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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 ~~at least two~~<sup>a</sup> violations related  
4 to the activity for which the license is granted ~~with a five year~~.

5 ~~(2s) The department may not deny an application for a license issued under s.  
6 280.24 and may not suspend or refuse to renew a license issued under s. 280.24 for  
7 any of the reasons in sub. (2) (a) to (L), or revoke a license issued under s. 280.24,  
8 before consulting with the council, except that this subsection does not apply when  
9 the department acts under sub. (4) (b).~~

10 (3) The department shall notify the applicant or licensee of any determination  
11 made under sub. (2) or (2<sup>m</sup>). The department shall provide the notice in writing and  
12 shall state the reason for the determination. The department shall serve the notice  
13 by certified mail or personal service.

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

21 (b) If the department, after investigation, determines that protecting public  
22 health, safety, or welfare requires immediate action, it may summarily suspend a  
23 license and order the licensee to cease all licensed activity until the conclusion of all  
24 proceedings arising out of the suspension. The department shall serve the licensee  
25 with written notice of the suspension and the order. In the notice, the department

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1 shall state the department's determination relating to protection of public health,  
2 safety, or welfare. The licensee may request a hearing by filing a written request for  
3 a hearing within 15 days after the date of service. The department shall hold the  
4 hearing as soon as practicable, but not later than 30 days after the date of the  
5 request.

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

14 (6) Within 90 days after the conclusion of a hearing under sub. (4) or (5) ~~and~~  
15 ~~after consulting with the council,~~ the department shall affirm, set aside, or modify the  
16 determination to suspend, revoke, or refuse to renew a license.

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

20 (8) (a) A license revocation remains in effect for 2 years beginning on the date  
21 that the order is served under sub. (3), the effective date of the order, or the date of  
22 the conclusion of all administrative and judicial proceedings arising out of the  
23 revocation, whichever is latest. A person may, at least one year after the date of  
24 revocation, apply to the department for review of the revocation. The department  
25 may, ~~following review and consultation with the council,~~ shorten the period of

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1 revocation. After a period of revocation, a person may regain a license only by paying  
2 the applicable fee and passing any applicable examination.

3 (b) A license suspension remains in effect for the period specified in the  
4 suspension order.

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

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

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

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

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1 period, the individual may perform the activity if the individual is employed by and  
2 in the actual physical presence of a licensed individual.

**SUBCHAPTER IV****ENFORCEMENT**

5 **280.40 Orders; affidavits.** (1) The department may do any of the following:

6 (a) Order the owner or operator of a water system or the person responsible for  
7 construction, operation, or abandonment of the water system to take actions, which  
8 may include repair, replacement, reconstruction, abandonment, or discontinuance of  
9 use, in a designated manner to protect public health, safety, or welfare or to protect  
10 groundwater or surface water from contamination.

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

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

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

23 (dm) Order the owner or operator of any drill hole, other than a well, that is  
24 unused to fill the drill hole as required under department rules.

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

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

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

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

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

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

12 (3) Except as provided under sub. (5), an order issued under sub. (1) takes effect  
13 30 days after the date on which the order is served, unless a person subject to the  
14 order files a written request for a hearing before the expiration of the 30 days. The  
15 department shall serve an order issued under sub. (1) by certified mail or personal  
16 service. The person subject to an order has a right to a hearing if s. 227.42 (1) is  
17 satisfied. If the request for a hearing is granted, the department shall stay the order  
18 and conduct a contested case hearing under ch. 227 on the matter. The department  
19 shall provide written notice to the person of the date, time, and place of the hearing  
20 at least 10 days before the hearing.

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

23 (5) (a) If necessary to protect public health, safety, or welfare or to prevent the  
24 contamination of groundwater, the department may issue an order described in sub.  
25 (1) as an emergency order that takes effect immediately or within 30 days after the

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1 date of service, whichever is specified in the order. The department shall publish  
 2 each emergency order as a class 1 notice, under ch. 985, and shall serve the  
 3 emergency order on the person subject to the emergency order by certified mail or  
 4 personal service. In an emergency order, the department shall notify the person  
 5 subject to the order that he or she is entitled to a contested case hearing under ch.  
 6 227 if a request is filed within 30 days after the date on which the order is served.  
 7 The hearing shall be held as soon as practicable after receipt of the request. An  
 8 emergency order remains in effect pending the result of the hearing.

9 (b) The department may, without a prior hearing, issue an emergency order to  
 10 a person to whom an approval, as defined in s. ~~280.14~~<sup>281.35</sup> (1) (a), is issued to stop a  
 11 withdrawal, as defined in s. ~~280.14~~<sup>281.35</sup> (1) (m), immediately if the department  
 12 determines that there is a danger of imminent harm to the public health, safety, or  
 13 welfare, to the environment, or to the water resources or related land resources of this  
 14 state. In the emergency order, the department shall specify the date on which the  
 15 withdrawal must be stopped and the date, if any, on which it may be resumed. In the  
 16 emergency order, the department shall notify the person subject to the order that he  
 17 or she is entitled to a contested case hearing under ch. 227 if a request is filed within  
 18 30 days after the date on which the order is served. The department shall hold the  
 19 hearing as soon as practicable after receipt of a request for a hearing. An emergency  
 20 order remains in effect pending the result of the hearing.

21 (5m) (a) The department may issue orders directing particular owners of water  
 22 systems to remedy violations of the safe drinking water program under ss. 280.03 (1)  
 23 or (8m) and 280.05 (1) (f), within a specified time. Pending efforts to comply with any  
 24 order, the department may permit continuance of operations on the conditions that  
 25 it prescribes. If any owner cannot comply with an order within the time specified,

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1 the owner may, before the date set in the order, petition the department to modify the  
2 order. The department may modify the order, specifying in writing the reasons for  
3 the modification. If any order is not complied with within the period specified, the  
4 department shall notify the attorney general of this fact. After receiving the notice,  
5 the attorney general may commence an action under s. 280.46 (1) (b).

6 (b) The department may issue temporary emergency orders to remedy  
7 violations described in par. (a) without prior hearing when the department  
8 determines that the protection of the public health necessitates ~~an~~ immediate  
9 action. Emergency orders shall take effect at the time the department specifies. As  
10 soon as is practicable, the department shall hold a public hearing after which it may  
11 modify or rescind the temporary emergency order or issue a special order under par.  
12 (a).

13 (c) 1. Any owner may secure a review of the necessity for and reasonableness  
14 of any order of the department under this subsection <sup>or s. 280.50</sup> by first filing with the  
15 department a petition setting forth specifically the ~~modification of~~ change desired  
16 in the order. The petition must be filed within 60 days of the issuance of the order  
17 sought to be reviewed. Upon receipt of a petition the department shall order a public  
18 hearing on the order and make whatever further investigation it determines is  
19 advisable. Pending the review and hearing, the department may suspend the order  
20 under terms and conditions to be fixed by the department on application of the  
21 petitioner. The department shall affirm, <sup>↓</sup> repeal, or change the order within 60 days  
22 after the close of the hearing on the petition.

