



# Uniform Private Water Systems

## Guidance Manual

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## Introduction

The purpose of this manual is to provide guidance for Wisconsin counties in the development and enforcement of a delegated, county level program to regulate aspects of well construction and pump installation as allowed under ch. 280, Wis. Stats. (ch. 280). An authorized county well delegation program will allow county ordinance administration pertaining to ch. NR 812, Wis. Adm. Code (NR 812) - Well Construction and Pump Installation, regulating private well location, pump installation, existing private water systems, well construction, and/or well filling and sealing. The goal of the county well delegation program is to protect Wisconsin's drinking water and groundwater resources by allowing regulation of these activities at the county level, with support and oversight from the Department of Natural Resources (department). The Uniform Private Water Systems Guidance Manual is designed to provide county sanitarians and inspectors with the technical information they need to administer a Well Construction and Pump Installation program delegated to them under ch. NR 845, Wis. Adm. Code (NR 845). Additional technical guidance is provided via links to the department's training modules, fact sheets, and resources.

Some terminology used in this manual may differ from that present in NR 845. These differences reflect changes from code updates to NR 812 since NR 845 was promulgated. The differences in terminology will be addressed through future revision of NR 845.

Chapter NR 845 creates the authority for counties to regulate private water systems within their boundaries. It is an opportunity for counties to protect public health and the environment as well as provide for the protection and safety of its citizens by inspecting new and existing well installations, discovering old wells that should be filled and sealed, and learning more about groundwater and soil conditions within their county. Drilled, driven point, dug, bored, and jetted wells are all regulated under the provisions of NR 845; however, springs, school water systems, wastewater treatment plant water systems, high capacity water systems, community water systems, and systems which require plan approval from the department are not delegated under this chapter.

The key to a successful county well delegation program administered by a county is continuous and open communication between department staff and county inspectors, and a successful program has the potential to result in improved compliance of private wells and water systems through:

1. Improved compliance with required separation distances due to increased review of well siting location in relation to potential contamination sources.
2. Improved compliance with pump installation requirements through increased review and inspection of pump installations on new and existing water systems.
3. Increased inspection of existing private water supply systems and follow-up on initial sample results found to have bacteria present.
4. Increased surveillance of well drillers during well construction.
5. Increased compliance with well and drillhole filling and sealing requirements.

## Joining County Well Delegation

Counties are required to take the following steps when applying for authority to administer a county well delegation program:

- A.** Counties shall adopt a private water systems ordinance meeting the requirements of s. NR 845.06, and provide a copy to the department (see Ordinances).

- B.** Counties shall submit a formal letter of request either from the County Board or the Designated County Administrator requesting authorization to administer NR 812. This letter shall specify the levels of delegation listed in s. NR 845.05, for which the county is requesting authorization. The letter should also specify the county staff positions which will be administering the delegation program and the expected number of staff hours per year available for each level of delegation.
- C.** Counties shall develop enforcement procedures to be used for follow-up on noncompliance with ch. 280, NR 812, or the private water systems ordinance. County enforcement procedures shall be outlined in the letter of application submitted to the department.
- D.** Counties shall submit a signed statement from the district attorney or corporation counsel indicating a willingness to prosecute noncompliance with ch. 280, NR 812, or the county ordinance.
- E.** Counties joining the program shall appoint an administrator and meet staffing requirements to run the program. For most levels of delegation, this means that county staff shall be available for answering questions regarding permit applications and for accepting applications for well location or pump installation permits for a minimum of 4 regularly scheduled hours each working day.
- F.** County employees conducting inspections are required to attend initial training sessions and pass an examination related to the delegation level(s) at which their county is authorized.
- G.** County staff may be required to attend periodic continuing education programs conducted or approved by the department.
- H.** County programs may be periodically reviewed and audited by the department.
- I.** In accepting permit authority, counties shall agree to send copies of all permits and other designated correspondence to the appropriate region office of the department within specified deadlines in s. NR 845.06(3)(b) Table 1, or as requested by the department.
- J.** County program administrators must notify permit applicants in writing if permits are denied. If the reason for denial warrants consideration of a variance by the department, the administrator will include information on how to request a variance from the department in the denial letter.

