

2001 SENATE BILL 44

February 7, 2001 – Introduced by Senators SHIBILSKI, WELCH, BAUMGART, SCHULTZ, BURKE, DECKER, COWLES, ERPENBACH, PLACHE, ROBSON, RISSER, HANSEN, LAZICH and ROESSLER, cosponsored by Representatives WADE, BLACK, HAHN, MUSSER, LA FAVE, HUBER, BOYLE, TOWNSEND, MILLER, HEBL, MEYERHOFER, KREUSER, POCAN, M. LEHMAN, TRAVIS, RYBA, CARPENTER, BERCEAU, PLOUFF, BOCK and OTT. Referred to Committee on Environmental Resources.

1 **AN ACT** *to renumber and amend* 281.17 (1); and *to create* 281.17 (1) (c) of the
2 statutes; **relating to:** the authority of the department of natural resources to
3 regulate high capacity wells.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from constructing or operating on one property one or more wells that withdraw a total of more than 100,000 gallons of water a day (high-capacity wells) without the approval of the department of natural resources (DNR). If DNR finds that the proposed withdrawal will adversely affect the water supply of a public water utility, DNR must disapprove the withdrawal or condition its approval so that the water supply of the public water utility will not be impaired.

This bill requires DNR to provide in each approval for a high-capacity well that the water withdrawn from the well may not be used to produce bottled water unless DNR approves use of the well for that purpose. The bill requires DNR to withhold, condition, or modify its approval in order to minimize adverse effects to water quality caused by a high-capacity well used to produce bottled drinking water. The bill also requires DNR to prepare an environmental impact statement for each decision concerning the use of a high-capacity well to produce bottled drinking water.

For further information see the *state* 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:

SENATE BILL 44

1 **SECTION 1.** 281.17 (1) of the statutes is renumbered 281.17 (1) (a) and amended
2 to read:

3 281.17 (1) (a) ~~No wells shall~~ A well may not be constructed, installed, or
4 operated to withdraw water from underground sources for any purpose groundwater
5 where the capacity and rate of withdrawal of all wells on one property is in excess
6 of 100,000 gallons a day without first obtaining the approval of the department. If
7 s. 281.35 applies to the proposed ~~construction~~ well, the application shall comply with
8 s. 281.35 (5) (a). ~~If the department finds that the proposed withdrawal will adversely~~
9 ~~affect or reduce the availability of water to any public utility in furnishing water to~~
10 ~~or for the public or does not meet the grounds for approval specified under s. 281.35~~
11 ~~(5) (d), if applicable, it shall either~~

12 (b) The department shall withhold its approval or grant a limited approval
13 under which it imposes such conditions as to location, depth, pumping capacity, rate
14 of flow, and ultimate use so that will ensure all of the following:

15 1. That the water supply of any public utility engaged in furnishing water to
16 or for the public will not be impaired and the withdrawal will conform to the
17 requirements of,

18 2. That the well meets the grounds for approval under s. 281.35, if applicable.

19 (d) The department shall require each person issued an approval under this
20 subsection to report that person's volume and rate of withdrawal, as defined under
21 s. 281.35 (1) (m), and that person's volume and rate of water loss, as defined under
22 s. 281.35 (1) (L), if any, in the form and at the times specified by the department. ~~The~~
23 ~~department may issue general or special orders it considers necessary to ensure~~
24 ~~prompt and effective administration of this subsection.~~

25 **SECTION 2.** 281.17 (1) (c) of the statutes is created to read:

SENATE BILL 44

1 281.17 (1) (c) 1. The department shall impose as a condition in each approval
2 under this subsection that the person issued the approval may not use, or permit
3 another person to use, any water withdrawn from the well to produce bottled
4 drinking water, as defined in s. 97.34 (1) (a), unless the department approves use of
5 the well for that purpose.

6 2. The department shall withhold its approval, grant a limited approval, or
7 modify an approval in order to minimize adverse effects to the quality of waters of
8 the state caused by any well used to produce bottled drinking water, as defined in s.
9 97.34 (1) (a). The department shall prepare an environmental impact statement
10 under s. 1.11 (2) for a decision by the department on an approval under this
11 subdivision.

12 **SECTION 3. Nonstatutory provisions.**

13 (1) The treatment of section 281.17 (1) (c) of the statutes by this act applies to
14 an approval issued by the department of natural resources under section 281.17 of
15 the statutes on or after September 1, 2000. The department of natural resources
16 shall modify an approval issued by the department of natural resources under
17 section 281.17 of the statutes on or after September 1, 2000, in order to incorporate
18 into the approval the condition required under section 281.17 (1) (c) 1. of the statutes,
19 as created by this act.

20 **(END)**