

1 c. If the first payment period is greater than one month and additional  
2 interest is charged under par. (c) 2, the additional interest is earned on the  
3 first instalment date and may not be considered in computing rebates.

4 ••87b0631/2 •• 87b1226/2••SECTION 1784u. 138.09 (7) (gm) 4 of the stat-  
5 utes is created to read:

6 138.09 (7) (gm) 4. Upon prepayment in full of a loan of \$5,000 or more or  
7 a loan of less than \$5,000 if for a term of 37 months or more, entered into on  
8 or after the effective date of this subdivision .... [revisor inserts date],  
9 by cash, renewal, refinancing or otherwise, the borrower shall be entitled to  
10 a rebate of the unearned interest computed under s. 422.209 (2) (b) 1 or 2.  
11 The licensee may determine whether the rebate is computed under s. 422.209 (2)  
12 (b) 1 or 2. If the combined rebate of interest and credit insurance premiums  
13 otherwise required is less than \$1, no rebate need be made. If the first  
14 payment period is greater than one month and additional interest is charged  
15 under par. (c) 2, the additional interest is earned on the first instalment  
16 date and may not be considered in computing rebates.

17 ••87b0457/1••SECTION 1784w. 138.12 (9) (bm) of the statutes is amended to  
18 read:

19 138.12 (9) (bm) Paragraph (b) applies only to a premium finance agreement  
20 in which the related insurance contract is for personal, family or household  
21 use entered into before November 1, 1984, ~~or after October 31, 1987.~~ The  
22 service charge for any other premium finance agreement shall be as agreed by  
23 the parties to the agreement.

24 ••87b1057/1 •• 87b1226/2••SECTION 1784wa. 139.11 (4) of the statutes is  
25 amended to read:

26 139.11 (4) CONFIDENTIALITY. Section 71.11 (44) ~~(a)~~ and (c) to (h),  
27 relating to confidentiality of income and gift tax returns, applies to any  
28 information obtained from any person on a fermented malt beverage or intoxi-

1 cating liquor tax return, report, schedule, exhibit or other document or from  
2 an audit report relating to any of those documents, except that the department  
3 of revenue shall publish brewery production and sales statistics and shall  
4 publish or permit the publication of statistics on the total number of gallons  
5 of the types and brands of intoxicating liquor sold in this state.

6 ••87b1990/en••SECTION 1784wab. 139.31 (1) (a) and (b) of the statutes are  
7 amended to read:

8 139.31 (1) (a) On cigarettes weighing not more than 3 pounds per  
9 thousand, ~~12.5~~ 15 mills on each cigarette.

10 (b) On cigarettes weighing more than 3 pounds per thousand, ~~25~~ 30 mills  
11 on each cigarette.

12 ••87b1057/1 •• 87b1226/2••SECTION 1784wag. 139.38 (6) of the statutes is  
13 amended to read:

14 139.38 (6) Section 71.11 (44) ~~(a)~~ and (c) to (h), relating to con-  
15 fidentiality of income and gift tax returns, applies to any information  
16 obtained from any person on a cigarette tax return, report, schedule, exhibit  
17 or other document or from an audit report pertaining to the same.

18 ••87a1026/1••SECTION 1784wb. 139.75 (4g) of the statutes is created to  
19 read:

20 139.75 (4g) "Enrolled member" has the meaning under s. 139.30 (4).

21 ••87a1026/1••SECTION 1784wd. 139.75 (4m) of the statutes is created to  
22 read:

23 139.75 (4m) "Indian tribe" has the meaning under s. 139.30 (5).

24 ••87a1026/1••SECTION 1784wf. 139.75 (6m) of the statutes is created to  
25 read:

26 139.75 (6m) "Reservation" has the meaning under s. 139.30 (9).

27 ••87a1026/1••SECTION 1784wh. 139.76 (1) of the statutes is amended to  
28 read:

1       139.76 (1) An ~~occupational~~ excise tax is imposed upon the sale, offering  
2 or exposing for sale, possession with intent to sell or removal for consump-  
3 tion or sale or other disposition for any purpose ~~on or after October 1, 1981,~~  
4 of tobacco products by any person engaged as a distributor of them at the rate  
5 of 20% of the manufacturer's established list price to distributors without  
6 diminution by volume or other discounts on domestic products. On products  
7 imported from another country the rate of tax is 20% of the amount obtained by  
8 adding the manufacturer's list price to the federal tax, duties and trans-  
9 portation costs to the United States. The tax attaches at the time the  
10 tobacco products are received by the distributor in this state. ~~The tax~~  
11 ~~applies to distributors' floor stocks in this state at the close of business~~  
12 ~~on September 30, 1981.~~

13       ••87b1057/1 •• 87b1226/2••SECTION 1784wi. 139.82 (6) of the statutes is  
14 amended to read:

15       139.82 (6) Section 71.11 (44) ~~(a)~~ and (c) to (h), relating to con-  
16 fidentiality of income and gift tax returns, applies to any information  
17 obtained from any person on a tobacco product tax return, report, schedule,  
18 exhibit or other document or from an audit report pertaining to the same.

19       ••87a1026/1••SECTION 1784wj. 139.82 (7) of the statutes is created to  
20 read:

21       139.82 (7) The department may inspect the business records of any  
22 retailer doing business on a reservation or on an Indian tribe's trust land.

23       ••87a1026/1••SECTION 1784wm. 139.87 of the statutes is created to read:

24       139.87 REFUNDS TO INDIAN TRIBES. The department shall refund 70% of the  
25 taxes collected under s. 139.76 (1) in respect to sales on reservations or  
26 trust lands of an Indian tribe to the tribal council of the tribe having  
27 jurisdiction over the reservation or trust land on which the sale is made if  
28 all the following conditions are fulfilled:

1 (1) The tribal council has filed a claim for the refund with the  
2 department.

3 (2) The tribal council has approved the retailer.

4 (3) The land on which the sale occurred was designated a reservation or  
5 trust land on or before January 1, 1983.

6 (4) The tobacco products were not delivered by the retailer to the buyer  
7 by means of a common carrier, a contract carrier or the U.S. postal service.

8 (5) The retailer has not sold the tobacco products to another retailer or  
9 to a subjobber.

10 ••87a1026/1••SECTION 1784wp. 139.88 of the statutes is created to read:  
11 139.88 AGREEMENTS WITH INDIAN TRIBES. The department may enter into  
12 agreements with Indian tribes to provide for the refunding of the tax imposed  
13 under s. 139.76 (1) on tobacco products sold on reservations to enrolled mem-  
14 bers of the tribe residing on the tribal reservation.

15 ••87-2077/2••SECTION 1785. 140.05 (17) (d) (intro.) of the statutes is  
16 amended to read:

17 140.05 (17) (d) (intro.) Permits issued under this subsection expire on  
18 June 30. Beginning July 1, 1988, the department may promulgate rules  
19 increasing or decreasing the fees under this paragraph. Except as provided in  
20 s. 50.535 (2) (d) and (e):

21 ••87-2077/2••SECTION 1786. 140.05 (17) (d) 2. (figure) of the statutes is  
22 amended to read:

23 -----  
24 FIGURE: 140.05 (17) (D) 2:  
25 -----

<u>Establishment</u>	<u>Annual permit fee</u>	
27 Public swimming pool	<del>\$ 45</del>	<u>\$ 90</u>
28 Recreational and educational camp	45	<u>50</u>
29 Campgroup, camping resort or mobile home park		

1	With 1 to 25 sites	18	<u>70</u>
2	With 26 to 50 sites	36	<u>90</u>
3	With 51 to 100 sites	54	<u>110</u>
4	<del>Over</del> <u>With over</u> 100 sites	72	<u>125</u>

5 -----  
6       ••87-2077/2••SECTION 1787. 140.05 (17) (e) of the statutes is created to  
7 read:

8       140.05 (17) (e) No permit may be issued under this subsection until all  
9 applicable fees have been paid. If the payment is by check or other draft  
10 drawn upon an account containing insufficient funds, the permit applicant  
11 shall, within 15 days after receipt of notice from the department of the  
12 insufficiency, pay by cashier's check or other certified draft, money order or  
13 cash the fees from the department, late fees and processing charges that are  
14 specified by rules promulgated by the department. If the permit applicant  
15 fails to pay all applicable fees, late fees and the processing charges within  
16 15 days after the applicant receives notice of the insufficiency, the permit  
17 is void. In an appeal concerning voiding of a permit under this paragraph,  
18 the burden is on the permit applicant to show that the entire applicable fees,  
19 late fees and processing charges have been paid. During any appeal process  
20 concerning payment dispute, operation of the establishment in question is  
21 deemed to be operation without a permit.

22       ••87b0454/1••SECTION 1787m. 140.06 of the statutes is created to read:  
23       140.06 ASBESTOS ABATEMENT CERTIFICATION. (1) DEFINITIONS. In this  
24 section:

- 25       (a) "Asbestos" means chrysotile, crocidolite, amosite, fibrous tremolite,  
26 fibrous actinolite or fibrous anthophyllite.
- 27       (b) "Asbestos abatement activity" means any activity which disturbs  
28 asbestos-containing material, including but not limited to the repair,

1 enclosure, encapsulation or removal of asbestos-containing material and the  
2 renovation or demolition of any part of a structure.

3 (c) "Asbestos-containing material" means asbestos or any material or  
4 product which contains more than one percent of asbestos.

5 (d) "Asbestos management activity" means an inspection for  
6 asbestos-containing material, the design of an asbestos response action or the  
7 development of an asbestos management plan.

8 (e) "Fibrous" means having parallel sides and a length which is at least  
9 3 times the diameter and which results in an aspect ratio of 3 to one or more.

10 (f) "Public employe" has the meaning given under s. 101.055 (2) (b).

11 (g) "School" means any local education agency, as defined in 20 USC 3381,  
12 the owner of any nonpublic, nonprofit elementary or secondary school building  
13 or any governing authority of any school operated under 20 USC 921 to 932.

14 (2) CERTIFICATION REQUIREMENTS. (a) No person serving on the governing  
15 body of a school, employed by a school or acting under a contract with a  
16 school may perform any asbestos abatement activity or asbestos management  
17 activity unless he or she has a valid certification card issued to him or her  
18 under sub. (3).

19 (b) No public employe may perform any asbestos abatement activity unless  
20 he or she has a valid certification card issued to him or her under sub. (3).

21 (c) No public employe may supervise the performance of any asbestos  
22 abatement activity unless he or she has a valid supervisor's certification  
23 card issued to him or her under sub. (3).

24 (d) The department may establish by rule certification requirements for  
25 any person not certified under pars. (a) to (c) who performs any asbestos  
26 abatement activity or asbestos management activity or who supervises the per-  
27 formance of any asbestos abatement activity or asbestos management activity.

