



## 1995 SENATE BILL 622

March 13, 1996 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to  
Committee on Environment and Energy.

1        **AN ACT to repeal** chapter 144 (title), subchapter I (title) of chapter 144 [precedes  
2        144.01], 144.01, subchapter II (title) of chapter 144 [precedes 144.02], 144.02  
3        (title), 144.025 (title), 144.025 (2) (title), 144.11 (1), 144.14 (title), 144.15 (title),  
4        subchapter III (title) of chapter 144 [precedes 144.30], 144.30 (intro.), 144.31  
5        (title), 144.375 (title), 144.375 (6) (b) and (c), 144.385, subchapter IV (title) of  
6        chapter 144 [precedes 144.43], 144.43 (4), 144.431 (title), 144.431 (2) (e),  
7        144.435 (5) (a), 144.44 (title), (1) (intro.), (a) and (am), 144.44 (1) (e), 144.44 (2)  
8        (title), 144.44 (2) (c), 144.44 (2g) (title), 144.44 (2r) (title), 144.44 (3) (ar), 144.44  
9        (7) (a) (intro.), 144.441 (title) and (1) (intro.), 144.441 (1m) (title), 144.442 (1)  
10       (intro.) and (a) to (c), 144.442 (1) (cm), 144.4422 (1) (a), 144.443 (1) (a), 144.45  
11       (title), 144.455 (1) (a), 144.60 (title) and (1), 144.62 (title), 144.64 (title), 144.64  
12       (2) (title), 144.64 (4) (title), 144.76 (1) (intro.), 144.765 (1) (a), subchapter V  
13       (title) of chapter 144 [precedes 144.80], 144.80, 144.83 (title), 144.834 (title),  
14       144.84 (title), 144.85 (title), 144.89 (title), 144.9407 (title), subchapter VII (title)  
15       of chapter 144 [precedes 144.95], subchapter VIII (title) of chapter 144  
16       [precedes 144.96], 146.20 (2) (a), 146.20 (6), 147.033 (title) and (1) (title) and  
17       287.17; **to renumber** 144.025 (2) (a), 144.025 (2) (c), 144.025 (2) (f), 144.025 (2)

1 (g), 144.025 (2) (h), 144.025 (2) (i), 144.025 (2) (j), 144.025 (2) (k), 144.025 (2) (m),  
2 144.025 (2) (q), 144.025 (2) (t), 144.025 (6), 144.03 (title), 144.06, 144.07, 144.10  
3 (title), 144.11 (title), 144.11 (2), 144.14, 144.15, 144.21, 144.235, 144.251,  
4 144.26, 144.266, 144.30 (1) and (2), 144.30 (3r), (4), (5), (6) and (7), 144.30 (9),  
5 144.30 (10), (11), (12), (13) and (14), 144.30 (15), 144.30 (19e), 144.30 (20e) and  
6 (20s), 144.30 (22r) and (22rm), 144.30 (23), (24) and (25), 144.31 (4), 144.371,  
7 144.3716 (title), (1) and (2) (title) and (a), 144.372, 144.373, 144.374, 144.375  
8 (6) (title), 144.38, 144.395, 144.398, 144.399 (title) and (1), 144.399 (2) (b) and  
9 (c), 144.401, 144.404, 144.405, 144.42, 144.421, 144.43 (2w), (3) and (3m),  
10 144.43 (4g), 144.43 (4r), (5), (6), (7), (7g), (7r) and (8), 144.431 (2) (c) and (d),  
11 144.436, 144.438, 144.439, 144.44 (1c), 144.44 (1m) (title), 144.44 (7) (title),  
12 144.44 (7) (a) 1., 144.441 (6m), 144.442 (title), 144.442 (1) (e), 144.4422 (title)  
13 and (1) (intro.), 144.443 (title) and (1) (intro.), 144.443 (1) (am), 144.443 (1) (c)  
14 to (f), 144.449, 144.455 (title), 144.455 (2) to (6), 144.46, 144.463, 144.60 (2),  
15 144.61 (2), (3) and (4), 144.61 (5m) and (6), 144.62 (2) (a), 144.62 (2) (c), 144.62  
16 (3), 144.62 (4), 144.62 (9), 144.62 (17) and (18), 144.64 (1) (b) 1., 2., 3., 4. and 5.,  
17 144.69 (title), 144.69, 144.737, 144.75, 144.76 (title), 144.76 (1) (a), (b), (bm), (c)  
18 and (d), 144.76 (2), 144.76 (3) to (5), 144.76 (6) and (7), 144.76 (8), 144.765 (title)  
19 and (1) (intro.), 144.765 (1) (b), (c), (d) and (e), 144.81 (1m), 144.81 (2), 144.81  
20 (3), 144.81 (4), 144.81 (5), 144.81 (7), 144.81 (8), 144.81 (9), 144.81 (10), 144.81  
21 (13), 144.81 (13n), 144.81 (14), 144.81 (17), 144.81 (17m), 144.81 (18), 144.82,  
22 144.832, 144.836 (title), 144.84 (4), 144.84 (5), 144.85 (1) (c), 144.85 (2) (a),  
23 144.875, 144.925, 144.9407 (6) (title), 144.9407 (6), subchapter VI (title) of  
24 chapter 144 [precedes 144.941], 144.942, 144.951, 144.965, 144.968, chapter  
25 147 (title), 147.01, 147.0175, 147.018, 147.023, 147.09, 147.11, 147.15, 147.25,

1 147.27, subchapter I (title) of chapter 159 [precedes 159.01], 159.03, subchapter  
2 II (title) of chapter 159 [precedes 159.07], 159.08, 159.095, 159.18, 159.185,  
3 159.215, 159.22, 159.31, subchapter III (title) of chapter 159 [precedes 159.40],  
4 159.41, 159.46, 159.48, 159.49, subchapter IV (title) of chapter 159 [precedes  
5 159.81], subchapter V (title) of chapter 159 [precedes 159.91], 159.93, chapter  
6 162 (title), 162.03, 162.047, 162.05, 162.06 and 162.07; **to renumber and**  
7 **amend** 144.02, 144.025 (1), 144.025 (2) (b), 144.025 (2) (d), 144.025 (2) (e),  
8 144.025 (2) (L), 144.025 (2) (r), 144.025 (2) (s), 144.025 (2) (u), 144.025 (2) (v),  
9 144.025 (2) (w), 144.025 (7), 144.0252, 144.0255, 144.026, 144.027, 144.03 (1),  
10 144.03 (2), 144.04, 144.05, 144.08, 144.09, 144.10 (1), 144.10 (2) to (4), 144.23,  
11 144.24, 144.241, 144.2415, 144.242, 144.25, 144.253, 144.254, 144.265, 144.27,  
12 144.30 (3) and (3m), 144.30 (8), 144.30 (14m), 144.30 (16), 144.30 (20), 144.30  
13 (21), 144.30 (22s), 144.31 (1), 144.31 (2), 144.31 (3), 144.32, 144.33, 144.34,  
14 144.36, 144.3712, 144.3714, 144.3716 (2) (am), (b) and (c), 144.3716 (3), 144.375  
15 (1), (2) and (3), 144.375 (4), (5) and (5m), 144.375 (6) (a), 144.382, 144.386,  
16 144.387, 144.388, 144.389, 144.391 (title), (1), (2), (3m), (4m), (5), (6) and (7),  
17 144.392 (title), (1m), (2), (3), (4), (5), (6), (7), (8) and (9), 144.3925 (title), (1), (2),  
18 (3), (4), (5), (5m), (6), (7), (8) and (9), 144.393, 144.3935, 144.394 (intro.), (1), (2),  
19 (3), (4), (5), (6), (7), (7m), (8), (9), (10), (11), (12) and (13), 144.396, 144.399 (2)  
20 (title) and (a) (intro.), 1., 2., 2g., 2r., 3. and 4., 144.399 (2) (am), 144.399 (3) to  
21 (6), 144.399 (7), 144.40, 144.403, 144.407 (title), (1), (1g), (1m), (1r), (1t), (1w)  
22 and (2), 144.41, 144.422 (title), (1), (2), (2m), (2r), (3), (3e), (3m) and (4), 144.423,  
23 144.424, 144.426, 144.43 (intro.), 144.43 (1) and (1m), 144.43 (2), (2d), (2h), (2p)  
24 and (2t), 144.431 (1), 144.431 (2) (intro.) and (a), 144.431 (2) (b), 144.432,  
25 144.433, 144.434, 144.435 (title), (1) and (2), 144.435 (3), 144.435 (4), 144.435

1 (5) (b), 144.437, 144.4385, 144.44 (1) (b), (bm), (c) and (d), 144.44 (1m) (a), (b),  
2 (bn), (c), (d) and (e), 144.44 (2) (a) and (b), 144.44 (2) (d) and (e), 144.44 (2) (f),  
3 (fm) and (g), 144.44 (2) (h), 144.44 (2) (i), (j) and (k), 144.44 (2) (L), 144.44 (2)  
4 (m), 144.44 (2) (n), 144.44 (2) (nm), 144.44 (2) (nr), 144.44 (2) (nu), 144.44 (2) (o),  
5 144.44 (2) (om), 144.44 (2) (p) and (q), 144.44 (2g) (a), (b), (c) and (e), 144.44 (2r)  
6 (a), (b), (d) and (e), 144.44 (3) (title), (a), (ag) and (am), 144.44 (3) (b), (bh), (c),  
7 (cm), (d), (e), (f) and (g), 144.44 (4), 144.44 (4e), 144.44 (4m), 144.44 (4r), 144.44  
8 (6), 144.44 (7) (a) 2., 144.44 (7) (am), (b), (c), (d) and (e), 144.44 (7) (em), 144.44  
9 (7) (f), (g) and (h), 144.44 (8), 144.44 (9), 144.44 (10), 144.441 (1) (a), (b) and (c),  
10 144.441 (1m), 144.441 (2), 144.441 (3) and (4), 144.441 (6), 144.441 (7), 144.441  
11 (7m), 144.4412, 144.4414, 144.442 (1) (d), 144.442 (1m), 144.442 (1s), 144.442  
12 (2), 144.442 (3), 144.442 (4), 144.442 (5), 144.442 (6), 144.442 (6m), (6r) and (7),  
13 144.442 (8), 144.442 (9), 144.442 (9m), 144.442 (10) and (11), 144.4422 (1) (b),  
14 (c), (d), (e), (f) and (g), 144.4422 (2), (2g), (2r), (3), (4), (5), (6), (7), (8), (9), (10),  
15 (11) and (13), 144.443 (1) (b), 144.443 (2) and (3), 144.443 (4), 144.443 (5) to (12),  
16 144.444, 144.445, 144.446, 144.447, 144.448, 144.45, 144.453, 144.465,  
17 144.469, 144.47, 144.48, 144.50, 144.52, 144.60 (3), 144.61 (intro.) and (1),  
18 144.61 (5), 144.61 (7), 144.61 (8), (9), (9m), (10), (11), (12) and (13), 144.61 (14),  
19 144.62 (2) (b), 144.62 (5), 144.62 (7), 144.62 (8), 144.62 (8m), 144.62 (10), 144.62  
20 (12), 144.62 (13), 144.62 (14), 144.62 (15), 144.62 (16), 144.63, 144.64 (1) (title),  
21 (a) and (b) (intro.), 144.64 (1) (c), 144.64 (2) (a), (am), (b), (c) and (d), 144.64 (2)  
22 (e), 144.64 (2) (f) and (g), 144.64 (2m), 144.64 (3), 144.64 (4) (a), 144.64 (4) (b),  
23 144.645, 144.68, 144.70, 144.72, 144.725, 144.73, 144.735, 144.74, 144.76 (9),  
24 144.76 (9m), 144.76 (9s), 144.76 (10), (11) and (12), 144.76 (13), 144.765 (2), (3),  
25 (4) and (5), 144.77, 144.788, 144.79, 144.81 (intro.), 144.81 (2m), 144.81 (6),

1 144.81 (12), 144.81 (13m), 144.81 (15), 144.81 (16), 144.815, 144.83 (1), 144.83  
2 (2), 144.83 (4), 144.83 (5), 144.83 (6), 144.831 (title), 144.831 (1) to (6), 144.831  
3 (7), 144.831 (8), 144.833, 144.834 (1) and (2), 144.836 (intro.), (1), (2), (3) and (4),  
4 144.838 (title) and (1) to (4), 144.838 (5), 144.839, 144.84 (1), 144.84 (2) and (3),  
5 144.85 (1) (a) and (b), 144.85 (2) (b), 144.85 (3) (intro.), (a), (b), (c), (d), (e), (f) and  
6 (g), 144.85 (4) (a) and (b), 144.85 (4) (c), 144.85 (5) (a), 144.85 (5) (b), 144.85 (5)  
7 (bm), 144.85 (5) (c), 144.85 (5) (d) and (e), 144.852, 144.855, 144.86, 144.87 (title)  
8 and (1), 144.87 (2), 144.87 (3), 144.88, 144.89 (1), (1m) and (2), 144.90, 144.91,  
9 144.92, 144.93, 144.935, 144.937, 144.94, 144.9407 (1) (intro.), (a), (b), (c), (d),  
10 (e) and (f), 144.9407 (2), 144.9407 (3), 144.9407 (4), 144.9407 (4m), 144.9407 (5),  
11 144.9407 (7), 144.9407 (8), 144.9407 (9), 144.941 (intro.), (1), (1g), (1m), (1s), (2)  
12 and (3), 144.943, 144.944, 144.95, 144.955, 144.96, 144.97, 144.975, 144.976,  
13 144.977, 144.98, 144.99, 144.992, 144.995, 146.20 (title) and (2) (intro.), 146.20  
14 (2) (b) to (5s), 147.015, 147.017, 147.02, 147.021, 147.025, 147.03, 147.033 (1),  
15 147.033 (4), 147.035, 147.04, 147.05, 147.055, 147.06, 147.07, 147.08, 147.10,  
16 147.105, 147.12, 147.13, 147.135, 147.14, 147.20, 147.21, 147.23, 147.26,  
17 147.29, 147.30, chapter 159 (title), 159.01, 159.05, 159.07, 159.09, 159.10,  
18 159.11, 159.12, 159.13, 159.15, 159.17, 159.19, 159.21, 159.23, 159.25, 159.40,  
19 159.42, 159.44, 159.81, 159.91, 159.95, 159.97, 162.01, 162.02 and 162.04; **to**  
20 **consolidate, renumber and amend** 144.455 (1) (intro.) and (b); **to amend**  
21 13.101 (11), 13.48 (10) (b) 1., 13.48 (26), 13.625 (8m), 15.107 (5) (a) 5., 15.107 (5)  
22 (a) 6., 15.107 (12) (b) 1. c., 15.157 (10) (a), (b), (c), (d) and (e), 15.347 (15) (a) 4.,  
23 15.915 (5) (a), 16.15 (1) (ae) and (ah), 16.15 (1) (aj), 16.15 (1) (ar), 16.15 (1) (e),  
24 16.15 (1) (f), 16.15 (3) (a) 3., 16.72 (2) (f), 16.75 (1) (a) 1., 16.855 (21), 16.87 (4),  
25 18.57 (3), 19.59 (1) (f), 20.143 (1) (kc), 20.255 (2) (ra), 20.285 (1) (L), 20.285 (1)

1 (t), 20.320 (1) (q), 20.320 (1) (r), 20.320 (1) (s), 20.320 (1) (u), 20.370 (2) (af),  
2 20.370 (2) (ah), 20.370 (2) (bg), 20.370 (2) (bj), 20.370 (2) (bL), 20.370 (2) (br),  
3 20.370 (2) (cg), 20.370 (2) (ch), 20.370 (2) (ci), 20.370 (2) (cL), 20.370 (2) (cq),  
4 20.370 (2) (dg), 20.370 (2) (dh), 20.370 (2) (di), 20.370 (2) (dj), 20.370 (2) (dL),  
5 20.370 (2) (dq), 20.370 (2) (dt), 20.370 (2) (dv), 20.370 (2) (dy), 20.370 (2) (dz),  
6 20.370 (2) (eg), 20.370 (2) (eh), 20.370 (2) (ei), 20.370 (2) (fj), 20.370 (2) (fr),  
7 20.370 (2) (gh), 20.370 (2) (gi), 20.370 (2) (gr), 20.370 (2) (hq), 20.370 (2) (mq),  
8 20.370 (2) (mr), 20.370 (2) (mt), 20.370 (2) (mx), 20.370 (3) (bi), 20.370 (3) (ma),  
9 20.370 (3) (mq), 20.370 (6) (aa), 20.370 (6) (aq), 20.370 (6) (ar), 20.370 (6) (as),  
10 20.370 (6) (at), 20.370 (6) (ba), 20.370 (6) (bq) (intro.) and 2. to 8., 20.370 (6) (br),  
11 20.370 (6) (bs), 20.370 (6) (cq), 20.370 (6) (cr), 20.370 (6) (da), 20.370 (6) (mq),  
12 20.370 (6) (mr), 20.370 (6) (ms), 20.370 (6) (mu), 20.370 (6) (mx), 20.370 (7) (ba),  
13 20.370 (7) (ca), 20.370 (7) (cb), 20.370 (7) (cc), 20.370 (7) (cd), 20.370 (8) (is),  
14 20.370 (8) (iw), 20.370 (8) (mg), 20.370 (8) (mq), 20.455 (1) (gh), 20.455 (1) (hm),  
15 20.505 (1) (v), 20.505 (1) (x), 20.536 (1) (ka), 20.566 (7) (e), 20.566 (7) (v), 20.865  
16 (2) (em), 20.866 (2) (tb), 20.866 (2) (tc), 20.866 (2) (te), 20.866 (2) (tg), 20.866 (2)  
17 (tm), 20.866 (2) (tn), 20.866 (2) (to), 23.094 (2) (c) 5., 23.39 (1) and (2) (a), 23.41  
18 (2), 23.50 (1), 23.51 (3c), 23.53 (1), 23.65 (1), 23.65 (3), 24.60 (2), 24.61 (3) (a) 8.,  
19 24.66 (2p), 25.17 (2) (d), 25.43 (1) (e), 25.43 (1) (f), 25.43 (1) (g), 25.43 (1) (h),  
20 25.43 (2) (c), 25.43 (3), 25.45, 25.46 (5e), 25.46 (5m), 25.46 (6), 25.46 (6m), 25.46  
21 (6r), 25.46 (7), 25.46 (8), 25.46 (9), 25.46 (10), 25.46 (10m), 25.46 (11), 25.46 (12),  
22 25.46 (13), 25.46 (13m), 25.46 (15), 25.46 (16), 25.46 (17), 25.46 (17m), 25.46  
23 (18), 25.49 (2), 27.019 (11), 27.065 (10) (a), 29.05 (8) (a), 29.135 (1) (b), 29.29 (3)  
24 (b), 30.01 (1b), 30.01 (7m), 30.01 (9), 30.12 (4) (a), 30.124 (1) (intro.), 30.18 (2)  
25 (b), 30.18 (3) (b), 30.18 (4) (a), 30.18 (4) (b), 30.18 (5) (b), 30.18 (6) (a), 30.18 (6)

1 (d), 30.18 (6m) (c), 30.19 (3) (b), 30.19 (4), 30.20 (2) (a), 30.202 (3), 30.202 (4),  
2 30.203 (4) (d), 30.204 (5), 30.206 (1), 30.21 (3) (a), 30.28 (2m) (c), 30.40 (16), 30.45  
3 (4m) (a), 30.45 (4p), 31.06 (3), 31.06 (5), 31.39 (2m) (c), 32.02 (12), 33.14 (4) (c),  
4 33.26 (3), 33.457 (4) (intro.), 36.25 (3m) (a), 36.25 (30) (intro.), 36.25 (30g), 42.05  
5 (1) and (2), 46.255 (7), 46.34, 50.05 (15) (d), 59.067 (1) (b), 59.067 (1) (c), 59.067  
6 (2), 59.067 (3), 59.067 (5), 59.07 (133), 59.07 (135) (L), 59.07 (135) (q) (intro.),  
7 59.20 (5) (b), 59.395 (5), 59.51 (17), 59.97 (9) (b), 59.971 (1) (b) (intro.), (1m), (4)  
8 (a) and (7) (ag), 59.974 (2) and (8), 60.54 (1), 60.627 (2) (a) and (7), 60.70 (7),  
9 60.70 (8), 60.70 (11), 61.345, 61.351 (3), 61.351 (6), 61.354 (2) and (7), 61.55,  
10 62.15 (1b), 62.225, 62.231 (3) and (6), 62.234 (2) and (7), 66.023 (7), 66.038 (1)  
11 (a), 66.038 (3) (e) 4., 66.038 (3) (e) 5., 66.121, 66.122 (1) (b), 66.293 (3) (b), 66.33  
12 (5), 66.33 (6), 66.35 (1) (a), 66.35 (2), 66.365, 66.46 (2) (am), 66.521 (9), 66.606  
13 (1) (a) 1., 66.606 (1) (a) 2., 66.606 (1) (b), 66.888 (1) (c) 3. c., 66.892 (2) (a) and  
14 (d), 66.894 (14) (g), 66.902 (1) (a) 4. a., 66.902 (1) (e), 66.902 (2) (c), 66.904 (2)  
15 (a), 66.905 (2) (a), 66.905 (2) (b), 66.912 (5), 66.945 (14) (c), 67.04 (5) (b) 2., 67.12  
16 (1) (b), 67.12 (12) (a), 70.01, 70.11 (21) (a), 70.32 (1m), 70.375 (1) (as) and (bm),  
17 70.375 (4) (h), 70.375 (4) (o), 70.38 (2), 70.395 (2) (dc) 1., 70.395 (2) (dc) 4. and  
18 (fm), 70.395 (2) (h) 1., 70.395 (2) (hg), (hr) and (hw), 70.395 (2) (j), 70.395 (2) (k),  
19 70.995 (2) (z), 71.05 (11) (b), 71.07 (2de) (a) (intro.), 71.28 (1de) (a) (intro.), 71.47  
20 (1de) (a) (intro.), 76.13 (2), 76.22 (1), 76.39 (5), 77.54 (9a) (d), 84.078 (1) (bc),  
21 84.078 (1) (be), 84.078 (3) (a) (intro.), 84.31 (4) (a) 1., 84.31 (4) (b), 84.31 (9), 85.17  
22 (1) (b), 88.40 (2), 91.75 (9) (a) 1., 92.04 (2) (f), 92.04 (2) (k), 92.04 (2) (L), 92.05  
23 (1), 92.05 (3) (f) and (j), 92.08 (1), 92.14 (1) (a), (b) and (c), 92.14 (4) (c), 92.14 (5)  
24 (a), 92.14 (6) (g), 92.14 (6) (h) 2., 92.14 (6) (h) 3., 92.14 (6) (i) 2., 92.14 (8), 92.14  
25 (12), 92.14 (13), 92.14 (14), 92.18 (1) (b), 93.12 (5), 93.12 (8), 93.12 (9), 93.55 (2),

1 94.64 (1) (pm), 94.645 (1) (g), 94.65 (3) (a) 3., 94.701 (3) (c), 94.73 (1) (a), 94.73  
2 (1) (b), 94.73 (1) (e), 94.73 (2) (a), 94.73 (2) (bg) 2. and 3. and (d), 94.73 (2m)  
3 (intro.), 94.73 (2m) (d), 94.73 (3) (d), 94.73 (3) (f), 94.73 (3m) (a), 94.73 (3m) (b),  
4 94.73 (3m) (e), 94.73 (6) (b) 2., 94.73 (6) (c), 94.73 (12), 97.34 (2) (b), 97.34 (2) (c),  
5 97.34 (2) (d), 100.27 (5) (b), 101.09 (1) (d), 101.09 (2) (b), 101.126 (1) (intro.),  
6 101.143 (1) (b), 101.143 (1) (c), 101.143 (2m), 101.143 (3) (a) 5., 101.143 (3) (c)  
7 3., 101.143 (3) (c) 4., 101.143 (3) (d), 101.143 (4) (b) 14., 101.144 (1) (a), 101.144  
8 (1) (am), 101.144 (3) (intro.), 101.144 (3) (d), 101.144 (3) (e), 101.144 (3m) (a) 2.,  
9 101.578 (1), 107.001 (3), 107.15 (2) (a), 107.15 (2) (b), 107.15 (2) (d), 107.15 (2)  
10 (e), 107.20 (1), 107.25 (1) (c), 107.30 (8), 107.30 (15), 107.30 (16), 109.09 (2),  
11 110.07 (1) (a) 1., 110.07 (1) (a) 3., 110.07 (1) (b), 110.20 (1) (ac), 110.20 (1) (b),  
12 110.20 (3) (a), 110.20 (5) (a), 110.20 (6) (b), 110.20 (13) (c) 2., 145.01 (10) (d),  
13 145.01 (17), 145.06 (4) (b), 145.06 (4) (e), 145.20 (3) (d), 145.245 (1) (a) 2., 145.245  
14 (3), 146.16, 160.01 (4), 160.09 (1) (intro.), 160.19 (8), 160.19 (9) (intro.), 160.19  
15 (12), 160.21 (2) (c) (intro.), 160.21 (2) (c) 1., 160.23 (7), 160.25 (1) (a) (intro.),  
16 160.25 (2), 160.25 (6), 160.27 (5), 160.32 (2), 166.03 (2) (b) 6., 166.15 (1) (e) 5.,  
17 166.15 (1) (e) 6., 166.15 (1) (h), 166.15 (1) (j), 166.20 (4) (a), 166.20 (4) (b), 166.20  
18 (5) (a) 2., 166.20 (5) (a) 4. c., 166.21 (2m) (f), 166.22 (1) (a), 166.22 (1) (b), 166.22  
19 (3), 168.04, 168.11 (1) (b) 2., 196.49 (2), 196.491 (3) (d) 3., 196.491 (3) (d) 4.,  
20 196.856 (1), 196.98, 214.495 (1), 215.21 (4) (a), 227.01 (13) (ym), 227.01 (13) (z),  
21 227.01 (13) (zc), 227.01 (13) (zi), 227.01 (13) (zp), 227.03 (2), 227.42 (4), 227.42  
22 (5), 227.42 (6), 234.01 (4n) (a) 8., 234.67 (1) (g), 234.69 (1) (c), 234.69 (2) (b) 2.  
23 and 3., 234.87 (1) (ae), 234.87 (1) (as), 234.87 (1) (b), 234.87 (1) (c), 234.87 (3) (b)  
24 1., 236.13 (2m), 254.36 (2), 341.10 (8), 345.11 (1u), 345.20 (2) (g), 348.15 (3) (bv),  
25 348.27 (12), 443.14 (10) and (11), 443.14 (12m), 560.03 (9), 560.11 (1) (a), 560.11

1 (1) (c), 560.11 (2), 560.12 (1) (ae), 560.19 (1) (b), 560.19 (4) (d) 2., 560.65 (1) (a),  
2 560.65 (1) (ag), 560.65 (1) (ar), 560.65 (1) (b), 560.65 (1) (c), 560.65 (1) (d), 560.65  
3 (1) (e), 560.65 (1) (f), 560.65 (1m) (a) 3. b., 560.65 (1m) (a) 3. e., 560.65 (4) (a),  
4 560.797 (1) (a), 560.835 (1) (a), 560.835 (1) (c), 703.16 (6) (e), 706.01 (9), 706.11  
5 (1) (intro.), 707.37 (4) (d), 779.01 (4), 779.35, 779.40 (1), 814.60 (2) (cs), 814.63  
6 (3) (bs), 823.085 (1), 823.085 (2) (intro.), 823.115 (1), 895.46 (6), 895.48 (2) (a)  
7 1., 895.48 (2) (a) 2., 895.48 (2) (c) 2., 895.52 (1) (f), 904.085 (2) (a), 946.13 (2) (g),  
8 946.13 (9) and 973.05 (1); **to repeal and recreate** 20.370 (2) (hq); **to create**  
9 chapter 281, chapter 283, chapter 285, chapter 289, chapter 291, chapter 292,  
10 chapter 293, chapter 295 and chapter 299 of the statutes; and **to affect** 1995  
11 Wisconsin Act 27, section 9442 (7t); **relating to:** renumbering and reorganizing  
12 the environmental statutes.

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### ***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTES provided by the joint legislative council in the body of the bill.

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

PREFATORY NOTE: This bill was prepared for and contains a recommendation of the joint legislative council's special committee on remediation of environmental contamination. As part of its charge, the special committee was directed by the joint legislative council to "oversee the recodification of ch. 144, stats." Chapter 144 contains statutes related to water and sewage, air pollution, solid and hazardous waste, mining and oil and gas.

Chapter 144 has grown extensively as the legislature focused its attention on environmental regulation. In 30 years, ch. 144 has expanded from 8 pages to almost 120 pages in the printed statutes. As a result of this growth, which has occurred incrementally in each legislative session, some portions of ch. 144 are no longer well-organized.

In discussing and responding to its charge, the special committee determined that ch. 144 is not in need of extensive substantive revision. Although portions of ch. 144 are not well-organized, there is very little in ch. 144 that is not currently viable and that is not written so as to effectively accomplish the legislature's intent. The special committee does not believe that its charge from the joint legislative council is to rewrite substantive environmental policy in this legislation, but rather to make ch. 144 a more effective tool

for accomplishing the environmental regulatory policies currently expressed in that chapter. Therefore, the special committee recommends, in this bill, the reorganization of ch. 144, which the special committee believes will make these statutes significantly more readable.

This bill separates ch. 144 into 8 newly created chapters of the statutes and reorganizes the material incorporated into each of the newly created chapters as necessary. In order to have sufficient consecutive chapter numbers to keep the environmental regulatory statutes together in a group, it is necessary to move the environmental regulatory statutes to a location other than current ch. 144.

The special committee believes that the rationale for the reorganization of ch. 144 applies equally to the other environmental regulatory statutes, which include chs. 147 (pollution discharge elimination), 159 (recycling) and 162 (pure drinking water) and s. 146.20 (sewage disposal). Although not directed to consider these provisions by the joint legislative council, the special committee believes that these statutes should also be reorganized as part of the special committee's recommendation and they are, therefore, included in this bill.

The organization and numbering of the new group of environmental regulatory statutes in this bill is as follows:

<u>Chapter</u>	<u>Title</u>
280	Pure Drinking Water
281	Water and Sewage
283	Pollution Discharge Elimination
285	Air Pollution
287	Solid Waste Reduction, Recovery and Recycling
289	Solid Waste Facilities
291	Hazardous Waste Management
292	Remedial Action
293	Mining
295	Nonmetallic Mining Reclamation; Oil and Gas
299	General Environmental Provisions

The special committee explicitly intends that this bill will make no substantive changes in the environmental regulatory statutes. In a number of instances, the special committee found it necessary to make judgments where an existing cross-reference could not be simply renumbered into the new numbering scheme, either because of the way the bill reorganizes the statutes or because the current cross-reference is imprecise. In each instance where a cross-reference had to be modified rather than simply renumbered, the special committee has taken care to avoid changing the effect of the current statutes and, in many cases, has included a NOTE explaining its rationale for the modification. If a question arises about the effect of any modification, the special committee intends that the amendments in this bill be construed to have the same effect as the prior statutes.

For the convenience of the reader, a table of contents listing all section numbers of the reorganized chapters is included in this PREFATORY NOTE. Also, a finding aid is included at the end of this bill, which matches the current statute numbers with the new statute numbers assigned by this bill.

The remainder of this PREFATORY NOTE consists of a table of contents for the reorganized chapters:

**CHAPTER 280**  
**PURE DRINKING WATER**

280.01	Definitions.
280.11	Pure drinking water; powers of department.
280.13	Additional powers of department.
280.15	Well drilling and pump installing; registration; qualifications; fee.
280.17	Exceptions.
280.19	Registration exceptions.
280.21	Local authority.
280.97	Penalties.

**CHAPTER 281  
WATER AND SEWAGE**

**SUBCHAPTER I  
DEFINITIONS**

281.01	Definitions.
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**SUBCHAPTER II  
WATER RESOURCES**

281.11	Statement of policy and purpose.
281.12	General department powers and duties.
281.13	Surveys and research.
281.15	Water quality standards.
281.17	Water quality and quantity; specific regulations.
281.19	Orders.
281.20	Orders; nonpoint source pollution.
281.22	Fees for water quality determinations for wetlands.

**SUBCHAPTER III  
WATER QUALITY AND QUANTITY;  
GENERAL REGULATIONS**

281.31	Navigable waters protection law.
281.33	Construction site erosion control and storm water management.
281.35	Water resources conservation and management.

**SUBCHAPTER IV  
WATER AND SEWAGE FACILITIES;  
SEPTAGE DISPOSAL**

281.41	Approval of plans.
281.43	Joint sewerage systems.
281.45	House connections.
281.47	Sewage drains; discharge into certain lakes.

- 281.48 Servicing septic tanks, soil absorption fields, holding tanks, grease traps and privies.
- 281.49 Disposal of septage in municipal sewage systems.

SUBCHAPTER V  
FINANCIAL ASSISTANCE

- 281.51 Financial assistance program; local water quality planning.
- 281.53 Municipal clean drinking water grants.
- 281.55 Financial assistance program.
- 281.56 Financial assistance program; sewerage systems.
- 281.57 Financial assistance program; point source pollution abatement.
- 281.58 Clean water fund program; financial assistance.
- 281.59 Clean water fund program; financial management.
- 281.63 Financial assistance program; combined sewer overflow abatement.
- 281.65 Financial assistance; nonpoint source water pollution abatement.
- 281.67 Watershed projects.
- 281.68 Lake management planning grants.
- 281.69 Lake management grants.

SUBCHAPTER VI  
COMPENSATION

- 281.75 Compensation for well contamination.
- 281.77 Damage to water supplies

SUBCHAPTER VII  
GREAT LAKES REMEDIAL ACTION

- 281.81 Definitions.
- 281.83 Remedial action in the Great Lakes and their tributaries.
- 281.85 Great Lakes protection fund share.

SUBCHAPTER VIII  
GENERAL PROVISIONS; ENFORCEMENT

- 281.91 State agency personnel to report water pollution.
- 281.92 Limitation.
- 281.94 Investigation of alleged water withdrawal violations.

281.95	Remedies; water withdrawal violations.
281.96	Visitorial powers of department.
281.97	Records; inspection.
281.98	Penalties.

**CHAPTER 283  
POLLUTION DISCHARGE ELIMINATION**

**SUBCHAPTER I  
POLICY AND PURPOSE**

283.001	Statement of policy and purpose.
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**SUBCHAPTER II  
DEFINITIONS**

283.01	Definitions.
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**SUBCHAPTER III  
STANDARDS; EFFLUENT LIMITATIONS**

283.11	State and federal standards.
283.13	Effluent limitations.
283.15	Variances to water quality standard.
283.17	Thermal effluent limitations.
283.19	Standards of performance.
283.21	Toxic and pretreatment effluent standards.

**SUBCHAPTER IV  
PERMITS**

283.31	Water pollutant discharge elimination system; permits, terms and conditions.
283.33	Storm water discharge permits.
283.35	General permits.
283.37	Applications for permits.
283.39	Public notice.
283.41	Notice to other government agencies.
283.43	Public access to information.
283.45	Fact sheets.
283.47	Requests for information by permittee.
283.49	Public hearing.
283.51	Mining hearing.
283.53	Permit duration, modification, revocation and reissuance.
283.55	Monitoring and reporting; access to premises.
283.57	Waste treatment service charges.
283.59	Reporting of new discharges.

- 283.61 Exemption for certain alcohol fuel production systems.
- 283.62 Exemption for certain fruit and vegetable working facilities.
- 283.63 Review of permits, decisions, terms and conditions.

SUBCHAPTER V  
GENERAL PROVISIONS; ENFORCEMENT

- 283.81 Waiver.
- 283.83 Continuing planning process.
- 283.85 Design of publicly owned treatment facilities.
- 283.87 Liability for water pollution.
- 283.89 Enforcement.
- 283.91 Civil and criminal remedies.
- 283.93 Environmental pollution.
- 283.95 Savings clause.

**CHAPTER 285  
AIR POLLUTION**

SUBCHAPTER I  
DEFINITIONS

- 285.01 Definitions.

SUBCHAPTER II  
GENERAL POWERS AND DUTIES

- 285.11 Air pollution control; department duties.
- 285.13 Air pollution control; department powers.
- 285.15 Interstate agreement.
- 285.17 Classification, reporting and monitoring.
- 285.19 Inspections.

SUBCHAPTER III  
AIR QUALITY STANDARDS,  
PERFORMANCE STANDARDS;  
EMISSION LIMITS AND NONATTAINMENT AREAS

- 285.21 Ambient air quality standards and increments.
- 285.23 Identification of nonattainment areas.
- 285.25 Air resource allocation.
- 285.27 Performance and emission standards.
- 285.29 Best available retrofit technology.

SUBCHAPTER IV  
VOLATILE ORGANIC COMPOUNDS  
AND MOBILE SOURCES;

## EMISSION LIMITS AND STANDARDS

- 285.30 Motor vehicle emissions limitations; inspections.
- 285.31 Gasoline vapor recovery.
- 285.33 Employee trip reduction program.
- 285.35 Clean fuel fleet program.
- 285.37 Reformulated gasoline.
- 285.39 Volatile organic compounds growth accommodation and replenishment.

SUBCHAPTER V  
SULFUR DIOXIDE AND  
NITROGEN OXIDE  
EMISSION RATES AND GOALS

- 285.41 Sulfur dioxide emission rates after 1992; major utilities.
- 285.43 Sulfur dioxide emission rates; state-owned facilities.
- 285.45 Sulfur dioxide emission goals after 1992; major utilities and other large air contaminant sources.
- 285.47 Nitrogen oxide emission goal; major utilities.

SUBCHAPTER VI  
WASTE INCINERATORS;  
OZONE DEPLETING SUBSTANCES;  
EMISSION LIMITS AND OTHER REQUIREMENTS

- 285.51 Solid waste incinerator operator certification.
- 285.53 Testing emissions from medical waste incinerators.
- 285.55 Medical waste incinerator moratorium.
- 285.57 Emission of ozone-depleting substances.
- 285.59 Recovery of ozone-depleting refrigerants.

SUBCHAPTER VII  
PERMITS AND FEES

- 285.60 Air pollution control permits.
- 285.61 Construction permit application and review.
- 285.62 Operation permit; application, review and effect.
- 285.63 Criteria for permit approval.
- 285.64 Criteria for operation permits for existing sources.
- 285.65 Permit conditions.
- 285.66 Permit duration and renewal.
- 285.67 Permit revision, suspension and revocation.

285.68 Failure to adopt rule or issue permit or exemption.

285.69 Fees.

**SUBCHAPTER VIII  
MISCELLANEOUS**

285.70 Confidentiality of records.

285.71 Federal aid.

285.73 Local air pollution control programs.

285.75 County program.

285.77 Machinery use.

285.79 Small business stationary source technical and environmental compliance assistance program.

**SUBCHAPTER IX  
ENFORCEMENT; PENALTIES**

285.81 Hearings on certain air pollution actions.

285.83 Violations; enforcement.

285.85 Emergency procedure.

285.87 Penalties for violations relating to air pollution.

**CHAPTER 287  
RECYCLING**

**SUBCHAPTER I  
GENERAL**

287.01 Definitions.

287.03 Departmental duties and powers.

287.05 State solid waste reduction, reuse, recycling, composting and resource recovery policy.

**SUBCHAPTER II  
SOLID WASTE REDUCTION,  
RECOVERY AND RECYCLING**

287.07 Prohibitions on land disposal and incineration.

287.08 Yard waste bags.

287.09 Municipal and county duties and powers.

287.095 Responsible unit liability.

287.10 Limit on local regulation.

287.11 Effective recycling programs.

287.12 Out-of-state effective siting programs.

287.13 Municipal waste flow control; required use of recycling or resource recovery facility.

287.15 Waste oil collection and recycling.

- 287.17 Waste tire removal and recycling.
- 287.18 Lead acid battery collection.
- 287.185 Disposal of mercuric oxide batteries.
- 287.19 Statewide technical assistance.
- 287.21 Statewide education program.
- 287.215 Yard waste publicity.
- 287.22 Council on recycling.
- 287.23 Financial assistance for responsible units.
- 287.25 Waste reduction and recycling demonstration grants.
- 287.31 Newspaper recycling fee.

**SUBCHAPTER III  
RECYCLING MARKET DEVELOPMENT**

- 287.40 Definitions.
- 287.41 Strategic plan.
- 287.42 Duties of the board.
- 287.44 Powers of the board.
- 287.46 Financial assistance.
- 287.48 Executive director for the board.
- 287.49 Study of future of board.

**SUBCHAPTER IV  
LITTERING**

- 287.81 Littering.

**SUBCHAPTER V  
ENFORCEMENT AND PENALTIES**

- 287.91 Enforcement; duty of department of justice; expenses.
- 287.93 Inspections.
- 287.95 Penalties concerning land disposal and incineration; citations.
- 287.97 Penalties.

**CHAPTER 289  
SOLID WASTE FACILITIES**

**SUBCHAPTER I  
DEFINITIONS**

- 289.01 Definitions.

**SUBCHAPTER II  
ADMINISTRATION; SOLID WASTE  
MANAGEMENT STANDARDS**

- 289.05 Solid waste management standards.
- 289.06 Department duties.

- 289.07 Department powers.
- 289.08 Duties of metallic mining council.
- 289.09 Confidentiality of records.
- 289.10 County solid waste management plans.
- 289.11 Federal aid.
- 289.12 Landfill official liability.

### SUBCHAPTER III FACILITIES; SITING

- 289.21 Initial site report.
- 289.22 Local approval.
- 289.23 Feasibility report required; distribution; public notice.
- 289.24 Feasibility report contents; completeness; distribution.
- 289.25 Environmental review.
- 289.26 Informational hearing.
- 289.27 Contested case hearing.
- 289.28 Determination of need.
- 289.29 Determination of feasibility.
- 289.30 Plan of operation.
- 289.31 Operating license.
- 289.32 Distribution of documents.
- 289.33 Solid and hazardous waste facilities; negotiation and arbitration.
- 289.34 Noncompliance with plans or orders.
- 289.35 Shoreland and floodplain zoning.
- 289.36 Acquisition of property by condemnation.

### SUBCHAPTER IV LONG-TERM CARE; FINANCIAL RESPONSIBILITY; OPERATION; WAIVERS; EXEMPTIONS; CLOSURE

- 289.41 Financial responsibility.
- 289.42 Operation of facilities.
- 289.43 Waivers; exemptions.
- 289.44 Exemption for certain alcohol fuel production systems.
- 289.445 Exemption for certain fruit and vegetable washing facilities.
- 289.45 Solid waste storage.

- 289.46 Transference of responsibility.
- 289.47 Closure notice.

**SUBCHAPTER V  
FACILITIES; REGULATION OF SPECIFIC  
FACILITY OR WASTE TYPES**

- 289.51 Solid waste open burning standards.
- 289.53 Commercial PCB storage and treatment facilities.
- 289.55 Tire dumps.
- 289.57 Disposal and treatment records.
- 289.59 Disposal and burning of low-level radioactive waste.

**SUBCHAPTER VI  
FEES; FUNDS**

- 289.61 License and review fees.
- 289.62 Tonnage fees.
- 289.63 Groundwater, solid waste capacity and well compensation fees.
- 289.64 Solid waste facility siting board fee.
- 289.65 Incinerators; solid waste capacity fee.
- 289.66 Solid waste capacity fees; department determinations.
- 289.67 Environmental repair fee and surcharge.
- 289.68 Payments from the waste management fund and related payments.

**SUBCHAPTER VII  
FINANCIAL ASSISTANCE**

- 289.83 Dump closure cost-sharing grants.

**SUBCHAPTER VIII  
ENFORCEMENT; PENALTIES**

- 289.91 Inspections.
- 289.92 Review of alleged violations.
- 289.93 Orders.
- 289.94 Imminent danger.
- 289.95 Enforcement procedures for older facilities.
- 289.96 Penalties.
- 289.97 Violations; enforcement.

**CHAPTER 291  
HAZARDOUS WASTE MANAGEMENT**

**SUBCHAPTER I**

DECLARATION OF POLICY

291.001

Declaration of policy.

SUBCHAPTER II  
DEFINITIONS

291.01

Definitions.

SUBCHAPTER III  
ADMINISTRATION

291.05

Required rules.

291.07

Authorized rules.

291.09

Department duties.

291.11

Department powers.

291.13

Capacity assurance plan revision and review.

291.15

Confidentiality of records.

SUBCHAPTER IV  
HAZARDOUS WASTE; GENERAL REGULATION

291.21

Generation.

291.23

Licenses; transportation.

291.25

Licenses; treatment, storage or disposal.

291.27

Environmental impact statement.

291.29

Closure and long-term care plan for unlicensed facilities.

291.31

Variance.

291.33

Fees.

291.35

Rules on metallic mining waste.

291.37

Corrective action.

SUBCHAPTER V  
ENFORCEMENT; PENALTIES

291.85

Imminent danger.

291.87

License actions; hearing; public comment.

291.89

Review of alleged violations.

291.91

Inspections and right of entry.

291.93

Orders.

291.95

Enforcement.

291.97

Violations and penalties.

CHAPTER 292  
REMEDIAL ACTION

SUBCHAPTER I  
DEFINITIONS

292.01

Definitions.

**SUBCHAPTER II  
REMEDIAL ACTION**

- 292.11 Hazardous substance spills.
- 292.15 Remediated property; purchaser liability.
- 292.21 Responsibility of lenders and representatives.
- 292.31 Environmental repair.
- 292.35 Political subdivision negotiation and cost recovery.
- 292.37 Confidentiality of records.
- 292.41 Abandoned containers.
- 292.51 Cooperative remedial action.
- 292.61 Grants to political subdivisions for investigations and remedial action.
- 292.81 Notice; lien.

**SUBCHAPTER III  
ENFORCEMENT; PENALTIES**

- 292.93 Orders.
- 292.95 Review of alleged violations; environmental repair and cost recovery.
- 292.98 Violations and enforcement; environmental repair and cost recovery.
- 292.99 Penalties.

**CHAPTER 293  
METALLIC MINING****SUBCHAPTER I  
DEFINITIONS**

- 293.01 Definitions.

**SUBCHAPTER II  
ADMINISTRATION**

- 293.11 Mine and effect responsibility.
- 293.13 Department duties.
- 293.15 Department powers.

**SUBCHAPTER III  
EXPLORATION**

- 293.21 Exploration.
- 293.25 Radioactive waste site exploration.

**SUBCHAPTER IV  
PROSPECTING; MINING; RECLAMATION**

- 293.31 Data collection.
- 293.33 Local impact committee.

293.35	Application for prospecting permit.
293.37	Application for mining permit.
293.39	Environmental impact statement.
293.41	Local agreements.
293.43	Hearings on permit applications.
293.45	Prospecting; department grant or denial of permit.
293.47	Prospecting data.
293.49	Mining; department grant or denial of permit.
293.51	Bonds.
293.53	Review of permits; periodic reports.
293.55	Modifications.
293.57	Successors.
293.59	Cessation of mining or reclamation.
293.61	Determination of abandonment of mining.
293.63	Certificate of completion, partial completion and bond release.
293.65	Diversion of surface waters; withdrawal of groundwater; damage claims.

**SUBCHAPTER V  
GENERAL PROVISIONS; ENFORCEMENT**

293.81	Exploring, prospecting and mining without authorization.
293.83	Mining and reclamation; orders.
293.85	Cancellation of permit.
293.86	Visitorial powers of department.
293.87	Enforcement; penalties.
293.89	Citizen suits.
293.91	Nonconforming sites.
293.93	Effect of other statutes.
293.95	Review.

**CHAPTER 295  
NONMETALLIC MINING  
RECLAMATION; OIL AND GAS**

**SUBCHAPTER I  
NONMETALLIC MINING RECLAMATION**

295.11	Definitions.
295.12	Nonmetallic mining reclamation rules.
295.13	Mandatory enactment and administration of ordinance.

295.14	Authority to enact and administer ordinance.
295.15	Fees.
295.16	Applicability of ordinance and standards.
295.17	Inspection.
295.18	Department review.
295.19	Enforcement; remedies; penalties.
295.20	Preservation of certain nonmetallic mineral deposits.

#### SUBCHAPTER II OIL AND GAS

295.31	Definitions; oil and gas.
295.33	Oil and gas exploration and production.
295.35	Departmental powers and duties; oil and gas.
295.37	Penalties; oil and gas.

#### CHAPTER 299 GENERAL ENVIRONMENTAL PROVISIONS

299.01	Definitions.
299.11	Laboratory certification program.
299.13	Hazardous pollution prevention.
299.15	Reports on substances used; wastewater fee.
299.21	Gifts and grants.
299.23	Financial interest prohibited.
299.31	Groundwater protection.
299.33	Uniform transboundary pollution reciprocal access act.
299.41	Household hazardous waste.
299.43	Collection and disposal of products containing 2,4,5-T and silvex.
299.45	Manufacture and purchase of polychlorinated biphenyls.
299.51	Medical waste management.
299.53	Used oil fuel.
299.55	Confidentiality of records; used oil collection facilities and used oil fuel facilities.
299.91	Hearings; procedure; review.
299.93	Environmental assessments.
299.95	Enforcement; duty of department of justice; expenses.
299.97	Penalties.

1           **SECTION 1.** 13.101 (11) of the statutes is amended to read:

2           13.101 **(11)** The committee may approve a clean water fund interest rate  
3 change as specified under s. ~~144.241~~ 281.58 (12) (f).

4           **SECTION 2.** 13.48 (10) (b) 1. of the statutes, as affected by 1995 Wisconsin Act  
5 27, is amended to read:

6           13.48 **(10)** (b) 1. Contracts by the department of natural resources for  
7 construction work related to hazardous substance spill response under s. ~~144.76~~  
8 292.11 or environmental repair under s. ~~144.442~~ 292.31.

9           **SECTION 3.** 13.48 (26) of the statutes, as affected by 1995 Wisconsin Act 27, is  
10 amended to read:

11           13.48 **(26)** CLEAN WATER ANNUAL FINANCE PLAN APPROVAL. The building  
12 commission shall review the versions of the biennial finance plan and any  
13 amendments to the biennial finance plan submitted to it by the department of  
14 natural resources and the department of administration under s. ~~144.2415~~ 281.59  
15 (3) (bm) and the recommendations of the joint committee on finance and the standing  
16 committees to which the versions of the biennial finance plan and any amendments  
17 were submitted under s. ~~144.2415~~ 281.59 (3) (bm). The building commission shall  
18 consider the extent to which that version of the biennial finance plan that is updated  
19 to reflect the adopted biennial budget act will maintain the clean water fund in  
20 perpetuity. The building commission shall consider the extent to which the  
21 implementation of the clean water fund, as set forth in the biennial finance plan  
22 updated to reflect the adopted biennial budget act, implements legislative intent on  
23 the clean water fund program. The building commission shall, no later than 60 days  
24 after the date of enactment of the biennial budget act, either approve or disapprove  
25 the biennial finance plan that is updated to reflect the adopted biennial budget act,

1       except that the building commission may not disapprove those amounts that the  
2       legislature approves under s. ~~144.2415~~ 281.59 (3) (c). If the building commission  
3       disapproves the version of the biennial finance plan that is updated to reflect the  
4       adopted biennial budget act, it must notify the department of natural resources and  
5       the department of administration of its reasons for disapproving the plan, and those  
6       departments must revise that version of the biennial finance plan and submit the  
7       revision to the building commission.

8               **SECTION 4.** 13.625 (8m) of the statutes, as created by 1995 Wisconsin Act 27,  
9       is amended to read:

10              13.625 (**8m**) Subsection (3) does not apply to the solicitation of anything of  
11       pecuniary value to pay the costs of remedying environmental contamination, as  
12       defined in s. ~~144.968~~ 292.51 (1), by an agency official of the department of natural  
13       resources.

14              **SECTION 5.** 15.107 (5) (a) 5. of the statutes is amended to read:

15              15.107 (**5**) (a) 5. A representative of a major utility, as defined under s. ~~144.386~~  
16       285.41 (1) (f), appointed by the secretary of administration.

17              **SECTION 6.** 15.107 (5) (a) 6. of the statutes is amended to read:

18              15.107 (**5**) (a) 6. A representative of an industry which is a large source, as  
19       defined under s. ~~144.388~~ 285.45 (1) (a), appointed by the secretary of administration.

20              **SECTION 7.** 15.107 (12) (b) 1. c. of the statutes is amended to read:

21              15.107 (**12**) (b) 1. c. One member to represent industrial laboratories with  
22       permits issued under ch. ~~147~~ 283.

23              **SECTION 8.** 15.157 (10) (a), (b), (c), (d) and (e) of the statutes are amended to  
24       read:

1           15.157 **(10)** (a) Three members to represent the general public who are not  
2 owners, or representatives of owners, of small business stationary sources, as  
3 defined in s. ~~144.36~~ 285.79 (1).

4           (b) One member who owns a small business stationary source, as defined in s.  
5 ~~144.36~~ 285.79 (1), or who represents owners of small business stationary sources,  
6 appointed by the president of the senate.

7           (c) One member who owns a small business stationary source, as defined in s.  
8 ~~144.36~~ 285.79 (1), or who represents owners of small business stationary sources,  
9 appointed by the speaker of the assembly.

10          (d) One member who owns a small business stationary source, as defined in s.  
11 ~~144.36~~ 285.79 (1), or who represents owners of small business stationary sources,  
12 appointed by the minority leader of the senate.

13          (e) One member who owns a small business stationary source, as defined in s.  
14 ~~144.36~~ 285.79 (1), or who represents owners of small business stationary sources,  
15 appointed by the minority leader of the assembly.

16          **SECTION 9.** 15.347 (15) (a) 4. of the statutes is amended to read:

17           15.347 **(15)** (a) 4. At least one council member shall represent each of the  
18 priority watersheds, as identified under s. ~~144.25~~ 281.65 (4) (cm), that are located in  
19 the Milwaukee river basin.

20          **SECTION 10.** 15.915 (5) (a) of the statutes, as affected by 1995 Wisconsin Act 27,  
21 is amended to read:

22           15.915 **(5)** (a) *Definition.* In this subsection, “responsible unit” has the meaning  
23 given in s. ~~159.01~~ 287.01 (9).

24          **SECTION 11.** 16.15 (1) (ae) and (ah) of the statutes are amended to read:

1           16.15 (1) (ae) “Cost of disposing of processed material” has the meaning given  
2 in s. ~~159.11~~ 287.11 (2m) (a) 1.

3           (ah) “Cost of selling processed material” has the meaning given in s. ~~159.11~~  
4 287.11 (2m) (a) 2.

5           **SECTION 12.** 16.15 (1) (aj) of the statutes is amended to read:

6           16.15 (1) (aj) “Major appliance” has the meaning given in s. ~~159.01~~ 287.01 (3).

7           **SECTION 13.** 16.15 (1) (ar) of the statutes is amended to read:

8           16.15 (1) (ar) “Processed material” has the meaning given in s. ~~159.11~~ 287.11  
9 (2m) (a) 3.

10          **SECTION 14.** 16.15 (1) (e) of the statutes is amended to read:

11          16.15 (1) (e) “Recycling” has the meaning under s. ~~144.44 (7)~~ 289.43 (1).

12          **SECTION 15.** 16.15 (1) (f) of the statutes is amended to read:

13          16.15 (1) (f) “Yard waste” has the meaning given in s. ~~159.01~~ 287.01 (17).

14          **SECTION 16.** 16.15 (3) (a) 3. of the statutes is amended to read:

15          16.15 (3) (a) 3. Separate for recycling at least 50% of each of the materials listed  
16 in s. ~~159.07~~ 287.07 (3) or (4) that is generated as solid waste by the agency or  
17 authority beginning on January 1, 1993, and such greater amount of such materials  
18 as the department determines is reasonably feasible beginning on January 1, 1995.

19          **SECTION 17.** 16.72 (2) (f) of the statutes, as affected by 1995 Wisconsin Act 27,  
20 is amended to read:

21          16.72 (2) (f) In writing specifications under this subsection, the department,  
22 any other designated purchasing agent under s. 16.71 (1) and each authority other  
23 than the University of Wisconsin Hospitals and Clinics Authority shall incorporate  
24 requirements relating to the recyclability and ultimate disposition of products and,  
25 wherever possible, shall write the specifications so as to minimize the amount of solid

1 waste generated by the state, consistent with the priorities established under s.  
2 ~~159.05~~ 287.05 (12). All specifications under this subsection shall discourage the  
3 purchase of single-use, disposable products and require, whenever practical, the  
4 purchase of multiple-use, durable products.

5 **SECTION 18.** 16.75 (1) (a) 1. of the statutes, as affected by 1995 Wisconsin Act  
6 27, section 368m, is amended to read:

7 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all  
8 materials, supplies, equipment and contractual services to be provided to any  
9 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),  
10 (6), (7), (8) and (9) and ss. 16.73 (4) (a), 16.754, 50.05 (7) (f), ~~159.15~~ 287.15 (7) and  
11 301.265, shall be awarded to the lowest responsible bidder, taking into consideration  
12 life cycle cost estimates under sub. (1m), when appropriate, the location of the  
13 agency, the quantities of the articles to be supplied, their conformity with the  
14 specifications, and the purposes for which they are required and the date of delivery.

15 **SECTION 19.** 16.855 (21) of the statutes is amended to read:

16 16.855 (21) This section does not apply to contracts by the department of  
17 natural resources for construction work related to hazardous substance spill  
18 response under s. ~~144.76~~ 292.11 or environmental repair under s. ~~144.442~~ 292.31.

19 **SECTION 20.** 16.87 (4) of the statutes is amended to read:

20 16.87 (4) This section does not apply to contracts by the department of natural  
21 resources for environmental consultant services or engineering services for  
22 hazardous substance spill response under s. ~~144.76~~ 292.11 or environmental repair  
23 under s. ~~144.442~~ 292.31, or for environmental consultant services to assist in the  
24 preparation of an environmental impact statement or to provide preapplication  
25 services under s. 23.40.

1           **SECTION 21.** 18.57 (3) of the statutes is amended to read:

2           18.57 (3) Moneys in such funds may be commingled only for the purpose of  
3 investment with other public funds, but they shall be invested only in investment  
4 instruments permitted in s. 25.17 (3) (dg) or in clean water fund investment  
5 instruments permitted in s. ~~144.2415~~ 281.59 (2m). All such investments shall be the  
6 exclusive property of such fund and all earnings on or income from investments shall  
7 be credited to such fund and shall become available for any of the purposes under sub.  
8 (2) and for the payment of interest on related revenue obligations.

9           **SECTION 22.** 19.59 (1) (f) of the statutes is amended to read:

10           19.59 (1) (f) Paragraphs (a) to (c) do not apply to the members of a local  
11 committee appointed under s. ~~144.445~~ 289.33 (7) (a) to negotiate with the owner or  
12 operator of, or applicant for a license to operate, a solid waste disposal or hazardous  
13 waste facility under s. ~~144.445~~ 289.33, with respect to any matter contained or  
14 proposed to be contained in a written agreement between a municipality and the  
15 owner, operator or applicant or in an arbitration award or proposed award that is  
16 applicable to those parties.

17           **SECTION 23.** 20.143 (1) (kc) of the statutes is amended to read:

18           20.143 (1) (kc) *Clean air act compliance assistance.* From moneys transferred  
19 from the appropriation account under s. 20.370 (2) (bg), the amounts in the schedule  
20 for assisting the department of natural resources in administering the small  
21 business stationary source technical and environmental compliance assistance  
22 program under s. ~~144.36~~ 285.79 and for expenses related to serving as ombudsman  
23 for small business stationary sources as required under s. 560.03 (9).

24           **SECTION 24.** 20.255 (2) (ra) of the statutes, as affected by 1995 Wisconsin Act  
25 27, is amended to read:

1           20.255 (2) (ra) *Environmental education; environmental assessments.* From  
2 the environmental fund, as a continuing appropriation, an amount equal to 50% of  
3 the environmental assessments under s. ~~144.992~~ 299.93 (1) for environmental  
4 education grants under s. 115.375 (2).

5           **SECTION 25.** 20.285 (1) (L) of the statutes, as affected by 1995 Wisconsin Act  
6 27, section 1080b, is amended to read:

7           20.285 (1) (L) *Recycling market development; repayments.* All moneys received  
8 in repayment of loans made by the recycling market development board under s.  
9 ~~159.46~~ 287.46 (1) and received under s. ~~159.46~~ 287.46 (3) in repayment of loans made  
10 by recipients of financial assistance from the recycling market development board,  
11 to be used to provide financial assistance under s. ~~159.46~~ 287.46 (1).

12           **SECTION 26.** 20.285 (1) (t) of the statutes, as affected by 1995 Wisconsin Act 27,  
13 section 1086b, is amended to read:

14           20.285 (1) (t) *Recycling market development board; assistance.* Biennially, from  
15 the recycling fund, the amounts in the schedule for recycling market development  
16 board contracts under s. ~~159.42~~ 287.42 (3) and financial assistance under s. ~~159.46~~  
17 287.46.

18           **SECTION 27.** 20.320 (1) (q) of the statutes is amended to read:

19           20.320 (1) (q) *Clean water fund revenue obligation funding.* As a continuing  
20 appropriation, all proceeds from revenue obligations issued under subch. II or IV of  
21 ch. 18, as authorized under s. ~~144.2415~~ 281.59 (4) and deposited in the fund in the  
22 state treasury created under s. 18.57 (1), providing for reserves and for expenses of  
23 issuance and management of the revenue obligations, and the remainder to be  
24 transferred to the clean water fund for the purposes specified in s. 25.43 (3).

1 Estimated disbursements under this paragraph shall not be included in the schedule  
2 under s. 20.005.

3 **SECTION 28.** 20.320 (1) (r) of the statutes is amended to read:

4 20.320 (1) (r) *Clean water fund repayment of revenue obligations.* From the  
5 clean water fund, a sum sufficient to repay the fund in the state treasury created  
6 under s. 18.57 (1) the amount needed to retire revenue obligations issued under  
7 subch. II or IV of ch. 18, as authorized under s. ~~144.2415~~ 281.59 (4).

8 **SECTION 29.** 20.320 (1) (s) of the statutes is amended to read:

9 20.320 (1) (s) *Clean water fund financial assistance.* From the clean water  
10 fund, a sum sufficient for the purposes of ss. 25.43, ~~144.241~~ 281.58 and ~~144.2415~~  
11 281.59, other than general program operations specified under s. 20.370 (2) (mt) or  
12 (mx) or 20.505 (1) (v) or (x) and other than administration of ss. 25.43, ~~144.241~~ 281.58  
13 and ~~144.2415~~ 281.59.

14 **SECTION 30.** 20.320 (1) (u) of the statutes is amended to read:

15 20.320 (1) (u) *Principal repayment and interest — clean water fund revenue*  
16 *obligation repayment.* From the fund in the state treasury created under s. 18.57 (1),  
17 all moneys received by the fund and not transferred under s. ~~144.2415~~ 281.59 (4) (c)  
18 to the clean water fund, for the purpose of the retirement of revenue obligations,  
19 providing for reserves and for operations relating to the management and retirement  
20 of revenue obligations issued under subch. II or IV of ch. 18, as authorized under s.  
21 ~~144.2415~~ 281.59 (4). All moneys received are irrevocably appropriated in accordance  
22 with subch. II of ch. 18 and further established in resolutions authorizing the  
23 issuance of the revenue obligations and setting forth the distribution of funds to be  
24 received thereafter.

25 **SECTION 31.** 20.370 (2) (af) of the statutes is amended to read:

1           20.370 (2) (af) *Water resources — remedial action.* As a continuing  
2 appropriation, the amounts in the schedule for remedial action in the Great Lakes  
3 and their tributaries under s. ~~144.10~~ 281.83.

4           **SECTION 32.** 20.370 (2) (ah) of the statutes is amended to read:

5           20.370 (2) (ah) *Water resources — Great Lakes protection fund.* All moneys  
6 received from the Great Lakes protection fund for Great Lakes protection activities  
7 under s. ~~144.11~~ 281.85.

8           **SECTION 33.** 20.370 (2) (bg) of the statutes, as affected by 1995 Wisconsin Act  
9 27, is amended to read:

10           20.370 (2) (bg) *Air management — stationary sources.* The amounts in the  
11 schedule for purposes related to stationary sources of air contaminants as specified  
12 in s. ~~144.399 (2) (b)~~ 285.69 (2) (c) and to transfer the amounts appropriated under s.  
13 20.143 (1) (kc) to the appropriation account under s. 20.143 (1) (kc). All moneys  
14 received from fees imposed under s. ~~144.399~~ 285.69 (2) (a), except moneys  
15 appropriated under sub. (8) (mg), and all moneys received from fees imposed under  
16 s. ~~144.399~~ 285.69 (7) shall be credited to this appropriation.

17           **SECTION 34.** 20.370 (2) (bj) of the statutes is amended to read:

18           20.370 (2) (bj) *Storm water management — fees.* The amounts in the schedule  
19 for the administration of the storm water discharge permit program under s. ~~147.021~~  
20 283.33. All moneys received under s. ~~147.033 (4)~~ 283.33 (9) shall be credited to this  
21 appropriation account.

22           **SECTION 35.** 20.370 (2) (bL) of the statutes is amended to read:

23           20.370 (2) (bL) *Wastewater management — fees.* All moneys received under s.  
24 ~~144.025 (2) (L)~~ 281.17 (3) for the certification of operators of waterworks, wastewater

1 treatment plants and septage servicing vehicles and under s. ~~146.20~~ 281.48 (4s) (a)  
2 and (b) for wastewater management activities.

3 **SECTION 36.** 20.370 (2) (br) of the statutes is amended to read:

4 20.370 (2) (br) *Air management — mobile sources.* From the petroleum  
5 inspection fund, the amounts in the schedule for air quality management programs,  
6 including the development and implementation of plans under s. ~~144.31(1)(f)~~ 285.11  
7 (6), related primarily to mobile sources of air contaminants.

8 **SECTION 37.** 20.370 (2) (cg) of the statutes is amended to read:

9 20.370 (2) (cg) *Air management — recovery of ozone-depleting refrigerants.*  
10 The amounts in the schedule for administration of the recovery of ozone-depleting  
11 refrigerants program. All moneys received from fees under s. ~~144.422(3)~~ 285.59 (5)  
12 (a) 2. shall be credited to this appropriation.

13 **SECTION 38.** 20.370 (2) (ch) of the statutes is amended to read:

14 20.370 (2) (ch) *Air management — emission analysis.* All moneys received from  
15 fees collected under s. ~~144.382~~ 285.53 (1) (c) 3. for the purpose of reviewing and  
16 preparing analyses of emissions from certain medical waste incinerators.

17 **SECTION 39.** 20.370 (2) (ci) of the statutes is amended to read:

18 20.370 (2) (ci) *Air management — permit review and enforcement.* The  
19 amounts in the schedule for any purpose specified under s. ~~144.399~~ 285.69 (1) or (5),  
20 except for purposes described in par. (ei), and for other activities to reduce air  
21 pollution, as provided in s. ~~144.399~~ 285.69 (6). All moneys received from fees imposed  
22 under s. ~~144.399~~ 285.69 (1) and (5), except moneys appropriated under par. (ei), shall  
23 be credited to this appropriation.

24 **SECTION 40.** 20.370 (2) (cL) of the statutes is amended to read:

1           20.370 (2) (cL) *Air waste management — incinerator operator certification*. All  
2 moneys received from fees under s. ~~144.31 (3)~~ 285.51 for the purpose of administering  
3 s. ~~144.31 (3)~~ 285.51.

4           **SECTION 41.** 20.370 (2) (cq) of the statutes is amended to read:

5           20.370 (2) (cq) *Air management — motor vehicle emission inspection and*  
6 *maintenance program, state funds*. From the transportation fund, the amounts in  
7 the schedule for the administration of the motor vehicle emission inspection and  
8 maintenance program under s. ~~144.42~~ 285.30.

9           **SECTION 42.** 20.370 (2) (dg) of the statutes is amended to read:

10           20.370 (2) (dg) *Solid waste management — solid and hazardous waste disposal*  
11 *administration*. All moneys received from fees under ss. ~~144.44 (7) (f) 5. a. and b. and~~  
12 ~~(10)~~ 289.43 (7) (e) 1. and 2., 289.61, 291.05 (7) and 144.64 (4) 291.33 for the purpose  
13 of administering ss. ~~144.44 and 144.64~~ 289.43, 289.47, 289.53, 289.95, 291.23,  
14 291.25, 291.29, 291.31 and 291.87 and subch. III of ch. 289.

15           **SECTION 43.** 20.370 (2) (dh) of the statutes is amended to read:

16           20.370 (2) (dh) *Solid waste management — remediated property*. All moneys  
17 received under ss. ~~144.4422 (13) and 144.765 (5)~~ 292.15 (5) and 292.35 (13) for the  
18 department's activities related to remedial action cost recovery under s. ~~144.4422~~  
19 292.35 and remediation of property under s. ~~144.765~~ 292.15 (2) and (4).

20           **SECTION 44.** 20.370 (2) (di) of the statutes is amended to read:

21           20.370 (2) (di) *Solid waste management — operator certification*. All moneys  
22 received from fees under s. ~~144.435 (3)~~ 289.42 (1) for the purpose of administering  
23 s. ~~144.435 (3)~~ 289.42 (1).

24           **SECTION 45.** 20.370 (2) (dj) of the statutes, as affected by 1995 Wisconsin Act  
25 27, section 648z, is amended to read:

1           20.370 (2) (dj) *Waste tire removal and recovery programs; program activities.*

2           The amounts in the schedule for the waste tire removal and recovery programs  
3           under ss. 144.449 287.17 and ~~159.17~~ 289.55. All moneys received as fees collected  
4           under s. 342.14 (1m) that are not appropriated under par. (dL) shall be credited to  
5           this appropriation account.

6           **SECTION 46.** 20.370 (2) (dL) of the statutes is amended to read:

7           20.370 (2) (dL) *Waste tire removal and recovery programs; administration.*

8           From the moneys received as fees collected under s. 342.14 (1m), the amounts in the  
9           schedule for the administration of the waste tire removal and recovery programs  
10          under ss. 144.449 287.17 and ~~159.17~~ 289.55. On June 30 of each year the  
11          unencumbered balance in this appropriation shall be transferred to the  
12          appropriation under par. (dj).

13          **SECTION 47.** 20.370 (2) (dq) of the statutes is amended to read:

14          20.370 (2) (dq) *Solid waste management — waste management fund.* From the  
15          waste management fund, all moneys received in the waste management fund, except  
16          moneys appropriated under pars. (dt), (dy) and (dz), for the purpose of administering  
17          a program of corrective action, closure and long-term care of and environmental  
18          repairs to solid and hazardous waste facilities under s. 144.441 289.68.

19          **SECTION 48.** 20.370 (2) (dt) of the statutes is amended to read:

20          20.370 (2) (dt) *Solid waste management — closure and long-term care.* From  
21          the waste management fund, all moneys received under s. 144.443 289.41 (11) (a) 1.,  
22          3. and 4. for compliance with closure and long-term care requirements under s.  
23          144.443 289.41 (11) (b) 1.

24          **SECTION 49.** 20.370 (2) (dv) of the statutes, as affected by 1995 Wisconsin Act  
25          27, is amended to read:

1           20.370 (2) (dv) *Solid waste management — environmental repair; spills;*  
2 *abandoned containers.* As a continuing appropriation, from the environmental fund,  
3 the amounts in the schedule for the administration of the environmental repair  
4 program under s. 144.442, but not for payments under s. 144.442 (9m) 292.31; for the  
5 hazardous substance spills program under s. 144.76 292.11; for the abandoned  
6 container program under s. 144.77 292.41; consistent with a court order under s.  
7 ~~147.23 (3)~~ 283.87, to remove, terminate or remedy the adverse effects of a discharge  
8 or deposit of pollutants into the waters of the state, to restore or develop the water  
9 environment for public use or to provide grants under s. 66.365; and for the payment  
10 of this state's share of environmental repair which is funded under 42 USC 9601, et  
11 seq., and any additional costs which this state is required to incur under 42 USC  
12 9601, et seq.

13           **SECTION 50.** 20.370 (2) (dy) of the statutes is amended to read:

14           20.370 (2) (dy) *Solid waste management — corrective action; proofs of financial*  
15 *responsibility.* From the waste management fund, all moneys received under s.  
16 144.443 289.41 (11) (am) 1. for compliance with corrective action requirements under  
17 s. 144.443 289.41 (11) (bm) at facilities which forfeit or convert proof of financial  
18 responsibility under s. 144.443 289.41 (11) (am) 1.

19           **SECTION 51.** 20.370 (2) (dz) of the statutes is amended to read:

20           20.370 (2) (dz) *Solid waste management — corrective action; moneys recovered*  
21 *from assessments and legal action.* From the waste management fund, all moneys  
22 received under s. 144.443 289.41 (11) (am) 3. and 4. for compliance with corrective  
23 action requirements under s. 144.443 289.41 (11) (bm).

24           **SECTION 52.** 20.370 (2) (eg) of the statutes is amended to read:

1           20.370 (2) (eg) *Solid waste facility siting board fee*. All moneys received from  
2 the fee under s. ~~144.441 (7m)~~ 289.64 to be transferred to the appropriation under s.  
3 20.505 (4) (k).

4           **SECTION 53.** 20.370 (2) (eh) of the statutes is amended to read:

5           20.370 (2) (eh) *Solid waste management — source reduction review*. All moneys  
6 received from fees collected under s. ~~159.07~~ 287.07 (8) (d) for the purpose of reviewing  
7 medical waste source reduction policies and assessments.

