

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB1)

Received: **03/11/2002**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bonderud**

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact:

Addl. Drafters:

Subject: **Environment - water quality**

Extra Copics:

Submit via email: **NO**

Pre Topic:

LFB:.....Bonderud -

Topic:

Aquifer storage and recovery system in Oak Creek and Brown County

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	traderc 03/12/2002	jdye 03/12/2002		_____			
/1			kfollet 03/12/2002	_____	lrb_docadmin 03/12/2002		

FE Sent For:

<END>

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1?	traderc	1, hnh 3/12/02	2/1 3/12	10/1/e 2/3/12			

FE Sent For:

<END>

3/11/02 Per Kendra Bondenul-

There is an aquifer storage and recovery pilot in Oak Creek. Intent is to require DNR to let Green Bay have one, too. (minimal)

Kendra Bondenul suggests something like:

DNR shall administer pilot aquifer storage and recovery systems in 2 or more locations, one of which is Green Bay.

RT

Tradewell, Becky

From: Bonderud, Kendra
Sent: Monday, March 11, 2002 5:02 PM
To: Tradewell, Becky
Subject: ARC - aquifer storage recovery

Please draft as an ARC budget amendment LRBs0370/P1 (a draft substitute to SB 452) and specify that it may only be used in Oak Creek and Brown County (specify the county rather than just Green Bay). Please call me if you have questions.

Kendra Bonderud
Legislative Fiscal Bureau
(608) 266-3847
Kendra.Bonderud@legis.state.wi.us

2001

Date (time) needed SO ON

LRB b 2404 / 1

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

RET : hnh : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**January 2002 SPECIAL SESSION CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 ASSEMBLY BILL 1**

DNste

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page 173, line 16: *after that line insert:*

#. Page, line

#. Page, line

#. Page, line

#. Page, line

#. Page, line

**SENATE SUBSTITUTE AMENDMENT ,
TO 2001 SENATE BILL 452**

1 **AN ACT** *to create* 160.257 and 280.25 of the statutes; relating to: the
2 groundwater law and regulation of aquifer storage recovery systems.

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

3 " SECTION³³⁸ⁿ 1. 160.257 of the statutes is created to read:

4 **160.257 Exceptions for ^{at certain} aquifer storage and recovery systems.** (1) In
5 this section:

6 (a) "Aquifer storage and recovery system" means all of the aquifer storage and
7 recovery wells and related appurtenances that are part of a municipal water system.

8 (b) "Aquifer storage and recovery well" means a well through which treated
9 drinking water is placed underground for the purpose of storing and later recovering
10 the water through the same well for use as drinking water.

11 (c) "Municipal water system" means a community water system, as defined in
12 s. 281.62 (1) (a), that is owned by a city, village, town, county, town sanitary district,

1 utility district, public inland lake protection and rehabilitation district, or municipal
2 water district, or by a privately owned water utility serving any of the foregoing.

3 (d) "Specified substance" means one of the following:

- 4 1. Chloroform.
- 5 2. Bromodichloromethane.
- 6 3. Dibromochloromethane.
- 7 4. Bromoform.

8 (e) "Treated drinking water" means potable water that has been treated so that
9 it complies with the primary drinking water standards promulgated under ss. 280.11
10 and 281.17 (8).

11 (2) Notwithstanding s. 160.19 (1) and (2), the department is not required to
12 promulgate or amend rules that define design or management criteria for aquifer
13 storage and recovery systems ^{in Oak Creek or Brown County} to minimize the amount of a specified substance in
14 groundwater or to maintain compliance with the preventive action limit for a
15 specified substance, however, the department shall promulgate rules that define
16 design or management criteria for aquifer storage and recovery systems to maintain
17 compliance with drinking water standards promulgated under ss. 280.11 and 281.17
18 (8).

19 (3) Notwithstanding s. 160.21 (2), the point of standards application for an
20 aquifer storage and recovery well ^{in Oak Creek or Brown County} with respect to a specified substance is 1,200 feet
21 from the aquifer storage and recovery well. "

→ #. Page 182, line 16: after that line insert:

22 SECTION 280.25 of the statutes is created to read:

23 **280.25 Report on aquifer recovery system.** (1) In this section:

24 (a) "Aquifer storage and recovery system" has the meaning given in s. 160.257

25 (1).

1 (b) "Municipal water system" has the meaning given in s. 160.257 (1) (c).

2 (2) The operator of a municipal water system that uses an aquifer storage and
3 recovery system shall submit a report to the department, no later than the first day
4 of the 60th month after beginning to operate the aquifer storage and recovery system,
5 describing the experience that the operator has had with using the aquifer storage
6 and recovery system. //

7 (END)

Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

b2404/12n
LRBBudadj01/dn
....last
RCT

Dak

A Wisconsin court could find that this amendment is a "private or local law" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget adjustment bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest." As it is difficult to predict the potential for and outcome of any court action on this amendment, you may wish to consider introducing this proposal as a separate bill.

Query for: LRBBudadj01/dn

RCT

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb2404/1dn
RCT:hmh:kjf

March 12, 2002

A Wisconsin court could find that this amendment is a "private or local law" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget adjustment bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest." As it is difficult to predict the potential for and outcome of any court action on this amendment, you may wish to consider introducing this proposal as a separate bill.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2404/1
RCT:hmh:kjf

LFB:.....Bonderud – Aquifer storage and recovery system in Oak Creek and
Brown County

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 173, line 16: after that line insert:

3 “SECTION 338n. 160.257 of the statutes is created to read:

4 **160.257 Exceptions for certain aquifer storage and recovery systems.**

5 (1) In this section:

6 (a) “Aquifer storage and recovery system” means all of the aquifer storage and
7 recovery wells and related appurtenances that are part of a municipal water system.

8 (b) “Aquifer storage and recovery well” means a well through which treated
9 drinking water is placed underground for the purpose of storing and later recovering
10 the water through the same well for use as drinking water.

1 (c) "Municipal water system" means a community water system, as defined in
2 s. 281.62 (1) (a), that is owned by a city, village, town, county, town sanitary district,
3 utility district, public inland lake protection and rehabilitation district, or municipal
4 water district, or by a privately owned water utility serving any of the foregoing.

5 (d) "Specified substance" means one of the following:

- 6 1. Chloroform.
- 7 2. Bromodichloromethane.
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- 9 4. Bromoform.

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11 it complies with the primary drinking water standards promulgated under ss. 280.11
12 and 281.17 (8).

13 (2) Notwithstanding s. 160.19 (1) and (2), the department is not required to
14 promulgate or amend rules that define design or management criteria for aquifer
15 storage and recovery systems in Oak Creek or Brown County to minimize the amount
16 of a specified substance in groundwater or to maintain compliance with the
17 preventive action limit for a specified substance, however, the department shall
18 promulgate rules that define design or management criteria for aquifer storage and
19 recovery systems to maintain compliance with drinking water standards
20 promulgated under ss. 280.11 and 281.17 (8).

21 (3) Notwithstanding s. 160.21 (2), the point of standards application for an
22 aquifer storage and recovery well in Oak Creek or Brown County with respect to a
23 specified substance is 1,200 feet from the aquifer storage and recovery well."

24 **2.** Page 182, line 16: after that line insert:

