



Rules of
Department of Natural Resources
Division 23—Division of Geology and Land Survey
Chapter 1—Definitions and Organizational Structure

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 23—Division of Geology
and Land Survey
Chapter 1—Definitions and
Organizational Structure**

10 CSR 23-1.010 Definitions

PURPOSE: This rule defines the words used in the text of the rules promulgated to implement the Water Well Drillers Law.

- (1) Abandoned well as defined in section 256.603, RSMo means a well shall be deemed abandoned when it is in such a state of disrepair that continued use for the purpose of thermal recovery or obtaining groundwater is impractical and the well has not been in use for a period of two (2) 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 pursuant to sections 256.600—256.640, RSMo.
- (2) Act means Missouri Water Well Drillers Law, sections 256.600—256.640, RSMo, under which these rules are promulgated.
- (3) Annular space means the space between two (2)-cylindrical objects one (1) of which surrounds the other, such as the space between a drillhole and a casing pipe or between a casing pipe and liner pipe.
- (4) Applicant means any person who applies for a well, heat pump, monitoring well or pump installation contractor permit pursuant to the law.
- (5) Application for permit means the application submitted by an applicant.
- (6) Aquifer means water-bearing geological material that transmits water in sufficient quantities to supply a well.
- (7) Bedrock means competent rock that is not weathered or fractured.
- (8) Bentonite means any type of sodium bentonitic clay used in well construction, or plugging of wells, which swells or expands when water is added.
- (9) Board as defined in section 256.603, RSMo means the body created in section 256.605, RSMo.
- (10) Casing means an impervious durable pipe placed in a well to prevent the walls from caving and to help seal off surface drainage or undesirable water, gas or other fluids to prevent their entering the well.
- (11) Casing Point Request form means a form that is supplied by the division and contains name and address information, type of well requested to be drilled, location information and other necessary information. The division uses the form to establish construction requirements, proposed total depth of well and proposed yield information for specific types of wells.
- (12) Certification report as defined in section 256.603, RSMo means a form to be sent to the division upon completion of any well which shows the location, static water level, total depth, initial pumpage, hole size, casing size and length, and name of well owner.
- (13) Cesspool means an underground pit or container into which raw household sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.
- (14) Chlorination (disinfection) means the use of a chlorine solution to disinfect or sterilize wells, pumps, storage tanks or piping systems. Chlorine is an oxidizing disinfectant that kills bacteria on contact.
- (15) Completion date means the date that the construction of a new well or repair of an existing well or the installation of a pump or the plugging of an abandoned well is completed. It shall not mean the date that payment is received for services provided.
- (16) Construction foundation data means wells drilled to obtain construction foundation data and wells drilled in the construction phase of piers, shafts, caissons, mini-piles, soil and rock anchors, soil and rock grouting procedures on surface water containment structures and other construction sites that utilize drilling within the structure to be built. The well or drill hole must be excavated and incorporated into the construction project or plugged full-length as a part of the construction project.
- (17) Cuttings means geologic material displaced from the drill hole during drilling.
- (18) Director means the director of the Division of Geology and Land Survey, or authorized representatives, who shall carry out the administrative functions of these rules on behalf of the division.
- (19) Division, as defined in section 256.603, RSMo, means the Division of Geology and Land Survey.
- (20) Driller's log, as defined in section 256.603, RSMo, means a record accurately kept at the time of drilling showing the depth, thickness, character of the different strata penetrated, location of water-bearing strata, depth, size and character of casing installed, together with any other data or information required on the certification report forms.
- (21) Drive shoe means the fittings placed at the bottom of the permanent metal casing which enables the driller to more efficiently drive the casing into solid rock.
- (22) Established ground surface means the actual finished grade of the surface of the ground at the site of the well.
- (23) Examination, as defined in section 256.603, RSMo, means as assessment of professional competency administered to applicants.
- (24) Geological material means all materials penetrated in drilling a well.
- (A) Alluvium is a general term for clay, silt, sand, gravel or similar unconsolidated material deposited during comparative recent geologic time by a stream or body of running water as a sorted or semisorted sedimentary deposit.
- (B) Dolomite means rock which contains at least fifty percent (50%) or more magnesium carbonates and has a weak reaction with a ten percent (10%) hydrochloric acid (HCl) solution.
- (C) Glacial drift (unconsolidated) means a general term applied to all rock material (clay, sand, gravel and boulders) transported by a glacier and deposited directly by or from the ice or by running water emanating from the glacier.
- (D) Glacial outwash means a stratified sand and gravel removed or washed out from a glacier by meltwater streams and deposited in front of or beyond the terminal moraine or the margin of an active glacier.
- (E) Limestone means rock which contains fifty percent (50%) or more calcium carbonate and has strong reaction with a ten percent (10%) hydrochloric acid (HCl) solution.
- (F) Residium means a product formed from the in-place disintegration and decomposition of bedrock.



(G) Sandstone means cemented or otherwise compacted sediment composed predominantly of sand.

(H) Shale means a laminated rock consisting predominantly of clay-sized particles.

(25) Grout means cement slurry, sixteen (16) lbs/gal density—one (1) bag Type I cement to six (6) gallons water mix, Type II—V cement mix to manufacturers' specification, high solids twenty percent (20%) or more solids, bentonite slurry, sodium bentonite chips or pellets or any other commercially available grout approved by the division.

(26) Heat exchange or heat pump well means any well constructed to utilize the heat exchange properties of either groundwater or of geologic material penetrated in the well.

(27) Heat pump installation contractor, as defined in section 256.603, RSMo, means any person, including owner, operator or drilling supervisor who engages for compensation in the drilling, boring, coring or construction of any well in the state for extracting thermal energy.

(28) Lakes are defined as the major reservoirs in Missouri. They are considered a sensitive area under these rules. They include: Clearwater Lake, Lake of the Ozarks, Stockton Lake, Pomme de Terre Lake, Bull Shoals Lake, Norfolk Lake, Table Rock Lake, Lake Wappapello and Truman Reservoir (see map following 10 CSR 23-6).

