

**ARTICLE 90-01
GENERAL ADMINISTRATION**

- 90-01-01 Board Organization of Board
- 90-01-02 Application of Rules Definitions
- 90-01-03 Continuing Education

**CHAPTER 90-01-01
BOARD ORGANIZATION OF BOARD**

Section

- 90-01-01-01 Organization of State Board of Water Well Contractors Organization
- 90-01-01-02 Certification Purpose

90-01-01-01. ~~Organization of state~~State board of water well contractors organization.

1. **History.** The 1971 legislative assembly passed the act providing for ~~licensing of~~ water well contractors licensing and creating the state board of water well contractors, codified as North Dakota Century Code chapter 43-35. The 1985 legislative assembly added pump and pitless unit installers and, the 1987 legislative assembly added monitoring well contractors, and the 2007 legislative assembly added geothermal system drillers to the coverage.
2. **Board membership.** ~~The board consists of six members. The state engineer and the director of the department of environmental quality, or their duly authorized designees, are ex-officio members. Two members are water well contractors appointed by the governor, one member is a pump and pitless unit installer appointed by the governor, and one member is appointed at large by the governor.~~ Membership of the state board of water well contractors is detailed in North Dakota Century Code section 43-35-03.
3. **Executive secretary and treasurer.** ~~The board will appoint the executive secretary and treasurer of the board is appointed by the board, who is responsible for the board administration of the board's activities, and is responsible for the examining process provided for by~~ in North Dakota Century Code chapter 43-35.
4. **Inquiries.** Inquiries regarding the board or examinations should be addressed to the executive secretary and treasurer:

Secretary-Treasurer
State Board of Water Well Contractors
900 East Boulevard Avenue 1200 Memorial Highway
Bismarck, North Dakota ~~58505-0850~~ 58504-5262

History: Amended effective November 1, 1981; December 1, 1985; January 1, 1988; May 1, 2002;_____.

General Authority: NDCC ~~28-32-02~~43-35-10

Law Implemented: NDCC 28-32-02, 43-35-02

90-01-01-02. Certification purpose.

The board's philosophy in enforcing North Dakota Century Code chapter 43-35 will at all times be for the quantity and quality protection of ground water resources.

History: Effective _____.

General Authority: NDCC ~~28-32-02, 43-35-01, 43-35-10~~

Law Implemented: NDCC 43-35-01

CHAPTER 90-01-02
APPLICATION OF RULES DEFINITIONS

Section

90-01-02-01 ~~Definition—Wells~~Definitions

90-01-02-01. ~~Definition—Wells~~Definitions.

~~This title, the rules and regulations adopted by the department of environmental quality, and North Dakota Century Code chapter 43-35 are applicable to all openings in the earth's surface wherein ground water is sought whether such opening is made for the purpose of extracting ground water, discovering or observing ground water, or monitoring the level, quantity, or quality of ground water. Unless the context otherwise requires, the following definitions apply to this article:~~

1. “Certificate holder” means a certified water well contractor, pump and pitless unit installer, geothermal system installer, or monitoring well contractor.
2. “Continuing education” means accredited educational experience derived from participation in approved lectures, seminars, or correspondence courses.
3. “Hour” means a minimum of fifty continuing education instruction minutes.
4. “In charge” means a certificate holder has actual supervisory power over the work and makes onsite work and progress inspections.
5. “One-year apprenticeship or experience” means twelve-months of full-time employment in constructing water wells or monitoring wells or installing pump and pitless units or geothermal system installer under the direct supervision of a certificate holder in the same area of expertise as they are acquiring experience.
6. “Wells” is defined in North Dakota Administrative Code section 33.1-18-01-02.

History: Effective March 1, 1984; amended effective _____.

General Authority: NDCC ~~28-32-02, 43-35-01, 43-35-10~~

Law Implemented: NDCC ~~43-35-02, 43-35-13, 45-35-19, 45-35-23~~

**CHAPTER 90-01-03
CONTINUING EDUCATION**

Section

90-01-03-01	Continuing Education — Defined [<u>Repealed</u>]
90-01-03-02	Coursework
90-01-03-03	Preapproval by Board
90-01-03-04	Request Preapproval
90-01-03-05	Request Approval After Course
90-01-03-06	Hours
90-01-03-07	Hour Defined [<u>Repealed</u>]
90-01-03-08	Noncompliance

90-01-03-01. Continuing education — Defined.

