



2017 ASSEMBLY BILL 50

February 6, 2017 - Introduced by Representatives MASON, HEBL, ANDERSON, BERCEAU, BILLINGS, BOWEN, BROSTOFF, CONSIDINE, CROWLEY, DOYLE, FIELDS, GENRICH, GOYKE, HESSELBEIN, HINTZ, KESSLER, KOLSTE, MEYERS, MILROY, OHNSTAD, POPE, RIEMER, SARGENT, SINICKI, SPREITZER, STUCK, SUBECK, C. TAYLOR, WACHS, YOUNG and ZEPNICK, cosponsored by Senators MILLER, C. LARSON, BEWLEY, CARPENTER, ERPENBACH, HANSEN, JOHNSON, RINGHAND, RISSER, SHILLING, L. TAYLOR, VINEHOUT and WIRCH. Referred to Committee on Environment and Forestry.

1 **AN ACT to repeal** 281.34 (1) (f) and 281.34 (9); **to renumber** 160.50 (2); **to**
2 **renumber and amend** 281.34 (7); **to amend** 20.370 (6) (eg), 281.34 (4) (a) 3.,
3 281.34 (5) (a), 281.34 (5) (b) 1. and 2., 281.34 (5) (c), 281.34 (5) (d), 281.34 (5m),
4 281.34 (7) (title), 281.344 (4s) (dm), 281.346 (4s) (dm), 281.346 (12) (a), 281.346
5 (12) (b) and 281.348 (3) (cm); and **to create** 160.50 (2) (b), 281.34 (1) (er), 281.34
6 (2s), 281.34 (5) (ds), 281.34 (5) (e) 3., 281.34 (7) (a), 281.34 (7) (b) 1. to 5., 281.34
7 (7) (c), 281.341 and 281.346 (8) (cm) of the statutes; **relating to:** groundwater
8 management, approval of high capacity wells, and granting rule-making
9 authority.

Analysis by the Legislative Reference Bureau

GROUNDWATER MANAGEMENT AREAS

Designation

This bill establishes standards and a process for designating areas in this state as groundwater management areas. The standards vary depending on whether an area has a confined aquifer or an unconfined aquifer. An aquifer is a water-bearing geologic formation. A confined aquifer has above it a layer (of rock, for example)

ASSEMBLY BILL 50

through which water does not pass easily. An unconfined aquifer does not have such a layer above it.

The standards for designating an area with a confined aquifer as a groundwater management area are related to effects that groundwater pumping has in reducing the level to which water would rise in an open well or in reducing the water level in wells pumping from the aquifer. The standards for designating an area with an unconfined aquifer as a groundwater management area are related to reductions in stream flows caused by pumping and to declines in water tables.

Current law provides for a Groundwater Coordinating Council, consisting of the secretaries of natural resources, safety and professional services, agriculture, trade and consumer protection, health services, and transportation, and the president of the University of Wisconsin System, or their designees; the state geologist; and a person to represent the governor. This bill requires the GCC to appoint a subcommittee on groundwater area review (council subcommittee), consisting of individuals with technical expertise in the area of groundwater science and management.

This bill requires the council subcommittee to examine areas that may qualify for designation as groundwater management areas and to forward its conclusions to the GCC. The council subcommittee must first consider three specific areas for possible designation as groundwater management areas: one area in and adjacent to Brown County; one area in and adjacent to Waukesha County; and the area known as the central sands region. A person may petition the Department of Natural Resources for an area to be designated as a groundwater management area, which the council subcommittee must then consider. If the council subcommittee forwards a conclusion that an area qualifies as a groundwater management area and the GCC agrees with that conclusion, the GCC may recommend that DNR designate the area as a groundwater management area. If DNR receives such a recommendation from the GCC, DNR may, by rule, designate the area as a groundwater management area.

After DNR promulgates a rule designating an area as a groundwater management area, it must establish a date by which it is reasonable to expect that groundwater conditions in the area will improve to the point that the area will no longer qualify as a groundwater management area (a target date), and conditions to balance groundwater consumption and groundwater replenishment so that there are no significant adverse environmental impacts to surface water or groundwater (sustainable hydrologic conditions).

Planning

This bill requires DNR to develop and adopt a groundwater management plan for each designated groundwater management area. The groundwater management plan must be designed to protect surface water and groundwater and to ensure that by the target date the area no longer qualifies as a groundwater management area. The groundwater management plan must contain measurable goals, requirements for reporting to DNR, water conservation measures, and any other provision that DNR determines is necessary to meet the sustainable hydrologic conditions.

