



MICHIGAN DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENT
GROUNDWATER DIVISION
WELL CONSTRUCTION UNIT

WATER WELL COMPLAINT GUIDANCE FOR WELL OWNERS

When and where should a water well complaint be filed?

When a well owner has a concern about the construction or safety of a water well, they should contact their local health department* (LHD). A list of LHD phone numbers is available online at www.malph.org. LHDs have the legal authority to act on complaints involving the State Well Construction Code and any local well regulations.

When contacting your LHD to file a complaint, please be ready to give details and pertinent information that will assist the LHD in their investigation. Photographs and written documentation, including dates, can be very helpful in a complaint investigation. Some LHD's accept complaints over the phone, while others may require that the complaint be made in writing.

How can I avoid filing a complaint?

Many problems can be avoided when there is effective communication between the LHD, the well drilling contractor, and the well owner. This first occurs when the LHD issues a well permit that authorizes the construction of a new or replacement well and sets forth the construction requirements for that particular well. In cases where a LHD is aware that the well is being drilled in an area of known water problems such as elevated nitrates, high chlorides, low well yields (not producing enough water), or flowing wells, the LHD may require special construction features and/or provide notice to the well drilling contractor of the potential problem.

It is important that the well drilling contractor communicate any known groundwater concerns to the well owner prior to drilling the well. For example, a contractor should inform a well owner before a well is drilled in an area where an artesian flow is likely, and thus additional expense to control that flow, as required by law, may be added.

Lastly, it is important that the well owner communicates with the contractor by explaining the current and future water use needs before the well is drilled. It is important to plan for any use that will require additional water volume such as an underground sprinkler system, an open-loop geothermal heat pump system, future use of the structure such as a home that is planned to be used as a foster care home, or a well that will be used for livestock watering or irrigation.

Communication throughout the water supply system planning and construction process will minimize complaints. When a complaint arises, effective communication and sensible expectations are essential to successful resolution. When a well owner is working with a well contractor to resolve a concern, the following is recommended:

- Explain the problem accurately and state how you think the matter can be resolved.
- Understand that in a majority of disputes neither side is entirely right.
- Communicate any solution that you are willing to negotiate.
- Be calm and courteous.

Information about common complaints

Some examples of complaints include wells that produce sand or turbidity, wells that do not produce enough water, water containing coliform bacteria and/or other water quality concerns, and well drilling contractor business practices.

Wells that produce sand or turbidity

When wells are pumping sand, damage to water fixtures and appliances and inconveniences can occur for the well owner. Well drilling contractors are required to provide sand free potable water. Contractors should practice due diligence in resolving a sand pumping or turbidity complaint. A guidance document on resolving sand pumping wells can be found on the website at www.michigan.gov/deqwaterwellconstruction.

Well not producing enough water

“How much water does a well have to produce?” This is a typical question from a well owner when a new well does not produce enough water to meet their needs. There are areas in Michigan where 2-5 gallons per minute (gpm) is all that the geologic formation is able to produce.

When investigating these types of complaints, LHD’s knowledge of local aquifer capacities is very important. The LHDs will make determinations based on:

- What is the use of the property and how much water is needed for the intended use?
- What is the capacity or yield of the available aquifer?
- What water system designs are available to best provide a sufficient amount of water when considering the capacity of the aquifer and the volume of water required?

Water containing coliform bacteria and/or other water quality concerns

The presence of coliform bacteria indicates that a well water supply may contain other microorganisms that can cause negative health effects. Coliform bacteria can enter a water supply from several sources including:

- Unsanitary well construction techniques.
- Well flooding.
- Changes in plumbing.
- Poor sampling technique.
- Failure of well drilling contractor to properly develop and or disinfect upon completion.
- A contaminated aquifer system.

In most cases, coliform bacteria problems can be managed through WELL DISINFECTION WITH CHLORINE. If a well is newly constructed, it is the responsibility of the well drilling contractor to disinfect the well and ensure that a safe bacteriological sample is received.

Other water quality complaints range from aesthetic (taste and/or odor) preferences to health related problems. Some water quality problems are a result of plumbing issues, such as dead-end water lines, while other water quality problems are a result of naturally-occurring substances in the groundwater, such as hydrogen sulfide, chloride, or iron. Still other water quality concerns may exist as a result of manmade contamination.

The LHDs are a great resource to help well owners resolve water quality issues. LHDs often have information concerning groundwater quality of a given area and can assist well owners on determining what their water should be sampled for, the best sampling locations, costs for such testing, and the methods to have the sampling completed.

It is important to determine if the concern is caused by the groundwater conditions, the water system construction, and/or by the distribution system piping. After the contaminant is

identified, LHDs will assist well owners in determining a course of action. This action is typically based on a determination of whether the water quality problem poses a significant health risk and/or poses little or no health risk but rather is an aesthetic concern. For example, an unusual odor in the drinking water could be caused by harmless groundwater bacteria, or it could be caused by a groundwater contaminant that is known to cause health effects.

