



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-0023/1  
MCP:ahc

## 2019 SENATE BILL 732

January 29, 2020 - Introduced by Senators MILLER, CARPENTER, JOHNSON, LARSON and RISSER, cosponsored by Representatives HEBL, ANDERSON, POPE, SINICKI, STUBBS and SUBECK. Referred to Committee on Sporting Heritage, Mining and Forestry.

1     **AN ACT** *to repeal* 20.370 (4) (cr), 281.34 (1) (f), 281.34 (7m), 281.34 (9), 293.37  
2           (5) and 293.66; *to renumber and amend* 281.34 (7); *to amend* 20.370 (6) (eg),  
3           281.34 (4) (a) 3., 281.34 (5) (a), 281.34 (5) (b) 1. and 2., 281.34 (5) (c), 281.34 (5)  
4           (d), 281.34 (5m), 281.34 (7) (title), 281.344 (4s) (dm), 281.346 (4s) (dm), 281.346  
5           (12) (a), 281.346 (12) (b), 281.348 (3) (cm) and 293.65 (3) (b); and *to create*  
6           20.370 (4) (ad), 20.370 (4) (ae), 281.34 (1) (er), 281.34 (2s), 281.34 (5) (ds), 281.34  
7           (5) (e) 3., 281.34 (7) (a), 281.34 (7) (b) 1. to 5., 281.34 (7) (c), 281.341 and 281.346  
8           (8) (cm) of the statutes; **relating to:** groundwater management, approval of  
9           high capacity wells, and granting rule-making authority.

---

*Analysis by the Legislative Reference Bureau*

**GROUNDWATER MANAGEMENT AREAS**

***Designation***

This bill establishes standards and a process for designating areas in this state as groundwater management areas. The standards vary depending on whether an area has a confined aquifer or an unconfined aquifer. An aquifer is a water-bearing geologic formation. A confined aquifer has a layer (of rock, for example) above it

**SENATE BILL 732**

through which water does not pass easily. An unconfined aquifer does not have such a layer above it. The standards for designating an area with a confined aquifer as a groundwater management area are related to groundwater and well water levels. The standards for designating an area with an unconfined aquifer as a groundwater management area are related to stream and water table levels.

This bill requires the Department of Natural Resources to regularly examine areas that may qualify for designation as groundwater management areas. The department must first consider three specific areas for possible designation as groundwater management areas: one area in and adjacent to Brown County; one area in and adjacent to Waukesha County; and the area known as the central sands region. A person may petition DNR for an area to be designated as a groundwater management area, which DNR must then consider. If DNR concludes that an area qualifies as a groundwater management area, DNR may, by rule, designate the area as a groundwater management area.

After DNR designates an area as a groundwater management area, it must establish a target date by which it is reasonable to expect that groundwater conditions in the area will improve to the point that the area will no longer qualify as a groundwater management area. DNR must also designate conditions to balance groundwater consumption and groundwater replenishment so that there are no significant adverse environmental impacts to surface water or groundwater (sustainable hydrologic conditions).

***Planning***

This bill requires DNR to develop and adopt a groundwater management plan for each designated groundwater management area. The groundwater management plan must be designed to protect surface water and groundwater and to ensure that by the target date the area no longer qualifies as a groundwater management area. The groundwater management plan must contain measurable goals, requirements for reporting to DNR, water conservation measures, opportunities for public participation in implementing the plan, and any other provision that DNR determines is necessary to meet the designated sustainable hydrologic conditions. If, in preparing a groundwater management plan, the department conducts evaluation or modeling of the area, the evaluation and modeling must follow the same parameters as the recently completed Little Plover River study, and must use the model that resulted from the Little Plover River study, if applicable.

***Rescinding designation***

After the target date established by DNR for a groundwater management area, the bill requires DNR to consider whether the area still qualifies as a groundwater management area. If DNR concludes that the area no longer qualifies as a groundwater management area, DNR may rescind the designation by repealing the rule designating the area as a groundwater management area.

***Grants for voluntary groundwater management areas***

This bill requires DNR to provide grants to municipalities and certain other entities that are in areas that are not designated as groundwater management areas but that DNR determines are likely to be designated as groundwater management areas in the future. Under the bill, grants can be made for the purposes of developing

**SENATE BILL 732**

a groundwater management plan, which DNR must assist in developing, and implementing a groundwater management plan that DNR approves.

**HIGH CAPACITY WELLS*****Environmental review of proposed high capacity wells***

Under current law, a person may not construct or operate a high capacity well without an approval from DNR. A high capacity well is a well that, together with other wells on the same property, has the capacity to withdraw more than 100,000 gallons of water per day.

