

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB1)

Received: 03/11/2002

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bonderud**

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

Drafter: **kunkemd**

May Contact:

Add. Drafters:

Subject: **Public Util. - electric**

Extra Copies:

Submit via email: **NO**

Pre Topic:

LFB:.....Bonderud -

Topic:

Construction of electric generating facilities that affect residential wells

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>
/?	kunkemd 03/12/2002	hhagen 03/12/2002	pgreensl 03/13/2002	_____			
/1			kfollet 03/13/2002	_____	lrb_docadmin 03/13/2002		

FE Sent For:

<END>

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/?	kunkemd	lhmh 3/12	kj 3/13	kj/RS 3/13			

FE Sent For:

<END>

62434

Budget Amendments 2002

Legislator Lazich

Statement of Intent construction of electric generating facilities that affect residential wells.

Legislator 2

Amendment #

Legislator 3

Pass or Fail

Legislator 4

Cut

Staff contact Tom Van Ess

Withdrawn

Agency

Package

Summary Senate Bill 381 - This bill makes a change to the last deadline described above. Under this bill, within 120 days after an application is determined or considered to be complete, DNR must also determine whether the electric generating facility will reduce the availability of water to a residential well. In addition, DNR must determine whether the facility will cause a preventive action limit (PAL) to be exceeded in water produced by a residential well.

Fiscal Impact None

Staff Analyst

Request # 312

Working Group Recommendation: See next page.

Friday, March 08, 2002

Working Group Recommendation: Approve SB 381, as modified to include the following changes:

- ✓ 1. Apply the bill to a "large electric generating facility" rather than a "facility." This change precludes the bill from applying to a 100 kilovolt or larger high-voltage transmission line which is also included in the definition of "facility" in s. 196.491(1)(e), Stats.
2. Limit the residential wells that are the subject of the Department of Natural Resources' (DNR) determinations in the bill to residential wells that may be affected by a proposed large electric generating facility that were constructed prior to a person providing the DNR with an engineering plan for the facility under s. 196.491(3)(a)3.a., Stats.
3. Insert "substantially" before "reduce" on page 3, line 21, page 4, lines 10 and 22 and page 5, line 2. This change modifies the relevant DNR determination in the bill to be whether the large electric generating facility causes a substantial reduction in the availability of water to a residential well.
4. Modify the nonstatutory provisions to apply to any person who has filed an application for a Certificate of Public Convenience and Necessity (CPCN) after January 1, 2001, and before the effective date of these provisions and for which the Public Service Commission has not concluded the public hearing on the application under s. 196.491(3)(b), Stats.
5. Amend SB 381 to apply to a large electric generating facility that withdraws water from underground sources where the capacity and rate of withdrawal of all wells serving the facility, excluding any Ranney wells, is in excess of 100,000 gallons a day.
- ✓ 6. Define a "Ranney well" to be a well in which the central shaft is fed by horizontally perforated pipes extending radially into an aquifer.

D-NOTE

- commencement of construction

- Ranney well: "horizontal"
not "horizontally"



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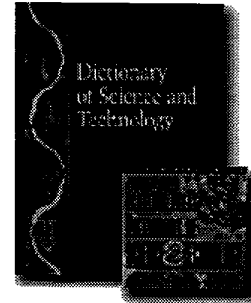
Ranney well *Civil Engineering*. a well in which the central shaft is fed by horizontal perforated pipes; suited to thin, shallow aquifers.

Previous Words

[rankinite](#), [rank mimicry](#), [rank order](#), [rank society](#), [rank-sum test](#)

Next Words

[ranula](#), [Ranunculaceae](#), [raob](#), [Raoult, Francois Marie](#), [Raoult's law](#)



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2001

Date (time) needed _____

LRB b 2434, 1

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

MOK: hmb:

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

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

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

#. Page 177, line 14: *after that line insert:*

#. Page, line:

#. Page, line:

#. Page, line:

#. Page, line:

#. Page, line:

SENATE BILL 381

considered to be complete; and 4) within 120 days after an application is determined or considered to be complete, DNR must complete action on the application.

This bill makes a change to the last deadline described above. Under this bill, within 120 days after an application is determined or considered to be complete, DNR must also determine whether the electric generating facility will reduce the availability of water to a residential well. In addition, DNR must determine whether the facility will cause a preventive action limit (PAL) to be exceeded in water produced by a residential well. Under current law, DNR establishes PALs for different substances in groundwater that have public welfare or health concerns. If a PAL is exceeded under current law, regulatory agencies are required to commence efforts to control contamination.

