



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa0306/1
MCP:ahc

**ASSEMBLY AMENDMENT 1,
TO SENATE BILL 76**

April 5, 2017 - Offered by Representative MASON.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

3 **“SECTION 1m.** 23.11 (5) of the statutes is amended to read:

4 23.11 (5) The department may require an applicant for a permit or statutory
5 approval which the department, by order, may grant, to submit an environmental
6 impact report if the area affected exceeds 40 acres, the estimated cost of the project
7 exceeds \$25,000, or the applicant is requesting approval for a high capacity well
8 described in s. 281.34 (4) (a) 1. to ~~3.~~ 4.”.

9 **2.** Page 3, line 3: delete lines 3 to 9.

10 **3.** Page 3, line 12: delete “(a) Except as provided in par. (e), if” and substitute
11 “If”.

12 **4.** Page 3, line 14: after “may” insert “not”.

1 **5.** Page 3, line 16: delete “1.” and substitute “(a)”.

2 **6.** Page 3, line 17: delete “2.” and substitute “(b)”.

3 **7.** Page 3, line 18: delete the material beginning with “if the new” and ending
4 with “area” on page 4, line 5.

5 **8.** Page 4, line 6: delete “3.” and substitute “(c)”.

6 **9.** Page 4, line 6: delete the material beginning with “, if the” and ending with
7 “well” on line 8.

8 **10.** Page 4, line 9: delete “4.” and substitute “(d)”.

9 **11.** Page 4, line 9: delete the material beginning with “, concurrent with” and
10 ending with “transferred” on line 10.

11 **12.** Page 4, line 11: delete lines 11 to 23.

12 **13.** Page 4, line 23: after that line insert:

13 “**SECTION 3a.** 281.34 (4) (a) 4. of the statutes is created to read:

14 281.34 (4) (a) 4. An approved high capacity well that will be repaired, replaced,
15 or reconstructed or for which the approval will be transferred.

16 **SECTION 3b.** 281.34 (4) (am) of the statutes is created to read:

17 281.34 (4) (am) In conducting a review under par. (a) 4., the department shall
18 consider the cumulative environmental impacts of the high capacity well for which
19 the additional approval is sought together with existing withdrawals.

20 **SECTION 3c.** 281.34 (5) (df) of the statutes is created to read:

21 281.34 (5) (df) *Repair, replacement, reconstruction, or transfer.* If the
22 department determines, under the environmental review process in sub. (4), that an
23 environmental impact report under s. 23.11 (5) must be prepared for an approved

1 high capacity well that will be repaired, replaced, or reconstructed or for which the
2 approval will be transferred, the department may not issue the additional approval
3 for the high capacity well unless it is able to include and includes in the approval
4 conditions, which may include conditions as to location, depth, pumping capacity,
5 rate of flow, and ultimate use, that ensure that the high capacity well does not cause
6 significant environmental impact.

7 **SECTION 3g.** 281.34 (5m) of the statutes is amended to read:

8 281.34 (5m) CONSIDERATION OF CUMULATIVE IMPACTS. No person may challenge
9 an approval, or an application for approval, of a high capacity well based on the lack
10 of consideration of the cumulative environmental impacts of that high capacity well
11 together with existing wells, unless a consideration of cumulative environmental
12 impacts is required under sub. (4) (am).

13 **SECTION 3m.** 281.34 (7) of the statutes is amended to read:

14 281.34 (7) MODIFYING AND RESCINDING APPROVALS FOR HIGH CAPACITY WELLS. The
15 approval of a high capacity well issued under this section or under s. 281.17 (1), 2001
16 stats., remains in effect unless the department modifies or rescinds the approval
17 because the high capacity well or the use of the high capacity well is not in
18 conformance with standards or conditions applicable to the approval of the high
19 capacity well, or unless an additional approval is required under sub. (2g).”.

20 **14.** Page 8, line 19: delete “2. to 4.” and substitute “to (d)”.

21 (END)