The following websites help well owners diagnose water quality problems and determine potential treatments and solutions:

- Water Quality Association <http://www.wqa.org>.
- Wisconsin Department of Natural Resources
<http://dnr.wi.gov/org/water/dwg/private/waterproblems.htm>.
- National Sanitation Foundation International http://www.nsf.org/consumer/drinking_water.

In some cases, a water quality problem may be resolved through water treatment. Water treatment is best used to improve the aesthetic quality of the water. Caution is to be taken when utilizing water treatment devices to remove a contaminant that is associated with health effects. These devices work only as well as they are maintained and may give a false sense of security if not operating properly. Frequent water testing is recommended when using a water treatment device. Many LHDs will not accept the use of a water treatment device to address unacceptable water quality, especially for contaminants that may be associated with a health conditions such as elevated nitrate levels.

Well contractor business practices

Water well complaints that involve issues that concern business practices, such as overcharging, may be taken to the Consumer Protection Division (CPD) of the Michigan Department of Attorney General (www.michigan.gov/ag). The CPD helps consumers by mediating complaints.

For consumer complaints, the CPD will, in most cases, write to the contractor's business and enclose a copy of the complaint. The contractor will be asked to respond, and the CPD will contact the well owner after they receive a reply from the business. If they do not hear back from the contractor within 30 days, they will follow up with them regarding the complaint.

In some cases, the CPD may be unable to obtain any cooperation from the contractor. If this happens, a well owner may want to consult with an attorney to review their legal options.

Sometimes well contractors choose not to correct a well code violation because they have not been paid for the work performed. Well contractors are responsible to correct well code violations regardless of payment status. Payment for the well is not addressed in the well construction code and therefore, is often resolved by negotiation between parties or, as a last resort, through the court system.

Stating that they are not responsible for repairs because the well owner will not let them back on the property does not absolve the contractor of their liability for causing the code violation or their obligation to correct the violation. The contractor must show due diligence in working with the well owner and the LHD to resolve the violation. The DNRE can take administrative actions against a contractor's registration certificates for not responding to complaints and not correcting well code violations.

Once a complaint is filed, what happens?

LHD's are responsible for investigating all water well complaints. LHDs will determine if a complaint involves a violation of the well construction code (R 325.1601, *et seq.*, adopted under Part 127, Water Supply and Sewer Systems, 1978 PA 368, as amended), or any local well regulation that the LHD is responsible to enforce.

Certain types of complaints are not within the legal jurisdiction of LHDs. These include complaints about pricing or "overcharging," product warranties, or contractual disputes. The LHDs typically do not become involved in these complaints.

The LHDs will use a variety of methods while investigating a complaint including:

- Contacting a complainant to gain more information. It is important that a complainant provide their name and phone number when filing a complaint.
- Calling a well drilling contractor to gain further information and determining their previous involvement to resolve the issue.
- Conducting site visits to verify field conditions.
- Collecting water samples and/or other types of well testing.
- Reviewing available records for both the property involved and surrounding properties.
- Sending correspondence to the well drilling contractor requiring a response to the complaint.

The LHDs have the authority to issue corrective action orders through State and local codes and may use these orders once a violation is confirmed. Also depending on the severity of a violation, LHDs may recommend action to suspend or revoke a well drilling contractor's state registration. The LHDs will determine the appropriate level of enforcement based on the severity of confirmed violations and the previous regulatory history of the well drilling contractor involved.

In general, LHDs will document their investigation findings, corrections, and recommendations, and ensure any code violations discovered during the investigation are promptly corrected.

Complaint Do's and Don'ts:

- **Do** make sure that you get a well construction permit and that you become familiar with the conditions placed on the permit.
- **Do** tell the contractor your water use needs before the well is drilled. Proper planning of a water supply system depends on the well drilling contractor having prior knowledge about the intended use and water pumping rates required to meet peak demands.
- **Do** keep documentation of the problem and keep track of any steps you have taken to resolve the issues. Written documentation shows the contractor and LHD that you are concerned enough about the problem to spend the time carefully documenting it. Accurate documentation is valuable if the matter cannot be easily resolved and escalates into legal action.
- **Don't** file a complaint with a LHD until you have contacted the contractor and gave the contractor an opportunity to correct a problem.
- **Don't** wait a long time to file a complaint. Make the complaint soon after the problem occurs. For example, if you use a sand producing well for a year, you will have a harder time convincing the contractor that it was a problem when it was drilled.

Michigan's abundant resources of groundwater provide Michigan residents with a safe and reliable source of drinking water. However, when homeowners experience difficulty with their well water supplies they should seek the help through their LHDs.

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