

OAKLAND COUNTY HEALTH DIVISION

SANITARY CODE

ARTICLE X

**DRINKING WATER SUPPLY PROGRAM
WELL PROTECTION AND EDUCATION**

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OAKLAND COUNTY SANITARY CODE

ARTICLE X

**DRINKING WATER SUPPLY PROGRAM
WELL PROTECTION AND EDUCATION**

Article X of the Oakland County Sanitary Code is established to help protect the health and safety of the residents and future residents of Oakland County who rely on individual sources of well water supplies for their daily living needs.

SECTION 1 – DEFINITIONS

- A. Abandoned Water Well – Means any of the following:
1. A well which has its use permanently discontinued.
 2. A well which is in such disrepair that its continued use for the purpose of obtaining groundwater is impractical.
 3. A well which has been left uncompleted.
 4. A well which is a threat to groundwater resources.
 5. A well which is or may be a health or safety hazard.
- B. Extensive Changes or Repairs – Include replacing the entire casing, removing a casing from the ground, or changing aquifers.

Minor repairs do not require notification. Minor repairs include:

1. Replacing a telescoped well screen.
 2. Changing screen elevation.
 3. Deepening or plugging back a bedrock well.
 4. Installing a liner pipe.
 5. Replacing a pump, controls, pump drop pipe, or pressure tank.
 6. Chemical treatment of the well or well disinfection.
- C. Person – Means a person as defined in MCL 333.1106 or a governmental entity.
- D. Well – Means an opening in the surface of the earth for the purpose of removing fresh water or a test well, recharge well, waste disposal well, or a well used temporarily for dewatering purposes during construction.
- E. The terms defined in the Public Health Code, 1978 PA 368, as amended, Article I – Parts 11 and 12, Article 2 – Part 24, and Article 12 – Parts 121 and 127, and terms defined in the Michigan Administrative Code, R 325.1601 to R 325.1781, have the same meanings when used in these local health regulations.

SECTION 2 – WELL EDUCATION PACKET REQUIRED

- A. The Oakland County Health Division shall produce an educational packet containing a map documenting areas of groundwater contamination, general information on well drilling, well maintenance, and a list of pertinent telephone numbers to assist persons

requiring a new well or extensive repairs. The educational packet shall be made available to requesting individuals and, for the purpose of distribution to interested residents, to cities, villages, townships, and registered well drillers.

- B. No person or governmental entity shall construct, extensively change or repair, or abandon a well without first acknowledging on a form provided for that purpose by the Oakland County Health Division the receipt of the educational packet developed pursuant to Subsection A, being Article X, Section 2.A. A registered well drilling contractor or a person licensed under Article 24 of Act 299 of the Public Acts of 1980, as amended, being sections 339.2401 to 339.2412 of the Michigan Compiled Laws, may acknowledge receipt of the educational packet on behalf of a well owner and shall, in such case, deliver the educational packet to the well owner.
- C. Except in emergency situations as detailed in Subsection E, before constructing or extensively changing or repairing a well, a person or entity shall notify the Oakland County Health Division in writing of such intent to construct or extensively change or repair a well. Notification shall be made on a form provided for that purpose by the Oakland County Health Division. The form, which shall serve as an application for the permit required by Section 6 of this Article, shall require information sufficient to allow the Oakland County Health Division to conduct a predrilling site review for the proposed well and shall be filed with the Health Division not less than 48 hours prior to the time construction, extensive change or repair or abandonment of the water supply is to begin.
- D. A copy of the well log required by MCL 333.12707 and/or by Michigan Administrative Code rules promulgated pursuant thereto shall be submitted by a well drilling contractor to the Oakland County Health Division not later than 60 days after the completion of a well.
- E. In the event an emergency arises where the lack of water will result in undue hardship and the offices of the Oakland County Health Division are closed or when registered well drilling contractor is involved with minor repair work and conditions are discovered indicating that it is necessary (in order to avoid excessive cost or undue hardship) to immediately begin construction, extensive change, repair, or abandonment of a well, a registered well drilling contractor may begin construction, extensive change, repair, or abandonment of a well without prior notification or permitting. In such situations, by the close of business on the next regular county business day, the well drilling contractor shall notify the Oakland County Health Division of the work utilizing the “Well Action Notification/Permit Application Form” provided for that purpose by the Oakland County Health Division. The registered well drilling contractor or well owner shall acknowledge receipt of the educational packet, as provided in Subsection B, within five (5) business days of commencement of the emergency drilling action. Wells constructed or extensively changed or repaired prior to permitting under this Subsection shall meet state construction and potable water standards.

SECTION 3 – WELL INSPECTIONS

1. The Oakland County Health Division shall be authorized by the Health Officer to make well inspections and shall conduct predrilling site reviews for well sites. In order to avoid duplication of services and increased taxpayer cost, the Oakland County Health Division shall work with cities, villages, and townships that have been approved by the State of Michigan to administer and enforce the building codes in the State of Michigan. The Health Division shall

accept inspection(s) or analyses regarding water potability, the proper construction, extensive change or repair, or abandonment of a water well if such inspection(s) or analysis(es) were conducted by a legally designated city, village, or township code enforcement official and if all of the following requirements are met:

- A.
 - 1.) The city, village, or township employing the code enforcement official has adopted a local building, construction, health or safety code (e.g., Building Officials and Code Administrators building code) that regulates well construction, extensive change or repair, or abandonment utilizing requirements which are not less restrictive than those required under Part 127 of Public Act 368 of 1978, as amended, and administrative rules promulgated pursuant thereto; *and*
 - 2.) The inspection(s) was conducted by a person(s) who has been trained to conduct well inspections by the State of Michigan or through a program recognized as adequate by the State of Michigan; the inspection(s) include a satisfactory bacteriological and nitrate water sample report and a water well and pump record log; and the satisfactory bacteriological and nitrate water sample report are filed with the local building official or the Oakland County Health Division before an occupancy permit is issued. In the event of an unsatisfactory water test, a local unit of government may authorize a temporary occupancy permit which will allow for a safe alternative source of potable water; *and*
 - 3.) Any laboratory analysis of water or soil samples reflected, reported, or utilized in such city, village, or township inspection report(s) were conducted by a laboratory certified, licensed, or authorized by the State of Michigan to conduct such analysis; *and*
 - 4.) All local inspection documents are made available to the Oakland County Health Division upon request; *and*
 - 5.) All inspection reports indicating the existence of groundwater contamination or a failure to comply with Part 127 of Public Act 368 construction requirements shall be turned over to the Oakland County Health Division within 72 hours of the completion of the inspection.
- B. The Oakland County Health Division shall provide Oakland County cities, villages, and townships who agree to participate with the Health Division in this Article's well notification and education program with educational packets, notification forms, well plugging (abandonment) forms, and other materials necessary or appropriate to facilitate their participation.
- C. Any Oakland County real property owner or properly authorized representative of an Oakland County real property owner may request a Health Division inspection of their well for a fee established by Board of Commissioner resolution.

SECTION 4 – ADVISORY COMMITTEE

- A. An Oakland County Well Advisory Committee is established consisting of nine (9) members appointed as set forth below.

- B. The Oakland County Well Advisory Committee shall be comprised of four (4) members who are residents of Oakland County and registered under sections 12701 to 12715 of 1978 PA 368, as amended, at least three (3) of whom shall be well drilling contractors; one (1) builder licensed by the State of Michigan and a resident of Oakland County; one (1) resident of Oakland County who is not an elected official; and one (1) local official from an Oakland County city, village, or township that relies primarily on wells for drinking water, all of whom shall be appointed by the County Board of Commissioners; one (1) employee of the Oakland County Health Division appointed by the County Executive; one (1) employee of the Drain Commission appointed by the Drain Commissioner. There shall be three-year staggered terms. The first committee shall be appointed as follows: 3 members for one-year terms; 3 members for two-year terms; and 3 members for three-year terms. Vacancies shall be filled by appointment for the balance of the unexpired terms by the respective officials designated herein. The first term of office shall be considered to begin on the date set by the Board of Commissioners in the appointment of the first member.
- C. Functions
1. The members of the advisory committee shall at their first meeting, and once each year thereafter, organize and select a chairperson and vice chairperson from among their members. A record secretary shall be assigned by the Oakland County Board of Commissioners.
 2. The committee shall meet not less than twice each year for the necessary conduct of business. Additional meetings may be called by the chairperson or any three members of the committee. Five members shall constitute a quorum. The business which the committee may perform shall be conducted at a public meeting of the advisory committee held in compliance with Act 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws.
 3. The first meeting of the advisory committee shall take place within 40 days after this Article is adopted and the first member is appointed by the Oakland County Board of Commissioners.
 4. The Oakland County Health Division, with the advice of the advisory committee, may promulgate rules, materials, plans, and procedures and update the educational packet annually.
 5. The advisory committee may advise Oakland County with respect to the need for or desirability of conducting special studies. Where conditions indicate that studies, investigations, or inquiries are warranted, the Oakland County Health Division may participate in and/or coordinate special studies activity as provided in section 2433 of the Public Health Code, MCL 333.2433(2)(c) and (d).
 6. Appeals on matters related to interpretation of the state well/pump code (Part 127, Act 368, P.A. 1978) and Groundwater Quality Control Rules, R 325.1601 to R 325.1781 are not within the authority of the County advisory board.

SECTION 5 – LOCAL DISTRIBUTION

The Oakland County Health Division shall work with any Oakland County city, village, or township who has agreed to participate with the Health Division in this Article's well notification and education program by establishing mutually agreeable arrangements for distribution and processing of educational packets, notification forms, and other materials necessary or appropriate to facilitate participation in the program.

SECTION 6 – PERMITS AND FEES

A permit must be obtained from the Oakland County Health Division before the construction of or extensive repair of a well.

Pursuant to MCL 333.2444, the Oakland County Board of Commissioners may establish a fee for services authorized or required to be performed by the Health Division under this Article. The fee charged shall not be more than the reasonable cost of performing the service. Any fee(s) shall be reviewed periodically by the Board of Commissioners for adjustment as appropriate.

SECTION 7 – DENIAL OF PERMIT

The Health Officer shall have the right to reject a water supply permit when conditions exist or may be created which may endanger the public health or environment.

SECTION 8 – FINES AND PENALTIES

Any person or governmental entity determined to be in violation of any of the provisions of this Article, upon conviction thereof, shall be deemed guilty of a misdemeanor offense and subject to incarceration for up to 90 days and/or a fine of up to \$200.00 plus the costs of prosecution.

SECTION 9 – APPEALS

Appeal of permitting or regulatory actions taken by the Oakland County Health Division under this Article X may be made to the Oakland County Sanitary Code Appeal Board as provided in Article V of the Oakland County Sanitary Code.

SECTION 10 – EFFECTIVE DATES

This Article shall take effect on February 1, 1998. Adopted by the Oakland County Board of Commissioners on December 16, 1997.

AUTHORITY: 1978 PA 368, as amended
Michigan Compiled Law 333.1101 et seq.
Michigan Compiled Law 333.2401 et seq.
Michigan Compiled Law 333.12101 et seq.
Michigan Compiled Law 333.12701 et seq.
1994 AACS, R 325.1601-R 325.1676
1994 AACS, R 325.1741-R 325.1781