

The Code of Alabama 1975

Title 22 HEALTH, MENTAL HEALTH, AND ENVIRONMENTAL CONTROL.

Chapter 24 WATER WELL STANDARDS.

Section 22-24-1

Definitions.

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

- (1) BOARD. The Alabama Department of Environmental Management.
- (2) DIRECTOR. The Director of the Alabama Department of Environmental Management.
- (3) DRILL. To drill or redrill, bore, auger, dig or otherwise construct a water well.
- (4) DRILLER. Any person who manages or supervises the drilling of a water well.
- (5) LOG. A record of the type of material or rock penetrated in the drilling of a water well.
- (6) PERSON. Any individual, organization, group, association, partnership, corporation or any combination of them operating a business to drill water wells.
- (7) SAMPLE. Cuttings or other fragments of rock or soil materials removed from the well.
- (8) WELL. A hole drilled for the production of water.

(Acts 1971, No. 1516, p. 2630, §1; Acts 1982, No. 82-612, p. 1111, §11(d).)

Section 22-24-2

Applicability of chapter.

It is the intent of the Legislature that this chapter applies solely to wells drilled for the production of water and has no application to wells or holes drilled, augered, cored or dug for quarry blast holes or mineral prospecting or any purpose other than water production.

(Acts 1971, No. 1516, p. 2630, §3.)

Section 22-24-3

Promulgation and enforcement of rules and regulations.

The board is authorized and directed to make, promulgate and publish such rules and regulations as it deems reasonable and necessary to effectuate and carry out the purpose and provisions of this chapter, and a true copy of such rules and regulations shall be kept on file with the Secretary of State and copies thereof shall be made available for public distribution. The board shall cause all rules and regulations it promulgates to be enforced.

(Acts 1971, No. 1516, p. 2630, §2; Acts 1980, No. 80-138, p. 206, §4; Acts 1982, No. 82-612, p. 1111, §14(a)(5).)

Section 22-24-4

Supervision of drilling or repair by licensed driller.

It shall be unlawful for any person to operate any equipment or machinery in the drilling or repair of a water well unless the overall operation is, at all times, under the supervision and management of a licensed water well driller as provided for in this chapter.

(Acts 1971, No. 1516, p. 2630, §6.)

Section 22-24-5

Well driller's license - Required; application; annual fee; term.

Every person who intends to drill water wells within the State of Alabama shall annually obtain from the board a water well driller's license and, in order to obtain said license, shall file with the board, in accordance with rules and regulations as established by the board, an application form, to be made available by the board. Any person, upon filing said application and receiving approval of the board, shall pay an annual fee of \$200.00 to the board, and the payment of said fee shall entitle said person to the full and complete privileges of drilling water wells, as provided in this chapter, and the board shall issue a license for a period not to exceed one year. Said annual fee paid to the board shall not exempt a person from additional state or county privilege taxes.

(Acts 1971, No. 1516, p. 2630, §4.)

Section 22-24-7

Well driller's license - Refusal, suspension or revocation.

(a) A license may be refused or a license duly issued may be suspended or revoked, or the renewal thereof refused by the board, if, after notice and hearing as provided in this section, it finds that the applicant for, or holder of, such license:

- (1) Is unable to present evidence of his qualifications suitable to the board;
- (2) Has intentionally made a material misstatement in the application for such license;
- (3) Has willfully violated any provision of this chapter;
- (4) Has obtained, or attempted to obtain, such license by fraud or misrepresentation;
- (5) Has been guilty of fraudulent or dishonest practices; or
- (6) Has demonstrated lack of competence as a driller of water wells.

(b) Before any license shall be refused, or suspended or revoked, or the renewal thereof refused, under this section, the board shall give notice of its intention to do so by registered or certified mail to the

applicant for, or holder of, such license and shall set a date not less than 20 days from the date of mailing such notice when the applicant or licensee may appear to be heard and produce evidence. In the conduct of such hearing, the board, or an authorized representative specially designated by it for such purpose, shall have power to administer oaths, to require the appearance of and examine any person under oath, to require the production of books, records or papers relevant to the inquiry upon its own initiative or upon the request of the applicant or licensee. Upon termination of such hearing, the findings shall be reduced to writing and, upon approval by the board, shall be filed in its office and notice of the findings and resulting decision sent by registered or certified mail to the applicant or licensee concerned.

(c) No licensee whose license has been revoked under this section shall be entitled to file another application for a license as a water well driller within one year from the effective date of such revocation or, if judicial review of such revocation is sought, within one year from the date of final court order or judgment affirming such revocation. Such application, when filed, may be refused by the board unless the applicant shows good cause why revocation of his license shall not be deemed a bar to the issuance of a new license.

(Acts 1971, No. 1516, p. 2630, §7.)

Section 22-24-8

Drilling requirements.

It shall be unlawful and a violation of this chapter to drill a water well within the State of Alabama unless the following provisions are complied with:

- (1) The driller of the water well shall be licensed as provided in Section 22-24-5.
- (2) The driller shall, at all times during the drilling of a water well, keep posted in a conspicuous location, at or near the well being drilled or on his person, the appropriate license certificate as furnished by the board.
- (3) Before the commencement of the drilling operation, the driller shall file an application of intent to drill a water well, as directed by the board.
- (4) The driller of the well, within 30 days after completion of the drilling of each water well, shall deliver to the board, upon forms to be supplied by the board, a "report of well drilled." The board shall notify the local health authorities within seven days of the receipt thereof.
- (5) The driller shall furnish a log and a set of samples to the State Geological Survey from wells specifically designated by the board or State Geologist. The samples shall be collected during the drilling at intervals of not more than 10 feet.

(Acts 1971, No. 1516, p. 2630, §5; Acts 1980, No. 80-138, p. 206, §4.)

Section 22-24-11

Penalty for violation of chapter, etc.; disposition of fines.

Any person guilty of violating any of the provisions of this chapter or the rules and regulations adopted thereunder shall be guilty of a misdemeanor and may be punished by a fine of not less than \$100.00 nor more than \$500.00 for each violation. Each day the violation continues shall be considered a separate violation. Any and all funds derived from such fines shall be deposited with the State Treasurer in the Alabama Department of Environmental Management Fund.

(Acts 1971, No. 1516, p. 2630, §11; Acts 1982, No. 82-612, p. 1111, §11(d).)

Section 22-24-12

Exemption from provisions of chapter.

The provisions of this chapter shall not be effective in or apply to Baldwin County.

(Acts 1977, No. 263, p. 361.)