



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBa0498/1  
MCP:ahe/amn/jld

**ASSEMBLY AMENDMENT 3,  
TO SENATE BILL 76**

May 2, 2017 - Offered by Representatives MASON, ANDERSON, MILROY and HEBL.

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) (title) of the statutes is amended to read:

14 281.34 **(7)** (title) ~~MODIFYING AND RESCINDING~~ DURATION, MODIFICATION, AND  
15 RESCISSION OF APPROVALS FOR HIGH CAPACITY WELLS.

16 **SECTION 3n.** 281.34 (7) of the statutes is renumbered 281.34 (7) (b) (intro.) and  
17 amended to read:

18 281.34 **(7)** (b) (intro.) ~~The An~~ approval of a high capacity well issued under this  
19 section or under s. 281.17 (1), 2001 stats., prior to the effective date of this paragraph  
20 ... [LRB inserts date], remains in effect for the following periods unless the  
21 department modifies or rescinds the approval because the high capacity well or the  
22 use of the high capacity well is not in conformance with standards or conditions  
23 applicable to the approval of the high capacity well.:

24 **SECTION 3o.** 281.34 (7) (a) of the statutes is created to read:

