

	<b>OFFICE OF DRINKING WATER AND MUNICIPAL ASSISTANCE POLICY AND PROCEDURE</b>		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: July 31, 1998	Subject: Supervision of Well Drilling Activities		Category:
Revised Date:	Program Name: ODWMA-Well Construction Program		<input type="checkbox"/> Internal/Administrative <input type="checkbox"/> External/Non-Interpretive <input checked="" type="checkbox"/> External/Interpretive
Reformatted Date: June 1, 2016	Number: ODWMA-368-127-007	Page: 1 of 2	Type: <input type="checkbox"/> Policy <input type="checkbox"/> Procedure <input checked="" type="checkbox"/> Policy and Procedure

*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. DEQ staff shall follow the directions contained in this document.*

#### **ISSUE:**

The statute that regulates the well drilling industry, Part 127, Water Supply and Sewer Systems, of the 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, ...*” 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 Public Health Code, 1978 PA 368, as amended, and rules, of 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. Notification was sent to water well contractors and local health departments on July 31, 1998, and was copied to the Ground Water Advisory Committee (GWAC) and the 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), shall use the broad criterion listed below to assess adequacy of supervision when reviewing the credentials of a new applicant for registration. To ensure that an employee will satisfy the minimum field

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experience requirements of R 325.1701 to qualify for registration, "supervision" should include the following:

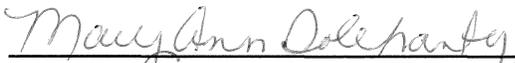
1. The registered contractor must be involved in the day-to-day operation of the well drilling business, except for normal vacation absence.
2. The registered contractor must provide occasional direct field supervision of drilling operations by employees and/or inspect completed installations to ensure 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 the DEQ.
5. Water well records are the responsibility of the registered contractor. An unregistered individual cannot legally sign a water well record.

**PROCEDURES:**

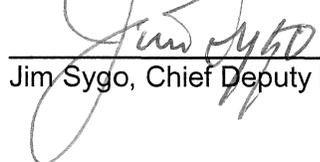
Step	Who	Does What
1.	Registered Contractor/Applicant	Follow this policy when earning and documenting field experience.
2.	DEQ, ODWMA staff	Apply the above policy when reviewing new registration applications.

*Compliance with Part 127 shall be based on the statute and rules promulgated under Part 127. Nothing in this 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, 2016, unless superseded before that date.*

OFFICE CHIEF APPROVAL:

  
\_\_\_\_\_  
Mary Ann Dolehanty, Interim Chief  
Office of Drinking Water and Municipal Assistance

CHIEF DEPUTY DIRECTOR APPROVAL:

  
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Jim Sygo, Chief Deputy Director