

Clearinghouse Rule 25-014

The statement of scope for this rule, SS 050-23, was approved by the Governor on July 28, 2023, published in Register No. 812A1 on August 7, 2023, and approved by the Natural Resources Board on September 27, 2023. This rule was approved by the Governor on insert date.

A

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD REPEALING, RENUMBERING, RENUMBERING AND AMENDING, AMENDING, REPEALING AND RECREATING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to **repeal** NR 146.02 (4) (Note), (4g), (4v), (5) (Note), and (9r), 146.04 (2) (h) 5. and (k), (7), and (9) (c), 146.05 (2) (Note), 146.07 (1) (c) (Note), (f), and (i), and (4) (Note), and 146.09 (Note); to **renumber** NR 146.04 (9) (a) 10. and (b) (Note); to **renumber and amend** NR 146.07 (3) and 146.09 (2) (b); to **amend** NR 146.01 (2), 146.02 (1g), (3), (4), (4b), (4f), (6), (7g), and (7r), 146.03 (2) (a) (intro.) and 2. to 4., (b) 3. to 5., (c) 1. to 3. and 6., and (d) (intro.), 2. to 4., and 7., and (2m) (a) (intro.) and 2. and (b) (intro.) and 3., 146.04 (1) (a), (d), and (e), (2) (intro.), (a), (h) (intro.), 1., 2., and 4., and (i), (3) (b) and (c), (4) (title), (b) 1. a. to (c), and (e), (4m), (5) (title), (b) 1. a. to (c), (6), (8) (b), (c), and (f), (9) (a) (intro.), 1., 2., 5., and 6., (10) (title), (a), (b) 1. a. to d., and (c), (10m), and (11) (b), (c), and (f), 146.045 (1) and (3), 146.05 (1) and (2), 146.06 (intro.), 146.065 (intro.), 146.07 (1) (b), (c), (e), (h), and (j), (2) (a), (b) 1., 2., 3., and 4., and (d), and (4), 146.08 (2), 146.09 (1) (title), (2) (intro.) and (a), (3) (c), and (5), and 146.11 (2); to **repeal and recreate** NR 146.02 (5), 146.03 (1) and (4), 146.04 (9) (a) 9. and (b), 146.07 (1) (d) and (g), and (2) (b) (intro.), and 146.08 (intro.), (8), and (8m); and to **create** NR 146.02 (5m), (7i), (7L), and (7n), 146.04 (2) (im) and (km), (8) (bg) and (br), (9) (a) 9m. and (cg), and (11) (bg) and (br), 146.07 (1) (a) (title), (2) (c) (title), and (d) (title) and (3) (b), (c) 2., and (d), 146.09 (2) (b) 1. (intro), and 146.105, relating to water well driller, heat exchange driller, and pump installer licensing and registration; and drilling rig operator registration, and affecting small business.

DG-04-23

Analysis Prepared by the Department of Natural Resources

- 1. Statute Interpreted:** Chapters 280 and 281, Wis. Stats.
- 2. Statutory Authority:** Chapters 280 and 281, Wis. Stats.
- 3. Explanation of Agency Authority:**

Section 280.11(1), Wis. Stats., directs the department to prescribe, publish and enforce minimum reasonable standards and rules for methods to be pursued to obtain pure drinking water for human consumption, and to establish safeguards deemed necessary in protecting the public health against the hazards of polluted sources of impure water supplies intended or used for human consumption. This statute gives the department general supervision and control over all methods of obtaining groundwater for human consumption including the construction or reconstruction of wells, authority to prescribe, amend, modify or repeal any applicable rule and to perform any act deemed necessary for the safeguarding of public health.

Section 280.13, Wis. Stats., authorizes the department to promulgate rules that are reasonably necessary to carry out and enforce the provisions of ch. 280, Wis. Stats.

Section 280.15(2m), Wis. Stats., establishes the statutory authority and framework for driller and pump

installer licensing, including applications, prerequisites and examinations, renewals, fees, and continuing education requirements.

Section 280.30, Wis. Stats., establishes the statutory authority required for well and heat exchange drillhole abandonment, as well as property transfer well inspection license requirements. This section authorizes licensed pump installers to conduct property transfer well inspections and to engage in water well abandonment activities.

Section 281.12, Wis. Stats., vests in the department the general supervision and control over the waters of the state, and gives the department authority to carry out regulatory programs for implementing the policy and purpose of the chapter.

Section 281.19(1), Wis. Stats., gives the department authority to adopt rules applicable throughout the state for the construction, installation, use and operation of practicable and available systems, methods and means for preventing and abating pollution of the waters of the state.

4. Related Statutes or Rules:

Chapter NR 812, Wis. Adm. Code – Well Construction and Pump Installation, establishes uniform standards and methods for extracting groundwater for any purpose, protecting groundwater and aquifers from contamination through adequate construction and reconstruction of water systems, and property transfer inspections. Subchapter III of ch. NR 812, “Requirements for New Pump Installations and Water Treatment,” is being revised concurrently with this rule under Board Order DG-03-23.

5. Plain Language Analysis:

Attrition in individuals authorized to carry out drilling and pump installing activities for private well owners throughout the state of Wisconsin was a major consideration in development of the proposed rule. In the period from 2013 to 2023, the well drilling industry experienced a 23% drop in licensed pump installers, a 26% drop in licensed water well drillers and a 32% drop in licensed heat exchange drillers. Advisory Committee members attributed to the decline to age of the workforce, lack of interest on the part of potential applicants, need for competitive pay, and start-up costs. Other factors included dissatisfaction with current continuing education venues, a lack of knowledge of successful business practices, and the general public’s perceptions of the industry.

An Advisory Committee with members representing well drillers, heat exchange drillers, pump installers, the Wisconsin Water Well Association and the Wisconsin Geothermal Association met on 5 occasions from December of 2023 through August of 2024 to discuss proposed revisions for the rule. The Advisory Committee strongly advised the department not to lower driller education and experience prerequisite license requirements in an attempt to reverse this trend by making it easier for an applicant to obtain a driller license.

The proposed rule would address driller license prerequisite requirements that became effective on January 1, 2020, and have made attainment of the driller license more difficult for some applicants. The overall health of the well drilling industry would benefit from the department’s approval of a wider scope of topics for continuing education, including sessions that provide training in business practice. More successful drilling businesses will result in more licensed individuals who are authorized to provide private water well services to Wisconsinites. Providing a grace period for fulfilling continuing education attendance requirements outside of the current calendar year would assist those who fail to complete

attendance on time due to personal hardship and extenuating circumstances. Outside of these benefits to the regulated community, the department would experience savings in administrative costs by requiring applicants to use available online resources to process annual renewals. This would reduce the number of applications that are submitted by U.S. mail and processed manually by department staff.

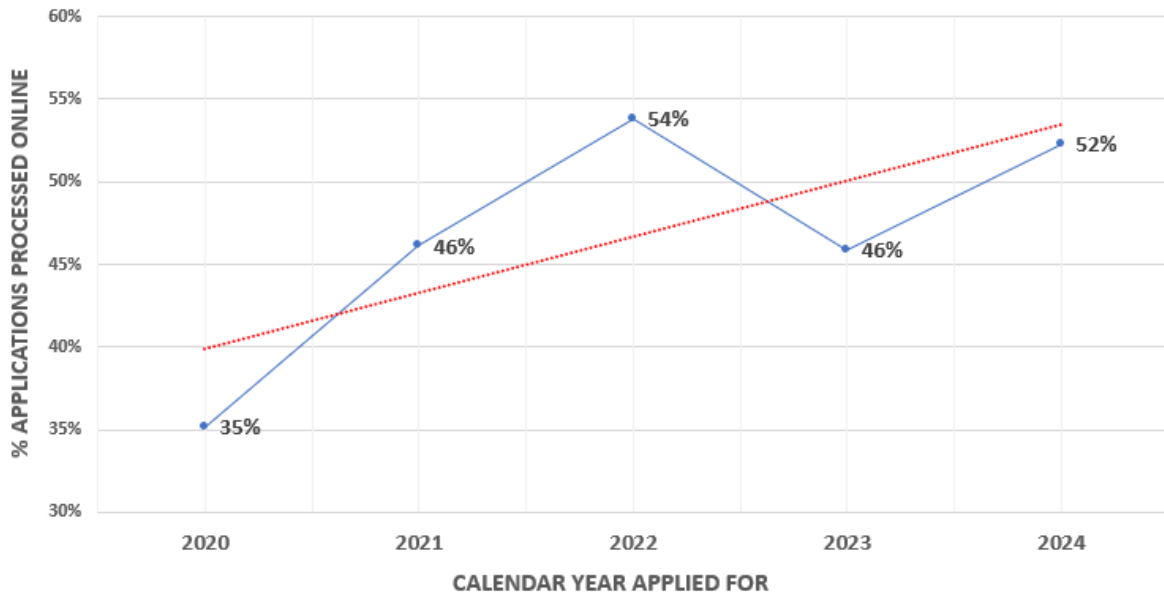
Continuing Education:

- Currently, continuing education must be completed within the calendar year for an applicant to obtain eligibility to renew a credential for the following year. If not completed within the calendar year, a licensee must pass an examination to have the license reinstated. No provision exists within current rule language for waivers or extensions in cases of personal hardship, pandemic or other extenuating circumstances. The proposed rule would include a one-year grace period for completing continuing education attendance that is required for renewal eligibility. The license will still expire on December 31 of each year for all credentials, but the licensee will continue to be eligible for renewal if continuing education attendance is completed within one year of license expiration.
- The proposed rule includes the following topics for continuing education credit:
 - Six credits of continuing education attendance are required each year for renewal eligibility.
 - For all license types:
 - Annual attendance must include 3 hours of training in a topic specific to the credential held.
 - Up to 2 credits will be accepted for training related to business practice.
 - Up to 2 credits will be accepted for training specific to safety & first aid.
 - One credit of compliance related training will be required each year.
 - The following cross-training will be accepted:
 - Training specific to water well drilling will be accepted for pump installer credit.
 - Training specific to pump installing and heat exchange drilling will be accepted for water well driller credit.
 - Training specific to water well drilling will be accepted for heat exchange driller credit.

