

2001 DRAFTING REQUEST

Bill

Received: 12/18/2001

Received By: traderc

Wanted: As time permits

Identical to LRB:

For: Richard Grobschmidt (608) 266-7505

By/Representing: John Sumi

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Addl. Drafters:

Subject: Environment - water quality

Extra Copies:

Submit via email: YES

Requester's email: Sen.Grobschmidt@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Exception from groundwater law for aquifer storage and recovery systems

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 01/17/2002	hhagen 01/22/2002	rschluet 01/22/2002	_____	lrb_docadmin 01/22/2002	lrb_docadmin 02/20/2002	

FE Sent For: - none needed

<END>

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1/?	traderc	11 hnh 1/22/02					
			<i>1-22-2</i>				

FE Sent For:

<END>

Mon 12/17/01

John Sumi / Senator Gubbschmidt

exception from WI groundwater law for
aquifer storage and recovery systems

- attached is draft rule done by DNR

For Discussion Only.

SECTION 1. NR 811.02(4) to (10) are renumbered NR 811.02(6) to (12).

SECTION 2. NR 811.02(11) is renumbered NR 811.02(14).

SECTION 3. NR 811.02(4) and NR 811.02(5) are created to read:

NR 811.02(4) “Aquifer storage recovery” or “ASR” means placement of treated drinking water underground through a well for the purpose of storing and later recovering the water through the same well for potable use.

Note: Underground placement of water for the purpose of restoring an aquifer is not included in the definition of “aquifer storage recovery” or “ASR.”

NR 811.02(5) “ASR system” means all of the ASR wells and related appurtenances within a municipal water system and any interconnected public water system served by the municipal water system.

SECTION 4. NR 811.02 (12) to (23) are renumbered NR 811.02(16) to (27).

SECTION 5. NR 811.02(13) is created to read:

NR 811.02(13) “Displacement zone” means the three-dimensional area underground surrounding an aquifer storage recovery well into which treated drinking water is placed for storage and later recovery.

SECTION 6. NR 811.02(15) is created to read:

NR 811.02(15) “Drillhole means any of the following:

- (a) Any hole that is bored, drilled or driven.
- (b) Any dug hole that is deeper than it is wide.
- (c) Any similar excavation, shaft or other opening.

SECTION 7. NR 811.02(24) to (28) are renumbered NR 811.02(30) to (34).

SECTION 8. NR 811.02(28) and NR 811.02(29) are created to read:

NR 811.02(28) “Treated drinking water” means finished potable water which complies with the primary drinking water standards contained in ch. NR 809 and that is obtained directly from a municipal water system via piping from the municipal water distribution system to the point of underground injection.

NR 811.02(29) “Underground injection” means placement of any substance underground through a well, drillhole or water system.

SECTION 9. Chapter NR 811 Subchapter IX is created to read:

Subchapter IX – Aquifer Storage Recovery

NR 811.87 General. (1) Approval of the department is required prior to the construction of any aquifer storage recovery well or the conversion of any previously constructed well for use as an aquifer storage recovery well.

(2) Approval of the department is required prior to the operation of any aquifer storage recovery system.

For Discussion Only.

(3) Only treated drinking water may be placed underground through an aquifer storage well or ASR system.

(4) Only a municipal water system may construct an aquifer storage recovery well or operate an ASR system.

NR 811.88 ASR Well Performance Requirements. (1) Where practical, the quality of the treated drinking water to be placed underground through an aquifer storage recovery well shall comply with the enforcement standards contained in ch. NR 140 prior to underground injection. In all cases, the quality of the treated drinking water to be placed underground through an aquifer storage recovery well shall meet the primary drinking water standards contained in ch. NR 809 prior to underground injection.

Note: Pursuant to s. 160.19(2)(b), Stats., the Department finds that treated drinking water in a municipal water system may at times exceed groundwater standards established for compounds such as, iron, copper, lead, fluoride, asbestos, chloroform, bromoform, bromodichloromethane, and dibromochloromethane and may temporarily cause an exceedance of state groundwater standards at the point of injection and within the displacement zone surrounding an aquifer storage recovery well even though the treated drinking water remains in compliance with federal and state water quality standards for drinking water. Several of the compounds listed here are produced as by-products of water treatment processes that are necessary to ensure that the water distributed within a municipal water system is protected from potential biological contamination. The maximum concentrations of disinfection by-products allowed in treated drinking water have been set by the United States Environmental Protection Agency at the lowest level that is considered to be technically and economically feasible at this time. Research funded by the American Water Works Association Research Foundation indicates that the presence of these contaminants will diminish and that compliance with state groundwater standards will be reestablished over time as a result of geochemical and microbial activity occurring underground within the storage aquifer.

