

CHAPTER 280

PURE DRINKING WATER

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Cross Reference: See also chs. NR 809, 811, 812, and 845, Wis. adm. code.

280.01 Definitions. In this chapter:

- (1) “Department” means the department of natural resources.
- (2) “Groundwater” means subsurface water supplied for human consumption.
- (2e) “Licensed pump installer” means any individual who has paid the annual license fee under s. 280.15 (2m) (c) 2. and obtained a license under s. 280.15 (2m) as a pump installer.
- (2m) “Licensed well driller” means any individual who has paid the annual license fee under s. 280.15 (2m) (c) 1. and obtained a license under s. 280.15 (2m) as a well driller.
- (5) “Pump installing” means the industry and procedure employed in the placement and preparation for operation of equipment and materials utilized in withdrawing or obtaining water from a well for consumption or use, including all construction involved in making entrance to the well and establishing such seals and safeguards as are necessary to protect such water from contamination.
- (6) “Well” means an excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater for human consumption.
- (8) “Well drilling” means the industry and procedure employed in obtaining groundwater from a well by digging, boring, drilling, driving or other methods but not including the driving of points for the purpose of obtaining ground water. It shall also include all construction work and installation of well casings in said well involved therein for the protection of such well water against pollution.

History: 1983 a. 189; 1995 a. 227 s. 938; Stats. 1995 s. 280.01; 2005 a. 360.

280.11 Pure drinking water; powers of department.

(1) The department 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 groundwater for human consumption including sanitary conditions surrounding the same, the construction or reconstruction of wells and generally to prescribe, amend, modify or repeal any rule or regulation theretofore prescribed and shall do and perform any act deemed necessary for the safeguarding of public health.

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

History: 1975 c. 39; 1995 a. 227 s. 937; Stats. 1995 s. 280.11.

Cross Reference: See also chs. NR 809, 811, 812, and 845, Wis. adm. code.

280.13 Additional powers of department. (1) The department may exercise such powers as are reasonably necessary

to carry out and enforce the provisions of this chapter. It may, among other things:

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

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

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

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

(e) Prepare and cause to be printed any codes, bulletins or other documents that the department determines are necessary for the safety of the public health and the betterment of the industries, and furnish copies of those documents to licensed well drillers, licensed pump installers and to the public upon request.

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

(2) The department may on its own motion make investigations and conduct hearings and may, on its own motion or upon complaint in writing, duly signed and verified by the complainant, and upon not less than 10 days' notice to the licensed well driller or licensed pump installer, suspend or revoke as provided in subs. (3) and (4) any well driller's or pump installer's license if the department has reason to believe or finds that the holder of the license has done any of the following:

(a) Made a material misstatement in the application for the license or any application for a renewal of the license.

(b) Demonstrated incompetency to act in the industry or industries for which the license was issued.

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

(d) Been found guilty in any civil or criminal proceeding of any action constituting fraud in connection with the well driller's or pump installer's well drilling or pump installing operations.

(3) The department shall serve a copy of the complaint with notice of the suspension of license, if ordered by the department, on the person complained against, and the person shall file an

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answer with the department and the complainant within 10 days after service. The department shall set the matter for hearing as promptly as possible and within 30 days after the date on which the complaint was filed. Either party may appear at the hearing in person or by attorney or agent.

(4) The department may not make an order revoking a license under sub. (2) until after a public hearing to be held before the department in the county where the licensee has his or her place of business. If the licensee is a nonresident, the hearing shall be at the place that the department designates. At least 10 days prior to the hearing the department shall send written notice of the time and place of the hearing to the licensee and to the licensee's attorney or agent of record by mailing the notice to the last-known address of those persons. The testimony presented and proceedings had at the hearing shall be recorded and preserved as the records of the department. The department shall as soon as possible after the hearing make its findings and determination and send a copy to each interested party.

(5) One year after the date of revocation or thereafter a person whose license was revoked may apply for a new license.