## Ordinances

In order to become a Delegated County, a county must adopt a private water systems ordinance that is no less restrictive nor more restrictive than ch. 280, and department rules adopted pursuant to ch. 280. Sample ordinances are available from the department upon request. The ordinance shall apply to the entire county and shall include all cities, towns, villages, and sanitary districts within the county. The ordinance shall authorize the administrator or trained inspectors to:

- Inspect private water systems.
- Order filling and sealing, modification, repair, or replacement of systems not in compliance with standards established in s. NR 812.26, Wis. Adm. Code.
- Prohibit the use of new or existing private water systems found to be a health hazard to users, neighbors, or the community.
- Order suspension of work until preceding noncompliant work is brought into compliance with NR 812 and the county ordinance.

Any conflicting county or municipal ordinance relating to private water systems may not be enforced nor shall any county or local unit of government enforce an ordinance not authorized by the department. Counties also may not enforce programs beyond their authorized level of delegation. County inspectors cannot grant variances and must refer variance requests to the department.

## Levels of Delegation

Chapter NR 845 gives counties flexibility to regulate different aspects of the private well code. However, per s. NR 845.05, Wis. Adm. Code, **in order to participate in the county well delegation program, a county must adopt Level 5 as a condition of administering any other level.**

The county may receive authorization to administer NR 812 at one or more of the following levels.

### *Level 1 - Private Well Location*

County responsibilities in Level 1 delegation shall include:

- A. Issuing well location permits for new wells and replacement wells and the reconstruction or rehabilitation of existing private wells.
- B. Conducting inspections of new, replaced, reconstructed, or rehabilitated private well installations for which a well location permit was required. Inspections should be completed on the [NR 812 Compliance Report Form 3300-305](#) or an alternative form approved by the department.
- C. Determining whether the casing height complies with NR 812, and that there is a complying well cap which properly seals the upper terminus of the well.
- D. Requiring the upgrading of all inspected private wells that are not in compliance with the minimum private well locational distances in NR 812.

### *Level 2 - Pump Installation*

County responsibilities in Level 2 delegation shall include:

- A. Issuing permits for the installation of a pump on new, replaced, rehabilitated, or reconstructed private water systems. These permits may be incorporated into a joint well location and pump installation permit system.
- B. Issuing permits for pump installations on existing private water systems when a change is made in the nature of the connection between the well and the water supply piping or when a different type of pump is installed.
- C. Conducting inspections of new and existing pump installations for which pump installation permits were required. Inspections should be completed on the [NR 812 Compliance Report Form 3300-305](#) or an alternative form approved by the department.
- D. Requiring the upgrading of all inspected private water systems that are not in compliance with the minimum private well location and pump installation code standards of NR 812.

### *Level 3 - Existing Private Water Systems*

County responsibilities in Level 3 delegation shall include:

- A. Following up on all initial bacteriologically unsafe sample results in the county that the county is informed of.
- B. Conducting inspections of existing water systems when requested by a property owner or lending institution. Inspections must be completed on the [Property Transfer Well and Pressure System Inspection Form 3300-221](#) and comply with s. NR 812.44, Wis. Adm. Code, if they are being completed for a property transfer. Other requested inspections should be completed on

the [NR 812 Compliance Report Form 3300-305](#) or an alternative form approved by the department.

- C. Conducting inspections whenever a water sample is collected as part of a complaint or problem follow up unless authorized not to do so by the department. Inspections should be completed on the [NR 812 Compliance Report Form 3300-305](#) or an alternative form approved by the department.
- D. Requiring the upgrade of all inspected private water systems that are not in compliance with the minimum well location and pump installation standards contained in NR 812.

**Note: NR 845 requires that Delegated Counties inspect 10% of non-community wells. This requirement is being met by department or County contract staff, so Delegated County staff are no longer needed to achieve this goal. The department will notify Delegated Counties if this requirement is reinstated or changed.**

#### *Level 4 - Private Well Construction*

County responsibilities in Level 4 delegation shall include:

- A. Inspecting new private wells during the actual construction phase or immediately following construction to ensure compliance with NR 812 well construction requirements. Inspections should be completed on the [NR 812 Compliance Report Form 3300-305](#) or an alternative form approved by the department.
- B. Following up on problems with new and existing private water systems due to well construction, in addition to problems associated with pump installation or private well location, and require correction of well construction violations.
- C. Checking well drillers' and pump installers' licenses, equipment, and materials to ensure that department approved methods and materials are used.