Mandatory Online Renewal: Online renewal processing has been available to the Private Water regulated community since late 2019, when renewals began to be processed online for the 2020 calendar year. With the exception of renewals processed for 2023, the number of applications processed online has increased year to year as shown in Figure 1. A survey was conducted following the decrease in online renewals for 2023 to solicit comments on the renewal process overall and to gain insight into why there might be resistance to adopting the online renewal option. Results of the survey indicated that the convenience fee charged for online payment using a credit card was a deterrent to the use of the online renewal portal. There is now a second payment option available at the portal that allows payment by electronic transfer from a bank account that does not require an additional fee to process payment online. Renewals processed online thus far for 2025 have increased by 36% over online renewals processed at the same time last year.

The rule proposes mandatory online processing of renewal applications. The proposed rule also creates a waiver of the mandatory online renewal to allow for paper renewal applications by U.S. mail for those who cannot renew online for reasons beyond their control. Those granted a waiver from the online renewal requirement must adhere to an accelerated continuing education completion deadline to facilitate department processing of applications submitted by mail. Individuals who have opted to renew by mail will be required to renew online if continuing education attendance is not completed by the October 15 occurring before the December 31 expiration date. It is estimated that the proposed requirement will ultimately result in 85% of all renewals being processed online with an estimated savings of 272 staff-hours in processing time each year for the department.

Figure 1: Percentage of Renewals Processed Online vs Calendar Year



Exception for a welder in the pump installer license requirements: The proposed rule defines “qualified welder” and replaces the term “welder” with “qualified welder” in the exceptions to pump installer license requirements.

Driller licensing prerequisites:

- The proposed rule includes the following for Water Well Driller license prerequisite training requirements:
 - Well Filling and Sealing has been combined with Grouting training, with 6 hours required.
 - Training in Drilling Fluids has been reduced from 6 hours of training to 3 hours.
 - Training in Wisconsin Well Codes has been reduced from 6 hours to 4 hours.
 - A waiver is provided that will accept successful completion of a 2G vertical fixed pipe welding performance qualification test administered by a certified instructor in lieu of completing required coursework in welding.
- The proposed rule includes the following for new Heat Exchange Driller license prerequisite training requirements:
 - Grouting, Filling & Sealing Wells – 6 hours
 - Drilling Fluids – 3 hours
 - Geology of Wisconsin – 3 hours
 - Safety and First Aid – 3 hours

Supervisory Responsibilities: The proposed rule includes definitions for supervisory pump installers, supervisory water well drillers, and supervisory heat exchange drillers, and designates responsibility in contractual relationships to the supervisory individual.

Consistency in terminology and clarification of rule language:

- The proposed rule uses the terms drilling, pump installing and heat exchange drilling to refer to business and rig operator registration credentials. The terms driller, pump installer and heat exchange driller are used to refer to individual license credentials.

Drillhole filling and sealing: The proposed rule requires heat exchange drillholes to be filled and sealed by a licensed heat exchange driller.

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:

No federal regulations apply to private water supply wells with regard to licensing, well inspections, well filling and sealing, or citations for code violations.

7. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:

A preliminary hearing was not required for this scope statement.

8. Comparison with Similar Rules in Adjacent States:

A review of licensing and registration requirements for drillers and pump installers in Illinois, Iowa, Minnesota and Michigan revealed that each state processes renewal applications by mail on forms provided by the states' regulating agency. It appears that Wisconsin and Illinois are the only states that offer an online renewal option to their driller and pump installer regulated community. Other aspects of licensing and registration vary by state, including the following:

- **Regulating agency:**
 - Illinois - *Illinois Department of Health*
 - Iowa - *Iowa Department of Natural Resources*
 - Minnesota - *Minnesota Department of Health*
 - Michigan - *Department of Environment, Great Lakes, and Energy*
- **Renewal and continuing education attendance cycle:** Wisconsin requires annual renewal and continuing education attendance with license and expiration date of December 31.
 - Illinois - *One year renewal cycle, 2-year continuing education cycle*
 - Iowa - *Two-year renewal cycle, 2-year continuing education cycle*
 - Minnesota - *One year renewal cycle, One-year continuing education cycle*
 - Michigan - *One year renewal cycle, no continuing education cycle*
- **Continuing education attendance & renewal eligibility requirements:**
 - Illinois - *One continuing education session attended within the past 2 years. One session consists of 6 contact hours*
 - Iowa - *Sixteen contact hours each 2-year cycle.*
 - Minnesota - *Two hours for pump installing, heat exchange drilling and filling & sealing licenses, 6 hours for Full Environmental Well license.*
 - Michigan - *Continuing education attendance is not required for renewal eligibility.*
- **Prerequisite license/registration requirements:**
 - Wisconsin
 - *Water Well Driller License*
 - Two years of experience as a registered Water Well Drilling Rig Operator working under the supervision of licensed water well driller or heat exchange driller.
 - Drill 30 potable wells in the 2-year experience period or 1,500 hours of drilling large-diameter potable community wells.
 - Rig operator training including 33 hours covering grouting, drilling fluids, geology of Wisconsin, Wisconsin well codes, safety & first aid, and welding.
 - *Heat Exchange Driller License*
 - Two years of experience as a registered heat exchange drilling rig operator working under the supervision of a licensed heat exchange driller.
 - Complete a minimum of 10 heat exchange drilling projects totaling at least 5,000 feet of

- heat exchange pressure grouted drillhole or 30 pressure grouted wells including a minimum of 2,500 feet of pressure grouted casing.
- *Pump Installer License*
 - No prerequisite requirements.
 - Pass an examination administered by the department.
- Illinois
 - *Water Well Contractor License*
 - Two years of experience working under supervision of a licensed water well contractor.
 - Two years means a minimum of 420 working days in 2 years.
 - Ten water well construction reports signed by supervisor and applicant.
 - Good moral character – no criminal record.
 - *Water Well Pump Installation License*
 - Two years of experience working under supervision of a licensed water well pump installation contractor.
 - Two years means a minimum of 420 working days in 2 years.
 - Ten water well pump installation reports signed by supervisor and applicant.
 - Good moral character – no criminal record.
 - Licensed plumbers must obtain a license to engage in pump installing activities.
 - No application fee or examination or annual license fee is required.
 - No annual license fee is required.
 - Continuing education attendance is required.
- Iowa
 - *Well Driller*
 - Two years employment and 2,000 hours work experience in Class 1 and Class 2 well construction.
 - *Pump Installer*
 - Two years employment and 1,000 hours work experience in the installation, repair, and maintenance of water systems.
 - *Limited Well Plugger (filling and sealing wells)*
 - No experience required.
- Minnesota
 - *Limited Bored Geothermal Heat Exchange Contractor*
 - Prerequisite requirements: 3 years of experience in heat exchange drilling or well drilling.
 - May fill and seal heat exchange bore holes.
 - *Limited Pump, Pitless, and Screen Contractor*
 - Prerequisite requirements: 2 years of experience where a year consists of 1000 hours installing pumps.
 - May not do filling as sealing of wells or boreholes.
 - *Limited Well Sealing Contractor*
 - Prerequisite requirements: 3 years of experience required.
 - A year of experience consists of 5 wells sealed and 1,000 hours of clearing obstruction and grouting wells.
 - *Well Contractor (Full)*
 - May engage in all drilling activities (including water wells & heat exchange boreholes).
 - Authorized to do filling and sealing.
 - Authorized to do pump installation.
 - Prerequisite requirements: Must have 4 years of experience with 10 wells drilled each

year and 1,000 hours drilling, sealing and installing pumps.

- Michigan
 - *Water Well Contractor Registration*
 - No separate drilling credential required for heat exchange drilling.
 - Also authorizes engagement in pump installing activity.
 - Two years of experience with 20 wells drilled and 20 pumps installed.
 - Twenty-minute hands-on testing in submersible pump electrical troubleshooting.
 - Must be of good moral character.
 - *Pump Installation Contractor Registration*
 - Not authorized to fill and seal wells.
 - Two years of experience + 20 pump installations.
 - Twenty-minute hands-on testing in submersible pump electrical troubleshooting.
 - Must be of good moral character.
 - Master plumbers may install pumps without registering as a contractor.

