = 1/2 lb., or 8 oz., or 200 pellets

(b)(1) Autotrol Corporation's well sanitizer chlorinating pellets can be used for well, storage tank, or cistern sanitization.

(2) The number of pellets used will depend on the amount of water in the system to be sanitized.

(3) To produce a four hundred parts per million (400 ppm) chlorine concentration, to sanitize a water system, use one-half (1/2) pound chlorination pellets for each one hundred (100) gallons of water in the system (1/2 lb/100 gal = 8 oz/100 gal = 200 pellets/100 gal = 1 cup pellets/100 gal).

(4) Table 3 shows how many pellets to use per one hundred feet (100') of water in various diameter wells.

(c) Drilled wells:

(1)(A) Remove the cap or seal from the casing and measure the depth of the water in the well, then refer to the table to determine how many chlorine pellets should be used.

(B) In some instances, removing the seal to measure the water can be a difficult task, and it is easier to estimate well and water depth from well log or other records;

(2)(A) Remove well cap and determine if there is an unobstructed path from the top of the well to the water level.

(B) If it is not possible to remove the well cap, remove vent or sanitization access plug;

(3)(A) Drop one (1) pellet into the well and listen to hear if it hits the water.

(B) If the pellet hits the water, drop one-half (1/2) the number of pellets determined to be needed into the well.

(C) These will sink to the bottom and sanitize the lower part of the well;

(4) Mix the remaining pellets in a few gallons of water in a clean plastic container and pour the solution into the well;

(5)(A) In order to mix the chlorine thoroughly throughout the entire water system, it is necessary to recirculate the water in the well.

(B) This can be accomplished by connecting a hose to an outside sillcock that is located after the pressure tank.

(C) Use hose to run water back down the well (this also rinses upper portion of well).

(D) After about fifteen (15) minutes of recirculation of the water, a strong chlorine odor should be apparent.

(E) Turn off hose;

(6)(A) Bypass water softener and filters and open each water outlet in the water system until chlorine is present in water.

(B) This procedure assures that all the water in the system is chlorinated;

(7)(A)(i) Allow the chlorinated water to stand in the system for at least six (6) hours, and preferably overnight.

(ii) After this, open an outside faucet and flush system until water runs chlorine free.

(iii) Repeat flush operation on each faucet in system.

(B) **Note.**

(i)(a) Chlorine may break loose iron deposits, slime and organic material.

(b) This material will make the water run colored.

(c) The material broken loose may plug pump screens.

(d) Do not continue to run pump if water does not flow.

(ii) The high level of chlorine required to sanitize a water system is corrosive to most metals, and chlorine solution must not be allowed to remain in the water system more than thirty-six (36) hours before being completely flushed from system; and

(8) After the system has been completely flushed, perform a bacterial analysis on the water following all applicable procedures.

(d) Large-diameter bored wells:

(1)(A) Calculate the volume of water in well by determining the total cubic inches or cubic feet of water in the well.

(B) Each two hundred thirty-one (231) cubic inches of water is equal to one (1) gallon.

(C) Each cubic foot of water is seven and one-half (7.5) gallons of water;

(2) Use one-half (1/2) pound of chlorine pellets for each one hundred (100) gallons of water in well;

(3) Dissolve pellets in clean, plastic pail and add to well;

(4) Pour two (2) cups of pellets directly into well;

(5) Connect a garden hose to a faucet in water system and run water from hose back down well;

(6) When strong chlorine odor is present in hose water, wash down sides of well with chlorinated water; and

(7) Proceed with steps listed in subdivisions (c)(6)–(8) of this section.

(e)(1) Springs and cisterns:

(A) Mix about one-half (1/2) cup of pellets in five (5) gallons of water; and

(B) Use this to scrub the walls of the spring box or holding tank.

(2)(A) With a constant flow of fresh water from the spring there is probably no way of detaining the chlorine solution in the reservoir for more than a few minutes.

(B) However, the chlorinated water should flow through the pipeline to disinfect the distribution system.

(3) Cisterns can be disinfected in the same way, but a source of clean water will be needed to flush the dirty waste out of the system.

(4) **Note.** This product is intended to sanitize a water supply system that has been temporarily contaminated and is not intended to solve a recurring contamination problem.

(f) **Note.**

(1) This part includes the minimum requirements for water wells constructed in Arkansas.

(2) For additional information pertaining to public or semi-public water systems, contact the Department of Health.

(3) For information regarding water use reporting, water rights, and ground water diversions, contact the Arkansas Natural Resources Commission, a division of the Department of Agriculture.

(4) For information on having your well water sampled, contact your local county sanitarian or county health unit.

(5) For additional information on water well construction or if you believe you have a complaint, contact the commission.

(6) For underground storage tank information, contact the Department of Energy and Environment.

**Authority.** Arkansas Code § 17-50-204.