(2) All water retrieved through an aquifer storage recovery well shall comply with the primary drinking water standards contained in ch. NR 809 and shall be treated to provide a disinfectant residual prior to recovery into any municipal water distribution system.

(3) The quality of the treated drinking water stored in the displacement zone that is created underground as a result of underground injection through an aquifer storage recovery well shall at all times comply with the primary drinking water standards contained in ch. NR 809. The stored treated drinking water shall also comply with the applicable enforcement standards established in ch. NR 140 prior to movement beyond the boundary of the ASR well site.

Note: For the purpose of this paragraph, an ASR well site is considered to include lands adjacent to the ASR wellhead that are directly owned by the municipal water system and any contiguous properties that are directly owned by the local unit of government of which the water system is a subunit.

(4) At the completion of each aquifer storage recovery cycle, the subsurface water remaining in any portion of the zone of displacement shall comply with the enforcement standards contained in ch. NR 140.

NR 811.89 Well Construction Requirements for ASR Wells. (1) Each well constructed or converted for use as an aquifer storage recovery well shall be completed in a manner that complies with the well construction requirements established in ss. NR 811.16 through 811.24.

(2) Any monitoring well constructed on an ASR well site shall comply with the well construction requirements established in ss. NR 811.16 through 811.24.

Note: For the purpose of this paragraph, an ASR well site is considered to include only those lands adjacent to the ASR wellhead that are directly owned by the municipal water system.

(3) Each monitoring well that is located beyond the property boundary of an ASR well site and that is constructed as part of an ASR system pilot study, ASR system development study, or for ASR operational monitoring shall comply with the monitoring well construction requirements established in ch. NR 141.

For Discussion Only.

Note: For the purpose of this paragraph, an ASR well site is considered to include only those lands adjacent to the ASR wellhead that are directly owned by the municipal water system.

(4) Each aquifer storage recovery well shall be enclosed within a lockable protective structure that is secured from tampering or unauthorized entry in a manner that is approved by the department.

(5) Each monitoring well shall be enclosed within a lockable protective covering and secured from tampering or unauthorized entry in a manner that is approved by the department.

NR 811.90 Equipment, Appurtenances and Piping for ASR Wells and ASR Systems. (1) Pumping equipment, appurtenances and piping that are to be installed as part of an ASR system shall comply with the requirements of ss. NR 811.34 through 811.38.

(2) Department approval shall be obtained prior to installation or modification of any well, pumping equipment, appurtenances or piping for the purpose of aquifer storage recovery.

(3) Each ASR well site shall be secured from tampering or unauthorized entry in a manner that is approved by the department.

NR 811.91 ASR System Pilot Studies. (1) Department approval is required prior to conducting any ASR system pilot study.

(2) Only a municipal water system may perform an ASR system pilot study.

(3) A request to conduct an ASR system pilot study shall be submitted to the department in writing. The request shall identify the location of each existing well that is being considered for use as an ASR well within the proposed ASR system, the location of any new well that is anticipated to be constructed for use as an ASR well within the proposed ASR system and any additional wells that are to be used or constructed as part of the ASR system pilot study.

(4) Each request to conduct an ASR system pilot study shall contain the following:

(a) A preliminary hydrogeologic report that describes the methods and results of any hydrologic investigation or hydrogeologic modeling performed to identify the location of the proposed ASR system well sites. The preliminary hydrogeologic report shall identify the location of each existing public or private water well and each potential source of groundwater contamination that is located within 1200 feet of the outer perimeter of the displacement zone that is calculated to be established around each of the proposed ASR wells within the proposed ASR system. The report shall also identify the well selected for further evaluation during the ASR well pilot test and describe the current and anticipated groundwater flow patterns found in the vicinity of the designated test well.

