Rules and Regulations of the State of Georgia

Department 770 WATER WELL STANDARDS ADVISORY COUNCIL

Current through Rules and Regulations filed through November 6, 2026

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Rules Chapters 770-1 entitled "Organization", 770-2 entitled "Definitions", 770-3 entitled "Requirements for License", 770-4 entitled "Applications and Examinations", 770-5 entitled "Fees", 770-6 entitled "License", 770-7 entitled "Licensing by Transfer (Reciprocity)", and 770-8 entitled "Enforcement Proceedings" have been adopted. Filed July 13, 1978; effective August 2, 1978.

Rules 770-4-.02 and 770-8-.02 have been amended. Filed June 19, 1981, effective July 9, 1981.

Chapters 770-1 to 770-7 have been repealed and new Chapters adopted. Chapter 770-8 has been repealed. Filed March 19, 1987; effective April 8, 1987.

Rules 770-3-.01, .02, 770-4-.01, 770-5-.03 have been amended. Chapter 770-8 has been adopted. Filed June 3, 1998; effective June 23, 1998.

Chapters 770-1 to 770-7 have been repealed and new Chapters adopted. Filed August 7, 2006; effective August 27, 2006.

Rules 770-1-.03, .04, 770-2-.01, 770-3-.01, .02, 770-4-.01, 770-5-.01, .04, .08, .09, 770-6-.01, 770-7-.01, .02, 770-8-.01 amended. F. Jan. 25, 2024; eff. Feb. 14, 2024.

Cite as Ga. Comp. R. & Regs. R. dept. 770, ADMINISTRATIVE HISTORY

Chapter 770-1. ORGANIZATION.

Rule 770-1-.01. Organization.

(1) The Water Well Standards Advisory Council will be organized and constituted as stated in the Water Well Standards Act of 1985, O.C.G.A. 12-5-120, *et seq.*

(2) The Council shall consist of eight members appointed in accordance with the Act.

(3) The Council shall elect a Chairperson from among the members at the first meeting of the Council held in each calendar year or by a vote of the Council whenever a vacancy exists.

Cite as Ga. Comp. R. & Regs. R. 770-1-.01
Authority: Authority O.C.G.A. Sec. 12-5-120*et seq.*

History. Original Rule entitled "Organization" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: New Rule of same title adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Repealed: New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

Rule 770-1-.02. Administrative Agent.

The Director or the Director's designee shall act as the administrative agent for the Council and shall perform such duties as may be prescribed by the Council or by law.

Cite as Ga. Comp. R. & Regs. R. 770-1-.02
Authority: Authority O.C.G.A. Sec. 12-5-120*et seq.*
History. Original Rule entitled "Joint Secretary" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: New Rule entitled "Administrative Agent" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Repealed: New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

Rule 770-1-.03. Meetings.

(1) The Council shall meet at least three (3) times a year to carry out regular business.

(2) The Chairperson or the Director may call additional regular or special meetings as necessary.

(3) Notice of the meeting shall be given to all members of the Council at least ten (10) days prior to the date of the meeting.

(4) Notice to the public shall be made in accordance with the requirements of the Georgia Open Meetings Act, O.C.G.A. § 50-14-1 et seq.

Cite as Ga. Comp. R. & Regs. R. 770-1-.03
Authority: O.C.G.A. § 12-5-120*et seq*.
History. Original Rule entitled "Meetings" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: New Rule of same title adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Repealed: New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.
Amended: F. Jan. 25, 2024; eff. Feb. 14, 2024.

Rule 770-1-.04. Order of Business.

The order of business shall be as follows:

(a) the Chairperson shall call the meeting to order; or if the Chairperson is not present the quorum council shall choose a temporary chairperson from the attendees to conduct the meeting;

(b) quorum check, four (4) members shall constitute a quorum;

(c) approval of minutes of previous meeting;

(d) correspondence;

(e) reports of Director including inspections and enforcement actions;

(f) reports of committees;

(g) unfinished business;

(h) new business;

(i) consideration of applications for approval and licensing report;

(j) announcements;

(k) adjournment.

Cite as Ga. Comp. R. & Regs. R. 770-1-.04
Authority: O.C.G.A. § 12-5-120*et seq.*
History. Original Rule entitled "Order of Business" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: New Rule of same title adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Repealed: New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.
Amended: F. Jan. 25, 2024; eff. Feb. 14, 2024.

Chapter 770-2. DEFINITIONS.

Rule 770-2-.01. Definitions.

All terms used in these rules shall be interpreted in accordance with the definitions set forth in the Water Well Standards Act of 1985, or as herein defined.

