

CR 88-17



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

RECEIVED

STATE OF WISCONSIN )  
DEPARTMENT OF NATURAL RESOURCES )

NOV 10 1988  
9:40 am  
Revisor of Statutes  
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. WS-6-88 was duly approved and adopted by this Department on August 25, 1988. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have here-  
unto set my hand and affixed the  
official seal of the Department at  
the Natural Resources Building in  
the City of Madison, this 7th  
day of November, 1988

*Bruce B. Braun*  
Bruce B. Braun, Deputy Secretary

(SEAL)

1-1-89

ORDER OF THE STATE OF WISCONSIN  
NATURAL RESOURCES BOARD CREATING RULES

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NOV 10 1988

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Bureau

WS-6-88

.....  
IN THE MATTER of creating ch. NR .  
146 of the Wisconsin Administrative .  
Code pertaining to well driller and .  
pump installer registration .  
.....

Analysis Prepared by the Department of Natural Resources

Authorizing statutes: s. 162.01(1), Stats.  
Statutes interpreted: ch. 162, Stats.

Chapter 162, Stats., created authority for the department of natural resources to set rules and regulations for methods to obtain pure water for human consumption. The law defines well drilling and pump installing, sets minimum qualifications to become a registered well driller or pump installer, and describes under what conditions a registration can be suspended or revoked. The department has operated a well driller/pump installer registration program using the framework set forth in ch. 162, Stats., and policy procedures that are an interpretation of ch. 162, Stats. Chapter NR 146 incorporates the procedures into rule form and addresses some of the registration problems identified.

Chapter NR 146 gives additional detail as to when a registration is required, states exceptions for registration, describes how to apply and the required experience, requires the passage of an exam for new applicants, requires continuing education for all registrants, explains when a firm registration is required, describes the renewal process, details responsibilities of the registrant, and describes what activities may be performed by a suspended or revoked registrant.

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SECTION 1. Chapter NR 146 is created to read:

NR 146

WELL DRILLER AND PUMP INSTALLER REGISTRATION

NR 146.01 PURPOSE AND APPLICABILITY. (1) PURPOSE. The purpose of this chapter is to establish the criteria by which the department administers the well driller and pump installer registration program required by ch. 162, Stats.

(2) APPLICABILITY. This chapter applies to any person, firm, corporation or partnership engaging in, or intending to engage in, the

business of well drilling or pump installing in the state of Wisconsin. This chapter does not apply to well drilling or pump installing activities involving a well supplying water which is not used for, or intended to be used for, human consumption or the washing or preparation of food products.

Note: Any person constructing a well or installing a pump, regardless of whether he or she is required to be registered under this chapter, is required to comply with applicable statutory and administrative code requirements for well construction and pump installation. For example, ch. NR 112 contains well construction and pump installation requirements for private water systems and chs. NR 108 and 111 contain well construction and pump installation requirements for public water systems.

NR 146.02 DEFINITIONS. As used in this chapter:

(1) "Competent sanitary engineer" means a professional engineer registered by the Wisconsin department of regulation and licensing who practices in the discipline of civil, sanitary and structural engineering.

(2) "Department" means the department of natural resources.

(3) "Direct supervision" means actual physical presence by a Wisconsin registered well driller during all well drilling activity or by a Wisconsin registered pump installer during all pump installing activity.

(4) "Engage in the business of" includes advertising, bidding, contracting, preparing plans and specifications, supervising well drilling or pump installing activities, performing well drilling or pump installing activities, billing or receiving payment for work done.

(5) "Pump installing" has the meaning designated in s. 162.02(5), Stats., and includes installing, replacing, or reinstalling a pump or the associated discharge piping or installing or replacing an adapter, well seal, well cap, pressure tank or water treatment device prior to the pressure tank.

(6) "Registrant" means a person, firm, corporation or partnership registered to engage in the business of well drilling or pump installing in Wisconsin.

(7) "Regulation" means the conditions under which any registration or variance is issued or plans and specifications are approved by the department.

(8) "Water system" means the water supply, storage, treatment facilities and all structures and piping by which water is provided.

(9) "Well" has the meaning designated in s. 162.02(6), Stats.

