

Report to  
Legislative Council Rules Clearinghouse  
NR 812, Wis. Adm. Code  
Natural Resources Board Order No. DG-08-22

Wisconsin Statutory Authority

Section 227.11(2)(a)(intro.), chs. 280 and 281, Wis. Stats.

Federal Authority

None.

Comparison of Adjacent States

This is an emerging industry-wide issue, and all neighboring states have completed, or are in the process of making similar regulatory changes. Michigan, in particular is closely following the rule revision process in Wisconsin to inform its own regulatory changes related to this issue.

Court Decisions Directly Relevant

None.

Analysis of the Rule - Rule Effect - Reason for the Rule

Companies that manufacture cement for sale and distribution in Wisconsin and surrounding states have switched from producing Type I Portland cement and are now only producing Type IL cement, which does not meet ASTM C150 or API-10A standards. Type IL cement meets ASTM C595 standards and performs similarly to Type I cement. Individual manufacturers made the change to reduce the carbon footprint of their product. This was not prompted by a change in regulations. Some manufacturers completely switched over to producing and selling Type IL cement in 2021, but many end users of cement, including well drillers and pump installers, were not notified until April of 2022. It is anticipated that in the coming months, it will be difficult or impossible to find Type I cement, which is needed for grouting or sealing of water wells or drillholes with neat cement as required by ch. NR 812, Wis. Adm. Code. It is paramount that well drillers have access to code-compliant materials they need to seal an annular space on a new well, or fill and seal an unused well or drillhole. Properly grouting, sealing, and filling water wells and drillholes is necessary to ensure safe drinking water and to prevent contamination of the State's groundwater.

Agency Procedures for Promulgation

The department will hold a hearing online on [DATE] at [TIME]. The hearing will be followed by board adoption, expected in May 2023, followed by a request for the governor's approval and legislative review.

Description of any Forms (attach copies if available)

None.

Name and Telephone Number of Agency Contacts

Processing: Emma Esch, (608) 266-1959

Technical: Frank Fetter, (608) 264-6139