

Report From Agency

REPORT TO LEGISLATURE

NR 812, Wis. Adm. Code

Board Order No. DG-25-19
Clearinghouse Rule No. 21-070

Basis and Purpose of the Proposed Rule

Although thermoplastic casing is an approved material in Wisconsin, its current use is restricted to wells that terminate in unconsolidated formations only. Wisconsin is the only state in the upper Midwest, and one of only three states nationally, that prohibits the use of thermoplastic casing for wells that terminate in bedrock formations. This puts Wisconsin's well drillers and homeowners at a disadvantage when it comes to safe and affordable options for well construction. Specific edits include:

1. Allows construction of wells using thermoplastic casing to terminate in bedrock formations.*
2. Allows the use of cementous grout as an annular space seal for wells with thermoplastic casing.
3. Allows clamp-on, bolt-on, or bolt-through pitless adapters for all wells (currently these are only allowed for wells serving single families).
4. Adds maximum annular space requirements for wells constructed with thermoplastic casing and cementous grout to prevent damage from pressure and heat of hydration.*
5. Clarifies s. NR 812.13(4)(b), Wis. Adm. Code, making the use of a packer or shale trap to provide a sand seal between the bottom of a casing and the top of a screen optional rather than required.
6. Allows mechanically holding down thermoplastic casing during grouting to prevent the casing from floating.
7. Allows the department to investigate wells that it suspects have suffered damage to thermoplastic casing.

Summary of Public Comments

See attached NR 812 Revision Public Comments and DNR Responses Natural Resources Board Order No. DG-25-19.

Modifications Made

From the Public comments and hearing: None. *In response to post-hearing discussions with the Wisconsin Water Well Association and the PVC Study Group, the use of thermoplastic casing was restricted to non-crystalline bedrock only, and a maximum annular space requirement was removed.

Appearances at the Public Hearing

- Jeff Beiriger, Wisconsin Well Water Association – In opposition
- David Beecroft (Licensed Well Driller) – In opposition
- Terry Marshall, Marshall Well Drilling Corp (Licensed Well Driller and Pump Installer) – In opposition
- Joshua Johnson (Licensed Well Driller) – In opposition (did not speak)
- Bruce Walker (Licensed Well Driller and Pump Installer) – In support
- Darrell “Butch” Eucker (Licensed Pump Installer) – In support
- Ed Maas, Maas Consulting, LLC.(Licensed Pump Installer) – In support
- Tom Van de Yacht, Ground Source (Licensed Well Driller and Pump Installer) – Attending for information only (did not speak)
- Tiffany Cavanaugh, Wisconsin Well and Water Systems, LLC (Pump Installer Trainee) - Attending for information only (did not speak)

- David Haupt, Haupt Well & Pump Co., Inc. (Licensed Well Driller and Pump Installer) – Attending for information only (did not speak)
- Timothy Harnois (Licensed Well Driller and Pump Installer) – None of the above (did not speak)
- Jennifer Rzepka, Wisconsin Water Well Association (WWWA) - None of the above (did not speak)

Changes to Rule Analysis and Fiscal Estimate

None

Response to Legislative Council Rules Clearinghouse Report

The Legislative Council Rules Clearinghouse submitted comments on form, style and placement; adequacy of references; and clarity, grammar, punctuation and use of plain language. Changes to the proposed rule were made to address all recommendations by the Legislative Council Rules Clearinghouse.

Final Regulatory Flexibility Analysis

This rule provides a major net benefit to small businesses impacted by the rule. The department assumed that a majority, if not all, of the entities impacted by this rule are small businesses. Based on this assumption the total economic impact (compliance and implementation) of this rule is expected to be incurred by small business. The total economic impact is estimated to be a one-time compliance cost of \$62,500 (Level 2 Moderate). A detailed analysis of this compliance cost is provided in Question #14 of the DOA 2049 form.

Rule revision will recognize modern construction methods, and provide more well construction options for businesses and the well owner. The revised rule is anticipated to provide increased potential for cost savings to well owners of an estimated \$893,095 per year for wells constructed using thermoplastic, rather than steel, casing. A detailed assessment of this cost savings is provided in Question #15 of the DOA 2049 form.

Response to Small Business Regulatory Review Board Report

The Small Business Regulatory Review Board did not prepare a report on this rule proposal.