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**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

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July 11, 2019

Dear Concerned Citizen:

Pursuant to public notification requirements established in KRS Chapter 13A, the Kentucky Division of Water (the "Division") submits for your information proposed amendments to the following administrative regulations:

- 401 KAR 6:001 Definitions for 401 KAR Chapter 6
- 401 KAR 6:310 Water supply well construction practices and standards
- 401 KAR 6:320 Certification of water well drillers
- 401 KAR 6:350 Monitoring well construction practices and standards

and the repeal of one administrative regulation:

- 401 KAR 6:211 - to repeal 401 KAR 6:200 - Documents incorporated by reference relative to public and semipublic water supplies and swimming pools

The regulations contained in 401 KAR Chapter 6 establish education, experience, and training requirements for water well drillers and water well driller assistants, as well as establish standards for the construction, modification, and abandonment of water wells. The passage of Senate Bill 32 during the 2019 legislative session amended Kentucky Revised Statutes (KRS) Chapter 223, which governs water well drillers and construction practices, and initiated the new water well driller assistant certification and established new fees for certification. Each proposed amended regulation is being filed with an exact duplicate as an emergency, so that the well driller assistant program can become immediately available. The majority of the regulations have not been amended since 2008.

The Division filed the proposed amended regulations with the Legislative Research Commission on July 11, 2019 and anticipates that the proposed amended regulations will be published in the Kentucky Administrative Register on August 1, 2019. Once published, the proposed administrative regulations will be available on the LRC website at <https://apps.legislature.ky.gov/law/kar/TITLE401.HTM> and on the Division of Water website at <https://eec.ky.gov/Environmental-Protection/Water/Regs/Pages/default.aspx>. Both websites can be accessed through public libraries or any device with Internet access.

401 KAR 6:001 establishes definitions for 401 KAR Chapter 6. The Division proposes:

- Amending language to conform with KRS 13A requirements
- Adding definitions for “base flood elevation”, “certified well driller”, “certified well driller assistant”, “direct supervision”, “special well types”, and “special flood zone”
- Clarifying several existing definitions

401 KAR 6:310 establishes water supply well construction practices and standards. The Division proposes:

- Amending language to conform with KRS 13A requirements
- Adding roles and responsibilities for “water supply well driller’s assistant” and clarifying that a water well driller’s assistant must work under the direct supervision of a certified water well driller at all times
- Adding specifications for irrigation, hand dug, and flowing artesian wells
- Clarifying requirements for bored and driven wells
- Replacing total coliform sampling with E. coli sampling
- Adding a Water Well Bacterial Report and Chain of Custody form
- Updating Materials Incorporated by Reference

401 KAR 6:320 establishes the requirements for initial and renewal certification for water well drillers and well driller assistants. The Division proposes:

- Amending language to conform with KRS 13A requirements
- Amending the name of the regulation to include water well driller assistants
- Establishing a minimum passing score of 70% on applicable examinations
- Providing that cabinet examinations shall be scheduled with the applicant at a mutually agreeable date and time
- Requiring payment of the initial certification fee before a certificate will issue
- Establishing continuing education requirements for well driller assistants and requires that at least 50% of continuing education units for both drillers and assistants be pertinent to well drilling
- Updating Materials Incorporated by Reference and adds an Affidavit of Supervision required for certified well driller assistants

401 KAR 6:350 establishes requirements for the construction of monitoring wells, including temporary monitoring wells, and provides minimum standards for location, construction, modification, and abandonment. The Division proposes:

- Amending language to conform with KRS 13A requirements, and clarifying that the regulation applies to monitoring wells
- Adding roles and responsibilities for well driller assistants
- Replacing “flood zones” with “identified special flood hazard area”, and replacing “known” with “base” flood elevation, to align with current terminology
- Adding additional requirements for temporary monitoring wells installed by the direct push method
- Clarifying monitoring well abandonment requirements regarding the plugging of boreholes
- Updating Materials Incorporated by Reference

A public hearing to receive comments regarding the proposed amended regulations is scheduled for Thursday, August 22, 2019 at 6 p.m. at the Department of Environmental Protection, Training Room B, 300 Sower Blvd, Frankfort, KY 40601. The Division requests that attendees submit a written copy of their comments made at the public hearing. Written comments will be accepted through August 31, 2019, and will receive the same consideration as those made verbally at the public hearing.

Send written comments to: Carole Catalfo, Internal Policy Analyst
Division of Water, 3 NW WK 36
300 Sower Blvd
Frankfort, KY 40601

or email to: water@ky.gov with the subject line "Chapter 6 regulations".

Sincerely,

A handwritten signature in black ink, appearing to read "Peter T. Goodman", with a long horizontal line extending to the right.

Peter T. Goodman, Director
Division of Water

PTG/cjc