This bill requires an applicant for approval of a high capacity well to publish a notice of the application in a newspaper, identifying the owner and the location of the well.

Current law requires DNR to conduct an environmental review of applications for approval of a high capacity well that is located within 1,200 feet of a trout stream or outstanding or exceptional resource waters (a groundwater protection area); a high capacity well with a high water loss, in which less than 5 percent of the water withdrawn is returned after use to the basin from which it is withdrawn; and a high capacity well that may have a significant adverse impact on a qualifying spring.

This bill eliminates the environmental review requirement relating to springs, and instead requires DNR to conduct an environmental review of an application for approval of a high capacity well that may have a significant adverse impact on waters of the state.

***Conditions in well approvals***

Under current law, if DNR determines, while conducting an environmental review of a proposed well that meets one of the criteria listed above, that an environmental impact report must be conducted, DNR must generally include conditions in the well approval to ensure that it does not cause significant adverse environmental impact. If a proposed well will be used to provide a public water supply, DNR must include conditions in the approval to ensure that the water supply of the public utility will not be impaired. If it is not possible to ensure that a proposed well will not cause significant adverse environmental impact or impair a public utility water supply, DNR must deny the approval. Current law states that these conditions may include conditions relating to the location, depth, pumping capacity, rate of flow, and ultimate use of the well.

This bill specifically includes monitoring as one of the potential conditions that may be included in such an approval. This bill also provides that, in any high capacity well approval, DNR may require the well owner to implement a monitoring program to evaluate the impacts of the well and may modify the approval based on the results of that monitoring program.

***Cumulative impacts***

Current law provides that a high capacity well approval, or application for approval, cannot be challenged based on DNR's lack of consideration of the cumulative impacts of the proposed well and existing wells. This bill requires DNR, when considering whether a high capacity well may have a significant adverse

**SENATE BILL 732**

environmental impact on waters of the state, to consider the cumulative impacts of that high capacity well together with existing withdrawals.

***Expiration of approvals***

Under current law, a high capacity well approval generally remains in effect indefinitely, unless modified or rescinded by DNR. This bill provides that an approval issued after the effective date of the bill may not remain in effect for more than ten years. An approval issued prior to the effective date of the bill remains in effect for a longer period, depending on how long before the effective date of the bill it was issued.

***High capacity wells in groundwater management areas***

Under this bill, after DNR develops a groundwater management plan for a groundwater management area, DNR may not approve a high capacity well in the groundwater management area unless the high capacity well is consistent with the groundwater management plan for the area.

This bill also requires DNR, after it develops a groundwater management plan, to review approvals for high capacity wells in the groundwater management area that were issued before the plan went into effect. The bill authorizes DNR to modify these approvals to ensure that they are consistent with the groundwater management plan.

***High capacity wells and mining operations***

Current law generally prohibits DNR from approving a high capacity well, for mining purposes, that will result in the unreasonable detriment of public or private water supplies or of public rights in the waters of the state. However, current law allows DNR to approve such a high capacity well if DNR is able to include conditions in the approval or the mining permit that ensure that these detriments will not occur. These conditions may include providing a replacement water supply, providing additional water to the harmed water supply, or temporarily augmenting the quantity or quality of the harmed waters of the state. This bill removes DNR's authority to approve a high capacity well, for mining purposes, that will result in the unreasonable detriment of public or private water supplies or of public rights in the waters of the state.

**OTHER PROVISIONS*****Fees for certain withdrawals***

Current law imposes an annual fee of \$125 on a person whose water supply system has the capacity to withdraw an average of 100,000 gallons per day in any 30-day period from the waters of the state. This bill increases that annual fee to \$250.

DNR has also established, by rule, water use fees for users who withdraw more than 50,000,000 gallons per year from the Great Lakes basin. This bill directs DNR to establish such fees for users who withdraw more than 50,000,000 gallons per year from any waters of the state.

***Water conservation***

This bill also requires DNR to include water conservation requirements in the approvals required for certain withdrawals from lakes or streams or relating to

**SENATE BILL 732**

water or sewerage systems or sewage and refuse disposal plants, if the withdrawal is in a groundwater management area, and requires those conservation requirements to be consistent with the groundwater management plan for the groundwater management area.

***Hydrologic study***

The bill also eliminates the provisions under current law that require DNR to study and recommend special measures relating to groundwater for adoption by the legislature.

***Groundwater and mining operations***

Current law prohibits DNR from requiring a mining permit applicant to generate a hydrologic model of the proposed mining waste site that examines a period of more than 250 years after closure of the mining waste site. The bill eliminates this prohibition.