~~As used in this chapter, "continuing education", unless the context otherwise requires, means accredited educational experience derived from participation in approved lectures, seminars, and correspondence courses.~~

~~History: Effective May 1, 2002.~~

~~General Authority: NDCC 28-32-02, 43-35-01, 43-35-10~~

~~Law Implemented: NDCC 43-35-23~~

~~Repealed effective _____~~

90-01-03-02. Coursework.

~~The board will consider courses in the following areas to be acceptable when considering approval.~~ Coursework may be provided by:

1. The national ground water association;
2. The North Dakota well drillers association;
3. The department of environmental quality;
4. ~~The state water commission~~department of water resources; or
5. Any board-approved course provider.

History: Effective May 1, 2002; amended effective _____.

General Authority: NDCC ~~28-32-02, 43-35-01, 43-35-10~~

Law Implemented: NDCC 43-35-23

90-01-03-03. Preapproval by board.

A continuing education course must be preapproved by the board unless otherwise provided by law.

History: Effective May 1, 2002; amended effective _____.

General Authority: NDCC ~~28-32-02, 43-35-01, 43-35-10~~

Law Implemented: NDCC 43-35-23

90-01-03-04. Request preapproval.

The continuing education course provider or certificate holder ~~shall~~must request ~~for continuing education coursework preapproval of the continuing education coursework~~ by submitting to the board a course outline, the instructor's name, the ~~length of the training duration~~, and an explanation of how the training relates to ~~the water well, pump and pitless unit, geothermal system, or monitoring well construction and or service of water wells.~~

History: Effective May 1, 2002; amended effective _____.

General Authority: NDCC ~~28-32-02, 43-35-01, 43-35-10~~

Law Implemented: NDCC 43-35-23

90-01-03-05. Request approval after course.

A certificate holder may request continuing education approval of education that was not preapproved by submitting to the board ~~verification of attendance verification~~, a course outline, the instructor's name, the ~~length of the training duration~~, an explanation of how the training relates to ~~the water well, pump and pitless unit, geothermal system, or monitoring well construction and or service of water wells~~, and an explanation of why preapproval was not obtained. ~~In such instance, the~~The board shall will determine on a case-by-case basis whether to approve continuing education that was not preapproved.

History: Effective May 1, 2002; amended effective _____.

General Authority: NDCC ~~28-32-02, 43-35-01, 43-35-10~~

Law Implemented: NDCC 43-35-23

90-01-03-06. Hours.

Each certificate holder ~~shall~~must earn at least six hours of board-approved continuing education every two-year reporting cycle to qualify for certificate renewal. A new certificate holder is required to earn ~~twelve hours of~~ the required board-approved continuing education credits during the two years following the ~~year of initial certification year~~. No hours may be used for more than one reporting period.

History: Effective May 1, 2002; amended effective _____.

General Authority: NDCC ~~28-32-02, 43-35-01, 43-35-10~~

Law Implemented: NDCC 43-35-23

90-01-03-07. Hour defined.

~~An "hour" of continuing education means a minimum of fifty minutes of instruction.~~

~~History: Effective May 1, 2002.~~

~~General Authority: NDCC 28-32-02, 43-35-01, 43-35-10~~

~~Law Implemented: NDCC 43-35-23~~

~~Repealed effective _____~~

90-01-03-08. Noncompliance.

~~Each~~A certificate holder who fails to complete the ~~twelve~~ required board-approved continuing education hours ~~of continuing education~~ during the reporting period ~~shall~~ will not be eligible for certificate renewal. Such individual may complete the required hours ~~prior to April first~~ by March 31 of the following the year in which the requirement is in effect and be eligible for certificate renewal. After ~~April first~~ March 31, the certificate holder must reapply and pass the examination required to initially obtain a certificate. ~~No hours may be used for more than one reporting period.~~

History: Effective May 1, 2002; amended effective _____.

