

SECOND REGULAR SESSION

# HOUSE BILL NO. 1546

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MOORE (Sponsor), MYERS, QUINN, RUESTMAN, RECTOR,  
DIXON, COOPER (120), SANDER, CRAWFORD, MUNZLINGER, SMITH (118), PEARCE,  
WILSON (119), LUETKEMEYER, HOBBS AND MAYER (Co-sponsors).

Read 1<sup>st</sup> time February 23, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4696L.011

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### AN ACT

To repeal sections 256.603, 256.605, 256.607, 256.614, 256.615, and 256.628, RSMo, and to enact in lieu thereof seven new sections relating to the department of natural resources, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 256.603, 256.605, 256.607, 256.614, 256.615, and 256.628, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 256.603, 256.605, 256.607, 256.614, 256.615, 256.627, and 256.628, to read as follows:

256.603. As used in sections 256.600 to 256.640, the following terms mean:

- (1) "Abandoned well", a well shall be deemed abandoned which is in such a state of disrepair that continued use for the purpose of thermal recovery or obtaining groundwater is impractical and which has not been in use for a period of two years or more. The term "abandoned well" includes a test hole or a monitoring well which was drilled in the exploration for minerals, or for geological, water quality or hydrologic data from the time that it is no longer used for exploratory purposes and that has not been plugged in accordance with rules and regulations pursuant to sections 256.600 to 256.640;
- (2) "Board", the body created in section 256.605;
- (3) "Certification report", a form to be sent to the division upon completion of any well which shows the location, static water level, total depth, initial [pumpage] **yield**, hole size, casing size and length, and name of well owner;
- (4) "Division", the division of geology and land survey;

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

14 (5) "Driller's log", a record accurately kept at the time of drilling showing the depth,  
15 thickness, character of the different strata penetrated, location of water-bearing strata, depth, size  
16 and character of casing installed, together with any other data or information required on the  
17 certification report forms;

18 (6) "Examination", an assessment of professional competency administered to  
19 applicants;

20 (7) "Heat pump installation contractor", any person, including owner, operator or drilling  
21 supervisor who engages for compensation in the drilling, boring, coring, or construction of any  
22 well in the state for extracting thermal energy;

23 (8) **"High-yield pump", any water well pump system capable of producing in excess**  
24 **of seventy gallons of water per minute;**

25 (9) "Monitoring well installation contractor", any person, including owner, operator, or  
26 drilling supervisor who engages for compensation in the drilling, boring, coring, or construction  
27 of any well in this state which is drilled for geologic data, water quality, or hydrologic data;

28 [(9)] (10) "Permitted well driller", any person who holds a permit issued pursuant to the  
29 provisions of sections 256.600 to 256.640;

30 [(10)] (11) "Person", any individual, whether or not connected with a firm, partnership,  
31 association, corporation, or any other group or combination acting as a unit;

32 [(11)] (12) "Pump installation contractor", any person, firm or corporation engaged in  
33 the business of installing or repairing pumps and pumping equipment;

34 [(12)] (13) "Registration report", a form to be sent to the division upon completion of  
35 plugging of an abandoned well, raising casings, lining wells, deepening of wells, major repairs  
36 and alterations, and jetted wells;

37 [(13)] (14) "Well", an excavation that is drilled, cored, bored, washed, driven, dug,  
38 jetted, trenched, or otherwise constructed when the intended use of such excavation is for the  
39 acquisition of groundwater supply, for monitoring, thermal exchange or for exploration for  
40 minerals or geologic or hydrologic data; but such term does not include a cistern, an excavation  
41 made for the purpose of obtaining or for prospecting for oil or natural gas, or for construction  
42 foundation data, dewatering of construction sites or dewatering of existing structures,  
43 observation wells used as a part of an underground storage tank leak detection system of a  
44 minimal depth, as determined by the board by rule, or for inserting media to repressure oil or  
45 natural-gas-bearing formations;

46 [(14)] (15) "Well installation contractor", any person, including owner, operator, and  
47 drilling supervisor who engages for compensation in the drilling, boring, coring, or construction  
48 of any well in this state. The term, however, shall not include any person who drills, bores,  
49 cores, or constructs a water well on [his] **the person's** own property for his **or her** own use or

50 a person who assists in the construction of a water well under the direct supervision of a  
51 permitted well installation contractor and is not primarily responsible for drilling operations;

52 [(15)] (16) "Well owner", any person or corporation who is the party responsible for  
53 having a well drilled and whose name appears on the well registration or certification form.