(a) "Act" means the Water Well Standards Act of 1985.

(b) "Certificate" means a document certifying that a person has met the requirements of the Water Well Standards Act and the Rules of the Council for "Pump Installation", as defined herein, and is authorized by the Council to legally engage in business as a Pump Contractor.

(c) "Construction" or "Water Well Construction" means all acts necessary to construct or repair a water well regulated under the Act (O.C.G.A. 12-5-120 through 12-5-138), including locating and drilling and the installation, removal or service of pumps and pumping equipment on or in water wells.

(d) "Council" means the State Water Well Standards Advisory Council.

(e) "Director" means the Director of the Environmental Protection Division of the Georgia Department of Natural Resources.

(f) "Division" means the Environmental Protection Division of the Department of Natural Resources, State of Georgia.

(g) "Driller", for the purpose of licensing as a Water Well Contractor, means any person who engages in water well drilling and drilling operations and the installation, removal or service of pumps and pumping equipment. "Driller" shall not include a person who only installs, removes, and services pumps and pumping equipment.

(h) "License" means a document verifying that a person has met the requirements of the Water Well Standards Act and the Rules of the Council for constructing water wells and is authorized by the Council to legally engage in business as a Water Well Contractor.

(i) "Pump Contractor" or "Pump Installer" means any person engaging in the business of installing, removing or servicing pumps and pumping equipment on or in water wells regulated under the Act (O.C.G.A. 12-5-120 through 12-5-138). "Pump Contractor" or "Pump Installer" shall not include a person who also constructs water wells as a driller, well driller, drilling contractor or water well contractor.

(j) "Pump Installation" means all acts necessary to install, remove, and or service water well pumps onsite.

(k) "Water Well Contractor" means any person engaging in the construction of water wells and installing, removing or servicing water well pumps and pumping equipment. "Water Well Contractor" shall not include a person who only installs, removes, or services pumps and pumping equipment.

(l) "Well Driller" or "Drilling Contractor" for the purpose of licensing as a water well contractor, means any person engaging in the construction of water wells and installing, removing or servicing pumps and pumping equipment. "Well Driller" or "Drilling Contractor" shall not include a person who only installs, removes or services pumps and pumping equipment on or in water wells.

(m) "Bona Fide Business Partner" means any person who has a written business partnership agreement with a licensed Water Well Contractor or certified Pump Contractor executed by the Bona Fide Business Partner(s) and the Water Well Contractor(s) or the Pump Contractor(s) under which the parties have formed a business to carry out Water Well Construction and/or Pump Installation to share related risks and benefits.

(n) "Full-Time Employee" means any person who is formally employed by a licensed Water Well Contractor or certified Pump Contractor to conduct Water Well Construction and/or Pump Installation under the license or certification of that Water Well Contractor or Pump Contractor, as demonstrated by an employment agreement executed by both the Full-Time Employee and the Water Well Contractor and/or the Pump Contractor or by

other sufficient documentation of employment, such as federal or state employment tax forms.

(o) "Notice to Correct" means any written communication from the Council or the Division describing any alleged violations of the Act or of any law or any of the rules of the State of Georgia relating to wells that the Council or the Division, respectively have authority to enforce, including any violation of standards or rules adopted pursuant to this Act, whether or not the phrase or term "Notice to Correct" appears on such written communication.

Cite as Ga. Comp. R. & Regs. R. 770-2-.01
Authority: O.C.G.A. § 12-5-120*et seq*.
History. Original Rule entitled "Definitions" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: New Rule of same title adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Repealed: New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.
Amended: F. Jan. 25, 2024; eff. Feb. 14, 2024.

Chapter 770-3. APPLICATIONS AND EXAMINATIONS.

Rule 770-3-.01. Applications.

(1) Any person desiring to engage in the business of water well construction or the business of pump installation in Georgia shall apply to the Council for a license as a water well contractor or a certificate as a pump contractor, respectively, in accordance with these Rules (770-1 to 770-8).

(2) All applications for licensing and certification shall be submitted to the Division on forms approved and provided by the Council.

(a) An application may not be accepted by the Division for filing unless the application is complete and is accompanied by the examination scores and required fee(s).

1. The application fee shall be set by the Council. Check or money order shall be made payable to the Department of Natural Resources.

2. The financial assurance shall be either:

i. a performance bond payable to the Director and issued by an insurance company authorized to issue such bonds in this state; or

ii. an irrevocable letter of credit issued in favor of and payable to the Director from a commercial bank or other financed institution approved by the Director. The amount of the bond and irrevocable letter of credit for a water well contractor shall be set by the Director

in an amount not to exceed $75,000. The amount of the bond or irrevocable letter of credit for a pump contractor may be less but shall not exceed the amount of the bond or irrevocable letter of credit for a water well contractor.

(b) If a business has more than one water well contractor or pump contractor, that business, in lieu of obtaining bonds or irrevocable letters of credit for each individual licensee or certificate holder, may substitute a blanket bond or blanket irrevocable letter of credit for all water well contractors or pump contractors within that business. The blanket bond or blanket irrevocable letter of credit shall be payable to the Director in an amount not to exceed $75,000.

(3) An applicant for a license as a water well contractor and an applicant for a certificate as a pump contractor shall be required to submit proof of passing results for examinations prepared by the National Ground Water Association and administered by a provider designated by the National Ground Water Association.

(4) An applicant for a license as a water well contractor shall be required to have two (2) years experience working in the water well construction business under a licensed water well contractor. An applicant for a certificate as a pump contractor shall be required to have two (2) years experience working in the pump installation business under a certified pump contractor or under a licensed water well contractor.

(a) The applicant shall list his or her experience on the application including the names and addresses of the water well contractors or pump contractors from whom the experience was gained and any other references, and such other information as may be required by these rules or the Council.

(b) Satisfactory proof of two (2) years' experience shall be made by the following:

1. By presenting certified affidavits that the applicant has had at least two (2) years of full-time experience from one or more licensed water well contractors if applying for a water well contractor's license, or presenting certified affidavits from one or more certified pump contractors or one or more licensed water well contractors if applying for a pump contractor's certificate.

2. If the required experience was obtained under two (2) or more licensed water well contractors or certified pump contractors, then a certified affidavit specifying exact dates of such experience shall be required from each licensed or certified contractor.

3. The Council may require the applicant and the contractors who swear to such affidavits to appear before the Council to discuss the applicant's qualifications.

4. In lieu of the method described above, an applicant may present other proof that is satisfactory to the Council of two (2) years' experience.

(5) Persons who can document that they have been in the business of installing, removing or servicing pumps and pumping equipment prior to December 31, 2003 may be granted a pump contractors certificate by submitting a complete application accompanied by the examination scores, paying the appropriate fees, and submitting an acceptable bond or irrevocable letter of credit.

(6) The Council shall not approve an application or issue any new license or certificate or renew any old license or certificate prior to the Director or the Director's designee receiving an acceptable bond or irrevocable letter of credit.

(7) The Council shall, by majority vote of the quorum, approve or deny an application. The Council may deny an application under this Rule for, but not limited to, insufficient information regarding experience in the water well construction or pump installation business or lack of other information the Council deems necessary to evaluate the experience and qualifications of the applicant.

(a) Notice will be given to an applicant, by first-class mail, of the Council's action approving or denying an application.

(b) An applicant whose application has been denied shall be notified by first-class mail of the Council's decision within twenty (20) days of such denial. The Council shall state the reason(s) for the denial in the letter. The applicant shall have the right to appeal to the Council any denial, in accordance with the Georgia Administrative Procedure Act, O.C.G.A. 50-13-1, et seq.

(c) Any person whose application has been denied may request in writing to the Council, within thirty (30) days of the date of the letter of denial, an informal conference before the Council, for the purpose of explaining, but not supplementing, the application. Based on the person's explanation, the Council may reconsider the denial. Such reconsideration shall take the form of a majority vote of the quorum. If the applicant does not request an informal conference before the Council, the denial shall be final on the date that is thirty (30) days after the date of the Council's denial notice.

(d) An applicant whose application has been denied may thereafter file a new application at any time unless in its notice of denial the Council imposes a period of deferment on the filing of a new application. The application fee shall accompany the new application; however, no application fee shall be required of

an applicant who files a new application under this provision within one year of the date of the denial of his or her original application.

Cite as Ga. Comp. R. & Regs. R. 770-3-.01
Authority: O.C.G.A. § 12-5-120*et seq*.
History. Original Rule entitled "Experience" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: New Rule entitled "Applications" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Amended: F. June 3, 1998; eff. June 23, 1998.
Repealed: New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.
Amended: F. Jan. 25, 2024; eff. Feb. 14, 2024.

Rule 770-3-.02. Examinations.

(1) Examinations shall be given in a manner, time and place prescribed by a testing provider approved by the National Ground Water Association.

(2) The examinations shall relate to the applicant's knowledge of ground water, water well construction, pump installation, and the general content of these Rules and the Act as appropriate.

(3) Written examinations for water well contractors and for pump contractors shall be prepared by the National Ground Water Association.

