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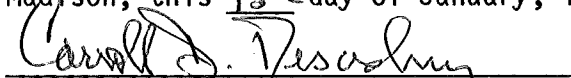
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STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES ) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. WS-45-84 was duly approved and adopted by this Department on October 24, 1984. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 15<sup>th</sup> day of January, 1985.

  
Carroll D. Besadny, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
CREATING RULES

. . . . .  
. IN THE MATTER of creating ch. NR 123 .  
. of the Wisconsin Administrative Code . WS-45-84  
. pertaining to a well compensation .  
. program. .  
. . . . .

Analysis Prepared by Department of Natural Resources

1983 Wisconsin Act 410 establishes a compensation program for well contamination. Proposed Chapter NR 123 establishes administrative rules for the implementation and administration of the compensation program. The proposed chapter is based on s. 144.027, Stats. It includes definitions; establishes a time period for submission of claims; identifies who is eligible to submit a claim, and what the application consists of; specifies how a well is judged to be contaminated; establishes eligible and ineligible costs; defines how a grant award will be made, the amount of the grant, and how grant payment will be made; and establishes a procedure for additional or amended claims and for denial of claims.

This proposed chapter will allow landowners or lessees of property on which is located a contaminated private water supply to submit a claim for compensation to construct a new well, reconstruct the existing well, connect to an existing public or other private water supply or provide treatment on the contaminated supply. The primary persons impacted are those who have contaminated wells.

The statute provides \$500,000 in grant money for claims received after January 1, 1985 and before July 1, 1985. The maximum grant award is 80% of the eligible costs to a maximum \$12,000 of eligible costs. Assuming all the grant money is allocated and no single project exceeds \$12,000 in cost, the public will match the \$500,000 in grant money with an additional \$125,000 of out-of-pocket expenditures.

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Pursuant to the authority vested in the State of Wisconsin, Natural Resources Board by s. 144.027 and 227.014(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby creates rules interpreting s. 144.027, Stats., as follows:

Section 1. Ch. NR 123 is created to read:

CHAPTER NR 123

NR 123.01 PURPOSE AND DUTIES OF THE DEPARTMENT. (1) PURPOSE. The purpose of this chapter is to establish rules, under s. 144.027, Stats., for the implementation and administration of a financial assistance program for the replacement of contaminated private water supplies.

(2) DUTIES. The department shall:

(a) Establish, by rule, procedures for the submission, review and determination of claims under this chapter.

(b) Assist claimants in submitting applications for compensation under this chapter.

(c) Issue awards under this chapter.

NR 123.02 APPLICABILITY. This chapter applies to contaminated water supplies compensable under s. 144.027, Stats. This chapter does not apply to contamination which is compensable under subch. 11 of ch. 107 or s. 144.855(4), Stats.

NR 123.03 DEFINITIONS. (1) "Advisory" means a written opinion, issued by the department, containing a specific descriptive reference to the well or private water supply and recommending that the well or private water supply not be used because of potential human health risks.

(2) "Alternate water supply" means a supply of potable water obtained in bottles, by tank truck or by other similar means, or a temporary connection to an existing private water supply, supplied at a capacity sufficient to satisfy water use functions impaired by the contaminated private water supply.

(3) "Approval" means a written approval of the department.

(4) "Connection to an existing private water supply" means a connection to an existing private water supply that tests free from coliform bacteria, and is not a contaminated private water supply.

(5) "Contaminated well" or "contaminated private water supply" means a well or a private water supply which:

(a) Produces water containing one or more substances of public health concern, other than bacteria or nitrates, in excess of a primary maximum contaminant level promulgated in the national drinking water standards in 40 C.F.R. 141 and 143; or

(b) Produces water containing one or more substances of public health concern, other than bacteria or nitrates, in excess of an enforcement standard established under ch. 160, Stats.; or

(c) Is subject to an advisory for substances other than bacteria or nitrates; or

(d) Is a livestock water supply or is a residential water supply which is used as a source of potable water for livestock as well as for a residence, and;

1. Is used at least 3 months each year and while in use provides an estimated average of more than 100 gallons per day for consumption by livestock; and

2. Produces water containing nitrates in excess of 40 parts per million expressed as nitrate-nitrogen.

(6) "Department" means the department of natural resources.

(7) "Dwelling unit" means a principal residence or a part-time residence such as a second home or vacation or recreation residence.

(8) "Lessee" means: (a) A claimant who has a lease with a property owner with provisions for the lessee to perform property improvements; or

(b) A claimant who has a lease with a property owner and who has secured the property owner's permission for improvement of the private water supply through the owner's signature on the claim form or a letter from the owner.

(9) "Livestock" has the meaning specified in s. 95.80(1)(b), Stats., and includes poultry.

(10) "Livestock water supply" means a well which is used as a source of potable water only for livestock and which is:

(a) Approved by the department of agriculture, trade and consumer protection for grade A milk production under s. 97.24, Stats.; or

(b) Constructed by boring or drilling.

(11) "Not feasible" means not physically, mechanically or functionally possible.

(12) "Plumbing" means that portion of the water distribution piping extending from the well to the various distribution points of use.

(13) "Principal residence" means the residence which is occupied at least 51% of the year by an individual, family or household. Second homes or vacation or recreation residences are not included in this definition.

(14) "Private water supply" means a residential water supply or a livestock water supply.

(15) "Public water system" has the meaning specified in s. NR 111.03(12).

(16) "Pump installer" has the meaning specified in s. NR 112.03(41).

(17) "Replacement water supply" means:

(a) Reconstruction of a contaminated private water supply;

(b) Construction of a new private water supply;

(c) Providing a connection to a public water system; or

(d) Providing a connection to an existing private water supply.

(18) "Residential water supply" means a well which is used as a source of potable water for humans or humans and livestock and is connected to 14 or less dwelling units.

(19) "Sand point well" has the same meaning as a "driven point well" as defined in s. NR 112.03(21).

(20) "Well" means an excavation or opening in the ground made by boring, drilling or driving for the purpose of obtaining a supply of groundwater. "Well" does not include dug wells and springs.

(21) "Well driller" has the meaning specified in s. NR 112.03(71).

NR 123.04 TIME TO SUBMIT CLAIMS. (1) Claims may not be submitted under this chapter until January 1, 1985.

(2) Claims may not be submitted under this chapter after January 1, 1987, unless a different time is provided under s. 144.027, Stats.

NR 123.05 ELIGIBILITY OF CLAIMANT. (1)(a) A claim may be submitted for a contaminated private water supply which, at the time of submitting the claim, is contaminated, irrespective of the time the contamination is or could have been discovered in the private water supply.

(b) A claim may be submitted for a private water supply which does not comply with ch. NR 112 at the time of submission of the claim.

(2)(a) Except as provided under sub. (3), a landowner or lessee of property on which a contaminated private water supply is located, or the spouse, dependent, heir, assignee or legal representative of the landowner or lessee may submit a claim under this chapter.

(b) The department shall consolidate claims if more than one claimant submits a claim for the same private water supply.

(c) The department may consolidate claims and recommend the replacement of several private water supply systems with a single water supply system if it deems the replacement to be the most cost effective solution and the claimants agree to a single system. Each original claimant shall be eligible for an award amount as established under s. NR 123.10 for their share of the cost of the replacement system.

(3) The following may not submit a claim:

(a) The state;

(b) An office, department, independent agency, institution of higher education, association, society, or other body in state government;

(c) An authority created under ch. 231 or 234, Stats.;

- (d) A city, village, town, county or special purpose district;
- (e) A federal agency, department or instrumentality;
- (f) An interstate agency.

NR 123.06 DETERMINATION OF CONTAMINATION. Contamination of a private water supply, as defined in s. NR 123.03 (5), shall be established by:

(1) The test analyses of at least 2 samples of water, taken at least 2 weeks apart and not more than 2 years apart. All samples shall be taken within 2 years prior to the date that the claimant's application is received by the department. The department may reject test results which are not sufficiently recent. The samples shall be analyzed by the state laboratory of hygiene or by a laboratory certified under s. 144.95, Stats.; or

(2) An advisory issued or reviewed by the department after July 1, 1984.

NR 123.07 ELIGIBLE AND INELIGIBLE COSTS. (1) ELIGIBLE COSTS. Eligible costs include the following items:

(a) Obtaining an alternate water supply for a maximum period of one year after the date of issuance of a proceed notice or an award as provided in s. NR 123.09, or until the replacement water supply or equipment used for treating the contaminated private water supply has been installed and completed, whichever is earlier. If it is determined by the secretary of the department that the contamination in the private water supply can be expected to be remedied in 2 years or less, an award may be issued for an alternate water supply for up to a 2 year period or until the well is no longer contaminated, whichever is earlier. At the end of this period, the department shall review water quality data for this water supply to determine if contamination has been remedied. If the well is still contaminated, the department shall request the claimant to submit any information necessary to complete his or her claim application. Once the claim is complete, the application review process will resume;

(b) A replacement water supply;

(c) Equipment used for treating the contaminated private water supply only if it is not feasible to remedy the contamination with a replacement water supply; and

(d) Other costs as deemed necessary by the department. These may include but are not limited to the following:

1. Purchasing and installing a pump, if a larger pump is necessary due to the greater depth of a new or reconstructed private water supply.

2. The cost of abandoning a contaminated private water supply, if a new private water supply is constructed or if connection to a public water system or an existing private water supply is obtained.

3. The cost of obtaining a maximum of 2 water sample analyses to show that the private water supply was contaminated if the cost of those tests was originally paid by the claimant. Payment will be made for analysis for additional parameters if these tests were requested by the department as part of the 2 tests demonstrating well contamination.

4. Replacement, relocation or installation of new piping, pitless adapters, pressure or booster tanks, or both, and any other appurtenances deemed necessary by the applicant and approved by the department to connect the replacement water supply to the buildings served by it.

5. If a well driller performs work on a replacement water supply on property owned or leased by the well driller, the costs of materials and equipment in connection with the well driller's work. In addition, documented reasonable labor costs may be considered eligible if the well driller allows the department access to the well driller's accounting records.

6. If a pump installer performs work on a replacement water supply on property owned or leased by the pump installer, the costs of materials and equipment in connection with the pump installer's work. In addition, documented reasonable labor costs may be considered eligible if the pump installer allows the department access to the pump installer's accounting records.



7. Landscaping costs to restore the site to preconstruction conditions. Costs of improvement or decoration occasioned by the construction or reconstruction of a well are not grant eligible. Landscaping costs include the costs of excavating and replacing portions of sidewalks, driveways or other similar items to allow for the installation or relocation of piping.

(2) INELIGIBLE COSTS. Payment may not be made for ineligible costs. Ineligible costs include the following items:

(a) The replacement of a sand point well with a drilled well unless:

1. The department determines that replacement with another sand point well is not feasible; and

2. The department determines that the claimant had no knowledge or reason to believe the sand point well would become contaminated at the time it was constructed; and

3. The well serves a principal residence.

(b) Any costs incurred prior to the date of issuance of the award, except for the water sample costs described in sub. (1)(d)3 and as allowed under s. NR 123.09(2).

(c) A replacement well greater than 7 inches in diameter.

(d) A replacement well screen greater than 10 feet in length.

(e) Any consulting or cost estimate fees.

(f) Any state, county or local permit fees.

(g) Relocation, replacement or abandonment of sewer piping, buried gasoline or fuel oil tanks, or other similar items.

(h) Any costs incurred in the installation of a replacement water supply or equipment used for treating the contaminated private water supply that are not approved by the department.

(i) Any costs incurred in the installation of equipment used for treating a replacement water supply, except as provided in s. NR 123.12.

(J) Mileage, phone, postage, and other miscellaneous costs incurred by the claimant.

(3) TABLES OF MAXIMUM COSTS. The following tables establish maximum costs for well construction, pump installation and other costs. The tables include costs for both materials and labor.

(a) Well construction costs.

1. Setup and administrative costs = \$100.00

2. Drillhole with temporary outer casing in unconsolidated formations

Drillhole Diameter - Cost \$/Foot								
2"	3"	4"	5"	6"	7"	8"	9"	10"
-	-	\$6	\$7	\$8	\$9	\$10	\$11	\$13

3. Drillhole without temporary outer casing in unconsolidated formations

Drillhole Diameter - Cost \$/Foot								
2"	3"	4"	5"	6"	7"	8"	9"	10"
\$3	\$4	\$5	\$6	\$7	\$8	\$9	\$10	\$11

4. Drillhole in consolidated formations  
Limestone (dolomite)  
Sandstone  
Shale  
Crystalline (granite, quartzite, etc.)

Drillhole Diameter - Cost \$/Foot								
2"	3"	4"	5"	6"	7"	8"	9"	10"
-	-	\$6	\$7	\$9	\$10	\$11	\$13	\$15
-	-	\$6	\$7	\$9	\$10	\$11	\$13	\$15
-	-	\$6	\$7	\$9	\$10	\$11	\$13	\$15
-	-	\$10	\$12	\$16	\$18	\$20	\$22	\$26

5. Approved steel and polyvinyl chloride (PVC) well casing.  
Note: PVC nominal well casing size shall be at least 5 inches in diameter

Well Casing Diameter - Cost \$/Foot						
2"	3"	4"	5"	6"	7"	outside diameter (O.D.)
\$4	\$5	\$6	\$7	\$8	\$9	

6. Well screen - includes packer, etc.

Well Screen Diameter - Cost \$/Foot					
2"	3"	4"	5"	6"	7" O.D.
\$60	\$65	\$70	\$80	\$100	\$120

7. Sand point wells

Drive Pipe Diameter - Cost \$/Foot				
1 1/4"	1 1/2"	2"	3"	4"
\$6	\$7	\$8	\$9	\$10

8. Sand point screen

Sand Point Screen Diameter - Cost \$/Foot				
1 1/4"	1 1/2"	2"	3"	4"
\$18	\$21	\$25	\$30	\$35

- 9. Neat cement grout - 5-6 gallons water per 94 pound sack of cement = \$8/sack
- 10. Concrete grout - 5-6 gallons water per 94 pound sack of cement plus equal portion aggregate = \$10/sack

Drive Shoe Diameter - Total Cost						
2"	3"	4"	5"	6"	7"	O.D.
\$30	\$35	\$40	\$45	\$50	\$55	

11. Drive shoe

12. Well development (for wells developed in unconsolidated formations only) = \$70 total cost

13. Test pumping = \$70 Total Cost

14. Disinfecting and flushing well or plumbing system or both = \$70 Total Cost

(b) Pump Installation costs.

1. Removal of an existing well pump = \$100 Total Cost

2. Re-installation of an existing well pump = \$100 Total Cost

3. Installation of a new well pump

Pump Horsepower - Total Cost							
1/3	1/2	3/4	1	1 1/2	2	3	5
\$425	\$450	\$550	\$625	\$925	\$1250	\$1550	\$1850

4. Installation of pump wire including electrical conduit pipe = \$1/Foot

5. Installation of pump column, discharge, suction, pressurized, or non-pressurized conduit piping

	Pump Column and Discharge Piping Diameter - Cost \$/Foot						
	3/4"	1"	1 1/4"	1 1/2"	2"	2 1/2"	3"
Copper, brass, cast iron, or galvanized steel	\$1	\$2	\$3	\$4	\$5	\$6	\$7
Sch. 80 PVC or polyethelene	\$0.50	\$1	\$2	\$3	\$4	\$5	\$6

6. Excavation costs for installing piping from sub. (3)(b)5. = \$4/Foot

7. Installation of a seal-cross or other approved pressure fitting = \$100 Total Cost

8. Installation of an ejector in well

a. Packer ejector unit = \$50 Total Cost

b. Two pipe ejector unit = \$75 Total Cost

(c) Other costs.

1. Installation of an overlapping metal well cap
 

Well Cap Diameter - Total Cost					
2"	3"	4"	5"	6"	7" O.D.
\$5	\$8	\$10	\$12	\$15	\$20
  
2. Installation of a well seal
 

Well Seal Diameter - Total Cost					
2"	3"	4"	5"	6"	7" O.D.
\$10	\$13	\$15	\$17	\$20	\$25
  
3. Installation of a weld-on pitless adapter
 

Weld-On Pitless Adapter - Total Cost			
4"	5"	6"	7" O.D.
\$100	\$125	\$150	\$175
  
4. Installation of a factory assembled pitless adapter
 

Factory Assembled Pitless Adaptor - Total Cost					
2"	3"	4"	5"	6"	7" O.D.
\$250	\$275	\$300	\$325	\$350	\$375
  
5. Installation of an above-ground pressure tank including pressure switch
 

Pressure Tank - Size in Gallons - Total Cost			
42	82	120	220
\$175	\$275	\$425	\$525
  
6. Installation of a buried pressure tank including pressure switch and air unloader
 

Pressure Tank - Size in Gallons - Total Cost	
120	220
\$500	\$700
  
7. Installation of a pitless receiver tank including pressure switch and air unloader
 

Pressure Tank - Size in Gallons - Total Cost					
40	60	95	145	260	
Well Casing 4" Diameter	\$600	\$650	\$800	\$900	\$1150
5"	\$650	\$700	\$850	\$950	\$1200
6"	\$700	\$750	\$900	\$1000	\$1250
7" O.D.	\$750	\$800	\$950	\$1050	\$1300
  
8. Installation of a freeze proof above ground discharge unit
 

Well Casing Diameter - Total Cost			
4"	5"	6"	7" O.D.
\$200	\$225	\$250	\$275
  
9. Installation of a pumphouse = \$200 Total Cost
  
10. Installation of a sampling faucet = \$4 Total Cost
  
11. Collection and test analysis of a water sample for coliform bacteria = \$30 Total Cost

NR 123.08 APPLICATION FOR AWARD. (1) In order to be considered for an award, a claimant shall submit, and have reviewed by the department, a claim. The department shall assist claimants in making claims and revising claim forms in order to fulfill the purpose of s. 144.027, Stats., to compensate the legitimate claims of groundwater pollution victims.

(2) The claim shall contain:

(a) A claim form available from the department.

(b) 1. Two water sample analyses results, analyzed by the state laboratory of hygiene or by a laboratory certified under s. 144.95, Stats., which show that the private water supply is contaminated as defined in s. NR 123.03(5); or

2. An advisory issued by the department.

(c) A description of the proposed replacement water supply. The description shall include an analysis of each of the following options: reconstruction of the contaminated water supply, construction of a new private water supply, or connection to an existing private or public water supply. The analysis shall include a detailed itemized cost breakdown of each replacement water supply alternative or an explanation of why any of the replacement water supply alternatives are considered not feasible. The claimant shall choose the least expensive replacement water supply which will remedy the contamination. If it is not feasible to remedy the contamination with a replacement water supply, then a detailed itemized cost breakdown of the equipment to be used for treating the contaminated private water supply shall be supplied.

(d) A copy of a plat map indicating the location of the well and the legal description of the property.

(e) If known, a description of the suspected contaminant and a discussion of its possible sources and proposed remedial action.

(f) A copy of an inspection report of the contaminated private water supply completed by the department.

(g) An affidavit by the claimant verifying that the information in the claim is true to the best of his or her knowledge.

Note: Claim forms are available from any Department of Natural Resources District Office or from the Department of Natural Resources, Bureau of Water Grants, P. O. Box 7921, Madison, Wisconsin 53707.

NR 123.09 ISSUANCE OF AN AWARD OR PROCEED NOTICE. (1) Upon receipt of the claim, the department shall:

(a) Review the claim for completeness;

(b) Determine if the claimant is eligible for compensation;

(c) Review the claimant's choice of replacement water supply or the equipment to be used for treating the contaminated private water supply, and decide whether to approve or not to approve the claimant's chosen solution. If the department does not approve the claimant's chosen solution, the reasons shall be communicated in writing to the claimant explaining why the solution is not acceptable. If the claim has been denied for reasons other than those specified in s. NR 123.13, the department shall assist the claimant in revising the claim form to meet, if possible, the intent of s. 144.027, Stats.

(2) ISSUANCE OF A PROCEED NOTICE. (a) Upon receipt of a claim submitted between January 1, 1985, and June 30, 1985, the department shall issue a proceed notice if the department determines that the claim is complete and eligible and concurs with the claimant's choice of replacement water supply or the equipment to be used for treating the contaminated private water supply. The proceed notice will allow the claimant to begin incurring costs. The proceed notice, however, is not a guarantee of a specific award amount.

(b) The proceed notice shall specify:

1. The department approved replacement water supply or the equipment to be used for treating the contaminated private water supply;

2. All eligible itemized costs; and

3. The conditions which an award, when issued, will be subject to.

(3) ISSUANCE OF AN AWARD. If the department determines that the claim is complete and eligible and the department concurs with the claimant's chosen solution, the department shall issue an award. The award shall specify:

a. The department approved replacement water supply or the equipment to be used for treating the contaminated private water supply.

b. A maximum cost for each eligible item as set forth in s. NR 123.07(3).

c. A maximum cost for any eligible items not set forth in s. NR 123.07(3).

d. The percentage of eligible costs for which an award is being made.

(4) AWARD CONDITIONS. Payment of a claim may be denied if grant award conditions are not met. The grant award will be subject to the following conditions:

(a) That all eligible work be completed and a payment request, which includes items specified in s. NR 123.11(1), be submitted within one year of the date of issuance of the award. This condition does not apply to cases where the secretary of the department has made a determination as provided in s. NR 123.07(1)(a).

(b) That the claimant notify the department at least 48 hours prior to the commencement of any construction of a new well or reconstruction of the contaminated well.

(c) That the contaminated well shall be permanently abandoned in accordance with ch. NR 112 before any grant payment will be made if the construction of a new well or a connection to an existing private or public water supply is the department approved replacement water supply. This condition is not applicable if the claimant is informed in writing by the department that the contaminated well is not to be abandoned so that it may be used for groundwater monitoring.

(d) That the replacement water supply up to and including any pressure tanks or reservoirs shall be in compliance with ch. NR 112 before any grant payment may be made.

(e) That the claimant obtain any permits or approvals required by law to install the replacement water supply or to install any equipment to be used for treating the contaminated private water supply.

(f) That the department is not responsible if the replacement water supply or if the installation of equipment used to treat the contaminated private water supply is not acceptable to the well owner or operator.

(g) That if the award is for reconstruction of a private water supply or construction of a new private water supply, the work shall be performed by a well driller.

(h) That the installed system is subject to department inspection and approval before grant payment is made.

(1) That the claimant shall request reimbursement only for work approved in the grant award.

(5) No awards will be issued by the department prior to the determination of the grant amount for claims submitted between January 1, 1985, and June 30, 1985, as specified in s. NR 123.10(4).

NR 123.10 AMOUNT OF AWARD. (1)(a) The award shall pay an amount not to exceed 80% of the eligible costs.

(b) The award may not provide for payment of any portion of eligible costs in excess of \$12,000. Therefore, the maximum grant payment that can be made is \$9600.

(2) The claimant shall be responsible for paying a minimum of \$250 of eligible costs and all eligible costs not paid under sub. (1) in excess of \$250.

(3)(a) The award shall specify a maximum cost for each eligible item associated with the approved replacement water supply or the equipment to be used for treating the contaminated private water supply. The cost may not exceed costs established in s. NR 123.07(3).

(b) The maximum eligible costs for connection to a public water system or an existing private water supply may not exceed 150% of the cost of the construction of a new private water



supply. If the new construction costs cannot be established as determined by the department, the maximum eligible costs will be the total cost of the project. The maximum eligible costs for connection to a public water system or an existing private water supply are subject to all other limitations in this section.

(c) The award shall specify a maximum cost for each eligible item not specifically listed in s. BR 123.07(3).

(4)(a) The department shall aggregate claims received from January 1, 1985, to June 30, 1985.

(b) The sum of the aggregated unpaid claims for the time period under par. (a) shall be compared to the funds available to pay claims for that time period. If the funds are insufficient to pay the full amount due on all claims, the department shall prorate the available funds among the unpaid claims by reducing the percentage of the payment under sub. (1). Payment of a lesser prorated amount on a claim shall constitute a complete payment of that claim.

(c) All eligible claimants who have submitted claims between January 1, 1985, and June 30, 1985, shall be issued an award stating the amount of the award within 30 days of the date the award amount is established.

(5) Claims and amendments received after June 30, 1985, shall be placed on a list in the order of receipt of the claim by the department. If claim and amendment requests exceed funds available, the department shall determine those claims and amendments which will receive an award based on their ranking on the list. After claims are determined to be complete and eligible, awards shall be issued to the extent that funds are made available to the department. Claims and amendments received after the date funds become depleted shall be added to the list and awards shall be issued if and when additional funds become available.

(6) In no case may a payment be made by the department that would allow the claimant to recover more than 100% of actual eligible costs.

NR 123.11 PAYMENT. (1) After an award is made, and if all the conditions of the grant award are met, payment of the state share of the eligible costs shall be made by the department upon receipt, review and determination of completeness of the following:

(a) An itemized bill from the licensed well driller, pump installer, and other contractors who performed eligible work. Each bill shall list all costs associated with the installation of the approved replacement water supply or the equipment used for treating the contaminated private water supply.

(b) A copy of a canceled check or receipt indicating that the costs were paid in full.

(2) Payment shall be made within 30 days of receipt of the information specified in sub. (1) or within 30 days after the department determines the eligibility of all claims submitted from January 1, 1985, to June 30, 1985, whichever is later.

NR 123.12 ADDITIONAL CLAIMS. (1) A claimant who receives an award for the purpose of constructing or reconstructing a private water supply or connecting to an existing 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. Only one additional claim may be submitted under this section within 10 years after an award is made.

(2) A claimant who has received an award for a claim submitted between January 1, 1985, and June 30, 1985, may not resubmit a claim for the sole purpose of receiving a greater grant percentage if the initial grant award established a grant percentage of less than 80% of eligible costs.

NR 123.13 DENIAL OF CLAIMS. The department shall deny a claim if:

(1) The claim is not within the scope of this chapter as determined by the department.

(2) The claimant submits a fraudulent claim.

(3) The claim is for reimbursement of costs incurred before the date of issuance of an award, except costs allowed under s. NR 123.09(2) and costs described in s. NR 123.07(1)(d)3.

(4) 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) 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, or a person who aids and abets the introduction of the contaminant, or a person who is a party to a conspiracy with another to commit, advise, hire, counsel or procure another to introduce the contaminants into the well.

(6) All of the contaminants upon which the claim is based are naturally occurring substances and the concentration of 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 s. NR 123.12, an award has been made under this chapter within the previous 10 years for the private water supply.

(8) A residential water supply is contaminated by bacteria or nitrates or both and is not contaminated by any other substance.

(9) A livestock water supply is contaminated by bacteria and is not contaminated by any other substance.

NR 123.14 VARIANCES. The department may approve variances from requirements of this chapter upon the request of a claimant when it is determined that such variances are essential to effect necessary grant actions or department objectives, and where special circumstances make such variances in the best interests of the state. Before granting a variance, the department shall take into account such factors as good cause, circumstances beyond the control of the claimant, and financial hardship.

NR 123.15 GRANT AMENDMENTS. The department may approve changes in the grant amount from that established in the award when it deems such changes are necessary to meet the objectives of this chapter. Any request for a change in the grant amount shall be made and fully documented by the claimant and reviewed and approved by the department. Approval of grant amendment requests shall be subject to the availability of funds.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on October 24, 1984

The rules contained herein shall take effect as provided in s. 227.026(1) (Intro.), Stats.

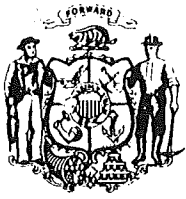
Dated at Madison, Wisconsin

January 15, 1985

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny Secretary

(SEAL)  
5339S



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

January 10, 1985

IN REPLY REFER TO: 1020

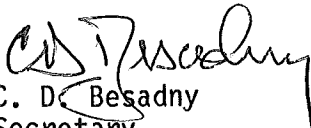
Mr. Orlan L. Prestegard  
Revisor of Statutes  
411 West  
C A P I T O L

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WS-45-84. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

  
C. D. Besadny  
Secretary

Enc.

6214H