8           **SECTION 54.** 20.370 (2) (ei) of the statutes is amended to read:

9           20.370 (2) (ei) *Air management — asbestos management*. All moneys received  
10 from fees imposed under s. ~~144.399~~ 285.69 (1) (c) on persons proposing asbestos  
11 abatement projects and all moneys received from fees imposed under s. ~~144.399~~  
12 285.69 (3) for asbestos abatement inspections, for costs related to exempting asbestos  
13 abatement projects from air pollution control permits and for inspections of asbestos  
14 demolition and renovation projects.

15           **SECTION 55.** 20.370 (2) (fj) of the statutes is amended to read:

16           20.370 (2) (fj) *Environmental quality — laboratory certification*. From the  
17 general fund, the amounts in the schedule for the purpose of administering and  
18 enforcing s. ~~144.95~~ 299.11. All moneys received from fees under s. ~~144.95~~ 299.11 (9)  
19 shall be credited to this appropriation. During fiscal year 1984–85, the department  
20 may expend and encumber up to the amount specified in the schedule for this  
21 appropriation in that fiscal year notwithstanding the actual amount received from  
22 fees under s. ~~144.95~~ 299.11 (9). Notwithstanding ss. 16.50 (2), 16.52, 20.002 (11) and  
23 20.903, the department may report a deficit in this appropriation on June 30, 1985,  
24 or on June 30, 1986, and this deficit shall be considered an encumbrance on the  
25 appropriation under this paragraph for the subsequent fiscal year. The department

1 may not report a deficit in this appropriation at the close of any fiscal year after the  
2 1985-86 fiscal year.

3 **SECTION 56.** 20.370 (2) (fr) of the statutes, as created by 1995 Wisconsin Act 27,  
4 is amended to read:

5 20.370 (2) (fr) *Cooperative remedial action; contributions.* From the  
6 environmental fund, all moneys received under s. ~~144.968~~ 292.51 (2) for cooperative  
7 remedial action to conduct the cooperative remedial action for which received.

8 **SECTION 57.** 20.370 (2) (gh) of the statutes is amended to read:

9 20.370 (2) (gh) *Mining — mining regulation and administration.* The amounts  
10 in the schedule for the administration, regulation and enforcement of exploration,  
11 prospecting, mining and mine reclamation activities under ~~ss. 144.80 to 144.94~~ ch.  
12 293. All moneys received under ~~ss. 144.80 to 144.94~~ ch. 293 shall be credited to this  
13 appropriation.

14 **SECTION 58.** 20.370 (2) (gi) of the statutes is amended to read:

15 20.370 (2) (gi) *Mining — nonmetallic mining regulation and administration.*  
16 All moneys received under s. ~~144.9407~~ subch. I of ch. 295 for the department's  
17 responsibilities related to nonmetallic mining under s. ~~144.9407~~ subch. I of ch. 295.

18 **SECTION 59.** 20.370 (2) (gr) of the statutes is amended to read:

19 20.370 (2) (gr) *Solid waste management — mining programs.* From the  
20 investment and local impact fund, all moneys received under s. 70.395 (2) (j) for the  
21 purpose of making payments for the long-term care of mining waste sites under s.  
22 ~~144.441 (6)~~ 289.68 and received under s. 70.395 (2) (k) for the purpose of making  
23 payments for environmental repair of mining waste sites under s. ~~144.442 (4), (6) and~~  
24 ~~(8)~~ 292.31 (1), (3) and (7).

1           **SECTION 60.** 20.370 (2) (hq) of the statutes, as affected by 1995 Wisconsin Act  
2 27, section 656, is amended to read:

3           20.370 (2) (hq) *Recycling; administration.* From the recycling fund, the  
4 amounts in the schedule for the administration of subch. II of ch. ~~159~~ 287, other than  
5 ss. ~~159.17, 159.21, 159.23 and 159.25~~ 287.17, 287.21, 287.23 and 287.25.

6           **SECTION 61.** 20.370 (2) (hq) of the statutes, as affected by 1995 Wisconsin Act  
7 27, section 656b, and 1995 Wisconsin Act .... (this act) is repealed and recreated to  
8 read:

9           20.370 (2) (hq) *Recycling; administration.* From the recycling fund, the  
10 amounts in the schedule for the administration of subch. II of ch. 287, other than ss.  
11 287.21, 287.23 and 287.25.

12           **SECTION 62.** 20.370 (2) (mq) of the statutes is amended to read:

13           20.370 (2) (mq) *General program operations — environmental fund.* From the  
14 environmental fund, the amounts in the schedule for administration of  
15 environmental activities under chs. 144, 147 and 160, 281 to 285 and 289 to 299,  
16 except s. 281.48.

17           **SECTION 63.** 20.370 (2) (mr) of the statutes is amended to read:

18           20.370 (2) (mr) *General program operations — nonpoint source.* From the  
19 environmental fund, the amounts in the schedule for performing the duties of the  
20 department under s. ~~144.25~~ 281.65.

21           **SECTION 64.** 20.370 (2) (mt) of the statutes is amended to read:

22           20.370 (2) (mt) *General program operations — clean water fund program; state*  
23 *funds.* From the clean water fund, the amounts in the schedule for general program  
24 operations under s. ~~144.241~~ 281.58 or ~~144.2415~~ 281.59.

25           **SECTION 65.** 20.370 (2) (mx) of the statutes is amended to read:

1           20.370 (2) (mx) *General program operations — clean water fund program;*  
2 *federal funds.* As a continuing appropriation, from the federal revolving loan fund  
3 account in the clean water fund, the amounts in the schedule for general program  
4 operations under s. ~~144.241~~ 281.58 or ~~144.2415~~ 281.59.

5           **SECTION 66.** 20.370 (3) (bi) of the statutes, as created by 1995 Wisconsin Act  
6 27, is amended to read:

7           20.370 (3) (bi) (title) *Water regulation and zoning—fees zoning — fees.* All  
8 moneys received under ss. 23.32 (3), 30.28, 31.39 and ~~144.0252~~ 281.22 for activities  
9 relating to permits and approvals issued under chs. 30 and 31, water quality  
10 standards under s. ~~144.025~~ subch. II of ch. 281 and for wetland mapping under s.  
11 23.32.

12           **SECTION 67.** 20.370 (3) (ma) of the statutes is amended to read:

13           20.370 (3) (ma) *General program operations — state funds.* From the general  
14 fund, the amounts in the schedule for regulatory and enforcement operations under  
15 chs. 30, 31, ~~144, 147, 159 and 162~~ and 280 to 299, except s. 281.48, and ss. 44.47,  
16 59.971, 59.974, 61.351, 61.354, 62.231, 62.234 and 87.30, for reimbursement of the  
17 conservation fund for expenses incurred for actions taken under s. 166.04; for review  
18 of environmental impact requirements under ss. 1.11 and 23.40; and for enforcement  
19 of the treaty-based, off-reservation rights to fish, hunt and gather held by members  
20 of federally recognized American Indian tribes or bands.

21           **SECTION 68.** 20.370 (3) (mq) of the statutes is amended to read:

22           20.370 (3) (mq) *General program operations — environmental fund.* From the  
23 environmental fund, the amounts in the schedule for the enforcement of the  
24 hazardous substance spills program under s. ~~144.76~~ 292.11 and groundwater  
25 standards and related activities under ch. 160.

1           **SECTION 69.** 20.370 (6) (aa) of the statutes, as affected by 1995 Wisconsin Act  
2 27, is amended to read:

3           20.370 (6) (aa) *Environmental aids; nonpoint source.* Biennially, the amounts  
4 in the schedule for grants and assistance under the nonpoint source water pollution  
5 abatement program under s. ~~144.25~~ 281.65 and for transfers to the appropriation  
6 account under s. 20.115 (7) (km) as provided in s. ~~144.25~~ 281.65 (4) (t). The  
7 department shall allocate \$300,000 in each fiscal year from this appropriation for  
8 grants under s. ~~144.25~~ 281.65 (8) (cm).

9           **SECTION 70.** 20.370 (6) (aq) of the statutes, as affected by 1995 Wisconsin Act  
10 27, is amended to read:

11           20.370 (6) (aq) *Environmental aids — nonpoint source program.* Biennially,  
12 from the environmental fund, the amounts in the schedule for nonpoint source  
13 grants and assistance under s. ~~144.25~~ 281.65 and for transfers to the appropriation  
14 account under s. 20.115 (7) (km) as provided in s. ~~144.25~~ 281.65 (4) (t).

15           **SECTION 71.** 20.370 (6) (ar) of the statutes, as affected by 1995 Wisconsin Act  
16 27, is amended to read:

17           20.370 (6) (ar) *Environmental aids — lake management grants.* From the  
18 conservation fund, as a continuing appropriation, the amounts in the schedule for  
19 lake management grants under s. ~~144.254~~ 281.69.

20           **SECTION 72.** 20.370 (6) (as) of the statutes, as affected by 1995 Wisconsin Act  
21 27, is amended to read:

22           20.370 (6) (as) *Environmental aids — lake management planning grants.*  
23 From the conservation fund, as a continuing appropriation, the amounts in the  
24 schedule for lake management planning grants under s. ~~144.253~~ 281.68.

1           **SECTION 73.** 20.370 (6) (at) of the statutes, as created by 1995 Wisconsin Act  
2 27, is amended to read:

3           20.370 (6) (at) *Environmental aids — nonpoint source contracts.* Biennially,  
4 from the environmental fund, the amounts in the schedule for nonpoint source water  
5 pollution abatement program contracts under s. ~~144.25~~ 281.65 (4g).

6           **SECTION 74.** 20.370 (6) (ba) of the statutes, as affected by 1995 Wisconsin Act  
7 27, is amended to read:

8           20.370 (6) (ba) *Environmental aids — dump closure cost share.* As a continuing  
9 appropriation, the amounts in the schedule for the state contribution to the costs of  
10 closing nonapproved solid waste disposal facilities owned by political subdivisions  
11 under s. ~~144.455~~ 289.83.

12           **SECTION 75.** 20.370 (6) (bq) (intro.) and 2. to 8. of the statutes, as affected by  
13 1995 Wisconsin Act 27, are amended to read:

14           20.370 (6) (bq) *Environmental aids — municipal and county recycling grants.*  
15 (intro.) From the recycling fund, a sum sufficient for municipal and county grants  
16 under s. ~~159.23~~ 287.23 but not to exceed the following:

17           2. In fiscal year 1992-93, \$42,300,000 plus the amount of any refunds under  
18 s. ~~159.23~~ 287.23 in prior fiscal years, less the amount encumbered under subd. 1.

19           3. In fiscal year 1993-94, \$72,149,200 plus the amount of any refunds under  
20 s. ~~159.23~~ 287.23 in prior fiscal years, less the amount encumbered under subds. 1.  
21 and 2.

22           4. In fiscal year 1994-95, \$101,349,200 plus the amount of any refunds under  
23 s. ~~159.23~~ 287.23 in prior fiscal years, less the amount encumbered under subds. 1.  
24 to 3.

1           5. In fiscal year 1995-96, \$130,549,200 plus the amount of any refunds under  
2 s. ~~159.23~~ 287.23 in prior fiscal years, less the amount encumbered under subds. 1.  
3 to 4.

4           6. In fiscal year 1996-97, \$159,749,200 plus the amount of any refunds under  
5 s. ~~159.23~~ 287.23 in prior fiscal years, less the amount encumbered under subds. 1.  
6 to 5.

7           7. In fiscal year 1997-98, \$183,749,200 plus the amount of any refunds under  
8 s. ~~159.23~~ 287.23 in prior fiscal years, less the amount encumbered under subds. 1.  
9 to 6.

10          8. In fiscal year 1998-99, \$200,749,200 plus the amount of any refunds under  
11 s. ~~159.23~~ 287.23 in prior fiscal years, less the amount encumbered under subds. 1.  
12 to 7.

13           **SECTION 76.** 20.370 (6) (br) of the statutes, as affected by 1995 Wisconsin Act  
14 27, is amended to read:

15           20.370 (6) (br) *Environmental aids — waste reduction and recycling*  
16 *demonstration grants.* From the recycling fund, as a continuing appropriation, the  
17 amounts in the schedule for waste reduction and recycling demonstration grants  
18 under s. ~~159.25~~ 287.25.

19           **SECTION 77.** 20.370 (6) (bs) of the statutes is amended to read:

20           20.370 (6) (bs) *Environmental aids — household hazardous waste.* From the  
21 environmental fund, the amounts in the schedule for grants to municipalities under  
22 the household hazardous waste collection and disposal program under s. ~~144.75~~  
23 299.41.

24           **SECTION 78.** 20.370 (6) (cq) of the statutes, as affected by 1995 Wisconsin Act  
25 27, is amended to read:

1           20.370 (6) (cq) *Environmental aids — vapor recovery grants.* From the  
2 petroleum inspection fund, as a continuing appropriation, the amounts in the  
3 schedule for grants under s. ~~144.405~~ 285.31 (5).

4           **SECTION 79.** 20.370 (6) (cr) of the statutes, as affected by 1995 Wisconsin Act  
5 27, is amended to read:

6           20.370 (6) (cr) *Environmental aids — compensation for well contamination.*  
7 As a continuing appropriation, from the environmental fund, the amounts in the  
8 schedule to pay compensation under s. ~~144.027~~ 281.75.

9           **SECTION 80.** 20.370 (6) (da) of the statutes, as affected by 1995 Wisconsin Act  
10 27, is amended to read:

11           20.370 (6) (da) *Environmental planning aids — local water quality planning.*  
12 The amounts in the schedule to provide state assistance to designated local agencies  
13 and to local governmental units that are not designated local agencies for water  
14 quality planning activities under s. ~~144.235~~ 281.51.

15           **SECTION 81.** 20.370 (6) (mq) of the statutes, as affected by 1995 Wisconsin Act  
16 27, is amended to read:

17           20.370 (6) (mq) *Aids administration — nonpoint source program.* From the  
18 environmental fund, the amounts in the schedule for the administration of the  
19 nonpoint source water pollution abatement program under s. ~~144.25~~ 281.65.

20           **SECTION 82.** 20.370 (6) (mr) of the statutes, as affected by 1995 Wisconsin Act  
21 27, is amended to read:

22           20.370 (6) (mr) *Aids administration — vapor recovery grants.* From the  
23 petroleum inspection fund, the amounts in the schedule to administer grants under  
24 s. ~~144.405~~ 285.31 (5).

1           **SECTION 83.** 20.370 (6) (ms) of the statutes, as affected by 1995 Wisconsin Act  
2 27, is amended to read:

3           20.370 (6) (ms) *Aids administration — recycling grants.* From the recycling  
4 fund, the amounts in the schedule for the administration of municipal and county  
5 grants under s. ~~159.23~~ 287.23 and waste reduction and recycling demonstration  
6 grants under s. ~~159.25~~ 287.25.

7           **SECTION 84.** 20.370 (6) (mu) of the statutes, as affected by 1995 Wisconsin Act  
8 27, is amended to read:

9           20.370 (6) (mu) *Aids administration — clean water fund program; state funds.*  
10 From the clean water fund, the amounts in the schedule for the administration of s.  
11 ~~144.241~~ 281.58.

12           **SECTION 85.** 20.370 (6) (mx) of the statutes, as affected by 1995 Wisconsin Act  
13 27, is amended to read:

14           20.370 (6) (mx) *Aids administration — clean water fund program; federal*  
15 *funds.* From the federal revolving loan fund account in the clean water fund, all  
16 moneys received from the federal government to administer the clean water fund  
17 program, as authorized by the governor under s. 16.54, for the administration of s.  
18 ~~144.241 or 144.2415~~ 281.58 or 281.59.

19           **SECTION 86.** 20.370 (7) (ba) of the statutes, as affected by 1995 Wisconsin Act  
20 27, is amended to read:

21           20.370 (7) (ba) *Debt service — remedial action.* A sum sufficient to reimburse  
22 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing  
23 remedial action under ss. ~~144.442 and 144.10~~ 281.83 and 292.31 and for the payment  
24 of this state's share of environmental repair that is funded under 42 USC 9601 to  
25 9675.

1           **SECTION 87.** 20.370 (7) (ca) of the statutes, as affected by 1995 Wisconsin Act  
2 27, is amended to read:

3           20.370 (7) (ca) *Principal repayment and interest — nonpoint source grants.* A  
4 sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest  
5 costs incurred in providing funds for nonpoint source water pollution abatement  
6 projects under s. ~~144.25~~ 281.65.

7           **SECTION 88.** 20.370 (7) (cb) of the statutes, as affected by 1995 Wisconsin Act  
8 27, is amended to read:

9           20.370 (7) (cb) *Principal repayment and interest — pollution abatement bonds.*  
10 A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and  
11 interest costs incurred in financing the acquisition, construction, development,  
12 enlargement or improvement of point source water pollution abatement facilities  
13 and sewage collection facilities under ss. ~~144.21, 144.23 and 144.24~~ 281.55, 281.56  
14 and 281.57.

15           **SECTION 89.** 20.370 (7) (cc) of the statutes, as affected by 1995 Wisconsin Act  
16 27, is amended to read:

17           20.370 (7) (cc) *Principal repayment and interest — combined sewer overflow;*  
18 *pollution abatement bonds.* A sum sufficient to reimburse s. 20.866 (1) (u) for the  
19 payment of principal and interest costs incurred in financing the construction of  
20 combined sewer overflow projects under s. ~~144.242~~ 281.63.

21           **SECTION 90.** 20.370 (7) (cd) of the statutes, as affected by 1995 Wisconsin Act  
22 27, is amended to read:

23           20.370 (7) (cd) *Principal repayment and interest — municipal clean drinking*  
24 *water grants.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of

1 principal and interest costs incurred in making municipal clean drinking water  
2 grants under s. ~~144.0255~~ 281.53.

3 **SECTION 91.** 20.370 (8) (is) of the statutes is amended to read:

4 20.370 (8) (is) *Statewide recycling education*. From the recycling fund, as a  
5 continuing appropriation, the amounts in the schedule for the statewide education  
6 program under s. ~~159.21~~ 287.21.

7 **SECTION 92.** 20.370 (8) (iw) of the statutes is amended to read:

8 20.370 (8) (iw) *Statewide recycling administration*. From the recycling fund,  
9 the amounts in the schedule for administration of a statewide recycling program  
10 under ch. ~~159~~ 287.

11 **SECTION 93.** 20.370 (8) (mg) of the statutes is amended to read:

12 20.370 (8) (mg) *General program operations — stationary sources*. From the  
13 moneys received from fees imposed under s. ~~144.399~~ 285.69 (2) (a), the amounts in  
14 the schedule for the administration of the operation permit program under ~~ss. 144.30~~  
15 ~~to 144.426~~ ch. 285 and ~~144.96~~ s. 299.15.

16 **SECTION 94.** 20.370 (8) (mq) of the statutes is amended to read:

17 20.370 (8) (mq) *General program operations — mobile sources*. From the  
18 petroleum inspection fund, the amounts in the schedule for the administration of the  
19 mobile source air pollution program under ~~ss. 144.30 to 144.426~~ ch. 285.

20 **SECTION 95.** 20.455 (1) (gh) of the statutes, as created by 1995 Wisconsin Act  
21 27, is amended to read:

22 20.455 (1) (gh) *Investigation and prosecution*. The amounts in the schedule for  
23 the expenses of investigation and prosecution of violations, including attorney fees,  
24 under ~~ss. 49.49 (6), 100.263, 133.16, 144.99 and 147.21 (5)~~ 281.98, 283.91 (5), 289.96  
25 (3), 292.99, 293.87 (4), 295.19 (3) (b) and 299.97. Ten percent of all moneys received

1 under ss. 49.49 (6), 100.263, 133.16, ~~144.99 and 147.21 (5)~~ 281.98, 283.91 (5), 289.96  
2 (3), 292.99, 293.87 (4), 295.19 (3) (b) and 299.97, for the expenses of investigation and  
3 prosecution of violations, including attorney fees, shall be credited to this  
4 appropriation account.

5 **SECTION 96.** 20.455 (1) (hm) of the statutes, as affected by 1995 Wisconsin Act  
6 27, is amended to read:

7 20.455 (1) (hm) *Restitution.* All moneys received by the department to provide  
8 restitution to victims when ordered by the court as the result of prosecutions under  
9 s. 49.49 and chs. 100, 133, 144 and ~~147~~ 281 to 285 and 289 to 299 and under a federal  
10 antitrust law for the purpose of providing restitution to victims of the violation when  
11 ordered by the court.

12 **SECTION 97.** 20.505 (1) (v) of the statutes is amended to read:

13 20.505 (1) (v) *General program operations — clean water fund program; state*  
14 *funds.* From the clean water fund, the amounts in the schedule for general program  
15 operations under s. ~~144.241~~ 281.58 or ~~144.2415~~ 281.59.

16 **SECTION 98.** 20.505 (1) (x) of the statutes is amended to read:

17 20.505 (1) (x) *General program operations — clean water fund program; federal*  
18 *funds.* As a continuing appropriation, from the federal revolving loan fund account  
19 in the clean water fund, the amounts in the schedule for general program operations  
20 under s. ~~144.241~~ 281.58 or ~~144.2415~~ 281.59.

21 **SECTION 99.** 20.536 (1) (ka) of the statutes is amended to read:

22 20.536 (1) (ka) *General program operations; clean water fund.* All moneys  
23 received for providing services to the department of administration or the  
24 department of natural resources in administering ss. 25.43, ~~144.241~~ 281.58 and  
25 ~~144.2415~~ 281.59, for general program operations.

1           **SECTION 100.** 20.566 (7) (e) of the statutes is amended to read:

2           20.566 (7) (e) *Investment and local impact fund supplement.* The amounts in  
3 the schedule to supplement par. (v) for the purposes of ss. 70.395, ~~144.838~~ 293.33 (4)  
4 and ~~144.855~~ 293.65 (5) (a).

5           **SECTION 101.** 20.566 (7) (v) of the statutes is amended to read:

6           20.566 (7) (v) *Investment and local impact fund.* From the investment and local  
7 impact fund, all moneys received under s. 70.395 (1) (a), (1g) (b) and (2) (dc) and (dg),  
8 less the moneys appropriated under s. 20.370 (2) (gr), to be disbursed under ss.  
9 70.395 (2) (d) to (g), ~~144.855 (5) (a) and 144.838 (4)~~ 293.33 (4) and 293.85 (5) (a).

10          **SECTION 102.** 20.865 (2) (em) of the statutes is amended to read:

11          20.865 (2) (em) *Groundwater survey and analysis.* The amounts in the  
12 schedule for the survey and analysis of groundwater conditions and problems under  
13 ss. 16.968, 36.25 (6), ~~144.025 and 162.03~~ and 280.13 and subch. II of ch. 281.

14          **SECTION 103.** 20.866 (2) (tb) of the statutes is amended to read:

15          20.866 (2) (tb) *Natural resources; municipal clean drinking water grants.* From  
16 the capital improvement fund, a sum sufficient to the department of natural  
17 resources to provide funds for municipal clean drinking water grants under s.  
18 ~~144.0255~~ 281.53. The state may contract public debt in an amount not to exceed  
19 \$9,800,000 for this purpose.

20          **SECTION 104.** 20.866 (2) (tc) of the statutes, as affected by 1995 Wisconsin Act  
21 27, is amended to read:

22          20.866 (2) (tc) *Clean water fund.* From the capital improvement fund, a sum  
23 sufficient to be transferred to the clean water fund for the purposes of ss. ~~144.241 and~~  
24 ~~144.2415~~ 281.58 and 281.59. The state may contract public debt in an amount not  
25 to exceed \$549,194,000 for this purpose. Of this amount, the amount needed to meet

1 the requirements for state deposits under 33 USC 1382 is allocated for those  
2 deposits. Of this amount, \$8,250,000 is allocated to fund the minority business  
3 development and training program under s. 66.905 (2) (b).

4 **SECTION 105.** 20.866 (2) (te) of the statutes, as affected by 1995 Wisconsin Act  
5 27, is amended to read:

6 20.866 (2) (te) *Natural resources; nonpoint source grants.* From the capital  
7 improvement fund, a sum sufficient for the department of natural resources to  
8 provide funds for nonpoint source water pollution abatement projects under s. ~~144.25~~  
9 281.65. The state may contract public debt in an amount not to exceed \$20,000,000  
10 for this purpose.

11 **SECTION 106.** 20.866 (2) (tg) of the statutes, as affected by 1995 Wisconsin Act  
12 27, is amended to read:

13 20.866 (2) (tg) *Natural resources; environmental repair.* From the capital  
14 improvement fund, a sum sufficient for the department of natural resources to fund  
15 investigations and remedial action under s. ~~144.442~~ 292.31 and remedial action  
16 under s. ~~144.10~~ 281.83 and for payment of this state's share of environmental repair  
17 that is funded under 42 USC 9601 to 9675. The state may contract public debt in an  
18 amount not to exceed \$31,500,000 for this purpose. Of this amount, \$9,000,000 is  
19 allocated for remedial action under s. ~~144.10~~ 281.83.

20 **SECTION 107.** 20.866 (2) (tm) of the statutes is amended to read:

21 20.866 (2) (tm) *Natural resources; pollution abatement and sewage collection*  
22 *facilities, ORAP funding.* From the capital improvement fund, a sum sufficient to  
23 the department of natural resources to acquire, construct, develop, enlarge or  
24 improve point source water pollution abatement facilities and sewage collection  
25 facilities under ss. ~~144.21~~ 281.55 and ~~144.23~~ 281.56. The state may contract public

1 debt in an amount not to exceed \$146,850,000 for this purpose. Of this amount,  
2 \$5,000,000 is allocated for point source water pollution abatement facilities and  
3 sewage collection facilities under s. ~~144.23~~ 281.56.

4 **SECTION 108.** 20.866 (2) (tn) of the statutes is amended to read:

5 20.866 (2) (tn) *Natural resources; pollution abatement and sewage collection*  
6 *facilities.* From the capital improvement fund, a sum sufficient to the department  
7 of natural resources to acquire, construct, develop, enlarge or improve point source  
8 water pollution abatement facilities and sewage collection facilities under s. ~~144.24~~  
9 281.57 including eligible engineering design costs. Payments may be made from this  
10 appropriation for capital improvement expenditures and encumbrances authorized  
11 under s. ~~144.24~~ 281.57 before July 1, 1990, except for reimbursements made under  
12 s. ~~144.24~~ 281.57 (9m) (a). Payments may also be made from this appropriation for  
13 expenditures and encumbrances resulting from disputed costs under s. ~~144.24~~  
14 281.57 if an appeal of an eligibility determination is filed before July 1, 1990, and the  
15 result of the dispute requires additional funds for an eligible project. The state may  
16 contract public debt in an amount not to exceed \$902,449,800 for this purpose.

17 **SECTION 109.** 20.866 (2) (to) of the statutes is amended to read:

18 20.866 (2) (to) *Natural resources; pollution abatement and sewage collection*  
19 *facilities; combined sewer overflow.* From the capital improvement fund, a sum  
20 sufficient to the department of natural resources to provide funds for the  
21 construction of combined sewer overflow projects and for eligible engineering design  
22 costs under s. ~~144.242~~ 281.63. The state may contract public debt in an amount not  
23 to exceed \$200,600,000 for this purpose. Of this amount, \$7,360,000 is allocated to  
24 fund the minority business demonstration and training program under s. 66.905.

25 **SECTION 110.** 23.094 (2) (c) 5. of the statutes is amended to read:

1           23.094 (2) (c) 5. The nonpoint source pollution abatement grant program under  
2 s. ~~144.25~~ 281.65.

3           **SECTION 111.** 23.39 (1) and (2) (a) of the statutes, as affected by 1995 Wisconsin  
4 Act 27, are amended to read:

5           23.39 (1) The secretary shall designate an attorney in the department as public  
6 intervenor. Written notices of all administrative proceedings under chs. 30, 31, 144  
7 ~~and 147~~ 281 to 285 and 289 to 299, except s. 281.48, shall be given to the public  
8 intervenor and to the administrators of divisions primarily assigned the  
9 departmental functions under chs. 29 ~~and 144, 281, 285 and 289 to 299, except s.~~  
10 281.48, by the agency head responsible for such proceedings. A copy of such notice  
11 shall also be given to the natural areas preservation council.

12           (2) (a) With the approval of the public intervenor board the public intervenor  
13 shall formally intervene in administrative proceedings when requested to do so by  
14 an administrator of a division primarily assigned the departmental functions under  
15 ch. ~~chs. 29 or 144, 281, 285 or 289 to 299, except s. 281.48~~. With the approval of the  
16 public intervenor board, the public intervenor may, on the public intervenor's own  
17 initiative or upon request of any committee of the legislature, formally intervene in  
18 all administrative proceedings where such intervention is needed for the protection  
19 of "public rights" in water and other natural resources, as provided in chs. 30 and 31  
20 and defined by the supreme court.

21           **SECTION 112.** 23.41 (2) of the statutes is amended to read:

22           23.41 (2) The department may contract for construction work related to  
23 hazardous substance spill response under s. ~~144.76~~ 292.11 or environmental repair  
24 under s. ~~144.442~~ 292.31 or for engineering services or environmental consultant  
25 services in connection with such construction work.

1           **SECTION 113.** 23.50 (1) of the statutes, as affected by 1995 Wisconsin Act 27,  
2 is amended to read:

3           23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit  
4 court to recover forfeitures, penalty assessments, jail assessments, applicable  
5 weapons assessments, applicable environmental assessments, applicable wild  
6 animal protection assessments, applicable natural resources assessments,  
7 applicable fishing shelter removal assessments, applicable snowmobile registration  
8 restitution payments and applicable natural resources restitution payments for  
9 violations of ss. 77.09, 134.60, ~~144.421 (2), 144.422 (2), (2m) (e) and (2r), 146.20 (2)~~  
10 ~~to (5), 147.021, 159.07, 159.08, 159.81~~ 167.10 (3) and, 167.31 (2), 281.48 (2) to (5),  
11 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08 and 287.81, subch. VI of  
12 ch. 77, this chapter and chs. 26 to 31 and of ch. 350, and any administrative rules  
13 promulgated thereunder, violations of rules of the Kickapoo valley governing board  
14 under s. 41.41 (7) (k) or violations of local ordinances enacted by any local authority  
15 in accordance with s. 23.33 (11) (am) or 30.77.

16           **SECTION 114.** 23.51 (3c) of the statutes is amended to read:

17           23.51 (3c) "Environmental assessment" means the assessment imposed under  
18 s. ~~144.992~~ 299.93.

19           **SECTION 115.** 23.53 (1) of the statutes, as affected by 1995 Wisconsin Act 27,  
20 is amended to read:

21           23.53 (1) The citation created under this section shall, in all actions to recover  
22 forfeitures, penalty assessments, jail assessments, applicable weapons assessments,  
23 applicable environmental assessments, applicable wild animal protection  
24 assessments, applicable natural resources assessments, applicable fishing shelter  
25 removal assessments, applicable snowmobile registration restitution payments and

1 applicable natural resources restitution payments for violations of those statutes  
2 enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, and  
3 any rule of the Kickapoo valley governing board under s. 41.41 (7) (k) be used by any  
4 law enforcement officer with authority to enforce those laws, except that the uniform  
5 traffic citation created under s. 345.11 may be used by a traffic officer employed  
6 under s. 110.07 in enforcing s. 167.31 or by an officer of a law enforcement agency of  
7 a municipality or county or a traffic officer employed under s. 110.07 in enforcing s.  
8 ~~159.81~~ 287.81. In accordance with s. 345.11 (1m), the citation shall not be used for  
9 violations of ch. 350 relating to highway use. The citation may be used for violations  
10 of local ordinances enacted by any local authority in accordance with s. 23.33 (11)  
11 (am) or 30.77.

12 **SECTION 116.** 23.65 (1) of the statutes is amended to read:

13 23.65 (1) When it appears to the district attorney that a violation of s. 134.60,  
14 ~~144.421 281.48 (2) to (5), 283.33, 285.57 (2), 144.422 (2), (2m) (c) or (2r), 146.20 (2)~~  
15 ~~to (5), 147.021, 159.07, 159.08~~ 285.59 (2), (3) (c) and (4), 287.07, 287.08 or ~~159.81~~  
16 287.81, this chapter or ch. 26, 27, 28, 29, 30, 31 or 350, or any administrative rule  
17 promulgated pursuant thereto, has been committed the district attorney may  
18 proceed by complaint and summons.

19 **SECTION 117.** 23.65 (3) of the statutes is amended to read:

20 23.65 (3) If a district attorney refuses or is unavailable to issue a complaint, a  
21 circuit judge, after conducting a hearing, may permit the filing of a complaint if he  
22 or she finds there is probable cause to believe that the person charged has committed  
23 a violation of s. ~~159.07, 159.08 or 159.81~~ 287.07, 287.08 or 287.81, this chapter or ch.  
24 26, 27, 28, 29, 30, 31 or 350. The district attorney shall be informed of the hearing and  
25 may attend.

1           **SECTION 118.** 24.60 (2) of the statutes is amended to read:

2           24.60 (2) "Municipality" means a town, village, city, county, public inland lake  
3 protection and rehabilitation district, town sanitary district created under s. 60.71,  
4 metropolitan sewerage district created under s. 66.22 or 66.882, joint sewerage  
5 system created under s. ~~144.07~~ 281.43 (4), school district or technical college district.

6           **SECTION 119.** 24.61 (3) (a) 8. of the statutes is amended to read:

7           24.61 (3) (a) 8. A joint sewerage system created under s. ~~144.07~~ 281.43 (4) for  
8 the purpose of exercising its powers under s. ~~144.07~~ 281.43 (4).

9           **SECTION 120.** 24.66 (2p) of the statutes is amended to read:

10           24.66 (2p) FOR SEWERAGE DISTRICTS. Every application for a loan under this  
11 section to a sewerage district created under s. 66.22 shall be approved and authorized  
12 by a majority of the commissioners of the district; to a sewerage district created  
13 under s. 66.882, as provided under s. 66.886 (2) (a); and to a joint sewerage system  
14 created under s. ~~144.07~~ 281.43 (4), as provided under s. ~~144.07~~ 281.43 (4) (d).

15           **SECTION 121.** 25.17 (2) (d) of the statutes is amended to read:

16           25.17 (2) (d) Invest the clean water fund, and collect the principal and interest  
17 of all moneys loaned or invested from the clean water fund, as directed by the  
18 department of administration under s. ~~144.2415~~ 281.59 (2m). In making such  
19 investment, the investment board shall accept any reasonable terms and conditions  
20 that the department of administration specifies and is relieved of any obligations  
21 relevant to prudent investment of the fund, including those set forth under ch. 881.

22           **SECTION 122.** 25.43 (1) (e) of the statutes is amended to read:

23           25.43 (1) (e) All repayments of principal and payment of interest on loans made  
24 from the clean water fund and on obligations acquired by the department of  
25 administration under s. ~~144.2415~~ 281.59 (12).

1           **SECTION 123.** 25.43 (1) (f) of the statutes is amended to read:

2           25.43 (1) (f) All moneys received by the clean water fund from the proceeds of  
3 the sale of general or revenue obligations under ch. 18 for the purpose of s. 20.866  
4 (2) (tc) or ~~144.2415~~ 281.59 (4).

5           **SECTION 124.** 25.43 (1) (g) of the statutes is amended to read:

6           25.43 (1) (g) All moneys received from the sale of loans made under s. ~~144.2415~~  
7 281.59 (2m) (a) 2.

8           **SECTION 125.** 25.43 (1) (h) of the statutes is amended to read:

9           25.43 (1) (h) The fees imposed under s. ~~144.241~~ 281.58 (9) (d).

10          **SECTION 126.** 25.43 (2) (c) of the statutes is amended to read:

11          25.43 (2) (c) The department of administration may establish and change  
12 accounts in the clean water fund other than those under pars. (a) and (b). The  
13 department of administration shall consult the department of natural resources  
14 before establishing or changing an account that is needed to administer the program  
15 under s. ~~144.241~~ 281.58 or ~~144.2415~~ 281.59.

16          **SECTION 127.** 25.43 (3) of the statutes, as affected by 1995 Wisconsin Act 27,  
17 is amended to read:

18          25.43 (3) Except for the purpose of investment as provided in s. 25.17 (2) (d),  
19 the clean water fund may be used only for the purposes authorized under ss. 20.320  
20 (1) (r), (s) and (t), 20.370 (2) (mt) and (mx), (6) (mu) and (mx) and (8) (mr), 20.505 (1)  
21 (v) and (x), ~~144.241 and 144.2415~~ 281.58 and 281.59.

22          **SECTION 128.** 25.45 of the statutes is amended to read:

23          **25.45 Waste management fund.** There is established a separate nonlapsible  
24 trust fund designated as the waste management fund, to consist of the tonnage fees  
25 imposed under s. 144.441 (3), 1989 stats., except for tonnage fees paid by a

1 nonapproved facility, as defined in s. ~~144.441 (1) (e)~~ 289.01 (24); waste management  
2 base fees imposed under s. 144.441 (5), 1989 stats.; and all moneys received or  
3 recovered under s. ~~144.443~~ 289.41 (11) (a) 1., 3. or 4. and (am) 1., 3. and 4. Moneys  
4 in the waste management fund shall be used for the purposes specified under s.  
5 ~~144.441 (6) (d) to (h)~~ 289.68 (3) to (6).

6 **SECTION 129.** 25.46 (5e) of the statutes is amended to read:

7 25.46 **(5e)** All moneys received under s. ~~144.027~~ 281.75 (16) (d) for  
8 environmental repair.

9 **SECTION 130.** 25.46 (5m) of the statutes is amended to read:

10 25.46 **(5m)** The tonnage fees imposed under s. ~~144.441 (3)~~ 289.62 (1) that are  
11 paid by a nonapproved facility, as defined in s. ~~144.441 (1) (e)~~ 289.01 (24), for  
12 environmental repair.

13 **SECTION 131.** 25.46 (6) of the statutes is amended to read:

14 25.46 **(6)** The groundwater fees imposed under s. ~~144.441 (7)~~ 289.63 for  
15 groundwater management.

16 **SECTION 132.** 25.46 (6m) of the statutes is amended to read:

17 25.46 **(6m)** The well compensation fees imposed under s. ~~144.441 (7)~~ 289.63 for  
18 environmental repair.

19 **SECTION 133.** 25.46 (6r) of the statutes is amended to read:

20 25.46 **(6r)** The solid waste capacity fees imposed under ss. ~~144.441 (7)~~ 289.63  
21 and ~~144.4412~~ 289.65 for environmental repair.

22 **SECTION 134.** 25.46 (7) of the statutes is amended to read:

23 25.46 **(7)** The fees imposed under s. ~~144.442 (1m)~~ 289.67 (1) for environmental  
24 repair.

25 **SECTION 135.** 25.46 (8) of the statutes is amended to read:

1           25.46 (8) The fees and surcharges imposed under s. ~~144.442 (2) and (3)~~ 289.67  
2           ~~(3) and (4)~~ for environmental repair.

3           **SECTION 136.** 25.46 (9) of the statutes is amended to read:

4           25.46 (9) The moneys received from municipalities under s. ~~144.442 (8)~~ 292.31  
5           ~~(7)~~ (c) for environmental repair.

6           **SECTION 137.** 25.46 (10) of the statutes is amended to read:

7           25.46 (10) The amounts required to be paid into the environmental fund under  
8           s. ~~144.442 (9)~~ 292.31 (8) (g) for environmental repair.

9           **SECTION 138.** 25.46 (10m) of the statutes is amended to read:

10          25.46 (10m) The moneys recovered under s. ~~144.442 (9m) (e)~~ 292.61 (5) for  
11          environmental repair.

12          **SECTION 139.** 25.46 (11) of the statutes is amended to read:

13          25.46 (11) The moneys received from reimbursements under s. ~~144.76~~ 292.11  
14          (6) (c) 1. for environmental repair.

15          **SECTION 140.** 25.46 (12) of the statutes is amended to read:

16          25.46 (12) The moneys received from the federal government as  
17          reimbursement under s. ~~144.76~~ 292.11 (6) (c) 2. and for purposes related to the  
18          hazardous substances spills program, the abandoned container program and the  
19          environmental repair of waste facilities.

20          **SECTION 141.** 25.46 (13) of the statutes is amended to read:

21          25.46 (13) The moneys received from reimbursements under s. ~~144.77~~ 292.41  
22          (6) (c) for the abandoned container program.

23          **SECTION 142.** 25.46 (13m) of the statutes is amended to read:

1           25.46 (13m) The environmental assessments imposed under s. ~~144.992~~ 299.93  
2 for environmental enforcement, environmental repair and environmental  
3 education.

4           **SECTION 143.** 25.46 (15) of the statutes is amended to read:

5           25.46 (15) The fees imposed under s. ~~146.20~~ 281.48 (4s) (d) for groundwater  
6 management.

7           **SECTION 144.** 25.46 (16) of the statutes is amended to read:

8           25.46 (16) The fees imposed under s. ~~147.033 (1)~~ 283.31 (7) for groundwater  
9 management.

10          **SECTION 145.** 25.46 (17) of the statutes is amended to read:

11          25.46 (17) All moneys received from fees under s. ~~144.442 (1s)~~ 289.67 (2) for  
12 environmental repair.

13          **SECTION 146.** 25.46 (17m) of the statutes, as created by 1995 Wisconsin Act 27,  
14 is amended to read:

15          25.46 (17m) All moneys received under s. ~~144.968~~ 292.51 (2) for cooperative  
16 remedial action.

17          **SECTION 147.** 25.46 (18) of the statutes is amended to read:

18          25.46 (18) All moneys received under s. ~~147.23~~ 283.87 or as a settlement to any  
19 action initiated or contemplated under s. ~~147.23~~ 283.87 for environmental repair.

20          **SECTION 148.** 25.49 (2) of the statutes is amended to read:

21          25.49 (2) The fees imposed under s. ~~159.31~~ 287.31.

22          **SECTION 149.** 27.019 (11) of the statutes, as affected by 1995 Wisconsin Act 27,  
23 is amended to read:

1           27.019 **(11)** ENFORCE HIGHWAY LITTERING LAW. Such committee shall work out  
2 plans to enforce the provision of s. ~~159.81~~ 287.81 (2) (a) prohibiting the depositing of  
3 solid waste on or along highways.

4           **SECTION 150.** 27.065 (10) (a) of the statutes is amended to read:

5           27.065 **(10)** (a) The special improvement bonds herein mentioned shall be equal  
6 liens against all lots, parts of lots or parcels of land against which special  
7 assessments have been made, without priority one over another, which liens shall  
8 take precedence of all other claims or liens thereon, except a lien under s. ~~144.442~~  
9 ~~(9)~~ 292.31 (8) (i), ~~144.76 (13)~~ or ~~144.77~~ 292.41 (6) (d) or 292.81, and when issued shall  
10 transfer to the holders thereof all the right, title and interest of such county in and  
11 to the assessment made on account of the improvement mentioned therein and the  
12 liens thereby created, with full power to enforce the collection thereof by foreclosure  
13 in the manner mortgages on real estate are foreclosed. The time of redemption  
14 therefrom shall be fixed by the court, and a copy of the bond foreclosed may be filed  
15 as a part of the judgment roll in said action in lieu of the original thereof.

16           **SECTION 151.** 29.05 (8) (a) of the statutes is amended to read:

17           29.05 **(8)** (a) The department and its wardens shall seize and hold subject to  
18 the order of the court for the county in which the alleged offense was committed, any  
19 apparatus, appliance, equipment, vehicle or device, declared by this chapter to be a  
20 public nuisance, which they have probable cause to believe is being used in violation  
21 of this chapter, an administrative rule promulgated under this chapter or s. ~~159.81~~,  
22 ~~167.31~~, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61 or is being used in the  
23 commission of a crime relating to a submerged cultural resource in violation of s.  
24 44.47. If it is proven that within 6 months previous to the seizure the apparatus,  
25 appliance, equipment, vehicle or device was used in violation of this chapter or an

1 administrative rule promulgated under this chapter or s. ~~159.81~~, 167.31, 287.81,  
2 940.24, 941.20, 948.60, 948.605 or 948.61 or was used in the commission of a crime  
3 relating to a submerged cultural resource in violation of s. 44.47, it shall be  
4 confiscated if the court directs in its order for judgment.

5 **SECTION 152.** 29.135 (1) (b) of the statutes is amended to read:

6 29.135 (1) (b) "Fish" means any processed or unprocessed fish of those species  
7 which are found in the waters of ~~this~~ the state as defined in s. ~~144.01 (19)~~ 281.01 (18),  
8 including parts of fish or fish products. "Fish" does not include minnows produced  
9 and sold or purchased as bait.

10 **SECTION 153.** 29.29 (3) (b) of the statutes is amended to read:

11 29.29 (3) (b) No person may throw or deposit, or permit to be thrown or  
12 deposited, into any waters within the jurisdiction of the state any lime, oil, tar,  
13 garbage, refuse, debris, tanbark, ship ballast, stone, sand, except where permitted  
14 by s. 30.12 (3) (a) 1., slabs, decayed wood, sawdust, sawmill refuse, planing mill  
15 shavings or waste material of any kind, or any acids or chemicals or waste or refuse  
16 arising from the manufacture of any article of commerce, or any other substance  
17 deleterious to game or fish life other than authorized drainage and sewage from  
18 municipalities and industrial or other wastes discharged from mines or commercial  
19 or industrial or ore processing plants or operations, through treatment and disposal  
20 facilities installed and operated in accordance with plans submitted to and approved  
21 by the department of ~~natural resources~~ under ~~ch. 144~~ chs. 281, 285 or 289 to 299,  
22 except s. 281.48, or in compliance with orders of ~~that~~ the department. Any such order  
23 shall be subject to modification by subsequent orders. Any person violating this  
24 paragraph shall forfeit not more than \$200. Each day of a continuing violation is a  
25 separate offense.

1           **SECTION 154.** 30.01 (1b) of the statutes is amended to read:

2           30.01 **(1b)** “Authorized base level of water loss” has the meaning given under  
3 s. ~~144.026~~ 281.35 (1) (b).

4           **SECTION 155.** 30.01 (7m) of the statutes is amended to read:

5           30.01 **(7m)** “Water loss” has the meaning given under s. ~~144.026~~ 281.35 (1) (L).

6           **SECTION 156.** 30.01 (9) of the statutes is amended to read:

7           30.01 **(9)** “Withdrawal” has the meaning given under s. ~~144.026~~ 281.35 (1) (m).

8           **SECTION 157.** 30.12 (4) (a) of the statutes is amended to read:

9           30.12 **(4)** (a) Activities affecting waters of the state as defined in s. ~~144.01~~  
10 281.01 **(18)** that are carried out under the direction and supervision of the  
11 department of transportation in connection with highway and bridge design,  
12 location, construction, reconstruction, maintenance and repair are not subject to the  
13 prohibitions or permit or approval requirements specified under this section or s.  
14 29.29, 30.11, 30.123, 30.195, 30.20, 59.971, 61.351, 62.231, or 87.30 or ch. 144 or 147  
15 chs. 281 to 285 or 289 to 299, except s. 281.48. However, at the earliest practical time  
16 prior to the commencement of these activities, the department of transportation  
17 shall notify the department of the location, nature and extent of the proposed work  
18 that may affect the waters of the state.

19           **SECTION 158.** 30.124 (1) (intro.) of the statutes is amended to read:

20           30.124 **(1)** (intro.) Notwithstanding ss. 30.12, 30.125, 30.20, 30.44 and 30.45  
21 and if the department finds that the activity will not adversely affect public or private  
22 rights or interests in fish and wildlife populations, navigation or waterway flood flow  
23 capacity and will not result in environmental pollution, as defined in s. ~~144.01~~ **(3)**  
24 299.01 **(4)**, the department may do all of the following on public lands or waters:

25           **SECTION 159.** 30.18 (2) (b) of the statutes is amended to read:

1           30.18 (2) (b) *Streams or lakes*. No person, except a person required to obtain  
2 an approval under s. ~~144.04~~ 281.41, may divert water from any lake or stream in this  
3 state without a permit under this section if the diversion will result in a water loss  
4 averaging 2,000,000 gallons per day in any 30-day period above the person's  
5 authorized base level of water loss.

6           **SECTION 160.** 30.18 (3) (b) of the statutes is amended to read:

7           30.18 (3) (b) *Application; streams or lakes*. An application for a permit required  
8 under sub. (2) (b) shall be submitted in the form required under s. ~~144.026~~ 281.35 (5)  
9 (a). If the diversion also meets either condition specified under sub. (2) (a), the  
10 application shall also comply with par. (a).

11           **SECTION 161.** 30.18 (4) (a) of the statutes is amended to read:

12           30.18 (4) (a) Upon receipt of a complete application, the department shall  
13 follow the notice and hearing procedures under s. 30.02 (3) and (4). In addition to  
14 the notice requirements under s. 30.02 (3) and (4), the department shall mail a copy  
15 of the notice to every person upon whose land any part of the canal or any other  
16 structure will be located, to the clerk of the next town downstream, to the clerk of any  
17 village or city in which the lake or stream is located and which is adjacent to any  
18 municipality in which the diversion will take place and to each person specified in  
19 s. ~~144.026~~ 281.35 (5) (b) or (6) (f), if applicable.

20           **SECTION 162.** 30.18 (4) (b) of the statutes is amended to read:

21           30.18 (4) (b) If a hearing on the application for a permit is conducted as a part  
22 of a hearing under s. ~~144.836~~ 293.43, the notice and hearing provisions in that section  
23 supersede the notice and hearing provisions of par. (a).

24           **SECTION 163.** 30.18 (5) (b) of the statutes is amended to read:

1           30.18 (5) (b) *Streams or lakes*. The department shall approve an application  
2 for a permit required under sub. (2) (b) if the grounds for approval specified under  
3 s. ~~144.026~~ 281.35 (5) (d) are met and, if the permit is also required under sub. (2) (a),  
4 if the department makes the determinations specified under par. (a).

5           **SECTION 164.** 30.18 (6) (a) of the statutes is amended to read:

6           30.18 (6) (a) *Contents of permit*. The department shall specify on each permit  
7 issued under this section the quantity of water that may be diverted and the times  
8 during which water may be diverted. In addition, if the permit is one which is  
9 required under sub. (2) (b), the permit shall comply with s. ~~144.026~~ 281.35 (6).

10          **SECTION 165.** 30.18 (6) (d) of the statutes is amended to read:

11          30.18 (6) (d) *Review of permits*. If the permit is one that is required under sub.  
12 (2) (a), but not under sub. (2) (b), and the permit was issued on or after August 1, 1957,  
13 the department shall review the permit at least once every 5 years. If the permit is  
14 one that is required under sub. (2) (b), the department shall review the permit as  
15 required under s. ~~144.026~~ 281.35 (6) (b).

16          **SECTION 166.** 30.18 (6m) (c) of the statutes is amended to read:

17          30.18 (6m) (c) The department may revoke a permit issued under sub. (5) (b)  
18 only as provided under s. ~~144.026~~ 281.35 (6).

19          **SECTION 167.** 30.19 (3) (b) of the statutes is amended to read:

20          30.19 (3) (b) If a hearing on the application for a permit is conducted as a part  
21 of a hearing under s. ~~144.836~~ 293.43, the notice, comment and hearing provisions in  
22 that section supersede the notice, comment and hearing provisions of par. (a).

23          **SECTION 168.** 30.19 (4) of the statutes is amended to read:

24          30.19 (4) **ISSUANCE OF PERMIT**. If the department finds that the project will not  
25 injure public rights or interest, including fish and game habitat, that the project will

1 not cause environmental pollution as defined in s. ~~144.01 (3)~~ 299.01 (4), that any  
2 enlargement connected to navigable waterways conforms to the requirement of laws  
3 for the platting of land and for sanitation and that no material injury to the rights  
4 of any riparian owners on any body of water affected will result, the department shall  
5 issue a permit authorizing the enlargement of the affected waterways.

6 **SECTION 169.** 30.20 (2) (a) of the statutes is amended to read:

7 30.20 (2) (a) The department, whenever consistent with public rights, may  
8 enter into contracts on behalf of the state for the removal of any material from the  
9 bed of any navigable lake or any of the outlying waters, and for the lease or sale of  
10 the material. Every contract shall contain such conditions as may be necessary for  
11 the protection of the public interest and the interests of the state and shall fix the  
12 compensation to be paid to the state for material so removed, except that no  
13 compensation may be paid for the material if the contract is with a municipality as  
14 defined in s. ~~144.01~~ 281.01 (6) and the material is to be used for a municipal purpose  
15 and not for resale. No contract entered into under this paragraph may run for a  
16 longer period than 5 years.

17 **SECTION 170.** 30.202 (3) of the statutes is amended to read:

18 30.202 (3) EXEMPTION FROM STATUTES AND RULES. Dredge spoil disposal activities  
19 authorized under sub. (2) are exempt from any prohibition, restriction, requirement,  
20 permit, license, approval, authorization, fee, notice, hearing, procedure or penalty  
21 specified under ss. 29.29, 30.01 to 30.20, 30.21 to 30.99, 59.971 or 87.30 or ~~eh. 144 or~~  
22 147 chs. 281 to 285 or 289 to 299, except s. 281.48, or specified in any rule  
23 promulgated, order issued or ordinance adopted under those sections or chapters.

24 **SECTION 171.** 30.202 (4) of the statutes is amended to read:

1           30.202 (4) HAZARDOUS WASTE DREDGE SPOIL DISPOSAL. In consultation with the  
2 U.S. corps of engineers, the department shall establish special conditions and  
3 standards for the disposal of dredge spoils which are hazardous waste, as defined  
4 under s. ~~144.61 (5)~~ 291.01 (7). These special conditions and standards shall be  
5 established to ensure that public health and the environment are protected.

6           **SECTION 172.** 30.203 (4) (d) of the statutes is amended to read:

7           30.203 (4) (d) It may not cause environmental pollution, as defined in s. ~~144.01~~  
8 ~~(3)~~ 299.01 (4).

9           **SECTION 173.** 30.204 (5) of the statutes is amended to read:

10           30.204 (5) EXEMPTION FROM CERTAIN STATUTES AND RULES. Activities of the  
11 department in conducting the lake acidification experiment are exempt from any  
12 prohibition, restriction, requirement, permit, license, approval, authorization, fee,  
13 notice, hearing, procedure or penalty specified under ss. 29.29 (3), 30.01 to 30.03,  
14 30.06 to 30.16, 30.18 to 30.29, 30.50 to 30.99, 59.971, 87.30, ~~144.01 to 144.27, 144.43~~  
15 ~~to 144.79, 144.96 to 144.99 or 159.81~~ 287.81, 299.15 to 299.23, 299.91, 299.95 or  
16 299.97 or ~~ch. 147~~ chs. 281, 283 or 289 to 292 or specified in any rule promulgated,  
17 order issued or ordinance adopted under any of those sections or ~~that chapter~~  
18 chapters.

19           **SECTION 174.** 30.206 (1) of the statutes is amended to read:

20           30.206 (1) For activities which require a permit or approval under ss. 30.12 (3)  
21 (a) and 30.19 (1) (a), the department may issue a general permit authorizing a class  
22 of activities, according to rules promulgated by the department. Before issuing  
23 general permits, the department shall determine, after an environmental analysis  
24 and notice and hearing under ss. 227.17 and 227.18, that the cumulative adverse  
25 environmental impact of the class of activity is insignificant and that issuance of the

1 general permit will not injure public rights or interest, cause environmental  
2 pollution, as defined in s. ~~144.01(3)~~ 299.01(4), or result in material injury to the  
3 rights of any riparian owner.

4 **SECTION 175.** 30.21 (3) (a) of the statutes is amended to read:

5 30.21 (3) (a) Each public utility operating under a permit under this section on  
6 January 1, 1986, shall comply with s. ~~144.026~~ 281.35 (2), if applicable.

7 **SECTION 176.** 30.28 (2m) (c) of the statutes, as created by 1995 Wisconsin Act  
8 27, is amended to read:

9 30.28 (2m) (c) If more than one fee under sub. (2) (a) or s. 31.39 (2) (a) or  
10 ~~144.0252~~ 281.22 is applicable to a project, the department shall charge only the  
11 highest fee of those that are applicable.

12 **SECTION 177.** 30.40 (16) of the statutes is amended to read:

13 30.40 (16) "Solid waste" has the meaning given in s. ~~144.01(15)~~ 289.01(33).

14 **SECTION 178.** 30.45 (4m) (a) of the statutes is amended to read:

15 30.45 (4m) (a) Nonhazardous sludges from a treatment work, as defined under  
16 s. ~~147.015~~ 283.01 (18), that is spread as a soil conditioner or a nutrient on land that  
17 is in agricultural use; or

18 **SECTION 179.** 30.45 (4p) of the statutes is amended to read:

19 30.45 (4p) No person may dispose of the debris resulting from the demolition  
20 of a building or a building foundation unless the disposal is on the same parcel on  
21 which the demolition site is located, the debris is of a type that is not required under  
22 s. ~~144.44(7)(g) 2. a.~~ 289.43(8)(b) 1. to be disposed of in a licensed solid waste disposal  
23 facility and the debris is buried.

24 **SECTION 180.** 31.06 (3) of the statutes is amended to read:

1           31.06 (3) At such hearing or any adjournment thereof the department shall  
2 consider the application, and shall take evidence offered by the applicant and other  
3 persons in support thereof or in opposition thereto, may require the amendment of  
4 the application, and if it appears that the construction, operation or maintenance of  
5 the proposed dam is in the public interest, considering ecological, aesthetic, economic  
6 and recreational values, the department shall so find and grant a permit to the  
7 applicant, provided the department also finds that the applicant has complied with  
8 s. 31.14 (2) or (3) and, where applicable, with s. 31.05 (3), based on the department's  
9 own estimate of the area of the flowage. The enjoyment of natural scenic beauty and  
10 environmental quality are declared to be public rights to be considered along with  
11 other public rights and the economic need of electric power for the full development  
12 of agricultural and industrial activity and other useful purposes in the area to be  
13 served. In considering public rights to the recreational use and natural scenic beauty  
14 of the river, the department shall investigate the potentialities of the lake and lake  
15 shore created by the flowage and shall weigh the recreational use and scenic beauty  
16 thereof against the known recreational use and scenic beauty of the river in its  
17 natural state, and the department shall further weigh the known recreational use  
18 and scenic beauty of the particular section of river involved against the known  
19 recreational use and scenic beauty of other sections of the same river and other rivers  
20 in the area remaining in their natural state (without regard to plans of other dams  
21 subsequently filed or to be filed); if it appears that the river in its natural state offers  
22 greater recreational facilities and scenic value for a larger number of people than can  
23 be obtained from the use of the lake and lake  
24 shore and that the remaining sections of the river and other rivers in the area in their  
25 natural state provide an insufficient amount of recreational facilities and scenic

1 beauty, and if it further appears that the economic need of electric power is less than  
2 the value of the recreational and scenic beauty advantages of such river in its natural  
3 state, the department shall so find and the permit be denied. If the department finds  
4 that approval of the permit will cause environmental pollution, as defined in s.  
5 ~~144.01 (3)~~ 299.01 (4), the permit shall be denied.

6 **SECTION 181.** 31.06 (5) of the statutes is amended to read:

7 31.06 (5) If a hearing on the application for a permit is conducted as a part of  
8 a hearing under s. ~~144.836~~ 293.43, the notice and hearing provisions in that section  
9 supersede the notice and hearing provisions of this section.

10 **SECTION 182.** 31.39 (2m) (c) of the statutes, as created by 1995 Wisconsin Act  
11 27, is amended to read:

12 31.39 (2m) (c) If more than one fee under sub. (2) (a) or s. 30.28 (2) (a) or  
13 ~~144.0252~~ 281.22 is applicable to a project, the department shall charge only the  
14 highest fee of those that are applicable.

15 **SECTION 183.** 32.02 (12) of the statutes is amended to read:

16 32.02 (12) Any person operating a plant which creates waste material which,  
17 if released without treatment would cause stream pollution, for the location of  
18 treatment facilities. This subsection does not apply to a person licensed under ss.  
19 ~~144.80 to 144.94~~ ch. 293.

20 **SECTION 184.** 33.14 (4) (c) of the statutes is amended to read:

21 33.14 (4) (c) Whether the implementation of the plan is likely to cause  
22 long-range environmental pollution as defined in s. ~~144.01 (3)~~ 299.01 (4);

23 **SECTION 185.** 33.26 (3) of the statutes is amended to read:

24 33.26 (3) The committee shall report to the county board within 3 months after  
25 the date of the hearing. Within 6 months after the date of the hearing, the board shall

1 issue its order under this subsection. If the board finds, after consideration of the  
2 committee's report and any other evidence submitted to the board, that the petition  
3 is signed by the requisite owners as provided in s. 33.25, that the proposed district  
4 is necessary, that the public health, comfort, convenience, necessity or public welfare  
5 will be promoted by the establishment of the district, that the property to be included  
6 in the district will be benefited by the establishment thereof, and that formation of  
7 the proposed district will not cause or contribute to long-range environmental  
8 pollution as defined in s. ~~144.01(3)~~ 299.01(4), the board, by order, shall declare its  
9 findings, shall establish the boundaries and shall declare the district organized and  
10 give it a corporate name by which it shall be known. Thereupon the district shall be  
11 a body corporate with the powers of a municipal corporation for the purposes of  
12 carrying out this chapter. If the board does not so find, the board, by order, shall  
13 declare its findings and deny the petition.

14 **SECTION 186.** 33.457 (4) (intro.) of the statutes is amended to read:

15 33.457 (4) (intro.) Within 3 months after the implementation plan is developed  
16 and submitted under sub. (1), the department and the designated planning agency  
17 under s. ~~144.235~~ 281.51 that covers the county shall evaluate the implementation  
18 plan to determine whether it is consistent with the criteria for water quality  
19 planning under s. ~~144.235~~ 281.51 and whether the plan is adequate to:

20 **SECTION 187.** 36.25 (3m) (a) of the statutes is amended to read:

21 36.25 (3m) (a) In this subsection, "solid waste disposal" has the meaning given  
22 in s. ~~144.43(4r)~~ 289.01(34).

23 **SECTION 188.** 36.25 (30) (intro.) of the statutes, as affected by 1995 Wisconsin  
24 Act 27, is amended to read:

1           36.25 (30) HAZARDOUS POLLUTION PREVENTION PROGRAM. (intro.) The board shall  
2 establish in the extension a hazardous pollution prevention program to promote  
3 hazardous pollution prevention, as defined in s. ~~144.955~~ 299.13 (1) (c). In cooperation  
4 with the department of natural resources, the department of commerce and the  
5 hazardous pollution prevention council, the program shall do all of the following:

6           **SECTION 189.** 36.25 (30g) of the statutes, as created by 1995 Wisconsin Act 27,  
7 is amended to read:

8           36.25 (30g) RECYCLING MARKET DEVELOPMENT PROGRAM. The board shall  
9 establish in the extension, in cooperation with the recycling market development  
10 board, a program of education and technical assistance related to recycling market  
11 development. The program shall serve waste generators, as defined in s. ~~159.40~~  
12 287.40 (4); solid waste scrap brokers, dealers and processors; business entities that  
13 use or could use recovered materials or that produce or could produce products from  
14 recovered materials and persons who provide support services to those business  
15 entities; and the general public.

16           **SECTION 190.** 42.05 (1) and (2) of the statutes are amended to read:

17           42.05 (1) Except during the annual state fair and at other times between 8 a.m.  
18 and 10 p.m., every motor vehicle, as defined in s. ~~159.15~~ 287.15 (1) (e), that is used  
19 at state fair park in racing competition or practice shall be equipped with a muffler  
20 which, at all times, shall be in good working condition sufficient to prevent excessive  
21 or unusual noise.

22           (2) It is unlawful to operate, or for the state fair park board to permit to be  
23 operated, at state fair park in racing competition or practice except during the period  
24 specified in sub. (1), any motor vehicle, as defined in s. ~~159.15~~ 287.15 (1) (e), with the  
25 muffler or cutout open.

**SECTION 191**

1           **SECTION 191.** 46.255 (7) of the statutes is amended to read:

2           46.255 (7) The department may provide a certification under sub. (1) to a state  
3 agency or authority under s. 21.49 (2) (e), 36.11 (6) (b), 36.25 (14), 36.34 (1), 39.30 (2)  
4 (e), 39.38 (2), 39.435 (6), 39.44 (4), 39.47 (2m), 45.351 (2) (c), 45.356 (6), 45.396 (6),  
5 45.74 (6), ~~144.25 (8) (L)~~, 145.245 (5m) (b), 234.04 (2), 234.49 (1) (c), 234.59 (3) (c),  
6 234.65 (3) (f), 234.90 (3) (d) or (3g) (c), 234.905 (3) (d), 281.65 (8) (L) or 949.08 (2) (g).

7           **SECTION 192.** 46.34 of the statutes is amended to read:

8           **46.34 Emission standards for hazardous air contaminants.** The  
9 department may assist the department of natural resources in the development of  
10 emission standards for hazardous air contaminants under s. ~~144.375 (5)~~ 285.27 (2)  
11 (b).

12           **SECTION 193.** 50.05 (15) (d) of the statutes is amended to read:

13           50.05 (15) (d) The lien provided by this subsection is prior to any lien or other  
14 interest which originates subsequent to the filing of a petition for receivership under  
15 this section, except for a construction or mechanic's lien arising out of work  
16 performed with the express consent of the receiver or a lien under s. ~~144.442 (9)~~  
17 292.31 (8) (i), ~~144.76 (13)~~ or ~~144.77~~ 292.41 (6) (d) or 292.81.

18           **SECTION 194.** 59.067 (1) (b) of the statutes is amended to read:

19           59.067 (1) (b) "Private well" has the meaning specified by rule by the  
20 department under s. ~~162.07~~ 280.21 (2).

21           **SECTION 195.** 59.067 (1) (c) of the statutes is amended to read:

22           59.067 (1) (c) "Well" has the meaning specified under s. ~~162.02~~ 280.01 (6).

23           **SECTION 196.** 59.067 (2) of the statutes is amended to read:

24           59.067 (2) PERMITS. If authorized by the department under s. ~~162.07~~ 280.21 (1),  
25 a county may adopt and enforce a well construction or pump installation ordinance

1 or both. Provisions of the ordinance shall be in strict conformity with ch. ~~162~~ 280 and  
2 with rules of the department under ch. ~~162~~ 280. The ordinance may require that a  
3 permit be obtained before construction, installation, reconstruction or rehabilitation  
4 of a private well or installation or substantial modification of a pump on a private  
5 well, other than replacement of a pump with a substantially similar pump. The  
6 county may establish a schedule of fees for issuance of the permits and for related  
7 inspections. The department, under s. ~~162.07~~ 280.21 (4), may revoke the authority  
8 of a county to enforce its ordinance if the department finds that the ordinance or  
9 enforcement of the ordinance does not conform to ch. ~~162~~ 280 and rules of the  
10 department under ch. ~~162~~ 280.

11 **SECTION 197.** 59.067 (3) of the statutes is amended to read:

12 59.067 (3) EXISTING WELLS. With the approval of the department under s.  
13 ~~162.07~~ 280.21 (1), a county may adopt and enforce an ordinance in strict conformity  
14 with ch. ~~162~~ 280 and with department rules under ch. ~~162~~ 280, as they relate to  
15 existing private wells. The department, under s. ~~162.07~~ 280.21 (4), may revoke the  
16 authority of a county to enforce its ordinance if the department finds that the  
17 ordinance or enforcement of the ordinance does not conform to ch. ~~162~~ 280 and rules  
18 of the department under ch. ~~162~~ 280.

19 **SECTION 198.** 59.067 (5) of the statutes is amended to read:

20 59.067 (5) OTHER MUNICIPALITIES. No city, village or town may adopt or enforce  
21 an ordinance regulating matters covered by ch. ~~162~~ 280 or by department rules under  
22 ch. ~~162~~ 280.

23 **SECTION 199.** 59.07 (133) of the statutes is amended to read:

1           59.07 (133) RECYCLING OR RESOURCE RECOVERY FACILITIES. Establish and require  
2 use of facilities for the recycling of solid waste or for the recovery of resources from  
3 solid waste as provided under s. ~~159.13~~ 287.13.

4           **SECTION 200.** 59.07 (135) (L) of the statutes is amended to read:

5           59.07 (135) (L) Appropriate funds and levy taxes to provide funds for  
6 acquisition or lease of sites, easements, necessary facilities and equipment and for  
7 all other costs required for the solid waste management system except that no town,  
8 city or village which operates its own solid waste management program under s.  
9 ~~159.09~~ 287.09 (2) (a) or waste collection and disposal facility, or property therein,  
10 shall be subject to any tax levied hereunder to cover the capital and operating costs  
11 of these functions. Such appropriations may be treated as a revolving capital fund  
12 to be reimbursed from proceeds of the system.

13           **SECTION 201.** 59.07 (135) (q) (intro.) of the statutes is amended to read:

14           59.07 (135) (q) (intro.) Impose fees, in addition to fees imposed under ch. 144  
15 289, upon persons who dispose of solid waste at publicly owned solid waste disposal  
16 sites in the county for the purpose of cleaning up closed or abandoned solid waste  
17 disposal sites within the county, subject to all of the following conditions:

NOTE: The cross-reference to ch. 144 is overly inclusive. Only ss. 144.43 to 144.47  
of ch. 144 relate to imposing fees on persons who dispose of solid waste. Therefore, the  
cross-reference is limited to those provisions of current ch. 144 which are contained in  
new ch. 289.

18           **SECTION 202.** 59.20 (5) (b) of the statutes is amended to read:

19           59.20 (5) (b) For all court imposed fines and forfeitures required by law to be  
20 deposited in the state treasury, the amounts required by s. 165.87 for the penalty  
21 assessment surcharge, the amounts required by s. 167.31 (5) for the weapons  
22 assessment, the amounts required by s. 973.045 for the crime victim and witness  
23 assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic

1 acid analysis surcharge, the amounts required by s. 161.41 (5) for the drug abuse  
2 program improvement surcharge, the amounts authorized by s. 971.37 (1m) (c) 1. or  
3 required by s. 973.055 (1) for the domestic abuse assessment, the amounts required  
4 by s. 346.655 (2) (a) and (b) for the driver improvement surcharge, the amounts  
5 required by s. 102.85 (4) for the uninsured employer assessment, the amounts  
6 required by s. ~~144.992~~ 299.93 for the environmental assessment, the amounts  
7 required by s. 29.9965 for the wild animal protection assessment, the amounts  
8 required by s. 29.997 for the natural resources assessment surcharge, the amounts  
9 required by s. 29.9967 for the fishing shelter removal assessment, the amounts  
10 required by s. 350.115 for the snowmobile registration restitution payment and the  
11 amounts required by s. 29.998 for natural resources restitution payments, transmit  
12 to the state treasurer a statement of all moneys required by law to be paid on the  
13 actions so entered during the preceding month on or before the first day of the next  
14 succeeding month, certified by the treasurer's personal signature affixed or attached  
15 thereto, and at the same time pay to the state treasurer the amount thereof.

16 **SECTION 203.** 59.395 (5) of the statutes is amended to read:

17 59.395 (5) Pay monthly to the county treasurer for the use of the state the  
18 state's percentage of the fees required to be paid on each civil action, criminal action  
19 and special proceeding filed during the preceding month and pay monthly to the  
20 county treasurer for the use of the state the percentage of court imposed fines and  
21 forfeitures required by law to be deposited in the state treasury, the amounts  
22 required by s. 165.87 (2) (b) for the penalty assessment surcharge, the amounts  
23 required by s. 167.31 (5) for the weapons assessment, the amounts required by s.  
24 973.045 for the crime victim and witness assistance surcharge, the amounts required  
25 by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required

1 by s. 161.41 (5) for the drug abuse program improvement surcharge, the amounts  
2 authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 for the domestic abuse  
3 assessment surcharge, the amounts required by s. 346.655 for the driver  
4 improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured  
5 employer assessment, the amounts required by s. ~~144.992~~ 299.93 for the  
6 environmental assessment, the amounts required under s. 29.9965 for the wild  
7 animal protection assessment, the amounts required under s. 29.997 (1) (d) for the  
8 natural resources assessment surcharge, the amounts required by s. 29.9967 for the  
9 fishing shelter removal assessment, the amounts required by s. 350.115 for the  
10 snowmobile registration restitution payment and the amounts required under s.  
11 29.998 (1) (d) for the natural resources restitution payments. The payments shall  
12 be made by the 15th day of the month following receipt thereof.

13 **SECTION 204.** 59.51 (17) of the statutes is amended to read:

14 59.51 (17) Record and index writings submitted according to s. ~~144.44 (4) (b)~~  
15 289.31 (3), evidencing that a solid or hazardous waste disposal facility will be  
16 established on the particular parcel described in the writings.

17 **SECTION 205.** 59.97 (9) (b) of the statutes is amended to read:

18 59.97 (9) (b) This subsection does not apply to land subject to a town zoning  
19 ordinance which is purchased by the county for use as a solid or hazardous waste  
20 disposal facility or hazardous waste storage or treatment facility, as these terms are  
21 defined under s. ~~144.43~~ 289.01.

22 **SECTION 206.** 59.971 (1) (b) (intro.), (1m), (4) (a) and (7) (ag) of the statutes are  
23 amended to read:

1           59.971 (1) (b) (intro.) “Shorelands” means the area within the following  
2 distances from the ordinary high-water mark of navigable waters, as defined under  
3 s. ~~144.26~~ 281.31 (2) (d):

4           **(1m)** To effect the purposes of s. ~~144.26~~ 281.31 and to promote the public health,  
5 safety and general welfare, each county shall zone by ordinance all shorelands in its  
6 unincorporated area. This ordinance may be enacted separately from ordinances  
7 enacted under s. 59.97.

