

Chapter NR 146

WATER WELL DRILLER, HEAT EXCHANGE DRILLER, AND PUMP INSTALLER LICENSING
AND REGISTRATION; DRILLING RIG OPERATOR REGISTRATION

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NR 146.01 Purpose and applicability. (1) PURPOSE. This chapter is promulgated under chs. 280 and 281, Stats. The purpose of this chapter is to establish the criteria by which the department administers the water well driller, heat exchange driller, and pump installer licensing and registration program and water well and heat exchange drilling rig operator registration program required by ch. 280, Stats., and the licensing requirements for: filling and sealing potable and nonpotable water supply wells; and locating or evaluating wells that need to be filled and sealed, and locating or evaluating water supply wells and pressure systems at time of property transfer.

Note: The standards for water well drilling, heat exchange drilling, pump installing, well filling and sealing and property transfer well inspections are in ch. NR 812.

Note: The department intends to issue a single license or registration document indicating which type or types of wells or drillholes for which the holder is authorized.

(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.

Note: Any person constructing a water well or heat exchange drillhole or installing a pump, regardless of whether that person is required to be licensed or registered under this chapter, is required to comply with applicable laws and rules and with any plans, specifications, variance and approvals approved by the department for water well construction, heat exchange drilling, and pump installation. For example, ch. NR 812 contains water well construction and pump installation requirements for private and noncommunity water systems and chs. NR 810 and 811 contain water well construction and pump installation requirements for community water systems.

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register March 2011 No. 663; **CR 13-096: am. (1), (2), CR 13-099: am. (1), (2) Register September 2014 No. 705, eff. 10-1-14.**

NR 146.02 Definitions. As used in this chapter:

(1e) “Advance notification” means notification to the department via fax, e-mail or telephone at least one working day before commencing any work.

(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, heat exchange driller or pump installer, which assigns supervisory, legal, financial and compliance responsibilities for a registered water well drilling, heat exchange drilling or pump installing business.

(1s) “Competent sanitary engineer” means a professional engineer registered by the Wisconsin department of safety and professional services 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 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.

(3m) “Driven point well” means a well constructed by joining a drive point with lengths of pipe, and driving the assembly into the ground with percussion equipment or by hand, but without first removing material below the 10-foot depth.

Note: A “driven point” is also known as a sand point well.

(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.

Note: “Or” in brackets was inserted by CR 13-096, but should be replaced by a comma to accommodate the insertion by CR 13-099 of the material following. Future rulemaking will address any inconsistencies.

(4b) “Experience period” means the two or three years during which a water well drilling rig operator gained experience toward obtaining a water well drilling license.

(4c) “Filling and sealing” means to fill a well, drillhole, pit or reservoir with a material or materials so the well, drillhole, pit or reservoir will not act as a vertical conduit to contaminate another well, groundwater or an aquifer.

(4d) “Heat exchange drillhole” has the meaning specified in s. 280.01 (2b), Stats.

Note: Section 280.01 (2b), Stats., defines “heat exchange drillhole” to mean “an excavation or opening in the ground that is deeper than it is wide, that extends more than 25 feet below the ground surface, and that is made for the purpose of installing a geothermal closed-loop heat exchange system.”

(4e) “Heat exchange drilling” has the meaning specified in s. 280.01 (2c), Stats.

Note: Section 280.01 (2c), Stats., defines “heat exchange drilling” to mean “the industry and procedure employed in making heat exchange drillholes.”

(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.

(4g) “Heat exchange registrant” means a person registered to engage in the business of heat exchange in Wisconsin under the supervision of a licensed individual heat exchange driller.

(4h) “Licensed heat exchange driller” means an individual who has obtained a license pursuant to s. 280.15 (2m), Stats., and s. NR 146.04, as a heat exchange driller and has paid the annual license fee under s. 280.15 (2m) (c) 1., Stats.

(4j) “Licensed pump installer” means any individual who has obtained a license under s. 280.15 (2m), Stats., and s. NR 146.04, as a pump installer and has paid the annual license fee under s. 280.15 (2m) (c) 2., Stats.

(4k) “Licensed water well driller” means any individual who has obtained a license under s. 280.15 (2m), Stats., and s. NR

146.04, as a water well driller and has paid the annual license fee under s. 280.15 (2m) (c) 1., Stats.

(4L) “Person” means an individual, firm, business, corporation, limited liability corporation, company, association, cooperative, trust institution, partnership, state, public utility, municipality, or federal, state or interstate agency.

(4m) “Place of business or retail outlet” means every place for which a person would be required to have a seller’s permit from the department of revenue.

(4n) “Potable water” means water supplied for human consumption, or water supplied for sanitary use or for the washing or preparation of food or pharmaceutical products.

Note: The term “water for human consumption” is used interchangeably with the term “potable water.”

(4p) “Property transfer well inspection” means an inspection, for compensation, for the purpose of locating or evaluating wells that need to be filled and sealed and water supply wells or pressure systems on real property in contemplation of a transfer of the real property.

(4r) “Property transfer well inspector” means an individual licensed as a water well driller or pump installer who performs a property transfer well inspection, completes the form required in s. NR 812.44 (3) and collects the water samples required in s. NR 812.44 (4).

(4t) “Pump installation” means the pump and its associated pressure system including any equipment and material needed to withdraw, obtain, discharge and store water from a well or a spring. The pump installation includes the spring box, reservoir, pump, pump drop pipe, check valves, well cap or seal, pitless adapter, pitless receiver tank, pitless unit, above-ground discharge unit, associated discharge piping and associated connections, valves and appurtenances, pressure tank, sampling faucet, water storage or pressure vessel or structure, the electrical wiring and controls needed to operate the pump or pressure system, and any chemical addition, water treatment device or yard hydrant upstream of the water storage or pressure vessel or building control valve.