(29) Liner means plastic or steel pipe which is smaller in diameter than the casing and used to solve problems encountered in deeper geologic formations or to reconstruct a well.

(30) Major reconstruction means the alteration or repair of any well that changes the original specifications or casing depths or total depth of the well; for example: liners, packers or deepening of well or extension of casing above finished grade.

(31) Monitoring well installation contractor, as defined in section 256.603, RSMo, means any person, including owner, operator or drilling supervisor who engages for compensation in the drilling, boring, coring or construction of any well in this state which is drilled for geologic data, water quality or hydrologic data.

(32) Packer in these rules means a rubber or neoprene collar (boot) installed on casing or

liner to hold the grout material in the annular space and to help affect a seal of the casing.

(33) Permitted well driller, as defined in section 256.603, RSMo, means any person who holds a permit issued pursuant to the provisions of sections 256.600—256.640, RSMo.

(34) Permittee means a person who is permitted as a well, heat pump, monitoring well or pump installation contractor pursuant to the provision of the law and these rules.

(35) Person, as defined in section 256.603, RSMo, means any individual, whether or not connected with a firm, partnership, association, corporation or any other group or combination acting as a unit.

(36) Pitless adapter means a device for above or below ground discharge designed for attachment to one (1) or more openings through a well casing and constructed so as to prevent the entrance of contaminants into the well.

(37) Pitless unit means an assembly with cap which extends from the upper end of the well casing to above grade and is constructed so as to prevent the entrance of contaminants into the well.

(38) Plastic means a thermoplastic pipe or casing material composed of either polyvinyl chloride (PVC) or acrylonitrile-butadiene-styrene (ABS).

(39) Point of entry means the point when the main water supply line hooks up to the central plumbing in a building.

(40) Potable water means water which is safe for human consumption in that it is free from impurities in amounts sufficient to cause disease or harmful physiological effects.

(41) Pressure grout refers to the process of applying grout material under pressure to the annular space of a well for the purpose of sealing it and thus preventing vertical movement of fluids through the annular space. Grout must be introduced from the bottom of the annular space.

(42) Pressure tank or hydropneumatic tank means a closed water storage container constructed to operate under a designed pressure rating to modulate the water system pressure within a selected pressure range.

(43) Priming means the first filling of a pump with water and action of starting the flow in a pump.

(44) Pump installation contractor, as defined in section 256.603, RSMo, means any person, firm or corporation engaged in the business of installing or repairing pumps and pumping equipment.

(45) Pump installation machine or service rig means any vehicle, hoist or machine used to install or remove pumps or liners from wells.

(46) Pumps and pumping equipment means materials used or intended for use in withdrawing or obtaining groundwater for any use, except as applies to sampling, development, maintenance or testing equipment used or inserted into monitoring wells including, without limitation, seals and other safeguards to protect the water from pollution and together with plumbing fittings, electric wiring and accessories, and controls provide sanitary water storage facilities. Installation of pumps and pumping equipment means the selection of and the procedure employed in the placement and preparation for operation of pumps and pumping equipment. This includes the construction involved in making entrance to the well and into the building served, water distribution lines from the well through the pressure tank and water treatment equipment, to the main point of entry and establishing proper seals and other safeguards to protect groundwater from pollution, including repairs to existing installations.

(47) Registration report, as defined in section 256.603, RSMo, means a form to be sent to the division upon completion of plugging of an abandoned well, raising casings, lining wells, deepening of wells, major repairs and alterations and jetted wells.

(48) Scope. For the purposes of these rules promulgated pursuant to Missouri Water Well Drillers Act, section 256.600, RSMo, the terms defined in this part have the meanings given them, except where the context clearly indicates otherwise.

(49) Screen means a filtering device used to keep sediment from entering a well.

(50) Septic tank means a watertight tank of durable materials through which sewage flows very slowly and in which solids separate from liquid to be decomposed or broken down by bacterial action.



(51) Service connection means a supply line from the well that is connected to one (1) single family dwelling or in a farming application it shall include all additional water hookups for the outbuildings. If the outbuildings are dwellings for persons or additional businesses then they would be considered additional service connections.

(52) Sewage means the water carried waste products from residences, public buildings, including the excrementitious or other discharges from the bodies of human beings or animals.

(53) Sewer means a pipe or conduit carrying sewage or into which sewage may back up.

(54) Site means a plot of land on which wells are drilled or are going to be drilled that is not more than forty (40) acres and is owned by a person as defined in section 256.603, RSMo. If larger sites exist, contact the division for reporting requirements.

(55) Static water level means the distance measured from the established ground surface to the water surface in a well neither being pumped, nor under the influence of pumping nor flowing under artesian pressure.

(56) Subsurface disposal field, seepage bed, drainfield, percolation system or tile absorption field means a system composed of open jointed tile, plastic lines or lines composed of other material buried in stones and shallow trenches or beds through which septic tank effluent is disposed. The septic tank effluent is applied to land by distribution beneath the surface through the open jointed lines.

(57) Suction line means a pipe or line connected to the inlet side of a pump or pumping equipment or any connection to a well casing that may conduct nonsystem water into the well because of negative pressures.

(58) Tremie pipe means a small diameter conductor pipe, hose or tubing used in the down hole placement of well construction material.

(59) Upper termination of the well casing means a point twelve inches (12") or greater above the finished ground surface.

(60) Variance means any modification to the application of these rules. A variance may be applied for through the procedure set out in 10 CSR 23-1.040 of these rules.

(61) Water varieties mean—

(A) Groundwater means the water in subsurface zone of saturation. The water that supplies springs and wells is groundwater; and

(B) Surface water means water that rests or flows on the surface of the ground.

(62) Well, as defined in section 256.603, RSMo, means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, trenched or otherwise constructed when the intended use of the excavation is for the acquisition of groundwater supply, for monitoring, thermal exchange or for exploration for minerals or geologic or hydrologic data; but does not include a cistern, an excavation made for the purpose of obtaining or for prospecting for oil or natural gas, or for construction foundation data, dewatering of construction sites or dewatering of existing structures, observation wells used as a part of an underground storage tank leak detection system of a minimal depth, as determined by the board by rule, or for inserting media to repressure oil or natural gas-bearing formations.

(63) Well certification means the well certification report form and certification fee have been submitted to the division, the form has been reviewed by the division to verify the well has been constructed in accordance with the rules, and the division has assigned a well certification number to the well. The well certification number will be sent to the well owner by the division.

(64) Well drilling machine or service rig means any machine or device such as a cable tool, rotary, hollow rod auger, and the like used for construction of wells or a hoist, machine or vehicle used in well service which involves the modification to the well casing, screen depth or diameter below the upper termination of the well casing. This excludes trenching machines in heat pump applications.

(65) Well installation contractor, as defined in section 256.603, RSMo, means any person, including owner, operator and drilling supervisor who engages for compensation in the drilling, boring, coring or construction of any well in this state. The term, however, shall not include any person who drills, bores, cores or constructs a water well on his/her own property for his/her own use or a person who assists in the construction of a water well under the direct supervision of a permitted well installation contractor and is not primarily responsible for drilling operations.

(66) Well owner, as defined in section 256.603, RSMo, means any person or corporation who is the party responsible for having a well drilled and whose name appears on the well registration or certification form.

(67) Well registration means the registration report form and registration fee have been submitted to the division, the form has been reviewed by the division which documents certain types of activities according to the requirements. If the documented activities meet the requirements then a registration number is assigned by the division and sent to the well owner.

(68) Well seal means a device or method used to protect a well casing or water system from the entrance of any external pollutant at the point of entrance into the casing.

(69) Well vent means an outlet at the upper terminal of a well casing to allow equalization of air pressure in the well and escape of toxic or flammable gasses when present.

(70) Yield or production means the quantity of water per unit of time which may flow or be pumped from a well under specified conditions.

AUTHORITY: sections 256.603 and 256.626, RSMo 1994. Original rule filed April 2, 1987, effective July 27, 1987. Emergency amendment filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Amended: Filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed July 13, 1994, effective Jan. 29, 1995. Amended: Filed Nov. 1, 1995, effective June 30, 1996.*

**Original authority: 256.603, RSMo 1985 and 256.626, RSMo 1985, amended 1991.*

10 CSR 23-1.020 Application to All Wells (Rescinded August 30, 2018)

AUTHORITY: sections 256.615, 256.620 and 256.626, RSMo Cum. Supp. 1991. Original rule filed April 2, 1987, effective July 27, 1987. Emergency amendment filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Amended: Filed Aug. 17, 1993, effective March 10, 1994. Rescinded: Filed Dec. 29, 2017, effective Aug. 30, 2018.

10 CSR 23-1.030 Types of Wells

PURPOSE: This rule describes the types of wells covered by the law.



(1) **Public Water System.** A system for the provision to the public of piped water for human consumption, if this system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. This system includes any collection, treatment, storage or distribution facilities used in connection with the system. A public water system is either a community water system, transient noncommunity water system or nontransient noncommunity water system. Any community or noncommunity public water supply well must be constructed according to Missouri Public Drinking Water rules.

(A) **Community Water System.** A public water system which serves at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) residents on a year-round basis.

(B) **Transient Noncommunity Water System.** A public water system that is not a community water system which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily on a year-round basis.

(C) **Nontransient Noncommunity Water System.** A public water system that is not a community water system, which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year.

(2) **Petroleum Distribution Site Well.** A water supply well constructed adjacent to and in connection with petroleum distribution sites is considered a noncommunity water supply.

(3) **Multiple Family Well.** A private water supply well constructed for the purpose of serving more than three (3) dwellings, but having less than fifteen (15) service connections and serving less than twenty-five (25) individuals daily at least sixty (60) days out of the year.

(4) **High Yield Well.** Those water supply wells that are constructed to meet required standards and are equipped with a pump that has the capacity to produce more than seventy (70) gallons of water per minute (see 10 CSR 23-3.030 for construction requirements).

(5) **Domestic Well.** A private water supply well that is constructed to meet minimum standards and is equipped with a pump that does not have the capacity to produce more than seventy (70) gallons of water per minute and services three (3) or less service connections. A private domestic water supply well

that produces less than seventy (70) gallons of water per minute regardless of the use is a domestic well.

(6) **Grade A Dairy Well.** Water supply well installed to service and supply Grade A dairy operations and is constructed to domestic well standards.

(7) **Unconsolidated Material Irrigation Well.** Water supply well drilled into alluvial, glacial drift or glacial outwash aquifers and is not deeper than two hundred feet (200'), and produces water not for human consumption and is equipped with a pump which has the capacity to produce more than seventy (70) gallons of water per minute (see 10 CSR 23-3.030 for construction requirements).

(8) **Bedrock Irrigation Well.** Water supply well drilled into bedrock aquifers that is constructed to meet required standards and is equipped with a pump that has the capacity to produce more than seventy (70) gallons of water per minute. The produced water is for irrigating crops but may be used for human consumption (see 10 CSR 23-3.030 for construction requirements).

AUTHORITY: sections 256.606 and 256.626, RSMo 1994. Original rule filed April 2, 1987, effective July 27, 1987. Emergency amendment filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Amended: Filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed July 13, 1994, effective Jan. 29, 1995. Amended: Filed Nov. 1, 1995, effective June 30, 1996.*

**Original authority: 256.606, RSMo 1991 and 256.626, RSMo 1985, amended 1991.*

10 CSR 23-1.040 Modification by the Division

PURPOSE: This rule explains how the division may make modifications to the application of the provisions of the rules.

(1) When strict applicability of any provision of these rules presents practical difficulties or unusual hardships, the division, in a specific instance, may modify the application of those provisions consistent with the general purpose of these rules and the law. The division may then impose certain conditions as are necessary, in the opinion of the division, to protect the groundwater of the state and health, safety and general well-being of persons using or potential users of the groundwater supply.