1 (3) CERTIFICATION PROCEDURE. (a) The department may establish by rule  
2 eligibility requirements for persons applying for a certification card  
3 required under sub. (2). Any training required by the department under this  
4 paragraph may be approved by the department or provided by the department  
5 under sub. (8).

6 (b) The department shall establish the procedure for issuing certifi-  
7 cation cards under this subsection. In establishing that procedure, the  
8 department shall prescribe an application form and establish an examination  
9 procedure and may require applicants to provide photographic identification.

10 (4) RENEWAL. A certification card issued under sub. (3) is valid for one  
11 year. The department may establish requirements for renewing such a card,  
12 including but not limited to additional training.

13 (5) FEES. (a) Except as provided under par. (b), the department shall  
14 charge the following fees for certification cards issued under sub. (3) or  
15 renewed under sub. (4):

16 1. For a certification card issued or renewed for the performance of any  
17 asbestos abatement activity, as required under sub. (2) (a), (b) or (d), \$50.

18 2. For a certification card issued or renewed for performance of an  
19 inspection for asbestos-containing material or the design of an asbestos  
20 response action, as required under sub. (2) (a) or (d), \$150.

21 3. For a certification card issued or renewed for supervising the per-  
22 formance of any asbestos abatement activity, as required under sub. (2) (c),  
23 \$100.

24 4. For a certification card issued or renewed for performance of the  
25 development of an asbestos management plan, as required under sub. (2) (a) or  
26 (d), \$100.

1 (b) The department may change by rule the fee amounts specified under  
2 par. (a). The fees received under this subsection shall be credited to the  
3 appropriation under s. 20.435 (1) (gm).

4 (6) SUSPENSION OR REVOCATION. The department may suspend or revoke a  
5 certification card issued under sub. (3) if it determines that the holder of  
6 the card is not qualified to be certified.

7 (7) APPEALS. Any suspension, revocation or nonrenewal of a certification  
8 card required under sub. (2) or any denial of an application for such a  
9 certification card is subject to judicial review under ch. 227.

10 (8) TRAINING COURSES. The department may conduct or contract for any  
11 training course necessary to prepare persons for a certification card required  
12 under sub. (2). The department may establish a fee for any course offered  
13 under this subsection. The fee may not exceed the actual cost of the course.  
14 The fees received under this subsection shall be credited to the appropriation  
15 under s. 20.435 (1) (gm).

16 (9) RULES. The department may promulgate any rule it deems necessary to  
17 administer this section.

18 (10) ENFORCEMENT. (a) The department may enter, at any reasonable time,  
19 any property, premises or place in which any person required to have a  
20 certification card under sub. (2) is engaged in any asbestos abatement activ-  
21 ity to determine if the department has issued that person a valid certifi-  
22 cation card. No person may refuse entry or access to any representative of  
23 the department authorized by the department to act under this paragraph if  
24 that representative requests entry for purposes of determining compliance with  
25 this section, if that representative presents a valid identification issued to  
26 the representative by the department and if that representative is complying  
27 with par. (b). No person may obstruct, hamper or interfere with the actions  
28 of that representative under this paragraph.



1 (b) Any representative of the department acting under par. (a) shall  
2 comply with any health and safety procedure established by law for persons  
3 engaged in asbestos abatement activities.

4 (c) If the department determines that any person required to have a  
5 certification card under sub. (2) has violated this section, the department  
6 may order that person to cease the violation. The order may require all  
7 asbestos abatement activities on the premises where the violation occurs to  
8 cease until the violation is corrected if there is no person on the premises  
9 with a valid certification card issued to him or her under sub. (3). The  
10 department shall give the order in writing to that person or that person's  
11 representative.

12 (d) Any other state agency, in the course of the performance of its  
13 duties, may determine compliance with the certification requirements of this  
14 section. If that agency determines that there is a violation of this section,  
15 it shall notify the department of that violation.

16 (e) The department may initiate an action in the name of this state  
17 against any person to require compliance with this section.

18 (11) PENALTY. Any person who violates this section or any rule promul-  
19 gated or order issued under this section shall forfeit not less than \$25 nor  
20 more than \$100 for each violation. Each violation and each violation consti-  
21 tutes a separate offense.

22 ••87-2079/1••SECTION 1788. 140.45 (1) (a) of the statutes is amended to  
23 read:

24 140.45 (1) (a) "Municipality" ~~is~~ means a county, city, village or town.

25 ••87-2079/1••SECTION 1789. 140.45 (1) (b) of the statutes is repealed and  
26 recreated to read:

27 140.45 (1) (b) "Sanitarian" means an individual who, through education,  
28 training or experience in the natural sciences and their application and

1 through technical knowledge of prevention and control of preventable diseases,  
2 is capable of applying environmental control measures so as to protect human  
3 health, safety and welfare.

4 ••87-2079/1••SECTION 1790. 140.45 (2) of the statutes is amended to read:  
5 140.45 (2) (title) REGISTRATION QUALIFICATIONS. In order to safeguard  
6 life, health and property, to promote public welfare and to establish the  
7 status of those persons whose duties in environmental sanitation call for  
8 knowledge of the ~~physical, the biological and social~~ natural sciences, the  
9 department may establish minimum standards and qualifications for the regis-  
10 tration of sanitarians.

11 ••87b0450/2••SECTION 1791m. 140.45 (3) of the statutes is repealed and  
12 recreated to read:

13 140.45 (3) SANITARIANS; EMPLOYMENT OR CONTRACTUAL SERVICES. Any perti-  
14 nent agency of the state or any municipality may employ or contract for the  
15 services of sanitarians, registered under this section, who shall enforce the  
16 public health statutes or rules or, if employed or contracted by a  
17 municipality, ordinances, concerning environmental factors affecting human  
18 health, safety and welfare.

19 ••87-2079/1••SECTION 1792. 140.45 (5), (6) and (8) of the statutes are  
20 amended to read:

21 140.45 (5) (title) REGISTRATION. The department, upon application on  
22 forms prescribed by it and payment of the prescribed fee, shall ~~certify~~  
23 register as a registered sanitarian any person who has ~~satisfied it by satis-~~  
24 factory presented evidence satisfactory to the department that standards and  
25 qualifications of the department, as established by rule, have been met.

26 (6) (title) FEES: RENEWAL OF REGISTRATION; DELINQUENCY AND REINSTATEMENT.  
27 Fees A fee fixed by rule of the department shall accompany the application  
28 under sub. (5) and ~~an annual~~, beginning January 1, 1988, a biennial fee of \$25

1 shall be paid by every registered sanitarian who desires to continue  
2 registration. The amounts of the fees may be adjusted by the department by  
3 rule. All certificates of registration shall expire on December 31 in each  
4 odd-numbered year. The department may renew ~~certificates~~ registrations upon  
5 application made after January 1 of each even-numbered year if it is satisfied  
6 that the applicant has good cause for not making application ~~within the month~~  
7 of in December of the immediately preceding year and upon payment of the  
8 annual biennial fee and any additional fees prescribed by the department.

9 (8) (title) REVOCATION OF REGISTRATION. The department may, after a  
10 hearing held in conformance with ch. 227, revoke or suspend the ~~certification~~  
11 registration of any sanitarian for practice of fraud or deceit in obtaining  
12 the ~~certificate~~ registration or any gross professional negligence, incompe-  
13 tence or misconduct.

14 ••87b0358/3••SECTION 1792c. 140.86 (2) (c) of the statutes is amended to  
15 read:

16 140.86 (2) (c) Of the fees collected under par. (a), ~~\$544,800~~ \$202,800 in  
17 the fiscal year ending June 30, 1985, ~~\$435,200~~ in the fiscal year ending June  
18 ~~30, 1986~~ 1988, and ~~\$305,300~~ \$195,500 annually thereafter shall be deposited in  
19 the general fund and the balance of fee revenue deposited in the appropriation  
20 under s. 20.435 (1) (gm) for health planning and cost containment activities.

21 ••87b0337/1••SECTION 1792g. 141.01 (1r) of the statutes is created to  
22 read:

23 141.01 (1r) (a) Notwithstanding subs. (1) and (1m), if a county has a  
24 population of 100,000 or more and the county board of that county has by July  
25 1, 1985, abolished a county health commission or committee, the county board  
26 shall designate a county health officer.

27 (b) The county health officer designated under par. (a) shall:

28 1. Assume the powers and duties of a local health officer under ch. 143.

1       2. Have jurisdiction under this chapter over the areas of the county that  
2 do not have boards of health as provided under s. 141.01 (9) or (9m), 141.015  
3 or 141.02 or a city health officer under s. 141.02 (2), except that the town,  
4 city or village that has failed to establish a board of health shall reimburse  
5 the county for the cost of services provided.

6       3. Meet the training and experience requirements established by the  
7 department.

8       (c) The county health officer designated under par. (a) may, by contract,  
9 acquire support staff to assist in the provision of services for which provi-  
10 sion the officer is responsible under this chapter and ch. 143.

11       (d) This subsection does not apply after July 31, 1989.

12       ••87b0337/1••SECTION 1792m. 141.01 (9m) of the statutes is created to  
13 read:

14       141.01 (9m) If a county has a population of 100,000 or more and the  
15 county board of that county has by July 1, 1985, abolished a county health  
16 commission or committee, every town board of a town in that county may organ-  
17 ize as a board of health or appoint wholly or partially from its own members,  
18 a suitable number of competent persons as a board of health for the town. The  
19 board of health shall elect a chairman, a clerk and a health officer who shall  
20 be a member of the board with voting power and its executive officer and take  
21 the oath of office. Except as provided in sub. (6) (d), the town board of  
22 health has the powers and duties authorized for the county health commission  
23 or committee in this section. Notwithstanding s. 141.015 (13), the person  
24 elected as health officer shall be a person licensed as a physician under ch.  
25 448 or a person certified as a registered nurse under ch. 441. This subsec-  
26 tion does not apply after July 31, 1989.

27       ••87b0337/1••SECTION 1792r. 141.015 (13m) of the statutes is created to  
28 read:

1 141.015 (13m) Notwithstanding sub. (13), for a village or city in a  
2 county that has a population of 100,000 or more and whose county board has by  
3 July 1, 1985, abolished a county health commission or committee, the health  
4 officer shall be a person licensed as a physician under ch. 448 or a person  
5 certified as a registered nurse under ch. 441. This subsection does not apply  
6 after July 31, 1989.

7 ••87b0337/1••SECTION 1793m. 141.02 (2m) of the statutes is created to  
8 read:

9 141.02 (2m) Notwithstanding sub. (2), for a city in a county that has a  
10 population of 100,000 or more and whose county board has by July 1, 1985,  
11 abolished a county health commission or committee, the health officer  
12 appointed under sub. (2) shall be a person licensed as a physician under ch.  
13 448 or a person certified as a registered nurse under ch. 441. This subsec-  
14 tion does not apply after July 31, 1989.