(10) "Well drilling" has the meaning designated in s. 162.02(8), Stats., and includes any activity which requires the use of a well drilling rig or similar equipment, or which is conducted using a well drilling rig or similar equipment with the exception of the driving of points, or any activity which changes the character of a drilled well. Activities for which the department may require a Wisconsin well driller registration include constructing, reconstructing or deepening a well, installing a liner, installing or replacing a screen, well rehabilitation, hydrofracturing, blasting and chemical conditioning.

NR 146.03 REGISTRATION. (1) REQUIRED. No person, firm, corporation or partnership may engage in the business of well drilling or pump installing, or hold himself, herself or itself out as or act temporarily or otherwise as a well driller or pump installer, in the state of Wisconsin without first obtaining a well driller or pump installer registration from the department.

(2) EXCEPTIONS. A Wisconsin well driller or pump installer registration is not required for:

(a) A person conducting well drilling activities under the supervision of a Wisconsin registered well driller or a person conducting pump installing activities under the supervision of a Wisconsin registered pump installer,

(b) An owner or lessor of land conducting well drilling or pump installing activities on a water system located on property occupied by the owner or lessor of land,

(c) Competent sanitary engineers preparing plans and specifications or supervising the installation of wells and water systems, for which the engineer prepared plans and specifications, by a Wisconsin registered well driller or pump installer, or

(d) Superintendents of waterworks systems supervising the installation of wells and water systems, for which the superintendent is responsible, by a Wisconsin registered well driller or pump installer.

(3) PERFORMANCE STANDARDS. All well drilling and pump installing work shall conform to statutory and administrative code requirements and to any department approved plans and specifications or variance.

NR 146.04 INITIAL APPLICATIONS. (1) GENERAL REQUIREMENTS. (a) All new registration applications shall be submitted on forms provided by the department.

(b) All information on an application shall be true and accurate. The department may request a registration applicant to verify any information on the application submitted.

(c) The department shall conduct review of completed applications within 65 business days. Incomplete applications shall be returned to the applicant.

(d) Registration shall be effective on the date the permit is issued by the department and expires on December 31 of each year. Registrants shall inform the department within 15 business days of any changes in the information on the application submitted to the department.

(2) WELL DRILLER REGISTRATION. To be eligible for a well driller registration, an applicant shall:

(a) Have 2 years of well drilling experience, within the last 5 years, under the supervision of a Wisconsin registered well driller. The name and address of the supervisory well driller, the dates of apprenticeship and a description of the activities conducted shall be provided to the department,

(b) Have drilled at least 30 wells or performed at least 1500 hours of well drilling activities in 2 years, a minimum of 10 wells or 750 hours in any single year. To fulfill this requirement the wells shall be constructed in accordance with statutory and administrative

code requirements and any department approved plans and specifications or variance,

(c) Demonstrate his or her ability, understanding and competency to engage in the business of well drilling in Wisconsin by passing an exam administered by the department, and

Note: Exam topics may include scope of department rules, well construction, reconstruction, rehabilitation and locational requirements as well as sampling and reporting requirements. The department will solicit exam topics and questions from registered well drillers.

(d) Submit a completed application and application fee of \$50. The well driller registration application shall include information regarding the well driller apprenticeship such as the names of well owners, their addresses and phone numbers, the legal descriptions of the locations of the wells, the dates the wells were constructed and a recent photo of the applicant operating a well drilling rig.

(3) PUMP INSTALLER REGISTRATION. To be eligible for a pump installer registration an applicant shall:

(a) Demonstrate ability, understanding and competency to engage in the business of pump installing in Wisconsin by passing an exam administered by the department, and

Note: Exam topics may include scope of department rules, well location and pump installation requirements and sampling and reporting requirements. The department will solicit exam topics and questions from registered pump installers.

(b) Submit a completed application and an application fee of \$25.

(4) BUSINESS REGISTRATION. (a) All firms, corporations and partnerships engaging in the business of well drilling or pump installing in Wisconsin shall obtain a business registration for each place of operation, business or retail outlet.

(b) To be eligible for a business registration to engage in the business of well drilling, a person holding a valid Wisconsin well driller registration shall either be employed by or hold an ownership interest in the business and shall be available to supervise well drilling activities. A completed business registration application signed by both the designated supervisory Wisconsin registered well driller and an authorized agent for the business and a \$50 application fee shall be submitted to the department. The designated supervisory Wisconsin registered well driller is responsible for ensuring that well drilling work performed by the business is conducted in compliance with all applicable statutory and administrative code requirements and any department approved plans and specifications or variance.

