

2001 SENATE BILL 452

February 20, 2002 – Introduced by Senators GROBSCHMIDT, COWLES and HANSEN, cosponsored by Representatives KRAWCZYK, PLALE, MEYERHOFER, MONTGOMERY, POWERS and RYBA. Referred to Committee on Environmental Resources.

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

Analysis by the Legislative Reference Bureau

Currently, under the groundwater law, a state agency is generally required to take actions necessary to ensure that the activities, practices, and facilities that are regulated by the state agency do not cause groundwater quality standards to be violated. An exemption from the groundwater law provides that a state agency is not required to take actions necessary to ensure that private sewage systems do not cause the groundwater standard for nitrate to be violated. Also, under current law, the department of natural resources (DNR) regulates drinking water systems.

This bill creates an exemption to the groundwater law so that DNR is not required to take actions necessary to ensure that aquifer storage and recovery systems do not cause groundwater standards to be violated. The bill does require DNR to ensure that aquifer recovery systems maintain compliance with drinking water standards. An aquifer recovery system is a system under which a municipal water utility places treated drinking water underground, through a well, for storage and later recovers the water through the well for use as drinking water.

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

3 **SECTION 1.** 160.257 of the statutes is created to read:

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1 **160.257 Exceptions for aquifer storage and recovery systems. (1)** In
2 this section:

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

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

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

12 (d) “Regulated substance” means a substance for which an enforcement
13 standard has been established.

14 (e) “Treated drinking water” means potable water that has been treated so that
15 it complies with the primary drinking water standards promulgated under ss. 280.11
16 and 281.17 (8).

17 **(2)** Notwithstanding s. 160.19 (1), (2), and (4) (b), the department is not
18 required to promulgate or amend rules that define design or management criteria
19 for aquifer storage and recovery systems to minimize the amount of a regulated
20 substance in groundwater or to maintain compliance with the preventive action limit
21 for a regulated substance, however, the department shall promulgate rules that
22 define design or management criteria for aquifer storage and recovery systems to
23 maintain compliance with drinking water standards promulgated under ss. 280.11
24 and 281.17 (8).

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1 **(3)** Notwithstanding s. 160.19 (3), the department may promulgate rules that
2 define design or management criteria for aquifer storage and recovery systems that
3 permit the enforcement standard for a regulated substance to be attained or
4 exceeded at the point of standards application.

5 **(4)** Notwithstanding s. 160.21, the department is not required to promulgate
6 rules that set forth responses that the department may take, or require to be taken,
7 when the preventive action limit or enforcement standard for a regulated substance
8 is attained or exceeded at the point of standards application if the source of the
9 regulated substance is an aquifer storage and recovery system.

10 **(5)** Notwithstanding ss. 160.23 and 160.25, the department is not required to
11 take any responses for a specific site at which the preventive action limit or
12 enforcement standard for a regulated substance is attained or exceeded at the point
13 of standards application if the source of the regulated substance is an aquifer storage
14 and recovery system.

15 **(END)**