15 ••87b0623/1 •• 87b1226/2••SECTION 1793r. 141.02 (5) of the statutes is  
16 repealed and recreated to read:

17 141.02 (5) The commissioner of health of any 1st class city shall be  
18 appointed under s. 66.146. The commissioner shall appoint a deputy outside  
19 the civil service. The deputy shall file the official oath and official bond  
20 in the amount and with the sureties directed by the common council. The  
21 deputy may perform all acts which the commissioner is authorized or required  
22 to perform. If the commissioner is absent or the office of the commissioner  
23 vacant, the deputy shall act in the commissioner's place and is subject to the  
24 same liabilities and penalties.

25 ••87b0337/1••SECTION 1794g. 143.01 (1) of the statutes is amended to  
26 read:

27 143.01 (1) ~~"Local~~ After July 31, 1989, "local health officer" means a  
28 health officer designated under s. 140.09, 141.01 (9), 141.015, 141.02 or

1 141.04 or a qualified public health professional designated under s. 141.01  
2 (1m), (3) (a) or (10).

3 ••87b0337/1••SECTION 1794m. 143.01 (1m) of the statutes is created to  
4 read:

5 143.01 (1m) Before August 1, 1989, "local health officer" means a health  
6 officer designated under s. 140.09, 141.01 (9), 141.015, 141.02 or 141.04 or a  
7 qualified public health professional designated under s. 141.01 (1m), (3) (a)  
8 or (10), except that in a county identified under s. 141.01 (1r) (a) the  
9 "local health officer" means only the person designated by the county under s.  
10 141.01 (1r) (a).

11 ••87-1948/3••SECTION 1795m. 144.025 (2) (h) of the statutes is amended to  
12 read:

13 144.025 (2) (h) The department, upon request, ~~and without charge for~~  
14 ~~service or expense,~~ shall consult with and advise owners having installed or  
15 about to install systems or plants, as to the most appropriate water supply  
16 and the best method of providing for its purity, or as to the best method of  
17 ~~disposing of sewage or refuse, with reference to the existing and wastewater,~~  
18 including operations and maintenance, taking into consideration the future  
19 needs of all communities or persons which may be affected thereby the com-  
20 munity for protection of its water supply. The department shall not be  
21 required to prepare plans.

22 ••87-1948/3••SECTION 1796m. 144.025 (2) (L) of the statutes is amended to  
23 read:

24 144.025 (2) (L) The department shall ~~by rule establish~~ promulgate rules  
25 establishing an examining program for the certification of waterworks and  
26 wastewater treatment plant operators, setting such standards as the department  
27 finds necessary to accomplish the purposes of this chapter. The department  
28 may charge applicants ~~for the certificates to pay the cost of examination a~~

1 fee for certification. All moneys collected under this paragraph for the  
2 certification of waterworks and wastewater treatment plant operators shall be  
3 credited to the appropriation under s. 20.370 (2) (bL). No person may operate  
4 a waterworks or wastewater treatment plant without a valid certificate issued  
5 under this paragraph. The department shall substitute the term "wastewater"  
6 for the term "sewage" in all rules adopted under this paragraph owner of any  
7 wastewater treatment plant shall be, or shall employ, an operator certified  
8 under this paragraph who shall be responsible for plant operations, unless the  
9 department by rule provides otherwise. In this paragraph, "wastewater treat-  
10 ment plant" means a system or plant used to treat industrial wastewater,  
11 domestic wastewater or any combination of industrial wastewater and domestic  
12 wastewater.

13 ••87b0774/2 •• 87b1226/2••SECTION 1796md. 144.025 (2) (u) of the statutes  
14 is created to read:

15 144.025 (2) (u) The department, in consultation with the department of  
16 agriculture, trade and consumer protection, may order or cause the abatement  
17 of significant and reoccurring pollution by a nonpoint source, as defined in  
18 s. 144.25 (2) (b), including, but not limited to, pollution which is caused by  
19 the violation of a water quality standard, pollution which restricts navi-  
20 gation due to sedimentation and pollution which is deleterious to human  
21 health, if the department has followed the procedure specified in par. (v),  
22 has determined that the pollution is caused by the nonpoint source and has  
23 notified, in writing, the person subject to the order and the land conser-  
24 vation committee created under s. 92.06 in the county in which the majority of  
25 the area of the nonpoint source is located. The person subject to the order  
26 shall have 45 days from receipt of notice of the order to voluntarily abate  
27 the pollution by adoption or implementation of best management practices, as  
28 defined in s. 144.25 (2) (a). If the pollution is not abated within those 45

1 days, the department may issue an order under this paragraph to cause the  
2 abatement of the pollution.

3 ••87b0774/2 •• 87b1226/2••SECTION 1796mg. 144.025 (2) (v) of the statutes  
4 is created to read:

5 144.025 (2) (v) At least one year before the department may initiate an  
6 action for enforcement under par. (u), the department shall make a reasonable  
7 effort to personally contact the person responsible for the pollution and to  
8 furnish the person all of the following:

9 1. An explanation orally and in writing of the reasons for the pollution.

10 2. A listing of management activities provided by the department of  
11 agriculture, trade and consumer protection or by the land conservation  
12 committee notified under par. (u) which, if followed, would reduce the pollu-  
13 tion to an acceptable amount. The list shall, with reasonable limits, set  
14 forth all of the options which are available to the person to achieve an  
15 acceptable amount of pollution.

16 3. An explanation of the financial aids and technical assistance which  
17 may be available to the person, including but not limited to, cost-sharing,  
18 loans, tax incentives and technical assistance available from the land  
19 conservation committee created under s. 92.06 and other agencies.

20 ••87a0888/1••SECTION 1797m. 144.026 (3) (d) of the statutes is amended to  
21 read:

22 144.026 (3) (d) The department shall periodically collect from each  
23 person who registers a withdrawal under par. (a) the fee established under  
24 sub. (10) (a) 5. All moneys collected under this paragraph before July 1,  
25 1987, shall be credited to the general fund. All moneys collected under this  
26 paragraph on and after July 1, 1987, shall be credited to the appropriation  
27 under s. 20.370 (3) (mg).



1       ••87a0888/1••SECTION 1798m. 144.026 (5) (f) of the statutes is amended to  
2 read:

3       144.026 (5) (f) The department shall charge each applicant for an  
4 approval under this subsection the fee established under sub. (10) (a) 5. All  
5 moneys collected under this paragraph shall be credited to the ~~appropriation~~  
6 ~~under s. 20.370 (3) (mg)~~ general fund.

7       ••87a0888/1••SECTION 1799m. 144.026 (6) (g) of the statutes is amended to  
8 read:

9       144.026 (6) (g) The department shall periodically collect from each  
10 person whose application under this subsection is approved the fee established  
11 under sub. (10) (a) 5. All moneys collected under this paragraph shall be  
12 credited to the ~~appropriation under s. 20.370 (3) (mg)~~ general fund.

13       ••87a0888/1••SECTION 1800m. 144.026 (10) (a) 5 of the statutes is amended  
14 to read:

15       144.026 (10) (a) 5. A graduated schedule for the fees required under  
16 subs. (3) (d), (5) (f) and (6) (g) and a schedule for collecting the fees  
17 under subs. (3) (d) and (6) (g) periodically. ~~The fees established under this~~  
18 ~~subdivision shall be sufficient to equal the department's full cost of admin-~~  
19 ~~istering this subsection and subs. (3) to (8), (11) and (12) and s. 144.976.~~

20       ••87-2812/3••SECTION 1801e. 144.24 (4) (b) 1 of the statutes is renum-  
21 bered 144.24 (4) (b) 1. (intro.) and amended to read:

22       144.24 (4) (b) 1. (intro.) Eligible projects relating to collection sys-  
23 tems include only ~~collection systems~~ the following:

24       a. A collection system in an unsewered municipalities municipality which  
25 are is constructing a new wastewater treatment plant and collection system  
26 rehabilitation which is necessary to maintain the total integrity of a sewer-  
27 age system.

1       ••87-2812/3••SECTION 1801m. 144.24 (4) (b) 1. b of the statutes is  
2 created to read:

3       144.24 (4) (b) 1. b. A collection system which the department orders  
4 under s. 144.07 (1) notwithstanding the outcome of the annexation referendum  
5 under s. 144.07 (1m).

6       ••87a0885/4 •• 87b1330/1••SECTION 1801mm. 144.24 (4) (b) 1. c of the  
7 statutes is created to read:

8       144.24 (4) (b) 1. c. A collection system in an unsewered community which  
9 is being connected to an existing wastewater treatment plant if the municipi-  
10 pality applied to the department under sub. (5) for financial assistance on or  
11 after January 1, 1986, and the municipality received, before January 1, 1987,  
12 a notice under sub. (6) that the department was ready to allocate funds to the  
13 municipality.

14       ••87b0557/1 •• 87b1226/2••SECTION 1802e. 144.245 (5m) of the statutes is  
15 renumbered 144.245 (5m) (a).

16       ••87b0557/1 •• 87b1226/2••SECTION 1802f. 144.245 (5m) (b) of the statutes  
17 is created to read:

18       144.245 (5m) (b) The department shall notify a governmental unit if it  
19 receives a certification under s. 46.255 (7) that an individual is delinquent  
20 in child support or maintenance payments. The department or a governmental  
21 unit shall deny an application under this section if the department receives a  
22 certification under s. 46.255 (7) that the applicant or an individual who  
23 would be directly benefitted by the grant is delinquent in child support or  
24 maintenance payments.

25       ••87b0376/4••SECTION 1802g. 144.25 (2) (a) of the statutes is amended to  
26 read:

27       144.25 (2) (a) "Best management practices" means practices, techniques or  
28 measures, identified in areawide water quality management plans, which are

1 determined to be the most effective, ~~practicable~~ means of preventing or  
2 reducing pollutants generated from nonpoint sources to a level compatible with  
3 water quality ~~goals~~ objectives established under this section and which do not  
4 have an adverse impact on fish and wildlife habitat.

5 ••87b0376/4••SECTION 1802gb. 144.25 (2) (am) of the statutes is created  
6 to read:

7 144.25 (2) (am) "Governmental unit" means any governmental unit  
8 including, but not limited to, a county, city, village, town, metropolitan  
9 sewerage district created under ss. 66.20 to 66.26 or 66.88 to 66.918, town  
10 sanitary district, public inland lake protection and rehabilitation district,  
11 regional planning commission or drainage district operating under ch. 89, 1961  
12 stats., or ch. 88. "Governmental unit" does not include the state or any  
13 state agency.

