



2011 SENATE BILL 253

1 **AN ACT** *to repeal* 292.15 (4); *to amend* 20.370 (2) (dh), 292.15 (2) (a) 2., 292.15
2 (5), 292.15 (7) (d) and 292.15 (7) (e); and *to create* 289.31 (10) and 292.15 (2)
3 (av) of the statutes; **relating to:** the liability of certain persons for
4 environmental contamination on property on which a cleanup has been
5 conducted.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 **SECTION 1.** 20.370 (2) (dh) of the statutes is amended to read:
7 20.370 **(2)** (dh) *Solid waste management — remediated property.* All moneys
8 received under ss. 292.11 (7) (d) 2., 292.13 (3), 292.15 (5), 292.21 (1) (c) 1. d., 292.35
9 (13), 292.55 (2), 292.57 (2), and 292.94 for the department's activities related to the
10 issuance of determinations under s. 292.13 (2), remedial action cost recovery under

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1 s. 292.35, remediation of property under ss. 292.11 (7) (d), 292.15 (2) ~~and (4)~~, 292.55
2 (1), and 292.57 and conducting reviews described in s. 292.94.

3 **SECTION 2.** 289.31 (10) of the statutes is created to read:

4 **289.31 (10) VOLUNTARY PARTY CERTIFICATE OF COMPLETION.** When the
5 department issues a certificate of completion under s. 292.15 (2) (a) 3., (ae) 3., or (ag)
6 2. for all or a portion of a solid waste facility with an operating license under this
7 section, the operating license for the solid waste facility or the portion of the solid
8 waste facility covered by the certificate of completion is terminated.

9 **SECTION 3.** 292.15 (2) (a) 2. of the statutes is amended to read:

10 **292.15 (2) (a) 2.** ~~Except as provided in sub. (4), the~~ The environment is restored
11 to the extent practicable with respect to the discharges and the harmful effects from
12 the discharges are minimized in accordance with rules promulgated by the
13 department and any contract entered into under those rules.

14 **SECTION 4.** 292.15 (2) (av) of the statutes is created to read:

15 **292.15 (2) (av) *Withdrawal by department.*** 1. If at any time after a voluntary
16 party submits an application to obtain an exemption under this section the voluntary
17 party fails to make reasonable progress toward completion of an environmental
18 investigation and environmental restoration of the property identified in the
19 application, the department may withdraw the voluntary party from the process of
20 obtaining an exemption under this section.

21 2. If a voluntary party fails to provide to the department requested reports or
22 updates on the status of an environmental investigation and environmental
23 restoration of the property identified in the voluntary party's application for one year
24 or longer, the department may request a written status update from the applicant.
25 If the voluntary party does not submit the status update within 60 days or submits

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1 a status update that does not show that reasonable progress is being made, the
2 department may withdraw the voluntary party from the process of obtaining an
3 exemption under this section.

4 3. If the department decides to withdraw a voluntary party under this
5 paragraph, the department shall provide a written notice of its decision to the
6 voluntary party and shall return any unused portion of any advance deposit made
7 by the voluntary party, unless otherwise directed by the voluntary party.

8 4. A voluntary party may not reenter the process of obtaining an exemption
9 under this section after being withdrawn under this paragraph unless the voluntary
10 party pays the fees under sub. (5) and enters into an agreement with the department
11 containing a schedule for conducting the environmental investigation and
12 environmental restoration of the property identified in the voluntary party's
13 application.

14 **SECTION 5.** 292.15 (4) of the statutes is repealed.

15 **SECTION 6.** 292.15 (5) of the statutes is amended to read:

16 292.15 (5) FEES. The department may, in accordance with rules that it
17 promulgates, assess and collect fees from a voluntary party to offset the cost of the
18 department's activities under ~~subs. sub. (2) and (4)~~. The fees may include an advance
19 deposit, from which the department shall return the amount in excess of the cost of
20 the department's activities under ~~subs. sub. (2) and (4)~~.

21 **SECTION 7.** 292.15 (7) (d) of the statutes is amended to read:

22 292.15 (7) (d) A solid waste facility that ~~was licensed under s. 144.44, 1993~~
23 ~~stats., or s. 289.31~~ is an approved facility.

24 **SECTION 8.** 292.15 (7) (e) of the statutes is amended to read:

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1 292.15 (7) (e) A solid waste facility or waste site at which active remedial
2 operation or treatment is required, including a site or facility where methane or
3 groundwater monitoring or gas, leachate, or groundwater collection or treatment;
4 or active gas extraction is required as all or part of the remedial action.

5

(END)