



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-3331~~2~~ 2  
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SOON (in 12/10)

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2001 BILL

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Regen

1 AN ACT *to repeal* 59.70 (6), 167.27 (4), 281.01 (20), 281.13 (1) (b), 281.17 (8),  
2 subchapter VI (title) of chapter 281 [precedes s. 281.75], 281.75 (1) (c) and  
3 289.01 (44); *to renumber* 281.13 (3), 281.75 (title) and (1) (intro.), (a) and (b),  
4 281.75 (1) (d) to (g), 281.75 (2) and (3), 281.75 (4), 281.75 (4m) to (11), 281.75 (12)  
5 (intro.) and (a) and 281.75 (13) to (17); *to renumber and amend* 281.13 (1) (a),  
6 281.17 (9), 281.53, 281.75 (1) (h), 281.75 (12) (b), 281.75 (18), 281.75 (19), 281.77  
7 and 281.99; *to amend* 20.370 (4) (bL), 20.370 (6) (cr), 20.370 (7) (cd), 20.865 (2)  
8 (em), 20.866 (2) (tb), 25.46 (5e), 59.07 (1), 59.64 (1) (a), 59.70 (1), 60.44 (1) (a),  
9 60.44 (3), 62.25 (1), 66.0803 (1) (a), 88.145, 97.34 (2) (b), 97.34 (2) (d), 101.143  
10 (1) (c), 118.26, 119.68 (2), 145.06 (4) (b), 145.10 (1) (intro.) and (a) to (b), 160.09  
11 (1) (intro.), 167.27 (title), (2) and (3), 167.27 (5), 167.27 (6), 198.12 (2), chapter  
12 281 (title), 281.01 (8), 281.01 (15), 281.01 (16), 281.12 (3), 281.17 (3), 281.19 (2)  
13 (a), 281.35 (1) (a) and (b) 2., 281.35 (4) (a) 3. and (b) (intro.), 281.41 (1) (c), 281.45,  
14 281.97, 281.98 (1), 281.98 (2), 285.01 (40), 289.01 (33), 292.65 (1) (g), 295.11 (10),

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1           299.07 (1) (a) 1., 299.07 (1) (a) 2., 299.08 (1) (a) 1., 299.08 (1) (a) 2., 299.11 (1)  
2           (d) 4. and 6., 443.14 (12m), 470.025 (9) and 893.80 (8); *to repeal and recreate*  
3           62.69 (2) (k), chapter 280 and 281.13 (title); and *to create* 15.347 (3), 20.370 (2)  
4           (ai), 66.0437, 145.07 (5m) and 167.27 (9) of the statutes; **relating to:** the  
5           regulation of drill holes, water quality, and water systems, related licensing and  
6           certification, creating a council on wells and drill holes, granting rule-making  
7           authority, making appropriations, and 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.

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, pump installation, and constructing specified types of drill holes (other than wells to obtain groundwater for human consumption). 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

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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 a council on wells and drill holes 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.

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 WELLS AND DRILL HOLES.** There is created in the  
3 department of natural resources a council on wells and drill holes. The council  
4 consists of the following members, who shall serve 3-year terms:

5           (a) One restricted drill hole constructor engaged in the construction of  
6 monitoring wells.

7           (b) One restricted drill hole constructor engaged in the construction of drill  
8 holes other than monitoring wells.

9           (c) Two pump installers.

10          (d) Three well drillers.

11          (e) Two persons who are not connected with the business of well drilling, pump  
12 installation, or construction of other drill holes.

13          (f) One person who supplies or manufactures products used in the construction  
14 of wells or other drill holes.

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1 (g) One officer or employee of the department of natural resources.

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

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

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

7 20.370 (4) (bL) *Wastewater management — fees.* From the general fund, all  
8 moneys received under s. 281.17 (3) for the certification of operators of ~~water~~  
9 ~~systems~~, wastewater treatment plants and septage servicing vehicles and under s.  
10 281.48 (4s) (a) and (b) for wastewater management activities.

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

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

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

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

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

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

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

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1           20.866 (2) (tb) *Natural resources; municipal clean drinking water grants.* From  
2 the capital improvement fund, a sum sufficient to the department of natural  
3 resources to provide funds for municipal clean drinking water grants under s. ~~281.53~~  
4 280.54. The state may contract public debt in an amount not to exceed \$9,800,000  
5 for this purpose.

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

7           25.46 (5e) All moneys received under s. ~~281.75~~ 280.52 (16) (d) for  
8 environmental management.

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

10           59.07 (1) No action may be brought or maintained against a county upon a  
11 claim or upon a cause of action unless the claimant complies with s. 893.80. This  
12 subsection does not apply to actions commenced under s. 19.37, 19.97 or ~~281.99~~  
13 280.50.

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

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

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

22           59.70 (1) **BUILDING AND SANITARY CODES.** The board may enact building and  
23 sanitary codes, make necessary rules and regulations in relation thereto and provide  
24 for enforcement of the codes, rules and regulations by forfeiture or otherwise. The  
25 codes, rules and regulations do not apply within municipalities which have enacted

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1 ordinances or codes concerning the same subject matter. "Sanitary code" does not  
2 include a private sewage system ordinance enacted under sub. (5). ~~"Building and~~  
3 ~~sanitary codes" does not include well code ordinances enacted under sub. (6).~~

4 **SECTION 12.** 59.70 (6) of the statutes is repealed.

5 **SECTION 13.** 60.44 (1) (a) of the statutes is amended to read:

6 60.44 (1) (a) Claims for money against a town or against officers, officials,  
7 agents or employees of the town arising out of acts done in their official capacity shall  
8 be filed with the town clerk as provided under s. 893.80 (1) (b). This paragraph does  
9 not apply to actions commenced under s. 19.37, 19.97 or ~~281.99~~ 280.50.

10 **SECTION 14.** 60.44 (3) of the statutes is amended to read:

11 60.44 (3) COURT ACTIONS TO RECOVER CLAIMS. Subsection (2), or an ordinance  
12 adopted under that subsection, does not affect the applicability of s. 893.80. No  
13 action may be brought or maintained against a town upon a claim unless the  
14 claimant complies with s. 893.80. This subsection does not apply to actions  
15 commenced under s. 19.37, 19.97 or ~~281.99~~ 280.50.

16 **SECTION 15.** 62.25 (1) of the statutes is amended to read:

17 62.25 (1) CLAIMS. No action may be brought or maintained against a city upon  
18 a claim or cause of action unless the claimant complies with s. 893.80. This  
19 subsection does not apply to actions commenced under s. 19.37, 19.97 or ~~281.99~~  
20 280.50.

21 **SECTION 16.** 62.69 (2) (k) of the statutes is repealed and recreated to read:

22 62.69 (2) (k) Rules, regulations, and ordinances concerning plumbing shall  
23 conform to ss. 59.70 (5) and 145.13.

24 **SECTION 17.** 66.0437 of the statutes is created to read:

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

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

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

20           (3) The local governmental unit shall notify any person who is in violation of  
21 an ordinance enacted under sub. (2) and order the person to correct the violation  
22 within 30 days. If the person fails to comply with the order, the local governmental  
23 unit may impose a forfeiture of not more than \$100 for each day of continued violation  
24 after the expiration of the 30 days. In addition, the local governmental unit may take  
25 any action necessary to correct the violation and charge the cost as a special

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1 assessment against the property on which the violation occurs. Except in a 1st class  
2 city, if the property owner, within 30 days after completion of the work required to  
3 correct the violation, files a written request with the clerk of the local governmental  
4 unit for installment payments, the local governmental unit shall assess the costs in  
5 5 equal annual installments with interest at a rate not to exceed 15% per year from  
6 the date of completion of the work. If the property owner does not file such a request,  
7 or if the property is located in a 1st class city, the property owner shall pay the entire  
8 amount due in the following year.

9 **SECTION 18.** 66.0803 (1) (a) of the statutes is amended to read:

10 66.0803 (1) (a) A town, village or city may construct, acquire or lease any plant  
11 and equipment located in or outside the municipality, including interest in or lease  
12 of land, for furnishing water, light, heat or power, to the municipality or its  
13 inhabitants; may acquire a controlling portion of the stock of any privately owned  
14 corporation owning ~~private waterworks~~ a public water system, as defined in s. 280.01  
15 (12), or a lighting plant and equipment; and may purchase the equity of redemption  
16 in a mortgaged or bonded ~~waterworks~~ public water system, as defined in s. 280.01  
17 (12), or lighting system, including cases where the municipality in the franchise has  
18 reserved right to purchase. The character or duration of the franchise, permit or  
19 grant under which any public utility is operated does not affect the power to acquire  
20 the public utility under this subsection. Two or more public utilities owned by the  
21 same person or corporation, or 2 or more public utilities subject to the same lien or  
22 charge, may be acquired as a single enterprise. The board or council may agree with  
23 the owner or owners of any public utility or utilities on the value of the utility or  
24 utilities and may contract to purchase or acquire at that value, upon those terms and



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1 conditions mutually agreed upon between the board or council and the owner or  
2 owners.

3 **SECTION 19.** 88.145 of the statutes is amended to read:

4 **88.145 Limitation of damages and suits.** In any action against a drainage  
5 district, drainage board, drainage board member, drainage board employee or an  
6 owner of land within the district who undertakes work approved by the drainage  
7 board, s. 893.80 is applicable and the limit on the amount recoverable by any person  
8 under s. 893.80 (3) applies to the drainage board, the members and employees of the  
9 drainage board, the drainage district and any owner of land within the district who  
10 undertakes work approved by the drainage board. This section does not apply to  
11 actions commenced under s. 19.37, 19.97 or ~~281.99~~ 280.50.

12 **SECTION 20.** 97.34 (2) (b) of the statutes is amended to read:

13 97.34 (2) (b) No person may manufacture or bottle bottled drinking water for  
14 sale or distribution in this state unless the bottled drinking water complies with  
15 state drinking water standards adopted by the department of natural resources  
16 under s. ~~280.11, 281.15 or 281.17~~ (8) 280.05 (1) (f) and with health-related  
17 groundwater enforcement standards adopted by the department of natural  
18 resources under ch. 160.

19 **SECTION 21.** 97.34 (2) (d) of the statutes is amended to read:

20 97.34 (2) (d) No person may manufacture or bottle bottled drinking water for  
21 sale or distribution in this state unless the water system used by the manufacturer  
22 or bottler complies with ch. 280 and rules promulgated by the department of natural  
23 resources under that chapter. The department of natural resources shall notify the  
24 department of agriculture, trade and consumer protection of any noncompliance  
25 with this paragraph.

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1           **SECTION 22.** 101.143 (1) (c) of the statutes is amended to read:

2           101.143 (1) (c) “Groundwater” has the meaning ~~designated under~~ given in s.  
3 ~~281.75 (1) (e)~~ 160.01 (4).

4           **SECTION 23.** 118.26 of the statutes is amended to read:

5           **118.26 Claim against school district.** No action may be brought or  
6 maintained against a school district upon a claim or cause of action unless the  
7 claimant complies with s. 893.80. This section does not apply to actions commenced  
8 under s. 19.37, 19.97 or ~~281.99~~ 280.50.

9           **SECTION 24.** 119.68 (2) of the statutes is amended to read:

10           119.68 (2) No action may be brought or maintained against the school upon a  
11 claim or cause of action unless the claimant complies with s. 893.80. This subsection  
12 does not apply to actions commenced under s. 19.37, 19.97 or ~~281.99~~ 280.50.

13           **SECTION 25.** 145.06 (4) (b) of the statutes is amended to read:

14           145.06 (4) (b) Plumbing from the private water supply pump to and including  
15 the ~~initial~~ pressure tank or building control valve, water service piping from the  
16 pump to one or more buildings and connection to an existing water distribution  
17 system, when installed by persons licensed as pump installers under ~~ch. 280 s.~~  
18 280.24.

19           **SECTION 26.** 145.07 (5m) of the statutes is created to read:

20           145.07 (5m) A person may apply for examination for licensure as a master  
21 plumber (restricted), for the appliances, equipment or devices classification, upon  
22 submitting evidence satisfactory to the department of all of the following:

23           (a) That the person has been registered under s. 280.15, 1999 stats., or licensed  
24 under s. 280.24 as a pump installer for a total of at least 36 months.

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1 (b) That the person has been actively engaged in pump installation activities  
2 in this state for not less than 1,000 hours per year in 3 or more consecutive years.

3 (c) If the person was not registered under s. 280.15, 1999 stats., as a pump  
4 installer before the effective date of this paragraph .... [revisor inserts date], that the  
5 person has graduated from high school or has attained the equivalent of high school  
6 graduation, as determined by the department.

7 **SECTION 27.** 145.10 (1) (intro.) and (a) to (b) of the statutes are amended to read:

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

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

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

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

23 **SECTION 28.** 160.09 (1) (intro.) of the statutes is amended to read:

24 160.09 (1) (intro.) Notwithstanding the authority of the department under ss.  
25 ~~280.11, 281.15 and 281.17 (8) s. 280.03 (1) to establish standards for pure a safe~~

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1 drinking water program, the department shall establish enforcement standards for  
2 substances of public welfare concern as follows:

3 **SECTION 29.** 167.27 (title), (2) and (3) of the statutes are amended to read:

4 **167.27 (title) Capping and filling wells or similar certain structures.**

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

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

13 **SECTION 30.** 167.27 (4) of the statutes is repealed.

14 **SECTION 31.** 167.27 (5) of the statutes is amended to read:

15 167.27 (5) Whenever any mine shaft, or exploration shaft ~~or test well~~ is  
16 abandoned or its use discontinued, the operator or contractor shall promptly fill  
17 ~~same it~~ to grade or enclose ~~the same it~~ with a fence of strong woven wire not less than  
18 46 inches wide with one barbwire above or cap ~~same it~~ with a reinforced concrete slab  
19 at least 6 inches thick or with a native boulder at least 3 times the diameter of the  
20 top of the shaft ~~or test well here~~. The strands of the woven wire shall not be smaller  
21 than No. 12 wire and the cross wires and meshes shall not be smaller than No. 16  
22 wire; the strands shall not be more than 12 inches apart, and the meshes shall not  
23 exceed 8 inches square. All wires must be tightly stretched and securely fastened to  
24 sufficient posts firmly set not more than 8 feet apart. ~~In case~~ If any person shall  
25 neglect fails to repair or rebuild ~~such a~~ fence which the person is so required to build

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1 and maintain under this subsection, any person may complain to the department of  
2 commerce or to the local governing body, which shall give notice in writing to the  
3 person who is required to build and maintain ~~such~~ the fence. The department of  
4 commerce or the local governing body shall then proceed to examine the fence, and  
5 if it ~~shall determine~~ determines that ~~such~~ the fence is insufficient, it shall notify the  
6 person responsible for its erection and maintenance and direct the person to repair  
7 or rebuild the fence within ~~such~~ the time ~~as it shall deem~~ that the department or the  
8 local governing body determines to be reasonable. Any person refusing to comply  
9 with ~~such~~ an order shall be issued under this subsection is subject to the penalties  
10 provided in sub. (7).

11 **SECTION 32.** 167.27 (6) of the statutes is amended to read:

12 167.27 (6) ~~Existing~~ An existing abandoned mine ~~shafts, shaft or~~ exploration  
13 ~~shafts or test wells~~ shaft shall be securely protected by the owner of the real estate  
14 upon which it is located.

15 **SECTION 33.** 167.27 (9) of the statutes is created to read:

16 167.27 (9) The use and abandonment of wells is governed by ch. 280.

17 **SECTION 34.** 198.12 (2) of the statutes is amended to read:

18 198.12 (2) SERVICE OF PROCESS ON, PERSONAL INJURY CLAIMS, VENUE. The district  
19 shall sue or be sued in its corporate name and service of process upon the district  
20 shall be by service upon the chairperson of the board and the clerk of the district, but  
21 no action shall be brought or maintained against a district upon a claim or cause of  
22 action unless the claimant complies with s. 893.80. Compliance with s. 893.80 is not  
23 required under this subsection in actions commenced under s. 19.37, 19.97 or ~~281.99~~  
24 280.50. All actions by or against the district, except condemnation proceedings and  
25 actions to which the state or any officer or commission thereof is a party, shall be

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1 brought in the circuit court for the county in which its principal administrative office  
2 is located.

3 **SECTION 35.** Chapter 280 of the statutes is repealed and recreated to read:

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

9 **280.01 Definitions.** In this chapter:

10 (1) "Community water system" means a public water system with at least 15  
11 service connections used by year-round residents or that regularly serves at least 25  
12 year-round residents. "Community water system" does not include piping and  
13 fixtures inside a building served by the water system, service pipes from a  
14 distribution main to a building, or private distribution mains located entirely on  
15 private property.

16 (2) "Contaminant" means any physical, chemical, biological, or radiological  
17 substance or matter in water.

18 (2m) "Council" means the council on wells and drill holes.

19 (3) "Department" means the department of natural resources.

20 (3m) "Dewatering well" means a well that is used only to lower groundwater  
21 levels to permit construction or to permit the use of an area that is below the surface  
22 of the ground.

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

25 (5) "Drilling rig" means the equipment used to drill a drill hole.

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

2           **(6m)** “Hydrofracturing” means hydraulic fracturing of an aquifer by injecting  
3 into a well a fluid that is under at least 500 pounds per square inch of pressure and  
4 may include injecting sand or a similar material to hold the crevices open when the  
5 pressure is removed.

6           **(7)** “Local governmental unit” means a city, village, town, county, utility district  
7 under s. 66.0827, municipal water district, town sanitary district as defined in s.  
8 60.70 (9), or any other local public entity if that local public entity operates a water  
9 system.

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

11           **(8g)** “Monitoring well” means a drill hole constructed to obtain information  
12 about the physical, chemical, hydrological, or biological characteristics of  
13 groundwater.

14           **(8r)** “Nontransient noncommunity water system” means a public water system  
15 that is not a community water system but that regularly serves at least 25 of the  
16 same individuals for at least 6 months per year.

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

20           **(10)** “Private water system” means any water system that is not a public water  
21 system.

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

23           **(12)** “Public water system” means a water system providing water for human  
24 consumption if the water system has at least 15 service connections or regularly

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1 serves an average of at least 25 individuals per day for at least 60 days each year.

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

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

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

9 (13) “Pump installing” means installing, replacing, or reinstalling equipment  
10 or material needed to withdraw water from a well, including making an entrance to  
11 a well, establishing seals and other safeguards to prevent contamination, installing  
12 a pressure tank, connecting a pump to a pressure tank or reservoir, installing a water  
13 treatment device in a well or between a well and a building control valve or a pressure  
14 tank, installing water service piping from a well to a building, and installing controls  
15 needed to operate a pump.

16 <sup>Insert</sup> (13u) “Waters of the state” has the meaning given in s. 281.01 (18).

17 16-17 (14) ~~“Water system” means a system, including the source of water, well, pump,~~  
18 ~~intake and storage structures, treatment equipment, and conduits, by which water~~  
19 ~~is delivered for any purpose.~~

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

23 (16) “Well drilling” means constructing or reconstructing a well, by any means  
24 such as digging, boring, drilling, or jetting except well point driving, including  
25 hydrofracturing and the installation of well casings.



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

5           **280.03 Powers of the department.** The department has general supervision  
6 and control over all drill holes, water systems, methods of withdrawing groundwater,  
7 and methods of providing and ensuring the sanitary provision of water for all  
8 purposes. In connection with this authority, the department may do any act  
9 necessary to safeguard the public health and to protect the groundwater and surface  
10 water, including any of the following:

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

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

16           (4) Enter into agreements, contracts, or cooperative arrangements with other  
17 persons to administer this chapter, except for enforcement of provisions related to s.  
18 280.24.

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

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

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

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

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

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

14           **280.04 Duty of the department.** The department shall employ competent  
15 personnel to administer this chapter. The department may not give enforcement or  
16 administrative authority to an employee of the department with respect to a license  
17 category under s. 280.24 (1) unless the employee has passed the examination under  
18 s. 280.24 (4) for that license category and complies with the continuing education  
19 requirement under s. 280.24 (12) (b).

20           **280.05 Rule-making authority. (1) AUTHORIZATION.** In addition to other rule  
21 making authorized under this chapter and under s. 227.11 (2), the department may  
22 promulgate rules relating to all of the following:

23           (a) The design, construction, modification, operation, and maintenance of  
24 water systems.

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

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

3 (d) The location of wells and other drill holes in relation to existing or proposed  
4 potential sources of contamination and the location of potential contamination  
5 sources in relation to existing or proposed wells and other drill holes.

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

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

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

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

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

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

23 **(2) REQUIREMENT.** After consulting with the council, the department shall  
24 promulgate, by rule, requirements for filling and sealing wells and other drill holes  
25 that are unused or contaminated, that do not comply with the requirements of this

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1 chapter and rules promulgated under this chapter, or that are a threat to safety or  
2 groundwater quality. The department shall promulgate requirements that ensure  
3 that the entire constructed diameter of the well or other drill hole is sealed in a way  
4 that prevents the well or other drill hole from serving as a conduit for contamination  
5 to reach the groundwater.

6 (3) EXEMPTIONS. The department may grant an exemption in writing from any  
7 rule promulgated under this chapter if the department finds that compliance is not  
8 practicable and that granting the exemption will not result in groundwater  
9 contamination or constitute a danger to public health, safety, or welfare. The  
10 department may grant a variance or conditional waiver from a drinking water  
11 standard only as provided under rules promulgated under sub. (1) (f).

12 **280.06 Council on wells and drill holes.** The council shall do all of the  
13 following:

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

16 (2) Advise the department concerning the interpretation and administration  
17 of this chapter.

18 **280.07 Underground discharge.** (1) Notwithstanding s. 280.01 (4), in this  
19 section, “drill hole” means any excavation or opening into the ground that is deeper  
20 than it is wide without regard to the depth of the excavation or opening.

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

24 (3) The department may promulgate rules authorizing the underground  
25 discharge of a substance, as defined in s. 160.01 (8). The rules may authorize the

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1 underground discharge of a substance only if the department determines that the  
2 discharge will not adversely affect public health, safety, or welfare or the waters of  
3 the state. Any authorized underground discharge shall comply with chs. 160 and 281  
4 to 299.

5 **280.08 Local enforcement prohibited.** Except as provided in s. 66.0437, no  
6 city, village, town, or county may enact or enforce an ordinance governing any matter  
7 regulated under this chapter.

## SUBCHAPTER II

## REGULATION OF WATER WITHDRAWALS

## AND WATER SYSTEMS

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

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

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

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

20           **(5) (a)** No person may use any pipe, solder, or flux in the installation or repair  
21 of any water system unless the pipe, solder, or flux is lead free, as defined in 42 USC  
22 300g-6 (d).

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

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1           (6) No person may introduce, attempt to introduce, or threaten to introduce a  
2 contaminant into a public water system or private water system or otherwise  
3 interfere with the operation of a public water system or private water system with  
4 the intention of harming another.

5           **280.18 Prohibition on use of certain devices in wells.** (1) In this section,  
6 “pitless adapter” means a device that attaches a well casing pipe to an underground  
7 pipe that conveys water from the well.

8           (2) No person may install a pitless adapter that extends into the inside of a well  
9 casing pipe except if the sand screen is permanently attached to the bottom of a well  
10 casing pipe that is constructed of polyvinyl chloride. Only individuals licensed under  
11 s. 280.24 may install pitless adapters.

## SUBCHAPTER III

## CERTIFICATION, REGISTRATION, AND

## LICENSING; SUPERVISION

15           **280.20 Certification of water system operators.** (1) EMPLOYMENT OF  
16 CERTIFIED OPERATOR REQUIRED. The owner of any community water system or  
17 nontransient noncommunity water system shall be, or shall employ, a certified  
18 operator who shall have direct responsibility for the operation of the water system.

19           (2) EXAMINATION. The department shall by rule provide for an examination to  
20 determine competence to operate a community water system or nontransient  
21 noncommunity water system and shall certify applicants based on the results of the  
22 examination. The department shall include in the examination questions designed  
23 to determine an applicant’s knowledge of the statutes and rules applicable to  
24 community water systems or nontransient noncommunity water systems and the  
25 applicant’s related experience. In the rule, the department may provide for different



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1 examinations for various categories of certified operators according to the skill,  
2 knowledge, and ability needed to operate various types of community water systems  
3 or nontransient noncommunity water systems.

4 (3) CONTINUING EDUCATION. The department may promulgate rules  
5 establishing continuing education requirements for certified operators. The  
6 department may, as provided under s. 280.28, refuse to renew the certification of an  
7 individual who fails to comply with the requirements.

8 (4) FEE. The department may charge applicants for certification a fee designed  
9 to cover the cost of administering this section. All moneys received under this  
10 subsection shall be credited to the appropriation account under s. 20.370 (2) (ai).

11 **280.24 Licensing and supervision; registration. (1) TYPES AND CATEGORIES**  
12 **OF LICENSES AND REGISTRATION.** (a) The department shall issue the following types of  
13 licenses:

14 1. Well driller.

15 2. Well point driver.

16 3. Pump installer.

17 3m. Environmental well driller.

18 4. a. Restricted drill hole constructor–monitoring well driller.

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

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

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

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

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

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

18           (b) 1. Except as provided under sub. (3), beginning on January 1, 2003, no  
19 individual may perform well point driving or represent that he or she is able to  
20 perform well point driving unless he or she holds a well point driver license or a well  
21 driller license under this section or is under the immediate supervision of an  
22 individual who holds a well point driver license or a well driller license under this  
23 section.

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

4           (c) 1. Except as provided under sub. (3), no individual may perform pump  
5 installation or represent that he or she is able to perform pump installation unless  
6 he or she holds a pump installer license under this section or is registered with the  
7 department as a pump installer helper and is under the immediate supervision of an  
8 individual who holds a pump installer license under this section.

9           2. To provide immediate supervision for pump installation, an individual  
10 holding a pump installer license shall either be on the site of the pump installation  
11 or be readily available for consultation with, and direction of the activities of, the  
12 individuals who do not hold a pump installer license. Availability by telephone  
13 satisfies the requirement to be readily available.

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

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

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1 license shall be readily available for consultation with, and direction of the activities  
2 of, the individuals who do not hold a well driller license. Availability by telephone  
3 satisfies the requirement to be readily available.

4 (d) 1. Except as provided under sub. (3), beginning on January 1, 2003, no  
5 individual may construct a type of drill hole other than a well constructed to obtain  
6 potable water or an environmental well or represent that he or she is able to  
7 construct a type of drill hole other than a well constructed to obtain potable water  
8 or an environmental well unless he or she holds a restricted drill hole constructor  
9 license that authorizes construction of that type of drill hole or a well driller license  
10 under this section or is registered as a drilling rig operator and is under the  
11 immediate supervision of an individual who holds a restricted drill hole constructor  
12 license that authorizes construction of that type of drill hole or a well driller license  
13 under this section.

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

23 (e) 1. No individual, other than an individual holding a well driller license, may  
24 operate a drilling rig for the construction of a well constructed to obtain potable water  
25 unless he or she is registered with the department as a drilling rig operator and is

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1 under the immediate supervision, as provided in par. (a) 2., of an individual who  
2 holds a well driller license.

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

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

16 (3) EXCEPTIONS. (a) The department may, upon application, grant a temporary  
17 exemption from any requirement under this section for a specific period or for a  
18 specific job if the department finds that an emergency requires the work to be  
19 performed by an unlicensed individual or without the required supervision.

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

23 (c) The department may, after consulting with the council, promulgate rules  
24 establishing exemptions to the requirements of sub. (2).

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1           (4) EXAMINATION PROGRAM. The department shall, after consulting with the  
2 council, promulgate rules establishing an examination program to determine the  
3 competence of individuals applying for licenses under this section to perform and  
4 supervise the activities specified in sub. (2). The department shall ensure that  
5 examinations reasonably relate to the skills likely to be needed by an applicant to  
6 perform the activities specified in sub. (2) at the time of application. The department  
7 shall include, in the examination program, questions designed to determine an  
8 individual's knowledge of the statutes and rules applicable to the license category  
9 and the individual's related experience. The department may not allow a person to  
10 consult with written materials while taking an examination.

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

14           (b) Except as provided in sub. (8), the department shall examine all license  
15 applicants and shall notify each applicant by certified mail or personal service within  
16 45 days after the examination whether he or she passed the examination. If an  
17 applicant who passes an examination and meets all other licensing requirements  
18 pays the applicable license fee established under sub. (11) (b) to the department  
19 within one year after the date of the notice under this paragraph, the department,  
20 except as provided in sub. (8) or s. 280.28 (2), shall issue the license. If the license  
21 fee is not paid within one year, the applicant shall pay another application fee and  
22 retake the examination.

23           (c) Each license and registration issued under this section expires on January  
24 15 of the next even-numbered year.

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1           (d) An individual holding a license or registration shall submit a complete  
2 application for a license renewal by December 15 of each odd-numbered year on a  
3 form provided by the department along with the fee established under sub. (11) (b).  
4 The department shall issue a renewal license without requiring the licensee to take  
5 an examination if the application is received no later than 2 years after the  
6 expiration of the last license issued to the individual.

7           **(6) ADDITIONAL REQUIREMENTS.** (a) An applicant for drilling rig operator  
8 registration shall have at least 1,000 hours of experience in the construction of wells  
9 or other drill holes and have attended a continuing education program under sub.  
10 (12) in the year preceding the year of application.

11           (b) An applicant for a license under sub. (1) (a) 1., 2. or 4. a., b., or c. shall have  
12 at least 1,000 hours of experience in each of the 2 years preceding the year of  
13 application in the construction of the kinds of wells or drill holes authorized to be  
14 constructed by the license. The applicant shall have been registered as a drilling rig  
15 operator and have fulfilled the continuing education requirement in sub. (12) in each  
16 of those 2 years.

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

22           **(8) PUMP INSTALLER LICENSE FOR MASTER PLUMBER.** The department shall issue  
23 a pump installer license without requiring an examination to an individual who is  
24 licensed as a master plumber under ch. 145 upon submission of an application under  
25 sub. (5) (a) and payment of the fee established under sub. (11) (b).

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

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

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

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

13           (c) The applicant passes the examination.

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

15           **(10) WITHHOLDING LICENSE OR REGISTRATION.** The department may, for one year  
16 after the date on which a license or registration would otherwise take effect, withhold  
17 issuance of a license or registration to an applicant who qualifies for a license or  
18 registration under this section if the applicant has been convicted of committing 3  
19 or more violations of this chapter or rules promulgated under this chapter within the  
20 5-year period immediately preceding the date of application. At the end of the  
21 one-year period, the applicant is eligible to apply for a license or registration upon  
22 payment of the fee established under sub. (11) (b), if the applicant has not been  
23 determined to have committed any further violations of the applicable statutes or  
24 rules during that period.



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

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

7           (c) After consulting with the council, the department may establish by rule a  
8 fee for an applicant for a license who fails an examination required for the license and  
9 requests a review of his or her examination results. The department shall base the  
10 fee on the cost of the review.

11           (d) All moneys received as fees under this subsection shall be credited to the  
12 appropriation under s. 20.370 (2) (ai).

13           (12) CONTINUING EDUCATION REQUIRED. (a) The department, in consultation  
14 with the council, shall conduct or approve at least one continuing education program  
15 each year relating to interpretation of the rules promulgated under this chapter.

16           (b) Each individual licensed or registered under this section shall attend one  
17 program conducted under par. (a) each year and shall notify the department of his  
18 or her attendance. The department shall notify an individual who fails to provide  
19 notification of attendance at a required continuing education program for a year of  
20 that failure by January 31 of the following year. The department shall include in the  
21 notification an automatic license or registration suspension beginning on February  
22 1. The suspension for a first failure is 3 months. The period of suspension is  
23 increased by 3 months for each subsequent failure to attend and notify the  
24 department.

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

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

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

9           **280.28 Denial, nonrenewal, suspension, and revocation.** (1) In this  
10 section, “license” means a license or registration issued under s. 280.24 or an  
11 operator certificate issued under s. 280.20.

12           (1m) (a) Any person may file a complaint with the department and request the  
13 department to commence disciplinary proceedings against any holder of a license.

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

16           (c) Any person who in good faith testifies before the department or otherwise  
17 provides the department with advice or information on a matter relating to the  
18 regulation of a person holding a license is immune from civil liability for his or her  
19 acts or omissions in testifying or otherwise providing such advice or information.  
20 The good faith of any person specified in this paragraph shall be presumed in any  
21 civil action, and an allegation that such a person has not acted in good faith must be  
22 proven by clear and convincing evidence.

23           (2) The department may refuse to renew a license as provided in s. 280.20 (3)  
24 or may suspend a license as provided in s. 280.24 (12) (b). The department may deny

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1 an application for a license, refuse to renew a license, or suspend a license if the  
2 applicant or licensee does any of the following:

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

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

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

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

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

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

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

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

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

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

19 (k) Consults with another person or with written materials while taking an  
20 examination.

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

22 **(2m)** The department may revoke a license if any of the following applies:

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

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

3           (3) The department shall notify the applicant or licensee of any determination  
4 made under sub. (2) or (2m). The department shall provide the notice in writing and  
5 shall state the reason for the determination. The department shall serve the notice  
6 by certified mail or personal service.

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

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

24           (5) A refusal to renew a license takes effect 30 days after the date of service  
25 under sub. (3) unless the licensee files a written request for a hearing within 30 days

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

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

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

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

21 (b) A license suspension remains in effect for the period specified in the  
22 suspension order.

23 (c) The department may require a person whose license is suspended or revoked  
24 to correct violations on which the suspension or revocation is based.

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1 Notwithstanding par. (a) or (b), if the department imposes such a requirement, the  
2 license remains suspended or revoked until the person corrects the violations.

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

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

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

21 SUBCHAPTER IV

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 drill hole, other than a well, that is  
17 unused to fill the 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.