14 ••87b0376/4••SECTION 1802gc. 144.25 (2) (b) of the statutes is amended to  
15 read:

16 144.25 (2) (b) "Nonpoint source" means a land management activity which  
17 contributes to runoff, seepage or percolation; ~~and are sources which are ad-~~  
18 versely affects or threatens the quality of waters of this state and which is  
19 not defined as a point sources of pollutants source as defined under s.  
20 147.015 (12).

21 ••87b0376/4••SECTION 1802ge. 144.25 (2) (c) of the statutes is created to  
22 read:

23 144.25 (2) (c) "Priority watershed" means any large-scale or small-scale  
24 watershed which the department has identified under sub. (4) (c).

25 ••87b0376/4••SECTION 1802gi. 144.25 (3) of the statutes is repealed.

26 ••87b0376/4••SECTION 1802gk. 144.25 (4) (a) of the statutes is renumbered  
27 144.25 (4) (am).

1       ••87b0376/4••SECTION 1802gm. 144.25 (4) (a) of the statutes is created to  
2 read:

3       144.25 (4) (a) Administer the nonpoint source water pollution program  
4 under this section.

5       ••87b0376/4••SECTION 1802go. 144.25 (4) (ar) of the statutes is created  
6 to read:

7       144.25 (4) (ar) Serve as the designated state agency with the federal  
8 environmental protection agency on all aspects related to the nonpoint source  
9 program management requirements of P.L. 100-4, including the development and  
10 submittal of the nonpoint source assessment report and management program  
11 required under P.L. 100-4, section 316 and preparation of the annual grant  
12 application for federal funding from the environmental protection agency to  
13 implement that program.

14       ••87b0376/4••SECTION 1802gp. 144.25 (4) (as) of the statutes is created  
15 to read:

16       144.25 (4) (as) Consult with the department of agriculture, trade and  
17 consumer protection in developing any federal grant application under par.  
18 (ar). Every application is subject to s. 16.54 and shall include the proposed  
19 expenditures of federal nonpoint source water pollution abatement grant moneys  
20 and the allocation of such moneys between the department and the department of  
21 agriculture, trade and consumer protection.

22       ••87b0376/4••SECTION 1802gq. 144.25 (4) (c) of the statutes is amended to  
23 read:

24       144.25 (4) (c) ~~Identify through~~ Through the continuing planning process  
25 under s. 147.25, identify those priority watersheds where the need for non-  
26 point source water pollution abatement is most critical ~~and identify for those~~  
27 ~~watersheds the best management practices necessary to meet water quality~~  
28 ~~objectives.~~ The department shall prepare project funding lists for

1 large-scale and small-scale projects subject to the approval of the department  
2 of agriculture, trade and consumer protection.

3 ••87b0376/4••SECTION 1802gs. 144.25 (4) (d) of the statutes is amended to  
4 read:

5 144.25 (4) (d) Review and approve the detailed program for implementation  
6 prepared by the designated local management agencies identified under par.  
7 (b).

8 ••87b0376/4••SECTION 1802gu. 144.25 (4) (e) of the statutes is amended to  
9 read:

10 144.25 (4) (e) Promulgate rules establishing, in consultation with the  
11 department of agriculture, trade and consumer protection, as are necessary for  
12 the proper execution and administration of the program under this section.  
13 The rules shall include standards and specifications concerning best manage-  
14 ment practices which are required for eligibility for cost-sharing grants  
15 under this section. The department may waive these the standards and speci-  
16 fications in exceptional cases. Only persons involved in the administration  
17 of the program under this section and persons who are grant recipients or  
18 applicants are subject to the rules promulgated under this paragraph. Any  
19 rule promulgated under this paragraph which relates or pertains to agricul-  
20 tural practices relating to animal waste handling and treatment are subject to  
21 s. 13.565.

22 ••87b0376/4••SECTION 1802gz. 144.25 (4) (f) of the statutes is amended to  
23 read:

24 144.25 (4) (f) Administer the distribution of grants and aids to  
25 counties, cities and villages governmental units for local administration and  
26 implementation of the ~~nonpoint source pollution abatement grant~~ program under  
27 this section. A grant awarded under this section may be used for technical  
28 assistance, educational and training assistance, ordinance development and

1 administration, cost-sharing for management practices and capital  
2 improvements, plan preparation under par. (g), easements or other activities  
3 determined by the department to satisfy the requirements of this section.

4 ••87b0376/4••SECTION 1802hc. 144.25 (4) (g) of the statutes is created to  
5 read:

6 144.25 (4) (g) In cooperation with the department of agriculture, trade  
7 and consumer protection and the appropriate governmental unit, prepare prior-  
8 ity watershed plans to implement nonpoint source water pollution abatement  
9 projects in priority watersheds. In preparing the plans, the department  
10 shall:

11 1. Conduct the planning process in a cost-effective and timely manner and  
12 scale the planning process in accordance with the scale and nature of the  
13 pollution problem addressed in the plan.

14 2. Promote significant participation from the department of agriculture,  
15 trade and consumer protection and other state agencies, governmental units and  
16 other persons located in any watershed which is the subject of the plan.

17 3. Prepare a water resource assessment, set water quality goals, identify  
18 critical management areas and analyze alternative management practices for the  
19 area which is the subject of the plan.

20 4. In cooperation with the department of agriculture, trade and consumer  
21 protection, incorporate the appropriate best management practices into the  
22 plan.

23 5. Determine whether any county, city, village or town within the area  
24 which is the subject of the plan, as a condition of a grant under this  
25 section, should be required to develop a construction site erosion control  
26 ordinance under s. 59.974 or a manure storage ordinance under s. 92.16 in  
27 order to meet the water quality goals established in the plan.

1           6. Determine the specific plan components to be prepared by any appro-  
2 priate governmental units in the watershed, after determining the technical,  
3 financial and staffing capability of that governmental unit.

4           ••87b0376/4••SECTION 1802he. 144.25 (4) (h) of the statutes is created to  
5 read:

6           144.25 (4) (h) Designate a governmental unit to perform the inventory  
7 required under sub. (4m) (a).

8           ••87b0376/4••SECTION 1802hg. 144.25 (4) (i) of the statutes is created to  
9 read:

10          144.25 (4) (i) Cooperate with the department of agriculture, trade and  
11 consumer protection under s. 92.14 (6).

12          ••87b0376/4••SECTION 1802hi. 144.25 (4) (j) of the statutes is created to  
13 read:

14          144.25 (4) (j) In cooperation with the department of agriculture, trade  
15 and consumer protection, identify the training required for the personnel of a  
16 governmental unit awarded a grant under this section or s. 92.14 to administer  
17 and implement any nonpoint source water pollution abatement project or soil  
18 and water resource project funded by that grant and shall coordinate such a  
19 training program. The governmental unit may use the grant for that training  
20 or for any other training necessary to prepare personnel to perform job duties  
21 related to this section. The department may contract with any person from the  
22 appropriation under s. 20.370 (4) (cc) for services to administer or implement  
23 this chapter, including information and education and training.

24          ••87b0376/4••SECTION 1802hm. 144.25 (4) (o) of the statutes is created to  
25 read:

26          144.25 (4) (o) Annually, in cooperation with the department of  
27 agriculture, trade and consumer protection, submit a report on the progress of  
28 the program under this section to the land conservation board.

1       ••87b0376/4••SECTION 1802ho. 144.25 (4) (p) of the statutes is created to  
2 read:

3       144.25 (4) (p) Jointly with the department of agriculture, trade and  
4 consumer protection, prepare the plan required under s. 92.14 (13). The  
5 department shall review and approve or disapprove the plan and shall notify  
6 the land conservation board of its final action on the plan. The department  
7 shall implement any part of the plan for which the plan gives it  
8 responsibility.

9       ••87b0376/4••SECTION 1802hq. 144.25 (4) (pm) of the statutes is created  
10 to read:

11       144.25 (4) (pm) Jointly with the department of agriculture, trade and  
12 consumer protection, develop the forms required under s. 92.14 (14).

13       ••87b0376/4••SECTION 1802hr. 144.25 (4) (q) of the statutes is created to  
14 read:

15       144.25 (4) (q) Consult with the department of agriculture, trade and  
16 consumer protection when it prepares the information which it submits to the  
17 department of administration under s. 16.42.

18       ••87b0376/4••SECTION 1802hs. 144.25 (4) (r) of the statutes is created to  
19 read:

20       144.25 (4) (r) Jointly with the department of agriculture, trade and  
21 consumer protection, develop the standards under sub. (5) (c).

22       ••87b0376/4••SECTION 1802hu. 144.25 (4m) of the statutes is created to  
23 read:

24       144.25 (4m) (a) Any governmental unit or regional planning commission  
25 designated by the department under sub. (4) (h) shall prepare an inventory of  
26 nonpoint source water pollution in the watershed which is the subject of the  
27 plan under sub. (4) (g) and submit the inventory to the department for  
28 incorporation into the plan.



1 (b) Every plan prepared for an area under sub. (4) (g) shall include all  
2 of the following:

3 1. The inventory for that area prepared under par. (a).

4 2. A water resource assessment of that area.

5 3. The identification of critical surface water and groundwater pro-  
6 tection management areas within that area and the agricultural and  
7 nonagricultural best management practices to be applied to that area.

8 4. A plan implementation schedule developed in cooperation with the  
9 appropriate governmental unit or designated local management agency identified  
10 under sub. (4) (b).

11 5. A grant disbursement and project management schedule.

12 6. An integrated resource management strategy to protect or enhance fish  
13 and wildlife habitat, aesthetics and other natural resources.

14 7. A comprehensive management strategy to manage agricultural and  
15 nonagricultural nonpoint source water pollution affecting surface water or  
16 groundwater, including animal waste, fertilizer, pesticides, storm water,  
17 construction site erosion and other nonpoint sources of water pollution.

18 (c) The department shall submit a copy of any plan it completes under  
19 this subsection to any county located in or containing any watershed which is  
20 a subject of the plan and to the department of agriculture, trade and consumer  
21 protection. That county and the department of agriculture, trade and consumer  
22 protection shall review the plan, approve or disapprove the plan and notify  
23 the department of natural resources of its action on the plan.

24 (d) If the department receives a plan under par. (c) which has been  
25 approved by every county to which it was sent and by the department of  
26 agriculture, trade and consumer protection, the department shall approve the  
27 plan as an element of the appropriate areawide water quality management plan  
28 under P.L. 92-500, section 208.

1       ••87b0376/4••SECTION 1802hv. 144.25 (5) (a) of the statutes is repealed  
2 and recreated to read:

3       144.25 (5) (a) Approve or disapprove the project funding list of any  
4 priority watershed project about which it receives notice under sub. (4) (c).

