

1 **278.59 Search during temporary questioning.** When an enforcing officer
2 has stopped a person for temporary questioning under s. 278.58 and reasonably
3 suspects that the enforcing officer or another is in danger of physical injury, the
4 enforcing officer may search the person for weapons or any instrument, article, or
5 substance readily capable of causing physical injury and of a sort not ordinarily
6 carried in public places by law abiding persons. If the enforcing officer finds such a
7 weapon or instrument, or any other property possession of which he or she
8 reasonably believes may constitute the commission of a violation specified in s.
9 278.51 (1) or that may constitute a threat to his or her safety, the enforcing officer
10 may take it and keep it until the completion of the questioning, at which time he or
11 she shall return it, if lawfully possessed, arrest the person so questioned for
12 possession of the weapon, instrument, article, or substance, if he or she has the
13 authority to do so, or detain the person until a proper arrest can be made by
14 appropriate authorities. Searches during temporary questioning as provided under
15 this section may be conducted only by those enforcing officers who have the authority
16 to make arrests for crimes.

17 **278.60 Search incident to the issuance of a lawfully issued citation.** If
18 the enforcing officer has stopped a person to issue a citation under s. 278.62 and
19 reasonably suspects that the enforcing officer or another is in danger of physical
20 injury, the officer may search the person for weapons or any instrument, article, or
21 substance readily capable of causing physical injury and of a sort not ordinarily
22 carried in public places by law abiding persons. If the officer finds such a weapon or
23 instrument, or any other property possession of which he or she reasonably believes
24 may constitute the commission of a violation specified in s. 278.51 (1), or that may
25 constitute a threat to his or her safety, the officer may take it and keep it until he or

1 she has completed issuing the citation, at which time the officer shall return it, if
2 lawfully possessed, arrest the person for possession of the weapon, instrument,
3 article, or substance, if he or she has the authority to do so, or detain the person until
4 a proper arrest can be made by appropriate authorities.

5 **278.61 Search and seizure; when authorized.** Under this subchapter, a
6 search of a person, object, or place may be made and things may be seized when the
7 search is made as follows:

8 (1) Incident to a lawful arrest.

9 (2) With consent.

10 (3) Pursuant to a valid search warrant.

11 (4) With the authority and within the scope of a right of lawful inspection.

12 (5) Incident to the issuance of a lawfully issued citation in accordance with s.
13 278.60.

14 (6) During an authorized temporary questioning under s. 278.59.

15 (7) As otherwise authorized by law.

16 **278.62 Issuance of a citation.** (1) Whenever an enforcing officer has
17 probable cause to believe that a person subject to his or her authority is committing
18 or has committed a violation of those statutes specified in s. 278.51 (1), the officer
19 may proceed in the following manner:

20 (a) Issue a citation to the defendant in the form specified in s. 278.54, a copy
21 of which shall be filed with the clerk of courts in the county where the violation was
22 committed.

23 (b) Proceed, in proper cases, under s. 278.56 or 278.57.

24 (c) Bring the information to the district attorney so that he or she may proceed
25 under s. 278.65.

1 (2) (a) If the defendant is a resident of this state, a law enforcement officer may
2 serve a citation anywhere in the state by following the procedures used for the service
3 of a summons under s. 801.11 (1) (a) or (b) 1. or 1m. or (2) or by mailing a copy to the
4 defendant's last-known address.

5 (b) If the defendant is not a resident of the state, a law enforcement officer may
6 serve a citation by delivering a copy to the defendant personally or by mailing a copy
7 to the defendant's last-known address.

8 **278.63 Officer's action after issuance of citation.** (1) After an enforcing
9 officer has issued a citation under this subchapter, the officer shall release the
10 defendant if he or she makes a deposit under s. 278.66 or a deposit and stipulation
11 of no contest under s. 278.67.

12 (2) If sub. (1) does not apply, an enforcing officer who issues a citation under
13 this subchapter may release the defendant.

14 (3) An enforcing officer who issues a citation under this subchapter shall
15 proceed under s. 278.57, if the defendant is not released.

16 **278.64 Deposit after release.** A person who is released under s. 278.63 (2)
17 may make a deposit any time prior to the court appearance date. The person shall
18 make the deposit with the clerk of the circuit court of the county in which the
19 violation occurred.

20 **278.65 Issuance of complaint and summons.** (1) When it appears to the
21 district attorney that a violation specified in s. 278.51 (1) has been committed the
22 district attorney may proceed by complaint and summons.

23 (2) The complaint shall be prepared in the form specified in s. 278.55. After
24 a complaint is prepared, it shall be filed with the judge and a summons shall be

1 issued or the complaint shall be dismissed pursuant to s. 968.03. The filing
2 commences the action.

3 (3) If a district attorney refuses or is unavailable to issue a complaint, a circuit
4 judge, after conducting a hearing, may permit the filing of a complaint if he or she
5 finds there is probable cause to believe that the person charged has committed a
6 violation specified in s. 278.51 (1) or a rule promulgated thereunder. The district
7 attorney shall be informed of the hearing and may attend.

8 **278.66 Deposit.** (1) If under the procedure in s. 278.62 a person is cited or
9 arrested, the person may make a deposit as follows:

10 (a) By mailing the amount of money the enforcing officer directs and a copy of
11 the citation to the office of the clerk of circuit courts in the county where the offense
12 allegedly occurred or by going to the office of the clerk of circuit courts, the office of
13 the sheriff, or any city, village, or town police headquarters.

14 (b) If the enforcing officer permits, by placing the amount of money the
15 enforcing officer directs in a serially numbered envelope addressed to the clerk of
16 circuit court in the county where the offense allegedly occurred, sealing the envelope,
17 signing a statement on the back of the envelope stating the amount of money
18 enclosed, and returning the envelope to the enforcing officer. The enforcing officer
19 shall deliver the envelope and a copy of the citation to the office of the clerk of circuit
20 court in the county where the offense allegedly occurred. The enforcing officer shall
21 note on the face of the citation the serial number of the envelope used in making a
22 deposit under this paragraph.

23 (1m) The enforcing officer or the person receiving the deposit may allow the
24 alleged violator to submit a check, share draft, or other draft for the amount of the
25 deposit or make the deposit by use of a credit card.

1 (2) The person receiving the deposit shall prepare a receipt in triplicate
2 showing the purpose for which the deposit is made, stating that the defendant may
3 inquire at the office of the clerk of circuit court regarding the disposition of the
4 deposit, and notifying the defendant that if he or she fails to appear in court at the
5 time fixed in the citation he or she will be considered to have tendered a plea of no
6 contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under
7 ch. 814, not to exceed the amount of the deposit that the court may accept. The
8 original of the receipt shall be delivered to the defendant in person or by mail. If the
9 defendant pays by check, share draft, or other draft, the check, share draft, or other
10 draft or a microfilm copy of the check, share draft, or other draft shall be considered
11 a receipt. If the defendant makes the deposit by use of a credit card, the credit charge
12 receipt shall be considered a receipt.

13 (3) If the court does not accept the deposit as a forfeiture for the offense, a
14 summons shall be issued. If the defendant fails to respond to the summons, an arrest
15 warrant shall be issued.

