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DEPARTMENT OF ENERGY AND NATURAL RESOURCES

MEMORANDUM

TO: Louisiana Licensed Water Well, Geotechnical Borehole and Groundwater Monitoring Well Drillers

FROM: Gavin D. Broussard, Office of Conservation *GB*

DATE: June 23, 2025

SUBJECT: Clarifications of Rules & Regulations Pertaining to Water & Environmental Well Drilling Licensure in Louisiana Revised Statute 38:3098, LAC 46 Part LXXXIX, and LAC 56 Part I

This Memorandum is issued to inform and provide clarification to Louisiana Licensed Water Well, Geotechnical Borehole and Groundwater Monitoring Well Drillers (Contractors) on the rules & regulations in Louisiana Revised Statute 38:3098, LAC 46 Part LXXXIX, and LAC 56 Part I pertaining to well drilling licensure.

The Department of Energy and Natural Resources requires that any individual or entity performing, advertising, or representing themselves—whether temporarily or permanently—as a water or environmental well driller must be licensed. This requirement takes precedence over any contractual arrangement involving unlicensed individuals, including those acting as subcontractors or pending license applicants.

Rules and regulations and additional information pertaining to Contractors can be found at: www.dnr.la.gov/welldrillers. Specific rules and regulations are provided in Attachment A of this Memorandum for your convenience.

Points of Clarification

- Revised Statute 38:3098 states that the installation, reworking, and plugging of Cathodic Protection and Seismic Shot holes in the state of Louisiana require a water/environmental well driller license.
- Well Subcontractors are required to be licensed in order to drill, rework, and plug and abandon water/environmental wells and holes. Licensed subcontractors are not required to be under the personal supervision of the original licensed contractor during drilling operations. It is the original contractor's responsibility to ensure all forms are submitted to the department.
- All Individuals and/or entities that engage in the business of, advertise, hold itself out, or act as a water/environmental well driller are required to be licensed.

- A person who operates the rig and/or performs labor or services on a rig or site at the direction and under the personal supervision of a licensed contractor is not required to be individually licensed.
- New Water/Environmental Well Driller applicants must earn 2 years of well drilling experience with the intent to obtain a license once the required experience is gained. Continued drilling without the intent obtaining a license may result in enforcement actions.
- The licensed contractor responsible for wells drilled by a new driller applicant must provide direction and personal supervision of all drilling operations conducted by the applicant.
- Subcontractors and new driller applicants must adhere to all contractual agreements made with the licensed contractor overseeing the project.

Contact Groundwater Resources for any further clarification, guidance or inquiries at Gwater@la.gov.

Attachment A

Specific Rules & Regulations:

Title 46: Part LXXXIX. Water Well Contractors (Drillers)

§105. Definitions and Glossary of Terms

A. For glossary of terms, refer to LAC 56:I.113.A.

B. Definition of Contractor/ Driller. Because the words contractor and driller are used interchangeably in R.S. 38:3098 and because it was the intent of the state legislature to license contractors and not those persons who operate the rig and/or perform labor or services on a rig or site at the direction and under the personal supervision of a licensed contractor [R.S. 38:3098(D)], the word contractor or driller in these regulations is used to refer to the person, firm, or corporation who engages in the business of drilling or reworking water wells, drilling monitoring wells, heat pump wells or holes, geotechnical boreholes and/or plugging and abandoning wells or holes, excluding oil and gas wells.

§107. Wells and Holes That Shall Be Drilled by a Licensed Contractor

A. The following wells and holes shall be drilled, or constructed by a licensed contractor (driller) who is duly licensed by the department:

- 1. All water wells, regardless of use or type;*
- 2. water test holes and pilot holes;*
- 3. monitoring wells;*
- 4. observation wells;*
- 5. heat pump wells and holes;*
- 6. geotechnical boreholes.*

B. Additionally, reworking of water wells, as well as plugging and abandoning wells and holes, excluding oil and gas wells, shall also be undertaken by a licensed contractor.

§109. Exemptions

A. Nothing in this Part shall prevent a person who has not obtained a license pursuant thereto from constructing or plugging a water well on his own or leased property which was intended for use only in a single family house which is his permanent residence, or was intended for use only for watering livestock on his farm; however, that person shall comply with all rules, regulations and standards for constructing and plugging such wells or holes, including registration requirements.

§503. License and Annual Renewal Fees

D. A contractor's (driller's) license shall apply to all drillers employed by that contractor. A license fee or an annual renewal fee shall be required for each license issued or renewed.

§507. Qualifications and Requirements

A. To qualify for a license, the applicant must be at least 18 years of age, be of good moral character, have a minimum of two years of drilling experience under the supervision of a licensed water well contractor or other comparable drilling experience acceptable to the department, and demonstrate to the satisfaction of the department, a reasonable knowledge of the Water Well Rules, Regulations and Standards, state of Louisiana. The license application form must state the

applicant's work experience and the names and addresses of two licensed contractors (drillers) familiar with the applicant's experience. The advisory committee will review each application received by the department and will then make recommendations as to which applications should be accepted or rejected by the department. The license application must be approved by the department before the applicant can take the licensing examination.

Title 56: Part I. Water Wells

§113. Definitions

Contractor—the word contractor in these regulations is used to refer to any person, firm or corporation who is licensed to engage in the business of drilling, reworking or installing water wells, monitoring wells, heat pump wells or holes, geotechnical boreholes, and/or plugging and abandoning wells or holes, excluding oil and gas wells.

Driller—see Contractor.

Drilling Contractor—see Contractor.

Water Well Contractor—see Contractor.

§105. Registration of Water Wells and Holes Completed on or after November 1, 1985

H. Registration of Subcontracted Water Wells. When a water well contractor agrees to construct a water well for a customer but subcontracts the work to another water well contractor, the following registration procedure shall govern:

1. the subcontractor who drills the well shall keep an accurate record of the pertinent data to be used in completing the registration form; however, the name and license number of the original contractor must be shown on the upper right-hand corner of the registration form, and it is the original contractor who is responsible for signing and transmitting the form to the department in accordance with the procedures outlined in §105.E. The subcontractor may write his or his company's name and license number at the space designated for "remarks."

§307. Licensing Requirements

A. The following wells and holes shall be drilled or constructed by a licensed contractor (driller) who is duly licensed by the department in accordance with the rules and regulations stated in LAC 46:LXXXIX:

B. Additionally, reworking of water wells, as well as plugging and abandoning wells and holes, excluding oil and gas wells, shall also be undertaken by a licensed contractor.

Revised Statute 38:3098

CHAPTER 13-B. SUBSURFACE WATERS--WELL DRILLERS

§3098. Licensing of water well and other drillers

A. Every person, firm, or corporation engaged or desiring to engage in the business of drilling water wells for underground water, drilling monitoring wells, geotechnical bore holes, heat pump wells, cathodic protection holes, and/or seismic shot holes, as well as reworking water wells, or plugging and abandoning wells or bore holes, excluding oil and gas wells, in the state of Louisiana shall file an application with the office for a drilling license, using forms prepared by the office, setting out qualifications therefor and such other information including any examination, oral or written, as may be required by the office..