5       ••87b0376/4••SECTION 1802hw. 144.25 (5) (b) of the statutes is repealed  
6 and recreated to read:

7       144.25 (5) (b) Prepare sections of the priority watershed plan relating  
8 to farm-specific implementation schedules, requirements under ss. 92.104 and  
9 92.105, animal waste management and selection of agriculturally related best  
10 management practices and submit those sections to the department for inclusion  
11 under sub. (4m) (b).

12       ••87b0376/4••SECTION 1802hx. 144.25 (5) (c) of the statutes is repealed  
13 and recreated to read:

14       144.25 (5) (c) Jointly with the department, develop technical standards  
15 for agriculturally related best management practices.

16       ••87b0376/4••SECTION 1802jc. 144.25 (5) (d) of the statutes is repealed  
17 and recreated to read:

18       144.25 (5) (d) Develop a grant disbursement and project management  
19 schedule for agriculturally related best management practices to be included  
20 in a plan established under sub. (4) (g) and identify recommendations for  
21 implementing activities or projects under ss. 92.10, 92.104 and 92.105.

22       ••87b0376/4••SECTION 1802je. 144.25 (5) (e) of the statutes is created to  
23 read:

24       144.25 (5) (e) Identify areas within a priority watershed which are  
25 subject to activities required under ss. 92.104 and 92.105.

26       ••87b0376/4••SECTION 1802jf. 144.25 (5) (f) of the statutes is created to  
27 read:

1 144.25 (5) (f) Provide implementation assistance as identified and  
2 approved in the priority watershed plan under sub. (4) (g).

3 ••87b0376/4••SECTION 1802jg. 144.25 (6) (intro.) of the statutes is  
4 amended to read:

5 144.25 (6) (intro.) The appropriate ~~county, city or village~~ governmental  
6 unit is responsible for local administration and implementation of priority  
7 watershed projects and shall:

8 ••87b0376/4••SECTION 1802ji. 144.25 (6) (c) of the statutes is amended to  
9 read:

10 144.25 (6) (c) Contact or attempt to contact all landowners or operators  
11 within critical management areas concerning their participation in the imple-  
12 mentation program. The appropriate ~~county, city or village~~ governmental unit  
13 shall certify to the department that it has complied with this paragraph.

14 ••87b0376/4••SECTION 1802jL. 144.25 (6) (d) of the statutes is created to  
15 read:

16 144.25 (6) (d) Participate in the plan preparation under contract with  
17 the department. The department shall determine the specific plan components  
18 which will be prepared depending upon the technical, financial and staffing  
19 capability of the appropriate governmental unit.

20 ••87b0376/4••SECTION 1802jn. 144.25 (8) (a) of the statutes is amended to  
21 read:

22 144.25 (8) (a) ~~Municipalities~~ Governmental units and individual land-  
23 owners or operators shall be eligible for cost-sharing grants.

24 ••87b0557/1 •• 87b1226/2••SECTION 1802jnm. 144.25 (8) (L) of the statutes  
25 is created to read:

26 144.25 (8) (L) A grant may not be made to an individual if the department  
27 receives a certification under s. 46.255 (7) that the individual is delinquent  
28 in child support or maintenance payments.

1       ••87b0376/4••SECTION 1802jo. 144.25 (8m) of the statutes is created to  
2 read:

3       144.25 (8m) If the department determines under sub. (4) (g) 5 that a  
4 county, city, village or town should be required to develop a construction  
5 site erosion control ordinance under s. 59.974 or a manure storage ordinance  
6 under s. 92.16, that county, city, village or town shall develop and adopt the  
7 ordinance at least one year before completion of the nonpoint source water  
8 pollution abatement project for which it receives a grant under this section.

9       ••87b0376/4••SECTION 1802jq. 144.25 (10) of the statutes is amended to  
10 read:

11       144.25 (10) To the greatest extent practicable, the department, the  
12 department of agriculture, trade and consumer protection and the administering  
13 and implementing ~~county, city or village~~ governmental units shall encourage  
14 and utilize the Wisconsin conservation corps for appropriate projects.

15       ••87b1284/1 •• 87b1780/en••SECTION 1802jqe. 144.26 (7) of the statutes is  
16 amended to read:

17       144.26 (7) The department, the municipalities, the Yahara watershed man-  
18 agement district and all state agencies shall mutually cooperate to accomplish  
19 the objective of this section. To that end, the department shall consult with  
20 the governing bodies of municipalities and with the board of commissioners of  
21 the Yahara watershed management district to secure voluntary uniformity of  
22 regulations, so far as practicable, and shall extend all possible assistance  
23 therefor.

24       ••87b1295/2 •• 87b1780/en••SECTION 1802jqf. 144.266 (1) of the statutes  
25 is amended to read:

26       144.266 (1) OBJECTIVES. To aid in the fulfillment of the state's role as  
27 trustee of its navigable waters, to promote public health, safety and general  
28 welfare and to protect natural resources, it is declared to be in the public

1 interest to make studies, establish policies, make plans, ~~authorize~~ require  
2 municipal construction site erosion control ordinances and authorize municipal  
3 storm water management zoning ordinances for the efficient use, conservation,  
4 development and protection of this state's groundwater, surface water, soil  
5 and related resources and establish a state construction site erosion control  
6 and storm water management plan for the efficient use, conservation, develop-  
7 ment and protection of this state's groundwater, surface water, soil and  
8 related resources while at the same time encouraging sound economic growth in  
9 this state. The purposes of the municipal ordinances and state plan shall be  
10 to further the maintenance of safe and healthful conditions; prevent and con-  
11 trol water pollution; prevent and control soil erosion; prevent and control  
12 the adverse effects of storm water; protect spawning grounds, fish and aquatic  
13 life; control building sites, placement of structures and land uses; preserve  
14 ground cover and scenic beauty; and promote sound economic growth.

15 ••87b1295/2 •• 87b1780/en••SECTION 1802jqm. 144.266 (3) (a) 3 of the  
16 statutes is amended to read:

17 144.266 (3) (a) 3. Minimum standards established under this paragraph are  
18 applicable to the state construction site erosion control and storm water  
19 management plan. The department shall encourage a county, city or village to  
20 comply with these minimum standards for any construction site erosion control  
21 ordinance and any storm water management zoning ordinance enacted under s.  
22 59.974, 61.354 or 62.234.

23 ••87b1295/2 •• 87b1780/en••SECTION 1802jqs. 144.266 (4) of the statutes  
24 is amended to read:

25 144.266 (4) (title) MODEL ORDINANCES; STATE PLAN; DISTRIBUTION. The  
26 department shall prepare a model construction site erosion control ordinance  
27 and a model storm water management zoning ordinance in the form of ~~an~~ admin-  
28 istrative ~~rule~~ rules. The model ~~ordinance~~ ordinances shall be based upon the

1 state construction site erosion control and storm water management plan. The  
2 model ~~ordinance is~~ ordinances are subject to s. 227.19 and other provisions of  
3 ch. 227 in the same manner as other administrative rules. Following the  
4 promulgation of the model ~~ordinance~~ ordinances as a rule rules, the department  
5 shall distribute a copy of the model ~~ordinance~~ ordinances upon request to any  
6 county, city or village ~~which submits a request~~ or to the Yahara watershed  
7 management district. The department shall distribute a copy of the state plan  
8 to any agency which submits a request.

9 ••87b1284/1 •• 87b1780/en••SECTION 1802jq. 144.266 (5) of the statutes  
10 is amended to read:

11 144.266 (5) COOPERATION. The department, the municipalities, the Yahara  
12 watershed management district and all state agencies shall cooperate to  
13 accomplish the objective of this section. To that end, the department shall  
14 consult with the governing bodies of municipalities and with the board of  
15 commissioners of the Yahara watershed management district to secure voluntary  
16 uniformity of regulations, so far as practicable, shall prepare model con-  
17 struction site erosion control and storm water management zoning ordinances,  
18 shall extend assistance to municipalities and the Yahara watershed management  
19 district under this section, shall prepare a state construction site erosion  
20 control and storm water management plan, shall encourage uniformity through  
21 the implementation of this plan and the utilization of memoranda of under-  
22 standing which are substantially similar to the plan and shall extend assis-  
23 tance to agencies under this section.

24 ••87b0863/1 •• 87b1226/2••SECTION 1802jr. 144.30 (3r), (14m), (14r),  
25 (22r), (22s), (24) and (25) of the statutes are created to read:

26 144.30 (3r) "Architectural coating" means a coating applied to a sta-  
27 tionary structure, including a parking lot, and its appurtenances or to a  
28 mobile home.

1 (14m) "Growth accommodation" means the amount of volatile organic com-  
2 pounds specified in s. 144.40 (1) (a).

3 (14r) "Highway paint" means a coating applied to a highway or curb that  
4 is intended to color part or all of the highway or curb.

5 (22r) "Reasonably available control technology" means that control tech-  
6 nology which provides the lowest emission rate that a particular source is  
7 capable of achieving by the application of control technology that is reason-  
8 ably available considering technological and economic feasibility.

9 (22s) "Replenishment implementation period" means the period between the  
10 effective date of this subsection .... [revisor inserts date], and December 31  
11 of the year by which the department requires full compliance with rules  
12 required to be promulgated under s. 144.40 (3).

13 (24) "Volatile organic compound" means any compound of carbon that has a  
14 vapor pressure greater than 0.1 millimeter of mercury at standard conditions,  
15 which is the equivalent of 0.019 pounds per square inch absolute, other than  
16 carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or  
17 carbonates and ammonium carbonate.

18 (25) "Volatile organic compound accommodation area" means Kenosha,  
19 Milwaukee, Ozaukee, Racine, Washington and Waukesha counties and any other  
20 county specified by the department by rule in response to a finding by the  
21 federal environmental protection agency that the county is to be included in  
22 the volatile organic compound accommodation area.

23 ••87b0863/1 •• 87b1226/2••SECTION 1802js. 144.31 (1) (q) of the statutes  
24 is created to read:

25 144.31 (1) (q) Promulgate by rule the actions or events which constitute  
26 the shutdown of a facility.

27 ••87b0863/1 •• 87b1226/2••SECTION 1802jt. 144.35 (4) of the statutes is  
28 created to read:

1 144.35 (4) VOLATILE ORGANIC COMPOUNDS PROGRAM. The air pollution control  
2 council, with the cooperation and assistance of the department, shall advise  
3 the legislature and the natural resources board on matters relating to the  
4 program for the use and replenishment of the growth accommodation in the  
5 volatile organic compound accommodation area. The air pollution control  
6 council shall advise the legislature and the natural resources board on how to  
7 most effectively and equitably replenish the growth accommodation for use by  
8 new, expanding and existing businesses in southeastern Wisconsin.

9 ••87b0863/1 •• 87b1226/2••SECTION 1802ju. 144.393 (7) and (8) of the  
10 statutes are created to read:

11 144.393 (7) USE OF VOLATILE ORGANIC COMPOUND GROWTH ACCOMMODATION. (a)  
12 Subject to the conditions and restrictions specified in this subsection, the  
13 department shall grant use of the growth accommodation as a means for a sta-  
14 tionary source to comply with either sub. (1) (b) or (2) (a), or both subs.  
15 (1) (b) and (2) (a).

16 (b) Upon application by a source, the department shall certify to the  
17 applicant a growth accommodation credit in the amount requested subject to all  
18 of the following conditions:

19 1. The applicant demonstrates to the satisfaction of the department that  
20 it is unable, through reasonable means which could include installation of the  
21 best available control technology, to eliminate its need for a growth accom-  
22 modation credit by reducing emissions of volatile organic compounds from any  
23 stationary sources that it owns or operates in the volatile organic compound  
24 accommodation area. If the department determines that an applicant could,  
25 through reasonable means, reduce the amount of growth accommodation credit  
26 applied for by reducing emissions of volatile organic compounds from any sta-  
27 tionary sources that it owns or operates in the volatile organic compound  
28 accommodation area, the department shall certify to the applicant a growth



1 accommodation credit equal to the amount requested by the applicant minus the  
2 amount by which the department finds the source could, through reasonable  
3 means, reduce emissions from other stationary sources that it owns or operates  
4 in the volatile organic compound accommodation area.

5 2. Except as provided in s. 144.399 (5) (d), the applicant is in compli-  
6 ance or is complying with an approved schedule to be in compliance with ss.  
7 144.30 to 144.426 and 144.96 with respect to all stationary sources that it  
8 owns or operates and has paid the fees required under s. 144.399 (5).

9 3. Except as provided in subd. 8, the growth accommodation reported for  
10 the current year under s. 144.40 (2) (b) 1, after reduction by the amount of  
11 the proposed growth accommodation credit and any growth accommodation credits  
12 issued since the date of the report, is greater than 2,500 tons.

13 4. If the growth accommodation reported for the current year under s.  
14 144.40 (2) (b) 1, less a reduction by the amount of any growth accommodation  
15 credits issued since the date of the report under s. 144.40 (2) (b) 1, is  
16 greater than 3,000 tons, the department may certify to the applicant no more  
17 than the amount of the growth accommodation reported for the current year  
18 under s. 144.40 (2) (b) 1, less the sum of 2,750 tons and any growth accommo-  
19 dation credits issued since the date of the report under s. 144.40 (2) (b).

20 5. If the growth accommodation reported for the current year under s.  
21 144.40 (2) (b) 1, after reduction by the amount of any growth accommodation  
22 credits issued since the date of the report under s. 144.40 (2) (b) 1, is  
23 greater than 2,500 tons but less than or equal to 3,000 tons, the department  
24 may certify no more than 250 tons to the applicant in that year.

25 6. The applicant agrees to forfeit any unused growth accommodation  
26 credits that the department determines the applicant does not need, as pro-  
27 vided under sub. (8).

1       7. The applicant agrees not to sell or transfer any amount of the growth  
2 accommodation credit to any person other than the department.

3       8. If the growth accommodation reported for the current year under s.  
4 144.40 (2) (b) 1, after reduction by the amount of the proposed growth accom-  
5 modation credit and any growth accommodation credits issued since the date of  
6 the report, would be 2,500 tons or less, the department may certify to the  
7 applicant a growth accommodation credit in the amount determined under this  
8 section if, because of facility shutdowns or replenishment activities under s.  
9 144.40 that have occurred, the growth accommodation for the next succeeding  
10 year after reduction by the amount of the growth accommodation credit will be  
11 greater than 2,500 tons.

12       9. An applicant shall inform the department of the date or dates when it  
13 will need to use any given amount of the growth accommodation credit. The  
14 department shall certify to the applicant the proper amount of the growth  
15 accommodation credit on the date which the applicant states it will need it  
16 and shall reserve the proper amount of the growth accommodation credit for  
17 certification to the applicant upon the date needed, except for any amount  
18 which is forfeited under sub. (8). The department may use reserved growth  
19 accommodation credits to certify temporary growth accommodation credits which  
20 expire on or before the date when they are certified to the source which  
21 reserved them.

22       10. Upon request by an applicant, the department may certify to the  
23 applicant a growth accommodation credit which expires upon a date designated  
24 in the permit. The applicant shall sign a statement to acknowledge the  
25 expiration date of the permit. Growth accommodation credits issued under this  
26 subdivision may be certified from growth accommodation credits reserved by  
27 another source under subd. 9.

1 (c) Nothing in this subsection grants the recipient of a growth accommo-  
2 dation credit a property right to emit volatile organic compounds.

3 (8) FORFEITURE OF GROWTH ACCOMMODATION CREDITS. Within 4 years after the  
4 department certifies, under sub. (7), a growth accommodation credit to an  
5 applicant or reserves for the future use of an applicant a growth accommo-  
6 dation credit, and at least every 4 years thereafter, the department shall  
7 determine whether the certified or reserved growth accommodation credit is  
8 reasonably necessary for the applicant's current use and future plans. If the  
9 department determines that any amount of the certified or reserved growth  
10 accommodation credit is not reasonably necessary for the applicant's current  
11 use and if the applicant cannot demonstrate to the satisfaction of the  
12 department that any amount of the certified or reserved growth accommodation  
13 credit is reasonably necessary for the applicant's future plans, the applicant  
14 shall forfeit an amount of the growth accommodation credit, as determined by  
15 the department. The department shall deposit the forfeited amount of the  
16 growth accommodation credit in the growth accommodation replenishment.

17 ••87b0863/1 •• 87b1226/2••SECTION 1802jv. 144.394 (7m) of the statutes is  
18 created to read:

19 144.394 (7m) The terms for use of growth accommodation credits under s.  
20 144.393 (7) or (8), including the dates that the source expects to use the  
21 credits.

22 ••87-1947/1••SECTION 1802kd. 144.399 (1) (intro.) of the statutes is  
23 amended to read:

24 144.399 (1) (title) RULE MAKING. (intro.) The department may ~~by rule~~  
25 ~~prescribe and provide~~ promulgate rules for the payment and collection of  
26 reasonable fees for all of the following:

27 ••87-1947/1••SECTION 1802kh. 144.399 (1) (a) of the statutes is amended  
28 to read:

1 144.399 (1) (a) (title) Application for permit. Reviewing and acting  
2 upon any application for an air pollution control permit; ~~and~~.

3 ••87-1947/1••SECTION 1802kp. 144.399 (1) (c) of the statutes is created  
4 to read:

5 144.399 (1) (c) Request for exemption. Reviewing and acting upon any  
6 request for an exemption from the requirement to obtain an air pollution con-  
7 trol permit.

8 ••87-1947/1••SECTION 1802kt. 144.399 (3) (b) of the statutes is amended  
9 to read:

10 144.399 (3) (b) Implementation and enforcement fee. Notwithstanding sub.  
11 (1) (b), the department may not charge an annual fee for implementing and  
12 enforcing an air pollution control permit greater than ~~\$200~~ \$500 for a minor  
13 source or greater than ~~\$500~~ \$1,000 for a major source.

14 ••87b0863/1 •• 87b1226/2••SECTION 1802Lba. 144.399 (5) of the statutes is  
15 created to read:

16 144.399 (5) GROWTH ACCOMMODATION USE FEE. (a) A one-time growth accom-  
17 modation use fee shall be imposed at the time of application upon any person  
18 who obtains a certified growth accommodation credit under s. 144.393 (7). If  
19 the amount of credit per calendar year varies between calendar years, the  
20 amount of the fee shall be based upon the largest annual credit for any  
21 calendar year. If the person submits more than one application in any calen-  
22 dar year, the fee for the application shall be based upon the largest cumula-  
23 tive credit obtained for any calendar year. A fee is nonrefundable, except  
24 that in determining a fee for an application in any calendar year, the  
25 department shall credit once to the person an amount equal to any fee previ-  
26 ously paid in the same calendar year. All fees collected under this subsec-  
27 tion shall be deposited in the general fund.

1 (b) Except as provided in par. (d), if the amount of the growth accommo-  
2 dation credit obtained by the person in a calendar year is less than 40 tons,  
3 the amount of the fee shall be determined by multiplying the amount of the  
4 growth accommodation credit certified to the person, expressed in tons per  
5 year, by \$100 per ton.

6 (c) Except as provided in par. (d), if the amount of the growth accommo-  
7 dation credit obtained by the person in a calendar year is 40 tons or more,  
8 the amount of the fee shall be determined by multiplying the amount of the  
9 growth accommodation credit certified to the person, expressed in tons per  
10 year, by \$200 per ton.

11 (d) A stationary source which is operating without an air pollution con-  
12 trol permit required under s. 144.391 but which can demonstrate to the satis-  
13 faction of the department the ability to comply with ss. 144.30 to 144.426 and  
14 144.96 after obtaining a growth accommodation credit under s. 144.393 (7)  
15 shall be required to pay an amount from \$1,000 to \$2,000 times the amount of  
16 the growth accommodation credit certified to the person, expressed in tons per  
17 year.

18 ••87b0863/1 •• 87b1226/2••SECTION 1802Lbb. 144.40 of the statutes is  
19 renumbered 144.404.

20 ••87b0863/1 •• 87b1226/2••SECTION 1802Lbc. 144.40 of the statutes is  
21 created to read:

22 144.40 VOLATILE ORGANIC COMPOUNDS GROWTH ACCOMMODATION AND REPLENISHMENT.

23 (1) GROWTH ACCOMMODATION CALCULATION. (a) The growth accommodation for any  
24 specified year, as calculated by the department, is the predicted emissions  
25 specified in par. (b) minus the sum of:

- 26 1. Net actual emissions specified in par. (c);  
27 2. Net certified accommodation credits specified in par. (d);  
28 3. Net offset credits specified in par. (e); and

1 4. Set asides specified in par. (f).

2 (b) Predicted emissions are the total predicted annual emissions of  
3 volatile organic compounds in the volatile organic compound accommodation area  
4 necessary to attain and maintain the ambient air quality standard for ozone  
5 for the year 2 years before the specified year, as set forth in the plan  
6 approved by the U.S. environmental protection agency under 42 USC 7502 (a).

