

Changes to NR 812, Wis. Adm. Code

Information Sheet

April 2020



The Wisconsin Department of Natural Resources (DNR) has been in the process of revising NR 812, Wisconsin Administrative Code (NR 812) for the past three years. The process is almost complete, and final rule changes are expected to go into effect in mid-2020. This information sheet provides a summary of the changes.

WHY REVISE NR 812?

The primary objectives of the NR 812 changes are to correct and clarify language, simplify and streamline processes, update construction standards, and ensure consistency with federal and state law, while maintaining protection of groundwater and public health.

WHAT ARE THE CHANGES?

Organization and Accuracy

Changes throughout NR 812 improve the organization and accuracy including:

- Correct errors throughout the rule.
- Consolidate all requirements for product approval and sampling into two new sections.
- Reduce the number of figures, update and move figures to an Appendix.
- Replace Subchapter II for improved organization of equipment, materials and methods requirements.
- Consolidate requirements for potable high capacity, school and wastewater treatment plant wells to a new section.
- Move heat exchange drillhole requirements to a new section.
- Create a new table to show historic separation distance requirements.
- Revise definitions and other language to match changes in state and federal law.
- Eliminate repeated text and move out-of-place text.

Definitions – NR 812.07

Several definitions are added or revised to make the rule language clearer. Some definitions used in other codes or statutes are cross-referenced. Definitions for unused terms are deleted.

Location Standards – NR 812.08

Changes to Table A simplify contaminant sources, correct inconsistency, delete redundant names, remove contaminant sources from list if separation distance is zero or only recommended instead of required, and move historic requirements to a new Table E. Separate text of separation distance requirements is deleted so only Table A is needed.

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Key changes to separation distances are summarized below:

Possible Contaminant Source	Current Separation Distance	New Separation Distance	Notes
Drain-Sanitary Building (buried) – pipe not conforming to SPS 384	25'	8'	All buried sanitary building drains will have an 8-foot separation distance, regardless of pipe material.
Fertilizer or Pesticide Storage Tank - surface tank ≤ 1500 gallons (Potable wells)	0'	100'	Corrects omission in existing Table A for ≤ 1500 gallons. All surface tanks regardless of size will have a 100-foot separation distance from a potable well.
Heat Exchange Drillhole	0'	10	Corrects omission from existing Table A.
Manure Sewer > 6-inches in diameter	25' or 50'	50'	All manure sewers > 6-inches in diameter will have 50-foot separation distance, regardless of pipe material or pressure.
Sanitary Collector Sewer serving >4 living units, > 6" in diameter or not ch. SPS 384 materials	50'	25'	All sanitary collector sewers will have 25-foot separation distance, regardless of pipe size, material or # of living units.
Stormwater Infiltration basin or system for single- or two-family residential location, includes rain gardens, infiltration trenches and similar structures	100'	8'	Stormwater Infiltration basin or system for commercial, >2 family residential or industrial will continue to have 100-foot separation distance.
Privy – vault	50'	25'	Clarifies and recognizes vault privy as different contaminant source than pit privy.

Construction Approvals – NR 812.09

- Establish two-year expiration date for all construction approvals.
- Update to reflect changes in state high capacity well statutes.
- Simplify list of projects that require a prior written approval.

Construction/Reconstruction – NR 812.10 through NR 812.25

- Reduce requirements to collect drill cuttings and submit to WGNHS - only required for school well or if specifically listed in approval for other high capacity wells.
- Clarify contractor-required response to bacteria-positive and other problem wells.
- Consolidate separate requirements for rotary and percussion methods to allow for new well construction methods.
- Allow more grouting materials and add a method to use bentonite chips as an annular space seal in certain situations without a verbal variance.
- Require granular bentonite to be placed around the casing while driving or advancing casing even if the formation is caving.

- Limit the use of mud and cuttings and drill slurry in annular space seal - would only be allowed for upper enlarged drillhole less than or equal to 20 feet deep.
- Changing casing depth requirement in limestone/dolomite by allowing 40 feet of casing when the depth to bedrock is equal to, or greater than 20 feet, and requiring 60 feet of casing for wells where the depth to bedrock is less than 20 feet.
- Clarify requirements for constructing a flowing well.
- Clarify and simplify reporting requirement for well rehabilitation.
- Streamline and clarify requirements for the installation of a liner pipe.
- Require electronic submittal of well construction reports starting January 1, 2023.

Filling & Sealing - NR 812.10 through NR 812.26

- Allow bentonite pellets as a filling and sealing material for a well or drillhole less than 3-inches in diameter.
- Require filling and sealing of unused seasonal and high capacity irrigation wells after 3 years.
- Clarify that license is not required for the filling and sealing of exploration or geotechnical drillholes.

Variances – NR 812.43

- Allow granting a variance for the casing depth construction requirement in s. NR 812.14 (2) if applicant can demonstrate that adequate water quantity or quality is not available below the required casing depth.

Treatment Installation – NR 812.37

- Replace term “safe” or “unsafe” with specific total coliform bacteria test requirement.
- Simplify requirements for private wells to install bacteria treatment, so that treatment installation is allowed without DNR approval if a compliance inspection shows that well construction complies with NR 812.
- Prohibit installation of treatment on private wells or non-community wells that have been ordered to be filled/sealed or ordered to have use discontinued.

Sampling and Lab Requirements – NR 812.46

- Consolidate all sampling requirements into new section.
- Make sampling requirements consistent for activities that can be done under either license.
- Change laboratory reporting requirement from 30 to 31 days between analysis and submittal of test results to DNR.
- Waive repeat nitrate and arsenic sampling requirement when same pump installer performs pump installing and sampling on the same well within past six months.
- Eliminate laboratory reporting agreements by stating the reporting requirements in rule.
- Require sample collection from specific location in system.

WHERE CAN I GET MORE DETAILS?

You can find a link to the Natural Resources Board Order containing all the rule changes on DNR’s website at: <https://dnr.wi.gov/topic/Wells/nr812.html>