

Report to
Legislative Council Rules Clearinghouse
NR 812, Wis. Adm. Code
Natural Resources Board Order No. DG-16-16

Wisconsin Statutory Authority

Section 227.11(2) (a) (intro.), chapter 280 and chapter 281, Wis. Stats.

Federal Authority

Federal law does not directly regulate the construction of wells or heat exchange drillholes and does not regulate the installation of pumps. For public drinking water systems, Wisconsin is a primacy state, with the primary responsibility to enforce state drinking water regulations consistent with the federal Safe Drinking Water Act. One federal requirement of Wisconsin's primacy role is that the state assures that the design and construction of new or substantially modified public water system facilities will be capable of compliance with the State primary drinking water regulations. For noncommunity public drinking water systems, NR 812, Wis. Adm. Code, provides the design and construction standards to meet this federal requirement.

Comparison of Adjacent States

Illinois, Iowa, Michigan and Minnesota have similar but less prescriptive rules regulating well construction and pump installing. By simplifying and clarifying requirements and reducing the overall rule length, this rule revision makes Wisconsin's approach more similar to the simpler, less prescriptive approach used in surrounding states.

Court Decisions Directly Relevant

None.

Analysis of the Rule - Rule Effect - Reason for the Rule

The primary objectives of the rule revision are to correct and clarify language, streamline processes, update well construction standards and be consistent with federal and state law. Specific edits include:

1. Correct errors in NR 812.08 separation distances and other errors from past rulemaking, and address revisor notes.
2. Clarify and simplify definitions and terms.
3. Reduce the number of figures. Clarify the remaining figures.
4. Simplify potential contamination sources for clarity and appropriate protection of human health and groundwater.
5. Clarify laboratory certification requirements for water sample analysis.
6. Streamline and clarify approval processes and requirements.
7. Reduce nitrate and arsenic sampling frequency.
8. Clarify and streamline requirements for installing water treatment systems on private well water systems.
9. Update drilling and well construction standards in NR 812 Subchapter II to reflect current industry methods, equipment and materials and simplify related processes.
10. Update code for consistency with current state law including ch. 280 and 281, Wis. Stats. and ch. NR 809, Wis. Adm. Code.
11. Clarify license requirements for filling and sealing exploration boreholes.
12. Improve the overall clarity, simplicity and organization of the rule content.

Agency Procedures for Promulgation

The department will hold public hearings on January 15, 2019 at 3:00 p.m. at the following locations:

- Madison - UW Extension Pyle Center, Room DE 235, 702 Langdon Street
- Eau Claire - UW Eau Claire Centennial Hall, 1698 Park Avenue
- Green Bay - UW Green Bay Instructional Services Building, Room IS 1034, 2420 Nicolet Drive
- Wausau - Northcentral Technical College, Center for Business & Industry, Room CBI 127, 1000 W. Campus Drive

Public comments will be accepted through January 28, 2019. The public comment period will be followed by Natural Resources Board adoption expected in May 2019, followed by a request for the governor's signature and legislative review.

Description of any Forms (attach copies if available)

No new forms are proposed in this rule. Some existing forms will require minor updates.

Name and Telephone Number of Agency Contacts

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