General Authority: NDCC ~~28-32-02, 43-35-17~~ 43-35-10

Law Implemented: NDCC 43-35-17

**ARTICLE 90-02
OPERATIONS**

Chapter	
90-02-01	Examination
90-02-02	Certification
90-02-03	Reporting and Investigation <u>Operations</u>
90-02-04	Action Before Board

**CHAPTER 90-02-01
EXAMINATION**

Section	
90-02-01-01	Examination <u>Preparation of Examination</u>
90-02-01-02	Supervision and Correction
90-02-01-02.1	<u>Examination – When Held – Notice</u>
90-02-01-03	Examination <u>Dates of Examination</u>
90-02-01-04	Place of Examination <u>Location</u>
90-02-01-05	Examination Procedure
90-02-01-06	Waiting Period

90-02-01-01. ~~Preparation of examination~~ Examination preparation.

The board ~~shall~~will arrange for an examination to be prepared ~~which shall be presented to the~~for board for approval. If a majority of the board finds that the proposed examination fairly tests the skills and knowledge needed to be a ~~certified water well contractor, pump and pitless unit installer, or monitoring well contractor~~certificate holder, it shall approve such examination and order its use. The examination ~~shall~~will be modified, ~~revised, or changed~~ from time to time at the board's discretion~~of the board~~.

History: Amended effective May 1, 2002; _____.

General Authority: NDCC ~~28-32-02, 43-35-01~~, 43-35-10

Law Implemented: NDCC 43-35-12

90-02-01-02. Supervision and correction.

The examination ~~shall~~will be given, supervised, and corrected by a board-appointed representative ~~appointed by the board~~, who ~~shall~~must report the results to the board.

History: Amended effective May 1, 2002; _____.

General Authority: NDCC ~~28-32-02, 43-35-01~~, 43-35-10

Law Implemented: NDCC 43-35-12

90-02-01-02.1. Examination – When held – Notice.

The board shall hold meetings at such times and such places as it designates for the purpose of administering an examination to those persons desiring to become certified as certificate holders or geothermal system drillers. The board will give no less than ten days'

written notice to each applicant of the time and place of such examination. The board will develop separate examinations for the certification of water well contractors, water well pump and pitless unit installers, monitoring well contractors, and geothermal system drillers.

History: Effective _____.

General Authority: NDCC 43-35-10

Law Implemented: NDCC 43-35-12

90-02-01-03. ~~Dates of examination~~ Examination dates.

The examination to become a ~~certified water well contractor, pump and pitless unit installer, or monitoring well contractor shall~~ certificate holder will be given four times each year, during ~~the months of~~ February, May, August, and November. The exact date ~~shall~~ will be announced by the appointed examination representative ~~to all persons known to be interested,~~ at least thirty days before the ~~date established for the giving of the examination~~ examination.

History: Amended effective May 1, 2002; _____.

General Authority: NDCC ~~28-32-02, 43-35-01,~~ 43-35-10

Law Implemented: NDCC 43-35-12

90-02-01-04. ~~Place of examination~~ Examination location.

The examination ~~shall~~ will be given in the ~~offices~~ office of the ~~state water commission~~ department of water resources or in Bismarck, North Dakota.

History: Amended effective May 1, 2002; _____.

General Authority: NDCC ~~28-32-02, 43-35-01,~~ 43-35-10

Law Implemented: NDCC 43-35-12

90-02-01-05. Examination procedure.

Each applicant may spend up to four hours writing the examination. No books, charts, tables, notes, or other ~~helps shall~~ guidance may be used. A minimum score of seventy percent ~~shall be~~ is required to pass the examination.

History: Amended effective _____.

General Authority: NDCC ~~28-32-02, 43-35-01,~~ 43-35-10

Law Implemented: NDCC 43-35-12

90-02-01-06. Waiting period.

Any person failing to pass the examination can not take the examination for a period of one year ~~shall not be allowed to take it again until at least the second time it shall be offered following the failure~~ immediately following the failure.

