



Minutes
Small Business Environmental Council
January 23, 2014
DNR Central Office
101 S Webster Street, Madison, WI
Room 713
9:00 am – 12:00 pm

Members Present: Al Shea, Amy Litscher, Richard Klinke, Jeanne Whitish, Jamie Julian (for Rep. André Jacque)

Absent: Vince Ruffolo, Shane Lauterbach, Rep. André Jacque

DNR Staff: Kimberly Ake, Lisa Ashenbrenner Hunt, Jennifer Hamill

Guests: Terrell Hyde, Tom Boos, Steve Ales

Public Participants: Edward Knapton, Brian Swingle, Brian Dake

Agenda Repair – Al Shea

The meeting began at 9:05.

Al told the group that one agenda item, Compliance Assistance for Non-Title V Sources, had been removed. That topic will be saved for another meeting.

Al also updated the Council on filling the current vacancy. There are a couple very good candidates being considered. The vacancy should be filled by the next meeting.

Small Business Program update and new staff introduction – Kimberly Ake

Al told the Council that the small business position in the Air Program has yet to be filled. A candidate had been selected and accepted the position but later withdrew. Therefore, the hiring process is still ongoing.

Al thanked Jeanne for her participation on the interview panel.

Al also updated the Council on the progress on filling the position previously held by Mark McDermid. The former Bureau of Cooperative Environmental Assistance is now a section. First and second round interviews for the section chief have been scheduled for mid-February, so the new hire should be able to attend the next meeting.

Kimberly explained that two environmental assistance coordinator positions had been filled in the Office of Business Support and Sustainability to work on multimedia small business issues.

Jennifer Hamill, one of the new environmental assistance coordinators, introduced herself. She was formerly a compliance engineer for DNR and has a background in chemical engineering. She is looking forward to working on multimedia issues.

Lisa Ashenbrenner Hunt, the other new environmental assistance coordinator, also introduced herself. She had worked in the Small Business Clean Air Assistance Program as an Air Management Specialist for the last two years and is looking forward to being able to expand the offerings of the program.

The small business team is currently working to identify the projects they will be focusing on.

Control of Invasive Species (SS-04-12) Overview – Terrell Hyde, Tom Boos

Handouts distributed during this presentation are attached following the minutes.

Terrell works in the Natural Heritage Program and Tom is in the Division of Forestry. They are part of a team of DNR staff who work on invasive species issues. The team consists of around 30 members from Forestry, Land, Enforcement and Science, and Water programs.

NR 40, Wis. Adm. Code, (Wisconsin's Invasive Species Rule) was created in 2009. Proposed rule changes address additional species that need to be evaluated. Evaluation of species began in 2012, and efforts have been made to involve people who will be impacted. They are currently working on compiling comments received on the economic impact of the proposal.

AI reminded the Council of the steps of the rulemaking process:

- Scope statement is created
- Comments are sought on economic impacts
- Draft rule goes to public hearings
- Rule goes to Natural Resources Board for authorization
- Rule goes to the legislature for approval

Amy asked how many comments were received. They received about 30 comments from the nursery industry. For instance, they received many comments on hairy bittercress from stakeholders that felt it was not possible to eradicate the plant, because it is too widespread. Its seeds are in the soil of nursery plants but do not survive when transplanted outside. Because it is so widespread, they are planning to remove it from the proposed list and are looking into at what point in the process they can make the change.

Terrell further explained that prohibited species are ones that are not common in the state and can therefore be eradicated. Restricted species, on the other hand, are more widespread. It is necessary to curb the spread of these species, but it will not be possible to eradicate them.

AI asked how small businesses would be impacted by the rule change and if they were contacted about the rule. Terrell responded that they did identify and involve the businesses that would be impacted, including agriculture, aquaculture, green industry, and land and conservation groups. Tom added that they also identified expert DNR staff to evaluate the list. The original list

contained about 260 species to be examined for listing, which was reduced as a result of comments from staff and stakeholders. Species assessment groups (SAGs), which included species experts as well as impacted businesses, were created to evaluate the list.

Jeanne asked how the emerald ash borer fit into the rule. Tom explained that it is on the federal invasive species list, so it is handled differently.

Amy asked if they knew of any stakeholder groups that had been overlooked. Tom said they initially didn't get beekeepers involved but got them involved later in the process. It was difficult to find people to be involved in the SAG groups, because participation can be time consuming. Participants conduct a literature review for each species and also do their own research. Al complimented the team on their outreach efforts, which included a direct mailing to stakeholders and hearings.

Richard asked how often the invasive species list is updated. Tom responded that the first list came out in 2009, and they are now working on the first revision. The entire process of changing the list takes 5-6 years. However, if something major happens, they can make emergency rules.

Jamie Julian joined the meeting at 9:35, sitting in for Rep. André Jacque.

Terrell noted that, in addition to adding to the list, they are also simplifying the permitting process, creating exemptions, and including a phase out period for restricted species as a part of the rule change. The phase out period is important, because nurseries have stock that can take several years to use.

The discussion was then opened up for public comment. Edward Knapton, a public participant, is the owner of two garden centers. He questioned if the DNR really understood how the rule will affect the retail industry. It is hard to find substitutes for plants that customers want. Therefore, the rule will have an economic impact. For instance, he said he will probably have to discontinue his whole water plant section, because most of the pond plants people want will no longer be allowed. Edward noted that he is willing to take some of the hit from listing species, but wants to make sure the data is there to make sure they are really invasive. For instance, he asked how good the scientific data is on the rate of spread of plants proposed for listing. He also said that Wisconsin is proposing to ban more plants than most other states. He believes the process can be improved and more stakeholders should be added to the SAGs.

Jeanne asked if a homeowner can buy invasive plants from the internet from out of state. Tom responded that it is possible, but it is the responsibility of retailers to know where they can't sell certain plants. This can be difficult, since some plants are sold under multiple names. In reality, it is impossible to totally enforce the restrictions. However, the Invasive Species Program spends a great deal of time on outreach and education.

Tom said he was confident that there are replacements for all the plants being listed. However, sometimes the replacement might not be as aesthetically pleasing or as easy to work with. Terrell also commented that they understand this will have a significant economic impact. Therefore, they are trying to focus on the species that are the most problematic. Tom also noted that there is

a “pending” category for species that they don’t have enough information on yet. Some species are listed as non-restricted, such as canary grass, because they are too pervasive to control. The economic impact of listing this plant would be too large.

Amy asked if there were any other groups that were missed. Edward felt that more input was needed. He noted that there is a large medical benefit to having plants at hospitals. Therefore, having to remove plants may affect the healing time of patients. He also noted that there was no input from the real estate industry which is unable to sell property containing invasives until they are removed. However, Tom said that when invasives are found on a property, DNR determines if it is practical to try to control them and, if so, will help with the control. The property owner is still able to sell the land.

Kimberly asked about neighboring states having fewer listed species and the need to level the playing field. Tom said New York is using Wisconsin’s list, Minnesota is increasing their list, and Illinois is working on following Wisconsin’s process as well. Wisconsin has become a model for other states.

Brian Dake, a public participant, thought the agency should provide more clarification on the real estate question.

Brian Swingle, another public participant, represents the Wisconsin Nursery Association and the Wisconsin Green Industry Federation. He noted that the phase out period is very important to the process. Other states have done things differently. For instance, Massachusetts banned 80 plants at one time, and businesses were no longer able to sell them. Brian noted that he supports having the phase out period, since nurseries need time to replace their inventory. However, it would still be good to have more stakeholder involvement. For instance, none of his members participated in the discussion on hairy bittercress, but it would be impossible for them to comply if this species was banned. He also noted that the nursery industry doesn’t want to use a lot of chemicals to control invasives. Edward supported Brian Swingle’s comments.

Tom mentioned that the mosquito fish is another example of a species in the original proposal that they are proposing to remove from the final rule. Mosquito fish larvae are found on bait fish, and therefore, are virtually impossible to control.

Action Item: Clarification will be provided on the hairy bittercress and real estate questions.

Tom clarified that if a property owner gets an exemption for a listed invasive species on their property, the exemption will be transferred with the property. Jeanne noted that a property owner could have millions of dollars in impact because they recognize that they have an invasive plant on their property; whereas, their neighbors might not know they have it and would be unaffected. Therefore, she felt that control should be voluntary. Tom responded that DNR has funding sources to control invasives on private property. Brian Swingle asked what happens if people do not let DNR control a species on their property. Can DNR go onto private property to control the species anyway? Terrell reaffirmed that they will clarify the real estate question with legal and provide follow up.

Jeanne also noted that it is easier to restore wetlands with reed canary, an invasive grass, so they might want to talk to DNR's wetland people about that. Tom said whether or not reed canary would be permitted for wetland restoration would depend on if the plant was already widespread in the area.

Brain Swingle raised an issue with compliance. People are trading plants all the time. The Department of Agriculture inspects growers annually and inspects some plant retailers as well. However, plants are not always labeled correctly. There are also a variety of hybrids available. The DNR and other groups are trying to reach out to people. Terrell noted that they try to visit impacted people and provide education first, which is very helpful in attaining compliance.

Jeanne asked if retailers are really losing sales if they are just directed to buy something else. Edward said some people will back out of a sale because they want a certain plant. It takes a long time to change people's opinions. Therefore, he would like a longer phase out period. He said it takes about ten years to replace an invasive plant with a substitute.

Edward also noted that prohibiting some species would remove certain color options. Non-native plants are brought in for a reason. Therefore, any rule on invasive plants will have an economic impact. He also pointed out that nurseries are very big business in the state. However, the building industry has been declining due to the economic downturn, so some landscapers have not been planting for a couple years. Tom responded that, since the rulemaking process is long, the industry has been aware of the proposed changes for years. Therefore, the phase out period is really longer than indicated. Brian Swingle confirmed that he has been trying to tell businesses not to plant these species.

Tom also noted that, during the listing process, they want people who know plants to be on the expert groups. Real estate people do not know plants, so it is appropriate to get them involved later in the process.

Action item: Small business staff will follow up on what criteria are used for listing and what the definition of "native" is.

Well Driller and Pump Installer Registration, Construction and Installation Requirements (DG-03-13) Overview – Steve Ales

Steve's PowerPoint presentation is attached following the minutes.

Steve Ales is the Private Water Supply Section Chief dealing mostly with the construction of private wells for single houses. However, wells serving up to six houses are also covered under this section. They deal with licensing, inspection and citation issues.

Jeanne asked if any of the wells addressed here are high capacity. Steve said high capacity wells mostly deal with water use regulations not covered by his section.

Steve addressed the Council on DG-03-13, which proposes rule changes dealing with property transfer well inspections, well filling and sealing, water well drilling rig operators, and citations. Statute changes to address these issues became effective in 2008, and the proposed rule changes would update the administrative code to reflect those changes. Stakeholders involved in the process included DNR, the Wisconsin Water Well Association, and the Advisory Council on Well Drilling and Pump Installing. The drilling and pump installing industry wanted the changes to ensure inspections and well filling and sealing would be performed by qualified contractors.

The statutory changes created a number of new provisions. First, if an inspection is done during a property transaction, it must be done by a licensed individual. Water well drilling rig operators are required to be registered as well. A requirement was also included for filling and sealing unused wells, unless they are owned by a municipality. Finally, DNR was also given citation authority for violations of licensing and well and pump codes.

2007 Wisconsin Act 360 gives DNR the authority to address a number of issues regarding wells. DNR is allowed to set criteria for evaluating wells and pressure systems when there is a property transfer and to update filling and sealing requirements for water wells. The Act also requires that DNR set training and continuing education requirements for obtaining and maintaining a water well drilling rig operator registration and water well drilling license and to set administrative rules for issuing citations for licensing and well pump code violations. Citations can be given out when violations do not warrant license revocation or referral to the Department of Justice. DNR is already implementing some of these requirements because they are implementing the statute.

DNR has been working on these regulations for a long time and has large advisory groups which include many small business representatives. The driller and pump installer industry is pretty supportive of these changes. They support licensing requirements to ensure property transfer inspections as well as the filling and sealing of unused wells are done by qualified contractors. They also support the creation of a registration for rig operators as well as DNR citation authority. They want a standard inspection form so that all inspectors provide comparable evaluations. They want core training requirements that must be met before individuals can obtain a license to drill on their own. Outreach to stakeholders has included sending a notice to drillers and holding electronic meetings at UW facilities.

Updates to NR 812 will deal with real estate transfer inspections. Well inspections are not mandatory when there is a property transfer. However, if an inspection is done, the person completing the inspection must be a licensed well driller or pump installer and use a standard set of inspection criteria. If only water samples are collected, they are exempt from this requirement. Inspection results are solely between the buyer and seller; test results will not be submitted to DNR, unless a variance is requested. In addition, changes to NR 812 will require a search for wells that need to be filled and sealed to be conducted during real estate transfer inspections. If wells do not have an operational pump, they will be required to be sealed to protect groundwater from contamination. Unused wells that are not filled and sealed pose a major threat to groundwater.

Jeanne asked when the last major revision was done to these regulations. Steve answered 1991. Wisconsin was one of the first states to have well construction codes. The original law was passed in 1953.

Jeanne asked if someone had to seal a well if it was not used. Steve responded that these wells pose a contamination problem, since rain and surface contaminants can get into the ground from the well.

Updates are also being made to NR 146, which deals with well construction. Definitions and terminology are being updated to reflect changes in ch. 280, Wis. Stats. and codify processes for individual licensing and business registration. These changes also clarify water well driller and pump installer responsibilities, and include provisions for general and direct supervision requirements for employees. General supervision means that a licensed driller is not necessarily on site but maintains contact by phone. Direct supervision means that the licensed driller is present.

Updates to both NR 146 and NR 812 rules establish a process for DNR to issue citations for licensing and some well and pump code violations if the alleged violator has been previously notified about a similar violation. Environmental wardens are only authorized to issue a citation after the alleged violator has been given the opportunity to present their side in a face-to-face meeting. Citations can be for licensing and registration violations, failure to disinfect, sampling and reporting violations, noncomplying work on pre-1991 water systems, and failure to properly fill and seal unused wells. Steve outlined the citation process. Once they identify a problem they send a notice of noncompliance letter, then a notice of violation. At that point, the violator can meet with DNR to explain the problem. These meetings also include a conservation warden, because they have the authority to issue citations. However, the objective is just to get them back into compliance.

Amy asked where these changes are in the rulemaking process. Steve hopes to take the rule to the February Natural Resources Board meeting. They need to get it to the legislature before March.

Richard asked if the rules apply to wells used for environmental monitoring. Environmental monitoring wells will not be affected. There are already construction specifications to prevent contamination. Usually, an environmental consultant accompanies the driller at the site. They are typically drilling in a contaminated area, so they don't want further contamination which would impact the monitoring results. Amy also pointed out that most drillers work on many types of wells, so they will probably be certified anyway.

Kimberly asked who provides the continuing education. Steve responded that DNR partners with the Wisconsin Water Well Association to provide the training.

Location of Next Meeting / New Vice Chair– Council Members

Council members had previously discussed having the April meeting at an alternate location. Amy wants to encourage further public participation, so she felt that the location should depend

on the issues being discussed. If there might be more interest in a specific region, the Council might want to have the meeting there. Therefore, it was decided that the location of the next meeting would be determined once the agenda was set.

Action item: Discuss alternate location when agenda is set.

Amy is taking over as Council Chair. Therefore, a new Vice Chair must be selected. Amy felt that it would be best to wait until more members were present before making a decision.

Public Comment

Adjourn – The next meeting will be on Thursday, April 24th 9:00 am - noon.

Small Business Environmental Council, January 23, 2014
Proposed Revision of Chapter NR 40, Invasive Species Identification, Classification and Control
[Board Order #SS-04-12]

The department is proposing to revise Wisconsin's Invasive Species Rule (ch. NR 40, Wis. Adm. Code). Wisconsin's Invasive Species Rule makes it illegal to possess, transport, transfer, or introduce certain invasive species in Wisconsin without a permit.

The proposed rule revision lists additional invasive species into existing prohibited and restricted categories set out in ch. NR 40, making them subject to existing administrative rules and statutes. Other proposed revisions facilitate compliance with ch. NR 40, clarify language, update species names, and improve organization of the rule.

The proposed species changes include:

- delisting 2 species
- listing 51 new prohibited species
- listing 32 new restricted species,
- listing 2 species as split-listed (prohibited/restricted)
- changing the regulated status of 4 species

The potential economic impact of this proposed rule revision is estimated to be significant. The assumption of a significant economic impact is a conservative estimate that does not generally take into account the availability of substitute non-invasive species or the value of preventing the introductions of invasive species. The impact of removing newly regulated organisms from trade has a potentially high short term impact. It is anticipated that businesses will substitute alternative, non-invasive species over time. The high estimate also reflects the diversity of species under assessment, as well as the fact that a number of these species may be used by various sectors of society. During the species assessment process, the economic costs and benefits were evaluated for each species considered for inclusion in the rule revisions.

Considerable interest from small businesses in the proposed rule revision is expected. However, this rule revision does not create new regulated entities.

Small businesses identified and addressed in the Economic Impact Analysis:

- Agricultural community including farms, livestock, forage, pasture, and beekeeping
- Aquaculture, fish distributors, pet stores, aquarium hobbyists, and the pond trade
- Green Industry (Landscaping, Nursery dealers and growers, wholesale, florists, etc.)
- Land management and conservation groups

Steps to engage small businesses and others impacted in the rule development:

- The Wisconsin Invasive Species Council reviewed and assessed a list of species for inclusion in the proposed rule revision and actively engaged their contacts in the process. The Council includes representatives the Departments of Natural Resources; Administration; Agriculture, Trade and Consumer Protection; Tourism; Transportation and seven other Council members that are drawn from agriculture; nursery industry; NGOs (TNC); UW; and forestry.

- In 2012, at the request of the Wisconsin Invasive Species Council, species assessment groups (SAGs) convened with the charge of recommending a regulatory category or non-regulatory category for each considered species. SAGs are comprised of taxa experts representing governmental, industrial, environmental, educational, and scientific organizations.
 - Regulatory categories : Prohibited or Restricted
 - Non-regulatory categories: Caution, Pending, Non-restricted, or not invasive
- Direct mailing to 600 retailers and growers and approximately 1100 licensed growers and dealers from the DATCP list of license holders updating them on the process in December, 2012.
- A series of informal public information sessions about the proposed changes to the rule were held from February 25 - March 15, 2013 in Madison, Milwaukee, Spooner, Rhinelander, and La Crosse to inform interested parties that the revisions were under development and to solicit informal comments on the potential impact of the rule. Approximately 41 people attended.

Proposed rule language to lessen the burden on small businesses:

- Single reporting and permitting point of contact.
- For small businesses growing woody plants, a number of years have been invested into the infrastructure to grow particular species. To minimize economic impact of listing new species that are invasive in Wisconsin a phase out period of 5 years for trees and shrubs, and 3 years for all other plants once listed as Restricted would both reduce the economic impact and provide a defined period for achieving compliance without using permits for commercial activities.
- Cultivar exemptions created for certain species

Education and Outreach:

- Department staff have found that personal communication, clear and concise guides to regulated species, and education have proven important and effective in seeking compliance with ch. NR 40, especially when working with pet stores and other small businesses that had not previously been regulated by the DNR. Personal contact and taking an "education first" approach is consistent with DNR's policy of stepped enforcement.
 - On the department's website are ch. NR 40 summaries tailored to regulated entities (E.g., Plant industry, pet stores, gardeners, and road-side managers).
- Agency collaboration between the DNR, DATCP, and DOT to promote consistency in application of ch. NR 40.
- Alternatives available for existing stock.

For more information and to download proposed rule documents go to the department's website:

<http://dnr.wi.gov> keywords "NR 40"

Proposed Species Changes for NR40 Regulation

The Department of Natural Resources is proposing to revise Wisconsin's Invasive Species Rule (ch. NR 40, Wis. Adm. Code). The proposed changes include delisting 2 species, changing the regulated status of 4 species, listing 51 new prohibited species, listing 32 new restricted species, and listing 2 species as split-listed (prohibited/restricted). Proposed revisions also include changing language to increase clarity and updating species names. The complete proposal and further information can be found under the "Rule revisions" tab on the DNR's invasive species webpage -- get there by searching "NR 40" on the DNR website (dnr.wi.gov).

Definitions:

PROHIBITED SPECIES: Prohibited species are not yet widely established in the state and pose great economic or environmental threat. Prohibited species may not be transported, transferred, possessed or introduced without a permit. Control of existing populations will be required.

RESTRICTED SPECIES: Restricted species pose great economic or environmental threat, but are already widely established in the state. Restricted species may be possessed, but may not be transported, transferred or introduced without a permit. Control of existing populations will be encouraged.

Proposed Changes:

Proposed Phase-out Language: Proposed revisions include a "compliance period" for newly restricted plants. Restricted plants located in Wisconsin prior to the date the species are listed in NR 40.05(2) will be allowed to be transported, transferred, and introduced without a permit for a period not to exceed 3 years for herbaceous plants and woody vines, or 5 years for trees and shrubs, from the time that the species are included for listing by the department under NR 40. Note: This exemption applies to restricted plants only. Plants listed as prohibited in any part of Wisconsin are excluded. **View all proposed language changes at: dnr.wi.gov, keyword "NR 40."**

Species with Proposed Classification Changes

<i>Agrilus planipennis</i>	Emerald Ash Borer	Downlisted from Prohibited to Restricted
<i>Chelidonium majus</i>	Celandine	Changed from split-listed to Restricted statewide
<i>Gambusia affinis</i>	Western mosquitofish	Downlisted from Prohibited to Restricted
<i>Gambusia holbrooki</i>	Eastern mosquitofish	Downlisted from Prohibited to Restricted

Species Proposed to be delisted

<i>Cryptococcus fagisuga</i>	Scale associated with beech bark disease
<i>Trachemys scripta elegans</i>	Red-eared slider

Proposed Prohibited Algae

<i>Caulerpa taxifolia</i>	Killer algae
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Proposed Prohibited Fungi

<i>Grosmannia clavigera</i>	Blue stain fungus
<i>Ophiostoma montium</i>	Blue stain fungus

Proposed Prohibited Aquatic Invertebrates

<i>Dikerogammarus villosus</i>	Killer shrimp
<i>Melanoides tuberculata</i>	Malaysian trumpet snail

Proposed Restricted Aquatic Invertebrates

<i>Cipangopaludina japonica</i>	Japanese trapdoor snail or Japanese mystery snail
<i>Valvata piscinalis</i>	European valve snail
<i>Viviparus georgianus</i>	banded mystery snail

Proposed Prohibited Plant Pests and Diseases

<i>Dendroctonus ponderosae</i>	Mountain pine beetle
<i>Geosmithia morbida</i>	Thousand cankers - disease of walnut
<i>Pityophthorus juglandis</i>	Walnut twig beetle

Proposed Prohibited Vertebrates except Fish

<i>Myocastor coypus</i>	Nutria
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For further information, visit DNR's invasive species website:

(dnr.wi.gov) keyword "NR 40"

or call 608.264.8590 or email invasive.species@wi.gov.

Proposed Prohibited Plants	
<i>Achyranthes japonica</i>	Japanese chaff flower
<i>Akebia quinata</i>	Fiveleaf akebia/ Chocolate vine
<i>Arundo donax</i>	Giant reed
<i>Azolla pinnata</i>	Mosquito fern
<i>Berberis vulgaris</i>	Common barberry
<i>Cardamine hirsuta</i>	Bittercress
<i>Cardamine impatiens</i>	Narrow leaf bittercress
<i>Celastrus loeseneri</i>	Asian loeseneri bittersweet
<i>Centaurea diffusa</i>	Diffuse knapweed
<i>Centaurea repens</i>	Russian knapweed
<i>Digitalis lanata</i>	Grecian foxglove
<i>Dioscorea batatas</i> or <i>Dioscorea polystacha</i>	Chinese yam
<i>Eichhornia azurea</i>	Anchored water hyacinth
<i>Eichhornia crassipes</i>	Water hyacinth, floating
<i>Fallopia x bohemicum</i> or <i>F. x bohémica</i> or	Bohemian knotweed
<i>Glossostigma cleistanthum</i>	Mudmat
<i>Hydrocotyle ranunculoides</i>	Floating marsh pennywort
<i>Hygrophila polysperma</i>	Indian swampweed
<i>Impatiens glandulifera</i>	Policeman's helmet
<i>Ipomoea aquatica</i>	Water spinach
<i>Limnophila sessiliflora</i>	Asian marshweed
<i>Lythrum virgatum</i>	Wanded loosestrife
<i>Nelumbo nucifera</i>	Sacred lotus
<i>Oenanthe javanica</i>	Java waterdropwort; Vietnamese parsley
<i>Oplismenus hirtellus</i> ssp. <i>undulatifolius</i>	Wavy leaf basket grass
<i>Ottelia alismoides</i>	Ducklettuce
<i>Petasites hybridus</i>	Butterfly dock
<i>Phellodendron amurense</i>	Amur cork tree ¹
<i>Pistia stratiotes</i>	Water lettuce
<i>Ranunculus ficaria</i>	Lesser celandine
<i>Rubus armeniacus</i>	Himalayan blackberry
<i>Sagittaria sagittifolia</i>	Hawaii arrowhead
<i>Salvinia herzogii</i>	Giant salvinia
<i>Salvinia molesta</i>	Giant salvinia
<i>Sorghum halepense</i>	Johnsongrass
<i>Stratiotes aloides</i>	Water soldiers
<i>Taeniatherum caput- medusae</i>	Medusahead
<i>Tussilago farfara</i>	Colt's foot
<i>Typha domingensis</i>	Southern cattail
<i>Typha laxmannii</i>	Graceful cattail
<i>Wisteria floribunda</i>	Japanese wisteria
<i>Wisteria sinensis</i>	Chinese wisteria

Proposed Split-listed Plants (Prohibited/Restricted)	
<i>Linaria dalmatica</i>	Dalmation toadflax ¹¹
<i>Solidago sempervirens</i>	Seaside goldenrod ¹²

Proposed Restricted Plants	
<i>Acer tataricum</i> subsp. <i>ginnala</i>	Amur maple ²
<i>Aegopodium podagraria</i>	Bishop's goutweed
<i>Alnus glutinosa</i>	Black alder ³
<i>Artemisia absinthium</i>	Wormwood
<i>Berberis thunbergii</i>	Japanese barberry ⁴
<i>Caragana arborescens</i>	Siberian peashrub ⁵
<i>Centaurea jacea</i>	Brown knapweed
<i>Centaurea nigrescens</i>	Tyrol knapweed
<i>Centaurea nigra</i>	Black knapweed
<i>Coronilla varia</i>	Crown vetch
<i>Euonymus alatus</i>	Winged euonymous ⁶
<i>Filipendula ulmaria</i>	Queen of the meadow
<i>Galium mollugo</i>	White bedstraw
<i>Impatiens balfourii</i>	Balfour's touch-me-not
<i>Iris pseudacorus</i>	Yellow flag iris
<i>Knautia arvensis</i>	Field scabiosa
<i>Lysimachia vulgaris</i>	Garden yellow loosestrife
<i>Lysimachia nummularia</i>	Moneywort ⁷
<i>Morus alba</i>	White mulberry ⁸
<i>Myosotis scorpioides</i>	Aquatic forget-me-not
<i>Myosotis sylvaticum</i>	Woodland forget-me-not
<i>Najas marina</i>	Spiny naiad
<i>Phalaris arundinaceae</i> var. <i>picta</i>	Ribbon grass variety only
<i>Pimpinella saxifraga</i>	Scarlet pimpinell
<i>Populus alba</i>	White poplar
<i>Robinia hispida</i>	Rose acacia
<i>Robinia pseudoacacia</i>	Black locust ⁹
<i>Ulmus pumila</i>	Siberian elm ¹⁰
<i>Valeriana officinalis</i>	Garden heliotrope

NOTES

¹ Male cultivars and seedling rootstock are exempt

^{2,3} Cultivars are exempt, Cultivars and hybrids are exempt

⁴ Applies to the parent type, the variety *atropurpurea*, the hybrid of *B. thunbergii* x *B. koreana*, and the listed cultivars of each. Listed cultivars: *Berberis thunbergii* cultivars: Sparkle, 'Anderson' Lustre Green™, Erecta, 'Bailgreen' Jade Carousel®, Angel Wings, Painter's Palette, Inermis ('Thornless'), Pow Wow, Golden Ring, Kelleris, Kobold, 'JN Variegated' Stardust™ and Antares. *Atropurpurea* cultivars: Marshall Upright ('Erecta'), Crimson Velvet, 'Bailtwo' Burgundy Carousel®, Red Rocket, 'Monomb' Cherry Bomb™, 'Bailone' Ruby Carousel®, JN Redleaf, Rose Glow and Silver Mile. Hybrid of *B. thunbergii* x *B. koreana* cultivars: Tara and 'Bailse' Golden Carousel®.

⁵ Cultivars Lorbergii, Pendula and Walkerii are exempt

⁶ Restrict the straight species and cv Nordine and exempt all other cultivars

⁷ Cultivar 'Aurea' is exempt

⁸ Male cultivars are exempt

⁹ Cultivars are exempt

¹⁰ All hybrids and parent species for use as rootstock are exempt

¹¹ Prohibited except in Juneau and Bayfield counties (where Restricted)

¹² Prohibited except in Kenosha, Milwaukee, and Racine counties (where restricted)



Property Transfer Well Inspections Well Filling and Sealing Water Well Drilling Rig Operators & Citations

DG-03-13





Rule Background

- Drilling and pump installing industry sought the bill.
- Changes to s.280 and s.281, Wis. Stats. were effective June 2008.
- DNR, Wisconsin Water Well Association, and Advisory Council on Well Drilling and Pump Installing developed the draft rule during 20+ meetings.



New Statutory Provisions

- License requirement for performing property transfer well inspections.
- License requirement for filling and sealing wells.

New Statutory Provisions

- Registration requirement for water well drilling rig operators.
- Department citation authority for licensing and some well and pump code violations.





2007 WI Act 360 allows DNR to

- Set criteria for evaluating wells and pressure systems at time of property transfer.
- Update filling and sealing requirements for water wells.



2007 WI Act 360 requires DNR to

- Set training and continuing education requirements for obtaining and maintaining a water well drilling rig operator registration and water well drilling license.
- Set administrative rules for issuing citations for licensing violations and some well and pump code violations.



Real Estate Transfer

- Well inspections are not required for a property transfer.
- However, if an inspection of a well and water system takes place then:

Key Updates to NR 812

Real Estate Transfer

- Person completing the inspection must be a licensed well driller or pump installer.
- Inspectors now required to use standard set of inspection criteria.



Key Updates to NR 812 Real Estate Transfer

- Forms and water test results will not be submitted to DNR, unless a variance is requested.
- Results of inspection are between the buyer and the seller.



Key Updates to NR 812 Cont.

- No well may remain in a non-walkout basement, crawl space or pit 10 years after the date of revision.
- The 1953 well code required all wells to be completed above the ground surface.



Key Updates to NR 812

Real Estate Transfer

- Requires a search for wells that need to be filled and sealed during inspections.
- Requires the filling and sealing of wells that do not have an operational pump—resulting in greater protection of groundwater.



Key Updates to NR 146

- Definitions and terminology reflect changes in ch. 280, Wis. Stats.
- Codifies processes for individual licensing and business registration.



Key Updates to NR 146 cont.

- Clarifies water well driller and pump installer responsibilities, including for supervision of employees.





Key Updates to NR 146 & 812

- Establishes a process for the department to issue citations for licensing and some well and pump code violations.



Key Updates to NR 146 & 812

Citations for:

- Licensing or registration violations
- Failure to disinfect
- Sampling and reporting violations
- Noncomplying work on pre-1991 water systems
- Failure to fill and seal, or properly fill and seal wells.

