

2005 DRAFTING REQUEST

Bill

Received: 10/05/2004

Received By: btradewe

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 6-7973

By/Representing: Walker

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: Environment - water quality

Extra Copies:

Submit via email: NO

Pre Topic:

DOA:.....Walker, BB0173 -

Topic:

Well abandonment compensation

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>
/?				_____			State
/P1	btradewe 10/07/2004	wjackson 10/29/2004	jfrantze 11/01/2004	_____	lemery 11/01/2004		State
/1	btradewe 11/10/2004	wjackson 11/11/2004	rschluet 11/11/2004	_____	lnorthro 11/11/2004		State
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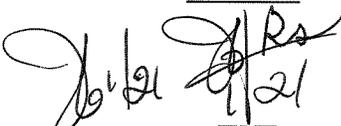
Instructions:

See Attached

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1 WLj 11/10

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/?	btradewe	/pl WLj 10/29	Jb 11/1	J. Self 11/1			

FE Sent For:

<END>

2003-05 Budget Bill Statutory Language Drafting Request

- Topic: Well abandonment
- Tracking Code: BB 0173 BB 0173
- SBO team: Environmental and Commercial Resources
- SBO analyst: William D. Walker *ww 10/2/04*
 - Phone: 266-7973
 - Email: william.walker@doa.state.wi.us
- Agency acronym: DNR
- Agency number: 370

Allow well contamination compensation funds to be used to well abandonment.

(See original department request, attached).

2005-07 Statutory Language Proposal

DIVISION:	Water
BUREAU:	Drinking Water and Groundwater
ISSUE/TOPIC:	Well Abandonment
PROPOSED CHANGE:	<p>Modify Chapter 281.75 - Compensation for well contamination, to include compensation for abandonment of unused wells to prevent groundwater contamination. This would involve re-titling the chapter to read "Compensation for well replacement and abandonment" and changing numerous sections in the chapter. Suggested changes include:</p> <p>281.75 Compensation for well contamination replacement and abandonment.</p> <p>(1) Definitions: In this section: <u>(i) "A well not permanently abandoned" means a well that meets the criteria of s. NR 812.26(2)(a) or (b).</u></p> <p>(2) DUTIES OF THE DEPARTMENT. <u>(e) Establish requirements for proper filling and sealing of wells not permanently abandoned.</u></p> <p>(3) WELLS FOR WHICH A CLAIM MAY BE SUBMITTED; SUNSET DATE. <u>(a) A claim may be submitted for a private water supply which, at the time of submitting the claim, is contaminated, or for a well not permanently abandoned in accordance with applicable rules.</u> <u>(b) Claims may not be submitted under this section until January 1, 1985.</u></p> <p>(4) WHO MAY SUBMIT A CLAIM. <u>(a) Except as provided under par. (b), a landowner or lessee of property on which is located a contaminated private water supply, or on which is located a well that is not permanently abandoned, or the spouse, dependent, heir, assign or legal representative of the landowner or lessee, may submit a claim under this section.</u></p> <p>(4m) INCOME LIMITATION. <u>(a) In order to be eligible for an award under this section, the annual family income of the land owner landowner or lessee of property on which is located a contaminated water supply, or on which is located a well that is not permanently abandoned may not exceed \$65,000.</u></p> <p>(5) APPLICATION. <u>(b) The claim for a replacement well shall contain: 1. Test results which show that the private water supply is contaminated, as</u></p>

defined under sub.

(d) A claim constitutes consent by the claimant to:

1. Enter the property where the private water supply or the well not permanently abandoned is located during normal business hours and conduct any investigations or tests necessary to verify the claim; and

(e) The department shall consolidate claims if more than one claimant submits a claim for the same private water supply or the same well not permanently abandoned.

(7) PURPOSE AND AMOUNT OF AWARD.

(a) If the department finds that the claimant meets all the requirements of this section and rules promulgated under this section and that the private water supply is contaminated or the well is not permanently abandoned, the department shall issue an award. The award may not pay more than 75% of the eligible costs. The award may not pay any portion of eligible costs in excess of \$12,000.

3. The cost of abandoning a contaminated private water supply, if a new private water supply is constructed or if connection to a public or private water supply is provided, or if a well is not permanently abandoned;

(8) COPAYMENT FOR CONTAMINATED WATER SUPPLIES.

The department shall require a payment by the claimant equal to the total of the following:

(a) Two hundred fifty dollars; and

(b) All eligible costs not paid under sub. (7) in excess of \$250.

(10) ISSUANCE OF AWARD.

(a) For contaminated water supplies, The the department shall issue awards without regard to fault.

(b) Contributory negligence is not a bar to recovery and no award may be diminished as the result of negligence attributable to the claimant or to any person who is entitled to submit a claim.

(11) DENIAL OF CLAIM; LIMITS ON AWARDS.

(a) *Denial of claim.* The department shall deny a claim if:

1. The claim is not within the scope of this section.

2. The claimant submits a fraudulent claim.

3. The claim is for reimbursement of costs incurred before the department determined that the claim was complete under sub. (5)(c).

4. For a replacement well claim, One one or more of the contaminants upon which the claim is based was introduced into the well through the plumbing connected to the well.

5. For a replacement well claim, One one or more of the contaminants upon which the claim is based was introduced into the well intentionally by a claimant or a person who would be directly benefited by payment of the claim.

6. For a replacement well claim, All all of the contaminants upon which the claim is based are naturally occurring

substances and the concentration of the contaminants in water produced by the well does not significantly exceed the background concentration of the contaminants in groundwater at that location.

7. Except as provided in sub.(14), an award has been made under this section within the previous 10 years for the parcel of land where the private water supply is located. This restriction does not apply to well abandonment awards.
8. For a replacement well claim, A a residential water supply is contaminated by bacteria or nitrates or both and is not contaminated by any other substance.
9. For a replacement well claim, A a livestock water supply is contaminated by bacteria and is not contaminated by any other substance.
10. For a replacement well claim, The the amount of the award determined under sub. (7) would be less than \$100.

(b) Limits on awards for replacement water supplies; purposes. 1. An award may be issued for purchasing and installing a pump if a pump is necessary for the new or reconstructed private water supply. the time it was constructed.

(c) Limits on awards for replacement water supplies; amount. Awards shall be issued subject to the following limitations on amount: 1.

(14) NEW CLAIMS.

(a) New contamination. A claimant who receives an award for the purpose of constructing or reconstructing a private water supply or ~~connection~~ connecting to a private water supply may submit a new claim if the contamination is from a new source and, if the previous award was for a new or reconstructed private water supply, the well was constructed properly.

(b) Failure to eliminate contamination. 1. A claimant who receives an award for the purpose of constructing or reconstructing a private water supply or connection to a private water supply may submit a new claim if the contamination is not eliminated and, if the award was for a new or reconstructed private water supply, the well was constructed properly. 2. Only one additional claim may be submitted under this paragraph within 10 years after an award is made.

(c) Claims for an additional well abandonment may be submitted at any time.

(17) APPLICABILITY.

(a) A claim for replacement water supplies may be submitted irrespective of the time when the contamination is or could have been discovered in the private water supply. A claim may be submitted for contamination which commenced before May 11, 1984, and continues at the time a claim is submitted under this section.

EXPLANATORY NOTE:	<p>The funding for well compensation is currently not being fully utilized. Therefore, adding eligibility for well abandonment will not require any additional funding at this time.</p> <p>This will require additional grant application review activities in the Drinking Water and Groundwater and the Community Financial Assistance programs.</p>
DESIRED EFFECTIVE DATE:	Budget Passage
CONTACT PERSON:	Lance Potter, MB/5, 267-7418 or Mark Putra, DG/2, 267-7649



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0458/P1

RCT:.....

Wlj

DOA:.....Walker, BB0173 - Well abandonment compensation ✓

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION ✓

DVde

1 AN ACT ^{DO NOT GEN}...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.
For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

2 SECTION 1. 20.370 (6) (cr) (title) ✓ of the statutes is amended to read:

3 20.370 (6) (cr) (title) *Environmental aids — compensation for well*

4 *contamination and abandonment.*

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats. ✓

5 SECTION 2. 281.75 (title) ✓ of the statutes is amended to read:

1 **281.75 (title) Compensation for well contamination and abandonment.**

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

2 **SECTION 3.** 281.75 (1) (h) of the statutes is amended to read:

3 281.75 (1) (h) "Well," if not followed by the words "subject to abandonment,"
4 means an excavation or opening in the ground made by boring, drilling or driving for
5 the purpose of obtaining a supply of groundwater. "Well" does not include dug wells.

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

6 **SECTION 4.** 281.75 (1) (i) of the statutes is created to read:

7 281.75 (1) (i) "Well subject to abandonment" means a well that is required to
8 be abandoned under s. NR 812.26 (2) (a), Wis. Adm. Code, or that the department
9 may require to be abandoned under s. NR 812.26 (2) (b), Wis. Adm. Code.

10 **SECTION 5.** 281.75 (2) (e) of the statutes is created to read:

11 281.75 (2) (e) Establish requirements for the filling and sealing of wells subject
12 to abandonment.

13 **SECTION 6.** 281.75 (3) (a) of the statutes is renumbered 281.75 (3) and amended
14 to read:

15 281.75 (3) WELLS FOR WHICH A CLAIM MAY BE SUBMITTED; ~~SUNSET DATE~~ ^{plain} A claim may
16 be submitted for a private water supply which, at the time of submitting the claim,
17 is contaminated or for a well subject to abandonment.

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

18 **SECTION 7.** 281.75 (3) (b) of the statutes is repealed.

19 **SECTION 8.** 281.75 (4) (a) of the statutes is amended to read:

20 281.75 (4) (a) Except as provided under par. (b), a landowner or lessee of
21 property on which is located a contaminated private water supply or a well subject

1 to abandonment, or the spouse, dependent, heir, assign or legal representative of the
2 landowner or lessee, may submit a claim under this section.

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

3 **SECTION 9.** 281.75 (4m) (a) of the statutes is amended to read:

4 281.75 (4m) (a) In order to be eligible for an award under this section, the
5 annual family income of the landowner or lessee of property on which is located a
6 contaminated water supply or a well subject to abandonment may not exceed
7 \$65,000.

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

8 **SECTION 10.** 281.75 (5) (b) 1. of the statutes is amended to read:

9 281.75 (5) (b) 1. Test results which show that the private water supply is
10 contaminated, as defined under sub. (1) (b) 1. or 2., ~~or~~ information to show that the
11 private water supply is contaminated as defined under sub. (1) (b) 3., or information
12 to show that the well is a well subject to abandonment;

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

13 **SECTION 11.** 281.75 (5) (b) 2. of the statutes is amended to read:

14 281.75 (5) (b) 2. ~~Any~~ If the claim is based on a contaminated private water
15 supply, any information available to the claimant regarding possible sources of
16 contamination of the private water supply; and

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

17 **SECTION 12.** 281.75 (5) (d) 1. of the statutes is amended to read:

18 281.75 (5) (d) 1. Enter the property where the private water supply or well
19 subject to abandonment is located during normal business hours and conduct any
20 investigations or tests necessary to verify the claim; and

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

21 **SECTION 13.** 281.75 (5) (d) 2. of the statutes is amended to read:

1 281.75 (5) (d) 2. ~~Cooperate~~ If the claim is based on a contaminated private
2 water supply, cooperate with the state in any administrative, civil or criminal action
3 involving a person or activity alleged to have caused the private water supply to
4 become contaminated.

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

5 **SECTION 14.** 281.75 (5) (e) of the statutes is amended to read:

6 281.75 (5) (e) The department shall consolidate claims if more than one
7 claimant submits a claim for the same private water supply or for the same well
8 subject to abandonment.

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

9 **SECTION 15.** 281.75 (7) (a) of the statutes is amended to read:

10 281.75 (7) (a) If the department finds that the claimant meets all the
11 requirements of this section and rules promulgated under this section and that the
12 private water supply is contaminated or that the well is a well subject to
13 abandonment, the department shall issue an award. The award may not pay more
14 than 75% of the eligible costs. The award may not pay any portion of eligible costs
15 in excess of \$12,000.

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

16 **SECTION 16.** 281.75 (7) (c) 1. of the statutes is amended to read:

17 281.75 (7) (c) 1. ~~The~~ If the claim is based on a contaminated private water
18 supply, the cost of obtaining an alternate water supply;

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

19 **SECTION 17.** 281.75 (7) (c) 2. (intro.) of the statutes is amended to read:

20 281.75 (7) (c) 2. (intro.) ~~The~~ If the claim is based on a contaminated private
21 water supply, the cost of any one of the following:

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

22 **SECTION 18.** 281.75 (7) (c) 3. of the statutes is amended to read:

1 281.75 (7) (c) 3. The cost of abandoning a contaminated private water supply,
2 if a new private water supply is constructed ~~or~~, if connection to a public or private
3 water supply is provided, or if the claim is based on a well subject to abandonment;

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

4 **SECTION 19.** 281.75 (7) (c) 4. of the statutes is amended to read:

5 281.75 (7) (c) 4. The cost of obtaining 2 tests to show that the private water
6 supply was contaminated if the claim is based on a contaminated private water
7 supply and the cost of those tests was originally paid by the claimant;

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

8 **SECTION 20.** 281.75 (7) (c) 5. of the statutes is amended to read:

9 281.75 (7) (c) 5. ~~Purchasing~~ The cost of purchasing and installing a pump, if
10 the claim is based on a contaminated private water supply and a new pump is
11 necessary for the new or reconstructed private water supply; and

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

12 **SECTION 21.** 281.75 (7) (c) 6. of the statutes is amended to read:

13 281.75 (7) (c) 6. ~~Relocating~~ If the claim is based on a contaminated private
14 water supply, the cost of relocating pipes, as necessary, to connect the replacement
15 water supply to the buildings served by it.

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

16 **SECTION 22.** 281.75 (11) (a) 4. of the statutes is amended to read:

17 281.75 (11) (a) 4. ~~One~~ If the claim is based on a contaminated private water
18 supply, one or more of the contaminants upon which the claim is based was
19 introduced into the well through the plumbing connected to the well.

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

20 **SECTION 23.** 281.75 (11) (a) 5. of the statutes is amended to read:

21 281.75 (11) (a) 5. ~~One~~ If the claim is based on a contaminated private water
22 supply, one or more of the contaminants upon which the claim is based was

1 introduced into the well intentionally by a claimant or a person who would be directly
2 benefited by payment of the claim.

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

3 **SECTION 24.** 281.75 (11) (a) 6. of the statutes is amended to read:

4 281.75 (11) (a) 6. All If the claim is based on a contaminated private water
5 supply, all of the contaminants upon which the claim is based are naturally occurring
6 substances and the concentration of the contaminants in water produced by the well
7 does not significantly exceed the background concentration of the contaminants in
8 groundwater at that location.

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

9 **SECTION 25.** 281.75 (11) (a) 7. of the statutes is amended to read:

10 281.75 (11) (a) 7. Except as provided in sub. (14), an award has been made
11 under this section within the previous 10 years for the parcel of land where the
12 private water supply is located and the claim is based on a contaminated private
13 water supply.

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

14 **SECTION 26.** 281.75 (11) (a) 8. of the statutes is amended to read:

15 281.75 (11) (a) 8. A If the claim is based on a contaminated private water supply,
16 the contaminated private water supply is a residential water supply, is contaminated
17 by bacteria or nitrates or both, and is not contaminated by any other substance.

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

18 **SECTION 27.** 281.75 (11) (a) 9. of the statutes is amended to read:

19 281.75 (11) (a) 9. A If the claim is based on a contaminated private water supply,
20 the contaminated private water supply is a livestock water supply, is contaminated
21 by bacteria, and is not contaminated by any other substance.

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

22 **SECTION 28.** 281.75 (11) (a) 10. of the statutes is amended to read:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0458/P1dn

RCT: /:....

W L J

Bill Walker:

This is a preliminary version of the proposal to expand the program under s. 281.75, Compensation for Well Contamination, to cover well abandonment. The intent of the request (with regard to how to treat claims based on a well that needs to be abandoned) was unclear to me in some ways, so the draft should be reviewed carefully. I added some changes to those proposed by DNR to try to make clear which provisions would apply ^{only if} claim is based on a contaminated well and which ^{would} apply to all claims.

I did not make the proposed change to refer to "well replacement" rather than "well contamination" because there are other remedies than replacement available to a person with a contaminated well, such as treating the water. I also replaced the term "well not permanently abandoned" with "well subject to abandonment" to avoid the implication that any well that has not been abandoned would be eligible for compensation under the expanded program.

The proposed language from DNR changed the title of s. 281.75 (8) but not the text of that provision. I did not make that change. Changes in titles have no legal effect. The unamended text of s. 281.75 (8) would apply the copayment requirement to both kinds of claims. Please let me know if that should be changed.

I did not make the proposed change in s. 281.75 (10). If DNR wants to take fault into account in paying claims for well abandonment, I will need to know how it should be taken into account. It seems to me that s. 281.75 (10) (b) would probably need to be changed if fault is to be taken into account for the well abandonment claims.

I made the requested change limiting s. 281.75 (11) (a) 10. to claims based on contaminated wells, but I do not understand why that would be desirable.

Please let me know if you have any questions. When I get redraft instructions or an indication that the draft is fine as drafted, I will produce an introducible draft with an analysis.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0458/P1dn
RCT:wlj:jf

November 1, 2004

Bill Walker:

This is a preliminary version of the proposal to expand the program under s. 281.75, Compensation for Well Contamination, to cover well abandonment. The intent of the request (with regard to how to treat claims based on a well that needs to be abandoned) was unclear to me in some ways, so the draft should be reviewed carefully. I added some changes to those proposed by DNR to try to make clear which provisions would apply only if a claim is based on a contaminated well and which would apply to all claims.

I did not make the proposed change to refer to "well replacement" rather than "well contamination" because there are other remedies than replacement available to a person with a contaminated well, such as treating the water. I also replaced the term "well not permanently abandoned" with "well subject to abandonment" to avoid the implication that any well that has not been abandoned would be eligible for compensation under the expanded program.

The proposed language from DNR changed the title of s. 281.75 (8) but not the text of that provision. I did not make that change. Changes in titles have no legal effect. The unamended text of s. 281.75 (8) would apply the copayment requirement to both kinds of claims. Please let me know if that should be changed.

I did not make the proposed change in s. 281.75 (10). If DNR wants to take fault into account in paying claims for well abandonment, I will need to know how it should be taken into account. It seems to me that s. 281.75 (10) (b) would probably need to be changed if fault is to be taken into account for the well abandonment claims. *OK per DNR*

I made the requested change limiting s. 281.75 (11) (a) 10. to claims based on contaminated wells, but I do not understand why that would be desirable.

Please let me know if you have any questions. When I get redraft instructions or an indication that the draft is fine as drafted, I will produce an introducible draft with an analysis.

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

11/4/04 Call from Mike Scott, attorney at DNR. 6-7527

1. They do not want the co-pay to apply for claims solely for well abandonment (because the cost of well abandonment is often quite low).

2. Eliminate the amendment of s. 281.75 (11)(a) 10.

RET

11/5 OK to make changes per Bill Walker

11/9 Per Mike Scott, DNR - They don't want the \$250 copay
to apply to abandonment only claims. They do want the
claimant to pay 25%. J

RET



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-045841

RCT:wlj:jf

SOON (in 11/10)

1

vmr

DOA:.....Walker, BB0173 - Well abandonment compensation

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

DO NOT GEN

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

Analysis
insert

This is a preliminary draft. An analysis will be provided in a later version. For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

2 SECTION 1. 20.370 (6) (cr) (title) of the statutes is amended to read:

3 20.370 (6) (cr) (title) *Environmental aids — compensation for well*
4 *contamination and abandonment.*

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 SECTION 2. 281.75 (title) of the statutes is amended to read:

6 **281.75 (title) Compensation for well contamination and abandonment.**

7 SECTION 3. 281.75 (1) (h) of the statutes is amended to read:

1 281.75 (1) (h) “Well,” if not followed by the words, “subject to abandonment,”
2 means an excavation or opening in the ground made by boring, drilling or driving for
3 the purpose of obtaining a supply of groundwater. “Well” does not include dug wells.

4 **SECTION 4.** 281.75 (1) (i) of the statutes is created to read:

5 281.75 (1) (i) “Well subject to abandonment” means a well that is required to
6 be abandoned under s. NR 812.26 (2) (a), Wis. Adm. Code, or that the department
7 may require to be abandoned under s. NR 812.26 (2) (b), Wis. Adm. Code.

8 **SECTION 5.** 281.75 (2) (e) of the statutes is created to read:

9 281.75 (2) (e) Establish requirements for the filling and sealing of wells subject
10 to abandonment.

11 **SECTION 6.** 281.75 (3) (a) of the statutes is renumbered 281.75 (3) and amended
12 to read:

13 281.75 (3) ~~WELLS FOR WHICH A CLAIM MAY BE SUBMITTED; SUNSET DATE.~~ A claim
14 may be submitted for a private water supply which, at the time of submitting the
15 claim, is contaminated or for a well subject to abandonment.

16 **SECTION 7.** 281.75 (3) (b) of the statutes is repealed.

17 **SECTION 8.** 281.75 (4) (a) of the statutes is amended to read:

18 281.75 (4) (a) Except as provided under par. (b), a landowner or lessee of
19 property on which is located a contaminated private water supply or a well subject
20 to abandonment, or the spouse, dependent, heir, assign or legal representative of the
21 landowner or lessee, may submit a claim under this section.

22 **SECTION 9.** 281.75 (4m) (a) of the statutes is amended to read:

23 281.75 (4m) (a) In order to be eligible for an award under this section, the
24 annual family income of the landowner or lessee of property on which is located a

1 contaminated water supply or a well subject to abandonment may not exceed
2 \$65,000.

3 **SECTION 10.** 281.75 (5) (b) 1. of the statutes is amended to read:

4 281.75 (5) (b) 1. Test results which show that the private water supply is
5 contaminated, as defined under sub. (1) (b) 1. or 2., ~~or~~ information to show that the
6 private water supply is contaminated as defined under sub. (1) (b) 3., or information
7 to show that the well is a well subject to abandonment;

8 **SECTION 11.** 281.75 (5) (b) 2. of the statutes is amended to read:

9 281.75 (5) (b) 2. ~~Any~~ If the claim is based on a contaminated private water
10 supply, any information available to the claimant regarding possible sources of
11 contamination of the private water supply; and

12 **SECTION 12.** 281.75 (5) (d) 1. of the statutes is amended to read:

13 281.75 (5) (d) 1. Enter the property where the private water supply or well
14 subject to abandonment is located during normal business hours and conduct any
15 investigations or tests necessary to verify the claim; and

16 **SECTION 13.** 281.75 (5) (d) 2. of the statutes is amended to read:

17 281.75 (5) (d) 2. ~~Coöperate~~ If the claim is based on a contaminated private
18 water supply, cooperate with the state in any administrative, civil or criminal action
19 involving a person or activity alleged to have caused the private water supply to
20 become contaminated.

21 **SECTION 14.** 281.75 (5) (e) of the statutes is amended to read:

22 281.75 (5) (e) The department shall consolidate claims if more than one
23 claimant submits a claim for the same private water supply or for the same well
24 subject to abandonment.

25 **SECTION 15.** 281.75 (7) (a) of the statutes is amended to read:

1 281.75 (7) (a) If the department finds that the claimant meets all the
2 requirements of this section and rules promulgated under this section and that the
3 private water supply is contaminated or that the well is a well subject to
4 abandonment, the department shall issue an award. The award may not pay more
5 than 75% of the eligible costs. The award may not pay any portion of eligible costs
6 in excess of \$12,000.

7 **SECTION 16.** 281.75 (7) (c) 1. of the statutes is amended to read:

8 281.75 (7) (c) 1. ~~The~~ If the claim is based on a contaminated private water
9 supply, the cost of obtaining an alternate water supply;

10 **SECTION 17.** 281.75 (7) (c) 2. (intro.) of the statutes is amended to read:

11 281.75 (7) (c) 2. (intro.) ~~The~~ If the claim is based on a contaminated private
12 water supply, the cost of any one of the following:

13 **SECTION 18.** 281.75 (7) (c) 3. of the statutes is amended to read:

14 281.75 (7) (c) 3. The cost of abandoning a contaminated private water supply,
15 if a new private water supply is constructed ~~or~~, if connection to a public or private
16 water supply is provided, or if the claim is based on a well subject to abandonment;

17 **SECTION 19.** 281.75 (7) (c) 4. of the statutes is amended to read:

18 281.75 (7) (c) 4. The cost of obtaining 2 tests to show that the private water
19 supply was contaminated if the claim is based on a contaminated private water
20 supply and the cost of those tests was originally paid by the claimant;

21 **SECTION 20.** 281.75 (7) (c) 5. of the statutes is amended to read:

22 281.75 (7) (c) 5. ~~Purchasing~~ The cost of purchasing and installing a pump, if
23 the claim is based on a contaminated private water supply and a new pump is
24 necessary for the new or reconstructed private water supply; and

25 **SECTION 21.** 281.75 (7) (c) 6. of the statutes is amended to read:

1 281.75 (7) (c) 6. ~~Relocating~~ If the claim is based on a contaminated private
2 water supply, the cost of relocating pipes, as necessary, to connect the replacement
3 water supply to the buildings served by it.

✓
Insert
5-3

4 **SECTION 22.** 281.75 (11) (a) 4. of the statutes is amended to read:

5 281.75 (11) (a) 4. ~~One~~ If the claim is based on a contaminated private water
6 supply, one or more of the contaminants upon which the claim is based was
7 introduced into the well through the plumbing connected to the well.

8 **SECTION 23.** 281.75 (11) (a) 5. of the statutes is amended to read:

9 281.75 (11) (a) 5. ~~One~~ If the claim is based on a contaminated private water
10 supply, one or more of the contaminants upon which the claim is based was
11 introduced into the well intentionally by a claimant or a person who would be directly
12 benefited by payment of the claim.

13 **SECTION 24.** 281.75 (11) (a) 6. of the statutes is amended to read:

14 281.75 (11) (a) 6. ~~All~~ If the claim is based on a contaminated private water
15 supply, all of the contaminants upon which the claim is based are naturally occurring
16 substances and the concentration of the contaminants in water produced by the well
17 does not significantly exceed the background concentration of the contaminants in
18 groundwater at that location.

19 **SECTION 25.** 281.75 (11) (a) 7. of the statutes is amended to read:

20 281.75 (11) (a) 7. Except as provided in sub. (14), an award has been made
21 under this section within the previous 10 years for the parcel of land where the
22 private water supply is located and the claim is based on a contaminated private
23 water supply.

24 **SECTION 26.** 281.75 (11) (a) 8. of the statutes is amended to read:

Analysis Insert

landowners or lessees of properties on which

ENVIRONMENT

WATER QUALITY

are located

Under current law, DNR administers a program that provides compensation to persons with contaminated wells. A landowner or lessee with a family income of not more than \$65,000 may be eligible for the program. The program generally pays 75 percent of eligible costs with a maximum award of \$9,000. Eligible costs include the costs of treating the well water or of constructing a new well or obtaining clean water from another source. If a new well is constructed or clean water is obtained from another source, the cost of abandoning the contaminated well is also an eligible cost. Abandoning a well generally involves filling and sealing the well.

This bill expands the program that provides compensation for well contamination so that it covers claims solely for the costs of abandoning a well that is unused or that poses a hazard to health or safety.

Insert 5-3

SECTION ~~281.75~~ 281.75 (8) (a) of the statutes is amended to read:

281.75 (8) (a) ~~Two hundred fifty dollars~~ Unless the claim is solely for well abandonment, \$250; and

1/21/05 - Per Mike Scott at DNR - there's still a problem with the copayment language. 281.75(8)(b) doesn't work if the claim is based ^{solely} on well abandonment.

B. H. Walker (DOB) says OK to fix.

RET



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0458/2

RCT:wlj:rs

in 1/21

vmf

DOA:.....Walker, BB0173 - Well abandonment compensation

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

sep. 5

TODAY please

DO NOT GEN.

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Under current law, DNR administers a program that provides compensation to landowners or lessees of properties on which contaminated wells are located. A landowner or lessee with a family income of not more than \$65,000 may be eligible for the program. The program generally pays 75 percent of eligible costs with a maximum award of \$9,000. Eligible costs include the costs of treating the well water or of constructing a new well or obtaining clean water from another source. If a new well is constructed or clean water is obtained from another source, the cost of abandoning the contaminated well is also an eligible cost. Abandoning a well generally involves filling and sealing the well.

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

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

1 **SECTION 1.** 20.370 (6) (cr) (title) of the statutes is amended to read:

2 20.370 (6) (cr) (title) *Environmental aids — compensation for well*
3 *contamination and abandonment.*

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 2.** 281.75 (title) of the statutes is amended to read:

5 **281.75 (title) Compensation for well contamination and abandonment.**

6 **SECTION 3.** 281.75 (1) (h) of the statutes is amended to read:

7 281.75 (1) (h) “Well,” if not followed by the words, “subject to abandonment,”
8 means an excavation or opening in the ground made by boring, drilling or driving for
9 the purpose of obtaining a supply of groundwater. “Well” does not include dug wells.

10 **SECTION 4.** 281.75 (1) (i) of the statutes is created to read:

11 281.75 (1) (i) “Well subject to abandonment” means a well that is required to
12 be abandoned under s. NR 812.26 (2) (a), Wis. Adm. Code, or that the department
13 may require to be abandoned under s. NR 812.26 (2) (b), Wis. Adm. Code.

14 **SECTION 5.** 281.75 (2) (e) of the statutes is created to read:

15 281.75 (2) (e) Establish requirements for the filling and sealing of wells subject
16 to abandonment.

17 **SECTION 6.** 281.75 (3) (a) of the statutes is renumbered 281.75 (3) and amended
18 to read:

19 281.75 (3) ~~WELLS FOR WHICH A CLAIM MAY BE SUBMITTED; SUNSET DATE.~~ A claim
20 may be submitted for a private water supply which, at the time of submitting the
21 claim, is contaminated or for a well subject to abandonment.

22 **SECTION 7.** 281.75 (3) (b) of the statutes is repealed.

23 **SECTION 8.** 281.75 (4) (a) of the statutes is amended to read:

1 281.75 (4) (a) Except as provided under par. (b), a landowner or lessee of
2 property on which is located a contaminated private water supply or a well subject
3 to abandonment, or the spouse, dependent, heir, assign or legal representative of the
4 landowner or lessee, may submit a claim under this section.

5 **SECTION 9.** 281.75 (4m) (a) of the statutes is amended to read:

6 281.75 (4m) (a) In order to be eligible for an award under this section, the
7 annual family income of the landowner or lessee of property on which is located a
8 contaminated water supply or a well subject to abandonment may not exceed
9 \$65,000.

10 **SECTION 10.** 281.75 (5) (b) 1. of the statutes is amended to read:

11 281.75 (5) (b) 1. Test results which show that the private water supply is
12 contaminated, as defined under sub. (1) (b) 1. or 2., ~~or~~ information to show that the
13 private water supply is contaminated as defined under sub. (1) (b) 3., or information
14 to show that the well is a well subject to abandonment;

15 **SECTION 11.** 281.75 (5) (b) 2. of the statutes is amended to read:

16 281.75 (5) (b) 2. ~~Any~~ If the claim is based on a contaminated private water
17 supply, any information available to the claimant regarding possible sources of
18 contamination of the private water supply; and

19 **SECTION 12.** 281.75 (5) (d) 1. of the statutes is amended to read:

20 281.75 (5) (d) 1. Enter the property where the private water supply or well
21 subject to abandonment is located during normal business hours and conduct any
22 investigations or tests necessary to verify the claim; and

23 **SECTION 13.** 281.75 (5) (d) 2. of the statutes is amended to read:

24 281.75 (5) (d) 2. ~~Cooperate~~ If the claim is based on a contaminated private
25 water supply, cooperate with the state in any administrative, civil or criminal action

1 involving a person or activity alleged to have caused the private water supply to
2 become contaminated.

3 **SECTION 14.** 281.75 (5) (e) of the statutes is amended to read:

4 281.75 (5) (e) The department shall consolidate claims if more than one
5 claimant submits a claim for the same private water supply or for the same well
6 subject to abandonment.

7 **SECTION 15.** 281.75 (7) (a) of the statutes is amended to read:

8 281.75 (7) (a) If the department finds that the claimant meets all the
9 requirements of this section and rules promulgated under this section and that the
10 private water supply is contaminated or that the well is a well subject to
11 abandonment, the department shall issue an award. The award may not pay more
12 than 75% of the eligible costs. The award may not pay any portion of eligible costs
13 in excess of \$12,000.

14 **SECTION 16.** 281.75 (7) (c) 1. of the statutes is amended to read:

15 281.75 (7) (c) 1. ~~The~~ If the claim is based on a contaminated private water
16 supply, the cost of obtaining an alternate water supply;

17 **SECTION 17.** 281.75 (7) (c) 2. (intro.) of the statutes is amended to read:

18 281.75 (7) (c) 2. (intro.) ~~The~~ If the claim is based on a contaminated private
19 water supply, the cost of any one of the following:

20 **SECTION 18.** 281.75 (7) (c) 3. of the statutes is amended to read:

21 281.75 (7) (c) 3. The cost of abandoning a contaminated private water supply,
22 if a new private water supply is constructed ~~or~~, if connection to a public or private
23 water supply is provided, or if the claim is based on a well subject to abandonment;

24 **SECTION 19.** 281.75 (7) (c) 4. of the statutes is amended to read:

1 281.75 (7) (c) 4. The cost of obtaining 2 tests to show that the private water
2 supply was contaminated if the claim is based on a contaminated private water
3 supply and the cost of those tests was originally paid by the claimant;

4 **SECTION 20.** 281.75 (7) (c) 5. of the statutes is amended to read:

5 281.75 (7) (c) 5. ~~Purchasing~~ The cost of purchasing and installing a pump, if
6 the claim is based on a contaminated private water supply and a new pump is
7 necessary for the new or reconstructed private water supply; and

8 **SECTION 21.** 281.75 (7) (c) 6. of the statutes is amended to read:

9 281.75 (7) (c) 6. ~~Relocating~~ If the claim is based on a contaminated private
10 water supply, the cost of relocating pipes, as necessary, to connect the replacement
11 water supply to the buildings served by it.

↓
Inset
→
5-11

12 **SECTION 22.** 281.75 (8) (a) of the statutes is amended to read:
13 281.75 (8) (a) ~~Two hundred fifty dollars~~ Unless the claim is solely for well
14 abandonment, \$250; and

15 **SECTION 23.** 281.75 (11) (a) 4. of the statutes is amended to read:

16 281.75 (11) (a) 4. ~~One~~ If the claim is based on a contaminated private water
17 supply, one or more of the contaminants upon which the claim is based was
18 introduced into the well through the plumbing connected to the well.

19 **SECTION 24.** 281.75 (11) (a) 5. of the statutes is amended to read:

20 281.75 (11) (a) 5. ~~One~~ If the claim is based on a contaminated private water
21 supply, one or more of the contaminants upon which the claim is based was
22 introduced into the well intentionally by a claimant or a person who would be directly
23 benefited by payment of the claim.

24 **SECTION 25.** 281.75 (11) (a) 6. of the statutes is amended to read:

1 281.75 (11) (a) 6. All If the claim is based on a contaminated private water
2 supply, all of the contaminants upon which the claim is based are naturally occurring
3 substances and the concentration of the contaminants in water produced by the well
4 does not significantly exceed the background concentration of the contaminants in
5 groundwater at that location.

6 **SECTION 26.** 281.75 (11) (a) 7. of the statutes is amended to read:

7 281.75 (11) (a) 7. Except as provided in sub. (14), an award has been made
8 under this section within the previous 10 years for the parcel of land where the
9 private water supply is located and the claim is based on a contaminated private
10 water supply.

11 **SECTION 27.** 281.75 (11) (a) 8. of the statutes is amended to read:

12 281.75 (11) (a) 8. A If the claim is based on a contaminated private water supply,
13 the contaminated private water supply is a residential water supply, is contaminated
14 by bacteria or nitrates or both, and is not contaminated by any other substance.

15 **SECTION 28.** 281.75 (11) (a) 9. of the statutes is amended to read:

16 281.75 (11) (a) 9. A If the claim is based on a contaminated private water supply,
17 the contaminated private water supply is a livestock water supply, is contaminated
18 by bacteria, and is not contaminated by any other substance.

19 **SECTION 29.** 281.75 (11) (b) (title) of the statutes is amended to read:

20 281.75 (11) (b) (title) *Limits on awards for contaminated wells; purposes.*

21 **SECTION 30.** 281.75 (11) (d) (title) of the statutes is amended to read:

22 281.75 (11) (d) (title) *Limits on awards for contaminated wells; amount.*

23 **SECTION 31.** 281.75 (17) (a) of the statutes is amended to read:

24 281.75 (17) (a) A claim based on a contaminated private water supply may be
25 submitted irrespective of the time when the contamination is or could have been

1 discovered in the private water supply. A claim may be submitted for contamination
2 which commenced before May 11, 1984, and continues at the time a claim is
3 submitted under this section.

4 (END)

Section #. 281.75 (8) (intro.) of the statutes is renumbered 281.75 (8) and amended to read:

281.75 (8) COPAYMENT. The department shall require a ~~payment~~^{strike} by the claimant equal to the ~~total of the following:~~^{strike} copayment of \$250 unless the claim is solely for well

History: 1983 a. 410; 1985 a. 22, 29; 1989 a. 31; 1991 a. 39; 1993 a. 413; 1995 a. 27 ss. 4208 to 4210, 9116 (5); 1995 a. 227 s. 401; Stats. 1995 s. 281.75; 1997 a. 27; 2001 a. 16.

abandonment

Section #. ^{Rpj} 281.75 (8) (a) and (b) ✓

end of insert



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0458/2

RCT:wlj:jf

DOA:.....Walker, BB0173 - Well abandonment compensation

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Under current law, DNR administers a program that provides compensation to landowners or lessees of properties on which contaminated wells are located. A landowner or lessee with a family income of not more than \$65,000 may be eligible for the program. The program generally pays 75 percent of eligible costs with a maximum award of \$9,000. Eligible costs include the costs of treating the well water or of constructing a new well or obtaining clean water from another source. If a new well is constructed or clean water is obtained from another source, the cost of abandoning the contaminated well is also an eligible cost. Abandoning a well generally involves filling and sealing the well.

This bill expands the program that provides compensation for well contamination so that it covers claims solely for the costs of abandoning a well that is unused or that poses a hazard to health or safety.

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

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

1 **SECTION 1.** 20.370 (6) (cr) (title) of the statutes is amended to read:

2 20.370 (6) (cr) (title) *Environmental aids — compensation for well*
3 *contamination and abandonment.*

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 2.** 281.75 (title) of the statutes is amended to read:

5 **281.75 (title) Compensation for well contamination and abandonment.**

6 **SECTION 3.** 281.75 (1) (h) of the statutes is amended to read:

7 281.75 (1) (h) “Well,” if not followed by the words, “subject to abandonment,”
8 means an excavation or opening in the ground made by boring, drilling or driving for
9 the purpose of obtaining a supply of groundwater. “Well” does not include dug wells.

10 **SECTION 4.** 281.75 (1) (i) of the statutes is created to read:

11 281.75 (1) (i) “Well subject to abandonment” means a well that is required to
12 be abandoned under s. NR 812.26 (2) (a), Wis. Adm. Code, or that the department
13 may require to be abandoned under s. NR 812.26 (2) (b), Wis. Adm. Code.

14 **SECTION 5.** 281.75 (2) (e) of the statutes is created to read:

15 281.75 (2) (e) Establish requirements for the filling and sealing of wells subject
16 to abandonment.

17 **SECTION 6.** 281.75 (3) (a) of the statutes is renumbered 281.75 (3) and amended
18 to read:

19 281.75 (3) ~~WELLS FOR WHICH A CLAIM MAY BE SUBMITTED; SUNSET DATE.~~ A claim
20 may be submitted for a private water supply which, at the time of submitting the
21 claim, is contaminated or for a well subject to abandonment.

22 **SECTION 7.** 281.75 (3) (b) of the statutes is repealed.

23 **SECTION 8.** 281.75 (4) (a) of the statutes is amended to read:

1 281.75 (4) (a) Except as provided under par. (b), a landowner or lessee of
2 property on which is located a contaminated private water supply or a well subject
3 to abandonment, or the spouse, dependent, heir, assign or legal representative of the
4 landowner or lessee, may submit a claim under this section.

5 **SECTION 9.** 281.75 (4m) (a) of the statutes is amended to read:

6 281.75 (4m) (a) In order to be eligible for an award under this section, the
7 annual family income of the landowner or lessee of property on which is located a
8 contaminated water supply or a well subject to abandonment may not exceed
9 \$65,000.

10 **SECTION 10.** 281.75 (5) (b) 1. of the statutes is amended to read:

11 281.75 (5) (b) 1. Test results which show that the private water supply is
12 contaminated, as defined under sub. (1) (b) 1. or 2., ~~or~~ information to show that the
13 private water supply is contaminated as defined under sub. (1) (b) 3., or information
14 to show that the well is a well subject to abandonment;

15 **SECTION 11.** 281.75 (5) (b) 2. of the statutes is amended to read:

16 281.75 (5) (b) 2. ~~Any~~ If the claim is based on a contaminated private water
17 supply, any information available to the claimant regarding possible sources of
18 contamination of the private water supply; and

19 **SECTION 12.** 281.75 (5) (d) 1. of the statutes is amended to read:

20 281.75 (5) (d) 1. Enter the property where the private water supply or well
21 subject to abandonment is located during normal business hours and conduct any
22 investigations or tests necessary to verify the claim; and

23 **SECTION 13.** 281.75 (5) (d) 2. of the statutes is amended to read:

24 281.75 (5) (d) 2. ~~Cooperate~~ If the claim is based on a contaminated private
25 water supply, cooperate with the state in any administrative, civil or criminal action

1 involving a person or activity alleged to have caused the private water supply to
2 become contaminated.

3 **SECTION 14.** 281.75 (5) (e) of the statutes is amended to read:

4 281.75 (5) (e) The department shall consolidate claims if more than one
5 claimant submits a claim for the same private water supply or for the same well
6 subject to abandonment.

7 **SECTION 15.** 281.75 (7) (a) of the statutes is amended to read:

8 281.75 (7) (a) If the department finds that the claimant meets all the
9 requirements of this section and rules promulgated under this section and that the
10 private water supply is contaminated or that the well is a well subject to
11 abandonment, the department shall issue an award. The award may not pay more
12 than 75% of the eligible costs. The award may not pay any portion of eligible costs
13 in excess of \$12,000.

14 **SECTION 16.** 281.75 (7) (c) 1. of the statutes is amended to read:

15 281.75 (7) (c) 1. ~~The~~ If the claim is based on a contaminated private water
16 supply, the cost of obtaining an alternate water supply;

17 **SECTION 17.** 281.75 (7) (c) 2. (intro.) of the statutes is amended to read:

18 281.75 (7) (c) 2. (intro.) ~~The~~ If the claim is based on a contaminated private
19 water supply, the cost of any one of the following:

20 **SECTION 18.** 281.75 (7) (c) 3. of the statutes is amended to read:

21 281.75 (7) (c) 3. The cost of abandoning a contaminated private water supply,
22 if a new private water supply is constructed ~~or~~, if connection to a public or private
23 water supply is provided, or if the claim is based on a well subject to abandonment;

24 **SECTION 19.** 281.75 (7) (c) 4. of the statutes is amended to read:

1 281.75 (7) (c) 4. The cost of obtaining 2 tests to show that the private water
2 supply was contaminated if the claim is based on a contaminated private water
3 supply and the cost of those tests was originally paid by the claimant;

4 **SECTION 20.** 281.75 (7) (c) 5. of the statutes is amended to read:

5 281.75 (7) (c) 5. ~~Purchasing~~ The cost of purchasing and installing a pump, if
6 the claim is based on a contaminated private water supply and a new pump is
7 necessary for the new or reconstructed private water supply; and

8 **SECTION 21.** 281.75 (7) (c) 6. of the statutes is amended to read:

9 281.75 (7) (c) 6. ~~Relocating~~ If the claim is based on a contaminated private
10 water supply, the cost of relocating pipes, as necessary, to connect the replacement
11 water supply to the buildings served by it.

12 **SECTION 22.** 281.75 (8) (intro.) of the statutes is renumbered 281.75 (8) and
13 amended to read:

14 281.75 (8) COPAYMENT. The department shall require a payment by the
15 claimant equal to the total of the following: copayment of \$250 unless the claim is
16 solely for well abandonment.

17 **SECTION 23.** 281.75 (8) (a) and (b) of the statutes are repealed.

18 **SECTION 24.** 281.75 (11) (a) 4. of the statutes is amended to read:

19 281.75 (11) (a) 4. ~~One~~ If the claim is based on a contaminated private water
20 supply, one or more of the contaminants upon which the claim is based was
21 introduced into the well through the plumbing connected to the well.

22 **SECTION 25.** 281.75 (11) (a) 5. of the statutes is amended to read:

23 281.75 (11) (a) 5. ~~One~~ If the claim is based on a contaminated private water
24 supply, one or more of the contaminants upon which the claim is based was

1 introduced into the well intentionally by a claimant or a person who would be directly
2 benefited by payment of the claim.

3 **SECTION 26.** 281.75 (11) (a) 6. of the statutes is amended to read:

4 281.75 (11) (a) 6. All If the claim is based on a contaminated private water
5 supply, all of the contaminants upon which the claim is based are naturally occurring
6 substances and the concentration of the contaminants in water produced by the well
7 does not significantly exceed the background concentration of the contaminants in
8 groundwater at that location.

9 **SECTION 27.** 281.75 (11) (a) 7. of the statutes is amended to read:

10 281.75 (11) (a) 7. Except as provided in sub. (14), an award has been made
11 under this section within the previous 10 years for the parcel of land where the
12 private water supply is located and the claim is based on a contaminated private
13 water supply.

14 **SECTION 28.** 281.75 (11) (a) 8. of the statutes is amended to read:

15 281.75 (11) (a) 8. A If the claim is based on a contaminated private water supply,
16 the contaminated private water supply is a residential water supply, is contaminated
17 by bacteria or nitrates or both, and is not contaminated by any other substance.

18 **SECTION 29.** 281.75 (11) (a) 9. of the statutes is amended to read:

19 281.75 (11) (a) 9. A If the claim is based on a contaminated private water supply,
20 the contaminated private water supply is a livestock water supply, is contaminated
21 by bacteria, and is not contaminated by any other substance.

22 **SECTION 30.** 281.75 (11) (b) (title) of the statutes is amended to read:

23 281.75 (11) (b) (title) *Limits on awards for contaminated wells; purposes.*

24 **SECTION 31.** 281.75 (11) (d) (title) of the statutes is amended to read:

25 281.75 (11) (d) (title) *Limits on awards for contaminated wells; amount.*