8           **(4)** (a) Section 66.30 applies to this section, except that for the purposes of this  
9 section any agreement under s. 66.30 shall be effected by ordinance. If the  
10 municipalities as defined in s. ~~144.26~~ 281.31 are served by a regional planning  
11 commission under s. 66.945, the commission may, with its consent, be empowered by  
12 the ordinance of agreement to administer each ordinance enacted hereunder  
13 throughout its enacting municipality, whether or not the area otherwise served by  
14 the commission includes all of that municipality.

15           **(7)** (ag) For purposes of pars. (a) 2. and (ad) 2., the types of provisions that may  
16 be deleted or modified are those that establish specified land uses or requirements  
17 associated with those uses and that are not necessary to effect the purposes of s.  
18 ~~144.26~~ 281.31 (1) that relate to the protection of navigable waters.

19           **SECTION 207.** 59.974 (2) and (8) of the statutes are amended to read:

20           59.974 **(2)** **AUTHORITY TO ENACT ORDINANCE.** To effect the purposes of s. ~~144.266~~  
21 281.33 and to promote the public health, safety and general welfare, a county may  
22 enact a zoning ordinance, that is applicable to all of its unincorporated area, except  
23 as provided in s. 60.627 (2) (b), for construction site erosion control at sites where the  
24 construction activities do not include the construction of a building and for storm

1 water management. This ordinance may be enacted separately from ordinances  
2 enacted under s. 59.97.

3 **(8) APPLICABILITY TO LOCAL GOVERNMENTS AND AGENCIES.** An ordinance enacted  
4 under this section is applicable to activities conducted by a unit of local government  
5 and an agency of that unit of government. An ordinance enacted under this section  
6 is not applicable to activities conducted by an agency, as defined under s. 227.01 (1)  
7 but also including the office of district attorney, which is subject to the state plan  
8 promulgated or a memorandum of understanding entered into under s. 144.266  
9 281.33 (2).

10 **SECTION 208.** 60.54 (1) of the statutes is amended to read:

11 60.54 (1) The town board may designate any town highway which provides  
12 reasonable access to a solid waste disposal site or facility licensed under s. 144.44  
13 289.31 as appropriate for the transportation of solid waste into, within or through  
14 the town for the purpose of disposing of the waste at the site or facility and may  
15 prohibit the use of other town highways for that purpose.

16 **SECTION 209.** 60.627 (2) (a) and (7) of the statutes are amended to read:

17 60.627 (2) (a) To effect the purposes of s. 144.266 281.33 and to promote the  
18 public health, safety and general welfare, if a town board may enact zoning  
19 ordinances under s. 60.62, the town board may enact a zoning ordinance, that is  
20 applicable to all of its area, for construction site erosion control at sites where the  
21 construction activities do not include the construction of a building and for storm  
22 water management. This ordinance may be enacted separately from ordinances  
23 enacted under s. 60.62.

24 **(7) APPLICABILITY TO LOCAL GOVERNMENTS AND AGENCIES.** An ordinance enacted  
25 under this section is applicable to activities conducted by a unit of local government

1 and an agency of that unit of government. An ordinance enacted under this section  
2 is not applicable to activities conducted by an agency, as defined under s. 227.01 (1)  
3 but also including the office of district attorney, which is subject to the state plan  
4 promulgated or a memorandum of understanding entered into under s. ~~144.266~~  
5 281.33 (2).

6 **SECTION 210.** 60.70 (7) of the statutes is amended to read:

7 60.70 (7) "Solid waste" has the meaning given under s. ~~144.01 (15)~~ 289.01 (33).

8 **SECTION 211.** 60.70 (8) of the statutes is amended to read:

9 60.70 (8) "Solid waste disposal" has the meaning given under s. ~~144.43 (4r)~~  
10 289.01 (34).

11 **SECTION 212.** 60.70 (11) of the statutes is amended to read:

12 60.70 (11) "Waters of the state" has the meaning given under s. ~~144.01 (19)~~  
13 281.01 (18).

14 **SECTION 213.** 61.345 of the statutes is amended to read:

15 **61.345 Recycling or resource recovery facilities.** A village may establish  
16 and require use of facilities for the recycling of solid waste or for the recovery of  
17 resources from solid waste as provided under s. ~~159.13~~ 287.13.

18 **SECTION 214.** 61.351 (3) of the statutes is amended to read:

19 61.351 (3) ADOPTION OF ORDINANCE. To effect the purposes of s. ~~144.26~~ 281.31  
20 and to promote the public health, safety and general welfare, each village shall zone  
21 by ordinance all unfilled wetlands of 5 acres or more which are shown on the final  
22 wetland inventory maps prepared by the department of natural resources for the  
23 village under s. 23.32, which are located in any shorelands and which are within its  
24 incorporated area. A village may zone by ordinance any unfilled wetlands which are  
25 within its incorporated area at any time.

1           **SECTION 215.** 61.351 (6) of the statutes is amended to read:

2           61.351 **(6)** FAILURE TO ADOPT ORDINANCE. If any village does not adopt an  
3 ordinance required under sub. (3) within 6 months after receipt of final wetland  
4 inventory maps prepared by the department of natural resources for the village  
5 under s. 23.32, or if the department of natural resources, after notice and hearing,  
6 determines that a village adopted an ordinance which fails to meet reasonable  
7 minimum standards in accomplishing the shoreland protection objectives of s.  
8 ~~144.26~~ 281.31 (1), the department of natural resources shall adopt an ordinance for  
9 the village. As far as applicable, the procedures set forth in s. 87.30 apply to this  
10 subsection.

11           **SECTION 216.** 61.354 (2) and (7) of the statutes are amended to read:

12           61.354 **(2)** AUTHORITY TO ENACT ORDINANCE. To effect the purposes of s. ~~144.266~~  
13 281.33 and to promote the public health, safety and general welfare, a village may  
14 enact a zoning ordinance, that is applicable to all of its incorporated area, for  
15 construction site erosion control at sites where the construction activities do not  
16 include the construction of a building and for storm water management. This  
17 ordinance may be enacted separately from ordinances enacted under s. 61.35.

18           **(7)** APPLICABILITY TO LOCAL GOVERNMENTS AND AGENCIES. An ordinance enacted  
19 under this section is applicable to activities conducted by a unit of local government  
20 and an agency of that unit of government. An ordinance enacted under this section  
21 is not applicable to activities conducted by an agency, as defined under s. 227.01 (1)  
22 but also including the office of district attorney, which is subject to the state plan  
23 promulgated or a memorandum of understanding entered into under s. ~~144.266~~  
24 281.33 (2).

25           **SECTION 217.** 61.55 of the statutes is amended to read:

1           **61.55 Contracts involving over \$10,000; how let; exception.** All contracts  
2 for public construction, in any such village, exceeding \$10,000, shall be let by the  
3 village board to the lowest responsible bidder in accordance with s. 66.29 insofar as  
4 said section may be applicable. If the estimated cost of any public construction  
5 exceeds \$5,000, but is not greater than \$10,000, the village board shall give a class  
6 1 notice, under ch. 985, of the proposed construction before the contract for the  
7 construction is executed. This provision and s. ~~144.04~~ 281.41 are not mandatory for  
8 the repair and reconstruction of public facilities when damage or threatened damage  
9 thereto creates an emergency, as determined by resolution of the village board, in  
10 which the public health or welfare of the village is endangered. Whenever the village  
11 board by majority vote at a regular or special meeting declares that an emergency  
12 no longer exists, this exemption no longer applies.

13           **SECTION 218.** 62.15 (1b) of the statutes is amended to read:

14           **62.15 (1b) EXCEPTION AS TO PUBLIC EMERGENCY.** The provisions of sub. (1) and  
15 s. ~~144.04~~ 281.41 are not mandatory for the repair and reconstruction of public  
16 facilities when damage or threatened damage thereto creates an emergency, as  
17 determined by resolution of the board of public works or board of public utility  
18 commissioners, in which the public health or welfare of the city is endangered.  
19 Whenever the city council determines by majority vote at a regular or special  
20 meeting that an emergency no longer exists, this subsection no longer applies.

21           **SECTION 219.** 62.225 of the statutes is amended to read:

22           **62.225 Recycling or resource recovery facilities.** A city may establish and  
23 require use of facilities for the recycling of solid waste or for the recovery of resources  
24 from solid waste as provided under s. ~~159.13~~ 287.13.

25           **SECTION 220.** 62.231 (3) and (6) of the statutes are amended to read:

1           62.231 **(3)** ADOPTION OF ORDINANCE. To effect the purposes of s. ~~144.26~~ 281.31  
2 and to promote the public health, safety and general welfare, each city shall zone by  
3 ordinance all unfilled wetlands of 5 acres or more which are shown on the final  
4 wetland inventory maps prepared by the department of natural resources for the city  
5 under s. 23.32, which are located in any shorelands and which are within its  
6 incorporated area. A city may zone by ordinance any unfilled wetlands which are  
7 within its incorporated area at any time.

8           **(6)** FAILURE TO ADOPT ORDINANCE. If any city does not adopt an ordinance  
9 required under sub. (3) within 6 months after receipt of final wetland inventory maps  
10 prepared by the department of natural resources for the city under s. 23.32, or if the  
11 department of natural resources, after notice and hearing, determines that a city  
12 adopted an ordinance which fails to meet reasonable minimum standards in  
13 accomplishing the shoreland protection objectives of s. ~~144.26~~ 281.31 (1), the  
14 department of natural resources shall adopt an ordinance for the city. As far as  
15 applicable, the procedures set forth in s. 87.30 apply to this subsection.

16           **SECTION 221.** 62.234 (2) and (7) of the statutes are amended to read:

17           62.234 **(2)** AUTHORITY TO ENACT ORDINANCE. To effect the purposes of s. ~~144.266~~  
18 281.33 and to promote the public health, safety and general welfare, a city may enact  
19 a zoning ordinance, that is applicable to all of its incorporated area, for construction  
20 site erosion control at sites where the construction activities do not include the  
21 construction of a building and for storm water management. This ordinance may be  
22 enacted separately from ordinances enacted under s. 62.23.

23           **(7)** APPLICABILITY TO LOCAL GOVERNMENTS AND AGENCIES. An ordinance enacted  
24 under this section is applicable to activities conducted by a unit of local government  
25 and an agency of that unit of government. An ordinance enacted under this section

1 is not applicable to activities conducted by an agency, as defined under s. 227.01 (1)  
2 but also including the office of district attorney, which is subject to the state plan  
3 promulgated or a memorandum of understanding entered into under s. ~~144.266~~  
4 281.33 (2).

5 **SECTION 222.** 66.023 (7) of the statutes, as affected by 1995 Wisconsin Act 35,  
6 is amended to read:

7 66.023 (7) OTHER BOUNDARY PROCEDURES. (a) *Other procedures after hearing.*  
8 After the joint hearing under sub. (4) (b) is held, no other procedure, except the  
9 procedure under s. ~~144.07~~ 281.43 (1m), for altering a municipality's boundaries may  
10 be used to alter a boundary included in the proposed cooperative plan under sub. (3)  
11 (d) 1. until the boundary is no longer included in the proposed cooperative plan, the  
12 municipality withdraws from the proposed cooperative plan or the proposed  
13 cooperative plan fails to receive approval from the department, whichever occurs  
14 first.

15 (b) *Other boundary procedures during the planning period.* During the  
16 planning period specified under sub. (3) (f), no other procedure for altering a  
17 municipality's boundaries may be used to alter a boundary that is included in the  
18 cooperative plan under sub. (3) (d) 1., except if an annexation is conducted under s.  
19 ~~144.07~~ 281.43 (1m), regardless of whether the boundary is proposed to be maintained  
20 or changed or is allowed to be changed under the plan. After the planning period has  
21 expired, the boundary may be altered.

22 **SECTION 223.** 66.038 (1) (a) of the statutes is amended to read:

23 66.038 (1) (a) "Environmental pollution" has the meaning specified under s.  
24 ~~144.01~~ (3) 299.01 (4).

25 **SECTION 224.** 66.038 (3) (e) 4. of the statutes is amended to read:

1           66.038 (3) (e) 4. Any mining operation, the reclamation of which is required in  
2 a permit obtained under ~~ss. 144.80 to 144.94~~ ch. 293.

3           **SECTION 225.** 66.038 (3) (e) 5. of the statutes is amended to read:

4           66.038 (3) (e) 5. Any activities conducted at a solid or hazardous waste disposal  
5 site required to prepare, operate or close a solid waste disposal facility under ~~ss.~~  
6 ~~144.435 to 144.445~~ subchs. II to IV of ch. 289 or a hazardous waste disposal facility  
7 under ~~ss. 144.60 to 144.74~~ ch. 291 but a nonmetallic mining reclamation ordinance  
8 may apply to activities related to solid or hazardous waste disposal which are  
9 conducted at a nonmetallic mining site separate from the solid or hazardous waste  
10 disposal facility such as activities to obtain nonmetallic minerals to be used for  
11 lining, capping, covering or constructing berms, dikes or roads.

12           **SECTION 226.** 66.121 of the statutes is amended to read:

13           **66.121 Inspection of property.** A county or a city authorized to act under s.  
14 74.87 may enter any real property for which a tax certificate has been issued under  
15 s. 74.57, or may authorize another person to enter the real property, to determine the  
16 nature and extent of environmental pollution, as defined in s. ~~144.01 (3)~~ 299.01 (4).

17           **SECTION 227.** 66.122 (1) (b) of the statutes is amended to read:

18           66.122 (1) (b) "Inspection purposes" include, without limitation because of  
19 enumeration, such purposes as building, housing, electrical, plumbing, heating, gas,  
20 fire, health, safety, environmental pollution, water quality, waterways, use of water,  
21 food, zoning, property assessment, meter and obtaining data required to be  
22 submitted in an initial site report or feasibility report under ~~s. 144.44 or 144.64~~  
23 subch. III of ch. 289 or s. 291.23, 291.25, 291.29 or 291.31 or an environmental impact  
24 statement related to one of those reports.

25           **SECTION 228.** 66.293 (3) (b) of the statutes is amended to read:

1           66.293 (3) (b) In this subsection, “municipality” means any city, town, village  
2 or county, technical college district, common school district, union high school  
3 district, unified school district, county-city hospital established under s. 66.47,  
4 sewerage commission organized under s. ~~144.07~~ 281.43 (4), metropolitan sewerage  
5 district organized under ss. 66.20 to 66.26, public or quasi-public corporation, or any  
6 other unit of government, or any agency or instrumentality of 2 or more units of  
7 government in this state.

8           **SECTION 229.** 66.33 (5) of the statutes is amended to read:

9           66.33 (5) Any municipality may participate in the state financial assistance  
10 program for soil and water resources protection established under s. ~~144.21, 144.24~~  
11 ~~or 144.25~~ 281.55, 281.57 or 281.65 and may enter into agreements with the  
12 department of natural resources for that purpose. Any municipality may participate  
13 in the clean water fund program under ss. ~~144.241~~ 281.58 and ~~144.2415~~ 281.59 and  
14 may enter into agreements with the department of administration and the  
15 department of natural resources for that purpose. Any county may participate in the  
16 state financial assistance program for soil and water resources protection  
17 established under s. 92.14 and may enter into agreements with the department of  
18 agriculture, trade and consumer protection for that purpose.

19           **SECTION 230.** 66.33 (6) of the statutes is amended to read:

20           66.33 (6) Any municipality is authorized to enter into contracts with a  
21 nonprofit-sharing corporation for the municipality to design and construct the  
22 projects it will sublease from the department of natural resources pursuant to s.  
23 ~~144.21~~ 281.55 (6) (b).

24           **SECTION 231.** 66.35 (1) (a) of the statutes is amended to read:

1           66.35 (1) (a) “Medical waste incinerator” has the meaning given in s. ~~159.07~~  
2           287.07 (7) (c) 1. cr.

3           **SECTION 232.** 66.35 (2) of the statutes is amended to read:

4           66.35 (2) A municipality may, by ordinance, impose a fee, in accordance with  
5           rules promulgated under s. ~~159.03~~ 287.03 (1) (am), on the operator of a medical waste  
6           incinerator located in the municipality to cover the costs incurred because of the  
7           presence of the medical waste incinerator, including costs of monitoring emissions  
8           and of providing periodic notification to residents concerning the medical waste  
9           incinerator. The fee imposed under this section may not exceed \$1 per ton of waste  
10          that is incinerated at the medical waste incinerator unless the municipality and the  
11          operator of the medical waste incinerator agree to a higher fee.

12          **SECTION 233.** 66.365 of the statutes, as affected by 1995 Wisconsin Act 27, is  
13          amended to read:

14          **66.365 Aids to municipalities; environmental damage compensation.**

15          The department of natural resources may make grants to any county, city, village or  
16          town for the acquisition or development of recreational lands and facilities from  
17          moneys appropriated under s. 20.370 (2) (dv). Use and administration of the grant  
18          shall be consistent with any court order issued under s. ~~147.23~~ 283.87 (3). A county,  
19          city, village or town which receives a grant under this section is not required to share  
20          in the cost of a project under this section.

21          **SECTION 234.** 66.46 (2) (am) of the statutes is amended to read:

22          66.46 (2) (am) “Environmental pollution” has the meaning given in s. ~~144.01~~  
23          ~~(3)~~ 299.01 (4).

24          **SECTION 235.** 66.521 (9) of the statutes is amended to read:

1           66.521 **(9)** PAYMENT OF TAXES. When any industrial project acquired by a  
2           municipality under this section is used by a private person as a lessee, sublessee or  
3           in any capacity other than owner, that person shall be subject to taxation in the same  
4           amount and to the same extent as though that person were the owner of the property.  
5           Taxes shall be assessed to such private person using the real property and collected  
6           in the same manner as taxes assessed to owners of real property. When due, the taxes  
7           shall constitute a debt due from such private person to the taxing unit and shall be  
8           recoverable as provided by law, and such unpaid taxes shall become a lien against  
9           the property with respect to which they were assessed, superior to all other liens,  
10          except a lien under s. ~~144.442 (9)~~ 292.31 (8) (i), ~~144.76 (13)~~ or ~~144.77~~ 292.41 (6) (d)  
11          or 292.81, and shall be placed on their tax roll when there has been a conveyance of  
12          the property in the same manner as are other taxes assessed against real property.

13           **SECTION 236.** 66.606 (1) (a) 1. of the statutes is amended to read:

14           66.606 **(1)** (a) 1. Any special assessment or special charge levied under any  
15           authority by a responsible unit for the purpose of complying with s. ~~159.09~~ 287.09  
16           (2).

17           **SECTION 237.** 66.606 (1) (a) 2. of the statutes is amended to read:

18           66.606 **(1)** (a) 2. Any charge made under any authority by any person acting  
19           under a contract with a responsible unit to provide a service required under s. ~~159.09~~  
20           287.09 (2).

21           **SECTION 238.** 66.606 (1) (b) of the statutes is amended to read:

22           66.606 **(1)** (b) "Responsible unit" has the meaning given in s. ~~159.01~~ 287.01 (9).

23           **SECTION 239.** 66.888 (1) (c) 3. c. of the statutes is amended to read:

24           66.888 **(1)** (c) 3. c. The need to maintain the consistency of any redefined  
25           boundary of the district with a regional water quality management plan established

1 or approved under ss. ~~144.025~~ 281.12 (1) and ~~147.25~~ 283.83 or any facilities plan  
2 established and approved under s. ~~144.04~~ 281.41.

NOTE: The cross-reference to s. 144.025 is qualified with the phrase “regional water quality management plan established or approved under” that statute. The portion of s. 144.025 related to the prevention and abatement of water pollution is in s. 144.025 (2) (a). Accordingly, the new cross-reference used in this bill [s. 281.12 (1)] is only to former s. 144.025 (2) (a), rather than to all provisions of former s. 144.025.

3 **SECTION 240.** 66.892 (2) (a) and (d) of the statutes are amended to read:

4 66.892 (2) (a) Except as provided in pars. (b) to (d) and subject to s. ~~144.04~~  
5 281.41, no commission may separate combined storm and sanitary sewers.

6 (d) Any person aggrieved by the decision of the commission to separate a  
7 combined storm and sanitary sewer may file a petition for judicial review in the  
8 circuit court for the county in which the district is located. Nothing in this paragraph  
9 affects any review under s. ~~144.04~~ 281.41.

10 **SECTION 241.** 66.894 (14) (g) of the statutes is amended to read:

11 66.894 (14) (g) Paragraphs (d) to (f) do not apply to any project which includes  
12 a solid waste disposal facility which requires an operating license under s. ~~144.44~~ (4)  
13 289.31.

14 **SECTION 242.** 66.902 (1) (a) 4. a. of the statutes is amended to read:

15 66.902 (1) (a) 4. a. Interfere with the district’s ability to meet its obligations  
16 under a pollution discharge elimination permit or general permit issued under s.  
17 ~~147.02~~ 283.31 or ~~147.023~~ 283.35, or under an air pollution control permit issued  
18 under subch. III of ch. 144 285.

19 **SECTION 243.** 66.902 (1) (e) of the statutes is amended to read:

20 66.902 (1) (e) If any person fails to comply with a rule of the district, the district  
21 may obtain an injunction under s. 823.02 or the district may initiate an action for the  
22 civil remedies under s. ~~147.21~~ 283.91 (2) or (5). If the district acts under s. ~~147.21~~

1 283.91 (2) or (5), the district may recover the forfeiture in a civil action brought by  
2 the commission in the name of the district. Collected forfeitures shall be paid into  
3 the district's general fund. The forfeiture is in addition to and does not substitute  
4 for any damages recoverable by the commission.

5 **SECTION 244.** 66.902 (2) (c) of the statutes is amended to read:

6 66.902 (2) (c) If the commission does not stay compliance and a person fails to  
7 comply with a special order of the district within the time specified, or if a person fails  
8 to begin in good faith to obey, the person is creating a public nuisance enjoynable  
9 under s. 823.02. The district may also initiate an action for the civil remedies under  
10 s. ~~147.21~~ 283.91 (2) or (5). If the district acts under s. ~~147.21~~ 283.91 (2) or (5), the  
11 forfeiture may be recovered by the district in a civil action brought by the commission  
12 in the name of the district. Collected forfeitures shall be paid into the district's  
13 general fund. The forfeiture is in addition to and does not substitute for any damages  
14 recoverable by the commission.

15 **SECTION 245.** 66.904 (2) (a) of the statutes is amended to read:

16 66.904 (2) (a) Except as provided in par. (b), all work done and all purchases  
17 of supplies and materials by the commission shall be by contract awarded to the  
18 lowest responsible bidder complying with the invitation to bid, if the work or  
19 purchase involves an expenditure of \$7,500 or more. If the commission decides to  
20 proceed with construction of any sewer after plans and specifications for the sewer  
21 are completed and approved by the commission and by the department of natural  
22 resources under ch. ~~144~~ 281, the commission shall advertise by a class 2 notice under  
23 ch. 985 for construction bids. All contracts and the awarding of contracts are subject  
24 to s. 66.29.

NOTE: The cross-reference to ch. 144 is overly inclusive. Only current subch. II of ch. 144 relates to department of natural resources (DNR) approval of sewer plans. Therefore, the cross-reference is limited to those provisions of current ch. 144 which are contained in new ch. 281.

1       **SECTION 246.** 66.905 (2) (a) of the statutes is amended to read:

2           66.905 (2) (a) From the amounts allocated for purposes of this section under  
3 s. 20.866 (2) (to), the district shall fund a development and training program for the  
4 purpose of developing the capability of minority businesses to participate in  
5 construction and construction-related projects funded under the combined sewer  
6 overflow abatement program under s. ~~144.242~~ 281.63.

7       **SECTION 247.** 66.905 (2) (b) of the statutes is amended to read:

8           66.905 (2) (b) From the amounts allocated for purposes of this section under  
9 s. 20.866 (2) (tc), the district shall fund a development and training program for the  
10 purpose of developing the capability of minority businesses to participate in  
11 construction and construction-related projects funded under the clean water fund  
12 program under ss. ~~144.241~~ 281.58 and ~~144.2415~~ 281.59.

13       **SECTION 248.** 66.912 (5) of the statutes is amended to read:

14           66.912 (5) REVIEW BY PUBLIC SERVICE COMMISSION. Except as provided under s.  
15 66.899 (2), upon complaint to the public service commission by any user that charges,  
16 rules and practices under this section are unreasonable or unjustly discriminatory,  
17 according to the standards and criteria which the commission is required to follow  
18 under state or federal law, including, without limitation because of enumeration, this  
19 section, 33 USC 1251 et. seq. and ch. ~~147~~ 283, or upon complaint of a holder of a  
20 revenue bond or other evidence of debt, secured by a mortgage on the sewerage  
21 system or any part thereof or pledge of the income of sewerage service charges, that  
22 charges are inadequate, the public service commission shall investigate the  
23 complaint. If sufficient cause therefor appears, the public service commission shall

1 set the matter for a public hearing upon 10 days' notice to the complainant and the  
2 commission. After the hearing, if the public service commission determines that the  
3 charges, rules or practices complained of are unreasonable or unjustly  
4 discriminatory, it shall determine and by order fix reasonable charges, rules and  
5 practices and shall make such other order respecting such complaint as may be just  
6 and reasonable. The proceedings under this subsection shall be governed, as far as  
7 applicable, by ss. 196.26 to 196.40. The commission may submit the factual data,  
8 reports and analyses considered by it in establishing the charges, rules or practices  
9 subject to a complaint under this subsection. The public service commission shall  
10 give due weight to such data, reports and analyses. Judicial review of the  
11 determination of the public service commission may be had by any person aggrieved  
12 in the manner prescribed under ch. 227. If any user pays a charge and the public  
13 service commission or court, on appeal from the public service commission, finds  
14 such charge, after reviewing a complaint filed under this subsection, to be excessive,  
15 the district shall refund to the user the excess plus the interest thereon computed at  
16 the rate then paid by the district for borrowing funds for a term of one year or less.

17 **SECTION 249.** 66.945 (14) (c) of the statutes is amended to read:

18 66.945 (14) (c) Where less than one-half of the land within a county is within  
19 a region, the chairperson of the regional planning commission shall before August  
20 1 of each year certify to the clerk of the local governmental unit involved a statement  
21 of the proportionate charges assessed to that local governmental unit. Such clerk  
22 shall extend the amount shown in such statement as a charge on the tax roll under  
23 s. ~~144.07~~ 281.43 (2).

24 **SECTION 250.** 67.04 (5) (b) 2. of the statutes is amended to read:

1           67.04 (5) (b) 2. To fund a capital cost loan under s. ~~144.241~~ 281.58 or ~~144.2415~~  
2           281.59.

3           **SECTION 251.** 67.12 (1) (b) of the statutes is amended to read:

4           67.12 (1) (b) Any municipality may issue municipal obligations in anticipation  
5 of receiving proceeds from clean water fund loans or grants for which the  
6 municipality has received a notice of financial assistance commitment under s.  
7 ~~144.241~~ 281.58 (15), from bonds or notes the municipality has authorized or has  
8 covenanted to issue under this chapter or from grants that are committed to the  
9 municipality. Any municipal obligation issued under this paragraph may be  
10 refunded one or more times. Such obligation and any refundings thereof shall be  
11 repaid within 5 years after the original date of the original obligation.

12           **SECTION 252.** 67.12 (12) (a) of the statutes is amended to read:

13           67.12 (12) (a) Any municipality may issue promissory notes as evidence of  
14 indebtedness for any public purpose, as defined in s. 67.04 (1) (b), including but not  
15 limited to paying any general and current municipal expense, and refunding any  
16 municipal obligations, including interest on them. Each note, plus interest if any,  
17 shall be repaid within 10 years after the original date of the note, except that notes  
18 issued under this section for purposes of ss. ~~144.241~~ 281.58 and ~~144.2415~~ 281.59, or  
19 to raise funds to pay a portion of the capital costs of a metropolitan sewerage district,  
20 shall be repaid within 20 years after the original date of the note.

21           **SECTION 253.** 70.01 of the statutes is amended to read:

22           **70.01 General property taxes; upon whom levied.** Taxes shall be levied,  
23 under this chapter, upon all general property in this state except property that is  
24 exempt from taxation. Real estate taxes and personal property taxes are deemed to  
25 be levied when the tax roll in which they are included has been delivered to the local

1 treasurer under s. 74.03. When so levied such taxes are a lien upon the property  
2 against which they are charged. That lien is superior to all other liens, except a lien  
3 under s. ~~144.442 (9)~~ 292.31 (8) (i), ~~144.76 (13)~~ or ~~144.77~~ 292.41 (6) (d) or 292.81, and  
4 is effective as of January 1 in the year when the taxes are levied. Liens of special  
5 assessments of benefits for local improvements shall be in force as provided by the  
6 charter or general laws applicable to the cities that make the special assessments.  
7 In this chapter, unless the context requires otherwise, references to “this chapter” do  
8 not include ss. 70.37 to 70.395.

9 **SECTION 254.** 70.11 (21) (a) of the statutes is amended to read:

10 70.11 (21) (a) All property purchased or constructed as a waste treatment  
11 facility used for the treatment of industrial wastes as defined in s. ~~144.01~~ 281.01 (5)  
12 or air contaminants as defined in s. ~~144.30~~ 285.01 (1) but not for other wastes as  
13 defined in s. ~~144.01 (8)~~ 281.01 (7) and approved by the department of revenue for the  
14 purpose of abating or eliminating pollution of surface waters, the air or waters of the  
15 state if that property is not used to grow agricultural products for sale. For the  
16 purposes of this subsection “industrial waste” also includes wood chips, sawdust and  
17 other wood residue from the paper and wood products manufacturing process that  
18 can be used as fuel and would otherwise be considered superfluous, discarded or  
19 fugitive material. The department of natural resources and department of health  
20 and family services shall make recommendations upon request to the department of  
21 revenue regarding such property. All property purchased or upon which  
22 construction began prior to July 31, 1975, shall be subject to s. 70.11 (21), 1973 stats.

23 **SECTION 255.** 70.32 (1m) of the statutes is amended to read:

24 70.32 (1m) In addition to the factors set out in sub. (1), the assessor shall  
25 consider the impairment of the value of the property because of the presence of a solid

1 or hazardous waste disposal facility or because of environmental pollution, as  
2 defined in s. ~~144.01 (3)~~ 299.01 (4).

3 **SECTION 256.** 70.375 (1) (as) and (bm) of the statutes are amended to read:

4 70.375 (1) (as) "Mine" means an excavation in or at the earth's surface made  
5 to extract metalliferous minerals for which a permit has been issued under s. ~~144.85~~  
6 293.49.

7 (bm) "Mining-related purposes" means activities which are directly in  
8 response to the application for a mining permit under s. ~~144.85~~ 293.37; directly in  
9 response to construction, operation, curtailment of operation or cessation of  
10 operation of a metalliferous mine site; or directly in response to conditions at a  
11 metalliferous mine site which is not in operation. "Mining-related purposes" also  
12 includes activities which anticipate the economic and social consequences of the  
13 cessation of mining. "Mining-related purposes" also includes the purposes under s.  
14 70.395 (2) (g).

15 **SECTION 257.** 70.375 (4) (h) of the statutes is amended to read:

16 70.375 (4) (h) The cost of premiums for bonds required under s. ~~144.86~~ 293.51.

17 **SECTION 258.** 70.375 (4) (o) of the statutes is amended to read:

18 70.375 (4) (o) Actual and necessary reclamation and restoration costs  
19 associated with a mine in this state, including payments for future reclamation and  
20 postmining costs which are required by law or by department of natural resources  
21 order and fees and charges under ~~ch. 144 chs. 281, 285 or 289 to 299, except s. 281.48,~~  
22 not otherwise deductible under this section. Any refunds of escrowed or reserve fund  
23 payments allowed as a deduction under this paragraph shall be taxed as net proceeds  
24 at the average effective tax rate for the years the deduction was taken.

25 **SECTION 259.** 70.38 (2) of the statutes is amended to read:

1           70.38 (2) COMBINED REPORTING. If the same person extracts metalliferous  
2 minerals from different sites in this state, the net proceeds for each site for which a  
3 permit has been issued under s. ~~144.85~~ 293.49 shall be reported separately for the  
4 purposes of computing the amount of the tax under s. 70.375 (5).

5           **SECTION 260.** 70.395 (2) (dc) 1. of the statutes is amended to read:

6           70.395 (2) (dc) 1. Each person intending to submit an application for a mining  
7 permit shall pay \$50,000 to the department of revenue for deposit in the investment  
8 and local impact fund at the time that the person notifies the department of natural  
9 resources under s. ~~144.831~~ 293.31 (1) of that intent.

10          **SECTION 261.** 70.395 (2) (dc) 4. and (fm) of the statutes are amended to read:

11          70.395 (2) (dc) 4. Six months after the signing of a local agreement under s.  
12 ~~144.839~~ 293.41 for the proposed mine for which the payment is made, the board shall  
13 refund any funds paid under this paragraph but not distributed under par. (fm) from  
14 the investment and local impact fund to the person making the payment under this  
15 paragraph.

16          (fm) The board may distribute a payment received under par. (dc) to a county,  
17 town, village, city, tribal government or local impact committee authorized under s.  
18 ~~144.839~~ 293.41 (3) only for legal counsel, qualified technical experts in the areas of  
19 transportation, utilities, economic and social impacts, environmental impacts and  
20 municipal services and other reasonable and necessary expenses incurred by the  
21 recipient that directly relate to the good faith negotiation of a local agreement under  
22 s. ~~144.839~~ 293.41 for the proposed mine for which the payment is made.

23          **SECTION 262.** 70.395 (2) (h) 1. of the statutes is amended to read:

24          70.395 (2) (h) 1. Distribution shall first be made to those municipalities in  
25 which metalliferous minerals are extracted or were extracted within 3 years

1 previous to December 31 of the current year, or in which a permit has been issued  
2 under s. 144.85 293.49 to commence mining;

3 **SECTION 263.** 70.395 (2) (hg), (hr) and (hw) of the statutes are amended to read:

4 70.395 (2) (hg) The board shall, by rule, establish fiscal guidelines and  
5 accounting procedures for the use of payments under pars. (d), (f), (fm) and (g), sub.  
6 (3) and s. 144.855 293.65 (5).

7 (hr) The board shall, by rule, establish procedures to recoup payments made,  
8 and to withhold payments to be made, under pars. (d), (f), (fm) and (g), sub. (3) and  
9 s. 144.855 293.65 (5) for noncompliance with this section or rules adopted under this  
10 section.

11 (hw) A recipient of a discretionary payment under par. (f) or (g), sub. (3) or s.  
12 144.855 293.65 (5) or any payment under par. (d) that is restricted to mining-related  
13 purposes who uses the payment for attorney fees may do so only for the purposes  
14 under par. (g) 6. and for processing mining-related permits or other approvals  
15 required by the municipality. The board shall recoup or withhold payments that are  
16 used or proposed to be used by the recipient for attorney fees except as authorized  
17 under this paragraph. The board may not limit the hourly rate of attorney fees for  
18 which the recipient uses the payment to a level below the hourly rate that is  
19 commonly charged for similar services.

20 **SECTION 264.** 70.395 (2) (j) of the statutes is amended to read:

21 70.395 (2) (j) Prior to the beginning of a fiscal year, the board shall certify to  
22 the department of administration for payment from the investment and local impact  
23 fund any sum necessary for the department of natural resources to make payments  
24 under s. 144.441 (6) (d) 289.68 (3) for the long-term care of mining waste sites, if  
25 moneys in the waste management fund are insufficient to make complete payments

1 during that fiscal year, but this sum may not exceed the balance in the waste  
2 management fund at the beginning of that fiscal year or 50% of the balance in the  
3 investment and local impact fund at the beginning of that fiscal year, whichever  
4 amount is greater.

5 **SECTION 265.** 70.395 (2) (k) of the statutes is amended to read:

6 70.395 (2) (k) Prior to the beginning of each fiscal year, the board shall certify  
7 to the department of administration for payment from the investment and local  
8 impact fund any sum necessary for the department of natural resources to make  
9 payments under s. ~~144.442~~ 292.31 for the environmental repair of mining waste  
10 sites, if moneys in the environmental fund that are available for environmental  
11 repair are insufficient to make complete payments during that fiscal year. This sum  
12 may not exceed the balance in the environmental fund at the beginning of that fiscal  
13 year or 50% of the balance in the investment and local impact fund at the beginning  
14 of that fiscal year, whichever amount is greater.

15 **SECTION 266.** 70.995 (2) (z) of the statutes is amended to read:

16 70.995 (2) (z) Hazardous waste treatment facility, as defined in s. ~~144.61~~ (14)  
17 291.01 (22), unless exempt under s. 70.11 (21).

18 **SECTION 267.** 71.05 (11) (b) of the statutes is amended to read:

19 71.05 (11) (b) The cost of the following described property, less any federal  
20 depreciation or amortization taken, may be deducted as a subtraction modification  
21 or as subtraction modifications in the year or years in which paid or accrued,  
22 dependent on the method of accounting employed: All property purchased or  
23 constructed as a waste treatment facility utilized for the treatment of industrial  
24 wastes as defined in s. ~~144.01~~ 281.01 (5), or air contaminants as defined in s. ~~144.30~~  
25 285.01 (1) but not for other wastes as defined in s. ~~144.01~~ (8) 281.01 (7) and approved

1 by the department of revenue under s. 70.11 (21) (a) for the purpose of abating or  
2 eliminating pollution of surface waters, the air or waters of the state. In case of such  
3 election, appropriate add modifications shall be made in subsequent years to reverse  
4 federal depreciation or amortization or to correct gain or loss on disposition. This  
5 paragraph is intended to apply only to depreciable property except that where wastes  
6 are disposed of through a lagoon process, lagooning costs and the cost of land  
7 containing such lagoons may be treated as depreciable property for purposes of this  
8 paragraph. In no event may any amount in excess of cost be deducted. Paragraph  
9 (a) applies to all property purchased prior to July 31, 1975, or purchased and  
10 constructed in fulfillment of a written construction contract or formal written bid,  
11 which contract was entered into or which bid was made prior to July 31, 1975.

12 **SECTION 268.** 71.07 (2de) (a) (intro.) of the statutes, as created by 1995  
13 Wisconsin Act 27, is amended to read:

14 71.07 (**2de**) (a) (intro.) Except as provided in s. 73.03 (35), for any taxable year  
15 for which a person is certified under s. 560.765 (3) and begins business operations  
16 in a zone under s. 560.71 after July 29, 1995, or certified under s. 560.797 (4) (a), for  
17 each zone for which the person is certified or entitled the person may claim as a credit  
18 against taxes otherwise due under this subchapter an amount equal to 7.5% of the  
19 amount that the person expends to remove or contain environmental pollution, as  
20 defined in s. ~~144.01 (3)~~ 299.01 (4), in the zone or to restore soil or groundwater that  
21 is affected by environmental pollution, as defined in s. ~~144.01 (3)~~ 299.01 (4), in the  
22 zone if the person fulfills all of the following requirements:

23 **SECTION 269.** 71.28 (1de) (a) (intro.) of the statutes, as created by 1995  
24 Wisconsin Act 27, is amended to read:

1           71.28 **(1de)** (a) (intro.) Except as provided in s. 73.03 (35), for any taxable year  
2 for which a person is certified under s. 560.765 (3) and begins business operations  
3 in a zone under s. 560.71 after July 29, 1995, entitled under s. 560.795 (3) (a) and  
4 begins business operations in a zone under s. 560.795 after July 29, 1995, or certified  
5 under s. 560.797 (4) (a), for each zone for which the person is certified or entitled the  
6 person may claim as a credit against taxes otherwise due under this subchapter an  
7 amount equal to 7.5% of the amount that the person expends to remove or contain  
8 environmental pollution, as defined in s. 144.01 ~~(3)~~ 299.01 (4), in the zone or to  
9 restore soil or groundwater that is affected by environmental pollution, as defined  
10 in s. 144.01 ~~(3)~~ 299.01 (4), in the zone if the person fulfills all of the following  
11 requirements:

12           **SECTION 270.** 71.47 (1de) (a) (intro.) of the statutes, as created by 1995  
13 Wisconsin Act 27, is amended to read:

14           71.47 **(1de)** (a) (intro.) Except as provided in s. 73.03 (35), for any taxable year  
15 for which a person is certified under s. 560.765 (3) and begins business operations  
16 in a zone under s. 560.71 after July 29, 1995, or certified under s. 560.797 (4) (a), for  
17 each zone for which the person is certified or entitled the person may claim as a credit  
18 against taxes otherwise due under this subchapter an amount equal to 7.5% of the  
19 amount that the person expends to remove or contain environmental pollution, as  
20 defined in s. 144.01 ~~(3)~~ 299.01 (4), in the zone or to restore soil or groundwater that  
21 is affected by environmental pollution, as defined in s. 144.01 ~~(3)~~ 299.01 (4), in the  
22 zone if the person fulfills all of the following requirements:

23           **SECTION 271.** 76.13 (2) of the statutes is amended to read:

24           76.13 **(2)** Every tax roll upon completion shall be delivered to the state  
25 treasurer and a copy of the tax roll filed with the secretary of administration. The

1 department shall notify, by certified mail, all companies listed on the tax roll of the  
2 amount of tax due, which shall be paid to the department. The payment dates  
3 provided for in sub. (2a) shall apply. The payment of one-fourth of the tax of any  
4 company may, if the company has brought an action in the Dane county circuit court  
5 under s. 76.08, be made without delinquent interest as provided in s. 76.14 any time  
6 prior to the date upon which the appeal becomes final, but any part of the tax  
7 ultimately required to be paid shall bear interest from the original due date to the  
8 date the appeal became final at the rate of 12% per year and at 1.5% per month  
9 thereafter until paid. The taxes extended against any company after the same  
10 become due, with interest, shall be a lien upon all the property of the company prior  
11 to all other liens, claims and demands whatsoever, except as provided in ss. 144.442  
12 ~~(9) 292.31 (8) (i), 144.76 (13) and 144.77 292.41 (6) (d) and 292.81,~~ which lien may be  
13 enforced in an action in the name of the state in any court of competent jurisdiction  
14 against the property of the company within the state as an entirety.

15 **SECTION 272.** 76.22 (1) of the statutes is amended to read:

16 76.22 (1) The taxes levied upon and extended against the property of any  
17 company defined in s. 76.02, after the same become due, with interest thereon, shall  
18 become a lien upon the property of such company within the state prior to all other  
19 liens, debts, claims or demands whatsoever, except as provided in ss. 144.442 ~~(9)~~  
20 ~~292.31 (8) (i), 144.76 (13) and 144.77 292.41 (6) (d) and 292.81,~~ which lien may be  
21 enforced in an action in the name of the state in any state court of competent  
22 jurisdiction against such company and against the property of such company within  
23 the state. The place of the trial shall not be changed from the county in which any  
24 such action is commenced, except upon consent of parties.

25 **SECTION 273.** 76.39 (5) of the statutes is amended to read:

1           76.39 (5) Delinquent taxes, penalties, interest and late filing fees shall be a lien  
2 upon the property of any railroad company or car line company prior to all other liens,  
3 claims and demands, except as provided in ss. ~~144.442 (9)~~ 292.31 (8) (i), ~~144.76 (13)~~  
4 ~~and 144.77~~ 292.41 (6) (d) ~~and 292.81~~, which lien may be enforced in any action in the  
5 name of the state in any court of competent jurisdiction. All provisions of law for  
6 enforcing payment of delinquent income or franchise taxes under ch. 71 or enforcing  
7 payment of delinquent taxes based on the value of property under this chapter shall  
8 be available to collection of taxes on gross receipts in this state levied under this  
9 section.

10           **SECTION 274.** 77.54 (9a) (d) of the statutes is amended to read:

11           77.54 (9a) (d) A sewerage commission organized under s. ~~144.07~~ 281.43 (4) or  
12 a metropolitan sewerage district organized under ss. 66.20 to 66.26 or 66.88 to  
13 66.918.

14           **SECTION 275.** 84.078 (1) (bc) of the statutes, as created by 1995 Wisconsin Act  
15 27, is amended to read:

16           84.078 (1) (bc) “Operator” has the meaning given in s. ~~144.442 (9)~~ 292.31 (8)  
17 (a) 1.

18           **SECTION 276.** 84.078 (1) (be) of the statutes, as created by 1995 Wisconsin Act  
19 27, is amended to read:

20           84.078 (1) (be) “Owner” has the meaning given in s. ~~144.442 (9)~~ 292.31 (8) (a)  
21 2.

22           **SECTION 277.** 84.078 (3) (a) (intro.) of the statutes, as created by 1995 Wisconsin  
23 Act 27, is amended to read:

24           84.078 (3) (a) (intro.) Notwithstanding chs. ~~144, 147 and 160, 281 to 285 and~~  
25 289 to 299, no person is required to take or pay for any remedial or corrective action

1 as a result of environmental pollution resulting from the use of high-volume  
2 industrial waste in a highway improvement project if all of the following apply:

3 **SECTION 278.** 84.31 (4) (a) 1. of the statutes is amended to read:

4 84.31 (4) (a) 1. Was lawfully established and maintained prior to June 11, 1976  
5 but which does not comply with this section or rules adopted under this section. A  
6 junkyard shall be considered nonconforming under this section even if it was  
7 maintained in violation of rules related to screening adopted under s. ~~144.435~~ 289.05  
8 (1).

9 **SECTION 279.** 84.31 (4) (b) of the statutes is amended to read:

10 84.31 (4) (b) A junkyard has a nonconforming status only to the extent that it  
11 is not in compliance with this section or rules adopted under this section or rules  
12 related to screening adopted under s. ~~144.435~~ 289.05 (1) at the time this section or  
13 rules adopted under it or under s. ~~144.435~~ 289.05 (1) become applicable to the  
14 junkyard. A junkyard retains its nonconforming status as long as it is not  
15 abandoned, destroyed or discontinued, or extended, enlarged or substantially  
16 changed, or otherwise altered so as to be in violation of any state statute or rule or  
17 local ordinance. A junkyard is presumed to be abandoned if inactive for more than  
18 one year.

19 **SECTION 280.** 84.31 (9) of the statutes is amended to read:

20 84.31 (9) OTHER LAWS. Nothing in this section shall be construed to abrogate  
21 or affect any law or ordinance which is more restrictive than this section. The  
22 provisions of this section are in addition to and do not supersede the requirements  
23 under ss. 59.07 (38), ~~144.435 to 144.44~~, ~~175.25 and~~, ~~218.205 to 218.23~~ and 289.05 to  
24 289.32, or rules or ordinances adopted thereunder which apply to junkyards.

1 Provisions of this section apply to any junkyard licensed or permitted by a local unit  
2 of government or another state agency.

3 **SECTION 281.** 85.17 (1) (b) of the statutes is amended to read:

4 85.17 (1) (b) "Waters of the state" has the meaning specified under s. ~~144.01 (19)~~  
5 281.01 (18).

6 **SECTION 282.** 88.40 (2) of the statutes is amended to read:

7 88.40 (2) From the time of recordation of the order confirming such  
8 assessments for costs until they are paid, such assessments and the interest thereon  
9 are a first lien upon the lands assessed and take priority over all other liens or  
10 mortgages except liens for general taxes and liens under ss. ~~144.442 (9)~~ 292.31 (8)  
11 (i), ~~144.76 (13)~~ and ~~144.77~~ 292.41 (6) (d) and 292.81, regardless of the priority in time  
12 of such other liens or mortgages.

13 **SECTION 283.** 91.75 (9) (a) 1. of the statutes is amended to read:

14 91.75 (9) (a) 1. A reclamation plan, submitted as required by a nonmetallic  
15 mining reclamation ordinance adopted under s. 66.038 or ~~144.9407 (3)~~ 295.13, that  
16 fulfills reclamation standards established by the ordinance.

17 **SECTION 284.** 92.04 (2) (f) of the statutes is amended to read:

18 92.04 (2) (f) *Review annual reports.* The board shall review the annual reports  
19 under ss. 92.14 (12) and ~~144.25~~ 281.65 (4) (o).

20 **SECTION 285.** 92.04 (2) (k) of the statutes is amended to read:

21 92.04 (2) (k) *Review of pollution abatement determinations.* The board shall  
22 review and affirm or reverse decisions of county land conservation committees under  
23 s. ~~144.025 (2) (v) 1m.~~ 281.20 (3) (b) when review is requested under s. ~~144.025 (2) (w)~~  
24 281.20 (5). The board may conduct an informal hearing that is not a contested case  
25 under ch. 227.

1           **SECTION 286.** 92.04 (2) (L) of the statutes is amended to read:

2           92.04 (2) (L) *Review of critical site determinations.* The board shall review and  
3 affirm or reverse decisions of county land conservation committees under s. ~~144.25~~  
4 281.65 (7) (a) 2. when review is requested under s. ~~144.25~~ 281.65 (7) (b). The board  
5 may conduct an informal hearing which is not a contested case under ch. 227.

6           **SECTION 287.** 92.05 (1) of the statutes is amended to read:

7           92.05 (1) CENTRAL AGENCY. The department is the central agency of this state  
8 responsible for setting and implementing statewide soil and water conservation  
9 policies and administering the state's soil and water conservation programs. The  
10 department shall coordinate its soil and water conservation program with the  
11 nonpoint source water pollution abatement program established under s. ~~144.25~~  
12 281.65, the inland lake protection and rehabilitation program established under ch.  
13 33 and other programs with objectives related to soil and water conservation  
14 administered by the department of natural resources or by other state or federal  
15 agencies.

16           **SECTION 288.** 92.05 (3) (f) and (j) of the statutes are amended to read:

17           92.05 (3) (f) *Nonpoint source water pollution abatement.* The department shall  
18 perform the duties specified for the department in the nonpoint source water  
19 pollution abatement program under s. ~~144.25~~ 281.65 (5).

20           (j) *Milkhouse wastewater.* The department, in consultation with appropriate  
21 state and federal agencies, shall promulgate guidelines for determining eligibility for  
22 financial assistance under ss. 92.14 and ~~144.25~~ 281.65 for milkhouse wastewater.

23           **SECTION 289.** 92.08 (1) of the statutes is amended to read:

24           92.08 (1) Every land conservation committee shall prepare annually for its  
25 county a plan which describes the soil and water resource activities to be undertaken

1 by that county and the dollar amounts required for personnel to administer and  
2 implement activities in that county related to soil conservation activities required  
3 under ss. 92.104 and 92.105 to claim a farmland preservation credit under s. 71.09  
4 (11), activities required under s. 92.17 related to shoreland management or activities  
5 required under s. ~~144.25~~ 281.65 (8m) related to the development or implementation  
6 of animal waste ordinances. The land conservation committee shall submit that plan  
7 to the county board of that county and to the department.

8 **SECTION 290.** 92.14 (1) (a), (b) and (c) of the statutes are amended to read:

9 92.14 (1) (a) "Best management practices" has the meaning given under s.  
10 ~~144.25~~ 281.65 (2) (a).

11 (b) "Nonpoint source" has the meaning given under s. ~~144.25~~ 281.65 (2) (b).

12 (c) "Priority watershed" has the meaning given under s. ~~144.25~~ 281.65 (2) (c).

13 **SECTION 291.** 92.14 (4) (c) of the statutes is amended to read:

14 92.14 (4) (c) Construction of a facility or system related to animal waste  
15 management by a farmer who has received a notice of discharge under ch. 147 283  
16 or management practices required under a notice to a farmer under s. ~~144.025 (2) (v)~~  
17 281.20 (3). In awarding grants under this paragraph, the department shall give  
18 preference to farmers who have received a notice of discharge under s. ~~144.025 (2)~~  
19 281.20 (3) or ch. 147 283. The amount of a grant for management practices required  
20 under a notice to a farmer under s. ~~144.025 (2) (v)~~ 281.20 (3) shall be based on the  
21 cost of the method of controlling nonpoint source pollution which the department  
22 determines to be the most cost-effective and may not exceed 70% of the total cost of  
23 that method. The department may issue grants directly to farmers under this  
24 paragraph.

NOTE: The reference to a “notice of discharge under s. 144.025 (2)” is overly broad. Section 144.025 (2) contains a variety of water quality-related provisions and only s. 144.025 (2) (v) provides for a notice of discharge. Therefore, the amended cross-reference is restricted to new s. 281.20 (3), which corresponds with current s. 144.025 (2) (v).

1       **SECTION 292.** 92.14 (5) (a) of the statutes is amended to read:

2           92.14 (5) (a) From the appropriation under s. 20.115 (7) (km), the department  
3       may make a grant for the purpose specified in sub. (4) (c) if the facility or system will  
4       be located in a priority watershed, as defined in s. ~~144.25~~ 281.65 (2) (c), or a priority  
5       lake area, as defined in s. ~~144.25~~ 281.65 (2) (bs), and the conditions specified in sub.  
6       (4) (c) are satisfied.

7       **SECTION 293.** 92.14 (6) (g) of the statutes is amended to read:

8           92.14 (6) (g) Every project awarded a grant under this section shall be  
9       consistent with the plans under s. 92.15, 1985 stats., and under this section and ss.  
10       92.08, 92.10 and ~~144.25~~ 281.65.

11       **SECTION 294.** 92.14 (6) (h) 2. of the statutes is amended to read:

12           92.14 (6) (h) 2. The department may make payments under this section for the  
13       construction of a facility or system related to animal waste management directly to  
14       farmers who receive a notice of discharge related to animal waste under ch. ~~147~~ 283.

15       **SECTION 295.** 92.14 (6) (h) 3. of the statutes is amended to read:

16           92.14 (6) (h) 3. Nothing in this paragraph affects the authority of the  
17       department of natural resources to act under ch. ~~147~~ 283.

18       **SECTION 296.** 92.14 (6) (i) 2. of the statutes is amended to read:

19           92.14 (6) (i) 2. Conduct all land management and pollutant management  
20       activities in substantial accordance with plans approved under s. 92.15, 1985 stats.,  
21       and under ss. 92.08, 92.10, 92.14 and ~~144.25~~ 281.65, or to repay the cost-sharing  
22       funds to the grant recipient.

23       **SECTION 297.** 92.14 (8) of the statutes is amended to read:

1           92.14 (8) RULES. In consultation with the department of natural resources, the  
2 department shall promulgate rules to administer this section and the department's  
3 duties under s. ~~144.25~~ 281.65.

4           **SECTION 298.** 92.14 (12) of the statutes is amended to read:

5           92.14 (12) ANNUAL REPORT. Annually, the department, in cooperation with the  
6 department of natural resources, shall submit a report on the progress of the  
7 program under this section and s. ~~144.25~~ 281.65 to the board.

8           **SECTION 299.** 92.14 (13) of the statutes is amended to read:

9           92.14 (13) EVALUATION PLAN. The department, jointly with the department of  
10 natural resources, shall prepare a plan, which includes water quality monitoring and  
11 analysis, for evaluating the program administered under this section and s. ~~144.25~~  
12 281.65 and submit the plan to the board. The board shall make recommendations  
13 to the department and the department of natural resources on the plan. The  
14 department shall review and approve or disapprove the plan and shall notify the  
15 board of its final action on the plan. The department shall implement any part of the  
16 plan for which the plan gives it responsibility.

17           **SECTION 300.** 92.14 (14) of the statutes is amended to read:

18           92.14 (14) APPLICATION, REPORTING AND EVALUATION FORMS. The department,  
19 jointly with the department of natural resources, shall develop a single set of grant  
20 application, reporting and evaluation forms for use by counties receiving grants  
21 under this section and s. ~~144.25~~ 281.65.

22           **SECTION 301.** 92.18 (1) (b) of the statutes is amended to read:

23           92.18 (1) (b) Section ~~144.25~~ 281.65, if those activities relate to agricultural  
24 practices.

1           **SECTION 302.** 93.12 (5) of the statutes, as affected by 1995 Wisconsin Act 27,  
2 is amended to read:

3           **93.12 (5)** The department shall establish uniform minimum standards to be  
4 used in the evaluation and certification of laboratory examinations. The department  
5 shall submit any rules proposed under this subsection which affect the laboratory  
6 certification program under s. ~~144.95~~ 299.11 to the department of natural resources  
7 and to the state laboratory of hygiene for review and comment. These rules may not  
8 take effect unless they are approved by the department of natural resources within  
9 6 months after submission.

10           **SECTION 303.** 93.12 (8) of the statutes, as affected by 1995 Wisconsin Act 27,  
11 is amended to read:

12           **93.12 (8)** The department shall enter into a memorandum of understanding  
13 with the department of natural resources setting forth the responsibilities of each  
14 department in administering the laboratory certification programs under sub. (5)  
15 and s. ~~144.95~~ 299.11. The memorandum of understanding shall include measures  
16 to be taken by each department to avoid duplication of application and compliance  
17 procedures for laboratory certification.

18           **SECTION 304.** 93.12 (9) of the statutes, as affected by 1995 Wisconsin Act 27,  
19 is amended to read:

20           **93.12 (9)** The department shall recognize the certification or registration of a  
21 laboratory by the department of natural resources under s. ~~144.95~~ 299.11 and shall  
22 accept the results of any test conducted by a laboratory certified or registered to  
23 conduct that category of test under that section.

24           **SECTION 305.** 93.55 (2) of the statutes is amended to read:

1           93.55 (2) COLLECTION GRANTS. The department may award a grant to a county  
2 for a chemical and container collection program. A grant under this subsection shall  
3 fund all or a part of the cost of a program. Costs eligible for funding include the cost  
4 of establishing a collection site for chemicals and chemical containers, the cost of  
5 transporting chemical containers to a dealer or distributor for refill and reuse or to  
6 a hazardous waste facility, as defined in s. ~~144.61 (5m)~~ 291.01 (8), and costs  
7 associated with the proper use and handling and disposal or recycling of chemicals  
8 and chemical containers. Grants shall be paid from the appropriation under s.  
9 20.115 (7) (v).

10           **SECTION 306.** 94.64 (1) (pm) of the statutes is amended to read:

11           94.64 (1) (pm) "Sewage sludge" means the residue material resulting from the  
12 treatment of sewage. In this paragraph, "sewage" has the meaning specified in s.  
13 ~~144.01~~ 281.01 (13).

14           **SECTION 307.** 94.645 (1) (g) of the statutes is amended to read:

15           94.645 (1) (g) "Waters of the state" has the meaning specified under s. ~~144.01~~  
16 ~~(19)~~ 281.01 (18).

17           **SECTION 308.** 94.65 (3) (a) 3. of the statutes is amended to read:

18           94.65 (3) (a) 3. No permit is required for the landspreading of sewage sludge  
19 under a pollutant discharge elimination system permit issued by the department of  
20 natural resources under s. ~~147.02~~ 283.31 or ~~147.023~~ 283.35.

21           **SECTION 309.** 94.701 (3) (c) of the statutes is amended to read:

22           94.701 (3) (c) A political subdivision may enact an ordinance or enter into an  
23 agreement under s. ~~144.445~~ 289.33 (9) relating to the storage, treatment or disposal  
24 of solid waste containing pesticides, pesticide containers or pesticide residues.

25           **SECTION 310.** 94.73 (1) (a) of the statutes is amended to read:

1           94.73 (1) (a) “Agricultural chemical” means a substance that is a fertilizer or  
2 a nonhousehold pesticide and that is a hazardous substance, as defined in s. 144.01  
3 ~~(4m)~~ 299.01 (6).

4           **SECTION 311.** 94.73 (1) (b) of the statutes is amended to read:

5           94.73 (1) (b) “Corrective action” means action that is taken in response to a  
6 discharge and that is necessary to restore the environment to the extent practicable  
7 and to minimize the harmful effects of the discharge to the air, lands or waters of this  
8 state. “Corrective action” includes action taken or ordered by the department of  
9 natural resources under s. ~~144.76~~ 292.11 (7) in response to a discharge, but does not  
10 include action ordered by the department of natural resources under s. ~~144.73 (1) or~~  
11 ~~144.735 (2)~~ 291.37 (2) or 291.95. “Corrective action” does not include action taken,  
12 or ordered to be completed, before January 1, 1989.

13           **SECTION 312.** 94.73 (1) (e) of the statutes is amended to read:

14           94.73 (1) (e) “Discharge” means the discharge, as defined in s. ~~144.76 (1) (a)~~  
15 292.01 (3), of an agricultural chemical.

16           **SECTION 313.** 94.73 (2) (a) of the statutes is amended to read:

17           94.73 (2) (a) The department may issue an order requiring a responsible person  
18 to take corrective action. Except as provided in a memorandum of understanding  
19 under sub. (12), if a discharge involves a hazardous substance that may also become  
20 a hazardous waste, the department and the department of natural resources shall  
21 consult to determine whether corrective action should be taken under this section or  
22 s. ~~144.442 (6), 144.73 (1) or 144.735 (2)~~ 291.37 (2), 291.95 (1) or 292.31 (3).

23           **SECTION 314.** 94.73 (2) (bg) 2. and 3. and (d) of the statutes are amended to read:

24           94.73 (2) (bg) 2. Containment, removal, treatment or monitoring of  
25 environmental contamination caused by the discharge if the containment, removal,

1 treatment or monitoring complies with chs. 144 and 147 281 to 285 and 289 to 299,  
2 except s. 281.48.

3 3. Transportation, storage, land application or disposal of contaminated  
4 materials, in compliance with chs. 144 and 147 281 to 285 and 289 to 299, except s.  
5 281.48.

6 (d) Soil or water removed from a discharge site as part of a corrective action may  
7 only be spread on land if that spreading on land is in compliance with chs. 144 and  
8 147 281 to 285 and 289 to 299, except s. 281.48, and if the department has given its  
9 written authorization.

10 **SECTION 315.** 94.73 (2m) (intro.) of the statutes is amended to read:

11 94.73 (2m) CORRECTIVE ACTION ORDERED BY THE DEPARTMENT OF NATURAL  
12 RESOURCES. (intro.) The department of natural resources may take action under s.  
13 144.76 292.11 (7) (a) or may issue an order under s. 144.76 292.11 (7) (c) in response  
14 to a discharge only if one or more of the following apply:

15 **SECTION 316.** 94.73 (2m) (d) of the statutes is amended to read:

16 94.73 (2m) (d) The department of natural resources takes action under s.  
17 144.76 292.11 (7) (a) after the responsible person fails to comply with an order that  
18 was issued under s. 144.76 292.11 (7) (c) in compliance with this subsection.

19 **SECTION 317.** 94.73 (3) (d) of the statutes is amended to read:

20 94.73 (3) (d) The applicant has complied with every corrective action order  
21 issued to the applicant by the department under sub. (2) or the department of natural  
22 resources under s. 144.76 292.11 (7) (c).

23 **SECTION 318.** 94.73 (3) (f) of the statutes is amended to read:

1           94.73 (3) (f) The applicant, upon discovery of the discharge, promptly reported  
2 the discharge to the department or, if the applicant was required to report the  
3 discharge under s. ~~144.76~~ 292.11 (2), to the department of natural resources.

4           **SECTION 319.** 94.73 (3m) (a) of the statutes is amended to read:

5           94.73 (3m) (a) Costs for corrective action taken in response to a discharge that  
6 is an intentional use of an agricultural chemical for agricultural purposes, unless the  
7 corrective action is ordered by the department under sub. (2) or by the department  
8 of natural resources under s. ~~144.76~~ 292.11 (7) (c).

9           **SECTION 320.** 94.73 (3m) (b) of the statutes is amended to read:

10           94.73 (3m) (b) Costs of reimbursing the department of natural resources for  
11 action taken under s. ~~144.442 (4), (6) or (8) or 144.76~~ 292.11 (7) (a) or 292.31 (1), (3)  
12 or (7) because the applicant failed to respond adequately to a discharge.

13           **SECTION 321.** 94.73 (3m) (e) of the statutes is amended to read:

14           94.73 (3m) (e) Costs for corrective action taken in response to a discharge from  
15 a facility that is required to be licensed under s. ~~144.44 (4)~~ 289.31 or that would be  
16 required to be licensed except that the department of natural resources has issued  
17 a specific exemption under s. ~~144.44 (7)~~ 289.43 or rules promulgated under s. ~~144.435~~  
18 289.05 (1) or (2).

19           **SECTION 322.** 94.73 (6) (b) 2. of the statutes is amended to read:

20           94.73 (6) (b) 2. If the corrective action includes groundwater remediation  
21 ordered by the department under sub. (2) or by the department of natural resources  
22 under s. ~~144.76~~ 292.11 (7) (c), 80% of the corrective action costs that exceed \$100,000  
23 but that do not exceed \$300,000.

24           **SECTION 323.** 94.73 (6) (c) of the statutes is amended to read:

1           94.73 (6) (c) Except as provided in par. (e), if the department has previously  
2 reimbursed any responsible person for corrective action costs for the discharge site  
3 for which reimbursement is sought, the department shall reimburse the responsible  
4 person an amount equal to 50% of the corrective action costs that exceed \$15,000 but  
5 that do not exceed \$100,000, except that if the corrective action includes  
6 groundwater remediation ordered by the department under sub. (2) or by the  
7 department of natural resources under s. ~~144.76~~ 292.11 (7) (c) the department shall  
8 reimburse the responsible person an amount equal to 50% of the corrective action  
9 costs that exceed \$15,000 but that do not exceed \$300,000.

10           **SECTION 324.** 94.73 (12) of the statutes is amended to read:

11           94.73 (12) MEMORANDUM OF UNDERSTANDING. The department and the  
12 department of natural resources shall enter into a memorandum of understanding  
13 establishing their respective functions in the administration of this section. The  
14 memorandum of understanding shall establish procedures to ensure that corrective  
15 actions taken under this section are consistent with actions taken under s. ~~144.76~~  
16 292.11 (7). The department and the department of natural resources may request  
17 that the secretary of administration provide assistance in accomplishing the  
18 memorandum of understanding.

19           **SECTION 325.** 97.34 (2) (b) of the statutes is amended to read:

20           97.34 (2) (b) No person may manufacture or bottle bottled drinking water for  
21 sale or distribution in this state unless the bottled drinking water complies with  
22 state drinking water standards adopted by the department of natural resources  
23 under s. ~~144.025 or 162.03~~ 280.11, 281.15 or 281.17 (8) and with health-related  
24 enforcement standards adopted by the department of natural resources under ch.  
25 160.

NOTE: The reference to “state drinking water standards adopted...under s. 144.025” is overly inclusive. Section 144.025 contains a variety of water quality-related provisions and only s. 144.025 (2) (b) and (t) relate specifically to setting water quality and drinking water standards. Therefore, the new cross-reference is restricted to new ss. 281.15 and 281.17 (8), which correspond with current s. 144.025 (2) (b) and (t).

The cross-reference to “state drinking water standards adopted...under s. ... 162.03” is incorrect. State drinking water standards are adopted under s. 162.01. None of the powers of the DNR enumerated under s. 162.03 relates to the adoption of drinking water standards. Therefore, the new cross-reference is to s. 280.11, which corresponds with current s. 162.01.

1           **SECTION 326.** 97.34 (2) (c) of the statutes is amended to read:

2           97.34 (2) (c) The department may require testing of bottled drinking water for  
3 substances subject to any standard under par. (b) and for any other substance if the  
4 department determines that the water supply used as the source of the bottled  
5 drinking water has a potential of being contaminated, based on contamination of  
6 other water supplies or groundwater in the vicinity. The department shall adopt by  
7 rule requirements for periodic sampling and analysis for the purposes of this  
8 subsection. The department shall require all analyses to be conducted by a  
9 laboratory certified under s. ~~144.95~~ 299.11.

10           **SECTION 327.** 97.34 (2) (d) of the statutes is amended to read:

11           97.34 (2) (d) No person may manufacture or bottle bottled drinking water for  
12 sale or distribution in this state unless the location and construction of the water  
13 supply and the pump installation used by the manufacturer or bottler comply with  
14 rules promulgated by the department of natural resources under s. ~~162.03~~ 280.13.

15           **SECTION 328.** 100.27 (5) (b) of the statutes is amended to read:

16           100.27 (5) (b) Informs each purchaser of one of its mercuric oxide batteries of  
17 the collection site identified under par. (a) and of the prohibition in s. ~~159.185~~ 287.185  
18 (2).

19           **SECTION 329.** 101.09 (1) (d) of the statutes is amended to read:

1           101.09 (1) (d) “Waters of the state” has the meaning specified under s. ~~144.01~~  
2           ~~(19) 281.01 (18)~~.

3           **SECTION 330.** 101.09 (2) (b) of the statutes is amended to read:

4           101.09 (2) (b) This section does not apply to storage tanks which require a  
5           hazardous waste license under s. ~~144.64~~ 291.25.

6           **SECTION 331.** 101.126 (1) (intro.) of the statutes is amended to read:

7           101.126 (1) (intro.) The department shall establish, by rule, requirements for  
8           a person engaging in any of the following to provide adequate space in or adjacent  
9           to the building for the separation, temporary storage and collection of the materials  
10          listed in s. ~~159.07~~ 287.07 (3) or (4), likely to be generated by the occupants of the  
11          building:

12          **SECTION 332.** 101.143 (1) (b) of the statutes is amended to read:

13          101.143 (1) (b) “Discharge” has the meaning designated under s. ~~144.76 (1) (a)~~  
14          292.01 (3).

15          **SECTION 333.** 101.143 (1) (c) of the statutes is amended to read:

16          101.143 (1) (c) “Groundwater” has the meaning designated under s. ~~144.027~~  
17          281.75 (1) (c).

18          **SECTION 334.** 101.143 (2m) of the statutes, as affected by 1995 Wisconsin Act  
19          27, is amended to read:

20          101.143 (2m) INTERDEPARTMENTAL COORDINATION. Whenever the department of  
21          commerce receives a notification under sub. (3) (a) 3. or the department of natural  
22          resources receives a notification of a petroleum product discharge under s. ~~144.76~~  
23          292.11, the department receiving the notification shall contact the other department  
24          and shall schedule a meeting of the owner or operator or person owning a home oil  
25          tank system and representatives of both departments.

1           **SECTION 335.** 101.143 (3) (a) 5. of the statutes is amended to read:

2           101.143 (3) (a) 5. The owner or operator or the person reports the discharge in  
3 a timely manner to the division of emergency government in the department of  
4 military affairs or to the department of natural resources, according to the  
5 requirements under s. ~~144.76~~ 292.11.

6           **SECTION 336.** 101.143 (3) (c) 3. of the statutes is amended to read:

7           101.143 (3) (c) 3. Conduct all remedial action activities at the site of the  
8 discharge from the petroleum product storage system or home oil tank system  
9 necessary to restore the environment to the extent practicable and minimize the  
10 harmful effects from the discharge as required under s. ~~144.76~~ 292.11.

11           **SECTION 337.** 101.143 (3) (c) 4. of the statutes, as affected by 1995 Wisconsin  
12 Act 27, is amended to read:

13           101.143 (3) (c) 4. Receive written approval from the department of natural  
14 resources or, if the discharge is covered under s. 101.144 (2) (b), from the department  
15 of commerce that the remedial action activities performed under subd. 3. meet the  
16 requirements of s. ~~144.76~~ 292.11.

17           **SECTION 338.** 101.143 (3) (d) of the statutes, as affected by 1995 Wisconsin Act  
18 27, is amended to read:

19           101.143 (3) (d) *Review of site investigations, remedial action plans and*  
20 *remedial action activities.* The department of natural resources or, if the discharge  
21 is covered under s. 101.144 (2) (b), the department of commerce shall, at the request  
22 of the claimant, review the site investigation and the remedial action plan and advise  
23 the claimant on the adequacy of proposed remedial action activities in meeting the  
24 requirements of s. ~~144.76~~ 292.11. The advice is not an approval of the remedial action  
25 activities. The department of natural resources or, if the discharge is covered under

1 s. 101.144 (2) (b), the department of commerce shall complete a final review of the  
2 remedial action activities within 60 days after the claimant notifies the appropriate  
3 department that the remedial action activities are completed.

4 **SECTION 339.** 101.143 (4) (b) 14. of the statutes is amended to read:

5 101.143 (4) (b) 14. Other costs identified by the department as necessary for  
6 proper investigation, remedial action planning and remedial action activities to meet  
7 the requirements of s. ~~144.76~~ 292.11.

8 **SECTION 340.** 101.144 (1) (a) of the statutes, as created by 1995 Wisconsin Act  
9 27, is amended to read:

10 101.144 (1) (a) "Discharge" has the meaning given in s. ~~144.76 (1) (a)~~ 292.01  
11 (3).

12 **SECTION 341.** 101.144 (1) (am) of the statutes, as created by 1995 Wisconsin Act  
13 27, is amended to read:

14 101.144 (1) (am) "Hazardous substance" has the meaning given in s. ~~144.01~~  
15 ~~(4m)~~ 299.01 (6).

16 **SECTION 342.** 101.144 (3) (intro.) of the statutes, as created by 1995 Wisconsin  
17 Act 27, is amended to read:

18 101.144 (3) (intro.) The department of natural resources may take action  
19 under s. ~~144.76~~ 292.11 (7) (a) or may issue an order under s. ~~144.76~~ 292.11 (7) (c) in  
20 response to a discharge that is covered under sub. (2) (b) only if one or more of the  
21 following apply:

22 **SECTION 343.** 101.144 (3) (d) of the statutes, as created by 1995 Wisconsin Act  
23 27, is amended to read:

1           101.144 (3) (d) The department of natural resources takes action under s.  
2 ~~144.76 292.11~~ (7) (a) after the responsible person fails to comply with an order that  
3 was issued under s. ~~144.76 292.11~~ (7) (c) in compliance with this subsection.

4           **SECTION 344.** 101.144 (3) (e) of the statutes, as created by 1995 Wisconsin Act  
5 27, is amended to read:

6           101.144 (3) (e) The department of natural resources takes the action under s.  
7 ~~144.76 292.11~~ (7) (a) because the identity of the responsible person is unknown.

