

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/23/2001

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Tessmer

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Addl. Drafters:

Subject: Environment - water quality

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Tessmer - AM94,

Topic:

High-capacity 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>
/?	traderc 06/24/2001	wjackson 06/25/2001		_____			
/1			jfrantze 06/26/2001	_____	lrb_docadmin 06/26/2001		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	traderc 06/26/2001	wjackson 06/26/2001	rschluet 06/26/2001	_____	lrb_docadmin 06/26/2001		

FE Sent For:

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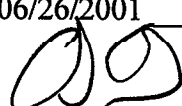
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1?	traderc	1 Wlj 6/25	do 6/25	do Kdo to 2 to			

FE Sent For:

<END>

repealed, but that authority was not recreated for DNR. This provision gives DNR authority to disburse funds.

C. South Fork of the Hay River Watershed Funding

Maintain Joint Finance action, however change the sunset date from June 30, 2006 to June 30, 2005.

Location/Status [Comparative summary of Governor and Joint Finance Committee Budget Recommendations, page 546 – DNR Water Quality]

RET

D. Combined Sewer Bypasses

Intentional diversions of untreated waste streams from any portion of a treatment facility are prohibited unless (1) the bypass does not cause effluent to exceed limits, and (2) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, and (3) there was no feasible alternatives, and the proper notification was submitted.

RET

In addition, delete exception under NR 205.07 (1)(u) 1: An inadvertent bypass resulting from equipment damage or temporary power interruption.

Agency affected: DNR

Fiscal Impact: \$0

Location/Status: New motion (Kedzie)

E. High capacity wells

Agency affected: DNR

Move to require that the DNR permit only high capacity wells that will not have a significant impact on waters of the state as in 2000 Assembly Bill 311 with the intent to grandfather all wells in existence upon enactment of this legislation and which need to be maintained or replaced at their existing capacity. In addition, require a joint legislative council study on the overall issue of high capacity wells in Wisconsin.

RET

Fiscal impact: DNR estimates that these provisions will have an annualized impact of \$303,200 if they had to screen 200 permit applications a year.

Location/Status: Assembly Bill 311, with addition of Legislative Council study (Johnsrud)

F. Facility Plans and Environmental Impact on Residential Wells

Amend Section 196.491(3)(a)3.a. to include "residential wells" as part of the engineering plan for siting of public utility facilities.

Agency affected: DNR

2001

Date (time) needed SOON

LRB b 1638 1 1

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

RET : WJ :

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

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

DN

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

#. Page 1043, line 13..: delete the material beginning with that line and ending with page 1045, line 11, and substitute ¹;

#. Page, line

#. Page, line

#. Page, line

#. Page, line

#. Page, line

2001 ASSEMBLY BILL 311

April 12, 2001 - Introduced by Representatives JOHNSRUD, WADE, BOCK, GUNDERSON, HAIN, HUEBSCH, HUNDERTMARK, F. LASEE, MCCORMICK, MUSSER, OLSEN, PETTIS, SERATTI, TOWNSEND, WOOD and UNDERHEIM, cosponsored by Senators BURKE, BAUMGART, SCHULTZ and ROESSLER. Referred to Committee on Environment.

1 AN ACT to amend 281.17 (1) of the statutes; relating to: approvals for
2 high-capacity wells.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from constructing or operating one or more wells on one property that withdraw a total of more than 100,000 gallons of water a day (high-capacity well) without the approval of the department of natural resources (DNR). If DNR finds that a proposed withdrawal will adversely affect the water supply of a public water utility, DNR must disapprove the high-capacity well or impose conditions relating to location, depth, pumping capacity, rate of flow, and ultimate use so that the water supply of the public water utility will not be impaired.

This bill provides that if DNR finds that a withdrawal by a proposed high-capacity well will adversely affect waters of the state, DNR may disapprove the high-capacity well or impose any kind of conditions that will protect the waters of the state.

