

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

NORTH CAROLINA WELL CONTRACTORS  
CERTIFICATION COMMISSION

AND

NORTH CAROLINA STATE BOARD OF EXAMINERS  
OF PLUMBING, HEATING, AND FIRE SPRINKLER  
CONTRACTORS

MEMORANDUM OF AGREEMENT

This MEMORANDUM OF AGREEMENT is entered into by the North Carolina Well Contractors Certification Commission (hereinafter "COMMISSION") and the North Carolina State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors (hereinafter "BOARD") and agreed to by their undersigned representatives.

WHEREAS, an H-2 or H-3 license issued by the BOARD is required to install geothermal HVAC systems and to bid on geothermal HVAC jobs; and,

Whereas determination of the quantity, diameter, sizing, depth and location of all vertical piping and the bidding and installation thereof is an activity essential to the success and functional operation of a geothermal heating or cooling system and, when used for comfort heating and cooling, requires an H-2 or H-3 license from the Board;

WHEREAS, a well contractor certification by the COMMISSION is required to drill geothermal boreholes whether used for a geothermal HVAC system or for production of potable water; and,

WHEREAS, an HVAC contractor may subcontract the borehole portion of a geothermal HVAC system to a well contractor, but currently the HVAC contractor must remain present and on site during any well construction activity carried out by the licensee of the Board; and,

WHEREAS, the BOARD and the COMMISSION wish to clarify the licensing and certification requirements related to the installation of geothermal wells for HVAC systems in North Carolina; and,

WHEREAS, the BOARD and the COMMISSION wish to reduce duplication in licensing and certification requirements for contractors engaged in the construction of geothermal HVAC systems; and,

WHEREAS, the BOARD and the COMMISSION wish to continue to protect the health, safety, and welfare of the public in their respective fields;

NOW THEREFORE, the North Carolina State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors and the Well Contractors Certification Commission do hereby agree to the following terms of this Memorandum of Agreement.

- I. Definitions:
  - a. H-2 or H-3 Contractor means the holder of a current license issued by the Board in the appropriate classification.
  - b. Well Contractor means an active COMMISSION certified well contractor with International Ground Source Heat Pump Association (IGSHPA) certification.
  - c. Client means the current owner of the property on which the geothermal heating or cooling system is being installed, or the person financially responsible for the system, or the person who will be the end user of the system.
- II. This Memorandum shall apply to all geothermal HVAC installations
- III. In a geothermal HVAC installation, a well contractor may drill and grout the borehole, and either the well contractor or H-2 or H-3 contractor may install piping in the borehole. The well contractor may install the vertical piping outside the presence of the heating contractor if both have a signed written agreement between the H-2 or H-3 contractor and the well contractor which specifies the depth, diameter, material and thickness of the vertical piping and the number and location of the wells as determined to be necessary for the particular heating or cooling system by the H-2 or H-3 contractor or a licensed mechanical engineer. The installation of the piping for the heating or cooling system by the well contractor is limited to the vertical piping within the well only.
- IV. Both the heating contractor and the well contractor will maintain a copy of the foregoing agreement in their job file for the particular project. Nothing in this Memorandum affects the BOARD requirement that only a HVAC contractor may bid or install a geothermal HVAC jobs. Nothing in this agreement affects the COMMISSION requirement that only a well contractor may conduct well contractor activity.
- V. The BOARD and the COMMISSION will each enforce the law under their jurisdiction and the application of this agreement. This MEMORandum is MADE PER the following authority:
  - a. N.C.G.S. §§ 87-2187-85, 87-86, 87-98.1, 87-98.2, 87-98.3

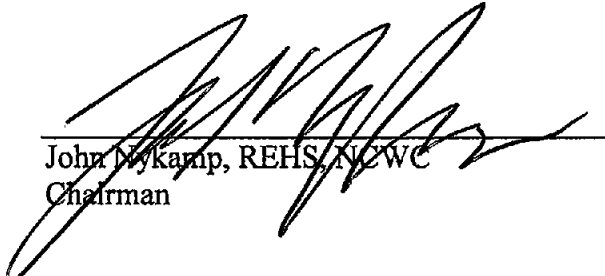
b. 15A NCAC Ch. 27(Well Contractor Certification Rules); Title 21 NCAC Chapter 50 (State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors Rules)

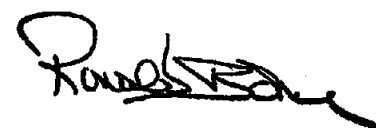
- VI. This Memorandum may be amended or modified only in writing. Either party may terminate this Memorandum by serving written notice to the other party at their address of record. The termination shall take effect sixty days after the terminating party serves notice, unless a later date is set forth.
- VII. This agreement shall be effective on 15 October 2010, and remain in effect indefinitely until superseded, rescinded, or modified.
- VIII. No part of this Memorandum is to be construed to be in violation of any law or regulation, State or Federal. The BOARD and COMMISSION acknowledge that they have read and understand this Memorandum.
- IX. The respective Chairmen of the BOARD and COMMISSION represent and warrant that they are authorized to assent to this Memorandum.
- X. THIS Memorandum comprises the entirety of the agreement between the BOARD and the COMMISSION on this subject.

Agreed, this the 11<sup>th</sup> day of October 2010.

NORTH CAROLINA WELL CONTRACTORS  
CERTIFICATION COMMISSION

NORTH CAROLINA STATE BOARD OF  
EXAMINERS OF PLUMBING, HEATING, AND  
FIRE SPRINKLER CONTRACTORS

  
John Nykamp, REHS, NEWC  
Chairman

  
R. M. Boone  
Chairman

(SEAL)

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