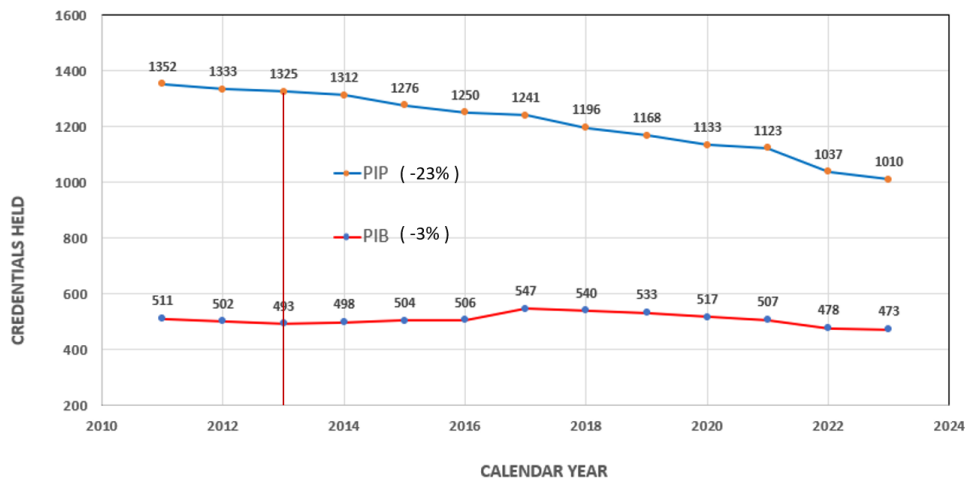
Adjacent states’ driller and pump installer regulating agencies and requirements are as follows:

- Illinois Department of Health / Administrative Code – Title 77: Public Health Chapter I: Department of Public Health Subchapter r: Water and Sewage, Part 915 Water Well and Pump Installation Contractor’s License Code
- Iowa Department of Natural Resources / IAC 567 Chapter 82: Well Contractor Certification
- Minnesota Department of Health / Chapter 4725, Wells and Borings
- Michigan Department of Environment, Great Lakes, and Energy – Drinking Water and Environmental Health Division – Groundwater Quality Control Rules, R 325.1601 to 325.1781.

9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

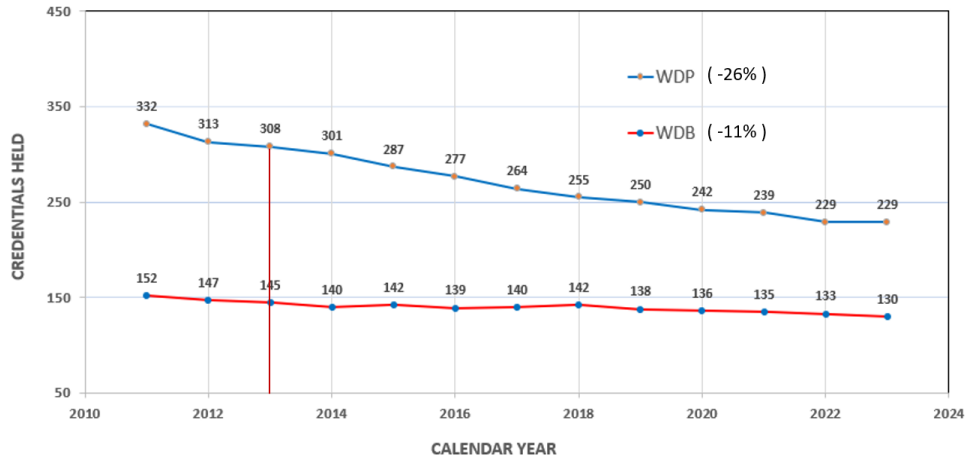
Decreasing trends in driller and pump installer licensing data were taken into consideration during discussion of the rule revisions. Licensing and business registration trends for Pump Installers and Water Well Drillers are provided here in Figures 2 and 3.

Figure 2: Pump Installer Licensing Trends: Credentials Held by Calendar Year



NOTE: PIP - Pump Installer License PIB - Pump Installing Business Registration

Figure 3: Water Well Driller Licensing Trends: Credentials Held by Calendar Year

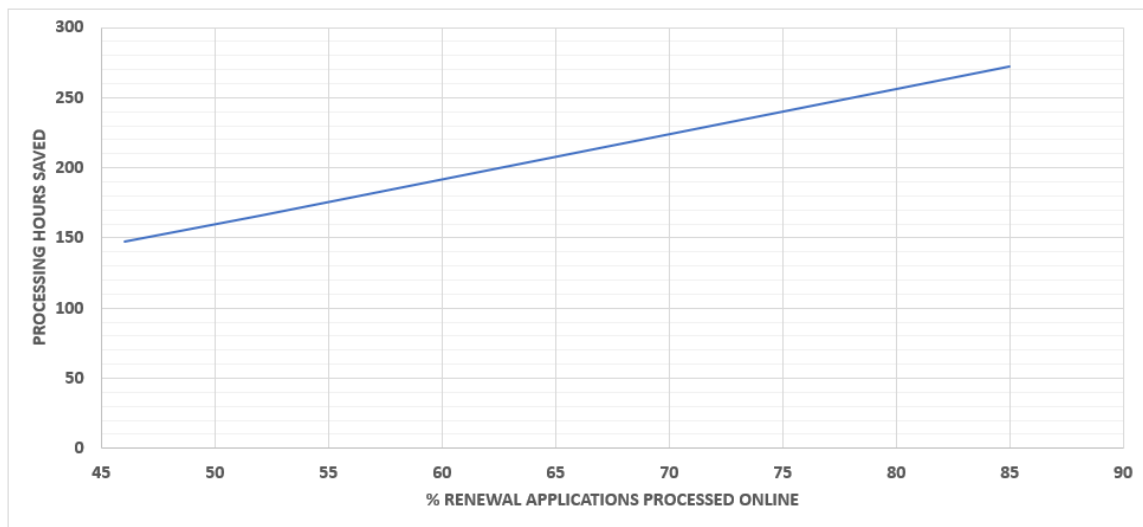


NOTE: WDP – Water Well Driller License WDB – Water Well Drilling Business Registration

10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:

The department’s Operator Certification program provided an estimate of department administrative time saved by online renewals processed for the 2023 calendar year. The number of renewal applications submitted online and automatically processed was 727, while 859 were paper applications submitted by U.S. mail and processed by department staff. An estimated 145 staff-hours were saved when the online renewal adoption rate was at 46%. Assuming that mandatory online renewal provides an adoption rate of 85% and extrapolating further (see Figure 4), the estimated savings in staff-hours for the department would be 272 staff-hours each year. Assuming an hourly rate of \$29, about \$7,888 (\$29 X 272 staff-hours) will be saved each year from the rule implementation.

Figure 4: Percent of renewal applications processed online vs. staff-hours saved



11. Effect on Small Business (initial regulatory flexibility analysis):

The proposed rule is not expected to have an effect on small business.

12. Agency Contact Person:

Bob Gundrum, Private Water Licensing Coordinator
Wisconsin Department of Natural Resources
1155 Pilgrim Road, Plymouth, WI 53073
Cell Phone: (920) 946-1149
Robert.Gundrum@Wisconsin.gov

13. Place where comments are to be submitted and deadline for submission:

Comments may be submitted to the department contact person listed above or to DNRAAdministrativeRulesComments@wisconsin.gov until the deadline given in the upcoming notice of public hearing. The notice of public hearing and deadline for submitting comments will be published in the Wisconsin Administrative Register and on the department's website, at <https://dnr.wisconsin.gov/calendar>. Comments may also be submitted through the Wisconsin Administrative Rules Website at <https://docs.legis.wisconsin.gov/code/chr/active>.

RULE TEXT

SECTION 1. NR 146.01 (2) and 146.02 (1g), (3), and (4) are amended to read:

NR 146.01 (2) APPLICABILITY. This chapter applies to any ~~individual~~ or person engaging in, or intending to engage in, the business of water well drilling, heat exchange drilling, pump installing, filling and sealing of potable and nonpotable water supply wells, and locating or evaluating wells or drillholes that need to be filled and sealed, or locating or evaluating water supply wells and pressure systems at time of property transfer in the state of Wisconsin. The license requirements of this chapter do not apply to water well drilling or pump installing activities involving a well supplying water which is not used for, or is not intended to be used for, human consumption or for the washing or preparation of food or pharmaceutical products.

NR 146.02 (1g) "Certificate of supervision" means a department form, signed by the owner of a water well drilling, heat exchange drilling, or pump installing business and by the ~~licensed~~ supervisory ~~individual~~ water well driller, supervisory heat exchange driller, or supervisory pump installer, ~~which that~~ assigns supervisory, legal, financial, and compliance responsibilities for a registered water well drilling, heat exchange drilling, or pump installing business.

(3) "Direct supervision" means actual physical presence and supervision by a ~~Wisconsin~~-licensed individual water well driller during all water well drilling activities, by a ~~Wisconsin~~-licensed individual heat exchange driller during all heat exchange drilling activities, or by a ~~Wisconsin~~-licensed individual pump installer during all pump installing activities.

(4) "Engage in the business of" includes advertising, bidding, contracting, preparing plans and specifications, supervising, performing, billing or receiving payment for water well drilling, heat exchange drilling ~~or~~, pump installing, filling and sealing, or property transfer well inspection activities.

SECTION 2. NR 146.02 (4) (Note) is repealed.

SECTION 3. NR 146.02 (4b) and (4f) are amended to read:

NR 146.02 (4b) "Experience period" means the ~~two~~² or ~~three~~³ years during which a water well drilling rig operator gained experience toward obtaining a ~~water well drilling~~ driller license.