(4v) “Pump installer registrant” means a person registered to engage in the business of pump installing in Wisconsin under the supervision of a licensed individual pump installer.

(5) “Pump installing” has the meaning specified in s. 280.01 (5), Stats., and includes installing, repairing, replacing or reinstalling a: spring box, reservoir, pump, pump drop pipe, check valve, well cap or seal, pitless adapter, pitless receiver tank, pitless unit, above-ground discharge unit, associated discharge piping and associated connections, valves and appurtenances, pressure tank, sampling faucet, water storage or pressure vessel or structure, the electrical wiring and controls needed to operate a pump or pressure system, and any chemical addition, water treatment device or yard hydrant upstream of the water storage or pressure vessel or building control valve; attaching well casing pipe to extend the well casing pipe to a complying height above grade, or up and out of a pit or a subsurface pumproom or alcove; or bailing or chemically conditioning a well to return it to its original capacity, production capability or water quality. Pump installing does not include installation of a temporary test pump by a water well driller for the purpose of determining well capacity or water quality and does not include the installation, by a well driller, of a well cap or seal. Opening a well cap or well seal to inspect or chlorinate a well is not considered pump installing unless the well cap or seal is replaced with a different cap or seal, or unless the well has a hand pump installed on it.

Note: Section 280.01 (5), Stats., defines “Pump installing” to mean 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) “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 laws, rules, and conditions under which any registration, license or variance is issued or plans and specifications are approved by the department.

(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.

(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.

(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 specified in s. 280.01 (6), Stats.

Note: Section 280.01 (6), Stats., defines “well” to mean 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.

(9g) “Well and pressure system” means the water supply and pump installation upstream of a building control valve or pressure tank and including any pressure tank.

(9r) “Well driller registrant” means a person registered to engage in the business of water well drilling in Wisconsin under the supervision of a licensed individual water well driller.

(10) “Well drilling” has the meaning specified in s. 280.01 (8), Stats., and includes any activity which requires the use of a well drilling rig or similar equipment; or any activity which is conducted using a well drilling rig or similar equipment with the exception of the driving of points having pipe and casing smaller than three inches in diameter. Well drilling also includes constructing a well or performing any activity which changes the characteristics of a drilled well including constructing, reconstructing or deepening a well, sealing the annular space of a well, joining or welding together lengths of well casing pipe or liner pipe, installation of a liner, installing or replacing a screen, well rehabilitation, hydrofracturing, blasting and chemical conditioning.

Note: Section 280.01 (8), Stats., defines “Well drilling” to mean 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: Cr. Register, December, 1988, No. 396, eff. 1-1-89; corrections in (5), (9), and (10) made under s. 13.92 (4) (b) 7., Stats., Register March 2011 No. 663; correction in (1) made under s. 13.92 (4) (b) 6., Stats., Register February 2012, No. 674; **CR 13-096: renum. (1) to (1s), cr. (1g), am. (3), (4), cr. (4d) to (4h), (7g), CR 13-099: renum. (1) to (1s), cr. (1e), (1g), am. (3), cr. (3m), am. (4), cr. (4b) to (4v), r. and recr. (5), am. (7), cr. (7g), (7r), am. (9), cr. (9g), (9r), am. (10) Register September 2014 No. 705, eff. 10-1-14; correction in numbering in (1s), (4b) to (4m), and (7g) made under s. 13.92 (4) (b) 1., Stats., Register September 2014 No. 705.**

NR 146.03 License or registration. (1) REQUIRED.

No individual or person may engage in the business of water well drilling, heat exchange drilling, pump installing or filling and sealing, or property transfer well inspections, or hold himself, herself or itself out as or act temporarily or otherwise as a water well driller, heat exchange driller, or pump installer or well or drillhole filler and sealer, or property transfer well inspector in the state of Wisconsin without first obtaining either a water well driller, heat exchange driller, or pump installer license or a water well driller, heat exchange driller, or pump installer registration from the department.

(2) EXCEPTIONS. (a) A Wisconsin individual water well driller license is not required for any of the following:

1. An individual performing water well drilling on real estate owned or leased by that individual, but the well and the work done on the well shall comply with the applicable laws and rules and with any plans, specifications, variances and approvals approved by the department.

2. Competent sanitary engineers 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 of waterworks systems 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.

5. An individual who is employed by a person that is registered as a business to perform water well drilling.

6. An individual constructing nonpotable water supply wells.

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

1. An individual who is a licensed water well driller who does not operate as corporation, partnership or LLC.

2. An individual performing water well drilling on real estate owned or leased by that individual, but the well and the work done on the well shall comply with the applicable laws and rules and with any plans, specifications, variances and approvals approved by the department.

3. Competent sanitary engineers 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 of waterworks systems 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.

6. An individual who is employed by a person that is registered as a business to perform water well drilling.

7. A person constructing nonpotable water supply wells.

(c) A Wisconsin individual pump installer license is not required for any of the following:

1. Competent sanitary engineers 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 of waterworks systems 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.

4. An individual who is employed by a person that is registered as a business to perform pump installing.

5. A person installing pumps in nonpotable water supply wells.

6. A 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 business registration is not required for any of the following:

1. An individual who is a licensed pump installer who does not operate as corporation, partnership or LLC.

2. Competent sanitary engineers 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 of waterworks systems 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.