(4) The examinations for a license for a water well contractor or for a certificate for a pump contractor shall be written tests administered by a provider designated by the National Ground Water Association. All examination centers will be equipped to provide access in accordance with the Americans with Disabilities Act (ADA) of 1990, and every reasonable accommodation will be made in meeting a candidate's needs.

(5) The passing grade for any examination taken by the applicant shall be seventy (70) percent.

Cite as Ga. Comp. R. & Regs. R. 770-3-.02
Authority: O.C.G.A. § 12-5-120*et seq*.
History. Original Rule entitled "Satisfactory Proof of Experience" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: New Rule entitled "Examinations" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Amended: F. June 3, 1998; eff. June 23, 1998.
Repealed: New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.
Amended: F. Jan. 25, 2024; eff. Feb. 14, 2024.

Rule 770-3-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 770-3-.03
Authority: Authority O.C.G.A. Sec. 12-5-120*et seq*.
History. Original Rule entitled "Equivalent Evidence of Experience" adopted. F. July 13, 1978; eff. August 2, 1978.

Repealed: F. Mar. 19, 1987; eff. Apr. 8, 1987.

Chapter 770-4. FEES.

Rule 770-4-.01. Fees.

All applicable fees for water well and pump contractors, including but not limited to fees for license and certificate application, license and certificate by reciprocity, restorations and duplicate copy of license and certificate, shall be set by the Council. However, water well contractor license renewal fees shall be set by the Division and pump contractor certificate renewal fees shall be set by the Council.

Cite as Ga. Comp. R. & Regs. R. 770-4-.01
Authority: O.C.G.A. § 12-5-120*et seq*.
History. Original Rule entitled "Applications" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: New Rule entitled "Fees" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Amended: F. June 3, 1998; eff. June 23, 1998.
Repealed: New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.
Amended: F. Jan. 25, 2024; eff. Feb. 14, 2024.

Rule 770-4-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 770-4-.02
Authority: Authority O.C.G.A. Sec. 12-5-120*et seq*.
History. Original Rule entitled "Examinations" adopted. F. July 13, 1978; eff. August 2, 1978.
Amended: F. June 19, 1981; eff. July 9, 1981.
Repealed: F. Mar. 19, 1987; eff. Apr. 8, 1987.

Chapter 770-5. LICENSE AND CERTIFICATE.

Rule 770-5-.01. Issuance.

(1) After the applicant has passed all of the required examinations and submitted a complete application, and after the Council has voted to approve an application and the applicant has submitted all of the required items, the applicant shall be issued a license or certificate, as appropriate, in a form approved by the Council.

(2) Notwithstanding any other provisions of law, a person licensed as a water well contractor pursuant to Code Section 12-5-127 or certified as a pump contractor pursuant to Code Section 12-5-138 is not required to be licensed or certified under Chapter 14 of Title 43, when in the course of constructing a water well, he or she makes certain electrical or plumbing connections or performs other electrical or plumbing work incidental to the drilling and construction of the well; provided, however, that any such electrical and

plumbing work meets or exceeds all applicable local, state, or federal codes, whichever are most stringent.

Cite as Ga. Comp. R. & Regs. R. 770-5-.01
Authority: O.C.G.A. § 12-5-120*et seq*.
History. Original Rule entitled "Fees" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: New Rule entitled "Qualification" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Repealed: New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.
Amended: New title, "Issuance." F. Jan. 25, 2024; eff. Feb. 14, 2024.

Rule 770-5-.02. Expiration of License and Certificate.

All licenses and certificates expire biennially on the 30th day of June.

Cite as Ga. Comp. R. & Regs. R. 770-5-.02
Authority: Authority O.C.G.A. Secs. 12-5-120*et seq.*
History. Original Rule entitled "Expiration of License" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Repealed: New Rule entitled "Expiration of License and Certificate" adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

Rule 770-5-.03. Renewal.

Renewal of a water well contractor license must be accompanied by a renewal fee of the amount set by the Division, but not to exceed $400 per renewal period. Renewal of a pump contractor certificate must be accompanied by a renewal fee of the amount set by the Council, but not exceeding the fee for a licensed water well contractor.

Cite as Ga. Comp. R. & Regs. R. 770-5-.03
Authority: Authority O.C.G.A. Sec. 12-5-120*et seq.*
History. Original Rule entitled "Renewal" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Amended: F. June 3, 1998; eff. June 23, 1998.
Repealed: New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

Rule 770-5-.04. Restoration.

A licensee or certificate holder whose license or certificate has expired may have such license or certificate restored by applying for a water well contractor license or pump contractor certificate in accordance with Chapter 770-3 of these rules and payment of a restoration fee in the amount established by the Council.

