



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-5062/2  
ZDW:ah&wlj

## 2019 ASSEMBLY BILL 789

January 24, 2020 - Introduced by Representatives SHANKLAND, KRUG, FELZKOWSKI, POPE, HEBL, KITCHENS, KURTZ, NOVAK, SUMMERFIELD, ANDERSON, BALLWEG, BILLINGS, CABRERA, CONSIDINE, DITTRICH, DOYLE, EDMING, EMERSON, GRUSZYNSKI, HORLACHER, KOLSTE, KULP, LOUDENBECK, B. MEYERS, MILROY, MURSAU, NEUBAUER, NYGREN, OHNSTAD, SINICKI, SKOWRONSKI, SPREITZER, STUBBS, SUBECK, SWEARINGEN, C. TAYLOR, THIESFELDT, TRANEL, TUSLER, VANDERMEER, VRUWINK, ZAMARRIPA, ZIMMERMAN and SPIROS, cosponsored by Senators TESTIN, OLSEN and FEYEN. Referred to Committee on Rural Development.

1     **AN ACT to repeal** 281.75 (2) (e), 281.75 (9) (a), 281.75 (11) (a) 8. and 281.75 (11)  
2            (ae); **to renumber and amend** 281.75 (5) (f) and 281.75 (9) (b); **to amend**  
3            281.75 (7) (c) 7. and 281.75 (11m); and **to create** 20.370 (6) (cb), 281.75 (5) (f)  
4            2., 281.75 (7) (d) and 281.75 (9) (am), (bm), (c) and (d) of the statutes; **relating**  
5            **to:** the well compensation grant program and making an appropriation.

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### *Analysis by the Legislative Reference Bureau*

This bill makes changes to the well compensation grant program administered by the Department of Natural Resources.

Under the program currently, an individual owner or renter of a contaminated private well, subject to eligibility requirements, may apply for a grant from DNR to cover a portion of the costs to treat the water, reconstruct the well, construct a new well, connect to a public water supply, or fill and seal the well.

Under current law, a well that is contaminated only by nitrates is eligible for a grant only if the well is a water supply for livestock, is used at least three months in each year, and contains nitrates in excess of 40 parts per million. The bill eliminates these restrictions, making wells contaminated only by nitrates eligible for the program more generally.

Current law requires DNR to allocate money for payments of claims under the program according to order in which claims are received. The bill retains this requirement but provides that, among claims for contamination only by nitrates, DNR must allocate payments according to a specified priority ranking.

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The bill also requires DNR to award grants for the remediation method that is most effective for the health and welfare of the claimant. In addition, the bill provides that, of the amounts appropriated to DNR for the program, at least \$200,000 must be allocated for claims of water containing nitrates at 10 to 25 parts per million unless DNR determines there are insufficient claims at that level to expend those moneys.

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.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2 the following amounts for the purposes indicated:

|  | <b>2019-20</b> |   | <b>2020-21</b> |
|--|----------------|---|----------------|
| 3 <b>20.370 Natural resources, department of</b> |                |   |                |
| 4   (6) ENVIRONMENTAL AIDS                       |                |   |                |
| 5    (cb) Environmental aids — compen-           |                |   |                |
| 6       sation for well contamination            |                |   |                |
| 7       and abandonment; state funds             | GPR            | C | -0- 1,000,000  |

8           **SECTION 2.** 20.370 (6) (cb) of the statutes is created to read:

9           20.370 (6) (cb) *Environmental aids — compensation for well contamination*  
10 *and abandonment; state funds.* As a continuing appropriation, the amounts in the  
11 schedule to pay compensation under s. 281.75. Of the amounts in the schedule for  
12 each fiscal year, not less than \$200,000 shall be allocated for claims of water  
13 containing nitrates at 10 to 25 parts per million under s. 281.75 (9) (d) unless the  
14 department determines there are insufficient claims at that level to expend those  
15 moneys.

16           **SECTION 3.** 281.75 (2) (e) of the statutes is repealed.

