



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
JACKSON ENVIRONMENTAL FIELD OFFICE
1625 HOLLYWOOD DRIVE
JACKSON, TENNESSEE 38305-4316
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October 4, 2023

Certified Mail
7017 2680 0000 5095 1560

Mr. Jerry Hurt
Hurt Construction
3395 Bruton Branch Rd
Savannah, TN 38372

Re: **PLEASE BE ADVISED** (Case #128478)
Drilling Without a License, Unlicensed Maintenance/Installation of Water Well Pump and Pumping Equipment

Re: Mr. Hurt

The Division of Water Resources (Division) received notice that you may be in the business of well installation/construction and installing and/or maintaining water well pump systems on water wells within Tennessee.

In reviewing our files, we do not find a licensed individual working under Hurt Construction. Your company must immediately cease well drilling, installing, and/or performing maintenance on water well pumps and pumping equipment within the state of Tennessee until you obtain the proper license.

T.C.A. 69-10-102 Well Driller and Installer License Required

- (a) *It is unlawful for any well to be drilled or closed except by licensed individuals.*
- (d) *It is unlawful, except if it is done by a licensed individual:*
 - (1) *To engage in the business of installing, removing or repairing geothermal wells or water well pumps or drop lines in geothermal wells or water wells; or*

Rule 0400-45-09-.01 DEFINITIONS

"Installation of pumps" means the procedure employed in the placement and preparation for operation of pumps and pumping equipment in water wells, including all construction involved in making entrances to the well and establishing seals.

"Pumps and pumping equipment" means any equipment or materials utilized or intended for

use in withdrawing or obtaining ground water, including well seals in a water well. Closed loops or droplines installed in closed loop geothermal boreholes are not considered pumping equipment.

“Water Well” means a hole drilled into the earth, by boring or otherwise, for the production of water.

“Well” means one of the three types of holes in the earth: geothermal well, a monitoring well, or a water well.

“Production of water” means withdrawing water from the ground for beneficial use.

(a) Wells for the production of water include, but are not limited to, the following:

- 1. Borings that are used to locate, divert, withdraw, develop or manage ground water supplies for beneficial uses;*
- 2. Test holes drilled to determine the availability of water supplies for beneficial uses; and*
- 3. Wells drilled to supply water for ground water open loop heat pumps and air conditioners.*

(b) The following are not wells for the production of water as used in these rules:

- 1. Post holes;*
- 2. An excavation for the purpose of obtaining or prospecting for oil, natural gas, minerals other than water, products of mining and quarrying;*
- 3. Injection wells regulated under Chapter 0400-45-06 of the rules of the Water Quality Control Board;*
- 4. Cathodic protection wells;*
- 5. Wells used for dewatering purposes in construction work;*
- 6. Monitor wells, geographical test borings and piezometers that are regulated by rules of the Water Quality Control Board or otherwise by the Department;*
- 7. Ponds, pits, sumps and drainage trenches;*
- 8. Contaminant recovery wells otherwise regulated by the Department; and*
- 9. Closed loop geothermal boreholes.*

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Please be advised that every person who intends to engage in the business of well construction and/or installing or repairing water well pumps and pumping equipment for the use in withdrawing or obtaining groundwater on water wells within the State of Tennessee must annually obtain an Installer's License from the Division. You are to immediately cease the practice of well drilling, well maintenance, well pump installation, and well pump maintenance in the state of Tennessee until you obtain a license from the TDEC Division of Water Resources.

T.C.A. 69-10-110 Violations – Enforcement – Penalties

(d) Any person who violates or fails to comply with provisions of this chapter, any order of the commissioner issued pursuant to this chapter, or any rule, regulation, or standard adopted pursuant to this chapter shall be subject to a civil penalty of not less than fifty dollars (\$50.00) nor more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day such violation continues is a separate violation. In addition, such person shall also be liable for any damages to the state resulting from the violation, without regard to whether any civil penalty is assessed.

For your convenience, below is a link to the application form for a license. Please submit this application either via email or to the address listed on the application if you choose to apply for licensure. If you have any questions regarding the licensure process or this correspondence, please contact Will Little at Will.N.Little@TN.gov or (731) 202-6948.

TDEC Water Well Licensure Web Page:
<https://www.tn.gov/environment/permit-permits/water-permits1/well-driller-or-installer-license.html>

Sincerely,



Will Little, Environmental Scientist
Division of Water Resources
Jackson Environmental Field Office

cc: DWR - Nashville