History: Amended effective _____.

General Authority: NDCC ~~28-32-02, 43-35-01,~~ 43-35-10

Law Implemented: NDCC 43-35-12, 43-35-21

CHAPTER 90-02-02 CERTIFICATION

Section

90-02-02-01 Certification — How Obtained

90-02-02-01.1 Purpose of Certification [Repealed]

90-02-02-01.2 Certificate — How Obtained — Fee — Bond

90-02-02-01.3 Bond Required

90-02-02-02 Qualified Applicants — How Determined — Initial Certification

90-02-02-02.1 Definition of One Year's ExperienceOne-year Apprenticeship or Experience Requirements

90-02-02-02.2 Certification by Examination — Time Limit

90-02-02-02.3 Conviction not bar to certification — Exceptions.

90-02-02-02.4 Renewal of certificate — continuing education.

90-02-02-03 Qualified Applicants — How Determined — Renewal

90-02-02-04 Renewal Application — Time Limit

90-02-02-05 Willful Violation — Penalty

~~90-02-02-06 Expiration of Grandfather Clause~~ Expiration

90-02-02-07 Certification by Reciprocity — How Obtained [Repealed]

90-02-02-01. Certification — How obtained.

The board secretary-treasurer of the board shall maintain a supply of certificates and decals and shall, upon proper application, must furnish such certificates and decals to qualified applicants upon application.

History: Amended effective _____.

General Authority: NDCC ~~28-32-02, 43-35-01, 43-35-10~~

Law Implemented: NDCC 43-35-13, 43-35-16, 43-35-17

90-02-02-01.1. Purpose of certification.

~~The philosophy of the board in enforcing North Dakota Century Code chapter 43-35 shall be at all times the protection of the quantity and the quality of the ground water resources.~~

History: Effective March 1, 1984.

General Authority: NDCC ~~28-32-02, 43-35-01, 43-35-10~~

Law Implemented: NDCC 43-35-01

Repealed effective _____.

90-02-02-01.2. Certificate — How obtained — Fee — Bond.

1. Any person who takes the examination to become a certified water well contractor must first complete a minimum of one-year apprenticeship or experience in water well drilling and construction under the direct supervision of a certified water well contractor or have completed a career and technical

education program of at least one year in water well construction and shall make application to the board.

2. Any person who takes the examination to become a certified water well pump and pitless unit installer must first complete a minimum of one-year apprenticeship or experience in water well pump and pitless unit installation under the direct supervision of a certified water well pump and pitless unit installer or have completed a career and technical education program of at least one year in water well pump and pitless unit installation.
3. Any person who takes the examination to become a certified monitoring well contractor must first complete a minimum of one-year apprenticeship or experience in monitoring well construction under the direct supervision of a certified water well contractor or a certified monitoring well contractor or have completed a career and technical education program of at least one year in water well construction or hold a bachelor's degree in engineering or geology from an approved school and shall make application to the board.
4. Any person who takes the examination to become a certified geothermal system driller must first complete either a minimum of one year of apprenticeship under the direct supervision of a certified geothermal system driller or have a minimum of two thousand forty installation hours of experience in geothermal system drilling working under the direct supervision of a certified geothermal system driller, or, in the alternative, must first complete career and technical education relating to geothermal system drilling lasting at least one school year.
5. A person applying to take a certification examination shall pay to the board treasurer a nonrefundable examination fee in the amount of one hundred dollars. If upon examination the applicant is found to be qualified as a water well contractor, a water well pump and pitless unit installer, a monitoring well contractor, or a geothermal system driller, the board shall issue to that person an appropriate certificate upon the applicant's executing and filing with the board a bond as required in this chapter. The board may offer a combined examination for certification of a person as a water well contractor and a water well pump and pitless unit installer and may issue a single certificate for successful completion of the combined examination. Certificates issued under this chapter are not transferable.

History: Effective _____.

General Authority: NDCC 43-35-10

Law Implemented: NDCC 43-35-13

90-02-02-01.3. Bond required.