(2) Any request for modification shall be submitted in advance to the division in writing on a variance form obtained from the division and shall be signed by the permittee. This request shall specify in detail the nature of the modification being sought, the reasons and the special precautions to be taken to avoid contamination of the well. The request shall also include the proposed well depth, casing type and depth, method of construction and grouting, geological conditions likely to be encountered and location of the well and possible sources of contamination. Whether or not the requests are granted, the division shall state in detail the reasons for the decision. If the requested modification is approved, the division will send or fax the requestor a copy of the approved variance form. The approved variance form must be received by the permittee before construction or modification of the well begins. The approved variance form must be attached to the well certification or registration report form when it is submitted to the division.

(3) A modification request may be initiated by telephone if there are extenuating circumstances associated with a particular well. This request shall be followed by the proper notification procedures as stated previously.

AUTHORITY: sections 256.606 and 256.626, RSMo 1994. Original rule filed April 2, 1987, effective July 27, 1987. Amended: Filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed Nov. 1, 1995, effective June 30, 1996.*

**Original authority: 256.606, RSMo 1991 and 256.626, RSMo 1985, amended 1991.*

10 CSR 23-1.050 Qualifications

PURPOSE: This rule establishes the criteria and procedures used in permitting a well installation, heat pump installation, monitoring well installation, pump installation, employee and drilling supervisor in Missouri.

(1) All applicants for a nonrestricted water well installation, heat pump installation, monitoring well installation, monitoring test-hole installation, and pump installation contractor permits shall meet the following requirements:

(A) Applicant must submit the testing application, supplied by the division, and appropriate testing fee;

(B) Applicant must pass the general test (open book) with a minimum score of seventy percent (70%);



(C) After passing the general test, applicant must submit an apprenticeship application, supplied by the division. The apprenticeship application must be accompanied by the appropriate permit fee and must be signed by the nonrestricted permittee who will be responsible for the apprenticeship and apprentice's work. Permittees who have had major enforcement actions taken against them (includes but is not limited to, settlement agreements, orders, consent judgments, suspension, or revocation) may not serve as an apprentice's responsible party for a period of one (1) year from the date of the division or court's signature on the final enforcement documents;

(D) After approval of the application for apprenticeship, the division will issue the applicant a permit number for use during the apprenticeship;

(E) Applicant must be an apprentice for a period of two (2) years;

(F) During the two- (2-) year apprenticeship, the apprentice must perform the type of work for the permit type being applied for and sign and submit the appropriate certification or registration form on at least—

1. Twenty-five (25) different water well installations; however, if apprentice performs installations and submits the appropriate certification form on ten (10) community wells, he/she may submit proof of financial responsibility for the remainder of the apprenticeship and perform work as stated in 10 CSR 23-1.050(15);

2. Twenty-five (25) different pump installations; however, if apprentice performs installations and submits the appropriate certification form on ten (10) community wells, he/she may submit proof of financial responsibility for the remainder of the apprenticeship and perform work as stated in 10 CSR 23-1.050(15);

3. Ten (10) different heat pump system installations;

4. Twenty (20) different monitoring well or twenty (20) different temporary monitoring well sites; and/or

5. The plugging of abandoned wells may be counted for up to ten percent (10%) of all the required number of installations;

(G) If apprentice cancels the apprenticeship, he/she may reapply, within one (1) year of termination. If the application is approved, apprentice will be reinstated at the same status as at the point of termination;

(H) Applications submitted from work performed by an apprentice in other states will be considered as long as the corresponding state has construction requirements similar to the requirements of the state of Missouri, as determined by the division;

(I) The nonrestricted permittee responsible for the apprentice must also sign the required certification/registration form as the installation contractor and submit the form and appropriate fee to the division;

(J) At the end of the two- (2-) year apprenticeship, the apprentice must submit a testing application and the appropriate testing fee for the specific (closed book) test;

(K) If, at the end of the two- (2-) year period, the apprentice has not completed the required number of installations, the apprentice may apply to extend the apprenticeship on a year-by-year basis. If apprentice does not re-apply, within thirty (30) days of their renewal date, the apprenticeship will be cancelled; and

(L) After completion of the apprenticeship period and passing the specific test, the apprentice must submit a contractor application, supplied by the division, with appropriate fees. After approval of the application, the division will issue the apprentice a nonrestricted permit.

(2) The apprentice may transfer to another company; however, a nonrestricted permittee must sign as the responsible party for the apprentice. The apprentice may apply to transfer to another company by submitting a new apprenticeship application to the division. If an apprentice requests to be permitted under more than one (1) company, the apprentice must submit the appropriate application and fee for each company. Apprentice will be issued separate permit numbers for each company under which he/she serves as an apprentice. A nonrestricted permittee, from each company, must sign the application as the responsible party for each company.

(3) Applicants for a nonrestricted permit, who were previously permitted with the state, as evidenced by a department-issued permit number, which was in good standing, as determined by the department, are exempt from the requirements of 10 CSR 23-1.050(1)(C) through 10 CSR 23-1.050(1)(L) and provision 10 CSR 23-1.050(3)(C) below. These applicants may only apply for the same type of permit as held previously without being subject to the requirements of 10 CSR 23-1.050(1)(C) through 10 CSR 23-1.050(1)(L) or 10 CSR 23-1.050(3)(C). Applicant must also have submitted the required certification and/or registration forms for the required number of installations, listed in 10 CSR 23-1.050(1)(F), to be exempt. If appropriate number of certification and/or registration forms have not been submitted, applicant must submit proof of financial responsibility as stated in 10 CSR 23-1.050(3)(C). Applicants who were previ-

ously permitted but are applying for a different type of permit must adhere to 10 CSR 23-1.050(3)(A) through 10 CSR 23-1.050(3)(C). Applicants for a nonrestricted permit who currently hold a different type of contractor permit with the state of Missouri, as evidenced by a department-issued permit number, which is in good standing, as determined by the division, and wish to be exempt from the requirements of 10 CSR 23-1.050(1)(C) through 10 CSR 23-1.050(1)(L), must submit the testing application, appropriate testing fee, and proof of the valid permit to be scheduled for the test. After passing the general (open book) and specific (closed book) tests with a minimum score of seventy percent (70%) on each test, the applicant must adhere to 10 CSR 23-1.050(3)(A) through 10 CSR 23-1.050(3)(C) and submit required information to the division within thirty (30) days—

