



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0989/2  
RCT:jld:ch (M)

SOON (in 8/28)

2003 BILL

Note

regenerate  
↓

1 AN ACT *to repeal* 59.70 (6) (a) 2. and 3., 59.70 (6) (e), 167.27 (4), 281.01 (20),  
2 281.13 (1) (b), 281.17 (8), subchapter VI (title) of chapter 281 [precedes s.  
3 281.75], 281.75 (1) (c) and 289.01 (44); *to renumber* 281.13 (3), 281.75 (title)  
4 and (1) (intro.), (a) and (b), 281.75 (1) (d) to (g), 281.75 (2) and (3), 281.75 (4),  
5 281.75 (4m) to (11), 281.75 (12) (intro.) and (a) and 281.75 (13) to (17); *to*  
6 *renumber and amend* 281.13 (1) (a), 281.17 (9), 281.53, 281.75 (1) (h), 281.75  
7 (12) (b), 281.75 (18), 281.75 (19), 281.77 and 281.99; *to consolidate, renumber*  
8 *and amend* 59.70 (6) (a) (intro.) and 1.; *to amend* 20.370 (4) (bL), 20.370 (6)  
9 (cr), 20.370 (7) (cd), 20.865 (2) (em), 20.866 (2) (tb), 25.46 (5e), 59.07 (1), 59.64  
10 (1) (a), 59.70 (1), 59.70 (6) (title), 60.44 (1) (a), 60.44 (3), 62.25 (1), 66.0803 (1)  
11 (a), 88.145, 97.34 (2) (b), 97.34 (2) (d), 101.143 (1) (c), 118.26, 119.68 (2), 145.06  
12 (4) (b), 145.10 (1) (intro.) and (a) to (b), 160.09 (1) (intro.), 160.257 (1) (e), 160.257  
13 (2), 167.27 (title), (2) and (3), 167.27 (5), 167.27 (6), 198.12 (2), chapter 281  
14 (title), 281.01 (8), 281.01 (15), 281.01 (16), 281.12 (3), 281.17 (3), 281.19 (2) (a),

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1           281.35 (1) (a) and (b) 2., 281.35 (4) (a) 3. and (b) (intro.), 281.41 (1) (c), 281.45,  
2           281.97, 281.98 (1), 281.98 (2), 285.01 (40), 289.01 (33), 292.65 (1) (g), 295.11 (10),  
3           299.07 (1) (a) 1., 299.07 (1) (a) 2., 299.08 (1) (a) 1., 299.08 (1) (a) 2., 299.11 (1)  
4           (d) 4. and 6., 443.14 (12m), 470.025 (9) and 893.80 (8); **to repeal and recreate**  
5           59.70 (6) (b), 59.70 (6) (c), 62.69 (2) (k), chapter 280 and 281.13 (title); and **to**  
6           **create** 15.347 (3), 20.370 (4) (ai), 66.0437 and 167.27 (9) of the statutes;  
7           **relating to:** the regulation of drill holes, water quality, and water systems,  
8           related licensing and certification, creating the Council on Well Drilling and  
9           Pump Installing, granting rule-making authority, making appropriations, and  
10          providing penalties.

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***Analysis by the Legislative Reference Bureau***

This bill restructures and makes numerous changes in the laws relating to water systems, drinking water, withdrawal of groundwater, and wells and other similar excavations (drill holes).

Under current law, the Department of Natural Resources (DNR) is required to promulgate rules for obtaining pure drinking water for human consumption and DNR has control over all methods of obtaining groundwater for human consumption, including the construction and reconstruction of wells used to provide drinking water. Under current law, DNR also has general supervision and control over the waters of the state and may promulgate rules to prevent the pollution of the waters of the state. Under the bill, DNR has control over ensuring the sanitary provision of water for all purposes and over all wells and other drill holes, water systems, and methods of withdrawing groundwater. The bill authorizes DNR to promulgate rules concerning the location of potential contamination sources relative to existing or proposed wells.

The bill prohibits the discharge into wells, other drill holes, sinkholes, and mine shafts of substances that may decrease the quality of groundwater, except as authorized by DNR by rule. The bill generally prohibits the use of pipe or solder that is not lead free in water systems. The bill prohibits a person from introducing or threatening to introduce a contaminant into a water system with the intention of harming another. The bill prohibits the use of chemicals, paints, or conditioning or treatment processes in community water systems without the approval of DNR.

Under current law, DNR registers individuals and businesses who engage in the business of drilling wells to obtain water for human consumption and who engage in the business of installing pumps to withdraw water from wells.

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Under the bill, DNR issues licenses for individuals who engage in the following activities: well drilling (of wells to obtain groundwater for human consumption), well point driving, drilling of environmental (monitoring) wells, pump installation, and constructing specified types of drill holes (other than wells to obtain groundwater for human consumption), and inspection of water systems. Generally, an individual may not engage in one of those activities unless he or she is licensed or is supervised by another individual who is licensed. The bill prohibits a person from filling or sealing a well or other drill hole unless the person is licensed to install a pump in that kind of well or other drill hole or has a license for constructing that kind of well or other drill hole. The bill requires drilling rig operators and pump installer helpers to register with DNR. The bill creates the Council on Well Drilling and Pump Installing and requires DNR to consult with the council on matters including rule making.

Under current law, the Department of Justice (DOJ) generally takes the actions needed to enforce environmental protection laws. This bill authorizes a district attorney to enforce the laws related to water systems and drinking water. Under the bill, if DNR determines that a person has violated one of these laws, it may refer the matter to DOJ for enforcement, as under current law, or to a district attorney.

The bill also requires a local governmental unit that is served by a community water system to require the abandonment of any well that is located on property adjacent to a water main if the well is unused, is unsafe because of bacteria in the water, or does not comply with statutes and rules concerning wells.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1           **SECTION 1.** 15.347 (3) of the statutes is created to read:
- 2           15.347 (3) COUNCIL ON WELL DRILLING AND PUMP INSTALLING. (a) There is created
- 3 in the department of natural resources a council on well drilling and pump installing.
- 4 The council consists of the following members, who shall serve 3–year terms:
- 5           1. Three active, licensed, water well drillers who are members of a statewide
- 6 association of licensed well drillers, pump installers, and other drill hole contractors,
- 7 appointed by the board of directors of the association.

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1           2. Two active, licensed, water well drillers who are not members of a statewide  
2 association of licensed well drillers, pump installers, and other drill hole contractors,  
3 appointed by the secretary of natural resources.

4           3. Two active, licensed, pump installers who are members of a statewide  
5 association of licensed well drillers, pump installers, and other drill hole contractors,  
6 appointed by the board of directors of the association.

7           4. Two active, licensed, pump installers who are not members of a statewide  
8 association of licensed well drillers, pump installers, and other drill hole contractors,  
9 appointed by the secretary of natural resources.

10          5. One monitoring well contractor appointed by a national association of  
11 drilling contractors.

12          6. One employee of the geological and natural history survey, appointed by the  
13 state geologist.

14          7. Two members of a statewide association of suppliers of pumps and products  
15 used in the construction of wells, appointed by the president of the association.

16          8. One employee of the department of natural resources, appointed by the  
17 secretary of natural resources.

18           (b) No member of the council on well drilling and pump installing may serve  
19 more than 2 consecutive terms, except that the member under par. (a) 6. may serve  
20 longer at the discretion of the state geologist.

21           (c) The council on well drilling and pump installing shall be cochaired by the  
22 member under par. (a) 8. and by another member of the council elected by the  
23 members of the council. The member under par. (a) 8. shall be a nonvoting member  
24 except that he or she may vote in case of a tie. The council shall meet 3 times each  
25 year and may meet at other times on the call of the cochairs.

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1           **SECTION 2.** 20.370 (4) (ai) of the statutes is created to read:

2           20.370 (4) (ai) *Water supply management — fees.* All moneys received as fees  
3 under ch. 280 for the purpose of administering the activities for which the fees are  
4 imposed.

5           **SECTION 3.** 20.370 (4) (bL) of the statutes is amended to read:

6           20.370 (4) (bL) *Wastewater management — fees.* From the general fund, all  
7 moneys received under s. 281.17 (3) for the certification of operators of water  
8 systems, wastewater treatment plants and septage servicing vehicles and under s.  
9 281.48 (4s) (a) and (b) for wastewater management activities.

10          **SECTION 4.** 20.370 (6) (cr) of the statutes is amended to read:

11          20.370 (6) (cr) *Environmental aids — compensation for well contamination.*  
12 As a continuing appropriation, from the environmental fund, the amounts in the  
13 schedule to pay compensation under s. ~~281.75~~ 280.52.

14          **SECTION 5.** 20.370 (7) (cd) of the statutes is amended to read:

15          20.370 (7) (cd) *Principal repayment and interest — municipal clean drinking*  
16 *water grants.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of  
17 principal and interest costs incurred in making municipal clean drinking water  
18 grants under s. ~~281.53~~ 280.54.

19          **SECTION 6.** 20.865 (2) (em) of the statutes is amended to read:

20          20.865 (2) (em) *Groundwater survey and analysis.* The amounts in the  
21 schedule for the survey and analysis of groundwater conditions and problems under  
22 ss. 16.968, 36.25 (6) and ~~280.13 and subch. II of ch. 281~~ 280.03.

23          **SECTION 7.** 20.866 (2) (tb) of the statutes is amended to read:

24          20.866 (2) (tb) *Natural resources; municipal clean drinking water grants.* From  
25 the capital improvement fund, a sum sufficient to the department of natural

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1 resources to provide funds for municipal clean drinking water grants under s. ~~281.53~~  
2 280.54. The state may contract public debt in an amount not to exceed \$9,800,000  
3 for this purpose.

4 **SECTION 8.** 25.46 (5e) of the statutes is amended to read:

5 25.46 (5e) All moneys received under s. ~~281.75~~ 280.52 (16) (d) for  
6 environmental management.

7 **SECTION 9.** 59.07 (1) of the statutes is amended to read:

8 59.07 (1) No action may be brought or maintained against a county upon a  
9 claim or upon a cause of action unless the claimant complies with s. 893.80. This  
10 subsection does not apply to actions commenced under s. 19.37, 19.97 or ~~281.99~~  
11 280.50.

12 **SECTION 10.** 59.64 (1) (a) of the statutes is amended to read:

13 59.64 (1) (a) *In general.* Every person, except jurors, witnesses and  
14 interpreters, and except physicians or other persons who are entitled to receive from  
15 the county fees for reporting to the register of deeds births or deaths, which have  
16 occurred under their care, having any claim against any county shall comply with  
17 s. 893.80. This paragraph does not apply to actions commenced under s. 19.37, 19.97  
18 or ~~281.99~~ 280.50.

19 **SECTION 11.** 59.70 (1) of the statutes is amended to read:

20 59.70 (1) BUILDING AND SANITARY CODES. The board may enact building and  
21 sanitary codes, make necessary rules and regulations in relation thereto and provide  
22 for enforcement of the codes, rules and regulations by forfeiture or otherwise. The  
23 codes, rules and regulations do not apply within municipalities which have enacted  
24 ordinances or codes concerning the same subject matter. "Sanitary code" does not

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1 include a private sewage system ordinance enacted under sub. (5). “Building and  
2 sanitary codes” does not include well-code ordinances enacted under sub. (6).

3 **SECTION 12.** 59.70 (6) (title) of the statutes is amended to read:

4 59.70 (6) (title) OPTIONAL PRIVATE WELL CODE AND PUMP INSTALLATION ORDINANCES.

5 **SECTION 13.** 59.70 (6) (a) (intro.) and 1. of the statutes are consolidated,  
6 renumbered 59.70 (6) (a) and amended to read:

7 59.70 (6) (a) ~~*Definitions*~~ *Definition.* In this subsection: ~~1. “Department”,~~  
8 “department” means the department of natural resources.

9 **SECTION 14.** 59.70 (6) (a) 2. and 3. of the statutes are repealed.

10 **SECTION 15.** 59.70 (6) (b) of the statutes is repealed and recreated to read:

11 59.70 (6) (b) *Contents.* 1. If authorized by the department under s. 280.30 (2),  
12 a county may enact and enforce an ordinance regulating any of the following:

13 a. The location of private wells.

14 b. The abandonment of private wells and other drill holes that are unused or  
15 unsafe because of the presence of bacteria or do not comply with ch. 280 or rules  
16 promulgated under that chapter.

17 c. The construction and reconstruction of private wells.

18 d. The installation of pumps in private wells.

19 e. The modification of existing pump installations in private wells.

20 f. The inspection of private water systems, as defined in s. 280.01 (10).

21 2. The county may require that a permit be obtained before a person engages  
22 in an activity regulated by the ordinance under subd. 1. The county may establish  
23 a schedule of fees for the issuance of permits required by the ordinance and for  
24 related inspections.

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1           3. The provisions of an ordinance enacted under this paragraph that regulate  
2 the abandonment of private wells and drill holes do not apply in any portion of a local  
3 governmental unit that is covered by an ordinance enacted under s. 66.0437.

4           **SECTION 16.** 59.70 (6) (c) of the statutes is repealed and recreated to read:

5           59.70 (6) (c) *Revocation.* If the department, under s. 280.30 (4), revokes all or  
6 part of the authority of a county to enforce an ordinance under par. (b), the county  
7 shall immediately cease all activities under the ordinance or part of the ordinance  
8 with respect to which authority is revoked and may not resume any of those activities  
9 unless notified by the department to do so at the conclusion of all administrative and  
10 judicial proceedings arising out of the revocation.

