

CHAPTER 482*

WELL DRILLING

*See Sec. 19a-39 re protection of wells.

See Sec. 21a-9 for definition of “certificate”, “license”, and “registration”.

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Sec. 25-126. Definitions. For the purposes of this chapter:

- (1) “Well” means an artificial excavation or opening in the ground, by which groundwater can be obtained or through which it flows under natural pressure or is artificially withdrawn;
- (2) “Abandoned well” means a well whose use has been permanently discontinued;
- (3) “Groundwater” means subsurface water;
- (4) “Well drilling” means and includes the industry, procedure and all operations engaged in by any person, full time or part time, for compensation or otherwise, to obtain water from a well or wells by drilling, or other methods, for any purpose or use;
- (5) “Well driller” means a person who engages in well drilling;
- (6) “Person” includes an individual, partnership, corporation, limited liability company, association or organization, or any combination thereof;

(7) “Board” means the examining board for plumbing and piping work;

(8) “Water-supply well” means a well constructed for the purpose of obtaining or providing water for drinking or other domestic, industrial, commercial, agricultural or recreational use;

(9) “Non-water-supply well” means any well other than a water-supply well.

(1969, P.A. 659, S. 1; June Sp. Sess. P.A. 91-12, S. 30, 55; P.A. 95-79, S. 104, 189; P.A. 96-17, S. 1.)

History: June Sp. Sess. P.A. 91-12 in Subdiv. (7) changed Connecticut well drilling board to examining board for plumbing and piping work; P.A. 95-79 redefined “person” to include a limited liability company, effective May 31, 1995; P.A. 96-17 added definitions of “water-supply well” and “non-water-supply well”.

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Sec. 25-127. Connecticut Well Drilling Board. Section 25-127 is repealed.

(1969, P.A. 659, S. 2; 1971, P.A. 872, S. 139; P.A. 77-614, S. 179, 323, 610; P.A. 80-184; Nov. Sp. Sess. P.A. 81-11, S. 14, 19; P.A. 82-431, S. 1, 6; June Sp. Sess. P.A. 91-12, S. 54, 55.)

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Sec. 25-128. Duties of board. Well Drilling Code. (a) For the purpose of safeguarding the public health, the board shall promote and encourage cooperation among well drillers and governmental agencies in the development and protection of records of underground water formations and resources. The board shall prepare and print such bulletins as may be necessary for the benefit of the industry and furnish copies to the industry and to the public upon request.

(b) (1) The Commissioner of Consumer Protection, with the advice and assistance of the board, shall promulgate, in accordance with chapter 54, regulations for the well drilling industry in cooperation with the Department of Public Health and the Department of Energy and Environmental Protection, with due regard for the preservation of public health, the preservation, allocation and management of the groundwater of the state, the protection of the consuming public and the maintenance of geological and other scientific data. Such regulations, together with the regulatory provisions of this chapter and the section of the Public Health Code relating to wells, shall be collectively known as the Connecticut Well Drilling Code. From time to time, the Commissioner of Consumer Protection, with the advice and assistance of the board, shall similarly adopt such amendments or additions to such regulations as are necessary and proper governing the construction, repair and abandonment of wells. (2) Said Well Drilling Code shall be enforced and violations thereof shall be punished in the same manner as is provided for the Public Health Code of the state by sections 19a-36 and 19a-207.

(1969, P.A. 659, S. 3; 1971, P.A. 872, S. 140; P.A. 75-567, S. 16, 80; P.A. 77-614, S. 180, 323, 610; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 96-17, S. 2; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1; P.A. 11-80, S. 1.)

History: 1971 act replaced water resources commission with department of environmental protection; P.A. 75-567 substituted chapter “54” for chapter “48” in Subsec. (b); P.A. 77-614 transferred board's regulatory power to commissioner of consumer protection, retaining board in an advisory capacity, and substituted department of health services for department of health, effective January 1, 1979; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 96-17 amended Subsec. (b) to change reference to “water wells” to simply “wells”; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp.

Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; pursuant to P.A. 11-80, "Department of Environmental Protection" was changed editorially by the Revisors to "Department of Energy and Environmental Protection" in Subsec. (b)(1), effective July 1, 2011.

