



COLORADO

Division of Water Resources

Department of Natural Resources

Board of Examiners of Water Well Construction
and Pump Installation Contractors

February 3, 2020

Policy 2020-2

ADVANCE NOTICE OF WELL CONSTRUCTION, PUMP INSTALLATION, CISTERN INSTALLATION, AND WELL ABANDONMENT

Background

The Well Inspection Program was instituted for the protection of public health and groundwater resources of the State of Colorado through enforcement of minimum well construction and pump installation standards. The program was created under Senate Bill 03-045 and is codified in Section 37-91-113, Colorado Revised Statutes (C.R.S.).

This policy is derived from the recommendations of an audit by the Office of the State Auditor, found in the report [Water Well Inspection Program, Performance Audit, May 2019](#). This policy addresses Recommendations 1D, 2A, and 2B of that report and seeks to create a more efficient and effective well inspection program.

Audit Recommendations 1D, 2A, and 2B addressed the need for licensed or private drillers and pump installers to provide advance notification (via an online form) to the Board of Examiners (BOE)/Division of Water Resources (DWR) for all wells.

This policy outlines a procedure for advance notification of all wells, but also documents the current, ongoing interim procedure for advance notification of several types of high-risk wells while the Office of Information Technology (OIT) develops online tools to capture the advance notification, risk factor, and key phase data for all wells to be constructed.¹ The OIT tools will allow the overall risk value to be calculated for each well and make it possible to record the notifications in DWR's HydroBase Data Management Console (HBDMC) so the Well Inspection Program can prioritize each well according to risk. Until the online tools are in place for prioritization, DWR will require advance notification on select higher risk wells.

The Board of Examiners believes that advance notice requirements for all new wells will not be effective or efficient, given the resources of the Well Inspection Program. For example, the Well Inspection Program currently employs two field inspectors statewide and is only able to inspect a fraction of constructed wells, pump installations and cistern installations. It is the opinion of the Board that an effective well inspection program can be implemented without advance notification of all new wells and initial pump and cistern installations. In order to evaluate the effectiveness of an advance notice process, the Board implements the following policy that focuses on inspections of higher risk wells, and will review the effectiveness of the policy at its first quarterly meeting of 2021.

¹ See BOE Policy 2020-1, Defining High Risk Wells And Key Phases Of Well Construction



Objective

This policy will allow well inspectors to know when a project begins and allow them to coordinate with the driller or pump installer on estimated dates and times to be on-site during key phases of well construction. It is intended to function such that the advance notice requirement does not result in any field delays for drillers or pump installers. In nearly all situations, advance notice given the day before should be feasible, but situations may arise in which advance notice the day before is not feasible. Well inspectors will not have the authority to delay a project, but the inspectors will document instances where a licensed contractor, authorized individual, private driller or pump installer, or landowner has deliberately obstructed a well inspection pursuant to BOE Policy 2019-3.

Policy

Pursuant to Construction Rule 6.2.2.1 (2 CCR 402-2), licensed or private drillers, licensed or private pump installers, and authorized individuals must comply with the conditions of approval of the well permit including providing advance notification. Advance notification through an online form must be provided to DWR prior to each of the following events:

- commencement of well construction (rig on-site drilling/excavating the well),
- initial installation of the first permanent pump (not replacements), and
- initial installation of a cistern connected to a water well supply system.

If the BOE has ordered the abandonment of a well or if abandonment is required pursuant to a stipulated settlement, the individual abandoning the well will be required to provide advance notification before the abandonment.

Advance notification must be submitted by 11:59 pm the day before (i.e., one calendar day before) commencement of well construction or abandonment. An emergency process for notice of well construction or abandonment is outlined later in this policy. Advance notice can be given for multiple wells on any given day; however an updated notice must be given for any project not started on the previously noticed date.

Advance notification for the initial installation of the first permanent pump or initial installation of a cistern connected to a water well supply system should be submitted one calendar day before starting the project. In the event the pump installer is unable to provide notice one calendar day in advance, the pump installer must provide notification through the online form as soon as possible. In such an event the pump installer must also contact the well inspector via text message with details regarding the installation project—including the well permit receipt, reason for same-day notification, project location, and estimated project timeline.