8           **SECTION 345.** 101.144 (3m) (a) 2. of the statutes, as created by 1995 Wisconsin  
9 Act 27, is amended to read:

10           101.144 (3m) (a) 2. Establishes procedures to ensure that remedial actions  
11 taken under this section are consistent with actions taken under s. ~~144.76 292.11~~ (7).

12           **SECTION 346.** 101.578 (1) of the statutes is amended to read:

13           101.578 (1) In this section, “medical waste incinerator” has the meaning given  
14 in s. ~~159.07 287.07~~ (7) (c) 1. cr.

15           **SECTION 347.** 107.001 (3) of the statutes is amended to read:

16           107.001 (3) “Mining company” means any person or agent of a person who has  
17 a prospecting or mining permit under s. ~~144.84 293.45~~ or ~~144.85 293.49~~.

18           **SECTION 348.** 107.15 (2) (a) of the statutes is amended to read:

19           107.15 (2) (a) “Exploration” has the meaning designated in s. ~~144.81 (2) 293.01~~  
20 ~~(5)~~.

21           **SECTION 349.** 107.15 (2) (b) of the statutes is amended to read:

22           107.15 (2) (b) “Licensee” means any person licensed to conduct exploration  
23 activities by the department of natural resources under s. ~~144.832 293.21~~. If the  
24 person is a corporation or limited liability company, “licensee” includes the parent

1 and any subsidiary or affiliates of the corporation or limited liability company  
2 engaged in mining or activities related to mining in this state.

3 **SECTION 350.** 107.15 (2) (d) of the statutes is amended to read:

4 107.15 (2) (d) "Mining" or "mining operation" has the meaning designated in  
5 s. ~~144.81 (5)~~ 293.01 (9).

6 **SECTION 351.** 107.15 (2) (e) of the statutes is amended to read:

7 107.15 (2) (e) "Prospecting" has the meaning designated in s. ~~144.81 (12)~~ 293.01  
8 (18).

9 **SECTION 352.** 107.20 (1) of the statutes is amended to read:

10 107.20 (1) Any provision of an exploration mining lease entered into after April  
11 25, 1978, granting an option or right to determine the presence, location, quality or  
12 quantity of metalliferous minerals shall be limited to a term not exceeding 10 years  
13 from the date on which the exploration mining lease is recorded in the office of the  
14 register of deeds of the county where the property is located, except that any  
15 provision of an exploration mining lease entered into after April 25, 1978, granting  
16 an option or right to determine the quality and quantity of metalliferous minerals  
17 under a prospecting permit shall be limited to a term not exceeding 10 years from the  
18 date that the lessee applies for a prospecting permit under s. ~~144.84~~ 293.35, if the  
19 lessee applies for the prospecting permit within 10 years from the date on which the  
20 exploration mining lease is recorded in the office of the register of deeds of the county  
21 where the property is located.

22 **SECTION 353.** 107.25 (1) (c) of the statutes is amended to read:

23 107.25 (1) (c) The lessor may cancel an exploration mining lease if 10 years  
24 have elapsed from the date on which the lease was recorded in the office of the  
25 register of deeds of the county where the property is located and the lessee has not

1 formally applied, ~~under s. 293.35 or 293.37,~~ for either a permit to prospect ~~under s.~~  
2 ~~144.84~~ or a permit to mine ~~under s. 144.85~~. In the event that the lessee formally  
3 applies for a prospecting permit under s. ~~144.84~~ 293.35 or a mining permit under s.  
4 ~~144.85~~ 293.37 within the 10-year period, but does not receive a mining permit under  
5 s. ~~144.85~~ 293.49 within the 10-year period following the date of application for the  
6 prospecting permit or mining permit, the lessor's right to cancel is revived.

7 **SECTION 354.** 107.30 (8) of the statutes is amended to read:

8 107.30 (8) "Mining" or "mining operation" has the meaning set forth in s. ~~144.81~~  
9 ~~(5)~~ 293.01 (9).

10 **SECTION 355.** 107.30 (15) of the statutes is amended to read:

11 107.30 (15) "Prospecting" has the meaning set forth in s. ~~144.81 (12)~~ 293.01  
12 (18).

13 **SECTION 356.** 107.30 (16) of the statutes is amended to read:

14 107.30 (16) "Prospecting site" has the meaning set forth in s. ~~144.81 (13n)~~  
15 293.01 (21).

16 **SECTION 357.** 109.09 (2) of the statutes is amended to read:

17 109.09 (2) The department, under its authority under sub. (1) to maintain  
18 actions for the benefit of employees, or an employee who brings an action under s.  
19 109.03 (5) shall have a lien upon all property of the employer, real or personal, located  
20 in this state for the full amount of any wage claim or wage deficiency. A lien under  
21 this subsection takes effect when the department or employe files a verified petition  
22 claiming the lien with the clerk of the circuit court of the county in which the services  
23 or some part of the services were performed pays the fee specified in s. 814.61 (5) to  
24 that clerk of circuit court and serves a copy of that petition on the employer by  
25 personal service in the same manner as a summons is served under s. 801.11 or by

1 certified mail with a return receipt requested. The department or employe must file  
2 the petition within 2 years after the date that the wages were due. The petition shall  
3 specify the nature of the claim and the amount claimed, describe the property upon  
4 which the claim is made and state that the petitioner claims a lien on that property.  
5 The lien shall take precedence over all other debts, judgments, decrees, liens or  
6 mortgages against the employer, except a lien under s. ~~144.442 (9)~~ 292.31 (8) (i),  
7 ~~144.76 (13) or 144.77 292.41 (6) (d) or 292.81~~, and may be enforced in the manner  
8 provided in ss. 779.09 to 779.12, 779.20 and 779.21, insofar as such provisions are  
9 applicable. The lien ceases to exist if the department or the employe does not bring  
10 an action to enforce the lien within the period prescribed in s. 893.44 for the  
11 underlying wage claim.

12 **SECTION 358.** 110.07 (1) (a) 1. of the statutes is amended to read:

13 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and  
14 chs. 166, 194, 218, 341 to 349 and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3) (b),  
15 ~~159.81 and 167.31 (2) (b) to (d)~~ and 287.81 and ch. 350 where applicable to highways,  
16 or orders or rules issued pursuant thereto.

17 **SECTION 359.** 110.07 (1) (a) 3. of the statutes is amended to read:

18 110.07 (1) (a) 3. Have authority to enter any place where vehicles subject to this  
19 chapter, ss. ~~159.81 and 167.31 (2) (b) to (d)~~ and 287.81 and chs. 194, 218 and 341 to  
20 350 are stored or parked at any time to examine such vehicles, or to stop such vehicles  
21 while en route at any time upon the public highways to examine the same and make  
22 arrests for all violations thereof.

23 **SECTION 360.** 110.07 (1) (b) of the statutes is amended to read:

24 110.07 (1) (b) All municipal judges, judges, district attorneys and law  
25 enforcement officers shall assist in enforcing this chapter, ss. ~~159.81 and 167.31 (2)~~

1 (b) to (d) and 287.81 and chs. 194, 218 and 341 to 351, and orders or rules issued  
2 pursuant thereto and shall report to the department the disposition of every uniform  
3 traffic citation issued for cases involving those chapters.

4 **SECTION 361.** 110.20 (1) (ac) of the statutes is amended to read:

5 110.20 (1) (ac) "Air pollution control equipment" has the meaning given in s.  
6 ~~144.42~~ 285.30 (6) (a) 1.

7 **SECTION 362.** 110.20 (1) (b) of the statutes is amended to read:

8 110.20 (1) (b) "Nonexempt vehicle" means any motor vehicle as defined under  
9 s. 340.01 (35) which is owned by the United States or which is required to be  
10 registered in this state and to which one or more emission limitations adopted under  
11 s. ~~144.42~~ 285.30 (2) applies.

12 **SECTION 363.** 110.20 (3) (a) of the statutes is amended to read:

13 110.20 (3) (a) The inspection and maintenance program shall be designed to  
14 determine compliance with the emission limitations promulgated under s. ~~144.42~~  
15 285.30 (2) and compliance with s. ~~144.42~~ 285.30 (6).

16 **SECTION 364.** 110.20 (5) (a) of the statutes is amended to read:

17 110.20 (5) (a) Any county identified in a certification under s. ~~144.42~~ 285.30 (3).  
18 The department shall terminate the program in the county at the end of the  
19 contractual period in effect when the county is withdrawn under s. ~~144.42~~ 285.30 (4).

20 **SECTION 365.** 110.20 (6) (b) of the statutes, as affected by 1993 Wisconsin Act  
21 288, is amended to read:

22 110.20 (6) (b) The program shall require an air pollution control equipment  
23 inspection to determine compliance with s. ~~144.42~~ 285.30 (6) of any nonexempt  
24 vehicle customarily kept in a county identified in sub. (5) whenever a nontransient

1 emissions inspection is performed or at the time of application for a waiver under  
2 sub. (13).

3 **SECTION 366.** 110.20 (13) (c) 2. of the statutes is amended to read:

4 110.20 (13) (c) 2. Costs necessary to repair or replace any emissions control  
5 system or mechanism which has been removed, dismantled or rendered inoperative  
6 in violation of s. 144.42 285.30 (6) or rules promulgated under that section.

7 **SECTION 367.** Chapter 144 (title) of the statutes is repealed.

8 **SECTION 368.** Subchapter I (title) of chapter 144 [precedes 144.01] of the  
9 statutes is repealed.

10 **SECTION 369.** 144.01 of the statutes, as affected by 1995 Wisconsin Act 27, is  
11 repealed.

12 **SECTION 370.** Subchapter II (title) of chapter 144 [precedes 144.02] of the  
13 statutes is repealed.

14 **SECTION 371.** 144.02 (title) of the statutes is repealed.

15 **SECTION 372.** 144.02 of the statutes is renumbered 281.13 (1), and 281.13 (1)  
16 (b), as renumbered, is amended to read:

17 281.13 (1) (b) The department is hereby empowered and instructed to make the  
18 necessary rules and regulations, in conjunction with the U.S. geological department,  
19 to carry this ~~section~~ subsection into effect.

20 **SECTION 373.** 144.025 (title) of the statutes is repealed.

21 **SECTION 374.** 144.025 (1) of the statutes is renumbered 281.11 and amended  
22 to read:

23 **281.11 Statement of policy and purpose.** The department of ~~natural~~  
24 ~~resources~~ shall serve as the central unit of state government to protect, maintain and  
25 improve the quality and management of the waters of the state, ground and surface,

1 public and private. Continued pollution of the waters of the state has aroused  
2 widespread public concern. It endangers public health and threatens the general  
3 welfare. A comprehensive action program directed at all present and potential  
4 sources of water pollution whether home, farm, recreational, municipal, industrial  
5 or commercial is needed to protect human life and health, fish and aquatic life, scenic  
6 and ecological values and domestic, municipal, recreational, industrial, agricultural  
7 and other uses of water. The purpose of this ~~section~~ subchapter is to grant necessary  
8 powers and to organize a comprehensive program under a single state agency for the  
9 enhancement of the quality management and protection of all waters of the state,  
10 ground and surface, public and private. To the end that these vital purposes may be  
11 accomplished, this ~~section~~ subchapter and all rules and orders promulgated under  
12 this ~~section~~ subchapter shall be liberally construed in favor of the policy objectives  
13 set forth in this ~~section~~ subchapter. In order to achieve the policy objectives of this  
14 ~~section~~ subchapter, it is the express policy of the state to mobilize governmental effort  
15 and resources at all levels, state, federal and local, allocating such effort and  
16 resources to accomplish the greatest result for the people of the state as a whole.  
17 Because of the importance of Lakes Superior and Michigan and Green Bay as vast  
18 water resource reservoirs, water quality standards for those rivers emptying into  
19 Lakes Superior and Michigan and Green Bay shall be as high as is practicable.

NOTE: In the current statutes, this statement of policy and purpose applies to s. 144.025. Current s. 144.025 contains a variety of water quality-related powers and duties of the DNR. This bill makes s. 144.025 a separate subchapter of the statutes and reorganizes it so that similar powers and duties of the DNR are grouped together.

This bill also includes in the new water quality subchapter several sections of the statutes that are not a part of current s. 144.025. These are s. 144.02, sanitary survey [renumbered s. 281.13 (1)], s. 144.14, nondegradable detergents prohibited [renumbered s. 281.17 (6)] and s. 144.15, mercury discharge [renumbered s. 281.17 (7)]. The special committee recognizes that one effect of including these 3 provisions is to expand the scope of any references to new subch. II of ch. 281. However, these 3 provisions are so similar in subject matter to the provisions in current s. 144.025 that the reorganization will cause no substantive change in the effect of most references to new subch. II of ch. 281.

In one instance [see s. 144.03, as renumbered and amended], the cross-reference establishes duties of industrial establishment owners based on regulation under current s. 144.025 (2). The new cross-reference excludes the provisions related to nondegradable detergents and mercury discharge, because including those facilities would clearly expand the scope of the cross-reference.

1       **SECTION 375.** 144.025 (2) (title) of the statutes is repealed.

2       **SECTION 376.** 144.025 (2) (a) of the statutes is renumbered 281.12 (1).

3       **SECTION 377.** 144.025 (2) (b) of the statutes is renumbered 281.15, and 281.15  
4 (2) (e) and (3) to (5), as renumbered, are amended to read:

5           281.15 (2) (e) Develop a technical support document which identifies the  
6 scientific data utilized, the margin of safety applied and any facts and  
7 interpretations of those data applied in deriving the water quality criteria, including  
8 the persistence, degradability and nature and effects of each substance on the  
9 designated uses, and which provides a summary of the information considered under  
10 this ~~paragraph~~ section.

11           (3) ~~Subdivision 2.~~ Subsection (2) does not apply to rules promulgated under  
12 this ~~paragraph~~ section by the department for any substance before November 10,  
13 1987.

14           (4) By April 1, 1989, the department shall review, in accordance with ~~subd. 2.~~  
15 sub. (2), and as necessary revise all water quality criteria, except those for dissolved  
16 oxygen, temperature, pH and ammonia, adopted under this ~~paragraph~~ section before  
17 November 10, 1987.

18           (5) The department shall comply with this ~~paragraph~~ section with respect to  
19 all water quality criteria adopted or revised after November 10, 1987.

20       **SECTION 378.** 144.025 (2) (c) of the statutes is renumbered 281.19 (1).

21       **SECTION 379.** 144.025 (2) (d) of the statutes is renumbered 281.19 (2) and  
22 amended to read:

1           281.19 (2) (a) The department may issue special orders directing particular  
2 owners to secure such operating results toward the control of pollution of the waters  
3 of the state as the department prescribes, within a specified time. Pending efforts  
4 to comply with any order, the department may permit continuance of operations on  
5 such conditions as it prescribes. If any owner cannot comply with an order within  
6 the time specified, the owner may, before the date set in the order, petition the  
7 department to modify the order. The department may modify the order, specifying  
8 in writing the reasons therefor. If any order is not complied with within the time  
9 period specified, the department shall immediately notify the attorney general of  
10 this fact. Within 30 days thereafter, the attorney general shall forthwith commence  
11 an action under s. ~~144.98~~ 299.95.

12           (b) The department may issue temporary emergency orders without prior  
13 hearing when the department determines that the protection of the public health  
14 necessitates such immediate action. Such emergency orders shall take effect at such  
15 time as the department determines. As soon as is practicable, the department shall  
16 hold a public hearing after which it may modify or rescind the temporary emergency  
17 order or issue a special order under ~~subd. 1~~ par. (a).

18           **SECTION 380.** 144.025 (2) (e) of the statutes is renumbered 281.17 (1) and  
19 amended to read:

20           281.17 (1) No wells shall be constructed, installed or operated to withdraw  
21 water from underground sources for any purpose where the capacity and rate of  
22 withdrawal of all wells on one property is in excess of 100,000 gallons a day without  
23 first obtaining the approval of the department. If s. ~~144.026~~ 281.35 applies to the  
24 proposed construction, the application shall comply with s. ~~144.026~~ 281.35 (5) (a).  
25 If the department finds that the proposed withdrawal will adversely affect or reduce

1 the availability of water to any public utility in furnishing water to or for the public  
2 or does not meet the grounds for approval specified under s. ~~144.026~~ 281.35 (5) (d),  
3 if applicable, it shall either withhold its approval or grant a limited approval under  
4 which it imposes such conditions as to location, depth, pumping capacity, rate of flow  
5 and ultimate use so that the water supply of any public utility engaged in furnishing  
6 water to or for the public will not be impaired and the withdrawal will conform to the  
7 requirements of s. ~~144.026~~ 281.35, if applicable. The department shall require each  
8 person issued an approval under this ~~paragraph~~ subsection to report that person's  
9 volume and rate of withdrawal, as defined under s. ~~144.026~~ 281.35 (1) (m), and that  
10 person's volume and rate of water loss, as defined under s. ~~144.026~~ 281.35 (1) (L), if  
11 any, in the form and at the times specified by the department. The department may  
12 issue general or special orders it considers necessary to ensure prompt and effective  
13 administration of this ~~paragraph~~ subsection.

14 **SECTION 381.** 144.025 (2) (f) of the statutes is renumbered 281.19 (3).

15 **SECTION 382.** 144.025 (2) (g) of the statutes is renumbered 281.13 (3).

16 **SECTION 383.** 144.025 (2) (h) of the statutes is renumbered 281.12 (3).

17 **SECTION 384.** 144.025 (2) (i) of the statutes is renumbered 281.17 (2).

18 **SECTION 385.** 144.025 (2) (j) of the statutes is renumbered 281.12 (5).

19 **SECTION 386.** 144.025 (2) (k) of the statutes is renumbered 281.19 (4).

20 **SECTION 387.** 144.025 (2) (L) of the statutes is renumbered 281.17 (3) and  
21 amended to read:

22 281.17 (3) The department shall promulgate rules establishing an examining  
23 program for the certification of operators of waterworks, wastewater treatment  
24 plants and septage servicing vehicles operated under a license issued under s. ~~146.20~~  
25 281.48 (3), setting such standards as the department finds necessary to accomplish

1 the purposes of this chapter and chs. 285 and 289 to 299, including requirements for  
2 continuing education. The department may charge applicants a fee for certification.  
3 All moneys collected under this ~~paragraph~~ subsection for the certification of  
4 operators of waterworks, wastewater treatment plants and septage servicing  
5 vehicles shall be credited to the appropriation under s. 20.370 (2) (bL). No person  
6 may operate a waterworks, wastewater treatment plant or septage servicing vehicle  
7 without a valid certificate issued under this ~~paragraph~~ subsection. The department  
8 may suspend or revoke a certificate issued under this ~~paragraph~~ subsection for a  
9 violation of any statute or rule relating to the operation of a waterworks or  
10 wastewater treatment plant or to septage servicing, for failure to fulfill the  
11 continuing education requirements or as provided under s. 145.245 (3). The owner  
12 of any wastewater treatment plant shall be, or shall employ, an operator certified  
13 under this ~~paragraph~~ subsection who shall be responsible for plant operations,  
14 unless the department by rule provides otherwise. In this ~~paragraph~~ subsection,  
15 “wastewater treatment plant” means a system or plant used to treat industrial  
16 wastewater, domestic wastewater or any combination of industrial wastewater and  
17 domestic wastewater.

18 **SECTION 388.** 144.025 (2) (m) of the statutes is renumbered 281.19 (6).

19 **SECTION 389.** 144.025 (2) (q) of the statutes is renumbered 281.17 (5).

20 **SECTION 390.** 144.025 (2) (r) of the statutes is renumbered 281.19 (5) and  
21 amended to read:

22 281.19 (5) If the department finds that a system or plant tends to create a  
23 nuisance or menace to health or comfort, it shall order the owner or the person in  
24 charge to secure such operating results as the department prescribes, within a  
25 specified time. If the order is not complied with, the department may order

1 designated changes in operation, and if necessary, alterations or extension to the  
2 system or plant, or a new system or plant. If the department finds that the absence  
3 of a municipal system or plant tends to create a nuisance or menace to health or  
4 comfort, it may order the city, village, town or town sanitary district embracing the  
5 area where such conditions exist to prepare and file complete plans of a corrective  
6 system as provided by s. ~~144.04~~ 281.41, and to construct such system within a  
7 specified time.

8 **SECTION 391.** 144.025 (2) (s) of the statutes is renumbered 281.19 (7) and  
9 amended to read:

10 281.19 (7) In cases of noncompliance with any order issued under ~~par. (d), (e)~~  
11 sub. (2) or (5) or (u) s. 281.20 (1), the department may take the action directed by the  
12 order, and collect the costs thereof from the owner to whom the order was directed.  
13 The department shall have all the necessary powers needed to carry out this  
14 ~~paragraph~~ subsection including powers granted municipalities under ss. 66.076 and  
15 66.20 to 66.26. It shall also be eligible for financial assistance under ss. ~~144.21,~~  
16 ~~144.24, 144.241~~ 281.55, 281.57, 281.58 and ~~144.2415~~ 281.59.

17 **SECTION 392.** 144.025 (2) (t) of the statutes is renumbered 281.17 (8).

18 **SECTION 393.** 144.025 (2) (u) of the statutes is renumbered 281.20 (1) and  
19 amended to read:

20 281.20 (1) Under the procedure specified in ~~par. (v)~~ sub. (3), the department  
21 may do any of the following:

22 (a) Order or cause the abatement of pollution which the department, in  
23 consultation with the department of agriculture, trade and consumer protection if  
24 the source is agricultural, has determined to be significant and caused by a nonpoint  
25 source, as defined in s. ~~144.25~~ 281.65 (2) (b), including pollution which causes the

1 violation of a water quality standard, pollution which significantly impairs aquatic  
2 habitat or organisms, pollution which restricts navigation due to sedimentation,  
3 pollution which is deleterious to human health or pollution which otherwise  
4 significantly impairs water quality, except that under this ~~subdivision~~ paragraph the  
5 department may not order or cause the abatement of any pollution caused primarily  
6 by animal waste or of pollution from an agricultural source that is located in a  
7 priority watershed or priority lake area unless the source is designated as a critical  
8 site in a priority watershed or priority lake plan under s. ~~144.25~~ 281.65 (5m) or a  
9 modification to such a plan under s. ~~144.25~~ 281.65 (5s).

10 (b) If it provided notice under s. ~~144.25~~ 281.65 (5w), order the owner or operator  
11 of a source that is designated as a critical site in a priority watershed or priority lake  
12 plan under s. ~~144.25~~ 281.65 (5m) or in a modification to such a plan under s. ~~144.25~~  
13 281.65 (5s) to implement best management practices, but not with respect to any  
14 pollution caused primarily by animal waste.

15 **SECTION 394.** 144.025 (2) (v) of the statutes is renumbered 281.20 (3), and  
16 281.20 (3) (a) to (c) and (d) (intro.) and 4., as renumbered, are amended to read:

17 281.20 (3) (a) 1. If the department determines that it is authorized to issue an  
18 order under ~~par. (u) 1.~~ sub. (1) (a) to abate pollution caused by a nonpoint source, the  
19 department shall send a written notice of intent to issue the order to abate the  
20 pollution to the person whom the department determines to be responsible for the  
21 nonpoint source.

22 2. If the department determines under ~~par. (u) 2.~~ sub. (1) (b) that an owner or  
23 operator is required to implement best management practices in a priority  
24 watershed or priority lake area, the department shall send a written notice of intent

1 to issue an order to implement the designated best management practices to the  
2 owner or operator.

3 3. The notice of intent to issue an order shall describe the department's findings  
4 and intent, and shall include a date by which that person is required to abate the  
5 pollution or implement the best management practices. That date shall be at least  
6 one year after the date of the notice unless the department determines that the  
7 pollution is causing or will cause severe water quality degradation that could be  
8 mitigated or prevented by abatement action taken in less than one year. In its  
9 determination under this ~~paragraph~~ subsection, the department shall consider the  
10 nature of the actual or potential damage caused by the pollution and the feasibility  
11 of measures to abate that pollution.

12 (b) If the nonpoint source that is the subject of a notice under ~~subd. 1. par. (a)~~  
13 is agricultural, the department shall send the notice to the land conservation  
14 committee created under s. 92.06 of any county in which the source is located. If the  
15 notice is issued under ~~subd. 1. b. par. (a) 2.~~, the land conservation committee may  
16 disapprove issuance of an order within 60 days after the department issues the notice  
17 of intent to issue the order.

18 (c) If the nonpoint source which is the subject of a notice under ~~subd. 1. par. (a)~~  
19 is agricultural, the department shall send the notice to the department of  
20 agriculture, trade and consumer protection. The department of agriculture, trade  
21 and consumer protection shall do all of the following:

22 1. Upon receipt of the notice and in cooperation with the land conservation  
23 committee, provide to the person whom the department has determined to be  
24 responsible for the nonpoint source under ~~par. (u) 1.~~ sub. (1) (a) a listing of  
25 management practices which, if followed, would reduce pollution to an amount

1 determined to be acceptable by the department, in consultation with either the  
2 department of agriculture, trade and consumer protection or the land conservation  
3 committee. The list shall, with reasonable limits, set forth all of the options which  
4 are available to the person to reduce pollution to that amount of pollution. The  
5 department of agriculture, trade and consumer protection shall provide to each  
6 person receiving a notice an explanation of financial aids and technical assistance  
7 which may be available to the person for the abatement of pollution or the  
8 implementation of best management practices from the department of agriculture,  
9 trade and consumer protection under s. 92.14 and from other sources.

10 2. Issue a report to the department within one year after the date of the notice  
11 describing the actions taken by the person receiving the notice and a  
12 recommendation as to whether the department should issue an order to abate the  
13 pollution or implement the best management practices. Notwithstanding ~~subd. 1.~~  
14 par. (a), the department may not issue an order until the department receives that  
15 report unless the department determines that the pollution is causing or will cause  
16 severe water quality degradation which could be mitigated or prevented by  
17 abatement action taken in less than one year and unless the department of  
18 agriculture, trade and consumer protection files a concurring determination in  
19 writing with the department within 30 days after receiving notice of the  
20 department's determination.

21 (d) (intro.) The department may issue a temporary emergency order prior to  
22 issuing a notice under ~~subd. 1.~~ par. (a) if all of the following apply:

23 4. As soon as practicable after issuing the temporary emergency order, the  
24 department issues a written notice of intent to issue an order under ~~subds. 1. and 2.~~  
25 pars. (a) and (b) or rescinds the temporary emergency order.

1           **SECTION 395.** 144.025 (2) (w) of the statutes is renumbered 281.20 (5) and  
2 amended to read:

3           281.20 **(5)** (a) Except as provided in ~~subd. 3. par. (c)~~, if the department issues  
4 a notice under ~~par. (v) 1. b. sub. (3) (a) 2.~~, the source is agricultural and no land  
5 conservation committee disapproves the proposed order under ~~par. (v) 1m. sub. (3)~~  
6 ~~(b)~~, the owner or operator of the critical site may obtain a review of the proposed order  
7 by filing a written request with the land and water conservation board within 60 days  
8 after the expiration of the time limit under ~~par. (v) 1m. sub. (3) (b)~~. If the land  
9 conservation committee of any county in which a source is located disapproves of a  
10 proposed order under ~~par. (v) 1m. sub. (3) (b)~~, the department may obtain a review  
11 of that disapproval by filing a written request with the land and water conservation  
12 board within 60 days after receiving the decision of the land conservation committee.

13           (b) The owner or operator of a critical site may request a contested case hearing  
14 under ch. 227 to review the decision of the land and water conservation board under  
15 ~~subd. 1. par. (a)~~ by filing a written request with the department within 60 days after  
16 receiving an adverse decision of the land and water conservation board.

17           (c) The owner or operator of a critical site who obtains review of the critical site  
18 determination under any or all of the review procedures in s. 144.25 281.65 (7) may  
19 not obtain review of a proposed order under this ~~paragraph subsection~~.

20           **SECTION 396.** 144.025 (6) of the statutes is renumbered 281.91.

21           **SECTION 397.** 144.025 (7) of the statutes is renumbered 281.19 (8), and 281.19  
22 (8) (intro.), as renumbered, is amended to read:

23           281.19 **(8)** (intro.) Any owner or other person in interest may secure a review  
24 of the necessity for and reasonableness of any order of the department under this  
25 section or s. 281.20 in the following manner:

1           **SECTION 398.** 144.0252 of the statutes, as created by 1995 Wisconsin Act 27,  
2 is renumbered 281.22, and 281.22 (1), as renumbered, is amended to read:

3           281.22 (1) AMOUNT OF FEES. The department shall charge a fee for determining  
4 whether a project complies with the standards of water quality promulgated by rule  
5 under s. ~~144.025 (2) (b)~~ 281.15 that are applicable to wetlands. The fee for each  
6 project shall be \$100.

7           **SECTION 399.** 144.0255 of the statutes is renumbered 281.53, and 281.53 (1),  
8 as renumbered, is amended to read:

9           281.53 (1) The department may award a municipal clean drinking water grant,  
10 from the appropriation under s. 20.866 (2) (tb), to a municipality for capital costs to  
11 achieve compliance with standards for contaminants established by the department  
12 by rule under the safe drinking water program under s. ~~144.025 (2) (t)~~ 281.17 (8), if  
13 the municipality is not in compliance with those standards on or after April 1, 1990,  
14 if the municipality incurs the capital costs after January 1, 1989, and if the violation  
15 of the standards for contaminants occurs in a public water supply owned by the  
16 municipality.

17           **SECTION 400.** 144.026 of the statutes is renumbered 281.35, and 281.35 (1) (a),  
18 (b) 2. and (i), (3) (b) 3., (4) (a) 2. and 3. and (b) (intro.) and (5) (a) 13. and (d) 2., as  
19 renumbered, are amended to read:

20           281.35 (1) (a) "Approval" means a permit issued under s. 30.18 or an approval  
21 under s. ~~144.025 (2) (e)~~ 281.17 (1) or ~~144.04~~ 281.41.

22           (b) 2. If subd. 1. does not apply, the highest average daily water loss over any  
23 30-day period that is reported to the department or the public service commission  
24 under sub. (3) (c) or s. 30.18 (6) (c), ~~144.025 (2) (e), 144.04 or 196.98,~~ 281.17 (1) or  
25 281.41.

1 (i) "Person" has the meaning given in s. ~~144.01 (9m)~~ 281.01 (9) and also includes  
2 special purpose districts established under s. 66.072, other states and provinces and  
3 political subdivisions of other states and provinces.

4 **(3)** (b) 3. A person holding a permit under s. ~~147.02~~ 283.31 or the federal water  
5 pollution control act, as amended, 33 USC 1251 to 1376, for whom the department  
6 has established a water loss coefficient, based on flow diagrams and other water use  
7 information provided by the permittee, that the department uses to calculate the  
8 permittee's water loss.

9 **(4)** (a) 2. A person who is operating a well under an approval issued under s.  
10 ~~144.025 (2) (e)~~ 281.17 (1) or who is required to obtain an approval under that  
11 paragraph before constructing or installing a well.

12 3. An owner who is operating a system or plant under plans approved under  
13 s. ~~144.04~~ 281.41 or who is required to submit plans and obtain an approval under that  
14 section before construction or extension of a proposed system or plant.

15 (b) (intro.) Before any person specified in par. (a) may begin a new withdrawal  
16 or increase the amount of an existing withdrawal, the person shall apply to the  
17 department under s. 30.18, ~~144.025 (2) (e)~~ 281.17 (1) or ~~144.04~~ 281.41 for a new  
18 approval or a modification of its existing approval if either of the following conditions  
19 applies:

20 **(5)** (a) 13. A statement as to whether the proposed withdrawal complies with  
21 all applicable plans for the use, management and protection of the waters of the state  
22 and related land resources, including plans developed under ss. ~~144.025 (2) (a)~~  
23 281.12 (1) and ~~147.25~~ 283.83 and the requirements specified in any water quantity  
24 resources plan under sub. (8).

1 (d) 2. That the proposed withdrawal does not conflict with any applicable plan  
2 for future uses of the waters of the state, including plans developed under ss. 144.025  
3 ~~(2) (a) 281.12 (1) and 147.25 283.83~~ and any water quantity resources plan prepared  
4 under sub. (8).

5 **SECTION 401.** 144.027 of the statutes, as affected by 1993 Wisconsin Act 413  
6 and 1995 Wisconsin Act 27, is renumbered 281.75, and 281.75 (6) (a), (12) (b), (17)  
7 (b) and (18), as renumbered, are amended to read:

8 281.75 (6) (a) Contamination of a private water supply, as defined under sub.  
9 (1) (b) 1. or 2., is required to be established by analysis of at least 2 samples of water,  
10 taken at least 2 weeks apart, in a manner which assures the validity of the test  
11 results. The samples shall be tested by a laboratory certified under s. 144.95 299.11.

12 (12) (b) If the well is a drilled well, it is constructed by a well driller licensed  
13 under ch. ~~162~~ 280 or, if the well is a sandpoint well, it is constructed by a well driller  
14 or pump installer licensed under ch. ~~162~~ 280.

15 (17) (b) This section does not apply to contamination which is compensable  
16 under subch. II of ch. 107 or s. ~~144.855~~ 293.65 (4).

17 (18) **SUSPENSION OR REVOCATION OF LICENSES.** The department may suspend or  
18 revoke a license issued under ch. ~~162~~ 280 if the department finds that the licensee  
19 falsified information submitted under this section. The department of commerce  
20 may suspend or revoke the license of a plumber licensed under ch. 145 if the  
21 department of commerce finds that the plumber falsified information submitted  
22 under this section.

23 **SECTION 402.** 144.03 (title) of the statutes is renumbered 281.96 (title).

24 **SECTION 403.** 144.03 (1) of the statutes is renumbered 281.96 and amended to  
25 read:

1           **281.96** Every owner of an industrial establishment shall furnish to the  
2 department all information required by it in the discharge of its duties under s.  
3 ~~144.025 (2) subch. II, except s. 281.17 (6) and (7).~~ Any member of the natural  
4 resources board or any employe of the department may enter any industrial  
5 establishment for the purpose of collecting such information, and no owner of an  
6 industrial establishment shall refuse to admit such member or employe. The  
7 department shall make such inspections at frequent intervals. The secretary and all  
8 members of the board shall have power for all purposes falling within the  
9 department's jurisdiction to administer oaths, issue subpoenas, compel the  
10 attendance of witnesses and the production of necessary or essential data.

11           **SECTION 404.** 144.03 (2) of the statutes is renumbered 293.86 and amended to  
12 read:

13           **293.86** (title) **Visitorial powers of department.** Any duly authorized officer,  
14 employe or representative of the department may enter and inspect any property,  
15 premises or place on or at which any prospecting or metallic mining operation or  
16 facility ~~or nonmetallic mining operation~~ is located or is being constructed or installed  
17 at any reasonable time for the purpose of ascertaining the state of compliance with  
18 this chapter and chs. 281, 285, 289 to 292, 295 and 299 and rules adopted pursuant  
19 thereto. No person may refuse entry or access to any such authorized representative  
20 of the department who requests entry for purposes of inspection, and who presents  
21 appropriate credentials, nor may any person obstruct, hamper or interfere with any  
22 such inspection. The department shall furnish to the prospector or operator, as  
23 indicated in the prospecting or mining permit, ~~or nonmetallic mining site operator~~  
24 a written report setting forth all observations, relevant information and data which  
25 relate to compliance status.

NOTE: This provision is duplicated for purposes of nonmetallic mining in s. 295.17

(2).

1       **SECTION 405.** 144.04 of the statutes is renumbered 281.41, and 281.41 (1), as  
2 renumbered, is amended to read:

3       281.41 (1) Except as provided under sub. (2), every owner within the time  
4 prescribed by the department, shall file with the department a certified copy of  
5 complete plans of a proposed system or plant or extension thereof, in scope and detail  
6 satisfactory to the department, and, if required, of existing systems or plants, and  
7 such other information concerning maintenance, operation and other details as the  
8 department requires, including the information specified under s. ~~144.026~~ 281.35 (5)  
9 (a), if applicable. Material changes with a statement of the reasons shall be likewise  
10 submitted. Before plans are drawn a statement concerning the improvement may  
11 be made to the department and the department may, if requested, outline generally  
12 what it will require. Upon receipt of such plans for approval, the department or its  
13 duly authorized representative shall notify the owner of the date of receipt. Within  
14 90 days from the time of receipt of complete plans or within the time specified in s.  
15 ~~144.026~~ 281.35 (5) (c), if applicable, the department or its authorized representative  
16 shall examine and take action to approve, approve conditionally or reject the plans  
17 and shall state in writing any conditions of approval or reasons for rejection.  
18 Approval or disapproval of such plans and specifications shall not be contingent upon  
19 eligibility of such project for federal aid. The time period for review may be extended  
20 by agreement with the owner if the plans and specifications cannot be reviewed  
21 within the specified time limitation due to circumstances beyond the control of the  
22 department or in the case of extensive installation involving expenditures of  
23 \$350,000 or more. The extension shall not exceed 6 months. Failure of the  
24 department or its authorized representative to act before the expiration of the time

1 period allowed for review shall constitute an approval of the plans, and upon demand  
2 a written certificate of approval shall be issued. Approval may be subject to  
3 modification by the department upon due notice. Construction or material change  
4 shall be according to approved plans only. The department may disapprove plans  
5 which are not in conformance with any existing approved areawide waste treatment  
6 management plan prepared pursuant to the federal water pollution control act, P.L.  
7 92-500, as amended, and shall disapprove plans that do not meet the grounds for  
8 approval specified under s. ~~144.026~~ 281.35 (5) (d), if applicable. The department  
9 shall require each person whose plans are approved under this section to report that  
10 person's volume and rate of water withdrawal, as defined under s. ~~144.026~~ 281.35 (1)  
11 (m), and that person's volume and rate of water loss, as defined under s. ~~144.026~~  
12 281.35 (1) (L), if any, in the form and at the times specified by the department.

13 **SECTION 406.** 144.05 of the statutes is renumbered 281.47, and 281.47 (1) (a)  
14 and (d), as renumbered, are amended to read:

15 281.47 (1) (a) When any city, village, town or owner has constructed or  
16 constructs a sewage system complying with s. ~~144.04~~ 281.41, the outflow or effluent  
17 from such system may be discharged into any stream or drain constructed pursuant  
18 to law, but no such outflow of untreated sewage or effluent from a primary or  
19 secondary treatment plant from a city, village, town, town sanitary district or  
20 metropolitan sewage district in a county having a population of 240,000 or more,  
21 according to the latest U.S. bureau of census figures available including any special  
22 census of municipalities within the county, any part of which is located within a  
23 drainage basin which drains into a lake of more than 2 square miles and less than  
24 16 square miles in area, shall be discharged directly into, or through any stream, or  
25 through any drain, into such a lake located within 18 miles of the system or plant of

1 such city, village, town, town sanitary district or metropolitan sewage district. All  
2 necessary construction of plant, system or drains for full compliance with this  
3 subsection in the discharge of untreated sewage or sewage effluent from all existing  
4 primary or secondary plants shall be completed by September 1, 1970, and the plans  
5 for any new system or plant shall include provisions for compliance with this  
6 subsection. The department may at any time order and require any owner of an  
7 existing plant to prepare and file with it, within a prescribed time, preliminary or  
8 final plans or both, for proposed construction to comply with this subsection.

9 (d) Any person violating this subsection or any order issued in furtherance of  
10 compliance therewith shall forfeit to the state not less than \$100 nor more than \$500  
11 for each violation, failure or refusal. Each day of continued violation is deemed a  
12 separate offense. No such penalty shall be invoked during the time that any petition  
13 for review of an order is pending under s. ~~144.025 (7)~~ 281.19 (8) until final disposition  
14 thereof by the courts, if judicial review is sought under ch. 227.

15 **SECTION 407.** 144.06 of the statutes is renumbered 281.45.

16 **SECTION 408.** 144.07 of the statutes is renumbered 281.43.

17 **SECTION 409.** 144.08 of the statutes is renumbered 281.49, and 281.49 (1) (b)  
18 and (9), as renumbered, are amended to read:

19 281.49 (1) (b) "Licensed disposer" means a person engaged in servicing, as  
20 defined in s. ~~146.20~~ 281.48 (2) (f), under a license issued under s. ~~146.20~~ 281.48 (3)  
21 (a).

22 **(9) LAND DISPOSAL NOT PROHIBITED.** This section shall not be construed as a  
23 prohibition of the land disposal of septage. The land disposal of septage is governed  
24 by s. ~~146.20~~ 281.48.

1           **SECTION 410.** 144.09 of the statutes is renumbered 281.97 and amended to  
2 read:

3           **281.97** (title) **Enforcement Records; inspection.** Records required by the  
4 department shall be kept by the owners and the department supplied with certified  
5 copies and such other information as it may require. Agents of the department may  
6 enter buildings, structures and premises of owners supplying the public or industrial  
7 plants with water, ice, sewerage systems, sewage or refuse disposal service and  
8 private properties to collect samples, records and information, and to ascertain if the  
9 rules and orders of the department are complied with. ~~The department of justice~~  
10 ~~shall assist in the enforcement of this chapter.~~

NOTE: Department of justice enforcement authority is established in new s. 299.95  
[current s. 144.98].

11           **SECTION 411.** 144.10 (title) of the statutes is renumbered 281.83 (title).

12           **SECTION 412.** 144.10 (1) of the statutes is renumbered 281.81, and 281.81  
13 (intro.) and (1), as renumbered, are amended to read:

14           **281.81** (title) **Definitions.** (intro.) In this ~~section~~ subchapter:

15           **(1)** “International joint commission” has the meaning given in s. ~~144.026~~  
16 281.35 (1) (h).

17           **SECTION 413.** 144.10 (2) to (4) of the statutes are renumbered 281.83 (1) to (3),  
18 and 281.83 (2), as renumbered, is amended to read:

19           281.83 **(2)** In selecting projects to perform under this section, the department  
20 shall consider the amount of state funds available, the availability of matching funds  
21 from federal, private or other sources, the willingness and ability of a responsible  
22 person to fund a project, the willingness and ability of a local governmental unit, as  
23 defined in s. ~~144.235~~ 281.51 (1) (c), to undertake or assist in a project, the severity

1 of the environmental contamination that a project will address and the size of the  
2 population affected by the contamination.

3 **SECTION 414.** 144.11 (title) of the statutes is renumbered 281.85 (title).

4 **SECTION 415.** 144.11 (1) of the statutes is repealed.

5 **SECTION 416.** 144.11 (2) of the statutes is renumbered 281.85.

6 **SECTION 417.** 144.14 (title) of the statutes is repealed.

7 **SECTION 418.** 144.14 of the statutes is renumbered 281.17 (6).

8 **SECTION 419.** 144.15 (title) of the statutes is repealed.

9 **SECTION 420.** 144.15 of the statutes is renumbered 281.17 (7).

10 **SECTION 421.** 144.21 of the statutes is renumbered 281.55.

11 **SECTION 422.** 144.23 of the statutes is renumbered 281.56, and 281.56 (1), as  
12 renumbered, is amended to read:

13 281.56 (1) The financial assistance program established under this section is  
14 to be used only if the applicant is unable to receive assistance in a timely manner  
15 from the federal government and supplementary funding program established  
16 under s. ~~144.21~~ 281.55. Receipt of aid under this section makes the applicant  
17 ineligible for aid under s. ~~144.21~~ 281.55.

18 **SECTION 423.** 144.235 of the statutes is renumbered 281.51.

19 **SECTION 424.** 144.24 of the statutes, as affected by 1995 Wisconsin Act 27, is  
20 renumbered 281.57, and 281.57 (4) (b) 1. b. and (9m) (a), as renumbered, are  
21 amended to read:

22 281.57 (4) (b) 1. b. A collection system which the department orders under s.  
23 ~~144.07~~ 281.43 (1) notwithstanding the outcome of the annexation referendum under  
24 s. ~~144.07~~ 281.43 (1m). Notwithstanding sub. (7) (a) and any rules promulgated under

1 this section, the department shall award funding under this subd. 1. b. in an amount  
2 that totals 60% of all costs of the project, rather than of eligible costs of the project.

3 **(9m)** (a) For fiscal year 1989-90, the advance commitment shall include a  
4 provision making the reimbursement of engineering design costs conditional on the  
5 award or making of a construction grant under this section or a loan under ss.  
6 ~~144.241~~ 281.58 and ~~144.2415~~ 281.59. If the financial assistance that the  
7 municipality receives for construction of a treatment work is a loan, the engineering  
8 design cost reimbursement shall be a loan. After June 30, 1990, and before  
9 September 1, 1990, the department may enter into an agreement with a municipality  
10 to provide engineering design costs under this subsection if the department makes  
11 an advance commitment for the reimbursement of those costs before July 1, 1990,  
12 and the municipality receives financial assistance under this section and s. ~~144.2415~~  
13 281.59 for construction.

14 **SECTION 425.** 144.241 of the statutes, as affected by 1995 Wisconsin Act 27, is  
15 renumbered 281.58, and 281.58 (1) (am), (b) 1. to 4., (c) 3. and (cg) to (e), (2m) (a) and  
16 (e), (3m) (a), (6) (a) (intro.) and (b) (intro.), 6. and 8., (7) (a) and (b) (intro.), 1., 2. and  
17 6., (8) (a) (intro.), 4. and 5., (d), (g) to (i) and (L) (intro.), (8m) (a) and (b), (9) (a) to (e),  
18 (9m) (a) 2., (c), (e), (f) (intro.) and (g), (12) (a) (intro.) and (c) 1., (13) (b), (13m), (14)  
19 (b) (intro.), 1. and 4. and (15) (a) 2., as renumbered, are amended to read:

20 281.58 **(1)** (am) "Effluent limitation" has the meaning designated in s. ~~147.015~~  
21 283.01 (6).

22 (b) 1. Those conditions or limitations of a permit under ch. ~~147~~ 283 which, if  
23 violated, could result in the initiation of a civil or criminal action under s. ~~147.29~~  
24 283.89.

1           2. Those provisions of s. ~~144.025 (2) (r)~~ 281.19 (5) which, if violated could result  
2 in a departmental order under s. ~~144.025 (2) (s)~~ 281.19 (7).

3           3. If a permit under ch. ~~147~~ 283 has not been issued, those conditions or  
4 limitations which, in the department's judgment, would be included in the permit  
5 when issued.

6           4. If no permit under ch. ~~147~~ 283 applies, any requirement which the  
7 department determines is necessary for the best practicable waste treatment  
8 technology to meet applicable criteria.

9           (c) 3. All commercial users of an individual system constructed with grant  
10 assistance under s. ~~144.24~~ 281.57.

11           (cg) "Market interest rate" means the interest at the effective rate of a revenue  
12 obligation issued by the state to fund a project loan or a portion of a project loan under  
13 this section and s. ~~144.2415~~ 281.59.

14           (d) "Treatment work" has the meaning designated in s. ~~147.015~~ 283.01 (18).

15           (e) "Violator of an effluent limitation" means a person or municipality that after  
16 May 17, 1988, is not in substantial compliance with the enforceable requirements of  
17 its permit issued under ch. ~~147~~ 283 for a reason that the department determines is  
18 or has been within the control of the person or municipality.

19           **(2m)** (a) Administer its responsibilities under this section and s. ~~144.2415~~  
20 281.59.

21           (e) Inspect periodically clean water fund project construction to determine  
22 project compliance with construction plans and specifications approved by the  
23 department and the requirements of this section and s. ~~144.2415~~ 281.59 and, if  
24 applicable, of 33 USC 1251 to 1376 and 33 USC 1381 to 1387 and the regulations  
25 promulgated thereunder.

1           **(3m)** (a) A list of wastewater treatment projects that the department estimates  
2 will apply for financial assistance under this section and s. ~~144.2415~~ 281.59 during  
3 the next biennium.

4           **(6)** (a) (intro.) The department may determine whether a municipality is  
5 eligible for financial assistance under this section and s. ~~144.2415~~ 281.59 for any of  
6 the following:

7           (b) (intro.) The following methods of providing financial assistance may be used  
8 under this section and s. ~~144.2415~~ 281.59:

9           6. Making loans under s. ~~144.2415~~ 281.59 (13) for the purposes of that  
10 subsection.

11           8. Providing payments to the board of commissioners of public lands to reduce  
12 principal or interest payments, or both, on loans made to municipalities under subch.  
13 II of ch. 24 by the board of commissioners of public lands for projects that are eligible  
14 for financial assistance under this section and s. ~~144.2415~~ 281.59.

15           **(7)** (a) The department shall, by rule, establish criteria for determining which  
16 applicants and which projects are eligible to receive financial assistance under this  
17 section and s. ~~144.2415~~ 281.59. The primary criteria for eligibility shall be water  
18 quality and public health. The rules for projects funded from the account under s.  
19 25.43 (2) (a) shall be consistent with 33 USC 1251 to 1376 and 33 USC 1381 to 1387  
20 and the regulations promulgated thereunder. The rules for projects funded from the  
21 account under s. 25.43 (2) (b) may be consistent with 33 USC 1251 to 1376 and 33  
22 USC 1381 to 1387 and the regulations promulgated thereunder.

23           (b) (intro.) The department may determine whether a municipality is eligible  
24 for financial assistance under this section and s. ~~144.2415~~ 281.59 for any of the  
25 following types of projects:

1           1. Projects that the department determines are necessary to prevent a  
2 municipality from significantly exceeding an effluent limitation contained in a  
3 permit issued under ch. ~~147~~ 283.

4           2. Projects needed to provide treatment to achieve compliance with an  
5 enforceable requirement changed or established after May 17, 1988, if the project is  
6 for a municipality that is in substantial compliance with its permit, issued under ch.  
7 ~~147~~ 283, in regard to the changed or established enforceable requirements.

8           6. Projects for the planning, design, construction or replacement of treatment  
9 works that violate effluent limitations contained in a permit issued under ch. ~~147~~  
10 283.

11           **(8)** (a) (intro.) The following are not eligible for financial assistance from the  
12 clean water fund under this section and s. ~~144.2415~~ 281.59:

13           4. A planning, design or construction project which received financial  
14 assistance under 33 USC 1251 to 1376 or s. ~~144.24~~ 281.57, except for any of the  
15 following:

16           a. The nonlocal share of a project which receives funding under s. ~~144.2415~~  
17 281.59 (13).

18           b. The portion of a project funded under s. ~~144.2415~~ 281.59 (13) relating to a  
19 collection system, even if the costs relating to the collection system were not eligible  
20 under s. ~~144.24~~ 281.57.

21           5. During fiscal years 1989-90 to 1994-95, a person or municipality in violation  
22 of an effluent limitation contained in a permit issued under ch. ~~147~~ 283, unless that  
23 person or municipality is eligible under s. ~~144.2415~~ 281.59 (13).

24           (d) An unsewered municipality that is not constructing a treatment work and  
25 will be disposing of wastewater in the treatment work of another municipality is not

1 eligible for financial assistance under this section and s. ~~144.2415~~ 281.59 until it  
2 executes an agreement under s. 66.30 with another municipality to receive, treat and  
3 dispose of the wastewater of the unsewered municipality.

4 (g) The sum of all of the financial assistance to a municipality approved under  
5 this section and s. ~~144.2415~~ 281.59 for a project may not result in the municipality  
6 paying less than 30% of the cost of the project.

7 (h) Except as provided in par. (k), a municipality that is a violator of an effluent  
8 limitation at the time that the application for a treatment work project is approved  
9 under sub. (9m) may not receive financial assistance of a method specified under sub.  
10 (6) (b) 1., 2., 3., 4. or 5. for that part of the treatment work project that is needed to  
11 correct the violation. This paragraph does not apply to a municipality that after May  
12 17, 1988, is in compliance with a court or department order to correct a violation of  
13 the enforceable requirements of its ch. ~~147~~ 283 permit, and that is applying for  
14 financial assistance under s. ~~144.2415~~ 281.59 (13) to correct that violation.

15 (i) After June 30, 1991, no municipality may receive for projects an amount that  
16 exceeds 35.2% of the amount approved by the legislature under s. ~~144.2415~~ 281.59  
17 (3) (d) for that biennium.

18 (L) (intro.) The total amount of capital cost loans made under this section and  
19 s. ~~144.2415~~ 281.59 may not exceed \$120,000,000, and no capital cost loan funds may  
20 be released under this section and s. ~~144.2415~~ 281.59 until the secretary of  
21 administration has found in writing that all of the following facts have occurred:

22 **(8m)** (a) A municipality shall submit notice to the department of its intent to  
23 apply for financial assistance under this section and s. ~~144.2415~~ 281.59 in a year no  
24 later than December 31 of the preceding year. The notice shall be in a form prescribed  
25 by the department and the department of administration.

1 (b) If a municipality does not apply for financial assistance under this section  
2 and s. 144.2415 281.59 by December 31 of the 2nd year following the year in which  
3 it submitted notice under par. (a), the municipality shall submit a new notice under  
4 par. (a).

5 (9) (a) After the department approves a municipality's facility plan submitted  
6 under sub. (8s), the municipality shall submit an application for participation to the  
7 department. The application shall be in such form and include such information as  
8 the department and the department of administration prescribe and shall include  
9 design plans and specifications that are approvable by the department under this  
10 chapter. The department shall review applications for participation in the program  
11 under this section and s. 144.2415 281.59. The department shall determine which  
12 applications meet the eligibility requirements and criteria under subs. (6), (7), (8),  
13 (8m) and (13).

14 (b) A municipality seeking financial assistance, except for a municipality  
15 seeking a capital cost loan, for a project under this section and s. 144.2415 281.59  
16 shall complete an environmental analysis sequence as required by the department  
17 by rule.

18 (c) If a municipality is serviced by more than one sewerage district for  
19 wastewater pollution abatement, each service area of the municipality shall be  
20 considered a separate municipality for purposes of obtaining financial assistance  
21 under this section and s. 144.2415 281.59.

22 (d) The department of administration and the department jointly may charge  
23 and collect service fees, established by rule, which shall cover the estimated costs of  
24 reviewing and acting upon the application and servicing the financial assistance  
25 agreement. No service fee established by rule under this paragraph may be charged

1 to or collected from an applicant for financial assistance under s. ~~144.2415~~ 281.59  
2 (13).

3 (e) If the governor's recommendation, as set forth in the executive budget bill,  
4 for the amount under s. ~~144.2415~~ 281.59 (3) (d), the amount available under s. 20.866  
5 (2) (tc) or the amount available under s. ~~144.2415~~ 281.59 (4) (f) for a biennium is 85%  
6 or less of the amount of present value subsidy, general obligation bonding authority  
7 or revenue bonding authority, respectively, requested for that biennium in the  
8 biennial finance plan submitted under s. ~~144.2415~~ 281.59 (3) (bm) 1., the department  
9 shall inform municipalities that, if the governor's recommendations are approved,  
10 clean water fund assistance during a fiscal year of that biennium will only be  
11 available to municipalities that submit financial assistance applications by the June  
12 30 preceding that fiscal year.

13 **(9m)** (a) 2. The department of administration initially determines that the  
14 municipality will meet the requirements of s. ~~144.2415~~ 281.59 (9) (b).

15 (c) The department may approve an application under par. (a) in a year only  
16 after the amount under s. ~~144.2415~~ 281.59 (3) (d) for the biennium in which that year  
17 falls has been approved by the legislature under s. ~~144.2415~~ 281.59 (3) (d).

18 (e) 1. Except as provided under par. (f) and sub. (13), if a sufficient amount of  
19 subsidy is available under s. ~~144.2415~~ 281.59 (3) (d) for the municipality's project,  
20 based on the calculation under s. ~~144.2415~~ 281.59 (3) (i), when the department  
21 approves the application under par. (a), the department of administration shall  
22 allocate that amount to the project.

23 2. If a sufficient amount of subsidy is not available under s. ~~144.2415~~ 281.59  
24 (3) (d) for the municipality's project when the department approves the application

1 under subd. 1., the department shall place the project on a list for allocation when  
2 additional subsidy becomes available.

3 (f) (intro.) If the amount approved under s. ~~144.2415~~ 281.59 (3) (d), the amount  
4 available under s. 20.866 (2) (tc) or the amount available under s. ~~144.2415~~ 281.59  
5 (4) (f) for a biennium is 85% or less of the amount of present value subsidy, general  
6 obligation bonding authority or revenue bonding authority, respectively, requested  
7 for that biennium in the biennial finance plan submitted under s. ~~144.2415~~ 281.59  
8 (3) (bm) 1., all of the following apply:

9 (g) In allocating subsidy under this subsection, the department of  
10 administration shall adhere to the amount approved by the legislature for each  
11 biennium under s. ~~144.2415~~ 281.59 (3) (d).

12 **(12)** (a) (intro.) The types of projects for which municipalities may receive loans  
13 under this section and s. ~~144.2415~~ 281.59 shall be classified as follows for the purpose  
14 of setting the percentage of market interest rates on loans funding such projects:

15 (c) 1. The percentage of market interest rates established shall, to the extent  
16 possible, fully allocate the amount of public debt authorized under s. 20.866 (2) (tc),  
17 the amount authorized under s. ~~144.2415~~ 281.59 (3) (d) and the amount of revenue  
18 obligations authorized under s. ~~144.2415~~ 281.59 (4) (f).

19 **(13)** (b) A municipality with an application that is approved under sub. (9m)  
20 is eligible for financial hardship assistance for the project costs that are eligible  
21 under this section and s. ~~144.2415~~ 281.59, except for costs to which sub. (8) (b), (c),  
22 (f) or (h) applies, if the municipality meets all of the following criteria:

23 **(13m)** MINORITY BUSINESS DEVELOPMENT AND TRAINING PROGRAM. (a) The  
24 department shall make grants to projects that are eligible for financial assistance

1 under this section and s. ~~144.2415~~ 281.59 and that are identified as being part of the  
2 minority business development and training program under s. 66.905 (2) (b).

3 (b) Grants provided under this subsection are not included for the purposes of  
4 determining under sub. (8) (i) the amount that a municipality may receive for  
5 projects under this section and s. ~~144.2415~~ 281.59. Grants awarded under this  
6 subsection are not considered for the purposes of sub. (9m) (e) or s. ~~144.2415~~ 281.59  
7 (3) (d).

8 **(14)** (b) (intro.) As a condition of receiving financial assistance under this  
9 section and s. ~~144.2415~~ 281.59, a municipality shall do all of the following:

10 1. Establish a dedicated source of revenue, that is acceptable to the department  
11 of administration under s. ~~144.2415~~ 281.59 (9) (am) and (b), for the repayment of any  
12 financial assistance.

13 4. Comply with those provisions of 33 USC 1381 to 1387, this chapter and ~~ch.~~  
14 ~~147~~ chs. 283, 285 and 289 to 299 and the regulations and rules promulgated  
15 thereunder that the department specifies.

16 **(15)** (a) 2. The department approves plans and specifications under s. ~~144.04~~  
17 281.41.

18 **SECTION 426.** ~~144.2415~~ of the statutes, as affected by 1995 Wisconsin Act 27,  
19 is renumbered 281.59, and 281.59 (1) (a), (b), (d) (intro.), (e) and (f), (2) (a), (3) (a) 5.,  
20 5m. and 6., (c) 2., (dm), (e), (f) and (j), (9) (a), (am) and (b) (intro.) and 1., (11) (a), (b)  
21 and (c), (12), (13) (a) and (b) 1. (intro.), a., b. and d., 1m. (intro.) and a., 2. and 3., (13m),  
22 (13s) and (14), as renumbered, are amended to read:

23 281.59 **(1)** (a) "Effluent limitation" has the meaning given in s. ~~147.015~~ 283.01  
24 (6).

1 (b) "Market interest rate" means the interest at the effective rate of a revenue  
2 obligation issued by the state to fund a project loan or a portion of a project loan under  
3 this section and s. ~~144.241~~ 281.58.

4 (d) (intro.) "Subsidy" means the amounts provided by the clean water fund to  
5 projects receiving financial assistance under this section and s. ~~144.241~~ 281.58 for  
6 the following purposes:

7 (e) "Treatment work" has the meaning given in s. ~~147.015~~ 283.01 (18).

8 (f) "Violator of an effluent limitation" means a person or municipality that after  
9 May 17, 1988, is not in substantial compliance with the enforceable requirements of  
10 its permit issued under ch. ~~147~~ 283 for a reason that the department determines is  
11 or has been within the control of the person or municipality.

12 **(2)** (a) Administer its responsibilities under this section and s. ~~144.241~~ 281.58.

13 **(3)** (a) 5. Audited financial statements of the past operations and activities of  
14 the program under this section and s. ~~144.241~~ 281.58, the estimated fund capital  
15 available in each of the next 4 fiscal years, and the projected clean water fund balance  
16 for each of the next 20 years given existing obligations and financial conditions.

17 5m. The estimated spending level and percentage of market interest rate for  
18 the types of projects specified under s. ~~144.241~~ 281.58 (7) (b) 1. to 3.

19 6. An amount equal to the estimated present value of subsidies for all clean  
20 water fund loans and grants expected to be made for the wastewater treatment  
21 projects listed in the biennial needs list under s. ~~144.241~~ 281.58 (3m), discounted at  
22 a rate of 7% per year to the first day of the biennium for which the biennial finance  
23 plan is prepared.

24 (c) 2. The amount of public debt, authorized under s. 20.866 (2) (tc), that the  
25 state may contract for the purposes of s. ~~144.241~~ 281.58 and this section.

1 (dm) The department of administration may allocate amounts approved under  
2 par. (d) as the present value of subsidies for financial assistance under this section  
3 and s. ~~144.241~~ 281.58, including financial hardship assistance and assistance for the  
4 additional costs of approved projects. The department of administration may  
5 allocate amounts from the amount approved under par. (d) for a biennium until  
6 December 30 of the fiscal year immediately following the biennium for projects for  
7 which complete applications under s. ~~144.241~~ 281.58 (9) (a) are submitted before the  
8 end of the biennium.

9 (e) The department may expend, for financial assistance in a biennium other  
10 than financial hardship assistance under s. ~~144.241~~ 281.58 (13) (e), an amount up  
11 to 85% of the amount approved by the legislature under par. (d). The department  
12 may expend such amount only from the percentage of the amount approved under  
13 par. (d) that is not available under par. (f) for financial hardship assistance.

14 (f) The department may expend, for financial hardship assistance in a  
15 biennium under s. ~~144.241~~ 281.58 (13) (e), an amount up to 15% of the amount  
16 approved by the legislature under par. (d) for that biennium. The department may  
17 expend such amount only from the percentage of the amount approved by the  
18 legislature under par. (d) that is not available under par. (e) for financial assistance.

19 (j) No later than November 1 of each odd-numbered year, the department of  
20 administration and the department jointly shall submit a report, to the building  
21 commission and committees as required under par. (bm), on the implementation of  
22 the amount established under par. (d) as required under s. ~~144.241~~ 281.58 (9m) (e),  
23 and on the operations and activities of the clean water fund program for the previous  
24 biennium.

1           **(9)** (a) A loan approved under this section and s. ~~144.241~~ 281.58 shall be for no  
2 longer than 20 years, as determined by the department of administration, be fully  
3 amortized not later than 20 years after the original date of the note, and require the  
4 repayment of principal and interest, if any, to begin not later than 12 months after  
5 the expected date of completion of the project that it funds, as determined by the  
6 department of administration.

7           (am) The department of administration, in consultation with the department,  
8 may establish those terms and conditions of a financial assistance agreement that  
9 relate to its financial management, including what type of municipal obligation, as  
10 set forth under s. 66.36, is required for the repayment of the financial assistance.  
11 Any terms and conditions established under this paragraph by the department of  
12 administration shall comply with the requirements of this section and s. ~~144.241~~  
13 281.58. In setting such terms and conditions, the department of administration may  
14 consider factors that the department of administration finds are relevant, including  
15 the type of municipal obligation evidencing the loan, the pledge of security for the  
16 municipal obligation and the municipality's creditworthiness.

17           (b) (intro.) As a condition of receiving financial assistance under this section  
18 and s. ~~144.241~~ 281.58, a municipality shall do all of the following:

19           1. Pledge the security, if any, required by the rules promulgated by the  
20 department of administration under this section and s. ~~144.241~~ 281.58.

21           **(11)** (a) The department of natural resources and the department of  
22 administration may enter into a financial assistance agreement with a municipality  
23 for which the department of administration has allocated subsidy under s. ~~144.241~~  
24 281.58 (9m) if the municipality meets the conditions under sub. (9) and s. ~~144.241~~  
25 281.58 (14) and the other requirements under this section and s. ~~144.241~~ 281.58.

1 (b) If a municipality fails to make a principal repayment or interest payment  
2 after its due date, the department of administration shall place on file a certified  
3 statement of all amounts due under this section and s. ~~144.241~~ 281.58. After  
4 consulting the department, the department of administration may collect all  
5 amounts due by deducting those amounts from any state payments due the  
6 municipality or may add a special charge to the amount of taxes apportioned to and  
7 levied upon the county under s. 70.60. If the department of administration collects  
8 amounts due, it shall remit those amounts to the fund to which they are due and  
9 notify the department of that action.

10 (c) The department of administration may retain the last payment under a  
11 financial assistance agreement until the department of natural resources and the  
12 department of administration determine that the project is completed and meets the  
13 applicable requirements of this section and s. ~~144.241~~ 281.58 and that the conditions  
14 of the financial assistance agreement are met.

15 **(12) MUNICIPAL OBLIGATIONS.** The department of administration may purchase  
16 or refinance obligations specified in s. ~~144.241~~ 281.58 (6) (b) 1. or 2. and guarantee  
17 or purchase insurance for municipal obligations specified in s. ~~144.241~~ 281.58 (6) (b)  
18 3. if the department of administration and the department of natural resources  
19 approve the financial assistance under this section and s. ~~144.241~~ 281.58.

20 **(13)** (a) 1. Notwithstanding any other provision of this section and s. ~~144.241~~  
21 281.58, a municipality that submits to the department by January 2, 1989, a facility  
22 plan meeting the requirements of s. ~~144.24~~ 281.57 which is approvable under this  
23 chapter and that does not receive a grant award before July 1, 1990, only because the  
24 municipality is following a schedule contained in the facility plan and approved by  
25 the department and the municipality is in compliance with all applicable schedules

1 contained in a permit issued under ch. ~~147~~ 283 or because there are insufficient grant  
2 funds under s. ~~144.24~~ 281.57, is eligible to receive financial assistance under this  
3 paragraph. The form of the financial assistance is a loan with an interest rate of 2.5%  
4 per year except that s. ~~144.241~~ 281.58 (8) (b), (f) and (k) applies to projects receiving  
5 financial assistance under this paragraph.

6 2. Notwithstanding any other provision of this section or s. ~~144.241~~ 281.58, the  
7 department shall make all loans under subd. 1. to municipalities ready to construct  
8 treatment works before the department provides or approves any other financial  
9 assistance under this section except for loans under par. (b).

10 (b) 1. (intro.) Notwithstanding any other provision of this section or s. ~~144.241~~  
11 281.58, an unsewered municipality is eligible to receive financial assistance under  
12 this paragraph, in the form of a loan with an interest rate of 2.5% per year, which may  
13 be for original financing or refinancing for a collection system that is ineligible for  
14 financial assistance under s. ~~144.24~~ 281.57 because of s. ~~144.24~~ 281.57 (4) (b) 1. and  
15 that is being connected to an existing wastewater treatment plant if all of the  
16 following apply:

17 a. The municipality applies to the department for financial assistance under  
18 s. ~~144.24~~ 281.57 (5) for a construction project during 1988.

19 b. Before January 1, 1989, the department issues a notice under s. ~~144.24~~  
20 281.57 (6) that the department is ready to allocate funds to the municipality for the  
21 project.

22 d. The municipality receives a grant under s. ~~144.24~~ 281.57 for the construction  
23 of the project from the list developed by the department under s. ~~144.24~~ 281.57 (6)  
24 (a) for applications received in 1988.

1           1m. (intro.) Notwithstanding any other provision of this section or s. ~~144.241~~  
2           281.58, a town sanitary district is eligible to receive financial assistance under this  
3           paragraph, in the form of a loan with an interest rate of 2.5% per year, for the  
4           extension of a collection system into an unsewered area that is added to the sanitary  
5           district if all of the following apply:

6           a. The department has awarded a grant to the town sanitary district under s.  
7           ~~144.24~~ 281.57 (4) (b) 1. c. for a collection system.

8           2. Section ~~144.241~~ 281.58 (8) (b), (f) and (k) applies to projects receiving  
9           financial assistance under this paragraph.

10          3. Notwithstanding any provision of this section or s. ~~144.241~~ 281.58, the  
11          department shall annually allocate funds for loans under subds. 1. and 1m before the  
12          department provides or approves any other financial assistance under this section  
13          or s. ~~144.241~~ 281.58.

14          **(13m)** LEGISLATIVE MORAL OBLIGATION. The building commission may, at the  
15          time the loan is made, by resolution designate a loan made under this section and  
16          s. ~~144.241~~ 281.58 as one to which this subsection applies. If at any time the payments  
17          received or expected to be received from a municipality on any loan so designated are  
18          pledged to secure revenue obligations of the state issued pursuant to subch. II of ch.  
19          18 and are insufficient to pay when due principal of and interest on such loan, the  
20          department of administration shall certify the amount of such insufficiency to the  
21          secretary of administration, the governor and the joint committee on finance. If the  
22          certification is received by the secretary of administration in an even-numbered year  
23          before the completion of the budget under s. 16.43, the secretary of administration  
24          shall include the certified amount in the budget compilation. In any event, the joint  
25          committee on finance shall introduce in either house, in bill form, an appropriation

1 of the amount so requested for the purpose of payment of the revenue obligation  
2 secured thereby. Recognizing its moral obligation to do so, the legislature hereby  
3 expresses its expectation and aspiration that, if ever called upon to do so, it shall  
4 make the appropriation.

5 **(13s) POWERS.** The department of administration may audit, or contract for  
6 audits of, projects receiving financial assistance under this section and s. ~~144.241~~  
7 281.58.

8 **(14) RULES.** The department of administration shall promulgate rules that are  
9 necessary for the proper execution of this section and of its responsibilities under s.  
10 ~~144.241~~ 281.58.

11 **SECTION 427.** 144.242 of the statutes is renumbered 281.63, and 281.63 (4) (a)  
12 and (6), as renumbered, are amended to read:

13 281.63 (4) (a) *Eligible municipalities.* Only a municipality with a sewerage  
14 system which is violating ch. 147 283 or title III of the federal act because of combined  
15 sewer overflow is eligible to receive financial assistance under the combined sewer  
16 overflow abatement financial assistance program.

17 **(6) PRIORITY.** Each municipality shall notify the department of its intent to  
18 apply for financial assistance under the combined sewer overflow abatement  
19 financial assistance program. For those municipalities that notify the department  
20 of their intention to apply for financial assistance under this program by December  
21 31, the department shall establish annually a priority list which ranks these projects  
22 in the same order as they appear on the list prepared under s. ~~144.24~~ 281.57 (6) (a).

23 **SECTION 428.** 144.25 of the statutes, as affected by 1995 Wisconsin Act 27, is  
24 renumbered 281.65, and 281.65 (2) (a) and (b), (4) (c), (cd) and (e), (5w) and (8d), as  
25 renumbered, are amended to read:

1           281.65 **(2)** (a) “Best management practices” means practices, techniques or  
2 measures, except for dredgings, identified in areawide water quality management  
3 plans, which are determined to be the most effective means of preventing or reducing  
4 pollutants generated from nonpoint sources, or from the sediments of inland lakes  
5 polluted by nonpoint sources, to a level compatible with water quality objectives  
6 established under this section and which do not have an adverse impact on fish and  
7 wildlife habitat. The practices, techniques or measures include land acquisition,  
8 storm sewer rerouting and the removal of structures necessary to install structural  
9 urban best management practices, facilities for the handling and treatment of  
10 milkhouse wastewater, repair of fences built using grants under this section and  
11 measures to prevent or reduce pollutants generated from mine tailings disposal sites  
12 for which the department has not approved a plan of operation under s. 144.44 ~~(3)~~  
13 289.30.

14           (b) “Nonpoint source” means a land management activity which contributes to  
15 runoff, seepage or percolation which adversely affects or threatens the quality of  
16 waters of this state and which is not a point source as defined under s. ~~147.015~~ 283.01  
17 (12).

18           **(4)** (c) Through the continuing planning process under s. ~~147.25~~ 283.83,  
19 identify those watersheds where the need for nonpoint source water pollution  
20 abatement is most critical and, before July 1 of each even-numbered year, submit  
21 its recommendations for designating additional watersheds under sub. (3) (am) to  
22 the land and water conservation board.

23           (cd) Identify, through the continuing planning process under s. ~~147.25~~ 283.83,  
24 the lakes where the need for nonpoint source water pollution abatement is most  
25 critical and, before July 1 of each even-numbered year, submit its recommendations

1 for designating additional lakes under sub. (3) (am) to the land and water  
2 conservation board.

3 (e) Promulgate rules, in consultation with the department of agriculture, trade  
4 and consumer protection, as are necessary for the proper execution and  
5 administration of the program under this section. Before promulgating rules under  
6 this paragraph, the department shall submit the rules to the land and water  
7 conservation board for review under sub. (3) (at). The rules shall include standards  
8 and specifications concerning best management practices which are required for  
9 eligibility for cost-sharing grants under this section. The department may waive the  
10 standards and specifications in exceptional cases. Only persons involved in the  
11 administration of the program under this section, persons who are grant recipients  
12 or applicants and persons who receive notices of intent to issue orders under s.  
13 ~~144.025 (2) (u) 2.~~ 281.20 (1) (b) are subject to the rules promulgated under this  
14 paragraph. Any rule promulgated under this paragraph which relates or pertains  
15 to agricultural practices relating to animal waste handling and treatment is subject  
16 to s. 13.565.