(b) A preliminary engineering report that provides an analysis of the technical feasibility for developing each of the potential ASR wells identified for the proposed ASR system and estimates the probable percentage of treated drinking water that would be recovered from each of the potential ASR wells during an ASR cycle.

(c) Plans and specifications for any well equipment, pumping equipment, appurtenances or piping that is to be constructed or altered in order to complete the proposed ASR system pilot study.

(d) A description of all operating procedures to be followed during the ASR well pilot study. This description shall contain details such as, but not limited to, the volume of water to be placed underground, the flow rate and pressure of underground injection, the expected water storage period, anticipated water retrieval rates, and methods proposed for disposing of the water recovered during the ASR system pilot study.

For Discussion Only.

(e) A description of all performance and compliance monitoring procedures to be followed during the ASR system pilot study. This description shall include a listing of the sampling locations, methods, and schedules that will be used to ensure that the aquifer storage recovery well remains in compliance with the performance requirements set forth in s. NR 811.88.

(f) Plans and specifications for each monitoring well proposed as part of the ASR system pilot study. A minimum of one monitoring well is required as part of the ASR system pilot study. The department may require additional monitoring wells should the proposed ASR system encompass multiple or otherwise unique geologic formations. The department may also waive the monitoring well requirement if water quality data from other ASR system pilot studies conducted in similar geologic conditions is submitted as part of the ASR system pilot study request and is determined to be applicable by the department.

(5) The department may require modification of plans and specifications, operating procedures or compliance and monitoring procedures required in sub. (4) to ensure that compliance with the performance requirements in s. NR 811.88 can be determined.

(6) Within 180 days of completing an approved ASR system pilot study and prior to recovering any water retrieved through an ASR well into a water distribution system, a municipal water system shall submit a final report on the ASR system pilot study to the department.

NR 811.92 ASR System Development Testing. (1) Department approval shall be obtained prior to any ASR system development testing.

(2) Following the completion of an approved ASR system pilot study, each additional ASR well to be used within an ASR system shall be subject to development testing.

(3) The department may require monitoring wells to be installed as part of an ASR system development test if it finds any of the following:

(a) Geologic conditions in the vicinity of the proposed ASR well are not consistent with the conditions examined during the municipal water system's ASR system pilot study.

(b) Geologic conditions in the vicinity of the proposed ASR well are not consistent with the conditions reported in other ASR system pilot studies or ASR system development tests performed by other municipal water systems.

(c) Results obtained during the municipal water system's ASR system pilot study indicate that additional monitoring is warranted to ensure compliance with the water quality standards established in chs. NR 809 and NR 140.

(4) Each request for an ASR system development test shall include a report or testing plan that contains the following:

(a) A comparison of the hydrogeologic conditions and formations at the ASR system pilot study well site and any well site that is to be evaluated as part of the ASR system development testing request.

(b) An evaluation of the municipal water system's ASR system pilot test results and the transferability of those results to the well or wells to be evaluated as part of the ASR system development test.

(c) Plans and specifications for any well equipment, pumping equipment, appurtenances or piping that is to be constructed or altered as part of the ASR system development test.

For Discussion Only.

(d) A description of all operating procedures to be followed during the ASR system development test. This description shall contain details such as, but not limited to, the volume of water to be placed underground, the flow rate and pressure of underground injection, the expected water storage period, anticipated water retrieval rates, and methods for disposing of water recovered during the ASR system development test.

(e) A description of all performance and compliance monitoring procedures to be followed during the ASR system development test.

(f) A description of any monitoring wells proposed to be constructed or utilized during the ASR system development test.

(5) The department may require modification of plans and specifications, operating procedures or compliance and monitoring procedures required under sub. (4) to ensure that compliance with the performance requirements in s. NR 811.88 can be determined.

(6) Within 180 days of completing an approved ASR system development test and prior to recovering any water retrieved through any newly developed aquifer storage recovery well into a water distribution system, the municipal water system conducting the test shall submit a final report containing the final results of the investigation to the department.

NR 811.93 Operating an ASR System. (1) Department approval to operate an ASR system shall be obtained prior to recovery of any water retrieved through an aquifer storage recovery well into a municipal water system.

(2) Only a municipal water system may submit a request to operate an ASR system.

