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1995 SENATE BILL 247

June 6, 1995 – Introduced by Senators Breske, Rude, Moen, A. Lasee, Buettner, Andrea, Huelsman and Farrow, cosponsored by Representatives Handrick, Powers, Vander Loop, Brandemuehl, Reynolds, Dobyns, Springer, Ryba, Musser, Kreibich, Ourada, Lorge, Zukowski, Ladwig, Hasenohrl, Huber, Gronemus, Nass, Ziegelbauer and Seratti. Referred to Committee on Environment and Energy.

AN ACT to create 160.255 of the statutes; relating to: groundwater protection

standards and private sewage systems.

Analysis by the Legislative Reference Bureau

Currently, under this state's groundwater law, the department of natural resources (DNR) establishes enforcement standards for substances that are detected in groundwater and that are of public health concern or public welfare concern. DNR must also establish a preventive action limit that is equal to a percentage of the enforcement limit. After DNR establishes an enforcement standard for a substance, an agency that regulates a facility, activity or practice that may be the source of that substance in the groundwater is required to promulgate rules, or amend its rules, that define design and management criteria for that facility, activity or practice to minimize the level of the substance in the groundwater and, if technically and economically feasible, maintain compliance with the preventive action limit. A regulatory agency may not promulgate rules defining design and management criteria that permit an enforcement standard to be exceeded. groundwater law, a regulatory agency must implement responses at specific sites at which a facility, action or practice that is regulated by the agency causes the preventive action limit or the enforcement standard for a substance in the groundwater to be exceeded.

Under this bill, a regulatory agency is not required to take the actions otherwise required by the groundwater law to limit discharges of nitrate from private sewage systems or to implement responses at sites at which private sewage systems cause the nitrate preventive action limit or enforcement standard to be exceeded.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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Section]

SECTION 1.	160 255 of	the statutes	in amoutod	to mood.
SECTION I.	Thu 255 or	The Statiltes	is created	to read:

- 160.255 Exceptions for private sewage systems. (1) In this section, "private sewage system" has the meaning given in s. 145.01 (12).
- (2) Notwithstanding s. 160.19 (1), (2) and (4) (b), a regulatory agency is not required to promulgate or amend rules that define design or management criteria for private sewage systems to minimize the amount of nitrate in groundwater or to maintain compliance with the preventive action limit for nitrate.
- (3) Notwithstanding s. 160.19 (3), a regulatory agency may promulgate rules that define design or management criteria for private sewage systems that permit the enforcement standard for nitrate to be attained or exceeded at the point of standards application.
- (4) Notwithstanding s. 160.21, a regulatory agency is not required to promulgate rules that set forth responses that the agency may take, or require to be taken, when the preventive action limit or enforcement standard for nitrate is attained or exceeded at the point of standards application if the source of the nitrate is a private septic system.
- (5) Notwithstanding ss. 160.23 and 160.25, a regulatory agency is not required to take any responses for a specific site at which the preventive action limit or enforcement standard for nitrate is attained or exceeded at the point of standards application if the source of the nitrate is a private sewage system.

21 (END)