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1           **SECTION 4.** 281.75 (5) (f) of the statutes is renumbered 281.75 (5) (f) 1. and  
2 amended to read:

3           281.75 **(5)** (f) 1. The Subject to subd. 2., the department shall allocate money  
4 for the payment of claims according to the order in which completed claims are  
5 received. The department may conditionally approve a completed claim even if the  
6 appropriation under s. 20.370 (6) (cb) or (cr) is insufficient to pay the claim. The  
7 department shall allocate money for the payment of a claim which is conditionally  
8 approved as soon as funds become available.

9           **SECTION 5.** 281.75 (5) (f) 2. of the statutes is created to read:

10           281.75 **(5)** (f) 2. For claims of contamination by nitrates and not by any other  
11 substance, the department shall allocate money for the payment of those collective  
12 claims as provided under subd. 1. but shall allocate money for the payment of  
13 individual claims according to the priority order established under sub. (9). The  
14 department shall determine the method for allocating money for the payment of  
15 those claims in the manner that most effectively accomplishes the requirements of  
16 this paragraph and sub. (9).

17           **SECTION 6.** 281.75 (7) (c) 7. of the statutes is amended to read:

18           281.75 **(7)** (c) 7. If the claim is based on a contaminated water supply that is  
19 ~~eligible under sub. (11) (ae)~~ contaminated by bacteria, the cost of properly  
20 abandoning any improperly abandoned private water supply located on the property  
21 owned or leased by the claimant.

22           **SECTION 7.** 281.75 (7) (d) of the statutes is created to read:

23           281.75 **(7)** (d) The department may issue an award only for the eligible cost  
24 under this subsection that the department determines is the remediation method  
25 that is most effective for the health and welfare of the claimant.

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1           **SECTION 8.** 281.75 (9) (a) of the statutes is repealed.

2           **SECTION 9.** 281.75 (9) (am), (bm), (c) and (d) of the statutes are created to read:

3           281.75 **(9)** (am) Water containing nitrates in excess of 40 parts per million  
4 expressed as nitrate-nitrogen.

5           (bm) Water containing nitrates in excess of 30 parts per million expressed as  
6 nitrate-nitrogen.

7           (c) Water containing nitrates in excess of 25 parts per million expressed as  
8 nitrate-nitrogen.

9           (d) Water containing nitrates at no fewer than 10 parts per million and not in  
10 excess of 25 parts per million expressed as nitrate-nitrogen. Notwithstanding sub.  
11 (11) (b) 2., for awards under this paragraph, the department shall emphasize the use  
12 of reverse osmosis or similar methods prior to well remediation methods if the  
13 department determines these methods are the most effective option for the health  
14 and welfare of the claimant.

15           **SECTION 10.** 281.75 (9) (b) of the statutes is renumbered 281.75 (9) (intro.) and  
16 amended to read:

17           281.75 **(9)** CONTAMINATION STANDARD; NITRATES. (intro.) Notwithstanding the  
18 requirement of contamination under sub. (7), ~~if a private water supply meets the~~  
19 ~~criteria under par. (a) and the claim is~~ for claims based upon contamination by  
20 nitrates and not by any other substance, the department ~~may make an award only~~  
21 ~~if the private water supply produces water containing nitrates in excess of 40 parts~~  
22 ~~per million expressed as nitrate-nitrogen.~~ shall make awards in the following order  
23 of priority:

24           **SECTION 11.** 281.75 (11) (a) 8. of the statutes is repealed.

25           **SECTION 12.** 281.75 (11) (ae) of the statutes is repealed.

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1           **SECTION 13.** 281.75 (11m) of the statutes is amended to read:

2           281.75 **(11m)** ABANDONMENT OF CERTAIN PRIVATE WATER SUPPLIES. If the  
3 department determines that there is an improperly abandoned private water supply  
4 located on property owned or leased by a claimant with a ~~contaminated~~ private water  
5 supply that is ~~eligible under sub. (11) (a)~~ contaminated by bacteria, the department  
6 may issue an award only if the claimant properly abandons the improperly  
7 abandoned private water supply.

8           **SECTION 14. Nonstatutory provisions.**

9           (1) POSITION AUTHORIZATION. The authorized FTE positions for the department  
10 of natural resources, funded from the appropriation under s. 20.370 (6) (cb), are  
11 increased by 1.0 GPR position for the purpose of creating a well compensation grant  
12 program administrator position within the department of natural resources.

13

(END)