16 (4) The basic amount of the deposit shall be determined in accordance with a
17 deposit schedule that the judicial conference shall establish. Annually, the judicial
18 conference shall review and may revise the schedule. In addition to the basic amount
19 determined according to the schedule, the deposit shall include costs, fees, and
20 surcharges imposed under ch. 814.

21 **278.67 Deposit and stipulation of no contest.** (1) If under s. 278.62 a
22 person is cited or arrested, the person may make a deposit and stipulation of no
23 contest, and submit them in the same manner as the deposit in s. 278.66.

24 (2) The deposit and stipulation of no contest may be made at any time prior to
25 the court appearance date. By signing the stipulation, the defendant is considered

1 to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees,
2 and surcharges imposed under ch. 814, not to exceed the amount of the deposit.

3 (3) The person receiving the deposit and stipulation of no contest shall prepare
4 a receipt in triplicate showing the purpose for which the deposit is made, stating that
5 the defendant may inquire at the office of the clerk of circuit court regarding the
6 disposition of the deposit, and notifying the defendant that, if the stipulation of no
7 contest is accepted by the court, the defendant will be considered to have submitted
8 to a forfeiture, plus costs, fees and surcharges imposed under ch. 814, not to exceed
9 the amount of the deposit. Delivery of the receipt shall be made in the same manner
10 as in s. 278.66.

11 (4) If the court does not accept the deposit and stipulation of no contest, a
12 summons shall be issued. If the defendant fails to respond to the summons, an arrest
13 warrant shall be issued.

14 (5) The defendant may, within 10 days after signing the stipulation or at the
15 time of the court appearance date, move the court for relief from the effects of the
16 stipulation, under s. 278.75 (3) (c).

17 **278.68 Pleading.** The citation or complaint issued under s. 278.62 or 278.65
18 may serve as the initial pleading and is adequate process to give the appropriate
19 court jurisdiction over the person upon the filing of the citation or complaint with the
20 court.

21 **278.69 Motions.** In a case under this subchapter, any motion that is capable
22 of determination without the trial of the general issue shall be made before trial.

23 **278.70 Arraignment; plea.** (1) Under this subchapter, if a defendant
24 appears in response to a citation or a summons, or is arrested and brought before a
25 court with jurisdiction to try the case, the defendant shall be informed that he or she

1 is entitled to a jury trial and then asked whether he or she wishes to plead. If the
2 defendant wishes to plead, he or she may plead guilty, not guilty, or no contest.

3 (2) If the defendant pleads guilty or no contest under sub. (1), the court may
4 accept the plea, find the defendant guilty, and proceed under s. 278.78.

5 **278.71 Not guilty plea; immediate trial.** Under this subchapter, if a
6 defendant pleads not guilty, states that he or she waives the right to jury trial, and
7 wishes an immediate trial and, if the state consents, the case may be tried
8 immediately.

9 **278.72 Not guilty plea.** Under this subchapter, if a defendant pleads not
10 guilty and the trial is not held under s. 278.71, the court shall set a date for trial or
11 advise the defendant that he or she will be notified of the date set for trial. The
12 defendant shall be released upon payment of a deposit as set forth in s. 278.66, or the
13 court may release the defendant on his or her own recognizance. If a defendant fails
14 to appear at the date set under this section, the court may issue a warrant under ch.
15 968 and, if the defendant has posted a deposit for appearance at that date, the court
16 may order the deposit forfeited.

17 **278.73 Discovery.** In a case under this subchapter, neither party is entitled
18 to pretrial discovery except that, if the defendant moves within 10 days after the
19 alleged violation and shows cause therefor, the court may order that the defendant
20 be allowed to inspect and test, under any conditions that the court prescribes, any
21 devices used by the plaintiff to determine whether a violation has been committed
22 and may inspect the reports of experts relating to those devices.

23 **278.74 Mode of trial.** In a case under this subchapter, all of the following
24 apply:

1 (1) The defendant shall be informed of the right to a jury trial in circuit court
2 on payment of fees required by s. 278.77 (1).

3 (2) If both parties request a trial by the court or if neither demands a trial by
4 jury, the right to a trial by jury is waived.

5 **278.75 Proceedings in court.** In a case under this subchapter, all of the
6 following apply:

7 (1) If the defendant appears in court at the time directed in the citation or
8 summons, the case shall be tried as provided by law.

9 (2) If the defendant fails to appear in court at the time fixed in the complaint
10 and summons, judgment may be rendered against the defendant according to the
11 demand of the complaint, or the court may issue a warrant for the defendant's arrest.

12 (3) If the defendant fails to appear in court at the time fixed in the citation or
13 by subsequent postponement, the following procedure shall apply:

14 (a) 1. If the defendant has not made a deposit, the court may consider the
15 nonappearance to be a plea of no contest and enter judgment accordingly or the court
16 may issue a summons or an arrest warrant.

17 2. If the court considers the nonappearance to be a plea of no contest and enters
18 judgment accordingly, the court shall promptly mail a copy or notice of the judgment
19 to the defendant. The judgment shall allow the defendant not less than 20 working
20 days from the date on which the judgment copy or notice is mailed to pay the
21 forfeiture, plus costs, fees, and surcharges imposed under ch. 814.

22 (b) If the defendant has made a deposit, the citation may serve as the initial
23 pleading and the defendant shall be considered to have tendered a plea of no contest
24 and submitted to a forfeiture, plus costs, fees, and surcharges imposed under ch. 814,
25 not exceeding the amount of the deposit. The court may either accept the plea of no

1 contest and enter judgment accordingly, or reject the plea and issue a summons. If
2 the defendant fails to appear in response to the summons, the court shall issue an
3 arrest warrant. If the court accepts the plea of no contest, the defendant may move
4 within 90 days after the date set for appearance to withdraw the plea of no contest,
5 open the judgment, and enter a plea of not guilty if the defendant shows to the
6 satisfaction of the court that failure to appear was due to mistake, inadvertence,
7 surprise, or excusable neglect. If a party is relieved from the plea of no contest, the
8 court or judge may order a written complaint to be filed and set the matter for trial.
9 After trial the costs, fees, and surcharges imposed under ch. 814 shall be taxed as
10 provided by law. If on reopening the defendant is found not guilty, the court shall
11 delete the record of conviction and shall order the defendant's deposit returned.

12 (c) If the defendant has made a deposit and stipulation of no contest, the
13 citation may serve as the initial pleading and the defendant shall be considered to
14 have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees and
15 surcharges imposed under ch. 814, not exceeding the amount of the deposit. The
16 court may either accept the plea of no contest and enter judgment accordingly, or
17 reject the plea and issue a summons. If the defendant fails to appear in response to
18 the summons, the court shall issue an arrest warrant. After signing a stipulation of
19 no contest, the defendant may, at any time prior to or at the time of the court
20 appearance date, move the court for relief from the effect of the stipulation. The court
21 may act on the motion, with or without notice, for cause shown by affidavit and upon
22 just terms, and relieve the defendant from the stipulation and the effects of the
23 stipulation. If the defendant is relieved from the stipulation of no contest, the court
24 may order a citation or complaint to be filed and set the matter for trial. After trial

1 the costs, fees, and surcharges imposed under ch. 814 shall be taxed as provided by
2 law.

3 (4) If a citation or summons is issued to a defendant and he or she is unable
4 to appear in court on the day specified, the defendant may enter a plea of not guilty
5 by mailing to the judge at the address indicated on the citation or summons a letter
6 stating that plea. The letter must show the defendant's return address. The letter
7 may include a request for trial during normal daytime business hours. Upon receipt
8 of the letter, the judge shall reply by letter to the defendant's address setting forth
9 a time and place for trial, the time to be during normal business hours if so requested.
10 The date of the trial shall be at least 10 days after the mailing by the judge. Nothing
11 in this subsection forbids the setting of the trial at any time convenient to all parties
12 concerned.

13 (5) Costs may not be taxed against the plaintiff.

14 **278.76 Burden of proof.** In all actions under this subchapter, the state must
15 convince the trier of fact to a reasonable certainty of every element of the offense by
16 evidence that is clear, satisfactory, and convincing.

17 **278.77 Jury trial.** (1) If in an action under this subchapter either party files
18 a written demand for a jury trial within 20 days after the court appearance date and
19 immediately pays the fee prescribed in s. 814.61 (4), the court shall place the case on
20 the jury calendar. The number of jurors shall be determined under s. 756.06 (2) (b).
21 If no party demands a trial by jury, the right to trial by jury is permanently waived.

22 (3) If there is a demand for a trial by jury, the provisions of s. 345.43 (3) (a) and
23 (b) are applicable.

24 **278.78 Verdict.** A verdict in an action under this subchapter is valid if agreed
25 to by five-sixths of the jury. If a verdict relates to more than one count, it shall be

1 valid as to any count if any five-sixths of the jury agree on that count. The form of
2 the verdict shall be guilty or not guilty. The court shall state the amount of the
3 forfeiture after a finding of guilty.

4 **278.79 Judgment.** In an action under this subchapter, all of the following
5 apply:

6 (1) If the defendant is found guilty, the court may enter judgment against the
7 defendant for a monetary amount not to exceed the maximum forfeiture provided by
8 the statute for the violation, plus costs, fees, and surcharges imposed under ch. 814.

9 (2) The payment of any judgment may be suspended or deferred for not more
10 than 90 days in the discretion of the court. In cases in which a deposit has been made,
11 any forfeitures, costs, and surcharges imposed under ch. 814 shall be taken out of the
12 deposit and the balance, if any, returned to the defendant.

13 (3) In addition to any monetary penalties, the court may order the defendant
14 to perform or refrain from performing any acts that may be necessary to fully protect
15 and effectuate the public interest. The court may order abatement of a nuisance,
16 restoration of a natural resource, or other appropriate action designed to eliminate
17 or minimize any environmental damage caused by the defendant.

18 (4) The court may, where provided by law, revoke or suspend any or all
19 privileges and licenses.

20 (5) All civil remedies are available in order to enforce the judgment of the court,
21 including the power of contempt under ch. 785.

22 **278.795 Nonpayment of judgments.** If a defendant fails to timely pay a
23 judgment entered under s. 278.75 (3) (a) 2. or 278.79, the court may issue an arrest
24 warrant or a summons ordering the defendant to appear in court or both. If the
25 defendant appears before the court pursuant to a warrant or summons or the

1 defendant otherwise notifies the court that he or she is unable to pay the judgment,
2 the court shall conduct a hearing. If the defendant failed to pay the forfeiture, the
3 court shall determine if the defendant is unable to pay the amount specified in the
4 judgment for good cause or because of the defendant's indigence. If the court
5 determines that the failure of the defendant to comply with the judgment is for good
6 cause or because of the defendant's indigence, the court may order that the amount
7 of the judgment be modified, suspended, or permanently stayed. If the defendant
8 fails to appear before the court for a hearing under this section or if the court
9 determines at the hearing that the failure of a defendant to pay the judgment is not
10 for good cause or not because of the defendant's indigence, the court shall order one
11 of the following:

12 (1) That the defendant be imprisoned for a time not to exceed 5 days or until
13 the amount is paid, whichever is less.

14 (2) That the amount of the judgment be modified, suspended, or permanently
15 stayed.

16 **278.80 Judgment against a corporation or municipality.** In a case under
17 this subchapter, all of the following apply:

18 (1) If a representative of a corporation or municipality fails to appear within
19 the time required by the citation or summons, the default of the corporation or
20 municipality may be recorded and the charge against it taken as true and judgment
21 shall be rendered accordingly.

22 (2) Upon default of a defendant corporation or municipality, or upon conviction,
23 judgment for the amount of the forfeiture, plus costs, fees, and surcharges imposed
24 under ch. 814, shall be entered.

1 **278.81 Effect of plea of no contest.** Forfeiture of deposit under s. 278.75 (3)
2 (b), an accepted plea of no contest under s. 278.70, or a stipulation of no contest under
3 s. 278.75 (3) (c) to a charge of violation is not admissible in evidence as an admission
4 against interest in any action or proceeding arising out of the same occurrence.

5 **278.82 Fees.** Fees in forfeiture actions under this subchapter are prescribed
6 in s. 814.63.

7 **278.83 Appeal.** In a case under this subchapter, all of the following apply:

8 (1) JURISDICTION ON APPEAL. Appeal may be taken by either party.

9 (2) STAY OF EXECUTION. The amount of undertaking required to stay execution
10 on appeal may not exceed the amount of the maximum forfeiture, plus costs, fees, and
11 surcharges imposed under ch. 814.

12 (3) PROCEDURE ON APPEAL. An appeal to the court of appeals shall be in
13 accordance with chs. 808 and 809.

14 **278.84 Forfeitures, costs, fees, and surcharges collected; to whom paid.**

15 All moneys collected in favor of the state under this subchapter for forfeiture, plus
16 costs, fees, and surcharges imposed under ch. 814, shall be paid by the officer who
17 collects the moneys to the appropriate county treasurer within 20 days after their
18 receipt by the officer, except that all jail surcharges imposed under ch. 814 shall be
19 paid to the county treasurer. In case of any failure in the payment, the county
20 treasurer may collect the payment from the officer by an action in the treasurer's
21 name of office and upon the official bond of the officer, with interest at the rate of 12
22 percent per year from the time when it should have been paid.

23 **278.85 Statement to county board; payment to state.** Every county
24 treasurer shall, on the first day of the annual meeting of the county board of
25 supervisors, submit to it a verified statement of all forfeitures, costs, fees, and

1 surcharges imposed under ch. 814 and received under this subchapter during the
2 previous year. The county clerk shall deduct all expenses incurred by the county in
3 recovering those forfeitures, costs, fees, and surcharges from the aggregate amount
4 so received, and shall immediately certify the amount of clear proceeds of those
5 forfeitures, costs, fees, and surcharges to the county treasurer, who shall pay the
6 proceeds to the state as provided in s. 59.25 (3). Jail surcharges imposed under ch.
7 814 shall be treated separately as provided in s. 302.46.

8 **278.90 Place of trial.** In cases under this subchapter, all of the following
9 apply:

10 (1) Civil actions shall be tried in the county where the offense was committed,
11 except as otherwise provided in this section.

12 (2) If 2 or more acts are requisite to the commission of any offense, the trial may
13 be in any county in which any of the acts occurred.

14 (3) Where an offense is committed on or within one-fourth of a mile of the
15 boundary of 2 or more counties, the defendant may be tried in any of those counties.

16 (4) If an offense is commenced outside the state and is consummated within
17 the state, the defendant may be tried in the county where the offense was
18 consummated.

19 (5) If an offense is committed on boundary waters at a place where 2 or more
20 counties have common jurisdiction under s. 2.03 or 2.04 or under any other law, the
21 prosecution may be in either county. The county whose process against the offender
22 is first served shall be conclusively presumed to be the county in which the offense
23 was committed.

24 **SECTION 1002.** 279.06 (2) of the statutes is amended to read:

1 279.06 (2) The authority shall notify the department of ~~natural resources~~
2 environmental quality of its action on an application under s. 279.05 (1) at the same
3 time that it notifies the applicant or applicants.

4 **SECTION 1003.** 280.01 (1) of the statutes is amended to read:

5 280.01 (1) "Department" means the department of ~~natural resources~~
6 environmental quality.

7 **SECTION 1004.** 280.98 (1) of the statutes is amended to read:

8 280.98 (1) Except as provided in sub. (5), the department may follow the
9 procedures for the issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to
10 collect a forfeiture as specified in sub. (3) from a person who commits a violation
11 specified under sub. (2).

12 **SECTION 1005.** 281.01 (3) of the statutes is amended to read:

13 281.01 (3) "Department" means the department of ~~natural resources~~
14 environmental quality.

15 **SECTION 1006.** 281.01 (12) of the statutes is amended to read:

16 281.01 (12) "Secretary" means the secretary of ~~natural resources~~
17 environmental quality.

18 **SECTION 1007.** 281.01 (21) of the statutes is amended to read:

19 281.01 (21) "Wetland" has the meaning given in s. ~~23.32~~ 278.32 (1).

20 **SECTION 1008.** 281.15 (1) of the statutes is amended to read:

21 281.15 (1) The department, in consultation with the department of natural
22 resources, shall promulgate rules setting standards of water quality to be applicable
23 to the waters of the state, recognizing that different standards may be required for
24 different waters or portions thereof. Water quality standards shall consist of the
25 designated uses of the waters or portions thereof and the water quality criteria for

1 those waters based upon the designated use. Water quality standards shall protect
2 the public interest, which include the protection of the public health and welfare and
3 the present and prospective future use of such waters for public and private water
4 systems, propagation of fish and aquatic life and wildlife, domestic and recreational
5 purposes and agricultural, commercial, industrial and other legitimate uses. In all
6 cases where the potential uses of water are in conflict, water quality standards shall
7 be interpreted to protect the general public interest.

8 **SECTION 1009.** 281.16 (3) (a) (intro.) of the statutes is amended to read:

9 281.16 (3) (a) (intro.) The department of ~~natural resources~~ environmental
10 quality, in consultation with the department of agriculture, trade and consumer
11 protection, shall promulgate rules prescribing performance standards and
12 prohibitions for agricultural facilities and agricultural practices that are nonpoint
13 sources. The performance standards and prohibitions shall be designed to achieve
14 water quality standards by limiting nonpoint source water pollution. At a minimum,
15 the prohibitions shall include all of the following:

16 **SECTION 1010.** 281.16 (3) (b) of the statutes is amended to read:

17 281.16 (3) (b) The department of agriculture, trade and consumer protection,
18 in consultation with the department of ~~natural resources~~ environmental quality,
19 shall promulgate rules prescribing conservation practices to implement the
20 performance standards and prohibitions under par. (a) and specifying a process for
21 the development and dissemination of technical standards to implement the
22 performance standards and prohibitions under par. (a).

23 **SECTION 1011.** 281.16 (3) (e) of the statutes, as affected by 2009 Wisconsin Act
24 28, is amended to read:

1 281.16 (3) (e) An owner or operator of an agricultural facility or practice that
2 is in existence before October 14, 1997, may not be required by this state or a
3 municipality to comply with the performance standards, prohibitions, conservation
4 practices or technical standards under this subsection unless cost-sharing is
5 available, under s. 92.14 or 281.65 or from any other source, to the owner or operator.
6 For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.15 (4), and 823.08
7 (3) (c) 2., the department of ~~natural resources~~ environmental quality shall
8 promulgate rules that specify criteria for determining whether cost-sharing is
9 available under s. 281.65 and the department of agriculture, trade and consumer
10 protection shall promulgate rules that specify criteria for determining whether
11 cost-sharing is available under s. 92.14 or from any other source. The rules may not
12 allow a determination that cost-sharing is available to meet local regulations under
13 s. 92.07 (2) or 92.15 that are consistent with or that exceed the performance
14 standards, prohibitions, conservation practices or technical standards under this
15 subsection unless the cost-sharing is at least 70% of the cost of compliance or is from
16 70% to 90% of the cost of compliance in cases of economic hardship, as defined in the
17 rules.

18 **SECTION 1012.** 281.17 (3) of the statutes is amended to read:

19 281.17 (3) The department shall promulgate rules establishing an examining
20 program for the certification of operators of water systems, wastewater treatment
21 plants and septage servicing vehicles operated under a license issued under s. 281.48
22 (3), setting such standards as the department finds necessary to accomplish the
23 purposes of this chapter and chs. 285 and 289 to 299, including requirements for
24 continuing education. The department may charge applicants a fee for certification.
25 All moneys collected under this subsection for the certification of operators of water

1 systems, wastewater treatment plants and septage servicing vehicles shall be
2 credited to the appropriation under s. ~~20.370~~ 20.375 (4) (bL). No person may operate
3 a water systems system, wastewater treatment plant or septage servicing vehicle
4 without a valid certificate issued under this subsection. The department may
5 suspend or revoke a certificate issued under this subsection for a violation of any
6 statute or rule relating to the operation of a water system or wastewater treatment
7 plant or to septage servicing, for failure to fulfill the continuing education
8 requirements or as provided under s. 145.20 (5). The owner of any wastewater
9 treatment plant shall be, or shall employ, an operator certified under this subsection
10 who shall be responsible for plant operations, unless the department by rule provides
11 otherwise. In this subsection, "wastewater treatment plant" means a system or plant
12 used to treat industrial wastewater, domestic wastewater or any combination of
13 industrial wastewater and domestic wastewater.

14 **SECTION 1013.** 281.19 (6) of the statutes is amended to read:

15 281.19 (6) Orders issued by the department shall be signed by the person
16 designated by the ~~board~~ secretary.

17 **SECTION 1014.** 281.33 (2) of the statutes is amended to read:

18 281.33 (2) STATE STORM WATER MANAGEMENT PLAN. The department, in
19 consultation with the department of commerce, shall promulgate by rule a state
20 storm water management plan. This state plan is applicable to activities contracted
21 for or conducted by any agency, as defined under s. 227.01 (1), but also including the
22 office of district attorney, unless that agency enters into a memorandum of
23 understanding with the department of ~~natural resources~~ in which that agency
24 agrees to regulate activities related to storm water management. The department
25 shall coordinate the activities of agencies, as defined under s. 227.01 (1), in storm

1 water management and make recommendations to these agencies concerning
2 activities related to storm water management.

3 **SECTION 1015.** 281.34 (4) (b) of the statutes is amended to read:

4 281.34 (4) (b) If, under sub. (5) (b), (c), or (d), the department requests an
5 environmental impact report under s. ~~23.11 (5)~~ 278.40 (1m) for a proposed high
6 capacity well, the department may ~~only~~ request information in that report that
7 relates only to the decisions that the department makes under this section related
8 to the proposed high capacity well.

9 **SECTION 1016.** 281.34 (5) (b) 1. of the statutes is amended to read:

10 281.34 (5) (b) 1. Except as provided in subd. 2., if the department determines,
11 under the environmental review process in sub. (4), that an environmental impact
12 report under s. ~~23.11 (5)~~ 278.40 (1m) must be prepared for a proposed high capacity
13 well located in a groundwater protection area, the department may not approve the
14 high capacity well unless it is able to include and includes in the approval conditions,
15 which may include conditions as to location, depth, pumping capacity, rate of flow,
16 and ultimate use, that ensure that the high capacity well does not cause significant
17 environmental impact.

18 **SECTION 1017.** 281.34 (5) (c) of the statutes is amended to read:

19 281.34 (5) (c) *High water loss.* If the department determines, under the
20 environmental review process in sub. (4), that an environmental impact report under
21 s. ~~23.11 (5)~~ 278.40 (1m) must be prepared for a proposed high capacity well with a
22 water loss of more than 95 percent of the amount of water withdrawn, the
23 department may not approve the high capacity well unless it is able to include and
24 includes in the approval conditions, which may include conditions as to location,

1 depth, pumping capacity, rate of flow, and ultimate use, that ensure that the high
2 capacity well does not cause significant environmental impact.

3 **SECTION 1018.** 281.34 (5) (d) 1. of the statutes is amended to read:

4 281.34 (5) (d) 1. Except as provided in subd. 2., if the department determines,
5 under the environmental review process in sub. (4), that an environmental impact
6 report under s. ~~23.11 (5)~~ 278.40 (1m) must be prepared for a proposed high capacity
7 well that may have a significant environmental impact on a spring, the department
8 may not approve the high capacity well unless it is able to include and includes in
9 the approval conditions, which may include conditions as to location, depth, pumping
10 capacity, rate of flow, and ultimate use, that ensure that the high capacity well does
11 not cause significant environmental impact.

12 **SECTION 1019.** 281.36 (9) (ar) 2. b. of the statutes is amended to read:

13 281.36 (9) (ar) 2. b. If the proprietor refuses to grant consent for the entry on,
14 or the inspection of, the property or if the proprietor's explanation or terms of consent
15 are not acceptable to the department of ~~natural resources~~, the department of ~~natural~~
16 ~~resources~~ may apply for, obtain, or execute a special inspection warrant under s.
17 66.0119 or refer the matter to the department of justice for enforcement under s.
18 299.95.

19 **SECTION 1020.** 281.36 (9) (ar) 2. c. of the statutes is amended to read:

20 281.36 (9) (ar) 2. c. If the proprietor fails to respond to all requests made under
21 subd. 1., an agent of the department of ~~natural resources~~ may apply for, obtain, and
22 execute a special inspection warrant under s. 66.0119.

23 **SECTION 1021.** 281.37 (1) (a) 3. of the statutes is amended to read:

1 281.37 (1) (a) 3. A wild and scenic river designated under 16 USC 1271 to 1287,
2 a wild river designated under s. ~~30.26~~ 23.43, the Lower Wisconsin State Riverway
3 or a scenic urban waterway designated under s. ~~30.275~~ 23.434.

4 **SECTION 1022.** 281.43 (1) of the statutes is amended to read:

5 281.43 (1) The department of ~~natural resources~~ may require the sewerage
6 system, or sewage or refuse disposal plant of any governmental unit including any
7 town, village or city, to be so planned and constructed that it may be connected with
8 that of any other town, village or city, and may, after hearing, upon due notice to the
9 governmental units order the proper connections to be made or a group of
10 governmental units including cities, villages, town sanitary districts or town utility
11 districts may construct and operate a joint sewerage system under this statute
12 without being so required by order of the department of ~~natural resources~~ but
13 following hearing and approval of the department.

14 **SECTION 1023.** 281.48 (5s) of the statutes is amended to read:

15 281.48 (5s) CITATIONS. (a) The department may follow the procedures for the
16 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
17 for a violation of subs. (2) to (5).

18 (b) Notwithstanding s. ~~23.66~~ 278.66 (4), the department shall promulgate rules
19 establishing the basic amount of the deposit that may be made under s. ~~23.66~~ 278.66
20 (1) by a person to whom a citation is issued under par. (a). The rules shall specify a
21 different amount for each offense under subs. (2) to (5).

22 **SECTION 1024.** 281.55 (2) of the statutes is amended to read:

23 281.55 (2) In order that the construction of pollution prevention and abatement
24 facilities necessary to the protection of state waters be encouraged, a state program
25 of assistance to municipalities and school districts for the financing of such facilities

1 is established and a program of state advances in anticipation of federal aid
2 reimbursement is established to meet the state's water quality standards. These
3 state programs shall be administered by the department of natural resources and the
4 department shall make such rules as are necessary for the proper execution of the
5 state program.

6 **SECTION 1025.** 281.55 (6) (b) 1. of the statutes is amended to read:

7 281.55 (6) (b) 1. These payments shall not exceed 50% of the approved project
8 in conjunction with the state program of advancement in anticipation of federal
9 reimbursement under sub. (2). To provide for the financing of pollution prevention
10 and abatement facilities, the ~~natural resources board~~ department, with the approval
11 of the governor, subject to the limits of s. 20.866 (2) (tm) may direct that state debt
12 be contracted as set forth in subd. 2. and subject to the limits set therein. Said debts
13 shall be contracted for in the manner and form as the legislature hereafter
14 prescribes.

15 **SECTION 1026.** 281.58 (9) (ae) of the statutes is amended to read:

16 281.58 (9) (ae) A municipality that submits an application under par. (a)
17 without design plans and specifications may obtain an initial determination of
18 financial eligibility from the department of administration. The department of
19 ~~natural resources~~ environmental quality may not approve a municipality's
20 application until the municipality submits design plans and specifications.

21 **SECTION 1027.** 281.58 (9) (e) of the statutes is amended to read:

22 281.58 (9) (e) If the department of ~~natural resources~~ environmental quality and
23 the department of administration determine that the governor's recommendation,
24 as set forth in the executive budget bill, for the amount under s. 281.59 (3e) (b), the
25 amount available under s. 20.866 (2) (tc), or the amount available under s. 281.59 (4)

1 (f) for a biennium is insufficient to provide funding for all projects for which
2 applications will be approved during that biennium, the department of of
3 environmental quality shall inform municipalities that, if the governor's
4 recommendations are approved, clean water fund program assistance during a fiscal
5 year of that biennium will be available only to municipalities that submit financial
6 assistance applications by the June 30 preceding that fiscal year.

7 **SECTION 1028.** 281.58 (9m) (f) (intro.) of the statutes is amended to read:

8 281.58 (9m) (f) (intro.) If the department of ~~natural resources~~ environmental
9 quality and the department of administration determine that the amount approved
10 under s. 281.59 (3e) (b), the amount available under s. 20.866 (2) (tc), or the amount
11 available under s. 281.59 (4) (f) for a biennium is insufficient to provide funding for
12 all projects for which applications will be approved during that biennium, all of the
13 following apply:

14 **SECTION 1029.** 281.58 (11) (b) of the statutes is amended to read:

15 281.58 (11) (b) For municipalities meeting the financial hardship assistance
16 requirements under sub. (13), the department of ~~natural resources~~ environmental
17 quality may approve financial hardship assistance.

18 **SECTION 1030.** 281.59 (11) (a) of the statutes is amended to read:

19 281.59 (11) (a) The department of ~~natural resources~~ environmental quality and
20 the department of administration may enter into a financial assistance agreement
21 with an applicant for which the department of administration has allocated subsidy
22 under s. 281.58 (9m), 281.60 (8) or 281.61 (8) if the applicant meets the conditions
23 under sub. (9) and the other requirements under this section and s. 281.58, 281.60
24 or 281.61.

25 **SECTION 1031.** 281.59 (11) (c) of the statutes is amended to read:

1 281.59 (11) (c) The department of administration may retain the last payment
2 under a financial assistance agreement until the department of ~~natural resources~~
3 environmental quality and the department of administration determine that the
4 project is completed and meets the applicable requirements of this section and s.
5 281.58, 281.60 or 281.61 and that the conditions of the financial assistance
6 agreement are met.

7 **SECTION 1032.** 281.59 (12) of the statutes is amended to read:

8 281.59 (12) MUNICIPAL OBLIGATIONS. The department of administration may
9 purchase or refinance obligations specified in s. 281.58 (6) (b) 1. and guarantee or
10 purchase insurance for municipal obligations specified in s. 281.58 (6) (b) 3. if the
11 department of administration and the department of ~~natural resources~~
12 environmental quality approve the financial assistance under this section and s.
13 281.58.

14 **SECTION 1033.** 281.625 (4) of the statutes is amended to read:

15 281.625 (4) With the approval of the department of administration, the
16 department of ~~natural resources~~ environmental quality may transfer funds from the
17 appropriation accounts under s. 20.320 (2) (s) and (x) to the Wisconsin drinking water
18 reserve fund under s. 234.933 to guarantee loans under s. 234.86.

19 **SECTION 1034.** 281.65 (3) (at) of the statutes is amended to read:

20 281.65 (3) (at) Review rules drafted under this section and make
21 recommendations regarding the rules before final approval of the rules by the
22 ~~natural resources board~~ department.

23 **SECTION 1035.** 281.65 (4g) of the statutes is amended to read:

24 281.65 (4g) The department may contract with any person from the
25 appropriation account under s. ~~20.370~~ 20.375 (4) (at) for services to administer or

1 implement this section, including information and education and training services.
2 The department shall allocate \$500,000 in each fiscal year from the appropriation
3 account under s. ~~20.370~~ 20.375 (4) (at) for contracts for educational and technical
4 assistance related to the program under this section provided by the University of
5 Wisconsin-Extension.

6 **SECTION 1036.** 281.65 (4m) (c) of the statutes is amended to read:

7 281.65 (**4m**) (c) The department shall submit a copy of any plan it completes
8 under this subsection to any county located in or containing any watershed which is
9 a subject of the plan and to the department of agriculture, trade and consumer
10 protection. The department of agriculture, trade and consumer protection shall
11 review the plan and notify the department of ~~natural resources~~ environmental
12 quality of its comments on the plan. A county receiving a plan under this subsection
13 shall review the plan, approve or disapprove the plan and notify the department of
14 ~~natural resources~~ environmental quality of its action on the plan.

15 **SECTION 1037.** 281.65 (7) (b) of the statutes is amended to read:

16 281.65 (**7**) (b) The owner or operator of a site designated as a critical site in a
17 priority watershed or priority lake plan under sub. (5m) or in a modification to such
18 a plan under sub. (5s) or the department of ~~natural resources~~ may obtain a review
19 of the decision of a county land conservation committee under par. (a) 2. by filing a
20 written request with the land and water conservation board within 60 days after
21 receiving the decision of the county land conservation committee.

22 **SECTION 1038.** 281.68 (2) (b) of the statutes, as affected by 2009 Wisconsin Act
23 28, is amended to read:

1 281.68 **(2)** (b) The total amount of lake monitoring contracts for each fiscal year
2 may not exceed 10 percent of the total amount appropriated under s. ~~20.370~~ 20.375
3 (6) (ar) and (as).

4 **SECTION 1039.** 281.69 (1b) (d) of the statutes is amended to read:

5 281.69 **(1b)** (d) "Wetland" has the meaning given in s. ~~23.32~~ 278.32 (1).

6 **SECTION 1040.** 281.69 (3m) (a) of the statutes is amended to read:

7 281.69 **(3m)** (a) The department shall provide grants of \$10,000 each from the
8 appropriation under s. ~~20.370~~ 20.375 (6) (ar) for lake management projects to eligible
9 recipients, other than nonprofit conservation organizations, that have completed a
10 comprehensive land use plan that includes a wetland enhancement or restoration
11 project. The grant shall be used for the implementation of the wetland enhancement
12 or restoration project. The 75% limitation under sub. (2) (a) does not apply to these
13 grants.

14 **SECTION 1041.** 281.695 (5) of the statutes is amended to read:

15 281.695 **(5)** Any municipality may participate in the state financial assistance
16 program for soil and water resources protection established under s. 281.55, 281.57
17 or 281.65 and may enter into agreements with the department of ~~natural resources~~
18 environmental quality for that purpose. Any municipality may participate in the
19 clean water fund program under ss. 281.58 and 281.59 and may enter into
20 agreements with the department of administration and the department of ~~natural~~
21 ~~resources~~ environmental quality for that purpose. Any county may participate in the
22 state financial assistance program for soil and water resources protection
23 established under s. 92.14 and may enter into agreements with the department of
24 agriculture, trade and consumer protection for that purpose.

25 **SECTION 1042.** 281.695 (6) of the statutes is amended to read:

1 281.695 (6) Any municipality is authorized to enter into contracts with a
2 nonprofit-sharing corporation for the municipality to design and construct the
3 projects it will sublease from the department of ~~natural resources~~ environmental
4 quality pursuant to s. 281.55 (6) (b).

5 **SECTION 1043.** 281.73 of the statutes is amended to read:

6 **281.73 Wastewater and drinking water grant.** The department of ~~natural~~
7 ~~resources~~ shall provide a grant from the appropriation under s. ~~20.370~~ 20.375 (6) (bk)
8 to the Town of Swiss, Burnett County, and the St. Croix Band of Chippewa for design,
9 engineering, and construction of wastewater and drinking water treatment
10 facilities.

11 **SECTION 1044.** 281.75 (1) (i) of the statutes is amended to read:

12 281.75 (1) (i) "Well subject to abandonment" means a well that is required to
13 be abandoned under s. ~~NR 812.26~~ (2) (a), ~~Wis. Adm. Code rules promulgated by the~~
14 ~~department~~, or that the department may require to be abandoned under s. ~~NR 812.26~~
15 ~~(2) (b), Wis. Adm. Code rules promulgated by the department.~~

16 **SECTION 1045.** 281.75 (5) (f) of the statutes is amended to read:

17 281.75 (5) (f) The department shall allocate money for the payment of claims
18 according to the order in which completed claims are received. The department may
19 conditionally approve a completed claim even if the appropriation under s. ~~20.370~~
20 20.375 (6) (cr) is insufficient to pay the claim. The department shall allocate money
21 for the payment of a claim which is conditionally approved as soon as funds become
22 available.

23 **SECTION 1046.** 281.85 (intro.) of the statutes is amended to read:

1 **281.85 Great Lakes protection fund share.** (intro.) The department may
2 use moneys from the appropriation under s. ~~20.370~~ 20.375 (4) (ah) for any of the
3 following purposes:

4 **SECTION 1047.** 281.96 of the statutes is amended to read:

5 **281.96 Visitorial powers of department.** Every owner of an industrial
6 establishment shall furnish to the department all information required by it in the
7 discharge of its duties under subch. II, except s. 281.17 (6) and (7). ~~Any member of~~
8 ~~the natural resources board or any~~ employee of the department may enter any
9 industrial establishment for the purpose of collecting such information, and no
10 owner of an industrial establishment shall refuse to admit such ~~member or~~
11 employee. The department shall make such inspections at frequent intervals. The
12 secretary ~~and all members of the board shall have~~ has the power for all purposes
13 falling within the department's jurisdiction to administer oaths, issue subpoenas,
14 compel the attendance of witnesses and the production of necessary or essential data.

15 **SECTION 1048.** 283.001 (2) of the statutes is amended to read:

16 283.001 (2) The purpose of this chapter is to grant to the department of natural
17 ~~resources~~ all authority necessary to establish, administer and maintain a state
18 pollutant discharge elimination system to effectuate the policy set forth under sub.
19 (1) and consistent with all the requirements of the federal water pollution control act
20 amendments of 1972, P.L. 92-500; 86 Stat. 816.

21 **SECTION 1049.** 283.01 (3) of the statutes is amended to read:

22 283.01 (3) "Department" means the department of ~~natural resources~~
23 environmental quality.

24 **SECTION 1050.** 283.01 (16) of the statutes is amended to read:

1 283.01 (16) "Secretary" means the secretary of ~~natural resources~~
2 environmental quality or his or her designee.

3 **SECTION 1051.** 283.33 (9) (c) of the statutes is amended to read:

4 283.33 (9) (c) All moneys collected under par. (a) shall be credited to the
5 appropriation under s. ~~20.370~~ 20.375 (4) (bj).

6 **SECTION 1052.** 283.87 (1) of the statutes is amended to read:

7 283.87 (1) DEPARTMENT MAY RECOVER COSTS. In an action against any person who
8 violates this chapter or any provision of ~~s. 29.601 or chs. 30,~~ subchs. I to III of ch. 30
9 or chs. 31, 281, 285 or 289 to 299 relating to water quality the department may
10 recover the cost of removing, terminating or remedying the adverse effects upon the
11 water environment resulting from the unlawful discharge or deposit of pollutants
12 into the waters of the state, including the cost of replacing fish or other wildlife
13 destroyed by the discharge or deposit. All moneys recovered under this section shall
14 be deposited into the environmental fund.

15 **SECTION 1053.** 283.87 (4) of the statutes is amended to read:

16 283.87 (4) AIDS TO MUNICIPALITIES; ENVIRONMENTAL DAMAGE COMPENSATION. The
17 department may make grants to any county, city, village or town for the acquisition
18 or development of recreational lands and facilities from moneys appropriated under
19 s. ~~20.370~~ 20.375 (2) (dv). Use and administration of the grant shall be consistent with
20 any court order issued under sub. (3). A county, city, village or town which receives
21 a grant under this section is not required to share in the cost of a project under this
22 section.

23 **SECTION 1054.** 283.89 (2m) of the statutes is amended to read:

24 283.89 (2m) If the department finds a violation of s. 283.33 (1) to (8) for which
25 a person is subject to a forfeiture under s. 283.91 (2), the department may issue a

1 citation and, if the department does issue a citation, the procedures in ss. ~~23.50 to~~
2 ~~23.99~~ 278.50 to 278.90 apply.

3 **SECTION 1055.** 285.01 (13) of the statutes is amended to read:

4 285.01 (13) "Department" means the department of ~~natural resources~~
5 environmental quality.

6 **SECTION 1056.** 285.01 (38) of the statutes is amended to read:

7 285.01 (38) "Secretary" means the secretary of ~~natural resources~~
8 environmental quality.

9 **SECTION 1057.** 285.11 (6) (intro.) of the statutes is amended to read:

10 285.11 (6) (intro.) Prepare and develop one or more comprehensive plans for
11 the prevention, abatement and control of air pollution in this state. The department
12 thereafter shall be responsible for the revision and implementation of the plans. The
13 rules or control strategies submitted to the federal environmental protection agency
14 under the federal clean air act for control of atmospheric ozone shall conform with
15 the federal clean air act unless, based on the recommendation of the ~~natural~~
16 ~~resources board~~ secretary of environmental quality or the head of the department,
17 as defined in s. 15.01 (8), of any other department, as defined in s. 15.01 (5), that
18 promulgates a rule or establishes a control strategy, the governor determines that
19 measures beyond those required by the federal clean air act meet any of the following
20 criteria:

21 **SECTION 1058.** 285.48 (2) of the statutes is amended to read:

22 285.48 (2) APPLICABILITY. This section applies if the department of ~~natural~~
23 ~~resources~~, pursuant to a call, issues a state implementation plan that requires
24 electric generating facilities in the midcontinent area of this state to comply with
25 nitrogen oxide emission reduction requirements. If the department of ~~natural~~

1 resources issues such a plan, the department of ~~natural resources~~ shall notify the
2 department of administration and the public service commission. The notice shall
3 specify the date on which electric generating facilities in the midcontinent area of
4 this state are required to comply with the initial nitrogen oxide emission reduction
5 requirements.

6 **SECTION 1059.** 285.48 (3) (d) (intro.) of the statutes is amended to read:

7 285.48 (3) (d) (intro.) If the department of ~~natural resources~~ implements a state
8 implementation plan specified in sub. (2) in a manner that requires reductions in
9 nitrogen oxide emissions that are lower than the reductions set forth in the call
10 published on October 27, 1998, the department of ~~natural resources~~ shall do each of
11 the following:

12 **SECTION 1060.** 285.57 (4) of the statutes is amended to read:

13 285.57 (4) CITATIONS. The department may follow the procedures for the
14 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
15 for a violation of sub. (2).

16 **SECTION 1061.** 285.59 (7) of the statutes is amended to read:

17 285.59 (7) CITATIONS. The department may follow the procedures for the
18 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
19 for a violation of sub. (2), (3) (c) or (4).