5. An individual who is employed by a person that is registered as a business to perform pump installing.

6. A person installing pumps in nonpotable water supply wells.

7. A 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.

(e) A pump installer license or registration is not required for a licensed water well driller or registered water well drilling business if the licensed well driller or the employee of a registered water well drilling business installs a temporary test pump for the purpose of determining well capacity or water quality or installs or replaces a well cap or seal.

(2m) EXCEPTIONS FOR HEAT EXCHANGE LICENSING AND REGISTRATION. (a) A Wisconsin individual heat exchange driller license is not required for any of the following:

1. An individual performing heat exchange drilling on real estate owned or leased by that individual, but the heat exchange work shall comply with the applicable laws and rules and with any plans, specifications, variances and approvals approved by the department.

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

3. An individual who is employed by a person that is registered as a business to perform heat exchange drilling.

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

1. An individual who is a licensed heat exchange driller who does not operate as a corporation, partnership or LLC.

2. An individual performing heat exchange drilling on real estate owned or leased by that individual, but the well and the work done on the well shall comply with the applicable laws and rules and with any plans, specifications, variances and approvals approved by the department.

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

4. An individual who is employed by a person that is registered as a business to perform heat exchange drilling.

(3) PERFORMANCE STANDARDS. All water well drilling, heat exchange drilling, pump installing, filling and sealing and property transfer well inspections shall comply with the applicable laws and rules and with any plans, specifications, variances, and approvals approved by the department.

(4) EXPIRATION. All licenses and registrations expire on December 31 and are not transferable.

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89; CR 13-096: am. (title), (1), cr. (2m), am. (3), CR 13-099: am. (title), (1), r. and recr. (2), am. (3), cr. (4) Register September 2014 No. 705, eff. 10-1-14; s. 35.17 correction in (1) and (3) Register September 2014 No. 705.

NR 146.04 Initial applications for licenses or registrations. (1) GENERAL REQUIREMENTS. (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 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 heat exchange driller license shall be at least 20 years old.

Note: Pursuant to 29CFR 570.58 and Hazardous Occupations Order #7, persons under the age of eighteen are not lawfully permitted to operate a power-driven hoisting apparatus.

Note: Specified application forms will require on-line submittal after development of necessary information technology and training during continuing education.

(b) All information on an application shall be complete, true and accurate. The department may request an applicant to provide proof of any information submitted on the application.

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

(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. Licensees and registrants shall inform the department no later than 15 business days after any changes in 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.

(2) WATER WELL DRILLER LICENSE. To be eligible for an individual 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.

(b) Have operated the drilling rig performing all the water well drilling activities during the drilling of at least 30 potable wells; or for large-diameter, potable community water supply wells, performed at least 1500 hours of well drilling activities as defined in s. NR 146.02 (10), in 2 years, a minimum of 10 wells or 750 hours each year. The water well drilling experience shall extend throughout the two- or three-year experience period. To fulfill this requirement, all wells drilled by the applicant during the experience period, including those not on the experience voucher, shall be constructed in accordance with all laws and rules and with any plans specifications, variances, and approvals approved by the department, including water samples and report submittal.

(cm) For a period of three months, have provided the department with at least 24-hour notice before starting any water well drilling activities.

(d) Submit a completed application. The water well driller license application shall include the name, address and signature of the supervisory water well driller, the dates during which a water well drilling rig operator registration was held, a description of the water well drilling activities performed, 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, the types and hours of activities for which the supervisory water well driller was present, and a recent photo of the applicant operating a well drilling rig during the construction of a water well in which his or her face can be seen clearly.

(dm) If the applicant holds a current heat exchange driller license, the applicant is not required to submit an additional fee to become a licensed water well driller.

(e) Have no record of any unlicensed water well drilling activities during the last five years.

(f) 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 in Wisconsin and have no violations that were repeated following notice from the department, and have no outstanding well construction reports, water samples or well filling and sealing reports from the past five years.

(g) Have held a water well drilling rig operator registration during the two- to three-year experience period and attended the department sponsored or department sanctioned continuing education for well drillers during the two- to three-year experience period.

(h) Except as provided in par. (j), 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 of Wells — 6 hours
2. Drilling Fluids — 6 hours
3. Geology of Wisconsin — 3 hours
4. The Well Codes — 6 hours
5. Well Filling & Sealing — 3 hours
6. Safety & First Aid — 3 hours
7. Welding — 6 hours

(i) After fulfilling pars. (a) to (h) and receiving a notice of eligibility from the department, demonstrate his or her ability, understanding and competency to engage in the business of water well drilling in Wisconsin by passing an exam administered by the department.

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

(j) In lieu of completing the coursework under par. (h) 2., an applicant may pass the NGWA exams on Rotary Mud and Rotary Air Drilling.

(k) Submit the license application fee of \$50.

(L) Meet with a department staff member to review and sign a list of compliance expectations. The applicant will receive the license at the conclusion of the meeting.

(2m) VOID APPLICATIONS; WATER WELL DRILLER. If the applicant fails to take and pass the exam under sub. (2) (i) within two years of receiving a notice of eligibility from the department, the application becomes void. If a water well driller applicant fails to pay the license fee within two years of passing the exam, the application will become void.

(3) PUMP INSTALLER LICENSE. To be eligible for a pump installer license an individual applicant shall meet all of the following requirements:

(a) 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 in Wisconsin, have no violations that were repeated following notice from the department and have no outstanding water samples or well filling and sealing reports from the past five years.

(b) Submit a completed application to the department.

(c) After meeting the requirements of pars. (a) and (b), demonstrate ability, understanding and competency to engage in the business of pump installing in Wisconsin by passing an exam administered by the department.

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 licensed pump installers.

(d) Submit a license application fee of \$25 to the department.