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Sec. 25-129. Certificate of registration. Insurance requirement. Limited contractor and limited journey person well casing extension certificates of registration. Regulations. (a) The Commissioner of Consumer Protection, with the advice and assistance of the board, shall establish the requirements of registration for well drilling contractors. Each person, before engaging in the business of well drilling or pump installing, shall obtain annually from the Department of Consumer Protection a certificate of registration as a well drilling contractor, using an application blank prepared by said department. Each application for issuance or renewal of a certificate of registration shall be accompanied by a certificate of liability coverage for bodily injury of at least one hundred thousand dollars per person with an aggregate of at least three hundred thousand dollars and for property damage of at least fifty thousand dollars per accident with an aggregate of at least one hundred thousand dollars. The applicant shall pay a registration fee of eighty-eight dollars with the application and an annual renewal registration fee of two hundred fifty dollars for renewals on and after April 1, 1984. A certificate of registration is not transferable and expires annually. A lost, destroyed or mutilated registration certificate may be replaced by a duplicate upon payment of a lost fee of fifteen dollars.

(b) A well drilling contractor shall place in a conspicuous location on both sides of his well drilling machine his registration number in letters not less than two inches high.

(c) A governmental unit engaged in water-supply well drilling shall be registered under this chapter, but shall be exempt from paying the registration fees. A governmental unit engaged in non-water-supply well drilling shall be exempt from the requirements for registration under this chapter if the drilling is done by regular employees of, and with equipment owned by, the unit and the work is on non-water-supply wells intended for use by the governmental unit.

(d) This chapter shall not restrict a plumber or electrician from engaging in the trade for which he has been licensed.

(e) (1) A certificate of registration may be refused, or a certificate of registration duly issued may be suspended or revoked, or the renewal thereof refused by the board if said board has good and sufficient reason to believe or finds that the applicant for or the holder of such a certificate has: (A) Made a material misstatement in the application for a registration of any application for renewal thereof; or (B) obtained the registration through wilful fraud or misrepresentation; or (C) demonstrated gross incompetency to act as a well driller; or (D) been guilty of failure to comply with the provisions of this chapter or the State Well Drilling Code, as from time to time amended; or (E) refused to file reports of wells drilled as required by subsection (a) of section 25-131; or (F) been found guilty by the board, the Commissioner of Public Health or by a court of competent jurisdiction, of any fraud, deceit, gross negligence, incompetency or misconduct in the industry, operations or business of well drilling.

(2) Before any certificate of registration shall be refused, suspended or revoked, or the renewal thereof refused, the board shall give notice of the intended action and afford opportunity for hearing in accordance with regulations adopted pursuant to this chapter.

(3) Appeal from the decisions of the board may be taken in accordance with the provisions of section 4-183.

(4) After one year from the date of refusal or revocation of a registration, application to register may be made again by the person affected.

(f) The department shall prepare a roster of all registered well drillers and distribute it annually to the local director of health or his agent and the building inspector, if there is one, of each town. The posting of such roster on the Department of Consumer Protection's Internet web site shall constitute compliance with the requirements of this section.

(g) The Commissioner of Consumer Protection, with the advice and assistance of the board, shall adopt regulations, in accordance with the provisions of chapter 54, to establish certificates of registration for limited contractor and limited journeyman well casing extension. Such certificates of registration shall permit persons licensed to perform plumbing and piping work pursuant to chapter 393 to perform well casing extension, repair and maintenance work. Upon initial application, an applicant shall demonstrate knowledge of well casing extension, repair and maintenance work by passing an examination subject to the provisions of section 20-333. The applicant shall pay a registration fee of fifty dollars upon initial application and an annual renewal registration fee of fifty dollars. A certificate of registration under this subsection is nontransferable and expires annually.

(1969, P.A. 659, S. 4; P.A. 76-436, S. 600, 681; P.A. 77-603, S. 110, 125; 77-614, S. 181, 182, 323, 610; P.A. 80-205, S. 4, 6; P.A. 81-361, S. 38, 39; P.A. 82-431, S. 2, 6; 82-472, S. 99, 183; P.A. 83-574, S. 18, 20; P.A. 89-251, S. 159, 203; P.A. 93-381, S. 9, 39; P.A. 94-36, S. 37, 42; May 25 Sp. Sess. P.A. 94-1, S. 27, 130; P.A. 95-257, S. 12, 21, 58; P.A. 96-17, S. 3; P.A. 03-68, S. 1; June 30 Sp. Sess. P.A. 03-6, S. 146(c), (d), (h); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 07-217, S. 122; June Sp. Sess. P.A. 09-3, S. 302; P.A. 10-9, S. 5; P.A. 13-196, S. 5.)