In preparing the groundwater management plan, DNR must appoint and consult with a technical advisory committee and a citizens advisory committee. The

ASSEMBLY BILL 50

members of the technical advisory committee must have technical expertise in the area of groundwater science and management, and the members of the citizens advisory committee must represent a variety of interested parties in the groundwater management area, including municipal, agricultural, industrial, and commercial water users and conservation groups.

Rescinding designation

After the target date established by DNR for a groundwater management area, the bill requires the council subcommittee to consider whether the area still qualifies as a groundwater management area. If the council subcommittee concludes that the area no longer qualifies as a groundwater management area, it must forward that conclusion to the GCC. If the GCC agrees that the area no longer qualifies as a groundwater management area, the GCC may recommend that DNR rescind the designation. If the GCC makes that recommendation, DNR may rescind the designation by repealing the rule designating the area as a groundwater management area.

HIGH CAPACITY WELLS***Environmental review of proposed high capacity wells***

Under current law, a person may not construct a high capacity well without an approval from DNR. A high capacity well is a well that, together with other wells on the same property, has the capacity to withdraw more than 100,000 gallons of water per day.

This bill requires an applicant for approval of a high capacity well to publish a notice of the application in a newspaper, identifying the owner and the location of the well.

Current law requires DNR to conduct an environmental review of applications for approval of a high capacity well that is located in an area within 1,200 feet of a trout stream or exceptional resource waters (a groundwater protection area); a high capacity well with a high water loss, in which less than 5 percent of the water withdrawn is returned after use to the basin from which it is withdrawn; and a high capacity well that may have a significant adverse impact on a qualifying spring.

This bill eliminates the environmental review requirement relating to springs, and instead requires DNR to conduct an environmental review of an application for approval of a high capacity well that may have a significant adverse impact on waters of the state.

Under current law, if DNR determines, while conducting an environmental review of a proposed well that meets one of the criteria listed above, that an environmental impact report must be conducted for the proposed well, DNR must generally include conditions in the well approval to ensure that it does not cause significant adverse environmental impact. If it is not possible to ensure that, DNR must deny the application. If a proposed well will be used to provide a public water supply and DNR determines that there is no reasonable alternative location for the well, DNR must include in the approval conditions to ensure that the environmental impact of the well is balanced by the public benefit of the well. Current law states that these conditions include conditions relating to the location, depth, pumping capacity, rate of flow, and ultimate use of the well.

ASSEMBLY BILL 50

This bill specifically includes monitoring as one of the potential conditions that may be included in such an approval. This bill also provides that, in any high capacity well approval, DNR may require the well owner to implement a monitoring program to evaluate the impacts of the well, and may modify the approval based on the results of that monitoring program.

Current law provides that a high capacity well approval, or application for approval, cannot be challenged based on DNR's lack of consideration of the cumulative impacts of the proposed well and existing wells. This bill requires DNR, when considering whether a high capacity well may have a significant adverse environmental impact on waters of the state, to consider the cumulative impacts of that high capacity well together with existing withdrawals.

Under current law, a high capacity well approval generally remains in effect indefinitely, unless modified or rescinded by DNR. This bill provides that an approval issued after the effective date of the bill may not remain in effect for more than ten years. An approval issued prior to the effective date of the bill remains in effect for a longer period, depending on how long before the effective date of the bill it was issued.

High capacity wells in groundwater management areas

Under this bill, after DNR develops a groundwater management plan for a groundwater management area, DNR may not approve a high capacity well in the groundwater management area unless the high capacity well is consistent with the groundwater management plan.

This bill also requires DNR, after it develops a groundwater management plan, to review approvals for high capacity wells in the groundwater management area that were issued before the plan went into effect. The bill authorizes DNR to modify these approvals to ensure that they are consistent with the groundwater management plan.

Fees for certain withdrawals

Current law imposes an annual fee of \$125 on a person whose water supply system has the capacity to withdraw an average of 100,000 gallons per day in any 30-day period from the waters of the state. This bill increases that annual fee to \$250.

DNR has also established, by rule, water use fees for users who withdraw more than 50,000,000 gallons per year from the Great Lakes basin. This bill directs DNR to establish such fees for users who withdraw more than 50,000,000 gallons per year from waters of the state.