(e) If requested by the department, meet with a department staff member to review and sign a list of compliance expectations. The applicant will receive the license at the conclusion of the meeting.

(3m) VOID APPLICATIONS; PUMP INSTALLER. If a pump installer applicant fails to pass an examination under sub. (3) (c) within one

year after receiving a notice of eligibility from the department, the application will become void. If a pump installer applicant fails to pay the license fee within one year of passing the exam, the application will become void.

(4) WATER WELL DRILLER BUSINESS REGISTRATION. (a) All persons engaging in the business of water well drilling in Wisconsin shall obtain a business registration for each place of business or retail outlet.

(b) To be eligible for a business registration to engage in the business of water well drilling, the business applicant shall meet all of the following requirements:

1. At least one of the following conditions shall be met:

a. The person operating the business is an individually licensed water well driller.

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

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

d. The business contracts with an individually 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 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 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 no violations that were repeated following notice from the department, and has no outstanding well construction reports, water samples or well filling and sealing reports from the past five 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.

(d) If requested by the department, the business owner shall meet with a department staff member to review and sign a list of compliance expectations. The business owner will receive the registration at the conclusion of the meeting.

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

(4m) SUPERVISORY 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 employees 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 the potable well drilling and water well filling and sealing activities for all individuals which they are responsible to supervise.

(5) PUMP INSTALLER BUSINESS REGISTRATION. (a) All persons engaging in the business of pump installing, well filling and sealing, or property transfer well inspections in Wisconsin shall obtain a business registration for each place of business or retail outlet.

(b) To be eligible for a business registration to engage in the business of pump installing, well filling and sealing, or property transfer well inspections, the business applicant shall meet all of the following requirements:

1. At least one of the following conditions shall be met:

a. The person operating the business is an individually licensed pump installer.

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

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

d. The business contracts with an individually 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 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.

(d) If requested by the department, the business owner shall meet with a department staff member to review and sign a list of compliance expectations. The business owner will receive the business registration at the conclusion of the meeting.

(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 employees 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 the potable pump installing activities and water well filling and sealing work for all individuals which they are responsible to supervise.

(7) **LICENSE OR REGISTRATION REQUIRED.** No individual or person may engage in the business of water well filling and sealing without either a water well drilling license or registration, or a pump installer license or registration.

(8) **WATER WELL DRILLING RIG OPERATOR REGISTRATION.** (a) To be eligible to become a registered water well drilling rig operator, the applicant 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 in Wisconsin, shall have no outstanding well construction reports, water samples or well filling and sealing reports from the past five years and shall not have engaged in the business of well drilling without a license within the past two years.

(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 well driller. The applicant shall include an application fee of \$25.

(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 well driller.

(d) 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.

(e) Registered water well drilling rig operators may not engage in the business of water well drilling, except for performing water well drilling activities.

(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) **HEAT EXCHANGE DRILLER LICENSE.** (a) 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 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 heat exchange drilling projects totaling at least 5000 feet of heat exchange pressure grouted drillhole or has completed a minimum of 30 pressure grouted wells including a minimum of 2500 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.

Note: The department will maintain a list of formal degree or apprenticeship programs providing experience that meets the requirements of this subdivision.

3. Was the individual who operated the drilling rig performing all the heat exchange well drilling activities during the period of the drilling experience under subd. 2. To fulfill this requirement all heat exchange drillholes included on the application shall be constructed in accordance with all laws and rules including reporting, and any department-approved plans, specifications, variances and approvals.

4. Submit a completed application that includes the following information regarding the heat exchange drilling experience under subd. 2.: the name, address and signature of the supervisory

heat exchange driller, the dates during which a heat exchange drilling rig operator registration was held, a description of the heat exchange drilling activities performed, the names of well owners, their addresses and phone numbers, the legal descriptions of the locations of the heat exchange drillholes, the dates the heat exchange drillholes were constructed, the types and hours of activities for which the supervisory heat exchange driller was present, and a recent photo of the applicant operating a heat exchange or water well drilling rig in which the applicant's face can be seen clearly.

5. For a period of 3 months prior to the date of applying for an individual heat exchange driller license has 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.

7. Has no unresolved violations, judgments, court or administrative orders or settlements from previous heat exchange drilling activities in Wisconsin and has no violations that were repeated following notice from the department.

8. Has attended the department sponsored or department sanctioned continuing education for heat exchange drillers during the experience period under subd. 1.

9. For applications submitted after January 1, 2020 has met department approved training requirements specific to heat exchange drilling.

10. Meet with a department staff member to review and sign a list of compliance expectations. The applicant will receive the license at the conclusion of the meeting.

(b) If the applicant meets the requirements of par. (a), and receives a notice of eligibility from the department, the applicant may take an exam administered by the department to demonstrate ability, understanding and competency to engage in the business of heat exchange drilling in Wisconsin.

Note: The department will solicit exam topics and questions from licensed heat exchange drillers.

(c) If the applicant passes the exam under par. (b), the applicant shall submit the license fee of \$50 in order to obtain an individual heat exchange driller license. If the applicant holds a current water well driller license, the applicant is not required to submit an additional fee to become a licensed heat exchange driller.

(d) If the applicant fails to take and pass the exam under par. (b) within 2 years of receiving a notice of eligibility from the department, the application is void.

(10) **HEAT EXCHANGE DRILLER 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) To be eligible for a business registration to engage in the business of heat exchange drilling, the applicant shall meet all of the following requirements:

1. At least one of the following conditions shall be met:

a. The person operating the business is an individually licensed heat exchange driller.

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

c. An individually 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 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 no violations that were repeated following notice from the department, and has no outstanding well construction reports, water samples or well filling and sealing reports from the past five 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 drilling, the applicant is not required to submit an additional fee to become registered to engage in the business of heat exchange drilling.

(d) If requested by the department, the business owner shall meet with a department staff member to review and sign a list of compliance expectations. The business owner will receive the registration at the conclusion of the meeting.

(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 employees 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 the heat exchange drilling and filling and sealing activities of all individuals which they are responsible to supervise.

(11) HEAT EXCHANGE DRILLING RIG OPERATOR REGISTRATION. (a) To be eligible to become a registered heat exchange drilling rig operator, the applicant shall have no unresolved violations, judgments, court or administrative orders or settlements from previous water well drilling, heat exchange drilling or filling and sealing activities in Wisconsin, shall have no outstanding well construction reports, water samples or filling and sealing reports from the past five years and shall not have engaged in the business of drilling without a license within the past two years.

(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 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.

(c) In order to retain registration as a heat exchange drilling rig operator an individual shall comply with the requirements for con-

tinuing 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. If the individual has paid the fee for a water well drilling rig operator registration for the same calendar year the applicant does not need to submit an additional fee to renew the heat exchange drilling rig operator registration.

(d) 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.

(e) Registered heat exchange drilling rig operators may not engage in the business of heat exchange drilling, except for performing heat exchange drilling activities.

(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.

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89; CR 13-096: am. (1) (a), (d), cr. (2) (dm), (4) (e), (9) to (11), CR 13-099: am. (title), (1) (a), (b), (d), (2) (title), (intro.), (a), (b), renum. (2) (c) to (i) and am., cr. (2) (cm), am. (2) (d), cr. (2) (e) to (h), (j) to (L), (2m), am. (3) (title), (intro.), renum. (3) (a) to (c) and am., cr. (3) (a), am. (3) (b), cr. (3) (d), (e), (3m), r. and recr. (4), cr. (4e), (4m) to (8) Register September 2014 No. 705, eff. 10-1-14; correction in numbering in (2) (dm), (4) (e), (9) to (11) made under s. 13.92 (4) (b) 1., Stats., correction in titles in (2m), (3m), (4m), (6), (7m), (10m) made under s. 13.92 (4) (b) 2., Stats., Register September 2014 No. 705.

NR 146.05 License and registration conditions and emeritus. (1) **CONDITIONS.** 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. 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.

Note: A notification condition may be fulfilled by a water well driller or pump installer by telephoning, e-mailing, or faxing the notification to the office of the designated department employee.

(2) **EMERITUS STATUS.** A Wisconsin licensed individual water [well] driller or pump installer in good standing may request to be listed with the department as an emeritus if the water well 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, 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 or pump installer.

Note: "Well" in brackets was removed by CR 13-096, but is necessary to give effect to the treatment by CR 13-099. Future rulemaking will address any wording inconsistencies.

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89; CR 13-096: am. (title), (1), (2), CR 13-099: am. (title), (1), (2) Register September 2014 No. 705, eff. 10-1-14.

NR 146.06 Out of state water well drillers. 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:

(1) The department determines that the water well drilling construction standards and licensing laws and rules in effect at the

time of licensure in at least one of the states in which the applicant is currently licensed were substantially similar to Wisconsin's.

(2) The applicant is in good standing in all states in which the applicant is or was licensed or registered to drill potable wells.

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

(4) The applicant completes an application which is true and accurate and submits it with an application fee of \$50 to the department.

(5) The applicant meets with a department staff member to review and sign a list of compliance expectations. The applicant will receive the license at the conclusion of the meeting.

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89; CR 13-099; am. (1) to (4), cr. (5) Register September 2014 No. 705, eff. 10-1-14; correction in (3) made under s. 35.17, Stats., Register September 2014 No. 705.

NR 146.065 Out of state heat exchange drillers. 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:

(1) The department determines that the heat exchange well drilling construction standards and licensing laws and rules in effect at the time the applicant was licensed in at least one of the states in which the applicant is currently licensed were substantially similar to Wisconsin's.

(2) The applicant is in good standing in all states in which the applicant is or was licensed or registered to drill heat exchange drillholes.

(3) The applicant demonstrates competency to engage in the business of heat exchange drilling in Wisconsin by passing an exam administered by the department.

(4) The applicant submits a completed application which is true and accurate and an application fee of \$50 to the department. If the applicant holds a current Wisconsin water well driller license the applicant does not need to submit an additional fee to become a Wisconsin licensed heat exchange driller.

History: CR 13-096; cr. Register September 2014 No. 705, eff. 10-1-14; correction in numbering made under s. 13.92 (4) (b) 1., Stats., Register September 2014 No. 705.

NR 146.07 Renewals. (1) APPLICATION. (a) To renew a license or registration, the licensee or registrant shall submit a true and complete 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. (3) be submitted with the renewal application.

(b) Renewal applications shall be submitted on forms specified by the department and accompanied by 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 and \$25 for each water well or heat exchange drilling rig operator registration. Only one \$50 fee is required if the same licensee holds both a water well driller or heat exchange driller license. Only one \$50 fee is required if the same registrant holds both a water well driller or heat exchange driller registration. Only one \$25 fee is required if the same registrant holds both a water well drilling rig operator registration and a heat exchange drilling rig operator 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 licensee or registrant receives a permit from the department and expires on December 31 of each year.

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

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

(h) The renewal application for a business registration shall be signed by both the licensed supervisory individual driller and the owner of the drilling business.

(i) The renewal application for a registered drilling rig operator shall be signed by the rig operator's employer.

(j) The department may require registered water well drilling or pump installing businesses and their licensed supervisory individuals to complete an updated certificate of supervision with a renewal application.

