

Report to
Legislative Council Rules Clearinghouse
NR 820, Wis. Adm. Code
Natural Resources Board Order No. DG-37-06

Wisconsin Statutory Authority

ss. 281.12, 281.34 and 227.11(2)(a), Stats., interpreting s. 281.34, Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

2003 Wisconsin Act 310 expands the Department's authority over high capacity wells to include consideration of impacts to certain sensitive water resources, requires annual reporting of groundwater pumping from high capacity wells and directs the Department to designate two groundwater management areas. The proposed rule implements the provisions of 2003 Wisconsin Act 310.

Under the proposed ch. NR 820, all owners of high capacity wells will be required to submit annual pumping reports to the Department. The rule also establishes the areal extent of two groundwater management areas, one in the southeast part of the state and another in the northeast part of the state. The two areas include the entire area of each city, village and town in which the level of the underlying groundwater has dropped by at least 150 feet as a result of groundwater pumping.

Proposed ch. NR 820 establishes processes and criteria to guide the review of proposed high capacity wells near springs, trout streams, outstanding resource waters (ORW) and exceptional resource waters (ERW). The rule includes screening criteria that will be used to determine the necessary level of environmental review for wells that are proposed to be located near springs or within a groundwater protection area (within 1,200 feet of a trout stream, ORW or ERW). Applicants for wells near springs or in groundwater protection areas will be required to submit information to demonstrate that the proposed well will not result in significant adverse environmental impacts to the surface water resource. When it is determined that a proposed well could result in a significant adverse environmental impact, the applicant may be required to submit an environmental impact report and the Department will prepare an environmental assessment prior to approving or denying the proposed well.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

Name and Telephone Number of Agency Contacts

Larry Lynch, Bureau of Drinking Water and Groundwater – 266-7553
Judy Ohm, Bureau of Legal Services – 266-9972
Carol Turner, Bureau of Legal Services - 266-1959

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