(A) A contractor application;

(B) Vehicle application, supplied by the division, for each drilling rig, pump truck, or service rig which will be used by the permittee and appropriate fee, unless the vehicle is already permitted under another company contractor;

(C) Proof of financial responsibility in the form of a surety bond, certificate of deposit (CD), or irrevocable letter of credit in the amount of twenty-five thousand dollars (\$25,000). The bond, CD, or letter of credit shall be subject to the following:

1. It must be placed on file with the division;

2. It must be made payable to the Department of Natural Resources;

3. It must be issued by an institution authorized to issue such bonds in this state;

4. A certificate of deposit (CD) must be automatically renewable for time frame covering the apprenticeship;

5. Any interest on the certificates of deposit shall be made payable to the permittee;

6. If the bond, CD, or letter of credit is cancelled by the issuing agent, permittee must submit new proof of financial responsibility within thirty (30) days of cancellation, or permit will be cancelled;

7. The requirement for proof of financial responsibility shall cease after two (2) consecutive years of permitted activity if the contractor does not have any outstanding notices of violation against their permit. If the contractor does not have any outstanding violations at the end of the two- (2-) year period, the bond, CD, or letter of credit will be returned to the contractor within thirty (30) days of the end of the two- (2-) year period;

8. If the division has found that the contractor has failed to meet the construction



standards set forth in the Missouri Well Construction Rules, the division shall notify the contractor, within sixty (60) days, that the bond, CD, or letter of credit will be forfeited and the moneys placed in the Groundwater Protection Fund for remedial action, if the permittee does not bring the well or wells up to the standards established in the notice of violation(s) within thirty (30) days. The division may then expend whatever portion of the bond, CD, or letter of credit is necessary to hire another contractor to bring the wells or boreholes up to the standards set forth in the notice of violation(s) or to plug the well(s) and construct a new well(s);

9. Monies forfeited from the proof of financial responsibility and deposited in the Groundwater Protection Fund may be used by the department to remediate the contractor's violations;

10. If the division has found that the contractor has outstanding violations against the administrative standards set forth in the Missouri Well Construction Rules, the division shall notify the contractor, within sixty (60) days, that the bond, CD, or letter of credit will continue to be held as a condition of permit renewal for a period of another two (2) years if the contractor does not resolve outstanding violations within thirty (30) days. The contractor must renew the bond, CD, or letter of credit for another two (2) years within thirty (30) days of notification or permit will be subject to enforcement action which may include suspension or revocation; and

11. Applicant must also pre-notify any work performed which is regulated by the Missouri Well Construction Rules. Applicant must notify the division of work to be performed at least twenty-four (24) hours prior to start of regulated work. Notification must include owner name, address, GPS location, type of work to be performed, and date work will begin. The pre-notification requirement will be effective for the first full year from the permit issue date.

(4) A special restricted permit and examination are available, upon request, for those persons who only drill unconsolidated material wells or set pumps in them. To be scheduled for this type of restricted examination, an application must be received at least fifteen (15) days prior to the testing date for which the applicant wishes to be scheduled. If a restricted permittee is found to be drilling or setting a pump in a type of material they are not permitted to operate in, they will be subject to appropriate enforcement action.

(5) Information on where to obtain applicable study material will be available to each appli-

cant prior to testing.

(6) A testing schedule will be available upon request of the applicant.

(7) A completed application for testing must be received fifteen (15) days prior to the testing date for which the applicant wishes to be scheduled. The division will notify the applicant within ten (10) days from receiving the completed application for testing if the applicant has qualified to take the test applied for and the date of the next available test. The testing fee is due before the test is given. A separate application and fee must be paid for each attempt to pass a test.

(8) A minimum score of seventy percent (70%) on the general test and a minimum score of seventy percent (70%) on each required specific test must be achieved by the applicant prior to being permitted. The applicant will be sent the results of the test as soon as possible. If applicant has a passing score, the appropriate applications for permit will be included with the results.

(9) If the applicant fails to pass a test on the initial test date, he/she may retake one (1) time, otherwise the following time frames for retesting shall apply:

(A) Third test date shall be no sooner than thirty (30) days after the initial test date;

(B) Fourth test date shall be no sooner than sixty (60) days after the second test date; and

(C) Fifth and all subsequent test dates shall be no sooner than one hundred eighty (180) days from the previous test date.

(D) All retakes must be accompanied by the testing fee at the time of the retake.

(10) If a request is made and documented more than thirty (30) days in advance, the exam may be taken orally. The same exam will be given and the same results must be achieved on an oral exam as for a written exam. Due to the special nature of this type of exam, special scheduling dates will be necessary. People with disabilities requiring services or accommodations can make arrangements by contacting the division.

(11) Any applicant who does not agree with his/her test results may appeal to the Well Installation Board.

(12) If an applicant wishes to withdraw his/her application for testing, s/he may do so by requesting, in writing, ten (10) days in advance. If the applicant does not cancel as stated and is not present for the test, they may reschedule up to two (2) times. If after the second reschedule the applicant does not

appear, the testing application will be cancelled and the fee will be forfeited. If the applicant wishes to take the test after the testing application has been cancelled, they must reapply and submit the appropriate fee.

(13) Persons who contract the drilling of wells, installation of pumps, or both, but do not drill the wells or set the pumps must be a permitted well installation, heat pump installation, monitoring well installation, monitoring test-hole installation, or pump installation contractor, or any combination of these. The only test required is the general (open book) test. A restriction must be placed on the permit which states that any well drilling or pump work contracted be done by a nonrestricted permitted installation contractor. Persons who wish to apply for this type of exam shall submit the testing application and appropriate fees.

(14) A nonrestricted permitted well installation, heat pump installation, monitoring well installation, monitoring test-hole installation, pump installation contractor, or any combination of these, from the company responsible for the apprentice, must be present at all times during the apprentice's required number of installations (see subsection (1)(F) of this rule). The nonrestricted permittee must be on site during the initial installations (see subsection (1)(F) of this rule) while a well is being drilled and completed, a pump is being set, or any combination of these. The nonrestricted permittee on site must hold the same type of permit as the type of work being performed by the apprentice.

(15) A nonrestricted permittee must be on site at all times until the required number of installations, in 10 CSR 23-1.050(1)(F), is met by the apprentice.

(16) Persons who wish only to drill the heat pump hole and grout the closed-loop into the heat pump hole must obtain a permit to do so. The permit will be restricted to the previously mentioned activities and a current nonrestricted water well installation contractor's permit is required as one (1) of the qualification criteria. Those people who wish to apply for this type of heat pump installation contractor's permit that have a valid nonrestricted water well installation contractor permit must take only the general test covering heat pump construction.

(17) Applicants for contractor permits who do not meet the requirements set out in this rule may petition the board. The board has the authority to rule upon the qualifications



of the applicants and may require additional evidence of qualifications.

AUTHORITY: sections 256.606, 256.607, 256.611, 256.613, and 256.626, RSMo 2000.* Original rule filed April 2, 1987, effective July 27, 1987. Emergency amendment filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Amended: Filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed July 13, 1994, effective Jan. 29, 1995. Amended: Filed Nov. 1, 1995, effective June 30, 1996. Amended: Filed July 30, 2008, effective Feb. 28, 2009. Amended: Filed Sept. 15, 2011, effective April 30, 2012.

*Original authority: 256.606, RSMo 1991; 256.607, RSMo 1985, amended 1991; 256.611, RSMo 1985, amended 1991; 256.613, RSMo 1991; and 256.626, RSMo 1985, amended 1991.

10 CSR 23-1.060 Application for a Permit

PURPOSE: This rule outlines the division's requirements for filing an application for a permit.

(1) All applicants shall submit an application. The division shall not act upon the application until they have received all required information, the appropriate fee, a passing grade on the appropriate examinations, and, if applicable, proof of financial responsibility. If applicant holds a valid permit from another state with requirements similar to the state of Missouri's, the applicant must also submit proof of the valid permit. Proof shall be at the discretion of the division. An application will not be acted upon, or it will be denied, if the applicant has violated any rules and has not remediated these violations. The division may issue a permit on a probationary status.

(2) The application shall be accompanied by the appropriate fee(s). The fee shall be made payable to the Groundwater Protection Fund. There will be no refund of monies paid for the permits after the fee has been transferred to the Groundwater Protection Fund in Jefferson City unless the request is made in writing. In the case of any change of status of any permittee, that permittee shall notify the division and submit a new application and appropriate fee required pursuant to these rules. In the case of either change in ownership of a rig or the purchase of a new rig, a new application form and the appropriate fee must be sent to the division, and a new card will be issued.

AUTHORITY: sections 256.606, 256.607, 256.611, 256.613, and 256.626, RSMo 2000.* Original rule filed April 2, 1987,

effective July 27, 1987. Emergency amendment filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Amended: Filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed Nov. 1, 1995, effective June 30, 1996. Amended: Filed July 30, 2008, effective Feb. 28, 2009.

*Original authority: 256.606, RSMo 1991; 256.607, RSMo 1985, amended 1991; 256.611, RSMo 1985, amended 1991; 256.613, RSMo 1991; and 256.626, RSMo 1985, amended 1991.

10 CSR 23-1.070 Permit Review Procedures

(Rescinded March 10, 1994)

10 CSR 23-1.075 Disciplinary Action and Appeal Procedures

PURPOSE: This rule outlines the procedures the division and board will take when a person is affected by disciplinary actions and contested case appeals of such disciplinary actions.

(1) Definitions. As used in this rule, the following terms mean:

(A) Board—Well Installation Board (WIB);

(B) Department—The Department of Natural Resources, which includes the director thereof, or the person or division or program within the department delegated the authority to render the decision, order, determination, finding, or other action that is subject to review by the board;

(C) Division—The Department of Natural Resources' Division of Geology and Land Survey, which includes the director thereof, or the person within the division delegated the authority to render the decision, order, determination, finding, or other action that is subject to review by the board;

(D) Hearing—Any presentation to, or consideration by, the board or its hearing officer of evidence or argument on a petition seeking the board's review of an action by the department;

(E) Hearing officer—an attorney appointed by the board to conduct an administrative hearing on behalf of the board;

(F) Person—An individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government or any other legal entity whatever, which is recognized by law as the subject of rights and duties.

(2) The division shall cause investigations to

be made as appropriate in response to requests from the board or upon receipt of other information concerning alleged violations of the Water Well Driller's Act in order to determine whether there has been any violation of the law or of these rules and, in doing so, may request the permittee, well owner, or other individuals to appear before them to determine the merits of the situation in question. If requested individuals do not appear before the division, a determination may be made based on the available information or the division may order a permitted well driller to appear before the division and/or produce relevant documentation. Any person who willfully obstructs, hinders, or prevents agents of the division in the performance of the duties imposed on them by sections 256.600–256.640, RSMo, is guilty of a class A misdemeanor and may be liable for civil and criminal penalties as set out in section 256.637, RSMo. If the division determines that the holder of any permit issued according to sections 256.600–256.640, RSMo, has violated any provision of this law or any rule adopted according to this law, the division shall reprimand, place a permit holder on probation, or suspend or revoke a permit, and may issue a notice of violation describing the remediation required and the time period allowed to remedy the violation and/or pursue any additional remedy authorized by the Water Well Driller's Act.

(3) As a condition of any order, the division may specify and schedule any remediation required so that division staff can be present, if deemed necessary, while the remediation is performed. The division shall issue and serve on the permittee, written notice of any order issued under sections 256.600–256.640, RSMo, as provided in section 256.630, RSMo.

(4) Filing an Appeal or Requesting a Hearing.

