

2003 DRAFTING REQUEST

Assembly Amendment (AA-AB926)

Received: **03/04/2004**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

For: **DuWayne Johnsrud (608) 266-3534**

By/Representing: **Mark Patronsky**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - water quality**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Johnsrud@legis.state.wi.us**

Carbon copy (CC:) to: **Mark.Patronsky@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Various changes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	btradewe 03/04/2004	kfollett 03/04/2004	pgreensl 03/04/2004	_____	Inorthro 03/04/2004	Inorthro 03/04/2004	

FE Sent For:

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/?	btradewe		3/1 ps	3/4 ps			

FE Sent For:

<END>

Stored as high cap wells amdt

Page 5, line 12 - add
ref to (9)(d)

✓ Page 5, line 18

Change new language to: "or the applicant is requesting approval for a high capacity well described in s. 281.34 (4) (a) to (c)."

✓ see sep. page
instead

✓ Page 6, line 5

Add Class III trout streams

page 6, line 23 - after
"second" insert "during
a flow duration that is
exceeded"

Page 7, after line 8

~~Add a new subsection regarding high capacity wells used for dewatering of construction sites, including buildings, roads and utilities. Provide that DNR issues a single approval for the entire project, to cover all temporary high capacity wells constructed during the project, and charges a single fee. Direct DNR to determine what is a "project" for this provision and require DNR to allow amendments to the project~~

temporary

for the
project

✓ Page 7, lines 15 to 17

Delete from "to an action" on line 15 to "resources or" on line 17

✓ Page 7, line 22

Add "more than" before 95%

✓ Page 8, line 12

Change to "unless it is able to include" [same change on page 9 line 3 and page 9 line 10] to other locations

under sub. (5)(b),
(c) or (d)

✓ Page 9, line 21 (after that line) (location?)

If the DNR requests an environment impact report, the DNR may only request information in the report that relates to the DNR decisions under s. 281.34.

✓ Page 10, lines 16 and 23

Add Class III trout streams

page 10, line 12 -
see attachment

✓ **Page 10, line 22**

Add description of Class III trout streams: "a stream or a portion of a stream that has marginal trout habitat with no natural reproduction occurring, requiring annual stocking of trout to provide trout fishing, and with generally no carryover of trout from one year to the next.

✓ **Page 12, line 7**

After that line insert

"(d) If the department requires mitigation, in the same or a similar manner as the mitigation under sub. (8) (d), in rules promulgated under par. (c), the department may only require mitigation for a well subject to the requirement of full funding, as provided under sub. (8) (d)."

✓ **Page 11, line 9**

Delete the first comma and substitute "and"

✓ **Page 14, line 6**

And elsewhere—change the name of the committee to the "Groundwater Advisory Committee"

✓ **Page 14, line 19**

Change the membership as follows

Governor appoints 3 members

Minority leaders of the 2 houses each appoint 1 member

One of the governor's appointees must represent the well drillers

The governor and the 2 minority leaders must consult regarding the remaining 4 appointees to assure that there is one representative from each of the 4 categories of members in SEC 15 (2) (c)

✓ **Page 15, line 19**

Add at the end of that line: ", and recommendations on whether to designate such areas as groundwater

management areas and, once designated, how and when to remove that designation”

✓ **Page 16, line 8**

After “spring” insert “, and recommendations regarding the definition of spring in section 281.34 (1) (f) of the statutes”

✓ **Page 16, line 12**

After that line insert: “The committee shall include in the report recommendations regarding the potential for the use of general permits for high capacity wells, and regarding the factors to be considered by the department of natural resources in determining whether a high capacity well causes a significant environmental impact, for purposes of section 281.34 of the statutes.”

BILL

1 2. The department shall include in the approval for each high capacity well
2 requirements that the owner identify the location of the high capacity well and
3 submit an annual pumping report.

4 (6) PREEXISTING HIGH CAPACITY WELLS. (a) The owner of a high capacity well for
5 which the department issued an approval under s. 281.17 (1), 2001 stats., shall
6 provide to the department information concerning the location of the well and an
7 annual pumping report.

8 (b) The department shall promulgate rules specifying the date and method by
9 which owners of high capacity wells shall comply with par. (a).

10 (7) MODIFYING AND RESCINDING APPROVALS FOR HIGH CAPACITY WELLS. The
11 ~~department may modify or rescind the~~ approval of a high capacity well issued under
12 this section or under s. 281.17 (1), 2001 stats., ~~if~~ the high capacity well or the use of
13 the high capacity well is not in conformance with standards or conditions applicable
14 to the approval of the high capacity well.

15 (8) GROUNDWATER PROTECTION AREAS. (a) The department shall promulgate
16 rules identifying class I and class II trout streams for the purposes of this section.
17 The department shall identify as a class I trout stream a stream or portion of a stream
18 with a self-sustaining population of trout. The department shall identify as a class
19 II trout stream a stream or portion of a stream that contains a population of trout
20 made up of one or more age groups, above the age one year, in sufficient numbers to
21 indicate substantial survival from one year to the next but in which stocking is
22 necessary to fully utilize the available trout habitat or to sustain the fishery. In the
23 rules under this paragraph, the department shall identify any class I or class II trout
24 stream that is a farm drainage ditch with no prior stream history.

*remains in effect unless the department
modifies or rescinds the approval because*

Patronsky, Mark

From: Tradewell, Becky
Sent: Thursday, March 04, 2004 11:42 AM
To: Patronsky, Mark
Subject: Amendment

Mark,

yes

I am pondering the dewatering well addition. Meanwhile, I have two other things:

I thought that I understood the reasoning behind changing "includes" to "is able to include" on page 8, line 12, page 9, line 3, and page 9, line 10. But if that change is made and no other, DNR would not be required to include those conditions, would it? Should it say "is able to include and includes" or something like that (or "there are conditions that would ensure whatever and DNR includes them in the permit")? And what about page 8, line 4, page 8, line 19 and page 9, line 17?

I don't understand the instruction for page 11, line 9. Is the idea that DNR couldn't require abandonment without also funding replacement somewhere else?

yes

Thanks,
Becky

Becky

BILL

1 1. An outstanding resource water identified under s. 281.15 that is not a trout
2 stream.

3 2. An exceptional resource water identified under s. 281.15 that is not a trout
4 stream.

5 3. A class I or class II trout stream, other than a class I or class II trout stream
6 that is a farm drainage ditch with no prior stream history, as identified under sub.
7 (8) (a).

8 (b) "High capacity well" means a well that, together with all other wells on the
9 same property, has a capacity and rate of withdrawal of more than 100,000 gallons
10 per day.

11 (c) "Local governmental unit" means a city, village, town, county, town sanitary
12 district, utility district under s. 66.0827 that provides water, public inland lake
13 protection and rehabilitation district that has town sanitary district powers under
14 s. 33.22 (3), joint local water authority created under s. 66.0823, or municipal water
15 district under s. 198.22.

16 (d) "Owner" means a person who owns property on which a well is located or
17 proposed to be located or the designated representative of such a person.

18 (e) "Potentiometric surface" means a measure of pressure of groundwater in an
19 aquifer based on the level to which groundwater will rise in a well placed in the
20 aquifer.

21 (f) "Spring" means an area of concentrated groundwater discharge occurring
22 at the surface of the land that results in a ~~current of flowing water with~~ flow of a
23 ~~minimum~~ ^{at least} of one cubic foot per second at least 80 percent of the time.

24 (g) "Water loss" means a loss of water from the basin from which it is withdrawn
25 as a result of interbasin diversion or consumptive use or both.

4 p.m.

ASSEMBLY AMENDMENT ,
TO 2003 ASSEMBLY BILL 926

1 At the locations indicated, amend the bill as follows:

2 1. Page 5, line 12: after "(d)" insert "and (9) (d)".

3 2. Page 5, line 18: delete the material beginning with "under" and ending with

4 "well" on line 19, and substitute "for a high capacity well described in s. 281.34 (4) (a)

5 1. to 3." ← no score

6 delete the period

3. Page 6, line 5: delete that line and substitute "3. A class I, class II, or class III trout stream, other than a class I, class II, or class III trout stream".

8 4. Page 6, line 22: delete the material beginning with "current" and ending
9 with "minimum of" on line 23, and substitute "flow of at least".

10 5. Page 7, line 8: after that line insert:

11 "(2m) TEMPORARY DEWATERING WELLS. The department shall issue a single
12 approval under sub. (2) for all high capacity wells constructed for one project, as
1 determined by the department, for temporary dewatering of a construction site,

2 including a construction site for a building, road, or utility. The department shall
3 provide for amendments to a project under this subsection. A person applying for
4 approval of high capacity wells for a project under this subsection is only required
5 to pay one \$500 fee.”.

6 **6.** Page 7, line 13: after “REVIEW.” insert “(a)”.

7 **7.** Page 7, line 15: delete the material beginning with “to an action” and ending
8 with “resources or” on line 17.

9 **8.** Page 7, line 21: substitute “1.” for “(a)”.

10 **9.** Page 7, line 22: substitute “2.” for “(b)”.

11 **10.** Page 7, line 22: before “95 percent” insert “more than”.

12 **11.** Page 7, line 24: substitute “3.” for “(c)”.

13 **12.** Page 7, line 25: after that line insert:

14 “(b) If, under sub. (5) (b), (c), or (d), the department requests an environmental
15 impact report under s. 23.11 (5) for a proposed high capacity well, the department
16 may only request information in that report that relates to the decisions that the
17 department makes under this section related to the proposed high capacity well.”.

18 **13.** Page 8, line 4: after “unless it” insert “is able to include and”.

19 **14.** Page 8, line 12: after “unless it” insert “is able to include and”.

20 **15.** Page 8, line 19: after “well and” insert “is able to include and”.

21 **16.** Page 9, line 3: after “unless it” insert “is able to include and”.

22 **17.** Page 9, line 10: after “unless it” insert “is able to include and”.

23 **18.** Page 9, line 17: after “well and” insert “is able to include and”.

- 1 **19.** Page 10, line 11: delete “department may modify or rescind the”.
- 2 **20.** Page 10, line 12: delete “if” and substitute “remains in effect unless the
3 department modifies or rescinds the approval because”.
- 4 **21.** Page 10, line 16: delete “and class II” and substitute “, class II, and class
5 III”.
- 6 **22.** Page 10, line 22: after “fishery.” insert “The department shall identify as
7 a class III trout stream a stream or portion of a stream that has marginal trout
8 habitat with no natural reproduction of trout occurring, requiring annual stocking
9 of trout to provide trout fishing, and generally without carryover of trout from one
10 year to the next.”.
- 11 **23.** Page 10, line 23: delete “or class II” and substitute “, class II, or class III”.
- 12 **24.** Page 11, line 9: delete that line and substitute “of wells and replacement
13 of wells, if necessary, and management strategies.”.
- 14 **25.** Page 12, line 3: substitute “advisory” for “quantity”.
- 15 **26.** Page 12, line 7: after that line insert:
16 “(d) If the department promulgates rules under par. (c) and the rules require
17 mitigation in the same or a similar manner as under sub. (8) (d), the department may
18 not require mitigation for a well under the rules unless the department provides
19 funding for the full cost of the mitigation, except that full funding is not required if
20 the department is authorized under ch. 280 to require the well to be abandoned
21 because of issues regarding public health.”.
- 22 **27.** Page 14, line 6: substitute “ADVISORY” for “QUANTITY”.
- 23 **28.** Page 14, line 18: substitute “advisory” for “quantity”.

1 **29.** Page 14, line 20: substitute "Three" for "Four".

2 **30.** Page 14, line 22: after that line insert:

3 "3g. One member appointed by the minority leader of the assembly.

4 3r. One member appointed by the minority leader of the senate."

5 **31.** Page 14, line 24: delete "1. to" and substitute "2. and 3e".

6 **32.** Page 15, line 4: after that line insert:

7 **(c)** The governor shall appoint one member of the groundwater advisory
8 committee representing well drillers. The governor, the minority leader of the
9 assembly, and the minority leader of the senate shall consult regarding the other 4
10 appointees under paragraph (b) 1., 3g., and 3r. to ensure that one represents each of
11 the interests under paragraph (c) 1. to 4."

12 **33.** Page 15, line 6: substitute "advisory" for "quantity".

13 **34.** Page 15, line 7: substitute "advisory" for "quantity".

14 **35.** Page 15, line 20: substitute "advisory" for "quantity".

15 **36.** Page 15, line 23: after "agencies." insert "The committee shall also
16 recommend under ^{this} paragraph whether areas described in paragraph (e) 2. should be
17 designated as groundwater management areas and, once designated, how and when
18 to remove the designation of an area as a groundwater management area."

19 **37.** Page 16, line 1: substitute "advisory" for "quantity".

20 **38.** Page 16, line 3: substitute "advisory" for "quantity".

21 **39.** Page 16, line 8: after "spring" insert ", and recommendations regarding
22 the definition of spring in section 281.34 (1) (f) of the statutes, as created by this act".

1 **40.** Page 16, line 12: after "change." insert "The committee shall include in the
2 report recommendations regarding the potential for the use of general permits for
3 high capacity wells and recommendations regarding the factors to be considered by
4 the department of natural resources in determining whether a high capacity well
5 causes significant environmental impact for the purposes of section 281.34[✓] of the
6 statutes, as created by this act."

7 **41.** Page 16, line 14: substitute "advisory" for "quantity".[✓]

8 **42.** Page 16, line 15: substitute "advisory" for "quantity".[✓]

9 **43.** Page 16, line 20: delete "class I and" and substitute "class I,".[✓]

10 **44.** Page 16, line 21: delete that line and substitute "II, or class III trout
11 streams, other than class I, class II, or class III trout streams that are farm
12 drainage".[✓]

13

(END)