7 (c) Net actual emissions are the total actual annual emissions of all  
8 volatile organic compounds in the volatile organic compound accommodation area  
9 for the year 2 years before the specified year as reported under sub. (2) (a)  
10 minus:

11 1. The sum of the annual emissions of volatile organic compounds attrib-  
12 utable to shutdowns of facilities in the volatile organic accommodation area  
13 during the previous year; and

14 2. If a rule has been promulgated under sub. (3), the sum of the annual  
15 emissions reductions of volatile organic compounds attributable to the sources  
16 subject to the rule promulgated under sub. (3) during the previous year.

17 (d) Net certified accommodation credits are the sum of all volatile  
18 organic compound growth accommodation credits certified to date under s.  
19 144.393 (7) or (8) minus the sum of the actual annual emissions of volatile  
20 organic compounds for the year 2 years before the specified year attributable  
21 to the sources receiving volatile organic compound growth accommodation  
22 credits certified to date under s. 144.393 (7) or (8).

23 (e) Net offset credits are the sum of all allowable emissions of volatile  
24 organic compounds authorized to date attributable to sources subject to an  
25 annual volatile organic compounds emission limitation that is specified in an  
26 air pollution control permit or specified as an emission credit in the plan  
27 approved by the U.S. environmental protection agency under 42 USC 7502 (a)  
28 minus the sum of the actual annual emissions of volatile organic compounds for

1 the year 2 years before the specified year attributable to sources subject to  
2 an annual volatile organic compounds emission limitation that is specified in  
3 an air pollution control permit or specified as an emission credit in the plan  
4 approved by the U.S. environmental protection agency under 42 USC 7502 (a).

5 (f) Set asides are:

6 1. Fifteen percent of the annual emissions of volatile organic compounds  
7 attributable to shutdowns of facilities in the volatile organic compound  
8 accommodation area since January 1, 1987; and

9 2. If a rule has been promulgated under sub. (3), 15% of the sum of the  
10 annual emissions reductions of volatile organic compounds attributable, since  
11 January 1, 1987, to the sources subject to the rule promulgated under sub.  
12 (3).

13 (2) ANNUAL REPORTS. The department shall prepare an annual report by  
14 January 15, which may be combined with other reports published by the  
15 department, that:

16 (a) States, on a calendar year basis, the total annual emissions, for the  
17 year 2 years before the year in which the report is prepared, of all volatile  
18 organic compounds in the volatile organic compound accommodation area, except  
19 methylene chloride and methyl chloroform and other volatile organic compounds  
20 that the department determines by rule to be compounds that do not contribute  
21 to the formation of ozone in the troposphere.

22 (b) Includes an annual plan for the management of the volatile organic  
23 compounds growth accommodation and replenishment and the growth accommodation  
24 replenishment grant program. At a minimum, the plan shall:

25 1. Indicate the amount of the growth accommodation at the beginning of  
26 the year.

27 2. Indicate the likely amount of the growth accommodation at the end of  
28 the year.

1       3. Report the status of the development and implementation of plans or  
2 rules under subs. (3) to (5).

3       4. Report if, during the prior year, the replenishment implementation  
4 period has expired.

5       (3) GROWTH ACCOMMODATION REPLENISHMENT. The department shall:

6       (a) Promulgate rules under s. 144.42 (6) (e), relating to the inspection  
7 of vehicles for tampering with air pollution control equipment.

8       (b) Promulgate rules restricting the amount of volatile organic compounds  
9 that may be contained in architectural coatings sold at retail in the volatile  
10 organic compound accommodation area or for use by a service provider in the  
11 volatile organic compound accommodation area. The department may exempt from  
12 a rule under this paragraph one or more categories of architectural coatings,  
13 based upon the type of coating or the use to which a coating is put, if it  
14 would be technically impractical to prohibit a category of architectural  
15 coating. The proposed rules shall include a provision to allow for the  
16 limited sale and use of the supplies of prohibited architectural coatings that  
17 retailers and suppliers in the volatile organic compound area already have in  
18 stock at the time of promulgation of the rules.

19       (c) Promulgate rules requiring persons who refinish auto bodies in the  
20 volatile organic compound accommodation area to use compounds, as solvents to  
21 clean painting and related equipment, that do not react to form ozone in the  
22 troposphere. The proposed rules shall allow the use of cleaning solvents  
23 containing volatile organic compounds that were purchased before the effective  
24 date of the proposed rules.

25       (d) Promulgate rules requiring highway paint used on all highways, as  
26 defined in s. 340.01, in the volatile organic compound accommodation area, to  
27 be formulated in a manner that minimizes the emissions of volatile organic



1 compounds from the paint. The proposed rules shall allow the use of any  
2 highway paint purchased before the effective date of the proposed rules.

3 (4) REPORT ON NEW REPLENISHMENT MECHANISMS. After expiration of the re-  
4 plenishment implementation period, if the department reports under sub. (2)  
5 (b) 1 or determines at any other time that the growth accommodation is less  
6 than 3,500 tons, the department shall, with the advice of the air pollution  
7 control council and the department of development, submit a report to the  
8 chief clerk of each house of the legislature for distribution to the appro-  
9 priate standing committees of the legislature under s. 13.172 (3) on how to  
10 most effectively and equitably replenish the growth accommodation. The report  
11 shall review existing studies and data to evaluate the accuracy of this  
12 state's state implementation plan with respect to the effect of emissions from  
13 inside and outside the volatile organic compound accommodation area on the  
14 ambient air quality within the area.

15 (5) CONTINGENT RESTRICTIONS ON EXISTING SOURCES. If at any time the  
16 department finds that the growth accommodation is less than 2,500 tons and  
17 determines that it is unlikely that the growth accommodation will exceed 2,500  
18 tons in the report under sub. (2) (b) 1 for the following year because of the  
19 inadequacy of replenishment activities at the time or because of facility  
20 shutdowns, the department shall implement the rules that specify emission  
21 limitations for emissions of volatile organic compounds from stationary  
22 sources located in the volatile organic compound accommodation area that were  
23 required to report their emissions under s. 144.96 during calendar year 1987.  
24 The emission limitations shall be designed to ensure that the growth accommo-  
25 dation in the subsequent year is not less than 2,500 tons. The emission  
26 limitations may not be more restrictive than the lowest achievable emission  
27 rate. The department shall implement the emission limitations by source  
28 category. For the purpose of this section, the department shall determine a

1 source category according to the type and level of emissions. The department  
2 may also use other characteristics which relate to air pollution to determine  
3 source categories. The department shall implement the emission limitations  
4 based upon ease of implementation, cost-effectiveness and the relative equity  
5 of imposing a limitation upon a source category, given any prior limitations  
6 of emissions imposed upon that source category. To the extent feasible, the  
7 emission limitations shall provide affected sources the opportunity to choose  
8 to be subject to either an annual emission limitation or a more restrictive  
9 applicable reasonably available control technology rule than was in effect in  
10 1987.

11 ••87b0863/1 •• 87b1226/2••SECTION 1802Lbg. 144.42 (6) (b) of the statutes  
12 is amended to read:

13 144.42 (6) (b) Prohibition. Except as permitted or authorized by rule of  
14 the department, no person may fail to maintain in good working order or may  
15 tamper with air pollution control equipment.

16 ••87b0863/1 •• 87b1226/2••SECTION 1802Lbh. 144.42 (6) (e) of the stat-  
17 utes is created to read:

18 144.42 (6) (e) Rule making. The department shall promulgate rules that  
19 specify the requirements for the random inspection of motor vehicles for the  
20 occurrence of tampering with air pollution control equipment.

21 ••87-1946/2••SECTION 1802Lc. 144.431 (2) (e) of the statutes is created  
22 to read:

23 144.431 (2) (e) Inspect solid waste facility construction projects to  
24 determine compliance with ss. 144.43 to 144.47 and rules promulgated and  
25 licenses issued under those sections.

26 ••87b1305/3 •• 87b1780/en••SECTION 1802Lct. 144.44 (1r) of the statutes  
27 is created to read:

1 144.44 (1r) NEGOTIATION AND ARBITRATION PROCESS. No person may construct  
2 a solid waste disposal facility or a hazardous waste facility unless a copy or  
3 notice of a negotiated agreement approved under s. 144.445 (9) (k) or the  
4 determination of an arbitration award by the board under s. 144.445 (10) has  
5 been filed with the board, or unless the rights to the negotiation process of  
6 all affected municipalities have been waived.

7 ••87b0930/3 •• 87b1226/2••SECTION 1802Ld. 144.44 (2) (nm) 3m of the  
8 statutes is created to read:

9 144.44 (2) (nm) 3m. The county solid waste management plan under s.  
10 144.437 for the county in which the proposed facility is to be located, if  
11 any, provided that the plan has been revised or approved by the department no  
12 more than 2 years prior to the submission by the applicant of a feasibility  
13 report under this section.

14 ••87b0930/3 •• 87b1226/2••SECTION 1802Le. 144.44 (2) (nm) 4 of the stat-  
15 utes is amended to read:

16 144.44 (2) (nm) 4. If the need for a proposed municipal facility cannot  
17 be established under subs. 1 to 3 3m, the extent to which the proposed  
18 facility is needed to replace other facilities of that municipality at the  
19 time those facilities are projected to be closed in the plans of operation.

20 ••87b0750/2 •• 87b1226/2••SECTION 1802Lem. 144.44 (2) (np) of the stat-  
21 utes is created to read:

22 144.44 (2) (np) Adjacent facilities. Except as provided under this  
23 paragraph, the department shall not issue a determination of need under par.  
24 (nm) or approve a feasibility report under this subsection for a solid waste  
25 disposal facility if another solid waste disposal facility is in operation, or  
26 a facility which has been closed for less than one year, is within 5 miles of  
27 the proposed facility. This prohibition does not apply to any of the  
28 following:

1       1. An expansion of or addition to a solid waste disposal facility by the  
2 owner or operator of that facility on contiguous or adjoining property owned  
3 or under option to lease or purchase by the owner or operator of the existing  
4 facility.

5       2. A facility owned or operated by a generator of high-volume industrial  
6 waste as defined under sub. (7) (a) 1 which is designed and operated to  
7 accommodate wastes generated on site and which primarily accepts high-volume  
8 industrial waste.

9       3. A proposed disposal facility when the existing operating solid waste  
10 disposal facility within a 5 mile radius is a high volume industrial waste  
11 disposal facility owned or operated by the generator of those wastes to  
12 accommodate wastes generated on site.

13       4. A proposed facility in a county with a population greater than  
14 750,000.

15       ••87b0750/2 •• 87b1226/2••SECTION 1802Lf. 144.44 (2) (nr) (intro.) of the  
16 statutes is amended to read:

17       144.44 (2) (nr) Determination of need; exempt facilities. (intro.)  
18 Paragraphs (f) 6, (n) 4, (nm), (np) and (om) do not apply to:

19       ••87b1311/1 •• 87b1780/en••SECTION 1802Lfc. 144.44 (4) (bm) of the stat-  
20 utes is created to read:

21       144.44 (4) (bm) Issuance restriction. No operating license or other  
22 approval for an incinerator may be issued or reissued unless the requirements  
23 under s. 144.794 (17) (bc) and (bg) are met.

