



State of Wisconsin
2015 - 2016 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 3,
TO SENATE BILL 239**

March 15, 2016 – Offered by Senators MILLER, VINEHOUT, LASSA, CARPENTER, SHILLING, RISSER, ERPENBACH, HARRIS DODD, RINGHAND, WIRCH, HANSEN and BEWLEY.

1 **AN ACT** *to repeal* 281.34 (1) (f) and 281.34 (9); *to renumber* 160.50 (2); *to*
2 *renumber and amend* 281.34 (5m) and 281.34 (7); *to amend* 20.370 (6) (eg),
3 281.34 (4) (a) 3., 281.34 (5) (a), 281.34 (5) (b) 1. and 2., 281.34 (5) (c), 281.34 (5)
4 (d), 281.34 (7) (title), 281.344 (4s) (dm), 281.344 (4s) (dm), 281.346 (4s) (dm),
5 281.346 (4s) (dm), 281.346 (12) (a), 281.346 (12) (b), 281.348 (3) (cm) and
6 281.348 (3) (cm); and *to create* 160.50 (2) (b), 281.34 (1) (er), 281.34 (2s), 281.34
7 (5) (ds), 281.34 (5) (e) 3., 281.34 (7) (a), 281.34 (7) (b) 1. to 5., 281.34 (7) (c),
8 281.341 and 281.346 (8) (cm) of the statutes; **relating to:** groundwater

1 management, approval of high capacity wells, and granting rule-making
2 authority.

Analysis by the Legislative Reference Bureau

GROUNDWATER MANAGEMENT AREAS

Designation

This substitute amendment establishes standards and a process for designating areas in this state as groundwater management areas. The standards vary depending on whether an area has a confined aquifer or an unconfined aquifer. An aquifer is a water-bearing geologic formation. A confined aquifer has above it a layer (of rock, for example) through which water does not pass easily. An unconfined aquifer does not have such a layer above it.

The standards for designating an area with a confined aquifer as a groundwater management area are related to effects that groundwater pumping has in reducing the level to which water would rise in an open well or in reducing the water level in wells pumping from the aquifer. The standards for designating an area with an unconfined aquifer as a groundwater management area are related to reductions in stream flows caused by pumping and to declines in water tables.

Current law provides for a Groundwater Coordinating Council (GCC), consisting of the secretaries of agriculture, trade and consumer protection, natural resources, commerce, and transportation, and the president of the University of Wisconsin System, or their designees; the state geologist; and a person to represent the governor. This substitute amendment requires the GCC to appoint a subcommittee on groundwater area review (council subcommittee), consisting of individuals with technical expertise in the area of groundwater science and management.

This substitute amendment requires the council subcommittee to examine areas that may qualify for designation as groundwater management areas and to forward its conclusions to the GCC. The council subcommittee must first consider three specific areas for possible designation as groundwater management areas: one area in and adjacent to Brown County; one area in and adjacent to Waukesha County; and the area known as the central sands region. A person may petition the Department of Natural Resources (DNR) for an area to be designated as a groundwater management area, which the council subcommittee must then consider. If the council subcommittee forwards a conclusion that an area qualifies as a groundwater management area and the GCC agrees with that conclusion, the GCC may recommend that DNR designate the area as a groundwater management area. If DNR receives such a recommendation from the GCC, DNR may, by rule, designate the area as a groundwater management area.

After DNR promulgates a rule designating an area as a groundwater management area, it must establish a date by which it is reasonable to expect that groundwater conditions in the area will improve to the point that the area will no longer qualify as a groundwater management area (a target date), and conditions to

balance groundwater consumption and groundwater replenishment so that there are no significant adverse environmental impacts to surface water or groundwater (sustainable hydrologic conditions).

Planning

This substitute amendment requires DNR to develop and adopt a groundwater management plan for the groundwater management area. The groundwater management plan must be designed to protect surface water and groundwater and to ensure that by the target date the area no longer qualifies as a groundwater management area. The groundwater management plan must contain measurable goals, requirements for reporting to DNR, water conservation measures, and any other provision that DNR determines is necessary to meet the sustainable hydrologic conditions.

In preparing the groundwater management plan, DNR must appoint and consult with a technical advisory committee and a citizens advisory committee. The members of the technical advisory committee must have technical expertise in the area of groundwater science and management, and the members of the citizens advisory committee must represent a variety of interested parties in the groundwater management area, including municipal, agricultural, industrial, and commercial water users and conservation groups.

Rescinding designation

After the target date established by DNR for a groundwater management area, the substitute amendment requires the council subcommittee to consider whether the area still qualifies as a groundwater management area. If the council subcommittee concludes that the area no longer qualifies as a groundwater management area, it must forward that conclusion to the GCC. If the GCC agrees that the area no longer qualifies as a groundwater management area, the GCC may recommend that DNR rescind the designation. If the GCC makes that recommendation, DNR may rescind the designation by repealing the rule designating the area as a groundwater management area.

HIGH CAPACITY WELLS

Environmental review of proposed high capacity wells

Under current law, a person may not construct a high capacity well without an approval from DNR. A high capacity well is a well that, together with all other wells on the same property, has the capacity to withdraw more than 100,000 gallons of water per day.

This substitute amendment requires an applicant for approval of a high capacity well to publish a notice of the application in a newspaper, identifying the owner and the location of the well.

Current law requires DNR to conduct an environmental review of applications for approval of a high capacity well that is located in an area within 1,200 feet of a trout stream or exceptional resource waters (a groundwater protection area); a high capacity well with a high water loss, in which less than 5 percent of the water withdrawn is returned after use to the basin from which it is withdrawn; and a high capacity well that may have a significant adverse impact on a qualifying spring.

This substitute amendment eliminates the environmental review requirement relating to springs, and instead requires DNR to conduct an environmental review of an application for approval of a high capacity well that may have a significant adverse impact on waters of the state.

Under current law, if DNR determines, while conducting an environmental review of a proposed well that meets one of the criteria listed above, that an environmental impact report must be conducted for the proposed well, DNR must generally include conditions in the well approval to ensure that it does not cause significant adverse environmental impact. If it is not possible to ensure that, DNR must deny the application. If a proposed well will be used to provide a public water supply and DNR determines that there is no reasonable alternative location for the well, DNR must include in the approval conditions to ensure that the environmental impact of the well is balanced by the public benefit of the well. Examples of such conditions include conditions relating to the location, depth, pumping capacity, rate of flow, and ultimate use of the well.

This substitute amendment includes monitoring as one of the examples of potential conditions that may be included in such an approval. This substitute amendment also provides that, in any high capacity well approval, DNR may require the well owner to implement a monitoring program to evaluate the impacts of the well, and may modify the approval based on the results of that monitoring program.

Current law provides that a high capacity well approval, or application for approval, cannot be challenged based on DNR's lack of consideration of the cumulative impacts of the proposed well and existing wells. This substitute amendment requires DNR, when considering whether a high capacity well may have a significant adverse environmental impact on waters of the state, to consider the cumulative impacts of that high capacity well together with existing withdrawals.

Under current law, a high capacity well approval generally remains in effect indefinitely, unless modified or rescinded by DNR. This substitute amendment provides that an approval issued after the effective date of the substitute amendment may not remain in effect for more than ten years. An approval issued prior to the effective date of the substitute amendment remains in effect for a longer period, depending on how long before the effective date of the substitute amendment it was issued.

High capacity wells in groundwater management areas

Under this substitute amendment, after DNR develops a groundwater management plan for a groundwater management area, DNR may not approve a high capacity well in the groundwater management area unless the high capacity well is consistent with the groundwater management plan.

This substitute amendment also requires DNR, after it develops a groundwater management plan, to review approvals for high capacity wells in the groundwater management area that were issued before the plan went into effect. The substitute amendment authorizes DNR to modify such approvals to ensure that they are consistent with the groundwater management plan.

Fees for certain withdrawals

Current law imposes an annual fee of \$125 on a person whose water supply system has the capacity to withdraw an average of 100,000 gallons per day in any 30-day period from the waters of the state. This substitute amendment increases that annual fee to \$250.

DNR has also established, by rule, water use fees for users who withdraw more than 50,000,000 gallons per year from the Great Lakes basin. This substitute amendment directs DNR to establish such fees for users who withdraw more than 50,000,000 gallons per year from the waters of the state.

OTHER PROVISIONS

This substitute amendment also requires DNR to include water conservation requirements in the approvals, required under current law, for certain surface water withdrawals, if the withdrawal is in a groundwater management area, and requires those conservation requirements to be consistent with the groundwater management plan for the groundwater management area.

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

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

2 20.370 (6) (eg) *Groundwater mitigation and local assistance.* All moneys
3 received under s. 281.34 not appropriated under sub. (4) (cg) or (ch) for mitigation
4 under s. 281.34 (8) (d) and ~~(9) (d) and funding to local governmental units under s.~~
5 ~~281.34 (9) (b).~~

6 **SECTION 2.** 160.50 (2) of the statutes is renumbered 160.50 (2) (a).

7 **SECTION 3.** 160.50 (2) (b) of the statutes is created to read:

8 160.50 (2) (b) The groundwater coordinating council shall create a
9 subcommittee on groundwater area review. The subcommittee shall be composed of
10 individuals with technical expertise in the area of groundwater science and
11 management.

12 **SECTION 4.** 281.34 (1) (er) of the statutes is created to read:

13 281.34 (1) (er) “Significant adverse environmental impact” means alteration
14 of groundwater levels, groundwater discharge, surface water levels, surface water

1 discharge, groundwater temperature, surface water temperature, groundwater
2 chemistry, surface water chemistry, or other factors to the extent that those
3 alterations cause significant degradation of environmental quality, including
4 biological and ecological aspects of the affected water resource.

5 **SECTION 5.** 281.34 (1) (f) of the statutes is repealed.

6 **SECTION 6.** 281.34 (2s) of the statutes is created to read:

7 281.34 (2s) PUBLIC NOTICE. The department shall require an applicant for
8 approval of a high capacity well to provide notice of the application to interested
9 members of the public by publication as a class 1 notice under ch. 985. In the notice,
10 the applicant shall identify the owner and location of the high capacity well.

11 **SECTION 7.** 281.34 (4) (a) 3. of the statutes is amended to read:

12 281.34 (4) (a) 3. A high capacity well that may have a significant adverse
13 environmental impact on ~~a spring~~ waters of the state.

14 **SECTION 8.** 281.34 (5) (a) of the statutes is amended to read:

15 281.34 (5) (a) *Public water supply.* If the department determines that a
16 proposed high capacity well may impair the water supply of a public utility engaged
17 in furnishing water to or for the public, the department may not approve the high
18 capacity well unless it is able to include and includes conditions in the approval
19 conditions to ensure that the water supply of the public utility will not be impaired,
20 which may include conditions as to location, depth, pumping capacity, rate of flow,
21 monitoring, and ultimate use, ~~that will ensure that the water supply of the public~~
22 ~~utility will not be impaired~~ and any other condition the department determines is
23 necessary.

24 **SECTION 9.** 281.34 (5) (b) 1. and 2. of the statutes are amended to read:

1 281.34 (5) (b) 1. Except as provided in subd. 2., if the department determines,
2 under the environmental review process in sub. (4), that an environmental impact
3 report under s. 23.11 (5) must be prepared for a proposed high capacity well located
4 in a groundwater protection area, the department may not approve the high capacity
5 well unless it is able to include and includes conditions in the approval ~~conditions to~~
6 ensure that the high capacity well does not cause significant adverse environmental
7 impact, which may include conditions as to location, depth, pumping capacity, rate
8 of flow, monitoring, and ultimate use, ~~that ensure that the high capacity well does~~
9 ~~not cause significant environmental impact and any other condition the department~~
10 determines is necessary.

11 2. Subdivision 1. does not apply to a proposed high capacity well that is located
12 in a groundwater protection area and that is a water supply for a public utility
13 engaged in supplying water to or for the public, if the department determines that
14 there is no other reasonable alternative location for a well and is able to include and
15 includes conditions in the approval ~~conditions to ensure that the environmental~~
16 impact of the well is balanced by the public benefit of the well related to public health
17 and safety, which may include conditions as to location, depth, pumping capacity,
18 rate of flow, monitoring, and ultimate use, ~~that ensure that the environmental~~
19 ~~impact of the well is balanced by the public benefit of the well related to public health~~
20 and safety and any other condition the department determines is necessary.

21 **SECTION 10.** 281.34 (5) (c) of the statutes is amended to read:

22 281.34 (5) (c) *High water loss.* If the department determines, under the
23 environmental review process in sub. (4), that an environmental impact report under
24 s. 23.11 (5) must be prepared for a proposed high capacity well with a water loss of
25 more than 95 percent of the amount of water withdrawn, the department may not

1 approve the high capacity well unless it is able to include and includes conditions in
2 the approval ~~conditions~~ to ensure that the high capacity well does not cause
3 significant adverse environmental impact, which may include conditions as to
4 location, depth, pumping capacity, rate of flow, monitoring, and ultimate use, ~~that~~
5 ~~ensure that the high capacity well does not cause significant environmental impact~~
6 and any other condition the department determines is necessary.

7 **SECTION 11.** 281.34 (5) (d) of the statutes is amended to read:

8 281.34 (5) (d) *Impact on ~~a spring~~ waters of the state*. 1. Except as provided in
9 subd. 2., if the department determines, under the environmental review process in
10 sub. (4), that an environmental impact report under s. 23.11 (5) must be prepared for
11 a proposed high capacity well that may have a significant adverse environmental
12 impact on ~~a spring~~ waters of the state, the department may not approve the high
13 capacity well unless it is able to include and includes conditions in the approval
14 ~~conditions~~ to ensure that the high capacity well does not cause significant adverse
15 environmental impact, which may include conditions as to location, depth, pumping
16 capacity, rate of flow, monitoring, and ultimate use, ~~that ensure that the high~~
17 ~~capacity well does not cause significant environmental impact~~ and any other
18 condition the department determines is necessary.

19 2. Subdivision 1. does not apply to a proposed high capacity well that may have
20 a significant adverse environmental impact on ~~a spring~~ waters of the state and that
21 is a water supply for a public utility engaged in supplying water to or for the public,
22 if the department determines that there is no other reasonable alternative location
23 for a well and is able to include and includes conditions in the approval ~~conditions~~
24 to ensure that the environmental impact of the well is balanced by the public benefit
25 of the well related to public health and safety, which may include conditions as to

1 location, depth, pumping capacity, rate of flow, monitoring, and ultimate use, that
2 ensure that the environmental impact of the well is balanced by the public benefit
3 of the well related to public health and safety and any other condition the department
4 determines is necessary.

5 **SECTION 12.** 281.34 (5) (ds) of the statutes is created to read:

6 281.34 (5) (ds) *Groundwater management plan.* If a high capacity well is in a
7 groundwater management area designated under s. 281.341 (2) with a groundwater
8 management plan under s. 281.341 (3) in effect, the department may not approve the
9 high capacity well unless it is consistent with that plan.

10 **SECTION 13.** 281.34 (5) (e) 3. of the statutes is created to read:

11 281.34 (5) (e) 3. The department may include in the approval for a high capacity
12 well conditions requiring the owner to implement a monitoring program to evaluate
13 environmental impacts caused by operation of the high capacity well, and to submit
14 the results of the monitoring program to the department. The department may
15 modify the approval based on the results of the monitoring program.

16 **SECTION 14.** 281.34 (5m) of the statutes is renumbered 281.34 (5m) (a) and
17 amended to read:

18 281.34 (5m) (a) ~~No person may challenge an approval, or an application for~~
19 ~~approval, of a~~ When determining whether a high capacity well based on the lack of
20 consideration of or proposed high capacity well may have a significant adverse
21 environmental impact on the waters of the state, the department shall consider the
22 cumulative environmental impacts of that high capacity well together with existing
23 wells withdrawals.

24 **SECTION 15.** 281.34 (7) (title) of the statutes is amended to read:

1 281.34 (7) (title) ~~MODIFYING AND RESCINDING~~ DURATION, MODIFICATION, AND
2 RESCISSION OF APPROVALS FOR HIGH CAPACITY WELLS.

3 **SECTION 16.** 281.34 (7) of the statutes is renumbered 281.34 (7) (b) (intro.) and
4 amended to read:

5 281.34 (7) (b) (intro.) The An approval of a high capacity well issued under this
6 section or under s. 281.17 (1), 2001 stats. prior to the effective date of this paragraph
7 [LRB inserts date], remains in effect for the following periods unless the
8 department modifies or rescinds the approval under par. (c) 3. or sub. (5) (e) 3., or
9 because the high capacity well or the use of the high capacity well is not in
10 conformance with standards or conditions applicable to the approval of the high
11 capacity well.:

12 **SECTION 17.** 281.34 (7) (a) of the statutes is created to read:

13 281.34 (7) (a) An approval of a high capacity well issued under this section on
14 or after the effective date of this paragraph [LRB inserts date], may not remain
15 in effect for more than 10 years and may be modified or rescinded under par. (c) 3.
16 or sub. (5) (e) 3., or because the high capacity well or the use of the high capacity well
17 is not in conformance with standards or conditions applicable to the approval of the
18 high capacity well.

19 **SECTION 18.** 281.34 (7) (b) 1. to 5. of the statutes are created to read:

20 281.34 (7) (b) 1. For an approval of a high capacity well issued before January
21 1, 1980, 8 years from the effective date of this subdivision [LRB inserts date].

22 2. For an approval of a high capacity well issued on or after January 1, 1980,
23 and before January 1, 1990, 10 years from the effective date of this subdivision
24 [LRB inserts date].

1 3. For an approval of a high capacity well issued on or after January 1, 1990,
2 and before January 1, 2000, 12 years from the effective date of this subdivision
3 [LRB inserts date].

4 4. For an approval of a high capacity well issued on or after January 1, 2000,
5 and before January 1, 2010, 14 years from the effective date of this subdivision
6 [LRB inserts date].

7 5. For an approval of a high capacity well issued on or after January 1, 2010,
8 and before the effective date of this subdivision [LRB inserts date], 16 years from
9 the effective date of this subdivision [LRB inserts date].

10 **SECTION 19.** 281.34 (7) (c) of the statutes is created to read:

11 281.34 (7) (c) 1. After a groundwater management plan under s. 281.341 (3)
12 takes effect for a groundwater management area designated under s. 281.341 (2), the
13 department shall review, for consistency with the ground water management plan,
14 approvals for high capacity wells in the groundwater management area that were
15 issued under this section or under s. 281.17 (1), 2001 stats. before the plan took effect.

16 2. After conducting the review under subd. 1. for a groundwater management
17 area designated under s. 281.341 (2), the department may periodically review, for
18 consistency with the ground water management plan, the approvals under this
19 section or under s. 281.17 (1), 2001 stats., for high capacity wells in the groundwater
20 management area.

21 3. The department may modify the approval under this section or under s.
22 281.17 (1), 2001 stats., of a high capacity well, after a review under subd. 1. or 2., as
23 necessary to ensure that the high capacity well is consistent with the groundwater
24 management plan for the groundwater management area in which the high capacity
25 well is located.

1 **SECTION 20.** 281.34 (9) of the statutes is repealed.

2 **SECTION 21.** 281.341 of the statutes is created to read:

3 **281.341 Groundwater management areas. (1) DEFINITIONS.** In this
4 section:

5 (a) “Aquitard” means a geologic formation having low permeability.

6 (b) “Baseflow” means the sustained flow of a stream, principally by
7 groundwater discharge, in the absence of direct runoff, calculated as the 7–day low
8 flow that occurs on an average of once in every 10 years, or as determined by the
9 department using other statistical measures.

10 (bm) “Chief executive” means the county executive or, if a county does not have
11 a county executive, the chairperson of the county board of supervisors.

12 (c) “Confined aquifer” means a water bearing geologic formation that is
13 bounded on its upper surface by an aquitard.

14 (d) “Council” means the groundwater coordinating council.

15 (e) “Council subcommittee” means the groundwater area review subcommittee
16 of the groundwater coordinating council, as created under s. 160.50 (2) (b).

17 (em) “High capacity well” has the meaning given in s. 281.34 (1) (b).

18 (f) “Potentiometric surface” has the meaning given in s. 281.34 (1) (e).

19 (g) “Sustainable hydrologic conditions” means the balance between
20 groundwater consumption and groundwater replenishment so that there are no
21 significant adverse environmental impacts to surface water or groundwater.

22 (h) “Target date” means a date by which it is reasonable to expect that the
23 groundwater management area will no longer qualify for designation as a
24 groundwater management area.

1 (i) “Unconfined aquifer” means a water bearing geologic formation that is not
2 bounded on its upper surface by an aquitard.

3 (2) GROUNDWATER MANAGEMENT AREA DESIGNATION. (a) The department may, by
4 rule, designate an area as a groundwater management area if the council forwards
5 a conclusion to the department under par. (e) that the area qualifies for designation
6 as a groundwater management area.

7 (b) An area with a confined aquifer qualifies for designation as a groundwater
8 management area if any of the following applies:

9 1. The groundwater potentiometric surface of the confined aquifer has been
10 reduced 150 feet or more from the level at which the potentiometric surface would
11 be if no groundwater had been pumped from the area.

12 2. The groundwater potentiometric surface of the confined aquifer has been
13 reduced to less than 20 feet above the top of the aquitard bounding the upper surface
14 of the confined aquifer.

15 3. The static water level in the majority of the wells that pump water from the
16 confined aquifer is below the bottom of the confined aquifer’s bounding aquitard.

17 4. The groundwater potentiometric surface of the confined aquifer is declining
18 at a rate exceeding 5 feet per year averaged over a 10–year period.

19 5. The department has initiated an action under s. 30.03 (4) relating to the area.

20 (c) An area with an unconfined aquifer qualifies for designation as a
21 groundwater management area if any of the following applies:

22 1. The baseflow of the streams in the area has declined more than 10 percent
23 from what the baseflow of the streams would be if no groundwater had been pumped
24 from the area and that decline has resulted in significant adverse environmental
25 impact, as defined in s. 281.34 (1) (er).

1 2. The water table elevation of the unconfined aquifer is declining at a rate
2 exceeding 1 foot per year averaged over a 10–year period.

3 3. The withdrawal of groundwater in the area has caused a decline in the water
4 table of one foot or more beneath, or adjacent to, lakes or wetlands in the area, as
5 determined by use of groundwater flow modeling.

6 4. The department has initiated as action under s. 30.03 (4) relating to the area.

7 (d) The council subcommittee shall meet regularly to examine areas that may
8 qualify for designation as groundwater management areas under this subsection
9 and shall forward its conclusions to the council. Any person may file a petition with
10 the department requesting consideration of an area for designation as a
11 groundwater management area, which the department shall promptly forward to
12 the council subcommittee, and which the council subcommittee shall examine. The
13 council subcommittee’s conclusions shall include a delineation of the geographic
14 boundaries of the areas examined. If the council subcommittee concludes that an
15 area qualifies for designation as a groundwater management area under this
16 subsection, the council subcommittee’s conclusion shall include a proposed target
17 date and sustainable hydrologic conditions for the area. Before examining any other
18 area, the council subcommittee shall examine the following areas to determine
19 whether they qualify for designation as groundwater management areas under this
20 subsection and shall forward the council subcommittee’s conclusion to the council:

21 1. The 2 groundwater management areas designated under s. 281.34 (9), 2013
22 stats.

23 2. The area known as the central sands region.

24 (e) If the council subcommittee forwards a conclusion to the council under par.

25 (d) that an area qualifies as a groundwater management area and if the council

1 concurs with that conclusion, the council shall recommend that the department
2 designate the area as a groundwater management area. The council's
3 recommendation under this paragraph shall include a delineation of the geographic
4 boundaries of, and a proposed target date and sustainable hydrologic conditions for,
5 the proposed groundwater management area.

6 (f) If the department promulgates a rule designating an area as a groundwater
7 management area as authorized under par. (a), the department shall, not later than
8 90 days after the rule is promulgated, establish a target date and sustainable
9 hydrologic conditions for the area.

10 (g) 1. After the target date established under par. (f) for an area, the council
11 subcommittee shall consider whether the area still qualifies as a groundwater
12 management area under this subsection. If the council subcommittee concludes that
13 the area no longer qualifies as a groundwater management area, it shall forward that
14 conclusion to the council.

15 2. If the council subcommittee forwards a conclusion under subd. 1. that an
16 area no longer qualifies as a groundwater management area and if the council
17 concurs with that conclusion, the council may recommend that the department
18 rescind the designation of the area as a groundwater management area.

19 3. The department may rescind the designation of an area as a groundwater
20 management area, by repealing the rule designating an area as a groundwater
21 management area, if the council recommends under subd. 2. that the department
22 rescind the designation of the area as a groundwater management area.

23 **(3) GROUNDWATER MANAGEMENT PLANNING FOR GROUNDWATER MANAGEMENT AREA.**

24 (a) Subject to pars. (b) and (c), upon the designation under sub. (2) (a) of a

1 groundwater management area, the department shall develop and adopt a
2 groundwater management plan for the groundwater management area.

3 (b) The department, in preparing the groundwater management plan, shall
4 appoint and consult with a technical advisory committee and a citizens advisory
5 committee. The department shall select members of the technical advisory
6 committee who have technical expertise in the area of groundwater science and
7 management. The department shall select members of the citizens advisory
8 committee who represent a variety of water users, persons interested in water issues,
9 and governmental bodies in the groundwater management area, including
10 municipal, agricultural, industrial, and commercial water users and conservation
11 groups.

12 (c) The department shall design the groundwater management plan to protect
13 surface water and groundwater, to ensure that the groundwater management area
14 will no longer qualify for designation as a groundwater management area by the
15 target date established under sub. (2) (f), and to achieve the sustainable hydrologic
16 conditions established under sub. (2) (f), and shall include all of the following in the
17 groundwater management plan:

- 18 1. Measurable goals.
- 19 2. Requirements for the county or counties to report to the department,
20 including requirements to report progress toward achieving the sustainable
21 hydrologic conditions established under sub. (2) (f).
- 22 3. Opportunities for public participation in the implementation of the plan.
- 23 4. Water conservation measures.
- 24 5. Any other provision that the department determines is necessary to meet the
25 sustainable hydrologic conditions established under sub. (2) (f).

1 **SECTION 22.** 281.344 (4s) (dm) of the statutes is amended to read:

2 281.344 (4s) (dm) *Requiring individual permit.* The department may require
3 a person who is making or proposes to make a withdrawal that averages 100,000
4 gallons per day or more in any 30–day period, but that does not equal at least
5 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit
6 under sub. (5) if the withdrawal is located in a groundwater protection area, as
7 defined in s. 281.34 (1) (a), or a groundwater management area designated under s.
8 281.34 (9) or 281.341 (2).

9 **SECTION 23.** 281.344 (4s) (dm) of the statutes, as affected by 2015 Wisconsin
10 Acts 177 and (this act), is amended to read:

11 281.344 (4s) (dm) *Requiring individual permit.* The department may require
12 a person who is making or proposes to make a withdrawal that averages 100,000
13 gallons per day or more in any 30–day period, but that does not equal at least
14 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit
15 under sub. (5) if the withdrawal is located in a groundwater protection area, as
16 defined in s. 281.34 (1) (am), or a groundwater management area designated under
17 s. ~~281.34 (9) or~~ 281.341 (2).

18 **SECTION 24.** 281.346 (4s) (dm) of the statutes is amended to read:

19 281.346 (4s) (dm) *Requiring individual permit.* The department may require
20 a person who is making or proposes to make a withdrawal that averages 100,000
21 gallons per day or more in any 30–day period, but that does not equal at least
22 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit
23 under sub. (5) if the withdrawal is located in a groundwater protection area, as
24 defined in s. 281.34 (1) (a), or a groundwater management area designated under s.
25 281.34 (9) or 281.341 (2).

1 **SECTION 25.** 281.346 (4s) (dm) of the statutes, as affected by 2015 Wisconsin
2 Acts 177 and (this act), is amended to read:

3 281.346 (4s) (dm) *Requiring individual permit.* The department may require
4 a person who is making or proposes to make a withdrawal that averages 100,000
5 gallons per day or more in any 30–day period, but that does not equal at least
6 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit
7 under sub. (5) if the withdrawal is located in a groundwater protection area, as
8 defined in s. 281.34 (1) (am), or a groundwater management area designated under
9 s. ~~281.34 (9)~~ or 281.341 (2).

10 **SECTION 26.** 281.346 (8) (cm) of the statutes is created to read:

11 281.346 (8) (cm) *Withdrawals in groundwater management areas.* 1. The
12 department shall include requirements for water conservation in any approval
13 under s. 30.18 (2) (a) or 281.41 if the withdrawal is in a groundwater management
14 area designated under s. 281.341 (2) for which a groundwater management plan
15 under s. 281.341 (3) is in effect.

16 2. In any approval under this section or s. 30.18 (2) or 281.41 for a withdrawal
17 in a groundwater management area designated under s. 281.341 (2) for which a
18 groundwater management plan under s. 281.341 (3) is in effect, the department shall
19 ensure that the requirements for water conservation included in the approval are
20 consistent with the groundwater management plan.

21 **SECTION 27.** 281.346 (12) (a) of the statutes is amended to read:

22 281.346 (12) (a) A person who has a water supply system with the capacity to
23 make a withdrawal from the waters of the state averaging 100,000 gallons per day
24 or more in any 30–day period shall pay to the department an annual fee of ~~\$125~~ \$250,
25 except that the department may promulgate a rule specifying a different amount and

1 except that, notwithstanding the department’s rule-making authority, no person is
2 required to pay more than \$1,000 per year under this paragraph.

3 **SECTION 28.** 281.346 (12) (b) of the statutes is amended to read:

4 281.346 (12) (b) In addition to the fee under par. (a), a person who withdraws
5 ~~from the Great Lakes basin~~ more than 50,000,000 gallons per year from the waters
6 of the state shall pay to the department an annual fee in an amount specified under
7 par. (c).

8 **SECTION 29.** 281.348 (3) (cm) of the statutes is amended to read:

9 281.348 (3) (cm) For the purposes of plans under par. (a), an areawide water
10 quality planning agency designated by the governor under ch. NR 121, Wis. Adm.
11 Code, shall delineate the proposed water supply service areas for all of the public
12 water supply systems in the planning area for which the agency is designated. An
13 areawide water quality planning agency shall delineate proposed water supply
14 service areas that are consistent with the approved areawide water quality
15 management plan under s. 283.83 for the planning area and that permit the
16 development of plans that are approvable under par. (d). An areawide water quality
17 planning agency may also provide regional water needs assessments and other
18 regional water supply planning information. The process for conducting regional
19 activities under this subsection may be the same as the process for regional water
20 supply planning for a groundwater management area designated under s. 281.34 (9)
21 or 281.341 (2).

22 **SECTION 30.** 281.348 (3) (cm) of the statutes, as affected by 2015 Wisconsin Act
23 (this act), is amended to read:

24 281.348 (3) (cm) For the purposes of plans under par. (a), an areawide water
25 quality planning agency designated by the governor under ch. NR 121, Wis. Adm.

1 Code, shall delineate the proposed water supply service areas for all of the public
2 water supply systems in the planning area for which the agency is designated. An
3 areawide water quality planning agency shall delineate proposed water supply
4 service areas that are consistent with the approved areawide water quality
5 management plan under s. 283.83 for the planning area and that permit the
6 development of plans that are approvable under par. (d). An areawide water quality
7 planning agency may also provide regional water needs assessments and other
8 regional water supply planning information. The process for conducting regional
9 activities under this subsection may be the same as the process for regional water
10 supply planning for a groundwater management area designated under s. ~~281.34 (9)~~
11 ~~or~~ 281.341 (2).

12 **SECTION 31. Nonstatutory provisions.**

13 (1) REPORT ON INTERNET-BASED SYSTEM DEVELOPMENT. No later than the first day
14 of the 13th month beginning after the effective date of this subsection, the
15 department of natural resources shall submit to the legislature, in the manner
16 provided in section 13.172 (2) of the statutes, a report on the department's efforts to
17 develop an Internet-based system that prospective applicants for the approval of a
18 high capacity well may use to estimate the likely environmental impact of the
19 proposed withdrawal, and a discussion of the department's needs for completing and
20 maintaining that system.

21 **SECTION 32. Effective date.** This act takes effect on the day after publication,
22 except as follows:

23 (1) The treatment of sections 20.370 (6) (eg), 281.34 (9), 281.344 (4s) (dm) (by
24 SECTION 23), 281.346 (4s) (dm) (by SECTION 25), and 281.384 (3) (cm) (by SECTION 30)

1 of the statutes takes effect on the first day of the 25th month beginning after
2 publication.

3 (END)