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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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<b>2017 Assembly Bill 881</b>	<b>Assembly Amendment 1</b>
<i>Memo published: February 22, 2018</i>	<i>Contact: Anna Henning, Senior Staff Attorney</i>

**2017 ASSEMBLY BILL 881**

Under current law implementing the federal Clean Water Act, discharges to navigable waters from a point source are subject to permit requirements established through the Wisconsin Pollutant Discharge Elimination System (WPDES) program. [s. 283.31, Stats.]

2017 Assembly Bill 881 requires the Department of Natural Resources (DNR) to notify well owners and counties of WPDES permit violations in certain circumstances. Specifically, if the DNR finds that a WPDES permit holder has violated any condition, term, or criterion specified in their permit, the department must notify area well owners that may be negatively affected by the violation and the county or counties in which the permit holder and any affected well owners are located, within the following timeframes:

- Within 24 hours after finding that a violation has occurred, if the DNR determines that the violation poses a serious risk to public health.<sup>1</sup>
- In all other situations, within 30 days after finding that a violation has occurred.

The bill requires the DNR to promulgate rules to establish procedures for providing the notice required under the bill.

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<sup>1</sup> When possible, the bill requires the DNR to provide that notice with the assistance of applicable county health departments.

## **ASSEMBLY AMENDMENT 1**

Assembly Amendment 1 retains the 24-hour notice requirement for violations that pose serious risks to public health but removes the 30-day notice requirement for other violations.

Under the amendment, the DNR must notify owners of any wells for which the department determines that a violation of a WPDES permit poses a serious risk to public health within 24 hours after finding that a violation has occurred. The amendment retains the directive to provide such notice with the assistance of applicable county health officials when possible but does not otherwise require notice to be provided directly to counties. The amendment retains the rulemaking authority created in the bill.

## **BILL HISTORY**

The Assembly Committee on Environment and Forestry introduced Assembly Amendment 1 on February 20, 2018. On the same day, the committee voted to recommend adoption of the amendment and passage of the bill, respectively, with votes of Ayes, 8; Noes, 4; and Ayes, 12; Noes, 0.

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