#### *Level 5 - Well and Drillhole Filling and Sealing*

County responsibilities in Level 5 delegation shall include:

- A. Requiring the filling and sealing of wells and drillholes in accordance with standards in s. NR 812.26, Wis. Adm. Code.
- B. A county with Level 5 delegation may also require the filling and sealing of wells with contaminant levels in excess of the standards specified in NR 809, or a state health advisory limit issued by the department, after consultation with and approval by the department.

## Permits

Well location and/or pump installation permits for private wells may be required by the county ordinance and are dependent on what level of delegation the county is authorized to administer. Permit and inspection fees are determined by each county and no portion of the county fee is remitted to the state.

### Issuing Permits

A county well location permit must be obtained by the property owner or their designated agent whenever a private well is constructed, reconstructed, or replaced (unless that well is nonpotable or requires a formal written approval from the department). A pump installation permit must be obtained by the property owner or their designated agent prior to installing a pump on a new, replaced, rehabilitated, or reconstructed private water system when a change is made in the nature of the connection between the well and water supply piping or if a different pump is installed.

Types of reconstruction that require a county permit to be obtained include deepening, lining, installing or replacing a screen (this includes a drive-point screen), underreaming, hydrofracturing, and blasting.

A county inspector may not issue permits that result in noncompliance with ch. 280, NR 812, or the county ordinance.

### Exceptions

Some exceptions to the rule on county permit requirements include the following:

- **Tribal Lands** – Only the federal government and Indian tribes have regulatory authority on tribal lands, therefore counties may not require well location permits or conduct well inspections.
- **Nonpotable Wells** – Wells that supply water for purposes other than human consumption, sanitary use, or the preparation of food or pharmaceutical products do not require a permit.

### Formal Approvals

The following types of water sources and water systems do not require a county well location permit and/or pump installation permit because they require a formal written approval from the department and are not considered private wells for the purposes of the delegated well program:

- **Springs** – Places where groundwater flows naturally from rock or soil onto the land surface or into a body of water are sometimes developed as a potable water source. This use is discouraged and requires prior department inspection and approval.
- **School Water Systems** – Any well for an elementary school or secondary school and any kindergarten or day care facility but not including athletic fields, school forests, environmental centers, home-based schools, or Sunday schools.
- **Wastewater Treatment Plant Water Systems** – Any well for a facility that provides for the treatment of sanitary or industrial wastewater, or both.
- **Community Water Systems** - A community water system is a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. Any water system serving 7 or more homes, 10 or more mobile homes, 10 or more apartment units, 10 or more duplex units, or 10 or more condominium units shall be considered a community water system unless information is provided by the owners indicating that 25 year-round residents will not be served.
- **High Capacity Water Well** - Any well, except for a residential well or fire protection well, that, together with all other wells on the same property, except for residential wells and fire protection wells, has a capacity of more than 100,000 gallons per day.
- **Floodway Wells** – A new well may not be constructed in a floodway unless allowed by s. NR 116.12(1)(f), Wis. Adm. Code, and city, village, or county ordinance. A well may be reconstructed or replaced in a floodway provided that the top of the well is terminated at least 2 feet above the regional flood elevation for the well site.

### Reviewing Permit Applications

For permit applications submitted to the county at least 2 working days prior to construction or installation, the county should provide information to the owner, well constructor or pump installer about potential contamination sources such as landfills, underground storage tanks, primary and replacement onsite sewage disposal system areas (on the development site and on adjacent properties), and special casing areas. When any permit application is submitted with less than 2 working days prior to construction, the well constructor or pump installer shall be responsible for maintaining full compliance with all provisions of NR 812 instead of the county.

## Resources to Review

Well drillers, pump installers, and county staff can access an interactive map that shows the location many of these potential contamination sources called the [Well Driller Viewer](#). Use this map as well as other county resources to verify the proximity of contamination sources prior to issuing well location permits.

## Special Well Casing Pipe Depth Areas

Some localized areas of the state require additional casing beyond the minimum required in NR 812, to avoid groundwater pollution problems. These areas are called special well casing depth areas. They are areas requiring greater depth of well casing pipe and/or more stringent well construction methods because of known groundwater contamination. The location of established special well casing depth areas can be found on the [Well Driller Viewer](#) through the DNR website. Counties shall check whether wells are in one of these designated areas before issuing a well location permit. Counties should provide notice to the property owner when the well location permit is issued that the well must be constructed per the special well casing depth requirements in addition to what is required by code. The well driller or property owner is encouraged to contact the department if they have questions or concerns, and they must contact the department if it is noted as a requirement for the special well casing area.