17 **(5w)** After the land and water conservation board approves a priority  
18 watershed or priority lake plan or a modification to such a plan that designates a site  
19 to be a critical site, the department shall notify the owner or operator of that site of  
20 the designation and of the provisions in sub. (7) and either s. ~~144.025 (2) (u) 2., (v)~~  
21 ~~and (w)~~ 281.20 or, if the pollution is caused primarily by animal waste, ss. NR 243.21  
22 to 243.26, Wis. adm. code.

23 **(8d)** The department may distribute a grant to the board of regents of the  
24 University of Wisconsin System for practices, techniques or measures to control  
25 storm water discharges on a University of Wisconsin System campus that is located

1 in a municipality that is required to obtain a permit under s. ~~147.021~~ 283.33 and that  
2 is located in a priority watershed area, a priority lake area or an area that is  
3 identified as an area of concern by the International Joint Commission, as defined  
4 in s. ~~144.10 (1) (a)~~ 281.35 (1) (h), under the Great Lakes Water Quality Agreement.

5 **SECTION 429.** 144.251 of the statutes is renumbered 281.67.

6 **SECTION 430.** 144.253 of the statutes, as affected by 1995 Wisconsin Act 27, is  
7 renumbered 281.68, and 281.68 (4), as renumbered, is amended to read:

8 281.68 (4) At the completion of a lake management planning project, upon  
9 request of the recipient of a grant under this section, the department may approve  
10 recommendations made as a result of the project as eligible activities for a lake  
11 management grant under s. ~~144.254~~ 281.69.

12 **SECTION 431.** 144.254 of the statutes, as affected by 1995 Wisconsin Act 27, is  
13 renumbered 281.69, and 281.69 (3) (a), as renumbered, is amended to read:

14 281.69 (3) (a) A designation of eligible recipients, which shall include nonprofit  
15 conservation organizations, as defined in s. 23.0955 (1), counties, cities, towns,  
16 villages, qualified lake associations, as defined in s. ~~144.253~~ 281.68 (1), town  
17 sanitary districts, public inland lake protection and rehabilitation districts and  
18 other local governmental units, as defined in s. 66.299 (1) (a), that are established  
19 for the purpose of lake management.

20 **SECTION 432.** 144.26 of the statutes is renumbered 281.31.

21 **SECTION 433.** 144.265 of the statutes is renumbered 281.77, and 281.77 (1) (a)  
22 and (b), (2) (b) and (3), as renumbered, are amended to read:

23 281.77 (1) (a) "Private water supply" ~~has the meaning specified under s.~~  
24 ~~144.442 (1) (em), except this term excludes a well which is not a source of water for~~  
25 ~~humans unless the well is constructed by drilling~~ means a well that is used as a water

1 supply for humans or a well that is constructed by drilling and is used as a water  
2 supply for livestock, as defined in s. 95.80 (1) (b), or poultry.

3 (b) "Regulated activity" means an activity for which the department may issue  
4 an order under chs. 285 or 289 to 299 or this chapter, except s. 281.48, if the activity  
5 is conducted in violation of chs. 285 or 289 to 299 or this chapter, except s. 281.48,  
6 or in violation of licenses, permits or special orders issued or rules promulgated  
7 under chs. 285 or 289 to 299 or this chapter, except s. 281.48.

8 (2) (b) If the department finds that a regulated activity caused a private water  
9 supply to become contaminated, polluted or unfit for consumption by humans,  
10 livestock or poultry, and if the regulated activity is an approved facility, as defined  
11 in s. ~~144.442 (1) (a)~~ 289.01 (3), the department may conduct a hearing under s.  
12 ~~144.442 (6)~~ 292.31 (3) (f). If the damage to the private water supply is caused by an  
13 occurrence not anticipated in the plan of operation which poses a substantial hazard  
14 to public health or welfare, the department may expend moneys in the  
15 environmental fund that are available for environmental repair to treat the water  
16 to render it drinkable, or to repair or replace the private water supply, and to  
17 reimburse the town, village or city for the cost of providing water under sub. (4). If  
18 the damage to the private water supply is not caused by an occurrence not  
19 anticipated in the plan of operation, if the damage does not pose a substantial hazard  
20 to public health or welfare, or if moneys in the environmental fund that may be used  
21 for environmental repair are insufficient, the department may order the owner or  
22 operator of the regulated activity to treat the water to render it fit for consumption  
23 by humans, livestock and poultry, or to repair or replace the private water supply,  
24 and to reimburse the town, village or city for the cost of providing water under sub.  
25 (4).

1           **(3)** In any action brought by the department of justice under s. ~~144.98~~ 299.95,  
2 if the court finds that a regulated activity owned or operated by the defendant has  
3 caused a private water supply to become contaminated, polluted or unfit for  
4 consumption by humans, livestock or poultry, the court may order the defendant to  
5 treat the water to render it fit for consumption by humans, livestock and poultry,  
6 repair the private water supply or replace the private water supply and to reimburse  
7 the town, village or city for the cost of providing water under sub. (4).

8           **SECTION 434.** 144.266 of the statutes, as affected by 1995 Wisconsin Act 27, is  
9 renumbered 281.33.

10           **SECTION 435.** 144.27 of the statutes is renumbered 281.92 and amended to  
11 read:

12           **281.92 Limitation.** Nothing in this ~~subchapter~~ chapter affects ss. 196.01 to  
13 196.79 or ch. 31.

14           **SECTION 436.** Subchapter III (title) of chapter 144 [precedes 144.30] of the  
15 statutes is repealed.

16           **SECTION 437.** 144.30 (intro.) of the statutes is repealed.

17           **SECTION 438.** 144.30 (1) and (2) of the statutes are renumbered 285.01 (1) and  
18 (2).

19           **SECTION 439.** 144.30 (3) and (3m) of the statutes are renumbered 285.01 (4) and  
20 (5), and 285.01 (4) and (5) (a), as renumbered, are amended to read:

21           285.01 (4) "Air pollution control permit" means any permit required or allowed  
22 under s. ~~144.391~~ 285.60.

23           **(5)** (a) The apportionment among air contaminant sources of the difference  
24 between an ambient air quality standard and the concentration in the atmosphere

1 of the corresponding air contaminant in existence at the time the rule promulgated  
2 under s. ~~144.373~~ 285.25 becomes effective; or

3 **SECTION 440.** 144.30 (3r), (4), (5), (6) and (7) of the statutes are renumbered  
4 285.01 (6), (7), (8), (9) and (10).

5 **SECTION 441.** 144.30 (8) of the statutes is renumbered 285.01 (11) and amended  
6 to read:

7 285.01 (11) "Base line concentration" means concentration in the atmosphere  
8 of an air contaminant which exists in an area at the time of the first application to  
9 the U.S. environmental protection agency for a prevention of significant  
10 deterioration permit under 42 USC 7475 or the first application for an air pollution  
11 control permit under s. ~~144.391~~ 285.60 for a major source located in an attainment  
12 area, whichever occurs first, less any contribution from stationary sources identified  
13 in 42 USC 7479 (4).

14 **SECTION 442.** 144.30 (9) of the statutes is renumbered 285.01 (12).

15 **SECTION 443.** 144.30 (10), (11), (12), (13) and (14) of the statutes are  
16 renumbered 285.01 (15), (16), (17), (18) and (19).

17 **SECTION 444.** 144.30 (14m) of the statutes is renumbered 285.01 (20) and  
18 amended to read:

19 285.01 (20) "Growth accommodation" means the amount of volatile organic  
20 compounds specified in s. ~~144.40~~ 285.39 (1) (a).

21 **SECTION 445.** 144.30 (15) of the statutes is renumbered 285.01 (23).

22 **SECTION 446.** 144.30 (16) of the statutes is renumbered 285.01 (24) and  
23 amended to read:

1           285.01 **(24)** “Major source” means a stationary source that is capable of emitting  
2           an air contaminant in an amount in excess of an amount specified by the department  
3           by rule under s. ~~144.31 (1) (r)~~ 285.11 (16).

4           **SECTION 447.** 144.30 (19e) of the statutes is renumbered 285.01 (25).

5           **SECTION 448.** 144.30 (20) of the statutes is renumbered 285.01 (26) and  
6           amended to read:

7           285.01 **(26)** “Modification” means any physical change in, or change in the  
8           method of operation of, a stationary source that increases the amount of emissions  
9           of an air contaminant or that results in the emission of an air contaminant not  
10          previously emitted, subject to rules promulgated under s. ~~144.31 (1) (s)~~ 285.11 (17).

11          **SECTION 449.** 144.30 (20e) and (20s) of the statutes are renumbered 285.01 (27)  
12          and (29).

13          **SECTION 450.** 144.30 (21) of the statutes is renumbered 285.01 (30) and  
14          amended to read:

15          285.01 **(30)** “Nonattainment area” means an area identified by the department  
16          in a document prepared under s. ~~144.371~~ 285.23 (2) where the concentration in the  
17          atmosphere of an air contaminant exceeds an ambient air quality standard.

18          **SECTION 451.** 144.30 (22r) and (22rm) of the statutes are renumbered 285.01  
19          (34) and (36).

20          **SECTION 452.** 144.30 (22s) of the statutes is renumbered 285.01 (37) and  
21          amended to read:

22          285.01 **(37)** “Replenishment implementation period” means the period between  
23          August 1, 1987, and December 31 of the year by which the department requires full  
24          compliance with rules required to be promulgated under s. ~~144.40~~ 285.39 (3).

1           **SECTION 453.** 144.30 (23), (24) and (25) of the statutes are renumbered 285.01  
2 (41), (42) and (43).

3           **SECTION 454.** 144.31 (title) of the statutes is repealed.

4           **SECTION 455.** 144.31 (1) of the statutes is renumbered 285.11, and 285.11 (1),  
5 (2), (4), (6) (a), (8) and (11), as renumbered, are amended to read:

6           285.11 (1) Promulgate rules implementing and consistent with ~~ss. 144.30 to~~  
7 ~~144.426 and 144.96~~ this chapter and s. 299.15.

8           (2) Encourage voluntary cooperation by persons and affected groups to achieve  
9 the purposes of ~~ss. 144.30 to 144.426 and 144.96~~ this chapter and s. 299.15.

10           (4) Collect and disseminate information and conduct educational and training  
11 programs relating to the purposes of ~~ss. 144.30 to 144.426 and 144.96~~ this chapter  
12 and s. 299.15.

13           (6) (a) The measures are part of an interstate ozone control strategy  
14 implementation agreement under ~~sub. (4) s. 285.15~~ signed by the governor of this  
15 state and of the state of Illinois.

16           (8) Consult, upon request, with any person proposing to construct, install, or  
17 otherwise acquire an air contaminant source, device or system for the control thereof,  
18 concerning the efficacy of such device or system, or the air pollution problem which  
19 may be related to the source, device or system. Nothing in any such consultation  
20 shall relieve any person from compliance with ~~ss. 144.30 to 144.426~~ this chapter or  
21 rules pursuant thereto, or any other provision of law.

22           (11) Coordinate the reporting requirements under ~~ss. 144.394 and 144.96~~  
23 285.65 and 299.15 in order to minimize duplicative reporting requirements.

24           **SECTION 456.** 144.31 (2) of the statutes is renumbered 285.13, and 285.13 (1),  
25 (2) and (7), as renumbered, are amended to read:

1           285.13 (1) Hold hearings relating to any aspect of the administration of ss.  
2           144.30 to 144.426 and 144.96 this chapter and s. 299.15 and, in connection therewith,  
3           compel the attendance of witnesses and the production of evidence.

4           (2) Issue orders to effectuate the purposes of ss. 144.30 to 144.426 and 144.96  
5           this chapter and s. 299.15 and enforce the same by all appropriate administrative  
6           and judicial proceedings.

7           (7) Establish by rule, consistent with the federal clean air act, the amount of  
8           offsetting emissions reductions required under s. 144.393 285.63 (2) (a).

9           **SECTION 457.** 144.31 (3) of the statutes is renumbered 285.51, and 285.51 (1),  
10          (3) (intro.), (a) and (c), (4), (5) and (6), as renumbered, are amended to read:

11          285.51 (1) In this ~~subsection~~ section, “solid waste treatment” has the meaning  
12          given in s. 144.43 (7r) 289.01 (39).

13          (3) (intro.) The program under ~~par. (b)~~ sub. (2) does not apply with respect to  
14          any of the following:

15           (a) A facility described in s. 159.07 287.07 (7) (bg).

16           (c) A solid waste treatment facility for high-volume industrial waste as defined  
17          in s. 144.44 (7) 289.01 (17).

18          (4) The training required under ~~par. (b) 2.~~ sub. (2) (b) may be conducted by the  
19          department or by another person with the approval of the department.

20          (5) The department may suspend or revoke a solid waste treatment facility’s  
21          operating license if persons at the facility fail to obtain certification required under  
22          ~~par. (b) 1.~~ sub. (2) (a) or for failure to have a certified operator on the site as required  
23          under ~~par. (b) 5.~~ sub. (2) (e).

24          (6) The department may suspend or revoke an operator’s certification for  
25          failure to comply with ss. 144.30 to 144.426 this chapter, rules promulgated under

1 ~~these sections~~ this chapter or conditions of operation made applicable to a solid waste  
2 treatment facility by the department.

3 **SECTION 458.** 144.31 (4) of the statutes is renumbered 285.15.

4 **SECTION 459.** 144.32 of the statutes is renumbered 285.71 and amended to  
5 read:

6 **285.71 Federal aid.** Subdivisions of this state and interlocal agencies may  
7 make application for, receive, administer and expend any federal aid for the control  
8 of air pollution or the development and administration of programs related to air  
9 pollution control if first submitted to and approved by the department. The  
10 department shall approve any such application if it is consistent with the purposes  
11 of ~~ss. 144.30 to 144.426~~ this chapter and any other applicable requirements of law.

12 **SECTION 460.** 144.33 of the statutes is renumbered 285.70 and amended to  
13 read:

14 **285.70 Confidentiality of records. (1)** Except as provided in sub. (2), the  
15 department shall make any record, report or other information obtained in the  
16 administration of ~~ss. 144.30 to 144.426 and 144.96~~ this chapter and s. 299.15  
17 available to the public.

18 **(2)** The department shall keep confidential any part of a record, report or other  
19 information obtained in the administration of ~~ss. 144.30 to 144.426 and 144.96~~ this  
20 chapter and s. 299.15, other than emission data or an air pollution control permit,  
21 upon a showing satisfactory to the department by any person that the part of a  
22 record, report or other information would, if made public, divulge a method or process  
23 that is entitled to protection as a trade secret, as defined in s. 134.90 (1) (c), of that  
24 person.

1           **(3)** Subsection (2) does not prevent the disclosure of any information to a  
2 representative of the department for the purpose of administering ~~ss. 144.30 to~~  
3 ~~144.426 and 144.96~~ this chapter and s. 299.15 or to an officer, employe or authorized  
4 representative of the federal government for the purpose of administering the  
5 federal clean air act. When the department provides information that is confidential  
6 under sub. (2) to the federal government, the department shall also provide a copy  
7 of the application for confidential status.

8           **SECTION 461.** 144.34 of the statutes is renumbered 285.19 and amended to  
9 read:

10           **285.19 Inspections.** Any duly authorized officer, employe or representative  
11 of the department may enter and inspect any property, premises or place on or at  
12 which an air contaminant source is located or is being constructed or installed at any  
13 reasonable time for the purpose of ascertaining the state of compliance with ~~ss.~~  
14 ~~144.30 to 144.426 and 144.96~~ this chapter and s. 299.15 and rules promulgated or  
15 permits issued under ~~those sections~~ this chapter or s. 299.15. No person may refuse  
16 entry or access to any authorized representative of the department who requests  
17 entry for purposes of inspection, and who presents appropriate credentials. No  
18 person may obstruct, hamper or interfere with any such inspection. The department,  
19 if requested, shall furnish to the owner or operator of the premises a report setting  
20 forth all facts found which relate to compliance status.

21           **SECTION 462.** 144.36 of the statutes is renumbered 285.79, and 285.79 (3) (c)  
22 and (f) and (4), as renumbered, are amended to read:

23           285.79 **(3) (c)** A compliance assistance program that assists small business  
24 stationary sources in determining applicable requirements under ~~ss. 144.30 to~~

1 ~~144.426 and 144.96~~ this chapter and s. 299.15 and in receiving air pollution control  
2 permits in a timely and efficient manner.

3 (f) Procedures for consideration of a request from a small business stationary  
4 source for alteration of any required work practice or technological method of  
5 compliance with ~~ss. 144.30 to 144.426~~ this chapter or of the schedule of measures that  
6 must be taken to implement a required work practice or method of compliance before  
7 an applicable compliance date, based on the technological and financial capability  
8 of the small business stationary source.

9 (4) GRANTING ALTERATIONS. The department may not grant an alteration under  
10 sub. (3) (f) unless the alteration complies with the requirements of the federal clean  
11 air act and any applicable plan under s. ~~144.31 (1) (f)~~ 285.11 (6). If those applicable  
12 requirements are set forth in federal regulations, the department may only grant  
13 alterations authorized in those regulations.

14 **SECTION 463.** 144.371 of the statutes is renumbered 285.23.

15 **SECTION 464.** 144.3712 of the statutes, as affected by 1995 Wisconsin Act 52,  
16 is renumbered 285.33, and 285.33 (1) (b) and (4) (a) 3., as renumbered, are amended  
17 to read:

18 285.33 (1) (b) The department may, by rule, determine areas of the state, other  
19 than areas described under par. (a), in which the department will require employe  
20 trip reduction programs. The department may not require an employe trip reduction  
21 program in an area unless that requirement is authorized under s. ~~144.31 (1) (f)~~  
22 285.11 (6).

23 (4) (a) 3. A reduction of emissions of volatile organic compounds, achieved after  
24 August 31, 1995, in the areas described under sub. (1) (a) or (b) that is equal to or  
25 greater than the reduction of the emissions of volatile organic compounds that would

1 be achieved under a compliance plan under sub. (3) (a), if the emissions reduction is  
2 included in an operation permit under s. ~~144.391~~ 285.60 or another document that  
3 is enforceable by the federal government.

4 **SECTION 465.** 144.3714 of the statutes is renumbered 285.35, and 285.35 (2) (b),  
5 as renumbered, is amended to read:

6 285.35 (2) (b) The department may, by rule, determine areas of the state, other  
7 than areas described under par. (a), in which the department will require clean-fuel  
8 vehicle programs. The department may not require a clean-fuel vehicle program in  
9 an area unless that requirement is authorized under s. ~~144.31(1)(f)~~ 285.11 (6).

10 **SECTION 466.** 144.3716 (title), (1) and (2) (title) and (a) of the statutes are  
11 renumbered 285.37 (title), (1) and (2) (title) and (a).

12 **SECTION 467.** 144.3716 (2) (am), (b) and (c) of the statutes are renumbered  
13 285.37 (2) (b), (c) and (d) and amended to read:

14 285.37 (2) (b) The department shall issue documents that describe areas of the  
15 state, other than areas described under par. (a) or ~~(b)~~ (c), in which the use of  
16 reformulated gasoline is required, if the governor designates the areas in an  
17 application under 42 USC 7545 (k) (6) that is approved by the administrator of the  
18 federal environmental protection agency.

19 (c) The department may, by rule, determine areas of the state, other than areas  
20 described under par. (a) or ~~(am)~~ (b), in which the department will require the use of  
21 reformulated gasoline. The department may not require the use of reformulated  
22 gasoline in an area unless that requirement is authorized under s. ~~144.31(1)(f)~~  
23 285.11 (6).

1 (d) Notwithstanding ss. 227.01 (13) and 227.10 (1), a document issued under  
2 par. (a) or ~~(am)~~ (b) is not a rule. A document issued under par. (a) may be reviewed  
3 under ss. 227.42 and 227.52.

4 **SECTION 468.** 144.3716 (3) of the statutes is renumbered 285.37 (3), and 285.37  
5 (3) (a), as renumbered, is amended to read:

6 285.37 **(3)** (a) Except as provided in par. (b), beginning on January 1, 1995, no  
7 person may sell gasoline in an area described under sub. (2) (a), ~~(am)~~ or (b) or (c)  
8 unless the gasoline satisfies the minimum specifications for reformulated gasoline  
9 under s. 168.04.

10 **SECTION 469.** 144.372 of the statutes is renumbered 285.29.

11 **SECTION 470.** 144.373 of the statutes is renumbered 285.25.

12 **SECTION 471.** 144.374 of the statutes is renumbered 285.62 (11).

13 **SECTION 472.** 144.375 (title) of the statutes is repealed.

14 **SECTION 473.** 144.375 (1), (2) and (3) of the statutes are renumbered 285.21 (1),  
15 (2) and (3), and 285.21 (1) (a) and (2), as renumbered, are amended to read:

16 285.21 **(1)** (a) *Similar to federal standard.* If an ambient air quality standard  
17 is promulgated under section 109 of the federal clean air act, the department shall  
18 promulgate by rule a similar standard but this standard may not be more restrictive  
19 than the federal standard except as provided under sub. ~~(6)~~ (4).

20 **(2) AMBIENT AIR INCREMENT.** The department shall promulgate by rule ambient  
21 air increments for various air contaminants in attainment areas. The ambient air  
22 increments shall be consistent with and not more restrictive, either in terms of the  
23 concentration or the contaminants to which they apply, than ambient air increments  
24 under the federal clean air act except as provided under sub. ~~(6)~~ (4).

1           **SECTION 474.** 144.375 (4), (5) and (5m) of the statutes are renumbered 285.27  
2 (1), (2) and (3), and 285.27 (1) (a) and (c) and (2) (a) and (c), as renumbered, are  
3 amended to read:

4           285.27 **(1)** (a) *Similar to federal standard.* If a standard of performance for new  
5 stationary sources is promulgated under section 111 of the federal clean air act, the  
6 department shall promulgate by rule a similar emission standard but this standard  
7 may not be more restrictive in terms of emission limitations than the federal  
8 standard except as provided under sub. ~~(6)~~ (4).

9           (c) *Restrictive standard.* The department may impose a more restrictive  
10 emission standard of performance for a new stationary source than the standard  
11 promulgated under par. (a) or (b) on a case-by-case basis if a more restrictive  
12 emission standard is needed to meet the applicable lowest achievable emission rate  
13 under s. ~~144.393~~ 285.63 (2) (b) or to install the best available control technology  
14 under s. ~~144.393~~ 285.63 (3) (a).

15           **(2)** (a) *Similar to federal standard.* If an emission standard for a hazardous  
16 air contaminant is promulgated under section 112 of the federal clean air act, the  
17 department shall promulgate by rule a similar standard but this standard may not  
18 be more restrictive in terms of emission limitations than the federal standard except  
19 as provided under sub. ~~(6)~~ (4).

20           (c) *Restrictive standard.* The department may impose a more restrictive  
21 emission standard for a hazardous air contaminant than the standard promulgated  
22 under par. (a) or (b) on a case-by-case basis if a more restrictive standard is needed  
23 to meet the applicable lowest achievable emission rate under s. ~~144.393~~ 285.63 (2)  
24 (b) or to install the best available control technology under s. ~~144.393~~ 285.63 (3) (a).

25           **SECTION 475.** 144.375 (6) (title) of the statutes is renumbered 285.21 (4) (title).

1           **SECTION 476.** 144.375 (6) (a) of the statutes is renumbered 285.21 (4) and  
2 amended to read:

3           285.21 (4) If the ambient air increment, or the ambient air quality standard,  
4 ~~the standards of performance for new stationary sources or the emission standards~~  
5 ~~for hazardous air contaminants~~ standards in effect on April 30, 1980, under the  
6 federal clean air act are relaxed, the department shall alter the corresponding state  
7 standards unless it finds that the relaxed standards would not provide adequate  
8 protection for public health and welfare.

9           **SECTION 477.** 144.375 (6) (b) and (c) of the statutes are repealed.

10          **SECTION 478.** 144.38 of the statutes is renumbered 285.17.

11          **SECTION 479.** 144.382 of the statutes is renumbered 285.53, and 285.53 (1) (a)  
12 and (2), as renumbered, are amended to read:

13          285.53 (1) (a) *Applicability.* This subsection applies to a medical waste  
14 incinerator, as defined in s. ~~159.07~~ 287.07 (7) (c) 1. cr., that has a capacity of 5 tons  
15 or more per day.

16          (2) CONTINUOUS MONITORING. A person operating or responsible for the  
17 operation of a medical waste incinerator, as defined in s. ~~159.07~~ 287.07 (7) (c) 1. cr.,  
18 shall continuously monitor emissions from the medical waste incinerator.

19          **SECTION 480.** 144.385 of the statutes is repealed.

NOTE: This statutory section established sulfur dioxide emission limits for major  
utilities prior to January 1, 1993, and, according to sub. (9) of s. 144.385, does not apply  
after December 31, 1992.

20          **SECTION 481.** 144.386 of the statutes is renumbered 285.41, and 285.41 (4) (a)  
21 (intro.), (5) and (7), as renumbered, are amended to read:

22          285.41 (4) (a) *Request; variance conditions.* (intro.) A major utility may request  
23 a variance from the emission rate under sub. (2) (a) by submitting the request to the

1 commission and the department. No request for a variance may be submitted if the  
2 department has served the major utility with written notice under s. ~~144.423~~ 285.83  
3 that the major utility has violated sub. (2) (a). Upon receipt of a request, the  
4 commission shall, within 45 days, determine if any of the following variance  
5 conditions exists and shall report its determination to the department:

6 **(5) NO IMPACT ON OTHER PROVISIONS.** Nothing in this section exempts a major  
7 utility from any provision of ss. ~~144.30 to 144.38 or 144.391 to 144.426~~ ss. 285.01 to  
8 285.39 or 285.51 to 285.87. Compliance with this section is not a defense to a  
9 violation of any of those provisions.

10 **(7) PENALTY.** Notwithstanding s. ~~144.426~~ 285.87, any major utility that exceeds  
11 the annual emission rate under sub. (2) (a) in violation of this section shall forfeit not  
12 less than \$100,000 nor more than \$500,000 for each year of violation.

13 **SECTION 482.** 144.387 of the statutes is renumbered 285.43, and 285.43 (1), as  
14 renumbered, is amended to read:

15 285.43 **(1) LIMIT.** After June 30, 1988, the average number of pounds of sulfur  
16 dioxide emissions per million British thermal units of heat input during any year  
17 from any large source, as defined under s. ~~144.388~~ 285.45 (1) (a), that is owned by this  
18 state may not exceed 1.50.

19 **SECTION 483.** 144.388 of the statutes is renumbered 285.45, and 285.45 (1) (a)  
20 and (b) and (3) (a) and (b) 1., as renumbered, are amended to read:

21 285.45 **(1) (a)** "Large source" means a stationary source in this state, other than  
22 a fossil fuel-fired boiler under the ownership or control of a major utility, that had  
23 sulfur dioxide emissions averaging at least 1,000 tons annually in the most recent  
24 5-year period, that became operational before May 2, 1986, and that is not a boiler

1 subject to the standard of performance for new stationary sources for sulfur dioxide  
2 emissions established under s. ~~144.375 (4)~~ 285.27 (1).

3 (b) "Major utility" has the meaning given under s. ~~144.386~~ 285.41 (1) (f).

4 (3) (a) If the department determines, based on its annual report under s. ~~144.31~~  
5 ~~(1)-(n)~~ 285.11 (12), that the total annual sulfur dioxide emissions from all major  
6 utilities and large sources exceeded 325,000 tons in the previous year, or if the  
7 department projects, based on the amounts anticipated by the major utilities under  
8 s. ~~144.386~~ 285.41 (3) (a) 8. and the department's estimates of emissions from large  
9 sources, that the total sulfur dioxide emissions in this state will exceed 325,000 tons  
10 in any of the 3 succeeding years, the department shall determine if the actual or  
11 projected excess emissions are or will be attributable to the major utilities, the large  
12 sources or both.

13 (b) 1. If the department determines that the excess emissions are or will be  
14 attributable to the major utilities, the department shall, after consulting with the  
15 commission, prepare a report containing a recommendation as to whether the goal  
16 specified under sub. (2) (b) should be replaced with an enforceable limit. If so, the  
17 report shall include the department's recommendation for a cost-effective  
18 mechanism for ensuring compliance with the limit, including any necessary changes  
19 in s. ~~144.386~~ 285.41. The department shall hold a public hearing on the report.

20 **SECTION 484.** ~~144.389~~ of the statutes, as affected by 1995 Wisconsin Act 27, is  
21 renumbered 285.47, and 285.47 (1), as renumbered, is amended to read:

22 285.47 (1) DEFINITION. In this section, "major utility" has the meaning given  
23 in s. ~~144.386~~ 285.41 (1) (f).

1           **SECTION 485.** 144.391 (title), (1), (2), (3m), (4m), (5), (6) and (7) of the statutes,  
2 as affected by 1995 Wisconsin Act 27, are renumbered 285.60 (title), (1), (2), (3), (4),  
3 (5), (6) and (7), and 285.60 (1) (b), (2) (a) and (3), as renumbered, are amended to read:

4           285.60 (1) (b) *Operation permit.* 1. Except as provided in subd. 2., par. (a) 2.,  
5 sub. (6) or s. ~~144.3925 (7)~~ 285.62 (8), no person may operate a new source or a modified  
6 source unless the person has an operation permit under s. ~~144.3925~~ 285.62 from the  
7 department.

8           2. A person may continue to operate a new source or a modified source for which  
9 the department issued a permit under s. 144.392, 1989 stats., on or before November  
10 15, 1992, but on which construction, reconstruction, replacement or modification  
11 began after November 15, 1992, but the person shall apply for an operation permit  
12 under s. ~~144.3925~~ 285.62 no later than March 1, 1996.

13           (2) (a) *Operation permit requirement.* Except as provided in sub. (6) or s.  
14 ~~144.3925 (7)~~ 285.62 (8), no person may operate an existing source after the operation  
15 permit requirement date specified under s. ~~144.374 (1)~~ 285.62 (11) (a) unless the  
16 person has an operation permit from the department.

17           (3) **GENERAL OPERATION PERMITS.** The department may, by rule, specify types of  
18 stationary sources that may obtain general operation permits. A general operation  
19 permit may cover numerous similar stationary sources. A general operation permit  
20 shall require any stationary source that is covered by the general operation permit  
21 to comply with ss. ~~144.392 to 144.399~~ 285.61 to 285.69. The department shall issue  
22 a general operation permit using the procedures and criteria in ss. ~~144.3925 to~~  
23 ~~144.399~~ 285.62 to 285.69.

1           **SECTION 486.** 144.392 (title), (1m), (2), (3), (4), (5), (6), (7), (8) and (9) of the  
2 statutes are renumbered 285.61 (title), (1), (2), (3), (4), (5), (6), (7), (8) and (9), and  
3 285.61 (2), (8) (a) and (9), as renumbered, are amended to read:

4           285.61 (2) PLANS, SPECIFICATIONS AND OTHER INFORMATION. Within 20 days after  
5 receipt of the application the department shall indicate the plans, specifications and  
6 any other information necessary to determine if the proposed construction,  
7 reconstruction, replacement or modification will meet the requirements of ss. ~~144.30~~  
8 ~~to 144.426 and 144.96~~ this chapter and s. 299.15 and rules promulgated under these  
9 sections this chapter and s. 299.15.

10           (8) (a) *Criteria; considerations.* The department may approve the construction  
11 permit application and issue a construction permit according to the criteria  
12 established under s. ~~144.393~~ 285.63 after consideration of the comments received  
13 under subs. (6) and (7) and after consideration of the environmental impact as  
14 required under s. 1.11.

15           (9) MINING HEARING. If a hearing on the construction permit is conducted as a  
16 part of a hearing under s. ~~144.836~~ 293.43, the notice, comment and hearing  
17 provisions in that section supersede the provisions of subs. (4) to (8).

18           **SECTION 487.** 144.3925 (title), (1), (2), (3), (4), (5), (5m), (6), (7), (8) and (9) of  
19 the statutes, as affected by 1995 Wisconsin Act 27, are renumbered 285.62 (title), (1),  
20 (2), (3), (4), (5), (6), (7), (8), (9) and (10), and 285.62 (1), (2), (3) (b) 2., (6) (a) and (b),  
21 (7) (a) and (b), (8), (9) (a) and (10), as renumbered, are amended to read:

22           285.62 (1) APPLICANT NOTICE REQUIRED. A person who is required to obtain an  
23 operation permit for a stationary source shall apply to the department for the permit  
24 on or before the operation permit application date specified under s. ~~144.374 (2)~~ sub.  
25 (11) (b). The department shall specify by rule the content of applications under this

1 subsection. If required by the federal clean air act, the department shall provide a  
2 copy of the complete application to the federal environmental protection agency. The  
3 department may not accept an application submitted to the department before  
4 November 15, 1992, as an application under this subsection.

5 (2) PLANS, SPECIFICATIONS AND OTHER INFORMATION. Within 20 days after receipt  
6 of the application the department shall indicate any additional information required  
7 under sub. (1) necessary to determine if the source, upon issuance of the permit, will  
8 meet the requirements of ~~ss. 144.30 to 144.426 and 144.96~~ this chapter and s. 299.15  
9 and rules promulgated under ~~those sections~~ this chapter and s. 299.15.

10 (3) (b) 2. Any local air pollution control agency that has a program under s.  
11 ~~144.41~~ 285.73 that is approved by the department and that has jurisdiction over the  
12 area in which the stationary source is located.

13 (6) (a) After considering any public comments concerning an application, the  
14 department may prepare a proposed operation permit or deny the application for an  
15 operation permit. If the criteria in ~~ss. 144.393 and 144.3935~~ 285.63 and 285.64 are  
16 met, the department shall prepare a proposed operation permit. If required by the  
17 federal clean air act, the department shall provide a copy of a proposed operation  
18 permit to the federal environmental protection agency. If a state has submitted  
19 recommendations in response to the notice under sub. (3) (b) 7. and the department  
20 has not accepted those recommendations, the department shall notify that state and  
21 the federal environmental protection agency in writing of its decision not to accept  
22 the recommendations and the reasons for that decision.

23 (b) The federal environmental protection agency may object in writing to the  
24 issuance of an operation permit that it determines is not in compliance with the  
25 federal clean air act or an implementation plan prepared under s. ~~144.31 (1) (f)~~ 285.11

1     (6). The department shall respond in writing to the objection if the federal  
2     environmental protection agency provides the reasons for the objection and submits  
3     the objection to the department and the applicant within 45 days after receiving  
4     either a copy of the proposed operation permit under par. (a) or notice under par. (a)  
5     of the department's decision not to accept the recommendations of another state.

6             **(7)** (a) The department shall approve or deny the operation permit application  
7     for an existing source. The department shall issue the operation permit for an  
8     existing source if the criteria established under ~~ss. 144.393 and 144.3935~~ 285.63 and  
9     285.64 are met. The department shall issue an operation permit for an existing  
10    source or deny the application within 18 months after receiving a complete  
11    application, except that the department may, by rule, extend the 18-month period  
12    for specified existing sources by establishing a phased schedule for acting on  
13    applications received within one year after the effective date of the rule promulgated  
14    under sub. (1) that specifies the content of applications for operation permits. The  
15    phased schedule may not extend the 18-month period for more than 3 years.

16            (b) The department shall approve or deny the operation permit application for  
17    a new source or modified source. The department shall issue the operation permit  
18    for a new source or modified source if the criteria established under ~~ss. 144.393 and~~  
19    ~~144.3935~~ 285.63 and 285.64 are met. The department shall issue an operation  
20    permit for a new source or modified source or deny the application within 180 days  
21    after the permit applicant submits to the department the results of all equipment  
22    testing and emission monitoring required under the construction permit.

23            **(8)** OPERATION CONTINUED DURING APPLICATION. If a person timely submits a  
24    complete application for an existing source under sub. (1) and submits any additional  
25    information requested by the department within the time set by the department, the

1 existing source may not be required to discontinue operation and the person may not  
2 be prosecuted for lack of an operation permit until the department acts under sub.  
3 ~~(6)~~ (7).

4 **(9)** (a) If the department fails to issue an operation permit or to deny the  
5 application within the period specified in sub. ~~(6)~~ (7) or in a rule promulgated under  
6 sub. ~~(6)~~ (7), that failure is considered a final decision on the application solely for the  
7 purpose of obtaining judicial review under ss. 227.52 and 227.53 to require the  
8 department to act on the application without additional delay.

9 **(10) EFFECT OF PERMIT.** (a) Except as provided in par. (b), the issuance of an  
10 operation permit, including an operation permit that contains a compliance  
11 schedule, does not preclude enforcement actions based on violations of ss. ~~144.30 to~~  
12 ~~144.426~~ this chapter that occur before, on or after the date that the operation permit  
13 is issued. The inclusion of a compliance schedule in an operation permit does not  
14 preclude enforcement actions based on violations of ss. ~~144.30 to 144.426~~ this chapter  
15 to which the compliance schedule relates, whether or not the source is violating the  
16 compliance schedule.

17 (b) Unless precluded by the administrator of the federal environmental  
18 protection agency under 42 USC 7661c (f), compliance with all emission limitations  
19 included in an operation permit is considered to be compliance with all emission  
20 limitations established under ss. ~~144.30 to 144.426~~ this chapter and emission  
21 limitations under the federal clean air act that are applicable to the stationary source  
22 as of the date of issuance of the operation permit if the permit includes the applicable  
23 emission limitations or the department, in acting on the application for the operation  
24 permit, determines in writing that the emission limitations do not apply to the  
25 stationary source and the operation permit includes that determination.

1           **SECTION 488.** 144.393 of the statutes is renumbered 285.63, and 285.63 (1)  
2 (intro.), (a), (b) and (d), (2) (c), (7) (b) 2., 3., 4., 5. and 8. and (10) (a), (b) and (c) 4., as  
3 renumbered, are amended to read:

4           **285.63 (1) REQUIREMENTS FOR ALL SOURCES.** (intro.) The department may  
5 approve the application for a permit required or allowed under s. ~~144.391~~ 285.60 if  
6 it finds:

7           (a) *Source will meet requirements.* The stationary source will meet all  
8 applicable emission limitations and other requirements promulgated under ss.  
9 ~~144.30 to 144.426~~ this chapter, standards of performance for new stationary sources  
10 under s. ~~144.375 (4)~~ 285.27 (1) and emission standards for hazardous air  
11 contaminants under s. ~~144.375 (5)~~ 285.27 (2);

12           (b) *Source will not violate or exacerbate violation of air quality standard or*  
13 *ambient air increment.* The source will not cause or exacerbate a violation of any  
14 ambient air quality standard or ambient air increment under s. ~~144.375~~ 285.21 (1)  
15 or (2);

16           (d) *Source will not preclude construction or operation of other source.* The  
17 stationary source will not degrade the air quality in an area sufficiently to prevent  
18 the construction, reconstruction, replacement, modification or operation of another  
19 stationary source if the department received plans, specifications and other  
20 information under s. ~~144.392~~ 285.61 (2) for the other stationary source prior to  
21 commencing its analysis under s. ~~144.392~~ 285.61 (3) for the former stationary source.  
22 This paragraph does not apply to an existing source required to have an operation  
23 permit.

24           **(2) (c)** *Applicant's other major sources meet or on schedule to meet requirements.*  
25 All other major sources that are located in this state and that are owned or operated

1 by the permit applicant or by any entity controlling, controlled by or under common  
2 control with the permit applicant, as determined under s. 180.1140 (6), meet or are  
3 on schedule to meet the requirements of ~~ss. 144.30 to 144.426 and 144.96~~ this chapter  
4 and s. 299.15 and rules promulgated under ~~those sections~~ this chapter and s. 299.15  
5 and are in compliance with or are on schedule to come into compliance with all  
6 applicable emission limitations and emission standards under the federal clean air  
7 act.

8 (7) (b) 2. Except as provided in s. ~~144.399~~ 285.69 (5) (d), the applicant is in  
9 compliance or is complying with an approved schedule to be in compliance with ~~ss.~~  
10 ~~144.30 to 144.426 and 144.96~~ this chapter and s. 299.15 with respect to all stationary  
11 sources that it owns or operates and has paid the fees required under s. ~~144.399~~  
12 285.69 (5).

13 3. Except as provided in subd. 8., the growth accommodation reported for the  
14 current year under s. ~~144.40~~ 285.39 (2) (b) 1., after reduction by the amount of the  
15 proposed growth accommodation credit and any growth accommodation credits  
16 issued since the date of the report, is greater than 2,500 tons.

17 4. If the growth accommodation reported for the current year under s. ~~144.40~~  
18 285.39 (2) (b) 1., less a reduction by the amount of any growth accommodation credits  
19 issued since the date of the report under s. ~~144.40~~ 285.39 (2) (b) 1., is greater than  
20 3,000 tons, the department may certify to the applicant no more than the amount of  
21 the growth accommodation reported for the current year under s. ~~144.40~~ 285.39 (2)  
22 (b) 1., less the sum of 2,750 tons and any growth accommodation credits issued since  
23 the date of the report under s. ~~144.40~~ 285.39 (2) (b).

24 5. If the growth accommodation reported for the current year under s. ~~144.40~~  
25 285.39 (2) (b) 1., after reduction by the amount of any growth accommodation credits

1 issued since the date of the report under s. ~~144.40~~ 285.39 (2) (b) 1., is greater than  
2 2,500 tons but less than or equal to 3,000 tons, the department may certify no more  
3 than 250 tons to the applicant in that year.

4 8. If the growth accommodation reported for the current year under s. ~~144.40~~  
5 285.39 (2) (b) 1., after reduction by the amount of the proposed growth  
6 accommodation credit and any growth accommodation credits issued since the date  
7 of the report, would be 2,500 tons or less, the department may certify to the applicant  
8 a growth accommodation credit in the amount determined under this section if,  
9 because of facility shutdowns or replenishment activities under s. ~~144.40~~ 285.39 that  
10 have occurred, the growth accommodation for the next succeeding year after  
11 reduction by the amount of the growth accommodation credit will be greater than  
12 2,500 tons.

13 (10) (a) In this subsection, “medical waste incinerator” has the meaning given  
14 in s. ~~159.07~~ 287.07 (7) (c) 1. cr.

15 (b) In addition to the requirements under subs. (1) to (3), the department may  
16 approve an application submitted after May 14, 1992, for a permit required or  
17 allowed under s. ~~144.391~~ 285.60 for the construction of a medical waste incinerator  
18 or for the modification of a medical waste incinerator that expands the capacity of  
19 the medical waste incinerator only if it finds that the new or modified medical waste  
20 incinerator will be needed and that the site of the medical waste incinerator is  
21 appropriate.

22 (c) 4. The quantity of waste having the potential to be burned in the medical  
23 waste incinerator that may be managed in an effective recycling program created  
24 under s. ~~159.11~~ 287.11.

1           **SECTION 489.** 144.3935 of the statutes, as affected by 1995 Wisconsin Act 27,  
2 is renumbered 285.64, and 285.64 (1) (a) (intro.) and (b) and (2), as renumbered, are  
3 amended to read:

4           285.64 (1) (a) (intro.) Notwithstanding s. ~~144.393~~ 285.63, the department may  
5 issue an operation permit for a stationary source that does not comply with the  
6 requirements in the operation permit, in the federal clean air act, in an  
7 implementation plan under s. ~~144.31 (1) (f)~~ 285.11 (6) or in s. ~~144.393~~ 285.63 when  
8 the operation permit is issued if the operation permit includes all of the following:

9           (b) Notwithstanding par. (a) and s. ~~144.393~~ 285.63, the department may not  
10 issue an operation permit to a stationary source if the federal environmental  
11 protection agency objects to the issuance of the operation permit as provided in s.  
12 ~~144.3925 (5m)~~ 285.62 (6) unless the department revises the operation permit to meet  
13 the objection.

14           **(2) ONE-YEAR MORATORIUM ON REVOCATION.** (a) The department may not revoke  
15 an operation permit for an existing source for one year after the issuance of that  
16 permit based upon failure of the existing source at the time of permit issuance to  
17 comply with ~~ss. 144.30 to 144.426 and 144.96~~ this chapter and s. 299.15 and rules  
18 promulgated under ~~these sections~~ this chapter and s. 299.15.

19           (b) Notwithstanding par. (a), the department may take any other action  
20 necessary to enforce an operation permit and ~~ss. 144.30 to 144.426 and 144.96~~ this  
21 chapter and s. 299.15 and rules promulgated under ~~these sections~~ this chapter and  
22 s. 299.15 which apply to the existing source after issuance of an operation permit  
23 under this section.

24           **SECTION 490.** 144.394 (intro.), (1), (2), (3), (4), (5), (6), (7), (7m), (8), (9), (10), (11),  
25 (12) and (13) of the statutes are renumbered 285.65 (intro.), (1), (2), (3), (4), (5), (6),

1 (7), (8), (9), (10), (11), (12), (13) and (14), and 285.65 (intro.), (3), (8) and (9), as  
2 renumbered, are amended to read:

3 **285.65 Permit conditions.** (intro.) The department may prescribe conditions  
4 for an air pollution control permit to ensure compliance with ~~ss. 144.30 to 144.426~~  
5 ~~and 144.96 this chapter and s. 299.15~~ and rules promulgated under ~~these sections~~  
6 ~~this chapter and s. 299.15~~ and to ensure compliance with the federal clean air act if  
7 each condition is one of the following and if each condition is applicable to the source:

8 (3) Requirements necessary to assure compliance with s. ~~144.393~~ 285.63.

9 (8) The terms for use of growth accommodation credits under s. ~~144.393~~ 285.63  
10 (7) or (8), including the dates that the source expects to use the credits.

11 (9) Requirements concerning entry and inspection as provided in s. ~~144.34~~  
12 285.19.

13 **SECTION 491.** 144.395 of the statutes is renumbered 285.67.

14 **SECTION 492.** 144.396 of the statutes, as affected by 1995 Wisconsin Act 27, is  
15 renumbered 285.66, and 285.66 (2) and (3) (b) and (c), as renumbered, are amended  
16 to read:

17 285.66 (2) OPERATION. The department shall specify the term of an operation  
18 permit in the operation permit. The term of an operation permit issued under s.  
19 ~~144.3925~~ 285.62 or renewed under sub. (3) may not exceed 5 years from the date of  
20 issuance or renewal.

21 (3) (b) The department shall follow the procedures in s. ~~144.3925~~ 285.62 in  
22 renewing an operation permit for a new source, a modified source or an existing  
23 source.

24 (c) The department may renew an operation permit if the criteria in ~~ss. 144.393~~  
25 ~~and 144.3935~~ 285.63 and 285.64 are met. Notwithstanding s. ~~144.3935~~ 285.64 (1) (a),

1 the department may deny an application for renewal of an operation permit for a  
2 stationary source if the stationary source is in violation of its current operation  
3 permit.

4 **SECTION 493.** 144.398 of the statutes is renumbered 285.68.

5 **SECTION 494.** 144.399 (title) and (1) of the statutes are renumbered 285.69  
6 (title) and (1).

7 **SECTION 495.** 144.399 (2) (title) and (a) (intro.), 1., 2., 2g., 2r., 3. and 4. of the  
8 statutes, as affected by 1995 Wisconsin Act 27, are renumbered 285.69 (2) (title) and  
9 (a) (intro.), 1., 2., 3., 4., 5. and 6., and 285.69 (2) (a) 2., 3. and 5., as renumbered, are  
10 amended to read:

11 285.69 (2) (a) 2. Except as provided under par. (e) (d), that the fees collected in  
12 1993 are \$18 per ton of each regulated pollutant.

13 3. Except as provided under par. (e) (d), that the fees collected in 1994 are \$25  
14 per ton increased by the percentage by which the consumer price index, as defined  
15 in 42 USC 7661a (b) (3) (B) (v), for 1993 exceeds the consumer price index for 1989.

16 5. That fees are not based on emissions by an air contaminant source in excess  
17 of 4,000 tons per year of each regulated pollutant, except that, subject to par. ~~(am)~~  
18 (b), this limitation does not apply to a major utility, as defined in s. 144.385 ~~(2) (b)~~  
19 285.41 (1) (f), that owns or operates a phase I affected unit as listed in Table A of 42  
20 USC 7651c.

21 **SECTION 496.** 144.399 (2) (am) of the statutes, as affected by 1995 Wisconsin  
22 Act 27, is renumbered 285.69 (2) (b) and amended to read:

23 285.69 (2) (b) The department may not charge a major utility fees on emissions  
24 in excess of 4,000 tons per year of each regulated pollutant beyond the amount  
25 necessary to recover the fees that would have been charged for any phase I affected

1 unit under 42 USC 7651c owned by that major utility if the prohibition in par. (a) 4.  
2 6. did not exist.

3 **SECTION 497.** 144.399 (2) (b) and (c) of the statutes are renumbered 285.69 (2)  
4 (c) and (d).

5 **SECTION 498.** 144.399 (3) to (6) of the statutes are renumbered 285.69 (3) to (6),  
6 and 285.69 (5) (a) and (d), as renumbered, are amended to read:

7 285.69 (5) (a) A one-time growth accommodation use fee shall be imposed at  
8 the time of application upon any person who obtains a certified growth  
9 accommodation credit under s. ~~144.393~~ 285.63 (7). If the amount of credit per  
10 calendar year varies between calendar years, the amount of the fee shall be based  
11 upon the largest annual credit for any calendar year. If the person submits more than  
12 one application in any calendar year, the fee for the application shall be based upon  
13 the largest cumulative credit obtained for any calendar year. A fee is nonrefundable,  
14 except that in determining a fee for an application in any calendar year, the  
15 department shall credit once to the person an amount equal to any fee previously  
16 paid in the same calendar year. All fees collected under this subsection shall be  
17 deposited in the general fund.

18 (d) A stationary source which is operating without an air pollution control  
19 permit required under s. ~~144.391~~ 285.60 but which can demonstrate to the  
20 satisfaction of the department the ability to comply with ~~ss. 144.30 to 144.426 and~~  
21 ~~144.96~~ this chapter and s. 299.15 after obtaining a growth accommodation credit  
22 under s. ~~144.393~~ 285.63 (7) shall be required to pay an amount from \$200 to \$1,000  
23 times the amount of the growth accommodation credit certified to the person,  
24 expressed in tons per year.

1           **SECTION 499.** 144.399 (7) of the statutes, as created by 1995 Wisconsin Act 27,  
2 is renumbered 285.69 (7) and amended to read:

3           **285.69 (7) EMISSION REDUCTION CREDIT FEES.** The department may promulgate  
4 rules for the payment of fees by persons who hold emission reduction credits that  
5 may be used to satisfy the offset requirements in s. ~~144.393~~ 285.63 (2) (a) and that  
6 have been certified by the department. The rules may waive the payment of fees  
7 under this subsection for categories of emission reduction credits. The fees collected  
8 under this subsection shall be credited to the appropriation under s. 20.370 (2) (bg).

9           **SECTION 500.** 144.40 of the statutes is renumbered 285.39, and 285.39 (1) (d),  
10 (3) (a) and (5), as renumbered, are amended to read:

11           **285.39 (1) (d)** Net certified accommodation credits are the sum of all volatile  
12 organic compound growth accommodation credits certified to date under s. ~~144.393~~  
13 285.63 (7) or (8) minus the sum of the actual annual emissions of volatile organic  
14 compounds for the year 2 years before the specified year attributable to the sources  
15 receiving volatile organic compound growth accommodation credits certified to date  
16 under s. ~~144.393~~ 285.63 (7) or (8).

17           **(3) (a)** Promulgate rules under s. ~~144.42~~ 285.30 (6) (e), relating to the inspection  
18 of vehicles for tampering with air pollution control equipment.

19           **(5) CONTINGENT RESTRICTIONS ON EXISTING SOURCES.** If at any time the  
20 department finds that the growth accommodation is less than 2,500 tons and  
21 determines that it is unlikely that the growth accommodation will exceed 2,500 tons  
22 in the report under sub. (2) (b) 1. for the following year because of the inadequacy of  
23 replenishment activities at the time or because of facility shutdowns, the department  
24 shall implement the rules that specify emission limitations for emissions of volatile  
25 organic compounds from stationary sources located in the volatile organic compound

1 accommodation area that were required to report their emissions under s. 144.96  
2 299.15 during calendar year 1987. The emission limitations shall be designed to  
3 ensure that the growth accommodation in the subsequent year is not less than 2,500  
4 tons. The emission limitations may not be more restrictive than the lowest  
5 achievable emission rate. The department shall implement the emission limitations  
6 by source category. For the purpose of this section, the department shall determine  
7 a source category according to the type and level of emissions. The department may  
8 also use other characteristics which relate to air pollution to determine source  
9 categories. The department shall implement the emission limitations based upon  
10 ease of implementation, cost-effectiveness and the relative equity of imposing a  
11 limitation upon a source category, given any prior limitations of emissions imposed  
12 upon that source category. To the extent feasible, the emission limitations shall  
13 provide affected sources the opportunity to choose to be subject to either an annual  
14 emission limitation or a more restrictive applicable reasonably available control  
15 technology rule than was in effect in 1987.

16 **SECTION 501.** 144.401 of the statutes is renumbered 285.75.

17 **SECTION 502.** 144.403 of the statutes is renumbered 285.81, and 285.81 (1)  
18 (intro.), (2), (3) and (4), as renumbered, are amended to read:

19 285.81 (1) PERMIT HOLDER; PERMIT APPLICANT; ORDER RECIPIENT. (intro.) Any  
20 permit, part of a permit, order, decision or determination by the department under  
21 ss. ~~144.391 to 144.401~~ 285.39, 285.60 to 285.69 or 285.75 shall become effective  
22 unless the permit holder or applicant or the order recipient seeks a hearing on the  
23 action in the following manner:

24 (2) OTHER PERSONS. Any person who is not entitled to seek a hearing under sub.  
25 (1) (intro.) and who meets the requirements of s. 227.42 (1) or who submitted

1 comments in the public comment process under s. ~~144.3925~~ 285.62 (4) or (5) may seek  
2 review under sub. (1) of any permit, part of a permit, order, decision or determination  
3 by the department under ss. ~~144.391 to 144.401~~ 285.39, 285.60 to 285.69 or 285.75.

4 **(3) MINING HEARING.** Subsections (1) and (2) do not apply if a hearing on the  
5 matter is conducted as a part of a hearing under s. ~~144.836~~ 293.43.

6 **(4) REVIEW OF DEPARTMENT DETERMINATIONS.** An air pollution control permit,  
7 part of an air pollution control permit or determination by the department under ss.  
8 ~~144.391 to 144.401~~ 285.39, 285.60 to 285.69 or 285.75 is not subject to review in any  
9 civil or criminal enforcement action for a violation of ss. ~~144.30 to 144.426~~ this  
10 chapter. This subsection does not restrict the ability of a person to challenge an  
11 administrative rule as provided in s. 227.40 (2).

12 **SECTION 503.** 144.404 of the statutes is renumbered 285.77.

13 **SECTION 504.** 144.405 of the statutes, as affected by 1995 Wisconsin Acts 27 and  
14 .... (Senate Bill 345), is renumbered 285.31.

15 **SECTION 505.** 144.407 (title), (1), (1g), (1m), (1r), (1t), (1w) and (2) of the statutes  
16 are renumbered 285.55 (title), (1), (2), (3), (4), (5), (6) and (7), and 285.55 (1), (2), (3),  
17 (4) (intro.) and (a), (5) (intro.) and (6), as renumbered, are amended to read:

18 285.55 (1) In this section, “medical waste incinerator” means a facility for solid  
19 waste treatment, as defined in s. ~~144.43 (7r)~~ 289.01 (39), that burns medical waste,  
20 as defined in s. ~~159.07~~ 287.07 (7) (c) 1. cg.

21 **(2)** Except as provided in sub. ~~(1m), (1r), (1t) or (1w)~~ (3), (4), (5) or (6), the  
22 department may not issue an air pollution control permit for the construction or  
23 modification of a medical waste incinerator or an initial license under s. ~~144.44 (4)~~  
24 289.31 for a medical waste incinerator.

1           (3) Subsection ~~(1g)~~ (2) does not apply to the issuance of a license under s. 144.44  
2           ~~(4)~~ 289.31 for ash management for a medical waste incinerator that is operating on  
3           May 14, 1992, or has an air pollution control permit on May 14, 1992.

4           (4) (intro.) Subsection ~~(1g)~~ (2) does not apply to the issuance of an air pollution  
5           control permit or a license under s. 144.44 ~~(4)~~ 289.31 for the construction or  
6           modification of a medical waste incinerator by one or more hospitals, as defined in  
7           s. 50.33 (2), clinics, as defined in s. ~~159.07~~ 287.07 (7) (c) 1. a., or nursing homes, as  
8           defined in s. 50.01 (3), if all of the following apply:

9           (a) The construction or modification is designed to treat medical waste  
10           generated by one or more hospitals, clinics or nursing homes that are identified in  
11           the application for the air pollution control permit or the license under s. 144.44 ~~(4)~~  
12           289.31 and that are located in the county in which the medical waste incinerator is  
13           located or in an adjacent county in this state.

14           (5) (intro.) Subsection ~~(1g)~~ (2) does not apply to the issuance of an air pollution  
15           control permit or a license under s. 144.44 ~~(4)~~ 289.31 for the construction of a medical  
16           waste incinerator in a 4th class city if all of the following apply:

17           (6) Subsection ~~(1g)~~ (2) does not apply to the issuance of an air pollution control  
18           permit or a license under s. 144.44 ~~(4)~~ 289.31 for the modification of a medical waste  
19           incinerator in operation on May 14, 1992, if the modification is designed to allow the  
20           medical waste incinerator to achieve compliance with the federal clean air act or the  
21           department's rules concerning the emission of hazardous air contaminants and does  
22           not expand the medical waste incinerator's capacity.

23           **SECTION 506.** 144.41 of the statutes is renumbered 285.73, and 285.73 (1) (a)  
24           and (e), (4) and (6), as renumbered, are amended to read:

1           285.73 (1) (a) Provides by ordinance for requirements compatible with, or  
2           stricter or more extensive than those imposed by ~~ss. 144.30 to 144.426~~ this chapter  
3           and rules issued thereunder. Such ordinances shall supersede any existing local  
4           ordinances;

5           (e) Is approved by the department as adequate to meet the requirements of ~~ss.~~  
6           ~~144.30 to 144.426~~ this chapter and any applicable rules pursuant thereto.

7           (4) (a) If the department has reason to believe that a program in force pursuant  
8           to this section is inadequate to prevent and control air pollution in the jurisdiction  
9           to which such program relates, or that such program is being administered in a  
10          manner inconsistent with the requirements of ~~ss. 144.30 to 144.426~~ this chapter, the  
11          department shall, on due notice, conduct a hearing on the matter.

12          (b) If, after such hearing, the department determines that a program is  
13          inadequate to prevent and control air pollution in the county to which such program  
14          relates, or that such program is not accomplishing the purposes of ~~ss. 144.30 to~~  
15          ~~144.426~~ this chapter, it shall require that necessary corrective measures be taken  
16          within a reasonable period of time, not to exceed 60 days.

17          (c) If the county fails to take such necessary corrective action within the time  
18          required, the department shall administer within such county all of the regulatory  
19          provisions of ~~ss. 144.30 to 144.426~~ this chapter. Such air pollution control program  
20          shall supersede all county air pollution regulations, ordinances and requirements in  
21          the affected jurisdiction.

22          (6) Nothing in ~~ss. 144.30 to 144.426~~ this chapter supersedes the jurisdiction of  
23          any county air pollution control program in operation on July 26, 1967, but any such  
24          program shall meet all requirements of ~~ss. 144.30 to 144.426~~ this chapter for a county

1 air pollution control program. Any approval required from the department shall be  
2 deemed granted unless the department takes specific action to the contrary.

3 **SECTION 507.** 144.42 of the statutes, as affected by 1993 Wisconsin Act 288 and  
4 1995 Wisconsin Act 137, is renumbered 285.30.

5 **SECTION 508.** 144.421 of the statutes is renumbered 285.57.

6 **SECTION 509.** 144.422 (title), (1), (2), (2m), (2r), (3), (3e), (3m) and (4) of the  
7 statutes are renumbered 285.59 (title), (1), (2), (3), (4), (5), (6), (7) and (8), and 285.59  
8 (2) (intro.) and (b), (5) (a) 2., (6), (7) and (8) (b) and (c), as renumbered, are amended  
9 to read:

10 285.59 **(2) SALVAGING REFRIGERATION EQUIPMENT.** (intro.) After June 30, 1992,  
11 except as provided in sub. ~~(2m)~~ (3), no person, including a state agency, as defined  
12 in s. 234.75 (10), may perform salvaging or dismantling of mechanical vapor  
13 compression refrigeration equipment in the course of which ozone-depleting  
14 refrigerant is or may be released or removed unless the person certifies all of the  
15 following to the department:

16 (b) That the individuals who use the equipment under par. (a) have, or are  
17 under the supervision of individuals who have, the qualifications established under  
18 sub. ~~(3)~~ (5) (a) 1.

19 **(5) (a) 2.** Fees to cover the cost of administering subs. (2), ~~(2m)~~ (3) and ~~(2r)~~ (4)  
20 (b).

21 **(6) DEPARTMENT POWERS.** The department may promulgate rules providing that  
22 any portion of sub. (2), ~~(2m)~~ (3) or ~~(2r)~~ (4) applies with respect to a substance used  
23 as a substitute for an ozone-depleting substance.

1           **(7) CITATIONS.** The department may follow the procedures for the issuance of  
2 a citation under ss. 23.50 to 23.99 to collect a forfeiture for a violation of sub. (2), ~~(2m)~~  
3 (3) (c) or ~~(2r)~~ (4).

4           **(8) (b)** Any person who violates sub. ~~(2m)~~ (3) (c) shall be required to forfeit not  
5 less than \$100 nor more than \$1,000. Each sale, giving or transporting in violation  
6 of sub. ~~(2m)~~ (3) (c) constitutes a violation.

7           (c) Any person who violates sub. ~~(2r)~~ (4) shall be required to forfeit not less than  
8 \$100 nor more than \$1,000. Each release in violation of sub. ~~(2r)~~ (4) constitutes a  
9 violation.

10           **SECTION 510.** 144.423 of the statutes is renumbered 285.83, and 285.83 (1) (a)  
11 (intro.) and 2. and (2), as renumbered, are amended to read:

12           285.83 **(1)** (a) (intro.) If the department has reason to believe that a violation  
13 of ss. 144.30 to 144.426 or 144.96 this chapter or s. 299.15 or any rule promulgated  
14 or special order, plan approval or permit issued under ~~those sections~~ this chapter or  
15 s. 299.15 has occurred, it may:

16           2. Initiate action under s. 144.422 ~~(4)~~ or 144.426 285.59 (8) or 285.87.

17           **(2)** The notice under sub. (1) (a) 1. for an alleged violation of rules promulgated  
18 under s. 144.405 285.31 (3) may include a tag or other notice placed on the dispensing  
19 equipment that is alleged to be in violation of rules promulgated under s. 144.405  
20 285.31 (3).

21           **SECTION 511.** 144.424 of the statutes is renumbered 285.85, and 285.85 (2), as  
22 renumbered, is amended to read:

23           285.85 **(2)** In the absence of a generalized condition of air pollution of the type  
24 referred to in sub. (1), if the secretary finds that emissions from the operation of one  
25 or more air contaminant sources is causing imminent danger to human health or

1 safety, he or she may order the persons responsible for the operations in question to  
2 reduce or discontinue emissions immediately, without regard to s. ~~144.423~~ 285.83.  
3 In such event, the requirements for hearing and affirmance, modification or setting  
4 aside of orders set forth in sub. (1) shall apply.

5 **SECTION 512.** 144.426 of the statutes is renumbered 285.87, and 285.87 (1) and  
6 (2) (a), as renumbered, are amended to read:

7 285.87 (1) Except as provided in s. ~~144.421 (5) or 144.422 (4)~~ 285.57 (5) or  
8 285.59 (8), any person who violates ~~ss. 144.30 to 144.426~~ this chapter or any rule  
9 promulgated, any permit issued or any special order issued under ~~those sections~~ this  
10 chapter shall forfeit not less than \$10 or more than \$25,000 for each violation. Each  
11 day of continued violation is a separate offense.

12 (2) (a) Except as provided in par. (b), any person who intentionally commits an  
13 act that violates, or fails to perform an act required by, ~~ss. 144.30 to 144.426, except~~  
14 ~~s. 144.422~~ this chapter, except s. 285.59, or any rule promulgated, any permit issued  
15 or any special order issued under ~~those sections~~ this chapter, except s. ~~144.422~~  
16 285.59, shall be fined not more than \$25,000 per day of violation or imprisoned for  
17 not more than 6 months or both.

18 **SECTION 513.** Subchapter IV (title) of chapter 144 [precedes 144.43] of the  
19 statutes is repealed.

20 **SECTION 514.** 144.43 (intro.) of the statutes is renumbered 289.01 (intro.) and  
21 amended to read:

22 **289.01** (title) ~~**Solid waste; definitions**~~ **Definitions.** (intro.) ~~As used in ss.~~  
23 ~~144.43 to 144.47~~ In this chapter, unless the context requires otherwise:

24 **SECTION 515.** 144.43 (1) and (1m) of the statutes are renumbered 289.01 (1) and  
25 (5), and 289.01 (1) (b), as renumbered, is amended to read:

1           289.01 (1) (b) A town, city, village or county whose boundary is within 1,200 feet  
2 of that portion of the facility designated by the applicant for the disposal of solid  
3 waste or the treatment, storage or disposal of hazardous waste in the feasibility  
4 report under s. ~~144.44 (2)~~ 289.23, excluding buffers and similar areas.

5           **SECTION 516.** 144.43 (2), (2d), (2h), (2p) and (2t) of the statutes are renumbered  
6 289.01 (12), (13), (14), (15) and (16) and amended to read:

7           289.01 (12) “Hazardous waste” means any solid waste identified by the  
8 department as hazardous under s. ~~144.62 (2) (b)~~ 291.05 (2).

9           (13) “Hazardous waste disposal” has the meaning specified for disposal under  
10 s. ~~144.61~~ 291.01 (3).

11           (14) “Hazardous waste facility” has the meaning specified under s. ~~144.61 (5m)~~  
12 291.01 (8).

13           (15) “Hazardous waste storage” has the meaning specified for storage under s.  
14 ~~144.61 (10)~~ 291.01 (18).

15           (16) “Hazardous waste treatment” has the meaning specified for treatment  
16 under s. ~~144.61 (13)~~ 291.01 (21).

17           **SECTION 517.** 144.43 (2w), (3) and (3m) of the statutes are renumbered 289.01  
18 (20), (21) and (22).

19           **SECTION 518.** 144.43 (4) of the statutes is repealed.

20           **SECTION 519.** 144.43 (4g) of the statutes is renumbered 289.01 (30).

21           **SECTION 520.** 144.43 (4r), (5), (6), (7), (7g), (7r) and (8) of the statutes are  
22 renumbered 289.01 (34), (35), (36), (37), (38), (39) and (40).

23           **SECTION 521.** 144.431 (title) of the statutes is repealed.

24           **SECTION 522.** 144.431 (1) of the statutes is renumbered 289.06, and 289.06 (1),  
25 (2), (4) and (6), as renumbered, are amended to read:

1           289.06 (1) Promulgate rules implementing and consistent with ss. ~~144.43 to~~  
2           ~~144.47~~ this chapter and ss. 292.31 and 292.35.

3           (2) Encourage voluntary cooperation by persons and affected groups to achieve  
4           the purposes of ss. ~~144.43 to 144.47~~ this chapter and ss. 292.31 and 292.35.

5           (4) Collect and disseminate information and conduct educational and training  
6           programs relating to the purposes of ss. ~~144.43 to 144.47~~ this chapter and ss. 292.31  
7           and 292.35.

8           (6) Provide technical assistance for the closure of a solid waste disposal facility  
9           that is a nonapproved facility, ~~as defined in s. 144.441 (1) (e).~~

10          **SECTION 523.** 144.431 (2) (intro.) and (a) of the statutes are renumbered 289.07  
11          (intro.) and (1), and 289.07 (1), as renumbered, is amended to read:

12          289.07 (1) Hold hearings relating to any aspect of the administration of ss.  
13          ~~144.43 to 144.47~~ this chapter and ss. 292.31 and 292.35 and, in connection therewith,  
14          compel the attendance of witnesses and the production of evidence.

15          **SECTION 524.** 144.431 (2) (b) of the statutes is renumbered 289.93 and amended  
16          to read:

17          **289.93** (title) **Orders.** ~~Issue~~ The department may issue orders to effectuate the  
18          purposes of ss. ~~144.43 to 144.47~~ this chapter and enforce the same by all appropriate  
19          administrative and judicial proceedings.

20          **SECTION 525.** 144.431 (2) (c) and (d) of the statutes are renumbered 289.07 (2)  
21          and (3).

22          **SECTION 526.** 144.431 (2) (e) of the statutes is repealed.

23          **SECTION 527.** 144.432 of the statutes is renumbered 289.11 and amended to  
24          read:

1           **289.11 Federal aid.** Subdivisions of this state and interlocal agencies may  
2           make application for, receive, administer and expend any federal aid for the  
3           development and administration of programs related to solid waste facilities if first  
4           submitted to and approved by the department. The department shall approve any  
5           such application if it is consistent with the purposes of ~~ss. 144.43 to 144.47~~ this  
6           chapter and any other applicable requirements of law.

7           **SECTION 528.** 144.433 of the statutes is renumbered 289.09, and 289.09 (1) and  
8           (2) (a) 1. and 2. and (d), as renumbered, are amended to read:

9           **289.09 (1) RECORDS.** Except as provided under sub. (2), any records or other  
10          information furnished to or obtained by the department in the administration of ~~ss.~~  
11          ~~144.43 to 144.47 and 144.96~~ this chapter and s. 299.15 are public records subject to  
12          s. 19.21.

13          **(2) (a) 1.** An owner or operator of a solid waste facility may seek confidential  
14          treatment of any records or other information furnished to or obtained by the  
15          department in the administration of ~~ss. 144.43 to 144.47 and 144.96~~ this chapter and  
16          s. 299.15.

17          **2.** A licensed hauler who transports solid waste to a facility listed in s. ~~144.453~~  
18          289.57 (1) may seek confidential treatment of information submitted under s.  
19          ~~144.453~~ 289.57 (1) (d).

20          **(d) Use of confidential records.** Except as provided under par. (c) and this  
21          paragraph, the department or the department of justice may use records and other  
22          information granted confidential status under this subsection only in the  
23          administration and enforcement of ~~ss. 144.43 to 144.47 and 144.96~~ this chapter and  
24          s. 299.15. The department or the department of justice may release for general  
25          distribution records and other information granted confidential status under this

1 subsection if the owner or operator expressly agrees to the release. The department  
2 or the department of justice may release on a limited basis records and other  
3 information granted confidential status under this subsection if the department or  
4 the department of justice is directed to take this action by a judge or hearing  
5 examiner under an order which protects the confidentiality of the records or other  
6 information. The department or the department of justice may release to the U.S.  
7 environmental protection agency, or its authorized representative, records and other  
8 information granted confidential status under this subsection if the department or  
9 the department of justice includes in each release of records or other information a  
10 request to the U.S. environmental protection agency, or its authorized  
11 representative, to protect the confidentiality of the records or other information.

NOTE: The provision on confidentiality of records is duplicated in s. 292.37 for  
records under current ss. 144.442 and 144.4422.

12 **SECTION 529.** 144.434 of the statutes is renumbered 289.91 and amended to  
13 read:

14 **289.91 Inspections.** Any officer, employe or authorized representative of the  
15 department may enter and inspect any property, premises or place on or at which a  
16 solid waste facility is located or is being constructed or installed, or inspect any  
17 record relating to solid waste management of any person who generates, transports,  
18 treats, stores or disposes of solid waste, at any reasonable time for the purpose of  
19 ascertaining the state of compliance with ~~ss. 144.43 to 144.47~~ this chapter and rules  
20 promulgated or licenses issued under ~~those sections~~ this chapter. No person may  
21 refuse entry or access to any officer, employe or authorized representative of the  
22 department who requests entry for purposes of inspection, and who presents  
23 appropriate credentials. No person may obstruct, hamper or interfere with any such

1 inspection. The department, if requested, shall furnish to the owner or operator of  
2 the premises a report setting forth all facts found which relate to compliance status.

NOTE: Current s. 144.431 (2) (e) authorizes inspections to determine compliance with solid waste facility licenses. This bill repeals s. 144.431 (2) (e) and adds license compliance as a basis for conducting inspections to s. 144.434, renumbered s. 289.91.

3 **SECTION 530.** 144.435 (title), (1) and (2) of the statutes are renumbered 289.05  
4 (title), (1) and (2), and 289.05 (1) and (2), as renumbered, are amended to read:

5 289.05 (1) The department shall promulgate rules establishing minimum  
6 standards for the location, design, construction, sanitation, operation, monitoring  
7 and maintenance of solid waste facilities. Following a public hearing, the  
8 department shall promulgate rules relating to the operation and maintenance of  
9 solid waste facilities as it deems necessary to ensure compliance and consistency  
10 with the purposes of and standards established under the resource conservation and  
11 recovery act, except that the rules relating to open burning shall be consistent with  
12 s. ~~144.436~~ 289.51. The rules promulgated under this subsection shall conform to the  
13 rules promulgated under sub. (2).