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

(b) An individual whose license or registration is not in effect on December 31, due to any of the following reasons, is not eligible to renew the license or registration:

1. Failure to attend continuing education.

2. Failure to renew during the calendar year.

3. Department of revenue hold on license, registration or renewal lasting longer than one calendar year for failure to pay state income taxes.

4. Department of children and families hold on license, registration or renewal lasting longer than one calendar year for failure to pay child support.

5. Suspension lasting longer than one calendar year.

(c) If a license or registration is not renewed because of the reasons under par. (b), the individual whose license or registration is not renewed must take and pass the appropriate exam and comply with s. NR 146.04 (9) (a) 7. to become licensed again.

(d) If a water well or heat exchange license is not renewed for 5 or more years, the applicant shall meet the requirements in effect for obtaining a new water or heat exchange driller license.

(e) Only registered persons who have a licensed supervisory individual who has met the continuing education credit requirements of this section are eligible for renewal in the following year.

(3) CONTINUING EDUCATION. Each calendar year, licensed and registered individuals are required to earn six 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. Continuing education hours are not required during the first calendar year in which an individual becomes licensed or registered 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.

Note: The department will consult with water well drillers, heat exchange drillers, and pump installers in developing continuing education programs. One of the department sponsored continuing education sessions for water well drillers and pump installers will be held in conjunction with the annual Wisconsin Water Well Association conference.

(4) ENGAGING IN BUSINESS. An individual or 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 a renewed [water] well driller or pump installer license or registration from the department.

Note: The word "water" in brackets was added by CR 13-099 but is rendered superfluous by the treatment of CR 13-096. Future rulemaking will address any wording inconsistencies.

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89; am. (3) (a) and r. (3) (b), (c) and (d), Register, February, 1991, No. 422, eff. 3-1-91; **CR 13-096: am. (1) (a), (b), (e), cr. (1) (f) to (j), r. and recr. (2), am. (3), (4), CR 13-099: am. (1) (a), (b), (e), cr. (1) (f) to (j), r. and recr. (2), am. (3), (4) Register September 2014 No. 705, eff. 10-1-14; correction in (2) (b), (c) made under s. 13.92 (4) (b) 6., 7., Stats., Register September 2014 No. 705.**

NR 146.08 Licensee and registrant responsibilities.

All water well driller, heat exchange driller, and pump installer licensees and registrants and registered water well drilling and heat exchange rig operators shall do all of the following if applicable to the individual's license or person's registration:

(1) Perform work in compliance with, and ensure that work performed under their supervision is conducted in compliance with, all applicable laws and rules and with any plans specifications, variances, and approvals approved by the department; and perform work in a sanitary manner.

(2) Upgrade any noncomplying water well 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. 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).

(3) Complete any corrections ordered by the department for any water well construction, heat exchange drilling, pump installation or filling and sealing on which the licensee or registrant performed work, supervised work or signed a well construction report. 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 the construction of heat exchange drillholes. Pump installers shall be responsible for corrections relating to the pump installation. Water well drillers, heat exchange drillers, and pump installers shall be held responsible for correcting their well or drillhole filling and sealing violations.

(4) Submit any report or form required to be submitted by applicable laws and rules and by any plans, specifications, variances, and approvals or orders in the time period required and notify the department of any change in information submitted on water well driller, heat exchange driller, or pump installer license, registration and renewal applications. Reports and forms shall be complete, true and accurate.

(5) Clearly identify the name, and license or registration number of the licensed supervisory individual or the registered person 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 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 water well drilling, heat exchange drilling, pump installing or filling and sealing for, or lease or lend water well drilling, heat exchange drilling, pump installing or water well filling and sealing equipment to, an unlicensed individual or unregistered person without having an employee/employer relationship and without directly supervising the water well drill-

ing, pump installing, or filling and sealing activities of the unlicensed individual or unregistered person.

(7) Refuse to contract for water well drilling, heat exchange drilling, pump installing or filling and sealing for, or lease or lend water well drilling, heat exchange drilling, pump installing or filling and sealing equipment to, an individual or person whose license or registration was suspended or revoked, without having an employee/employer relationship and without directly supervising the drilling, heat exchange drilling, pump installing, or filling and sealing activities of the individual or person whose license or registration has been suspended or revoked.

(8) Licensed individual water well drillers shall provide direct supervision on the first 10 water wells drilled by any employee or any individual which the licensed driller is responsible to supervise, if the employee or individual has no water well drilling experience, has no experience in a water well drilling method which is new to the employee or individual or has no experience in a grouting method which is new to the employee or individual.

(8m) Licensed individual drillers shall provide direct supervision on the first 10 water wells and first 10 heat exchange drillholes drilled by any employee or any individual which the licensed driller is responsible to supervise, if the employee or individual has no water well drilling or heat exchange drilling experience, has no experience in a water well drilling or heat exchange drilling method which is new to that employee or individual or has no experience in a grouting method which is new to that employee or individual.

(9) Before extending any well casing pipe out of a pit, or deepening a well constructed by another individual, the water well driller or the pump installer shall measure the well casing pipe depth to verify that the casing depth complies with the code in effect at the time the well casing was installed. Well details, including location, well casing pipe depth, total well depth, distances to possible contaminant sources and well owner information shall be entered on a form and submitted to the department in accordance with ss. NR 812.22 (10) or 812.41 (4).

(10) When doing any pump work involving replacement of the pressure tank or work involving the water supply piping inside the basement or building, upstream of the pressure tank, the pump installer shall install a complying sample faucet if one is missing, or replace any sample faucet that does not comply with the requirements of s. NR 812.34, including replacement of any threaded sample faucet with a sample faucet without threads.