OTHER PROVISIONS

This bill also requires DNR to include water conservation requirements in the approvals, required under current law, for certain surface water withdrawals, if the withdrawal is in a groundwater management area, and requires those conservation requirements to be consistent with the groundwater management plan for the groundwater management area.

ASSEMBLY BILL 50

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.370 (6) (eg) of the statutes is amended to read:

2 20.370 (6) (eg) *Groundwater mitigation and local assistance.* All moneys
3 received under s. 281.34 not appropriated under sub. (4) (cg) or (ch) for mitigation
4 under s. 281.34 (8) (d) and ~~(9) (d) and funding to local governmental units under s.~~
5 ~~281.34 (9) (b).~~

6 **SECTION 2.** 160.50 (2) of the statutes is renumbered 160.50 (2) (a).

7 **SECTION 3.** 160.50 (2) (b) of the statutes is created to read:

8 160.50 (2) (b) The groundwater coordinating council shall create a
9 subcommittee on groundwater area review. The subcommittee shall be composed of
10 individuals with technical expertise in the area of groundwater science and
11 management.

12 **SECTION 4.** 281.34 (1) (er) of the statutes is created to read:

13 281.34 (1) (er) “Significant adverse environmental impact” means alteration
14 of groundwater levels, groundwater discharge, surface water levels, surface water
15 discharge, groundwater temperature, surface water temperature, groundwater
16 chemistry, surface water chemistry, or other factors to the extent that those
17 alterations cause significant degradation of environmental quality, including
18 biological and ecological aspects of the affected water resource.

19 **SECTION 5.** 281.34 (1) (f) of the statutes is repealed.

20 **SECTION 6.** 281.34 (2s) of the statutes is created to read:

ASSEMBLY BILL 50**SECTION 6**

1 281.34 (2s) PUBLIC NOTICE. The department shall require an applicant for
2 approval of a high capacity well to provide notice of the application to interested
3 members of the public by publication as a class 1 notice under ch. 985. In the notice,
4 the applicant shall identify the owner and location of the high capacity well.

5 **SECTION 7.** 281.34 (4) (a) 3. of the statutes is amended to read:

6 281.34 (4) (a) 3. A high capacity well that may have a significant adverse
7 environmental impact on ~~a spring~~ waters of the state.

8 **SECTION 8.** 281.34 (5) (a) of the statutes is amended to read:

9 281.34 (5) (a) *Public water supply.* If the department determines that a
10 proposed high capacity well may impair the water supply of a public utility engaged
11 in furnishing water to or for the public, the department may not approve the high
12 capacity well unless it is able to include and includes conditions in the approval
13 conditions to ensure that the water supply of the public utility will not be impaired,
14 which may include conditions as to location, depth, pumping capacity, rate of flow,
15 monitoring, and ultimate use, ~~that will ensure that the water supply of the public~~
16 ~~utility will not be impaired~~ and any other condition the department determines is
17 necessary.

18 **SECTION 9.** 281.34 (5) (b) 1. and 2. of the statutes are amended to read:

19 281.34 (5) (b) 1. Except as provided in subd. 2., if the department determines,
20 under the environmental review process in sub. (4), that an environmental impact
21 report under s. 23.11 (5) must be prepared for a proposed high capacity well located
22 in a groundwater protection area, the department may not approve the high capacity
23 well unless it is able to include and includes conditions in the approval ~~conditions to~~
24 ensure that the high capacity well does not cause significant adverse environmental
25 impact, which may include conditions as to location, depth, pumping capacity, rate

ASSEMBLY BILL 50

1 of flow, monitoring, and ultimate use, ~~that ensure that the high capacity well does~~
2 ~~not cause significant environmental impact and any other condition the department~~
3 ~~determines is necessary.~~

4 2. Subdivision 1. does not apply to a proposed high capacity well that is located
5 in a groundwater protection area and that is a water supply for a public utility
6 engaged in supplying water to or for the public, if the department determines that
7 there is no other reasonable alternative location for a well and is able to include and
8 includes conditions in the approval ~~conditions~~ to ensure that the environmental
9 impact of the well is balanced by the public benefit of the well related to public health
10 and safety, which may include conditions as to location, depth, pumping capacity,
11 rate of flow, monitoring, and ultimate use, ~~that ensure that the environmental~~
12 ~~impact of the well is balanced by the public benefit of the well related to public health~~
13 ~~and safety and any other condition the department determines is necessary.~~

14 **SECTION 10.** 281.34 (5) (c) of the statutes is amended to read:

15 281.34 (5) (c) *High water loss.* If the department determines, under the
16 environmental review process in sub. (4), that an environmental impact report under
17 s. 23.11 (5) must be prepared for a proposed high capacity well with a water loss of
18 more than 95 percent of the amount of water withdrawn, the department may not
19 approve the high capacity well unless it is able to include and includes conditions in
20 the approval ~~conditions~~ to ensure that the high capacity well does not cause
21 significant adverse environmental impact, which may include conditions as to
22 location, depth, pumping capacity, rate of flow, monitoring, and ultimate use, ~~that~~
23 ~~ensure that the high capacity well does not cause significant environmental impact~~
24 ~~and any other condition the department determines is necessary.~~

25 **SECTION 11.** 281.34 (5) (d) of the statutes is amended to read:

ASSEMBLY BILL 50**SECTION 11**

1 281.34 (5) (d) *Impact on ~~a spring~~ waters of the state*. 1. Except as provided in
2 subd. 2., if the department determines, under the environmental review process in
3 sub. (4), that an environmental impact report under s. 23.11 (5) must be prepared for
4 a proposed high capacity well that may have a significant adverse environmental
5 impact on ~~a spring waters of the state~~, the department may not approve the high
6 capacity well unless it is able to include and includes conditions in the approval
7 conditions to ensure that the high capacity well does not cause significant adverse
8 environmental impact, which may include conditions as to location, depth, pumping
9 capacity, rate of flow, monitoring, and ultimate use, ~~that ensure that the high~~
10 ~~capacity well does not cause significant environmental impact and any other~~
11 condition the department determines is necessary.

12 2. Subdivision 1. does not apply to a proposed high capacity well that may have
13 a significant adverse environmental impact on ~~a spring waters of the state~~ and that
14 is a water supply for a public utility engaged in supplying water to or for the public,
15 if the department determines that there is no other reasonable alternative location
16 for a well and is able to include and includes conditions in the approval ~~conditions~~
17 to ensure that the environmental impact of the well is balanced by the public benefit
18 of the well related to public health and safety, which may include conditions as to
19 location, depth, pumping capacity, rate of flow, monitoring, and ultimate use, ~~that~~
20 ~~ensure that the environmental impact of the well is balanced by the public benefit~~
21 ~~of the well related to public health and safety and any other condition the department~~
22 determines is necessary.

23 **SECTION 12.** 281.34 (5) (ds) of the statutes is created to read:

24 281.34 (5) (ds) *Groundwater management plan*. If a high capacity well is in a
25 groundwater management area designated under s. 281.341 (2) with a groundwater

ASSEMBLY BILL 50

1 management plan under s. 281.341 (3) in effect, the department may not approve the
2 high capacity well unless it is consistent with that plan.

3 **SECTION 13.** 281.34 (5) (e) 3. of the statutes is created to read:

4 281.34 (5) (e) 3. The department may include in the approval for a high capacity
5 well conditions requiring the owner to implement a monitoring program to evaluate
6 environmental impacts caused by operation of the high capacity well, and to submit
7 the results of the monitoring program to the department. The department may
8 modify the approval based on the results of the monitoring program.

9 **SECTION 14.** 281.34 (5m) of the statutes is amended to read:

10 281.34 (5m) CONSIDERATION OF CUMULATIVE IMPACTS. ~~No person may challenge~~
11 ~~an approval, or an application for approval, of a~~ When determining whether a high
12 capacity well based on the lack of consideration of or proposed high capacity well may
13 have a significant adverse environmental impact on the waters of the state, the
14 department shall consider the cumulative environmental impacts of that high
15 capacity well together with existing wells withdrawals.

16 **SECTION 15.** 281.34 (7) (title) of the statutes is amended to read:

17 281.34 (7) (title) ~~MODIFYING AND RESCINDING~~ DURATION, MODIFICATION, AND
18 RESCISSION OF APPROVALS FOR HIGH CAPACITY WELLS.

