

1985 Assembly Bill 601

Date of enactment: April 10, 1986
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1985 Wisconsin Act 217

AN ACT to amend 144.44 (4) (f) 1 to 4, 144.44 (4) (f) 5 and 144.442 (6m) of the statutes, relating to payments for monitoring solid or hazardous waste disposal facilities and sites.

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

SECTION 1. 144.44 (4) (f) 1 to 4 of the statutes are amended to read:

144.44 (4) (f) 1. Upon the renewal of an operating license for a nonapproved waste facility, as defined under s. 144.442 ~~144.441~~ (1) (c), the department may ~~impose requirements for~~ require monitoring at the facility as a condition of the license.

2. The owner or operator of a nonapproved facility, as defined under s. ~~144.442~~ 144.441 (1) (c), ~~which is in operation~~ is responsible for conducting any monitoring ~~requirements imposed~~ required under subd. 1.

3. The department may require by special order the monitoring of a closed solid or hazardous waste disposal site or facility, as defined under s. 144.442 (1), which is no longer was either a nonapproved facility, as defined under s. 144.441 (1) (c), or a waste site, as defined under s. 144.442 (1) (e), when it was in operation.

4. If the owner or operator of a site or facility, as defined under s. 144.442 (1), subject to an order under subd. 3 is not a municipality, the owner or operator is responsible for the cost of conducting any monitoring ~~requirements~~ ordered under subd. 3.

SECTION 2. 144.44 (4) (f) 5 of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

144.44 (4) (f) 5. If the owner or operator of a ~~non-approved site or facility, as defined under s. 144.442 (1) (e), subject to an order under subd. 3~~ is a municipality, the municipality is responsible for ~~paying up to \$3 per person residing in the municipality toward the cost of~~ conducting any monitoring ~~requirement~~ ordered under subd. 3. The annual municipal cost of monitoring may not exceed an amount equal to \$3 per person residing in the municipality for each site or facility subject to an order under subd. 3. The department shall exclude any monitoring costs paid under the municipality's liability insurance coverage in calculating the annual municipal cost of monitoring a site or facility. The remainder of the cost of any monitoring requirement ordered under subd. 3 shall be paid from the environmental repair fund appropriation under s. 20.370 (2) (dv).

SECTION 3. 144.442 (6m) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

144.442 (6m) MONITORING COSTS AT NONAPPROVED FACILITIES OWNED OR OPERATED BY MUNICIPALITIES. Notwithstanding the inventory, analysis and hazard ranking under sub. (4), the environmental response plan prepared under sub. (5) or the environmental repair authority, remedial action sequence and emergency response requirements under sub. (6), the department shall pay that portion of the cost of any monitoring requirement which is to be paid under s.

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144.44 (4) (f) 5 from the appropriation under s. 20.370
(2) (dv) prior to making other payments from that
appropriation.