Current law also prohibits the PSC from issuing a CPCN unless DNR issues all permits and approvals that are required prior to construction. This bill provides that the PSC may also not issue a CPCN unless DNR determines that the electric generating facility will not reduce the availability of water to a residential well and will not cause a PAL to be exceeded in water produced by a residential well.

Finally, the bill requires a person who applied for a CPCN before the effective date of the bill to file a supplemental engineering plan with DNR that describes the anticipated effects of the electric generating facility on residential wells. The supplemental plan must be filed within 30 days after the bill's effective date. The PSC may not issue a CPCN if DNR determines that the electric generating facility will reduce the availability of water to a residential well or cause a PAL to be exceeded in water produced by a residential well. DNR has 60 days after receiving a supplemental plan to make these determinations.

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

INSERT 2-1

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

- 1 ^{346P} SECTION 1. 196.491 (3) (a) 3. a. of the statutes is amended to read:
- 2 196.491 (3) (a) 3. a. At least 60 days before a person files an application under
- 3 subd. 1., the person shall provide the department with an engineering plan showing
- 4 the location of the facility, a description of the facility, including the major
- 5 components of the facility that have a significant air, water, or solid waste pollution
- 6 potential, ~~and~~ ^{strike} a description of the anticipated effects of the facility on air and water
- 7 quality ~~and non residential wells?~~ Within 30 days after a person provides an
- 8 engineering plan, the department shall provide the person with a listing of each

INSERT 2-7

SENATE BILL 381

1 department permit or approval which, on the basis of the information contained in
2 the engineering plan, appears to be required for the construction or operation of the
3 facility.

4 SECTION 2. 196.491 (3) (a) 3. b. of the statutes is amended to read:

5 196.491 (3) (a) 3. b. Within 20 days after the department provides a listing
6 specified in subd. 3. a. to a person, the person shall apply for the permits and
7 approvals identified in the listing. The department shall determine whether an
8 application under this subd. 3. b. is complete and, no later than 30 days after the
9 application is filed, notify the applicant about the determination. If the department
10 determines that the application is incomplete, the notice shall state the reason for
11 the determination. An applicant may supplement and refile an application that the
12 department has determined to be incomplete. There is no limit on the number of
13 times that an applicant may refile an application under this subd. 3. b. If the
14 department fails to determine whether an application is complete within 30 days
15 after the application is filed, the application shall be considered to be complete. ~~The~~
16 ~~department shall complete action on an application under this subd. 3. b. for any~~
17 ~~permit or approval that is required prior to construction of a facility within~~ Within
18 120 days after the date on which the application is determined or considered to be
19 complete, the department shall complete action on the application for any permit or
20 approval that is required prior to construction of the facility and shall determine
21 whether the facility will ^{substantially} reduce the availability of water to a residential well or cause
22 a preventive action limit established under s. 160.15 to be exceeded in water
23 produced by a residential well.

24 SECTION 3. 196.491 (3) (e) of the statutes is renumbered 196.491 (3) (e) (intro.)
25 and amended to read:

INSERT 3-20

SENATE BILL 381

after January 1, 2001, but

1 196.491 (3) (e) (intro.) If the application does not meet the criteria under par.
2 (d), the commission shall reject the application or approve the application with such
3 modifications as are necessary for an affirmative finding under par. (d). The
4 commission may not issue a certificate of public convenience and necessity until the
5 unless each of the following is satisfied:

6 1. The department has issued all permits and approvals identified in the listing
7 specified in par. (a) 3. a. that are required prior to construction.

INSERT
4-9

8 SECTION 4. 196.491 (3) (e) 2. of the statutes is created to read:

9 196.491 (3) (e) 2. The department has determined under par. (a) 3. b. that the
10 facility will not ^{substantially} reduce the availability of water to a residential well and will not cause
11 a preventive action limit established under s. 160.15 to be exceeded in water
12 produced by a residential well.

INSERT 4-14

water withdrawing
for a large
electric
generating
facility

13 SECTION 5. Nonstatutory provisions.

(9) (b)

14 (1) ENGINEERING PLANS. (Notwithstanding section 196.491 (3) (a) 3. a. and b. of
15 the statutes, as affected by this act, a person who has filed an application under
16 section 196.491 (3) (a) 1. of the statutes before the effective date of this ^{subsection} shall, no later than 30 days after the effective date of this ^{subsection}, provide the
17 department of natural resources with a supplemental engineering plan that includes
18 a description of the anticipated effects of the facility on residential wells. No later
19 than 60 days after the department of natural resources receives a supplemental plan
20 under this ^{subsection}, the department shall determine whether the facility will
21 ^{substantially} reduce the availability of water to a residential well or cause a preventive action limit
22 established under section 160.15 of the statutes to be exceeded in water produced by
23 a residential well. Notwithstanding section 196.491 (3) of the statutes, the public
24 service commission may not issue a certificate of public convenience and necessity
25 and except as provided in paragraph (c),

and except as provided in paragraph (c),

Page 362, line 12: after that line insert:

SENATE BILL 381

water withdrawing

large electric generating

paragraph

1
2
3
4
5

for a facility if the department of natural resources determines under this ~~subsection~~
that the facility will *substantially* reduce the availability of water to a residential well or cause a
preventive action limit established under section 160.15 of the statutes to be
exceeded in water produced by a residential well. ~~///~~

(END)

*INSEPT
5-4*

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2434/lins
MDK.....

1
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INSERT 2-1:

“SECTION 346c. 196.491 (1) (q) of the statutes is created to read:

196.491 (1) (q) “Ranney well” means a well in which the central shaft is fed by horizontal perforated pipes extending radially into an aquifer.

SECTION 346g. 196.491 (1) (s) of the statutes is created to read:

196.491 (1) (s) “Residential well” means a residential well on which construction has commenced before the date that a person provides the department with an engineering plan under sub. (3) (a) 3. a.

SECTION 346L. 196.491 (1) (u) of the statutes is created to read:

196.491 (1) (u) “Water withdrawing large electric generating facility” means a large electric generating facility that withdraws water from underground sources and for which the capacity and rate of withdrawal of all wells serving the facility, except for Ranney wells, exceeds 100,000 gallons per day.

INSERT 2-7:

, and, if the application is for a water withdrawing large electric generating facility, a description of the anticipated effects of the facility on residential wells

INSERT 3-20:

, if the application is for a water withdrawing large electric generating facility,

INSERT 4-9:

If the application is for a water withdrawing large electric generating facility,

INSERT 4-14:

1 (a) In this subsection, "water withdrawing large electric generating facility"
2 has the meaning given in section 196.491 (1) (u) of the statutes, as created by this
3 act.

4 **INSERT 5-4:**

5 (c) Paragraph (b) does not apply to a person if the public service commission
6 has, before the effective date of this paragraph, concluded a public hearing on the
7 person's application for a water withdrawing large electric generating facility under
8 section 196.491 (3) (b) of the statutes."

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

LRBb2434/1dn
MDK: *mb*

Date

Kendra Bonderud:

Please note the following about this amendment:

1. The definition of "Ranney well" refers to "horizontal perforated pipes" instead of "horizontally perforated pipes". I made this change after checking a dictionary of science and technology.
2. The amendment applies to residential wells on which construction has commenced before a person files an engineering plan. Is that okay? The instructions refer only to residential wells constructed before the filing.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

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

LRBb2434/1dn
MDK:hmh:kjf

March 13, 2002

Kendra Bonderud:

Please note the following about this amendment:

1. The definition of "Ranney well" refers to "horizontal perforated pipes," instead of "horizontally perforated pipes." I made this change after checking a dictionary of science and technology.
2. The amendment applies to residential wells on which construction has commenced before a person files an engineering plan. Is that okay? The instructions refer only to residential wells constructed before the filing.

Mark D. Kunkel
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State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2434/1
MDK:hmh:kjf

LFB:.....Bonderud – Construction of electric generating facilities that affect residential wells

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 177, line 14: after that line insert:

3 **“SECTION 346c.** 196.491 (1) (q) of the statutes is created to read:

4 196.491 (1) (q) “Ranney well” means a well in which the central shaft is fed by
5 horizontal perforated pipes extending radially into an aquifer.

6 **SECTION 346g.** 196.491 (1) (s) of the statutes is created to read:

7 196.491 (1) (s) “Residential well” means a residential well on which
8 construction has commenced before the date that a person provides the department
9 with an engineering plan under sub. (3) (a) 3. a.

10 **SECTION 346L.** 196.491 (1) (u) of the statutes is created to read:

1 196.491 (1) (u) "Water withdrawing large electric generating facility" means
2 a large electric generating facility that withdraws water from underground sources
3 and for which the capacity and rate of withdrawal of all wells serving the facility,
4 except for Ranney wells, exceeds 100,000 gallons per day.