Cite as Ga. Comp. R. & Regs. R. 770-5-.04
Authority: O.C.G.A. § 12-5-120*et seq*.
History. Original Rule entitled "Penalty" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Repealed: New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.
Amended: New title, "Restoration." F. Jan. 25, 2024; eff. Feb. 14, 2024.

Rule 770-5-.05. Rig and Commercial Vehicle Identification.

All rigs and commercial vehicles used by licensed water well contractors or certified pump contractors in well construction and/or pump installation operations shall be permanently and prominently marked on each side of the rigs or vehicles for identification with name of the person, firm or corporation, and letters "GA Lic." and/or "GA Cert." as appropriate with the water well contractor's license number or pump contractor's certificate number. The letters and numerals shall be bold in print, on a background of contrasting color, and not less than two (2) inches in height.

Cite as Ga. Comp. R. & Regs. R. 770-5-.05
Authority: Authority O.C.G.A. Sec. 12-5-120*et seq.*
History. Original Rule entitled "Rig and Commercial Vehicle Identification" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Repealed: New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

Rule 770-5-.06. License and Certificate Display.

The license or certificate granted under these rules shall be displayed in a conspicuous place at the water well contractor's or pump contractor's principal place of business.

Cite as Ga. Comp. R. & Regs. R. 770-5-.06
Authority: Authority O.C.G.A. Sec. 12-5-120*et seq.*
History. Original Rule entitled "License Display" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Repealed: New Rule entitled "License and Certificate Display" adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

Rule 770-5-.07. Duplicate License and Certificate.

A new license or certificate to replace any lost, destroyed, or mutilated license or certificate will be issued by the Council upon their approval of a written request from the licensee or certificate holder and a payment of a fee to be established by the Council.

Cite as Ga. Comp. R. & Regs. R. 770-5-.07
Authority: Authority O.C.G.A. Sec. 12-5-120*et seq.*
History. Original Rule entitled "Duplicate License" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Repealed: New Rule entitled "Duplicate License and Certificate" adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.

Rule 770-5-.08. Water Well Construction Activities.

(1) Any person in a water well construction business who has been granted a Water Well Contractor's license by the Council shall be responsible for water well construction activities performed or approved by such person.

(2) Any approved activity by the licensee shall be posted at the site of the activity on forms provided by the Council.

(3) A water well contractor's license is not required for a person who constructs a well on his/her own or leased property intended for use only in a single-family house which is his/her permanent residence or intended for use only for farming purposes on his/her farm, for a well that produces less than 25,000 gallons per day, so long as the waters to be produced are not intended for use by the public or in any residence other than his/her own. However, a person is prohibited from drilling a well or wells on property he or she owns and is developing for resale unless such person has a license as a water well contractor.

(4) All wells must be constructed in accordance with the requirements set forth in the Act and meeting the standards typically used in the industry. Further, any fluids used in the drilling process must be disinfected or must be taken from a source meeting all maximum contaminant levels provided for in the Georgia Safe Drinking Water Act, O.C.G.A. § 12-5-170 et seq. and the rules promulgated thereunder.

Cite as Ga. Comp. R. & Regs. R. 770-5-.08
Authority: O.C.G.A. § 12-5-120*et seq*.
History. Original Rule entitled "Water Well Construction Activities" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Repealed: New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.
Amended: New title, "Water Well Construction Activities." F. Jan. 25, 2024; eff. Feb. 14, 2024.

Rule 770-5-.09. Pump Installation Activities.

(1) Any person in a pump installation business who has been granted a pump contractor certificate by the Council shall be responsible for pump removal, repair, and installation activities performed or approved by such person.

(2) During any onsite removal, installation, or service of a water well pump, the certified pump contractor shall make a reasonable effort to maintain the integrity of ground water and to prevent contamination, and shall perform such activities in accordance with generally accepted standards and practices customarily used by competent pump contractors.

(3) Following any water well pump installation, removal or onsite service, the well and pumping equipment shall be disinfected with chlorine applied so that a concentration of at least fifty (50) parts per million of chlorine shall be obtained in all wetted parts of the well and pumping equipment with a minimum contact period of two (2) hours before pumping the well.

(4) All materials used in the replacement or repair of any water well pump shall meet the requirements for a new installation.

(5) A pump contractor certificate is not required for a person who installs, removes or services a pump on his/her own or leased property intended for use only in a single-family house which is his/her permanent residence or intended for use only for farming purposes for a well that produces less than 25,000 gallons per day, so long as the waters to be produced are not intended for use by the public or in any residence other than his/her own. However, a person is prohibited from installing, removing or servicing a pump or pumping equipment on property he or she owns and is developing for resale unless such person is licensed as a water well contractor or certified as a pump contractor in Georgia.