14 (2) With the advice and comment of the metallic mining council, the  
15 department shall promulgate rules for the identification and regulation of metallic  
16 mining wastes. The rules promulgated to identify metallic mining wastes and to  
17 regulate the location, design, construction, operation and maintenance of facilities  
18 for the disposal of metallic mining wastes shall be in accordance with any or all of  
19 the provisions under this chapter and chs. 30 and ~~147~~ 283. The rules shall take into  
20 consideration the special requirements of metallic mining operations in the location,  
21 design, construction, operation and maintenance of facilities for the disposal of  
22 metallic mining wastes as well as any special environmental concerns that will arise  
23 as a result of the disposal of metallic mining wastes. In promulgating the rules, the

1 department shall give consideration to research, studies, data and recommendations  
2 of the U.S. environmental protection agency on the subject of metallic mining wastes  
3 arising from the agency's efforts to implement the resource conservation and  
4 recovery act.

5 **SECTION 531.** 144.435 (3) of the statutes is renumbered 289.42 (1), and 289.42  
6 (1) (a) 5., (b) and (e), as renumbered, are amended to read:

7 289.42 (1) (a) 5. Require that there be one or more certified operators on the  
8 site of a solid waste disposal facility, except for a facility designed for the disposal of  
9 high-volume industrial waste, as defined in s. 144.44 (7) (a) 1., at all times during  
10 the facility's hours of operation.

11 (b) The department may not apply the requirements established under par. (a)  
12 to a nonapproved facility, as defined in s. 144.441 (1) (e), until January 1, 1992.

13 (e) The department may suspend or revoke an operator's certification for  
14 failure to comply with ss. 144.43 to 144.47 this chapter, rules promulgated under  
15 those sections this chapter or conditions of operation made applicable to a solid waste  
16 disposal facility by the department.

17 **SECTION 532.** 144.435 (4) of the statutes is renumbered 289.42 (2), and 289.42  
18 (2) (a), as renumbered, is amended to read:

19 289.42 (2) (a) No person engaged in the construction, operation or maintenance  
20 of a solid waste disposal facility or hazardous waste disposal facility may dismiss,  
21 discipline, demote, transfer, reprimand, harass, reduce the pay of, discriminate  
22 against or otherwise retaliate against any employe, or threaten to take any of those  
23 actions, because the employe reported to any supervisor, appointing authority, law  
24 enforcement official, member of the governing body of the local governmental unit  
25 in which the solid waste disposal facility or hazardous waste disposal facility is

1 located or the department any information gained by the employe which the employe  
2 reasonably believes demonstrates a violation of ss. 144.43 to 144.47 this chapter or  
3 rules promulgated under ~~those sections~~ this chapter.

4 **SECTION 533.** 144.435 (5) (a) of the statutes, as created by 1995 Wisconsin Act  
5 27, is repealed.

6 **SECTION 534.** 144.435 (5) (b) of the statutes, as created by 1995 Wisconsin Act  
7 27, is renumbered 289.05 (4) and amended to read:

8 289.05 (4) The department shall promulgate, by rule, standards for the reuse  
9 of foundry sand and other high-volume industrial waste, including high-volume  
10 industrial waste that qualifies for an exemption from regulation under s. 144.44 (7)  
11 ~~(g)~~ 289.43 (8). The department shall design the rules under this ~~paragraph~~  
12 subsection to allow and encourage, to the maximum extent possible consistent with  
13 the protection of public health and the environment, the beneficial reuse of  
14 high-volume industrial waste, in order to preserve resources, conserve energy and  
15 reduce or eliminate the need to dispose of high-volume industrial waste in landfills.  
16 In developing rules under this ~~paragraph~~ subsection, the department shall review  
17 methods of reusing high-volume industrial waste that are approved by other states  
18 and incorporate those methods to the extent that the department determines is  
19 advisable. In developing rules under this ~~paragraph~~ subsection, the department  
20 shall also consider the analysis and methodology used under 40 CFR 503.13 in  
21 determining the impacts on groundwater from various methods of reusing  
22 high-volume industrial wastes.

23 **SECTION 535.** 144.436 of the statutes is renumbered 289.51.

24 **SECTION 536.** 144.437 of the statutes is renumbered 289.10, and 289.10 (title),  
25 as renumbered, is amended to read:

1           **289.10** (title) **Solid County solid waste management plans.**

2           **SECTION 537.** 144.438 of the statutes is renumbered 289.44.

3           **SECTION 538.** 144.4385 of the statutes, as created by 1995 Wisconsin Act 99,  
4 is renumbered 289.445, and 289.445 (1) (b) to (d), as renumbered, are amended to  
5 read.

6           289.445 (1) (b) “Washing station” has the meaning given in s. ~~147.0175~~ 283.62  
7 (1) (b).

8           (c) “Wash water” has the meaning given in s. ~~147.0175~~ 283.62 (1) (c).

9           (d) “Wash water storage facility” has the meaning given in s. ~~147.0175~~ 283.62  
10 (1) (d).

11           **SECTION 539.** 144.439 of the statutes is renumbered 289.45.

12           **SECTION 540.** 144.44 (title), (1) (intro.), (a) and (am) of the statutes are  
13 repealed.

NOTE: “Class 1 proceeding”, as defined in s. 144.44 (1) (am), is not used in s. 144.44.

14           **SECTION 541.** 144.44 (1) (b), (bm), (c) and (d) of the statutes are renumbered  
15 289.01 (6), (10), (18) and (29), and 289.01 (10) and (29), as renumbered, are amended  
16 to read:

17           289.01 (10) “Hazardous constituent” means any constituent designated by the  
18 department under s. ~~144.62 (2) (e)~~ 291.05 (4).

19           (29) “Release” has the meaning given under s. ~~144.735~~ 291.37 (1) (b).

20           **SECTION 542.** 144.44 (1) (e) of the statutes is repealed.

NOTE: The term “surface impoundment” is used only in s. 144.44 (2) (fm) and a  
definition is placed in that paragraph, as renumbered to s. 289.24 (2).

21           **SECTION 543.** 144.44 (1c) of the statutes is renumbered 289.21.

22           **SECTION 544.** 144.44 (1m) (title) of the statutes is renumbered 289.22 (title).

1           **SECTION 545.** 144.44 (1m) (a), (b), (bn), (c), (d) and (e) of the statutes are  
2           renumbered 289.22 (1), (1m), (2), (3), (4) and (5), and 289.22 (1) and (2) to (5), as  
3           renumbered, are amended to read:

4           289.22 (1) DEFINITION. ~~As used in In~~ In this subsection ~~section~~, “local approval”  
5           has the meaning specified under s. ~~144.445~~ 289.33 (3) (d).

6           (2) STANDARD NOTICE. The waste facility siting board shall develop and print  
7           a standard notice designed to inform an affected municipality of the time limits and  
8           requirements for participation in the negotiation and arbitration process under s.  
9           ~~144.445~~ 289.33. An applicant shall submit a copy of this standard notice, if it has  
10          been printed, with any written request submitted under ~~par. (b)~~ sub. (1m).

11          (3) ATTEMPTS TO OBTAIN LOCAL APPROVALS REQUIRED. Following applications for  
12          local approvals under ~~par. (b)~~ sub. (1m) and prior to submitting a feasibility report,  
13          any applicant subject to s. ~~144.445~~ 289.33 shall undertake all reasonable procedural  
14          steps necessary to obtain each local approval required to construct the waste  
15          handling portion of the facility except that the applicant is not required to seek  
16          judicial review of decisions of the local unit of government.

17          (4) WAIVER OF LOCAL APPROVALS. If a local approval precludes or inhibits the  
18          ability of the applicant to obtain data required to be submitted under ~~sub. (1e)~~ (a)  
19          289.21 (1) or in a feasibility report or environmental impact report, the applicant may  
20          petition the department to waive the applicability of the local approval to the  
21          applicant. If a petition is received, the department shall promptly schedule a hearing  
22          on the matter and notify the local government of the hearing. If the department  
23          determines at the hearing that the local approval is unreasonable, the department  
24          shall waive the applicability of the local approval to the applicant.

1           **(5) COMPLIANCE REQUIRED.** Except as provided under ~~par. (d) sub. (4)~~, no person  
2 may construct a solid waste disposal facility or a hazardous waste facility unless the  
3 person complies with the requirements of ~~pars. (b) and (e) subs. (1m) and (3)~~.

4           **SECTION 546.** 144.44 (2) (title) of the statutes is repealed.

5           **SECTION 547.** 144.44 (2) (a) and (b) of the statutes are renumbered 289.23 (1)  
6 and (2), and 289.23 (2) (intro.), (a) and (c), as renumbered, are amended to read:

7           **289.23 (2) LOCAL APPROVAL APPLICATION PREREQUISITE.** (intro.) ~~Except as~~  
8 ~~provided under par. (e), no~~ No person subject to s. 144.44~~5~~ 289.33 may submit a  
9 feasibility report until the latest of the following periods:

10           (a) At least 120 days after the person submits applications for all applicable  
11 local approvals specified as required by the municipality under ~~sub. (1m) (b) s. 289.22~~  
12 (1m).

13           (c) At least 120 days after the deadline for the municipal response under ~~sub.~~  
14 ~~(1m) (b) s. 289.22 (1m)~~ if the municipality does not respond within that time limit.

15           **SECTION 548.** 144.44 (2) (c) of the statutes is repealed.

NOTE: Section 144.44 (2) (c) currently reads as follows:

“144.44 (2) (c) *No prerequisite for certain mining facilities.* An operator engaged  
in mining, as defined under s. 144.81 (5), on May 21, 1978, may, but is not required to,  
submit a feasibility report for any solid waste disposal facility for waste resulting from  
those mining operations.”

At the time this statute was enacted, there were existing mining facilities that had  
been in operation prior to May 21, 1978. All of these mines have now been closed, so this  
provision is no longer necessary.

16           **SECTION 549.** 144.44 (2) (d) and (e) of the statutes are renumbered 289.23 (3)  
17 and (5) and amended to read:

18           **289.23 (3) COMPLIANCE REQUIRED.** No person may construct a solid waste  
19 disposal facility or a hazardous waste facility unless the person complies with the  
20 requirements of ~~this subsection~~ ss. 289.23 to 289.29.

1           **(5) NOTIFICATION OF PROPOSED FACILITY.** Immediately upon receipt of a feasibility  
2 report the department shall send a notice to the persons specified under ~~sub. (4m)~~  
3 s. 289.32 containing a brief description of the proposed facility and a statement that  
4 the applicant is required to send a copy of the feasibility report after it is determined  
5 to be complete by the department.

6           **SECTION 550.** 144.44 (2) (f), (fm) and (g) of the statutes are renumbered 289.24  
7 (1), (2) and (3), and 289.24 (1) (intro.), (c) and (f) and (2) (intro.), as renumbered, are  
8 amended to read:

9           **289.24 (1) CONTENTS OF FEASIBILITY REPORTS; PREPARATION.** (intro.) The  
10 department shall specify by rule the minimum contents of a feasibility report and no  
11 report is complete unless the specified information is provided by the applicant. In  
12 addition to the requirements specified under ~~par. (fm) sub. (2)~~, the rules may specify  
13 special requirements for a feasibility report relating to any hazardous waste facility.  
14 The department may require a feasibility report to be prepared by a registered  
15 professional engineer. A feasibility report shall include:

16           (c) A description of how the proposed facility relates to any applicable county  
17 solid waste management plan approved under s. ~~144.437~~ 289.10.

18           (f) Sufficient information to make the determination of need for the facility  
19 under ~~this subsection~~ s. 289.28 unless the facility is exempt under ~~par. (nr) s. 289.28~~  
20 (2).

21           **(2) CERTAIN HAZARDOUS WASTE FACILITIES; ADDITIONAL REQUIREMENTS.** (intro.) A  
22 feasibility report for a hazardous waste disposal facility or surface impoundment, as  
23 defined in s. 291.37 (1) (d), shall include a list of all persons living within 0.5 mile of  
24 the facility and information reasonably ascertainable by the applicant on the

1 potential for public exposure to hazardous waste or hazardous constituents through  
2 releases from the facility including, but not limited to, the following:

3 **SECTION 551.** 144.44 (2) (h) of the statutes is renumbered 289.23 (4) and  
4 amended to read:

5 **289.23 (4) DISTRIBUTION OF FEASIBILITY REPORT.** At the same time an applicant  
6 submits a feasibility report to the department, the applicant shall submit a copy of  
7 that feasibility report to each participating municipality under s. 144.445 289.33 (6)  
8 (b). ~~Immediately after the applicant receives notification of the department's~~  
9 ~~determination that the feasibility report is complete, the applicant shall distribute~~  
10 ~~copies of the feasibility report to the persons specified under sub. (4m).~~

NOTE: The remainder of current s. 144.44 (2) (h) is located in new s. 289.24 (4).

11 **SECTION 552.** 144.44 (2) (i), (j) and (k) of the statutes are renumbered 289.25  
12 (1), (2) and (3), and 289.25 (2) and (3), as renumbered, are amended to read:

13 **289.25 (2) ENVIRONMENTAL IMPACT STATEMENT PROCESS.** If an environmental  
14 impact statement is required, the department shall conduct the hearing required  
15 under s. 1.11 (2) (d) in an appropriate place it designates in a county, city, village or  
16 town which would be substantially affected by the operation of the proposed facility.  
17 The hearing on the environmental impact statement is not a contested case. The  
18 department shall issue its determination of the adequacy of the environmental  
19 impact statement within 30 days after the close of the hearing. Except as provided  
20 under s. 144.836 293.43, the department shall complete any environmental impact  
21 statement process required under s. 1.11 before proceeding with the feasibility report  
22 review process under ~~par. (k) sub. (3) and subs. (2g) and (2r) ss. 289.26 and 289.27.~~

23 **(3) NOTIFICATION ON FEASIBILITY REPORT AND PRELIMINARY ENVIRONMENTAL IMPACT**  
24 **STATEMENT DECISIONS.** Immediately after the department issues a preliminary

1 determination that an environmental impact statement is not required or, if it is  
2 required, immediately after the department issues the environmental impact  
3 statement, the department shall publish a class 1 notice under ch. 985 in the official  
4 newspaper designated under s. 985.04 or 985.05 or, if none exists, in a newspaper  
5 likely to give notice in the area of the proposed facility. The notice shall include a  
6 statement that the feasibility report and the environmental impact statement  
7 process are complete. The notice shall invite the submission of written comments by  
8 any person within 30 days after the notice for a solid waste disposal facility or within  
9 45 days after the notice for a hazardous waste facility is published. The notice shall  
10 describe the methods by which a hearing may be requested under ~~pars. (L) and (m)~~  
11 ss. 289.26 (1) and 289.27 (1). The department shall distribute copies of the notice to  
12 the persons specified under ~~sub. (4m) s. 289.32~~.

13 **SECTION 553.** 144.44 (2) (L) of the statutes is renumbered 289.26 (1) and  
14 amended to read:

15 289.26 (1) REQUEST FOR AN INFORMATIONAL HEARING. Within 30 days after the  
16 notice under ~~par. (k) s. 289.25 (3)~~ is published for a solid waste disposal facility, or  
17 within 45 days after the notice under ~~par. (k) s. 289.25 (3)~~ is published for a hazardous  
18 waste facility, any county, city, village or town, the applicant or any 6 or more persons  
19 may file a written request for an informational hearing on the matter with the  
20 department. The request shall indicate the interests of the municipality or persons  
21 who file the request and state the reasons why the hearing is requested.

22 **SECTION 554.** 144.44 (2) (m) of the statutes is renumbered 289.27 (1), and  
23 289.27 (1) (intro.), as renumbered, is amended to read:

24 289.27 (1) REQUEST FOR TREATMENT AS A CONTESTED CASE. (intro.) Within 30 days  
25 after the notice under ~~par. (k) s. 289.25 (3)~~ is published for a solid waste disposal

1 facility, or within 45 days after the notice under ~~par. (k)~~ s. 289.25 (3) is published for  
2 a hazardous waste facility, any county, city, village or town, the applicant or any 6 or  
3 more persons may file a written request that the hearing under ~~par. (L)~~ s. 289.26 (1)  
4 be treated as a contested case, as provided under s. 227.42. A county, city, village or  
5 town, the applicant or any 6 or more persons have a right to have the hearing treated  
6 as a contested case only if:

7 **SECTION 555.** 144.44 (2) (n) of the statutes is renumbered 289.29 (1), and 289.29  
8 (1) (a) and (c), as renumbered, are amended to read:

9 289.29 (1) (a) A determination of feasibility shall be based only on ~~ss. 144.43~~  
10 ~~to 144.47 this chapter~~ and ~~144.60 to 144.74 ch. 291~~ and rules promulgated under  
11 those ~~sections~~ chapters. A determination of feasibility for a facility for the disposal  
12 of metallic mining waste shall be based only on ~~ss. 144.43 to 144.47 this chapter~~ and  
13 ~~144.60 to 144.74 ch. 291~~ and rules promulgated under those ~~sections~~ chapters with  
14 special consideration given to s. ~~144.435~~ 289.05 (2) and rules promulgated under that  
15 section.

16 (c) The department may receive into evidence at a hearing conducted under  
17 ~~sub. (2g) or (2r)~~ s. 289.26 or 289.27 any environmental impact assessment or  
18 environmental impact statement for the facility prepared under s. 1.11 and any  
19 environmental impact report prepared under s. 23.11 (5). The adequacy of the  
20 environmental impact assessment, environmental impact statement or  
21 environmental impact report is not subject to challenge at that hearing.

22 **SECTION 556.** 144.44 (2) (nm) of the statutes is renumbered 289.28 (1), and  
23 289.28 (1) (intro.), (c) 1. and 2. and (d), as renumbered, are amended to read:

24 289.28 (1) DETERMINATION OF NEED; ISSUES CONSIDERED. (intro.) A feasibility  
25 report shall contain an evaluation to justify the need for the proposed facility unless

1 the facility is exempt under ~~par. (nr)~~ sub. (2). The department shall consider the  
2 following issues in evaluating the need for the proposed facility:

3 (c) 1. Approved facilities, ~~as defined under s. 144.441 (1) (a)~~, including the  
4 potential for expansion of those facilities on contiguous property already owned or  
5 controlled by the applicant.

6 2. Nonapproved facilities, ~~as defined under s. 144.442 (1) (e)~~, which are  
7 environmentally sound. It is presumed that a nonapproved facility is not  
8 environmentally sound unless evidence to the contrary is produced.

9 (d) If the need for a proposed municipal facility cannot be established under  
10 ~~subds. 1. to 3. pars. (a) to (c)~~, the extent to which the proposed facility is needed to  
11 replace other facilities of that municipality at the time those facilities are projected  
12 to be closed in the plans of operation.

13 **SECTION 557.** 144.44 (2) (nr) of the statutes is renumbered 289.28 (2), and  
14 289.28 (2) (intro.) and (a), as renumbered, are amended to read:

15 289.28 (2) DETERMINATION OF NEED; EXEMPT FACILITIES. (intro.) Paragraphs ~~(f)~~  
16 ~~6., (n) 4., (nm) and (om)~~ Subsections (1) and (3) and ss. 289.24 (1) (f) and 289.29 (1)  
17 (d) do not apply to:

18 (a) Any facility which is part of a prospecting or mining operation with a permit  
19 under s. ~~144.84~~ 293.45 or ~~144.85~~ 293.49.

20 **SECTION 558.** 144.44 (2) (nu) of the statutes is renumbered 289.29 (2) and  
21 amended to read:

22 289.29 (2) MAXIMUM NUMBER OF FACILITIES. (a) Except as provided in ~~subd. 2.~~  
23 par. (b), the department may not issue a favorable determination of feasibility for a  
24 solid waste disposal facility in a 3rd class city if 2 or more approved facilities that are

1 solid waste disposal facilities are in operation within the city in which the solid waste  
2 disposal facility is proposed to be located.

3 (b) The prohibition in ~~sub. 1. par. (a)~~ does not apply to an expansion of or  
4 addition to an existing approved facility that is a solid waste disposal facility by the  
5 owner or operator of the existing approved facility on property that is contiguous to  
6 the property on which the existing approved facility is located and that is owned or  
7 under option to lease or purchase by the owner or operator of the existing approved  
8 facility.

9 **SECTION 559.** 144.44 (2) (o) of the statutes is renumbered 289.29 (3) and  
10 amended to read:

11 289.29 (3) CONTENTS OF FINAL DETERMINATION OF FEASIBILITY. The department  
12 shall issue a final determination of feasibility which shall state the findings of fact  
13 and conclusions of law upon which it is based. The department may condition the  
14 issuance of the final determination of feasibility upon special design, operational or  
15 other requirements to be submitted with the plan of operation under ~~sub. (3) s.~~  
16 289.30. The final determination of feasibility shall specify the design capacity of the  
17 proposed facility. The issuance of a favorable final determination of feasibility  
18 constitutes approval of the facility for the purpose stated in the application but does  
19 not guarantee plan approval under ~~sub. (3) s. 289.30~~ or licensure under ~~sub. (4) s.~~  
20 289.31.

21 **SECTION 560.** 144.44 (2) (om) of the statutes is renumbered 289.28 (3) and  
22 amended to read:

23 289.28 (3) ISSUANCE OF DETERMINATION OF NEED. Except for a facility which is  
24 exempt under ~~par. (nr) sub. (2)~~, the department shall issue a determination of need  
25 for the proposed facility at the same time the final determination of feasibility is

1 issued. If the department determines that there is insufficient need for the facility,  
2 the applicant may not construct or operate the facility.

3 **SECTION 561.** 144.44 (2) (p) and (q) of the statutes are renumbered 289.29 (4)  
4 and (5) and amended to read:

5 289.29 (4) ISSUANCE OF FINAL DETERMINATION OF FEASIBILITY. Except as provided  
6 under ~~par. (q) sub. (5)~~, if no hearing is conducted under ~~sub. (2g) or (2r) s. 289.26 or~~  
7 289.27, the department shall issue the final determination of feasibility within 60  
8 days after the 30-day or 45-day period under ~~par. (m) s. 289.27 (1)~~ has expired.

9 (5) ISSUANCE OF FINAL DETERMINATION OF FEASIBILITY IN CERTAIN SITUATIONS  
10 INVOLVING UTILITIES AND MINING. If a determination of feasibility is required under s.  
11 196.491 (2m), the issuance of a final determination of feasibility is subject to the time  
12 limits under s. 196.491 (3) (f) and (ff). If a determination of feasibility is required  
13 under s. ~~144.836~~ 293.43, the issuance of a final determination of feasibility is subject  
14 to the time limits under s. ~~144.84 (3) 293.45 (2) or 144.85 (5) 293.49~~, whichever is  
15 applicable.

16 **SECTION 562.** 144.44 (2g) (title) of the statutes is repealed.

17 **SECTION 563.** 144.44 (2g) (a), (b), (c) and (e) of the statutes are renumbered  
18 289.26 (2), (3), (4) and (5) and amended to read:

19 289.26 (2) APPLICABILITY. This ~~subsection~~ section applies if no request for the  
20 treatment of the hearing as a contested case is granted and if:

21 (a) An informational hearing is requested under sub. ~~(2)-(L) (1)~~ within the  
22 30-day or 45-day period; or

23 (b) No hearing is requested under sub. ~~(2)-(L) (1)~~ within the 30-day or 45-day  
24 period but the department determines that there is substantial public interest in  
25 holding a hearing.

1           **(3) NONAPPLICABILITY; HEARING CONDUCTED AS A PART OF CERTAIN MINING HEARINGS.**

2           Notwithstanding ~~par. (a) sub. (2)~~ this subsection section does not apply if a hearing  
3           on the feasibility report is conducted as a part of a hearing under s. ~~144.836~~ 293.43  
4           and the time limits, notice and hearing provisions in that section supersede the time  
5           limits, notice and hearing provisions under ~~sub. (2) (j) to (m)~~ s. 289.25 (2) and (3) and  
6           this ~~subsection~~ section.

7           **(4) INFORMATIONAL HEARING.** The department shall conduct the informational  
8           hearing within 60 days after the expiration of the 30-day or 45-day period under sub.  
9           ~~(2) (L)~~ (1). The department shall conduct the informational hearing in an  
10          appropriate place designated by the department in a county, city, village or town  
11          which would be substantially affected by the operation of the proposed facility.

12          **(5) ISSUANCE OF FINAL DETERMINATION OF FEASIBILITY.** Except as provided under  
13          ~~sub. (2) (q)~~ s. 289.29 (5), the department shall issue a final determination of  
14          feasibility within 60 days after the informational hearing under this ~~subsection~~  
15          section is adjourned.

16          **SECTION 564.** 144.44 (2r) (title) of the statutes is repealed.

17          **SECTION 565.** 144.44 (2r) (a), (b), (d) and (e) of the statutes are renumbered  
18          289.27 (2), (3), (4) and (5), and 289.27 (2), (3), (4) (intro.) and (a) and (5), as  
19          renumbered, are amended to read:

20          **289.27 (2) APPLICABILITY.** This ~~subsection~~ section applies only if a person  
21          requests the treatment of the hearing as a contested case under sub. ~~(2) (m)~~ (1) within  
22          the 30-day or 45-day period and has a right to a hearing under that subsection. Any  
23          denial of a request for the treatment of the hearing as a contested case received  
24          within the 30-day or 45-day period under sub. ~~(2) (m)~~ (1) shall be in writing, shall  
25          state the reasons for denial and is an order reviewable under ch. 227. If the

1 department does not enter an order granting or denying the request for the  
2 treatment of the hearing as a contested case within 20 days after the written request  
3 is filed, the request is deemed denied.

4 **(3) NONAPPLICABILITY.** Notwithstanding ~~par. (a) sub. (2)~~, this section does not  
5 apply if a hearing on the feasibility report is conducted as a part of a hearing under  
6 s. ~~144.836~~ 293.43 and the time limits, notice and hearing provisions under that  
7 section supersede the time limits, notice and hearing provisions under ~~sub. (2) (j) to~~  
8 ~~(m) s. 289.25 (2) and (3)~~ and this subsection section.

9 **(4) TIME LIMITS.** (intro.) Except as provided under ~~sub. (2) (g)~~ s. 289.29 (5):

10 (a) The division of hearings and appeals in the department of administration  
11 shall schedule the hearing to be held within 120 days after the expiration of the  
12 30-day or 45-day period under ~~sub. (2) (m)~~ (1).

13 **(5) DETERMINATION OF NEED; DECISION BY HEARING EXAMINER.** If a contested case  
14 hearing is conducted under this ~~subsection~~ section, the secretary shall issue any  
15 decision concerning determination of need, notwithstanding s. 227.46 (2) to (4). The  
16 secretary shall direct the hearing examiner to certify the record of the contested case  
17 hearing to him or her without an intervening proposed decision. The secretary may  
18 assign responsibility for reviewing this record and making recommendations  
19 concerning the decision to any employe of the department.

20 **SECTION 566.** 144.44 (3) (title), (a), (ag) and (am) of the statutes are renumbered  
21 289.30 (title), (1), (2) and (3), and 289.30 (2) and (3), as renumbered, are amended to  
22 read:

23 289.30 **(2) FEASIBILITY REPORT PREREQUISITE.** ~~Except as provided under par. (ar),~~  
24 ~~no~~ No person may submit a plan of operation for a facility prior to the time the person  
25 submits a feasibility report for that facility. A person may submit a plan of operation

1 with the feasibility report or at any time after the feasibility report is submitted. If  
2 a person submits the plan of operation prior to the final determination of feasibility,  
3 the plan of operation is not subject to review at any hearing conducted under ~~sub. (2),~~  
4 ~~(2g) or (2r)~~ s. 289.26 or 289.27 and is not subject to judicial review under ss. 227.52  
5 to 227.58 in the review of any decision under ~~sub. (2), (2g) or (2r)~~ s. 289.26 or 289.27.

6 **(3) FEASIBILITY REPORT; CERTAIN FACILITIES.** The department may require the  
7 applicant for a hazardous waste treatment or storage facility to submit the feasibility  
8 report and the plan of operation at the same time and, notwithstanding ~~pars. (ag),~~  
9 ~~(f) and (g)~~ subs. (2), (10) and (11), both the feasibility report and the plan of operation  
10 shall be considered at a public hearing conducted under ~~subs. (2), (2g) and (2r)~~ ss.  
11 289.26 and 289.27, and both are subject to judicial review in a single proceeding.

12 **SECTION 567.** 144.44 (3) (ar) of the statutes is repealed.

NOTE: Section 144.44 (3) (ar) currently reads as follows:

“144.44 (3) (ar) *Feasibility report prerequisite; exception.* The owner or operator of a licensed solid waste disposal facility in existence on May 21, 1978, may, but is not required to, submit a plan of operation for that facility and seek approval under this subsection. An operator engaged in mining, as defined under s. 144.81 (5), on May 21, 1978, may, but is not required to, submit a plan of operation for any solid waste disposal facility for waste resulting from those mining operations and seek approval for that plan of operation under this subsection.”

At the time this statute was enacted, there were existing mining facilities that had been in operation prior to May 21, 1978. All of these mines have now been closed, so this provision is no longer necessary.

13 **SECTION 568.** 144.44 (3) (b), (bh), (c), (cm), (d), (e), (f) and (g) of the statutes are  
14 renumbered 289.30 (4), (5), (6), (7), (8), (9), (10) and (11), and 289.30 (4), (5) (intro.),  
15 (6), (7), (8) (a) (intro.) and 3. and (b), (9) and (11), as renumbered, are amended to read:

16 **289.30 (4) PREPARATION; CONTENTS.** The proposed plan of operation shall be  
17 prepared by a registered professional engineer and shall include at a minimum a  
18 description of the manner of solid waste disposal or hazardous waste treatment,  
19 storage or disposal and a statement setting forth the proposed development, daily

1 operation, closing and long-term care of the facility. The proposed plan of operation  
2 shall specify the method by which the owner or operator will maintain proof of  
3 financial responsibility under s. ~~144.443~~ 289.41. The department shall specify by  
4 rule the minimum contents of a plan of operation submitted for approval under this  
5 ~~subsection~~ section and no plan is complete unless the information is supplied. The  
6 rules may specify special standards for plans of operation relating to hazardous  
7 waste facilities. Within 30 days after a plan of operation is submitted or, if the plan  
8 of operation is submitted with the feasibility report under ~~par. (ag)~~ sub. (2), within  
9 30 days after the department issues notice that the feasibility report is complete, the  
10 department shall notify the applicant in writing if the plan is not complete,  
11 specifying the information which is required to be submitted before the report is  
12 complete. If no notice is given, the report is deemed complete on the date of its  
13 submission.

14 **(5) DAILY COVER.** (intro.) The department shall include in an approved plan of  
15 operation for a municipal waste landfill a requirement that the operator use foundry  
16 sand or shredder fluff for daily cover at part or all of the municipal waste landfill for  
17 the period specified in a request from a person operating a foundry or a scrap dealer  
18 in this state if the department receives the request prior to approving the plan of  
19 operation under ~~par. (e)~~ sub. (6) and if all of the following conditions are met:

20 **(6) APPROVAL; DISAPPROVAL.** The department may not approve or disapprove a  
21 plan of operation until a favorable determination of feasibility has been issued for  
22 the facility. Upon the submission of a complete plan of operation, the department  
23 shall either approve or disapprove the plan in writing within 90 days or within 60  
24 days after a favorable determination of feasibility is issued for the facility, whichever  
25 is later. The determination of the department shall be based upon compliance with

1 ~~par. (bh)~~ sub. (5) and the standards established under s. ~~144.435~~ 289.05 (1) and (2)  
2 or, in the case of hazardous waste facilities, with the rules and standards established  
3 under s. ~~144.62~~ ss. 291.05 (1) to (4) and (6) and 291.07 to 291.11. An approval may  
4 be conditioned upon any requirements necessary to comply with the standards. Any  
5 approval may be modified by the department upon application of the licensee if newly  
6 discovered information indicates that the modification would not inhibit compliance  
7 with the standards adopted under s. ~~144.435~~ 289.05 (1) and (2) or, if applicable, s.  
8 ~~144.62~~ ss. 291.05 (1) to (4) and (6) and 291.07 to 291.11. No plan of operation for a  
9 solid or hazardous waste facility may be approved unless the applicant submits  
10 technical and financial information required under ss. ~~144.441~~ 289.05 (3) and  
11 ~~144.443~~ 289.41.

12 **(7)** NO ENVIRONMENTAL IMPACT STATEMENT REQUIRED. A determination under this  
13 ~~subsection~~ section does not constitute a major state action under s. 1.11 (2).

14 **(8)** (a) (intro.) Approval under ~~par. (c)~~ sub. (6) entitles the applicant to construct  
15 the facility in accordance with the approved plan for not less than the design capacity  
16 specified in the determination of feasibility, unless the department establishes by a  
17 clear preponderance of the credible evidence that:

18 3. In-field conditions, not disclosed in the feasibility report or plan of operation,  
19 necessitate modifications of the plan to comply with standards in effect at the time  
20 of plan approval under s. ~~144.435~~ 289.05 (1) and (2) or, if applicable, s. ~~144.62~~ ss.  
21 291.05 (1) to (4) and (6) and 291.07 to 291.11.

22 (b) ~~Subdivision 1. Paragraph (a)~~ Paragraph (a) does not limit the department's authority to  
23 modify a plan of operation to ensure compliance with a federal statute or regulation  
24 applicable to the solid waste disposal facility or hazardous waste facility.

1           **(9) FAILURE TO COMPLY WITH PLAN OF OPERATION.** Failure to operate in accordance  
2 with the approved plan subjects the operator to enforcement under s. ~~144.47~~ 289.97  
3 or ~~144.73~~ 291.95. If the department establishes that any failure to operate in  
4 accordance with the approved plan for a solid waste disposal facility is grievous and  
5 continuous, the operator is subject to suspension, revocation or denial of the  
6 operating license under ~~sub. (4)~~ s. 289.31. If the operator fails to operate a hazardous  
7 waste facility in accordance with the approved plan, the department may suspend,  
8 revoke or deny the operating license under ~~sub. (4)~~ s. 289.31.

9           **(11) NO RIGHT TO HEARING.** There is no statutory right to a hearing before the  
10 department concerning the plan of operation but the department may grant a  
11 hearing on the plan of operation under s. ~~144.431 (2) (a)~~ 289.07 (1).

12           **SECTION 569.** 144.44 (4) of the statutes is renumbered 289.31, and 289.31 (1)  
13 to (3) and (6) to (8), as renumbered, are amended to read:

14           **289.31 (1) LICENSE REQUIREMENT.** No person may operate a solid waste facility  
15 or hazardous waste facility unless the person obtains an operating license from the  
16 department. The department shall issue an operating license with a duration of one  
17 year or more except that the department may issue an initial license with a duration  
18 of less than one year. The department may deny, suspend or revoke the operating  
19 license of a solid waste disposal facility for failure to pay fees required under ~~ss.~~  
20 ~~144.43 to 144.47~~ this chapter or for grievous and continuous failure to comply with  
21 the approved plan of operation under ~~sub. (3)~~ s. 289.30 or, if no plan of operation  
22 exists with regard to the facility, for grievous and continuous failure to comply with  
23 the standards adopted under s. ~~144.435~~ 289.05 (1) and (2). The department may  
24 deny, suspend or revoke the operating license of a hazardous waste facility for any  
25 reason specified under s. ~~144.64 (2) (e)~~. ~~If the license application is for a solid waste~~

1 ~~disposal facility for solid waste resulting from mining operations in existence on May~~  
2 ~~21, 1978, the department shall make any determination with respect to whether~~  
3 ~~disposal is being undertaken in an environmentally sound manner and shall~~  
4 ~~administer compliance with the licensing requirement of this subsection in a manner~~  
5 ~~which, with respect to nonhazardous solid waste, does not require substantial~~  
6 ~~structural modification of the existing facility, expenditure which is not appropriate~~  
7 ~~for the nonhazardous nature of the waste or interruption of the mining operation~~  
8 291.87 (1m).

NOTE: At the time this statute was enacted, there were existing mining facilities that had been in operation prior to May 21, 1978. All of these mines have now been closed, so the last sentence of s. 144.44 (4) (a) is no longer necessary.

9 **(2)** ENVIRONMENTAL IMPACT STATEMENT NOT REQUIRED. A determination under  
10 this ~~subsection~~ section does not constitute a major state action under s. 1.11 (2).

11 **(3)** ISSUANCE OF INITIAL LICENSE. The initial operating license for a solid waste  
12 disposal facility or a hazardous waste facility shall not be issued unless the facility  
13 has been constructed in substantial compliance with the operating plan approved  
14 under ~~sub. (3)~~ s. 289.30. The department may require that compliance be certified  
15 in writing by a registered professional engineer. The department may by rule  
16 require, as a condition precedent to the issuance of the operating license for a solid  
17 waste disposal facility, that the applicant submit evidence that a notation of the  
18 existence of the facility has been recorded in the office of the register of deeds in each  
19 county in which a portion of the facility is located.

20 **(6)** NO RIGHT TO HEARING. There is no statutory right to a hearing before the  
21 department concerning the license but the department may grant a hearing on the  
22 license under s. ~~144.431 (2) (a)~~ 289.07 (1).

1           **(7) MONITORING REQUIREMENTS.** (a) In this ~~paragraph~~ subsection, “monitoring”  
2 means activities necessary to determine whether contaminants are present in  
3 groundwater, surface water, soil or air in concentrations that require investigation  
4 or remedial action. “Monitoring” does not include investigations to determine the  
5 extent of contamination, to collect information necessary to select or design remedial  
6 action, or to monitor the performance of remedial action.

7           (b) Upon the renewal of an operating license for a nonapproved facility, ~~as~~  
8 ~~defined under s. 144.441 (1) (e)~~, the department may require monitoring at the  
9 facility as a condition of the license.

10           (c) The owner or operator of a nonapproved facility, ~~as defined under s. 144.441~~  
11 ~~(1) (e)~~, is responsible for conducting any monitoring required under ~~subd. 1m. par.~~  
12 (b).

13           (d) The department may require by special order the monitoring of a closed  
14 solid or hazardous waste disposal site or facility which was either a nonapproved  
15 facility, ~~as defined under s. 144.441 (1) (e)~~, or a waste site, as defined under s. 144.442  
16 ~~(1) (e)~~ 292.01 (21), when it was in operation.

17           (e) If the owner or operator of a site or facility subject to an order under ~~subd.~~  
18 ~~3. par. (d)~~ is not a municipality, the owner or operator is responsible for the cost of  
19 conducting any monitoring ordered under ~~subd. 3. par. (d)~~.

20           (f) If the owner or operator of a site or facility subject to an order under ~~subd.~~  
21 ~~3. par. (d)~~ is a municipality, the municipality is responsible for conducting any  
22 monitoring ordered under ~~subd. 3. par. (d)~~. The department shall, from the  
23 environmental fund appropriation under s. 20.370 (2) (dv), reimburse the  
24 municipality for the costs of monitoring that exceed an amount equal to \$3 per person  
25 residing in the municipality for each site or facility subject to an order under ~~subd.~~

1 ~~3.~~ par. (d), except that the maximum reimbursement is \$100,000 for each site or  
2 facility. The department shall exclude any monitoring costs paid under the  
3 municipality's liability insurance coverage in calculating the municipal cost of  
4 monitoring a site or facility.

5 (g) The department shall promulgate rules for determining costs eligible for  
6 reimbursement under ~~subd. 5.~~ par. (f).

7 **(8) CLOSURE AGREEMENT.** Any person operating a solid or hazardous waste  
8 facility which is a nonapproved facility ~~as defined under s. 144.442 (1) (e)~~ may enter  
9 into a written closure agreement at any time with the department to close the facility  
10 on or before July 1, 1999. The department shall incorporate any closure agreement  
11 into the operating license. The operating license shall terminate and is not  
12 renewable if the operator fails to comply with the closure agreement. Upon  
13 termination of an operating license under this ~~paragraph~~ subsection as the result of  
14 failure to comply with the closure agreement, the department shall collect additional  
15 surcharges and base fees as provided under s. 144.442 (2) and (3) ~~289.67 (3) and (4)~~  
16 and enforce the closure under ~~ss. 144.98 299.95 and 144.99 299.97.~~

17 **SECTION 570.** 144.44 (4e) of the statutes is renumbered 289.31 (9) and amended  
18 to read:

19 289.31 **(9) DAILY COVER.** Within 12 months after receiving a request from a  
20 person operating a foundry or a scrap dealer in this state, the department shall  
21 modify the operating license issued under sub. (4) ~~(a)~~ (1) to a person operating a  
22 municipal waste landfill to require the operator to use foundry sand from the foundry  
23 or shredder fluff from the scrap dealer's operation as daily cover at part or all of the  
24 municipal waste landfill for a period specified in the request, if all of the conditions  
25 in ~~sub. (3) (b)~~ s. 289.30 (5) are met.

1           **SECTION 571.** 144.44 (4m) of the statutes is renumbered 289.32, and 289.32  
2 (intro.), as renumbered, is amended to read:

3           **289.32 (title) Distribution of documents.** (intro.) One copy of the notice or  
4 documents required to be distributed under ~~this section~~ ss. 289.21 to 289.31 shall be  
5 mailed to:

6           **SECTION 572.** 144.44 (4r) of the statutes is renumbered 289.34, and 289.34 (1)  
7 and (3), as renumbered, are amended to read:

8           289.34 (1) In this ~~subsection~~ section, “applicant” means any natural person,  
9 partnership, association or body politic or corporate that seeks to construct a solid  
10 waste disposal facility or hazardous waste facility under ~~this section~~ ss. 289.21 to  
11 289.32.

12           **(3) Paragraph (b) Subsection (2)** does not apply if the person named in and  
13 subject to the plan or order provides the department with proof of financial  
14 responsibility ensuring the availability of funds to comply with the plan or order  
15 using a method under s. ~~144.443~~ 289.41.

16           **SECTION 573.** 144.44 (6) of the statutes is renumbered 289.47, and 289.47  
17 (title), as renumbered, is amended to read:

18           **289.47 (title) Closure notice.**

19           **SECTION 574.** 144.44 (7) (title) of the statutes is renumbered 289.43 (title).

20           **SECTION 575.** 144.44 (7) (a) (intro.) of the statutes is repealed.

21           **SECTION 576.** 144.44 (7) (a) 1. of the statutes is renumbered 289.01 (17).

22           **SECTION 577.** 144.44 (7) (a) 2. of the statutes is renumbered 289.43 (1) and  
23 amended to read:

1           289.43 (1) (title) DEFINITION. "Recycling" In this section, "recycling" means the  
2 process by which solid waste is returned to productive use as material or energy, but  
3 does not include the collection of solid waste.

4           **SECTION 578.** 144.44 (7) (am), (b), (c), (d) and (e) of the statutes are renumbered  
5 289.43 (2), (3), (4), (5) and (6), and 289.43 (2), (3) (intro.), (b) and (e) and (4) to (6), as  
6 renumbered, are amended to read:

7           289.43 (2) WAIVER; EMERGENCY CONDITION. The department may waive  
8 compliance with any requirement of ~~this section~~ ss. 289.21 to 289.32, 289.47, 289.53  
9 or 289.95 or shorten the time periods under ~~this section~~ ss. 289.21 to 289.32, 289.47,  
10 289.53 or 289.95 provided to the extent necessary to prevent an emergency condition  
11 threatening public health, safety or welfare.

12           **(3) WAIVER; RESEARCH PROJECTS.** (intro.) The intent of this ~~paragraph~~ subsection  
13 is to encourage research projects designed to demonstrate the feasibility of recycling  
14 certain solid wastes while providing adequate and reasonable safeguards for the  
15 environment. The department may waive compliance with the requirements of ~~ss.~~  
16 ~~144.43 to 144.47~~ this chapter for a project developed for research purposes to  
17 evaluate the potential for the recycling of high-volume industrial waste if the  
18 following conditions are met:

19           (b) The department determines that the project is unlikely to violate any law  
20 relating to surface water or groundwater quality including ~~this chapter or ch. 147 or~~  
21 ~~160 or 283.~~

22           (e) The owner or operator of the project agrees to take necessary action to  
23 maintain compliance with surface water and groundwater laws, including this  
24 chapter and ~~chs. 147 and 160~~ and 283 and to take necessary action to regain

1 compliance with these laws if a violation occurs because of the functioning or  
2 malfunctioning of the project.

3 **(4) EXEMPTION FROM LICENSING OR REGULATION; DEVELOPMENT OF IMPROVED**  
4 **METHODS.** For the purpose of encouraging the development of improved methods of  
5 solid waste disposal, the department may specify by rule types of solid waste  
6 facilities that are not required to be licensed under ~~this section~~ ss. 289.21 to 289.32  
7 or types of solid waste that need not be disposed of at a licensed solid waste disposal  
8 facility.

9 **(5) EXEMPTION FROM REGULATION; SINGLE-FAMILY WASTE DISPOSAL.** The  
10 department may not regulate under ~~this chapter~~ chs. 281, 285 or 289 to 299 any solid  
11 waste from a single family or household disposed of on the property where it is  
12 generated.

13 **(6) EXEMPTION FROM LICENSING; AGRICULTURAL LANDSPREADING OF SLUDGE.** The  
14 department may not require a license under ~~this section~~ ss. 289.21 to 289.32 for  
15 agricultural land on which nonhazardous sludges from a treatment work, as defined  
16 under s. 147.015 283.01 (18), are land spread for purpose of a soil conditioner or  
17 nutrient.

18 **SECTION 579.** 144.44 (7) (em) of the statutes, as created by 1995 Wisconsin Act  
19 27, is renumbered 289.43 (6m) and amended to read:

20 289.43 **(6m) EXEMPTION FROM LICENSING, AGRICULTURAL USE OF WOOD ASH.** No  
21 license is required under ~~this section~~ ss. 289.21 to 289.32 for the agricultural use of  
22 wood ash.

23 **SECTION 580.** 144.44 (7) (f), (g) and (h) of the statutes are renumbered 289.43  
24 (7), (8) and (9), and 289.43 (7) (a) to (d) and (e) 1. and 3., (8) (b) (intro.) and 2. and (c)  
25 and (9), as renumbered, are amended to read:

1           289.43 (7) (a) Any person who generates, treats, stores or disposes of  
2 high-volume industrial waste may request the department to exempt an individual  
3 solid waste facility or specified types of solid waste facilities from ~~ss. 144.43 to 144.47~~  
4 this chapter for the purpose of allowing the recycling of any high-volume industrial  
5 waste.

6           (b) A person who requests an exemption under ~~subd. 1. par. (a)~~ shall provide  
7 any information requested by the department relating to the characteristics of the  
8 high-volume industrial waste, the characteristics of the site of the recycling and the  
9 proposed methods of recycling.

10           (c) The department shall approve the requester's exemption proposal if the  
11 department finds that the proposal, as approved, will comply with this chapter and  
12 chs. 30, 31, ~~147, 160 and 162~~ 280 to 299 and ss. 1.11, 23.40, 59.971, 59.974, 60.627,  
13 61.351, 61.354, 62.231, 62.234 and 87.30. If the proposal does not comply with one  
14 or more of the requirements specified in this ~~subdivision~~ paragraph, the department  
15 shall provide a written statement describing how the proposal fails to comply with  
16 those requirements. The department shall respond to an application for an  
17 exemption under this ~~paragraph~~ subsection within 90 days.

18           (d) The department may require periodic testing and may impose other  
19 conditions on any exemption granted under this ~~paragraph~~ subsection. The  
20 department may require a person granted an exemption under this ~~paragraph~~  
21 subsection to identify the location of any site where high-volume industrial waste  
22 is recycled.

23           (e) 1. Each applicant for an exemption under this ~~paragraph~~ subsection shall  
24 submit a nonrefundable fee of \$500 with the application to cover the department's

1 cost for the initial screening of the application. The department may waive this fee  
2 if the cost of the initial screening to the department will be minimal.

3 3. All fees collected under this ~~subdivision~~ paragraph shall be credited to the  
4 appropriation under s. 20.370 (2) (dg).

5 (8) (b) (intro.) If the department, after a review under ~~subd. 1.~~ par. (a), finds  
6 that regulation under ~~ss. 144.43 to 144.47~~ this chapter is not warranted in light of  
7 the potential hazard to public health or the environment, the department shall  
8 either:

9 2. On a case-by-case basis, exempt from regulation under ~~ss. 144.43 to 144.47~~  
10 this chapter specified types of solid waste facilities.

11 (c) The department may require periodic testing of solid wastes and impose  
12 other conditions on exemptions granted under ~~subd. 2.~~ par. (b).

13 (9) EXEMPTION FROM REGULATION; ANIMAL CARCASSES. The department may not  
14 regulate under ~~this chapter chs. 281, 285 or 289 to 299~~ any animal carcass buried or  
15 disposed of, in accordance with ss. 95.35 and 95.50, on the property owned or  
16 operated by the owner of the carcass, if the owner is a farmer, as defined under s.  
17 102.04 (3).

18 **SECTION 581.** 144.44 (8) of the statutes is renumbered 289.95 and amended to  
19 read:

20 **289.95 Enforcement procedures for older facilities.** (1) Notwithstanding  
21 s. ~~144.47~~ 289.97, for solid waste facilities licensed on or before January 1, 1977, that  
22 the department believes do not meet minimum standards promulgated under s.  
23 ~~144.435~~ 289.05 (1) and (2), the department may do any of the following:

24 (a) Initiate action under s. ~~144.72~~ 289.94.

1 (b) Refer the matter to the department of justice for enforcement under s.  
2 ~~144.98~~ 299.95.

3 (c) Issue an order relating to the solid waste facility or refuse to relicense the  
4 solid waste facility using the procedure under ~~par. (b)~~ sub. (2).

5 **(2)** (a) Before issuing an order relating to a solid waste facility or a decision  
6 refusing to relicense a solid waste facility under ~~par. (a) 3.~~ sub. (1) (c), the department  
7 shall notify the licensee of its intended action. The licensee, within 30 days after  
8 receipt of the notice, may request a hearing under ~~subd. 2~~ par. (b). If the licensee  
9 requests a hearing under ~~subd. 2.~~ par. (b), it may not withdraw that request and  
10 proceed under ~~subd. 3.~~ par. (c).

11 (b) If the licensee requests a hearing, the department may not issue the order  
12 or decision until a hearing, conducted as a class 2 proceeding under ch. 227, is held  
13 unless the licensee has withdrawn the hearing request. The hearing shall be held  
14 in the county where the facility is located. At the hearing the department must  
15 establish by a preponderance of all the available evidence that the facility does not  
16 adhere to the minimum standards promulgated under s. ~~144.435~~ 289.05 (1) and (2).  
17 If the hearing examiner's decision is in favor of the department, or if the licensee has  
18 withdrawn the hearing request, the department may issue the order or decision. The  
19 order or decision is subject to judicial review under ch. 227.

20 (c) If the licensee does not request a hearing under ~~subd. 2.~~ par. (b), the  
21 department shall issue the order or decision. The licensee may challenge the order  
22 or decision by commencing an action in circuit court for the county in which the solid  
23 waste facility is located within 15 days after the issuance of the order or decision.  
24 The complaint shall allege that the facility adheres to the minimum standards  
25 promulgated under s. ~~144.435~~ 289.05 (1) and (2). The licensee shall receive a new

1 trial on all issues relating to the facility and relicensing of the facility. The trial shall  
2 be conducted by the court without a jury.

3 **SECTION 582.** 144.44 (9) of the statutes is renumbered 289.53, and 289.53 (1)  
4 (intro.), (b) and (c) and (2) to (7), as renumbered, are amended to read:

5 289.53 (1) DEFINITIONS. (intro.) As used in In this subsection section:

6 (b) "PCBs" has the meaning specified under s. ~~144.79~~ 299.45 (1).

7 (c) "PCB waste" means any product containing PCBs, as defined under s.  
8 ~~144.79~~ 299.45 (1) (c), which is subject to regulation under s. ~~144.79~~ 299.45 after the  
9 product becomes a solid waste. This term also means any material which is  
10 contaminated by the discharge, as defined under s. ~~144.76 (1) (a)~~ 292.01 (3), of a  
11 substance containing PCBs subject to regulation under s. ~~144.76~~ 292.11.

12 **(2) FEASIBILITY REPORT AND RELATED PROVISIONS.** Except as provided under par.  
13 ~~(f) sub. (6)~~, no person may establish or construct a commercial PCB waste storage or  
14 treatment facility unless the person complies with the requirement under ~~subs. (2)~~  
15 ~~to (2r) ss. 289.23 to 289.29~~ in the same manner as if the facility were a solid waste  
16 disposal facility including each of the following:

17 (a) Submitting a feasibility report under ~~sub. (2) (a)~~ s. 289.23 (1) to determine  
18 whether the site has potential for use in establishing a PCB waste storage or  
19 treatment facility.

20 (b) Complying with requirements for the preparation and contents of a  
21 feasibility report under ~~sub. (2) (f)~~ s. 289.24 (1) including any special requirements  
22 for PCB waste storage or treatment facilities.

23 (c) Following the notice, hearing, procedure and other requirements under  
24 ~~subs. (2) to (2r)~~ ss. 289.23 to 289.29 including any environmental impact  
25 requirements.

1           **(3) PLAN OF OPERATION AND RELATED PROVISIONS.** Except as provided under ~~par.~~  
2 ~~(f) sub. (6)~~, no person may establish, construct or operate a commercial PCB waste  
3 storage or treatment facility unless the person complies with the requirements  
4 under ~~sub. (3) s. 289.30~~ as if the facility were a solid waste disposal facility including  
5 all of the following:

6           (a) Submitting a plan of operation which complies with requirements for  
7 preparation and contents specified under ~~sub. (3) (b) s. 289.30 (4)~~ including any  
8 special requirements for PCB waste storage or treatment facilities except the  
9 department may waive any requirement for proof of financial responsibility for  
10 long-term care.

11           (b) Constructing the facility in accordance with an approved plan of operation  
12 as required under ~~sub. (3) (d) s. 289.30 (8)~~.

13           (c) Operating the facility in accordance with the approved plan of operation  
14 subject to the sanctions under ~~sub. (3) (e) s. 289.30 (9)~~.

15           **(4) FINANCIAL RESPONSIBILITY REQUIREMENTS.** Except as provided under ~~par. (f)~~  
16 ~~sub. (6)~~, no person may establish or construct a commercial PCB waste storage or  
17 treatment facility unless the person complies with s. 144.443 289.41.

18           **(5) LICENSE REQUIREMENT.** Except as provided under ~~par. (f) sub. (6)~~, no person  
19 may operate a commercial PCB waste storage or treatment facility unless the person  
20 obtains an operating license under ~~sub. (4) s. 289.31~~.

21           **(6) EXCEPTIONS.** The department may exempt a person establishing,  
22 constructing or operating certain categories of facilities which store or treat PCB  
23 waste or which store or treat certain types, amounts or concentrations of PCB waste  
24 from the provisions of this ~~subsection~~ section.

1           **(7) APPLICABILITY.** ~~The subsection~~ This section applies to any facility which is  
2 not otherwise subject to this section ss. 289.21 to 289.32.

3           **SECTION 583.** 144.44 (10) of the statutes is renumbered 289.61, and 289.61  
4 (title) and (2), as renumbered, are amended to read:

5           **289.61** (title) **Licenses License and review fees.**

6           **(2)** Solid waste license and review activities consist of reviewing feasibility  
7 reports, plans of operation, closure plans and license applications, issuing  
8 determinations of feasibility, plan of operation approvals and operating licenses,  
9 inspecting construction projects and taking other actions in administering this  
10 section ss. 289.21 to 289.32, 289.43, 289.47, 289.53 and 289.95.

11           **SECTION 584.** 144.441 (title) and (1) (intro.) of the statutes are repealed.

12           **SECTION 585.** 144.441 (1) (a), (b) and (c) of the statutes are renumbered 289.01  
13 (3), (4) and (24), and 289.01 (3) and (4), as renumbered, are amended to read:

14           289.01 **(3)** “Approved facility” means a solid or hazardous waste disposal  
15 facility with an approved plan of operation under s. ~~144.44 (3)~~ 289.30 or a solid waste  
16 disposal facility initially licensed within 3 years prior to May 21, 1978, whose owner  
17 successfully applies, within 2 years after May 21, 1978, for a determination by the  
18 department that the facility’s design and plan of operation comply substantially with  
19 the requirements necessary for plan approval under s. ~~144.44 (3)~~ 289.30.

20           **(4)** “Approved mining facility” means an approved facility which is part of a  
21 mining site, as defined under s. ~~144.81 (8)~~ 293.01 (12), used for the disposal of waste  
22 resulting from mining, as defined under s. ~~144.81 (5)~~ 293.01 (9), or prospecting, as  
23 defined under s. ~~144.81 (12)~~ 293.01 (18).

24           **SECTION 586.** 144.441 (1m) (title) of the statutes is repealed.

1           **SECTION 587.** 144.441 (1m) of the statutes is renumbered 289.05 (3) and  
2 amended to read:

3           289.05 (3) The department shall prescribe by rule minimum standards for  
4 closing, long-term care and termination of solid waste disposal facilities or  
5 hazardous waste facilities. The standards and any additional facility-specific  
6 requirements designated by the department shall be incorporated into the plan of  
7 operation prepared under s. ~~144.44 (3)~~ 289.30. The long-term care provisions in an  
8 approved plan of operation may be modified under s. ~~144.44 (3) (d) 1. c. or 2.~~ 289.30  
9 (8) (a) 3. or (b).

10           **SECTION 588.** 144.441 (2) of the statutes is renumbered 289.41 (1m), and 289.41  
11 (1m) (b) 1. to 3. and (c), as renumbered, are amended to read:

12           289.41 (1m) (b) 1. Except as provided in subd. 2., the owner of an approved  
13 facility shall maintain proof of financial responsibility as provided in s. ~~144.443~~ this  
14 section during the operation of the approved facility and for 40 years after the closing  
15 of the approved facility unless the obligation is extended under par. (f).

16           2. The owner of an approved facility which ceased to accept solid waste and  
17 permanently terminated disposal operations before August 15, 1991, shall maintain  
18 proof of financial responsibility as provided in s. ~~144.443~~ this section for the period  
19 specified in the approved plan of operation.

20           3. Except as provided in subd. 4., the owner of a nonapproved facility that  
21 receives or has received household waste shall maintain proof of financial  
22 responsibility as provided in s. ~~144.443~~ this section during the operation of the  
23 nonapproved facility and for 40 years after the closing of the nonapproved facility  
24 unless the obligation is extended under par. (f).

1           (c) *Long-term care responsibility for approved facilities.* Notwithstanding s.  
2           144.441 (2) (c) 1., 1989 stats., the owner's responsibility for the long-term care of an  
3           approved facility does not terminate, except that if another person acquires the  
4           rights of ownership and is issued under s. ~~144.444~~ 289.46 (1) a new operating license  
5           for the approved facility, the owner's responsibility is transferred to that other person  
6           upon the issuance of the new operating license.

7           **SECTION 589.** 144.441 (3) and (4) of the statutes are renumbered 289.62 (1) and  
8           (2), and 289.62 (1) (f), as renumbered, is amended to read:

9           289.62 (1) (f) *Reduction of or exemption from tonnage fees.* The total annual  
10          tonnage fees for all solid waste received by a nonapproved facility shall be reduced  
11          by the amount of the base fee under s. ~~144.442 (2)~~ 289.67 (3) for that facility. If the  
12          base fee for a nonapproved facility under s. ~~144.442 (2)~~ 289.67 (3) is greater than the  
13          annual tonnage fee imposed under par. (a) for that facility, the solid or hazardous  
14          waste received by the facility is exempt from the tonnage fee for that year. The  
15          department shall establish methods by rule for estimating the total annual tonnages  
16          for all solid and hazardous wastes received by a nonapproved facility. If an estimate  
17          reveals that total annual tonnage fees for a nonapproved facility for a certain year  
18          are unlikely to exceed the base fee under s. ~~144.442 (2)~~ 289.67 (3) for that year, the  
19          department shall grant an exemption under this paragraph without requiring the  
20          calculation of the actual total tonnage fees.

21          **SECTION 590.** 144.441 (6) of the statutes is renumbered 289.68 and amended  
22          to read:

23          **289.68 Payments from the waste management fund and related**  
24          **payments. (1) PAYMENTS FROM THE WASTE MANAGEMENT FUND.** The department may  
25          expend moneys in the waste management fund only for the purposes specified under

1 ~~pars. (d) to (h)~~ subs. (3) to (6) and 1991 Wisconsin Act 39, section 9142 (2w). The  
2 department may expend moneys appropriated under s. 20.370 (2) (dq) for the  
3 purposes specified under ~~pars. (d) and (g)~~ subs. (3) and (5) and 1991 Wisconsin Act  
4 39, section 9142 (2w). The department may expend moneys appropriated under s.  
5 20.370 (2) (dt) for the purposes specified under ~~par. (f)~~ sub. (4). The department may  
6 expend moneys appropriated under s. 20.370 (2) (dy) and (dz) for the purposes  
7 specified under ~~par. (h)~~ sub. (6).

8 **(2) PAYMENTS FROM THE INVESTMENT AND LOCAL IMPACT FUND.** The department  
9 may expend moneys received from the investment and local impact fund only for the  
10 purposes specified under ~~par. (d)~~ sub. (3), only for approved mining facilities and only  
11 if moneys in the waste management fund are insufficient to make complete  
12 payments. The amount expended by the department under this ~~paragraph~~  
13 subsection may not exceed the balance in the waste management fund at the  
14 beginning of that fiscal year or 50% of the balance in the investment and local impact  
15 fund at the beginning of that fiscal year, whichever amount is greater.

16 **(3) PAYMENTS FOR LONG-TERM CARE AFTER TERMINATION OF PROOF OF FINANCIAL**  
17 **RESPONSIBILITY.** The department may spend moneys appropriated under s. 20.370 (2)  
18 (dq) for the costs of long-term care of an approved facility for which the plan of  
19 operation was approved under s. 144.44 (3) (e) 289.30 (6) before August 9, 1989, that  
20 accrue after the requirement to provide proof of financial responsibility expires  
21 under ~~sub. (2)~~ s. 289.41 (1m) (b) or (f) as authorized under s. 144.44 ~~3~~ 289.41 (11) (b)  
22 2.

23 **(4) PAYMENT OF CLOSURE AND LONG-TERM CARE COSTS; FORFEITED BONDS AND**  
24 **SIMILAR MONEYS.** The department may utilize moneys appropriated under s. 20.370

1 (2) (dt) for the payment of costs associated with compliance with closure and  
2 long-term care requirements under s. ~~144.443~~ 289.41 (11) (b) 1.

3 **(5) PREVENTION OF IMMINENT HAZARD.** The department may utilize moneys  
4 appropriated under s. 20.370 (2) (dq) for the payment of costs associated with  
5 imminent hazards as authorized under s. ~~144.443~~ 289.41 (11) (c) and (cm).

6 **(6) PAYMENT OF CORRECTIVE ACTION, FORFEITED BONDS AND RECOVERED MONEYS.**  
7 The department may utilize moneys appropriated under s. 20.370 (2) (dy) and (dz)  
8 for the payment of costs of corrective action under s. ~~144.443~~ 289.41 (11) (bm).

9 **SECTION 591.** 144.441 (6m) of the statutes is renumbered 289.68 (7).

10 **SECTION 592.** 144.441 (7) of the statutes is renumbered 289.63, and 289.63 (1),  
11 (3) (intro.), (a), (b), (c) (intro.) and (d) and (4) to (9), as renumbered, are amended to  
12 read:

13 **289.63 (1) IMPOSITION OF GROUNDWATER, SOLID WASTE CAPACITY AND WELL**  
14 **COMPENSATION FEES ON GENERATORS.** Except as provided under ~~par. (f)~~ sub. (6), a  
15 generator of solid or hazardous waste shall pay separate groundwater, solid waste  
16 capacity and well compensation fees for each ton or equivalent volume of solid or  
17 hazardous waste which is disposed of at a licensed solid or hazardous waste disposal  
18 facility. If a person arranges for collection or disposal services on behalf of one or  
19 more generators, that person shall pay the groundwater, solid waste capacity and  
20 well compensation fees to the licensed solid or hazardous waste disposal facility or  
21 to any intermediate hauler used to transfer wastes from collection points to a  
22 licensed facility. An intermediate hauler who receives groundwater, solid waste  
23 capacity and well compensation fees under this ~~paragraph~~ subsection shall pay the  
24 fees to the licensed solid or hazardous waste disposal facility. Tonnage or equivalent

1 volume shall be calculated in the same manner as the calculation made for tonnage  
2 fees under ~~sub. (3)~~ s. 289.62 (1).

3 **(3)** AMOUNT OF GROUNDWATER, SOLID WASTE CAPACITY AND WELL COMPENSATION  
4 FEES. (intro.) The fees imposed under this ~~subsection~~ section are as follows:

5 (a) Except as provided in ~~par. (d)~~ sub. (4), the groundwater fee imposed under  
6 ~~par. (a)~~ sub. (1) is 10 cents per ton for solid waste or hazardous waste.

7 (b) The well compensation fee imposed under ~~par. (a)~~ sub. (1) for solid waste or  
8 hazardous waste, excluding prospecting or mining waste, is one cent per ton.

9 (c) (intro.) In this ~~subdivision~~ paragraph, “solid waste disposal and incineration  
10 capacity” means the sum of the total capacity remaining at the beginning of a  
11 calendar year in all existing municipal waste landfills and the total solid waste  
12 incineration capacity of all existing incinerators during the expected life of the  
13 incinerators. The solid waste capacity fee imposed under ~~par. (a)~~ sub. (1) for solid  
14 waste disposed of after January 1, 1995, excluding hazardous waste and excluding  
15 solid waste generated in this state, shall be determined by the department at the  
16 beginning of each calendar year based on a comparison of the solid waste disposal  
17 and incineration capacity in this state and in the state in which the solid waste is  
18 generated. Except as provided in ~~subd. 4.~~ par. (d), the solid waste capacity fee is as  
19 follows:

20 (d) If the solid waste capacity fee for solid waste generated in any state remains  
21 at the same level or increases in 2 consecutive calendar years, the fee under ~~subd.~~  
22 3. ~~par. (c)~~ is doubled. The fee shall remain doubled until solid waste generated in that  
23 state qualifies for a lower fee under ~~subd. 3.~~ par. (c).

1           **(4) AMOUNT OF GROUNDWATER FEE; PROSPECTING OR MINING WASTE.** The  
2 groundwater fee imposed under ~~par. (a) sub. (1)~~ is one cent per ton for prospecting  
3 or mining waste, including tailing solids, sludge or waste rock.

4           **(5) IN ADDITION TO OTHER FEES.** The groundwater, solid waste capacity and well  
5 compensation fees collected and paid under ~~par. (b) sub. (2)~~ are in addition to the  
6 tonnage fee imposed under ~~sub. (3) s. 289.62 (1)~~, the environmental repair base fee  
7 imposed under ~~s. 144.442 (2) 289.67 (3)~~ and the environmental repair surcharge  
8 imposed under ~~s. 144.442 (3) 289.67 (4)~~.

9           **(6) EXEMPTION FROM GROUNDWATER, SOLID WASTE CAPACITY AND WELL**  
10 **COMPENSATION FEES; CERTAIN MATERIALS USED IN OPERATION OF THE FACILITY.** Solid waste  
11 materials approved by the department for lining, daily cover or capping or for  
12 constructing berms, dikes or roads within a solid waste disposal facility are not  
13 subject to the groundwater, solid waste capacity and well compensation fees imposed  
14 under ~~par. (a) sub. (1)~~, except that foundry sands or shredder fluff approved for use  
15 under ~~s. 144.44 (3) (bh) or (4e) 289.30 (5) or 289.31 (9)~~ are subject to groundwater and  
16 well compensation fees.

17           **(7) REPORTING PERIOD.** The reporting period under this ~~subsection~~ section is the  
18 same as the reporting period under ~~sub. (3) s. 289.62 (1)~~. The owner or operator of  
19 any licensed solid or hazardous waste disposal facility shall pay groundwater, solid  
20 waste capacity and well compensation fees required to be collected under ~~par. (b) sub.~~  
21 (2) at the same time as any tonnage fees under ~~sub. (3) s. 289.62 (1)~~ are paid.

22           **(8) USE OF GROUNDWATER, SOLID WASTE CAPACITY AND WELL COMPENSATION FEES.**  
23 The groundwater fees collected under ~~par. (b) sub. (2)~~ shall be credited to the  
24 environmental fund for groundwater management. The well compensation and solid

1 waste capacity fees collected under ~~par. (b)~~ sub. (2) shall be credited to the  
2 environmental fund for environmental repair.

3 **(9) FAILURE TO PAY GROUNDWATER, SOLID WASTE CAPACITY AND WELL COMPENSATION**  
4 **FEES.** (a) If a person required under ~~par. (a)~~ sub. (1) to pay groundwater, solid waste  
5 capacity and well compensation fees to a licensed solid or hazardous waste disposal  
6 facility fails to pay the fees, the owner or operator of the licensed solid or hazardous  
7 waste disposal facility shall submit to the department with the payment required  
8 under ~~par. (b)~~ sub. (2) an affidavit stating facts sufficient to show the person's failure  
9 to comply with ~~par. (a)~~ sub. (1).

10 (b) If the person named in the affidavit under ~~subd. 1, par. (a)~~ is a generator  
11 or a person who arranges for collection or disposal services on behalf of one or more  
12 generators and the person holds a license for the collection and transportation of  
13 solid or hazardous waste, the department shall immediately notify the person that  
14 the license will be suspended 30 days after the date the notice is mailed unless the  
15 person submits to the department an affidavit stating facts sufficient to show that  
16 it has paid the fees as required under ~~par. (a)~~ sub. (1).

17 (c) If the person named in the affidavit under ~~subd. 1, par. (a)~~ is an intermediate  
18 hauler that holds a license for the collection and transportation of solid or hazardous  
19 waste, the department shall immediately notify the person that the license will be  
20 suspended 30 days after the date the notice is mailed unless the person submits to  
21 the department an affidavit stating facts sufficient to show that either of the  
22 following has occurred:

23 1. The person named in the affidavit under ~~subd. 1, par. (a)~~ received the  
24 required fees from a generator, from a person who arranges for collection or disposal  
25 services on behalf of one or more generators or from an earlier intermediate hauler,

1 and paid the fees to the licensed solid or hazardous waste disposal facility or to a  
2 subsequent intermediate hauler.

3 2. A generator, a person who arranges for collection or disposal services on  
4 behalf of one or more generators or an earlier intermediate hauler failed to pay the  
5 required fees to the person named in the affidavit under ~~subd. 1. par. (a).~~

6 (d) If the department does not receive an affidavit under ~~subd. 2. or 3. par. (b)~~  
7 ~~or (c)~~ within 30 days after the date the notice is mailed, the department shall suspend  
8 the license issued to the person for the collection and transportation of solid or  
9 hazardous waste. Notwithstanding s. 227.42, the department is not required to  
10 provide the licensee with a hearing before the suspension.

11 (e) When a person whose license is suspended under ~~subd. 4. par. (d)~~ provides  
12 the department with proof that the person has paid the owner or operator of the  
13 licensed solid or hazardous waste facility the amount of the unpaid fees, the  
14 department shall immediately reinstate the suspended license.

15 **SECTION 593.** 144.441 (7m) of the statutes is renumbered 289.64, and 289.64  
16 (1) and (3) to (7), as renumbered, are amended to read:

17 289.64 (1) IMPOSITION OF SOLID WASTE FACILITY SITING BOARD FEE ON GENERATORS.  
18 Except as provided under ~~par. (d) sub. (4)~~, a generator of solid waste or hazardous  
19 waste shall pay a solid waste facility siting board fee for each ton or equivalent  
20 volume of solid waste or hazardous waste that is disposed of at a licensed solid waste  
21 or hazardous waste disposal facility. If a person arranges for collection or disposal  
22 services on behalf of one or more generators, that person shall pay the solid waste  
23 facility siting board fee to the licensed solid waste or hazardous waste disposal  
24 facility or to any intermediate hauler used to transfer wastes from collection points  
25 to a licensed facility. An intermediate hauler who receives the solid waste facility

1 siting board fee under this ~~paragraph~~ subsection shall pay the fee to the licensed  
2 solid waste or hazardous waste disposal facility. Tonnage or equivalent volume shall  
3 be calculated in the same manner as the calculation made for tonnage fees under ~~sub.~~  
4 ~~(3)~~ s. 289.62 (1).

5 **(3) AMOUNT OF SOLID WASTE FACILITY SITING BOARD FEE.** The fee imposed under  
6 this ~~subsection~~ section is 1.7 cents per ton for solid waste or hazardous waste.

7 **(4) EXEMPTION FROM SOLID WASTE FACILITY SITING BOARD FEE; CERTAIN MATERIALS**  
8 **USED IN OPERATION OF THE FACILITY.** Solid waste materials approved by the department  
9 for lining, daily cover or capping or for constructing berms, dikes or roads within a  
10 solid waste disposal facility are not subject to the solid waste facility siting board fee  
11 imposed under ~~par. (a)~~ sub. (1), except that materials approved for use under s.  
12 ~~144.44 (3) (bh) or (4e)~~ 289.30 (5) or 289.31 (9) are subject to the fee.

13 **(5) REPORTING PERIOD.** The reporting period under this ~~subsection~~ section is the  
14 same as the reporting period under ~~sub. (3)~~ s. 289.62 (1). The owner or operator of  
15 any licensed solid waste or hazardous waste disposal facility shall pay the solid waste  
16 facility siting board fee required to be collected under ~~par. (b)~~ sub. (2) at the same time  
17 as any tonnage fees under ~~sub. (3)~~ s. 289.62 (1) are paid.

18 **(6) USE OF SOLID WASTE FACILITY SITING BOARD FEES.** The fees collected under ~~par.~~  
19 ~~(b)~~ sub. (2) shall be credited to the appropriation under s. 20.370 (2) (eg) for transfer  
20 to the appropriation under s. 20.505 (4) (k).