Before receiving a certificate under North Dakota Century Code chapter 43-35, a qualified applicant must execute and deposit with the board a surety bond conditioned for the faithful performance of all water well, monitoring well, pump and pitless unit, or geothermal system installation contracts undertaken by the applicant and the strict compliance with North Dakota Century Code chapter 43-35. The required amount of a surety bond is fifteen thousand dollars for a water well contractor and is two thousand dollars for a monitoring well, pump and pitless unit, or geothermal system installation contractor.

History: Effective _____.

General Authority: NDCC 43-35-10

Law Implemented: NDCC 43-35-14

90-02-02-02. Qualified applicants — How determined — Initial certification.

~~The board first must approve the a party's certification application of a party desiring certification for the first time and if an applicant is so approved and has otherwise complied with the requirements of North Dakota Century Code sections 43-35-13 and 43-35-14. Upon board approval, the applicant is to be regarded as qualified and shall will be issued the proper certificate and decals.~~

History: Amended effective May 1, 2002; _____.

General Authority: NDCC ~~28-32-02, 43-35-01,~~ 43-35-10

Law Implemented: NDCC 43-35-13, 43-35-16

90-02-02-02.1. ~~Definition of one year's~~ One-year apprenticeship or experience requirements.

~~One year of experience as required by statute consists of twelve months of full-time employment in constructing water wells, installing pump and pitless units, or constructing monitoring wells under the direct supervision of a certified water well contractor, pump and pitless unit installer, or monitoring well contractor which has~~The one-year apprenticeship or experience required by North Dakota Century Code section 43-35-13 must have occurred during the three years immediately preceding the application date of application, or suitable. Suitable vocational training approved by the or other experience may substitute for the one-year apprenticeship or experience requirement with board approval and at the board's sole discretion. The board may, upon application and request, approve equivalent experience under a nonlicensed water well contractor, pump and pitless unit installer, or monitoring well contractor if~~the experience was obtained in a state other than North Dakota and if another state under a non-certificate holder water well contractor, pump and pitless unit installer, geothermal system installer, or monitoring well contractor, the board may approve equivalent experience if the board is satisfied in its sole discretion that the experience was the equivalent of~~to working under a certified water well contractor~~the direct supervision of a certificate holder in North Dakota. The board may certify other experience as equivalent as it finds appropriate.~~

History: Effective March 1, 1984; amended effective May 1, 2002; _____.

General Authority: NDCC ~~28-32-02, 43-35-01,~~ 43-35-10

Law Implemented: NDCC 43-35-13

90-02-02-02.2. Certification by examination — Time limit.

Any person applicant who desires to become certified and who has taken passes the examination and successfully passed it shall must complete the other certification requirements for certification within six months of examination result notification of the passing score. Failure to complete certification within six months from such notification will nullify the passing score on the examination and the applicant shall initiate a new application in the same manner as if the applicant had not applied before, and be reexamined before becoming certified. or the examination score will be nullified and the applicant will be required to initiate a new application and be reexamined to obtain a certificate.

History: Effective March 1, 1984; amended effective _____.

General Authority: NDCC ~~28-32-02, 43-35-01~~, 43-35-10

Law Implemented: NDCC 43-35-13

90-02-02-02.3. Conviction not bar to certification — Exceptions.

Conviction of an offense does not disqualify a person from certification under this chapter unless the board determines that the offense has a direct bearing upon a person's ability to serve the public as a certificate holder, or that, following the conviction of any offense, the person is not sufficiently rehabilitated under North Dakota Century Code section 12.1-33-02.1.

History: Effective _____

General Authority: NDCC 43-35-10

Law Implemented: NDCC 43-35-11.1

90-02-02-02.4. Renewal of certificate — continuing education.

1. A certificate issued under North Dakota Century Code chapter 43-35 is valid for up to one year and expires on the thirty-first day of December in the year of issuance. To renew a certificate, a certificate holder shall submit to the board a completed renewal application. The completed renewal application must be:
 - a. Submitted to the board before April first in the year following the certificate's expiration;
 - b. Accompanied by a fee in an amount set by the board not to exceed two hundred dollars;
 - c. Accompanied by any continuing education reporting information required under this section; and
 - d. Accompanied by a bond as provided in section 90-02-02-01.3.