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

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

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

8           (8) In lieu of recording an order under sub. (7), the department may record an  
9 affidavit that sets forth facts showing that a violation or a condition exists, relating  
10 to a water system, well, or other drill hole, that would authorize the department to  
11 issue an order under sub. (1). In an affidavit recorded under this subsection, the  
12 department shall include a legal description of the property on which the water  
13 system, well, or other drill hole is located. An employe<sup>e</sup> of the department shall sign  
14 the affidavit. If a person corrects the violation or the condition, the department shall  
15 record an affidavit describing that correction.

16           **280.42 Inspection authority.** (1) For purposes of administering and  
17 enforcing this chapter or any rule promulgated under this chapter, any authorized  
18 representative of the department who presents appropriate identification may, at  
19 any reasonable hour, enter public or private property to do any of the following:

20           (a) Inspect and obtain samples from any water system, well, or other drill hole.

21           (b) Conduct an investigation or inspection to ensure compliance with this  
22 chapter or with any rule promulgated or order issued under this chapter.

23           (c) Inspect records that the department requires to be kept.



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1 (2) If an owner refuses a request to make his or her property accessible for  
2 inspection under sub. (1), the department's authorized representative may obtain a  
3 special inspection warrant as provided under s. ~~280.12~~<sup>66.0119</sup>

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

8 **280.44 Sampling.** (1) The department may, in accordance with rules  
9 promulgated under s. 280.05 (1) (i), require a well driller, well point driver, restricted  
10 drill hole constructor, or pump installer to take a sample of water from any water  
11 system for which the person provides services, to submit the sample to the state  
12 laboratory of hygiene or a laboratory approved under s. 93.12 or certified under s.  
13 299.11 for analysis, and to provide the analysis to the department and the owner or  
14 operator of the water system or drill hole.

15 (2) The department may, in accordance with rules promulgated under s. 280.05  
16 (1) (i), require the owner or operator of a public water system or the owner or operator  
17 of a private water system that is the water supply for bottled drinking water  
18 regulated under s. 97.34 to take samples of water from the water system according  
19 to a schedule specified by the department, to submit the samples to the state  
20 laboratory of hygiene or a laboratory approved under s. 93.12 or certified under s.  
21 299.11 for analysis, and to provide a report of the analysis to the department.

22 (3) If a person required to submit samples under sub. (1) or (2) fails to do so,  
23 the department may enter the person's property as provided under s. 280.42, if  
24 necessary, and take samples for analysis. The department shall charge the person

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1 responsible for sampling for the costs incurred under this subsection, according to  
2 fees established by the department by rule.

3 **280.46 Enforcement.** (1) GENERAL. (a) If the department determines that  
4 a person has violated this chapter, a rule promulgated under this chapter, or an order  
5 issued under this chapter, the department may refer the matter to the department  
6 of justice or the district attorney of the county in which the violation occurred for  
7 enforcement.

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

12 (2) INJUNCTIONS. In any action commenced under sub. (1) (a), the department  
13 of justice or a district attorney may seek, and the court may grant, a temporary or  
14 permanent injunction to prevent or restrain any violation of this chapter, a rule  
15 promulgated under this chapter, or an order issued under this chapter.

16 (3) VENUE. An action under sub. (1) shall be commenced in the circuit court for  
17 the county in which the violation occurred in whole or in part ~~if~~ <sup>to the transfer</sup> ~~all parties stipulate~~ <sup>and</sup>  
18 the proceedings may be transferred to the circuit court for Dane county <sup>if that court</sup>  
19 agrees to the transfer.

20 **280.49 Penalties.** (1) In subs. (2) to (4), "violation" means a violation of this  
21 chapter, a rule promulgated under this chapter, or an order, license, or approval issued  
22 under this chapter or the falsification of any report required under this chapter.

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

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

3 (4) Any person who intentionally commits a violation shall, for each violation,  
4 be fined not less than \$100 nor more than \$10,000 or imprisoned for not more than  
5 6 months or both.

6 (5) For purposes of subs. (2) to (4), each violation of this chapter or a rule or  
7 order is a separate offense and each day of continued violation is a separate offense.

8 (6) (a) Notwithstanding subs. (2) to (4), any person who violates this chapter,  
9 a rule promulgated under this chapter, or an order, license, or approval issued under  
10 this chapter with respect to any requirement of the federal Safe Drinking Water Act,  
11 42 USC 300f to 300j-26, shall forfeit not less than \$10 nor more than \$25,000 for each  
12 violation. Each day of continued violation is a separate offense.

13 (b) Notwithstanding subs. (2) to (4), any person who intentionally commits an  
14 act that violates, or intentionally fails to perform an act required by, this chapter, a  
15 rule promulgated under this chapter, or an order, license, or approval issued under  
16 this chapter with respect to any requirement of the federal Safe Drinking Water Act,  
17 42 USC 300f to 300j-26, may be fined not more than \$50,000 for each day of violation  
18 or imprisoned for not more than 3 years or both.

**SUBCHAPTER V****FINANCIAL ASSISTANCE**

21 **SECTION 43.** Chapter 281 (title) of the statutes is amended to read:

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

24 **SECTION 44.** 281.01 (8) of the statutes is amended to read:

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1           281.01 (8) "Owner" means the state, county, town, town sanitary district, city,  
2 village, metropolitan sewerage district, corporation, firm, company, institution or  
3 individual owning or operating any ~~water supply, sewerage or water~~ system or  
4 sewage and refuse disposal plant.

5           **SECTION 45.** 281.01 (15) of the statutes is amended to read:

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6           281.01 (15) "Solid waste" means any garbage, refuse, sludge from a waste  
7 treatment plant, water ~~supply~~ treatment plant or air pollution control facility and  
8 other discarded or salvageable materials, including solid, liquid, semisolid, or  
9 contained gaseous materials resulting from industrial, commercial, mining and  
10 agricultural operations, and from community activities, but does not include solids  
11 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation  
12 return flows or industrial discharges which are point sources subject to permits  
13 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear  
14 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31

15

✓ (1)

16           **SECTION 46.** 281.01 (16) of the statutes is amended to read:

17           281.01 (16) "System or plant" includes ~~water and~~ sewerage systems and  
18 sewage and refuse disposal plants.

19           **SECTION 47.** 281.01 (20)<sup>X</sup> of the statutes is repealed.