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:

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

ASSEMBLY BILL 311

SECTION 1

1 281.17 (1) No wells shall may be constructed, installed, or operated to
 2 withdraw water from underground sources for any purpose where the capacity and
 3 rate of withdrawal of all wells on one property is in excess of 100,000 gallons a day
 4 without first obtaining the approval of the department. If s. 281.35 applies to the
 5 proposed construction, the application shall comply with s. 281.35 (5) (a). If the
 6 department finds that the proposed withdrawal will adversely affect or reduce the
 7 availability of water to any public utility in furnishing water to or for the public or
 8 does not meet the grounds for approval specified under s. 281.35 (5) (d), if applicable,
 9 it shall either withhold its approval or grant a limited approval under which it
 10 imposes such conditions as to location, depth, pumping capacity, rate of flow, and
 11 ultimate use so that the water supply of any public utility engaged in furnishing
 12 water to or for the public will not be impaired, and the withdrawal will conform to
 13 the requirements of s. 281.35, if applicable. If the department finds that the proposed
 14 withdrawal will adversely affect waters of the state, it may withhold its approval or
 15 grant a limited approval under which it imposes conditions that will protect the
 16 waters of the state. The department shall require each person issued an approval
 17 under this subsection to report that person's volume and rate of withdrawal, as
 18 defined under s. 281.35 (1) (m), and that person's volume and rate of water loss, as
 19 defined under s. 281.35 (1) (L), if any, in the form and at the times specified by the
 20 department. The department may issue general or special orders it considers
 21 necessary to ensure prompt and effective administration of this subsection. *VO*

SECTION 2 Initial applicability.

22 *In set*
 23 *2-21* " *(5) High-capacity well regulation*
 24 *(1) This act first applies to applications for approvals under section 281.17 (1)*
 25 *of the statutes that are submitted on the effective date of this subsection.* *VO*

Plan
 The treatment of section 281.17(1) of the statute

Insert 2-21

↓ #. Page 1341, line 9: after that line insert:

Nonstat
subsection

(1 k) ^{cc}

High-capacity well study

main

The joint legislative

council shall study the issues raised by
high-capacity wells in this state. ✓

↓ #. Page 1344, line 1: delete lines 1 to 2.

↓ #. Page 1409, line 19: after that line insert: ✓

Note

¶ The joint finance committee substitute amendment
~~was~~ contains a provision requesting the legislative council
to conduct a study on the impacts of groundwater usage.

This draft does not delete that provision. Please let me
know if you wish to have that provision deleted.

Ret

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1638/1dn
RCT:wlj:jf

June 25, 2001

The joint finance committee substitute amendment contains a provision requesting the legislative council to conduct a study on the impact of groundwater usage. This draft does not delete that provision. Please let me know if you wish to have that provision deleted.

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

61638

Tradewell, Becky

From: Hanaman, Cathlene
Sent: Tuesday, June 26, 2001 11:55 AM
To: Tradewell, Becky
Subject: FW: ARC Environment Package Amendment

Importance: High

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

From: Tessmer, Paul
Sent: Tuesday, June 26, 2001 11:10 AM
To: Ammerman, Fred; Hanaman, Cathlene
Cc: Smith, Heather; Raschka, Adam
Subject: ARC Environment Package Amendment
Importance: High

Please make the following correction to the Environment Package (#94). The language below which is underlined and in bold needs to be added to the High Capacity Wells provision. I do not believe I have received a draft on this proposal as of yet.

Thanks

E. High capacity wells

Agency affected: DNR

Move to require that the DNR permit only high capacity wells that will not have a significant impact on waters of the state as in 2000 Assembly Bill 311 with the intent to grandfather all wells in existence upon enactment of this legislation and which need to be maintained or replaced at their existing capacity **and all wells that are to be used for agricultural purposes**. In addition, require a joint legislative council study on the overall issue of high capacity wells in Wisconsin.

Fiscal impact: DNR estimates that these provisions will have an annualized impact of \$303,200 if they had to screen 200 permit applications a year.

Location/Status: Assembly Bill 311, with addition of Legislative Council study (Johnsrud)

Adam Raschka
Assembly Republican Caucus
adam.raschka@legis.state.wi.us

Direct Line: 608-267-0892

Toll-Free: 888-394-1452

Fax: 608-264-6999

61638



State of Wisconsin
2001 - 2002 LEGISLATURE

SOAV

LRBb1638/2

RCT:wlfj

rnr

Please fix request sheet.