2. Except as provided under subsection 3, every two years the renewal application must include reporting information verifying the applicant completed six hours of board-approved continuing education during the two-year reporting cycle.
3. A renewal application for certification as a water well pump and pitless unit installer must include reporting information verifying the applicant completed two hours of board-approved continuing education during the two-year reporting cycle.

History: Effective _____.

General Authority: NDCC 43-35-10

Law Implemented: NDCC 43-35-17

90-02-02-03. Qualified applicants — How determined — Renewal.

~~Any person holding a current certification shall~~ certificate holder will be regarded as qualified ~~for renewal upon the timely completion of an~~ receipt of a renewal application and ~~submission of~~ with the proper fee and bond. The ~~secretary-treasurer~~ may issue the proper certificates and decals for a renewal without ~~board action of the board.~~

History: Amended effective _____.

General Authority: NDCC ~~28-32-02, 43-35-01,~~ 43-35-10

Law Implemented: NDCC 43-35-13, 43-35-17

90-02-02-04. Renewal application — Time limit.

~~Any certification which~~ If a renewal application has not been renewed ~~received~~ received prior to April first following its ~~certificate~~ expiration, shall ~~the previous certificate holder will~~ no longer be ~~renewable~~ eligible for renewal. ~~If the holder thereof shall again desire to become a certified water well contractor, the holder shall be required to first pass the examination.~~

History: Amended effective _____.

General Authority: NDCC ~~28-32-02, 43-35-01,~~ 43-35-10

Law Implemented: NDCC 43-35-17

90-02-02-05. Willful violation — Penalty.

~~Any person who is not certified as a water well contractor, pump and pitless unit installer, or monitoring well contractor who shall be found by the board to be in intentional violation of this title~~ a certificate holder and willfully violates this article or of the applicable statutes may ~~will~~ will not be certified as a water well contractor, pump and pitless unit installer, or monitoring well contractor within one year of ~~such~~ the violation, as determined by the board.

History: Amended effective May 1, 2002; _____.

General Authority: NDCC ~~28-32-02, 43-35-01,~~ 43-35-10

Law Implemented: NDCC 43-35-20

90-02-02-06. ~~Expiration of grandfather~~Grandfather clause expiration.

The intent of North Dakota Century Code section 43-35-15, which provides for certification of certain persons without examination, was to include only persons engaged in well drilling during the year immediately preceding the effective date of North Dakota Century Code chapter 43-35 who made application prior to the first day of January 1972. Therefore, the board will not consider any applications for certification under this section.

History: Amended effective _____.

General Authority: NDCC ~~28-32-02, 43-35-01,~~ 43-35-10

Law Implemented: NDCC 43-35-15

90-02-02-07. Certification by reciprocity — How obtained.

~~Any person desiring to be certified by reciprocity shall submit an application on forms furnished by the secretary and shall include therewith certified proof of the person's certification in the other state. Upon request of the board, the applicant may be required to submit additional information to assist the board in determining if the applicant's qualifications are equal to those required of certified water well contractors in North Dakota.~~

General Authority: NDCC ~~28-32-02, 43-35-01,~~ 43-35-10

Law Implemented: NDCC ~~43-35-21~~

Repealed effective _____.

CHAPTER 90-02-03
REPORTING AND ~~INVESTIGATION~~OPERATIONS

Section

- 90-02-03-01 Completion Reports Required to Be Filed
- 90-02-03-02 Filing Reports
- 90-02-03-03 In Charge - Definition [repealed]
- 90-02-03-04 Decal Required

90-02-03-01. Completion reports required to be filed.

The secretary-treasurer shall~~will~~ develop and maintain a supply of well completion reporting forms for reporting on the completion of wells as required by North Dakota Century Code section 43-35-19.

History: Amended effective _____.

General Authority: NDCC ~~28-32-02, 43-35-01, 43-35-10~~

Law Implemented: NDCC 43-35-19

90-02-03-02. Filing reports.