256.605. 1. The "Well Installation Board" is hereby established which shall be  
2 composed of nine members. Appointment to the board shall be made without regard to race,  
3 creed, sex, religion, or national origin of the appointees. Each member shall be a resident of the  
4 state and be conversant in well drilling, completion, and plugging methods and techniques.

5 2. Four members of the board shall hold valid permits under sections 256.600 to  
6 256.640. Two of these shall hold permits as well installation contractors, one shall hold a permit  
7 as a heat pump installation contractor and as a well installation contractor and one shall hold a  
8 permit as a monitoring well installation contractor and as a well installation contractor. Four  
9 shall be public members **none of which are currently employed by the state**, one of these shall  
10 be a public water supply district user and one shall be a private well user. The director of the  
11 department or his designee shall serve as a member of the board. Board members shall serve  
12 four-year terms except that two of the first appointed public members and two of the first  
13 appointed members holding valid permits shall be appointed to two-year terms. Members shall  
14 be appointed by the governor with the advice and consent of the senate and each shall serve until  
15 his successor is duly appointed and qualified. Vacancies shall be filled by appointment for the  
16 unexpired term. Any member who fails to attend at least seventy-five percent of the regular  
17 board meetings in any one year, at the discretion of the board, shall be deemed to have resigned.  
18 Members shall be reimbursed for actual and necessary expenses incurred in the performance of  
19 their official duties while in attendance at board meetings out of appropriations made for that  
20 purpose.

21 3. A member shall not be employed by or own an interest in a company, firm, or business  
22 association which employs another member of the board or in which another member owns an  
23 interest, if the company, firm, or business association is engaged in any phase of the well drilling,  
24 pump installation, heat pump or monitoring well business.

25 4. Except for industry members, no member shall receive, or shall have received during  
26 the previous two years, income derived directly or indirectly from any permittee or applicant  
27 under sections 256.600 to 256.640.

28 5. The board shall meet on a quarterly basis, and special meetings may be called when  
29 deemed necessary by the division. A majority of the board is a quorum for conducting business.  
30 The board shall elect a chairman by a majority vote at the first meeting each year.

256.607. 1. No person may engage in business in this state as a well installation  
2 contractor **or pump installation contractor** unless he **or she** has obtained from the division a

3 permit to conduct such business or businesses. **The division shall refer all violations of this**  
4 **subsection to the office of the prosecuting attorney for the county where the alleged**  
5 **violation resides for injunctive and other such appropriate relief. Violations of this section**  
6 **are subject to the provisions of section 256.637.**

7         2. Nothing in sections 256.600 to 256.640 shall prevent a person who has not obtained  
8 a permit pursuant to sections 256.600 to 256.640 from constructing a well on his **or her** own or  
9 leased property intended for use only in a single-family house which is his **or her** permanent  
10 residence, or intended for use only for farming purposes on his **or her** farm, and where the  
11 waters to be produced are not intended for use by the public or in any residence other than his  
12 **or her** own. Such person shall comply with all rules and regulations as to construction of wells  
13 adopted under sections 256.600 to 256.640.

14         3. Any well installation contractor or pump installation contractor acting as the primary  
15 contractor in the construction, alteration, major repair or abandonment of any well shall be  
16 required to obtain a permit from the division and comply with all rules and regulations  
17 promulgated pursuant to sections 256.600 to 256.640.

18         4. Any heat pump installation contractor or monitoring well installation contractor shall  
19 obtain a permit from the division and comply with all rules and regulations pursuant to sections  
20 256.600 to 256.640.

256.614. 1. The division shall be notified, on certification or registration forms to be  
2 provided by the division, of the activities specified in this section within sixty days:

3         (1) Certification forms shall be used to report:

4             (a) New well construction;

5             (b) New **high-yield** pump installations;

6             (c) Drilling of monitoring wells;

7             (d) Drilling of heat pump wells;

8         (2) Registration forms shall be used to report:

9             (a) Plugging of wells;

10            (b) Raising of casing;

11            (c) Lining of wells;

12            (d) Deepening of wells;

13            (e) Major repairs and alteration to wells;

14            (f) Jetted well construction;

15         (3) The certification form shall be accompanied by the certification fee and the  
16 registration form shall be accompanied by the registration fee, however, on new well  
17 construction and new **high-yield** pump installation, only one fee shall be required.

