

2001 DRAFTING REQUEST

Bill

Received: **01/16/2001**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Kevin Shibilski (608) 266-3123**

By/Representing: **Todd Holschbach**

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

Drafter: **traderc**

May Contact: **Mark Patronsky, Leg. Council**

Alt. Drafters:

Subject: **Environment - water quality**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Limits on using wells to produce bottled drinking water

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>
/1	traderc 01/17/2001	hhagen 01/17/2001	pgreensl 01/18/2001	_____	lrb_docadmin 01/18/2001	lrb_docadmin 01/18/2001	

FE Sent For:

<END>

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converted
1-16-01
1/17
PB
1/17
PG/RS

FE Sent For:

<END>

High Capacity Wells :

MCP:tl:rv:wu;wu;ks:

Post-it Fax Note	7671	Date	# of pages
To	Becky Trudewich	From	Todd/Shibilski's
Co./Dept.		Co.	
Phone #	3 page	Phone #	
Fax #	high cap draft request		

WLC: 0055/3

01/16/2001

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

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

3 **SECTION 1.** 281.17 (1) of the statutes is amended to read:

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

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

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

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

18 (d) The department shall require each person issued an approval under this subsection
 19 to report that person's volume and rate of withdrawal, as defined under s. 281.35 (1) (m), and
 20 that person's volume and rate of water loss, as defined under s. 281.35 (1) (L), if any, in the

01/16/2001

- 2 -

WLC: 0055/3

1 form and at the times specified by the department. ~~The department may issue general or~~
2 ~~special orders it considers necessary to ensure prompt and effective administration of this~~
3 ~~subsection.~~

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

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

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

14 **SECTION 3. Nonstatutory provisions.**

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

NOTE: The following is the text of s. 281.17 (1), stats., as it would be affected by this bill:

281.17 (1) (a) A well may not be constructed, installed or operated to withdraw groundwater where the capacity of all wells on one property is in excess of 100,000 gallons a day without first obtaining the approval of

01/16/2001

- 3 -

WLC: 0055/3

the department. If s. 281.35 applies to the proposed well, the application shall comply with s. 281.35 (5) (a).

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

1. That the water supply of any public utility engaged in furnishing water to or for the public will not be impaired.

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

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

2. The department shall withhold its approval, grant a limited approval or modify an approval in order to minimize adverse effects to the quality of waters of the state by any well used to produce bottled drinking water, as defined in s. 97.34 (1) (a). [97.34 (1) (a) An environmental impact statement is required under s. 1.11 (2) for a decision by the department on an approval under this subdivision. "Bottled drinking water" means all water packaged in bottles or similar containers and sold or distributed for drinking purposes. This term includes distilled water, artesian water, spring water and mineral water, whether carbonated or uncarbonated.]

(d) The department shall require each person issued an approval under this subsection to report that person's volume and rate of withdrawal, as defined under s. 281.35 (1) (m), and that person's volume and rate of water loss, as defined under s. 281.35 (1) (L), if any, in the form and at the times specified by the department.

1

(END)



State of Wisconsin
2001 - 2002 LEGISLATURE

SOON

LRB-2091/P1

RCM
hmbemy

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Note

Generate

1 AN ACT ...; relating to: the authority of the department of natural resources to
2 regulate high capacity wells.

Analysis by the Legislative Reference Bureau

Analysis
Insert →

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

SECTION 1. 281.17 (1) of the statutes is amended to read:

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

renumbered 281.17 (1)(a) and

Change component 3

4

5

6

7

8

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10

1 ~~or for the public or does not meet the grounds for approval specified under s. 281.35~~
2 ~~(5) (d), if applicable, it shall either~~

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

6 1. That the water supply of any public utility engaged in furnishing water to
7 ~~or for the public will not be impaired and the withdrawal will conform to the~~
8 ~~requirements of.~~

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

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

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

17 281.17 (1) (c) 1. The department shall impose as a condition in each approval
18 under this subsection that the person issued the approval may not use, or permit
19 another person to use, any water withdrawn from the well to produce bottled
20 drinking water, as defined in s. 97.34 (1) (a), unless the department approves use of
21 the well for that purpose.

22 2. The department shall withhold its approval, grant a limited approval, or
23 modify an approval in order to minimize adverse effects to the quality of waters of
24 the state ^{caused} by any well used to produce bottled drinking water, as defined in s. 97.34

- The department shall prepare*
- 1 (1) (a). ~~An environmental impact statement is required~~ under s. 1.11 (2) for a decision
 2 by the department on an approval under this subdivision.

3 **SECTION 3. Nonstatutory provisions.**

4 (1) The treatment of section 281.17 (1) (c) of the statutes by this act applies to
 5 an approval issued by the department of natural resources under section 281.17 of
 6 the statutes on or after September 1, 2000. The department of natural resources
 7 shall modify an approval issued by the department of natural resources under
 8 section 281.17 of the statutes on or after September 1, 2000, in order to incorporate
 9 into the approval the condition required under section 281.17 (1) (c) 1. of the statutes,
 10 as created by this act.

NOTE: The following is the text of s. 281.17 (1), stats., as it would be affected by this bill:

281.17 (1) (a) A well may not be constructed, installed or operated to withdraw groundwater where the capacity of all wells on one property is in excess of 100,000 gallons a day without first obtaining the approval of the department. If s. 281.35 applies to the proposed well, the application shall comply with s. 281.35 (5) (a).

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

1. That the water supply of any public utility engaged in furnishing water to or for the public will not be impaired.

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

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

2. The department shall withhold its approval, grant a limited approval or modify an approval in order to minimize adverse effects to the quality of waters of the state by any well used to produce bottled drinking water, as defined in s. 97.34 (1) (a). [97.34 (1) (a) An environmental impact statement is required under s. 1.11 (2) for a decision by the department on an approval under this subdivision. "Bottled drinking water" means all water packaged in bottles or similar containers and sold or distributed for drinking purposes. This term includes distilled water, artesian water, spring water and mineral water, whether carbonated or uncarbonated.]

(d) The department shall require each person issued an approval under this subsection to report that person's volume and rate of withdrawal, as defined under s.

281.35 (1)(m), and that person's volume and rate of water loss, as defined under s. 281.35 (1)(L), if any, in the form and at the times specified by the department.

1

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2091/1ins
RCT:.....

Analysis Insert

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.

Date

RET: hmr

Note

~~Other~~ effects that
a well might
have

Do you want DNR to consider any ~~things~~ ^{effects on} in
addition to water quality, for example, effects on
habitat or water-quantity?

RET

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

LRB-2091/1dn
RCT:hmh:pg

January 17, 2001

Do you want DNR to consider any effects that a well might have in addition to effects on water quality, for example, effects on habitat or water quantity?

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



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

January 18, 2001

MEMORANDUM

To: Senator Shibilski

From: Rebecca C. Tradewell, Managing Attorney

Re: LRB-2091 Limits on using wells to produce bottled drinking water

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

Rush

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7290 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.