(A) Any person adversely affected or aggrieved by a decision of the division or otherwise entitled to ask the board for a hearing under the Water Well Driller's Act may appeal by filing a petition with the board or the division within thirty (30) days after receiving notice of the decision.

(B) A petition sent by registered mail or certified mail will be deemed filed on the date it is mailed. If it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the board or the division. Such appeal shall stay the enforcement of the order until a final determination is made by the board.



(5) Procedures.

(A) The board may appoint a hearing officer, who shall provide a recommended decision to the board based on a hearing, stipulations or agreements by the parties, disposition in the nature of a default judgment, judgment on the pleadings, or summary determination, in accordance with the Water Well Driller's Act and Chapter 536, RSMo. The board or the hearing officer shall provide the parties at least thirty (30) days advance notice of any hearing.

1. At any such hearing, all testimony taken before the board or its hearing officer shall be under oath and recorded stenographically, and the transcript shall be available to any person for the cost of reproduction, pursuant to section 256.630.4, RSMo.

(B) Upon receipt of the hearing officer's recommendation and the record in the case, the board shall—

1. Distribute the hearing officer's recommendation to the parties or their counsel;

2. Allow the parties or their counsel an opportunity to submit written arguments regarding the recommendation;

3. Allow the parties or their counsel an opportunity to present oral arguments before the board makes the final determination;

4. Complete its review of the record and deliberations as soon as practicable;

5. Deliberate and vote upon a final, written determination during an open meeting, except that the board may confer with its counsel in closed session with respect to legal questions;

6. Issue its final, written determination as soon as practicable, including findings of fact and conclusions of law, and so notify the parties. The decision of the board shall be based only on the facts and evidence in the record; and

7. The board may adopt the recommended decision of the hearing officer as its final decision. The board may change a finding of fact or conclusion of law made by the hearing officer, or may vacate or modify the recommended decision, only if the board states in writing the specific reason for a change.

(6) Such final orders and determinations of the board are subject to judicial review according to section 256.630.4, RSMo.

AUTHORITY: sections 256.606, 256.623, 256.626, and 256.630, RSMo 2000. Emergency rule filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Original rule filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed Nov. 1, 1995, effective June 30, 1996. Amended: Filed Sept. 14, 2006, effective March 30, 2007. Amended:*

Filed Jan. 11, 2013, effective Aug. 30, 2013.

**Original authority: 256.606, RSMo 1991; 256.623, RSMo 1985, amended 1991; 256.626, RSMo 1985, amended 1991; and 256.630, RSMo 1985, amended 1991.*

10 CSR 23-1.080 Denial of Application

PURPOSE: This rule describes the reasons for denial of permit.

(1) An application for any permit or permit renewal may be denied for any of the following reasons:

(A) Failure of the applicant to accurately complete the application;

(B) Failure of the applicant to submit the application with the appropriate fee, late fee, or both;

(C) Failure of the applicant to meet the experience and other qualifications required by the law and these rules or receive a passing grade on the examination;

(D) Noncompliance with sections 256.600–256.640, RSMo or with these rules; and

(E) Other sufficient causes as determined after notice and hearing in accordance with 10 CSR 23-1.075.

AUTHORITY: sections 256.606, 256.611 and 256.626, RSMo Cum. Supp. 1991. Original rule filed April 2, 1987, effective July 27, 1987. Amended: Filed Aug. 17, 1993, effective March 10, 1994.*

**Original authority: 256.606, RSMo 1991 and 256.611 and 256.626, RSMo 1985, amended 1991.*

10 CSR 23-1.090 Permit Requirement

PURPOSE: This rule explains that a permit is required in order to construct or repair a well in the state.

(1) No person shall drill, construct, install pumps or pumping equipment, repair a well or plug a well within this state unless in possession of a valid permit to do so issued by the division. A well installation contractor's permit is valid for drilling and repair on wells that produce water for human consumption, animal, industrial or irrigation purposes, open-loop heat pump wells and water return wells. A monitoring well installation contractor's permit is valid for drilling and repair of monitoring wells and test holes. A monitoring-test hole installation contractor's permit which is a restriction on the monitoring well installation permit is valid for drilling or coring of wells in the exploration for minerals or geologic data. A heat pump installation con-

tractor's permit is valid for drilling and repair of heat pump wells (excluding open-loop heat pump and water return wells), construction of trenched systems and installation of loops used in heat pump systems. A pump installation contractor's permit is valid for setting pumps and liners and removal of pumps for repair and/or replacement in wells that produce water for human consumption, animal or irrigation purposes. It is also valid for setting pumps in extraction type monitoring wells. All contractor's permits are valid for plugging wells, except monitoring wells must be plugged by monitoring well installation contractors. The previously mentioned permits can be issued on a restricted or nonrestricted basis. Restricted permits are issued to persons who only contract the work specific to the type of permit requested or to primary contractor on site drilling supervisors. All permits issued pursuant to these rules shall expire one (1) year after issuance.

(2) Nothing in sections 256.600–256.640, RSMo shall prevent a person who has not obtained a permit pursuant to sections 256.600–256.640, RSMo from constructing or plugging 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 and where the waters to be produced are not intended for use by the public or in any residence other than his/her own. Each person shall comply with all rules adopted under sections 256.600–256.640, RSMo. The landowner may hire an unpermitted person to plug a hand dug well but the landowner is responsible to make sure the well is plugged according to 10 CSR 23-3.110 and reported on a registration report form with the accompanying fee. All other types of wells must be plugged by a permitted contractor unless the landowner does the work as provided in this section.

AUTHORITY: sections 256.606, 256.607, 256.613, 256.615 and 256.626, RSMo 1994. Original rule filed April 2, 1987, effective July 27, 1987. Emergency rescission and emergency rule filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Rescinded and readopted: Filed Aug. 17, 1993, effective March 10, 1994. Amended filed July 13, 1994, effective Jan. 29, 1995. Amended: Filed Nov. 1, 1995, effective June 30, 1996.*

**Original authority: 256.606, RSMo 1991; 256.607, RSMo 1985, amended 1991; 256.613 and 256.615, RSMo 1991; and 256.626, RSMo 1985, amended 1991.*

**10 CSR 23-1.100 Permit Renewal**

(Rescinded March 10, 1994)

10 CSR 23-1.105 Permit Renewal

PURPOSE: This rule outlines the procedure for renewing a permit.