20           **SECTION 48.** 281.12 (3) of the statutes is amended to read:

21           281.12 (3) The department, upon request, shall consult with and advise owners  
22 who have installed or are about to install systems or plants, ~~as to the most~~  
23 ~~appropriate water source and the best method of providing for its purity, or as to the~~  
24 best method of disposing of wastewater, including operations and maintenance,

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1 taking into consideration the future needs of the community for protection of its  
2 water supply. The department is not required to prepare plans.

3 **SECTION 49.** 281.13 (title) of the statutes is repealed and recreated to read:

4 **281.13 (title) Research.** (a)

5 **SECTION 50.** 281.13 (1) of the statutes is renumbered 280.03 (2), and 280.03 (2)  
6 (intro.), as renumbered, is amended to read:

7 280.03 (2) (intro.) ~~The department is authorized to act~~ Act with the U.S.  
8 geological survey in determining the sanitary and other conditions and nature of the  
9 natural water sources in this state, for the following purposes:

10 **SECTION 51.** 281.13 (1) (b) of the statutes is repealed.

11 **SECTION 52.** 281.13 (3) of the statutes is renumbered 281.13.

12 ~~**SECTION 53.** 281.17 (1) of the statutes is repealed.~~

13 **SECTION 54.** 281.17 (3) of the statutes is amended to read:

14 281.17 (3) The department shall promulgate rules establishing an examining  
15 program for the certification of operators of ~~water systems~~, wastewater treatment  
16 plants and septage servicing vehicles operated under a license issued under s. 281.48  
17 (3), setting such standards as the department finds necessary to accomplish the  
18 purposes of this chapter and chs. 285 and 289 to 299, including requirements for  
19 continuing education. The department may charge applicants a fee for certification.  
20 All moneys collected under this subsection for the certification of operators of ~~water~~  
21 ~~systems~~, wastewater treatment plants and septage servicing vehicles shall be  
22 credited to the appropriation under s. 20.370 (4) (bL). No person may operate a ~~water~~  
23 ~~systems~~, wastewater treatment plant or septage servicing vehicle without a valid  
24 certificate issued under this subsection. The department may suspend or revoke a  
25 certificate issued under this subsection for a violation of any statute or rule relating

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1 to the operation of a ~~water system or~~ wastewater treatment plant or to septage  
2 servicing, for failure to fulfill the continuing education requirements or as provided  
3 under s. 145.245 (3). The owner of any wastewater treatment plant shall be, or shall  
4 employ, an operator certified under this subsection who shall be responsible for plant  
5 operations, unless the department by rule provides otherwise. In this subsection,  
6 “wastewater treatment plant” means a system or plant used to treat industrial  
7 wastewater, domestic wastewater or any combination of industrial wastewater and  
8 domestic wastewater.

9 **SECTION 55.** 281.17 (8) of the statutes is repealed. ✓

10 **SECTION 56.** 281.17 (9) of the statutes is renumbered 280.03 (8m) and amended ✓  
11 to read:

12 280.03 (8m) ~~The department may require~~ Require owners of water systems to  
13 demonstrate the technical, managerial and financial capacity to comply with  
14 national primary drinking water regulations under 42 USC 300g-1 and ~~may~~ assist  
15 owners of water systems to develop that capacity.

16 **SECTION 57.** 281.19 (2) (a) of the statutes is amended to read:

17 281.19 (2) (a) The department may issue special orders directing particular  
18 owners to ~~remedy violations of the safe drinking water program under s. 281.17 (8)~~ ✓  
19 ~~and (9) or~~ to secure such operating results toward the control of pollution of the  
20 waters of the state as the department prescribes, within a specified time. Pending  
21 efforts to comply with any order, the department may permit continuance of  
22 operations on such conditions as it prescribes. If any owner cannot comply with an  
23 order within the time specified, the owner may, before the date set in the order,  
24 petition the department to modify the order. The department may modify the order,  
25 specifying in writing the reasons therefor. If any order is not complied with within

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1 the time period specified, the department shall immediately notify the attorney  
2 general of this fact. After receiving the notice, the attorney general shall may  
commence an action under s. 299.95.

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**SECTION 58.** 281.35 (title) and (1) to (3) of the statutes are renumbered 280.14  
(title) and (1) to (3), and 280.14 (1) (a), (b) 2. and (i), as renumbered, are amended to  
6 read:

7 280.14 (1) (a) "Approval" means a permit issued under s. 30.18 or an approval  
8 under s. ~~281.17 (1)~~ 280.10, 280.12 or 281.41.

9 (b) 2. If subd. 1. does not apply, the highest average daily water loss over any  
10 30-day period that is reported to the department or the public service commission  
11 under sub. (3) (c) or s. 30.18 (6) (c), 196.98, ~~281.17 (1)~~ 280.10 (3), 280.12 (6) or 281.41.

12 (i) "Person" has the meaning given in s. ~~281.01~~ 280.01 (9) and also includes  
13 ~~special purpose districts established under s. ~~180.972~~~~ other states and Canadian  
14 provinces and political subdivisions of other states and Canadian provinces.

15 **SECTION 59.** 281.35 (4) of the statutes is renumbered 280.14 (4), and 280.14 (4)  
16 (a) 2. and 3. and (b) (intro.), as renumbered, are amended to read:

17 280.14 (4) (a) 2. A person who is operating a high-capacity well system under  
18 an approval issued under s. ~~281.17 (1)~~ 280.12 or who is required to obtain an approval  
19 under that ~~paragraph~~ section before constructing ~~or~~, installing, modifying or  
20 operating a high-capacity well system.

21 3. An owner who is operating a sewage system or sewage and refuse disposal  
22 plant under ~~plans~~ approved under s. 281.41 ~~or~~, who is required to ~~submit plans and~~  
23 obtain an approval under that section before construction ~~or extension, modification~~  
24 or operation of a proposed sewage system or sewage and refuse disposal plant, who  
25 is operating a water system under an approval under s. 280.10 or who is required to

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1 obtain an approval under s. 280.10 before construction, modification or operation of  
2 a water system.

3 (b) (intro.) Before any person specified in par. (a) may begin a new withdrawal  
4 or increase the amount of an existing withdrawal, the person shall apply to the  
5 department under s. 30.18, ~~281.17 (1)~~ 280.10 (1), 280.12 (2) or 281.41 for a new  
6 approval or a modification of its existing approval if either of the following conditions  
7 applies:

8 **SECTION 60.** ~~281.35 (5) and (6) of the statutes are renumbered 280.14 (5) and~~  
9 ~~(6).~~

10 **SECTION 61.** 281.35 (7) of the statutes is repealed.

11 **SECTION 62.** 281.35 (8) to (12) of the statutes are renumbered 280.14 (8) to (12).