## Inspections

Inspections are the main component of any private water systems program. Well location and pump installation permits have little value if there are no follow up field inspections to determine that the wells are properly located, and water systems properly installed. This section of the manual will explain how to conduct inspections at each delegation level.

### Level 1

Level 1 inspections include checking:

1. The well location in relation to contamination sources, including landfills and special well casing areas.
2. That the casing height complies with NR 812.
3. That there is a vermin-proof well cap or well seal on the upper terminus and that the electrical conduit is present and extends tightly into the cap and into the ground.
4. For the presence of unused wells that should be filled and sealed.

### Well Location

The location requirements for new wells can be found in s. NR 812.08, Wis. Adm. Code. Inspectors should use a tape measure or other device to check the distance between a new well and all identifiable potential contamination sources both on the property and on neighboring properties. New wells may not be located in a non-walkout basement or a well pit without prior department approval. The location of special well casing areas and landfills can be found on the [Well Driller Viewer](#).

### Well Casing Height

The casing height requirements for new wells are found in ss. NR 812.12(12) and NR 812.29, Wis. Adm. Code, and in the [Well Casing Heights Fact Sheet](#). Check that the well casing terminates at least 12 inches above the established ground surface or the walkout basement floor. If the well is in a floodplain, check that the casing terminates at least two feet above the regional flood elevation. *(Also be sure to determine if the well location is within or outside of the floodway.)*

### *Well Cap or Seal*

The requirements for well caps and seals for new wells can be found in s. NR 812.30, Wis. Adm. Code. Check that there is a vermin- proof well cap or seal on the upper terminus of the well and that openings are properly sealed including where the electrical conduit enters the cap. Also check that the conduit extends into the ground. *(There may be a temporary cap if the well or pump installation has not been completed.)*

### *Unused Wells*

Inspect the location of any previously existing wells on the property. Compliance is based on requirements in effect at the time the well was constructed and the requirements at the time later contamination sources were installed.

An existing well is in a noncomplying location and must be filled and sealed if any of the following are true:

1. It was not properly separated from contamination sources at the time it was installed.
2. Later contamination sources were installed too close to the well.
3. It was installed in a basement after 1953.

A search of county records may help determine the likely installation date. Even if the well was installed in a basement prior to 1953, note it on the inspection form.

Also note whether any existing wells are located in a pit or if the condition of any nonpotable well is such that it could be a threat to groundwater.

### *Level 2*

Level 2 Inspections include checking:

1. The pump installation as soon as possible after work is completed on new or existing wells.
2. The location of new and existing wells that have had pump work completed.

### *Off-set Pumps Installations*

Off-set pump installations for new wells shall meet the requirements of s. NR 812.32(2), Wis. Adm. Code. Inspectors should check to make sure that the pump impeller is located at an elevation of at least one foot above the basement, pit, or alcove floor. Inspectors should also make sure that the buried portion of the supply pipe from the well to an off-set pump is enclosed in a pressurized conduit.

Nonpressurized conduits are not allowed for new pump installations. Existing nonpressurized conduits shall meet the requirements of ss. NR 812.42(6)(a) and (b) and NR 812.42(11)(e), Wis. Adm. Code, which is summarized on the [Nonpressurized Conduits Fact Sheet](#). Pump installers are required to conduct a pressure test on nonpressurized conduits when they perform pump work. Nonpressurized conduits that do not pass a pressure test should be eliminated. Counties should ask pump installers to notify them prior to conducting a pressure test so that they can witness it.

### *Buried Discharge Lines from Submersible Pumps*

The requirements for buried discharge lines from submersible pumps can be found in s. NR 812.32(4), Wis. Adm. Code. Inspectors should make sure that buried discharge lines from submersible pumps are maintained under system pressure.

### *Existing Well Location*

The requirements for the location of existing wells can be found in s. NR 812.42(1)(a), Wis. Adm. Code. Inspectors should measure the distance between the well and any potential contamination source on the property and on neighboring properties.

An existing well in a noncomplying location must be filled and sealed if any of the following are true:

1. It was not properly separated from contamination sources at the time it was installed.
2. Later contamination sources were installed too close to the well.
3. It was installed in a basement after 1953.

A search of county records may help determine the likely installation date. Even if the well was installed in a basement prior to 1953, note it on the inspection form.

