



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBs0046/1
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**SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 44**

March 8, 2001 - Offered by COMMITTEE ON ENVIRONMENTAL RESOURCES.

1 **AN ACT** *to renumber and amend* 281.17 (1); and *to create* 281.17 (1) (c) of the
2 statutes; **relating to:** the authority of the department of natural resources to
3 regulate high capacity wells.

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

4 **SECTION 1.** 281.17 (1) of the statutes is renumbered 281.17 (1) (a) and amended
5 to read:

6 281.17 (1) (a) ~~No wells shall~~ A well may not be constructed, installed, or
7 operated to withdraw water from underground sources for any purpose groundwater
8 where the capacity and rate of withdrawal of all wells on one property is in excess
9 of 100,000 gallons a day without first obtaining the approval of the department. If
10 s. 281.35 applies to the proposed construction well, the application shall comply with
11 s. 281.35 (5) (a). ~~If the department finds that the proposed withdrawal will adversely~~
12 ~~affect or reduce the availability of water to any public utility in furnishing water to~~

1 or for the public or does not meet the grounds for approval specified under s. 281.35
2 (5) (d), if applicable, it shall either

3 (b) The department shall withhold its approval or grant a limited approval
4 under which it imposes such conditions as to location, depth, pumping capacity, rate
5 of flow, and ultimate use so that will ensure all of the following:

6 1. That the water supply of any public utility engaged in furnishing water to
7 or for the public will not be impaired and ~~the withdrawal will conform to the~~
8 ~~requirements of.~~

9 2. That the well meets the grounds for approval under s. 281.35, if applicable.

10 (d) The department shall require each person issued an approval under this
11 subsection to report that person's volume and rate of withdrawal, as defined under
12 s. 281.35 (1) (m), and that person's volume and rate of water loss, as defined under
13 s. 281.35 (1) (L), if any, in the form and at the times specified by the department. ~~The~~
14 ~~department may issue general or special orders it considers necessary to ensure~~
15 ~~prompt and effective administration of this subsection.~~

16 **SECTION 2.** 281.17 (1) (c) of the statutes is created to read:

17 281.17 (1) (c) 1. Except as provided in subd. 3., the department shall impose
18 as a condition in each approval under this subsection that the person issued the
19 approval may not use, or permit another person to use, any water withdrawn from
20 the well to produce bottled drinking water, as defined in s. 97.34 (1) (a), unless the
21 department approves use of the well for that purpose.

22 2. The department shall withhold its approval, grant a limited approval, or
23 modify an approval in order to minimize adverse effects to the quality or quantity of
24 waters of the state caused by any well used to produce bottled drinking water, as
25 defined in s. 97.34 (1) (a). The department shall prepare an environmental impact

1 statement under s. 1.11 (2) for a decision by the department under this paragraph
2 to approve the use of a well to produce bottled drinking water.

3 3. This paragraph does not apply to a withdrawal of water by a public utility
4 engaged in furnishing water to or for the public.

5 **SECTION 3. Nonstatutory provisions.**

6 (1) The treatment of section 281.17 (1) (c) of the statutes by this act applies to
7 an approval issued by the department of natural resources under section 281.17 of
8 the statutes on or after September 1, 2000. The department of natural resources
9 shall modify an approval issued by the department of natural resources under
10 section 281.17 of the statutes on or after September 1, 2000, in order to incorporate
11 into the approval the condition required under section 281.17 (1) (c) 1. of the statutes,
12 as created by this act.

13

(END)