(4f) "Heat exchange drilling rig operator" means an individual registered with the department to operate a drilling rig for the construction of heat exchange drillholes under the general or direct supervision of a licensed ~~individual~~-heat exchange driller.

SECTION 4. NR 146.02 (4g) and (4v) are repealed.

SECTION 5. NR 146.02 (5) is repealed and recreated to read:

NR 146.02 (5) "Pump installing" means the industry and procedures employed in placement and preparation of equipment and materials for the withdrawal of potable water from a potable well in accordance with all applicable requirements of ch. NR 812, Subchapter III.

SECTION 6. NR 146.02 (5) (Note) is repealed.

SECTION 7. NR 146.02 (5m) is created to read:

NR 146.02 (5m) "Qualified welder" means an individual who holds a welding certification or who has passed a 2G vertical fixed pipe welding performance test administered by a certified welding instructor.

SECTION 8. NR 146.02 (6) and (7g) are amended to read:

NR 146.02 (6) “Registrant” means a person, ~~firm, corporation, or partnership~~ registered to engage in the business of water well drilling, heat exchange drilling, or pump installing ~~in Wisconsin.~~

(7g) “Under the supervision” means ~~employed by a licensed individual or by a registered person, employing or contracting with a licensed supervisory individual, who is legally and financially responsible for compliance with all applicable laws and rules and any plans, specifications, variances and approvals approved by the department, and who has advance and specific knowledge of water well drilling, heat exchange drilling, pump installing, or well filling and sealing activities~~ having an employment or contractual relationship with a supervisory driller or supervisory pump installer.

SECTION 9. NR 146.02 (7i), (7L), and (7n) are created to read:

NR 146.02 (7i) “Supervisory water well driller” means an individual to whom one of the following applies:

(a) The individual is a licensed water well driller who employs a water well drilling rig operator and who is responsible to supervise water well drilling activities performed by the water well drilling rig operator.

(b) The individual has all of the following qualifications:

1. The individual is a licensed water well driller that operates, holds ownership in, is employed by, or contracts with a water well drilling registrant.

2. The individual has signed a certificate of supervision for a well drilling registrant certifying availability to provide the following oversight of work that is performed by the well drilling registrant’s employees, contractors, and subcontractors:

a. General or direct supervision of work performed.

b. Specific knowledge of work to be performed in advance of well drilling activities.

c. Legal and financial responsibility for work performed.

(7L) “Supervisory pump installer” means an individual who has the following qualifications:

(a) The individual is a licensed pump installer that operates, holds ownership in, is employed by, or contracts with a pump installing registrant.

(b) The individual has signed a certificate of supervision certifying that the individual is available to provide all of the following for work performed by the pump installing registrant's employees, contractors, and subcontractors:

1. General or direct supervision of work performed.
2. Specific knowledge of work to be performed in advance of pump installing activities.
3. Legal and financial responsibility for work performed.

(7n) "Supervisory heat exchange driller" means an individual to whom one of the following applies:

(a) The individual is a licensed heat exchange driller who employs a heat exchange drilling rig operator and who is responsible to supervise heat exchange drilling activities performed by the heat exchange drilling rig operator.

(b) The individual has all of the following qualifications:

1. The individual is a licensed heat exchange driller that operates, holds ownership in, is employed by, or contracts with a heat exchange drilling registrant.
2. The individual has signed a certificate of supervision for a heat exchange drilling registrant certifying availability to provide the following oversight of work that is performed by the heat exchange drilling registrant's employees, contractors, and subcontractors:
 - a. General or direct supervision of work performed.
 - b. Specific knowledge of work to be performed in advance of well drilling activities.
 - c. Legal and financial responsibility for work performed.

SECTION 10. NR 146.02 (7r) is amended to read:

NR 146.02 (7r) "Water well drilling rig operator" means an individual registered with the department to operate a drilling rig to construct potable wells under the ~~general or direct~~ supervision of a licensed ~~individual~~ water well driller.

SECTION 11. NR 146.02 (9r) is repealed.

SECTION 12. NR 146.03 (1) is repealed and recreated to read:

NR 146.03 License or registration. (1) REQUIRED. (a) No person may engage in the business of water well drilling or act as a water well driller without first obtaining a water well driller license or water well drilling business registration.

(b) No person may engage in the business of heat exchange drilling or act as a heat exchange driller without first obtaining a heat exchange driller license or heat exchange drilling business registration.

(c) No person may engage in the business of pump installing or act as a pump installer without first obtaining a pump installer license or pump installing business registration.

(d) No person may engage in the business of filling and sealing water wells without first obtaining a water well driller or pump installer license or a water well drilling or pump installing business registration.

(e) No individual may engage in the business of property transfer well inspections without first obtaining a water well driller or pump installer license.

SECTION 13. NR 146.03 (2) (a) (intro.) and 2. to 4., (b) 3. to 5., (c) 1. to 3. and 6., and (d) (intro.), 2. to 4., and 7. are amended to read:

NR 146.03 (2) (a) ~~A Wisconsin individual~~—water well driller license is not required for any of the following:

2. ~~Competent~~A competent sanitary ~~engineers~~engineer preparing plans and specifications or supervising the installation of water wells by a licensed ~~individual~~ water well driller or a registered water well drilling business for which the engineer prepared plans and specifications.

3. ~~Superintendents~~A superintendent of a waterworks systems~~system~~ preparing plans and specifications or supervising the installation of water wells by a licensed ~~individual~~—water well driller or a registered well drilling business, for which the superintendent is responsible.

4. An individual who is employed by a licensed ~~individual~~—water well driller.

(b) 3. ~~Competent~~ A competent sanitary engineer/engineer preparing plans and specifications or supervising the installation of water wells by a licensed ~~individual~~—water well driller or a registered water well drilling business for which the engineer prepared plans and specifications.

4. ~~Superintendents~~ A superintendent of a waterworks systems/system preparing plans and specifications or supervising the installation of wells by a licensed ~~individual~~—water well driller or a registered well drilling business, for which the superintendent is responsible.

5. An individual who is employed by a licensed ~~individual~~—water well driller.

(c) 1. ~~Competent~~ A competent sanitary engineer/engineer preparing plans and specifications or supervising the installation of water systems by a licensed ~~individual~~—pump installer or registered pump installing business, for which the engineer prepared plans and specifications.

2. ~~Superintendents~~ A superintendent of a waterworks systems/system preparing plans and specifications or supervising the installation of water systems by a licensed ~~individual~~—pump installer or registered pump installing business, for which the superintendent is responsible.

3. An individual who is employed by a licensed ~~individual~~—pump installer.

6. A qualified welder installing a welded pitless adapter or pitless unit under contract with or employed by a licensed ~~individual~~—pump installer or registered pump installing business.

(d) A ~~Wisconsin~~—pump installer—installing business registration is not required for any of the following:

2. ~~Competent~~ A competent sanitary engineer/engineer preparing plans and specifications or supervising the installation of water systems by a licensed ~~individual~~—pump installer or registered pump installing business, for which the engineer prepared plans and specifications.

3. ~~Superintendents~~ A superintendent of a waterworks systems/system preparing plans and specifications or supervising the installation of water systems by a licensed ~~individual~~—pump installer or registered pump installing business, for which the superintendent is responsible.

4. An individual who is employed by a licensed ~~individual~~—pump installer.

7. A qualified welder installing a welded pitless adapter or pitless unit under contract with or employed by a licensed ~~individual~~—pump installer or registered pump installing business.

SECTION 14. NR 146.03 (2m) (a) (intro.) and 2. and (b) (intro.) and 3. are amended to read:

NR 146.03 (2m) (a) A ~~Wisconsin individual~~ heat exchange driller license is not required for any of the following:

2. An individual who is employed by a licensed ~~individual~~ heat exchange driller.

(b) A ~~Wisconsin water well driller~~ heat exchange drilling business registration is not required for any of the following:

3. An individual who is employed by a licensed ~~individual water well~~ heat exchange driller.

SECTION 15. NR 146.03 (4) is repealed and recreated to read:

NR 146.03 (4) EXPIRATION. (a) *Business registration expiration.* All business registrations expire each year on December 31 and are not transferable.

(b) *License and rig operator registration expiration.* Except as specified under s. NR 146.04 (1) (d), pump installer licenses, driller licenses, and rig operator registrations expire each year on December 31 and are not transferrable.

SECTION 16. NR 146.04 (1) (a) and (d) are amended to read:

NR 146.04 (1) (a) All new license and registration applications shall be submitted on forms specified by the department for this purpose. An applicant for a water well drilling rig operator registration shall be at least 18 years old. An applicant for ~~an individual~~ a water well driller license shall be at least 20 years old. An applicant for a heat exchange drilling rig operator registration shall be at least 18 years old. An applicant for ~~an individual~~ a heat exchange driller license shall be at least 20 years old.

(d) The license or registration shall be effective on the date the license or registration is issued by the department and expires on December 31 of each year, except that licenses and rig operator registrations issued after October 31 and before December 31 shall expire on the December 31 occurring after the license or rig operator registration has been in effect for one year. ~~Licensees~~ A licensee or ~~and rig operator registrants~~ shall inform the department no later than 15 business days after any changes ~~into~~ the information on the application submitted to the department, including any change in status or ability of the ~~licensed supervisory individual~~ water well driller, ~~licensed individual~~ supervisory heat exchange driller, or ~~licensed supervisory individual~~ pump installer to perform their supervisory responsibilities.

