

**2013 DRAFTING REQUEST**

**Senate Amendment (SA-SB302)**

Received: 11/5/2013 Received By: rkite  
Wanted: As time permits Same as LRB:  
For: Mark Miller (608) 266-9170 By/Representing: Beth Bier  
May Contact: Drafter: rkite  
Subject: Environment - water quality Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Sen.Miller@legis.wisconsin.gov  
Carbon copy (CC) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Approval conditions for proposed high capacity wells

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**Instructions:**

Add "casing depth" to Section 11, line 15, after "rate of flow" and to Section 12, line 23 after "rate of flow"

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**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>
/?	rkite 11/5/2013			_____			
/1		jdyer 11/5/2013	jfrantze 11/5/2013	_____	lparisi 11/5/2013	lparisi 11/5/2013	

FE Sent For:

<END>

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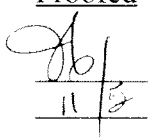
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1/2	rkite	11/5 jld	jd				

FE Sent For:

<END>

No, I'll forward you the information from WHNGS that explains why this is important.

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**From:** Kite, Robin  
**Sent:** Tuesday, November 05, 2013 9:13 AM  
**To:** Bier, Beth  
**Subject:** RE: SB 302 amendments

Wouldn't the casing have to be the same depth as the well? I just want to be absolutely sure that I draft this provision correctly.

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**From:** Bier, Beth  
**Sent:** Tuesday, November 05, 2013 9:12 AM  
**To:** Kite, Robin  
**Subject:** RE: SB 302 amendments

Yes, it refers to the casing on the well itself, not the distance it would be drilled.

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**From:** Kite, Robin  
**Sent:** Tuesday, November 05, 2013 9:04 AM  
**To:** Bier, Beth  
**Subject:** SB 302 amendments

Beth:

With regard to the first item, these bill sections already allow DNR to include a condition as to "depth". Is "casing depth" different?

Robin

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## Kite, Robin

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**From:** Bier, Beth  
**Sent:** Tuesday, November 05, 2013 9:31 AM  
**To:** Kite, Robin  
**Subject:** RE: well casings

Yes, thank you!

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**From:** Kite, Robin  
**Sent:** Tuesday, November 05, 2013 9:30 AM  
**To:** Bier, Beth  
**Subject:** RE: well casings

Do you want to insert "casing depth" after "rate of flow" in sections 13 and 14 as well? See page 6, lines 8 and 14.

Robin

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**From:** Bier, Beth  
**Sent:** Tuesday, November 05, 2013 9:15 AM  
**To:** Kite, Robin  
**Subject:** FW: well casings

FYI

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**From:** Ken Bradbury [mailto:krbradbu@wisc.edu]  
**Sent:** Monday, November 04, 2013 5:42 PM  
**To:** Bier, Beth  
**Subject:** RE: well casings

Hello Beth-

What I was getting at in my remarks to the Natural Resources Committee is that the actual design of a well can have a big impact on how the well affects other nearby wells and shallow water resources. I think that the DNR ought to have the authority to require the most appropriate design for the well for the purpose intended. Casing depth is part of this design. This is especially important in parts of the state that have multiple aquifers, such as here in Dane County and also in Waukesha County. Cross-connecting aquifers by drilling through an intervening aquitard (clay or shale layer) can allow contaminants from one aquifer to flow down into the adjacent aquifer. And, casing a well so as only to have it draw water from a deeper aquifer can help protect shallow surface water features.

In Minnesota, there is a prohibition against connecting aquifers, simply stated in their code here:

<https://www.revisor.mn.gov/rules/?id=4725.2020>

However, while I think this sort of blanket restriction is a good idea, it would be difficult to implement and enforce in Wisconsin at the present time without additional thought and wording because it would be a pretty big change to current well construction practice, and might have unintended consequences.

Instead, a simpler approach. I suggest that "casing depth" be inserted in the bill as follows, in order to give the DNR the specific right and option to consider it if the staff feels it is necessary:

**Section 11.** 281.34 (5) (a) of the statutes is amended to read:

10 281.34 (5) (a) *Public water supply*. If the department determines that a  
11 proposed high capacity well may impair the water supply of a public utility engaged  
12 in furnishing water to or for the public, the department may not approve the  
13 proposed high capacity well unless it is able to include and includes in the approval  
14 conditions, which may include conditions as to location, depth, pumping capacity,  
15 rate of flow, **casing depth**, and ultimate use, that will ensure that the water supply of the public  
16 utility will not be impaired.

**17 Section 12.** 281.34 (5) (b) 1. of the statutes is amended to read:

18 281.34 (5) (b) 1. Except as provided in subd. 2., if the department determines,  
19 under the environmental review process in sub. (4), that an environmental impact  
20 report under s. 23.11 (5) must be prepared for a proposed high capacity well located  
21 in a groundwater protection area, the department may not approve the proposed  
22 high capacity well unless it is able to include and includes in the approval conditions,  
23 which may include conditions as to location, depth, pumping capacity, rate of flow, **casing depth**,  
24 and ultimate use, that ensure that the proposed high capacity well does not cause  
25 significant environmental impact to a groundwater protection area.

Is this what you are looking for?

Feel free to ask questions of me.

Thanks

Ken

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**From:** Bier, Beth [<mailto:Beth.Bier@legis.wisconsin.gov>]

**Sent:** Monday, November 04, 2013 12:36 PM

**To:** [krbradbu@wisc.edu](mailto:krbradbu@wisc.edu)

**Subject:** well casings

Hi Ken,

Sen. Kedzie is going to hold a vote on SB302 on Thursday. Mark would like to offer an amendment addressing your concerns with well casings as a permit condition. Could you let me know what you think that language should look like?

Thanks,

Beth

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Beth Bier

Office of Senator Mark Miller

PO Box 7882

Madison, WI 53707

608.266.9170



Today (11/5)  
State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBa11270

RNK:.....

Rem  
run  
1  
jld

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE AMENDMENT,  
TO SENATE BILL 302

- 1 At the locations indicated, amend the bill as follows: ✓
- 2 1. Page 5, line 15: after “flow,” insert “casing depth,”.
- 3 2. Page 5, line 23: after “flow,” insert “casing depth,”.
- 4 3. Page 6, line 8: after “flow,” insert “casing depth,”.
- 5 4. Page 6, line 14: delete “and rate of flow” and substitute “rate of flow, and ✓
- 6 casing depth”.

7

(END)