The online advance notification form will require the following additional information:

- Identification of the aquifer and aquifer type in which the driller anticipates the well will be completed.
- The date well construction or pump/cistern installation will commence.
- The estimated completion date of the full well construction/pump installation project.
- An office contact and any on-site contact name(s) and phone number(s).

Changes in Notification: The advance notice form can be updated or edited if a situation requires. The link to edit the notification is included in the email response when the original notice was submitted.

If the anticipated aquifer and/or aquifer type changes during drilling activities, the driller must update the notification as soon as possible. Changes to aquifer and/or aquifer type do not require one calendar day's notice.

Any change in the date of commencement of well construction or abandonment must be re-noticed one calendar day before the revised anticipated date.

Any changes to the initial installation of the pump or cistern should be noticed one calendar day before or pursuant to the same-day provision outlined above.

Changes to the estimated completion date do not need to be updated in the advance notice form, but must be provided to the well inspector if the well inspector has coordinated with the driller or pump installer pursuant to the Notification of Key Phases section described below.

Notification of Key Phases: Well inspectors will contact and coordinate with the drillers or pump installers regarding the dates and times of key phases of well construction. If the well inspector and driller/pump installer have communicated about a date or time of a key phase, the inspector will document the anticipated date and/or time in their records. If the two parties have been in communication as described above and the date or time of the key phase changes, the driller or pump installer must provide notice of the change to the inspector as soon as reasonably possible to provide the well inspector an opportunity to observe the key phase. Changes to notification of key phases does not require one calendar day's notice.

Unforeseen Circumstances Process: This policy recognizes that situations may occur in which one calendar day's advance notice of well construction or abandonment is not feasible as a result of emergencies or unforeseen circumstances. In these circumstances the contractor, authorized individual, or private driller/pump installer must provide notification as soon as possible. The individual must document and maintain any evidence to substantiate that the failure to provide one calendar day's advance notice was justified; including correspondence from the customer or date-stamped photographs of a site condition resulting in the change. The evidence must be provided to the BOE upon request.

In the case of an unforeseen circumstances notice, the BOE may review the evidence as to why the notification was not given the day before commencement. In instances where the failure to provide one-day notice is not justified, the BOE may direct staff to initiate a stipulated settlement² with the individual for failure to follow the permit notification condition (Rule 6.2.2.1).

Notification Form Location: Information regarding the notification process and a link to the electronic notification form can be found on the Division of Water Resources' webpage, <http://colorado.gov/water>.

² See BOE Policy 2019-2, Investigation of Violations and Negotiations of Stipulated Settlements

Interim Advance Notice Procedure

The current and ongoing interim procedure is to estimate the risk and require notification on higher risk wells. DWR will condition permits to require advance notification for wells expected to have the following characteristics. The expected characteristics will be determined based on information in the well permit application and the notification requirement will be documented on the well permit.

- Non-exempt wells in Division 3
- Bedrock wells in the Cheyenne Basin
- Wells that will be constructed by a private driller
- Municipal wells
- Wells that will be constructed in the Confined San Luis Valley Aquifer
- Wells that will be constructed in the Laramie-Fox Hills aquifer
- Wells that may be constructed in the Dakota aquifer in Division 2
- Wells that will be constructed in a Type I aquifer with multiple confining layers
- Wells that will be constructed pursuant to a well construction variance
- Geothermal Type A or B open source
- Subset of wells with the intent to inspect wells in geographic areas with fewer inspections and/or contractors who have not been inspected within the last 12 months

Approval

This policy may only be modified or revoked in writing by the Board of Examiners of Water Well Construction and Pump Installation Contractors. The policy will be reviewed during the first quarterly meeting of 2021.

Approved 2-3-2020



Keith Branstetter, Chairperson
Board of Examiners of Water Well Construction
and Pump Installation Contractors