(c) To be eligible for a business registration to engage in the business of pump installing, a person holding a valid Wisconsin pump installer registration shall either be employed by or hold an ownership interest in the business and shall be available to supervise pump installing activities. A completed business registration application shall be signed by both the designated supervisory Wisconsin registered pump installer and an authorized agent for the business and a \$25 application fee shall be submitted to the department. The designated supervisory Wisconsin registered pump installer is responsible for ensuring that pump installing work

performed by the business is conducted in compliance with all applicable statutory and administrative code requirements and any department approved plans and specifications or variance.

NR 146.05 REGISTRATION CONDITIONS AND EMERITUS. (1) CONDITIONS. The department may condition a well driller or pump installer registration or renewal based on the experience and qualifications of the applicant. Conditions which may be imposed by the department include prior department notification of well drilling or pump installing activities.

Note: A notification condition may be fulfilled by a well driller or pump installer by phoning the office of the designated department employee.

(2) EMERITUS STATUS. A Wisconsin registered well driller or pump installer may request to be listed with the department as an emeritus if the well driller or pump installer is no longer engaged in the business or businesses for which a Wisconsin registration is held. An emeritus 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.

NR 146.06 OUT OF STATE WELL DRILLERS. Well drillers licensed or registered to engage in the business of well drilling in states other than Wisconsin are eligible for a Wisconsin well driller registration if:

(1) The department determines that the well drilling regulations and registration program of the state in which the applicant is registered is substantially similar to Wisconsin's,

(2) The applicant is in good standing in the state in which he or she is licensed or registered to engage in the business of well drilling,

(3) The applicant demonstrates competency to engage in the business of well drilling in Wisconsin by passing an exam administered by the department, and

(4) A completed application which is true and accurate and an application fee of \$50 are submitted to the department.

NR 146.07 RENEWALS. (1) APPLICATION. (a) To renew an individual or business well driller or pump installer registration, the registrant shall submit a renewal application to the department on or before January 1 of each year. The department may require that proof of compliance with continuing education credit requirements under sub. (2) be submitted with the renewal application.

(b) Renewal applications shall be submitted on forms provided by the department and accompanied by a fee of \$50 for each well driller registration and \$25 for each pump installer registration.

(c) The department shall conduct review of completed renewal applications within 15 business days. Incomplete applications will be returned to the applicant.

Note: Renewal applications must be received by the department no later than December 5 for a renewal to be effective on January 1 of the following year.

(d) A late penalty of \$15 shall be assessed for any application received by the department after January 1. An incomplete renewal application which is resubmitted to the department after January 1 shall be assessed a late penalty of \$15.

(e) A renewal is effective on the date the registrant receives a permit from the department and expires on December 31 of each year.

(2) ELIGIBILITY. Only registrants holding valid Wisconsin well driller or pump installer registrations on December 31 who have met the continuing education credit requirements of this section are eligible for renewal in the following year.

(3) CONTINUING EDUCATION. (a) Each year, registrants shall earn continuing education credits by attending training sessions sponsored by the department. The owner of a firm, corporation or partnership which is registered by the department on the basis of employment of a Wisconsin registered well driller or pump installer shall earn continuing education credits for renewal of the firm, corporation or partnership's registration. Continuing education credits earned by a person who is also the owner of a firm, corporation or partnership registered by the department may be used for renewal of both that person's and the firm's, corporation's or partnership's registration. At least 6 credits each year shall be earned by attending department sponsored training sessions. Continuing education credits shall be earned between January 1 and December 31 of each year beginning January 1, 1989.

Note: The department will consult with well drillers and pump installers in developing continuing education programs. One of the department sponsored training sessions will be held in conjunction with the annual Wisconsin water well association meeting.

(b) Well driller registrants shall earn a minimum of 6 continuing education credits.

(c) Pump installer registrants shall earn a minimum of 6 continuing education credits.

(d) Combined well driller and pump installer registrants shall earn a minimum of 6 continuing education credits.

