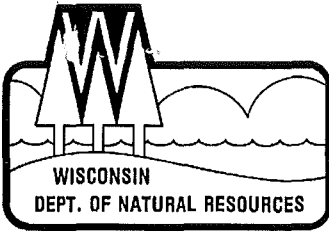


CR 94-187



George E. Meyer
Secretary

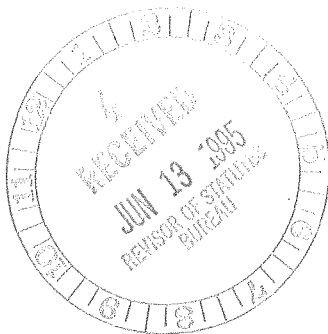
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

101 South Webster Street
Box 7921
Madison, Wisconsin 53707
TELEPHONE 608-266-2621
TELEFAX 608-267-3579
TDD 608-267-6897

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, 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-52-94 was duly approved and adopted by this Department on March 23, 1995. 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 the Natural Resources Building in the City of Madison, this 8th day of June, 1995.

George E. Meyer
George E. Meyer, Secretary

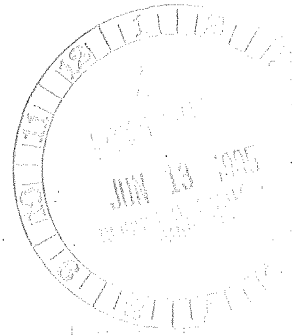
(SEAL)

9-1-95



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING, RENUMBERING, RENUMBERING AND AMENDING, AND CREATING RULES

The Wisconsin Natural Resources Board adopts an order repealing NR 145.09(5) and (8); renumbering NR 145.01 to 145.09(2), (4), (6), (9), (11) and 145.10 to 145.16: renumbering and amending NR 145.09(3), (7), (10) and (12); and creating NR 845.04(38m) and 845.09(8) relating to the county administration of the private well code.



WS-52-94

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 162.07 and 227.11(2)(a), Stats.

Statutes interpreted: s. 162.07, Stats.

Section 162.07, Stats., provides the department the authorization to delegate authority to counties to adopt and administer ordinances to regulate well location, well construction, well abandonment or pump installation, and for department review of county delegation programs for the purpose of protecting Wisconsin's drinking water. These changes affect the well location permit application process by eliminating the duplication of information provided by the well constructors and allows greater flexibility as to who may make application for the permit.

Prior to these revisions well constructors had to apply for all well construction permits for all new wells constructed in a delegated county. The revisions will transfer the permit application responsibility from the well constructor to the property owner or the property owner's designated agent. Clarifying language makes allowances for emergency well construction and also addresses situations where a well can be installed prior to the issuance of a permit.

The parties affected by these changes include licensed well drillers and pump installers, well constructors, property owners and the counties participating in the county well delegation program. Collectively these changes could reduce paperwork for the well constructor, reduce costs for the property owner, and not adversely affect the well inspection process or record keeping services provided by the participating counties.

These changes are reflective of the issues that were identified as a result of several meetings with representatives from the delegated counties (Chippewa, Dane, Eau Claire, La Crosse, Washington and Waukesha) and the Wisconsin Water Well Association (WWWA).

SECTION 1. NR 145.01 to 145.09(2) is renumbered NR 845.01 to 845.09(2).

SECTION 2. NR 145.09(3) is renumbered NR 845.09(3) and amended to read:

NR 845.09(3) The property owner shall be responsible for obtaining all permits. The well constructor or pump installer shall be responsible for ascertaining that all permits have been obtained or arrangements as specified in sub. (7) were made to obtain the permits before proceeding with well construction or pump installation. The county may grant authorization to proceed with well construction or pump installation after the required notification as specified in sub. (7) has been made. Well location permit applications and pump installation permit applications shall be signed by the well constructor property owner or the property owner's designated agent. Pump installation permit applications shall signed by the pump installer. Permits shall be issued to the property owner. Well location and pump installation permit applications shall be submitted to the administrator at least 2 working days prior to construction or installation if the owner, well constructor or pump installer is interested in receiving information about potential contamination sources such as landfills; underground storage tanks; primary and replacement on site sewage disposal system areas on the development site and on adjacent properties; and special casing areas. The permit application may be submitted by the owner or the well constructor or pump installer but shall be issue to the property owner. Where a well location or pump installation permit application is submitted less than 2 working days prior to construction, the well constructor or pump installer shall be responsible for maintaining full compliance with all provisions of ch. NR 812.

SECTION 3. NR 145.09(4) is renumbered NR 845.09(4).

SECTION 4. NR 145.09(5) is repealed.

SECTION 5. NR 145.09(6) is renumbered NR 845.09(6).

SECTION 6. NR 145.09(7) is renumbered NR 845.09(7) and amended to read:

NR 845.09(7) In emergency situations The well construction, pump installation or both may proceed immediately without the required county permit provided the property owner or the property owner's designated agent gives notice to the administrator prior to construction or installation. Notification shall include the owner's name, address, property legal description, proposed starting date and identification of the person who will be obtaining the permit. Unless other

arrangements are made with the administrator the permit shall be applied for on the first workday following initial construction or installation. The well constructor and/or pump installer ~~remains~~ shall be responsible for ~~construction and installation in maintaining full~~ compliance with all provisions of ch. NR 112 ~~and for obtaining the required county well location and/or pump installation permit after the emergency work is completed~~ 812.

SECTION 7. NR 145.09(8) is repealed.

SECTION 8. NR 145.09(9) is renumbered NR 845.09(9).

SECTION 9. NR 145.09(10) is renumbered NR 845.09(10) and amended to read:

NR 845.09(10) ~~The~~ As soon as the well location or pump installation permit is received, it shall be displayed conspicuously at the well site during construction or installation and for a minimum of 7 days following completion of construction or installation or until the well and/or pump has been inspected by county staff, whichever occurs first.

SECTION 10. NR 145.09(11) is renumbered NR 845.09(11).

SECTION 11. NR 145.09(12) is renumbered NR 845.09(12) and amended to read:

NR 845.09(12) A well location or pump installation permit shall be valid for a period of one year or until construction or installation is completed, whichever occurs first. If the permit expires, a new application shall be submitted to the administrator. Reapplications shall be evaluated so that construction or installation will comply with the provisions of ch. NR 112 812 in effect at the time of the reapplication. The administrator may require additional inspection and fees for reapplications.

SECTION 12. NR 145.10 to 145.16 are renumbered NR 845.10 to 845.16.

SECTION 13. NR 845.04 (38m) is created to read:

NR 845.04(38m) "Well constructor" means any person who constructs a well.

SECTION 14. NR 845.09(8) is created to read:

NR 845.09(8) When construction or installation occurs on a weekend or holiday, notification shall be provided to the administrator on the first workday following the weekend or holiday in the manner described in sub. (7). Unless other arrangements are made with the administrator, the permit application shall be obtained on the first workday following the weekend or holiday. The well constructor or pump installer shall be responsible for maintaining full compliance with all provisions of ch. NR 812.

SECTION 9. CROSS-REFERENCE CHANGES. In the section of the code listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C.

<u>A</u>	<u>B</u>	<u>C</u>
Title	NR 112	NR 812
NR 145.02	NR 112	NR 812
NR 145.02(Note)	NR 112	NR 812
NR 145.03	NR 111	NR 811
NR 145.04(1)	NR 112	NR 812
NR 145.04(2)	NR 109.60	NR 809.60
NR 145.04(5)	NR 111.03(2)	NR 811.03(2)
NR 145.04(8)	NR 112	NR 812
NR 145.04(13)	NR 112.03(24)	NR 812.03(24)
NR 145.04(14)	NR 112	NR 812
NR 145.04(16)	NR 112	NR 812
NR 145.04(20)	NR 109	NR 809
NR 145.04(32)	NR 112	NR 812
NR 145.04(33)	NR 112.04	NR 812
NR 145.04(33)	NR 112	NR 812
NR 145.04(36)	NR 112	NR 812
NR 145.04(39)	NR 112	NR 812
NR 145.05	NR 112	NR 812
NR 145.05(1)(c)	NR 112	NR 812
NR 145.05(1)(d)	NR 112	NR 812
NR 145.05(2)(d)	NR 112	NR 812
NR 145.05(3)(e)	NR 112	NR 812
NR 145.05(4)(a)	NR 112	NR 812
NR 145.05(5)	NR 112.26	NR 812.26

<u>A</u>	<u>B</u>	<u>C</u>
NR 145.05(5)	NR 109	NR 809
NR 145.06(1)(a)	NR 112	NR 812
NR 145.06(1)(c)1.b.	NR 112	NR 812
NR 145.06(1)(c)1.c.	NR 112	NR 812
NR 145.06(1)(c)1.c.	NR 109	NR 809
NR 145.06(1)(c)2.b.	NR 112.26	NR 812.26
NR 145.06(1)(c)2.d.	NR 112 (Two places)	NR 812 (Two places)
NR 145.06(1)(d)	NR 111	NR 811
NR 145.06(1)(f)	NR 112	NR 812
NR 145.06(2)	NR 112	NR 812
NR 145.06(3)(a)2.	NR 112	NR 812
NR 145.06(3)(b)5.	NR 112	NR 812
NR 145.06(3)(b)5.	NR 109	NR 809
NR 145.06(3)(b)6.	NR 112	NR 812
NR 145.08(2)(a)	NR 112	NR 812
NR 145.08(2)(c)	NR 112	NR 812
NR 145.09(2)	NR 112	NR 812
NR 145.09(5)	NR 112 (Three places)	NR 812 (Three places)
NR 145.09(7)	NR 112	NR 812
NR 145.09(11)	NR 112	NR 812
NR 145.09(12)	NR 112	NR 812
NR 145.10(1)	NR 112	NR 812
NR 145.10(2)	NR 112	NR 812
NR 145.10(3)	NR 112	NR 812
NR 145.10(5)	NR 112	NR 812
NR 145.10(6)	NR 112 (Two places)	NR 812 (Two places)
NR 145.11	NR 112	NR 812
NR 145.11(2)	NR 112	NR 812
NR 145.11(3)	NR 112	NR 812
NR 145.12 (Table II)	NR 112	NR 812
NR 145.13(1)	NR 112	NR 812
NR 145.13(1)(a)2.	NR 112	NR 812
NR 145.13(1)(c)	NR 112	NR 812
NR 145.13(1)(e)	NR 112	NR 812
NR 145.14(1)	NR 112	NR 812
NR 145.16(2)	NR 112	NR 812
NR 145.16(4)	NR 112.04	NR 812.04

A
NR 145.16(4)
NR 145.16(8)

B
NR 112
NR 112

C
NR 812
NR 812

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on March 23, 1995.

The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin

June 8, 1995

STATE OF WISCONSIN
Department of Natural Resources

by

George E. Meyer
George E. Meyer, Secretary

nr145\order.kcc