24       ••87-1946/2••SECTION 1802Lg. 144.44 (10) (b) of the statutes is amended  
25 to read:

26       144.44 (10) (b) Solid waste license and review activities consist of  
27 reviewing feasibility reports, plans of operation, closure plans and license  
28 applications, issuing determinations of feasibility, plan of operation ap-

1 provals and operating licenses, inspecting construction projects and taking  
2 other actions in administering this section.

3 ••87b1780/en••SECTION 1802Li. 144.442 (1m) (cp) of the statutes is  
4 created to read:

5 144.442 (1m) (cp) Amount of environmental repair fee. Notwithstanding  
6 par. (cm) and except as provided under par. (d), the environmental repair fee  
7 imposed under par. (a) is 30 cents per ton for solid or hazardous waste from  
8 January 1, 1988 to December 31, 1988, 45 cents per ton for solid or hazardous  
9 waste from January 1, 1989 to December 31, 1989, and 65 cents per ton for  
10 solid or hazardous waste after December 31, 1989. This paragraph applies to  
11 solid and hazardous waste other than high-volume industrial waste, as defined  
12 in s. 144.44 (7) (a) 1, received by a licensed solid or hazardous waste dis-  
13 posal facility after December 31, 1987.

14 ••87a0891/3••SECTION 1802Ln. 144.442 (1s) of the statutes is created to  
15 read:

16 144.442 (1s) ENVIRONMENTAL REPAIR FEE FOR GENERATORS OF HAZARDOUS WASTE.  
17 (a) A generator of hazardous waste who is required to report annually on  
18 hazardous waste activities according to rules promulgated under s. 144.62 (8)  
19 (b) shall pay an annual environmental repair fee.

20 (b) The annual environmental repair fee under par. (a) shall be assessed  
21 as follows:

22 1. A generator of hazardous waste shall pay \$100, or \$3 per ton of  
23 hazardous waste generated, whichever is greater.

24 2. No generator may pay a fee that is greater than \$10,000.

25 (c) No fees may be assessed under par. (a) for the following hazardous  
26 wastes:

27 1. Hazardous wastes which are recovered for recycling or reuse.

1       2. Leachate which contains hazardous waste which is being transported to  
2 a wastewater treatment plant.

3       (d) The department shall assess fees under par. (a) on the basis of the  
4 generator's report that is submitted according to the rules promulgated under  
5 s. 144.62 (8) (b).

6       (e) All moneys received under this subsection shall be credited to the  
7 environmental repair fund.

8       ••87b0967/1 •• 87b1226/2••SECTION 1802Lpb. 144.442 (4) (a) 1 of the  
9 statutes is amended to read:

10       144.442 (4) (a) 1. The department shall compile and maintain an inventory  
11 of sites or facilities which may cause or threaten to cause environmental  
12 pollution. In compiling the inventory, the department shall collect all  
13 relevant information about a site or facility which is or may become  
14 available. No later than January 1, 1992, the department shall complete the  
15 inventory of sites or facilities.

16       ••87b0967/1 •• 87b1226/2••SECTION 1802Lpg. 144.442 (4) (c) 2 of the  
17 statutes is amended to read:

18       144.442 (4) (c) 2. From time to time, the department shall issue  
19 documents, consistent with the criteria in subd. 1, which list the hazard  
20 ranking of sites and facilities which are included in the inventory under par.  
21 (a). The hazard ranking list shall include in a single category those sites  
22 or facilities determined by the department to present a substantial danger to  
23 public health or welfare or the environment. The department may include  
24 subcategories in the hazard ranking list which group together, without  
25 assigning a specific degree of risk and without establishing an individual  
26 hazard ranking, sites or facilities which do not present a substantial danger  
27 to public health or welfare or the environment. No later than January 1,  
28 1994, the department shall complete the hazard ranking of all sites or

1 facilities which are included in the completed inventory under par. (a).  
2 Notwithstanding s. 227.01 (13) or 227.10 (1), documents issued under this  
3 subdivision are not rules.

4 ••87b0967/1 •• 87b1226/2••SECTION 1802Lpj. 144.442 (6) (a) of the stat-  
5 utes is repealed.

6 ••87b0967/1 •• 87b1226/2••SECTION 1802Lpp. 144.442 (6) (c) of the stat-  
7 utes is amended to read:

8 144.442 (6) (c) Sequence of remedial action. In determining the sequence  
9 for taking remedial action under this subsection, the department shall con-  
10 sider the hazard ranking of each site or facility, the amount of funds  
11 available, the information available about each site or facility, the will-  
12 ingness and ability of an owner, operator or other responsible person to  
13 undertake or assist in remedial action, the availability of federal funds  
14 under 42 USC 9601, et seq., and other relevant factors. The department shall  
15 give the highest priority to remedial action at sites or facilities which have  
16 caused contamination of a municipal water supply in a town with a population  
17 greater than 10,000. If any such site or facility is eligible for federal  
18 funds under 42 USC s. 9601 to 9675, but the federal funds will not be avail-  
19 able before January 1, 2000, the department shall proceed with remedial action  
20 using state funds.

21 ••87b0967/1 •• 87b1226/2••SECTION 1802Lps. 144.442 (6) (cm) of the stat-  
22 utes is created to read:

23 144.442 (6) (cm) Remedial action schedule. The department shall commence  
24 remedial action as required under this paragraph for sites or facilities which  
25 are included on the hazard ranking list and are determined to present a sub-  
26 stantial danger to public health or welfare or the environment. The depart-  
27 ment shall commence remedial action at no less than 2 of the sites or facili-  
28 ties by January 1, 1989. The department shall commence remedial action at all

1 of the sites or facilities by January 1, 2000. After January 1, 1989 and  
2 before January 1, 2000, the department shall annually commence remedial action  
3 at no less than 2 of the sites or facilities.

4 ••87b1306/3 •• 87b1780/en••SECTION 1802Lpt. 144.442 (6) (d) of the stat-  
5 utes is amended to read:

6 144.442 (6) (d) Emergency responses. Notwithstanding rules promulgated  
7 under this section, the hazard ranking list ~~or~~, the considerations for taking  
8 action under par. (c) or the remedial action schedule under par. (cm), the  
9 department may take emergency action under this section at a site or facility  
10 if delay will result in imminent risk to public health or safety or the  
11 environment. The department is not required to hold a hearing under par. (f)  
12 if emergency action is taken under this paragraph. The decision of the  
13 department to take emergency action is a final decision of the agency subject  
14 to judicial review under ch. 227.

15 ••87b1301/1 •• 87b1780/en••SECTION 1802Lq. 144.442 (6) (e) of the stat-  
16 utes is amended to read:

17 144.442 (6) (e) Access to property. The department, any authorized  
18 officer, employe or agent of the department or any person under contract with  
19 the department may enter onto any ~~property or premises~~ site or facility at  
20 reasonable times and upon notice to the owner or occupant to take action under  
21 this subsection. Notice to the owner or occupant is not required if the delay  
22 required to provide this notice is likely to result in an imminent risk to  
23 public health or welfare or the environment.

24 ••87b1301/1 •• 87b1780/en••SECTION 1802Lqa. 144.442 (6) (em) of the  
25 statutes is created to read:

26 144.442 (6) (em) Access to information. 1. In order to determine the  
27 need for action at a site or facility which is eligible for federal funding  
28 under 42 USC 9601 to 9675, and where necessary to ascertain facts not avail-



1 able at the site or facility, the department may request any person who  
2 generates, transports or otherwise handles or has handled solid or hazardous  
3 waste to provide access to records, as defined under s. 19.32 (2), which dis-  
4 close all of the following:

5 a. The type and quantity of wastes that the person generated, transported  
6 or handled and which were disposed at the site or facility and the dates of  
7 those activities.

8 b. The identity of persons who generated, transported or handled wastes  
9 which were disposed at the site or facility.

10 c. Predecessor or successor business entities, parent and subsidiary  
11 corporations and other business relationships of persons who generated,  
12 transported or handled wastes which were disposed at the site or facility.

13 2. The department shall allow the person sufficient time to locate and  
14 make available the requested records under subd. 1. If the person fails to  
15 respond to the request, the department may order the person to provide access  
16 to the requested records under sub. 1. The department may not require the  
17 person to provide the department with the original record or a copy of the  
18 record but the department may examine the requested records, accept copies of  
19 the requested records provided by the person, pay the person for the reason-  
20 able costs of copies or make copies of the requested records on copying  
21 equipment provided by the department.

22 ••87a0896/2••SECTION 1802Lr. 144.442 (8) (c) of the statutes is created  
23 to read:

24 144.442 (8) (c) 1. The department may require a municipality to pay a  
25 reasonable share of the amount expended by the department for a project under  
26 par. (b). The department shall base any share charged to a municipality for a  
27 project under par. (b) on the following factors:

1 a. The municipality's responsibility for the site or facility affected by  
2 the project.

3 b. The benefit that the municipality receives from the project.

4 c. The municipality's ability to pay for the project.

5 2. The total amount charged to all municipalities who are charged for the  
6 project may not exceed 50% of the amount expended by the department under par.  
7 (b) for the project.

8 3. The department shall promulgate rules establishing criteria for  
9 determining the responsibility, for the purposes of this subsection, of a  
10 municipality for a site or facility affected by the project under par. (b);  
11 the benefit a municipality receives from a project under par. (b); and the  
12 ability of a municipality to pay for a project under par. (b).

13 4. All moneys received under this paragraph shall be credited to the  
14 environmental repair fund.

15 ••87b0932/2 •• 87b1226/2••SECTION 1802Lta. 144.442 (9) (title) of the  
16 statutes is amended to read:

17 144.442 (9) (title) LIABILITY; RECOVERY OF EXPENDITURES.

18 ••87b0932/2 •• 87b1226/2••SECTION 1802Ltb. 144.442 (9) (a) 1 of the  
19 statutes is renumbered 144.442 (9) (a) 1r and amended to read:

20 144.442 (9) (a) 1r. "Operator" means any person who operates a site or  
21 facility or who permits the disposal of solid or hazardous waste at a site or  
22 facility under his or her management or control for consideration, regardless  
23 of whether the site or facility remains in operation and regardless of whether  
24 the person operates or permits disposal of solid or hazardous waste at the  
25 time any environmental pollution occurs. This term includes a subsidiary or  
26 parent corporation.

27 ••87b0932/2 •• 87b1226/2••SECTION 1802Ltc. 144.442 (9) (a) 1, 2m, 4 and 5  
28 of the statutes are created to read: