

## CHAPTER 162

## PURE DRINKING WATER

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**162.01 Pure drinking water; powers of department of natural resources.**

(1) The department of natural resources shall, after a public hearing, prescribe, publish and enforce minimum reasonable standards and rules and regulations for methods to be pursued in the obtaining of pure drinking water for human consumption and the establishing of all safeguards deemed necessary in protecting the public health against the hazards of polluted sources of impure water supplies intended or used for human consumption, including minimum reasonable standards for the construction of well pits. It shall have general supervision and control of all methods of obtaining ground water for human consumption including sanitary conditions surrounding the same, the construction or reconstruction of wells and generally to prescribe, amend, modify or repeal any rule or regulation theretofore prescribed and shall do and perform any act deemed necessary for the safeguarding of public health.

(2) In the conduct of any public hearing on the establishing, amending or repealing of any such standards or rules, any employe designated by the department may act for the department in holding such public hearing.

History: 1975 c 39

**162.02 Definitions.** For the purposes of this chapter, the following definitions are hereby established:

(1) "Department" shall mean the department of natural resources.

(2) "Ground water" is defined to mean subsurface water supplied for human consumption.

(3) "Permit" is the registration certificate issued by the department of natural resources to each person, firm or corporation duly registering and paying the annual permit fee to do well drilling or pump installing, or both, as herein provided for.

(4) "Pump installer" is any person, firm or corporation who has duly registered as such with the department of natural resources and

shall have paid the annual registration fee and obtained a permit to engage in pump installing as herein provided.

(5) "Pump installing" is the industry and procedure employed in the placement and preparation for operation of equipment and materials utilized in withdrawing or obtaining water from a well for consumption or use, including all construction involved in making entrance to the well and establishing such seals and safeguards as are necessary to protect such water from contamination.

(6) "Well" is defined to mean an excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining ground water for human consumption.

(7) "Well driller" is defined to be any person, firm or corporation who has duly registered as such with the department of natural resources and shall have paid the annual registration fee and obtained a permit to construct wells as herein provided.

(8) "Well drilling" is defined as the industry and procedure employed in obtaining ground water from a well by digging, boring, drilling, driving or other methods but not including the driving of points for the purpose of obtaining ground water. It shall also include all construction work and installation of well casings in said well involved therein for the protection of such well water against pollution.

History: 1983 a 189.

**162.03 Additional powers of department. (1)**

The department may exercise such powers as are reasonably necessary to carry out and enforce the provisions of this chapter. It may, among other things:

(a) Employ a competent supervisor to supervise and inspect all well drilling and pump installing operations and aid in the enforcement of all laws and rules governing the well drilling and pump installing industries. The department may also employ assistants, prescribe

their respective qualifications and salaries and assign their duties.

(b) Conduct investigations and experiments for the advancement of technical knowledge and ascertain and establish the cause of ground water pollution and for the casing of wells or other means of protection, and may hold public meetings and attend or be represented at such meetings within or without the state.

(c) Enter and inspect at reasonable hours wells and equipment thereof, all water supplies for human consumption on private or public property or may order necessary corrections and repairs of construction or may order discontinuances of any well and the use of its water, if found contaminated, polluted or unfit for human consumption. It may also disseminate information relative to the construction, source and protection of such water supply.

(d) Require any well driller, pump installer or other person responsible for a water supply to secure an analysis of water by the laboratory of hygiene or by any laboratory accredited by the department to establish the purity and fitness of such water for human consumption and for domestic purposes. A report of each such analysis shall be submitted to the department.

(e) Prepare and cause to be printed such codes, bulletins or other documents as may be necessary for the safety of the public health and the betterment of the industries, and furnish copies thereof to well drillers, pump installers and to the public upon request.

(f) Furnish upon request of the owner of any well, or any well driller or pump installer, recommendations for obtaining and maintaining a safe water supply for human consumption.

(2) The department may on its own motion make investigations and conduct hearings and may, on its own motion or upon complaint in writing, duly signed and verified by the complainant, and upon not less than 10 days' notice to the well driller or pump installer, suspend or revoke as hereinafter provided any well driller's or pump installer's permit if said department has reason to believe or finds that the holder of such permit has:

(a) Made a material misstatement in the application for permit or any application for a renewal thereof.

(b) Demonstrated incompetency to act in the industry or industries for which such permit was issued; or

(c) Has wilfully violated a second time any provision of this chapter or any rule, regulation or order prescribed by the department.

(d) Has been found guilty in any civil or criminal proceeding of any action constituting

fraud in connection with his well drilling or pump installing operations.

(3) A copy of the complaint with notice of the suspension of permit, if ordered by the department, shall be served on the person complained against, and the person's answer shall be filed with the department and the complainant within 10 days after service. The department shall thereupon set the matter for hearing as promptly as possible and within 30 days after the date on which the complaint was filed. Either party may appear at the hearing in person or by attorney or agent.

(4) No order revoking a permit shall be made until after a public hearing to be held before the department in the county where the permittee has his or her place of business. If the permittee is a nonresident, the hearing shall be at such place as the department designates. At least 10 days prior to the hearing the department shall send written notice of the time and place of the hearing to the permittee and to the permittee's attorney or agent of record by mailing the notice to the last-known address of such persons. The testimony presented and proceedings had at the hearing shall be recorded and preserved as the records of the department. The department shall as soon thereafter as possible make its findings and determination and send a copy to each interested party.

(5) One year after the date of revocation or thereafter application may be made for a new permit.

(6) No individual, firm or corporation whose permit has been revoked pursuant to this section shall, during the period in which the revocation is effective, engage in any well drilling or pump installing activity except under the direct supervision and as an employe of a registered well driller or pump installer.

History: 1975 c. 39; 1977 c. 418.

**162.04 Well drilling and pump installing; registration; qualifications; fee.** (1) (a) *Registration requirement.* Except as provided under ss. 162.047 and 162.05, no person may engage in the business of well drilling or pump installing in this state unless the person registers each place of business or retail outlet he or she operates as a well driller or pump installer and pays the required permit fee.

(b) *Application.* A person who seeks to register as a well driller or pump installer shall apply to the department for registration of each place of business or retail outlet he or she operates as a well driller, pump installer or both, upon blanks prepared by the department for this purpose. The application shall be accompanied by a permit fee for each place of business or retail outlet included in the application.

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(c) *Renewal.* In order to retain registration as a well driller or pump installer a person shall apply for registration renewal and pay the required permit fees annually on or before January 1 of each year.

(d) *Permit fee.* The permit fees required for registration application or annual renewal are as follows:

1. Well driller, \$50.
2. Pump installer, \$25.
3. Well driller and pump installer, \$75.

(e) *Late fees.* A person who files an application for registration renewal or who fails to pay the required annual permit fees after January 1 shall pay a late penalty of \$15.

(2) All permits so issued shall expire on December 31 and shall not be transferable.

(3) No person, firm or corporation shall be granted a permit to engage in well drilling unless said applicant has had at least 2 years of experience in well drilling with a registered well driller, provided that this requirement shall not apply to persons, firms or corporations, who are registered as well drillers on August 14, 1953.

(4) Except as herein otherwise provided, no person, firm or corporation shall engage in the industry of well drilling or pump installing for compensation in this state without having duly registered and obtained a permit therefor as herein provided. No permit shall be required of any person for driving, digging or otherwise obtaining ground water supply on real estate owned or leased by him, but such well and the work done thereon shall comply and be in conformity with the law and the rules and regulations prescribed by the department.

History: 1983 a 27.

**162.047 Exceptions.** The provisions of this chapter shall not apply to the construction of wells where the water is used only for stock watering and other similar domestic purposes and is not used for human consumption.

**162.05 Registration exceptions.** No registration or permit to engage in the well drilling or pump installing industry shall be required by competent sanitary engineers or by superintendents of waterworks systems in the preparations of plans and specifications or in supervising the installation of wells and water systems for the obtaining of supplies of ground water, but all such plans and specifications shall conform to all requirements established by the department.

**162.06 Penalties.** Any person, firm or corporation who engages in or follows the business or occupation of, or advertises or holds himself or itself out as or acts temporarily or otherwise as a

well driller or pump installer without having first secured the required permit or certificate of registration or renewal thereof, or who otherwise violates any provision of this chapter, shall be fined not less than \$10 or more than \$100 or imprisoned not less than 30 days, or both. Each day during which a violation continues shall constitute a separate and distinct offense, and may be punished separately.

**162.07 Local authority. (1) ORDINANCES.** The department may authorize counties to adopt ordinances under s. 59.067 (2) and (3), relating to the enforcement of this chapter and rules of the department under this chapter. The department shall establish by rule standards for approval of ordinances and enforcement programs. Among other things, the rules may:

(a) Include personnel, training, reporting and other requirements;

(b) Establish separate standards for different categories of wells and enforcement actions;

(c) Require approval by the department before a variance may be granted; and

(d) Establish exemptions from licensing or alternate licensing requirements for replacement of a pump in an emergency.

(2) **PRIVATE WELLS.** The department shall define by rule "private well" and "private wells" as used in this section and s. 59.067. The definition may not include wells for which plans and specifications must be submitted to the department for approval prior to construction or installation.

(3) **TRAINING.** The department shall provide training and technical assistance to local government employes and agents for implementation of this section and s. 59.067. The department may charge each county which receives training and technical assistance a fee for those services. Fees may not exceed the department's actual costs of providing the services.

(4) **REVIEW AND AUDIT.** The department shall review and audit periodically each ordinance and program adopted under s. 59.067 to ascertain compliance with this chapter and with rules of the department under this chapter. If an ordinance or related program is not in compliance, the department may revoke the authority of the county to enforce the ordinance. Revocation may be made only pursuant to written department findings made after a public hearing held in the county upon 30 days advance notice to the clerk of the local unit of government.

(5) **CONCURRENT ENFORCEMENT.** The department may enforce this chapter and rules of the department under this chapter that are covered by an ordinance adopted under s. 59.067, in the

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county with the ordinance, if the department is engaged in audit or review activities, if there is reasonable cause to believe that the ordinance or related enforcement program of the county is not in compliance under sub. (4) or if the department determines that there are special circumstances requiring concurrent enforcement. The department shall continue to enforce

this chapter and rules of the department under this chapter that are not covered by an ordinance in counties with ordinances adopted under s. 59.067.

**History:** 1983 a. 410.

**NOTE:** This section is created by 1983 Wis. Act 410, eff. 7-1-85.