(11) When doing any water well work or pump installing work that involves entry into a well located outside a building, the water well driller or pump installer shall extend the well casing pipe in accordance with the requirements of s. NR 812.42 to at least:

(a) 12 inches above grade for any well that is less than 8 inches above grade and was installed before February 1, 1991.

(b) 12 inches above grade for any well that is less than 12 inches above grade and was installed on or after February 1, 1991.

(12) When doing any water well work or pump installing work that involves entry into a well, the water well driller or pump installer shall replace any non-vermin proof well cap with an approved vermin-proof cap or sanitary well seal.

(13) When any water well drilling work or pump installing work is performed involving entry into a well that has a nonpressure conduit, the water well driller or pump installer shall evaluate the integrity of the nonpressure conduit and its connection to the well casing pipe by performing a pressure test. If the nonpressure conduit fails the pressure test, the installation shall be changed to a pitless connection in accordance with s. NR 812.42 (11) (e).

(14) Verify that the appropriate well notification, county well location permit, department approval and/or variance has been

obtained before commencing any well construction or reconstruction.

(15) Be legally and financially responsible for correcting any noncomplying work not corrected by individuals or persons which the licensee or registrant supervises or employs.

(16) Have advance and specific knowledge of work being done by any individual for whom they are responsible to supervise.

(16m) Have advance and specific knowledge of work being done by any individual for whom they are providing direct supervision.

(17) Be adequately equipped to perform water well drilling, heat exchange drilling, pump installing, well filling and sealing and property transfer well inspections in compliance with applicable laws and rules and with any plans, specifications, variances and approvals approved by the department.

(18) Ensure that either a licensed water well driller or a registered water well drilling rig operator is on site at all times during water well drilling activities. The licensee or registrant shall ensure that either a licensed heat exchange well driller or a registered heat exchange drilling rig operator is on site at all times during heat exchange drilling activities.

(18m) For water wells and pump installations, ensure that the work is performed in a sanitary manner.

(19) Water well drillers, heat exchange drillers, pump installers and well constructors shall, when requested by the department, give notice to the department, as specified in the notice of request, at least on the department work day prior to the day upon which any well construction or reconstruction or any part thereof, any well filling and sealing operation or the installation of any pumping equipment, will be commenced.

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89; CR 13-096: am. (title), (intro.), (1), (3) to (7), cr. (8m), (14) to (16), (16m), (17), (18), (18m), (19), CR 13-099: am. (title), (intro.), (1) to (7), cr. (8) to (17), (19) Register September 2014 No. 705, eff. 10-1-14; correction in numbering in (8m), (14) to (16), (16m), (17), (18), (18m), (19) made under s. 13.92 (4) (b) 1., Stats., Register September 2014 No. 705.

NR 146.09 Suspension and revocation. (1) BASES FOR ACTION. The department may suspend or revoke a license or registration under this chapter for any of the following reasons:

(a) The licensee or registrant made a material misstatement in the application for the license, registration, or any application for renewal of the license or registration.

(b) The licensee or registrant demonstrated incompetency to act in the industry or industries for which the license or registration was issued.

(c) The licensee or registrant willfully violated a second time or more any provision of ch. 280, Stats., or any rule, regulation or order prescribed by the department.

(d) The licensee or registrant was found guilty in any civil or criminal proceeding of any action constituting fraud in connection with water well drilling, heat exchange drilling, or pump installing activities or operations.

(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] drilling, heat exchange drilling, or pump installing during the suspension or revocation period unless all of the following apply:

Note: The word "well" in brackets was removed by CR 13-099 but the word is necessary to give effect to the treatment by CR 13-096. Future rulemaking will address any wording inconsistencies.

(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.

(b) The water well driller whose license or registration was suspended or revoked shall be an employee of the Wisconsin licensed water well driller providing direct supervision of his or her activities or shall be 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. The heat exchange driller whose license or registration was suspended or revoked shall be an employee of the Wisconsin licensed heat exchange driller providing direct supervision of his or her activities or shall be 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. The pump installer whose license or registration was suspended or revoked shall be an employee of the Wisconsin licensed pump installer providing direct supervision of his or her activities or be 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. A copy of the employment contract under par. (b), (c), or (d) shall be 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 or pump installer.

(c) The individual or person whose license or registration was suspended or revoked shall notify the department of the location of any water well drilling, heat exchange drilling, or pump installation the individual or person whose license or registration was suspended or revoked will be working on at least 48 hours in advance, except that emergency pump installations shall be reported before 8:00 a.m. on the first business day following the work.

(d) The individual or person whose license or registration was suspended or revoked shall notify the department of the location of each water well drilling rig, heat exchange drilling rig, or pump installation truck owned, leased or used by the individual or person whose license or registration was suspended or revoked and of any change in the location of any rig or truck during the suspension or revocation period.

(3) REINSTATEMENT. (a) An individual whose license was suspended based on incompetency to act in the industry or industries for which a Wisconsin license was issued shall demonstrate competency to engage in the industry or industries by passing an exam administered by the department before the suspension is ended by the department.

(b) An individual whose license has been revoked may apply for a new license one year or thereafter after the date of revocation. A license application from an individual whose license was revoked is not a renewal. A person whose registration has been revoked may apply for a new registration one year or thereafter after the date of revocation.