(6) No individual whose license has been revoked under this section may, during the period in which the revocation is effective, engage in any well drilling or pump installing activity except under the direct supervision of a licensed well driller or licensed pump installer and as an employee of a licensed well driller, a licensed pump installer, a registered well drilling business, or a registered pump installing business.

History: 1975 c. 39; 1977 c. 418; 1993 a. 482; 1995 a. 227 s. 939; Stats. 1995 s. 280.13; 1997 a. 191; 2005 a. 360.

Cross Reference: See also ch. NR 122 and s. NR 128.60, Wis. adm. code.

280.15 Well drilling and pump installing; registration; licensing; qualifications; fee. (1) BUSINESS REGISTRATION.

(a) *Registration requirement.* No person may engage in the business of well drilling or pump installing in this state unless the person obtains registration under this paragraph as a well drilling business or pump installing business, except as follows:

1. An individual who is a licensed well driller or a licensed pump installer is not required to obtain registration.
2. An individual who is employed by or works under contract with a licensed well driller or a licensed pump installer is not required to obtain registration.
3. An individual who is employed by or works under contract with a person who is registered under this paragraph is not required to obtain registration.
4. An individual to whom sub. (4) or s. 280.19 applies is not required to obtain registration.

(am) *Prerequisite.* The department may not grant registration under par. (a) to a person to engage in the business of well drilling unless the person is a licensed well driller, a licensed well driller has an ownership interest in the business, or the person employs or contracts with a licensed well driller. The department may not grant registration under par. (a) to a person to engage in the business of pump installing unless the person is a licensed pump installer, a licensed pump installer has an ownership interest in the business, or the person employs or contracts with a licensed pump installer.

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

(c) *Renewal.* In order to retain registration as a well drilling business or pump installing business a person shall apply for registration renewal and pay the required registration fees annually on or before January 1.

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

1. Well drilling business, \$50.
2. Pump installing business, \$25.
3. Well drilling business and pump installing business, \$75.

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

(f) *Expiration.* All registrations issued under this subsection expire on December 31 of each year and are not transferable.

(2m) **WELL DRILLER AND PUMP INSTALLER LICENSING.** (a) *Application.* An individual who seeks a well driller or pump installer license shall apply to the department on a form prepared by the department. The individual shall include the fee specified in par. (c) with the application.

(b) *Renewal.* In order to retain his or her license as a well driller or pump installer an individual shall comply with requirements for continuing education promulgated by the department by rule and shall apply for license renewal and pay the required license fees under par. (c) annually on or before January 1.

(c) *Fees.* The license fees required for license application or annual renewal are as follows:

1. Well driller, \$50.
2. Pump installer, \$25.

(d) *Late fees.* An individual who files an application for license renewal or pays the required annual fees after January 1 shall pay a late penalty of \$15.

(e) *Prerequisites for pump installer license.* The department may not issue a pump installer license unless the applicant demonstrates competency in pump installing by passing an examination administered by the department.

(f) *Prerequisites for well driller license.* The department may not issue a well driller license unless all of the following apply:

1. The applicant demonstrates competency in well drilling by passing an examination administered by the department.
2. Except as provided in par. (g), the applicant has been a registered drilling rig operator for at least 2 years within the 5 years before applying, has complied with training and continuing education requirements under sub. (3g), and has the well drilling experience required by the department by rule.

(g) *Exceptions.* 1. The department may issue a well driller license to an applicant who does not comply with par. (f) 2. if the applicant complies with par. (f) 1. and holds a well driller license in good standing from another state and the department determines that the other state has laws and rules governing well drilling and licensing of well drillers that are substantially similar to this state's laws and rules.

2. The department shall establish alternative requirements to par. (f) 2. for applicants who have gained well drilling experience before June 1, 2008.

(3g) **DRILLING RIG OPERATOR REGISTRATION.** (a) *Application.* An individual who seeks registration as a drilling rig operator shall apply to the department on a form prepared by the department. The individual shall include a fee of \$25.