ARC:.....Tessmer - AM94, High capacity wells

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

Obste

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

2 1. Page 1043, line 13: delete the material beginning with that line and ending

3 with page 1045, line 14, and substitute:

4 "SECTION 3160**tb**. 281.17 (1) of the statutes is amended to read:

5 281.17 (1) No wells ~~shall~~ may be constructed, installed, or operated to

6 withdraw water from underground sources for any purpose where the capacity and

7 rate of withdrawal of all wells on one property is in excess of 100,000 gallons a day

8 without first obtaining the approval of the department. If s. 281.35 applies to the

9 proposed construction, the application shall comply with s. 281.35 (5) (a). If the

10 department finds that the proposed withdrawal will adversely affect or reduce the

*the proposed withdrawal
is for a purpose other than an agricultural
purpose and*

1 availability of water to any public utility in furnishing water to or for the public or ~~and~~
 2 does not meet the grounds for approval specified under s. 281.35 (5) (d), if applicable,
 3 it shall either withhold its approval or grant a limited approval under which it
 4 imposes such conditions as to location, depth, pumping capacity, rate of flow, and
 5 ultimate use so that the water supply of any public utility engaged in furnishing
 6 water to or for the public will not be impaired, and the withdrawal will conform to
 7 the requirements of s. 281.35, if applicable. If the department finds that the proposed
 8 withdrawal will adversely affect waters of the state, it may withhold its approval or
 9 grant a limited approval under which it imposes conditions that will protect the
 10 waters of the state. The department shall require each person issued an approval
 11 under this subsection to report that person's volume and rate of withdrawal, as
 12 defined under s. 281.35 (1) (m), and that person's volume and rate of water loss, as
 13 defined under s. 281.35 (1) (L), if any, in the form and at the times specified by the
 14 department. The department may issue general or special orders it considers
 15 necessary to ensure prompt and effective administration of this subsection.”.

16 **2.** Page 1341, line 9: after that line insert:

17 “(1k) HIGH-CAPACITY WELL STUDY. The joint legislative council shall study the
 18 issues raised by high-capacity wells in this state.”.

19 **3.** Page 1344, line 1: delete lines 1 to 7.

20 **4.** Page 1400, line 19: after that line insert:

21 “(2k) HIGH-CAPACITY WELL REGULATION. The treatment of section 281.17 (1) of
 22 the statutes first applies to wells the initial construction or expansion of which begins
 23 on the effective date of this subsection.”.

24 (END)

DWote

Note:

This redraft corrects a technical error and adds ^{an} exemption for wells to be used for agricultural purposes

Please note that this draft ~~is to~~ ^{replaces} the Joint Committee on Finance changes to the high-capacity well statute with changes based on AB 3110

RET

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1638/2dn
RCT:wlj:rs

June 26, 2001

This redraft corrects a technical error and adds an exemption for wells to be used for agricultural purposes. Please note that this draft replaces the Joint Committee on Finance changes to the high-capacity well statute with changes based on AB-311.

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



ARC:.....Tessmer – AM94, High-capacity wells

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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3 with page 1045, line 2, and substitute:

4 “**SECTION 3160tb.** 281.17 (1) of the statutes is amended to read:

5 281.17 (1) No wells ~~shall~~ may be constructed, installed, or operated to
6 withdraw water from underground sources for any purpose where the capacity and
7 rate of withdrawal of all wells on one property is in excess of 100,000 gallons a day
8 without first obtaining the approval of the department. If s. 281.35 applies to the
9 proposed construction, the application shall comply with s. 281.35 (5) (a). If the
10 department finds that the proposed withdrawal will adversely affect or reduce the

1 availability of water to any public utility in furnishing water to or for the public or
2 does not meet the grounds for approval specified under s. 281.35 (5) (d), if applicable,
3 it shall either withhold its approval or grant a limited approval under which it
4 imposes such conditions as to location, depth, pumping capacity, rate of flow, and
5 ultimate use so that the water supply of any public utility engaged in furnishing
6 water to or for the public will not be impaired, and the withdrawal will conform to
7 the requirements of s. 281.35, if applicable. If the proposed withdrawal is for a
8 purpose other than an agricultural purpose, and the department finds that the
9 proposed withdrawal will adversely affect waters of the state, it may withhold its
10 approval or grant a limited approval under which it imposes conditions that will
11 protect the waters of the state. The department shall require each person issued an
12 approval under this subsection to report that person's volume and rate of
13 withdrawal, as defined under s. 281.35 (1) (m), and that person's volume and rate of
14 water loss, as defined under s. 281.35 (1) (L), if any, in the form and at the times
15 specified by the department. The department may issue general or special orders it
16 considers necessary to ensure prompt and effective administration of this
17 subsection.”.

18 **2.** Page 1341, line 9: after that line insert:

19 “(1k) HIGH-CAPACITY WELL STUDY. The joint legislative council shall study the
20 issues raised by high-capacity wells in this state.”.

21 **3.** Page 1344, line 1: delete lines 1 to 7.

22 **4.** Page 1400, line 19: after that line insert:

