
By: **Senator Collins**
Introduced and read first time: February 9, 2001
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Water Wells - Well Rig Operators and Hydrofracturing**

3 FOR the purpose of authorizing the practice of hydrofracturing; specifying who is
4 authorized to perform hydrofracturing and under what circumstances;
5 specifying the licensing requirements for an applicant for a well rig operator
6 license; specifying the requirements for an applicant to renew a well rig operator
7 license; defining a certain term; and generally relating to well rig operators and
8 hydrofracturing.

9 BY repealing and reenacting, with amendments,
10 Article - Environment
11 Section 13-101 and 13-306
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 2000 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article - Environment
16 Section 13-302
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 2000 Supplement)

19 BY adding to
20 Article - Environment
21 Section 13-405
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 2000 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Environment**

2 13-101.

3 (a) In this title the following words have the meanings indicated.

4 (b) "Board" means the State Board of Well Drillers.

5 (c) (1) "License" means, unless the context requires otherwise, any license
6 issued by the Board under this title to practice well drilling.

7 (2) "License" includes, unless otherwise indicated:

8 (i) A well driller license; and

9 (ii) A restricted license.

10 (d) "Well driller license" means any license issued by the Board to engage in
11 all activities that constitute the practice of well drilling, including all activities
12 permitted under any restricted license.13 (e) "Restricted license" means any license issued by the Board that authorizes
14 its holder to engage in some, but not all, of the activities which constitute the practice
15 of well drilling.16 (f) "Geotechnical" refers to that category of well driller license which
17 authorizes the practice of well drilling limited to wells constructed for the purpose of
18 sampling, measuring, or test pumping for scientific, engineering, or regulatory
19 purposes, including wells constructed specifically for the removal of contaminants
20 from an aquifer, but not including water supply test wells.21 (G) "HYDROFRACTURING" MEANS THE TECHNIQUE OF STIMULATING A BORE
22 WELL BY A CONTROLLED INJECTION OF HIGH PRESSURE POTABLE WATER TO
23 INCREASE THE BORE HOLE YIELD.

24 [(g)] (H) "Person" means:

25 (1) The federal government, this State, any county, municipal
26 corporation, or other political subdivision of this State, or any of their units;27 (2) Any individual, receiver, trustee, guardian, personal representative,
28 fiduciary, or representative of any kind; and

29 (3) Any partnership, firm, association, corporation, or other entity.

30 [(h)] (I) "Practice well drilling" includes engaging in any of the following
31 activities for profit:

32 (1) Making, altering, repairing, or sealing a well; or

1 (2) Installing, altering, repairing, or disconnecting well system
2 equipment.

3 [(i)] (J) "Well" means any hole made in the ground:

4 (1) To explore for groundwater;

5 (2) To obtain or monitor groundwater;

6 (3) To inject water into any underground formation from which
7 groundwater may be produced; or

8 (4) To transfer heat to or from the ground or groundwater, if the hole:

9 (i) Extends more than 20 feet below the surface of the ground; and

10 (ii) Is not a well for obtaining geothermal resources under § 5-601
11 of this article.

12 [(j)] (K) "Water supply" refers to that category of well driller license which
13 authorizes the practice of well drilling limited to wells constructed for the purpose of
14 obtaining a water supply, including wells constructed for the purpose of installing a
15 heat pump.

16 [(k)] (L) (1) "Well system equipment" means any equipment that is
17 necessary to draw or purify water from a well.

18 (2) "Well system equipment" includes any casing, grout, screen, water
19 tank, water pump, or water conditioning equipment.

20 13-302.

21 (a) The Board shall adopt rules and regulations for the qualifications of
22 applicants.

23 (b) Except as otherwise provided in this title, to qualify for a license, an
24 applicant shall meet any reasonable qualifications or requirements that the Board
25 establishes for license applicants.

26 13-306.

