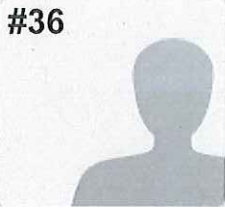


#36

**COMPLETE**

**Collector:** Web Link 9 (Web Link)  
**Started:** Wednesday, January 04, 2017 9:28:27 PM  
**Last Modified:** Wednesday, January 04, 2017 9:45:45 PM  
**Time Spent:** 00:17:17  
**IP Address:** 50.137.118.125

## PAGE 2: Act 156 of 2016: Professional Regulation Report

**Q1: In the following survey, you will be asked to answer a series of questions regarding the regulatory practices of your given state agency/department. It is recommended that you prepare answers to the following questions prior to starting this survey. NOTE: only one device may be used for the survey, per profession. Therefore, while the survey may be discontinued and then resumed at a later date, all answers for a given profession must be entered through the same computer. As a result, it is recommended that for each profession, a single individual be elected to compile and enter information. Choose from the following options:**

Begin Survey

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**Q2: Please select an occupation from the following list.**

Well Drillers (Agency of Natural Resources)

**Q3: What is the name of the agency, department and/or division responsible for the regulation of this occupation?**

ANR/Environmental Conservation/Drinking Water &amp; Groundwater Protection Division

**Q4: Regulation Type. Please check all that apply for this occupation.**

Licensing

**Q5: What is the number of regulated persons in this occupation?**

61

**Q6: Is there statutory authority as a legal basis for regulation of this occupation?**

Yes

**Q7: If "yes" to the above, please provide a citation to said statute.**

Title 10: Conservation &amp; Development, Chapter 48: Groundwater Protection

**Q8: Please provide a citation to any administrative rules associated with the regulation of this occupation.**

Environmental Protection Rules Chapter 15: Well Driller Licensing Rule

**Q9: Please provide any and all agency or department policies for the regulation of this occupation.**

It is the policy of the Agency of Natural Resources to protect public health and the environment.

**Q10: Please describe the purpose of regulating this occupation.**

Protect public health and the environment to protect groundwater quality and quantity.

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**Q11: Regarding stakeholder groups, please describe how this regulation affects those subject to regulation.**

Well drillers must meet educational requirements, obtain a license and renew the license, pay a fee, record characteristics of each well drilled, tag each well, and provide a report regarding the well to the well owner and the State.

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**Q12: Regarding stakeholder groups, please describe how this regulation affects State entities.**

State must develop licensing regulations and exams. Proctor exams, review applications and enter application information into database. Provide tags and blank well completion reports to drillers. Enter completed well report information into database.

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**Q13: Regarding stakeholder groups, please describe how this regulation affects consumers or clients of this occupation's services.**

Clients are assured that a licensed well driller meets the standards in the regulations. Clients receive a well completion report for their well.

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**Q14: Regarding stakeholder groups, please describe how this regulation affects employers.**

Employers engaged in the business of well drilling must have a well driller who has completed an application and obtained a license and pay a \$140.00 annual fee.

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**Q15: Regarding stakeholder groups, please describe how this regulation affects the public.**

Public has access to well completion report database with 112,000 reports (ie. realtors, academics, environmental consultants).

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**Q16: Regarding stakeholder groups, please describe how this regulation affects any other applicable group.**

Individual well completion reports provide important information to real estate agencies and lending institutions. Landowners wishing to develop wells, environmental consultants seeking subsurface information.

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**Q17: Please describe the governance structure for the regulation of this occupation, including but not limited to: the use of a board; a commission; an agency or division head; a panel; or a hearing officer.**

Division Director of the DW&GWPD issues licenses and initiates enforcement actions with Environmental Enforcement and the Vermont Water Well Advisory Committee was established by statute to provide advice regarding regulatory and enforcement matters. The Vermont Water Well Advisory Committee has seven members. Three members are licensed well drillers and serve for a five-year term. By rule the committee meets no less than quarterly.

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**Q18: Who sets application requirements and practice standards?**

DEC, DW&GWPD subject to approval by the DEC Commissioner.

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**Q19: Who makes decisions on applicants, enforcement, and discipline?**

DW&GWPD subject to approval by the DEC Commissioner. Also, see answer to #31.

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**Q20: Are any decision makers active participants in this regulated occupation? If so, please describe if the decision maker has taken a hiatus from the profession, and if so, whether the decision maker plans to return to the profession.**

No, as no decision makers are licensed as a well driller or own a well drilling company.

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**Q21: What are the regulated qualifications for this occupation? Check all that apply.**

Education Requirements,  
Experience Requirements (exclusive from education)  
Examination

**Q22: How are applications received?**

Applications are received by U.S. mail.

**Q23: How are applications reviewed?**

A 6 page application is reviewed by a Hydrogeologist and are assessed for education, experience, fee and signed statements made by the applicant. Information is put into a database. If approved, a license and cover letter is sent to the applicant. Otherwise, a letter denying the applicant is sent.

**Q24: How are applications rejected?**

. A letter stating that the application was denied is sent to the applicant with the reasons why it was denied

**Q25: How are application rejections appealed?**

Rejections may be appealed as provided by 10 V.S.A. section 1400. This has never been done. Applicants can reapply at any time.

**Q26: How are licenses/certifications/registrations issued?**

A license is sent to the applicant by mail.

**Q27: What is the average time to process license/certification/registration applications?**

The average time to process a license is 3 hours.

**Q28: Once issued, what is the duration of the license, certification, or registration for this occupation?**

The license is issued for a 3 year period.

**Q29: Please describe the license, certification, or registration, renewal process and requirements therein.**

A 5 page renewal application is reviewed by a Hydrogeologist and are assessed for education, fee and signed statements made by the applicant. Information is put into a database. If approved, a license and cover letter is sent to the applicant. Otherwise, a letter denying the applicant is sent.

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**Q30: Please provide a citation to the standards of practice or codes of conduct for regulated persons in this occupation. These include any and all of the following: A) Statutes B) Rules C) Policies E) Other**

"B" Section 15-510 of the Environmental Protection Rules, Chapter 15, Well Driller Licensing Rule.

**Q31: Please describe the enforcement process for receiving and evaluating complaints.**

The DW&GWPD can investigate and refer an alleged violation to the DEC Enforcement Referral Review Committee, which upon a finding of completeness shall forward to ANR's office of General Counsel.

**Q32: Please describe the enforcement process for performing investigations.**

See #31

**Q33: Please describe the enforcement process for prosecutions.**

The ANR Office of General Counsel has authority to pursue administrative remedies or can refer the complaints to the Attorney General's Office.

**Q34: Please describe the enforcement process for hearings.**

See #31

**Q35: Please describe the enforcement process for discipline.**

See #31

**Q36: Please describe the enforcement process for follow-up or monitoring of previously disciplined individuals.**

There has been no activity with respect to the above to date.

**Q37: Please describe the average time to process complaints and disciplinary cases**

An average of one complaint occurs per year and the average time to process complaint is 2 days and there has been no disciplinary cases to date.

**Q38: Please describe any inspection process relevant to this occupation.**

There has been no inspections to date

**Q39: Regarding this occupation, please describe the annual average count of the following:**

Complaints	1
Investigations	1
Prosecutions	0
Hearings	0
Cases Resulting in Disciplinary Action	0
Cases Resulting in Follow-up or Monitoring	0

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**Q40: Please describe any systems, such as information technology systems, that are used to enable licensing, certification, registration, renewal, enforcement and inspection.**

A database is used to capture well driller contact information, dates for when fee was paid and licensed issued. A well completion report database is used which describes well characteristics.

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**Q41: Please provide the number of full-time staff related to the regulation of this occupation, including job titles and duties.**

Hydrogeologist reviews the application and Environmental Technician tracks payments, sends out bills, and enters information into database. Staff time is 0.1FTE.

**Q42: Please provide the number of part-time staff related to the regulation of this occupation, including job titles and duties.**

1

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**Q43: Please provide the following information:**

Average Annual Expenses	\$10,816
Average Annual Revenues	0
Average Annual Fees Charged	\$8540

**Q44: Please describe any recent or unexpected budget variations which may skew answers in the above question.**

none

**Q45: Please describe the fee structure associated with the regulation of this profession. This includes the following:A) The fee amount charged;B) How fee amounts are determined and set;C) The authority to establish those fees; andD) How revenues from fees are used, indicating the specific uses if those revenues are used for purposes other than regulating the profession.**

\$140. DEC Fee Bill. BillH.489 effective 7/1/2015 3VSAE Section 2822. Fees are used only available for the purpose of regulating the profession.

**Q46: Please describe any General Fund or Special Fund deposits**

n/a

**Q47: Please describe any appropriations from the General Fund**

n/a

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**Q48: Please describe the qualifications of any supervisor responsible for the oversight of the agency's department's professional regulatory entity and whether that supervisor has the ability to veto or modify any decision by that professional regulatory entity.**

There is no professional regulatory entity other than the DW&GWPD which is overseen by the DEC Commissioner who has authority to modify decisions of the DW&GWPD Director.



**Q49: Please provide any additional information you feel is relevant for the purpose of this report.**

Maintaining the program at DEC is more efficient as there is only one point of contact. It also provides yet another avenue of rapport with the well drilling community.

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**PAGE 11: Exit Page**

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**Q50: Thank You for completing this survey.**

End

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