The bill also eliminates the current law provision that prohibits DNR from applying groundwater enforcement standards at a mining operation at any point in the Precambrian bedrock below which the groundwater is not reasonably capable of being used for human consumption.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

---

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

1           **SECTION 1.** 20.370 (4) (ad) of the statutes is created to read:

2           20.370 (4) (ad) *Groundwater management area designation and planning.*

3           From the general fund, a sum sufficient for groundwater management area  
4           designation and planning under s. 281.341 (2) and (3).

5           **SECTION 2.** 20.370 (4) (ae) of the statutes is created to read:

6           20.370 (4) (ae) *Voluntary groundwater management area grants.* From the  
7           general fund, a sum sufficient to provide grants under s. 281.341 (4) for developing  
8           and implementing groundwater management plans.

9           **SECTION 3.** 20.370 (4) (cr) of the statutes is repealed.

10          **SECTION 4.** 20.370 (6) (eg) of the statutes is amended to read:

**SENATE BILL 732****SECTION 4**

1           20.370 (6) (eg) *Groundwater mitigation and local assistance*. All moneys  
2 received under s. 281.34 not appropriated under sub. (4) (cg) or (ch) for mitigation  
3 under s. 281.34 (8) (d) and ~~(9) (d) and funding to local governmental units under s.~~  
4 ~~281.34 (9) (b)~~.

5           **SECTION 5.** 281.34 (1) (er) of the statutes is created to read:

6           281.34 (1) (er) “Significant adverse environmental impact” means alteration  
7 of groundwater levels, groundwater discharge, surface water levels, surface water  
8 discharge, groundwater temperature, surface water temperature, groundwater  
9 chemistry, surface water chemistry, or other factors to the extent that those  
10 alterations cause significant degradation of environmental quality, including  
11 biological and ecological aspects of the affected water resource.

12           **SECTION 6.** 281.34 (1) (f) of the statutes is repealed.

13           **SECTION 7.** 281.34 (2s) of the statutes is created to read:

14           281.34 (2s) PUBLIC NOTICE. The department shall require an applicant for  
15 approval of a high capacity well to provide notice of the application to interested  
16 members of the public by publication as a class 1 notice under ch. 985. In the notice,  
17 the applicant shall identify the owner and location of the high capacity well.

18           **SECTION 8.** 281.34 (4) (a) 3. of the statutes is amended to read:

19           281.34 (4) (a) 3. A high capacity well that may have a significant adverse  
20 environmental impact on ~~a spring~~ waters of the state.

21           **SECTION 9.** 281.34 (5) (a) of the statutes is amended to read:

22           281.34 (5) (a) *Public water supply*. If the department determines that a  
23 proposed high capacity well may impair the water supply of a public utility engaged  
24 in furnishing water to or for the public, the department may not approve the high  
25 capacity well unless it is able to include and includes conditions in the approval

**SENATE BILL 732**

1 ~~conditions to ensure that the water supply of the public utility will not be impaired,~~  
2 ~~which may include conditions as to location, depth, pumping capacity, rate of flow,~~  
3 ~~monitoring, and ultimate use, that will ensure that the water supply of the public~~  
4 ~~utility will not be impaired and any other condition the department determines is~~  
5 ~~necessary.~~

6 **SECTION 10.** 281.34 (5) (b) 1. and 2. of the statutes are amended to read:

7 281.34 (5) (b) 1. Except as provided in subd. 2., if the department determines,  
8 under the environmental review process in sub. (4), that an environmental impact  
9 report under s. 23.11 (5) must be prepared for a proposed high capacity well located  
10 in a groundwater protection area, the department may not approve the high capacity  
11 well unless it is able to include and includes conditions in the approval ~~conditions to~~  
12 ~~ensure that the high capacity well does not cause significant adverse environmental~~  
13 ~~impact, which may include conditions as to location, depth, pumping capacity, rate~~  
14 ~~of flow, monitoring, and ultimate use, that ensure that the high capacity well does~~  
15 ~~not cause significant environmental impact and any other condition the department~~  
16 ~~determines is necessary.~~

17 2. Subdivision 1. does not apply to a proposed high capacity well that is located  
18 in a groundwater protection area and that is a water supply for a public utility  
19 engaged in supplying water to or for the public, if the department determines that  
20 there is no other reasonable alternative location for a well and is able to include and  
21 includes conditions in the approval ~~conditions to ensure that the environmental~~  
22 ~~impact of the well is balanced by the public benefit of the well related to public health~~  
23 ~~and safety, which may include conditions as to location, depth, pumping capacity,~~  
24 ~~rate of flow, monitoring, and ultimate use, that ensure that the environmental~~

**SENATE BILL 732****SECTION 10**

1 impact of the well is balanced by the public benefit of the well related to public health  
2 and safety and any other condition the department determines is necessary.

