

1975 Assembly Bill 392

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### CHAPTER 349, Laws of 1975

AN ACT to repeal 147.09 (1) (b); to renumber 147.09 (1) (c); to renumber and amend 147.11; to amend 31.05 (7), 31.19, 31.20, 144.025 (2) (i), 144.421, 147.02 (6) and 147.09 (1) (intro.); and to create 147.11 (2) of the statutes, relating to dam inspections, map scales, aquatic nuisance treatment charges, mercury user reports and pollution discharge, permit requirements and procedures.

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

SECTION 1. 31.05 (7) of the statutes is amended to read:

31.05 (7) A map on the scale of not less than ~~4 inches to the mile~~ one inch per 1,000 feet showing the lands that may be affected by the construction, operation or maintenance of the proposed dam, or by any flowage that may be caused thereby and approximately the outline of such flowage, which map shall indicate the ownership of each tract of land within the flowage.

SECTION 2. 31.19 of the statutes is amended to read:

**31.19 Complaint of insufficiency of dam; inspection.** The department shall examine at least once ~~in each year~~ every 2 years each dam having a theoretical horse power capacity of 750 horse power or more and which is maintained or operated in or across navigable waters, and in addition thereto and upon complaint in writing from the mayor of any city, supervisor of any town, or the president or trustee of any village, that any dam maintained or operated in or across any waters whether navigable or nonnavigable, or any reservoir is in an unsafe condition, or from any person that his property or any property under his control is endangered by a dam or reservoir, the department shall investigate or cause an investigation to be made of such complaint, or the department may, upon its own motion, examine any dam or reservoir, and, in any case, if it ~~shall find~~ finds that any dam or reservoir is not sufficiently strong, or is unsafe, and dangerous to life or property, it shall determine what alterations, additions or repairs are necessary to be made and shall order the owner, or person having control of such dam or reservoir to cause such alterations or repairs to be made within a time to be limited by the order; and the department may cause to be drawn off, in whole or in part, the water in said reservoir or impounded by said dam, when it ~~shall determine~~

determines that such action is necessary to prevent impending danger to persons or property.

SECTION 3. 31.20 of the statutes is amended to read:

**31.20 Inspection fee.** Every owner, excepting municipalities, of a dam heretofore or hereafter constructed in or across navigable waters shall pay to the department ~~annually~~, on or before the first day of February of each even-numbered year, for the purpose of defraying the actual expenses of the department incurred in inspecting and supervising the construction or maintenance, or both, of such dam and equipment, an inspection fee of not to exceed 10 cents per theoretical horse power capacity of such dam at an ordinary stage of water, said fee however, not to be less than \$25 in any case, if such actual expenses of the department shall equal that amount. The amount of such fee shall be determined ~~biennially~~ by the department, and notice of the amount due shall be forwarded by mail to each such owner, or the agent thereof, not later than December first of each odd-numbered year. Inspection fees received by the department shall be paid into the state treasury.

SECTION 4. 144.025 (2) (i) of the statutes is amended to read:

144.025 (2) (i) The department shall supervise chemical treatment of waters for the suppression of algae, aquatic weeds, swimmers' itch and other nuisance-producing plants and organisms. It may purchase equipment and may make a charge for the use of the same and for materials furnished, together with a per diem charge for any services performed in such work. The charge shall be sufficient to reimburse the department for the use of the equipment, the actual cost of materials furnished, and the actual cost of the services rendered ~~plus 10% for overhead and development work.~~

SECTION 5. 144.421 of the statutes is amended to read:

**144.421 Mercury users.** Every owner of an establishment using 50 pounds or more of mercury compounds or metallic mercury in any one year shall furnish the department with a materials balance statement for the mercury compound or metallic mercury. Such statement shall itemize the type and amount of mercury compound or metallic mercury used, the processes used in and the means by and the place where it is disposed. The statement shall be on a form prescribed by the department and shall be filed ~~each on or before~~ January 1 for 31 with respect to the use of mercury during the preceding calendar year.

SECTION 6. 147.02 (6) of the statutes is amended to read:

147.02 (6) Any permit issued by the department under this chapter which by its terms limits the discharge of one or more pollutants into the waters of the state ~~shall~~ may require that the location, design, construction and capacity of water intake structures reflect the best technology available for minimizing adverse environmental impact.

SECTION 7. 147.09 (1) (intro.) of the statutes is amended to read:

147.09 (1) (intro.) The department shall promulgate by rule procedures for circulating to ~~the greatest number of~~ interested and potentially interested members of the public notices of each complete application for a permit. Procedures for the circulation of public notices shall include at least the following:

SECTION 8. 147.09 (1) (b) of the statutes is repealed.

SECTION 9. 147.09 (1) (c) of the statutes is renumbered 147.09 (1) (b).

SECTION 10. 147.11 of the statutes is renumbered 147.11 (1) and amended to read:

147.11 (1) The department shall promulgate by rule procedures for notifying the U.S. environmental protection agency, the U.S. army corps of engineers, other states

potentially affected by the proposed discharge, and any other interested agency or unit of government ~~interested in the proposed discharge~~ of any complete application or proposed modification thereof for a permit ~~and shall provide such agencies a period of time of not less than 90 days to submit their written views and recommendations to the department.~~

SECTION 11. 147.11 (2) of the statutes is created to read:

147.11 (2) The department shall provide the U.S. environmental protection agency a period of time not to exceed 90 days to submit to the department its written views, recommendations or objections. All other interested government agencies and affected states shall be given 30 days to submit to the department written views or recommendations.

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