The permittee shall file for the renewal with the division and submit the appropriate fee prior to the expiration date of his/her permit. Any forms that are improperly completed will be returned to the contractor for completion. A penalty fee also shall be paid if the renewal is submitted within thirty (30) days of the expiration date. If a permit has been expired more than thirty (30) days, permittee must reapply and take the appropriate exam to obtain a new permit. Upon receipt of any completed renewal request, renewal fee and appropriate forms completed in a manner acceptable to the division, a permittee shall be sent a renewal permit if still qualified for the permit. A permit will not be renewed if the permittee has any unresolved violations pending against his/her permit, unless a schedule to remedy the violations has been approved in advance by the division. The division may issue a renewal permit on a probationary basis. The renewal permit shall consist of a card and contain the name of the permittee, expiration date and permit number. The permit card shall be carried by the permittee and the rig cards must be placed in each rig.

AUTHORITY: sections 256.606, 256.607, 256.611 and 256.626 RSMo 1994. Original rule filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed Nov. 1, 1995, effective June 30, 1996.*

**Original authority: 256.606, RSMo 1991 and 256.607, 256.611 and 256.626, RSMo 1985, amended 1991.*

10 CSR 23-1.110 Permitting of Partnerships, Corporations and Business Associations

(Rescinded March 10, 1994)

10 CSR 23-1.120 Suspension or Revocation of Permit

(Rescinded March 10, 1994)

10 CSR 23-1.130 Reinstatement

PURPOSE: This rule describes the steps that must be taken to have a permit reinstated.

(1) A revoked permit may not be reinstated. The permittee who has had a permit revoked may be repermited by filing the usual applications and fees. The division shall require an investigation or hearing to determine whether the person should be issued a new permit; provided, however that in no case shall a new permit be issued prior to one (1) year after the revocation has taken effect.

(2) A permit suspended for a specified period of time shall be automatically reinstated at the end of that time. Nothing in these rules shall be interpreted to prevent the making of the reinstatement conditional upon terms established by the division's order of suspension. A permittee suspended for an indefinite period of time may be reinstated at the division's own motion after due investigation to determine that the conditions upon which the suspension was based have been corrected or upon the division receiving reasonable assurance to its satisfaction that these conditions will not reoccur.

(3) A well installation, heat pump installation, monitoring well installation, monitoring-test hole installation or pump installation contractor who has had a permit revoked or a person found guilty of a Class A misdemeanor in accordance with section 256.637, RSMo shall provide to the division a performance bond or letter of credit in order to obtain a permit. Section 256.616, RSMo describes the procedures to be followed.

AUTHORITY: section 256.606, 256.616, 256.626 and 256.630, RSMo Cum. Supp. 1991. Original rule filed April 2, 1987, effective July 27, 1987. Emergency amendment filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Amended: Filed Aug. 17, 1993, effective March 10, 1994.*

**Original authority: 256.606 and 256.616, RSMo 1991 and 256.626, 1991 and 256.630, RSMo 1985, amended 1991.*

10 CSR 23-1.140 Placement of Permit Number

PURPOSE: This rule describes how to place the permit number on the machine.

(1) A permittee shall place in a conspicuous location on both sides on each well drilling machine or pump installation machine the words MO PERMIT and the permit number in figures not less than three inches high and one and one-half inches wide (3" × 1 1/2"). The number shall be in a contrasting color to the background. This change is not required

until new equipment is purchased, operator changes equipment or the rig is painted. If new permit numbers are issued, they must be placed on the drilling or pump installation machine within six (6) months.

AUTHORITY: section 256.606, 256.617 and 256.626, RSMo Cum. Supp. 1991. Original rule filed April 2, 1987, effective July 27, 1987. Amended: Filed Aug. 17, 1993, effective March 10, 1994.*

**Original authority: 256.606, RSMo 1991; 256.617, RSMo 1985; and 256.626, RSMo 1985, amended 1991.*

10 CSR 23-1.150 Well Drilling and Pump Installation Machine Registration

(Rescinded March 10, 1994)

10 CSR 23-1.155 Well Drilling and Pump Installation Machine Registration

PURPOSE: This rule describes the registration procedures for the drill and pump installation machines.

For the registration with the division of each drilling machine or pump installation service machine, the permittee will send in the appropriate application and fee. Upon receipt of the required fee and information, a well drilling or pump installation machine registration card shall be issued for identification purposes for each drilling or pump installation machine registered by the well installation or pump installation contractor. The card shall be carried on the well drilling or pump installation machine at all times where it may be inspected by the division or its representative. The card expires one (1) year from the date of issue.

AUTHORITY: sections 256.606 and 256.626, RSMo Cum. Supp. 1991. Emergency rule filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Original rule filed Aug. 17, 1993, effective March 10, 1994.*

**Original authority: 256.606, RSMo 1991 and 256.626, RSMo 1985, amended 1991.*

10 CSR 23-1.160 Mail and Notification Procedures

PURPOSE: This rule informs the permittees of Division of Geology and Land Survey mailing and notification procedures.



(1) Mail. All persons permitted by the division shall keep the division advised of current address and must readily accept all mail sent to them by the division.

(2) Registered or certified mail sent with proper postage and last known address that is returned unclaimed shall be considered adequate notification of notice served.

(3) The division shall be notified of any change of address within thirty (30) days of change.

(4) Refusal to accept mail is a violation of these rules and may result in disciplinary action. Mail not accepted by the permittee that has proper postage and last known address shall be considered adequate notification.

AUTHORITY: section 256.600, RSMo 1994.
Original rule filed April 18, 1990, effective June 28, 1990. Amended: Filed Nov. 1, 1995, effective June 30, 1996.*

**Original authority: 256.600, RSMo 1985.*