History: P.A. 76-436 replaced court of common pleas with superior court and added reference to judicial districts, effective July 1, 1978; P.A. 77-603 replaced previous appeal provisions with requirement that appeals be made in accordance with Sec. 4-183; P.A. 77-614 transferred responsibility for establishing registration requirements from board to consumer protection commissioner, retaining board in advisory capacity, deleted detailed hearing procedure in Subsec. (e), requiring instead that notice be given of intended action and that opportunity for hearing be given in accordance with regulations established by commissioner, replaced previous appeal provision with requirement that appeals be made in accordance with Sec. 4-183 and replaced commissioner of health with commissioner of health services, effective January 1, 1979; P.A. 80-205 deleted August first as deadline for distribution of roster and deleted requirement that roster be distributed to town clerk in Subsec. (f); P.A. 81-361 amended Subsecs. (a) and (b) to provide that registration certificates are obtained from the department instead of the board, that application blanks are to be prepared by the department and that the department, not the board, furnishes seals for certificates; P.A. 82-431 eliminated regulations relating to proficiency and financial resources required for registration, imposed certificate of insurance requirement, increased renewal fee from \$25 to \$100, provided for renewal in holder's birth month commencing January 1, 1983 and transferred duty to prepare roster from the board to the department; P.A. 82-472 made a technical correction in Subsec. (a); P.A. 83-574 amended section to provide for \$25 renewal fee for renewals prior to April 1, 1984, and \$100 fee on and after that date, effective July 8, 1983, and applicable to registration renewed on or after January 1, 1983; P.A. 89-251 amended Subsec. (a) to increase the registration fee from \$35 to \$44, to increase the renewal fee from \$100 to \$125, to increase the late fee from \$10 to \$13, to increase the replacement fee and fee for additional seals from \$2 to \$3; P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 94-36 deleted the reference to the "April thirtieth" certificate of registration expiration date and the provision allowing late renewal of certificate of registration fees in Subsec. (a), effective January 1, 1995; May 25 Sp. Sess. P.A. 94-1 amended Subsec. (a) by making technical change, effective July 1, 1994; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 96-17 amended Subsec. (b) to change "Connecticut registered water well drilling contractor" to "Connecticut registered well drilling contractor" and amended Subsec. (c) to replace reference to "municipal unit" with "governmental unit" and to exempt non-water-supply well drilling by such units from the requirements of this chapter; P.A. 03-68 added new Subsec. (g) re certificates of registration for limited contractor and limited journeyman well casing extension, effective July 1, 2003; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Commissioner and Department of Consumer Protection with Commissioner and Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer

Protection, effective June 1, 2004; P.A. 07-217 made technical changes in Subsec. (a), effective July 12, 2007; June Sp. Sess. P.A. 09-3 amended Subsecs. (a) and (g) to increase fees; P.A. 10-9 amended Subsec. (a) to delete provisions requiring 1 seal to be issued to each registrant and re \$3 fee for additional seals and amended Subsec. (b) to delete requirement re seal to be affixed adjacent to registration number, effective May 5, 2010; P.A. 13-196 amended Subsec. (f) to add provision re posting of roster on department's web site to constitute compliance with requirements of section, effective June 21, 2013.

See Sec. 21a-4(c) re fines for late registration renewals.

See Sec. 21a-10(b) re staggered schedule for registration renewals.

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Sec. 25-130. Permit to drill. Before commencing work on any water-supply well, the registered well driller shall apply to the board for a permit to drill such well. A fee of five dollars shall accompany such application. If the water-supply well conforms to the Well Drilling Code, as from time to time amended, the board shall issue such permit which shall contain the name and address of the well driller, the date of issuance and the specific location of the well. The driller shall then submit the permit with a fee to be determined by the legislative body of a town, city or borough or the board of a district department of health, as the case may be, to the local director of health or his agent who shall sign such permit if said proposed water-supply well conforms to the Public Health Code. No water-supply well shall be drilled until such a permit is issued and countersigned and until the driller has informed his client, in writing, that well drilling is subject to regulation by the Department of Consumer Protection and that complaints may be directed to that department.

(1969, P.A. 659, S. 5; P.A. 82-431, S. 3, 6; P.A. 83-207; P.A. 89-251, S. 160, 203; P.A. 96-17, S. 4; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.)

History: P.A. 82-431 required permit to show "specific" rather than "approximate" location of well and well driller to inform client, in writing, that complaints may be made to the department; P.A. 83-207 provided that the permit fee, formerly \$1, should be set by the local authority; P.A. 89-251 increased the application fee from \$4 to \$5; P.A. 96-17 changed references to "wells" to "water-supply wells"; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

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Sec. 25-131. Well records. Drilling, excavating and pumping activities affecting underground water resources. (a) Within sixty days, or other period established by the board, after the completion of a water-supply well, a well drilling contractor shall provide the owner, the board and the Department of Energy and Environmental Protection with a copy of a record indicating the well owner's name and address, location of the well, well depth, geologic materials and thickness of materials penetrated, amount of casing, static water levels and any other information which may be required by the regulations adopted under this chapter. Standard forms for the record shall be provided by the board. A record for a drive point well where no earth materials are removed from the well bore shall be sufficient if the owner's name, well location, depth, casing, static water level and screen data are indicated. Such records shall bear the signed statement of the local director of health that he has approved such well.