(4) ENGAGING IN BUSINESS. A person or business applying for a renewal under this section may not engage in the business of well drilling or pump installing after a permit has expired until he or she has received a renewed well driller or pump installer registration from the department.

NR 146.08 REGISTRANT RESPONSIBILITIES. All well driller and pump installer registrants shall:

(1) Perform work in compliance with, and ensure that work performed under their supervision is conducted in compliance with, all applicable statutory and administrative code requirements and any department approved plans and specifications or variance,

(2) Upgrade any noncomplying existing well or pump installation on which work is performed. The work shall conform to the statutory and administrative code requirements in effect at the time the work is performed. Well drillers shall be responsible for corrections relating to well location, construction and reconstruction. Pump installers shall be responsible for corrections relating to the pump installation.

(3) Complete any corrections ordered by the department on any well or pump installation the registrant performed work on, supervised work on or signed a well construction report for. Well drillers shall be responsible for corrections relating to well location, construction and reconstruction. Pump installers shall be responsible for corrections relating to the pump installation.

(4) Submit any report required to be submitted by statute, administrative rule or order in the time period required and notify the department of any change in information submitted on well driller or pump installer registration and renewal applications. Reports shall be complete, true and accurate.

(5) Clearly identify the name and registration number of the registered person, firm, corporation or partnership in all advertising and on any well 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 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.

(6) Refuse to contract for well drilling for, or lease or lend well drilling or pump installing equipment to, an unregistered person, firm, corporation or partnership without supervising the well drilling or pump installing activities of the unregistered person, firm, corporation or partnership, and

(7) Refuse to contract for well drilling for, or lease or lend well drilling or pump installing equipment to, a suspended or revoked well driller or pump installer without directly supervising the well drilling or pump installing activities of the suspended or revoked well driller or pump installer.

NR 146.09 SUSPENSION AND REVOCATION. (1) BASES FOR ACTION. The department may suspend or revoke a well driller or pump installer registration for any of the following reasons:

(a) A material misstatement in the application for a registration or renewal,

(b) A demonstrated incompetency to act in the business or businesses for which a Wisconsin registration is held,

(c) Two willful violations of any provision of ch. 162, Stats., or any rule, regulation or order prescribed by the department; or

(d) Conviction in any civil or criminal proceeding of any action constituting fraud in connection with well drilling or pump installing activities.

(2) SUSPENSION OR REVOCATION ACTIVITIES. No person, firm, corporation or partnership whose registration has been suspended or revoked may engage in the business of well drilling or pump installing during the suspension or revocation period unless:

(a) Well drilling activities are performed under the direct supervision of a Wisconsin registered well driller and pump installing activities are performed under the direct supervision of a Wisconsin registered pump installer,

(b) The suspended or revoked well driller or pump installer shall be an employee of the Wisconsin registered well driller or pump installer directly supervising his or her activities. A copy of the

employment contract shall be provided to, and approved by, the department before any well drilling or pump installing 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 conformance with all applicable statutory and administrative code requirements to the Wisconsin registered supervisory well driller or pump installer.

(c) The suspended or revoked registrant notifies the department of the location of any well or pump installation the registrant will be working on at least 48 hours in advance; and

(d) The suspended or revoked registrant notifies the department of the location of each well drilling rig or pump installation truck owned, leased or used by the suspended or revoked registrant and of any change in the location of any rig or truck during the suspension or revocation period.

(3) REINSTATEMENT. (a) A registrant who has been suspended based on incompetency to act in the business or businesses for which a Wisconsin registration was issued shall demonstrate competency to engage in the business or businesses by passing an exam administered by the department.

(b) A revoked registrant may apply for a new registration one year or thereafter after the date of revocation. A registration application by a revoked registrant is not a renewal.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 25, 1988.

The rules shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin

November 7, 1988

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By

Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

November 9, 1988

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NOV 10 1988

Mr. Orlan L. Prestegard  
Revisor of Statutes  
Suite 702  
30 W. Mifflin Street

Revisor of Statutes  
Bureau

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WS-6-88. These rules were reviewed by the Assembly Committee on Environmental Resources and Utilities and the Senate Committee on Urban Affairs, Energy, Environmental Resources and Elections pursuant to s. 227.19, Stats. A summary of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

A handwritten signature in cursive script that reads "C. D. Besadny".

C. D. Besadny  
Secretary

Enc.