



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2005 Wisconsin Act 123**  
[2005 Senate Bill 646]

**Compensation for Bacterial  
Contamination of Wells**

2005 Wisconsin Act 123 amends the state's well compensation grant program to authorize compensation for certain wells contaminated by bacteria.

### **State Well Compensation Grant Program**

Under previously enacted law, the Department of Natural Resources (DNR) administers the state well compensation grant program. This program provides compensation to eligible persons with contaminated residential or livestock water supply wells for a variety of costs resulting from the contamination, including the cost of equipment used to treat the water from the well or reconstructing or replacing the well.

Before the enactment of Act 123, a residential well contaminated by bacteria or nitrates or both and not contaminated by any other substance was not eligible for compensation under this program.

### **Act 123**

Act 123 authorizes the DNR to declare an area of special eligibility for compensation for well contamination based on contamination reported after December 31, 2005 if the following criteria are satisfied:

- Results of tests performed by a certified laboratory established the wells in the area are contaminated by fecal bacteria.
- Evidence demonstrates that the bacteria contamination is caused by livestock.

Act 123 establishes that a residential well that is contaminated by bacteria and is in an area of special eligibility for compensation for well contamination is eligible for compensation under the well compensation grant program. In addition, if the DNR determines that there is an improperly abandoned

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

residential or livestock well located on property owned or leased by a claimant with a residential well that is contaminated by bacteria and in an area of special eligibility for compensation for well contamination, the Act specifies that the DNR may issue an award under the program only if the claimant property abandons the improperly abandoned well. The Act authorizes the program to pay for the cost of properly abandoning such an improperly abandoned well.

**Additional Information**

Information on the state's well compensation grant program is posted at the DNR's website at <http://dnr.wi.gov/org/water/dwg/wellcomp.htm>.

***Effective Date:*** Act 123 takes effect on March 8, 2006.

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