



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

**Part 127 Revision
Stakeholder Meeting
Friday July 26, 2013
9:30am-3:00pm**

*State Secondary Complex, Operations Center
Ops Center Conference Room A & B
Operations Center
7285 Parsons Drive,
Dimondale, MI 48821*

Agenda

- I. Agenda review
- II. Review minutes from previous meeting
- III. DEQ update-office move with Constitution Hall
- IV. DEQ Presentation and handout
- V. Action Items from June
 - G. Carr will send example licensing language to DEQ.
 - P. Humes will share NGWA testing modules.
 - J. McEwan will get further details on licensing in other states.
 - MGWA will provide a definition of "supervision".
 - G. Carr will check into an October meeting date to coincide with MGWA meeting.
- VI. Discussion Items-(in no particular order)
 - a. Well owner installed wells and well owner plugging of wells
 - b. Bonding and/or other insurance
 - c. Definitions
 - d. Permit requirement in Statute, and permits on site
 - e. Registration fees
 - f. Other?
- VII. Wrap-up and discussion of DEQ work over the next 2 months drafting statute language
- VIII. Next Meeting Date and Location
TO BE DETERMINED FOR OCTOBER

	OFFICE OF DRINKING WATER AND MUNICIPAL ASSISTANCE POLICY AND PROCEDURE		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: July 31, 1998	Subject: Supervision of Well Drilling Activities		Category: <input checked="" type="checkbox"/> Internal/Administrative
Revised Date:	Division/Office and Program Names: ODWMA- Well Construction Program		<input type="checkbox"/> External/Noninterpretive
Reformatted Date: March 15, 2013	Number: ODMWA-368-127-007	Page: 1 of 2	<input type="checkbox"/> External/Interpretive

A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.

INTRODUCTION, PURPOSE, OR ISSUE:

The statute that regulates the well drilling industry, Part 127, Water Supply and Sewer Systems, of the Michigan Public Health Code, 1978 PA 368, as amended, defines a well drilling contractor as “a person.... who supervises the construction of water wells and the installation of pumps, ...” Administrative Rule R 325.1701, Rule 201, dealing with minimum qualifications of applicants for registration, states that “well drilling experience shall have been acquired under the supervision of an active Michigan registered well driller.” The administrative rules do not define supervision, nor is it believed that it is appropriate to promulgate regulations that establish rigid criteria for supervision of employees. A contractor should have the flexibility to determine the nature and degree of supervision needed by each employee. Ultimately, the registered contractor is at risk of suspension or revocation of the certificate of registration if inadequate supervision of an employee(s) leads to violation of the state well code.

AUTHORITY:

Part 127, Water Supply and Sewer Systems, of the Michigan Public Health Code, 1978 PA 368, as amended, and rules (Part 127), the Michigan Water Well Construction and Pump Installation Code, Groundwater Quality Control Rules (R 325.1601 *et seq.*), adopted under authority of Part 127, being MCL 333.12701 *et seq.* (Code).

STAKEHOLDER INVOLVEMENT:

This policy and procedure was developed in 1998 by the DEQ Well Construction Unit. The policy and procedure letter was sent to water well contractors and local health departments on July 31, 1998 and was copied to the Ground Water Advisory Committee and Michigan Ground Water Association. This topic will be included in the next statute /rule revision stakeholder process.

POLICY:

The DEQ, Office of Drinking Water and Municipal Assistance (ODWMA), Noncommunity and Private Drinking Water Unit (NPDWU), and Michigan Ground Water Advisory Committee shall use the broad criterion listed below to assess adequacy of supervision when reviewing the

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POLICY AND PROCEDURE

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credentials of a new applicant for registration. To ensure that an employee will satisfy the minimum field experience requirements of R 325.1701 to qualify for registration, "supervision" should include the following:

1. The registered contractor must be involved in the day-to-day operation of the well drilling business, except for normal vacation absence.
2. The registered contractor must provide occasional direct field supervision of drilling operations by employees and/or inspect completed installations to ensure code compliance and customer satisfaction.
3. If the registered contractor is an employee of a well drilling firm, but not the owner or business partner, the contractor must have supervisory control over employees and well drilling/pump installation practices.
4. Job estimates, billing invoices, advertisements, and other business forms shall be under the name of the registered contractor or firm, not under the employee's name or a business name other than the name registered with our agency.
5. Water well records are the responsibility of the registered contractor. An unregistered individual cannot legally sign a water well record.

PROCEDURE:

WHO	DOES WHAT
Noncommunity and Private Drinking Water Unit staff	Apply the above policy when reviewing new registration application

Compliance with Part 127 shall be based on the statute and rules promulgated under Part 127. Nothing in the policy and procedure shall be used in an enforcement action brought against a Registered Water Well Drilling Contractor or Pump Installer. This policy and procedure shall expire on December 31, 2014, unless superseded before that date.

DIVISION CHIEF APPROVAL:



Liane J. Shekter Smith, P.E., Chief
Office of Drinking Water and Municipal Assistance

3/15/2013
Date