(c) An individual whose water well drilling, heat exchange drilling, or pump installing license was revoked for any reason shall demonstrate the individual's [licensee's] knowledge to engage in the industry [business or businesses] by passing an exam administered by the department. An individual whose [who has had] water well drilling, heat exchange drilling, or pump installing license was revoked for incompetency is not eligible to become licensed again until after the individual has demonstrated competency in the activity for which the individual was deemed incompetent. In the alternative, the department may grant a condi-

tional license to the applicant, which 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 two years without violations.

Note: The words "licensees," "business or businesses," and "who has had" are added by CR 13-096 but are not reconcilable with the treatment of par. (c) by CR 13-099. Future rulemaking will address any wording inconsistencies.

(d) An individual whose license was suspended for willful violations and has failed to comply with requirements of the suspension order so that the suspension extends longer than one calendar year, shall take and pass the exam to become licensed, as provided in s. NR 146.07 (2).

History: Cr. Register, December, 1988, No. 396, eff. 1-1-89; correction in (1) (c) made under s. 13.92 (4) (b) 7., Stats., Register March 2011 No. 663; **CR 13-096: am. (1), (2), (3) (a), (b), cr. (3) (c), (d), CR 13-099: am. (1), (2), (3) (a), (b), cr. (3) (c), (d), Register September 2014 No. 705, eff. 10-1-14.**

NR 146.10 Well filling and sealing. (1) This section applies to all water supply wells used for any potable or nonpotable purpose.

(2) An individual may not fill and seal a water supply well, or verify and report that a well was properly filled and sealed, unless at least one of the following applies:

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

(b) The individual is under the supervision of a licensed water well driller or licensed pump installer as their employee or the employee of a registered water well drilling or pump installing business.

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

(d) The individual is under the supervision of a water system operator certified under s. 281.17 (3), Stats., the well is within the service area of the local governmental water system for which the certified water system operator works, and the individual being supervised is an employee of the local governmental water system.

(3) The licensed or certified individual is not required to be present during the filling or sealing of a well except that the licensed or certified individual is responsible if the filling and sealing is not done in compliance with ch. NR 812.

(4) Property owners may not fill and seal their own wells.

History: CR 13-099: cr. Register September 2014 No. 705, eff. 10-1-14.

NR 146.11 Property transfer well inspections. (1) This section applies to all water supply wells as defined in s. 280.30, Stats., used for any potable or nonpotable purpose.

(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.

(3) No license is required if the only work being done is collecting a water sample for analysis at time of property transfer provided the water quality test results are reported by the certified laboratory on a laboratory form and no other statements are made or opinions offered by the individual or laboratory regarding the

location, compliance, condition, capacity or performance of the well or pressure system or the location or existence or nonexistence of wells that must be filled and sealed.

(4) Inspectors shall conduct well and pressure system inspections in compliance with subchapter VI of ch. NR 812.

(5) Inspectors shall provide the person requesting the inspection with the completed property transfer well inspection form specified by the department. The inspector may also attach their own forms or letters, provided those forms are not represented to be part of the department form. The well and pressure system inspection form is not to be submitted to the department except in the case of a variance request.

(6) Businesses engaging in the business of property transfer well inspections are required to hold a business registration in accordance with s. NR 146.04 (4) or 146.04 (5).

Note: Every individual performing property transfer well inspections is required to be licensed except as noted in sub. (7).

(7) County employees are not required to obtain a water well driller or pump installer license to conduct property transfer well inspections if the county has adopted a Level 3 county delegation program under ch. NR 845 and the inspections are conducted as part of their duties as county employees. Property transfer well inspections performed by Level 3 delegated county employees shall be conducted in compliance with the standards in subchapter VI of NR 812 and using department form #3300-221.

(8) Requests for property transfer inspections of spring or surface water supplies shall be referred to the department's private water supply section.

History: CR 13-099: cr. Register September 2014 No. 705, eff. 10-1-14.

NR 146.12 Citations. (1g) The department may take appropriate enforcement action against any person who violates any of the provisions listed in sub. (1r). The department shall consider the severity, duration, frequency, and environmental or health risks of the violation. The department will evaluate and address violations in accordance with the department stepped enforcement process. The department shall provide written notice of a violation and provide an opportunity to meet pursuant to s. 280.98 (4), Stats., before issuance of a citation.

(1r) Citations may be issued for violations relating to any of the following:

(a) Licensing and registration as provided in this chapter, ch. 280, Stats., or s. NR 812.26 (9).

(b) Disinfection requirements, as provided under s. NR 812.22 (4), 812.27 (5), 812.41 (1), or 812.42 (13).

(c) Sampling and reporting requirements, as provided under s. NR 812.04 (2), 812.09 (4) (a) 3., 812.10 (11) or (12), 812.22 (6), (7), (8), (9), or (10), 812.26 (3) or (8), 812.27 (6), 812.41 (3) or (4), 812.42 (13), or 812.44 (3) or (4).

(d) Water systems that were installed before February 1, 1991, as provided under s. NR 812.42.

(e) Well or drillhole filling and sealing, as provided under s. NR 812.09 (4) (a) 5. or 812.26.

(2) Prior to issuing a citation under par. (b), the department shall do all of the following:

(a) Issue a written warning outlining the violation.

(b) Schedule an enforcement conference with the alleged violator. The alleged violator is allowed to bring a representative to the enforcement conference.

(3) If the alleged violator does not attend the enforcement conference or make alternative arrangements to the department's satisfaction, the department shall consider the requirement of s. 280.98, Stats., to be met, and shall base its enforcement decision on all available information.

History: CR 13-099: cr. Register September 2014 No. 705, eff. 10-1-14; correction in numbering in (1g), (1r) made under s. 13.92 (b) (b) 1., Stats., correction in (1g) made under s. 13.92 (4) (b) 7., Stats., Register September 2014 No. 705.