3 **SECTION 11.** 281.34 (5) (c) of the statutes is amended to read:

4 281.34 (5) (c) *High water loss.* If the department determines, under the  
5 environmental review process in sub. (4), that an environmental impact report under  
6 s. 23.11 (5) must be prepared for a proposed high capacity well with a water loss of  
7 more than 95 percent of the amount of water withdrawn, the department may not  
8 approve the high capacity well unless it is able to include and includes conditions in  
9 the approval ~~conditions~~ to ensure that the high capacity well does not cause  
10 significant adverse environmental impact, which may include conditions as to  
11 location, depth, pumping capacity, rate of flow, monitoring, and ultimate use, ~~that~~  
12 ~~ensure that the high capacity well does not cause significant environmental impact~~  
13 and any other condition the department determines is necessary.

14 **SECTION 12.** 281.34 (5) (d) of the statutes is amended to read:

15 281.34 (5) (d) *Impact on ~~a spring~~ waters of the state.* 1. Except as provided in  
16 subd. 2., if the department determines, under the environmental review process in  
17 sub. (4), that an environmental impact report under s. 23.11 (5) must be prepared for  
18 a proposed high capacity well that may have a significant adverse environmental  
19 impact on ~~a spring~~ waters of the state, the department may not approve the high  
20 capacity well unless it is able to include and includes conditions in the approval  
21 ~~conditions~~ to ensure that the high capacity well does not cause significant adverse  
22 environmental impact, which may include conditions as to location, depth, pumping  
23 capacity, rate of flow, monitoring, and ultimate use, ~~that ensure that the high~~  
24 ~~capacity well does not cause significant environmental impact~~ and any other  
25 condition the department determines is necessary.

**SENATE BILL 732**

1           2. Subdivision 1. does not apply to a proposed high capacity well that may have  
2 a significant adverse environmental impact on ~~a spring waters of the state~~ and that  
3 is a water supply for a public utility engaged in supplying water to or for the public,  
4 if the department determines that there is no other reasonable alternative location  
5 for a well and is able to include and includes conditions in the approval ~~conditions~~  
6 to ensure that the environmental impact of the well is balanced by the public benefit  
7 of the well related to public health and safety, which may include conditions as to  
8 location, depth, pumping capacity, rate of flow, monitoring, and ultimate use, ~~that~~  
9 ~~ensure that the environmental impact of the well is balanced by the public benefit~~  
10 ~~of the well related to public health and safety and any other condition the department~~  
11 determines is necessary.

12           **SECTION 13.** 281.34 (5) (ds) of the statutes is created to read:

13           281.34 (5) (ds) *Groundwater management plan.* If a high capacity well is in a  
14 groundwater management area designated under s. 281.341 (2) with a groundwater  
15 management plan under s. 281.341 (3) in effect, the department may not approve the  
16 high capacity well unless it is consistent with that plan.

17           **SECTION 14.** 281.34 (5) (e) 3. of the statutes is created to read:

18           281.34 (5) (e) 3. The department may include in the approval for a high capacity  
19 well conditions requiring the owner to implement a monitoring program to evaluate  
20 environmental impacts caused by operation of the high capacity well, and to submit  
21 the results of the monitoring program to the department. The department may  
22 modify the approval based on the results of the monitoring program.

23           **SECTION 15.** 281.34 (5m) of the statutes is amended to read:

24           281.34 (5m) **CONSIDERATION OF CUMULATIVE IMPACTS.** ~~No person may challenge~~  
25 ~~an approval, or an application for approval, of a~~ When determining whether an

**SENATE BILL 732****SECTION 15**

1 ~~existing high capacity well based on the lack of consideration of or a proposed high~~  
2 ~~capacity well may have a significant adverse environmental impact on the waters of~~  
3 ~~the state, the department shall consider~~ the cumulative environmental impacts of  
4 that high capacity well together with existing wells withdrawals.

5 **SECTION 16.** 281.34 (7) (title) of the statutes is amended to read:

6 281.34 (7) (title) ~~MODIFYING AND RESCINDING~~ DURATION, MODIFICATION, AND  
7 RESCISSION OF APPROVALS FOR HIGH CAPACITY WELLS.