SECTION 17. NR 146.04 (1) (e) is amended to read:

NR 146.04 (1) (e) A veteran may request a fee-waiver for a first-time license application fees or rig operator-certificate registration application fees in accordance with the veterans fee waiver program under s. 45.44, Stats.

SECTION 18. NR 146.04 (2) (intro.), (a), and (h) (intro.), 1., 2., and 4. are amended to read:

NR 146.04 (2) To be eligible for an ~~individual~~ la water well driller license, an applicant shall meet all of the following requirements:

(a) Have 2 years of potable water well drilling experience, within the last 5 years, under the supervision of a ~~Wisconsin-licensed individual~~ water well driller who provided direct supervision during the construction of the applicant's first 10 wells listed on the application and at least general supervision on the remaining water wells drilled during the experience period. The name and address of the supervisory water well driller, the dates of apprenticeship, and a description of the activities conducted shall be provided to the department.

(h) Except as provided ~~in par. under pars. (j) and (km), for applications submitted after January 1, 2020,~~ have completed online, classroom, or hands-on coursework approved or sponsored by the department in each of the following subject areas for the specified number of hours:

1. ~~Cement or Bentonite Grouting, Filling & Sealing~~ of Wells — 6 hours
2. Drilling Fluids — ~~6~~3 hours
4. The Well Codes — ~~6~~4 hours

SECTION 19. NR 146.04 (2) (h) 5. is repealed.

SECTION 20. NR 146.04 (2) (i) is amended to read:

NR 146.04 (2) (i) After ~~fulfilling~~ meeting the requirements under pars. (a) to (h) and receiving a notice of eligibility from the department, ~~demonstrate the ability, understanding, and competency to engage in the business of water well drilling in Wisconsin by passing an exam administered under s. NR 146.045~~ submit a license examination application and fee of \$50. If the applicant holds a current heat

exchange driller license, the applicant is not required to submit an additional application fee to become a licensed water well driller.

SECTION 21. NR 146.04 (2) (im) is created to read:

NR 146.04 (2) (im) Demonstrate competency to engage in the business of water well drilling by passing an examination administered under s. NR 146.045.

SECTION 22. NR 146.04 (2) (k) is repealed.

SECTION 23. NR 146.04 (2) (km) is created to read:

NR 146.04 (2) (km) In lieu of completing the coursework under par. (h) 7., provide verification of welding certification within the past 5 years or pass a 2G vertical fixed pipe welding performance qualification test administered by a certified welding instructor.

SECTION 24. NR 146.04 (3) (b) and (c) are amended to read:

NR 146.04 (3) (b) Submit a ~~completed~~license examination application and fee of \$25 to the department.

(c) After meeting the requirements under pars. (a) and (b) and receiving a notice of eligibility from the department, demonstrate ~~the ability, understanding, and competency~~ to engage in the business of pump installing ~~in Wisconsin~~ by passing an exam administered under s. NR 146.045.

SECTION 25. NR 146.04 (4) (title), (b) 1. a. to (c), and (e) are amended to read:

NR 146.04 (4) (title) WATER WELL ~~DRILLER~~DRILLING BUSINESS REGISTRATION.

(b) 1. a. The person operating the business is ~~an individually~~a licensed water well driller.

b. ~~An individually~~A licensed water well driller has an ownership interest in the business.

c. ~~An individually~~A licensed water well driller is employed by the business.

d. The business contracts with ~~an individually~~a licensed water well driller.

2. The licensed ~~individual~~—water well driller under subd. 1. is available to provide adequate general and direct supervision of water well drilling activities and has signed ~~an~~ a certificate of supervision for the water well drilling business registration as part of the application.

3. The licensed ~~individual~~—water well driller and any registered business for which the driller is or was the supervisory water well driller has a pattern of practice that complies with water well drilling, well filling and sealing, and property transfer well inspection laws and rules.

4. The licensed ~~individual~~—water well driller and any registered business for which the water well driller is or was the supervisory water well driller ~~has~~ shall have no unresolved violations, judgments, court or administrative orders or settlements from previous water well drilling, pump installing, well filling and sealing, or property transfer well inspection activities, ~~has and have~~ no violations that were repeated following notice from the department, ~~and has~~. There shall also be no outstanding well construction reports, water samples, or well filling and sealing reports from the past ~~five~~ 5 years.

5. The licensed ~~individual~~—water well driller has previous water well drilling experience with the drilling method, grouting method, and type of machine that will be used by the business registration applicant.

(c) A completed business registration application for each place of business or retail outlet, signed by both the designated supervisory ~~licensed individual~~ water well driller and the owner of the business, shall be submitted by the applicant to the department with the \$50 application fee.

(e) If the applicant holds a current heat exchange ~~driller drilling business~~ registration, the applicant is not required to submit an additional fee to become a registered water well ~~driller drilling business~~.

SECTION 26. NR 146.04 (4m), (5) (title), (b) 1. a. to (c), and (6) are amended to read:

NR 146.04 (4m) SUPERVISORY WATER WELL DRILLER RESPONSIBILITIES. The ~~designated~~ supervisory ~~licensed individual~~—water well driller is responsible for ensuring that potable well drilling and water well filling and sealing work performed by the business and ~~its~~ the business's employees, contractors, and subcontractors is conducted in compliance with all applicable laws and rules and with any plans, specifications, variances, and approvals approved by the department. The ~~designated~~ supervisory ~~licensed individual~~—water well driller may be held legally and financially responsible for any corrections needed to noncomplying potable well drilling work or noncomplying water well filling and

sealing work. The registered water well drilling business may also be held responsible for such corrections. The ~~designated-supervisory licensed individual~~ water well driller shall have ~~advance and~~ specific knowledge of work to be performed in advance of the potable well drilling and water well filling and sealing activities ~~for of all individuals which they are responsible to supervise~~ persons under their supervision.

(5) (title) PUMP ~~INSTALLER~~ INSTALLING BUSINESS REGISTRATION.

(b) 1. a. The person operating the business is ~~an individually~~ a licensed pump installer.

b. ~~An individually~~ A licensed pump installer has an ownership interest in the business.

c. ~~An individually~~ A licensed pump installer is employed by the business.

d. The business contracts with ~~an individually~~ a licensed pump installer.

2. The licensed ~~individual~~ pump installer under par. (a) is available to provide adequate general and direct supervision of pump installing activities and has signed a certificate of supervision for the pump installing business registration as part of the application.

3. The licensed ~~individual~~ pump installer and any registered business for which the pump installer is or was the supervisory pump installer shall have a pattern of practice that complies with pump installing, well filling and sealing, and property transfer well inspection laws and rules.

4. The licensed ~~individual~~ pump installer and any registered business for which the pump installer is or was the supervisory pump installer shall have no unresolved violations, judgments, court or administrative orders or settlements from previous well drilling, pump installing, well filling and sealing, or property transfer well inspection activities and have no violations that were repeated following notice from the department. There shall also be no outstanding water samples or water well filling and sealing reports from the past ~~five~~ 5 years.

(c) A completed business registration application, signed by both the ~~designated-supervisory licensed individual~~ pump installer and the owner of the business, shall be submitted by the business owner to the department for each place of business or retail outlet with the \$25 application fee.

(6) SUPERVISORY PUMP INSTALLER RESPONSIBILITIES. The ~~designated-supervisory licensed individual~~ pump installer is responsible for ensuring that potable pump installing and water well filling

and sealing work performed by the business and ~~its~~ by the business's employees, contractors, and subcontractors and welders is conducted in compliance with all applicable laws and rules and with any plans, specifications, variances, or approvals approved by the department. The ~~designated~~ supervisory ~~licensed individual~~ pump installer may be held legally and financially responsible for any corrections needed to noncomplying potable pump installations and noncomplying water well filling and sealing work. The registered pump installing business may also be held responsible for such corrections. The ~~designated~~ supervisory ~~licensed individual~~ pump installer shall have ~~advance~~ and specific knowledge of work to be performed in advance of the potable pump installing activities and water well filling and sealing work for of all individuals which they are responsible to supervise persons under their supervision.

SECTION 27. NR 146.04 (7) is repealed.

SECTION 28. NR 146.04 (8) (b) is amended to read:

NR 146.04 (8) (b) An individual who seeks registration as a water well drilling rig operator shall apply to the department on a form specified by the department. The application shall be signed by the ~~licensed individual~~ supervisory water well driller. The applicant shall include an application fee of \$25. If the individual has a current heat exchange drilling rig operator registration in effect, the applicant does not need to submit an additional fee to become a registered water well drilling rig operator.

SECTION 29. NR 146.04 (8) (bg) and (br) are created to read:

NR 146.04 (8) (bg) A water well drilling rig operator registration is not valid unless the rig operator is employed by a licensed water well driller or a drilling business registered for the type of drilling designation held by the rig operator.

(br) A water well drilling rig operator registration expires ~~when~~ if the individual becomes a licensed water well driller.

SECTION 30. NR 146.04 (8) (c) and (f) and (9) (a) (intro.), 1., 2., 5., and 6. are amended to read:

NR 146.04 (8) (c) In order to retain registration as a water well drilling rig operator an individual shall comply with the requirements for continuing education in s. NR 146.07 (3). The individual shall apply for registration renewal and pay a fee of \$25 annually on or before January 1. The renewal application shall be signed by the ~~licensed individual~~ supervisory water well driller.