5 **SECTION 346p.** 196.491 (3) (a) 3. a. of the statutes is amended to read:

6 196.491 (3) (a) 3. a. At least 60 days before a person files an application under
7 subd. 1., the person shall provide the department with an engineering plan showing
8 the location of the facility, a description of the facility, including the major
9 components of the facility that have a significant air, water, or solid waste pollution
10 potential, ~~and~~ a description of the anticipated effects of the facility on air and water
11 quality, ~~and, if the application is for a water withdrawing large electric generating~~
12 facility, a description of the anticipated effects of the facility on residential wells.

13 Within 30 days after a person provides an engineering plan, the department shall
14 provide the person with a listing of each department permit or approval which, on
15 the basis of the information contained in the engineering plan, appears to be required
16 for the construction or operation of the facility.

17 **SECTION 346t.** 196.491 (3) (a) 3. b. of the statutes is amended to read:

18 196.491 (3) (a) 3. b. Within 20 days after the department provides a listing
19 specified in subd. 3. a. to a person, the person shall apply for the permits and
20 approvals identified in the listing. The department shall determine whether an
21 application under this subd. 3. b. is complete and, no later than 30 days after the
22 application is filed, notify the applicant about the determination. If the department
23 determines that the application is incomplete, the notice shall state the reason for
24 the determination. An applicant may supplement and refile an application that the
25 department has determined to be incomplete. There is no limit on the number of

1 times that an applicant may refile an application under this subd. 3. b. If the
2 department fails to determine whether an application is complete within 30 days
3 after the application is filed, the application shall be considered to be complete. The
4 ~~department shall complete action on an application under this subd. 3. b. for any~~
5 ~~permit or approval that is required prior to construction of a facility within~~ Within
6 120 days after the date on which the application is determined or considered to be
7 complete, the department shall complete action on the application for any permit or
8 approval that is required prior to construction of the facility and, if the application
9 is for a water withdrawing large electric generating facility, shall determine whether
10 the facility will substantially reduce the availability of water to a residential well or
11 cause a preventive action limit established under s. 160.15 to be exceeded in water
12 produced by a residential well.

13 **SECTION 346v.** 196.491 (3) (e) of the statutes is renumbered 196.491 (3) (e)
14 (intro.) and amended to read:

15 196.491 (3) (e) (intro.) If the application does not meet the criteria under par.
16 (d), the commission shall reject the application or approve the application with such
17 modifications as are necessary for an affirmative finding under par. (d). The
18 commission may not issue a certificate of public convenience and necessity ~~until the~~
19 unless each of the following is satisfied:

20 1. The department has issued all permits and approvals identified in the listing
21 specified in par. (a) 3. a. that are required prior to construction.

22 **SECTION 346x.** 196.491 (3) (e) 2. of the statutes is created to read:

23 196.491 (3) (e) 2. If the application is for a water withdrawing large electric
24 generating facility, the department has determined under par. (a) 3. b. that the
25 facility will not substantially reduce the availability of water to a residential well and

1 will not cause a preventive action limit established under s. 160.15 to be exceeded
2 in water produced by a residential well.”.

3 **2.** Page 362, line 12: after that line insert:

4 “(1f) ENGINEERING PLANS.

5 (a) In this subsection, “water withdrawing large electric generating facility”
6 has the meaning given in section 196.491 (1) (u) of the statutes, as created by this
7 act.

8 (b) Notwithstanding section 196.491 (3) (a) 3. a. and b. of the statutes, as
9 affected by this act, and except as provided in paragraph (c), a person who has filed
10 an application for a water withdrawing large electric generating facility under
11 section 196.491 (3) (a) 1. of the statutes after January 1, 2001, but before the effective
12 date of this paragraph, shall, no later than 30 days after the effective date of this
13 paragraph, provide the department of natural resources with a supplemental
14 engineering plan that includes a description of the anticipated effects of the facility
15 on residential wells. No later than 60 days after the department of natural resources
16 receives a supplemental plan under this paragraph, the department shall determine
17 whether the water withdrawing large electric generating facility will substantially
18 reduce the availability of water to a residential well or cause a preventive action limit
19 established under section 160.15 of the statutes to be exceeded in water produced by
20 a residential well. Notwithstanding section 196.491 (3) of the statutes, the public
21 service commission may not issue a certificate of public convenience and necessity
22 for a water withdrawing large electric generating facility if the department of
23 natural resources determines under this paragraph that the facility will
24 substantially reduce the availability of water to a residential well or cause a

1 preventive action limit established under section 160.15 of the statutes to be
2 exceeded in water produced by a residential well.

3 (c) Paragraph (b) does not apply to a person if the public service commission
4 has, before the effective date of this paragraph, concluded a public hearing on the
5 person's application for a water withdrawing large electric generating facility under
6 section 196.491 (3) (b) of the statutes.”

7

(END)