

		<b>West Virginia Department of Health and Human Resources</b>			
		<b>MANUAL OF ENVIRONMENTAL HEALTH PROCEDURES</b>			
Section	Drinking Water	Date	September 8, 1997	Procedure #	DW-32
Subject	Water Well Permit Grievance/Mediation Process			Page	1 of 3

Effective this date, when a sanitarian inspects a water well and determines that the well is not in compliance with applicable state or local regulations or design standards, the water well arbitration grievance/mediation process dated September, 1997 (copy attached) shall be followed before a permit is issued to modify or abandon the well in question.

#### References

#### History

Replaces DW-32 dated April 27, 1992

#### Attachments

State Water Well Mediation Board - Grievance Mediation Process

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES  
BUREAU FOR PUBLIC HEALTH**

**STATE WATER WELL MEDIATION BOARD - GRIEVANCE/MEDIATION PROCESS  
September 1997**

**I. LOCAL LEVEL**

**Step One -**

The two parties in disagreement meet and discuss their issues. This could be any combination of the three potential parties; driller, sanitarian, and customers. For example, a customer with a complaint about a well would meet first with the driller; a driller with a complaint about a sanitarian would meet first with the sanitarian; a sanitarian with a complaint about a driller would meet first with the driller.

**Step Two -**

A third party is brought into the discussion.  
All the parties would meet and discuss the issue.  
For example: if a driller had a problem with a sanitarian, they would involve the sanitarian's supervisor; if a sanitarian had a problem with a driller, they might bring in another driller; a driller or the sanitarian might choose to involve a customer or someone from the community.

**Step Three -**

The driller, sanitarian, sanitarian's supervisor, outside driller, and the customer conduct an on-site inspection and discuss the complaint.

**Documentation -**

There would be written documentation as each of these steps occurred.  
The process would not move forward without the previous step occurring.  
All parties need to sign the written documentation to acknowledge the local level process is complete.

**II. REGIONAL BOARD**

**Step Four -**

The five people from Step Three present the documented case to the Regional Board. The Regional Board consists of two well drillers and two sanitarians or appropriate local health department employees. The driller from the local level picks one of the drillers for the Board and the sanitarian from the local level picks another driller from the region for the Board. One of the Regional Board's health department representatives is picked by the sanitarian from the local level and the driller from the local level picks the other one. The State Board (discussed below) will maintain two lists for each of the five environmental

health regions. One list will be of sanitarians and other health personnel willing to be chosen for the Regional Board. The other list will be of well drillers willing to be candidates for the Regional Board.

Health Department personnel from the region should have field experience and be educated about well-drilling issues. They will likely be sanitarians. Employees of state and local health departments will be able to participate as part of their regular duties.

Since well drillers will have to take time off from work, there should be at least one alternate selected for the Regional Board. Individuals will be selected from different parts of the region to create a balanced perspective. The Regional Board will meet close to where the problem occurs in order to allow for local input.

All deliberations of the Regional Board will be documented in writing. They will be sent to the State Board which would serve as an "institutional memory." Decisions of Regional Boards will be circulated throughout the sanitarian and driller constituencies.

### **III. STATE BOARD**

#### **Composition -**

One driller and one sanitarian will serve from each of the five environmental health regions. The chair only votes in the case of a tie. There will be a list of pre-designated alternates in case a State Board member cannot make a meeting.

#### **Criteria for Chairman -**

The chair should be a senior level person with no ties to either the drilling or sanitarian community. They should have an interest in government administrative matters and have related field experience.

#### **Frequency of Meeting -**

The State Board should meet as needed, with a minimum of quarterly meetings.

#### **Roles -**

1. Oversee Grievance Process
2. Act as Mediator of Last Resort
3. Training and Education
4. Identify Legislative Issues. Advise Commissioner, Bureau for Public Health, on administrative procedures and consistency, changes to existing rules, or proposed statutory changes.