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

21 281.34 (7) (b) (intro.) ~~The~~ An approval of a high capacity well issued under this
22 section or under s. 281.17 (1), 2001 stats. prior to the effective date of this paragraph
23 [LRB inserts date], remains in effect for the following periods unless the
24 department modifies or rescinds the approval under par. (c) 3. or sub. (5) (e) 3., or
25 rescinds the approval because the high capacity well or the use of the high capacity

ASSEMBLY BILL 50**SECTION 16**

1 well is not in conformance with standards or conditions applicable to the approval
2 of the high capacity well.;

3 **SECTION 17.** 281.34 (7) (a) of the statutes is created to read:

4 281.34 (7) (a) An approval of a high capacity well issued under this section on
5 or after the effective date of this paragraph [LRB inserts date], may not remain
6 in effect for more than 10 years and may be modified or rescinded under par. (c) 3.
7 or sub. (5) (e) 3., or because the high capacity well or the use of the high capacity well
8 is not in conformance with standards or conditions applicable to the approval of the
9 high capacity well.

10 **SECTION 18.** 281.34 (7) (b) 1. to 5. of the statutes are created to read:

11 281.34 (7) (b) 1. For an approval of a high capacity well issued before January
12 1, 1980, 8 years from the effective date of this subdivision [LRB inserts date].

13 2. For an approval of a high capacity well issued on or after January 1, 1980,
14 and before January 1, 1990, 10 years from the effective date of this subdivision
15 [LRB inserts date].

16 3. For an approval of a high capacity well issued on or after January 1, 1990,
17 and before January 1, 2000, 12 years from the effective date of this subdivision
18 [LRB inserts date].

19 4. For an approval of a high capacity well issued on or after January 1, 2000,
20 and before January 1, 2010, 14 years from the effective date of this subdivision
21 [LRB inserts date].

22 5. For an approval of a high capacity well issued on or after January 1, 2010,
23 and before the effective date of this subdivision [LRB inserts date], 16 years from
24 the effective date of this subdivision [LRB inserts date].

25 **SECTION 19.** 281.34 (7) (c) of the statutes is created to read:

ASSEMBLY BILL 50

1 281.34 (7) (c) 1. After a groundwater management plan under s. 281.341 (3)
2 takes effect for a groundwater management area designated under s. 281.341 (2), the
3 department shall review, for consistency with the groundwater management plan,
4 approvals for high capacity wells in the groundwater management area that were
5 issued under this section or under s. 281.17 (1), 2001 stats., before the plan took
6 effect.

7 2. After conducting the review under subd. 1. for a groundwater management
8 area designated under s. 281.341 (2), the department may periodically review, for
9 consistency with the groundwater management plan, the approvals under this
10 section or under s. 281.17 (1), 2001 stats., for high capacity wells in the groundwater
11 management area.

12 3. The department may modify the approval under this section or under s.
13 281.17 (1), 2001 stats., of a high capacity well, after a review under subd. 1. or 2., as
14 necessary to ensure that the high capacity well is consistent with the groundwater
15 management plan for the groundwater management area in which the high capacity
16 well is located.

17 **SECTION 20.** 281.34 (9) of the statutes is repealed.

18 **SECTION 21.** 281.341 of the statutes is created to read:

19 **281.341 Groundwater management areas. (1) DEFINITIONS.** In this
20 section:

21 (a) "Aquitard" means a geologic formation having low permeability.

22 (b) "Baseflow" means the sustained flow of a stream, principally by
23 groundwater discharge, in the absence of direct runoff, calculated as the 7-day low
24 flow that occurs on an average of once in every 10 years, or as determined by the
25 department using other statistical measures.

ASSEMBLY BILL 50**SECTION 21**

1 (bm) "Chief executive" means the county executive or, if a county does not have
2 a county executive, the chairperson of the county board of supervisors.

3 (c) "Confined aquifer" means a water bearing geologic formation that is
4 bounded on its upper surface by an aquitard.

5 (d) "Council" means the groundwater coordinating council.

6 (e) "Council subcommittee" means the groundwater area review subcommittee
7 of the groundwater coordinating council, as created under s. 160.50 (2) (b).

8 (em) "High capacity well" has the meaning given in s. 281.34 (1) (b).

9 (f) "Potentiometric surface" has the meaning given in s. 281.34 (1) (e).

10 (g) "Sustainable hydrologic conditions" means the balance between
11 groundwater consumption and groundwater replenishment so that there are no
12 significant adverse environmental impacts to surface water or groundwater.

13 (h) "Target date" means a date by which it is reasonable to expect that the
14 groundwater management area will no longer qualify for designation as a
15 groundwater management area.

16 (i) "Unconfined aquifer" means a water bearing geologic formation that is not
17 bounded on its upper surface by an aquitard.

18 **(2) GROUNDWATER MANAGEMENT AREA DESIGNATION.** (a) The department may, by
19 rule, designate an area as a groundwater management area if the council forwards
20 a conclusion to the department under par. (e) that the area qualifies for designation
21 as a groundwater management area.

22 (b) An area with a confined aquifer qualifies for designation as a groundwater
23 management area if any of the following applies:

ASSEMBLY BILL 50

1 1. The groundwater potentiometric surface of the confined aquifer has been
2 reduced 150 feet or more from the level at which the potentiometric surface would
3 be if no groundwater had been pumped from the area.

4 2. The groundwater potentiometric surface of the confined aquifer has been
5 reduced to less than 20 feet above the top of the aquitard bounding the upper surface
6 of the confined aquifer.

7 3. The static water level in the majority of the wells that pump water from the
8 confined aquifer is below the bottom of the confined aquifer's bounding aquitard.

9 4. The groundwater potentiometric surface of the confined aquifer is declining
10 at a rate exceeding 5 feet per year averaged over a 10-year period.

11 5. The department has initiated an action under s. 30.03 (4) relating to the area.

12 (c) An area with an unconfined aquifer qualifies for designation as a
13 groundwater management area if any of the following applies:

14 1. The baseflow of the streams in the area has declined more than 10 percent
15 from what the baseflow of the streams would be if no groundwater had been pumped
16 from the area and that decline has resulted in significant adverse environmental
17 impact, as defined in s. 281.34 (1) (er).

18 2. The water table elevation of the unconfined aquifer is declining at a rate
19 exceeding 1 foot per year averaged over a 10-year period.

20 3. The withdrawal of groundwater in the area has caused a decline in the water
21 table of one foot or more beneath, or adjacent to, lakes or wetlands in the area, as
22 determined by use of groundwater flow modeling.

23 4. The department has initiated as action under s. 30.03 (4) relating to the area.

24 (d) The council subcommittee shall meet regularly to examine areas that may
25 qualify for designation as groundwater management areas under this subsection

ASSEMBLY BILL 50**SECTION 21**

1 and shall forward its conclusions to the council. Any person may file a petition with
2 the department requesting consideration of an area for designation as a
3 groundwater management area, which the department shall promptly forward to
4 the council subcommittee, and which the council subcommittee shall examine. The
5 council subcommittee's conclusions shall include a delineation of the geographic
6 boundaries of the areas examined. If the council subcommittee concludes that an
7 area qualifies for designation as a groundwater management area under this
8 subsection, the council subcommittee's conclusion shall include a proposed target
9 date and sustainable hydrologic conditions for the area. Before examining any other
10 area, the council subcommittee shall examine the following areas to determine
11 whether they qualify for designation as groundwater management areas under this
12 subsection and shall forward the council subcommittee's conclusion to the council:

13 1. The 2 groundwater management areas designated under s. 281.34 (9), 2013
14 stats.

15 2. The area known as the central sands region.

16 (e) If the council subcommittee forwards a conclusion to the council under par.
17 (d) that an area qualifies as a groundwater management area and if the council
18 concurs with that conclusion, the council shall recommend that the department
19 designate the area as a groundwater management area. The council's
20 recommendation under this paragraph shall include a delineation of the geographic
21 boundaries of, and a proposed target date and sustainable hydrologic conditions for,
22 the proposed groundwater management area.

23 (f) If the department promulgates a rule designating an area as a groundwater
24 management area as authorized under par. (a), the department shall, not later than

ASSEMBLY BILL 50

1 90 days after the rule is promulgated, establish a target date and sustainable
2 hydrologic conditions for the area.

3 (g) 1. After the target date established under par. (f) for an area, the council
4 subcommittee shall consider whether the area still qualifies as a groundwater
5 management area under this subsection. If the council subcommittee concludes that
6 the area no longer qualifies as a groundwater management area, it shall forward that
7 conclusion to the council.

8 2. If the council subcommittee forwards a conclusion under subd. 1. that an
9 area no longer qualifies as a groundwater management area and if the council
10 concurs with that conclusion, the council may recommend that the department
11 rescind the designation of the area as a groundwater management area.

