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*Here is the proposed changes to the regulations that impact on our industry. At the end, you will also find a plain language document.*

*IF YOU HAVE COMMENTS, please contact one of the Board members or one of the Government Affairs committee members.*

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**Section 1. Section 15-1501 of the environmental conservation law is amended by adding a new subdivision 10 to read as follows:**

10. Beginning January first, two thousand twenty-seven, no person shall use water from a public water supply system in a newly installed system requiring quantities greater than 20 gallons per minute in or as part of a once-through heat exchange cooling or heating system, or provide water from a public water supply system to another person for use in or as part of such a newly installed once-through system.

**§ 2. Subdivisions 3, 4, and 5 of section 15-1502 of the environmental conservation law, subdivisions 3 and 5 as amended by section 1 of part F of chapter 59 of the laws of 2006 and subdivision 4 as added by chapter 395 of the laws of 1999, are amended and eight new subdivisions 17, 18, 19, 20, 21, 22, 23, and 24 are added to read as follows:**

3. "Water well" or "well" shall mean any [~~groundwater excavation~~]hole in the ground excavated, driven, drilled, bored, jetted, or created by other means for the purpose of obtaining [~~-water~~], withdrawing, or accessing groundwater, including a geothermal well as defined in subdivision twenty of this section, with the exception of open pits for mining or dewatering purposes.

4. "Water well [~~drilling~~] contracting" or "water well [~~drilling~~] contracting activities" shall mean:

a. the construction~~[-and reconstruction]~~, repair, deepening, or decommissioning of a water  
[wells,] well;

b. the installation, replacement, maintenance, or repair of a water well pump that requires the  
opening of the well casing;

c. the establishment or repair of a connection through the well casing~~[-and the repair of water~~  
~~wells including repairs which require]~~;

d. any other activity that requires the opening of the well casing, with the following exceptions:

i. activities consisting solely of a water level or water well depth measurement, and/or  
sample collection conducted by the owner or operator of a water well;

ii. activities at remediation sites other than those described in paragraph a of this  
subdivision; and

iii. activities conducted by the State or Federal government or conducted pursuant to  
State or Federal court order or State or Federal government agency agreement or order;

e. the on-site supervision of any of the activities set forth in paragraphs a, b, c, and d of this  
subdivision; or

f. the distribution to anyone or placement before the public of any of the following, by any  
means, in furtherance of any of the activities set forth in paragraphs a, b, c, and d of this  
subdivision: (i) an offer of services for sale; (ii) an advertisement or marketing material; (iii) an  
internet website; or (iv) a social media presence or other internet presence.

5. "Water well ~~[driller]~~ contractor" shall mean a person who, for compensation, employment, or as part  
of property development and sale, engages in water well ~~[drilling]~~ contracting activities; provided,  
however, that, for the purposes of this subdivision, the term "person" shall not include a public

corporation, political subdivision, government agency, department, or bureau of the state or a municipality.

17. "Completion date" shall mean:

- a. For a water well, the date when a water well is drilled to its final depth and capable of producing water, whether a pump is installed or not;
- b. For a dry hole, the date on which decommissioning is completed;
- c. For an open loop geothermal well or standing column geothermal well, the date when the installation of all downhole equipment is completed; and
- d. For a closed loop geothermal borehole, the date when a well or borehole is fully grouted to surface.

18. "Dewatering well" shall mean a water well installed to locally control groundwater levels.

19. "Water well decommissioning" or the "decommissioning of a water well" shall mean the permanent closure of a water well so that it is not capable of obtaining or withdrawing groundwater or accessing the geothermal properties of subsurface formations for heat transfer purposes.

20. "Geothermal well" shall mean any well or borehole constructed for the purpose of obtaining, withdrawing, or accessing the geothermal properties of subsurface formations such as heating and/or cooling, including re-injecting geothermal fluids.

21. "Borehole" shall mean a hole in the earth made by drilling, coring, driving, or other means for the purpose of constructing a well or geothermal system.

22. "Closed loop geothermal borehole" shall mean a borehole drilled to a depth less than or equal to five hundred feet below the earth's surface for the purpose of facilitating geothermal heating and cooling, as part of a ground source heat pump system that circulates heat transfer fluid through a loop,

tube, coil, or multiple loops of piping that is/are fully grouted in place from total depth to surface across the entire diameter of the borehole. Closed loop geothermal boreholes use non-contact thermal energy from the transfer fluid in the loop and do not involve the withdrawal or injection of groundwater.

23. "Open loop geothermal well" shall mean any well or borehole designed to use groundwater or surface water as a heat transfer medium for the purpose of extracting or injecting heat through the use of a geothermal heat pump system.

24. "Standing column geothermal well" shall mean a well or borehole, typically with a submersible pump installed, that recirculates well water from one end of the bore to the other after passing through a geothermal heat pump system. The open well water serves as the heat transfer medium.

**§ 3. Section 15-1525 of the environmental conservation law, the section heading and subdivision 1 as amended and subdivision 6 as added by chapter 395 of the laws of 1999, and subdivisions 3, 5, and 6 as amended by section 2 of part F of chapter 59 of the laws of 2006, is amended to read as follows:**

§ 15-1525. Water well [~~drillers~~] contractors in New York state to obtain certificates of registration[-]; required notices and reports.

1. No person shall engage in [~~the business of~~] water well [~~drilling~~] contracting in the state of New York without first obtaining or being listed on a certificate of registration from the department as hereinafter provided unless supervised pursuant to paragraph a of subdivision five of this section. All water well [~~drilling~~] contracting shall be performed in accordance with the rules and regulations promulgated by the commissioner of health pursuant to subdivision eighteen of section two hundred six of the public health law and such rules and regulations as may be established by the department, and provided further that the construction of a geothermal well shall be in accordance with best practices applicable to the geothermal well industry. Pursuant to article thirty-six-A of the general business law, water well

contracting activities shall only be performed in accordance with a contract between a water well contractor and customer, evidenced by a writing signed by all parties to the contract.

2. Application for a certificate of registration shall be made upon a form prescribed ~~[and furnished]~~ by the department providing such information as the department deems necessary for the purposes of ~~[issuance of]~~ determining whether to issue a certificate of registration. In order to engage in water well contracting activities, a water well contractor must obtain a certificate of registration from the department, become listed on the valid registration of another water well contractor through which he or she is employed, or be supervised on-site throughout the performance of all water well contracting activities by a duly registered water well contractor. In order to obtain a certificate of registration or to be named in the certificate of registration of another water well contractor, a water well contractor must satisfy the exam requirement set forth in subdivision five of this section. A certificate of registration shall expire two years from the date issued by the department. The fee for a certificate of registration shall be three hundred dollars. A water well contractor's registration number and the current registration period must be displayed on the well drilling machinery of the registrant at all times in the form of a decal furnished by the department. A water well contractor must provide proof of a valid registration upon demand of any enforcement officer or department employee.

3. ~~[The certificate of registration shall require that, before the commencement of drilling of any well or wells, the water well driller shall file a preliminary notice with the department; it shall also provide that upon the completion of the drilling of any water well or water wells, a completion report be filed with the department, giving the log of the well, the size and depth thereof, the capacity of the pump or pumps attached or to be attached thereto, and such other information pertaining to the withdrawal of water and operation of such water well or water wells as the department by its rules and regulations may require. The water well driller shall provide a copy of such completion report to the water well owner. The number of the certificate of registration must be displayed on the well drilling machinery of~~

~~the registrant. The certificate of registration shall also contain a notice to the certificate holder that the business activities authorized by such certificate are subject to the provisions of article thirty-six A of the general business law. The fee for such certificate of registration shall be ten dollars annually. The commissioner shall promulgate a water well completion report form which shall be utilized by all water well drillers in satisfying the requirements of this section and any other provision of state or local law which requires the submission of a water well completion report or water well log.]~~ A water well contractor shall satisfy the following notice and reporting requirements:

- a. Before commencement of water well contracting activities consisting of construction, deepening, or decommissioning of a water well or the installation or replacement of a water well pump, or the on-site supervision thereof, a water well contractor shall prepare and submit a preliminary notice to the department upon a form prescribed by the department. In the counties of Nassau, Suffolk, Kings, and Queens, these water well contracting activities shall not commence unless the department has approved the activities specified in the preliminary notice and has notified the water well contractor in writing of the approval.
- b. Within one hundred eighty days of the completion date of water well contracting activities consisting of construction or deepening of a water well or the installation or replacement of a water well pump, or the on-site supervision thereof, a water well contractor shall submit to the department and water well owner a water well completion report on a form prescribed by the department. The completion report shall include the legal names and addresses of the owner of the water well and the water well contractor, the well location by both street address and GPS coordinates, the log of the well, the size and depth of the well, the capacity of the pump or pumps attached to the well, and any other information as specified by the department.

c. Within one hundred eighty days of having completed the decommissioning of a water well, a water well contractor shall prepare and submit to the department and water well owner a water well decommissioning report on a form prescribed by the department.

d. The reporting requirements set forth in paragraphs a, b, and c of this subdivision shall not apply to water well contracting activities involving dewatering wells, unless otherwise specified in a water withdrawal or Long Island well permit issued by the department pursuant to section 15-1501 or 15-1527 of this title, or when reporting is specified for wells at remediation sites conducted by the State or Federal government or conducted pursuant to State or Federal court order or State or Federal government agency agreement or order.

4. The department may revoke ~~[any]~~ a certificate of registration for violation of any ~~[of the provisions of]~~ provision in this section, ~~[or]~~ section 15-1527, 15-1528, or 38-0107 of this chapter, for violation of ~~[rules]~~ any rule or regulation made by the department pertaining thereto, for violation of a decision or order issued by the department, or for obtaining a certificate of registration through fraud, deceit, or the submission of false information. A certificate of registration may be revoked by the department regardless of the criminal provisions ~~[with regard]~~ relating to this section found in section 71-1115 of this chapter.

5. a. ~~[On and after January first, two thousand three, any individual who is responsible for the on-site supervision of water well drilling activities must have passed,]~~ Prior to engaging in water well contracting activities, a water well contractor shall either satisfy the exam requirement set forth in this subdivision or be supervised on-site throughout the performance of any water well contracting activities by a water well contractor who has: (i) satisfied the exam requirement for the water well contracting activities being performed; and (ii) obtained, or is listed in, a valid certificate of registration as set forth in subdivision two of this section. The exam requirement is to pass, with at least a seventy percent score[;

~~a two-part certification exam]~~ the following exams as offered by the national ground water association or ~~[an]~~ equivalent ~~[exam]~~ exams offered or approved by the commissioner~~[-Evidence of having passed such exam shall be provided by the person responsible for the on-site supervision of water well drilling activities upon demand of any enforcement officer.];~~

i. for water well contracting activities involving the construction, repair, deepening, or decommissioning of a water well, including an open loop geothermal well, standing column geothermal well, or geothermal diffusion well, or the on-site supervision thereof: a general well drilling exam and a specialty well drilling exam;

ii. for water well contracting activities involving the installation, replacement, maintenance, or repair of a water well pump, or the on-site supervision thereof: a water systems general exam and a specialty pump exam;

iii. for water well contracting activities involving the installation, repair, deepening, or decommissioning of a closed loop geothermal well, or the on-site supervision thereof: a vertical closed loop drilling exam; and

iv. for any other water well contracting activities, not otherwise specified in subparagraph i, ii, or iii of this paragraph: a general well drilling exam and a specialty well drilling exam, or a water systems general exam and a specialty pump exam.

b. ~~[Notwithstanding the provisions of paragraph a of this subdivision any individual, who is responsible for the on-site supervision of the repair or installation of water pumps, requiring the opening of the well casing, must have passed, with at least a seventy percent score, a certification exam developed by the national ground water association or the water systems council, or an equivalent exam offered or approved by the commissioner. Evidence]~~ Documentation from the national groundwater association or other issuing authority of having passed such exam shall be provided by a water well contractor,



including the person responsible for the on-site supervision of ~~[the repair or installation of water pumps, requiring the opening of the well casing,]~~ water well contracting activities upon demand of any ~~[enforcement]~~ officer or department employee.

6. A water well contractor shall keep all records, reports, and other documents relating to water well contracting activities at the business office of the water well contractor at all times, and may also maintain a copy of such records, reports, and other documents at a work site. Any such records, reports, and other documents that are requested by an officer or Department employee during an in-person inspection shall be furnished to the inspecting officer or Department employee upon request. If any records, reports, or other documents relating to water well contracting activities are requested by an officer or Department employee who is not conducting an in-person inspection at the time of the request, such records, reports, and other documents shall be furnished to the officer or Department employee within 10 days from the date that the request is made unless a longer period of time is specified in the correspondence.

~~[6.]~~ 7. Except as otherwise provided by law, nothing in this section shall be deemed to preempt any provision of local law which requires the license or registration of water well ~~[drillers]~~ contractors or which otherwise regulates the practice of water well ~~[drilling]~~ contracting, provided that the provisions of such local law are at least as ~~[comprehensive]~~ stringent as the provisions of this section.

8. The department shall promulgate regulations establishing a continuing education requirement as a condition to maintaining registration to lawfully engage in water well contracting in the state of New York and may promulgate such other regulations as are necessary to effectuate the purposes of this section. The department may establish exemptions from notice and reporting requirements in addition to those exemptions specified in this section.

9. The requirements of this section shall not apply to a water well contractor or water well contracting activities otherwise regulated pursuant to article twenty-three of this chapter.

**§ 4. Subdivision 6 of section 15-1527 of the environmental conservation law, as amended by chapter 773 of the laws of 1986, is amended and a new subdivision 8 is added to read as follows:**

6. The provisions of this section shall not apply to the installation ~~[ef]~~ or operation of the following:

a. a fire well to which no pumping equipment is permanently attached when such well is installed by a municipal corporation, fire district or duly organized fire company or fire department~~[-];~~ or

b. a closed loop, standing column or similar non-extractive geothermal system.

8. The department is authorized to adopt or amend regulations as necessary to effectuate the purposes of this section.

**§ 5. Section 71-1115 of the environmental conservation law, as amended by chapter 640 of the laws of 1977, is amended to read as follows:**

§ 71-1115. Enforcement of ~~[section]~~ sections 15-1525 and 15-1527. Any person ~~[violating the provisions]~~ who violates a provision of section 15-1525 or 15-1527 of this chapter or a provision in a certificate of registration shall be guilty of a violation punishable by a fine of not more than one thousand dollars, and in addition thereto, shall be liable for a civil penalty of not more than fifteen hundred dollars per violation for each day during which such violation continues.

**§ 6. Subdivision 1 of section 71-1127 of the environmental conservation law, as amended by chapter 401 of the laws of 2011, is amended to read as follows:**

1. Any person who violates any of the provisions of, or who fails to perform any duty imposed by article ~~[15]~~ fifteen except section 15-1713, or who violates or who fails to comply with any rule, regulation, determination or order of the department heretofore or hereafter promulgated pursuant to article ~~[15]~~ fifteen except section 15-1713, or any condition of a permit or certificate of registration issued pursuant to article ~~[15]~~ fifteen of this chapter, or any determination or order of the former water resources commission or the department heretofore promulgated pursuant to former article 5 of the Conservation Law, shall be liable for a civil penalty of not more than two thousand five hundred dollars for each such violation and, in the case of a continuing violation, for an additional civil penalty of not more than five hundred dollars for each day during which each such violation continues, and, in addition thereto, such person may be enjoined from continuing any such violation as otherwise provided in article ~~[15]~~ fifteen except section 15-1713.

**§ 7. This act shall take effect one year after it shall have become a law.**

# **PLAIN LANGUAGE - Draft Water Well and Shallow (<500') Geothermal Legislation Summary**

**As of September 3, 2025**

Environmental Conservation Law (ECL) §15-1525 currently requires the following:

- Registration (Currently ~500 Companies)
- Certification (At least one individual per company)
- Preliminary Notice and Completion Report (~5,000 wells per year)
- References General Business Law 36-A regarding Home Improvement Contracts
- Requires that all water well drillers install water wells in accordance with NYSDOH's water well construction standards.

Revised language is currently under consideration in hopes that DEC, Empire State Water Well Drillers Association (ESWWDA), and NY-Geo can improve current laws and introduce critical legislation to advance environmental protections for two industries:

- The water well industry provides crucial access to the basic human right of clean water.
- The geothermal industry provides renewable energy for heating and cooling.

## **Summary of 2019 Bill:**

The purpose of this bill as written in 2019 was to update the Environmental Conservation Law (ECL) to:

- ensure that water well contractors and well owners help protect New York's groundwater resources and avoid waste and damage to property and natural resources;
- reflect evolving water well drilling technologies and practices;
- clarify inconsistent, confusing, and ambiguous language in the registration, exams and reporting requirements;
- provide for effective enforcement and consumer protection;
- Expand the law to include:
  - regulation of closed loop geothermal wells less than 500 feet in depth;
  - require water well protection, control of flowing artesian water wells, and decommissioning as appropriate;
  - establish a continuing education requirement ;
  - prohibit use of water from public water supplies for geothermal systems;
- eliminate duplicate regulation of activities already governed by DMN and DER;
- provide authority for development of DOW regulations, as appropriate.

### **Specific Purposes of Each Provision:**

The contents of each section of the 2019 bill are outlined below. Bulleted lists contain main changes that DEC is contemplating for the new 2025 version:

#### **Clarification of Existing Law**

**Section 2:** Broaden and clarify definitions for existing and proposed provisions.

- Revise definition of “water well”, “water well contracting activities”, and “water well contractor”.
- Add definition of “completion date”.
- Add definitions of various types of geothermal wells and borings.

**Section 3:** Clarify existing law, begin covering closed loop geothermal wells less than 500 feet in depth, change registration period to a two-year period with increase in fee to \$300, require submission of reports within 120 days of completion, require continuing education, and provide authority for development of regulations. Add requirements for geothermal drilling.

- Require reporting for pump installation and repair for new wells only, not replacement pumps (this would be outlined in regulation).
- Require CVCLD only, or also require the General and a specialty exam. Industries seem to disagree on exam requirements.
- Clarify what constitutes “best practices of the geothermal well industry”. IGSHPA recommendations.

#### **New Requirements**

**Section 1:** Prevent use of public water supplies for geothermal systems.

- Ban use for larger systems. I have received information that this is somewhat common for household systems in some areas.

**Section 4:** Establish requirements for water well protection, maintenance, and decommissioning.

- Onus falls on the well owner, not the well driller. DEC may remove for the following reasons: Over-regulation, cost may be burdensome to well owners, would be difficult to enforce.

**Section 6:** Require control or decommissioning of flowing artesian wells.

- DEC may remove for the following reasons: This issue is handled by drillers on a case-by-case basis, relatively rare occurrence so no need to regulate.

**Section 7:** Prohibit the use of CFCs in closed loop geothermal systems.

- This is too specific for inclusion in the law, save for regulations. CFC use is already regulated by EPA.

#### **Enforcement**

**Section 8:** Provide for effective enforcement of new provisions, and increase penalties

(ECL § 71-1115)

**Section 9:** Increase penalties (ECL § 71-1127).

**Other**

**Section 5:** Exempt closed loop geothermal wells from Long Island well permitting.

- Regarding water withdrawal regulations and Long Island well permitting, does not apply to the water well drilling industry but to water withdrawal facility owners.

**Section 10:** Effective date of one year following enactment.

- Standard language, provides time for preparation by the agency and regulated community.