The secretary-treasurer shall~~must~~ maintain a systematic file of well completion reporting forms such reports which shall be open to inspection during normal business hours by anyone desiring to use the information contained therein.

History: Amended effective _____.

General Authority: NDCC ~~28-32-02, 43-35-01, 43-35-10~~

Law Implemented: NDCC 43-35-19

90-02-03-03. In charge - Definition.

No person shall engage in water well construction, pump and pitless unit installation, or monitoring well construction in this state unless the certified water well contractor, pump and pitless unit installer, or monitoring well contractor whose decal is on the primary equipment shall actually be in charge of its operation. A person is in charge only when the person has actual supervisory power over the work and makes onsite inspections of the work and progress.

History: Amended effective May 1, 2002.

General Authority: NDCC ~~28-32-02, 43-35-01, 43-35-10~~

Law Implemented: NDCC ~~43-35-19~~

Repealed effective _____.

90-02-03-04. Decal required.

Any water well equipment, pump and pitless unit equipment, geothermal equipment, or monitoring well equipment operating in North Dakota must prominently display a decal on the primary equipment that is under the charge of a ~~certified water well contractor, pump and pitless unit installer, or monitoring well contractor~~ certificate holder. Before beginning the

~~operation of any water well equipment, pump and pitless unit equipment, geothermal equipment, or monitoring well equipment operation, the certified water well contractor, pump and pitless unit installer, or monitoring well contractor~~ certificate holder in charge ~~shall~~ must secure ~~from the board such a decal~~ from the board and ~~cause it to be placed~~ place it on the primary equipment.

History: Amended effective May 1, 2002; _____.

General Authority: NDCC ~~28-32-02, 43-35-01, 43-35-10~~

Law Implemented: NDCC 43-35-19

CHAPTER 90-02-04 ACTION BEFORE BOARD

Section

~~90-02-04-01 Procedure~~

~~90-02-04-02 Hearing Officer~~

~~90-02-04-03 Record~~

~~90-02-04-04 Violations Penalty~~

~~90-02-04-01. Procedure.~~

~~All proceedings before the board shall be conducted in accordance with the procedure established by North Dakota Century Code chapter 28-32.~~

~~**General Authority:** NDCC 28-32-02, 43-35-01, 43-35-10~~

~~**Law Implemented:** NDCC 43-35-19~~

~~90-02-04-02. Hearing officer.~~

~~In all proceedings the secretary shall request the office of administrative hearings of this state to designate a hearing officer to conduct the necessary hearings and proceedings. The person so designated shall be appointed such hearing officer.~~

~~**History:** Amended effective May 1, 2002.~~

~~**General Authority:** NDCC 28-32-02, 43-35-01, 43-35-10~~

~~**Law Implemented:** NDCC 43-35-20~~

~~90-02-04-03. Record.~~

~~The board shall make a record of all hearings. Any party may request a copy of the hearing record through the secretary or office of administrative hearings and by paying the associated costs.~~

~~**History:** Amended effective May 1, 2002.~~

~~**General Authority:** NDCC 28-32-02, 43-35-01, 43-35-10~~

~~**Law Implemented:** NDCC 43-35-19~~

~~90-02-04-04. Violations Penalty.~~

~~If the board shall find a certified water well contractor, pump and pitless unit installer, or monitoring well contractor to be in violation of the requirements of any section of North Dakota Century Code chapter 43-35 and any rule of this board or of any rule of the department of environmental quality for water well construction and pitless unit installation or monitoring well construction, it shall order a suspension of the contractor's certification for a period of up to six months or a fine of up to five hundred dollars, or both. If the violation is a second offense, the board shall make a formal request to the state's attorney of the county in which the incident occurred to bring charges under North Dakota Century Code section 43-35-22. Upon~~

determination that a third offense has been committed, the board shall revoke the certification and vigorously prosecute under all legal sanctions available.

History: Amended effective May 1, 2002.

General Authority: NDCC ~~28-32-02, 43-35-01, 43-35-10~~

Law Implemented: NDCC ~~43-35-20, 43-35-22~~

[Repealed effective _____]