(f) An individual who is not a licensed water well driller or a registered water well drilling rig operator may only perform well drilling activities if the individual is employed by a licensed ~~individual~~ well driller or a registered water well drilling business and the individual is under the direct supervision of a licensed water well driller or a registered water well drilling rig operator who is on site during all water well drilling activities.

(9) (a) (intro.) To be eligible to take the exam for an ~~individual~~ heat exchange driller license, an applicant shall meet all of the following requirements:

1. Has been a registered heat exchange drilling rig operator for at ~~the~~ least 2 years within the 5 years before the date of applying for an ~~individual~~ heat exchange driller license.

2. Within the 5 years immediately prior to the date of applying for an ~~individual~~ heat exchange driller license, has completed a minimum of ~~ten~~ 10 heat exchange drilling projects totaling at least ~~5000~~ 5,000 feet of heat exchange pressure grouted drillhole or has completed a minimum of 30 pressure grouted wells including a minimum of ~~2500~~ 2,500 feet of pressure grouted casing. Nonpotable pressure grouted wells, including pressure grouted environmental monitoring wells constructed under ch. NR 141, qualify toward the requirements of this subdivision. Experience obtained in a formal degree or apprenticeship program approved in advance by the department may qualify toward the requirements of this subdivision.

5. For a period of 3 months ~~prior to the date of applying for an individual heat exchange driller license~~ ~~has~~ have provided the department with at least 24-hour notice before starting any heat exchange drilling activities ~~as a heat exchange drilling rig operator in accordance with a letter from the department.~~

6. Has no record of ~~any~~ unlicensed heat exchange drilling activities ~~after April 1, 2015 during the experience period listed on the individual heat exchange driller license application~~ within the last 5 years.

SECTION 31. NR 146.04 (9) (a) 9. is repealed and recreated to read:

NR 146.04 (9) (a) 9. Except as provided under subd. 9m., has completed online, classroom, or hands-on coursework approved or sponsored by the department in each of the following subject areas for the specified number of hours:

a. Grouting, Filling & Sealing Wells — 6 hours

b. Drilling Fluids — 3 hours

c. Geology of Wisconsin — 3 hours

d. Safety and First Aid — 3 hours

SECTION 32. NR 146.04 (9) (a) 9m. is created to read:

NR 146.04 (9) (a) 9m. In lieu of completing the coursework under subd. 9. b., an applicant may pass the National Groundwater Association examinations on Rotary Mud and Rotary Air Drilling.

SECTION 33. NR 146.04 (9) (a) 10. is renumbered to NR 146.04 (9) (cr).

SECTION 34. NR 146.04 (9) (b) is repealed and recreated to read:

NR 146.04 (9) (b) After meeting the requirements under par. (a) and receiving a notice of eligibility from the department, submit a license examination application and fee of \$50. If the applicant holds a current water well driller license, the applicant is not required to submit an additional application fee to become a licensed heat exchange driller.

SECTION 35. NR 146.04 (9) (b) (Note) is renumbered as NR 146.04 (9) (cg) (Note).

SECTION 36. NR 146.04 (9) (c) is repealed.

SECTION 37. NR 146.04 (9) (cg) is created to read:

NR 146.04 (9) (cg) Demonstrate competency to engage in the business of heat exchange drilling by passing an examination administered under s. NR 146.045.

SECTION 38. NR 146.04 (10) (title), (a), (b) 1. a. to d., and (c), (10m), and (11) (b) are amended to read:

NR 146.04 (10) HEAT EXCHANGE ~~DRILLER~~ DRILLING BUSINESS REGISTRATION.

(a) All persons engaging in the business of heat exchange drilling ~~in Wisconsin~~ are required to obtain a business registration for each place of business or retail outlet.

(b) 1. a. The person operating the business is ~~an individually~~ a licensed heat exchange driller.

b. ~~An individually~~ A licensed heat exchange driller has an ownership interest in the business.

c. ~~An individually~~ A licensed heat exchange driller is employed by the business.

d. The business contracts with ~~an individually~~ licensed heat exchange driller.

2. The licensed ~~individual~~ heat exchange driller under subd. a. is available to provide adequate general and direct supervision of heat exchange drilling activities and has signed a certificate of supervision for the heat exchange drilling business registration as part of the application.

3. The licensed ~~individual~~ heat exchange driller and any registered business for which the heat exchange driller is or was the supervisory heat exchange driller has a pattern of practice that complies with heat exchange drilling laws and rules.

4. The licensed ~~individual~~ heat exchange driller and any registered business for which the driller is or was the supervisory heat exchange driller ~~has~~ shall have no unresolved violations, judgments, court or administrative orders or settlements related to water well drilling, heat exchange drilling, or heat exchange well filling and sealing, and ~~has~~ have no violations that were repeated following notice from the department, ~~and has~~. There shall also be no outstanding well construction reports, water samples, or well filling and sealing reports from the past ~~five~~ 5 years.

5. The licensed ~~individual~~ heat exchange driller has previous heat exchange drilling experience with the drilling methods, grouting methods, and types of machines that will be used by the business registration applicant.

(c) A completed business registration application for each place of business or retail outlet, signed by both the ~~designated~~ supervisory ~~licensed individual~~ heat exchange driller and the owner of the business, shall be submitted by the applicant to the department with the \$50 registration fee. If the applicant holds a current registration to engage in the business of water well ~~driller~~ drilling, the applicant is not required to submit an additional fee to become registered to engage in the business of heat exchange drilling.

(10m) SUPERVISORY HEAT EXCHANGE DRILLER RESPONSIBILITIES. The ~~designated~~ supervisory ~~licensed individual~~ heat exchange driller is responsible for ensuring that heat exchange drilling and heat exchange drillhole filling and sealing work performed by the business and ~~its~~ the business's employees, contractors, and subcontractors, is conducted in compliance with all applicable laws and rules and with any plans, specifications, variances or approvals approved by the department. The ~~designated~~ supervisory ~~licensed individual~~ heat exchange driller may be held legally and financially responsible for any corrections needed to noncomplying heat exchange work or noncomplying heat exchange drillhole filling and sealing work. The registered heat exchange drilling business may also be held responsible for such

corrections. The ~~designated supervisory licensed individual~~ heat exchange driller shall have ~~advance and~~ specific knowledge of work to be performed in advance of the heat exchange drilling and filling and sealing activities of all ~~individuals which they are responsible to supervise~~ persons under their supervision.

(11) (b) An individual who seeks registration as a heat exchange drilling rig operator shall apply to the department on a form specified by the department. The application shall be signed by a supervisory heat exchange driller. The individual shall include an application fee of \$25. If the individual has a current water well drilling rig operator registration in effect, the applicant does not need to submit an additional fee to become a registered heat exchange drilling rig operator. ~~If an individual has a current heat exchange drilling rig operator registration in effect the applicant does not need to submit an additional fee to become a registered water well drilling rig operator.~~

SECTION 39. NR 146.04 (11) (bg) and (br) are created to read:

NR 146.04 (11) (bg) A drilling rig operator registration is not valid unless the rig operator is employed by a licensed driller or a drilling business registered for the type of drilling designation held by the rig operator.

(br) A heat exchange drilling rig operator registration expires if the individual becomes a licensed heat exchange driller.

SECTION 40. NR 146.04 (11) (c) and (f), 146.045 (1) and (3), and 146.05 (1) and (2) are amended to read:

NR 146.04 (11) (c) In order to retain registration as a heat exchange drilling rig operator an individual shall comply with the requirements for continuing education in s. NR 146.07 (3). The individual shall apply for registration renewal and pay a fee of \$25 annually on or before January 1. The renewal application shall be signed by a supervisory heat exchange driller. If the individual has paid the fee for a water well drilling rig operator registration renewal for the same calendar year, the applicant does not need to submit an additional fee to renew the heat exchange drilling rig operator registration.

(f) An individual who is not a licensed heat exchange driller or a registered heat exchange drilling rig operator may only perform heat exchange drilling if the individual is employed by a licensed ~~individual~~ heat exchange driller or a registered heat exchange drilling business and is under the direct

supervision of a licensed heat exchange driller or a registered heat exchange drilling rig operator who is on site during all heat exchange well drilling activities.

NR 146.045 (1) ADMINISTRATION. The department shall administer examinations required under this chapter. The department ~~will primarily rely on~~ may contract with an external organization ~~under contract with the department~~ to provide examinations. The department may conduct examinations on a case-by-case basis when necessary to accommodate applicants' needs. An organization under contract to provide examinations may charge fees to cover the cost of providing any ~~exam~~ examination under this section as allowed under its contract with the department. Examination results shall be made available to an applicant within 30 days of the examination date.

(3) FEES EXAMINATION FEES. ~~In addition to~~ An eligible applicant shall pay the license application fee ~~fees paid to the department~~ as specified under s. NR 146.04 (2) (k), (3) (d), or (9) (c) ~~prior to taking an examination.~~ An, an eligible applicant shall also pay any examination fees charged by an organization contracted under sub. (1). Fees may not be refunded to an applicant who fails to pass an examination, fails to appear to take the examination, or who fails to identify themselves upon request.

