



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1118/2
MCP:skw

2021 SENATE BILL 501

August 5, 2021 - Introduced by Senator JACQUE, cosponsored by Representatives BEHNKE, MURPHY and TUSLER. Referred to Committee on Labor and Regulatory Reform.

1 **AN ACT to create** 281.17 (8) (c) of the statutes; **relating to:** allowing installation
2 of certain groundwater recharge systems.

Analysis by the Legislative Reference Bureau

Current rules promulgated by the Department of Natural Resources prohibit the use of a drillhole or a well for the placement of any substance underground. A “drillhole” is an excavation or opening that is deeper than it is wide, regardless of how deep it is; a “well” is an excavation that is deeper than it is wide regardless of its depth or purpose. “Substance” is defined as any solid, liquid, semisolid, dissolved solid, or gaseous material that may decrease the quality of groundwater. DNR rules provide exceptions to this prohibition for several activities, including circulating water through closed-loop heat pump systems, constructing building foundations, installing piling and posts, and engaging in certain horticultural and agricultural practices.

This bill requires DNR to also provide an exception to this prohibition for the installation of certain groundwater recharge systems. Under the bill, a system is exempt from the prohibition if it is designed to increase the infiltration of surface water into subsurface soils by the insertion of devices that are made of polyethylene or other nonhazardous substances, are no longer than 40 feet, do not reach more than 43 feet below the soil surface, have a diameter of no more than two inches, and are

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capped to restrict free water flow, and the tops of which sit between two and three feet below the soil surface.

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

1 **SECTION 1.** 281.17 (8) (c) of the statutes is created to read:

2 281.17 **(8)** (c) Notwithstanding par. (a) and s. 280.11 (1), the department may
3 not prohibit the underground installation of a groundwater recharge system that
4 otherwise complies with rules promulgated under this subsection and s. 280.11 (1)
5 if the system is designed to increase the infiltration of surface water into subsurface
6 soils by the insertion of devices that comply with all of the following specifications:

7 1. The devices are made of polyethylene or another nonhazardous substance.

8 2. The devices are each no longer than 40 feet.

9 3. The devices do not reach more than 43 feet below the soil surface.

10 4. The devices have a diameter of no more than 2 inches.

11 5. The devices are capped to restrict free water flow.

12 6. The tops of the devices are between 2 and 3 feet below the soil surface.

13 **(END)**