21 **(7) FAILURE TO PAY SOLID WASTE FACILITY SITING BOARD FEE.** (a) If a person  
22 required under ~~par. (a)~~ sub. (1) to pay the solid waste facility siting board fee to a  
23 licensed solid waste or hazardous waste disposal facility fails to pay the fee, the  
24 owner or operator of the licensed solid waste or hazardous waste disposal facility  
25 shall submit to the department with the payment required under ~~par. (b)~~ sub. (2) an

1 affidavit stating facts sufficient to show the person's failure to comply with ~~par. (a)~~  
2 sub. (1).

3 (b) If the person named in the affidavit under ~~subd. 1. par. (a)~~ is a generator  
4 or a person who arranges for collection or disposal services on behalf of one or more  
5 generators and the person holds a license for the collection and transportation of  
6 solid waste or hazardous waste, the department shall immediately notify the person  
7 that the license will be suspended 30 days after the date the notice is mailed unless  
8 the person submits to the department an affidavit stating facts sufficient to show  
9 that it has paid the fee as required under ~~par. (a) sub. (1)~~.

10 (c) If the person named in the affidavit under ~~subd. 1. par. (a)~~ is an intermediate  
11 hauler that holds a license for the collection and transportation of solid waste or  
12 hazardous waste, the department shall immediately notify the person that the  
13 license will be suspended 30 days after the date the notice is mailed unless the person  
14 submits to the department an affidavit stating facts sufficient to show that either of  
15 the following has occurred:

16 1. The person named in the affidavit under ~~subd. 1. par. (a)~~ received the  
17 required fee from a generator, from a person who arranges for collection or disposal  
18 services on behalf of one or more generators or from an earlier intermediate hauler,  
19 and paid the fee to the licensed solid waste or hazardous waste disposal facility or  
20 to a subsequent intermediate hauler.

21 2. A generator, a person who arranges for collection or disposal services on  
22 behalf of one or more generators or an earlier intermediate hauler failed to pay the  
23 required fee to the person named in the affidavit under ~~subd. 1. par. (a)~~.

24 (d) If the department does not receive an affidavit under ~~subd. 2. or 3. par. (b)~~  
25 or (c) within 30 days after the date the notice is mailed, the department shall suspend

1 the license issued to the person for the collection and transportation of solid waste  
2 or hazardous waste. Notwithstanding s. 227.42, the department is not required to  
3 provide the licensee with a hearing before the suspension.

4 (e) When a person whose license is suspended under ~~subd. 4. par. (d)~~ provides  
5 the department with proof that the person has paid the owner or operator of the  
6 licensed solid waste or hazardous waste facility the amount of the unpaid fee, the  
7 department shall immediately reinstate the suspended license.

8 **SECTION 594.** 144.4412 of the statutes is renumbered 289.65, and 289.65 (2)  
9 and (5) (c), as renumbered, are amended to read:

10 289.65 (2) COLLECTION. The owner or operator of an incinerator with an  
11 operating permit or license that is approved under s. ~~144.391~~ 285.60 or ~~144.44 (4)~~  
12 289.31 shall pay to the department the amount of the solid waste capacity fee  
13 required to be collected according to the amount of solid waste burned during the  
14 previous calendar year.

15 (5) (c) Solid waste generated in another state if the solid waste is converted into  
16 fuel or burned at a municipal solid waste treatment facility with an operating permit  
17 or license that is approved under s. ~~144.391~~ 285.60 or ~~144.44 (4)~~ 289.31 prior to May  
18 11, 1990, and the solid waste is delivered to the municipal solid waste treatment  
19 facility pursuant to a contract in effect 2 years after May 11, 1990.

20 **SECTION 595.** 144.4414 of the statutes is renumbered 289.66 and amended to  
21 read:

22 **289.66 Solid waste capacity fees; department determinations.**  
23 Beginning on January 1, 1991, and annually thereafter, the department shall  
24 determine the solid waste disposal and incineration capacity, as defined in s.  
25 ~~144.4412~~ 289.65 (1) (b), of this state and each adjacent state. The department shall

1 inform the owner or operator of each solid waste disposal facility and each  
2 incinerator in this state of the amount of the solid waste capacity fee under ss.  
3 ~~144.441 (7) 289.63~~ and ~~144.4412 289.65~~ for solid waste generated in each adjacent  
4 state, commencing on January 1, 1995, based on that solid waste disposal and  
5 incineration capacity determination.

6 **SECTION 596.** 144.442 (title) of the statutes is renumbered 292.31 (title).

7 **SECTION 597.** 144.442 (1) (intro.) and (a) to (c) of the statutes are repealed.

8 **SECTION 598.** 144.442 (1) (cm) of the statutes is repealed.

9 **SECTION 599.** 144.442 (1) (d) of the statutes is renumbered 292.01 (18) and  
10 amended to read:

11 292.01 (18) "Site or facility" means, except in ~~sub. (9m)~~ ss. 292.35 and 292.61,  
12 an approved facility, an approved mining facility, a nonapproved facility or a waste  
13 site.

14 **SECTION 600.** 144.442 (1) (e) of the statutes is renumbered 292.01 (21).

15 **SECTION 601.** 144.442 (1m) of the statutes is renumbered 289.67 (1), and 289.67  
16 (1) (a), (cp), (e), (f) and (g), as renumbered, are amended to read:

17 289.67 (1) (a) *Imposition of fee.* Except as provided under par. (f), a generator  
18 of solid or hazardous waste shall pay an environmental repair fee for each ton or  
19 equivalent volume of solid or hazardous waste which is disposed of at a licensed solid  
20 or hazardous waste disposal facility. If a person arranges for collection or disposal  
21 services on behalf of one or more generators, that person shall pay the environmental  
22 repair fee to the licensed solid or hazardous waste disposal facility or to any  
23 intermediate hauler used to transfer wastes from collection points to a licensed  
24 facility. An intermediate hauler who receives environmental repair fees under this  
25 paragraph shall pay the fees to the licensed solid or hazardous waste disposal facility.

1 Tonnage or equivalent volume shall be calculated in the same manner as the  
2 calculation made for tonnage fees under s. ~~144.441 (3)~~ 289.62 (1).

3 (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm) and except  
4 as provided under par. (d), the environmental repair fee imposed under par. (a) is 30  
5 cents per ton for solid or hazardous waste, other than high-volume industrial waste,  
6 as defined in s. ~~144.44 (7) (a) 1.~~, disposed of on or after January 1, 1988, but before  
7 July 1, 1989, and 50 cents per ton disposed of on or after July 1, 1989.

8 (e) *In addition to other fees.* The environmental repair fee collected and paid  
9 under par. (b) is in addition to the base fee imposed under sub. (2), the surcharge  
10 imposed under sub. (3), the tonnage fee imposed under s. ~~144.441 (3)~~ 289.62 (1) and  
11 the groundwater, solid waste capacity and well compensation fees imposed under s.  
12 ~~144.441 (7)~~ 289.63.

13 (f) *Exemption from environmental repair fee; certain materials used in*  
14 *operation of the facility.* Solid waste materials approved by the department for  
15 lining, daily cover or capping or for constructing berms, dikes or roads within a solid  
16 waste disposal facility are not subject to the environmental repair fee imposed under  
17 par. (a), except that foundry sands or shredder fluff approved for use under s. ~~144.44~~  
18 ~~(3) (bh) or (4e)~~ 289.30 (5) or 289.31 (9) are subject to the environmental repair fee.

19 (g) *Reporting period.* The reporting period under this subsection is the same  
20 as the reporting period under s. ~~144.441 (3)~~ 289.62 (1). The owner or operator of any  
21 licensed solid or hazardous waste disposal facility shall pay environmental repair  
22 fees required to be collected under par. (b) at the same time as any tonnage fees under  
23 s. ~~144.441 (3)~~ 289.62 (1).

24 **SECTION 602.** 144.442 (1s) of the statutes is renumbered 289.67 (2), and 289.67  
25 (2) (a), (c) 3. and (d), as renumbered, are amended to read:

1           289.67 (2) (a) A generator of hazardous waste who is required to report  
2           annually on hazardous waste activities according to rules promulgated under s.  
3           ~~144.62 (8)~~ 291.05 (6) (b) shall pay an annual environmental repair fee.

4           (c) 3. Hazardous wastes which are removed from a site or facility to repair  
5           environmental pollution. In this subdivision, "site or facility" has the meaning given  
6           in s. 292.01 (18).

7           (d) The department shall assess fees under par. (a) on the basis of the  
8           generator's report that is submitted according to the rules promulgated under s.  
9           ~~144.62 (8)~~ 291.05 (6) (b).

10           **SECTION 603.** 144.442 (2) of the statutes is renumbered 289.67 (3), and 289.67  
11           (3) (d), as renumbered, is amended to read:

12           289.67 (3) (d) *Reduction of base fee; monitoring.* This paragraph applies to a  
13           nonapproved facility which is subject to the \$1,000 base fee under par. (b) 2. and  
14           which is required by the department to conduct monitoring under s. ~~144.44 (4) (f)~~  
15           289.31 (7). The base fee under par. (b) 2. shall be reduced by the cost of monitoring  
16           for the calendar year to which the base fee applies, or \$900, whichever is less.

17           **SECTION 604.** 144.442 (3) of the statutes is renumbered 289.67 (4), and 289.67  
18           (4) (a) and (b), as renumbered, are amended to read:

19           289.67 (4) (a) *Imposition of environmental repair surcharge.* If the owner or  
20           operator of a nonapproved facility is required to pay a tonnage fee under s. ~~144.441~~  
21           ~~(3)~~ 289.62 (1), the owner or operator shall pay to the department an environmental  
22           repair surcharge for each calendar year.

23           (b) *Amount of environmental repair surcharge.* 1. With respect to solid or  
24           hazardous waste disposed of at a nonapproved facility for which the owner or  
25           operator enters into an agreement with the department to close the facility on or

1 before July 1, 1999, the owner or operator shall pay to the department an  
2 environmental repair surcharge equal to 25% of the tonnage fees imposed under s.  
3 ~~144.441 (3)~~ 289.62 (1). The 25% surcharge first applies for the calendar year in which  
4 the owner or operator enters into a closure agreement. If the owner or operator fails  
5 to comply with the closure agreement, the department shall collect the additional  
6 tonnage fees which would have been paid by the owner or operator under subd. 2. in  
7 the absence of the closure agreement.

8 2. With respect to solid or hazardous waste disposed of at a nonapproved facility  
9 for which the owner or operator has not entered into an agreement with the  
10 department to close the facility on or before July 1, 1999, the owner or operator shall  
11 pay to the department an environmental repair surcharge equal to 50% of the  
12 tonnage fees imposed under s. ~~144.441 (3)~~ 289.62 (1).

13 **SECTION 605.** 144.442 (4) of the statutes is renumbered 292.31 (1), and 292.31  
14 (1) (d) 3., as renumbered, is amended to read:

15 292.31 (1) (d) 3. The identity of subsidiary or parent corporations, as defined  
16 in sub. ~~(9)~~ 292.31 (8) (a) 3., of persons who generated, transported, treated or stored  
17 waste which was disposed of at the site or facility.

18 **SECTION 606.** 144.442 (5) of the statutes is renumbered 292.31 (2), and 292.31  
19 (2) (a) to (c) and (f), as renumbered, are amended to read:

20 292.31 (2) (a) Methods for preparing the inventory and conducting the analysis  
21 under sub. ~~(4)~~ (1).

22 (b) Methods for remedial action under sub. ~~(6)~~ (3).

23 (c) Methods and criteria for determining the appropriate extent of remedial  
24 action under sub. ~~(6)~~ (3).

1 (f) Means of making the most effective use of the grant program under ~~sub. (9m)~~  
2 s. 292.61 so as to encourage the greatest number of political subdivisions to  
3 undertake remedial action on property that they own.

4 **SECTION 607.** 144.442 (6) of the statutes is renumbered 292.31 (3), and 292.31  
5 (3) (b) 7., (d) and (f), as renumbered, are amended to read:

6 292.31 **(3)** (b) 7. The department may provide temporary or permanent  
7 replacements for private water supplies damaged by a site or facility. In this  
8 subdivision, "private water supply" means a well which is used as a source of water  
9 for humans, livestock, as defined in s. 95.80 (1) (b), or poultry.

10 (d) *Emergency responses.* Notwithstanding rules promulgated under this  
11 section, the hazard ranking list, the considerations for taking action under par. (c)  
12 or the remedial action schedule under par. (cm), the department may take emergency  
13 action under this subsection and subs. ~~(4) (1)~~ and ~~(8) (7)~~ at a site or facility if delay  
14 will result in imminent risk to public health or safety or the environment. The  
15 department is not required to hold a hearing under par. (f) if emergency action is  
16 taken under this paragraph. The decision of the department to take emergency  
17 action is a final decision of the agency subject to judicial review under ch. 227.

18 (f) *Notice; hearing.* The department shall publish a class 1 notice, under ch.  
19 985, prior to taking remedial action under this subsection and subs. ~~(4) (1)~~ and ~~(8)~~  
20 ~~(7)~~, which describes the proposed remedial action and the amount and purpose of any  
21 proposed expenditure. Except as provided under par. (d), the department shall  
22 provide a hearing to any person who demands a hearing within 30 days after the  
23 notice is published for the purpose of determining whether the proposed remedial  
24 action and any expenditure is within the scope of this section and is reasonable in  
25 relation to the cost of obtaining similar materials and services. The department is

1 not required to conduct more than one hearing for the remedial action proposed at  
2 a single site or facility. Notwithstanding s. 227.42, the hearing shall not be conducted  
3 as a contested case. The decision of the department to take remedial action under  
4 this section is a final decision of the agency subject to judicial review under ch. 227.

5 **SECTION 608.** 144.442 (6m), (6r) and (7) of the statutes are renumbered 292.31  
6 (4), (5) and (6) and amended to read:

7 **292.31 (4) MONITORING COSTS AT NONAPPROVED FACILITIES OWNED OR OPERATED BY**  
8 **MUNICIPALITIES.** Notwithstanding the inventory, analysis and hazard ranking under  
9 sub. (4) (1), the environmental response plan prepared under sub. (5) (2) or the  
10 environmental repair authority, remedial action sequence and emergency response  
11 requirements under sub. (6) (3), the department shall pay that portion of the cost of  
12 any monitoring requirement which is to be paid under s. 144.44 (4) (f) 5. 289.31 (7)  
13 (f) from the appropriation under s. 20.370 (2) (dv) prior to making other payments  
14 from that appropriation.

15 **(5) MUNICIPAL INCINERATOR ASH TESTING.** Notwithstanding the inventory,  
16 analysis and hazard ranking under sub. (4) (1), the environmental response plan  
17 prepared under sub. (5) (2), the environmental repair authority, remedial action  
18 sequence and emergency response requirements under sub. (6) (3), or the monitoring  
19 costs under sub. (6m) (4), the department shall pay the cost incurred by a  
20 municipality after June 30, 1986, and before January 30, 1988, for testing required  
21 to determine whether the ash from a municipally owned incinerator is hazardous.  
22 The department shall make payments under this subsection from the appropriation  
23 under s. 20.370 (2) (dv) prior to making other payments from that appropriation.

24 **(6) PAYMENTS FROM THE INVESTMENT AND LOCAL IMPACT FUND.** The department  
25 may expend moneys received from the investment and local impact fund for the

1 purposes specified under sub. ~~(6)~~ (3) only for approved mining facilities and only if  
2 moneys in the environmental fund that are available for environmental repair are  
3 insufficient to make complete payments. The amount expended by the department  
4 under this subsection may not exceed the balance in the environmental fund that is  
5 available for environmental repair at the beginning of that fiscal year or 50% of the  
6 balance in the investment and local impact fund at the beginning of that fiscal year,  
7 whichever amount is greater.

8 **SECTION 609.** 144.442 (8) of the statutes is renumbered 292.31 (7), and 292.31  
9 (7) (a), as renumbered, is amended to read:

10 292.31 **(7)** (a) The department may advise, consult, assist and contract with  
11 other interested persons to take action to implement the federal comprehensive  
12 environmental response, compensation and liability act of 1980, 42 USC 9601, et  
13 seq., in cooperation with the federal environmental protection agency. These actions  
14 include all of the actions under subs. ~~(4)~~ (1) to ~~(6)~~ (3). The department may enter into  
15 agreements with the federal environmental protection agency.

16 **SECTION 610.** 144.442 (9) of the statutes, as affected by 1995 Wisconsin Act 27,  
17 is renumbered 292.31 (8), and 292.31 (8) (b) 1., (d), (h) and (i), as renumbered, are  
18 amended to read:

19 292.31 **(8)** (b) 1. This subsection does not apply to the release or discharge of  
20 a substance which is in compliance with a permit, license, approval, special order,  
21 waiver or variance issued under this chapter or ch. 30, 31 or 147 283, or under  
22 corresponding federal statutes or regulations.

23 (d) *Right of action.* A right of action shall accrue to the state against any person  
24 responsible under par. (c) if an expenditure is made for environmental repair at the  
25 site or facility or if an expenditure is made under sub. ~~(8)~~ (7).

1           (h) *Cleanup agreements; waiver of cost recovery.* The department and any  
2 person who is responsible under par. (c) may enter into an agreement regarding  
3 actions which the department is authorized to take under sub. ~~(6)~~ (3). In the  
4 agreement, the department may specify those actions under sub. ~~(6)~~ (3) which the  
5 responsible person may take. As part of the agreement, the department may agree  
6 to reduce the amount which the state is entitled to recover under this subsection or  
7 to waive part or all of the liability which the responsible person may have under this  
8 subsection.

9           (i) *Lien.* Any expenditures made by the department under sub. ~~(4), (6)~~ (1), (3)  
10 or ~~(8)~~ (7) shall constitute a lien upon the property for which the expenses are  
11 incurred, as provided in s. ~~144.76 (13)~~ 292.81.

12           **SECTION 611.** 144.442 (9m) of the statutes is renumbered 292.61, and 292.61  
13 (1) (intro.), (3) (b) 4. and (5), as renumbered, are amended to read:

14           292.61 (1) DEFINITIONS. (intro.) In this subsection ~~section~~ section:

15           **(3)** (b) 4. A statement of whether the political subdivision intends to use the cost  
16 recovery procedure in s. ~~144.4422~~ 292.35. If the political subdivision indicates in its  
17 application that it intends to use the cost recovery procedure in s. ~~144.4422~~ 292.35,  
18 the department may not approve the application for a remedial action grant until the  
19 political subdivision completes the procedures under s. ~~144.4422~~ 292.35 (2g) and (2r).

20           **(5)** SUBROGATION. The state is subrogated to the rights of a political subdivision  
21 that obtains an award under this section in an amount equal to the award. All  
22 moneys recovered under this ~~paragraph~~ subsection shall be credited to the  
23 environmental fund for environmental repair.

24           **SECTION 612.** 144.442 (10) and (11) of the statutes are renumbered 292.31 (9)  
25 and (10), and 292.31 (10) (b), as renumbered, is amended to read:

1           292.31 **(10)** (b) If a person takes any remedial action at a site or facility, whether  
2 or not an agreement is entered into with the department under sub. ~~(9)~~ (8) (h), any  
3 agreement and the action taken are not evidence of liability or an admission of  
4 liability for any potential or actual environmental pollution.

NOTE: Section 144.442 (10) and (11) both contain references to “this section”.  
Current s. 144.442 contains provisions related to environmental repair fees and remedial  
action. It is apparent that s. 144.442 (10) and (11) refer only to the remedial action  
provisions of the statute. Therefore, s. 144.442 (10) and (11) are renumbered to ch. 292,  
and are not duplicated in s. 289.67, which establishes the environmental repair fees.

5           **SECTION 613.** 144.4422 (title) and (1) (intro.) of the statutes are renumbered  
6 292.35 (title) and (1) (intro.).

7           **SECTION 614.** 144.4422 (1) (a) of the statutes is repealed.

8           **SECTION 615.** 144.4422 (1) (b), (c), (d), (e), (f) and (g) of the statutes are  
9 renumbered 292.35 (1) (b), (c), (d), (e), (f) and (g), and 292.35 (1) (f), as renumbered,  
10 is amended to read:

11           292.35 **(1)** (f) “Site or facility” has the meaning given in s. ~~144.442 (9m)~~ (a) 2.  
12 292.61 (1) (b).

13           **SECTION 616.** 144.4422 (2), (2g), (2r), (3), (4), (5), (6), (7), (8), (9), (10), (11) and  
14 (13) of the statutes are renumbered 292.35 (2), (2g), (2r), (3), (4), (5), (6), (7), (8), (9),  
15 (10), (11) and (13), and 292.35 (2g) (b) 3., (7) and (9) (b) and (bm), as renumbered, are  
16 amended to read:

17           292.35 **(2g)** (b) 3. The identity of subsidiary or parent corporations, as defined  
18 in s. ~~144.442 (9)~~ 292.31 (8) (a) 3., of any person who may be a responsible party.

19           **(7)** RESPONSIBLE PARTIES SUBJECT TO AN AGREEMENT OR RECOMMENDATION. A  
20 responsible party that enters into an agreement under sub. (5) with a political  
21 subdivision or that accepts the umpire’s recommendation under sub. (6), if the  
22 political subdivision does not reject the recommendation, is required to comply with

1 the agreement or recommendation. When the responsible party has complied with  
2 the agreement or recommendation, the responsible party is not liable to the state,  
3 including under s. ~~144.442 (9) or 144.76~~ 292.11 (7) (b) ~~or 292.31 (8)~~, or to the political  
4 subdivision for any additional costs of the investigation or remedial action; the  
5 responsible party is not liable to any other responsible party for contribution to costs  
6 incurred by any other responsible party for the investigation or remedial action; and  
7 the responsible party is not subject to an order under s. ~~144.76~~ 292.11 (7) (c) for the  
8 discharge that is the subject of the agreement or recommendation.

9 (9) (b) 1. Except as provided in pars. (bm), (br) and (e), sub. (7) and s. ~~144.76~~  
10 ~~(9m) and (9s)~~ 292.21, a responsible party is liable for a portion of the costs, as  
11 determined under pars. (c) to (e), incurred by a political subdivision for remedial  
12 action in an agreement under sub. (5) or a recommendation under sub. (6) and for any  
13 related investigation. A right of action shall accrue to a political subdivision against  
14 the responsible party for costs listed in this subdivision.

15 2. Except as provided in pars. (bm), (br) and (e), sub. (7) and s. ~~144.76 (9m) and~~  
16 ~~(9s)~~ 292.21, a responsible party is liable for a portion of any unreimbursed costs, as  
17 determined under pars. (c) to (e), incurred by this state in approving and supervising  
18 a remedial action funded under s. ~~144.442 (9m) (c)~~ 292.61 (3) and for the costs of a  
19 grant under s. ~~144.442 (9m) (e)~~ 292.61 (3). A right of action shall accrue to this state  
20 against the responsible party for costs listed in this subdivision.

21 (bm) Paragraph (b) does not apply with respect to a discharge if the discharge  
22 was in compliance with a permit license, approval, special order, waiver or variance  
23 issued under ~~ss. 144.30 to 144.426 or ch. 147~~ 283 or 285 or under corresponding  
24 federal statutes or regulations.

1           **SECTION 617.** 144.443 (title) and (1) (intro.) of the statutes are renumbered  
2 289.41 (title) and (1) (intro.).

3           **SECTION 618.** 144.443 (1) (a) of the statutes is repealed.

4           **SECTION 619.** 144.443 (1) (am) of the statutes is renumbered 289.41 (1) (am).

5           **SECTION 620.** 144.443 (1) (b) of the statutes, as affected by 1995 Wisconsin Act  
6 63, is renumbered 289.41 (1) (b), and 289.41 (1) (b) 1. and 2., as renumbered, are  
7 amended to read:

8           289.41 (1) (b) 1. Any business operated for profit and any public utility which  
9 is applying for or holds a license for the operation of a solid or hazardous waste  
10 disposal facility under s. ~~144.44(4) 289.31~~ or ~~144.64(2) 291.25~~ directly or through  
11 a subsidiary, affiliate, contractor or other entity if the business or public utility  
12 guarantees compliance with any closure and long-term care responsibilities of the  
13 subsidiary, affiliate, contractor or other entity.

14           2. Any business operated for profit and any public utility that is required to  
15 perform corrective action under s. ~~144.735 291.37~~.

16           **SECTION 621.** 144.443 (1) (c) to (f) of the statutes are renumbered 289.41 (1) (c)  
17 to (f).

18           **SECTION 622.** 144.443 (2) and (3) of the statutes are renumbered 289.41 (2) and  
19 (3), and 289.41 (2) (a), (c) and (d) and (3) (a) 5. and 6., as renumbered, are amended  
20 to read:

21           289.41 (2) (a) *Disposal facilities.* The owner or operator of a solid or hazardous  
22 waste disposal facility shall maintain proof of financial responsibility ensuring the  
23 availability of funds for compliance with the closure and long-term care  
24 requirements specified in any rule, order, plan of operation or other plan approval

1 during the period specified in s. ~~144.441 (2)~~ sub. (1m) (b) or under s. ~~144.441 (2)~~ sub.  
2 (1m) (f).

3 (c) *Hazardous waste disposal, storage and treatment facilities.* If corrective  
4 action is required under s. ~~144.735~~ 291.37, the owner or operator of the hazardous  
5 waste facility to which the requirement applies shall maintain proof of financial  
6 responsibility ensuring the availability of funds for compliance with the corrective  
7 action requirement.

8 (d) *Unlicensed hazardous waste facilities.* The owner or operator of an  
9 unlicensed hazardous waste facility subject to s. ~~144.64 (2m)~~ 291.29 shall maintain  
10 proof of financial responsibility ensuring the availability of funds for compliance  
11 with the approved closure plan and, if applicable, the long-term care plan.

12 (3) (a) 5. A financial commitment satisfactory to the department to ensure that  
13 the owner or operator will comply with the closure and any long-term care  
14 requirements specified in the plan of operation or the approved plan under s. ~~144.64~~  
15 ~~(2m)~~ 291.29. The department shall consider the request of any owner or operator to  
16 establish proof of financial responsibility under this subdivision.

17 6. If corrective action is required under s. ~~144.735~~ 291.37, a financial  
18 commitment satisfactory to the department to ensure that the owner or operator will  
19 comply with the requirement. The department shall consider the request of any  
20 owner or operator to establish proof of financial responsibility under this  
21 subdivision.

22 **SECTION 623.** 144.443 (4) of the statutes, as affected by 1995 Wisconsin Act 63,  
23 is renumbered 289.41 (4), and 289.41 (4) (b), as renumbered, is amended to read:

24 289.41 (4) (b) *Application.* A company which seeks to establish proof of  
25 financial responsibility utilizing the net worth method shall submit an application

1 to the department as a part of the initial license application, written submissions  
2 required under s. ~~144.735~~ 291.37 or annual review procedure which includes a copy  
3 of the most recent annual audited financial statements which were distributed to  
4 owners, stockholders or other persons with a financial interest in the company and  
5 the opinion of an independent certified public accountant.

6 **SECTION 624.** 144.443 (5) to (12) of the statutes are renumbered 289.41 (5) to  
7 (12), and 289.41 (6) (b), (9) (b) and (11) (a) (intro.) and 4., (am) (intro.) and 4. and (b)  
8 to (cm), as renumbered, are amended to read:

9 289.41 **(6)** (b) *Net worth to closure, long-term care and corrective action cost*  
10 *ratio.* The net worth of the company at the end of its most recently completed fiscal  
11 year equals or exceeds 6 times the estimated total cost of compliance with the closure  
12 and any long-term care requirements specified in the plan of operation or the  
13 approved plan under s. ~~144.64 (2m)~~ 291.29 plus the costs of any corrective action  
14 required under s. ~~144.735~~ 291.37.

15 **(9)** (b) *Inability to meet closure and long-term care or corrective action costs.*  
16 If a public utility which utilizes the risk pool arrangement does not comply with the  
17 closure and long-term care requirements specified in any plan of operation or  
18 approved plan under s. ~~144.64 (2m)~~ 291.29 or with any corrective action required  
19 under s. ~~144.735~~ 291.37 and if the department or the department of justice is unable  
20 to obtain compliance with these requirements after appropriate legal action because  
21 of bankruptcy, insolvency or the financial inability of the utility to comply with these  
22 requirements, then the department is authorized to enter an assessment order.

23 **(11)** (a) *Failure to comply with closure and long-term care requirements.*  
24 (intro.) If the owner or operator of the facility fails to comply with the closure and

1 any long-term care requirements in any plan of operation or approved plan under  
2 s. ~~144.64 (2m)~~ 291.29:

3 4. The department may request the department of justice to initiate court  
4 action against the owner or operator to recover moneys sufficient to pay the cost of  
5 complying with the closure and long-term care requirements of the plan of operation  
6 or approved plan under s. ~~144.64 (2m)~~ 291.29. Any moneys recovered in this type of  
7 action or as a settlement in anticipation of this type of action shall be credited to the  
8 waste management fund.

9 (am) *Failure to comply with corrective action requirements.* (intro.) If the  
10 owner or operator of the facility fails to comply with any corrective action  
11 requirements under s. ~~144.735~~ 291.37:

12 4. The department may request the department of justice to initiate court  
13 action against the owner or operator to recover moneys sufficient to pay the cost of  
14 complying with a corrective action required under s. ~~144.735~~ 291.37. Any moneys  
15 recovered in this type of action or as a settlement in anticipation of this type of action  
16 shall be credited to the waste management fund.

17 (b) *Compliance with closure and long-term care requirements.* 1. If the owner  
18 or operator of a waste facility fails to comply with the closure and any long-term care  
19 requirements in any plan of operation or approved plan under s. ~~144.64 (2m)~~ 291.29,  
20 the department may take action or contract with a person to take action to comply  
21 with these requirements from moneys obtained for that purpose under par. (a).

22 2. If the owner or operator of an approved facility for which the plan of operation  
23 was approved under s. ~~144.44 (3) (e)~~ 289.30 (6) before August 9, 1989, fails to comply  
24 with long-term care requirements in the plan of operation after the requirement to  
25 provide proof of financial responsibility expires under s. ~~144.441 (2)~~ sub. (1m) (b) or

1 (f) and if the department takes reasonable administrative and legal action to require  
2 compliance or to obtain moneys under par. (a) 4., then the department may take  
3 action or contract with a person to take action to comply with the requirements even  
4 though no moneys have been obtained under par. (a).

5 (bm) *Compliance with corrective action requirements.* If the owner or operator  
6 of a waste facility fails to comply with any corrective action required under s. ~~144.735~~  
7 291.37, the department may take action or contract with a person to take action to  
8 comply with a corrective action required under s. ~~144.735~~ 291.37 from moneys  
9 obtained for that purpose under par. (am).

10 (c) *Prevention of imminent hazard; closure and long-term care.* If the owner  
11 or operator of an approved facility for which the plan of operation was approved  
12 under s. ~~144.44 (3) (e)~~ 289.30 (6) before August 9, 1989, fails to comply with the  
13 closure and any long-term care requirements in any plan of operation during the  
14 period for which the owner or operator is required to provide proof of financial  
15 responsibility, if the department determines that the failure to comply with these  
16 requirements presents an imminent or substantial danger to the health or  
17 environment and if the department takes reasonable administrative and legal action  
18 to require compliance or to obtain moneys under par. (a), then the department may  
19 take action or contract with a person to take action to comply with these  
20 requirements even though no moneys have been obtained under par. (a).

21 (cm) *Prevention of imminent hazard; corrective action.* If the owner or operator  
22 of an approved facility for which the plan of operation was approved under s. ~~144.44~~  
23 ~~(3) (e)~~ 289.30 (6) before August 9, 1989, fails to comply with any corrective action  
24 required under s. ~~144.735~~ 291.37, if the department determines that the failure to  
25 comply with a corrective action requirement presents an imminent or substantial

1 danger to the health or environment and if the department takes reasonable  
2 administrative and legal action to require compliance or to obtain moneys under par.  
3 (am), then the department may take action or contract with a person to take action  
4 to comply with a corrective action required under s. ~~144.735~~ 291.37 even though no  
5 moneys have been obtained under par. (am).

6 **SECTION 625.** 144.444 of the statutes is renumbered 289.46, and 289.46 (1), as  
7 renumbered, is amended to read:

8 289.46 (1) Any person acquiring rights of ownership, possession or operation  
9 in a licensed solid or hazardous waste facility at any time after the facility begins to  
10 accept waste is subject to all requirements of the license approved for the facility  
11 including any requirements relating to long-term care of the facility and is subject  
12 to any negotiated agreement or arbitration award related to the facility under s.  
13 ~~144.445~~ 289.33. Upon acquisition of the rights, the department shall issue a new  
14 operating license if the previous licensee is no longer connected with the operation  
15 of the facility, if the new licensee meets all requirements specified in the previous  
16 license, the approved plan of operation, if any, and the rules promulgated under s.  
17 ~~144.62~~ 291.05 or 291.07, if applicable.

18 **SECTION 626.** 144.445 of the statutes is renumbered 289.33, and 289.33 (3) (d)  
19 and (fm), (6) (a) to (c), (7n) (a) and (12) (a) 2., (b) 2., (c) 1. c. and (d), as renumbered,  
20 are amended to read:

21 289.33 (3) (d) "Local approval" includes any requirement for a permit, license,  
22 authorization, approval, variance or exception or any restriction, condition of  
23 approval or other restriction, regulation, requirement or prohibition imposed by a  
24 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by  
25 a town, city, village, county or special purpose district, including without limitation

1 because of enumeration any ordinance, resolution or regulation adopted under s.  
2 59.065, 59.07, 59.083, 59.97, 59.971, 59.974, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34,  
3 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.01, 66.052, 66.24 (8), 87.30,  
4 91.73, 144.07, 196.58, 236.45, 281.43 or 349.16 or subch. VIII of ch. 60.

5 (fm) "Preexisting local approval" means a local approval in effect at least 15  
6 months prior to the submission to the department of either a feasibility report under  
7 s. ~~144.44 (2)~~ 289.23 or an initial site report, whichever occurs first.

8 **(6)** (a) *Municipal participation.* An affected municipality may participate in  
9 the negotiation and arbitration process under this section if the governing body  
10 adopts a siting resolution and appoints members to the local committee within 60  
11 days after the municipality receives the written request from the applicant under s.  
12 ~~144.44 (1m) (b)~~ 289.22 (1m) and if the municipality sends a copy of that resolution  
13 and the names of those members to the board within 7 days after the municipality  
14 adopts the siting resolution and appoints members to the local committee. The siting  
15 resolution shall state the affected municipality's intent to negotiate and, if necessary,  
16 arbitrate with the applicant concerning the proposed facility. An affected  
17 municipality which does not adopt a siting resolution within 60 days after receipt of  
18 notice from the applicant may not appoint members to the local committee.

19 (b) *Notification of participation.* Within 5 days after the board receives copies  
20 of resolutions and names of members appointed to the local committee from all  
21 affected municipalities or within 72 days after all affected municipalities receive the  
22 written request under s. ~~144.44 (1m) (b)~~ 289.22 (1m), the board shall submit a  
23 notification of participation by certified mail to the applicant and each participating  
24 municipality identifying the participating municipalities and the members  
25 appointed to the local committee and informing the applicant and participating

1 municipalities that negotiations may commence or, if no affected municipality takes  
2 the actions required to participate in the negotiation and arbitration process under  
3 par. (a), the board shall notify the applicant of this fact by certified mail within that  
4 72-day period.

5 (c) *Revised notification of participation.* If the board issues a notice under par.  
6 (b) and subsequently it is necessary for the applicant to submit a written request  
7 under s. ~~144.44 (1m) (b)~~ 289.22 (1m) to an additional affected municipality because  
8 of an error or changes in plans, the board may issue an order delaying negotiations  
9 until that affected municipality has an opportunity to participate in the negotiation  
10 and arbitration process by taking action under par. (a). Within 5 days after the board  
11 receives a copy of the resolution and the names of members appointed to the local  
12 committee by that affected municipality or within 72 days after that affected  
13 municipality receives the written request from the applicant under s. ~~144.44 (1m) (b)~~  
14 289.22 (1m), the board shall submit a revised notification of participation by certified  
15 mail to the applicant and each participating municipality stating the participating  
16 municipalities and members appointed to the local committee and informing the  
17 applicant and participating municipalities that negotiations may recommence or if  
18 the additional affected municipality does not take the actions required to participate  
19 in the negotiation and arbitration process under par. (a), the board shall notify the  
20 applicant and other participating municipalities of this fact by certified mail and  
21 informing them that negotiations may recommence.

22 (7n) (a) *Agreement to add.* Upon the written agreement of all parties to a  
23 negotiation and arbitration proceeding commenced under this section, a  
24 municipality which does not qualify as an affected municipality under s. ~~144.43 (1)~~  
25 may be added as a party to the proceeding.

1           **(12)** (a) 2. This section does not apply to modifications to a solid waste disposal  
2 facility which do not constitute an expansion of the facility or to a solid waste disposal  
3 facility which is exempt from the requirement of a feasibility report under ~~ss. 144.43~~  
4 ~~to 144.47~~ this chapter or by rule promulgated by the department.

5           (b) 2. Except as provided under subd. 1. and par. (c), only subs. (3) and (5) (a)  
6 and (b) apply to a hazardous waste facility which is in existence on May 7, 1982,  
7 which has a license, an interim license or a variance under s. ~~144.64~~ 291.25 or 291.31  
8 or the resource conservation and recovery act and which complies with all local  
9 approvals applicable to the facility on May 7, 1982.

10           (c) 1. c. At any time after the date specified in the feasibility report, if such a  
11 date has been specified under s. ~~144.44 (2) (f)~~ 289.24 (1), as the proposed date of  
12 closure of a solid or hazardous waste disposal facility and if the facility is not closed  
13 on or before that date.

14           (d) *Nonapplicability to mining waste facilities.* This section does not apply to  
15 any waste facility which is part of a prospecting or mining operation with a permit  
16 under s. ~~144.84~~ 293.45 or ~~144.85~~ 293.49.

17           **SECTION 627.** 144.446 of the statutes is renumbered 289.12, and 289.12 (2), as  
18 renumbered, is amended to read:

19           289.12 **(2) EXEMPTION FROM LIABILITY.** A landfill official is immune from civil  
20 prosecution for good faith actions taken within the scope of his or her official duties  
21 under this ~~subchapter~~ chapter or ch. 291 or 292.

22           **SECTION 628.** 144.447 of the statutes is renumbered 289.36, and 289.36 (2) (b)  
23 and (c) 1. and 2., as renumbered, are amended to read:

1           289.36 (2) (b) The property is determined to be feasible for use as a solid or  
2 hazardous waste facility by the department if that determination is required under  
3 s. ~~144.44 (2)~~ 289.29.

4           (c) 1. Five years prior to the determination of feasibility if a determination of  
5 feasibility is required for the facility under s. ~~144.44 (2)~~ 289.29.

6           2. Five years prior to the service of a jurisdictional offer under s. 32.06 (3) if a  
7 determination of feasibility is not required for the facility under s. ~~144.44 (2)~~ 289.29.

8           **SECTION 629.** 144.448 of the statutes is renumbered 289.08, and 289.08 (1), as  
9 renumbered, is amended to read:

10           289.08 (1) The metallic mining council shall advise the department on the  
11 implementation of ss. ~~144.435, 144.44, 144.441, 144.442, 144.444, 144.445, 144.60~~  
12 ~~to 144.74 and 144.80 to 144.94~~ 289.05, 289.21 to 289.32, 289.34, 289.42, 289.43,  
13 289.46, 289.47, 289.62 to 289.64, 289.67, 289.68 and 292.31 and chs. 291 and 293 as  
14 those sections and chapters relate to metallic mining in this state.

15           **SECTION 630.** 144.449 of the statutes, as affected by 1995 Wisconsin Act 27, is  
16 renumbered 289.55.

17           **SECTION 631.** 144.45 (title) of the statutes is repealed.

18           **SECTION 632.** 144.45 of the statutes is renumbered 289.07 (4) and amended to  
19 read:

20           289.07 (4) ~~The department may conduct~~ Conduct or direct scientific  
21 experiments, investigations, demonstration grants and research on any matter  
22 relating to solid waste disposal, including, but not limited to, land fill, disposal and  
23 utilization of junked vehicles, and production of compost.

24           **SECTION 633.** 144.453 of the statutes is renumbered 289.57, and 289.57 (2), as  
25 renumbered, is amended to read:

1           289.57 (2) MAINTENANCE OF RECORDS. Except as provided in s. 144.433 289.09  
2           (2) (a) 2., the department shall separately maintain as a public record, for each solid  
3           waste facility, the reports required by sub. (1).

4           **SECTION 634.** 144.455 (title) of the statutes is renumbered 289.83 (title).

5           **SECTION 635.** 144.455 (1) (intro.) and (b) of the statutes are consolidated,  
6           renumbered 289.83 (1) and amended to read:

7           289.83 (1) (title) ~~DEFINITIONS~~ DEFINITION. In this section: ~~(b)~~ “Political,  
8           “political subdivision” means a city, village, town, county or town sanitary district.

9           **SECTION 636.** 144.455 (1) (a) of the statutes is repealed.

10          **SECTION 637.** 144.455 (2) to (6) of the statutes are renumbered 289.83 (2) to (6).

11          **SECTION 638.** 144.46 of the statutes is renumbered 289.35.

12          **SECTION 639.** 144.463 of the statutes, as affected by 1995 Wisconsin Act 115,  
13          is renumbered 289.59.

14          **SECTION 640.** 144.465 of the statutes is renumbered 289.92, and 289.92 (intro.)  
15          and (2) (b), as renumbered, are amended to read:

16          **289.92 Review of alleged violations.** (intro.) Any 6 or more citizens or any  
17          municipality may petition for a review of an alleged violation of ss. ~~144.43 to 144.47~~  
18          this chapter or any rule promulgated or special order, plan approval, license or any  
19          term or condition of a license issued under ~~those sections~~ this chapter in the following  
20          manner:

21          (2) (b) Initiate action under s. ~~144.47~~ 289.97.

22          **SECTION 641.** 144.469 of the statutes is renumbered 289.96, and 289.96 (1), as  
23          renumbered, is amended to read:

1           289.96 (1) (a) No person may treat, store or dispose of high-volume industrial  
2 waste, as defined under s. 144.44 (7) (a) 1., in violation of a testing requirement or  
3 condition of an exemption under s. 144.44 (7) (f) 4 289.43 (7) (d).

4           (b) No person may violate a testing requirement or condition of an exemption  
5 from regulation under s. 144.44 (7) (g) 3 289.43 (8) (c).

6           **SECTION 642.** 144.47 of the statutes is renumbered 289.97, and 289.97 (1) (a),  
7 as renumbered, is amended to read:

8           289.97 (1) (a) If the department has reason to believe that a violation of ss.  
9 ~~144.43 to 144.47~~ this chapter or any rule promulgated or special order, plan approval,  
10 or any term or condition of a license issued under ~~those sections~~ this chapter  
11 occurred, it may:

12           1. Cause written notice to be served upon the alleged violator. The notice shall  
13 specify the law or rule alleged to be violated, and contain the findings of fact on which  
14 the charge of violation is based, and, except as provided in s. ~~144.44 (8)~~ 289.95, may  
15 include an order that necessary corrective action be taken within a reasonable time.  
16 This order shall become effective unless, no later than 30 days after the date the  
17 notice and order are served, the person named in the notice and order requests in  
18 writing a hearing before the department. Upon such request, the department shall  
19 after due notice hold a hearing. Instead of an order, and except as provided in s.  
20 ~~144.44 (8)~~ 289.95, the department may require that the alleged violator appear  
21 before the department for a hearing at a time and place specified in the notice and  
22 answer the charges complained of; or

23           2. Initiate action under s. ~~144.98~~ 299.95.

24           **SECTION 643.** 144.48 of the statutes is renumbered 299.51, and 299.51 (1) (a),  
25 (b) and (c) to (e), as renumbered, are amended to read:

- 1           299.51 (1) (a) “Clinic” has the meaning given in s. ~~159.07~~ 287.07 (7) (c) 1. a.
- 2           (b) “Medical waste” means infectious waste, as defined in s. ~~159.07~~ 287.07 (7)
- 3 (c) 1. c., and other waste that contains or may be mixed with infectious waste.
- 4           (c) “Solid waste disposal” has the meaning given in s. ~~144.43 (4r)~~ 289.01 (34).
- 5           (d) “Solid waste facility” has the meaning given in s. ~~144.43 (5)~~ 289.01 (35).
- 6           (e) “Solid waste treatment” has the meaning given in s. ~~144.43 (7r)~~ 289.01 (39).

7           **SECTION 644.** 144.50 of the statutes is renumbered 299.53, and 299.53 (4) (a)

8 3., as renumbered, is amended to read:

9           299.53 (4) (a) 3. Refer the matter to the department of justice for enforcement

10 under s. ~~144.98~~ 299.95.

11           **SECTION 645.** 144.52 of the statutes is renumbered 299.55, and 299.55 (1) and

12 (2) (a) and (d), as renumbered, are amended to read:

13           299.55 (1) RECORDS. Except as provided under sub. (2), records and other

14 information furnished to or obtained by the department in the administration of ss.

15 ~~144.50 and 159.15~~ 287.15 and 299.53 are public records subject to s. 19.21.

16           (2) (a) *Application.* Any person subject to s. ~~144.50 or 159.15~~ 287.15 or 299.53

17 may seek confidential treatment of any records or other information furnished to or

18 obtained by the department in the administration of s. ~~144.50 or 159.15~~ 287.15 or

19 299.53.

20           (d) *Use of confidential records.* Except as provided under par. (c) and this

21 paragraph, the department or the department of justice may use records and other

22 information granted confidential status under this subsection only in the

23 administration and enforcement of s. ~~144.50 or 159.15~~ 287.15 or 299.53. The

24 department or the department of justice may release for general distribution records

25 and other information granted confidential status under this subsection if the

1 applicant expressly agrees to the release. The department or the department of  
2 justice may release on a limited basis records and other information granted  
3 confidential status under this subsection if the department or the department of  
4 justice is directed to take this action by a judge or hearing examiner under an order  
5 which protects the confidentiality of the records or other information. The  
6 department or the department of justice may release to the U.S. environmental  
7 protection agency or its authorized representative records and other information  
8 granted confidential status under this subsection if the department or the  
9 department of justice includes in each release of records or other information a  
10 request to the U.S. environmental protection agency or its authorized representative  
11 to protect the confidentiality of the records or other information.

12 **SECTION 646.** 144.60 (title) and (1) of the statutes are repealed.

NOTE: This section repeals the "short title" of the hazardous waste management statutes. The repealed provision is as follows:

"144.60 (1) TITLE. Sections 144.60 to 144.74 shall be known and may be cited as the "Hazardous Waste Management Act"."

The use of short titles is an obsolete drafting style. A short title is entirely nonsubstantive and, therefore, adds nothing to the management statutes. Users of these statutes may continue to refer to them as the "hazardous waste management act" or by any other name that seems appropriate.

13 **SECTION 647.** 144.60 (2) of the statutes is renumbered 291.001.

14 **SECTION 648.** 144.60 (3) of the statutes is renumbered 291.35 and amended to  
15 read:

16 **291.35 Rules on metallic mining wastes.** The requirements of ~~ss. 144.60~~  
17 ~~to 144.74~~ this chapter shall be subject to s. ~~144.435~~ 289.05 (2).

18 **SECTION 649.** 144.61 (intro.) and (1) of the statutes are renumbered 291.01  
19 (intro.) and (1) and amended to read:

20 **291.01 Definitions.** (intro.) In ~~ss. 144.60 to 144.74~~ this chapter:

21 **(1)** "Closing" has the meaning designated under s. ~~144.43 (1m)~~ 289.01 (5).

1           **SECTION 650.** 144.61 (2), (3) and (4) of the statutes are renumbered 291.01 (2),  
2 (3) and (5).

3           **SECTION 651.** 144.61 (5) of the statutes is renumbered 291.01 (7) and amended  
4 to read:

5           291.01 (7) “Hazardous waste” or “waste” means any solid waste identified by  
6 the department as hazardous under s. ~~144.62 (2)~~ 291.05 (1), (2) or (4).

7           **SECTION 652.** 144.61 (5m) and (6) of the statutes are renumbered 291.01 (8) and  
8 (9).

9           **SECTION 653.** 144.61 (7) of the statutes is renumbered 291.01 (10) and amended  
10 to read:

11           291.01 (10) “Long-term care” has the meaning designated under s. ~~144.43 (3)~~  
12 289.01 (21).

13           **SECTION 654.** 144.61 (8), (9), (9m), (10), (11), (12) and (13) of the statutes are  
14 renumbered 291.01 (11), (14), (17), (18), (19), (20) and (21), and 291.01 (19), as  
15 renumbered, is amended to read:

16           291.01 (19) “Termination” has the meaning designated under s. ~~144.43 (8)~~  
17 289.01 (40).

18           **SECTION 655.** 144.61 (14) of the statutes is renumbered 291.01 (22) and  
19 amended to read:

20           291.01 (22) “Treatment facility” means a facility at which hazardous waste is  
21 subjected to treatment and may include a facility where hazardous waste is  
22 generated. This term does not include a waste water treatment facility whose  
23 discharges are regulated under ch. 147 283 unless the facility is required to be  
24 permitted as a hazardous waste treatment facility under the resource conservation  
25 and recovery act.

1           **SECTION 656.** 144.62 (title) of the statutes is repealed.

2           **SECTION 657.** 144.62 (2) (a) of the statutes is renumbered 291.05 (1).

3           **SECTION 658.** 144.62 (2) (b) of the statutes is renumbered 291.05 (2), and 291.05  
4 (2) (b) and (c), as renumbered, are amended to read:

5           291.05 (2) (b) Except as provided under ~~subd. 3. par. (c)~~, the list of hazardous  
6 wastes shall be identical to the list promulgated by the U.S. environmental  
7 protection agency under s. 6921 (b) of the resource conservation and recovery act.

8           (c) The department may include or retain on the list of hazardous wastes any  
9 additional solid waste not included on the list promulgated by the U.S.  
10 environmental protection agency if the department determines that the additional  
11 solid waste has characteristics which identify it as a hazardous waste based on the  
12 criteria promulgated under ~~par. (a) sub. (1)~~ and if the department determines that  
13 the inclusion or retention is necessary to protect public health, safety or welfare. The  
14 department shall issue specific findings and conclusions on which its determinations  
15 are based and shall include or retain the additional solid waste on the list of  
16 hazardous wastes by rule.

17           **SECTION 659.** 144.62 (2) (c) of the statutes is renumbered 291.05 (4).

18           **SECTION 660.** 144.62 (3) of the statutes is renumbered 291.07 (1).

19           **SECTION 661.** 144.62 (4) of the statutes is renumbered 291.11 (5).

20           **SECTION 662.** 144.62 (5) of the statutes is renumbered 291.07 (2) and amended  
21 to read:

22           291.07 (2) The department may exempt by rule any person who generates,  
23 transports, treats, stores or disposes of hazardous wastes from any provision under  
24 ~~ss. 144.60 to 144.74~~ this chapter or from any rule promulgated under ~~these sections~~

1 this chapter if the generation, transportation, treatment, storage or disposal does not  
2 present a significant hazard to public health and safety or the environment.

3 **SECTION 663.** 144.62 (7) of the statutes is renumbered 291.05 (5) (b) and  
4 amended to read:

5 291.05 (5) (b) In developing requirements for licenses to transport hazardous  
6 waste under s. ~~144.64 (1) par. (a)~~, the department shall maintain consistency with  
7 rules promulgated by the department of transportation.

8 **SECTION 664.** 144.62 (8) of the statutes is renumbered 291.05 (6), and 291.05  
9 (6) (f), as renumbered, is amended to read:

10 291.05 (6) (f) Corrective action under s. ~~144.735~~ 291.37.

11 **SECTION 665.** 144.62 (8m) of the statutes is renumbered 291.07 (3) and  
12 amended to read:

13 291.07 (3) The department may promulgate rules which specify the duration  
14 of licenses issued under s. ~~144.64 (2)~~ 291.25.

15 **SECTION 666.** 144.62 (9) of the statutes is renumbered 291.09 (1).

16 **SECTION 667.** 144.62 (10) of the statutes is renumbered 291.05 (3), and 291.05  
17 (3) (a), as renumbered, is amended to read:

18 291.05 (3) (a) The department shall promulgate rules under ~~sub. (2) (a) and (b)~~  
19 subs. (1) and (2) which establish not less than 2 nor more than 4 classes of hazardous  
20 waste and shall assign wastes to a particular class. The classes shall be based upon  
21 the relative degrees of hazard posed by the waste. Standards established under ~~ss.~~  
22 ~~144.60 to 144.74~~ this chapter for hazardous waste facilities or for equipment which  
23 transports hazardous waste shall recognize and differentiate between the classes of  
24 waste which the facility or equipment is intended to transport, treat, store or dispose.

1           **SECTION 668.** 144.62 (12) of the statutes is renumbered 291.09 (2) and amended  
2 to read:

3           291.09 (2) If facilities or equipment subject to ~~ss. 144.60 to 144.74~~ this chapter  
4 are also subject to regulation by the department under other statutes or rules, the  
5 department shall integrate its regulatory processes to avoid duplicative or  
6 contradictory actions or requirements.

7           **SECTION 669.** 144.62 (13) of the statutes is renumbered 291.11 (2) and amended  
8 to read:

9           291.11 (2) The department may waive compliance with any requirement under  
10 ~~ss. 144.60 to 144.74~~ this chapter or shorten the time periods under ~~ss. 144.60 to~~  
11 ~~144.74~~ this chapter to the extent necessary to prevent an emergency condition  
12 threatening public health, safety or welfare or the environment.

13           **SECTION 670.** 144.62 (14) of the statutes is renumbered 291.91 (1) and amended  
14 to read:

15           291.91 (1) The department may inspect hazardous waste facility construction  
16 projects to determine compliance with ~~ss. 144.60 to 144.74~~ this chapter and rules  
17 promulgated and licenses issued under ~~those sections~~ this chapter.

18           **SECTION 671.** 144.62 (15) of the statutes is renumbered 291.11 (1) and amended  
19 to read:

20           291.11 (1) The department may hold hearings relating to any aspect of the  
21 administration of ~~ss. 144.60 to 144.74~~ this chapter and, in connection with those  
22 hearings, compel the attendance of witnesses and the production of evidence.

23           **SECTION 672.** 144.62 (16) of the statutes is renumbered 291.93 and amended  
24 to read:

1           **291.93** (title) **Orders.** The department may issue orders to effectuate the  
2 purposes of ~~ss. 144.60 to 144.74~~ this chapter and enforce those orders by all  
3 appropriate administrative and judicial proceedings.

4           **SECTION 673.** 144.62 (17) and (18) of the statutes are renumbered 291.11 (3)  
5 and (4).

6           **SECTION 674.** 144.63 of the statutes is renumbered 291.21, and 291.21 (1) and  
7 (7) to (9), as renumbered, are amended to read:

8           291.21 (1) Be responsible for testing programs needed to determine whether  
9 any material generated by them is a hazardous waste for purposes of ~~ss. 144.60 to~~  
10 ~~144.74~~ this chapter.

11           (7) Submit all reports required under ~~ss. 144.60 to 144.74~~ this chapter and  
12 rules promulgated under ~~those sections~~ this chapter.

13           (8) Comply with rules relating to notification under s. ~~144.62~~ 291.05 (1), (2) and  
14 (4).

15           (9) Arrange that all wastes generated by them are transported, treated, stored  
16 or disposed of at facilities holding a license issued under ~~ss. 144.60 to 144.74~~ this  
17 chapter or issued under the resource conservation and recovery act.

18           **SECTION 675.** 144.64 (title) of the statutes is repealed.

19           **SECTION 676.** 144.64 (1) (title), (a) and (b) (intro.) of the statutes are  
20 renumbered 291.23 (title), (1) and (2) and amended to read:

21           **291.23** (title) **Transportation Licenses; transportation.** (1) No person  
22 may transport hazardous waste without a license issued under this subsection  
23 section.

1           (2) Licenses issued under this ~~subsection~~ section shall require compliance with  
2 rules of the department. ~~The rules shall establish standards for the following:~~  
3 promulgated under s. 291.05 (5) (a).

4           **SECTION 677.** 144.64 (1) (b) 1., 2., 3., 4. and 5. of the statutes are renumbered  
5 291.05 (5) (a) 1. to 5.

6           **SECTION 678.** 144.64 (1) (c) of the statutes is renumbered 291.23 (3) and  
7 amended to read:

8           291.23 (3) Licenses issued under this ~~subsection~~ section may be denied,  
9 suspended or revoked for grievous and continuous failure to comply with the rules  
10 adopted under ~~par. (b)~~ s. 291.05 (5) (a).

11           **SECTION 679.** 144.64 (2) (title) of the statutes is repealed.

12           **SECTION 680.** 144.64 (2) (a), (am), (b), (c) and (d) of the statutes are renumbered  
13 291.25 (1), (2), (3), (4) and (5), and 291.25 (1), (2) (a) and (b) and (3) to (5), as  
14 renumbered, are amended to read:

15           291.25 (1) The storage of hazardous waste at the generation site by the  
16 generator of that waste for a period of less than 90 days is not subject to this  
17 ~~subsection~~ section. The storage of hazardous waste for a period of less than 10 days  
18 is exempt from this ~~subsection~~ section if the storage is in connection with the  
19 transporting or movement of the hazardous waste. Notwithstanding the exemptions  
20 granted under this ~~paragraph~~ subsection, no person may store or cause the storage  
21 of hazardous waste in a manner which causes environmental pollution.

22           (2) (a) Construct a hazardous waste facility unless the person complies with  
23 ~~s. 144.44 (2) to (3)~~ ss. 289.23 to 289.30.

24           (b) Operate a hazardous waste facility without an interim or operating license  
25 issued under this ~~subsection~~ section.

1           (3) Licenses issued under this ~~subsection~~ section shall require compliance with  
2 s. 144.44 (4) 289.31 and rules promulgated under ss. 144.60 to 144.74 this chapter.

3           (4) The department may issue an interim license to a person who operates a  
4 hazardous waste facility if the person applies for a license under this ~~subsection~~  
5 section and complies with conditions and restrictions prescribed by rule or special  
6 order by the department pending the decision on the issuance of an operating license  
7 under this ~~subsection~~ section. This ~~paragraph~~ subsection applies only if the facility  
8 was in existence on November 19, 1980, or on a subsequent date which is the effective  
9 date of the statute or rule requiring the facility to obtain an operating license under  
10 this ~~subsection~~ section. An interim license issued under this ~~paragraph~~ subsection  
11 constitutes an operating license under this ~~subsection~~ section.

12           (5) An existing hazardous waste facility which was never licensed under this  
13 ~~subsection~~ section, whether or not it was previously authorized to receive hazardous  
14 waste under s. 144.44 (4) 289.31, shall be treated as an unlicensed proposed facility  
15 which has not been constructed for the purpose of complying with ~~par. (am) 1. sub.~~  
16 (2) (a), for the purpose of obtaining an operating license under this ~~subsection~~ section  
17 and for the purpose of administrative procedure and review under ch. 227.

18           **SECTION 681.** 144.64 (2) (e) of the statutes is renumbered 291.87 (1m), and  
19 291.87 (1m) (intro.) and (a) to (c), as renumbered, are amended to read:

20           291.87 **(1m)** (intro.) A license issued under this ~~subsection~~ s. 291.25 may be  
21 denied, suspended or revoked if the applicant or licensee does any of the following:

22           (a) Fails to pay any fee required under ~~sub. (4) ss.~~ ss. 291.05 (7) and 291.33.

23           (b) Fails to comply with ~~ss. 144.60 to 144.74~~ this chapter or any rule  
24 promulgated under ~~those sections~~ this chapter.

1 (c) Fails to comply with the approved plan of operation under s. 144.44 (3)  
2 289.30.

3 **SECTION 682.** 144.64 (2) (f) and (g) of the statutes are renumbered 291.25 (6)  
4 and (7) and amended to read:

5 291.25 (6) A treatment facility which is required to be permitted as a hazardous  
6 waste treatment facility under the resource conservation and recovery act and the  
7 discharges of which are regulated under ch. 147 283 shall comply with construction  
8 and operating standards promulgated by rule by the department. The department  
9 shall promulgate rules under this ~~paragraph~~ subsection which are substantially  
10 equivalent to and not more stringent than the standards promulgated under the  
11 resource conservation and recovery act.

12 (7) Notwithstanding ~~pars. (am) 1., (b) and (d) subs. (2) (a), (3) and (5)~~, the owner  
13 or operator of a hazardous waste facility who holds a permit for the treatment,  
14 storage or disposal of hazardous waste issued before January 31, 1986, by the U.S.  
15 environmental protection agency under 42 USC 6925 (c) and who is in compliance  
16 with the permit may obtain an operating license under ~~par. (am) 2. sub. (2) (b)~~ for the  
17 federally permitted activities by doing all of the following:

18 (a) Submitting to the department, on a form provided by the department, an  
19 application showing that the facility meets the standards established under ss.  
20 144.44 289.21 to 289.31 and 144.60 to 144.74 this chapter and rules promulgated  
21 under those sections and this chapter.

22 (b) Complying with any condition that the department prescribes as necessary  
23 to meet any standard or requirement established under ss. 144.44 289.21 to 289.31  
24 and 144.60 to 144.74 this chapter.

25 (c) Paying any fee required under ~~sub. (4) ss. 291.05 (7) and 291.33~~.

1           **SECTION 683.** 144.64 (2m) of the statutes is renumbered 291.29 and amended  
2 to read:

3           **291.29 Closure and long-term care plan for unlicensed facilities.** Any  
4 person required to be licensed or eligible to obtain a license under ~~sub. (2) (e)~~ s. 291.25  
5 who does not obtain a license under that ~~subsection~~ section shall submit to the  
6 department a closure plan and, if the facility is a disposal facility, a long-term care  
7 plan for the facility which complies with the requirements promulgated by the  
8 department by rule under s. ~~144.62 (8)~~ 291.05 (6) (e) and shall comply with the plan  
9 as approved by the department. There is no statutory right to a hearing before the  
10 department concerning a plan submitted under this ~~subsection~~ section but the  
11 department may grant a hearing on a plan.

NOTE: The cross-reference to sub. (2) (c) is ambiguous. It is not clear whether the cross-reference applies only to a person "eligible to obtain" a license or whether it also applies to a person who has a license. The use of "subsection" in that sentence suggests that the reference to sub. (2) (c) is incorrectly narrow and that the proper reference is to sub. (2). The cross-reference has been modified accordingly.

12           **SECTION 684.** 144.64 (3) of the statutes is renumbered 291.31 and amended to  
13 read:

14           **291.31 Variance.** If the department determines that the application for or  
15 compliance with any license required under ~~sub. (1) or (2)~~ s. 291.23 or 291.25 would  
16 cause undue or unreasonable hardship to any person, the department may issue a  
17 variance from the requirements of ~~this section~~ s. 291.23, 291.25, 291.29 or 291.87 but  
18 the variance may not result in undue harm to public health or the environment and  
19 the duration of the variance may not exceed 5 years. The department may renew or  
20 extend a variance only after opportunity for a public hearing.

21           **SECTION 685.** 144.64 (4) (title) of the statutes is repealed.

1           **SECTION 686.** 144.64 (4) (a) of the statutes is renumbered 291.05 (7), and 291.05  
2 (7) (a) and (b), as renumbered, are amended to read:

3           291.05 (7) (a) The department shall promulgate by rule a graduated schedule  
4 of reasonable license, plan approval and review fees to be charged for hazardous  
5 waste activities under ~~this section~~ ss. 291.23, 291.25, 291.29, 291.31 and 291.87.

6           (b) Hazardous waste activities under ~~this section~~ ss. 291.23, 291.25, 291.29,  
7 291.31 and 291.87 consist of reviewing feasibility reports, plans of operation, closure  
8 plans and license applications, issuing determinations of feasibility, plan of  
9 operation approvals, operating licenses, interim licenses and variances, inspecting  
10 construction projects, approving closure plans and taking other actions in  
11 administering ~~this section~~ ss. 291.23, 291.25, 291.29, 291.31 and 291.87.

12           **SECTION 687.** 144.64 (4) (b) of the statutes is renumbered 291.33 and amended  
13 to read:

14           **291.33** (title) **Tonnage fees.** A person who operates a licensed hazardous  
15 waste disposal facility shall pay the fees imposed and specified under s. 144.441 (3)  
16 ~~and (4)~~ 289.62.

17           **SECTION 688.** 144.645 of the statutes is renumbered 291.87 and 291.87, (1) to  
18 (3), as renumbered, are amended to read:

19           291.87 (1) If the department proposes to deny, suspend or revoke a license for  
20 the reasons stated under s. 144.64 (2) (e) ~~2. to 6.~~ sub. (1m) (b) to (f), the department  
21 shall comply with the procedures specified under this section.

22           (2) If the department determines that a person licensed under s. 144.64 (2)  
23 291.25 failed to comply with the rules promulgated under ~~ss. 144.60 to 144.74~~ this  
24 chapter or failed to comply with the approved plan of operation under s. 144.44 (3)  
25 289.30, the department shall give written notice to the person. The notice shall state

1 that the department proposes to deny, suspend or revoke the license and shall inform  
2 the person that a hearing may be requested within 45 days after the notice is issued.

3 **(3)** If the licensee requests a hearing within 45 days after receiving the notice  
4 under sub. (2), the department shall schedule a hearing and give notice of the hearing  
5 by publishing a class 1 notice, under ch. 985, at least 45 days prior to the date  
6 scheduled for the hearing. If the licensee requests a contested case hearing and if  
7 the conditions specified under s. 227.42 (1) (a) to (d) are satisfied, the department  
8 shall conduct the hearing as a contested case; otherwise, the department shall  
9 conduct the hearing as an informational hearing. There is no statutory right to any  
10 hearing concerning the denial, suspension or revocation of a license for the reasons  
11 stated under s. ~~144.64 (2) (e) 2. to 6.~~ sub. (1m) (b) to (f) except as provided under this  
12 subsection.

13 **SECTION 689.** 144.68 of the statutes is renumbered 291.27, and 291.27 (2), as  
14 renumbered, is amended to read:

15 291.27 **(2)** This section does not apply to hazardous waste disposal facilities  
16 granted an interim license under s. ~~144.64 (2) (e)~~ 291.25 (4) or a variance under s.  
17 ~~144.64 (3)~~ 291.31 or a facility subject to s. ~~144.64 (2m)~~ 291.29.

18 **SECTION 690.** 144.69 (title) of the statutes is renumbered 291.91 (title).

19 **SECTION 691.** 144.69 of the statutes is renumbered 291.91 (2).

20 **SECTION 692.** 144.70 of the statutes is renumbered 291.15, and 291.15 (1) and  
21 (2) (a) and (d), as renumbered, are amended to read:

22 291.15 **(1)** RECORDS. Except as provided under sub. (2), any records or other  
23 information furnished to or obtained by the department in the administration of ss.  
24 ~~144.60 to 144.74~~ this chapter are public records subject to s. 19.21.

1           **(2)** (a) *Application.* An owner or operator of a hazardous waste facility may  
2 seek confidential treatment of any records or other information furnished to or  
3 obtained by the department in the administration of ~~ss. 144.60 to 144.74~~ this chapter.

4           (d) *Use of confidential records.* Except as provided under par. (c) and this  
5 paragraph the department or the department of justice may use records and other  
6 information granted confidential status under this subsection only in the  
7 administration and enforcement of ~~ss. 144.60 to 144.74~~ this chapter. The department  
8 or the department of justice may release for general distribution records and other  
9 information granted confidential status under this subsection if the owner or  
10 operator expressly agrees to the release. The department or the department of  
11 justice may release on a limited basis records and other information granted  
12 confidential status under this subsection if the department or the department of  
13 justice is directed to take this action by a judge or hearing examiner under an order  
14 which protects the confidentiality of the records or other information. The  
15 department or the department of justice may release to the U.S. environmental  
16 protection agency or its authorized representative records and other information  
17 granted confidential status under this subsection if the department or the  
18 department of justice includes in each release of records or other information a  
19 request to the U.S. environmental protection agency or its authorized representative  
20 to protect the confidentiality of the records or other information.

21           **SECTION 693.** 144.72 of the statutes is renumbered 291.85, and 291.85 (1)  
22 (intro.), as renumbered, is amended to read:

23           291.85 **(1)** NOTICE REQUIRED. (intro.) If the department receives evidence that  
24 the past or present handling, storage, treatment, transportation or disposal of any

1 solid or hazardous waste may present an imminent and substantial danger to health  
2 or the environment, the department shall do all of the following:

NOTE: This provision is duplicated for solid waste in new s. 289.94.

3 **SECTION 694.** 144.725 of the statutes is renumbered 291.89, and 291.89 (intro.)  
4 and (2) (b), as renumbered, are amended to read:

5 **291.89 Review of alleged violations.** (intro.) Any 6 or more citizens or any  
6 municipality may petition for review of an alleged violation of ss. ~~144.60 to 144.74~~  
7 this chapter or any rule promulgated or special order, plan approval, license or any  
8 term or condition of a license issued under ~~those sections~~ this chapter in the following  
9 manner:

10 (2) (b) Initiate action under s. ~~144.73~~ 291.95.

11 **SECTION 695.** 144.73 of the statutes is renumbered 291.95, and 291.95 (1)  
12 (intro.) and (c) and (3), as renumbered, are amended to read:

13 291.95 (1) DEPARTMENT ACTION. (intro.) If the department determines that any  
14 person is in violation of any requirement of ss. ~~144.60 to 144.74~~ this chapter or any  
15 rule promulgated or special order, plan approval or term or condition of a license or  
16 variance issued under ~~those sections~~ this chapter, the department may do one or  
17 more of the following:

18 (c) Refer the matter to the department of justice for enforcement under s.  
19 ~~144.98~~ 299.95.

20 (3) ASSISTANCE OF DISTRICT ATTORNEY. In any criminal action commenced under  
21 s. ~~144.74~~ 291.97, the department of justice may request the assistance of the district  
22 attorney of any county in which the violation occurred, and the district attorney shall  
23 provide the requested assistance.

1           **SECTION 696.** 144.735 of the statutes is renumbered 291.37, and 291.37 (1) (c)  
2 and (2) (a), as renumbered, are amended to read:

3           291.37 (1) (c) “Solid waste management unit” means any unit designed or used  
4 for the storage, treatment or disposal of solid waste or hazardous waste or both,  
5 which is located in a hazardous waste facility required to have a license under s.  
6 144.64 (2) 291.25 or a permit under 42 USC 6925 or required to comply with s. 144.64  
7 (~~2m~~) 291.29. “Solid waste management unit” includes but is not limited to a  
8 container, tank, surface impoundment, disposal facility, incinerator, wastepile,  
9 landfill, underground injection well, land treatment unit or wastewater treatment  
10 facility.

11           (2) (a) If the department determines that a release from a solid waste  
12 management unit has occurred the department may, except as provided under par.  
13 (b), require the owner or operator of the facility containing the solid waste  
14 management unit to take corrective action, including corrective action beyond the  
15 facility, if necessary. The department may require an owner or operator to take  
16 corrective action regardless of when the hazardous waste or hazardous constituent  
17 released was placed in the solid waste management unit. The department may  
18 require corrective action by means of a special order under this paragraph or as a  
19 condition of licensing or plan approval under s. 144.64 291.25 or 291.29. An order  
20 or condition under this paragraph shall state, with reasonable specificity, the nature  
21 of the corrective action required, shall include a description of the property on which  
22 the corrective action is to be taken and shall specify a period for achieving compliance  
23 and a period for the owner or operator to establish proof of financial responsibility  
24 for the cost of corrective action.

1           **SECTION 697.** 144.737 of the statutes, as affected by 1995 Wisconsin Act 27, is  
2 renumbered 291.13.

3           **SECTION 698.** 144.74 of the statutes is renumbered 291.97, and 291.97 (1) and  
4 (2) (a) 1. and 2. and (b) 1. and 2., as renumbered, are amended to read:

5           291.97 (1) CIVIL PENALTIES. Any person who violates any provision of ~~ss. 144.60~~  
6 ~~to 144.735~~ this chapter or any rule promulgated or special order, plan approval or  
7 term or condition of a license or variance issued under ~~those sections~~ this chapter  
8 shall forfeit not less than \$100 nor more than \$25,000 for each violation. Each day  
9 of a continuing violation is a separate offense.

10           (2) (a) 1. In connection with an application, label, manifest, record, report,  
11 license or other document relating to ~~ss. 144.60 to 144.735~~ this chapter, makes an  
12 untrue statement of a material fact or fails to state a material fact with the result  
13 that the statements made in the document are misleading.

14           2. Destroys, alters, conceals or fails to submit a record required to be  
15 maintained or submitted under ~~ss. 144.60 to 144.735~~ this chapter or a rule  
16 promulgated or special order, plan approval or term or condition of a license or  
17 variance issued under ~~any of those sections~~ this chapter.

18           (b) 1. Transports any hazardous waste to a facility or site that does not have  
19 a license as required under s. ~~144.64~~ 291.25.

20           2. Stores, treats, transports or disposes of any hazardous waste without a  
21 license required under s. ~~144.64~~ 291.23 or 291.25 or in violation of a rule promulgated  
22 or special order, plan approval or term or condition of a license or variance issued  
23 under ~~that section~~ s. 291.23, 291.25, 291.29, 291.31 or 291.87.

24           **SECTION 699.** 144.75 of the statutes is renumbered 299.41.

25           **SECTION 700.** 144.76 (title) of the statutes is renumbered 292.11 (title).

1           **SECTION 701.** 144.76 (1) (intro.) of the statutes is repealed.

2           **SECTION 702.** 144.76 (1) (a), (b), (bm), (c) and (d) of the statutes are renumbered  
3 292.01 (3), (8), (9), (15) and (16).