12 3. The department may rescind the designation of an area as a groundwater
13 management area, by repealing the rule designating an area as a groundwater
14 management area, if the council recommends under subd. 2. that the department
15 rescind the designation of the area as a groundwater management area.

16 **(3) GROUNDWATER MANAGEMENT PLANNING FOR GROUNDWATER MANAGEMENT AREA.**

17 (a) Subject to pars. (b) and (c), upon the designation under sub. (2) (a) of a
18 groundwater management area, the department shall develop and adopt a
19 groundwater management plan for the groundwater management area.

20 (b) The department, in preparing the groundwater management plan, shall
21 appoint and consult with a technical advisory committee and a citizens advisory
22 committee. The department shall select members of the technical advisory
23 committee who have technical expertise in the area of groundwater science and
24 management. The department shall select members of the citizens advisory
25 committee who represent a variety of water users, persons interested in water issues,

ASSEMBLY BILL 50**SECTION 21**

1 and governmental bodies in the groundwater management area, including
2 municipal, agricultural, industrial, and commercial water users and conservation
3 groups.

4 (c) The department shall design the groundwater management plan to protect
5 surface water and groundwater, to ensure that the groundwater management area
6 will no longer qualify for designation as a groundwater management area by the
7 target date established under sub. (2) (f), and to achieve the sustainable hydrologic
8 conditions established under sub. (2) (f), and shall include all of the following in the
9 groundwater management plan:

10 1. Measurable goals.

11 2. Requirements for the county or counties to report to the department,
12 including requirements to report progress toward achieving the sustainable
13 hydrologic conditions established under sub. (2) (f).

14 3. Opportunities for public participation in the implementation of the plan.

15 4. Water conservation measures.

16 5. Any other provision that the department determines is necessary to meet the
17 sustainable hydrologic conditions established under sub. (2) (f).

18 **SECTION 22.** 281.344 (4s) (dm) of the statutes is amended to read:

19 281.344 (4s) (dm) *Requiring individual permit.* The department may require
20 a person who is making or proposes to make a withdrawal that averages 100,000
21 gallons per day or more in any 30-day period, but that does not equal at least
22 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit
23 under sub. (5) if the withdrawal is located in a groundwater protection area, as
24 defined in s. 281.34 (1) (am), or a groundwater management area designated under
25 s. 281.34 (9) or 281.341 (2).

ASSEMBLY BILL 50

1 **SECTION 23.** 281.344 (4s) (dm) of the statutes, as affected by 2017 Wisconsin
2 Act (this act), is amended to read:

3 281.344 (4s) (dm) *Requiring individual permit.* The department may require
4 a person who is making or proposes to make a withdrawal that averages 100,000
5 gallons per day or more in any 30-day period, but that does not equal at least
6 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit
7 under sub. (5) if the withdrawal is located in a groundwater protection area, as
8 defined in s. 281.34 (1) (am), or a groundwater management area designated under
9 s. ~~281.34 (9)~~ or 281.341 (2).

10 **SECTION 24.** 281.346 (4s) (dm) of the statutes is amended to read:

11 281.346 (4s) (dm) *Requiring individual permit.* The department may require
12 a person who is making or proposes to make a withdrawal that averages 100,000
13 gallons per day or more in any 30-day period, but that does not equal at least
14 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit
15 under sub. (5) if the withdrawal is located in a groundwater protection area, as
16 defined in s. 281.34 (1) (am), or a groundwater management area designated under
17 s. 281.34 (9) or 281.341 (2).

18 **SECTION 25.** 281.346 (4s) (dm) of the statutes, as affected by 2017 Wisconsin
19 Act (this act), is amended to read:

20 281.346 (4s) (dm) *Requiring individual permit.* The department may require
21 a person who is making or proposes to make a withdrawal that averages 100,000
22 gallons per day or more in any 30-day period, but that does not equal at least
23 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit
24 under sub. (5) if the withdrawal is located in a groundwater protection area, as

ASSEMBLY BILL 50**SECTION 25**

1 defined in s. 281.34 (1) (am), or a groundwater management area designated under
2 s. ~~281.34 (9)~~ or 281.341 (2).

