



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 360
[2005 Senate Bill 467]

**Well Drilling, Pump Installing, and
Well Inspection and Abandonment**

2005 Wisconsin Act 360 (the Act) relates to the regulation of well drilling, pump installing, well abandonment, and property transfer well inspections.

Well Drillers and Pump Installers

Under prior law, the Department of Natural Resources (DNR) registered individuals and businesses that engage in either the business of drilling drinking water wells or the business of installing pumps to withdraw water from wells. The Act applies these registration requirements to well drilling businesses and pump installing businesses. The Act also creates new licensing requirements for individual well drillers and pump installers.

Under the Act, the DNR may not grant a registration for a well drilling business unless the applicant is a licensed well driller, a licensed well driller has an ownership interest in the business, or the person employs or contracts with a licensed well driller. Comparable requirements apply to the registration of a pump installing business. The fees for a well driller or pump installer under prior law apply to the new registration requirement for a well drilling or pump installing business under the Act.

An individual must meet the following qualifications to become a licensed well driller:

- Demonstrate competency in well drilling by passing a DNR-administered examination.
- In general, have been a registered drilling rig operator for at least two years within the five years before applying for the license and have met DNR-specified training and continuing education requirements for drilling rig operators and well drilling experience.

The Act provides two alternatives to the license requirements identified in the second bullet point above:

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

- The applicant may hold a well driller license in good standing from another state and that state's laws and rules governing well drilling licensing are substantially similar to Wisconsin's; or
- The applicant may comply with alternative requirements specified by the DNR for individuals who have gained well drilling experience before the effective date of this provision.

Under the Act, after December 1, 2006 an individual who is not a licensed well driller or a registered drilling rig operator may only engage in well drilling if the individual is under the supervision of a licensed well driller or a registered drilling rig operator who is on the site of the well drilling. This supervision requirement does not apply to an individual performing well drilling of a public well for a local governmental unit if the individual applies for drilling rig operator registration no later than 14 days after the day on which the individual begins to perform the well drilling.

The Act specifies that to receive a pump installer license, the applicant must demonstrate competency in pump installing by passing a DNR-administered examination.

The Act directs the DNR to issue a well driller license or a pump installer license to each individual registered under prior law on December 1, 2007 as a well driller or pump installer, respectively, without requiring the individual to comply with the applicable licensing requirements for new licenses specified in the Act.

The Act specifies the following license fees for license application or annual renewal: well driller, \$50; pump installer, \$25; and late penalty, \$15.

Pitless Adapter Installation

Under prior law, only persons registered as a well driller or pump installer could install a "pitless adapter" (i.e., a device that attaches a well casing pipe to an underground pipe that conveys water from the well). Under the Act, only a licensed pump installer, employee of a licensed pump installer or a registered pump installing business, or a welder under contract with a licensed pump installer or registered pump installing business may install a pitless adapter.

Drilling Rig Operator Registration

Effective December 1, 2006, an individual who seeks registration as a drilling rig operator must apply to the DNR and pay a fee of \$25. To retain this registration, the individual must complete DNR-approved training and continuing education requirements and pay an annual \$25 renewal fee. This renewal requirement is also subject to a late penalty fee of \$15.

Well Abandonment

The Act prohibits an individual from filling or sealing a water supply well unless one of the following applies:

- The individual is a licensed well driller or licensed pump installer or under the supervision of either of these.

- The individual is a water system operator certified by the DNR and the well is within the service area of the local governmental water system for which the individual works or under the supervision of such an operator and filling or sealing a well within the water system's service area.

In the case of an individual under the supervision of a licensed well driller or pump installer or a certified water system operator, the licensed or certified individual need not be present during the filling or sealing.

Property Transfer Well Inspections

The Act specifies that an individual may not for compensation, in contemplation of a transfer of real property, conduct an inspection of the real property for the purpose of locating or evaluating water supply wells or pressure systems on the real property unless the individual is a licensed well driller or pump installer. The DNR must promulgate rules for these inspections and evaluations.

Enforcement

Under prior law, the Department of Justice generally enforces state environmental protection laws. A violation of prior law relating to well drilling and pump installing is a crime, punishable by a fine of \$10 to \$100 or imprisonment for not more than 30 days, or both.

The Act authorizes the DNR to issue citations, which are similar to traffic tickets, to enforce specified rules relating to well drilling, pump installing, and other provisions on pure drinking water in ch. 280, Stats. In particular, the DNR may issue a citation for a violation of rules under ch. 280, Stats., relating to: licensing; registration; disinfection, sampling, and reporting requirements; water systems that were installed before February 1, 1991; and well or drill hole abandonment. A citation may provide a penalty of a forfeiture of \$500 for a first violation and \$1,000 for a second or subsequent violation of the same provision.

The DNR must promulgate by rule an enforcement process that it will follow before issuing a citation and must include in this process an enforcement conference with the person against whom enforcement is contemplated.

The citation provisions do not apply to a community water system that is owned by a specified local governmental unit or by a privately owned water utility serving one of these governmental units.

Effective Date: Except as noted above, in general the Act takes effect on June 1, 2008.

Prepared by: John Stolzenberg, Chief of Research Services

June 16, 2006

JES:rv