Cite as Ga. Comp. R. & Regs. R. 770-5-.09
Authority: O.C.G.A. § 12-5-120*et seq*.
History. Original Rule entitled "Pump Installation Activities" adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.
Amended: F. Jan. 25, 2024; eff. Feb. 14, 2024.

Chapter 770-6. LICENSING AND CERTIFICATION BY RECIPROCITY.

Rule 770-6-.01. License and Certificate by Reciprocity.

(1) Any person requesting licensing or certification by reciprocity shall complete and submit an approved application form and performance bond or irrevocable letter of credit accompanied by an application fee of an amount determined by the Council. The Council may also elect to require any applicant for licensing or certification by reciprocity to take an examination or examinations as described in Rule 770-3-.02.

(2) The application shall be accompanied by a copy of the applicant's valid and current water well contractor's license, pump contractor's certificate, or equivalent, issued by another state, territory, or possession of the United States.

(3) Reciprocity privileges may be granted to water well contractors or pump contractors holding a valid license or certificate from outside the State of Georgia only when the standards for the non-Georgia licensing or certification are at least as stringent as Georgia's and such other state, territory, or possession grants reciprocal privileges to Georgia licensed or certified water well contractors or pump contractors.

Cite as Ga. Comp. R. & Regs. R. 770-6-.01
Authority: O.C.G.A. § 12-5-120*et seq*.
History. Original Rule entitled "Qualification" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: New Rule entitled "License by Reciprocity" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Repealed: New Rule entitled "License and Certificate by Reciprocity" adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.
Amended: F. Jan. 25, 2024; eff. Feb. 14, 2024.

Rule 770-6-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 770-6-.02
Authority: Authority O.C.G.A. Sec. 12-5-120*et seq.*
History. Original Rule entitled "Expiration of License" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: F. Mar. 19, 1987; eff. Apr. 8, 1987.

Rule 770-6-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 770-6-.03
Authority: Authority O.C.G.A. Sec. 12-5-120*et seq.*
History. Original Rule entitled "Renewal" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: F. Mar. 19, 1987; eff. Apr. 8, 1987.

Rule 770-6-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 770-6-.04
Authority: Authority O.C.G.A. Sec. 12-5-120*et seq.*
History. Original Rule entitled "Penalty" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: New Rule of same title adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.

Rule 770-6-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 770-6-.05
Authority: Authority O.C.G.A. Sec. 12-5-120*et seq.*
History. Original Rule entitled "Rig and Commercial Vehicle Identification" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: F. Mar. 19, 1987; eff. Apr. 8, 1987.

Rule 770-6-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 770-6-.06
Authority: Authority O.C.G.A. Sec. 12-5-120*et seq.*
History. Original Rule entitled "License Display" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: F. Mar. 19, 1987; eff. Apr. 8, 1987.

Rule 770-6-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 770-6-.07
Authority: Authority O.C.G.A. Sec. 12-5-120*et seq.*
History. Original Rule entitled "Duplicate License" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: F. Mar. 19, 1987; eff. Apr. 8, 1987.

Rule 770-6-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 770-6-.08
Authority: Authority O.C.G.A. Sec. 12-5-120*et seq.*
History. Original Rule entitled "Water Well Construction Activities" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: F. Mar. 19, 1987; eff. Apr. 8, 1987.

Chapter 770-7. ENFORCEMENT PROCEDURES.

Rule 770-7-.01. Suspension and Revocation.

The Council may suspend or revoke a license or certificate upon a finding of one or more of the following grounds:

(a) material misstatement in the application for license or certificate or in any documents submitted as part of such application;

(b) willful disregard or violation of the Act or of any laws and rules of the State of Georgia relating to wells, including any violation of standards or rules adopted pursuant to this Act;

(c) willfully aiding or abetting another in the violation of the Act or of any laws or rules of the State of Georgia relating to wells, including any violation of standards or rules adopted pursuant to this Act;

(d) incompetency in the performance of the work of a water well contractor or pump contractor;

(e) making substantial misrepresentations or false promises in connection with the occupation of a water well contractor or pump contractor;

(f) failure to provide and maintain on file at all times with the Director a valid, up-to-date performance bond or irrevocable letter of credit in the amount determined by the Director;

(g) failure to use reasonable care, judgment or application of the well driller's or pump contractor's knowledge or ability in the performance of the well driller's or pump contractor's duties, or failure to properly perform well driller or pump contractor duties;

(h) allowing an unlicensed driller or an uncertified pump contractor to use or to work under the licensed driller's license or a certified pump contractor's certificate, respectively, in any way. However, this shall not apply to any Full-Time Employee, licensed driller, certified pump contractor, or to a bona fide Business Partner of the licensed or certified Water Well Contractor;

(i) failing to comply with any Notice to Correct to the license or certificate holder, including failing to perform any actions required in the Notice to Correct to address those violations, unless the license or certificate holder requests a hearing in accordance with the requirements of Rule 770-7-.02.