3 **SECTION 26.** 281.346 (8) (cm) of the statutes is created to read:

4 281.346 (8) (cm) *Withdrawals in groundwater management areas.* 1. The
5 department shall include requirements for water conservation in any approval
6 under s. 30.18 (2) (a) or 281.41 if the withdrawal is in a groundwater management
7 area designated under s. 281.341 (2) for which a groundwater management plan
8 under s. 281.341 (3) is in effect.

9 2. In any approval under this section or s. 30.18 (2) or 281.41 for a withdrawal
10 in a groundwater management area designated under s. 281.341 (2) for which a
11 groundwater management plan under s. 281.341 (3) is in effect, the department shall
12 ensure that the requirements for water conservation included in the approval are
13 consistent with the groundwater management plan.

14 **SECTION 27.** 281.346 (12) (a) of the statutes is amended to read:

15 281.346 (12) (a) Subject to par. (am), a person who has a water supply system
16 with the capacity to make a withdrawal from the waters of the state averaging
17 100,000 gallons per day or more in any 30-day period shall pay to the department
18 an annual fee of ~~\$125~~ \$250, except that the department may promulgate a rule
19 specifying a different amount and except that, notwithstanding the department's
20 rule-making authority, no person is required to pay more than \$1,000 per year under
21 this paragraph.

22 **SECTION 28.** 281.346 (12) (b) of the statutes is amended to read:

23 281.346 (12) (b) In addition to the fee under par. (a), a person who withdraws
24 ~~from the Great Lakes basin~~ more than 50,000,000 gallons per year from the waters

ASSEMBLY BILL 50

1 of the state shall pay to the department an annual fee in an amount specified under
2 par. (c).

3 **SECTION 29.** 281.348 (3) (cm) of the statutes is amended to read:

4 281.348 (3) (cm) For the purposes of plans under par. (a), an areawide water
5 quality planning agency designated by the governor under ch. NR 121, Wis. Adm.
6 Code, shall delineate the proposed water supply service areas for all of the public
7 water supply systems in the planning area for which the agency is designated. An
8 areawide water quality planning agency shall delineate proposed water supply
9 service areas that are consistent with the approved areawide water quality
10 management plan under s. 283.83 for the planning area and that permit the
11 development of plans that are approvable under par. (d). An areawide water quality
12 planning agency may also provide regional water needs assessments and other
13 regional water supply planning information. The process for conducting regional
14 activities under this subsection may be the same as the process for regional water
15 supply planning for a groundwater management area designated under s. 281.34 (9)
16 or 281.341 (2).

17 **SECTION 30.** 281.348 (3) (cm) of the statutes, as affected by 2017 Wisconsin Act
18 (this act), is amended to read:

19 281.348 (3) (cm) For the purposes of plans under par. (a), an areawide water
20 quality planning agency designated by the governor under ch. NR 121, Wis. Adm.
21 Code, shall delineate the proposed water supply service areas for all of the public
22 water supply systems in the planning area for which the agency is designated. An
23 areawide water quality planning agency shall delineate proposed water supply
24 service areas that are consistent with the approved areawide water quality
25 management plan under s. 283.83 for the planning area and that permit the

ASSEMBLY BILL 50**SECTION 30**

1 development of plans that are approvable under par. (d). An areawide water quality
2 planning agency may also provide regional water needs assessments and other
3 regional water supply planning information. The process for conducting regional
4 activities under this subsection may be the same as the process for regional water
5 supply planning for a groundwater management area designated under s. 281.34 (9)
6 or 281.341 (2).

SECTION 31. Nonstatutory provisions.

7
8 (1) REPORT ON INTERNET-BASED SYSTEM DEVELOPMENT. No later than the first day
9 of the 13th month beginning after the effective date of this subsection, the
10 department of natural resources shall submit to the legislature, in the manner
11 provided in section 13.172 (2) of the statutes, a report on the department's efforts to
12 develop an Internet-based system that prospective applicants for the approval of a
13 high capacity well may use to estimate the likely environmental impact of the
14 proposed withdrawal, and a discussion of the department's needs for completing and
15 maintaining that system.

16 **SECTION 32. Effective date.** This act takes effect on the day after publication,
17 except as follows:

18 (1) The treatment of sections 20.370 (6) (eg), 281.34 (9), 281.344 (4s) (dm) (by
19 SECTION 23), 281.346 (4s) (dm) (by SECTION 25), and 281.384 (3) (cm) (by SECTION 30)
20 of the statutes takes effect on the first day of the 25th month beginning after
21 publication.

22 (END)