NR 146.05 (1) The department may condition a license, registration, or renewal issued under this chapter based on the experience, qualifications, equipment, and compliance history of the applicant or ~~of the licensed supervisory individual or of the licensed individual supervisory driller~~ applicant's supervisory pump installer, supervisory water well driller, or supervisory heat exchange driller. Conditions which may be imposed by the department include restriction of water well drilling or heat exchange drilling to specific methods, equipment, or geologic formations, or advance notification to the department of drilling, pump installing, well filling and sealing, or property transfer well inspection activities.

(2) A ~~Wisconsin-licensed individual~~ water well driller, heat exchange driller, or pump installer in good standing may request to be listed with the department as an emeritus individual if the water well driller, heat exchange driller, or pump installer is no longer engaged in the business or businesses for which a ~~Wisconsin~~ license was obtained. An emeritus individual is not required to earn the continuing education credits described in s. NR 146.07 and shall continue to receive codes, bulletins, or other documents prepared and printed by the department. If an emeritus individual has not earned the annual continuing education requirements during the years for which the license was in emeritus status but wishes to reactivate his or her license to engage in water well drilling, heat exchange drilling, pump installing, well filling and sealing, or property transfer well inspections, the individual must pass the

appropriate exam. An individual in emeritus status is not eligible to be a supervisory water well driller, supervisory heat exchange driller, or supervisory pump installer.

SECTION 41. NR 146.05 (2) (Note) is repealed.

SECTION 42. NR 146.06 (intro.) and 146.065 (intro.) are amended to read:

NR 146.06 Water well drillers who hold ~~an individual~~ license to drill potable wells in states other than Wisconsin are eligible to obtain ~~an individual~~ Wisconsin water well driller license if all of the following requirements are met:

NR 146.065 Heat exchange drillers who hold ~~an individual~~ license to construct heat exchange drillholes in states other than Wisconsin are eligible to obtain ~~an individual~~ Wisconsin heat exchange driller license if all of the following requirements are met:

SECTION 43. NR 146.07 (1) (a) (title) is created to read:

NR 146.07 (1) (a) *Submittal.*

SECTION 44. NR 146.07 (1) (b) and (c) are amended to read:

NR 146.07 (1) (b) Online renewal requirement. Renewal applications shall be ~~submitted on forms specified~~ processed online using the portal provided by the department, ~~and accompanied by an~~ An application fee of \$50 is required for each water well driller license or and each water well drilling business registration. An application fee of \$50 is required for each heat exchange driller license and each heat exchange drilling business or registration. An application fee of \$25 is required for each pump installer license or and each pump installing business registration. and An application fee of \$25 is required for each water well drilling rig operator registration or and heat exchange drilling rig operator registration. Only one application fee of \$50 fee is required if the same licensee holds both a water well driller license or and a heat exchange driller license. Only one application fee of \$50 fee is required if the same registrant holds both a water well ~~driller~~ drilling business registration or and heat exchange driller drilling business registration. Only one application fee of \$25 fee is required if ~~the same registrant a rig operator~~ holds both a water well drilling rig operator registration and a heat exchange drilling rig operator registration.

(c) Online renewal waiver request. A licensee, rig operator or business registrant may submit a written request to the department to waive the online renewal requirement. The waiver request shall be

submitted before September 1 of the applicable renewal period and shall include an explanation of circumstances beyond the applicant's control that prevent online renewal processing. The department shall review any waiver request and make an approval determination. By October 15 of each year, the department shall mail paper renewal application forms to licensees, rig operators and business registrants who have an approved waiver of the online renewal requirement. An applicant with an approved waiver shall submit the paper renewal application to the department with an application fee of \$50 for each water well driller or heat exchange driller license or registration; \$25 for each pump installer license or registration; or \$25 for each water well drilling or heat exchange drilling rig operator registration. Only one \$50 fee is required if a licensee holds both a water well driller and heat exchange driller license. Only one \$50 fee is required if a registrant holds both a water well drilling and heat exchange drilling registration. Only one \$25 fee is required if a rig operator holds both a water well drilling rig operator registration and a heat exchange drilling rig operator registration. Paper renewal applications shall be received by the department no later than December 5 for a renewal to be effective on January 1 of the following year. The department shall conduct review of ~~completed~~ renewal applications within 15 business days of receipt. ~~Incomplete applications will be returned to the applicant.~~ An application is considered incomplete if received with incorrect fee payment or missing signatures. The department shall return an incomplete application to the applicant.

SECTION 45. NR 146.07 (1) (c) (Note) is repealed.

SECTION 46. NR 146.07 (1) (d) is repealed and recreated to read:

NR 146.07 (1) (d) *Late renewal penalty.* A late penalty of \$15 is required for each license or registration renewal that is processed online after January 1. A late penalty of \$15 is required for each license and registration renewed by paper renewal application form that is postmarked after January 1. For an incomplete paper renewal application that is resubmitted to the department and postmarked after January 1, a late penalty of \$15 is required for each license and registration renewed by the resubmitted application.

SECTION 47. NR 146.07 (1) (e) is amended to read:

NR 146.07 (1) (e) *Effective date.* A renewal is effective on the date the licensee, rig operator or business registrant receives ~~a permit~~ the renewed license or registration from the department and expires on December 31 of each year.

SECTION 48. NR 146.07 (1) (f) is repealed.

SECTION 49. NR 146.07 (1) (g) is repealed and recreated to read:

NR 146.07 (1) (g) *Supervisor signature required for rig operator renewal.* The renewal application for a registered drilling rig operator shall be signed by the supervisory water well driller or supervisory heat exchange driller.

SECTION 50. NR 146.07 (1) (h) is amended to read:

(h) *Supervisor signature required for business registration renewal.* The renewal application for a registered drilling business registration shall be signed by ~~both the licensed supervisory individual water well driller or supervisory heat exchange driller and the owner of the drilling business.~~ The renewal application for a registered pump installing business shall be signed by the supervisory pump installer.

SECTION 51. NR 146.07 (1) (i) is repealed.

SECTION 52. NR 146.07 (1) (j) and (2) (a) are amended to read:

NR 146.07 (1) (j) *Certificate of supervision.* The department may require ~~registered water well drilling or pump installing businesses~~ a registrant and their licensed supervisory individual ~~the registrant's supervisory pump installer, supervisory water well driller, or supervisory heat exchange driller~~ to complete and submit an updated certificate of supervision with a renewal application.

(2) (a) *Continuing education attendance.* Only individuals ~~holding valid Wisconsin licenses or registrations on December 31~~ who have met ~~the~~ continuing education credit attendance requirements of this section are eligible to apply to renew a license or registration for the calendar year that follows the date of license or registration expiration for renewal in the following year.

SECTION 53. NR 146.07 (2) (b) (intro.) is repealed and recreated to read:

NR 146.07 (2) (b) *Expiration without eligibility for renewal.* An expired license or expired rig operator registration may not be renewed if any of the following occur:

SECTION 54. NR 146.07 (2) (b) 1., 2., 3., and 4. are amended to read:

NR 146.07 (2) (b) 1. Failure to ~~attend continuing education~~ fulfill continuing education attendance requirements under sub. (3).

2. Failure to renew ~~during the calendar year~~ a license or rig operator registration within one year of expiration.

3. ~~Department~~A department of revenue hold placed on renewal of a license, or rig operator registration or renewal lasting longer than one calendar year for failure to pay state income taxes that is not resolved within one year of expiration.

4. ~~Department~~A department of children and families hold placed on renewal of a license, or rig operator registration or renewal lasting longer than one calendar year for failure to pay child support that is not resolved within one year of expiration.

SECTION 55. NR 146.07 (2) (c) (title) and (d) (title) are created to read:

NR 146.07 (2) (c) *Reinstatement following expiration without renewal eligibility.*

(d) *Loss of driller license examination eligibility.*

SECTION 56. NR 146.07 (2) (d) and (e) are amended to read:

NR 146.07 (2) (d) If a water well driller or heat exchange driller license is not renewed for 5 or more years, the applicant shall lose license examination eligibility. To reinstate the water well driller or heat exchange driller license, the applicant shall meet the prerequisite requirements currently in effect for obtaining a new water well driller or heat exchange driller license.

(e) Supervisor eligibility required for registrant renewal. ~~Only registered persons who have a licensed supervisory individual who has~~ In order for a registrant to be eligible for renewal, the registrant's supervisory pump installer, supervisory water well driller, or supervisory heat exchange driller must have met the continuing education credit requirements of this section are eligible for renewal in the following year.

SECTION 57. NR 146.07 (3) is renumbered NR 146.07 (3) (a) and amended to read:

NR 146.07 (3) CONTINUING EDUCATION. (a) Attendance. Each calendar year, licensed and registered individuals are required to earn ~~six~~6 continuing education hours by attending continuing education sessions sponsored or sanctioned by the department. Continuing education hours shall be earned between January 1 and December 31 of each year ~~beginning January 1, 1989 for water well drillers and pump installers, and beginning January 1, 2009 for registered water well drilling rig operators~~

~~and beginning January 1, 2016, for licensed heat exchange drillers and registered heat exchange drilling rig operators except that those who have been granted a waiver under sub. (1) (c) shall earn 6 continuing education hours between January 1 and October 15 of each year.~~

~~(c) *Exemption for a first-time licensee or rig operator.* 1. Except as provided under subd. 2., continuing education hours are not required during the first calendar year in which an individual becomes licensed or registered obtains registration as a rig operator for the first time, except that registered water well drilling rig operators or registered heat exchange drilling rig operators shall earn continuing education hours during the year in which they are first licensed or registered if they include their first year as a drilling rig operator toward their experience to obtain the applicable drilling license.~~

SECTION 58. NR 146.07 (3) (b), (c) 2., and (d) are created to read:

NR 146.07 (3) (b) *Grace period.* A licensee or registrant may complete continuing education attendance requirements within a one-year grace period following license or registration expiration. During the grace period, the license or registration is expired and may be renewed under sub. (1) when continuing education attendance requirements are completed for the previous calendar year.