18         2. Any well driller who encounters oil or gas during drilling operations or a well owner

19 who converts a well from a water well to an oil or gas well shall notify the division and file for  
20 a permit from the Missouri oil and gas council, and the well shall be completed in accordance  
21 with the regulations of the council.

256.615. 1. Wells abandoned by the landowner after August 28, 1991, shall be plugged  
2 or caused to be plugged by the landowner according to the regulations developed pursuant to  
3 sections 256.600 to 256.640. If the department makes a finding that certain unusual conditions  
4 exist at a well, the department may require that the same be plugged by a permitted well driller  
5 **or pump installer.**

6 2. Any test hole which is drilled for underground exploration shall be plugged in  
7 accordance with rules and regulations developed pursuant to sections 256.600 to 256.640.

8 3. Any information obtained by the department which identifies a test hole or a  
9 monitoring well which was drilled in the exploration for minerals shall remain confidential and  
10 shall not be released by the division for a period of ten years following the receipt of the  
11 information which initially identified the test hole or monitoring well. The person submitting  
12 the report or the person for whom the well was drilled may request that such information remain  
13 confidential for an additional five years and the division shall grant such request. **Any persons**  
14 **providing information to the department of natural resources identifying violators of the**  
15 **water well drillers act or locations of abandoned wells that may pose a threat to**  
16 **groundwater shall remain anonymous and all information associated with such persons**  
17 **shall be treated as confidential information by the department and not disclosed to third**  
18 **parties absent a proper subpoena compelling the production of such information.** Any  
19 employee of the division who discloses confidential information shall be subject to disciplinary  
20 action by the division and is guilty of a class A misdemeanor.

**256.627. 1. While in communication with the public concerning work performed**  
2 **by department of natural resources permitted contractors or work that may be required**  
3 **of a permitted contractor, all division personnel shall restrict distribution of information**  
4 **to the following:**

5 (1) **Work qualification status and limitations of any permitted contractor;**

6 (2) **General information concerning rules adopted under sections 256.600 to**  
7 **256.640.**

8 2. **At no time during consultation with any person outside of division personnel**  
9 **shall a division employee offer specific technical advice or opinions concerning the**  
10 **activities or technical advice of a permitted contractor without a prior consultation with**  
11 **such permitted contractor.**

256.628. 1. A public water supplier subject to the provisions of chapter 640, RSMo,  
2 which connects to any structure or location previously served by any well which is not that of

3 another public water supplier shall notify the well owner of his **or her** obligation to plug any  
4 abandoned well pursuant to the requirements of sections 256.600 to 256.640. The public water  
5 supplier shall not connect any person to the public water system until the person submits  
6 information which identifies the location of wells and attests that:

7 (1) Known abandoned wells on the property have been plugged; or

8 (2) There are no known abandoned wells on the property; or

9 (3) Existing wells will remain in use and will be properly plugged when no longer used;

10 or

11 (4) Any abandoned wells will be plugged within ninety days.

12 2. The public water supplier shall submit a copy of information so received to the  
13 division on forms provided by the division, along with sufficient information to enable the  
14 division to locate existing and abandoned wells. **The failure of any public water supplier to**  
15 **submit the information provided for in this subsection shall subject the public water**  
16 **supplier to a fine not to exceed one-thousand dollars for each violation. There is hereby**  
17 **created in the state treasury the "Ground Water Protection Fund", which shall consist of**  
18 **moneys collected under this subsection. The department of natural resources shall**  
19 **administer the fund and moneys in the fund shall be used for the sole purpose of field**  
20 **enforcement regarding abandoned wells. Notwithstanding the provisions of section 33.080,**  
21 **RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall**  
22 **not revert to the credit of the general revenue fund.** The division shall, within a reasonable  
23 time, inspect any well identified in subdivision (4) of subsection 1 of this section. If the division  
24 determines that an abandoned well has not been plugged, it shall order the owner to have it  
25 plugged by a permitted water well installation contractor within thirty days. The division shall  
26 immediately seek injunctive relief through the office of the prosecuting attorney of the county  
27 wherein the alleged violation occurred to enforce its order and shall notify the appropriate public  
28 water supplier who shall terminate water service to the property thirty days after receipt of notice  
29 if the well has not been plugged. Any person who fails to plug an abandoned well pursuant to  
30 the provisions of this subsection shall, upon conviction, be subject to the penalties specified in  
31 section 256.637.