

Proposed Groundwater Bill LRB - 4094

Protection of Groundwater Supplies and Groundwater Dependent Surface Waters

Existing Law: DNR is authorized to review applications for new high capacity wells for potential significant adverse environmental impacts to surface and groundwater resources, and to apply conditions to wells to prevent impacts, in three circumstances:

- If located in a Groundwater Protection Area (GPA), defined as the area within 1200 feet of a designated Outstanding or Exceptional Resource Water, or a Class 1, 2 or 3 trout stream.
- If located near a spring, defined as an area of concentrated groundwater discharge of at least 1 cubic foot per second at least 80% of the time.
- If the proposed use of the well will result in a high water loss, defined as an annual loss of water from the basin of greater than 95%.

Shortcomings:

1. Depending upon the hydrology of the area and the depth of the well, there could be significant impacts to Outstanding or Exceptional Resource Waters, or Class 1, 2 or 3 trout streams farther than 1200 feet from a proposed well. New high capacity wells could also result in significant impacts to other rivers and streams, lake and wetlands. In either case, DNR does not have authority to review such well applications to determine the risk or nature of impacts.

2. Many springs that feed trout streams flow at a lower level than 1 cubic foot per second, and are therefore not protected from significant impacts.

3. Applications for new wells to serve water bottling plants exporting 94% of the pumped water out of the basin would not be subject to review.

Proposed Revisions:

1. Review for potential significant adverse environmental impacts to surface and groundwater resources from new high capacity wells will continue to be limited to GPAs as currently defined, but public notice will be provided for proposed high capacity wells outside GPAs and a process established whereby members of the public could, through a petition process and with evidence of a reasonable risk of significant adverse environmental impacts to groundwater dependent surface waters (**including lakes, rivers and wetlands**), request further environmental review.

2. Springs are redefined as an area of perennial concentrated groundwater discharge of at least .25 cubic feet per second.

3. The statute clarifies that water bottling plants are projects with high water loss.

Regional Water Management

Existing Law: Act 310 identified two Groundwater Management Areas (GMAs), surrounding Brown and Waukesha Counties, as areas with groundwater quantity issues and directed the formation of a Groundwater Advisory Committee to recommend a coordinated strategy for addressing groundwater issues in these areas.

Shortcomings: The law should be updated to reflect the recommendations of the Groundwater Advisory Committee, which provide a process for addressing groundwater issues in GMAs, and for designating additional GMAs.

Proposed Revisions:

1. The Department of Natural Resources (DNR) is authorized to designate Groundwater Management Areas (GMAs) by rule, based on scientific criteria and the recommendations of a technical advisory group convened by the Groundwater Coordinating Council.
2. Once designated, all new high capacity well applications in the GMA would be subject to review for impacts to groundwater supplies and groundwater dependent surface waters.
3. The county that includes the GMA would be directed to appoint a groundwater management council and develop a groundwater management plan. If multiple counties are within the GMA, DNR would designate the planning authority.
4. DNR has authority to approve the groundwater management plan and assure compliance.
5. Once a groundwater management plan has been approved, all new high capacity well approvals must be consistent with the plan. Existing well approvals could be subject to modification once a groundwater management plan is complete.
6. DNR may also designate Groundwater Attention Areas (GAAs), areas where groundwater quantity issues are emerging and expected to become significant within 20 years, as a proactive, nonregulatory means to identify stresses and solutions before impacts occur.

Efficiency of Water Use

Existing Law: The Great Lakes Compact requires that DNR, in cooperation with the Department of Commerce and the Public Service Commission, develop a statewide water conservation and efficiency program. Mandatory conservation measures are required for new or increased withdrawals of greater than 100,000 gallons per day, but only within the Great Lakes basin.

Shortcomings: The Great Lakes basin comprises only one-third of the state; a statewide water conservation program should be applied consistently and fairly, and ensure all groundwater withdrawals are used efficiently.

Proposed Revisions:

1. Mandatory conservation measures would be required in the Mississippi basin for new or increased withdrawals over 100,000 gallons per day in designated GMAs, and for new or increased withdrawals over 1 million gallons per day outside GMAs.
2. The Department of Commerce is directed to facilitate greywater reuse.
3. The Public Service Commission is directed to proactively consider conservation rate structures.