

MICHIGAN

WATER WELL CONSTRUCTION
AND PUMP INSTALLATION CODE

GROUNDWATER QUALITY CONTROL

Part 127 – Act 368 of the Public Acts of 1978, as amended, and rules

- WELL CONSTRUCTION CODE
- DRILLING CONTRACTORS' AND PUMP INSTALLERS' REGISTRATION
- DRILLING MACHINES AND SERVICE VEHICLES
- DEWATERING WELLS

12/1999 EQC 2071

1994 Revision

Part 127 of Act 368 P.A. 1978

Water Well & Pump Installation Code

Statute Revision: A Work in Progress



Michigan Department of Environmental Quality
Drinking Water and Radiological Protection Division

Welcome and Introductions

- Facilitator
- DEQ Staff
- Stakeholder Group Participants

Format of Today's Meeting

- ⦿ What is a Statute?
- ⦿ Statute Revision Process
- ⦿ Next Steps
- ⦿ Topic Discussion-A Work in Progress
- ⦿ Provide input – verbally or in writing (today, email, renewal packets)
- ⦿ Summary

Stakeholder Participants

- ◎ Stakeholder group was formed from:
 - DEQ, Office of Drinking Water and Municipal Assistance (ODWMA)
 - DEQ, Office of Oil, Gas and Minerals (OOGM)
 - Michigan Department of Agriculture and Rural Development (MDARD)
 - Michigan Ground Water Association (MGWA)
 - Michigan Association of Local Environmental Health Administrators (MALEHA)
 - Michigan Environmental Health Association (MEHA)
 - American Water Works Association (AWWA)
 - Dewatering Contractor
 - University
 - Consultant
 - Industry Suppliers
 - Michigan Plumbing & Heating Contractors Association

What is a Statute?

- ⦿ A statute is the enabling legislation. The rules follow the statute.
- ⦿ Statute revision and adoption by the legislature must come before rule changes.
- ⦿ Discussion of rules revision can begin after the Part 127 statute is amended.

Statute Revision Process

● Stakeholder Work Sessions

- Met 4 times in 2013 (May, June, July October)
- Provided opportunity for input from stakeholders on statute items (boiled down to approximately 9 topics)
- Documented rules related items to address later during rules revision
- Meeting agenda and minutes posted on DEQ website

Statute Revision Process

- ◎ October '13 Proposed Statute Language
 - DEQ drafted statute language
 - Provided draft to stakeholders prior to October meeting
 - Encouraged stakeholders to share with their peers
 - Posted on DEQ website
- ◎ January '14 Second Draft
 - Open meeting scheduled to provide opportunity for broad input

Amended Draft Statute Language Format

- ⦿ Language removed = strikethrough
- ⦿ Language added = all CAPS
- ⦿ Remaining language = pre-existing and has not changed

Where do we go from here?

- ⦿ DEQ will continue to seek comments
- ⦿ Additional outreach through registration renewals sent in February 2014
- ⦿ Convene stakeholder group for vertical closed loop geothermal (VCL)
- ⦿ Move the statute forward with VCL statute in 2015

Vertical Closed Loop Geothermal Systems (VCL)

- Not regulated under Part 127
- Vertical closed loop systems do not meet the definition of a well
- Begin stakeholder process for new statute and rules in 2014
- Proposed to present to legislature at same time as Part 127 statute

Begin Statute Topic Discussion- A Work in Progress

- DEQ will present statute topics
- Please be concise and as specific as possible in your comments
- Please keep them to allotted timeframe
- Please be courteous of others
- Rules topics (while important and need to be addressed eventually) are not on the agenda today

Examples of Rules Items:

- Grouting Specifications
- National Sanitation Foundation (NSF) Approval and New Product Approval
- Minimum Isolation Distances
- Deviations

These topics are not on today's agenda

Statute Items

- Housekeeping
- Definitions
- Well Owner Plugged Wells
- Well Permitting
- Registration vs Licensure
- Registration Fees
- Electronic Well Record Submittal
- Enforcement
- Continuing Education
- Financial Assurance

Housekeeping

- ⦿ Outdated Department names in current statute
- ⦿ In 1994, Governor Engler abolished the Water Well Drillers Advisory Board, this is still reflected in printed version

Draft

- ⦿ Updated department names
- ⦿ Removed Advisory Board language

Definitions

- ⦿ Needed to add/modify some definitions

Draft

- ⦿ Definitions were added for:
 - Department
 - Individual
 - Local Health Department
 - Permit
- ⦿ Definition of a well was further clarified for open loop heat exchange wells

Well Owner Plugged Wells

- Protect public health and the groundwater resource
- Long history of wells not properly plugged by well owners

Draft

- Well owners limited to plugging specific well types

Well Permitting

- ⦿ Propose to include language that supports the well permitting requirements of Michigan's 44 local health departments (LHD) in order to protect public health and the groundwater resource
- ⦿ All LHD currently have a well permitting program
- ⦿ 70 of 83 counties require irrigation well permits