8 **SECTION 17.** 281.34 (7) of the statutes is renumbered 281.34 (7) (b) (intro.) and  
9 amended to read:

10 281.34 (7) (b) (intro.) ~~The~~ An approval of a high capacity well issued under this  
11 section or under s. 281.17 (1), 2001 stats., prior to the effective date of this paragraph  
12 .... [LRB inserts date], remains in effect for the following periods unless the  
13 department modifies ~~or rescinds~~ the approval under par. (c) 3. or sub. (5) (e) 3. or  
14 modifies or rescinds the approval because the high capacity well or the use of the high  
15 capacity well is not in conformance with standards or conditions applicable to the  
16 approval of the high capacity well.;

17 **SECTION 18.** 281.34 (7) (a) of the statutes is created to read:

18 281.34 (7) (a) An approval of a high capacity well issued under this section on  
19 or after the effective date of this paragraph .... [LRB inserts date], may not remain  
20 in effect for more than 10 years and may be modified under par. (c) 3. or sub. (5) (e)  
21 3. or modified or rescinded because the high capacity well or the use of the high  
22 capacity well is not in conformance with standards or conditions applicable to the  
23 approval of the high capacity well.

24 **SECTION 19.** 281.34 (7) (b) 1. to 5. of the statutes are created to read:

**SENATE BILL 732**

1           281.34 (7) (b) 1. For an approval of a high capacity well issued before January  
2           1, 1980, 8 years from the effective date of this subdivision .... [LRB inserts date].

3           2. For an approval of a high capacity well issued on or after January 1, 1980,  
4           and before January 1, 1990, 10 years from the effective date of this subdivision ....  
5           [LRB inserts date].

6           3. For an approval of a high capacity well issued on or after January 1, 1990,  
7           and before January 1, 2000, 12 years from the effective date of this subdivision ....  
8           [LRB inserts date].

9           4. For an approval of a high capacity well issued on or after January 1, 2000,  
10          and before January 1, 2010, 14 years from the effective date of this subdivision ....  
11          [LRB inserts date].

12          5. For an approval of a high capacity well issued on or after January 1, 2010,  
13          and before the effective date of this subdivision .... [LRB inserts date], 16 years from  
14          the effective date of this subdivision .... [LRB inserts date].

15          **SECTION 20.** 281.34 (7) (c) of the statutes is created to read:

16          281.34 (7) (c) 1. After a groundwater management plan under s. 281.341 (3)  
17          takes effect for a groundwater management area designated under s. 281.341 (2), the  
18          department shall review, for consistency with the groundwater management plan,  
19          approvals for high capacity wells in the groundwater management area that were  
20          issued under this section or under s. 281.17 (1), 2001 stats., before the plan took  
21          effect.

22          2. After conducting the review under subd. 1. for a groundwater management  
23          area designated under s. 281.341 (2), the department may periodically review, for  
24          consistency with the groundwater management plan, the approvals issued under

**SENATE BILL 732****SECTION 20**

1 this section or under s. 281.17 (1), 2001 stats., for high capacity wells in the  
2 groundwater management area.

3 3. The department may modify an approval issued under this section or under  
4 s. 281.17 (1), 2001 stats., of a high capacity well, after a review under subd. 1. or 2.,  
5 as necessary to ensure that the high capacity well is consistent with the groundwater  
6 management plan for the groundwater management area in which the high capacity  
7 well is located.

8 **SECTION 21.** 281.34 (7m) of the statutes is repealed.

9 **SECTION 22.** 281.34 (9) of the statutes is repealed.

10 **SECTION 23.** 281.341 of the statutes is created to read:

11 **281.341 Groundwater management areas. (1) DEFINITIONS.** In this  
12 section:

13 (a) "Aquitard" means a geologic formation having low permeability.

14 (b) "Baseflow" means the sustained flow of a stream, principally by  
15 groundwater discharge, in the absence of direct runoff, calculated as the 7-day low  
16 flow that occurs on an average of once in every 10 years, or as determined by the  
17 department using other statistical measures.

18 (c) "Confined aquifer" means a water-bearing geologic formation that is  
19 bounded on its upper surface by an aquitard.

20 (d) "Local governmental unit" has the meaning given in s. 281.34 (1) (c).

21 (e) "Potentiometric surface" has the meaning given in s. 281.34 (1) (e).

22 (f) "Sustainable hydrologic conditions" means the balance between  
23 groundwater consumption and groundwater replenishment in which there are no  
24 significant adverse environmental impacts, as defined in s. 281.34 (1) (er), to surface  
25 water or groundwater.

**SENATE BILL 732**

1 (g) "Target date" means a date by which it is reasonable to expect that a  
2 groundwater management area will no longer qualify for designation as a  
3 groundwater management area.

4 (h) "Unconfined aquifer" means a water-bearing geologic formation that is not  
5 bounded on its upper surface by an aquitard.

6 **(2) GROUNDWATER MANAGEMENT AREA DESIGNATION.** (a) The department may, by  
7 rule, designate an area as a groundwater management area.

8 (b) An area with a confined aquifer qualifies for designation as a groundwater  
9 management area if any of the following applies:

10 1. The potentiometric surface of the confined aquifer has been reduced by 150  
11 feet or more from what the potentiometric surface would be if no groundwater had  
12 been pumped from the area.

13 2. The potentiometric surface of the confined aquifer has been reduced to less  
14 than 20 feet above the top of the aquitard bounding the upper surface of the confined  
15 aquifer.

16 3. The static water level in the majority of the wells that pump water from the  
17 confined aquifer is below the bottom of the confined aquifer's bounding aquitard.

18 4. The potentiometric surface of the confined aquifer is declining at a rate  
19 exceeding 5 feet per year averaged over a 10-year period.

20 5. The department has initiated an action under s. 30.03 (4) relating to the area.

21 (c) An area with an unconfined aquifer qualifies for designation as a  
22 groundwater management area if any of the following applies:

23 1. The baseflow of the streams in the area has declined by more than 10 percent  
24 from what the baseflow of the streams would be if no groundwater had been pumped

**SENATE BILL 732****SECTION 23**

1 from the area and that decline has resulted in significant adverse environmental  
2 impact, as defined in s. 281.34 (1) (er).

3 2. The water table elevation of the unconfined aquifer is declining at a rate  
4 exceeding one foot per year averaged over a 10-year period.

5 3. The withdrawal of groundwater in the area has caused a decline in the water  
6 table of one foot or more beneath, or adjacent to, lakes or wetlands in the area, as  
7 determined by use of groundwater flow modeling.

8 4. The department has initiated an action under s. 30.03 (4) relating to the area.

9 (d) The department shall regularly examine areas that may qualify for  
10 designation as groundwater management areas under this subsection. Any person  
11 may file a petition with the department requesting consideration of an area for  
12 designation as a groundwater management area, which the department shall  
13 promptly examine. Before examining any other area, the department shall examine  
14 the following areas to determine whether they qualify for designation as  
15 groundwater management areas under this subsection:

16 1. The 2 groundwater management areas designated under s. 281.34 (9), 2017  
17 stats.

18 2. The area known as the central sands region.

19 (e) If the department promulgates a rule designating an area as a groundwater  
20 management area as authorized under par. (a), the department shall, not later than  
21 90 days after the rule is promulgated, establish a target date and sustainable  
22 hydrologic conditions for the area.

23 (f) After the target date established under par. (e) for an area, the department  
24 shall consider whether the area still qualifies as a groundwater management area  
25 under this subsection. If the department concludes that the area no longer qualifies

**SENATE BILL 732**

1 as a groundwater management area, the department may rescind the designation  
2 of the area as a groundwater management area, by repealing the rule designating  
3 the area as a groundwater management area.

4 **(3) GROUNDWATER MANAGEMENT PLANNING FOR GROUNDWATER MANAGEMENT AREA.**

5 (a) Subject to pars. (b) and (c), upon the designation under sub. (2) of a groundwater  
6 management area, the department shall develop and adopt a groundwater  
7 management plan for the groundwater management area.

8 (b) If the department conducts evaluation or modeling of the designated  
9 groundwater management area in preparing the groundwater management plan for  
10 the area, the evaluation and modeling shall follow the same parameters as the  
11 evaluation and modeling of the hydrology of the Little Plover River conducted by the  
12 Geological and Natural History Survey, University of Wisconsin-Extension, and  
13 U.S. Geological Survey, and shall use the model that resulted from that evaluation,  
14 if applicable.

15 (c) The department shall design the groundwater management plan to protect  
16 surface water and groundwater, to ensure that the groundwater management area  
17 will no longer qualify for designation as a groundwater management area by the  
18 target date established under sub. (2) (e), and to achieve the sustainable hydrologic  
19 conditions established under sub. (2) (e), and shall include all of the following in the  
20 groundwater management plan:

21 1. Measurable goals.

22 2. Requirements for the county or counties to report to the department,  
23 including requirements to report progress toward achieving the sustainable  
24 hydrologic conditions established under sub. (2) (e).

25 3. Opportunities for public participation in the implementation of the plan.

**SENATE BILL 732****SECTION 23**

1 4. Water conservation measures.

2 5. Any other provision that the department determines is necessary to meet the  
3 sustainable hydrologic conditions established under sub. (2) (e).

4 **(4) VOLUNTARY GROUNDWATER MANAGEMENT AREA GRANTS.** The department shall  
5 provide grants to local governmental units for the purpose of developing  
6 groundwater management plans, which the department shall assist in developing,  
7 and for the purpose of implementing groundwater management plans that the  
8 department approves. A local governmental unit is eligible for a grant under this  
9 subsection if the department determines that it is located, either in whole or in part,  
10 in an area that qualifies as a voluntary groundwater management area. An area  
11 qualifies as a voluntary groundwater management area if it is not in an area  
12 designated as a groundwater management area under sub. (2) and if the department  
13 determines that the area is likely to be designated as a groundwater management  
14 area in the future. The department shall promulgate rules as necessary to  
15 administer the grant program under this subsection.

16 **SECTION 24.** 281.344 (4s) (dm) of the statutes is amended to read:

17 281.344 **(4s)** (dm) *Requiring individual permit.* The department may require  
18 a person who is making or proposes to make a withdrawal that averages 100,000  
19 gallons per day or more in any 30-day period, but that does not equal at least  
20 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit  
21 under sub. (5) if the withdrawal is located in a groundwater protection area, as  
22 defined in s. 281.34 (1) (am), or a groundwater management area designated under  
23 s. 281.34 (9) or 281.341 (2).

24 **SECTION 25.** 281.344 (4s) (dm) of the statutes, as affected by 2019 Wisconsin  
25 Act .... (this act), is amended to read:

**SENATE BILL 732**

1           281.344 (4s) (dm) *Requiring individual permit.* The department may require  
2 a person who is making or proposes to make a withdrawal that averages 100,000  
3 gallons per day or more in any 30-day period, but that does not equal at least  
4 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit  
5 under sub. (5) if the withdrawal is located in a groundwater protection area, as  
6 defined in s. 281.34 (1) (am), or a groundwater management area designated under  
7 s. ~~281.34 (9)~~ or 281.341 (2).

8           **SECTION 26.** 281.346 (4s) (dm) of the statutes is amended to read:

9           281.346 (4s) (dm) *Requiring individual permit.* The department may require  
10 a person who is making or proposes to make a withdrawal that averages 100,000  
11 gallons per day or more in any 30-day period, but that does not equal at least  
12 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit  
13 under sub. (5) if the withdrawal is located in a groundwater protection area, as  
14 defined in s. 281.34 (1) (am), or a groundwater management area designated under  
15 s. 281.34 (9) or 281.341 (2).

16           **SECTION 27.** 281.346 (4s) (dm) of the statutes, as affected by 2019 Wisconsin  
17 Act .... (this act), is amended to read:

18           281.346 (4s) (dm) *Requiring individual permit.* The department may require  
19 a person who is making or proposes to make a withdrawal that averages 100,000  
20 gallons per day or more in any 30-day period, but that does not equal at least  
21 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit  
22 under sub. (5) if the withdrawal is located in a groundwater protection area, as  
23 defined in s. 281.34 (1) (am), or a groundwater management area designated under  
24 s. ~~281.34 (9)~~ or 281.341 (2).

25           **SECTION 28.** 281.346 (8) (cm) of the statutes is created to read:

**SENATE BILL 732****SECTION 28**

1           281.346 (8) (cm) *Withdrawals in groundwater management areas.* 1. The  
2 department shall include requirements for water conservation in any permit under  
3 s. 30.18 (2) (a) or approval under s. 281.41 if the withdrawal is in a groundwater  
4 management area designated under s. 281.341 (2) for which a groundwater  
5 management plan under s. 281.341 (3) is in effect.

6           2. In any permit or approval under this section, s. 30.18 (2), or 281.41 for a  
7 withdrawal in a groundwater management area designated under s. 281.341 (2) for  
8 which a groundwater management plan under s. 281.341 (3) is in effect, the  
9 department shall ensure that the requirements for water conservation included in  
10 the approval are consistent with the groundwater management plan.

11           **SECTION 29.** 281.346 (12) (a) of the statutes is amended to read:

12           281.346 (12) (a) Subject to par. (am), a person who has a water supply system  
13 with the capacity to make a withdrawal from the waters of the state averaging  
14 100,000 gallons per day or more in any 30-day period shall pay to the department  
15 an annual fee of ~~\$125~~ \$250, except that the department may promulgate a rule  
16 specifying a different amount and except that, notwithstanding the department's  
17 rule-making authority, no person is required to pay more than \$1,000 per year under  
18 this paragraph.

19           **SECTION 30.** 281.346 (12) (b) of the statutes is amended to read:

20           281.346 (12) (b) In addition to the fee under par. (a), a person who withdraws  
21 ~~from the Great Lakes basin~~ more than 50,000,000 gallons per year from the waters  
22 of the state shall pay to the department an annual fee in an amount specified under  
23 par. (c).