(c) 2. A rig operator who intends to apply for a driller license shall meet continuing education requirements in the first calendar year of registration in order for the first year's drilling experience to apply towards prerequisite license application requirements of this chapter.

(d) *Training topics.* One credit of continuing education is acquired for each hour in attendance at training sponsored or sanctioned by the department. Each calendar year, applicants shall attend one hour of code compliance training and 3 hours of training specific to the license or registration held. Two credits shall be obtained by attending sponsored or sanctioned training in other topic areas. Annual continuing education attendance shall meet the minimum following criteria:

1. 'Pump installer licensee.'
 - a. Code compliance related training – 1 credit.
 - b. Training specific to pump installing – 3 credits.
 - c. At the discretion of the department, additional credits may be accepted for attendance at training specific to water well drilling, business practice, or safety and first aid.

2. 'Licensed water well driller or water well drilling rig operator registrant.'
 - a. Code compliance related training – 1 credit.
 - b. Training specific to water well drilling – 3 credits.
 - c. At the discretion of the department, additional credits may be accepted for attendance at training specific to heat exchange drilling, pump installing, business practice or safety and first aid.
3. 'Licensed heat exchange driller or heat exchange drilling rig operator registrant.'
 - a. Code compliance related training – one credit.
 - b. Training specific to heat exchange drilling – 3 credits.
 - c. At the discretion of the department, additional credit may be accepted for attendance at training specific to water well drilling, business practice, or safety and first aid.

SECTION 59. NR 146.07 (4) is amended to read:

NR 146.07 (4) ENGAGING IN BUSINESS. ~~An individual or~~ A person applying for a renewal under this section may not engage in the business of water well drilling, heat exchange drilling, pump installing, well filling and sealing, or property transfer well inspections after a license or registration has expired until the ~~individual or person has received~~ receives a renewed ~~[water] well driller or pump installer~~ license or registration from the department.

SECTION 60. NR 146.07 (4) (Note) is repealed.

SECTION 61. NR 146.08 (intro.) is repealed and recreated to read:

NR 146.08 A licensee, drilling rig operator registrant, or business registrant shall do all of the following if applicable to the person's license or registration:

SECTION 62. NR 146.08 (2) and (5) are amended to read:

NR 146.08 (2) Upgrade any noncomplying water well, heat exchange drillhole, or pump installation feature on which work is performed. The upgrade shall comply with the laws and rules and with any plans, specifications, variances and approvals approved by the department in effect at the time the upgrade is performed. Water well drillers shall be responsible for corrections relating to well location,

construction and reconstruction. Heat exchange drillers shall be responsible for corrections relating to drillhole location, construction, and reconstruction. Pump installers shall be responsible for corrections relating to the pump installation. Noncomplying water systems features forms shall be completed for other noncomplying features that are apparent and known, with the exception of subs. (9) to (13).

(5) Clearly identify the name, and license or registration number of the ~~licensed~~ supervisory ~~individual-pump installer, supervisory water well driller, or supervisory heat exchange driller,~~ or the ~~registered person~~ registrant in all advertising, estimates, invoices, and receipts and on any water well drilling rig, heat exchange drilling rig, pump installation truck, or similar equipment. The identification of equipment shall be at least 2 inches in height with at least ~~1/4-inch-wide~~ 0.25-inch-wide brush stroke. The identification shall have a sharp color contrast with the background on which it is applied. The identification shall remain legible and maintained without deterioration.

SECTION 63. NR 146.08 (8) and (8m) are repealed and recreated to read:

NR 146.08 (8) A supervisory water well driller shall provide direct supervision on the first 10 water wells drilled by any employee or any individual that the supervisory water well driller is responsible for supervising if the employee or individual has no water well drilling experience or has no experience in a water well drilling method or a grouting method to be used by the employee or individual.

(8m) A supervisory heat exchange driller shall provide direct supervision on the first 10 heat exchange drillholes drilled by any employee or any individual that the supervisory heat exchange driller is responsible for supervising if the employee or individual has no heat exchange drilling experience or has no experience in a heat exchange drilling method or a grouting method to be used by the employee or individual.

SECTION 64. NR 146.09 (1) (title) and (2) (intro) are amended to read:

NR 146.09 (1) ~~BASES~~ BASIS FOR ACTION.

(2) SUSPENSION AND REVOCATION ACTIVITIES. No individual or person whose license or registration has been suspended or revoked may engage in the business of water ~~well~~ well drilling, heat exchange drilling, or pump installing during the suspension or revocation period unless all of the following apply:

SECTION 65. NR 146.09(2) (Note) is repealed.

SECTION 66. NR 146.09 (2) (a) is amended to read:

NR 146.09 (2) (a) Water well drilling activities are performed under the direct supervision of a ~~Wisconsin-licensed individual~~ water well driller; heat exchange drilling activities are performed under the direct supervision of a ~~Wisconsin-licensed individual~~ heat exchange driller; and pump installing activities are performed under the direct supervision of a ~~Wisconsin-licensed individual~~ pump installer.

SECTION 67. NR 146.09 (2) (b) 1. (intro.) is created to read:

NR 146.09 (2) (b) 1. All of following requirements that are applicable are met:

SECTION 68. NR 146.09 (2) (b) is renumbered NR 146.09 (2) (b) 1. a. and amended to read:

NR 146.09 (2) (b) 1. a. The water well driller whose license or registration was suspended or revoked ~~shall be~~ is an employee of the ~~Wisconsin~~ licensed water well driller providing direct supervision of his or her activities or ~~shall be~~ is an employee of a ~~Wisconsin~~ registered water well drilling business whose ~~licensed~~ supervisory ~~individual~~ water well driller is providing direct supervision to the water well driller whose license or registration was suspended or revoked.

b. The heat exchange driller whose license or registration was suspended or revoked ~~shall be~~ is an employee of the ~~Wisconsin~~ licensed heat exchange driller providing direct supervision of his or her activities or ~~shall be~~ is an employee of a ~~Wisconsin~~ registered heat exchange drilling business whose ~~licensed~~ supervisory ~~individual~~ heat exchange driller is providing direct supervision to the heat exchange driller whose license or registration was suspended or revoked.

c. The pump installer whose license or registration was suspended or revoked ~~shall be~~ is an employee of the ~~Wisconsin~~ licensed pump installer providing direct supervision of his or her activities or be is an employee of a ~~Wisconsin~~ registered pump installing business whose ~~licensed~~ supervisory ~~individual~~ pump installer is providing direct supervision to the pump installer whose license or registration was suspended or revoked.

2. A copy of the employment contract under par. (b), (c), or (d) ~~shall be~~ is provided to, and approved by the department before any water well drilling, heat exchange drilling, pump installing, or well filling and sealing activities are commenced. An employment contract entered into to meet the requirements of this chapter shall include the assignment of responsibility for supervision, submission of reports and the completion of work in compliance with all applicable laws and rules and with any plans,

specifications, variances, and approvals approved by the department to the ~~Wisconsin licensed individual~~ supervisory water well driller, supervisory heat exchange driller, or supervisory pump installer.

SECTION 69. NR 146.09 (3) (c) is amended to read:

NR 146.09 (3) (c) An individual whose water well ~~drilling~~ driller, heat exchange ~~drilling~~ driller, or pump ~~installing~~ installer license was revoked for any reason shall demonstrate the individual licensee's knowledge to engage in water well drilling, heat exchange drilling, or pump installing by passing an exam examination administered under s. NR 146.045. An individual who has had a water well ~~drilling~~ driller, heat exchange ~~drilling~~ driller, or pump ~~installing~~ installer license revoked for incompetency is not eligible to ~~become licensed again~~ for license reinstatement until ~~after the individual has demonstrated competency~~ has been demonstrated in the activity for which the individual was deemed incompetent. In the alternative, the department may grant a conditional license to the applicant, ~~which that~~ restricts the individual from engaging in the activity for which the individual was deemed incompetent. Competency shall be demonstrated by performing the activity while working under the direct supervision of an individual licensed for that activity for at least 2 years without violations.

SECTION 70. NR 146.105 is created to read:

NR 146.105 Heat exchange drillhole filling and sealing. This section applies to heat exchange drillholes made for the purpose of installing a geothermal closed-loop heat exchange system. An individual may not fill and seal a heat exchange drillhole unless the individual is a licensed heat exchange driller.

SECTION 71. NR 146.11 (2) is amended to read:

NR 146.11 (2) 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 or wells that must be filled and sealed on the real property unless the individual is a licensed ~~individual~~ water well driller or a licensed ~~individual~~ pump installer. Only licensed ~~individual~~ water well drillers or licensed ~~individual~~ pump installers may make any statement or offer any opinions regarding the existence or nonexistence of wells that need to be filled and sealed; or the location, compliance, condition, capacity, or performance of a well and pressure system for compensation, at time of property transfer.

SECTION 72. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 73. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES

BY _____

Steven Little, Deputy Secretary