(3) Completion of an ASR pilot study is required before a municipal water system may submit a request to operate an ASR system.

(4) Completion of an ASR system development test and approval of the department is required before any additional aquifer storage recovery well that was not approved as part of an original request to operate an ASR system is connected to the existing ASR system.

(5) A request to operate an ASR system shall be submitted to the department in writing and shall contain the following:

(a) A copy of the final report of the approved ASR system pilot study and copies of any approved ASR system development studies conducted by the municipal water system.

(b) A final plans and specifications report that describes the components of the ASR system. The final plans and specifications report shall include as built drawings for each aquifer storage recovery well and each monitoring well that was constructed as part of the ASR system pilot study or ASR system development study. The report shall also include descriptions of pumping equipment, piping and other appurtenances that are installed or required for ASR system operation.

(c) A proposed final operating plan that describes the entire ASR cycle and shows how the ASR system will be integrated into municipal water system operations. The proposed final operating plan shall include details such as, but not limited to, the total volume of water to be injected, rate of injection, pressure of injection, length of the water storage period, rate of recovery, post-recovery water treatment techniques necessary to maintain a distribution system disinfectant residual, and methods for disposing of any water that cannot be recovered into the water distribution system.

For Discussion Only.

(d) A proposed demand management and water accountability plan that describes actions which the municipal water system is currently conducting or will be initiating to ensure that groundwater and surface water resources are conserved and used as efficiently as possible.

(e) A proposed compliance and monitoring plan that lists all sampling parameters and provides details on monitoring schedules, monitoring locations, sampling methods and quality assurance techniques that will be followed to ensure that compliance with the requirements set forth in s. NR 811.88 is maintained. The compliance and monitoring plan shall provide for testing of the water that is to be injected, stored and recovered through each aquifer storage recovery well as well as for the groundwater present in any monitoring well that is installed as part of the ASR system. Parameters to be analyzed for each water quality sample collected, the locations for sample collection and the frequency at which water quality samples are to be collected shall be determined by the department following a review of the final ASR system pilot study report or ASR system development study report, the proposed operating plan, the proposed monitoring plan and the drinking water quality monitoring schedule currently followed by the municipal water system. Unless otherwise specified by the department, all water quality results obtained from ASR system compliance monitoring activities shall be compiled and submitted to the department on an annual basis and at least 45 days prior to the start of each new ASR cycle.

(6) The department may require modification of any plans and specifications, operating plans, demand management and water accountability plans or compliance and monitoring plans required in sub. (5) in any manner necessary to ensure compliance with the performance standards set forth in s. NR 811.88.

(7) If requested, the department may consider and approve the modification of plans and specifications, operating plans, demand management and water accountability plans or compliance and monitoring plans required in sub. (5) if information submitted in support of a requested modification demonstrates to the satisfaction of the department that the proposed modifications will continue to ensure compliance with the standards set forth in s. NR 811.88 and any other applicable requirements contained in ch. NR 811.



**WISCONSIN LEGISLATIVE COUNCIL
STAFF MEMORANDUM**

TO: SENATORS ROBERT L. COWLES AND RICHARD GROBSCHMIDT
FROM: Mark C. Patronsky, Senior Staff Attorney *MCP*
RE: Proposal for Legislation Regarding Aquifer Storage and Recovery
DATE: August 9, 2001

This memorandum provides a brief description of a proposal for legislation regarding aquifer storage and recovery (ASR). You and your staff have been involved in extensive discussions with Oak Creek and Green Bay regarding this issue. ASR in these two instances involves pumping treated surface water from Lake Michigan into an underground aquifer in times of low demand for water and recovering that water when demand for water is high. The primary purpose of this water storage technique is to avoid additional capital costs for water treatment, distribution and storage facilities that have the capacity to meet high demand periods.

A variety of issues need to be addressed if ASR is to be implemented in Wisconsin. One of the issues is the applicability of the state's groundwater law, ch. 160, Stats., to ASR. The groundwater law and the administrative rules that implement it set contaminant levels for substances in groundwater which, if exceeded, require a regulatory response by a state agency and remedial action by the responsible party.

As an example, one of the substances of concern in an ASR program is chlorine. Chlorine is added to the surface water as a treatment method prior to injection into the underground aquifer. Chlorine undergoes a chemical reaction when added to surface water, and one of the products of the reaction is chloroform. Although the level of chloroform would meet drinking water standards, it appears that the chloroform level may not meet groundwater standards. As further work is done on the ASR proposal, other substances in the stored water may be identified that meet drinking water standards but nevertheless raise groundwater law concerns.

There are a variety of ways that the groundwater law could be modified to address issues related to ASR. You have requested a proposal for a focused modification to the groundwater law that addresses ASR concerns narrowly.

Current s. 160.255, Stats., suggests a potential approach to modifying the groundwater law for ASR projects. This statute creates an exception from the groundwater law for nitrate in groundwater that is the result of private sewage system operation. A copy of this statute is included as an attachment to this memorandum. The Legislature created this exception when it became clear that new private sewage system rules proposed by the Department of Commerce in the early 1990s would not attain groundwater standards for nitrate. Although treatment technologies for nitrate are available, these technologies would be extremely expensive for household applications.

A similar statute could be drafted for substances in groundwater related to ASR systems. However, it may be appropriate to add other regulatory elements to the model suggested by s. 160.255, Stats. The exception for private sewage systems is a complete exception for nitrate in groundwater resulting from a private sewage system. The following are some suggestions for regulations that could accompany a groundwater law exception for ASR:

- Rather than providing a complete exception for ASR systems, some additional limitations may be appropriate. For example, standards could be included for substances in the surface water that is injected into an underground aquifer.
- The exception could be limited to the Oak Creek and Green Bay proposals, in order to expand the knowledge base about ASR systems under Wisconsin hydrologic conditions, before allowing ASR systems statewide.
- It may be appropriate to give DNR authority to require a water quality monitoring system to determine the fate of substances contained in the surface water that is injected into the underground aquifer.
- In the event that the surface water causes unanticipated levels of contamination in the underground aquifer, it may be appropriate to have a remediation plan designed in advance.

If I can provide further information on this subject or assistance with preparing a bill draft, please feel free to contact me.

MCP:ksm:rv:wu:jal

Attachment

Section 160.255, Stats.

160.255 Exceptions for private sewage systems. (1) In this section, "private sewage system" has the meaning given in s. 145.01 (12).

(2) Notwithstanding s. 160.19 (1), (2) and (4) (b), a regulatory agency is not required to promulgate or amend rules that define design or management criteria for private sewage systems to minimize the amount of nitrate in groundwater or to maintain compliance with the preventive action limit for nitrate.

(3) Notwithstanding s. 160.19 (3), a regulatory agency may promulgate rules that define design or management criteria for private sewage systems that permit the enforcement standard for nitrate to be attained or exceeded at the point of standards application.

(4) Notwithstanding s. 160.21, a regulatory agency is not required to promulgate rules that set forth responses that the agency may take, or require to be taken, when the preventive action limit or enforcement standard for nitrate is attained or exceeded at the point of standards application if the source of the nitrate is a private sewage system.

(5) Notwithstanding ss. 160.23 and 160.25, a regulatory agency is not required to take any responses for a specific site at which the preventive action limit or enforcement standard for nitrate is attained or exceeded at the point of standards application if the source of the nitrate is a private sewage system.

Tradewell, Becky

From: Sumi, John
Sent: Tuesday, December 18, 2001 10:14 AM
To: Tradewell, Becky
Cc: Halbur, Jennifer
Subject: Drafting request

Hello, I hope you're feeling better.

I stopped by the Legal Section yesterday and submitted a drafting request to Mary Gibson-Glass that I am informed will be a request that you will work on. I hope this email gives you helpful background on the request.

Senator Grobschmidt has been working with Sen. Cowles, the DNR, and other interested parties, to modify DNR policies related to operating requirements for municipal water treatment systems. The goal of the effort is to allow water utilities to utilize a technology new to Wisconsin that involves the temporary storage of treated drinking water in a well. The technology is called Aquifer Storage and Recovery. As a result of discussions with DNR staff it seems likely that most attempts to use this technology in Wisconsin will result in introducing substances to the groundwater that will temporarily exceed groundwater standards. The treated drinking water that is stored contains disinfectant residuals of the water treatment process that, while they conform to drinking water standards, exceed the higher standards developed in the groundwater law. The water treatment residuals degrade fairly quickly, but they are introduced to the aquifer in amounts that initially exceed the groundwater standards.

Senator Grobschmidt would like a proposal drafted that would create an exception to the groundwater law for substances found in the drinking water stored in an aquifer through the use of ASR technology. I left two documents that might be useful as you draft the proposal.

We have consulted with Mark Patronskey of the Legislative Council to give us some preliminary options to consider. His August 9th memo to Senator Cowles and Senator Grobschmidt suggests a basic approach that the Senator finds acceptable. Mark's memo also mentions "other regulatory elements" that we may want to include in the bill. Many of those regulatory elements are addressed in a draft rule prepared by the DNR that addresses the regulatory system they would propose for ASR in Wisconsin. I also left a copy of the draft rule for your review. Senator Grobschmidt thinks that the DNR rulemaking covers issues alluded to in Mark's memo sufficiently and does not think the bill needs to detail regulatory issues that are more appropriate for rulemaking. I also provided the DNR draft rule because the DNR has developed some definitions of aquifer storage recovery, ASR systems, and the treated drinking water that would be used that may be useful for defining the exception in the statutes. These DNR definitions have been reviewed and accepted as accurate by the interested parties.

NR 811.02(4) "Aquifer storage recovery" or "ASR" means placement of treated drinking water underground through a well for the purpose of storing and later recovering the water through the same well for potable use.

NR 811.02(5) "ASR system" means all of the ASR wells and related appurtenances within a municipal water system and any interconnected public water system served by the municipal water system.

NR 811.02(28) "Treated drinking water" means finished potable water which complies with the primary drinking water standards contained in ch. NR 809 and that is obtained directly from a municipal water system via piping from the municipal water distribution system to the point of underground injection.

On other point. Mark's memo describes the exception for private sewage systems and nitrate contamination. For purposes of the ASR exception, the Senator would not like to reference

specific substances contained in the stored treated drinking water. Those substances may vary from utility to utility and may change over time. However, he will want it made clear in the exception that the treated drinking water used in ASR must conform with DNR drinking water standards.

Because we are working with Senator Cowles on this issue we would like the Senator and his staff person Jennifer Halbur to be able to discuss this drafting request with you.

I hope this is useful. If you have any additional questions, please do not hesitate to contact me.

John Sumi



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4443/1

RCT:hmh

SOON (in 1/17)

2001 BILL

DNote

Geneack

1 AN ACT ...; relating to: the groundwater law and regulation of aquifer storage
2 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:

BILL

SECTION 1

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) ^{fit quote} “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 in groundwater or to maintain compliance with the preventive action
21 limit 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).

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4443/1dn
RCT:hwh

Date

John Sumi:

This is the draft concerning aquifer storage and recovery systems. I based it on the groundwater law exemption for nitrates from septic systems, s. 160.255. The main difference is that the exemption in this draft applies to any substance for which a groundwater enforcement standard has been established. I modified the definitions from DNR's proposed rule to try to eliminate the use of terms that nonexperts would not understand, such as "finished water." I recommend that you have DNR personnel review the draft to ensure that the definitions work.

Please contact me with any questions or redraft instructions.

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

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

LRB-4443/1dn
RCT:hml:rs

January 22, 2002

John Sumi:

This is the draft concerning aquifer storage and recovery systems. I based it on the groundwater law exemption for nitrates from septic systems, s. 160.255. The main difference is that the exemption in this draft applies to any substance for which a groundwater enforcement standard has been established. I modified the definitions from DNR's proposed rule to try to eliminate the use of terms that nonexperts would not understand, such as "finished water." I recommend that you have DNR personnel review the draft to ensure that the definitions work.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell
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Tradewell, Becky

From: Sumi, John
Sent: Tuesday, February 19, 2002 4:12 PM
To: Tradewell, Becky
Subject: RE: Draft you requested

Becky, we ran this past DNR and technically it does what we want. I need it jacketed.

-----Original Message-----

From: Tradewell, Becky
Sent: Tuesday, January 22, 2002 2:37 PM
To: Sumi, John
Subject: Draft you requested

Here you are:

<< File: 01-4443/1 >> << File: 01-4443/1dn >>