Also note whether any existing wells are located in a pit or if the condition of any nonpotable well is such that it could be a threat to groundwater.

### *Well Casing Height*

The casing height requirements for new wells are found in s. NR 812.29, Wis. Adm. Code, and the casing height requirements for pump work on existing wells are found in s. NR 812.42(11)(c)1., Wis. Adm. Code. Inspectors may also reference the [Well Casing Heights Fact Sheet](#). Inspectors should measure the casing height to check for compliance. New wells shall extend a minimum of 12 inches above the established ground grade.

### *Well Cap or Seal*

The requirements for well caps and seals for new wells can be found in s. NR 812.30, Wis. Adm. Code, and the requirements for existing wells can be found in s. NR 812.42(11)(d), Wis. Adm. Code. Inspectors should check that the well cap or seal is vermin-proof and free of cracks or other defects. Pump installers are required to replace any unapproved well cap or seal with an approved well cap or sanitary well seal. A list of approved well caps and seals can be found on the [DNR website](#).

### *Missing or Inadequate Electrical Conduit*

The requirements for electrical conduits are found in s. NR 812.30(5), Wis. Adm. Code. Inspectors should check that the electrical conduit is free of cracks or defects, properly attached to the well cap, and that it extends down into the ground.

Conduits for new pump installations should be of one of the following materials:

1. Schedule 80 sunlight resistant rigid polyvinyl chloride (PVC).
2. Intermediate metal (IMC).
3. Galvanized rigid metal.

### *Well Pits and Alcoves*

The requirements for existing well pits and alcoves can be found in s. NR 812.42(2), Wis. Adm. Code, and in the [Pits and Alcoves Fact Sheet](#). Inspectors shall visually inspect well pits and alcoves to evaluate compliance and sanitary condition. **Inspectors are not required to enter a pit or alcove as part of their inspection.**

### *Sample Faucet*

Pump installers are required to install a sample faucet that meets the requirements of s. NR 812.34, Wis. Adm. Code. The inspector should verify that the sample faucet is smooth end and is at least 12 inches above the floor.

## Level 3

Level 3 inspections include:

1. Following up on initial reports of total coliform bacteria in private water systems.
2. Conducting a well inspection when requested by a property owner or lending institution.
3. Conducting a private water system inspection and evaluation whenever a water sample is collected as part of a complaint or problem follow-up.

### *Follow-up on an Initial Report of Coliform Bacteria in a Well*

Initial follow-up for a total coliform-positive well shall consist of a telephone contact or form letter. The county shall advise the property owner to have the well disinfected and resampled and offer further assistance as needed. Follow-up on initial coliform positive results from samples analyzed by the state laboratory of hygiene need not be done by the county.

Counties may conduct on-site inspections of wells with multiple coliform positive samples and require the correction of any non-compliance that may contribute to the persistence of the issue.

**Wells with *E. coli* positive samples should be coordinated with the department.** The department will work with the county to determine the source of *E. coli*. Financial assistance may be available to private well owners impacted by livestock waste.

### *Property Transfer Well Inspections*

Counties with Level 3 delegation shall inspect wells and pump installations for property transfer at the request of a property owner or lending institution. The inspection shall conform with the requirements of s. NR 812.44, Wis. Adm. Code. The inspector shall conduct a visual inspection of all wells and water systems on the property and note any noncomplying features on the [Property Transfer Well and Pressure System Inspection Form 3300-221](#). A separate inspection form should be filled out for each well. The inspector shall collect a water sample from the well for analysis of bacteria, nitrate, and arsenic. Inspectors may attach additional forms or notes to the [Property Transfer Well and Pressure System Inspection Form 3300-221](#). Inspection forms should not be submitted to the department except in the case of a variance request.

### *Inspections of Existing Wells*

Counties with Level 3 delegation shall inspect wells and pump installations at the request of a property owner. Inspections of existing wells shall evaluate the sanitary condition of the well and pump installation and identify any noncompliance on an inspection form approved by the department. Inspections should be completed on the [Well Compliance Report Form 3300-305](#) or an alternative form approved by the department.

### *Well Casing Height*

Information about casing height requirements for existing wells can be found in s. NR 812.42, Wis. Adm. Code, and in the [Well Casing Heights Fact Sheet](#). Inspectors shall measure the casing height with a tape measure to evaluate compliance with these requirements.

