

## **IC 25-39-4**

### **Chapter 4. Regulation of Water Well Drilling**

#### **IC 25-39-4-1**

##### **Records; copy of record to department**

Sec. 1. (a) Each licensee shall keep accurate records for each well drilled. The record for each well must contain the following information:

- (1) The location of the well.
- (2) The depth and diameter of the well.
- (3) The date the contractor completed the well.
- (4) The character and thickness of materials or formations drilled.
- (5) The static water level and performance data of the well.
- (6) Any other information required by rule.

(b) Each licensee shall, within thirty (30) days after the completion of a well, forward a copy of the record of the well to the department on forms prescribed or approved by the department.

*As added by P.L.262-1987, SEC.4. Amended by P.L.84-2010, SEC.85.*

#### **IC 25-39-4-2**

##### **Standards for well siting, construction, and operation**

Sec. 2. (a) The commission shall, by rule, establish standards for well siting, construction, and operation. The standards must address the following:

- (1) Placement of wells.
- (2) Well drilling procedures.
- (3) Operation of well drilling and water well pump equipment.
- (4) Contamination precautions.
- (5) Well casing and water well pump specification and installation.
- (6) Well grouting procedures.
- (7) Well screen design and installation.
- (8) Pitless adapter units.
- (9) Installation of pumping apparatus.
- (10) Well disinfection techniques.
- (11) Sealing and plugging abandoned wells.
- (12) Other generally accepted standards relating to the drilling, operation, or abandonment of wells.

(b) A well that is drilled after December 31, 1987, must be drilled in compliance with the rules adopted under this section.

*As added by P.L.262-1987, SEC.4. Amended by P.L.84-2010, SEC.86.*

#### **IC 25-39-4-3**

##### **Standards for well casing**

Sec. 3. The commission may not establish standards under section 2 of this chapter that prohibit the use of well casing that is at least two (2) inches in diameter.

*As added by P.L.262-1987, SEC.4.*

#### **IC 25-39-4-4**

##### **Plugging wells not equipped with casing**

Sec. 4. A well that is drilled after December 31, 1987, and not equipped with casing must be plugged by the driller within seventy-two (72) hours after drilling is completed.

*As added by P.L.262-1987, SEC.4.*

#### **IC 25-39-4-5**

##### **Annular space grouting**

Sec. 5. A well that is drilled after December 31, 1987, and equipped with casing must have the annular space grouted with neat cement, bentonite clay, or another material that has been approved by the commission by the driller when the well is completed.

*As added by P.L.262-1987, SEC.4.*

#### **IC 25-39-4-6**

##### **Sealing abandoned or unused wells**

Sec. 6. (a) A well that was abandoned before January 1, 1988, must be sealed by the use of a welded or threaded cap, or in accordance with rules adopted by the commission under IC 4-22-2. If the director determines that a well described in this subsection poses a hazard to human health, the well shall be plugged in accordance with rules adopted by the commission under IC 4-22-2.

(b) The owner of land upon which is situated a well that is abandoned after December 31, 1987, must have the well plugged by a water well driller within one (1) year after it is abandoned.

(c) A well that has not been used for more than three (3) months, but has not been abandoned, must be sealed at or above the land surface with a welded or threaded cap, or in accordance with rules adopted by the commission under IC 4-22-2.

*As added by P.L.262-1987, SEC.4. Amended by P.L.120-1993, SEC.19.*

#### **IC 25-39-4-7**

##### **Suspension or revocation of license; refusal to grant or renew license**

Sec. 7. (a) Under IC 4-21.5-3-6, the director may suspend or revoke the license of a licensee who has done any of the following:

- (1) Acted as a licensee without a license in violation of this article.
- (2) Secured a license through error or fraud.
- (3) Failed to comply with any of the requirements of sections 1, 2, 4, 5, and 6 of this chapter.

(b) Under IC 4-21.5-3-5, the director may refuse to grant, renew, or restore a license to a person who has done any of the following:

- (1) Acted as a licensee without a license in violation of this article.
- (2) Secured a license through error or fraud.

(3) Failed to comply with any of the requirements of sections 1, 2, 4, 5, and 6 of this chapter.

*As added by P.L.262-1987, SEC.4. Amended by P.L.84-2010, SEC.87.*

#### **IC 25-39-4-8**

##### **Injunctive proceedings**

Sec. 8. (a) The department may initiate injunctive proceedings in the appropriate court against a person who acts as a licensee without a license or while the person's license is suspended. The department may not be compelled to give bond in such a cause.

(b) After an action has been filed and notice has been given, all matters involved in the action shall be held in abeyance until the action has been tried and determined.

(c) If a defendant continues to violate this article after notice of the action has been given but before trial and determination, the department may, upon a verified showing of those acts of the defendant, obtain a temporary restraining order without notice. The order is effective until the cause has been tried and determined.

*As added by P.L.262-1987, SEC.4. Amended by P.L.84-2010, SEC.88.*

#### **IC 25-39-4-9**

##### **Rules**

Sec. 9. (a) The commission shall adopt rules under IC 4-22-2 to implement this article.

(b) The commission may adopt rules under IC 4-22-2 to do the following:

(1) Establish standards for the licensing of dewatering well drillers.

(2) Regulate the drilling of dewatering wells.

(3) Exempt the drilling of a dewatering well from the application of this chapter if the commission determines that application of this chapter is inappropriate.

*As added by P.L.262-1987, SEC.4. Amended by P.L.20-1991, SEC.12.*

#### **IC 25-39-4-10**

##### **Confidentiality of well records**

Sec. 10. Upon written application by the owner of a well or the licensee, the department shall keep the record of a well confidential for a period of one (1) year, and that record is not considered to be a public record.

*As added by P.L.262-1987, SEC.4. Amended by P.L.84-2010, SEC.89.*

#### **IC 25-39-4-11**

##### **Application of article**

Sec. 11. This article does not apply to wells drilled:

(1) under or incidental to an activity under IC 14-34 or

IC 14-37;

(2) for the sole purpose of supplying water for the secondary recovery of petroleum resources; or

(3) for the sole purpose of evaluating the foundation characteristics of earth materials to support bridges, roadways, buildings, or other engineered structures.

*As added by P.L.262-1987, SEC.4. Amended by P.L.3-1990, SEC.92; P.L.1-1995, SEC.70.*