(b) *Renewal.* In order to retain registration as a drilling rig operator an individual shall complete training approved by the department and comply with requirements for continuing education promulgated by the department by rule and shall apply for registration renewal and pay a fee of \$25 annually on or before January 1.

(d) *Late fees.* An individual who files an application for registration renewal or who pays the required annual fee after January 1 shall pay a late penalty of \$15.

(3r) **SUPERVISION.** (a) *Requirement.* Except as provided in par. (b) and sub. (4), an individual who is not a licensed well driller or a registered drilling rig operator may only engage in well drilling if the individual is under the supervision of a licensed well driller or a registered drilling rig operator who is on the site of the well drilling.

(b) *Exception.* Paragraph (a) does not apply to an individual performing well drilling of a public well for a local governmental unit if the individual applies for registration under sub. (3g) no later than 14 days after the day on which the individual begins to perform the well drilling.

(4) **WORK ON OWN REAL ESTATE.** No person is required to obtain a registration or license under this section for driving, digging or otherwise obtaining groundwater supply on real estate owned or leased by that person, but the well and the work done on the well shall comply with the law and the rules promulgated by the department.

History: 1983 a. 27; 1995 a. 227 s. 940; Stats. 1995 s. 280.15; 1999 a. 85; 2001 a. 107; 2005 a. 360.

280.16 Prohibition on use of certain devices in wells.

(1) In this section, “pitless adapter” means a device that attaches a well casing pipe to an underground pipe that conveys water from the well.

(2) No person may install a pitless adapter that extends into the inside of a well casing pipe except if the sand screen is permanently attached to the bottom of a well casing pipe that is constructed of polyvinyl chloride. Only the following may install pitless adapters:

- (a) A licensed pump installer.
- (b) An employee of a licensed pump installer or a registered pump installing business.
- (c) A welder under contract with a licensed pump installer or registered pump installing business.

History: 1997 a. 122; 2005 a. 360.

280.17 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: 1995 a. 227 s. 941; Stats. 1995 s. 280.17.

280.19 Registration exceptions. No registration or license to engage in the well drilling or pump installing industry is required of competent sanitary engineers or of 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 groundwater, but the plans and specifications shall conform to all requirements established by the department.

History: 1995 a. 227 s. 942; Stats. 1995 s. 280.19; 2005 a. 360.

280.21 Local authority. (1) ORDINANCES. The department may authorize counties to adopt ordinances under s. 59.70 (6) (b) and (c), relating to the enforcement of this chapter and rules of the department under this chapter. The department shall establish by rule standards for approval of ordinances and enforcement programs. Among other things, the rules may:

- (a) Include personnel, training, reporting and other requirements;
- (b) Establish separate standards for different categories of wells and enforcement actions;
- (c) Require approval by the department before a variance may be granted; and
- (d) Establish exemptions from licensing or alternate licensing requirements for replacement of a pump in an emergency.

(2) **PRIVATE WELLS.** The department shall define by rule “private well” and “private wells” as used in this section and s. 59.70 (6). The definition may not include wells for which plans and specifications must be submitted to the department for approval prior to construction or installation.

(3) **TRAINING.** The department shall provide training and technical assistance to local government employees and agents for implementation of this section and s. 59.70 (6). The department may charge each county which receives training and technical

assistance a fee for those services. Fees may not exceed the department’s actual costs of providing the services.

(4) **REVIEW AND AUDIT.** The department shall review and audit periodically each ordinance and program adopted under s. 59.70 (6) to ascertain compliance with this chapter and with rules of the department under this chapter. If an ordinance or related program is not in compliance, the department may revoke the authority of the county to enforce the ordinance. Revocation may be made only pursuant to written department findings made after a public hearing held in the county upon 30 days advance notice to the clerk of the local unit of government.