Draft

- ⦿ **Permits required for all water wells added**

Registration vs Licensure

- MGWA seeking licensure with a Licensing Board
- MGWA waiting for outcome of SB92 (licensing of pharmacy assistants)

Draft

- No changes in statute

Registration Fees

- ⦿ Improve funding for the well construction program
- ⦿ \$40 annual fee has remained unchanged since 1967

Draft

- ⦿ Existing fees raised, however, amounts are a placeholder
- ⦿ New categories added

Electronic Well Record Submittal

- ⦿ Propose to streamline submittal process, reduce costs, and provide real-time data back to users
- ⦿ 68% of water well and pump records currently submitted by contractors
- ⦿ Electronic submittal decreases incomplete well record violations
- ⦿ Majority of stakeholders agree

Draft

- ⦿ Electronic well record submittal added

Enforcement

- ⦿ MGWA stated need to formalize enforcement procedures in statute

Draft

- ⦿ Monetary penalties and other procedures formally in policy added
- ⦿ Substantial monetary penalties for unregistered individuals doing work added

Continuing Education

- ⦿ MGWA in favor of continuing education
- ⦿ Stakeholder consensus

Draft

- ⦿ Continuing education requirements added. Specifics of program would be included in rule.

Financial Assurance

- ⦿ When a contractor surrenders his or her registration, a method is needed for DEQ to plug newly-drilled wells with serious construction violations that constitute a major risk to the groundwater resource
- ⦿ Bonding initially discussed

Draft

- ⦿ Financial assurance fund language to be drafted

Final Statute Comments

Summary

- ⦿ Thank you for your time today
- ⦿ The statute revision is a work in progress
- ⦿ Opportunity to provide input is ongoing
- ⦿ Vertical Closed Loop Geothermal stakeholders group to be reconvened
- ⦿ Both Part 127 and VCL to move forward in 2015

2014 Dates to Remember

- February: Registration renewals due March 1
- February 25-26: MGWA Convention
- April 16, 10:00 am: Open meeting in Manistique, MI

We welcome additional input on the proposed changes to the statute. You may provide input to the DEQ by contacting:

Dana DeBruyn

517-284-6524

debruynd@michigan.gov

www.michigan.gov/deqwaterwellconstruction

Michigan.gov Home	DEQ	Online Services	Permits	Programs	Site Map	Contacts	Locations	<input type="text" value="Search"/>	
-----------------------------------	---------------------	---------------------------------	-------------------------	--------------------------	--------------------------	--------------------------	---------------------------	-------------------------------------	--

Water

- Aquatic Invasive Species
- Biosolids & Industrial Pretreatment
- Campgrounds and Pools
- Drinking Water**
- Abandoned Water Wells
- Community Water Supply
- Contamination Investigation
- Noncommunity Water Supply
- Source Water Assessment
- Water Wellhead Protection
- Water Well Construction**
- Enbridge Oil Spill
- Great Lakes
- Groundwater Discharge
- Groundwater Modeling
- Inland Lakes & Streams
- On Site Wastewater
- Operating Training & Certification
- Part 5 Rules: Spillage of Oil/Polluting Materials
- Revolving Fund Programs
- Rule 97 Certifications
- Surface Water
- Wastewater Construction
- Water Management
- Water Quality Monitoring
- Water and Wastewater Security

[print friendly](#) [email this page](#)

Water Well Construction

Michigan Well Construction Program

Our mission is to protect the health of Michigan's citizens who rely on water wells as their drinking water source through implementation of the Michigan Water Well Construction and Pump Installation Code (Part 127, Act 368, PA 1978 and Administrative Rules). Protection of public health, ground water resources, and aquifers is accomplished by assuring that water wells are constructed, operated, and decommissioned in a technically sound manner.



Information

- [Abandoned Wells](#)
- [Administrative Enforcement Actions Against Contractors](#)
- [Directory of Advisories, Manuals, Policies and Educational Material](#)
- [Directory of Registered Contractors](#)
- [Fact Sheets & Brochures](#)
- [Geothermal Heat Pumps](#)
- [Guide to Local Health Department Personnel](#)
- [MDEQ Staff Area Assignments](#)
- [Educational Presentations](#)
- [Water Well Contractor Registration](#)
- [Well Complaints](#)
- [Well Component Evaluation](#)

Laws and Rules

- [Well Construction Code Revision 2013](#)
- [Part 127 of Act 368 of 1978 \(Statute\)](#)
- [Well Construction Code](#)

Online Services

- [Wellopic](#)
- [Scanned Water Well Records](#)
- [Water Well Viewer](#)

Quick Links

- [Water Withdrawal Assessment Tool](#)
- [Contact Information for Water Well Construction](#)

Follow us on Twitter

Sign up for email from the DEQ!