

1989 Assembly Bill 237

Date of enactment: **April 18, 1990**

Date of publication\*: **May 2, 1990**

## 1989 WISCONSIN ACT 256

AN ACT *to create* 166.22 of the statutes, **relating to:** reimbursements to local agencies for expenses incurred in response to discharges of hazardous substances.

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

**SECTION 1.** 166.22 of the statutes is created to read:

**166.22 Local agency response and reimbursement.** (1) In this section:

(a) "Discharge" has the meaning given in s. 144.76 (1) (a).

(b) "Hazardous substance" has the meaning given in s. 144.01 (4m).

(c) "Local agency" means an agency of a county, city, village or town, including a municipal police or fire department, a municipal health organization, a county office of emergency government, a county sheriff, an emergency medical service or a public works department.

(2) A person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to protect public health and safety and prevent damage to property.

(3) If action required under sub. (2) is not being adequately taken or the identity of the person responsible for a discharge of a hazardous substance is unknown and the discharge threatens public health or safety or damage to property, a local agency may take any emergency action that is consistent with the contingency plan for the undertaking of emergency actions in response to the discharge of hazardous substances established by the department of natural resources under s. 144.76 (5) and that it considers appropriate under the circumstances.

(4) A person who possessed or controlled a hazardous substance that was discharged or who caused the discharge of a hazardous substance shall, as provided under sub. (5), reimburse a local agency for actual, reasonable and necessary expenses incurred under sub. (3).

(5) (a) The county board may designate a county employe or body as the reviewing entity under this subsection. If the county board does not make a designation, the local emergency planning committee is the reviewing entity.

(am) A local agency seeking reimbursement under sub. (4) shall submit a claim stating its expenses to the reviewing entity for the county in which the discharged occurred.

(b) The reviewing entity shall review claims submitted under par. (am) and determine the amount of reasonable and necessary expenses incurred. The reviewing entity shall provide a person who is liable for reimbursement under sub. (4) with a notice of the amount of expenses it has determined to be reasonable and necessary that arise from one discharge and are incurred by all local agencies from which the reviewing entity receives a claim.

(c) If a person receiving a notice under par. (b) objects to the amount of expenses in the notice, the person may ask the reviewing entity to review its determination. The reviewing entity may modify the determination and shall notify the person of the result of its review.

(d) A person liable for reimbursement under sub. (4) shall pay the reimbursement directly to each local agency.

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(6) A county may enact an ordinance in conformity with this section that governs the administration of claims under sub. (5).

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