20 **SECTION 1062.** 285.69 (2) (c) (intro.) of the statutes, as affected by 2009
21 Wisconsin Act 28, is amended to read:

22 285.69 (2) (c) (intro.) The fees collected under pars. (a) and (e) shall be credited
23 to the appropriations under s. ~~20.370~~ 20.375 (2) (bg), ~~(3) (bg)~~, ~~(8) (mg)~~ and ~~(9) (mh)~~
24 (jh), (sg), and (th) for the following:

1 **SECTION 1063.** 285.69 (2m) (bm) (intro.) of the statutes, as affected by 2009
2 Wisconsin Act 28, is amended to read:

3 285.69 **(2m)** (bm) (intro.) The fees collected under this subsection shall be
4 credited to the appropriation account under s. ~~20.370~~ 20.375 (2) (bh) for the following
5 purposes as they relate to stationary sources for which an operation permit is
6 required under s. 285.60 but not under the federal clean air act:

7 **SECTION 1064.** 285.69 (3) (a) of the statutes, as affected by 2009 Wisconsin Act
8 28, is amended to read:

9 285.69 **(3)** (a) The department may promulgate rules for the payment and
10 collection of fees for inspecting nonresidential asbestos demolition and renovation
11 projects regulated by the department. The fees under this subsection for an
12 inspection plus the fee under sub. (1) (c) may not exceed \$700 if the combined square
13 and linear footage of friable asbestos-containing material involved in the project is
14 less than 5,000. The fees under this subsection for an inspection plus the fee under
15 sub. (1) (c) may not exceed \$1,325 if the combined square and linear footage of friable
16 asbestos-containing material involved in the project is 5,000 or more. The fees
17 collected under this subsection shall be credited to the appropriation under s. ~~20.370~~
18 20.375 (2) (bi) for the direct and indirect costs of conducting inspections of
19 nonresidential asbestos demolition and renovation projects regulated by the
20 department and for inspecting property proposed to be used for a community fire
21 safety training project.

22 **SECTION 1065.** 285.69 (7) of the statutes is amended to read:

23 285.69 **(7)** EMISSION REDUCTION CREDIT FEES. The department may promulgate
24 rules for the payment of fees by persons who hold emission reduction credits that
25 may be used to satisfy the offset requirements in s. 285.63 (2) (a) and that have been

1 certified by the department. The rules may waive the payment of fees under this
2 subsection for categories of emission reduction credits. The fees collected under this
3 subsection shall be credited to the appropriation under s. ~~20.370~~ 20.375 (2) (bg).

4 **SECTION 1066.** 285.85 (1) of the statutes is amended to read:

5 285.85 (1) If the secretary finds that a generalized condition of air pollution
6 exists and that it creates an emergency requiring immediate action to protect human
7 health or safety, he or she shall order persons causing or contributing to the air
8 pollution to reduce or discontinue immediately the emission of air contaminants, and
9 such order shall fix a place and time, not later than 24 hours thereafter, for a hearing
10 to be held before the department. Not more than 24 hours after the commencement
11 of such hearing, and without adjournment thereof, the ~~natural resources board~~
12 secretary shall affirm, modify or set aside the order ~~of the secretary~~.

13 **SECTION 1067.** 285.86 (1) of the statutes is amended to read:

14 285.86 (1) The department may follow the procedures for the issuance of a
15 citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture from a person
16 who commits a violation specified under sub. (2).

17 **SECTION 1068.** 287.01 (1) of the statutes is amended to read:

18 287.01 (1) "Department" means the department of ~~natural resources~~
19 environmental quality.

20 **SECTION 1069.** 287.25 (5) (a) of the statutes is amended to read:

21 287.25 (5) (a) The department may enter into agreements with eligible
22 applicants to make demonstration grants from the appropriation under s. ~~20.370~~
23 20.375 (6) (br).

24 **SECTION 1070.** 287.91 (4) of the statutes is amended to read:

1 287.91 (4) The department of ~~natural resources~~ environmental quality shall
2 reimburse the department of justice for the expenses incurred in enforcing this
3 chapter from the appropriation under s. ~~20.370~~ 20.375 (2) (ma).

4 **SECTION 1071.** 287.95 (4) of the statutes is amended to read:

5 287.95 (4) The department may follow the procedures for the issuance of a
6 citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture for the
7 violations under subs. (1), (2) (b) and (3) (b).

8 **SECTION 1072.** 289.01 (7) of the statutes is amended to read:

9 289.01 (7) “Department” means the department of ~~natural resources~~
10 environmental quality.

11 **SECTION 1073.** 289.01 (31) of the statutes is amended to read:

12 289.01 (31) “Secretary” means the secretary of ~~natural resources~~
13 environmental quality.

14 **SECTION 1074.** 289.09 (2) (d) of the statutes is amended to read:

15 289.09 (2) (d) *Use of confidential records.* Except as provided under par. (c) and
16 this paragraph, the department or the department of justice may use records and
17 other information granted confidential status under this subsection only in the
18 administration and enforcement of this chapter, ch. 287 or s. 299.15. The department
19 or the department of justice may release for general distribution records and other
20 information granted confidential status under this subsection if the owner or
21 operator expressly agrees to the release. The department of ~~natural resources~~ or the
22 department of justice may release on a limited basis records and other information
23 granted confidential status under this subsection if the department of ~~natural~~
24 ~~resources~~ or the department of justice is directed to take this action by a judge or
25 hearing examiner under an order which protects the confidentiality of the records or

1 other information. The department of ~~natural resources~~ or the department of justice
2 may release to the U.S. environmental protection agency, or its authorized
3 representative, records and other information granted confidential status under this
4 subsection if the department of ~~natural resources~~ or the department of justice
5 includes in each release of records or other information a request to the U.S.
6 environmental protection agency, or its authorized representative, to protect the
7 confidentiality of the records or other information.

8 **SECTION 1075.** 289.25 (1) of the statutes is amended to read:

9 289.25 (1) PRELIMINARY DETERMINATION IF ENVIRONMENTAL IMPACT STATEMENT IS
10 REQUIRED. Immediately after the department determines that the feasibility report
11 is complete, the department shall issue a preliminary determination on whether an
12 environmental impact statement is required under s. 1.11 prior to the determination
13 of feasibility. If the department determines after review of the feasibility report that
14 a determination of feasibility cannot be made without an environmental impact
15 statement or if the department intends to require an environmental impact report
16 under s. ~~23.11 (5)~~ 278.40 (1m), the department shall notify the applicant in writing
17 within the 60-day period of these decisions and shall commence the process required
18 under s. 1.11 or 23.11 (5).

19 **SECTION 1076.** 289.29 (1) (c) of the statutes is amended to read:

20 289.29 (1) (c) The department may receive into evidence at a hearing conducted
21 under s. 289.26 or 289.27 any environmental impact assessment or environmental
22 impact statement for the facility prepared under s. 1.11 and any environmental
23 impact report prepared under s. ~~23.11 (5)~~ 278.40 (1m). The adequacy of the
24 environmental impact assessment, environmental impact statement or
25 environmental impact report is not subject to challenge at that hearing.