



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-2246/1  
SWB:cdc/wlj/amn

## 2019 ASSEMBLY BILL 148

April 3, 2019 - Introduced by Representatives KURTZ, KRUG, BRANDTJEN, KITCHENS, KULP, MURPHY, PLUMER, QUINN, SKOWRONSKI, THIESFELDT, ZIMMERMAN and TUSLER, cosponsored by Senators TESTIN, COWLES, MARKLEIN and OLSEN. Referred to Committee on Environment.

1     **AN ACT** *to create* 20.435 (1) (ec) and 254.25 of the statutes; **relating to:** nitrate  
2             testing pilot program, granting rule-making authority, and making an  
3             appropriation.

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### *Analysis by the Legislative Reference Bureau*

This bill requires the Department of Health Services to award grants of up to \$2,500 to eligible private well owners, which recipients must use to cover remediation costs with a primary purpose of providing potable water for human consumption to either a residential or nonprofit business property if the owner has a well that has nitrate levels exceeding ten parts per million. Eligible costs include well testing, installation of an appropriate filtration system, replacement of the well, or replacement of the water supply. The bill also requires DHS to distribute up to a total of \$500,000 to counties that apply to participate in the testing program to provide reimbursement for the actual costs of administering the testing and reporting requirements.

Under the bill, private well owners may contact a local health department to have nitrate levels tested. If the well owner's county has chosen to participate in the testing program, upon request from a private well owner, the local health department shall collect the necessary samples and do all of the following: 1) submit the samples for testing to the state laboratory of hygiene or another state certified laboratory, as determined by DHS; 2) report the test results to DHS and the private well owner, together with a recommendation for one or more of the remediation approaches set forth in the bill, if appropriate, and, if the testing indicates nitrate

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levels exceeding ten parts per million, a statement of the fees charged for the testing and a recommendation that the well owner receive reimbursement for those costs; and 3) notify the private well owner that the owner may contact DHS within 30 days to request a grant for a different approach than was recommended by the local health department.

A private well owner is eligible to apply for a grant under the bill if the report provided to DHS by a local health department indicates that nitrate levels in the owner’s well water exceed ten parts per million. A private well owner may receive only one grant per parcel. DHS may not set an income limitation for grant eligibility. Also, under the bill, DHS is required to give preference to applicants who have a household member who is pregnant, breast-feeding, under three years old, or over the age of 65.

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

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

1           **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2 the following amounts for the purposes indicated:

	<b>2019-20</b>	<b>2020-21</b>
<b>3 20.435 Health services, department of</b>		
<b>4 (1) PUBLIC HEALTH SERVICES PLANNING, REGULATION</b>		
<b>5 AND DELIVERY</b>		
<b>6 (ec) Nitrate testing grant program      GPR      C</b>	10,000,000	-0-

7           **SECTION 2.** 20.435 (1) (ec) of the statutes is created to read:

8           20.435 (1) (ec) *Nitrate testing grant program.* As a continuing appropriation,  
9 the amounts in the schedule for grants to private well owners for remediation for  
10 private wells with excessive nitrate levels and for reimbursement to counties for the  
11 actual costs of administering testing and reporting requirements under s. 254.25.

12           **SECTION 3.** 254.25 of the statutes is created to read:

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1           **254.25 Nitrate testing grant program. (1)** In this section, “local health  
2 department” has the meaning given in s. 250.01 (4).

3           **(2)** (a) From the appropriation under s. 20.435 (1) (ec), subject to subs. (3), (5),  
4 and (6), the department shall award grants to private well owners who apply to  
5 receive a grant and who satisfy the requirements set forth in this section.

6           (b) From the appropriation under s. 20.435 (1) (ec), the department shall  
7 distribute amounts up to a total of \$500,000 to counties that apply to participate in  
8 the testing program under this section to provide reimbursement for the actual cost  
9 of administering the testing and reporting requirements under sub. (4).

10           **(3)** The department shall, to the extent that funds are available under this  
11 section, distribute grants to cover costs described in this subsection, according to a  
12 schedule promulgated by the department by rule, subject to a limitation of \$2500 per  
13 private well owner. Grant recipients must use grant moneys to cover costs for a  
14 private well with a primary purpose of providing potable water for human  
15 consumption to either a residential or nonprofit business property. Eligible costs  
16 under this section include any of the following:

17           (a) Well testing.

18           (b) Installation of an appropriate filtration system.

19           (c) Replacement of the well with a well that complies with the requirements  
20 under s. 281.75 (12).

21           (d) Replacement of the water supply.

22           **(4)** A private well owner may contact the local health department to have the  
23 nitrate levels tested for his or her well. If the well owner’s county has chosen to  
24 participate in the program under this section, upon request from a private well

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1 owner, the local health department shall collect the necessary samples and do all of  
2 the following:

3 (a) Submit the samples for testing to the state laboratory of hygiene or another  
4 state certified laboratory, as determined by the department of health services.

5 (b) Report the test results to the department and the private well owner,  
6 together with a recommendation for one or more of the remediation approaches  
7 enumerated under sub. (3) (b) to (d), if appropriate, and, if the test results indicate  
8 nitrate levels exceeding 10 parts per million, a statement of the fees charged by the  
9 local health department for testing and a recommendation that the private well  
10 owner receive reimbursement for those costs.

11 (c) Notify the private well owner that the private well owner may contact the  
12 department within 30 days to request a grant for a different approach than was  
13 recommended by the local health department.

14 **(5)** (a) A private well owner is eligible to apply for a grant under this section  
15 if the report provided to the department by a local health department under sub. (4)  
16 indicates that nitrate levels in the owner's well water exceed 10 parts per million.  
17 A private well owner may receive only one grant per parcel.

18 (b) The department may not set an income limitation for an applicant to be  
19 eligible for a grant under this section.

20 **(6)** In considering grant applications under this section, the department shall  
21 give preference to applicants who have a household member who is any of the  
22 following:

23 (a) Pregnant.

24 (b) Breast-feeding.

25 (c) Under the age of 3 years.

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1 (d) Over the age of 65.

2 **SECTION 4. Nonstatutory provisions.**

3 (1) No later than September 1, 2020, the department shall submit a report on  
4 the grant program under s. 254.25 to the legislature under s. 13.172 (2). The  
5 department shall include in the report information on the status of the program and  
6 provide recommendations regarding continuation of the program, proposed changes  
7 to the program, if any, and a recommendation regarding funding.

8 **SECTION 5. Effective date.**

9 (1) This act takes effect on the day after publication, or on the 2nd day after  
10 publication of the 2019 biennial budget act, whichever is later.

11 (END)