### *Well Pits and Alcoves*

The requirements for existing well pits and alcoves can be found in s. NR 812.42(2), Wis. Adm. Code, and in the [Pits and Alcoves Fact Sheet](#). Inspectors shall visually inspect well pits and alcoves to evaluate compliance and sanitary condition. **Inspectors are not required to enter a pit or alcove as part of their inspection.**

### *Wells in Basements or Crawl Spaces*

Inspectors can use the [Basement Wells Fact Sheet](#) to determine if an existing well is improperly located in a basement or crawl space. The requirements for basement wells can be found in s. NR 812.42(9), Wis. Adm. Code.

### *Lack of Well Cap or Seal or Broken Well Cap or Seal on Existing Well*

Broken or missing well caps must be replaced with an approved vermin-proof cap.

### *Missing or Non-complying Sample Faucet*

All water systems shall have a sample faucet for the purposes of obtaining a sample from the well. New sample faucets installed on a system shall meet the requirements of s. NR 812.34, Wis. Adm. Code.

### *Nonpressurized Conduits*

Nonpressurized conduits that do not meet the requirements of s. NR 812.42(6)(a), Wis. Adm. Code, should be eliminated and replaced with a pitless adaptor and a pressurized piping arrangement. The [Nonpressurized Conduit Fact Sheet](#) can be used to help determine compliance.

## Level 4

Under Level 4 delegation, counties will inspect new private wells during construction or immediately after construction. Inspections should ensure that the well is located and constructed in accordance with all the requirements of NR 812.

### *Licensing*

Inspectors should check that the well constructor has a current well driller or rig operator license that meets the requirements of ch. NR 146, Wis. Adm. Code.

### *Drilling Materials*

Inspectors should check that the well casing, drilling fluids, and grout material used during well construction meet the requirements of s. NR 812.12, Wis. Adm. Code. A list of [approved grouting and drilling fluids](#) is available for reference.

### *Casing and Grouting Requirements*

The requirements for well casing and grouting can be found in ss. NR 812.12 to NR 812.25, Wis. Adm. Code. Inspectors should verify that the well constructor installs casing that extends to the appropriate depth for the formation in which the well is completed. If required, the casing must also be placed in an upper enlarged drillhole or properly driven or mechanically advanced to the top of bedrock.

### *Flowing Wells*

Flowing wells shall meet the requirements of s. NR 812.15, Wis. Adm. Code. Inspectors shall verify that flow is contained to the inside of the well casing.

## Level 5

An inspection during filling and sealing is optional. When an inspector is present during the filling and sealing of a well, they shall verify that the type and volume of sealing material used complies with the requirements of s. NR 812.26, Wis. Adm. Code, and that the material was placed in a complying manner. It is not necessary for the county to submit the results of their inspection to the department.

## Documentation and Record Keeping

County administrators or their designated representative shall ensure that all permits, fees, inspections and other official actions are recorded and a copy of each shall be kept on file until all orders or

enforcement are complete and in compliance with their records retention policy. The department may review or request a copy of any inspection report, correspondence, or water quality data pertaining to the county's delegation level.

County staff should copy regional department staff on any correspondence following up on violations, contamination, orders, or other enforcement.

The department will provide standardized permit application and inspection forms to counties in the delegation program, at the delegation level they operate.

Upon request of the department, counties shall submit a summary report that includes the following:

- A) The number of permits issued and denied.
- B) The number of inspections completed.
- C) The number of compliance orders issued.
- D) The number of compliance orders complied with.
- E) The number of complaints investigated.
- F) Any other information requested by the department.

## Enforcement and Priorities

Enforcement ensures a strong program; therefore, all violations must be followed up on. The severity of the violation will determine how much follow up there is. Counties should remember that the success of their program will be measured according to the degree of compliance they achieve. Counties must obtain the support of the local District Attorney or County Corporation Counsel before entering the county well delegation program.

Counties may use their own enforcement procedures for violations, provided that there is at least an initial letter or order documenting the violation and a close-out letter. Telephone calls for enforcement should be indicated on the comment section of the inspection form. **Counties may not grant variances to NR 812 and counties are discouraged from referring well drillers, pump installers, or well owners to the department to seek a variance in lieu of bringing the installation into compliance.**

This section will discuss the possible violations counties will likely discover for each level and the degree of follow up expected.

### Level 1

Level 1 enforcement should prioritize violations associated with the siting of private wells, the height of the well and the condition of the well cap or seal. All enforcement should be taken against the well constructor or pump installer, except as noted below.

#### *Casing Not Terminated High Enough Above Ground Grade*

Enforcement will depend on when the inspection is made. If the well construction is complete, but not the pump installation or landscaping, enforcement action should be taken against the well constructor.

If the pump installation is complete, but not the landscaping, action should be taken against the pump installer. On recently developed properties where the landscaping has been completed, a phone call with the owner will likely be necessary to determine whether the well driller or pump installer didn't terminate the casing high enough, or if the problem with the landscaping occurred after they left.

### *Existing Well Improperly Located*

When you discover an improperly located existing well that is proposed to be reconstructed, find out who constructed the well and the date it was constructed.

The department and counties can only require the filling and sealing of the noncomplying well and construction of a new complying well. However, the well can remain where it is if the location becomes complying (i.e., the contamination source is removed). This option can be offered in some cases providing the owner agrees.

### Level 2

Level 2 enforcement should prioritize violations related to proper pump installation and well location.

### *Noncomplying Well Construction*

When the county observes that a well was not constructed in compliance with the construction requirements of NR 812, including the pump installation and well location requirements, the county shall require that the well is brought into compliance or filled and sealed.

### *Pump Installation Violations*

Enforcement of pump installation requirements should focus on having the pump installation brought into compliance.

### *Existing Well Improperly Located*

The department and counties can only require the filling and sealing of the noncomplying well and construction of a new complying well. However, the well can remain where it is if the location becomes complying (i.e., the contamination source is removed). This option can be offered in some cases providing the owner agrees.

### Level 3

Level 3 enforcement shall prioritize violations related to the proper pump installation and location of existing wells. Installations shall be brought into compliance or the well will need to be filled and sealed. All corrections are the responsibility of the well owner.

### Level 4

Level 4 enforcement should prioritize violations related to the licensing and construction requirements for new wells in chapters NR 146 and NR 812. When the county observes that a well was not constructed in compliance with the construction requirements of NR 812, including the pump installation and well location requirements, the county shall require that the well is brought into compliance or filled and sealed. All corrections are the responsibility of the well constructor.

When permit applications for proposed drilled wells indicate work is to be done by a well driller who is not licensed in Wisconsin, the county should immediately instruct the owner to obtain the services of a licensed driller. Upon discovery that an unlicensed well driller has already constructed a well, the county should refer the matter to the appropriate department region staff who will, with the county's assistance, investigate and document the violation. The county should assist department staff with enforcement actions.

### Level 5

In Level 5 Delegation, it is the county's responsibility to follow-up on filling and sealing of unsafe, hazardous, noncomplying, and unused wells. There is no minimum number of wells that a county must have ordered filled and sealed. The county is responsible for enforcement action when necessary to

achieve filling and sealing. Counties are encouraged to do as much as they can to secure well filling and sealing to protect the groundwater resource.

***(NOTE: The Level 5 delegation program is designed to give counties the authority to require the filling and sealing of unused wells. This means that the counties are expected to take direct action when an unused well is discovered that is not properly filled and sealed, rather than referring the matter to the department.)***

The filling and sealing of wells and drillholes shall be accomplished in accordance with the criteria and standards established in s. NR 812.26, Wis. Adm. Code. Counties may enforce filling and sealing of any well meeting the criteria of ss. NR 812.26(4)(a) and (b), Wis. Adm. Code.

The filling and sealing of wells should be pursued in the following manner:

1. Write a letter to the owner requiring the filling and sealing of the well within a reasonable period (i.e., 60 days ±).
2. The county may require notification by the owner at least 48 hours prior to filling and sealing if they wish to observe it.
3. An inspection during or following filling and sealing is optional.
4. Counties must verify that they have received a well filling and sealing report for every well that was required to be filled and sealed by the county. Well filling and sealing reports are submitted to the department electronically and can be found here: <https://dnr.wi.gov/warsreport/report>.

#### *Municipal Responsibilities for Well Filling and Sealing*

Suppliers of water for municipal water systems must adopt a private well ordinance requiring the permitting of all private wells located on premises served by their municipal system. Specific requirements are described in s. NR 810.16, Wis. Adm. Code. The municipality has the responsibility to see that unused, unsafe, or noncomplying wells within the municipal boundaries are filled and sealed.

***(NOTE: Questions about municipal well ordinances should be directed to the municipal water utility.)***