(b) Drilling, excavating and pumping associated with the oil, gas or brine well industries and the construction, quarrying and mining industries and the disposal of any materials shall be subject to this chapter only insofar as they relate to the pollution and depletion of underground water resources.

(c) Within sixty days, or other period established by the board, after completion of a non-water-supply well, a well drilling contractor shall provide the owner, the board, the Commissioner of Energy and Environmental Protection and the local director of health or his agent with a copy of a record indicating the well owner's name and address, well depth, geologic materials and thickness of materials penetrated, amount and type of casing, static water levels, a site map indicating the location of the well and any other information which may be required by the regulations adopted under section 25-128.

(d) The abandonment of non-water-supply wells shall be conducted in accordance with the regulations adopted under section 25-128 regarding abandonment of wells.

(1969, P.A. 659, S. 6; 1971, P.A. 872, S. 141; P.A. 96-17, S. 5; P.A. 11-80, S. 1.)

History: 1971 act replaced water resources commission with department of environmental protection in Subsec. (a); P.A. 96-17 amended Subsec. (a) to apply previously existing provisions to water-supply wells and added new Subsecs. (c) and (d) re records for non-water-supply wells and abandonment of non-water-supply wells, respectively; pursuant to P.A. 11-80, "Commissioner of Environmental Protection" and "Department of Environmental Protection" were changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" and "Department of Energy and Environmental Protection", respectively, effective July 1, 2011.

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Sec. 25-132. Wells for farming purposes. Nothing in this chapter shall prevent a person from constructing a well on his own or leased property intended for use only for farming purposes on his farm, and where the waters to be produced are not intended for use by the public or in any residence other than his own. Such person shall submit the drilling record required by subsection (a) of section 25-131 and comply with any regulation or construction code adopted under this chapter.

(1969, P.A. 659, S. 7.)

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Sec. 25-133. Exemption. Where the board finds that compliance with all requirements of this chapter or regulations adopted pursuant thereto would result in undue hardship, an exemption from any one or more of such requirements may be granted by the board, subject to the approval of the Commissioner of Consumer Protection, to the extent necessary to ameliorate such undue hardship and to the extent such exemption can be granted without impairing the intent and purpose of this chapter.

(1969, P.A. 659, S. 8; P.A. 77-614, S. 183, 610; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.)

History: P.A. 77-614 made granting of exemption subject to consumer protection commissioner's approval, effective January 1, 1979; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

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Sec. 25-134. Exclusion. No well in existence on July 1, 1969, shall be required to conform to the provisions of this chapter or any rules or regulations adopted pursuant thereto; provided any well now or hereafter abandoned

shall be brought into compliance with the regulations adopted pursuant to this chapter if such well is intended again to be actually used for the supply of groundwater.

(1969, P.A. 659, S. 9.)

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Sec. 25-135. Penalty. Any person who engages in well drilling or offers to engage in well drilling, or advertises or holds himself out or acts temporarily or otherwise as a well driller, without first having obtained the required registration and any person who violates any provision of this chapter shall be fined not more than two hundred fifty dollars.

(1969, P.A. 659, S. 10; P.A. 12-80, S. 20.)

History: P.A. 12-80 replaced provision re violation of the Public Health Code with provision re fine of not more than \$250.

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Sec. 25-136. Disposition of fees. Fees received under this chapter shall be deposited with the State Treasurer to the credit of the General Fund.

(1969, P.A. 659, S. 11.)

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Sec. 25-137. Powers of Department of Public Health and health directors unaffected. Nothing in this chapter shall be construed to affect or limit the duties and powers of the Department of Public Health or local directors of health, as provided by law, in matters relating to the purity, potability and safeguarding of well waters or to derogate from the powers of the Commissioner of Public Health under section 19a-37.

(1969, P.A. 659, S. 12; P.A. 77-614, S. 323, 610; P.A. 78-303, S. 72, 136; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 77-614 replaced commissioner and department of health with commissioner and department of health services, effective January 1, 1979; P.A. 78-303 replaced public health council with commissioner of health services; P.A. 93-381 replaced department and commissioner of health services with department and commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

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