Cite as Ga. Comp. R. & Regs. R. 770-7-.01
Authority: O.C.G.A. § 12-5-120*et seq*.
History. Original Rule entitled "License by Reciprocity" adopted. F. July 13, 1978; eff. August 2, 1978.
Repealed: New Rule entitled "Suspension and Revocation" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Repealed: New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.
Amended: F. Jan. 25, 2024; eff. Feb. 14, 2024.

Rule 770-7-.02. Written Complaints, Enforcement, Hearings.

(1) The Council may consider suspension or revocation of a license or certificate upon receiving the results of an inspection performed by the Director or upon receiving a written complaint from a third party that the licensee or certificate holder in question has violated the Act or any law and rules of the State of Georgia relating to wells, including any violation of standards or rules adopted pursuant to this Act. Written complaints must be sent to the Council within two (2) years from the completion of the well or within one (1) year from the completion of the pump installation.

(a) For third party written complaints, the Council will examine the contents of the complaint and then may either dismiss the complaint against a licensee or certificate holder based upon the written facts presented to the Council by the complaint, or notify the license or certificate holder of the complaint by certified mail or statutory overnight delivery and specify a time period for the licensee or certificate holder to show compliance with all lawful requirements for the retention of the license or certificate.

1. If the license or certificate holder satisfies the complaint within the specified timeframe, no further action will be required of the Council.

2. If the complaint is not satisfied within the time period specified in the notice, the Council may elect to suspend or revoke the license or certificate or to request the Director conduct an inspection as described in Code Section 12-5-136. If the Council elects to request that the Director conduct an inspection, the Council shall review the results of that inspection and then either dismiss the complaint, suspend or revoke the license or certificate, request that the Director issue a Notice to Correct, or notify the license or certificate holder in writing that a hearing will be conducted in accordance with the Georgia Administrative Procedure Act, O.C.G.A. 50-13-1, et seq.

(b) For an inspection performed by the Director, the Council will examine the contents of the inspection and then may either determine not to pursue further enforcement or to notify the license or certificate holder of the inspection by certified mail or statutory overnight delivery and specify a time period for the licensee or certificate holder to show compliance with all lawful requirements for the retention of the license or certificate.

1. If the license or certificate holder resolves the inspection violations within the specified timeframe, no further action will be required of the Council.

2. If the inspection violations are not resolved within the time period specified in the notice, the Council may elect to suspend or revoke the license or certificate, request that the Director issue a Notice to Correct, or notify the license or certificate holder in writing that a hearing will be conducted in accordance with the Georgia Administrative Procedure Act, O.C.G.A. 50-13-1, et seq.

(2) In any situation where the Council elects to suspend or revoke a license or certificate without first conducting a hearing, the Council will inform the license or certificate holder in writing of that suspension or revocation, specifying which of the grounds in Rule 770-7-.01 apply.

(3) In any situation where the Council elects to request that the Director issue a Notice to Correct, the Notice to Correct will describe the repairs necessary to correct the violations and specify the timeframe to make such repairs. If the licensee or certificate holder timely makes the identified repairs to the satisfaction of the Council and so notifies the Division by certified mail, then the Council will not pursue further enforcement. If the repairs identified in the Notice to Correct are not made within the specified timeframe, the Council may request that the Director place a demand on the licensee or certificate holder's bond or irrevocable letter of credit. The Director may use the proceeds from such bond or irrevocable letter of credit to contract with another licensee or certificate holder to perform the necessary repairs.

(4) If a licensee or certificate holder contends that the Director's Notice to Correct is inappropriate, the licensee or certificate holder may request a hearing to be conducted in accordance with the Georgia Administrative Procedures Act O.C.G.A. 50-13-1, et seq. Such a request for a hearing must be sent to the Council within thirty (30) days of the date of the Director's Notice to Correct.

(5) For any hearings conducted by the Council, the Council will notify the licensee or certificate holder in writing by certified mail or by hand delivery of the date, time and place of the hearing, together with a copy of any related complaint or inspection and any other relevant material. The notice will include all information required by the Georgia Administrative Procedures Act, O.C.G.A. 50-13-1, et seq., for contested cases.

