

## CHAPTER 162.

## PURE DRINKING WATER.

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

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

**History:** 1953 c. 596; 1955 c. 221.

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

(1) "Board" shall mean the state board of health.

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

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

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

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

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

(7) "Pump installer" is any person, firm or corporation who has duly registered as such with the state board of health and shall have paid the annual registration fee and obtained a permit to engage in pump installing as herein provided.

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

**History:** 1953 c. 596.

**162.03 Additional powers of board.** (1) The board may exercise such powers as are reasonably necessary to carry out and enforce the provisions of this chapter. It may, among other things:

(a) Employ a competent supervisor to supervise and inspect all well drilling and pump installing operations and aid in the enforcement of all laws, rules and regulations governing the well drilling and pump installing industries. Said board may also employ assistants, prescribe their respective qualifications and salaries and assign their duties. Except in the adoption, amendment or repeal of rules and regulations, the state health officer may act for the board.

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

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

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

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

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

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

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

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

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

(d) Has been found guilty in any civil or criminal proceeding of any action constituting fraud in connection with his well drilling or pump installing operations.

(3) A copy of the complaint with notice of the suspension of permit, if ordered by the board, shall be served on the person complained against, and his answer thereto shall be filed, in the manner and within the time provided in s. 136.08 (4), and the provisions of said subsection shall govern so far as applicable.

(4) No order revoking a permit shall be made until after a public hearing to be held before the board at the place, time and in the manner provided in s. 136.09. The procedure provided in said section for notice, conduct of hearing and determination by the board shall govern so far as applicable.

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

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

**History:** 1953 c. 596.

Acts of the examiner who conducted the hearing, in examining witnesses on occasion and going into some collateral issues not, however, included in the findings of the board and not affecting the result, and in counseling with the assistant attorney general appearing on behalf of the board, were not prejudicial to the defendant and did not result in a denial of due process. Because certain findings of the board, not supported by the evidence, may have influenced the board in fixing the period of suspension provided for in its order, the matter is returned to the board for further consideration. Gray Well Drilling Co. v. State Board of Health, 263 W 417, 58 NW (2d) 64.

In a proceeding by the board on its own motion to suspend or revoke a well-drilling permit, as provided by (2), neither the statutes nor the rules of the board require that the complaint be verified. The lack of provision for the filing of a demurrer was not prejudicial to the defendant and did not result in a denial of due process, since the allegations of the demurrer which the defendant attempted to file were repeated in its answer and all of the issues raised thereby were considered and preserved in the record. Gray Well Drilling Co. v. State Board of Health, 263 W 417, 58 NW (2d) 64.

**162.04 Well drilling and pump installing; registration; qualifications; fee.** (1) Every person, firm or corporation before engaging in the industry of well drilling or pump installing in this state as herein provided shall make application to the board for registration of each place of business or retail outlet operated by him as a well driller, pump installer or both, upon blanks prepared by the board for such purpose and shall accompany such application with a permit fee for each place of business or retail outlet

included in the application as follows: well driller, \$15; pump installer, \$10; well driller and pump installer, \$25. Such registration and permit shall be renewed annually on January 1 at the above stated permit fees. Application for renewal shall be filed on or before January 1 and if filed after that date a penalty of \$5 shall be charged.

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

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

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

**History:** 1953 c. 596; 1957 c. 546.

Licensed plumbers are not exempt from the provisions in regard to pump installers. 42 Atty. Gen. 309.

Where an unregistered foreign corporation assumes the obligation to drill a water supply well by contract procured from a municipality by low bid, and proposes to assign said contract to another registered well driller for a valuable consideration, said corporation has "engaged in the industry of well drilling" within the meaning of that term as used in 162.04 (4). Further, the foreign corporation "held itself out" as a well driller in violation of 162.06. Validity of the assignment is a question of law for the legal advisor of the municipality. Sole concern of the state board of health is that the person which actually does the work has complied with 162.04. 44 Atty. Gen. 279.

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

**History:** 1953 c. 596; 1957 c. 546.

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

**History:** 1953 c. 596.

**162.06 Penalties.** Any person, firm or corporation who engages in or follows the business or occupation of, or advertises or holds himself or itself out as or acts temporarily or otherwise as a well driller or pump installer without having first secured the required permit or certificate of registration or renewal thereof, or who otherwise violates any provision of this chapter, shall be fined not less than \$10 or more than \$100 or imprisoned not less than 30 days, or both. Each day during which a violation continues shall constitute a separate and distinct offense, and may be punished separately.

**History:** 1953 c. 596.