24           **SECTION 31.** 281.348 (3) (cm) of the statutes is amended to read:

**SENATE BILL 732**

1           281.348 (3) (cm) For the purposes of plans under par. (a), and except as  
2 provided in par. (cr), an areawide water quality planning agency designated by the  
3 governor under ch. NR 121, Wis. Adm. Code, shall delineate the proposed water  
4 supply service areas for all of the public water supply systems in the planning area  
5 for which the agency is designated. An areawide water quality planning agency shall  
6 delineate proposed water supply service areas that are consistent with the approved  
7 areawide water quality management plan under s. 283.83 for the planning area and  
8 that permit the development of plans that are approvable under par. (d). An  
9 areawide water quality planning agency may also provide regional water needs  
10 assessments and other regional water supply planning information. The process for  
11 conducting regional activities under this subsection may be the same as the process  
12 for regional water supply planning for a groundwater management area designated  
13 under s. 281.34 (9) or 281.341 (2).

14           **SECTION 32.** 281.348 (3) (cm) of the statutes, as affected by 2019 Wisconsin Act  
15 .... (this act), is amended to read:

16           281.348 (3) (cm) For the purposes of plans under par. (a), and except as  
17 provided in par. (cr), an areawide water quality planning agency designated by the  
18 governor under ch. NR 121, Wis. Adm. Code, shall delineate the proposed water  
19 supply service areas for all of the public water supply systems in the planning area  
20 for which the agency is designated. An areawide water quality planning agency shall  
21 delineate proposed water supply service areas that are consistent with the approved  
22 areawide water quality management plan under s. 283.83 for the planning area and  
23 that permit the development of plans that are approvable under par. (d). An  
24 areawide water quality planning agency may also provide regional water needs  
25 assessments and other regional water supply planning information. The process for

**SENATE BILL 732****SECTION 32**

1 conducting regional activities under this subsection may be the same as the process  
2 for regional water supply planning for a groundwater management area designated  
3 under s. ~~281.34 (9) or 281.341 (2)~~.

4 **SECTION 33.** 293.37 (5) of the statutes is repealed.

5 **SECTION 34.** 293.65 (3) (b) of the statutes is amended to read:

6 293.65 (3) (b) The department may not issue an approval under s. 281.34 if the  
7 withdrawal of groundwater for prospecting or mining purposes or the dewatering of  
8 mines will result in the unreasonable detriment of public or private water supplies  
9 or the unreasonable detriment of public rights in the waters of the state. No  
10 withdrawal of groundwater for prospecting or mining purposes or the dewatering of  
11 mines may be made to the unreasonable detriment of public or private water supplies  
12 or the unreasonable detriment of public rights in the waters of the state.  
13 ~~Notwithstanding any limitation on approval conditions in s. 281.34, if the~~  
14 ~~department determines that a proposed withdrawal of groundwater or dewatering~~  
15 ~~of mines will result in the unreasonable detriment of public or private water supplies~~  
16 ~~or the unreasonable detriment of public rights in the waters of the state the~~  
17 ~~department shall include conditions in the mining or prospecting permit or in an~~  
18 ~~approval issued under s. 281.34 to ensure that the withdrawal or dewatering will not~~  
19 ~~result in the unreasonable detriment of public or private water supplies or the~~  
20 ~~unreasonable detriment of public rights in the waters of the state. These conditions~~  
21 ~~may include a requirement that the applicant for the mining or prospecting permit~~  
22 ~~or approval under s. 281.34 provide a replacement water supply of similar quality,~~  
23 ~~provide an increased amount of water to the water supply, or temporarily augment~~  
24 ~~the quantity of water in, or flowing into or from, the affected waters of the state that~~  
25 ~~is of substantially similar quality and that has substantially similar characteristics~~

**SENATE BILL 732**

1 ~~to the water that was in the affected waters of the state before any proposed mining~~  
2 ~~or prospecting activity began.~~

3 **SECTION 35.** 293.66 of the statutes is repealed.

4 **SECTION 36. Nonstatutory provisions.**

5 (1) REPORT ON INTERNET-BASED SYSTEM DEVELOPMENT. No later than the first day  
6 of the 13th month beginning after the effective date of this subsection, the  
7 department of natural resources shall submit to the legislature, in the manner  
8 provided in s. 13.172 (2), a report on the department's efforts to develop an  
9 Internet-based system that prospective applicants for the approval of a high  
10 capacity well may use to estimate the likely environmental impact of the proposed  
11 withdrawal. The report shall include a discussion of the department's needs for  
12 completing and maintaining that system.

13 **SECTION 37. Effective date.** This act takes effect on the day after publication,  
14 except as follows:

15 (1) The treatment of ss. 20.370 (6) (eg), 281.34 (9), 281.344 (4s) (dm) (by SECTION  
16 25), 281.346 (4s) (dm) (by SECTION 27), and 281.348 (3) (cm) (by SECTION 32) takes  
17 effect on the first day of the 25th month beginning after publication.

18 (END)