27 (a) [The] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE
28 Board shall issue an appropriate license to any applicant who:

29 (1) Meets the requirements of this title;

30 (2) Pays the required fee; and

31 (3) Provides evidence of any performance bond and contractor's liability
32 insurance that the Board may require.

1 (b) (1) In accordance with its rules and regulations, the Board shall issue
2 well driller licenses and restricted licenses.

3 (2) (i) There are 3 categories of well driller licenses:

- 4 1. Well driller general;
- 5 2. Well driller-geotechnical; and
- 6 3. Well driller-water supply.

7 (ii) A well driller license may be limited to the drilling of wells for
8 particular purposes.

9 (3) There are 3 categories of restricted licenses:

- 10 (i) Water conditioner installer;
- 11 (ii) Water pump installer; and
- 12 (iii) Well rig operator.

13 (C) (1) THE BOARD SHALL ISSUE A WELL RIG OPERATOR LICENSE TO ANY
14 APPLICANT WHO:

15 (I) FILES AN APPLICATION FOR A LICENSE ON THE FORM
16 PROVIDED BY THE BOARD;

17 (II) SUCCESSFULLY PASSES THE APPRENTICE WELL DRILLER
18 EXAMINATION;

19 (III) HAS AT LEAST FIVE YEARS EXPERIENCE PRACTICING WELL
20 DRILLING;

21 (IV) PAYS THE REQUIRED FEES; AND

22 (V) IDENTIFIES A PRINCIPAL LICENSEE.

23 (2) AN APPLICANT TO RENEW A WELL RIG OPERATOR LICENSE MUST
24 SUBMIT CONTRACTUAL DOCUMENTS SHOWING COVERAGE OF BONDING AND
25 INSURANCE THROUGH THE PRINCIPAL LICENSEE WITH EACH LICENSE RENEWAL.

26 [(c)] (D) (1) There is a master class license and a journeyman class license
27 in each category of well driller license.

28 (2) There is an apprentice class well driller license which shall serve as:

29 (i) The apprentice license for all categories of well driller licenses;

30 and

1 (ii) The apprentice license for the well rig operator category of
2 restricted license.

3 (3) There is an apprentice class license in the following restricted license
4 categories:

5 (i) Water conditioner installer; and

6 (ii) Water pump installer.

7 (4) The Board shall designate on each license issued the category and,
8 where applicable, the class of the license.

9 [(d)] (E) Until July 1, 1993, this title does not prohibit any master well driller
10 licensed by the Board on July 1, 1990 from practicing well drilling while obtaining the
11 education and experience required to be licensed under any one of the 3 categories of
12 well driller licenses in this title.

13 (1) The Board may waive the examination requirement of this title for
14 any master well driller licensed by the Board on July 1, 1990 who provides to the
15 Board satisfactory evidence that the licensee has:

16 (i) Well driller-geotechnical -- installed geotechnical wells during
17 the past 7 years and obtained national certification as a monitoring well driller or
18 completed a 40-hour training program dealing with hazardous waste or monitoring
19 site operations required by the Occupational Safety and Health Administration;

20 (ii) Well driller-water supply -- installed 20 water supply wells
21 during the past 7 years and acquired 10 of the 20 hours of continuing education
22 required by § 13-308 of this title in water conditioning and water pump technology; or

23 (iii) Well driller-general -- fulfilled the requirements of
24 subparagraphs (i) and (ii) of this paragraph.

25 (2) The Board shall adopt regulations to implement the provisions of this
26 section.

27 13-405.

28 (A) ONLY A LICENSED WELL RIG OPERATOR MAY PERFORM
29 HYDROFRACTURING.

30 (B) A WELL RIG OPERATOR SHALL PERFORM HYDROFRACTURING UNDER THE
31 GENERAL SUPERVISION OF A PRINCIPAL LICENSEE, MAINTAINING RADIO,
32 TELEPHONE, OR LIVE COMMUNICATION WITH THE PRINCIPAL LICENSEE
33 THROUGHOUT THE HYDROFRACTURING PROCESS.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2001.