(5) **CONCURRENT ENFORCEMENT.** The department may enforce this chapter and rules of the department under this chapter that are covered by an ordinance adopted under s. 59.70 (6), in the county with the ordinance, if the department is engaged in audit or review activities, if there is reasonable cause to believe that the ordinance or related enforcement program of the county is not in compliance under sub. (4) or if the department determines that there are special circumstances requiring concurrent enforcement. The department shall continue to enforce this chapter and rules of the department under this chapter that are not covered by an ordinance in counties with ordinances adopted under s. 59.70 (6).

History: 1983 a. 410; 1995 a. 201; 1995 a. 227 s. 944; Stats. 1995 s. 280.21.

280.25 Report on aquifer recovery system. (1) In this section:

(a) “Aquifer storage and recovery system” has the meaning given in s. 160.257 (1).

(b) “Municipal water system” has the meaning given in s. 160.257 (1) (c).

(2) The operator of a municipal water system that uses an aquifer storage and recovery system shall submit a report to the department, no later than the first day of the 60th month after beginning to operate the aquifer storage and recovery system, describing the experience that the operator has had with using the aquifer storage and recovery system.

History: 2001 a. 109.

280.30 Well abandonment and property transfer inspections. (1) DEFINITION. Notwithstanding s. 280.01 (6), in this section, “water supply well” means an excavation or opening into the ground made by digging, boring, drilling, or other method that supplies water for any purpose.

(2) **ABANDONMENT.** An individual may not fill or seal a water supply well unless one of the following applies:

(a) The individual is a licensed well driller or licensed pump installer.

(b) The individual is under the supervision of a licensed well driller or licensed pump installer or the individual is under the supervision of a water system operator certified under s. 281.17 (3) and the well is within the service area of the local governmental water system for which the certified operator works. The licensed or certified individual is not required to be present during the filling or sealing.

(c) The individual is a water system operator certified under s. 281.17 (3) and the well is within the service area of the local governmental water system for which the individual works.

(3) **PROPERTY TRANSFER WELL INSPECTIONS.** (a) An individual may not for compensation, in contemplation of a transfer of real property, conduct an inspection of the real property for the purpose of locating or evaluating water supply wells or pressure systems on the real property unless the individual is a licensed well driller or a licensed pump installer.

(b) The department shall promulgate rules for inspections and evaluations described in par. (a).

History: 2005 a. 360.

Cross Reference: See s. NR 812.26, Wis. adm. code.

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280.97 Penalties. Except as provided in s. 280.98 (3), any person who violates any provision of this chapter, shall be fined not less than \$10 or more than \$100 or imprisoned not more than 30 days, or both. Each day during which a violation continues constitutes a separate offense that may be punished separately.

History: 1993 a. 482; 1995 a. 227 s. 943; Stats. 1995 s. 280.97; 1997 a. 27; 2005 a. 360.

280.98 Citations. (1) Except as provided in sub. (5), the department may follow the procedures for the issuance of a citation under ss. 23.50 to 23.99 to collect a forfeiture as specified in sub. (3) from a person who commits a violation specified under sub. (2).

(2) The department shall promulgate rules that specify violations of rules under this chapter relating to licensing; registration; disinfection, sampling, and reporting requirements; water systems that were installed before February 1, 1991; and well or drill hole abandonment to which sub. (1) applies.

(3) A person who commits a violation specified under sub. (2) shall, if the department issues a citation under sub. (1), be required to forfeit \$500 for a first violation and \$1,000 for a 2nd or subsequent violation of the same provision.

(4) The department shall promulgate rules that specify an enforcement process that the department must follow before issuing a citation under sub. (1). The department shall include in the enforcement process under this subsection an enforcement conference with the person against whom enforcement is contemplated.

(5) Subsection (1) does not apply to a community water system, as defined in s. 281.62 (1) (a), that is owned by a city, village, town, county, town sanitary district, utility district, public inland lake protection and rehabilitation district, or municipal water district, or by a privately owned water utility serving any of the foregoing.

History: 2005 a. 360.