

John D. Rockefeller IV
Governor



L. Clark Hansbarger, M.D.
Director

State of West Virginia


DEPARTMENT OF HEALTH
CHARLESTON 25305

Notice

Legislative Rule: Proposed Water Well Regulations, West Virginia
Board of Health Legislative Rules, Chapter 16-1,
Series XIX, 1984

The attached amendments to the proposed Board of Health legislative rule Water Well Regulations are hereby filed with the Secretary of State in compliance with the provisions of Chapter 29A, Article 3, Section (14)b of the West Virginia Code of 1931, as amended.

These amendments were approved by the Legislative Rule-Making Review Committee at the meeting held on January 8, 1984.


L. Clark Hansbarger, M.D.
Director of Health

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE JAN. 12, 1984

Administrative Law Division
Entered

Proposed Revisions* for the
Proposed Water Well Regulations Presented to the
Legislative Rule-Making Review Committee

January 8, 1984

FILED IN THE OFFICE OF
A. JAMES W. MARCHIN
SECRETARY OF STATE

THIS DATE Jan. 12, 1984
Administrative Law Division

Section 4. Permit to Install

4.1. On and after the effective date of these regulations, no well driller shall install a well or award a contract for any installation, alteration or deepening of a water well without ~~obtaining~~ applying for a permit to do so from the director. The requirements for application and for permit issuance are set forth in Sections 4.2, 4.3, and 4.5 of these regulations.

4.2. A permit to install, alter or deepen a water well shall be obtained by either the well driller or owner. The permit shall be applied for at least fifteen (15) days prior to the actual well installation, alteration or deepening unless emergency conditions prevail as noted under Section 4.3.

4.3. If emergency conditions or other unavoidable circumstances prohibit meeting the application ~~deadline~~ requirements, the director may waive the fifteen (15) day period above. Emergency conditions and unavoidable circumstances are those conditions involving Acts of God, water outages or disruption of water service, unsatisfactory water quality or quantity, or public health threats. However, under no condition shall submission of the permit application ~~exceed~~ be made in excess of thirty (30) calendar days after completion of installation, alteration or deepening of a water well.

*Underscoring indicates language that would be added to the proposed rule as submitted to the Legislative Rule-Making Review Committee. Strike-throughs indicate language that would be stricken. Changes subsequent to §4.4 constitute renumbering only.

4.34. Water wells shall be installed, altered, or deepened in accordance with the West Virginia Department of Health's Water Well Design Standards and Design Standards for Public Water Supply Systems (Bulletin EW-99) or plans which have been approved in writing by the director. Such standards shall constitute the minimum standards for the installation, the alteration or the deepening of water wells. Any plans approved by the Director pursuant to these regulations shall be in substantial compliance with the heretofore mentioned standards.

4.45. Application for permit to install shall be made to the director or his designee on forms prescribed by the director and shall be jointly signed by well driller and owner.

4.56. In the event the permit application is denied, the director shall state, in writing, the reason(s) for denial and furnish same to applicant within ten (10) days from receipt of application.

4.67. A permit to install, unless revoked, shall be valid for a period of one (1) year from date of issuance. In the event installation or alteration is not completed within that time, the director may extend the time limit upon written request by the permittee.

4.78. A permit to install may be revoked or denied by the director for failure to comply with the provisions of the permit, any applicable provision of the regulations or orders issued pursuant thereto. Such revocation shall be in writing and shall state the reasons for revocation or denial.

4.89. Any person whose application for permit to install a water well has been revoked or denied may, within thirty (30) days from receipt of permit denial or revocation, request a hearing in accordance with Section 10, Administrative Due Process.