(6) After the conclusion of any hearing on a complaint related to alleged violations by a licensee or certificate holder, the Council shall issue such written findings documenting its decision as required by the Georgia Administrative Procedures Act, O.C.G.A. 50-13-1, et seq.

(7) Any person whose license or certificate is expired, suspended or revoked or otherwise rendered invalid or ineffective shall not perform the duties of a water well contractor or pump contractor in the State of Georgia.

(8) The licensee or certificate holder shall have the right to appeal any decision by the Council regarding a complaint in accordance with the Georgia Administrative Procedures Act (O.C.G.A. 50-13-1, et seq.).

(9) The Council, by majority vote of the quorum, may reissue a license or certificate to any person whose license or certificate has been revoked upon written application to the Council by the applicant, showing good cause to justify such reissuance.

Cite as Ga. Comp. R. & Regs. R. 770-7-.02
Authority: O.C.G.A. § 12-5-120*et seq*.
History. Original Rule entitled "Written Complaints" adopted. F. Mar. 19, 1987; eff. Apr. 8, 1987.
Repealed: New Rule of same title adopted. F. Aug. 7, 2006; eff. Aug. 27, 2006.
Amended: New title, "Written Complaints, Enforcement, Hearings." F. Jan. 25, 2024; eff. Feb. 14, 2024.

Chapter 770-8. CONTINUING EDUCATION.

Rule 770-8-.01. Continuing Education.

(1) All persons seeking renewal of licenses or certificates are required to complete at least four (4) hours of continuing education annually.

(a) In order to receive a license or certificate renewal, each driller or pump contractor shall provide evidence to the Council that the requisite hours of approved continuing education courses or programs have been received.

(b) In order to be acceptable for license or certificate renewal, continuing education courses or programs shall have been received by the licensee during the period two (2) years prior to license renewal date.

(2) Only courses or programs designated or approved by the Council shall be acceptable for license or certificate renewal.

(a) The Council may provide courses or designate those courses offered by the Georgia Department of Natural Resources, Environmental Protection Division, institutions of higher learning, vocational-technical schools, and trade, technical, or professional organizations which are relevant. Continuing education courses or

programs related to water well construction or standards conducted by public utilities, equipment manufacturers, or institutions under the State Board of Technical and Adult Education shall constitute acceptable continuing professional education programs for the purposes of this subsection.

(b) Persons teaching courses or programs offered by entities, other than those in 770-8-0.1(2) (a), shall be approved by the Council if they provide written evidence of satisfactory qualification to the Council. Qualifications shall be based on:

1. Professional certification or licensure to practice in the field(s) or profession(s) covered by the course(s) taught; or

2. Significant education, training and experience in the field(s) or profession(s) covered by the course(s) taught; or

3. A combination of 1. and 2. above.

(c) Approval of a course(s) or program(s) shall be issued by the Council before the course or program is offered, based on a written request of the entity offering the course(s) or program(s). The request shall provide a detailed narrative describing the course(s) or program(s) to be offered and the qualifications of the instructor(s).

(d) Approval of a course shall be valid for a period of one year and shall be automatically renewed from year to year unless the Council issues notice of the expiration of the approval for such course at least 30 days prior to the end of the last period for which the course is approved. In such event, approval of the course shall expire or terminate at the end of the then-current period of approval.

(e) Qualifying continuing education courses or programs shall be in the areas of industry best practice, safety, environmental protection, ground-water geology, technological advances, business management, or government regulation.

(f) Courses or programs conducted by manufacturers specifically to promote their products shall not be approved.

(g) Continuing education courses shall be designed for water well contractors and pump contractors having variable educational backgrounds.

(3) Upon application by the licensee or certificant, the Council may waive the continuing education requirements in cases of hardship, disability, or illness or under such other circumstances as the Council deems appropriate.

Cite as Ga. Comp. R. & Regs. R. 770-8-.01
Authority: O.C.G.A. § 12-5-120*et seq*.
History. Original Rule entitled "Suspension and Revocation" was filed on July 13, 1978; effective August 2, 1978.
Amended: Rule repealed. Filed March 19, 1987; effective April 8, 1987.
Amended: New Rule entitled "Continuing Education" adopted. F. Jun. 3, 1998; eff. Jun. 23, 1998.

Amended: F. Jan. 25, 2024; eff. Feb. 14, 2024.

Rule 770-8-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 770-8-.02
Authority: Ga. L. 1977, p. 1509 (Ga. Code Ann. Sec. 84-7506).
History. Original Rule entitled "Written Complaints, Hearings" was filed on July 13, 1978; effective August 2, 1978.
Amended: Filed June 19, 1981; effective July 9, 1981.
Amended: Rule repealed. Filed March 19, 1987; effective April 8, 1987.