12 **SECTION 63.** ~~281.41 (1) of the statutes is amended to read:~~

13 ~~281.41 (1) Except as provided under sub. (2), every owner, within the time~~  
14 ~~prescribed by the department, shall file with the department a certified copy of~~  
15 ~~complete plans of a proposed system or plant or extension thereof, in scope and detail~~  
16 ~~satisfactory to the department, and, if required, of existing systems or plants, and~~  
17 ~~such other information concerning maintenance, operation and other details as the~~  
18 ~~department requires, including the information specified under s. ~~281.35~~ 280.14 (5)~~  
19 ~~(a), if applicable. Material changes with a statement of the reasons shall be likewise~~  
20 ~~submitted. Before plans are drawn a statement concerning the improvement may~~  
21 ~~be made to the department and the department may, if requested, outline generally~~  
22 ~~what it will require. Upon receipt of such plans for approval, the department or its~~  
23 ~~duly authorized representative shall notify the owner of the date of receipt. Within~~  
24 ~~90 days from the time of receipt of complete plans or within the time specified in s.~~  
25 ~~281.35 280.14 (5) (c), if applicable, the department or its authorized representative~~

*In sec A*  
*55-11*

*10/85*



**BILL**

1 shall examine and take action to approve, approve conditionally or reject the plans  
2 and shall state in writing any conditions of approval or reasons for rejection.  
3 Approval or disapproval of such plans and specifications shall not be contingent upon  
4 eligibility of such project for federal aid. The time period for review may be extended  
5 by agreement with the owner if the plans and specifications cannot be reviewed  
6 within the specified time limitation due to circumstances beyond the control of the  
7 department or in the case of extensive installation involving expenditures of  
8 \$350,000 or more. The extension shall not exceed 6 months. Failure of the  
9 department or its authorized representative to act before the expiration of the time  
10 period allowed for review shall constitute an approval of the plans, and upon demand  
11 a written certificate of approval shall be issued. Approval may be subject to  
12 modification by the department upon due notice. Construction or material change  
13 shall be according to approved plans only. The department may disapprove plans  
14 which are not in conformance with any existing approved areawide waste treatment  
15 management plan prepared pursuant to the federal water pollution control act, P.L.  
16 ~~92-500, as amended~~ 33 USC 1251 to 1387, and shall disapprove plans that do not  
17 meet the grounds for approval specified under s. ~~281.35~~ 280.14 (5) (d), if applicable.  
18 The department shall require each person whose plans are approved under this  
19 section to report that person's volume and rate of water withdrawal, as defined under  
20 s. ~~281.35~~ 280.14 (1) (m), and that person's volume and rate of water loss, as defined  
21 under s. ~~281.35~~ 280.14 (1) (L), if any, in the form and at the times specified by the  
22 department.

23 **SECTION 64.** 281.45 of the statutes is amended to read:

24 **281.45 House connections.** To assure preservation of preserve the public  
25 health, ~~comfort and safety, any city, village or town or town sanitary district having~~

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

18 **SECTION 65.** 281.53 of the statutes is renumbered 280.54, and 280.54 (1) and  
19 (3), as renumbered, are amended to read:

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

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1 governmental unit incurs the capital costs after January 1, 1989, and if the violation  
2 of the standards for contaminants occurs in a public water system owned by the  
3 municipality local governmental unit.

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

9 ~~SECTION 66. 281.65 (8d) of the statutes is amended to read:~~

10 ~~Act 9 281.65 (8d) The department may distribute a grant to the board of regents of  
11 the University of Wisconsin System for practices, techniques or measures to control  
12 storm water discharges on a University of Wisconsin System campus that is located  
13 in a municipality that is required to obtain a permit under s. 283.33 and that is  
14 located in a priority watershed area, a priority lake area or an area that is identified  
15 as an area of concern by the International Joint Commission, as defined in s. 281.35  
16 280.14 (1) (h), under the Great Lakes Water Quality Agreement.~~

17 ~~SECTION 67. 281.75 (title) and (1) (intro.), (a) and (b) of the statutes are  
18 renumbered 280.52 (title) and (1) (intro.), (a) and (b).~~

19 ~~SECTION 68. Subchapter VI (title) of chapter 281 [precedes s. 281.75] of the  
20 statutes is repealed.~~

21 ~~SECTION 69. 281.75 (1) (c) of the statutes is repealed.~~

22 ~~SECTION 70. 281.75 (1) (d) to (g) of the statutes are renumbered 280.52 (1) (d)  
23 to (g).~~

24 ~~SECTION 71. 281.75 (1) (h) of the statutes is renumbered 280.52 (1) (h) and  
25 amended to read:~~

## BILL

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

4 **SECTION 72.** 281.75 (2) ~~to (12)~~ <sup>and (3)</sup> of the statutes are renumbered 280.52 (2) ~~to (12)~~ <sup>and (3)</sup>.

5 **SECTION 73.** 281.75 (12) (intro.) and (a) of the statutes are renumbered 280.52  
6 (12) (intro.) and (a).

7 **SECTION 74.** 281.75 (12) (b) of the statutes is renumbered 280.52 (12) (b) and  
8 amended to read:

9 280.52 (12) (b) If the well is a drilled well, it is constructed by a well driller  
10 licensed under ~~ch. 280~~ s. 280.24 or, if the well is a sandpoint well, it is constructed  
11 by a well driller or ~~pump installer~~ well point driver licensed under ~~ch. 280~~ s. 280.24.

12 **SECTION 75.** 281.75 (13) to (17) of the statutes are renumbered 280.52 (13) to  
13 (17).

14 **SECTION 76.** 281.75 (18) of the statutes is renumbered 280.52 (18) and amended  
15 to read:

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

22 **SECTION 77.** 281.75 (19) of the statutes is renumbered 280.52 (19), and 280.52  
23 (19) (intro.), as renumbered, is amended to read:

**BILL**

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

4           **SECTION 78.** 281.77 of the statutes is renumbered 280.19, and 280.19 (title), (1)  
5 (b) and (3), as renumbered, are amended to read:

6           **280.19 (title) Damage to <sup>scope</sup> private water supplies.**

7           (1) (b) “Regulated activity” means an activity for which the department may  
8 issue an order under ch. 281, except s. 281.48, or under chs. 285 or 289 to 299 or this  
9 chapter, ~~except s. 281.48~~, if the activity is conducted in violation of ch. 281, except s.  
10 281.48, or in violation of chs. 285 or 289 to 299 or this chapter, ~~except s. 281.48~~, or  
11 in violation of licenses, permits or special orders issued or rules promulgated under  
12 ch. 281, except s. 281.48, or under chs. 285 or 289 to 299 or this chapter, ~~except s.~~  
13 281.48.

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

22           **SECTION 79.** 281.81 (1) of the statutes is amended to read:

23           281.81 (1) “International joint commission” has the meaning given in s. 281.35  
24 280.14 (1) (h).

**BILL**

1           **SECTION 80.** 281.94 of the statutes is renumbered 280.47, and 280.47 (1), as  
2 renumbered, is amended to read:

3           ~~280.47 (1) Any 6 or more residents of this state may petition for an  
4 investigation of a withdrawal, as defined under s. ~~281.35~~ 280.14 (1) (m), alleged to  
5 be in violation of s. ~~281.35~~ 280.14 (3) (a), in violation of a condition, limitation or  
6 restriction of a permit or approval issued in conformance with s. ~~281.35~~ 280.14 (6)  
7 (a) or in violation of any rule promulgated under s. ~~281.35~~ 280.14 (3) (a) or (4) to (6)  
8 by submitting to the department a petition identifying the alleged violator and  
9 setting forth in detail the reasons for believing a violation occurred. The petition  
10 shall state the name and address of a person in this state authorized to receive  
11 service of answer and other papers on behalf of the petitioners and the name and  
12 address of a person authorized to appear at a hearing on behalf of the petitioners.~~

13           **SECTION 81.** 281.95 of the statutes is renumbered 280.48 and amended to read:

14           ~~**280.48 Remedies; water withdrawal violations.** Any person who makes  
15 a withdrawal, as defined under s. ~~281.35~~ 280.14 (1) (m), in violation of s. ~~281.35~~  
16 280.14 (3) (a), in violation of a condition, limitation or restriction of a permit or  
17 approval issued in conformance with s. ~~281.35~~ 280.14 (6) (a) or in violation of any rule  
18 promulgated under s. ~~281.35~~ 280.14 (3) (a) or (4) to (6) is liable to any person who is  
19 adversely affected by the withdrawal for damages or other appropriate relief. Any  
20 person who is or may be adversely affected by an existing or proposed withdrawal,  
21 as defined under s. ~~281.35~~ 280.14 (1) (m), which is in violation of a condition,  
22 limitation or restriction of a permit or approval issued in conformance with s. ~~281.35~~  
23 280.14 (6) (a) or in violation of any rule promulgated under s. ~~281.35~~ 280.14 (4) to (6)  
24 may bring an action in the circuit court to restrain or enjoin the withdrawal.~~

25           **SECTION 82.** 281.97 of the statutes is amended to read:

**BILL**

1           **281.97 Records; inspection.** ~~Records~~ Owners shall keep records required by  
 2 the department ~~shall be kept by the owners and shall supply~~ the department  
 3 ~~supplied~~ with certified copies of those records and ~~such~~ other information as it may  
 4 require required by the department. Agents of the department may enter buildings,  
 5 structures and premises of owners supplying the public or industrial plants with  
 6 ~~water, ice,~~ sewerage systems, or sewage or refuse disposal service and private  
 7 properties to collect samples, records and information, and to ascertain if the rules  
 8 and orders of the department are complied with.

9  
 10  
 of Act 6

SECTION 83. 281.98 (1) of the statutes <sup>as affected by 2001 Wisconsin Act 6,</sup> is amended to read:

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

Insert  
 62-15 →

SECTION 84. 281.99 of the statutes is renumbered 280.50, and 280.50 (1) (a),  
 17 (b) 2. and (c), (2) (a) (intro.), (3) and (5), as renumbered, are amended to read:

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

(b) 2. The department may directly assess a forfeiture by issuing an order under  
 22 par. (c) without first providing notice if the alleged violation either creates an acute  
 23 risk to public health or safety or is part of a documented pattern of noncompliance  
 24 with one or more rules promulgated under s. 281.17 (8) or (9) 280.03 (1) or (8m) or  
 25 280.05 (1) (f).

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1 (c) If the department determines that a forfeiture should be assessed for a  
2 particular violation, it shall issue an order under s. ~~281.19 (2) (a)~~ 280.40 (5m) to the  
3 water system owner or operator alleged to have committed the violation. Except as  
4 provided in par. (b) 2., the department may not issue the order until at least 60 days  
5 after the day on which it provided notice under par. (b) 1. The order shall specify the  
6 amount of the forfeiture assessed, the violation and the rule alleged to have been  
7 violated and shall inform the licensee of the right to contest the order under sub. (3).

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

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

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

18 Act 9 SECTION 85. 285.01 (40) of the statutes is amended to read:

19 285.01 (40) "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



**BILL**

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 ~~(8)~~. <sup>1</sup> ← ONE

4 **SECTION 86.** 289.01 (33) of the statutes is amended to read:

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

14 ~~(8)~~.

15 **SECTION 87.** 289.01 (44) of the statutes is repealed.

16 **SECTION 88.** 292.65 (1) (g) of the statutes is amended to read:

17 292.65 (1) (g) "Groundwater" has the meaning given in s. ~~281.75 (1) (e)~~ <sup>✓</sup> 299.01 <sup>✓</sup>  
18 (5).

19 **SECTION 89.** 293.43 (3) (a) of the statutes is amended to read:

20 293.43 (3) (a) If it is determined that a statement under s. 1.11 is not required,  
21 the hearing shall be scheduled for a date not less than 60 days nor more than 90 days  
22 after the announcement of that determination, and the scheduling and providing of  
23 notice shall be completed not later than 10 days following the announcement. Notice  
24 of the hearing shall be given by mailing a copy of the notice to any known state agency  
25 required to issue a permit for the proposed operation, to the regional planning

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1 commission for the affected area, to the county, city, village and town within which  
2 any part of the affected area lies, to all persons who have requested this notification  
3 and, if applicable, to all persons specified under par. (b) 3. and s. ~~281.35~~ 280.14 (5)  
4 (b) and (6) (f). Written comments may be submitted to the department within 30 days  
5 of the date of notice.

6 **SECTION 90.** 293.65 (3) of the statutes is amended to read:

7 **293.65 (3) WITHDRAWAL OF GROUNDWATER; DEWATERING; PERMIT REQUIREMENTS.** (a)  
8 An approval under s. ~~281.17 (1)~~ 280.12 is required to withdraw groundwater or to  
9 dewater mines if the capacity and rate of withdrawal of all wells involved in the  
10 withdrawal of groundwater or the dewatering of mines exceeds 100,000 gallons each  
11 day. A permit under s. 283.31 is required to discharge pollutants resulting from the  
12 dewatering of mines.

13 (b) The department may not issue an approval under s. ~~281.17 (1)~~ 280.12 if the  
14 withdrawal of groundwater for prospecting or mining purposes or the dewatering of  
15 mines will result in the unreasonable detriment of public or private water supplies  
16 or the unreasonable detriment of public rights in the waters of the state. No  
17 withdrawal of groundwater or dewatering of mines may be made to the unreasonable  
18 detriment of public or private water supplies or the unreasonable detriment of public  
19 rights in the waters of the state.

20 **SECTION 91.** 295.11 (10) of the statutes is amended to read:

21 Ad 9 **295.11 (10)** "Solid waste" means any garbage, refuse, sludge from a waste  
22 treatment plant, water supply treatment plant or air pollution control facility and  
23 other discarded or salvageable materials, including solid, liquid, semisolid, or  
24 contained gaseous materials resulting from industrial, commercial, mining and  
25 agricultural operations, and from community activities, but does not include solids

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1 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation  
2 return flows or industrial discharges which are point sources subject to permits  
3 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear  
4 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31

5 (1).

6 ~~SECTION 92. 299.05 (2) (b) of the statutes is amended to read:~~

7 ~~299.05 (2) (b) Approvals under s. ~~281.17 (1)~~ 280.12.~~

8 SECTION 93. 299.07 (1) (a) 1. of the statutes is amended to read:

9 299.07 (1) (a) 1. A license or registration under s. ~~280.15~~ 280.24.

10 SECTION 94. 299.07 (1) (a) 2. of the statutes is amended to read:

11 299.07 (1) (a) 2. A certification under s. ~~280.20~~ or 281.17 (3).

12 SECTION 95. 299.08 (1) (a) 1. of the statutes is amended to read:

13 299.08 (1) (a) 1. A license or registration under s. ~~280.15~~ 280.24.

14 SECTION 96. 299.08 (1) (a) 2. of the statutes is amended to read:

15 299.08 (1) (a) 2. A certification under s. ~~280.20~~ or 281.17 (3).

16 SECTION 97. 299.11 (1) (d) 4. and 6. of the statutes are amended to read:

17 299.11 (1) (d) 4. The replacement of a well or provision of alternative water  
18 supplies under s. ~~281.75~~ or 281.77 ~~280.19~~ or 280.52.

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

21 SECTION 98. 443.14 (12m) of the statutes is amended to read:

22 443.14 (12m) A well driller, as defined in s. 280.01 (7), person licensed or  
23 registered under s. 280.24 who is engaged in well drilling, as defined in s. 280.01 (8)  
24 (16), well point driving, as defined in s. 280.01 (17), or constructing a drill hole, as  
25 defined in s. 280.01 (4), other than a well.

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1           **SECTION 99.** 470.025 (9) of the statutes is amended to read:

2           470.025 (9) A well driller, as defined in s. 280.01 (7) person licensed or  
3           registered under s. 280.24, who is engaged in well drilling, as defined in s. 280.01 (8)  
4           (16), well point driving, as defined in s. 280.01 (17), or constructing a drill hole, as  
5           defined in s. 280.01 (4), other than a well.

6           **SECTION 100.** 893.80 (8) of the statutes is amended to read:

7           893.80 (8) This section does not apply to actions commenced under s. 19.37,  
8           19.97 or ~~281.99~~ 280.50.

9           **SECTION 101. Nonstatutory provisions.**

10           (1) CURRENT LICENSEES. Notwithstanding section 280.24 (5) (b) of the statutes,  
11           as created by this act, the department of natural resources shall issue a well driller  
12           license to each individual registered as a well driller under section 280.15, 199<sup>9</sup>  
13           stats., on January 1, <sup>2001</sup>~~1999~~, and shall issue a pump installer license to each individual  
14           registered as a pump installer under section 280.15, 199<sup>9</sup> stats., on January 1, <sup>2001</sup>~~1999~~,  
15           without requiring the individual to take and pass an examination.

16           (2) POSITION AUTHORIZATION. The authorized FTE positions for the department  
17           of natural resources are increased by 3.0 PR positions to be funded from the  
18           appropriation under section 20.370 (2) (ai) of the statutes for water supply  
19           management.

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

23           (a) The member appointed under section 15.347 (3) (a) of the statutes, one of  
24           the members appointed under section 15.347 (3) (c) of the statutes, one of the  
25           members appointed under section 15.347 (3) (d) of the statutes, and one of the

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1 members appointed under section 15.347 (3) (e) of the statutes for terms expiring on  
2 July 1, 200<sup>3</sup>.

3 (b) The member appointed under section 15.347 (3) (b) of the statutes, one of  
4 the members appointed under section 15.347 (3) (c) of the statutes, one of the  
5 members appointed under section 15.347 (3) (d) of the statutes, and the member  
6 appointed under section 15.347 (3) (f) of the statutes, for terms expiring on July 1,  
7 200<sup>4</sup>.

8 (c) One of the members appointed under section 15.347 (3) (d) of the statutes,  
9 one of the members appointed under section 15.347 (3) (e) of the statutes, and the  
10 member appointed under section 15.347 (3) (g) of the statutes, for terms ending on  
11 July 1, 200<sup>5</sup>.

**SECTION 102. Initial applicability.**

13 (1) PRIVATE WATER SYSTEM ABANDONMENT AND PLUMBING CONNECTION ORDINANCES.  
14 The treatment of section <sup>66.0437</sup> ~~66.039~~ (2) (am) <sup>of the</sup> statutes first applies to ordinances enacted  
15 or modified on the effective date of this subsection.

**SECTION 103. Effective date.**

16 (1) This act takes effect on January 1, <sup>2002</sup> ~~2000~~, or the first day of the 6th month  
17 beginning after publication, whichever is later.

(END)

Insert 9-22

✓ (1)(a)

Section #. 66.0803 of the statutes is amended to read:

66.0803

~~66.0803 Acquisition of public utility or bus transportation system.~~ (1) (a) A town, village or city may construct, acquire or lease any plant and equipment located in or outside the municipality, including interest in or lease of land, for furnishing water, light, heat or power, to the municipality or its inhabitants; may acquire a controlling portion of the stock of any ~~corporation owning private waterworks~~ <sup>privately owned</sup> ~~or lighting plant and equipment~~ <sup>a public water system as defined in s. 280.01(12),</sup>; and may purchase the equity of redemption in a mortgaged or bonded ~~waterworks~~ <sup>(a) public water system as defined in s. 280.01(12),</sup> or lighting system, including cases where the municipality in the franchise has reserved right to purchase. The character or duration of the franchise, permit or grant under which any public utility is operated does not affect the power to acquire the public utility under this subsection. Two or more public utilities owned by the same person or corporation, or 2 or more public utilities subject to the same lien or charge, may be acquired as a single enterprise. The board or council may agree with the owner or owners of any public utility or utilities on the value of the utility or utilities and may contract to purchase or acquire at that value, upon those terms and conditions mutually agreed upon between the board or council and the owner or owners.

(b) ~~A resolution, specifying the method of payment and submitting the question to a referendum,~~ shall be adopted by a majority of all the members of the board or council at a regular meeting, after publication at least one week previous in the official paper.

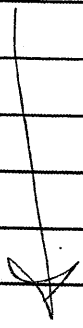
(c) The notice of the referendum shall include a general statement of the plant and equipment proposed to be constructed, acquired or leased and of the manner of payment.

(d) Referenda under this section may not be held oftener than once a year, except that a referendum held for the acquisition, lease or construction of any of the types of property enumerated in par. (a) does not bar the holding of one referendum in the same year for the acquisition and operation of a bus transportation system by the municipality.

(e) The provisions of pars. (b) to (d) do not apply to the acquisition of any plant, equipment or public utility for furnishing water service when the plant, equipment or utility is acquired by the

(END of insert)

(9) (cm) 1. Except as provided under sub. (3), no person may perform well drilling of an environmental well or represent that he or she is able to perform well drilling of an environmental well unless he or she holds a well driller license and an environmental well driller license <sup>under this section</sup> or is registered as a drilling rig operator and is under the immediate supervision of an individual who holds a well driller license under this section.



**BILL**

*Insert 32-17, p. 2*

- c. Restricted drill hole constructor—elevator shaft constructor.
- d. Restricted drill hole constructor—soil boring constructor.

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

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

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

2. To provide immediate supervision for well drilling of a well constructed to obtain potable water, an individual holding a well driller license shall direct and inspect the well drilling and shall be on the site of the well drilling for a reasonable period at least once during the well siting, the well drilling, or the finishing operations. When not on the site, the individual holding the well driller license shall be readily available for consultation with, and direction of the activities of, the individuals who do not hold a well driller license. Availability by telephone satisfies the requirement to be readily available.

*an environmental well  
and an environmental well  
driller license  
and the environmental well  
driller license*

*(END of insert)*

(b) 1. Except as provided under sub. (3), beginning on January 1, 2001, no individual may perform well point driving or represent that he or she is able to



Inser A 33-16

1m.

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

Insert 54-3, p. 1

Section #. 281.35 (1) (a) and (b) 2. of the statutes are amended to read:

✓  
280.10,

281.35 (1) (a) "Approval" means a permit issued under s. 30.18 or an approval under s. ~~281.17~~  
(1) or 281.41.

History: 1985 a. 60; 1987 a. 27, 186; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 32; 1991 a. 39; 1995 a. 227 s. 400; Stats., 1995 s. 281.35; 1999 a. 150 s. 672.

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

History: 1985 a. 60; 1987 a. 27, 186; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 32; 1991 a. 39; 1995 a. 227 s. 400; Stats., 1995 s. 281.35; 1999 a. 150 s. 672.

↓

↓

Inset 54-3, p. 2

Section #. 281.35 (4) (a) 3. and (b) (intro.) of the statutes are amended to read:

281.35 (4) (a) 3. An owner who is operating a sewage system or sewage and refuse disposal plant under plans approved under s. 281.41 <sup>v</sup> who is required to submit plans and obtain an approval under that section before construction or extension of a modification or operation sewage sewage and refuse disposal proposed system or plant.

History: 1985 a. 60; 1987 a. 27, 186; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 32; 1991 a. 39; 1995 a. 227 s. 400; Stats., 1995 s. 281.35; 1999 a. 150 s. 672.

(b) (intro.) Before any person specified in par. (a) may begin a new withdrawal or increase the amount of an existing withdrawal, the person shall apply to the department under s. 30.18, <sup>281.10(1)</sup> ~~281.17~~ (1) or 281.41 for a new approval or a modification of its existing approval if either of the following conditions applies:

History: 1985 a. 60; 1987 a. 27, 186; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 32; 1991 a. 39; 1995 a. 227 s. 400; Stats., 1995 s. 281.35; 1999 a. 150 s. 672.

who is operating a water system under an approval under s. 280.10, or who is required to obtain an approval under s. 280.10 before construction, modification, or operation of a water system

(end of mark)

Insert 55-11, p. 1

(c)

Section #. 281.41 (1) of the statutes is amended to read:

281.41 (1) (a) Except as provided under sub. (2), every owner within the time prescribed by the department, shall file with the department a certified copy of complete plans of a proposed system or plant or extension thereof, in scope and detail satisfactory to the department, and, if required, of existing systems or plants, and any other information concerning maintenance, operation and other details that the department requires, including the information specified under s. ~~281.35~~<sup>280.14</sup>(5) (a), if applicable. Material changes with a statement of the reasons shall be likewise submitted. Before plans are drawn, a statement concerning the improvement may be made to the department and the department may, if requested, outline generally what it will require. Upon receipt of the plans for approval, the department or its authorized representative shall notify the owner of the date of receipt.

(b) Within 90 days from the time of receipt of complete plans or within the time specified in s. ~~281.35~~<sup>280.14</sup>(5) (c), if applicable, the department or its authorized representative shall examine and take action to approve, approve conditionally or reject the plans and shall state in writing any conditions of approval or reasons for rejection. Approval or disapproval of the plans and specifications may not be contingent upon eligibility of the proposed project for federal aid. The time period for review may be extended by agreement with the owner if the plans and specifications cannot be reviewed within the specified time limitation due to circumstances beyond the control of the department or in the case of extensive installation involving expenditures of \$350,000 or more. The extension may not exceed 6 months. Failure of the department or its authorized representative to act before the expiration of the time period allowed for review shall constitute an approval of the plans, and upon demand a written certificate of approval shall be issued. Approval may be subject to modification by the department upon due notice.

(c) Construction or material change shall be according to approved plans only. The department may disapprove plans that are not in conformance with any existing approved areawide waste treatment management plan prepared pursuant to the federal water pollution control act, ~~P.L. 92-500~~, <sup>33 USC 1251 to 1387</sup> as amended, and shall disapprove plans that do not meet the grounds for approval specified under

plan comma

Insert 55-11, p. 2

sted.  
↓  
~~281.35~~

\* s. ~~281.35~~(5) (d), if applicable. The department shall require each person whose plans are approved under this section to report that person's volume and rate of water withdrawal, as defined under s. ~~281.35~~(1) (m), and that person's volume and rate of water loss, as defined under s. ~~281.35~~(1) (L), if any, in the form and at the times specified by the department.

sted.  
↓  
~~281.35~~

~~281.35~~  
q  
sted.

History: 1977 c. 418; 1985 a. 60; 1991 a. 39; 1995 a. 227 s. 405; Stats., 1995 s. 281.41; 1999 a. 85.

(END OF INSERT)

Insert 58-16

Section #. 281.66 (6) of the statutes is amended to read:

281.66 (6) GRANTS FOR CAMPUSES. Notwithstanding subs. (3) and (4), the department may distribute a grant to the board of regents of the University of Wisconsin System for practices, techniques or measures to control storm water discharges on a University of Wisconsin System campus that is located in a municipality that is required to obtain a permit under s. 283.33 and that is located in a priority watershed, as defined in s. 281.65 (2) (c), a priority lake area, as defined in s. 281.65 (2) (bs), or an area that is identified as an area of concern by the International Joint Commission, as defined in s. ~~281.35~~<sup>280.14</sup>(1) (h), under the Great Lakes Water Quality Agreement.

History: 1999 a. 9 ss. 2525f, 2525g.

(END of insert)

Insert 59-4

~~4822.~~

Section #. 281.75(4) of the statute, as affected by

2001 Wisconsin Act <sup>(16)</sup> ~~16~~ ~~Senate Bill 55~~ is renumbered

280.52(4) ~~(b)(1)~~

Section #. 281.75(4m) to (11) of the statute are renumbered 280.52(4m) to (11).

Section # 281.75 (4) (title) and (a) <sup>of the statute</sup> are renumbered 280.52 (4) (title) and (a).

Section # . 281.75 (4) (b) (intro.) 1, 2, 4, 5, and 6. of the statute are renumbered 280.52 (4) (b) (intro.) 1, 2, 4, 5, and 6.

(end of insert)

Insert 62-15

Section #. 281.98 (2) of the statutes is amended to read:

281.98 (2) In addition to the penalties provided under sub. (1) ~~or s. 281.99 (2)~~, the court may award the department of justice the reasonable and necessary expenses of the investigation and prosecution of a violation of this chapter, including attorney fees. The department of justice shall deposit in the state treasury for deposit into the general fund all moneys that the court awards to the department or the state under this subsection. Ten percent of the money deposited in the general fund that was awarded under this subsection for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).

History: 1995 a. 227; 1997 a. 27; 1999 a. 147.

(end of insert)



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

LRB-3331/1dn

RCT:.....

cm#

*date*

This is the draft relating to well drilling and drinking water. It is based on 1999 LRB-0615/2 with modifications described in a memo from Sean Dilweg, as clarified in a phone conversation with him, and some changes necessitated by changes in the statutes since last session's version was drafted. Please review the draft carefully to ensure that it complies with your intent.

In particular, please take a close look at the provisions related to a new kind of license, for environmental well drillers. These provisions are primarily in proposed s. 280.24 (2) (cm) and (e) 1m. I think that it would be a good idea to define "environmental well" or describe that concept more fully. Note that the draft also provides a license category for persons who drill monitoring wells, as defined in proposed s. 280.01 (8g). Also, please note that I did not add the environmental well driller license to proposed s. 280.24 (6) (b), relating to experience requirements. A person applying for an environmental well driller license would be required to have 2,000 hours of experience drilling drinking water wells because the draft requires that the person also have a well driller license. Please let me know if you want to require a certain amount of experience with drilling environmental wells as a condition of obtaining an environmental well driller license.

\* There are several dates in the draft <sup>that</sup> ~~which~~ I updated by two years. See proposed s. 280.24 (2) (b) 1 and (d) 1., the nonstatutory provisions, and the effective date. Please let me know if you would prefer different dates.

Please feel free to contact me with questions or redraft instructions.

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

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

LRB-3331/1dn  
RCT:cmh:kjf

September 7, 2001

This is the draft relating to well drilling and drinking water. It is based on 1999 LRB-0615/2 with modifications described in a memo from Sean Dilweg, as clarified in a phone conversation with him, and some changes necessitated by changes in the statutes since last session's version was drafted. Please review the draft carefully to ensure that it complies with your intent.

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There are several dates in the draft that I updated by two years. See proposed s. 280.24 (2) (b) 1. and (d) 1., the nonstatutory provisions, and the effective date. Please let me know if you would prefer different dates.

Please feel free to contact me with questions or redraft instructions.

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

## Tradewell, Becky

---

**From:** Sean Dilweg [sdilweg@patrickessie.com]  
**Sent:** Friday, December 07, 2001 3:57 PM  
**To:** Becky.Tradewell@legis.state.wi.us  
**Cc:** patrick.henderson@legis.state.wi.us  
**Subject:** FW: LRB 3331/1 drafting changes request

Becky,

Can we go ahead and redraft LRB 3331/1 with a change to the definition of water system on page 16 line 17-19. Please delete the existing and replace with the current definition of water system under 281.01(20):

"Water system" means all structures, conduits and appurtenances by means of which water is delivered to consumers except piping and fixtures inside the buildings served, and service pipes from the building to the street main.

Thank you,

--Sean Dilweg

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

**From:** Sean Dilweg [mailto:sdilweg@patrickessie.com]  
**Sent:** Monday, November 12, 2001 2:35 PM  
**To:** Tradewell, Becky  
**Subject:** RE: LRB 3331/1 drafting changes request

Thanks Becky,

I'll be sitting down with DNR and get back to you.

--Sean

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

**From:** Tradewell, Becky [mailto:Becky.Tradewell@legis.state.wi.us]  
**Sent:** Friday, November 09, 2001 8:55 AM  
**To:** 'Sean Dilweg'  
**Subject:** RE: LRB 3331/1 drafting changes request

Sean,

Have you discussed the issue about the definition of "water system" with DNR? I don't think that we can just do away with the definition, the term is central to the draft. The definition covers public water systems, not just private water systems. I think that in addition to the source of water, the well and the pump, it needs to include the pipes that run under the streets and possibly public water treatment plants, and I would not think that Commerce would have a problem with that. One of the goals of this draft through the sessions has been to comply with the federal Safe Drinking Water Act, and I think that narrowing the definition this much might run afoul of that. Although there may be some turf issues between

the departments, there should be a way to deal with Commerce's concerns without causing other problems with the scope of the draft.

Please contact me if you have questions about this or if I can be of help in resolving this issue.

Becky Tradewell  
Legislative Reference Bureau  
266-7290

-----Original Message-----  
From: Sean Dilweg [mailto:sdilweg@patrickessie.com]  
Sent: Thursday, November 08, 2001 5:07 PM  
To: Becky.tradewell@legis.state.wi.us  
Subject: FW: LRB 3331/1 drafting changes request

Becky,

After talking with the Department of Commerce over their concerns with the draft's regulation of Water Systems we would like to limit the definition of Water System to be only the source of water, well and the pump. Maybe we should simply eliminate the "Water System" definition on page 16 lines 17-19 and add a new existing definition for pumps.

The concern the Department of Commerce raised with which we agree is that the current draft gives regulation of water systems to the DNR which could include indoor sprinkler systems ect. With everything Commerce is currently doing on regulation of appliances such as dishwashers, Jacuzzi piping, ect. We wanted to stay away from this area in the draft and focus only on the well itself and the well pump.

In addition we would like to eliminate Section (8) on page 31 lines 22 to 25.

I talked with Baumgart's Office on these changes. Please call if you have any questions. I am out of the office Nov. 9 but will be in all next week.

Thank you,  
--Sean Dilweg, Wisconsin Water Well Association