11           **SECTION 17.** 59.70 (6) (e) of the statutes is repealed.

12           **SECTION 18.** 60.44 (1) (a) of the statutes is amended to read:

13           60.44 (1) (a) Claims for money against a town or against officers, officials,  
14 agents or employees of the town arising out of acts done in their official capacity shall  
15 be filed with the town clerk as provided under s. 893.80 (1) (b). This paragraph does  
16 not apply to actions commenced under s. 19.37, 19.97 or ~~281.99~~ 280.50.

17           **SECTION 19.** 60.44 (3) of the statutes is amended to read:

18           60.44 (3) COURT ACTIONS TO RECOVER CLAIMS. Subsection (2), or an ordinance  
19 adopted under that subsection, does not affect the applicability of s. 893.80. No  
20 action may be brought or maintained against a town upon a claim unless the  
21 claimant complies with s. 893.80. This subsection does not apply to actions  
22 commenced under s. 19.37, 19.97 or ~~281.99~~ 280.50.

23           **SECTION 20.** 62.25 (1) of the statutes is amended to read:

24           62.25 (1) CLAIMS. No action may be brought or maintained against a city upon  
25 a claim or cause of action unless the claimant complies with s. 893.80. This



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1 subsection does not apply to actions commenced under s. 19.37, 19.97 or ~~281.99~~  
2 280.50.

3 **SECTION 21.** 62.69 (2) (k) of the statutes is repealed and recreated to read:

4 62.69 (2) (k) Rules, regulations, and ordinances concerning plumbing shall  
5 conform to ss. 59.70 (5) and 145.13.

6 **SECTION 22.** 66.0437 of the statutes is created to read:

7 **66.0437 Well abandonment ordinances.** (1) In this section, "local  
8 governmental unit" has the meaning given in s. 280.01 (7).

9 (2) (a) Each local governmental unit that is served by a community water  
10 system, as defined in s. 280.01 (1), shall enact and enforce an ordinance requiring the  
11 abandonment of any well or drill hole that is on property adjacent to a water main  
12 and that is unused or is unsafe because of the continued presence of bacteria or that  
13 does not comply with ch. 280 or rules promulgated under that chapter. The ordinance  
14 shall require abandonment to be done in accordance with rules promulgated under  
15 ch. 280. The ordinance may allow a well that is on property adjacent to a water main  
16 to remain in existence only if the well is used, is bacteriologically safe, and complies  
17 with ch. 280 and rules promulgated under that chapter. The local governmental unit  
18 may require the owner of a well to obtain a permit and may charge a permit fee that  
19 is ~~reasonable and~~ based on the local governmental unit's costs under this paragraph.  
20 The ordinance shall also require the elimination of cross-connections within the  
21 community water system and plumbing systems.

22 (am) Before enacting or modifying an ordinance under par. (a), a local  
23 governmental unit shall submit its proposed ordinance to the department of natural  
24 resources. The local governmental unit may not enact or modify the ordinance  
25 without the approval of the department of natural resources.

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1           (3) The local governmental unit shall notify any person who is in violation of  
2 an ordinance enacted under sub. (2) and order the person to correct the violation  
3 within 30 days. If the person fails to comply with the order, the local governmental  
4 unit may impose a forfeiture of not more than \$100 for each day of continued violation  
5 after the expiration of the 30 days. In addition, the local governmental unit may take  
6 any action necessary to correct the violation and charge the cost as a special  
7 assessment against the property on which the violation occurs. Except in a 1st class  
8 city, if the property owner, within 30 days after completion of the work required to  
9 correct the violation, files a written request with the clerk of the local governmental  
10 unit for installment payments, the local governmental unit shall assess the costs in  
11 5 equal annual installments with interest at a rate not to exceed 15% per year from  
12 the date of completion of the work. If the property owner does not file such a request,  
13 or if the property is located in a 1st class city, the property owner shall pay the entire  
14 amount due in the following year.

15           **SECTION 23.** 66.0803 (1) (a) of the statutes is amended to read:

16           66.0803 (1) (a) A town, village or city may construct, acquire or lease any plant  
17 and equipment located in or outside the municipality, including interest in or lease  
18 of land, for furnishing water, light, heat or power, to the municipality or its  
19 inhabitants; may acquire a controlling portion of the stock of any privately owned  
20 corporation owning ~~private waterworks~~ a public water system, as defined in s. 280.01  
21 (12), or a lighting plant and equipment; and may purchase the equity of redemption  
22 in a mortgaged or bonded ~~waterworks~~ public water system, as defined in s. 280.01  
23 (12), or lighting system, including cases where the municipality in the franchise has  
24 reserved right to purchase. The character or duration of the franchise, permit or  
25 grant under which any public utility is operated does not affect the power to acquire

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1 the public utility under this subsection. Two or more public utilities owned by the  
2 same person or corporation, or 2 or more public utilities subject to the same lien or  
3 charge, may be acquired as a single enterprise. The board or council may agree with  
4 the owner or owners of any public utility or utilities on the value of the utility or  
5 utilities and may contract to purchase or acquire at that value, upon those terms and  
6 conditions mutually agreed upon between the board or council and the owner or  
7 owners.

8 **SECTION 24.** 88.145 of the statutes is amended to read:

9 **88.145 Limitation of damages and suits.** In any action against a drainage  
10 district, drainage board, drainage board member, drainage board employee or an  
11 owner of land within the district who undertakes work approved by the drainage  
12 board, s. 893.80 is applicable and the limit on the amount recoverable by any person  
13 under s. 893.80 (3) applies to the drainage board, the members and employees of the  
14 drainage board, the drainage district and any owner of land within the district who  
15 undertakes work approved by the drainage board. This section does not apply to  
16 actions commenced under s. 19.37, 19.97 or ~~281.99~~ 280.50.

17 **SECTION 25.** 97.34 (2) (b) of the statutes is amended to read:

18 97.34 (2) (b) No person may manufacture or bottle bottled drinking water for  
19 sale or distribution in this state unless the bottled drinking water complies with  
20 state drinking water standards adopted by the department of natural resources  
21 under s. ~~280.11, 281.15 or 281.17~~ (8) 280.05 (1) (f) and with health-related  
22 groundwater enforcement standards adopted by the department of natural  
23 resources under ch. 160.

24 **SECTION 26.** 97.34 (2) (d) of the statutes is amended to read:

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1 97.34 (2) (d) No person may manufacture or bottle bottled drinking water for  
2 sale or distribution in this state unless the water system used by the manufacturer  
3 or bottler complies with ch. 280 and rules promulgated by the department of natural  
4 resources under that chapter. The department of natural resources shall notify the  
5 department of agriculture, trade and consumer protection of any noncompliance  
6 with this paragraph.

7 SECTION 27. 101.143 (1) (c) of the statutes is amended to read:

8 101.143 (1) (c) "Groundwater" has the meaning ~~designated under given in s.~~  
9 ~~281.75 (1) (e)~~ 160.01 (4).

10 SECTION 28. 118.26 of the statutes is amended to read:

11 **118.26 Claim against school district.** No action may be brought or  
12 maintained against a school district upon a claim or cause of action unless the  
13 claimant complies with s. 893.80. This section does not apply to actions commenced  
14 under s. 19.37, 19.97 or ~~281.99~~ 280.50.

15 SECTION 29. 119.68 (2) of the statutes is amended to read:

16 119.68 (2) No action may be brought or maintained against the school upon a  
17 claim or cause of action unless the claimant complies with s. 893.80. This subsection  
18 does not apply to actions commenced under s. 19.37, 19.97 or ~~281.99~~ 280.50.

19 SECTION 30. 145.06 (4) (b) of the statutes is amended to read:

20 145.06 (4) (b) Plumbing from the private water supply pump to and including  
21 the ~~initial~~ pressure tank or building control valve, water service piping from the  
22 pump to one or more buildings and connection to an existing water distribution  
23 system, when installed by persons licensed as pump installers under ~~ch. 280 s.~~  
24 280.24.

25 SECTION 31. 145.10 (1) (intro.) and (a) to (b) of the statutes are amended to read:

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1           145.10 (1) (intro.) The department may make investigations and conduct  
2 hearings and may, on its own or upon complaint in writing duly signed and verified  
3 by the complainant, and after providing not less than 10 days' notice to the licensee,  
4 suspend any master or journeyman plumber's license, cross-connection control  
5 tester's registration, utility contractor's license or temporary permit if it has reason  
6 to believe, and may revoke such license, registration or permit in the manner  
7 provided under this section if it finds, that the holder of such license, registration or  
8 permit has done any of the following:

9           (a) Made a material misstatement in the application for a license or  
10 registration or renewal thereof or for a temporary permit;

11           (am) Committed gross negligence or misconduct or is incompetent in the  
12 practice covered by the person's license, registration or permit;

13           (b) Failed to correct an installation for which he or she is responsible, at his or  
14 her own expense, within 30 days following notification by the department of a  
15 violation of any rule adopted under this chapter; or

16           **SECTION 32.** 160.09 (1) (intro.) of the statutes is amended to read:

17           160.09 (1) (intro.) Notwithstanding the authority of the department under ~~ss.~~  
18 ~~280.11, 281.15 and 281.17 (8)~~ s. 280.03 (1) to establish standards for pure a safe  
19 drinking water program, the department shall establish enforcement standards for  
20 substances of public welfare concern as follows:

21           **SECTION 33.** 160.257 (1) (e) of the statutes is amended to read:

22           160.257 (1) (e) "Treated drinking water" means potable water that has been  
23 treated so that it complies with the primary drinking water standards promulgated  
24 under ~~ss. 280.11 and 281.17 (8)~~ s. 280.05 (1) (f).

25           **SECTION 34.** 160.257 (2) of the statutes is amended to read:

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1           160.257 (2) Notwithstanding s. 160.19 (1) and (2), the department is not  
2 required to promulgate or amend rules that define design or management criteria  
3 for aquifer storage and recovery systems to minimize the amount of a specified  
4 substance in groundwater or to maintain compliance with the preventive action limit  
5 for a specified substance, however, the department shall promulgate rules that  
6 define design or management criteria for aquifer storage and recovery systems to  
7 maintain compliance with drinking water standards promulgated under ~~ss. 280.11~~  
8 ~~and 281.17 (8)~~ s. 280.05 (1) (f).

9           **SECTION 35.** 167.27 (title), (2) and (3) of the statutes are amended to read:

10           **167.27 (title) Capping and filling wells or similar certain structures.**

11           (2) The owner of any real estate shall securely protect any well, seepage pit,  
12 cistern, cesspool, septic tank, or other similar structures in active use with a cover  
13 of concrete, metal or wood covered with sheet metal, securely fastened and of  
14 sufficient weight so it cannot be removed by small children and so as to make it free  
15 from danger to persons going upon such real estate.

16           (3) Whenever any ~~shallow dug well~~, seepage pit, cistern, cesspool or septic tank  
17 is abandoned or its use discontinued, the owner of the real estate upon which it is  
18 located shall promptly fill ~~the same~~ it to grade.

19           **SECTION 36.** 167.27 (4) of the statutes is repealed.

20           **SECTION 37.** 167.27 (5) of the statutes is amended to read:

21           167.27 (5) Whenever any mine shaft, or exploration shaft ~~or test well~~ is  
22 abandoned or its use discontinued, the operator or contractor shall promptly fill  
23 ~~same~~ it to grade or enclose ~~the same~~ it with a fence of strong woven wire not less than  
24 46 inches wide with one barbwire above or cap ~~same~~ it with a reinforced concrete slab  
25 at least 6 inches thick or with a native boulder at least 3 times the diameter of the

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1 top of the shaft ~~or test well bore~~. The strands of the woven wire shall not be smaller  
2 than No. 12 wire and the cross wires and meshes shall not be smaller than No. 16  
3 wire; the strands shall not be more than 12 inches apart, and the meshes shall not  
4 exceed 8 inches square. All wires must be tightly stretched and securely fastened to  
5 sufficient posts firmly set not more than 8 feet apart. ~~In case~~ If any person shall  
6 neglect fails to repair or rebuild ~~such a~~ a fence which the person is so required to build  
7 and maintain under this subsection, any person may complain to the department of  
8 commerce or to the local governing body, which shall give notice in writing to the  
9 person who is required to build and maintain ~~such the~~ the fence. The department of  
10 commerce or the local governing body shall then proceed to examine the fence, and  
11 if it ~~shall determine~~ determines that ~~such the~~ the fence is insufficient, it shall notify the  
12 person responsible for its erection and maintenance and direct the person to repair  
13 or rebuild the fence within ~~such the~~ the time ~~as it shall deem that the department of~~  
14 commerce or the local governing body determines to be reasonable. Any person  
15 refusing to comply with ~~such an order shall be issued under this subsection is~~  
16 subject to the penalties provided in sub. (7).

17 **SECTION 38.** 167.27 (6) of the statutes is amended to read:

18 167.27 (6) ~~Existing~~ An existing abandoned mine shafts, shaft or exploration  
19 ~~shafts or test wells~~ shaft shall be securely protected by the owner of the real estate  
20 upon which it is located.

21 **SECTION 39.** 167.27 (9) of the statutes is created to read:

22 167.27 (9) The use and abandonment of wells is governed by ch. 280.

23 **SECTION 40.** 198.12 (2) of the statutes is amended to read:

24 198.12 (2) SERVICE OF PROCESS ON, PERSONAL INJURY CLAIMS, VENUE. The district  
25 shall sue or be sued in its corporate name and service of process upon the district

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1 shall be by service upon the chairperson of the board and the clerk of the district, but  
2 no action shall be brought or maintained against a district upon a claim or cause of  
3 action unless the claimant complies with s. 893.80. Compliance with s. 893.80 is not  
4 required under this subsection in actions commenced under s. 19.37, 19.97 or ~~281.99~~  
5 280.50. All actions by or against the district, except condemnation proceedings and  
6 actions to which the state or any officer or commission thereof is a party, shall be  
7 brought in the circuit court for the county in which its principal administrative office  
8 is located.

9 **SECTION 41.** Chapter 280 of the statutes is repealed and recreated to read:

**CHAPTER 280****WELLS, DRILL HOLES,  
AND WATER SYSTEMS****SUBCHAPTER I****GENERAL PROVISIONS**

15 **280.01 Definitions.** In this chapter:

16 (1) “Community water system” means a public water system that has at least  
17 15 service connections used by year-round residents or that regularly serves at least  
18 25 year-round residents. “Community water system” does not include piping and  
19 fixtures inside a building served by the water system, service pipes from a  
20 distribution main to a building, or private distribution mains located entirely on  
21 private property.

22 (2) “Contaminant” means any physical, chemical, biological, or radiological  
23 substance or matter in water.

24 (2m) “Council” means the council on well drilling and pump installing.

25 (3) “Department” means the department of natural resources.



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1           **(3m)** “Dewatering well” means a well that is used only to lower groundwater  
2 levels to permit construction or to permit the use of an area that is below the surface  
3 of the ground.

4           **(4)** “Drill hole” means an excavation, opening, or driven point deeper than it  
5 is wide and extending at least 10 feet below the ground surface.

6           **(5)** “Drilling rig” means the equipment used to construct a drill hole.

7           **(5g)** “Environmental well” means a drill hole constructed to obtain information  
8 about the physical, chemical, hydrological, or biological characteristics of  
9 groundwater.

10          **(5r)** “Geothermal well” means a drill hole constructed to obtain geothermal  
11 energy from beneath the surface of the earth.

12          **(6)** “Groundwater” has the meaning given in s. 160.01 (4).

13          **(6m)** “Hydrofracturing” means hydraulic fracturing of an aquifer by injecting  
14 into a well a fluid that is under at least 500 pounds per square inch of pressure and  
15 may include injecting sand or a similar material to hold the crevices open when the  
16 pressure is removed.

17          **(7)** “Local governmental unit” means a city, village, town, county, utility district  
18 under s. 66.0827, municipal water district, town sanitary district as defined in s.  
19 60.70 (9), or any other local public entity if that local public entity operates a water  
20 system.

21          **(8)** “Modification” means an improvement, extension, or alteration.

22          **(8r)** “Nontransient noncommunity water system” means a public water system  
23 that is not a community water system but that regularly serves at least 25 of the  
24 same individuals for at least 6 months per year.

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1           (9) “Person” means an individual, corporation, limited liability company,  
2           association, cooperative, trust, institution, partnership, state, including this state,  
3           public utility, local governmental unit, or federal, state, or interstate agency.

4           (10) “Private water system” means any water system that is not a public water  
5           system.

6           (11) “Public utility” has the meaning given in s. 196.01 (5).

7           (12) “Public water system” means a water system providing water for human  
8           consumption if the water system has at least 15 service connections or regularly  
9           serves an average of at least 25 individuals per day for at least 60 days each year.

10          “Public water system” includes all of the following:

11           (a) Collection, treatment, storage, and distribution facilities that are under the  
12           control of the owner or operator of the water system and are used primarily in  
13           connection with the water system.

14           (b) Collection or pretreatment storage facilities that are not under the control  
15           of the owner or operator of the water system but are used primarily in connection  
16           with the water system.

17           (13) “Pump installing” means installing, replacing, or reinstalling equipment  
18           or material needed to withdraw water from a well, including making an entrance to  
19           a well, establishing seals and other safeguards to prevent contamination, installing  
20           a pressure tank, connecting a pump to a pressure tank or reservoir, installing a water  
21           treatment device in a well or between a well and a building control valve or a pressure  
22           tank, installing water service piping from a well to a building, and installing controls  
23           needed to operate a pump.

24           (13u) “Waters of the state” has the meaning given in s. 281.01 (18).

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1           (14) “Water system” means all structures, conduits and appurtenances by  
2 means of which water is delivered to consumers except piping and fixtures inside  
3 buildings served, and service pipes from building to street main.

4           (15) “Well” means a drill hole constructed by drilling, digging, boring, driving,  
5 or other method for the purpose of withdrawing, monitoring, or gaining access to  
6 groundwater.

7           (16) “Well drilling” means constructing or reconstructing a well, by any means  
8 such as digging, boring, drilling, or jetting, except well point driving, and includes  
9 hydrofracturing and the installation of well casings.

10          (17) “Well point driving” means joining a drive point, with a diameter of not  
11 more than 3 inches, with lengths of pipe and driving or jetting the assembly into the  
12 ground more than 10 feet below the ground surface with either motor or manually  
13 driven percussion equipment.

14          **280.03 Powers of the department.** The department has general supervision  
15 and control over all drill holes, water systems, methods of withdrawing groundwater,  
16 and methods of providing and ensuring the sanitary provision of water for all  
17 purposes. In connection with this authority, the department may do any act  
18 necessary to safeguard the public health and to protect the groundwater and surface  
19 water, including any of the following:

20           (1) Establish and administer a safe drinking water program that is no less  
21 stringent than the requirements of the federal Safe Drinking Water Act, 42 USC 300f  
22 to 300j-26.

23           (3) Cooperate with the division of emergency management under s. 166.03 in  
24 preparing plans or providing safe drinking water under emergency conditions.

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1           (4) Enter into agreements, contracts, or cooperative arrangements with other  
2 persons to administer this chapter, except for enforcement of provisions related to s.  
3 280.24.

4           (5) Conduct investigations, experiments, research, and training related to the  
5 administration of this chapter.

6           (6) Upon request and without charge to the requester, consult with and advise  
7 any person who has installed or may install a water system about water sources,  
8 protective measures, construction and operation of the water system, and the  
9 current and future needs of all persons who may be affected by the installation.

10          (7) Maintain laboratory facilities or contract for the provision of laboratory  
11 services to test for contaminants.

12          (8) Require the owner or operator of a public water system, in accordance with  
13 department rules governing frequency, form, and content, to provide public notice if  
14 the public water system fails to comply with any drinking water standard or other  
15 rule promulgated by the department or is the subject of a health advisory issued by  
16 the department.

17          (9) Prepare and have printed any documents related to drill holes and drinking  
18 water that are necessary for the safety and health of the public and persons engaged  
19 in constructing drill holes, and furnish copies of the documents to the public upon  
20 request.

21          (10) Take any other action determined to be reasonably necessary to safeguard  
22 public health, safety, or welfare.

23          **280.04 Duty of the department.** The department shall employ competent  
24 personnel to administer this chapter. The department may not authorize an  
25 employee of the department to conduct site evaluations or inspections or to grant

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1 variances with respect to a license category under s. 280.24 (1) unless the employee  
2 has passed the examination under s. 280.24 (4) for that license category and complies  
3 with the continuing education requirement under s. 280.24 (12) (b).

4 **280.05 Rule-making authority.** (1) AUTHORIZATION. In addition to other rule  
5 making authorized under this chapter and under s. 227.11 (2), the department may  
6 promulgate rules relating to all of the following:

7 (a) The design, construction, modification, operation, and maintenance of  
8 water systems.

9 (b) The construction and reconstruction of wells and other drill holes.

10 (c) Well construction requirements for areas of this state with special water  
11 protection problems.

12 (d) The location of wells and other drill holes in relation to existing or proposed  
13 potential sources of contamination and the location of potential contamination  
14 sources in relation to existing or proposed wells and other drill holes.

15 (f) Drinking water standards for public water systems including maximum  
16 contaminant level goals, primary and secondary maximum contaminant levels, and  
17 monitoring requirements and including procedures and standards for granting  
18 variances from or exceptions to the drinking water standards in accordance with 42  
19 USC 300g-4 and 300g-5.

20 (g) Water treatment techniques and action levels used to determine treatment  
21 requirements for specified contaminants.

22 (h) Record-keeping and reporting requirements for persons regulated under  
23 this chapter.

24 (i) Water sampling and monitoring requirements, including methods,  
25 frequency, handling of samples, types of analyses, and format of reports.

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1           (j) The establishment of application, licensing, certification, registration, or  
2 examination fees to cover the cost of administering activities under this chapter. All  
3 moneys received under rules promulgated under this paragraph shall be credited to  
4 the appropriation account under s. 20.370 (4) (ai).

5           (k) Standards to ensure that any well or other drill hole does not act as a conduit  
6 for groundwater contamination.

7           **(2) REQUIREMENT.** After consulting with the council, the department shall  
8 promulgate, by rule, requirements for filling and sealing wells and other drill holes  
9 that are unused or contaminated, that do not comply with the requirements of this  
10 chapter and rules promulgated under this chapter, or that are a threat to safety or  
11 groundwater quality. The department shall promulgate requirements that ensure  
12 that the entire constructed diameter of the well or other drill hole is sealed in a way  
13 that prevents the well or other drill hole from serving as a conduit for contamination  
14 to reach the groundwater.

15           **280.06 Council on wells and drill holes.** The council shall do all of the  
16 following:

17           **(1)** Advise the department concerning the approval of products to be used in  
18 the construction, repair, and abandonment of wells and other drill holes.

19           **(2)** Advise the department concerning the interpretation and administration  
20 of this chapter.

21           **280.07 Underground discharge.** **(1)** Notwithstanding s. 280.01 (4), in this  
22 section, “drill hole” means any excavation or opening into the ground that is deeper  
23 than it is wide without regard to the depth of the excavation or opening.

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1           (2) Except as authorized under sub. (3), no person may discharge any  
2 substance, as defined in s. 160.01 (8), into any well, other drill hole, open sinkhole,  
3 or mine shaft.

4           (3) The department may promulgate rules authorizing the underground  
5 discharge of a substance, as defined in s. 160.01 (8). The rules may authorize the  
6 underground discharge of a substance only if the department determines that the  
7 discharge will not adversely affect public health, safety, or welfare or the waters of  
8 the state. Any authorized underground discharge shall comply with chs. 160 and 281  
9 to 299.

## SUBCHAPTER II

## REGULATION OF WATER WITHDRAWALS

## AND WATER SYSTEMS

10           **280.10 Water systems; approval required.** (1) SUBMISSION OF APPLICATION;  
11 EXEMPTIONS. (a) Any person who intends to construct, install, modify, or operate a  
12 community water system or any other water system identified by the department by  
13 rule as requiring approval shall, before beginning the proposed construction,  
14 installation, modification, or operation, apply to the department for approval. An  
15 applicant shall include in the application plans and specifications in the scope and  
16 detail required by the department and any other information concerning  
17 maintenance and operation that the department requires. An applicant shall comply  
18 with s. 281.35 (4), if applicable. A person may not begin construction without the  
19 approval of the department. A person may not make changes in approved  
20 construction or materials without submitting a written request for approval of the  
21 changes, including a statement of the reasons for the changes, and obtaining the  
22 written approval of the department.  
23  
24  
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1           (b) The department may promulgate rules creating exemptions from the  
2 requirements of par. (a), except that the department may not exempt any person from  
3 the requirements of s. 281.35.

4           (2) DEPARTMENT PROCEDURE. (a) Upon receipt of a complete application under  
5 sub. (1) (a), the department shall notify the applicant of the date of receipt, except  
6 that the department may by rule exempt specified types of applications from this  
7 requirement. If the department receives an incomplete application, it shall notify  
8 the applicant of the information needed to complete the application and may return  
9 the application to the applicant for completion.

10           (b) Within 90 days after the date of receipt of a complete application, the  
11 department shall examine the application and notify the applicant in writing  
12 whether the application is approved, conditionally approved, or denied. The notice  
13 shall state any conditions of approval or the reason for denial.

14           (c) The period specified in par. (b) does not apply if any of the following  
15 conditions is met:

16           1. The department is unable to comply with s. 1.11 within 90 days.

17           2. The department is unable to complete its review of the application within 90  
18 days because of circumstances beyond its control.

19           3. The proposed construction or modification will cost \$350,000 or more.

20           (d) The department's failure to comply with par. (b) constitutes approval of the  
21 application, unless par. (c) applies. If an application is approved under this  
22 paragraph, the department, upon request, shall issue a written approval to the  
23 applicant.

24           (e) If s. 281.35 applies to the application, s. 281.35 (5) and (6) supersede any  
25 inconsistent provision of this subsection.



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1           (3) **REPORTING REQUIRED.** The department may require a person issued an  
2 approval under this section to report the volume and rate of withdrawal, as defined  
3 in s. 281.35 (1) (m), and volume and rate of water loss, as defined in s. 281.35 (1) (L),  
4 of the water system, if any, in the form and at the times specified by the department.

5           (4) **PROHIBITION.** No well driller, pump installer, or other person may construct,  
6 modify, or begin operation of a water system requiring approval under this section  
7 unless the water system is constructed or modified in accordance with the  
8 requirements of the department's approval and any conditions on that approval.

9           **280.15 Report on aquifer recovery system.** (1) In this section:

10           (a) "Aquifer storage and recovery system" has the meaning given in s. 160.257  
11 (1).

12           (b) "Municipal water system" has the meaning given in s. 160.257 (1) (c).

13           (2) The operator of a municipal water system that uses an aquifer storage and  
14 recovery system shall submit a report to the department, no later than the first day  
15 of the 60th month after beginning to operate the aquifer storage and recovery system,  
16 describing the experience that the operator has had with using the aquifer storage  
17 and recovery system.

18           **280.16 Prohibited practices.** (1) No person may use any chemical, paint,  
19 coating, or other material that may come into contact with water in the construction,  
20 reconstruction, operation, or abandonment of a community water system or in any  
21 conditioning, treatment, or rehabilitation process in a community water system  
22 unless the material and method of use have been approved by the department. The  
23 department may provide that approval by rule.

24           (3) No person may introduce any fertilizer, pesticide, or other substance into  
25 a water system except under conditions specified by the department by rule.

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1 (4) No person may install a device to treat water in a water system intended  
2 to provide water for human consumption without approval by the department,  
3 except as authorized by the department by rule.

4 (5) (a) No person may use any pipe, solder, or flux in the installation or repair  
5 of any water system unless the pipe, solder, or flux is lead free, as defined in 42 USC  
6 300g-6 (d).

7 (b) Paragraph (a) does not apply to leaded joints necessary for the repair of  
8 cast-iron pipes.

9 (6) No person may introduce, attempt to introduce, or threaten to introduce a  
10 contaminant into a public water system or private water system or otherwise  
11 interfere with the operation of a public water system or private water system with  
12 the intention of harming another.

13 **280.18 Prohibition on use of certain devices in wells.** (1) In this section,  
14 “pitless adapter” means a device that attaches a well casing pipe to an underground  
15 pipe that conveys water from a well.

16 (2) No person may install a pitless adapter that extends into the inside of a well  
17 casing pipe unless the sand screen is permanently attached to the bottom of a well  
18 casing pipe that is constructed of polyvinyl chloride. Only a licensed pump installer  
19 or a registered pump installer helper working under the supervision of a licensed  
20 pump installer may install a pitless adapter.

21 SUBCHAPTER III

22 CERTIFICATION, REGISTRATION, AND

23 LICENSING; SUPERVISION

24 **280.20 Certification of water system operators.** (1) EMPLOYMENT OF  
25 CERTIFIED OPERATOR REQUIRED. The owner of any community water system or

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1 nontransient noncommunity water system shall be, or shall employ, a certified  
2 operator who shall have direct responsibility for the operation of the water system.

3 (2) EXAMINATION. The department shall by rule provide for an examination to  
4 determine competence to operate a community water system or nontransient  
5 noncommunity water system and shall certify applicants based on the results of the  
6 examination. The department shall include in the examination questions designed  
7 to determine an applicant's knowledge of the statutes and rules applicable to  
8 community water systems or nontransient noncommunity water systems and the  
9 applicant's related experience. In the rule, the department may provide for different  
10 examinations for various categories of certified operators according to the skill,  
11 knowledge, and ability needed to operate various types of community water systems  
12 or nontransient noncommunity water systems.

13 (3) CONTINUING EDUCATION. The department may promulgate rules  
14 establishing continuing education requirements for certified operators. The  
15 department may, as provided under s. 280.28, refuse to renew the certification of an  
16 individual who fails to comply with any requirements under this subsection.

17 (4) FEE. The department may charge an applicant for certification a fee  
18 designed to cover the cost of administering this section. All moneys received under  
19 this subsection shall be credited to the appropriation account under s. 20.370 (4) (ai).

20 **280.24 Licensing and supervision; registration.** (1) TYPES AND CATEGORIES  
21 OF LICENSES AND REGISTRATION. (a) The department shall issue the following types of  
22 licenses:

- 23 1. Well driller.
- 24 2. Well point driver.
- 25 3. Pump installer.

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1           3m. Environmental well driller.

2           4. a. Restricted drill hole constructor–geothermal well constructor.

3           b. Restricted drill hole constructor–dewatering well constructor.

4           c. Restricted drill hole constructor–elevator shaft constructor.

5           5. Water system inspector.

6           (b) The department may, after consulting with the council, promulgate rules  
7 establishing additional categories of licenses under par. (a) 4. and may place  
8 conditions on licenses according to the skill, knowledge, and ability needed to  
9 perform the activities for which the licenses are issued.

10          (c) The department shall register drilling rig operators and pump installer  
11 helpers.

12          (2) LICENSING OR SUPERVISION REQUIRED; REGISTRATION REQUIRED. (a) 1. Except  
13 as provided under sub. (3), no individual may perform well drilling of a well  
14 constructed to obtain potable water or represent that he or she is able to perform well  
15 drilling of a well constructed to obtain potable water unless he or she holds a well  
16 driller license under this section or is registered as a drilling rig operator and is under  
17 the immediate supervision of an individual who holds a well driller license under this  
18 section.

19          2. To provide immediate supervision for well drilling of a well constructed to  
20 obtain potable water, an individual holding a well driller license shall direct and  
21 inspect the well drilling and shall be on the site of the well drilling for a reasonable  
22 period at least once during the well siting, the well drilling, or the finishing  
23 operations. When not on the site, the individual holding the well driller license shall  
24 be readily available for consultation with, and direction of the activities of, the

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1 individuals who do not hold a well driller license. Availability by telephone satisfies  
2 the requirement to be readily available.

3 (b) 1. Except as provided under sub. (3), beginning on January 1, 2006, no  
4 individual may perform well point driving or represent that he or she is able to  
5 perform well point driving unless he or she holds a well point driver license or a well  
6 driller license under this section or is under the immediate supervision of an  
7 individual who holds a well point driver license or a well driller license under this  
8 section.

9 2. To provide immediate supervision for well point driving, an individual  
10 holding a well driller or well point driver license shall be on the site during the well  
11 point driving.

12 (c) 1. Except as provided under sub. (3), no individual may perform pump  
13 installing or represent that he or she is able to perform pump installing unless he or  
14 she holds a pump installer license under this section or is registered with the  
15 department as a pump installer helper and is under the immediate supervision of an  
16 individual who holds a pump installer license under this section.

17 2. To provide immediate supervision for pump installing, an individual holding  
18 a pump installer license shall either be on the site of the pump installing or be readily  
19 available for consultation with, and direction of the activities of, the registered pump  
20 installer helper and any other individuals involved with the pump installing.  
21 Availability by telephone satisfies the requirement to be readily available.

22 (cm) 1. Except as provided under sub. (3), no person may perform well drilling  
23 of an environmental well or represent that he or she is able to perform well drilling  
24 of an environmental well unless he or she holds an environmental well driller license  
25 under this section or is registered as a drilling rig operator and is under the

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1 immediate supervision of an individual who holds an environmental well driller  
2 license under this section.

3 2. To provide immediate supervision for well drilling of an environmental well,  
4 an individual holding an environmental well driller license shall either be on the site  
5 during the well drilling or be readily available for consultation with, and direction  
6 of the activities of, the individuals who do not hold an environmental well driller  
7 license. Availability by telephone satisfies the requirement to be readily available.

8 (d) 1. Except as provided under sub. (3), beginning on January 1, 2006, no  
9 individual may construct a type of drill hole other than a well constructed to obtain  
10 potable water or an environmental well or represent that he or she is able to  
11 construct a type of drill hole other than a well constructed to obtain potable water  
12 or an environmental well unless he or she holds a restricted drill hole constructor  
13 license that authorizes construction of that type of drill hole or a well driller license  
14 under this section or is registered as a drilling rig operator and is under the  
15 immediate supervision of an individual who holds a restricted drill hole constructor  
16 license that authorizes construction of that type of drill hole or a well driller license  
17 under this section.

18 2. To provide immediate supervision for constructing a drill hole other than a  
19 well constructed to obtain potable water or an environmental well, an individual  
20 holding a restricted drill hole constructor license or well driller license shall be on the  
21 site of the drill hole construction at least once during the siting, drilling, or finishing  
22 of the drill hole. When not on the site, the individual holding the restricted drill hole  
23 constructor license or well driller license shall be readily available for consultation  
24 with, and direction of the activities of, the individuals who do not hold a restricted

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1 drill hole constructor license or well driller license. Availability by telephone  
2 satisfies the requirement to be readily available.

3 (e) 1. No individual, other than an individual holding a well driller license, may  
4 operate a drilling rig for the construction of a well constructed to obtain potable water  
5 unless he or she is registered with the department as a drilling rig operator and is  
6 under the immediate supervision, as provided in par. (a) 2., of an individual who  
7 holds a well driller license.

8 1m. No individual, other than an individual holding an environmental well  
9 driller license, may operate a drilling rig for the construction of an environmental  
10 well unless he or she is registered with the department as a drilling rig operator and  
11 is under the immediate supervision, as provided in par. (cm) 2., of an individual who  
12 holds an environmental well driller license.

13 2. No individual, other than an individual holding a restricted drill hole  
14 constructor license or a well driller license, may operate a drilling rig for the  
15 construction of a type of drill hole other than a well constructed to obtain potable  
16 water or an environmental well unless he or she is registered with the department  
17 as a drilling rig operator and is under the immediate supervision, as provided in par.  
18 (d) 2., of an individual who holds a restricted drill hole constructor license that  
19 authorizes construction of that type of drill hole or a well driller license.

20 (f) Except as provided under sub. (3), no individual, other than an individual  
21 holding a well driller license, may inspect a water system unless he or she holds a  
22 water system inspector license.

23 (3) EXCEPTIONS. (a) The department may, upon application, grant a temporary  
24 exemption from any requirement under this section for a specific period or for a

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1 specific job if the department finds that an emergency requires the work to be  
2 performed by an unlicensed individual or without the required supervision.

3 (b) An individual licensed as a well driller may install a pump solely for initial  
4 sampling of water quality and for test pumping and development of a well without  
5 obtaining a pump installer license.

6 (c) Subsection (2) (b) does not apply to an individual who constructs a  
7 driven–point well serving only a single–family residence on property owned and  
8 occupied by the individual and sub. (2) (c) does not apply if that individual installs  
9 a pump in the driven–point well. This paragraph does not exempt the individual  
10 from any other statute or rule governing the construction of a driven–point well or  
11 the installation of a pump.

12 (d) The department may, after consulting with the council, promulgate rules  
13 establishing exemptions to the requirements of sub. (2).

14 (4) EXAMINATION PROGRAM. The department shall, after consulting with the  
15 council, promulgate rules establishing an examination program to determine the  
16 competence of individuals applying for licenses under this section to perform and  
17 supervise the activities specified in sub. (2). The department shall ensure that  
18 examinations reasonably relate to the skills likely to be needed by an applicant to  
19 perform the activities specified in sub. (2) at the time of application. The department  
20 shall include, in the examination program, questions designed to determine an  
21 individual’s knowledge of the statutes and rules applicable to the license category  
22 and the individual’s related experience.

23 (5) APPLICATION. (a) An applicant for any license or registration under this  
24 section shall apply on a form provided by the department. An applicant shall submit  
25 the application fee specified under sub. (11) (a) with the application.



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1 (b) The department shall examine all license applicants and shall notify each  
2 applicant within 45 days after the examination whether he or she passed the  
3 examination. If an applicant who passes an examination and meets all other  
4 licensing requirements pays the applicable license fee established under sub. (11) (b)  
5 to the department within one year after the date of the notice under this paragraph,  
6 the department, except as provided in s. 280.28 (2), shall issue the license. If the  
7 license fee is not paid within one year, the applicant shall pay another application  
8 fee and retake the examination.

9 (c) Each license and registration issued under this section expires on January  
10 15 of the next even-numbered year.

11 (d) To ensure continuous licensure or registration, an individual holding a  
12 license or registration shall submit a complete application for a license renewal by  
13 December 15 of each odd-numbered year on a form provided by the department along  
14 with the fee established under sub. (11) (b). The department shall issue a renewal  
15 license without requiring the licensee to take an examination if the application is  
16 received no later than 2 years after the expiration of the last license issued to the  
17 individual and if the individual attended at least one continuing education program  
18 conducted or approved under sub. (12) (a) during the year before the application is  
19 received.

20 **(6) ADDITIONAL REQUIREMENTS.** (a) Except as provided in sub. (9), an applicant  
21 for drilling rig operator registration shall have at least 1,000 hours of experience in  
22 the construction of wells or other drill holes and have attended a continuing  
23 education program under sub. (12) in the year preceding the year of application.

24 (b) 1. Except as provided in subd. 2. or sub. (9), an applicant for a license under  
25 sub. (1) (a) 1., 2., 3m., or 4. a., b., or c. shall have at least 1,000 hours of experience

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1 in each of the 2 years preceding the year of application in the construction of the kinds  
2 of wells or drill holes authorized to be constructed by the license. The applicant shall  
3 have been registered as a drilling rig operator and have fulfilled the continuing  
4 education requirement in sub. (12) in each of those 2 years.

5 2. The experience requirement in subd. 1. does not apply to an applicant for an  
6 environmental well driller license who holds a well driller license.

7 (c) Except as provided in sub. (9), an applicant for a pump installer license shall  
8 have at least 1,000 hours of experience in the installing or servicing of pumps in each  
9 of the 2 years preceding the year of application. The applicant shall have been  
10 registered as a pump installer helper and have fulfilled the continuing education  
11 requirement in sub. (12) in each of those 2 years.

12 (9) RECIPROCITY. The department may issue the appropriate license without  
13 requiring compliance with sub. (6) to an applicant who holds a license for an activity  
14 under sub. (1) (a) that is issued by another state that, in the determination of the  
15 department, has laws and regulations governing that activity and licensing that are  
16 substantially equivalent to this chapter and rules promulgated under this chapter  
17 and provides comparable reciprocity to persons licensed in this state if all of the  
18 following apply:

19 (a) The applicant is in good standing in the other state.

20 (am) The other state issued the license to the applicant in accordance with its  
21 laws and regulations and not under reciprocity with a 3rd state.

22 (b) The applicant has not been convicted of engaging in the activity without a  
23 license in this state within the preceding 5 years.

24 (c) The applicant passes the examination.

25 (d) The applicant pays the application fee and the license fee.

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1           **(9m) REQUIREMENT OF OUT-OF-STATE LICENSEE.** The department may not issue  
2 a well driller, pump installer, or environmental well driller license to an individual  
3 who lives outside of this state unless the individual files with the department a bond  
4 furnished by a surety company licensed to do business in this state or a letter of credit  
5 in the amount of \$10,000. The department may use a bond or letter of credit under  
6 this subsection to compensate persons injured by a violation by the licensee of  
7 requirements under this chapter.

8           **(10) WITHHOLDING LICENSE OR REGISTRATION.** The department may, for one year  
9 after the date on which a license or registration would otherwise take effect, withhold  
10 issuance of a license or registration to an applicant who qualifies for a license or  
11 registration under this section if the applicant has been convicted of committing 3  
12 or more violations of this chapter or rules promulgated under this chapter within the  
13 5-year period immediately preceding the date of application. At the end of the  
14 one-year period, the applicant is eligible to apply for a license or registration upon  
15 payment of the fee established under sub. (11) (b), if the applicant has not been  
16 determined to have committed any further violations of the applicable statutes or  
17 rules during that period.

18           **(11) FEES.** (a) The application fee for an examination is \$25, except that the  
19 department may change the amount by rule.

20           (b) After consulting with the council, the department shall establish by rule the  
21 fees for licenses and registration under this section. In the rule, the department may  
22 provide for an additional charge for license or registration applications submitted  
23 after the date specified in sub. (5) (d).

24           (c) After consulting with the council, the department may establish by rule a  
25 fee for an applicant for a license who fails an examination required for the license and

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1 requests a review of his or her examination results. The department shall base the  
2 fee on the cost of the review.

3 (d) All moneys received as fees under this subsection shall be credited to the  
4 appropriation under s. 20.370 (4) (ai).

5 **(12) CONTINUING EDUCATION REQUIRED.** (a) Each year the department, in  
6 consultation with the council, shall conduct at least one continuing education  
7 program relating to drill hole constructing and pump installing or approve at least  
8 one continuing education program relating to drill hole constructing and pump  
9 installing that is conducted by another person.

10 (b) Each individual licensed or registered under this section shall attend one  
11 program conducted or approved under par. (a) each year and shall notify the  
12 department of his or her attendance.

13 **280.27 Well and other drill hole abandonment.** (1) No person may fill or  
14 seal a well constructed to obtain potable water, other than a driven-point well, unless  
15 the person holds a well driller license or a pump installer license under s. 280.24.

16 (2) No person may fill or seal a driven-point well unless the person holds a well  
17 driller license, a well point driver license, or a pump installer license under s. 280.24.

18 (3) No person may fill or seal a drill hole, other than a well constructed to obtain  
19 potable water, unless the person holds a restricted drill hole constructor license or  
20 a well driller license under s. 280.24.

21 **280.28 Denial, nonrenewal, suspension, and revocation.** (1) In this  
22 section, “license” means a license or registration issued under s. 280.24 or an  
23 operator certificate issued under s. 280.20.

24 **(1m)** (a) Any person may file a complaint with the department and request the  
25 department to commence disciplinary proceedings against any holder of a license.

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1           (b) The burden of proof in disciplinary proceedings before the department  
2 under this chapter is a preponderance of the evidence.

3           **(2)** The department may refuse to renew a license as provided in s. 280.20 (3).  
4 The department may deny an application for a license, refuse to renew a license, or  
5 suspend a license if the applicant or licensee does any of the following:

6           (a) Makes a material misstatement in an application.

7           (b) Violates any provision of this chapter or a rule promulgated or order issued  
8 under this chapter.

9           (c) Demonstrates incompetence in performing the work for which the license  
10 is issued or fails a required examination.

11           (d) Intentionally fails to submit a report required to be submitted.

12           (e) Submits false information on any report required to be submitted.

13           (f) Has been convicted of a criminal charge related to the activity for which the  
14 license is applied for or issued.

15           (g) In a civil proceeding, has been found negligent in the conduct of the activity  
16 for which the license is applied for or issued.

17           (h) Fails to comply with requirements for initial licensure or license renewal.

18           (i) Gives his or her license to another individual for the purpose of enabling that  
19 other individual to represent that he or she holds a license.

20           (j) Provides false information about his or her business relationship with  
21 unlicensed individuals.

22           (k) Consults with another person or consults with written materials with which  
23 the department has not authorized consultation while taking an examination.

24           (L) Provides false information under s. 280.52.

25           **(2m)** The department may revoke a license if any of the following applies:

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1           (a) The licensee is incompetent to perform the activity for which the license is  
2 issued.

3           (b) The licensee has been convicted of committing a violation related to the  
4 activity for which the license is granted.

5           (3) The department shall notify the applicant or licensee of any determination  
6 made under sub. (2) or (2m) by issuing an order in writing that states the reason for  
7 the determination. The department shall serve the order by certified mail or  
8 personal service.

9           (4) (a) Except as provided in par. (b), a suspension or revocation takes effect 30  
10 days after the date of service under sub. (3) unless the licensee files a written request  
11 for a hearing within 30 days after the date of service. If a request is filed, the  
12 department shall stay the suspension or revocation and conduct a contested case  
13 hearing under ch. 227 on the matter as soon as practicable. The department shall  
14 provide written notice to the licensee of the date, time, and place of the hearing at  
15 least 10 days before the hearing.

16           (b) If the department, after investigation, determines that protecting public  
17 health, safety, or welfare requires immediate action, it may summarily suspend a  
18 license and order the licensee to cease all licensed activity until the conclusion of all  
19 proceedings arising out of the suspension. The department shall serve the licensee  
20 with written notice of the suspension and the order. In the notice, the department  
21 shall state the department's determination relating to protection of public health,  
22 safety, or welfare. The licensee may request a hearing by filing a written request for  
23 a hearing within 15 days after the date of service. The department shall hold the  
24 hearing as soon as practicable, but not later than 30 days after the date of the  
25 request.

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1           (5) A refusal to renew a license takes effect 30 days after the date of service  
2 under sub. (3) unless the licensee files a written request for a hearing within 30 days  
3 after the date of service. If a request is filed, the department shall conduct a  
4 contested case hearing under ch. 227 on the matter within 60 days after receiving the  
5 request, except that a licensee has no right to a hearing if the department refuses to  
6 renew the license for failure to pay fees or for failure to comply with continuing  
7 education requirements. The department shall provide written notice to the licensee  
8 of the date, time, and place of the hearing at least 10 days before the hearing.

9           (6) Within 90 days after the conclusion of a hearing under sub. (4) or (5), the  
10 department shall affirm, set aside, or modify the determination to suspend, revoke,  
11 or refuse to renew a license.

12           (7) A licensee who requests a hearing under sub. (4) (a) or (5) may continue to  
13 engage in the licensed activity until the conclusion of all administrative and judicial  
14 proceedings arising out of the revocation, suspension, or refusal to renew.

15           (8) (a) A license revocation remains in effect for 2 years beginning on the date  
16 that the order is served under sub. (3), the effective date of the order, or the date of  
17 the conclusion of all administrative and judicial proceedings arising out of the  
18 revocation, whichever is latest. A person may, at least one year after the date of  
19 revocation, apply to the department for review of the revocation. The department  
20 may shorten the period of revocation. After a period of revocation, a person may  
21 regain a license only by complying with any requirements of the order, paying the  
22 applicable fee, and passing any applicable examination.

23           (b) A license suspension remains in effect for the period specified in the  
24 suspension order or until the person whose license is suspended or revoked complies  
25 with any requirements of the order, whichever is later, except that, if a license

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1 suspension extends through the next license period due to the person's failure to  
2 comply with a requirement in the order, the department may provide that the license  
3 suspension remains in effect until the person passes any applicable examination.

4 (c) The department may require a person whose license is suspended or revoked  
5 to correct violations on which the suspension or revocation is based.  
6 Notwithstanding par. (a) or (b), if the department imposes such a requirement, the  
7 license remains suspended or revoked until the person corrects the violations.

8 (d) A licensee whose renewal application is refused may not apply for the same  
9 license for 90 days after the date of the refusal or the date of the conclusion of all  
10 administrative and judicial proceedings arising out of the refusal, whichever is later,  
11 except that a licensee may apply after 10 days from that date if the licensee  
12 eliminates all impediments to nonrenewal.

13 (9) A licensee who is subject to a nonrenewal, suspension, or revocation shall,  
14 at the request of the department, notify the department of the location of the work  
15 that he or she performed under the license within 2 years before the nonrenewal,  
16 suspension, or revocation takes effect. The licensee shall, immediately after the  
17 sanction takes effect, notify the department of the location of any drilling rigs owned,  
18 leased, or rented by the licensee and shall notify the department of any change in  
19 location during the period that the sanction remains in effect.

20 (10) An individual who is subject to a nonrenewal, suspension, or revocation  
21 of a license issued under s. 280.24 may not perform any activity authorized by the  
22 license, except as directed by the department under sub. (8) (c), for a period of 60 days  
23 starting with the first day of the nonrenewal, suspension, or revocation. After that  
24 period, the individual may perform the activity if the individual is employed by and  
25 is in the actual physical presence of a licensed individual.



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## SUBCHAPTER IV

## LOCAL AUTHORITY

1  
2  
3       **280.30 County ordinances.** (1) DEFINITION. In this section, “private well”  
4 means a type of well designated by the department by rule, which may not include  
5 any type of well for which plans and specifications must be submitted to the  
6 department for approval before construction.

7       (2) ORDINANCES. (a) The department may authorize the enactment, under s.  
8 59.70 (6), of county ordinances strictly conforming to this chapter and rules  
9 promulgated under this chapter, or to portions of this chapter and rules promulgated  
10 under this chapter, that govern any of the following:

- 11           1. The location of private wells.
- 12           2. The abandonment of private wells and other drill holes that are unused or  
13 contaminated or do not comply with this chapter or rules promulgated under this  
14 chapter.
- 15           3. The construction and reconstruction of private wells.
- 16           4. The installation of pumps in private wells.
- 17           5. The modification of existing pump installations in private wells.
- 18           6. The inspection of private water systems.

19       (b) Each county that proposes to enact an ordinance authorized under par. (a)  
20 shall, before enactment, submit the proposed ordinance and a plan for its  
21 enforcement to the department for approval.

22       (c) The department shall promulgate rules establishing the standards for  
23 approval of county ordinances, program management, and enforcement plans, which  
24 may include all of the following:

- 25           1. Personnel, training, reporting, and other requirements.

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1           2. Standards for various categories of private wells.

2           3. Standards for various categories of enforcement actions.

3           4. The emergency conditions under which a county may grant an exemption  
4 from a provision of its ordinance for the replacement of a well or pump.

5           (d) The department may require that a person obtain approval from the  
6 department for a variance from this chapter or rules promulgated under this chapter  
7 before a county may issue a permit for the construction of a private well or the  
8 installation of a pump.

9           (3) TRAINING. The department shall provide training and technical assistance  
10 to county employes who implement ordinances enacted under s. 59.70 (6). The  
11 department may charge a fee, not to exceed the department's actual cost, for the  
12 training and technical assistance provided. All amounts received under this  
13 subsection shall be credited to the appropriation under s. 20.370 (4) (ai).

14           (4) REVIEW AND AUDIT. (a) The department shall periodically review and audit  
15 each ordinance enacted under s. 59.70 (6) and the county's enforcement of the  
16 ordinance to determine compliance with this chapter and rules promulgated under  
17 this chapter.

18           (b) If following a review and audit the department determines that an  
19 ordinance or an enforcement program is not in substantial compliance with any  
20 requirement, the department may notify the county clerk of the determination. If  
21 the department provides notification, it shall hold a public informational hearing in  
22 the county no sooner than 30 days after the date of the notice. If the department finds  
23 after the hearing that the county is not in compliance, the department may revoke  
24 all or part of the county's authority to enforce the ordinance. A county is not entitled

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1 to a contested case hearing on the department's decision to revoke the county's  
2 authority to enforce the ordinance.

3 (5) DEPARTMENT ENFORCEMENT. (a) In a county that has not enacted an  
4 ordinance under s. 59.70 (6) or that has, under its ordinance, only partial authority  
5 to regulate private wells and pump installation, the department shall enforce all  
6 applicable provisions of this chapter and rules promulgated under this chapter  
7 relating to private wells and pump installation that are not governed by a county  
8 ordinance.

9 (b) The department may enforce this chapter and rules promulgated under this  
10 chapter in a county that has enacted an ordinance under s. 59.70 (6) under any of the  
11 following circumstances:

12 1. If the department is conducting an audit and review under sub. (4) (a).

13 2. If there is reasonable cause to believe that the county ordinance or  
14 enforcement program does not comply with any requirement of this chapter or rules  
15 promulgated under this chapter.

16 3. If the department determines that there are other special circumstances  
17 requiring enforcement by the department.

18 **280.32 Local enforcement prohibited.** Except as provided in ss. 59.70 (6),  
19 66.0437, and 280.30, no city, village, town, or county may enact or enforce an  
20 ordinance governing any matter regulated under this chapter.

21 SUBCHAPTER V

22 ENFORCEMENT

23 **280.40 Orders; affidavits.** (1) The department may do any of the following:

24 (a) Order the owner or operator of a water system or the person responsible for  
25 construction, operation, or abandonment of the water system to take actions, which

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1 may include repair, replacement, reconstruction, abandonment, or discontinuance  
 2 of use, in a designated manner to protect public health, safety, or welfare ~~or to protect~~  
 3 ~~groundwater or surface water from contamination.~~

4 (b) Order any person causing the contamination of groundwater or whose  
 5 actions may cause the contamination of groundwater to take any action necessary,  
 6 or to refrain from any action in order to protect or restore the environment to the  
 7 extent practicable or to minimize the harmful effects of the contamination.

8 (c) If the department finds that the absence of a municipal water system results  
 9 in a nuisance to public health or safety, order the city, village, or town in which the  
 10 nuisance exists to construct a water system within a specified time.

11 (d) After giving the owner or operator of any well or other drill hole that is  
 12 contaminated or that does not comply with this chapter or rules promulgated under  
 13 this chapter the opportunity to eliminate the contamination or bring the well or other  
 14 drill hole into compliance, order the owner or operator to fill the well or other drill  
 15 hole as required under rules of the department.

16 (dm) Order the owner or operator of any well or other drill hole that is unused  
 17 to fill the well or other drill hole as required under department rules.

18 (e) Order any licensee or registrant under s. 280.24 or certificate holder under  
 19 s. 280.20 to cease all activities and operations authorized under the license,  
 20 registration, or certificate.

21 (f) Issue any other order determined necessary by the department to ensure  
 22 compliance with this chapter and rules promulgated under this chapter.

23 (2) The department shall include all of the following in each order issued under  
 24 sub. (1):

25 (a) The statute or rule alleged to be violated, if any.

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1 (b) The findings of fact upon which the department determined that a violation  
2 exists or that a condition authorizing an order exists.

3 (c) A compliance schedule or a date by which the order must be obeyed.

4 (3) Except as provided under sub. (5), an order issued under sub. (1) takes effect  
5 30 days after the date on which the order is served, unless a person subject to the  
6 order files a written request for a hearing before the expiration of the 30 days. The  
7 department shall serve an order issued under sub. (1) by certified mail or personal  
8 service. The person subject to an order has a right to a hearing if s. 227.42 (1) is  
9 satisfied. If the request for a hearing is granted, the department shall stay the order  
10 and conduct a contested case hearing under ch. 227 on the matter. The department  
11 shall provide written notice to the person of the date, time, and place of the hearing  
12 at least 10 days before the hearing.

13 (4) Following a hearing under sub. (3), the department shall affirm, set aside,  
14 or, if necessary, modify the original order.

15 (5) (a) If necessary to protect public health, safety, or welfare or to prevent the  
16 ~~contamination of groundwater~~, the department may issue an order described in sub.  
17 (1) as an emergency order that takes effect immediately or within 30 days after the  
18 date of service, whichever is specified in the order. The department shall publish  
19 each emergency order as a class 1 notice, under ch. 985, and shall serve the  
20 emergency order on the person subject to the emergency order by certified mail or  
21 personal service. In an emergency order, the department shall notify the person  
22 subject to the order that he or she is entitled to a contested case hearing under ch.  
23 227 if a request is filed within 30 days after the date on which the order is served.  
24 The hearing shall be held as soon as practicable after receipt of the request. An  
25 emergency order remains in effect pending the result of the hearing.

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1 (b) The department may, without a prior hearing, issue an emergency order to  
2 a person to whom an approval, as defined in s. 281.35 (1) (a), is issued to stop a  
3 withdrawal, as defined in s. 281.35 (1) (m), immediately if the department  
4 determines that there is a danger of imminent harm to the public health, <sup>✓</sup>safety, or  
5 ~~welfare, to the environment, or to the water resources or related land resources of~~  
6 ~~this state.~~ In the emergency order, the department shall specify the date on which  
7 the withdrawal must be stopped and the date, if any, on which it may be resumed.  
8 In the emergency order, the department shall notify the person subject to the order  
9 that he or she is entitled to a contested case hearing under ch. 227 if a request is filed  
10 within 30 days after the date on which the order is served. The department shall hold  
11 the hearing as soon as practicable after receipt of a request for a hearing. An  
12 emergency order remains in effect pending the result of the hearing.

13 (5m) (a) The department may issue orders directing particular owners of water  
14 systems to remedy violations of the safe drinking water program under ss. 280.03 (1)  
15 and 280.05 (1) (f), within a specified time. Pending efforts to comply with any order,  
16 the department may permit continuance of operations on the conditions that it  
17 prescribes. If any owner cannot comply with an order within the time specified, the  
18 owner may, before the date set in the order, petition the department to modify the  
19 order. The department may modify the order, specifying in writing the reasons for  
20 the modification. If any order is not complied with within the period specified, the  
21 department shall notify the attorney general of the failure to comply. After receiving  
22 the notice, the attorney general may commence an action under s. 280.46 (1) (b).

23 (b) The department may issue temporary emergency orders to remedy  
24 violations described in par. (a) without prior hearing when the department  
25 determines that the protection of the public health necessitates immediate action.

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1 Emergency orders shall take effect at the time the department specifies. As soon as  
2 is practicable, the department shall hold a public hearing after which it may modify  
3 or rescind the temporary emergency order or issue a special order under par. (a).

4 (c) 1. Any owner may secure a review of the necessity for and reasonableness  
5 of any order of the department under this subsection or s. 280.50 by first filing with  
6 the department a petition setting forth specifically the change desired in the order.  
7 The petition must be filed within 60 days of the issuance of the order sought to be  
8 reviewed. Upon receipt of a petition the department shall order a public hearing on  
9 the order and make whatever further investigation it determines is advisable.  
10 Pending the review and hearing, the department may suspend the order under terms  
11 and conditions to be fixed by the department on application of the petitioner. The  
12 department shall affirm, repeal, or change the order within 60 days after the close  
13 of the hearing on the petition.

14 2. The determination of the department under subd. 1. is subject to review  
15 under ch. 227.

16 (6) In addition to issuing an order under this section, the department may  
17 proceed under s. 280.28.

18 (7) The department may record an order under sub. (1) that relates to a water  
19 system, well, or other drill hole with the register of deeds of the county in which the  
20 water system, well, or other drill hole is located. If an order is recorded and the  
21 person complies with the order, the department shall record a satisfaction of the  
22 order with the register of deeds.

23 (8) In lieu of recording an order under sub. (7), the department may record an  
24 affidavit that sets forth facts showing that a violation or a condition exists, relating  
25 to a water system, well, or other drill hole, that would authorize the department to

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1 issue an order under sub. (1).<sup>✓</sup> In an affidavit recorded under this subsection, the  
2 department shall include a legal description of the property on which the water  
3 system, well, or other drill hole is located. An employee of the department shall sign  
4 the affidavit. If a person corrects the violation or the condition, the department shall  
5 record an affidavit describing that correction.

6 **280.42 Inspection authority.** (1) For purposes of administering and  
7 enforcing this chapter or any rule promulgated under this chapter, any authorized  
8 representative of the department who presents appropriate identification may, at  
9 any reasonable hour, enter public or private property to do any of the following:

- 10 (a) Inspect and obtain samples from any water system, well, or other drill hole.  
11 (b) Conduct an investigation or inspection to ensure compliance with this  
12 chapter or with any rule promulgated or order issued under this chapter.  
13 (c) Inspect records that the department requires to be kept.

14 (2) If an owner refuses a request to make his or her property accessible for  
15 inspection under sub. (1), the department's authorized representative may obtain a  
16 special inspection warrant as provided under s. 66.0119.

17 (3) No person may refuse to permit an authorized representative of the  
18 department who, at a reasonable hour, presents a special inspection warrant and  
19 appropriate identification to enter the person's property, to conduct an inspection, or  
20 to take samples.

21 **280.44 Sampling; testing.** (1) The department may, in accordance with rules  
22 promulgated under s. 280.05 (1) (i), require a well driller, well point driver, restricted  
23 drill hole constructor, or pump installer to take a sample of water from any water  
24 system for which the person provides services, to submit the sample to the state  
25 laboratory of hygiene or a laboratory approved under s. 93.12 or certified under s.



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1 299.11 for analysis, and to provide the analysis to the department and the owner or  
2 operator of the water system or drill hole.

3 (2) The department may, in accordance with rules promulgated under s. 280.05  
4 (1) (i), require the owner or operator of a public water system or the owner or operator  
5 of a private water system that is the water supply for bottled drinking water  
6 regulated under s. 97.34 to take samples of water from the water system according  
7 to a schedule specified by the department, to submit the samples to the state  
8 laboratory of hygiene or a laboratory approved under s. 93.12 or certified under s.  
9 299.11 for analysis, and to provide a report of the analysis to the department.

10 (3) If a person required to submit samples under sub. (1) or (2) fails to do so,  
11 the department may enter the person's property as provided under s. 280.42, if  
12 necessary, and take samples for analysis. The department shall charge the person  
13 responsible for sampling for the costs incurred under this subsection, according to  
14 fees established by the department by rule.

15 **280.46 Enforcement.** (1) GENERAL. (a) If the department determines that  
16 a person has violated this chapter, a rule promulgated under this chapter, or an order  
17 issued under this chapter, the department may refer the matter to the department  
18 of justice or the district attorney of the county in which the violation occurred for  
19 enforcement.

20 (b) If the department of justice commences an action after a referral under par.  
21 (a), the department of justice shall, before stipulation, consent order, judgment, or  
22 other final disposition, consult with the department of natural resources to  
23 determine that department's views on final disposition.

24 (2) INJUNCTIONS. In any action commenced under sub. (1) (a), the department  
25 of justice or a district attorney may seek, and the court may grant, a temporary or

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1 permanent injunction to prevent or restrain any violation of this chapter, a rule  
2 promulgated under this chapter, or an order issued under this chapter.

3 (3) VENUE. An action under sub. (1) shall be commenced in the circuit court for  
4 the county in which the violation occurred in whole or in part. The proceedings may  
5 be transferred to the circuit court for Dane County if all parties stipulate to the  
6 transfer and if that court agrees to the transfer.

7 **280.49 Penalties.** (1) In subs. (2) to (4), “violation” means a violation of this  
8 chapter, a rule promulgated under this chapter, or an order, license, or approval  
9 issued under this chapter or the falsification of any report required under this  
10 chapter.

11 (2) Any individual who is a licensed well driller, well point driver, restricted  
12 drill hole constructor, or pump installer or is licensed under ch. 145 who commits a  
13 violation shall forfeit not less than \$10 nor more than \$1,000 for each violation.

14 (3) Any person, other than a person specified under sub. (2), who commits a  
15 violation shall forfeit not less than \$10 nor more than \$5,000 for each violation.

16 (4) Any person who intentionally commits a violation shall, for each violation,  
17 be fined not less than \$100 nor more than \$10,000 or imprisoned for not more than  
18 6 months or both.

19 (5) For purposes of subs. (2) to (4), each violation is a separate offense and each  
20 day of continued violation is a separate offense.

21 (6) (a) Notwithstanding subs. (2) to (4), any person who violates this chapter,  
22 a rule promulgated under this chapter, or an order, license, or approval issued under  
23 this chapter with respect to any requirement of the federal Safe Drinking Water Act,  
24 42 USC 300f to 300j-26, shall forfeit not less than \$10 nor more than \$25,000 for each  
25 violation. Each day of continued violation is a separate offense.

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1 (b) Notwithstanding subs. (2) to (4), any person who intentionally commits an  
2 act that violates, or intentionally fails to perform an act required by, this chapter, a  
3 rule promulgated under this chapter, or an order, license, or approval issued under  
4 this chapter with respect to any requirement of the federal Safe Drinking Water Act,  
5 42 USC 300f to 300j–26, is guilty of a Class I felony, except that, notwithstanding the  
6 maximum fine specified in s. 939.50 (3) (i), the person may be fined not more than  
7 \$50,000 for each day of violation.

**SUBCHAPTER VI****FINANCIAL ASSISTANCE**

8  
9  
10 **SECTION 42.** Chapter 281 (title) of the statutes is amended to read:

**CHAPTER 281****WATER POLLUTION AND SEWAGE**

11  
12  
13 **SECTION 43.** 281.01 (8) of the statutes is amended to read:

14 281.01 (8) “Owner” means the state, county, town, town sanitary district, city,  
15 village, metropolitan sewerage district, corporation, firm, company, institution or  
16 individual owning or operating any ~~water supply~~, sewerage ~~or water~~ system or  
17 sewage and refuse disposal plant.

18 **SECTION 44.** 281.01 (15) of the statutes is amended to read:

19 281.01 (15) “Solid waste” means any garbage, refuse, sludge from a waste  
20 treatment plant, water ~~supply~~ treatment plant or air pollution control facility and  
21 other discarded or salvageable materials, including solid, liquid, semisolid, or  
22 contained gaseous materials resulting from industrial, commercial, mining and  
23 agricultural operations, and from community activities, but does not include solids  
24 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation  
25 return flows or industrial discharges which are point sources subject to permits

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1 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear  
2 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31  
3 (1).

4 **SECTION 45.** 281.01 (16) of the statutes is amended to read:

5 281.01 (16) “System or plant” includes ~~water and~~ sewerage systems and  
6 sewage and refuse disposal plants.

7 **SECTION 46.** 281.01 (20) of the statutes is repealed.

8 **SECTION 47.** 281.12 (3) of the statutes is amended to read:

9 281.12 (3) The department, upon request, shall consult with and advise owners  
10 who have installed or are about to install systems or plants, ~~as to the most~~  
11 ~~appropriate water source and the best method of providing for its purity, or as to the~~  
12 best method of disposing of wastewater, including operations and maintenance,  
13 taking into consideration the future needs of the community for protection of its  
14 water supply. The department is not required to prepare plans.

15 **SECTION 48.** 281.13 (title) of the statutes is repealed and recreated to read:

16 **281.13 (title) Research.**

17 **SECTION 49.** 281.13 (1) (a) of the statutes is renumbered 280.03 (2), and 280.03  
18 (2) (intro.), as renumbered, is amended to read:

19 280.03 (2) (intro.) ~~The department is authorized to act~~ Act with the U.S.  
20 geological survey in determining the sanitary and other conditions and nature of the  
21 natural water sources in this state, for the following purposes:

22 **SECTION 50.** 281.13 (1) (b) of the statutes is repealed.

23 **SECTION 51.** 281.13 (3) of the statutes is renumbered 281.13.

24 **SECTION 52.** 281.17 (3) of the statutes is amended to read:

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1           281.17 (3) The department shall promulgate rules establishing an examining  
2 program for the certification of operators of ~~water systems~~, wastewater treatment  
3 plants and septage servicing vehicles operated under a license issued under s. 281.48  
4 (3), setting such standards as the department finds necessary to accomplish the  
5 purposes of this chapter and chs. 285 and 289 to 299, including requirements for  
6 continuing education. The department may charge applicants a fee for certification.  
7 All moneys collected under this subsection for the certification of operators of ~~water~~  
8 ~~systems~~, wastewater treatment plants and septage servicing vehicles shall be  
9 credited to the appropriation under s. 20.370 (4) (bL). No person may operate a ~~water~~  
10 ~~systems~~, wastewater treatment plant or septage servicing vehicle without a valid  
11 certificate issued under this subsection. The department may suspend or revoke a  
12 certificate issued under this subsection for a violation of any statute or rule relating  
13 to the operation of a ~~water system~~ or wastewater treatment plant or to septage  
14 servicing, for failure to fulfill the continuing education requirements or as provided  
15 under s. 145.245 (3). The owner of any wastewater treatment plant shall be, or shall  
16 employ, an operator certified under this subsection who shall be responsible for plant  
17 operations, unless the department by rule provides otherwise. In this subsection,  
18 “wastewater treatment plant” means a system or plant used to treat industrial  
19 wastewater, domestic wastewater or any combination of industrial wastewater and  
20 domestic wastewater.

21           **SECTION 53.** 281.17 (8) of the statutes is repealed.

22           **SECTION 54.** 281.17 (9) of the statutes is renumbered 280.03 (8m) and amended  
23 to read:

24           280.03 (8m) ~~The department may require~~ Require owners of water systems to  
25 demonstrate the technical, managerial, and financial capacity to comply with

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1 national primary drinking water regulations under 42 USC 300g-1 and may assist  
2 owners of water systems to develop that capacity.

3 **SECTION 55.** 281.19 (2) (a) of the statutes is amended to read:

4 281.19 (2) (a) The department may issue special orders directing particular  
5 owners to ~~remedy violations of the safe drinking water program under s. 281.17 (8)~~  
6 ~~and (9)~~ or to secure such operating results toward the control of pollution of the  
7 waters of the state as the department prescribes, within a specified time. Pending  
8 efforts to comply with any order, the department may permit continuance of  
9 operations on such conditions as it prescribes. If any owner cannot comply with an  
10 order within the time specified, the owner may, before the date set in the order,  
11 petition the department to modify the order. The department may modify the order,  
12 specifying in writing the reasons therefor. If any order is not complied with within  
13 the time period specified, the department shall ~~immediately~~ notify the attorney  
14 general of this fact. After receiving the notice, the attorney general shall may  
15 commence an action under s. 299.95.

16 **SECTION 56.** 281.35 (1) (a) and (b) 2. of the statutes are amended to read:

17 281.35 (1) (a) “Approval” means a permit issued under s. 30.18 or an approval  
18 under s. 280.10, 281.17 (1) or 281.41.

19 (b) 2. If subd. 1. does not apply, the highest average daily water loss over any  
20 30-day period that is reported to the department or the public service commission  
21 under sub. (3) (c) or s. 30.18 (6) (c), 196.98, 280.10 (3), 281.17 (1) or 281.41.

22 **SECTION 57.** 281.35 (4) (a) 3. and (b) (intro.) of the statutes are amended to read:

23 281.35 (4) (a) 3. An owner who is operating a sewage system or sewage and  
24 refuse disposal plant under plans approved under s. 281.41 ~~or~~, who is required to  
25 submit plans and obtain an approval under that section before construction ~~or~~

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1 extension, modification, or operation of a proposed sewage system or sewage and  
2 refuse disposal plant, who is operating a water system under an approval under s.  
3 280.10, or who is required to obtain an approval under s. 280.10 before construction,  
4 modification, or operation of a water system.

5 (b) (intro.) Before any person specified in par. (a) may begin a new withdrawal  
6 or increase the amount of an existing withdrawal, the person shall apply to the  
7 department under s. 30.18, 280.10 (1), 281.17 (1) or 281.41 for a new approval or a  
8 modification of its existing approval if either of the following conditions applies:

9 **SECTION 58.** 281.41 (1) (c) of the statutes is amended to read:

10 281.41 (1) (c) Construction or material change shall be according to approved  
11 plans only. The department may disapprove plans that are not in conformance with  
12 any existing approved areawide waste treatment management plan prepared  
13 pursuant to the federal water pollution control act, ~~P.L. 92-500, as amended~~ 33 USC  
14 1251 to 1387, and shall disapprove plans that do not meet the grounds for approval  
15 specified under s. 281.35 (5) (d), if applicable. The department shall require each  
16 person whose plans are approved under this section to report that person's volume  
17 and rate of water withdrawal, as defined under s. 281.35 (1) (m), and that person's  
18 volume and rate of water loss, as defined under s. 281.35 (1) (L), if any, in the form  
19 and at the times specified by the department.

20 **SECTION 59.** 281.45 of the statutes is amended to read:

21 **281.45 House connections.** ~~To assure preservation of~~ preserve the public  
22 ~~health, comfort and safety, any city, village or town or town sanitary district having~~  
23 ~~a system of waterworks or sewerage, or both, may~~ municipality with a sewerage  
24 system shall by ordinance require buildings used for human habitation and located  
25 adjacent to a sewer ~~or water main, or in a block through which one or both of these~~

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1 ~~systems extend, to be connected with either or both to the sewerage system in the~~  
2 ~~manner prescribed by the municipality. If any person fails to comply with the~~  
3 ~~ordinance for more than 10 days after notice in writing, the municipality may impose~~  
4 ~~a penalty or may cause forfeiture. The municipality may also complete the~~  
5 ~~connection to be made, and charge the expense thereof shall be assessed as a special~~  
6 ~~tax assessment against the property. Except in 1st class cities, the owner may, within~~  
7 ~~30 days after the completion of the work, file a written option with the municipal~~  
8 ~~clerk stating that he or she cannot pay the amount in one sum and asking that it be~~  
9 ~~levied in not to exceed municipality shall collect the special assessment in 5 equal~~  
10 ~~annual installments, and the amount shall be so collected with interest at a rate not~~  
11 ~~to exceed 15% per year from the completion of the work, the unpaid balance to be a~~  
12 ~~special tax lien if the property owner files a written request with the municipal clerk~~  
13 ~~within 30 days after completion of the connection. If the property owner does not file~~  
14 ~~a request or if the property is located in a 1st class city, the property owner shall pay~~  
15 ~~the entire sum in a single payment.~~

16 **SECTION 60.** 281.53 of the statutes is renumbered 280.54, and 280.54 (1) and  
17 (3), as renumbered, are amended to read:

18 280.54 (1) The department may award a municipal clean drinking water grant,  
19 from the appropriation under s. 20.866 (2) (tb), to a ~~municipality~~ local governmental  
20 unit for capital costs to achieve compliance with standards for contaminants  
21 established by the department by rule under the safe drinking water program under  
22 s. ~~281.17 (8)~~ 280.03 (1), if the ~~municipality~~ local governmental unit is not in  
23 compliance with those standards on or after April 1, 1990, if the ~~municipality~~ local  
24 governmental unit incurs the capital costs after January 1, 1989, and if the violation



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1 of the standards for contaminants occurs in a public water system owned by the  
2 municipality local governmental unit.

3 (3) The department shall rank applicants for grants under this section on the  
4 basis of the severity of risk to human health posed by each applicant's violation of the  
5 standards for contaminants. If insufficient funds are available for providing grants  
6 to eligible ~~municipalities~~ local governmental units, the department shall allocate  
7 grants based on the severity of risk to human health.

8 **SECTION 61.** 281.75 (title) and (1) (intro.), (a) and (b) of the statutes are  
9 renumbered 280.52 (title) and (1) (intro.), (a) and (b).

10 **SECTION 62.** Subchapter VI (title) of chapter 281 [precedes s. 281.75] of the  
11 statutes is repealed.

12 **SECTION 63.** 281.75 (1) (c) of the statutes is repealed.

13 **SECTION 64.** 281.75 (1) (d) to (g) of the statutes are renumbered 280.52 (1) (d)  
14 to (g).

15 **SECTION 65.** 281.75 (1) (h) of the statutes is renumbered 280.52 (1) (h) and  
16 amended to read:

17 280.52 (1) (h) ~~“Well”~~ Notwithstanding s. 280.01 (15), “well” means an  
18 excavation or opening in the ground made by boring, drilling or driving for the  
19 purpose of obtaining a supply of groundwater. “Well” does not include dug wells.

20 **SECTION 66.** 281.75 (2) and (3) of the statutes are renumbered 280.52 (2) and  
21 (3).

22 **SECTION 67.** 281.75 (4) of the statutes is renumbered 280.52 (4).

23 **SECTION 68.** 281.75 (4m) to (11) of the statutes are renumbered 280.52 (4m) to  
24 (11).

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1           **SECTION 69.** 281.75 (12) (intro.) and (a) of the statutes are renumbered 280.52  
2 (12) (intro.) and (a).

3           **SECTION 70.** 281.75 (12) (b) of the statutes is renumbered 280.52 (12) (b) and  
4 amended to read:

5           280.52 (12) (b) If the well is a drilled well, it is constructed by a well driller  
6 licensed under ~~ch. 280 s. 280.24~~ or, if the well is a sandpoint well, it is constructed  
7 by a well driller or ~~pump installer~~ well point driver licensed under ~~ch. 280 s. 280.24~~.

8           **SECTION 71.** 281.75 (13) to (17) of the statutes are renumbered 280.52 (13) to  
9 (17).

10          **SECTION 72.** 281.75 (18) of the statutes is renumbered 280.52 (18) and amended  
11 to read:

12          280.52 (18) **SUSPENSION OR REVOCATION OF LICENSES.** The department may  
13 suspend or revoke a license issued under ~~ch. 280~~ this chapter if the department finds  
14 that the licensee falsified information submitted under this section. The department  
15 of commerce may suspend or revoke the license of a plumber licensed under ch. 145  
16 if the department of commerce finds that the plumber falsified information  
17 submitted under this section.

18          **SECTION 73.** 281.75 (19) of the statutes is renumbered 280.52 (19), and 280.52  
19 (19) (intro.), as renumbered, is amended to read:

20          280.52 (19) **PENALTIES.** (intro.) ~~Whoever~~ Notwithstanding s. 280.49, whoever  
21 does any of the following shall forfeit not less than \$100 nor more than \$1,000 and  
22 shall be required to repay an award issued to that person under this section:

23          **SECTION 74.** 281.77 of the statutes is renumbered 280.19, and 280.19 (title), (1)  
24 (b) and (3), as renumbered, are amended to read:

25          **280.19 (title) Damage to private water supplies.**

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1           (1) (b) “Regulated activity” means an activity for which the department may  
2 issue an order under ch. 281, except s. 281.48, or under chs. 285 or 289 to 299 or this  
3 chapter, except s. 281.48, if the activity is conducted in violation of ch. 281, except s.  
4 281.48, or in violation of chs. 285 or 289 to 299 or this chapter, ~~except s. 281.48~~, or  
5 in violation of licenses, permits or special orders issued or rules promulgated under  
6 ch. 281, except s. 281.48, or under chs. 285 or 289 to 299 or this chapter, except s.  
7 281.48.

8           (3) In any action brought by the department of justice under s. 280.46 or 299.95  
9 or by a district attorney under s. 280.46, if the court finds that a regulated activity  
10 owned or operated by the defendant has caused a private water supply to become  
11 contaminated, polluted or unfit for consumption by humans, livestock or poultry, the  
12 court may order the defendant to treat the water to render it fit for consumption by  
13 humans, livestock and poultry, repair the private water supply or replace the private  
14 water supply and to reimburse the town, village or city for the cost of providing water  
15 under sub. (4).

16           **SECTION 75.** 281.97 of the statutes is amended to read:

17           **281.97 Records; inspection.** ~~Records~~ Owners shall keep records required by  
18 the department ~~shall be kept by the owners and shall supply~~ the department  
19 ~~supplied~~ with certified copies of those records and ~~such~~ other information ~~as it may~~  
20 ~~require~~ required by the department. Agents of the department may enter buildings,  
21 structures and premises of owners supplying the public or industrial plants with  
22 ~~water, ice, sewerage systems, or~~ sewage or refuse disposal service and private  
23 properties to collect samples, records and information, and to ascertain if the rules  
24 and orders of the department are complied with.

25           **SECTION 76.** 281.98 (1) of the statutes is amended to read:

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1           281.98 (1) Except as provided in ~~ss. s. 281.47 (1) (d), 281.75 (19), and 281.99~~  
2           ~~(2)~~, any person who violates this chapter or any rule promulgated or any plan  
3           approval, license, special order, or water quality certification issued under this  
4           chapter shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each  
5           day of continued violation is a separate offense. While an order is suspended, stayed,  
6           or enjoined, this penalty does not accrue.

7           **SECTION 77.** 281.98 (2) of the statutes is amended to read:

8           281.98 (2) In addition to the penalties provided under sub. (1) ~~or s. 281.99 (2)~~,  
9           the court may award the department of justice the reasonable and necessary  
10          expenses of the investigation and prosecution of a violation of this chapter, including  
11          attorney fees. The department of justice shall deposit in the state treasury for  
12          deposit into the general fund all moneys that the court awards to the department or  
13          the state under this subsection.

14          **SECTION 78.** 281.99 of the statutes <sup>as affected by 2003 Wisconsin Act 33,</sup> is renumbered 280.50, and 280.50 (1) (a),  
15          (b) 2. and (c), (2) (a) (intro.), (3) and (5), as renumbered, are amended to read:

16          280.50 (1) (a) The department may directly assess forfeitures in the amounts  
17          provided under sub. (2) for violations of safe drinking water program rules  
18          promulgated under s. ~~281.17 (8) or (9)~~ 280.03 (1) or 280.05 (1) (f).

19          (b) 2. The department may directly assess a forfeiture by issuing an order under  
20          par. (c) without first providing notice if the alleged violation either creates an acute  
21          risk to public health or safety or is part of a documented pattern of noncompliance  
22          with one or more rules promulgated under s. ~~281.17 (8) or (9)~~ 280.03 (1) or (8m) or  
23          280.05 (1) (f).

24          (c) If the department determines that a forfeiture should be assessed for a  
25          particular violation, it shall issue an order under s. ~~281.19 (2) (a)~~ 280.40 (5m) to the

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1 water system owner or operator alleged to have committed the violation. Except as  
2 provided in par. (b) 2., the department may not issue the order until at least 60 days  
3 after the day on which it provided notice under par. (b) 1. The order shall specify the  
4 amount of the forfeiture assessed, the violation and the rule alleged to have been  
5 violated and shall inform the licensee of the right to contest the order under sub. (3).

6 (2) (a) (intro.) ~~The~~ Notwithstanding s. 280.49, the amount of forfeitures that  
7 the department may assess under this section are as follows:

8 (3) A water system owner or operator may contest the issuance of an order and  
9 the assessment of a forfeiture under this section using the procedure under ch. 227  
10 or s. ~~281.19 (8)~~ 280.40 (5m) (c). A water system owner or operator that timely  
11 requests a hearing under ch. 227 is entitled to a contested case hearing.

12 (5) The attorney general may bring an action as provided in s. ~~281.19 (2) (a)~~  
13 280.46 (1) (b) in the name of the state to collect any forfeiture imposed under this  
14 section if the forfeiture has not been paid following the exhaustion of all  
15 administrative and judicial reviews.

16 **SECTION 79.** 285.01 (40) of the statutes is amended to read:

17 285.01 (40) "Solid waste" means any garbage, refuse, sludge from a waste  
18 treatment plant, water supply treatment plant or air pollution control facility and  
19 other discarded or salvageable materials, including solid, liquid, semisolid, or  
20 contained gaseous materials resulting from industrial, commercial, mining and  
21 agricultural operations, and from community activities, but does not include solids  
22 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation  
23 return flows or industrial discharges which are point sources subject to permits  
24 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear

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1 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31  
2 (1).

3 **SECTION 80.** 289.01 (33) of the statutes is amended to read:

4 289.01 (33) “Solid waste” means any garbage, refuse, sludge from a waste  
5 treatment plant, water supply treatment plant or air pollution control facility and  
6 other discarded or salvageable materials, including solid, liquid, semisolid, or  
7 contained gaseous materials resulting from industrial, commercial, mining and  
8 agricultural operations, and from community activities, but does not include solids  
9 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation  
10 return flows or industrial discharges which are point sources subject to permits  
11 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear  
12 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31  
13 (1).

14 **SECTION 81.** 289.01 (44) of the statutes is repealed.

15 **SECTION 82.** 292.65 (1) (g) of the statutes is amended to read:

16 292.65 (1) (g) “Groundwater” has the meaning given in s. ~~281.75(1)(e)~~ 299.01  
17 (5).

18 **SECTION 83.** 295.11 (10) of the statutes is amended to read:

19 295.11 (10) “Solid waste” means any garbage, refuse, sludge from a waste  
20 treatment plant, water supply treatment plant or air pollution control facility and  
21 other discarded or salvageable materials, including solid, liquid, semisolid, or  
22 contained gaseous materials resulting from industrial, commercial, mining and  
23 agricultural operations, and from community activities, but does not include solids  
24 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation  
25 return flows or industrial discharges which are point sources subject to permits

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1 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear  
2 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31  
3 (1).

4 **SECTION 84.** 299.07 (1) (a) 1. of the statutes is amended to read:

5 299.07 (1) (a) 1. A license or registration under s. 280.15 280.24.

6 **SECTION 85.** 299.07 (1) (a) 2. of the statutes is amended to read:

7 299.07 (1) (a) 2. A certification under s. 280.20 or 281.17 (3).

8 **SECTION 86.** 299.08 (1) (a) 1. of the statutes is amended to read:

9 299.08 (1) (a) 1. A license or registration under s. 280.15 280.24.

10 **SECTION 87.** 299.08 (1) (a) 2. of the statutes is amended to read:

11 299.08 (1) (a) 2. A certification under s. 280.20 or 281.17 (3).

12 **SECTION 88.** 299.11 (1) (d) 4. and 6. of the statutes are amended to read:

13 299.11 (1) (d) 4. The replacement of a well or provision of alternative water  
14 supplies under s. ~~281.75 or 281.77~~ 280.19 or 280.52.

15 6. The management or enforcement of the ~~safe drinking water supply~~ program  
16 under s. ~~280.13 (1) (b) and (d) or 281.17 (8)~~ ch. 280.

17 **SECTION 89.** 443.14 (12m) of the statutes is amended to read:

18 ~~443.14 (12m) A well driller, as defined in s. 280.01 (7), person licensed or~~  
19 registered under s. 280.24 who is engaged in well drilling, as defined in s. 280.01 (8)  
20 (16), well point driving, as defined in s. 280.01 (17), or constructing a drill hole, as  
21 defined in s. 280.01 (4), other than a well.

22 **SECTION 90.** 470.025 (9) of the statutes is amended to read:

23 470.025 (9) A ~~well driller, as defined in s. 280.01 (7)~~ person licensed or  
24 registered under s. 280.24, who is engaged in well drilling, as defined in s. 280.01 (8)

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1 (16), well point driving, as defined in s. 280.01 (17), or constructing a drill hole, as  
2 defined in s. 280.01 (4), other than a well.

3 **SECTION 91.** 893.80 (8) of the statutes is amended to read:

4 893.80 (8) This section does not apply to actions commenced under s. 19.37,  
5 19.97 or ~~281.99~~ 280.50.

6 **SECTION 92. Nonstatutory provisions.**

7 (1) CURRENT LICENSEES. Notwithstanding section 280.24 (5) (b) of the statutes,  
8 as created by this act, the department of natural resources shall issue a well driller  
9 license to each individual registered as a well driller under section 280.15, 2001  
10 stats., on January 1, 2004, and shall issue a pump installer license to each individual  
11 registered as a pump installer under section 280.15, 2001 stats., on January 1, 2004,  
12 without requiring the individual to take and pass an examination.

13 (2) POSITION AUTHORIZATION. The authorized FTE positions for the department  
14 of natural resources are increased by 3.0 PR positions to be funded from the  
15 appropriation under section 20.370 (4) (ai) of the statutes, as created by this act, for  
16 water supply management.

17 (3) INITIAL TERMS OF MEMBERS OF COUNCIL. Notwithstanding the length of term  
18 specified in section 15.347 (3) (a) of the statutes, as created by this act, the initial  
19 members of the council on wells and drill holes shall serve as follows:

20 (a) One of the members appointed under section 15.347 (3) (a) 1. of the statutes,  
21 one of the members appointed under section 15.347 (3) (a) 2. of the statutes, and one  
22 of the members appointed under section 15.347 (3) (a) 4. of the statutes, for terms  
23 expiring on July 1, 2006.

24 (b) One of the members appointed under section 15.347 (3) (a) 1. of the statutes,  
25 one of the members appointed under section 15.347 (3) (a) 2. of the statutes, one of



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1 the members appointed under section 15.347 (3) (a) 3. of the statutes, and one of the  
2 members appointed under section 15.347 (3) (a) 4. of the statutes, for terms expiring  
3 on July 1, 2007.

4 (c) One of the members appointed under section 15.347 (3) (a) 1. of the statutes,  
5 one of the members appointed under section 15.347 (3) (a) 3. of the statutes, and the  
6 members appointed under section 15.347 (3) (a) 5. to 8. of the statutes, for terms  
7 ending on July 1, 2008.

**SECTION 93. Initial applicability.**

8  
9 (1) PRIVATE WATER SYSTEM ABANDONMENT AND PLUMBING CONNECTION ORDINANCES.  
10 The treatment of section 66.0437 (2) (am) of the statutes first applies to ordinances  
11 enacted or modified on the effective date of this subsection.

**SECTION 94. Effective date.**

12  
13 (1) This act takes effect on January 1, 2005.

14 (END)

Note  
↓

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

LRB-0989/2dn

RCT:.....

JCD

Dan Johnson:

The redraft instructions said to delete "if any" on page 44, line 25. I did not do that because, in some cases, DNR is authorized issue an order under s. 280.40 (1) without \* any statute or rule being violated. If a statute or rule is alleged to be violated, DNR must identify it.

As requested, this redraft eliminates the inspection authority under proposed s. 280.42. Note that under current s. 281.97 DNR has authority to inspect premises of persons supplying water to the public. This draft eliminates that authority in the course of moving authority related to water systems into ch. 280. Is the elimination of the current inspection authority consistent with your intent?

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-0989/2dn  
RCT:jld:rs

August 29, 2003

Dan Johnson:

The redraft instructions said to delete "if any" on page 44, line 25. I did not do that because, in some cases, DNR is authorized issue an order under s. 280.40 (1) without any statute or rule being violated. If a statute or rule is alleged to be violated, DNR must identify it.

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

**Barman, Mike**

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**From:** Barman, Mike  
**Sent:** Friday, August 29, 2003 1:16 PM  
**To:** Sen.Kedzie  
**Cc:** Johnson, Dan (Legislature)  
**Subject:** LRB 03-0989/2 (attached - for your review)

*Mike Barman*

Mike Barman - Senior Program Asst. (PH. 608-266-3561)  
(E-Mail: [mike.barman@legis.state.wi.us](mailto:mike.barman@legis.state.wi.us)) (FAX: 608-264-6948)

State of Wisconsin  
Legislative Reference Bureau - Legal Section - Front Office  
100 N. Hamilton Street - 5th Floor  
Madison, WI 53703

08/29/2003

**Tradewell, Becky**

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**From:** Johnson, Dan (Legislature)  
**Sent:** Tuesday, September 02, 2003 4:55 PM  
**To:** Tradewell, Becky  
**Subject:** RE: LRB 03-0989/2

Hi Becky,

In response to your drafter's note regarding the removal of the Inspection Authority in LRB 0989/1, please re-insert that language as it should not have been deleted in the first place. The Well Driller's thought the section was an expansion of DNR authority but after reading your note, realized they were incorrect.

So, the instructions are to reinsert s. 280.42 (1) through (3) on page 48. I need to send the jacket back to you, correct?

Dan Johnson  
**Office of State Senator Neal Kedzie**  
11th Senate District  
266-2635

09/03/2003