

**RULES
OF THE
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
WATER RESOURCES DIVISION**

**CHAPTER 0400-45-10
RULES OF THE BOARD OF GROUND WATER MANAGEMENT**

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0400-45-10-.01 PURPOSE AND INTENT.

It is the purpose of this chapter to address T.C.A. §§ 69-10-107(d) and (e) which require the Board of Ground Water Management to promulgate rules to mandate the creation of a conflict of interest policy for board members and establish the criteria to be used by the Board in making recommendations to the Commissioner regarding applications for driller's and installer's licenses.

Authority: T.C.A. §§ 69-10-107(d) and (e) and 4-5-201 et seq. **Administrative History:** Original rule filed June 19, 2015; effective September 17, 2015.

0400-45-10-.02 DEFINITIONS.

As used in this chapter, unless context otherwise requires:

- (1) "Board" means the board of ground water management.
- (2) "Borehole" means the cylindrical opening created by the action of a drill or auger as it penetrates the subsurface.
- (3) "Closed loop geothermal borehole" means a cylindrical opening created by the action of a drill or auger as it penetrates the subsurface greater than twenty (20) feet in depth used to either extract or transfer heat from the earth for heating or cooling. This is also referred to as a geothermal well in T.C.A. § 69-10-101 et seq.
- (4) "Commissioner" means the commissioner of environment and conservation, the commissioner's duly authorized representative and, in the event of the commissioner's absence or a vacancy in the office of commissioner, the deputy commissioner of environment and conservation.
- (5) "Department" means the department of environment and conservation.
- (6) "Drill" means to dig, drill, redrill, construct, deepen or alter a well.
- (7) "Driller" means any person who digs, drills, redrills, constructs, deepens or alters a well.
- (8) "Experience" means the skill and knowledge derived from the actual direct participation and practice gained in a specific occupation. For drillers experience includes the skill and knowledge gained in operating drilling equipment to drill and construct a well or closed loop geothermal borehole. For installers experience includes the skill, knowledge and actual direct participation in determining the equipment required and installing equipment either in or on wells or closed loop geothermal boreholes. Such skill and knowledge must qualify the

(Rule 0400-45-10-.02, continued)

individual to deal with circumstances and problems that may be encountered by an occupation.

- (9) "Geothermal well" means a hole drilled into the earth, by boring or otherwise, greater than twenty feet (20') in depth constructed for the primary purpose of adding or removing British Thermal Units (BTUs) from the earth for heating or cooling.
- (10) "Installer" means any person who installs or repairs well pumps or who installs filters and water treatment devices.
- (11) "Well" means one of these three (3) types of holes in the earth: a geothermal well, a monitoring well, or a water well.

Authority: T.C.A. §§ 69-10-107(d) and (e) and 4-5-201 et seq. **Administrative History:** Original rule filed June 19, 2015; effective September 17, 2015.

0400-45-10-.03 CONFLICT OF INTEREST.

- (1) The board shall create a conflict of interest policy governing conflicts of interests that requires board members to avoid conflicts of interest, identifies specific actions that are prohibited to be taken by a board member and, if a matter is considered by the board in which a member of the board has a conflict of interest, mandates disclosure that a conflict exists and recusal from the matter by the board member.
- (2) Each board member during the first meeting of the board each calendar year, or the member's first attendance of a board meeting of the calendar year, shall:
 - (a) Make a written disclosure of financial interests or other interests that the board member reasonably anticipates have potential to become a conflict of interest;
 - (b) Acknowledge in writing that the board member has read and understands all aspects of the board's conflict of interest policy; and
 - (c) State as a condition of serving as a board member that he or she is not in conflict with the conditions of the board's conflict of interest policy.

Authority: T.C.A. §§ 69-10-107(d) and (e) and 4-5-201 et seq. **Administrative History:** Original rule filed June 19, 2015; effective September 17, 2015.

0400-45-10-.04 RESERVED.

Authority: T.C.A. §§ 69-10-107(d) and (e) and 4-5-201 et seq. **Administrative History:** Original rule filed June 19, 2015; effective September 17, 2015.

0400-45-10-.05 CRITERIA FOR MAKING RECOMMENDATIONS REGARDING LICENSE APPLICATIONS.

- (1) As provided in Rule 0400-45-09-.05, the board shall determine whether to recommend an applicant to the commissioner for licensing.
- (2) To make the recommendation required by paragraph (1) of this rule, a quorum of the board shall interview an applicant that has complied with Rules 0400-45-09-.02 through 0400-45-09-.05 to determine the quality and quantity of the applicant's experience. Questioning by individual board members will include, but not be limited to, the following:

(Rule 0400-45-10-.05, continued)

- (a) Where and when the applicant's experience was obtained;
- (b) Types of equipment used by the applicant;
- (c) The applicant's level of responsibility;
- (d) Familiarity of the applicant with addressing problems such as:
 - 1. Construction techniques used in each type of well drilled for each license applied for;
 - 2. Operation of drilling equipment used in drilling wells or boreholes; and
 - 3. Installation techniques and principles of operation for pumps and or water treatment devices;
- (e) Knowledge of state well construction standards; and
- (f) Responsibilities of licensees to the well owner and the department.

Authority: T.C.A. §§ 69-10-107(d) and (e) and 4-5-201 et seq. **Administrative History:** Original rule filed June 19, 2015; effective September 17, 2015.