4           **SECTION 703.** 144.76 (2) of the statutes, as affected by 1995 Wisconsin Act 27,  
5 is renumbered 292.11 (2).

6           **SECTION 704.** 144.76 (3) to (5) of the statutes are renumbered 292.11 (3) to (5).

7           **SECTION 705.** 144.76 (6) and (7) of the statutes, as affected by 1995 Wisconsin  
8 Act 27, are renumbered 292.11 (6) and (7).

9           **SECTION 706.** 144.76 (8) of the statutes is renumbered 292.11 (8).

10          **SECTION 707.** 144.76 (9) of the statutes, as affected by 1995 Wisconsin Act 27,  
11 is renumbered 292.11 (9), and 292.11 (9) (a) and (c), as renumbered, are amended to  
12 read:

13           292.11 (9) (a) Any person holding a valid permit under ch. 147 ~~283~~ is exempted  
14 from the reporting and penalty requirements of this section with respect to  
15 substances discharged within the limits authorized by the permit.

16           (c) Any person discharging in conformity with a permit or program approved  
17 under ~~this chapter~~ chs. 281, 285 or 289 to 299 is exempted from the reporting and  
18 penalty requirements of this section.

19          **SECTION 708.** 144.76 (9m) of the statutes is renumbered 292.21 (1), and 292.21  
20 (1) (a) 3., (b) 2., (c) 1. (intro.) and c., 2. g. and 3. and (d) (intro.), as renumbered, are  
21 amended to read:

22           292.21 (1) (a) 3. The department may, by rule, designate as lending activities  
23 other activities, in addition to those listed in ~~sub. (1) (bm)~~ s. 292.01 (9), that are  
24 related to undertaking appropriate actions to preserve and protect property or are  
25 related to the advancing of funds or credit or the collecting of funds.

1 (b) 2. The lender notifies the department, in accordance with ~~sub. s. 292.11~~ (2),  
2 of any discharge of a hazardous substance identified as the result of activities  
3 described in this paragraph.

4 (c) 1. (intro.) A lender that acquires title to, or possession or control of, real  
5 property through enforcement of a security interest is not subject to ~~subs. s. 292.11~~  
6 (3), (4) and (7) (b) and (c) and is not liable under this chapter or chs. 281, 285, 289,  
7 291 or 293 to 299 for a discharge of a hazardous substance on that real property if  
8 all of the following conditions are satisfied:

9 c. The lender notifies the department, in accordance with ~~sub. s. 292.11~~ (2), of  
10 any known discharge of a hazardous substance.

11 2. g. A review to determine if the real property is listed in any of the written  
12 compilations of sites or facilities considered to pose a threat to human health or the  
13 environment, including the national priorities list under 42 USC 9605 (a) (8) (B); the  
14 federal environmental protection agency's information system for the  
15 comprehensive environmental response, compensation and liability act, 42 USC  
16 9601 to 9675, (CERCLIS); the department's most recent Wisconsin remedial  
17 response site evaluation report, including the inventory of sites or facilities which  
18 may cause or threaten to cause environmental pollution required by s. 144.442 (4)  
19 292.31 (1) (a); and the department's registry of abandoned landfills.

20 3. An environmental assessment filed under subd. 1. d. does not constitute  
21 notice required under ~~sub. s. 292.11~~ (2).

22 (d) *Personal property and fixtures.* (intro.) A lender that enforces a security  
23 interest in personal property or fixtures at a particular location, filed under ch. 409,  
24 and that does not acquire title to, or possession or control of, the real property at that  
25 location, except for purposes of protecting and removing personal property or

1 fixtures, is not subject to ~~subs. s. 292.11~~ (3), (4) and (7) (b) and (c) and is not liable  
2 under this chapter for a discharge of a hazardous substance on that real property if  
3 all of the following conditions are satisfied:

4 **SECTION 709.** 144.76 (9s) of the statutes is renumbered 292.21 (2), and 292.21  
5 (2) (a) 5., (b) 2. and (c), as renumbered, are amended to read:

6 292.21 (2) (a) 5. The representative does not knowingly, wilfully or recklessly  
7 fail to notify the department in accordance with ~~sub. s. 292.11~~ (2) of the discharge of  
8 a hazardous substance.

9 (b) 2. A representative that fails to act in good faith to cause the trust, estate  
10 or similar entity for which the representative is acting as a representative to take the  
11 actions described in ~~sub. s. 292.11~~ (3) or to reimburse the department under ~~sub. s.~~  
12 292.11 (7) (b). It is not a lack of good faith for a representative to resign as  
13 representative, to seek a court order directing the representative to act or refrain  
14 from acting or to challenge the department by any legal means.

15 (c) This subsection does not limit the responsibility of any trust, estate or  
16 similar entity to take the actions required under ~~sub. s. 292.11~~ (2), (3), (4) or (7) (c)  
17 or any other provision of this chapter or to reimburse the department under ~~sub. s.~~  
18 292.11 (7) (b).

NOTE: Current s. 144.76 (9m) and (9s) contains references to "this chapter". This  
cross-reference is unnecessarily broad. It is apparent from the contexts that the  
references are to the statutes concerning hazardous substance spills. Therefore, the  
references have not been changed.

19 **SECTION 710.** 144.76 (10), (11) and (12) of the statutes are renumbered 292.11  
20 (10), (11) and (12), and 292.11 (11) and (12) (a), as renumbered, are amended to read:

21 292.11 (11) ENFORCEMENT EXCLUSIONS. (a) Any person proceeded against for  
22 a violation of this section shall not be subject to penalties under s. 144.74 291.97 for  
23 the same act or omission.

1 (b) Any person who discharges a hazardous substance, where the  
2 responsibilities for such a discharge are prescribed by statute other than ss. 144.60  
3 to ~~144.74~~ ch. 291, shall be subject to the penalty under either this section or the other  
4 section but not both.

5 (12) (a) Action by the department under this section is not subject to s. 144.442  
6 ~~(4) to (9)~~ 292.31.

7 **SECTION 711.** 144.76 (13) of the statutes is renumbered 292.81, and 292.81 (1),  
8 (2) (a) (intro.), 1. and 2., (b), (c) and (d), (3) and (4) (a), (b) (intro.) and (c) to (e), as  
9 renumbered, are amended to read:

10 292.81 (1) In this ~~subsection~~ section, “valid prior lien” means a purchase money  
11 real estate mortgage that is recorded before the lien is filed under this ~~paragraph~~  
12 section, including any extension or refinancing of that purchase money mortgage, or  
13 an equivalent security interest, or a 2nd or subsequent mortgage for home  
14 improvement or repair that is recorded before the lien is filed under this ~~paragraph~~  
15 section, including any extension or refinancing of that 2nd or subsequent mortgage.

16 (2) (a) (intro.) Before incurring expenses under ~~this section or s. 144.442 (4),~~  
17 ~~(6) or (8)~~ s. 292.11, 292.31 (1), (3) or (7) or 144.77 292.41 (4) with respect to a property,  
18 the department shall provide to the current owner of the property and to any  
19 mortgagees of record a notice containing all of the following:

20 1. A brief description of the property for which the department expects to incur  
21 expenses under ~~this section or s. 144.442 (4), (6) or (8)~~ s. 292.11, 292.31 (1), (3) or (7)  
22 ~~or 144.77 292.41 (4)~~.

23 2. A brief description of the types of activities that the department expects may  
24 be conducted at the property under ~~this section or s. 144.442 (4), (6) or (8)~~ s. 292.11,  
25 292.31 (1), (3) or (7) or 144.77 292.41 (4).

1 (b) The department shall provide notice under ~~subd. 1. par. (a)~~ by certified mail,  
2 return receipt requested, to the property owner and to each mortgagee of record at  
3 the addresses listed on the recorded documents. If the property owner is unknown  
4 or if a mailed notice is returned undelivered, the department shall provide the notice  
5 by publication thereof as a class 3 notice under ch. 985.

6 (c) The failure to provide the notice or include information required under this  
7 ~~paragraph subsection~~ does not impair the department's ability to file a lien or to seek  
8 to establish the property owner's liability for the expenses incurred by the  
9 department.

10 (d) No notice under this ~~paragraph subsection~~ is necessary in circumstances  
11 in which entry onto the property without prior notice is authorized under ~~sub. s.~~  
12 292.11 (8) or under s. 144.77 292.41 (5).

13 **(3)** Any expenditures made by the department under ~~this section, under s.~~  
14 144.442 (4), (6) or (8) s. 292.11 or 292.31 (1), (3) or (7) or, subject to s. 144.77 292.41  
15 (6) (d), under s. 144.77 292.41 (4) shall constitute a lien upon the property for which  
16 expenses are incurred if the department files the lien with the register of deeds in  
17 the county in which the property is located. A lien under this ~~subsection~~ section shall  
18 be superior to all other liens that are or have been filed against the property, except  
19 that if the property is residential property, as defined in s. 895.52 (1) (i), the lien may  
20 not affect any valid prior lien on that residential property.

21 **(4)** (a) Before filing a lien under ~~par. (c)~~ sub. (3), the department shall give the  
22 owner of the property for which the expenses are incurred a notice of its intent to file  
23 the lien, as provided in this ~~paragraph subsection~~.

24 (b) (intro.) The notice required under ~~subd. 1. par. (a)~~ shall provide all of the  
25 following:

1 (c) The department shall serve the notice required in ~~subd. 1. par. (a)~~ on the  
2 property owner at least 60 days before filing the lien. The notice shall be provided  
3 by certified mail, return receipt requested, to the property owner and to each  
4 mortgagee of record at the addresses listed on the recorded documents. If the  
5 property owner is unknown or if a mailed notice is returned undelivered, the  
6 department shall provide the notice by publication thereof as a class 3 notice under  
7 ch. 985.

8 (d) In the foreclosure of any lien filed under this ~~paragraph subsection~~, ch. 846  
9 shall control as far as applicable unless otherwise provided in this ~~paragraph~~  
10 subsection. All persons who may be liable for the expenses incurred by the  
11 department may be joined as defendants. The judgment shall adjudge the amount  
12 due the department, and shall direct that the property, or so much of the property  
13 as is necessary, be sold to satisfy the judgment, and that the proceeds be brought into  
14 court with the report of sale to abide the order of the court. If the sum realized at  
15 the sale is insufficient after paying the costs of the action and the costs of making the  
16 sale, the court shall determine the liability of the defendants for the remaining  
17 unreimbursed expenses and costs.

18 (e) This ~~paragraph subsection~~ does not apply if the lien is filed after the  
19 department obtains a judgment against the property owner and the lien is for the  
20 amount of the judgment.

21 **SECTION 712.** 144.765 (title) and (1) (intro.) of the statutes are renumbered  
22 292.15 (title) and (1) (intro.).

23 **SECTION 713.** 144.765 (1) (a) of the statutes is repealed.

24 **SECTION 714.** 144.765 (1) (b), (c), (d) and (e) of the statutes are renumbered  
25 292.15 (1) (b), (c), (d) and (e).

1           **SECTION 715.** 144.765 (2), (3), (4) and (5) of the statutes are renumbered 292.15  
2 (2), (3), (4) and (5), and 292.15 (2) (a) (intro.) and (4) (intro.), as renumbered, are  
3 amended to read:

4           292.15 (2) (a) (intro.) A purchaser is exempt from the provisions of s. 144.76  
5 292.11 (3), (4) and (7) (b) and (c) with respect to the existence of a hazardous  
6 substance on the property the release of which occurred prior to the date of  
7 acquisition of the property, if all of the following occur at any time before or after the  
8 date of acquisition:

9           (4) LIMITED RESPONSIBILITY. (intro.) The responsibility of a purchaser under  
10 sub. (2) (a) 2 may be monetarily limited by agreement between the purchaser and the  
11 department if the purchaser purchased the property from a municipality that  
12 acquired the property in a way described in s. ~~144.76~~ 292.11 (9) (e) 1. 1m. a. or b. The  
13 agreement shall stipulate all of the following:

14           **SECTION 716.** 144.77 of the statutes, as affected by 1995 Wisconsin Act 27, is  
15 renumbered 292.41, and 292.41 (2) and (6) (d), as renumbered, are amended to read:

16           292.41 (2) APPLICABILITY. (a) This section does not apply to abandoned  
17 containers which are located in an approved facility or a nonapproved facility,~~as~~  
18 ~~defined under s. 144.442 (1).~~

19           (b) Action by the department under this section is not subject to s. ~~144.442 (4)~~  
20 ~~to (9)~~ 292.31.

21           (6) (d) Any expenditures made by the department under sub. (4) shall  
22 constitute a lien upon the property for which the expenses are incurred, as provided  
23 in s. ~~144.76 (13)~~ 292.81, if the department is entitled to recover the expenditures from  
24 the property owner under par. (c).

1           **SECTION 717.** 144.788 of the statutes is renumbered 299.43, and 299.43 (2) (c),  
2 as renumbered, is amended to read:

3           299.43 (2) (c) No person who is licensed under s. ~~144.44 (4) 289.31, 291.23~~ or  
4 ~~144.64 291.25~~ may use the facility.

5           **SECTION 718.** 144.79 of the statutes is renumbered 299.45, and 299.45 (7) and  
6 (9), as renumbered, are amended to read:

7           299.45 (7) The department shall adopt rules prescribing the methods and  
8 providing or designating sites and facilities for the disposal of PCBs and products  
9 containing PCBs. Such rules may require reporting by persons disposing of PCBs  
10 and products containing PCBs. Persons disposing of PCBs or products containing  
11 PCBs shall comply with such rules unless such products are exempted under sub. (3)  
12 (b) or (c). In this section, disposal does not include the disposal of PCBs in sludge  
13 produced by wastewater treatment systems under s. ~~144.435 289.05~~ (1) and chs. NR  
14 500 to 520, Wis. adm. code, the discharge of effluents containing PCBs or the  
15 manufacture or sale of recycled paper products to which PCBs have not been  
16 intentionally added during or after manufacture for any of the uses set forth in sub.  
17 (1) (c). Nothing in this section shall exempt any person from applicable disposal or  
18 discharge limitations required or authorized under other statutes.

19           (9) The department shall enforce this section as provided in ss. ~~147.21 and~~  
20 ~~147.29 283.89 and 283.91~~.

21           **SECTION 719.** Subchapter V (title) of chapter 144 [precedes 144.80] of the  
22 statutes is repealed.

23           **SECTION 720.** 144.80 of the statutes is repealed.

NOTE: This section repeals the "short title" of the metallic mining statutes. The  
repealed provision is as follows:

“144.80 Metallic mining reclamation act. (1) Sections 144.80 to 144.94 shall be known and may be cited as the “Metallic Mining Reclamation Act”.

The use of short titles is an obsolete drafting style. A short title is entirely nonsubstantive and, therefore, adds nothing to the metallic mining statutes. Users of these statutes may continue to refer to them as the “metallic mining reclamation act” or by any other name that seems appropriate.

1           **SECTION 721.** 144.81 (intro.) of the statutes is renumbered 293.01 (intro.) and  
2 amended to read:

3           **293.01 Definitions.** (intro.) In ~~ss. 144.80 to 144.94~~ this chapter, unless the  
4 context requires otherwise:

5           **SECTION 722.** 144.81 (1m) of the statutes is renumbered 293.01 (2).

6           **SECTION 723.** 144.81 (2) of the statutes is renumbered 293.01 (5).

7           **SECTION 724.** 144.81 (2m) of the statutes is renumbered 293.01 (6) and  
8 amended to read:

9           293.01 (6) “Exploration license” means the license required under s. ~~144.832~~  
10 293.21 (2) as a condition of engaging in exploration.

11           **SECTION 725.** 144.81 (3) of the statutes is renumbered 293.01 (7).

12           **SECTION 726.** 144.81 (4) of the statutes is renumbered 293.01 (8).

13           **SECTION 727.** 144.81 (5) of the statutes is renumbered 293.01 (9).

14           **SECTION 728.** 144.81 (6) of the statutes is renumbered 293.01 (10) and amended  
15 to read:

16           293.01 (10) “Mining plan” means the proposal for the mining of the mining site  
17 ~~which shall be approved by the department under s. 144.85 prior to the issuance of~~  
18 ~~the mining permit.~~

NOTE: The requirement for the DNR to approve the mining plan before issuing the mining permit is moved to the requirements for approval of the mining permit in s. 144.85 (5) (a) 1. a., renumbered as s. 293.49 (1) (a) 1.

19           **SECTION 729.** 144.81 (7) of the statutes is renumbered 293.01 (11).

20           **SECTION 730.** 144.81 (8) of the statutes is renumbered 293.01 (12).

1           **SECTION 731.** 144.81 (9) of the statutes is renumbered 293.01 (13).

2           **SECTION 732.** 144.81 (10) of the statutes is renumbered 293.01 (17).

3           **SECTION 733.** 144.81 (12) of the statutes is renumbered 293.01 (18) and  
4 amended to read:

5           293.01 (18) "Prospecting" means engaging in the examination of an area for the  
6 purpose of determining the quality and quantity of minerals, other than for  
7 exploration but including the obtaining of an ore sample, by such physical means as  
8 excavating, trenching, construction of shafts, ramps and tunnels and other means,  
9 other than for exploration, which the department, by rule, identifies, and the  
10 production of prospecting refuse and other associated activities. "Prospecting" shall  
11 not include such activities when the activities are, by themselves, intended for and  
12 capable of commercial exploitation of the underlying ore body. However, the fact that  
13 prospecting activities and construction may have use ultimately in mining, if  
14 approved, shall not mean that prospecting activities and construction constitute  
15 mining within the meaning of sub. (5) (9), provided such activities and construction  
16 are reasonably related to prospecting requirements.

17           **SECTION 734.** 144.81 (13) of the statutes is renumbered 293.01 (19).

18           **SECTION 735.** 144.81 (13m) of the statutes is renumbered 293.01 (20) and  
19 amended to read:

20           293.01 (20) "Prospecting plan" means the proposal for prospecting of the  
21 prospecting site, ~~which shall be approved by the department under s. 144.84 prior~~  
22 ~~to the issuance of the prospecting permit.~~

NOTE: The requirement for the DNR to approve the prospecting plan before issuing  
the prospecting permit is moved to the requirements for issuance of the prospecting  
permit in s. 144.84 (2), renumbered as s. 293.45 (1).

23           **SECTION 736.** 144.81 (13n) of the statutes is renumbered 293.01 (21).

1           **SECTION 737.** 144.81 (14) of the statutes is renumbered 293.01 (22).

2           **SECTION 738.** 144.81 (15) of the statutes is renumbered 293.01 (23) and  
3 amended to read:

4           293.01 (23) "Reclamation" means the process by which an area physically or  
5 environmentally affected by prospecting or mining is rehabilitated to either its  
6 original state or, if this is shown to be physically or economically impracticable or  
7 environmentally or socially undesirable, to a state that provides long-term  
8 environmental stability. Reclamation shall provide the greatest feasible protection  
9 to the environment and shall include, but is not limited to, the criteria for  
10 reclamation set forth in s. ~~144.83~~ 293.13 (2) (c).

11           **SECTION 739.** 144.81 (16) of the statutes is renumbered 293.01 (24) and  
12 amended to read:

13           293.01 (24) "Reclamation plan" means the proposal for the reclamation of the  
14 prospecting or mining site which must be approved by the department under s.  
15 ~~144.84~~ 293.45 or ~~144.85~~ 293.49 prior to the issuance of the prospecting or mining  
16 permit.

17           **SECTION 740.** 144.81 (17) of the statutes is renumbered 293.01 (25).

18           **SECTION 741.** 144.81 (17m) of the statutes is renumbered 293.01 (26).

19           **SECTION 742.** 144.81 (18) of the statutes is renumbered 293.01 (28).

20           **SECTION 743.** 144.815 of the statutes is renumbered 293.61, and 293.61 (2) (b),  
21 as renumbered, is amended to read:

22           293.61 (2) (b) If the cessation of mining does not continue beyond the time  
23 period specified by the department. The time limit specified by the department may  
24 not exceed 5 years for a mining operation for which a permit is issued under s. ~~144.85~~  
25 293.49 on or after May 19, 1984. The time limit specified by the department may not

1 exceed 10 years for a mining operation for which a permit is issued under s. 144.85  
2 293.49 before May 19, 1984;

3 **SECTION 744.** 144.82 of the statutes, as affected by 1995 Wisconsin Act 27, is  
4 renumbered 293.11.

5 **SECTION 745.** 144.83 (title) of the statutes is repealed.

6 **SECTION 746.** 144.83 (1) of the statutes is renumbered 293.13 (1), and 293.13  
7 (1) (a) and (b), as renumbered, are amended to read:

8 293.13 (1) (a) Adopt rules, including rules for prehearing discovery,  
9 implementing and consistent with ss. ~~144.80 to 144.94~~ this chapter.

10 (b) Establish by rule after consulting with the metallic mining council  
11 minimum qualifications for applicants for prospecting and mining permits. Such  
12 minimum qualifications shall ensure that each operator in the state is competent to  
13 conduct mining and reclamation and each prospector in the state is competent to  
14 conduct prospecting in a fashion consistent with the purposes of ss. ~~144.80 to 144.94~~  
15 this chapter. The department shall also consider such other relevant factors bearing  
16 upon minimum qualifications, including but not limited to, any past forfeitures of  
17 bonds posted pursuant to mining activities in any state.

18 **SECTION 747.** 144.83 (2) of the statutes is renumbered 293.13 (2), and 293.13  
19 (2) (a), (b) 11. and 12., (c) (intro.) and 1. and (d) 3. (intro.) and 4., as renumbered, are  
20 amended to read:

21 293.13 (2) (a) The department by rule after consulting with the metallic mining  
22 council shall adopt minimum standards for exploration, prospecting, mining and  
23 reclamation to ensure that such activities in this state will be conducted in a manner  
24 consistent with the purposes and intent of ss. ~~144.80 to 144.94~~ this chapter. The

1 minimum standards may classify exploration, prospecting and mining activities  
2 according to type of minerals involved and stage of progression in the operation.

3 (b) 11. Identification and prevention of pollution as defined in s. ~~144.01 (10)~~  
4 281.01 (10) resulting from leaching of waste materials.

5 12. Identification and prevention of significant environmental pollution as  
6 defined in s. ~~144.01 (3)~~.

7 (c) (intro.) Minimum standards for reclamation of exploration sites, where  
8 appropriate, and for prospecting and mining sites shall conform to s. ~~144.81 (15)~~  
9 293.01 (23) and include provision for the following:

10 1. Disposal of all toxic and hazardous wastes, refuse, tailings and other solid  
11 waste in solid or hazardous waste disposal facilities licensed under ~~this chapter ch.~~  
12 289 or 291 or otherwise in an environmentally sound manner.

13 (d) 3. (intro.) Hazards resulting in irreparable damage to any of the following,  
14 which cannot be prevented under the requirements of ~~ss. 144.80 to 144.94~~ this  
15 chapter, avoided to the extent applicable by removal from the area of hazard or  
16 mitigated by purchase or by obtaining the consent of the owner:

17 4. Irreparable environmental damage to lake or stream bodies despite  
18 adherence to the requirements of ~~ss. 144.80 to 144.94~~ this chapter. This subdivision  
19 does not apply to an activity which the department has authorized pursuant to  
20 statute, except that the destruction or filling in of a lake bed shall not be authorized  
21 notwithstanding any other provision of law.

22 **SECTION 748.** 144.83 (4) of the statutes is renumbered 293.15, and 293.15 (1),  
23 (3), (4), (8), (9) and (11), as renumbered, are amended to read:

1           293.15 (1) Hold hearings relating to any aspect of the administration of ss.  
2           ~~144.80 to 144.94~~ this chapter and, in connection therewith, compel the attendance  
3           of witnesses and production of evidence.

4           (3) Issue orders directing particular prospectors or operators to comply with  
5           the provisions and purposes of ss. ~~144.80 to 144.94~~ this chapter.

6           (4) Supervise and provide for such educational programs as appear necessary  
7           to carry out the purposes of ss. ~~144.80 to 144.94~~ this chapter.

8           (8) Promulgate rules regulating the production, storage and disposal of  
9           radioactive waste from exploration, prospecting or mining after seeking comments  
10          from the department of health and family services. At a minimum, rules  
11          promulgated under this ~~paragraph~~ subsection shall achieve the margin of safety  
12          provided in applicable federal statutes and regulations. If the department  
13          promulgates rules under this ~~paragraph~~ subsection, the department shall  
14          investigate the need for standards more restrictive than the applicable federal  
15          statutes and regulations.

16          (9) Promulgate rules by which the department may grant an exemption,  
17          modification or variance, either making a requirement more or less restrictive, from  
18          any rule promulgated under ~~subch. IV chs. 289 to 292~~ and this subchapter chapter,  
19          if the exemption, modification or variance does not result in the violation of any  
20          federal or state environmental law or endanger public health, safety or welfare or the  
21          environment.

22          (11) Notwithstanding ss. ~~144.43 to 144.47 and 144.60 to 144.74~~ chs. 289 and  
23          291, promulgate rules establishing groundwater quality standards or groundwater  
24          quantity standards, or both, for any prospecting or mining activity, including  
25          standards for any mining waste site.

NOTE: Some portions of new ch. 292, remedial action, are taken from current ss. 144.43 to 144.47 and 144.60 to 144.74. However, ch. 292 is not included in the cross-reference in new s. 293.15 (11) because the remedial action statutes are not the source of statutory authority for groundwater quality and quantity standards, and because new ch. 292 includes additional material that is not taken from current ss. 144.43 to 144.47 and 144.60 to 144.74.

1       **SECTION 749.** 144.83 (5) of the statutes is renumbered 293.15 (12) and amended  
2 to read:

3       293.15 (12) ~~The department may require~~ Require all persons under its  
4 jurisdiction to submit such informational reports as the department deems  
5 necessary for performing its duties under ~~ss. 144.80 to 144.94~~ this chapter.

6       **SECTION 750.** 144.83 (6) of the statutes is renumbered 293.85, and 293.85 (1)  
7 and (2), as renumbered, are amended to read:

8       293.85 (1) The prospecting permit for a prospecting site that is the site of a  
9 violation of ~~ss. 144.80 to 144.94~~ this chapter.

10       (2) The mining permit for a mining site that is the site of a violation of ~~ss. 144.80~~  
11 ~~to 144.94~~ this chapter.

12       **SECTION 751.** 144.831 (title) of the statutes is renumbered 293.31 (title) and  
13 amended to read:

14       **293.31** (title) **Data collection; monitoring.**

15       **SECTION 752.** 144.831 (1) to (6) of the statutes are renumbered 293.31 (1) to (6),  
16 and 293.31 (2), as renumbered, is amended to read:

17       293.31 (2) Upon receipt of notification under sub. (1), the department shall give  
18 public notice of the notification in the same manner as provided under s. 144.836  
19 293.43 (3) (b).

20       **SECTION 753.** 144.831 (7) of the statutes is renumbered 293.45 (3) and amended  
21 to read:

1           293.45 (3) The department, in granting a permit under s. ~~144.84 or 144.85~~ this  
2 section, shall require the permit holder to perform adequate monitoring of  
3 environmental changes during the course of the permitted activity and for such  
4 additional period of time as is necessary to satisfactorily complete reclamation and  
5 completely release the permit holder from any bonds required.

NOTE: Current s. 144.831 (7), which applies to both prospecting and mining permits, is renumbered and amended to apply only to prospecting permits. An identical provision is created in s. 293.49 (7) for mining permits.

6           **SECTION 754.** 144.831 (8) of the statutes is renumbered 293.15 (13) and  
7 amended to read:

8           293.15 (13) ~~The department may monitor~~ Monitor environmental changes  
9 concurrently with the permit holder under ~~sub. (7)~~ s. 293.45 (3) or 293.49 (7), and for  
10 such additional period of time after the full bond is released under s. ~~144.90~~ 293.63  
11 (3) as is necessary for the site to return to a state of environmental stability. The  
12 department may conduct independent studies to monitor environmental changes.

13           **SECTION 755.** 144.832 of the statutes is renumbered 293.21.

14           **SECTION 756.** 144.833 of the statutes, as affected by 1995 Wisconsin Act 27, is  
15 renumbered 293.25, and 293.25 (1) (intro.), (2) (a) and (b), (3), (4) and (5), as  
16 renumbered, are amended to read:

17           293.25 (1) DEFINITIONS. (intro.) ~~As used in~~ In this section and for the purposes  
18 of determining the applicability of ~~ss. 144.83, 144.832, 144.88 and 144.93 to 144.94~~  
19 293.13, 293.15 (1) to (12), 293.21, 293.81, 293.87, 293.89, 293.93 and 293.95:

20           (2) (a) *Applicability.* Except as provided under par. (b), ~~ss. 144.832~~ 293.21 and  
21 ~~144.88~~ 293.81 and rules promulgated under those sections apply to radioactive waste  
22 site exploration, to activities related to radioactive waste site exploration and to  
23 persons engaging in or intending to engage in radioactive waste site exploration or

1 related activities in the same manner as those sections and rules are applicable to  
2 mineral exploration, to activities related to mineral exploration and to persons  
3 engaging in or intending to engage in mineral exploration or related activities.

4 (b) *Exception.* Notwithstanding par. (a) and s. ~~144.832~~ 293.21 (3), the  
5 department may waive the bond requirement for a person who is authorized to  
6 engage in radioactive waste site exploration by a federal agency if the federal agency  
7 provides sufficient guarantees that the person or the federal agency will comply with  
8 the requirements of the department relating to termination. Notwithstanding par.  
9 (a) and s. ~~144.832~~ 293.21 (3), the department may require a bond in an amount in  
10 excess of the amount specified under s. ~~144.832~~ 293.21 (3) (a) to ensure that sufficient  
11 funds are available to comply with termination requirements or to abate or remedy  
12 any environmental pollution or danger to public health, safety or welfare resulting  
13 from radioactive waste site exploration.

14 (3) APPROVAL REQUIRED PRIOR TO DRILLING. No person may engage in radioactive  
15 waste site exploration by drilling on a parcel unless notice is provided as required  
16 under sub. (2) and s. ~~144.832~~ 293.21 (4) (a) and unless the department issues a  
17 written approval authorizing drilling on that parcel. If the person seeking this  
18 approval is the federal department of energy or an agent or employe of the federal  
19 department of energy, the department may not issue the approval unless the public  
20 service commission certifies that the federal department of energy and its agents or  
21 employes have complied with any requirement imposed by the public service  
22 commission under s. 196.497 or any agreement entered into under that section.

23 (4) REGULATION OF EXPLORATION AND RELATED PROVISIONS. Sections ~~144.83,~~  
24 ~~144.93 and 144.935~~ 293.13, 293.15 (1) to (12), 293.85, 293.87 and 293.89 and rules  
25 promulgated under those sections apply to radioactive waste site exploration, to

1 activities related to radioactive waste site exploration and to persons engaging in or  
2 intending to engage in radioactive waste site exploration or related activities in the  
3 same manner as those sections and rules are applicable to mineral exploration, to  
4 activities related to mineral exploration and to persons engaging in or intending to  
5 engage in mineral exploration or related activities.

6 (5) GROUNDWATER REGULATIONS. A person engaging in radioactive waste site  
7 exploration shall comply with any restrictions or prohibitions concerning the  
8 pollution or contamination of groundwater under ss. ~~144.025 or 144.80 to 144.94~~ this  
9 chapter, subch. II of ch. 281 or ch. ~~147~~ 283 or any rule or order promulgated under  
10 those sections chapters or that ~~chapter~~ subchapter.

11 **SECTION 757.** 144.834 (title) of the statutes is repealed.

12 **SECTION 758.** 144.834 (1) and (2) of the statutes are renumbered 293.35 (2) and  
13 (3) and amended to read:

14 293.35 (2) A reclamation plan shall accompany all applications for prospecting  
15 ~~or mining~~ permits. If it is physically or economically impracticable or  
16 environmentally or socially undesirable for the reclamation process to return the  
17 affected area to its original state, the plan shall set forth the reasons therefor and  
18 shall discuss alternative conditions and uses to which the affected area can be put.

19 (3) The reclamation plan shall specify how the applicant intends to accomplish,  
20 to the fullest extent possible, compliance with the minimum standards under s.  
21 ~~144.83~~ 293.13 (2) (c).

NOTE: Current s. 144.834 (1) and (2), which apply to both prospecting and mining  
permits, are renumbered and amended to apply only to prospecting permits. An identical  
provision is created in s. 293.37 (3) for mining permits.

22 **SECTION 759.** 144.836 (title) of the statutes is renumbered 293.43 (title).

1           **SECTION 760.** 144.836 (intro.), (1), (2), (3) and (4) of the statutes are  
2           renumbered 293.43 (1), (1m), (2), (3) and (5), and 293.43 (1m) (b), (3) (a) and (b)  
3           (intro.) and 3. and (5) (e), as renumbered, are amended to read:

4           293.43 **(1m)** (b) Except as provided in this paragraph, for all department issued  
5           approvals, licenses and permits relating to prospecting or mining including solid  
6           waste feasibility report approvals and permits related to air and water, to be issued  
7           after April 30, 1980, the notice, hearing and comment provisions, if any, and the time  
8           for issuance of decisions, shall be controlled by this section and ss. ~~144.84~~ 293.45 and  
9           ~~144.85~~ 293.49. If an applicant fails to make application for an approval, license or  
10          permit for an activity incidental to prospecting or mining in time for notice under this  
11          section to be provided, the notice and comment requirements, if any, shall be  
12          controlled by the specific statutory provisions with respect to that application. If  
13          notice under those specific statutory notice requirements can be given for  
14          consideration of the approval, license or permit at the hearing under this section, the  
15          application shall be considered at that hearing; otherwise, the specific statutory  
16          hearing provisions, if any, with respect to that application shall control. The  
17          substantive requirements for the issuance of any approval, permit or license  
18          incidental to prospecting or mining are not affected by the fact that a hearing on the  
19          approval, permit or license is conducted as part of a hearing under this section.

20          **(3)** (a) If it is determined that a statement under s. 1.11 is not required, the  
21          hearing shall be scheduled for a date not less than 60 days nor more than 90 days  
22          after the announcement of that determination, and the scheduling and providing of  
23          notice shall be completed not later than 10 days following the announcement. Notice  
24          of the hearing shall be given by mailing a copy of the notice to any known state agency  
25          required to issue a permit for the proposed operation, to the regional planning

1 commission for the affected area, to the county, city, village and town within which  
2 any part of the affected area lies, to all persons who have requested this notification  
3 and, if applicable, to all persons specified under par. (b) 3. and s. ~~144.026~~ 281.35 (5)  
4 (b) and (6) (f). Written comments may be submitted to the department within 30 days  
5 of the date of notice.

6 (b) (intro.) If it is determined that a statement under s. 1.11 is required, or if  
7 an environmental impact statement is required under s. ~~144.852~~ 293.39, the  
8 department shall hold at least one informational meeting regarding the preliminary  
9 environmental report within 60 days of its issuance. The meeting shall be held not  
10 sooner than 30 days nor later than 60 days after the issuance of the report. The  
11 scheduling and providing of notice of the meeting shall be completed not later than  
12 10 days following the issuance of the preliminary environmental report. A hearing  
13 referred to under sub. ~~(1)~~ (1m) shall be scheduled for a date not less than 120 days  
14 nor more than 180 days after the issuance of the environmental impact statement.  
15 The scheduling and providing of notice of the hearing shall be completed within 30  
16 days from the date of issuance of the environmental impact statement. The  
17 providing of notice shall be accomplished by:

18 3. Mailing a copy of the notice to the U.S. environmental protection agency, U.S.  
19 army corps of engineers and other states potentially affected by the proposed  
20 discharge if a water discharge permit under ch. ~~147~~ 283 is to be considered at the  
21 hearing under this section and to the U.S. environmental protection agency and  
22 appropriate agencies in other states which may be affected if an air pollution control  
23 permit under ~~ss. 144.30 to 144.426~~ ch. 285 is to be considered at the hearing under  
24 this section.

1           **(5)** (e) If evidence of conformance with applicable zoning ordinances as  
2 required by s. ~~144.85 (5) (a) 1. f. 293.49 (1) (a) 6.~~ is not presented by the time testimony  
3 is completed, the department shall close the record and continue the hearing. The  
4 duration of the continuance of the hearing shall be specified by the department at  
5 the time the continuance begins, after first requesting the applicant to state the  
6 anticipated time at which the evidence will be provided. The continuance may be  
7 extended by the department prior to its expiration upon notice to all parties if good  
8 cause is shown.

9           **SECTION 761.** 144.838 (title) and (1) to (4) of the statutes are renumbered  
10 293.33 (title) and (1) to (4), and 293.33 (1) (g) and (3), as renumbered, are amended  
11 to read:

12           293.33 **(1)** (g) Negotiating a local agreement under s. ~~144.839~~ 293.41 (3).

13           **(3)** Persons giving notice under s. ~~144.831~~ 293.31 (1) shall thereafter appoint  
14 a liaison person to any committee established under sub. (1) or (2), and shall provide  
15 such reasonable information as is requested by the committee. Operators and  
16 persons giving notice under s. ~~144.831~~ 293.31 shall thereafter make reasonable  
17 efforts to design and operate mining operations in harmony with community  
18 development objectives.

19           **SECTION 762.** 144.838 (5) of the statutes is renumbered 293.43 (4) and amended  
20 to read:

21           293.43 **(4)** (title) PARTICIPATION BY LOCAL GOVERNMENTS. Any county, town,  
22 village or city receiving notice of the filing of an application in the manner provided  
23 under s. ~~144.836~~ sub. (3) (a) or (b) shall refer the application and reclamation plan  
24 to a committee established under sub. s. 293.33 (1) or (2), if any, for review and  
25 comment. Such counties, towns, villages or cities may participate as a party in the

1 hearing on the application and may make recommendations on the reclamation plan  
2 and future use of the project site.

3 **SECTION 763.** 144.839 of the statutes is renumbered 293.41, and 293.41 (3), as  
4 renumbered, is amended to read:

5 293.41 (3) A county, town, village, city or tribal government may authorize the  
6 local impact committee appointed under s. ~~144.838~~ 293.33 to negotiate an agreement  
7 under this section, but the agreement may not take effect until approved by the  
8 county, town, village, city or tribal government in accordance with sub. (4).

9 **SECTION 764.** 144.84 (title) of the statutes is repealed.

10 **SECTION 765.** 144.84 (1) of the statutes is renumbered 293.35 (1) and amended  
11 to read:

12 293.35 (1) No person may engage in prospecting without securing a prospecting  
13 permit issued under ~~this section~~ s. 293.45. Application for prospecting permits shall  
14 be made in writing to the department upon forms prepared and furnished by the  
15 department. An application must be made, and a prospecting permit obtained for  
16 each separate prospecting site. Applications shall be submitted in reproducible form  
17 in such multiples as required by rules of the department. As a part of each  
18 application for a prospecting permit, the applicant shall furnish a description of the  
19 proposed prospecting site, the number of acres in the proposed prospecting site, a  
20 prospecting plan, a reclamation plan meeting the requirements of s. ~~144.834~~ subs.  
21 (2) and (3) and a timetable for reclamation, information relating to whether the area  
22 may be unsuitable for prospecting or surface mining, unless the applicant  
23 conclusively certifies that he or she will not subsequently make application for a  
24 permit to conduct surface mining at the site and such other relevant information as  
25 the department may require, including information as to whether the applicant, its

1 parent corporation, any of its principal shareholders or members, or any of the  
2 applicant's subsidiaries or affiliates in which the applicant owns more than a 40%  
3 interest, has forfeited any mining bonds in other states within the last 20 years, and  
4 the dates and locations, if any.

5 (4) An application shall be accompanied by such fee as is required by the  
6 department by rule which shall cover the estimated cost of evaluating the  
7 prospecting permit application. After completing its evaluation, the department  
8 shall revise the fee to reflect the actual cost of evaluation. The fee may be revised  
9 for persons to reflect the payment of fees for the same services to meet other  
10 requirements.

11 **SECTION 766.** 144.84 (2) and (3) of the statutes are renumbered 293.45 (1) and  
12 (2) and amended to read:

13 293.45 (1) The department shall issue a prospecting permit under this section  
14 to an applicant within 60 days following the date of the completion of the hearing  
15 record if, on the basis of the application, the department's investigation and hearing  
16 and any written comments, it finds that the site is not unsuitable for prospecting or,  
17 absent a certification under sub. (1), surface mining, the department has approved  
18 the prospecting plan and the reclamation plan complies with ss. ~~144.83~~ 293.13 (2)  
19 and ~~144.834~~ 293.35 (2) and (3) and rules promulgated under ss. ~~144.83~~ 293.13 (2) and  
20 ~~144.834~~ 293.35 (2) and (3). The department may modify any part of the application  
21 or reclamation plan and approve it as modified. Except as otherwise provided in ss.  
22 ~~144.80 to 144.94~~ this chapter, prospecting permits shall be valid for the life of the  
23 project, unless canceled under s. ~~144.83~~ (6) or ~~144.91~~ 293.83 (1) or (3) or 293.85 or  
24 revoked under s. ~~144.93~~ 293.87 (2) or (3).

NOTE: The requirement for the DNR to approve the prospecting plan before issuing the prospecting permit is moved here from its current location in the definition of "prospecting plan". See s. 144.81 (13m), renumbered as s. 293.01 (20).

1           **(2)** The department shall deny a prospecting permit within 60 days following  
2 the date of the completion of the hearing record if it finds that the site is unsuitable  
3 for prospecting or, absent certification under ~~sub. s. 293.35~~ s. 293.35 (1), surface mining, or the  
4 reclamation plan, including the bond, does not comply with ~~ss. 144.83 293.13~~ 293.13 (2) and  
5 ~~144.834 293.35~~ 293.35 (2) and (3) and rules promulgated under ~~ss. 144.83 293.13~~ 293.13 (2) and  
6 ~~144.834 293.35~~ 293.35 (2) and (3) or that the applicant is in violation of ~~ss. 144.80 to 144.94~~  
7 this chapter or any rules adopted under ~~ss. 144.80 to 144.94~~ this chapter. If the  
8 applicant has previously failed and continues to fail to comply with ~~ss. 144.80 to~~  
9 ~~144.94~~ this chapter, or if the applicant has within the previous 20 years forfeited any  
10 bond posted in accordance with prospecting or mining activities in this state, unless  
11 by mutual agreement with the state, the department may not issue a prospecting  
12 permit. The department may not issue a prospecting permit if it finds that any  
13 officer, director or manager of the applicant has, while employed by the applicant,  
14 the applicant's parent corporation, any of the applicant's principal shareholders or  
15 members, or any of the applicant's subsidiaries or affiliates, in which the applicant  
16 owns more than a 40% interest, within the previous 20 years forfeited any bond  
17 posted in accordance with prospecting or mining activities in this state unless by  
18 mutual agreement with the state. In this ~~paragraph~~ subsection, "forfeited any bond"  
19 means the forfeiture of any performance security occasioned by noncompliance with  
20 any prospecting or mining laws or implementing rules. If an application for a  
21 prospecting permit is denied, the department, within 30 days from the date of  
22 application denial, shall furnish to the applicant in writing the reasons for the denial.

23           **SECTION 767.** 144.84 (4) of the statutes is renumbered 293.53 (1).

1           **SECTION 768.** 144.84 (5) of the statutes is renumbered 293.35 (5).

2           **SECTION 769.** 144.85 (title) of the statutes is repealed.

3           **SECTION 770.** 144.85 (1) (a) and (b) of the statutes are renumbered 293.37 (1)  
4 (a) and (b), and 293.37 (1) (a), as renumbered, is amended to read:

5           293.37 (1) (a) No operator may engage in mining or reclamation at any mining  
6 site that is not covered by a mining permit and by written authorization to mine  
7 under s. ~~144.86~~ 293.51 (3). Applications for mining permits shall be made in writing  
8 and in reproducible form to the department upon forms prepared and furnished by  
9 it and in such multiples as required by rule of the department. An application shall  
10 be made, and a mining permit obtained for each separate mining site. No application  
11 for surface mining at a site may be entertained by the department if within the  
12 previous 5 years the applicant, or a different person who had received a prospecting  
13 permit for the site had certified under s. ~~144.84~~ 293.35 (1) that he or she would not  
14 subsequently make application for a permit to conduct surface mining at the site.

15           **SECTION 771.** 144.85 (1) (c) of the statutes is renumbered 293.49 (8).

16           **SECTION 772.** 144.85 (2) (a) of the statutes is renumbered 293.37 (5).

17           **SECTION 773.** 144.85 (2) (b) of the statutes is renumbered 293.49 (6) and  
18 amended to read:

19           293.49 (6) Except as otherwise provided in ss. ~~144.87 to 144.91~~ 293.53 (2),  
20 293.55 to 293.59, 293.63, 293.81 and 293.83, mining permits shall be valid for the life  
21 of the project unless canceled under s. ~~144.83 (6) or 144.91~~ 293.83 (1) or (3) or 293.85  
22 or revoked under s. ~~144.93~~ 293.87 (2) or (3).

23           **SECTION 774.** 144.85 (3) (intro.), (a), (b), (c), (d), (e), (f) and (g) of the statutes  
24 are renumbered 293.37 (2) (intro.), (a), (b), (c), (d), (e), (f) and (h), and 293.37 (2) (b),  
25 (d) and (f), as renumbered, are amended to read:

1           293.37 (2) (b) In addition to the information and maps otherwise required by  
2 this subsection, a detailed reclamation plan showing the manner, location and time  
3 for reclamation, including ongoing reclamation during mining, of the proposed  
4 mining site. The reclamation plan shall be accompanied by a map subject to the  
5 requirements in par. (a) which shall show the specific reclamation proposal for each  
6 area of the site. The reclamation plan shall conform to any applicable comprehensive  
7 plan created under sub. (4) (b), and to any applicable minimum standard created  
8 under ss. ~~144.83~~ 293.13 (2) and ~~144.834~~ 293.35 (2) and (3).

9           (d) Evidence satisfactory to the department that the applicant has applied for  
10 necessary approvals and permits under all applicable zoning ordinances and that the  
11 operator has applied for the necessary approval, licenses or permits required by the  
12 department including, but not limited to, those under chs. 30, 31, 107, 147 280 to 285,  
13 289 to 292, 295 and ~~162~~ 299 and this chapter.

14           (f) Information relating to whether unsuitability may exist for surface mining  
15 to the extent not fully considered under s. ~~144.84~~ 293.45.

16           **SECTION 775.** ~~144.85~~ (4) (a) and (b) of the statutes are renumbered ~~293.37~~ (4)  
17 (a) and (b), and ~~293.37~~ (4) (b), as renumbered, is amended to read:

18           293.37 (4) (b) If the department finds that the anticipated life and total area  
19 of a mineral deposit are of sufficient magnitude that reclamation of the mining site  
20 consistent with ss. ~~144.80 to 144.94~~ this chapter requires a comprehensive plan for  
21 the entire affected area, it shall require an operator to submit with the application  
22 for a mining permit, amended mining site or change in mining or reclamation plan,  
23 a comprehensive long-term plan showing, in detail satisfactory to the department,  
24 the manner, location and time for reclamation of the entire area of contiguous land  
25 which will be affected by mining and which is owned, leased or under option for

1 purchase or lease by the operator at the time of application. Where a mineral deposit  
2 lies on or under the lands of more than one operator, the department shall require  
3 the operators to submit mutually consistent comprehensive plans.

4 **SECTION 776.** 144.85 (4) (c) of the statutes is renumbered 293.37 (2) (g) and  
5 amended to read:

6 293.37 (2) (g) ~~The department shall require an applicant to describe A~~  
7 description of any land contiguous to the proposed mining site which he or she owns,  
8 leases or has an option to purchase or lease.

9 **SECTION 777.** 144.85 (5) (a) of the statutes, as affected by 1995 Wisconsin Act  
10 27, is renumbered 293.49 (1), and 293.49 (1) (a) 1. and 3. and (b), as renumbered, are  
11 amended to read:

12 293.49 (1) (a) 1. The mining plan and reclamation plan are reasonably certain  
13 to result in reclamation of the mining site consistent with ~~ss. 144.80 to 144.94~~ this  
14 chapter and any rules adopted under ~~ss. 144.80 to 144.94~~ this chapter and the  
15 department has approved the mining plan.

NOTE: The requirement for the DNR to approve the mining plan before issuing the  
mining permit is moved here from its current location in the definition of "mining plan".  
See s. 144.81 (6), renumbered as s. 293.01 (10).

16 3. In the case of a surface mine, the site is not unsuitable for mining. The  
17 preliminary determination that a site was not unsuitable for mining under s. ~~144.84~~  
18 ~~293.45~~ may not be conclusive in the determination of the site's suitability for mining  
19 under this section. However, at the hearing held under this section and s. ~~144.836~~  
20 ~~293.43~~, testimony and evidence submitted at the prospecting permit proceeding  
21 relevant to the issue of suitability of the proposed mining site for surface mining may  
22 be adopted, subject to the opportunity for cross-examination and rebuttal, if not  
23 unduly repetitious.

1 (b) Each approval or denial shall be made in findings of fact, conclusions of law  
2 and an order setting forth reasons with clarity and in detail. The department may  
3 modify the operator's proposed mining or reclamation plans in order to meet the  
4 requirements of ~~ss. 144.80 to 144.94~~ this chapter, and, as modified, grant its  
5 approval.

6 **SECTION 778.** 144.85 (5) (b) of the statutes is renumbered 293.49 (2), and 293.49  
7 (2) (b) and (d) 3., as renumbered, are amended to read:

8 293.49 (2) (b) That the applicant has violated and continues to fail to comply  
9 with ~~ss. 144.80 to 144.94~~ this chapter or any rule adopted under ~~these sections~~ this  
10 chapter.

11 (d) 3. The applicant included in its permit application under ~~sub. s. 293.37~~ (1)  
12 a plan to prevent the occurrence in this state of events similar to the events that  
13 directly resulted in the convictions.

14 **SECTION 779.** 144.85 (5) (bm) of the statutes is renumbered 293.49 (3) and  
15 amended to read:

16 293.49 (3) The department may not deny a mining permit under ~~par. (b) 3. to~~  
17 ~~6. sub. (2) (c) to (f)~~ if the person subject to the convictions, forfeiture, permanent  
18 revocation, bankruptcy or dissolution is a related person but the applicant shows  
19 that the person was not the parent corporation of the applicant, a person that holds  
20 more than a 30% ownership in the applicant, or a subsidiary or affiliate of the  
21 applicant in which the applicant holds more than a 30% interest at the time of the  
22 convictions, forfeiture, permanent revocation, bankruptcy or dissolution.

23 **SECTION 780.** 144.85 (5) (c) of the statutes is renumbered 293.39 (3) and  
24 amended to read:

1           293.39 (3) To the extent that an environmental impact statement on a  
2           prospecting permit application under s. ~~144.84~~ 293.35, if prepared, fully considered  
3           unsuitability of the prospecting site for surface mining by virtue of unique features  
4           of the land as enumerated in s. ~~144.81 (18)~~ 293.01 (28), that portion of the previous  
5           impact statement may be adopted in the impact statement on the mining permit  
6           application.

7           **SECTION 781.** 144.85 (5) (d) and (e) of the statutes are renumbered 293.49 (4)  
8           and (5) and amended to read:

9           293.49 (4) The prior issuance of a prospecting permit under s. ~~144.84~~ 293.45  
10          for all or part of a site shall, in and of itself, be given no weight in the decision to grant  
11          or deny a mining permit under this section, and the department must find, in any  
12          order granting, or granting with conditions, a mining permit that no weight was  
13          given in the decision to the prior issuance of a prospecting permit. However, to the  
14          extent that testimony and evidence submitted at the prospecting permit proceedings  
15          is relevant to the issue of whether to grant or deny a mining permit, the testimony  
16          and evidence may be adopted in the mining permit proceedings, subject to the  
17          opportunity for cross-examination and rebuttal to the extent that the testimony and  
18          evidence are not unduly repetitious.

19          (5) The department shall send its statement, together with a copy of its rules  
20          and finding as to whether the applicant has otherwise satisfied the requirements of  
21          ~~ss. 144.80 to 144.94~~ this chapter, to the applicant and to the other parties.

22          **SECTION 782.** 144.852 of the statutes is renumbered 293.39, and 293.39 (1), as  
23          renumbered, is amended to read:

1           293.39 (1) The department shall prepare an environmental impact statement  
2 for every mining permit under s. ~~144.85~~ 293.49. In preparing the environmental  
3 impact statement, the department shall comply with sub. (2) and s. 1.11 (2).

4           **SECTION 783.** 144.855 of the statutes is renumbered 293.65, and 293.65 (1), (2)  
5 (h) and (i) and (3), as renumbered, are amended to read:

6           293.65 (1) SCOPE. This section governs the withdrawal or diversion of  
7 groundwaters or surface waters by persons engaged in prospecting or mining.  
8 Discharges of waters are subject to ch. ~~147~~ 283, construction of necessary dams or  
9 other structures is subject to chs. 30 and 31 and construction of wells is subject to ch.  
10 ~~162~~ 280, to the extent applicable.

11           (2) (h) Hearings on applications for diversion permits under this subsection  
12 shall be preceded by mailed notice to all parties or affected persons and by  
13 publication in the affected area of a class 2 notice, under ch. 985. Hearings may be  
14 conducted as part of a hearing on an application for a mining permit under s. ~~144.85~~  
15 293.37.

16           (i) If a hearing on the application for a permit is conducted as a part of a hearing  
17 under s. ~~144.836~~ 293.43, the notice and hearing provisions in that section supersede  
18 the notice and hearing provisions of this subsection.

19           (3) WITHDRAWAL OF GROUNDWATER; DEWATERING; PERMIT REQUIREMENTS. (a) An  
20 approval under s. ~~144.025 (2) (e)~~ 281.17 (1) is required to withdraw groundwater or  
21 to dewater mines if the capacity and rate of withdrawal of all wells involved in the  
22 withdrawal of groundwater or the dewatering of mines exceeds 100,000 gallons each  
23 day. A permit under s. ~~147.02~~ 283.31 is required to discharge pollutants resulting  
24 from the dewatering of mines.

1 (b) The department may not issue an approval under s. ~~144.025 (2) (e)~~ 281.17  
2 (1) if the withdrawal of groundwater for prospecting or mining purposes or the  
3 dewatering of mines will result in the unreasonable detriment of public or private  
4 water supplies or the unreasonable detriment of public rights in the waters of the  
5 state. No withdrawal of groundwater or dewatering of mines may be made to the  
6 unreasonable detriment of public or private water supplies or the unreasonable  
7 detriment of public rights in the waters of the state.

8 **SECTION 784.** 144.86 of the statutes is renumbered 293.51, and 293.51 (1), as  
9 renumbered, is amended to read:

10 293.51 (1) Upon notification that an application for a prospecting or mining  
11 permit has been approved by the department but prior to commencing prospecting  
12 or mining, the operator shall file with the department a bond conditioned on faithful  
13 performance of all of the requirements of ~~ss. 144.80 to 144.94~~ this chapter and all  
14 rules adopted by the department under ~~ss. 144.80 to 144.94~~ this chapter. The bond  
15 shall be furnished by a surety company licensed to do business in this state. In lieu  
16 of a bond, the operator may deposit cash, certificates of deposit or government  
17 securities with the department. Interest received on certificates of deposit and  
18 government securities shall be paid to the operator. The amount of the bond or other  
19 security required shall be equal to the estimated cost to the state of fulfilling the  
20 reclamation plan, in relation to that portion of the site that will be disturbed by the  
21 end of the following year. The estimated cost of reclamation of each prospecting or  
22 mining site shall be determined by the department on the basis of relevant factors  
23 including, but not limited to, expected changes in the price index, topography of the  
24 site, methods being employed, depth and composition of overburden and depth of  
25 mineral deposit being mined.

1           **SECTION 785.** 144.87 (title) and (1) of the statutes are renumbered 293.55 (title)  
2 and (1), and 293.55 (1) (c) and (d), as renumbered, are amended to read:

3           293.55 (1) (c) *Substantial changes.* The department shall determine if any  
4 change in the mining or reclamation plans is substantial and provide notice of its  
5 determination in the same manner as specified under s. ~~144.836~~ 293.43 (3) (b) 1. to  
6 3.

7           (d) *Notice.* The department shall provide notice of any modification which  
8 involves an increase or decrease in the area of a mining site or a substantial change  
9 in the mining or reclamation plan in the same manner as an original application for  
10 a mining permit under s. ~~144.836~~ 293.43 (3). If 5 or more interested persons do not  
11 request a hearing in writing within 30 days of notice, no hearing is required on the  
12 modification. The notice shall include a statement to this effect.

13           **SECTION 786.** 144.87 (2) of the statutes is renumbered 293.57 and amended to  
14 read:

15           **293.57** (title) **Successors.** When one operator succeeds to the interest of  
16 another in an uncompleted mining operation by sale, assignment, lease or otherwise,  
17 the department shall release the first operator from the duties imposed upon the first  
18 operator by ~~ss. 144.80 to 144.94~~ this chapter as to such operation if:

19           (1) Both operators have complied with the requirements of ~~ss. 144.80 to 144.94~~  
20 this chapter; and

21           (2) The successor operator discloses whether it has forfeited any performance  
22 security because of noncompliance with any prospecting or mining laws within the  
23 previous 20 years, posts any bond required under s. ~~144.86~~ 293.51 and assumes all  
24 responsibilities of all applicable permits, licenses and approvals granted to the  
25 predecessor operator.

1           **SECTION 787.** 144.87 (3) of the statutes is renumbered 293.55 (2) and amended  
2 to read:

3           293.55 (2) If the department finds that because of changing conditions,  
4 including but not limited to changes in reclamation costs, reclamation technology,  
5 minimum standards under ~~s. 144.83 ss. 293.13 and 293.15 (1) to (12)~~ or governmental  
6 land use plans, the reclamation plan for a mining site is no longer sufficient to  
7 reasonably provide for reclamation of the project site consistent with ~~ss. 144.80 to~~  
8 ~~144.94~~ this chapter and any rules adopted under ~~ss. 144.80 to 144.94~~ this chapter,  
9 it shall require the applicant to submit amended mining and reclamation plans  
10 which shall be processed in the same manner as an application for an original mining  
11 permit. The applicant shall be deemed to hold a temporary mining permit which  
12 shall be effective until the amended mining permit is issued or denied. The  
13 department shall review the mining and reclamation plans annually after the date  
14 of the mining permit issuance or previous review under this section.

15           **SECTION 788.** 144.875 of the statutes is renumbered 293.59.

16           **SECTION 789.** 144.88 of the statutes is renumbered 293.81 and amended to  
17 read:

18           **293.81 Exploring, prospecting and mining without authorization.** Any  
19 person who engages in exploration without a license shall forfeit not less than \$100  
20 nor more than \$1,000 for each parcel as defined under ~~s. 144.832 (1) (e)~~ 293.21 (1) (b)  
21 on which unlicensed exploration took place. Any person who authorizes or engages  
22 in prospecting without a prospecting permit or any operator who authorizes or  
23 engages in mining without a mining permit and written authorization to mine under  
24 ~~s. 144.86~~ 293.51 (3) shall forfeit all profits obtained from such illegal activities and  
25 not more than \$10,000 for each day during which the mine was in operation. The

1 operator shall be liable to the department for the full cost of reclaiming the affected  
2 area of land and any damages caused by the mining operation. Each day's violation  
3 of this section shall be deemed a separate offense. If the violator is a corporation,  
4 limited liability company, partnership or association, any officer, director, member,  
5 manager or partner who knowingly authorizes, supervises or contracts for  
6 exploration, prospecting or mining shall also be subject to the penalties of this  
7 section.

8 **SECTION 790.** 144.89 (title) of the statutes is repealed.

9 **SECTION 791.** 144.89 (1), (1m) and (2) of the statutes are renumbered 293.53  
10 (2) (a), (b) and (c), and 293.53 (2) (b) and (c), as renumbered, are amended to read:

11 293.53 (2) (b) Annually, the department shall review the mining and  
12 reclamation plans and bonds, using the procedure specified under s. ~~144.84 (4) sub.~~  
13 (1).

14 (c) The department shall cancel the mining permit held by any operator who  
15 fails and refuses to submit reports required under this section subsection.

16 **SECTION 792.** 144.90 of the statutes is renumbered 293.63, and 293.63 (1), as  
17 renumbered, is amended to read:

18 293.63 (1) Upon the petition of the operator, but not less than 4 years after  
19 notification to the department by the operator of the completion of the reclamation  
20 plan, if the department finds after conducting a hearing that the operator has  
21 completed reclamation for any portion of the mining site in accordance with the  
22 reclamation plan and ~~ss. 144.80 to 144.94~~ this chapter, the department shall issue  
23 a certificate of completion setting forth a description of the area reclaimed and a  
24 statement that the operator has fulfilled its duties under the reclamation plan as to  
25 that area.

1           **SECTION 793.** 144.91 of the statutes is renumbered 293.83, and 293.83 (1) (a)  
2           3. and (d) and (2), as renumbered, are amended to read:

3           293.83 (1) (a) 3. The department shall request the department of justice to  
4           initiate action under s. ~~144.93~~ 293.87.

5           (d) *Enforcement of orders.* The department shall cancel the mining permit for  
6           a mining site held by an operator who fails to comply with an order issued under par.  
7           (a) 1. The department shall inform the department of justice of the cancellation  
8           within 14 days. Within 30 days after the department of justice is informed, it shall  
9           commence an action under s. ~~144.93~~ 293.87.

10           (2) If reclamation of a mining site is not proceeding in accordance with the  
11           reclamation plan and the operator has not commenced to rectify deficiencies within  
12           the time specified in the order, or if the reclamation is not properly completed in  
13           conformance with the reclamation plan within one year after completion or  
14           abandonment of mining on any segment of the mining site, or if the exploration  
15           license or prospecting or mining permit is revoked under s. ~~144.93~~ 293.87 (2) and (3),  
16           excepting acts of God, such as adverse weather affecting grading, planting and  
17           growing conditions, the department, with the staff, equipment and material under  
18           its control, or by contract with others, shall take such actions as are necessary for the  
19           reclamation of mined areas. The operator shall be liable for the cost to the state of  
20           reclamation conducted under this section. Any operator who is exempted from filing  
21           a bond or depositing cash, certificates of deposits or government securities by s.  
22           ~~144.86~~ 293.51 (6) shall not be liable for an amount greater than an amount specified  
23           by the department. The specified amount shall be equal to and determined in the  
24           same manner as the amount of the bond or other security otherwise required under

1 s. ~~144.86~~ 293.51 (1), assuming the operator had not been exempt from such filing or  
2 depositing.

3 **SECTION 794.** 144.92 of the statutes is renumbered 293.91 and amended to  
4 read:

5 **293.91 Nonconforming sites.** (1) All prospectors and operators conducting  
6 mining operations in this state on July 3, 1974 shall submit to the department,  
7 within 90 days after that date, applications for prospecting permits or mining  
8 permits as provided in ss. ~~144.84~~ 293.35 and ~~144.85~~ 293.37. Sections ~~144.83~~ 293.13  
9 (1) (b) and ~~144.85 (5) (b)~~ 293.49 (2) shall not apply to such operators.

10 (2) Modification of existing prospecting and mining sites and of operating  
11 procedures to conform with ss. ~~144.80 to 144.94~~ this chapter and rules adopted under  
12 ss. ~~144.80 to 144.94~~ this chapter shall be accomplished as promptly as possible, but  
13 the department shall give special consideration to a site where it finds that the  
14 degree of necessary improvement is of such extent and expense that compliance  
15 cannot be accomplished.

16 **SECTION 795.** 144.925 of the statutes is renumbered 293.47.

17 **SECTION 796.** 144.93 of the statutes is renumbered 293.87 and amended to  
18 read:

19 **293.87 (title) Enforcement; penalties.** (1) All orders issued, fines incurred,  
20 bond liabilities incurred or other violations committed under ss. ~~144.80 to 144.94~~ this  
21 chapter shall be enforced by the department of justice. The circuit court of Dane  
22 county or any other county where the violation occurred shall have jurisdiction to  
23 enforce ss. ~~144.80 to 144.93~~ this chapter or any orders issued or rules adopted  
24 thereunder, by injunctive or other appropriate relief.

1           (2) Any person who makes or causes to be made in an application or report  
2 required by ss. ~~144.80 to 144.94~~ this chapter a statement known to the person to be  
3 false or misleading in any material respect or who refuses to file an annual report  
4 under s. ~~144.89 (1)~~ 293.53 (2) (a) or who refuses to submit information required by  
5 the prospecting or mining permit may be fined not less than \$1,000 nor more than  
6 \$5,000. If the false or misleading statement is material to the issuance of the permit,  
7 the permit may be revoked. If any violation under this subsection is repeated the  
8 permit may be revoked.

9           (3) Any person holding a prospecting or mining permit who violates ss. ~~144.80~~  
10 ~~to 144.93~~ this chapter or any order issued or rule adopted under ss. ~~144.80 to 144.93~~  
11 this chapter shall forfeit not less than \$10 nor more than \$10,000 for each violation.  
12 Each day of violation is a separate offense. If the violations continue after an order  
13 to cease has been issued, the permit shall be revoked.

14           **SECTION 797.** 144.935 of the statutes is renumbered 293.89, and 293.89 (1) (a)  
15 and (b) and (3), as renumbered, are amended to read:

16           293.89 (1) (a) Against any person who is alleged to be in violation of ss. ~~144.80~~  
17 ~~to 144.94~~ this chapter.

18           (b) Against the department where there is alleged to be a failure of the  
19 department to perform any act or duty under ss. ~~144.80 to 144.94~~ this chapter which  
20 is not discretionary with the department.

21           (3) The court, in issuing any final order in any action brought under this  
22 section, shall award costs of litigation including reasonable attorney and expert  
23 witness fees to the plaintiff if he or she prevails, and the court may do so if it  
24 determines that the outcome of the controversy is consistent with the relief sought  
25 by the plaintiff irrespective of the formal disposition of the civil action. In addition,

1 the court shall award treble damages to any plaintiff proving damages caused by a  
2 person mining without a permit or wilfully violating ss. 144.80 to 144.94 this chapter  
3 or any permits or orders issued under ss. 144.80 to 144.94 this chapter.

4 **SECTION 798.** 144.937 of the statutes is renumbered 293.93 and amended to  
5 read:

6 **293.93 Effect of other statutes.** If there is a standard under other state or  
7 federal statutes or rules which specifically regulates in whole an activity also  
8 regulated under ss. 144.80 to 144.94 this chapter the other state or federal statutes  
9 or rules shall be the controlling standard. If the other state or federal statute or rule  
10 only specifically regulates the activity in part, it shall only be controlling as to that  
11 part.

12 **SECTION 799.** 144.94 of the statutes is renumbered 293.95 and amended to  
13 read:

14 **293.95 Review.** Any person aggrieved by any decision of the department  
15 under ss. 144.80 to 144.937 this chapter may obtain its review under ch. 227.

16 **SECTION 800.** 144.9407 (title) of the statutes is repealed.

17 **SECTION 801.** 144.9407 (1) (intro.), (a), (b), (c), (d), (e) and (f) of the statutes are  
18 renumbered 295.11 (intro.), (3), (4), (5), (6), (7) and (9), and 295.11 (intro.), as  
19 renumbered, is amended to read:

20 **295.11 Definitions.** (intro.) In this ~~section~~ subchapter:

21 **SECTION 802.** 144.9407 (2) of the statutes is renumbered 295.12, and 295.12 (1)  
22 (b) and (d), (2) (a) and (e) and (3) (intro.), (a), (b), (e) (intro.), (f) and (k), as renumbered,  
23 are amended to read:

24 295.12 (1) (b) Provisions for the administration of this ~~section~~ subchapter by  
25 the department.

1 (d) The text of a nonmetallic mining reclamation ordinance that conforms with  
2 this section subchapter.

3 (2) (a) The department shall establish nonmetallic mining reclamation  
4 standards under ~~par. (a) 1.~~ sub. (1) (a) that are applicable both during nonmetallic  
5 mining and after the termination of nonmetallic mining.

6 (e) Standards for those portions of a nonmetallic site that are mined before the  
7 effective date of the ordinance shall only include those minimal requirements  
8 necessary for the stabilization of soil conditions, establishment of vegetative cover  
9 and the prevention of environmental pollution. If additional nonmetallic mining  
10 takes place on a portion of a site that was mined before the effective date of the  
11 ordinance, that portion of the site shall be subject to the standards under ~~subd. 3.~~ par.  
12 (d) and the remainder of the site shall be subject to this subdivision paragraph.

13 (3) TEXT OF ORDINANCE. (intro.) The text of the nonmetallic mining reclamation  
14 ordinance under ~~par. (a) 3.~~ sub. (1) (d) shall include all of the following:

15 (a) Nonmetallic mining reclamation standards that are identical to the  
16 standards established under ~~par. (a) 1.~~ sub. (1) (a).

17 (b) A requirement for the operator to submit a nonmetallic mining operation  
18 plan including maps, information about the nonmetallic mining site, a description  
19 of the proposed nonmetallic mining including methods and procedures to be used and  
20 a proposed timetable for completion of various stages of the nonmetallic mining. The  
21 operation plan shall be designed to assure successful nonmetallic mining  
22 reclamation consistent with the standards in ~~par. (am) 3. and 4.~~ sub. (2) (d) and (e),  
23 to minimize the costs of nonmetallic mining reclamation and, to the extent  
24 practicable, to minimize the area disturbed by the nonmetallic mining at any time  
25 and to provide for continuous nonmetallic mining reclamation. For those portions

1 of a nonmetallic site mined on or after the effective date of the ordinance, the  
2 operation plan shall provide for buffer areas on the nonmetallic mining site to assure  
3 appropriate final slopes after nonmetallic mining reclamation.

4 (e) (intro.) A provision imposing annual fees as determined by the department  
5 for the administration of ~~sub. (7) s. 295.18~~ and imposing annual fees as determined  
6 by the county, city, village or town that shall, as closely as possible, equal the cost of  
7 all of the following:

8 (f) A requirement for an expedited review process if the applicant pays an  
9 additional fee as determined by the county, city, village or town under ~~subd. 5. par.~~  
10 (e) or if the applicant requires a permit under this ~~section~~ subchapter to perform  
11 services under contract with a city, village, town, county or other governmental unit.

12 (k) A provision for penalties consistent with ~~sub. (8) (e) s. 295.19 (3)~~.

13 **SECTION 803.** 144.9407 (3) of the statutes is renumbered 295.13 and amended  
14 to read:

15 **295.13 Mandatory enactment and administration of ordinance. (1)**  
16 REQUIREMENT TO ENACT AND ADMINISTER ORDINANCE. Within 6 months after the  
17 effective date of the rules under ~~sub. (2) (a) s. 295.12 (1)~~, each county shall enact a  
18 nonmetallic mining reclamation ordinance, the text of which is in strict conformity  
19 with the text of the ordinance established under ~~sub. (2) (a) 3. s. 295.12 (1) (d)~~, except  
20 as provided in ~~par. (b) sub. (2)~~. This ordinance may be enacted separately from an  
21 ordinance enacted under s. 59.97.

22 **(2) PREEXISTING COUNTY ORDINANCES.** Any county with a nonmetallic mining  
23 reclamation ordinance in effect on the June 1, 1993, may maintain and administer  
24 that ordinance if the department reviews the existing ordinance and determines that  
25 it is at least as restrictive as the ordinance established under ~~sub. (2) (a) 3. s. 295.12~~

1 (1) (d). If the department determines that any part of the existing ordinance is not  
2 as restrictive as the ordinance established under ~~sub. (2) (a) 3.~~ s. 295.12 (1) (d), the  
3 county may amend the ordinance and submit the amended ordinance to the  
4 department for approval. After obtaining the approval of the department under this  
5 ~~paragraph subsection~~, the county may not amend the ordinance to make it more  
6 restrictive. After obtaining the approval of the department under this ~~paragraph~~  
7 subsection, the county may not amend the ordinance to make it less restrictive than  
8 the ordinance established under ~~sub. (2) (a) 3.~~ s. 295.12 (1) (d).

9 **(3) APPLICABILITY OF COUNTY ORDINANCE.** The ordinance under ~~par. (a) or (b)~~ sub.  
10 (1) or (2) applies to the entire area of the county, except for cities, villages and towns  
11 that enact and administer a nonmetallic mining reclamation ordinance under ~~sub.~~  
12 (4) s. 295.14.

13 **SECTION 804.** 144.9407 (4) of the statutes is renumbered 295.14 and amended  
14 to read:

15 **295.14 Authority to enact and administer ordinance.** **(1) AUTHORITY TO**  
16 **ENACT AND ADMINISTER ORDINANCE.** A city, village or town may enact and administer  
17 a nonmetallic mining reclamation ordinance, the text of which is in strict conformity  
18 with the text of the ordinance under ~~sub. (2) (a) 3.~~ s. 295.12 (1) (d). Except as provided  
19 in ~~par. (b)~~ sub. (2), a city, village or town may not administer a nonmetallic mining  
20 reclamation ordinance, the text of which is not in strict conformity with the text of  
21 the ordinance under ~~sub. (2) (a) 3.~~ s. 295.12 (1) (d).

22 **(2) PREEXISTING MUNICIPAL ORDINANCES.** A city, village or town with a  
23 nonmetallic mining reclamation ordinance in effect on June 1, 1993, may maintain  
24 and administer that ordinance if the department reviews the existing ordinance and  
25 determines that it is at least as restrictive as the ordinance established under ~~sub.~~

1 ~~(2) (a) 3. s. 295.12 (1) (d).~~ If the department determines that any part of the existing  
2 ordinance is not as restrictive as the ordinance established under sub. ~~(2) (a) 3. s.~~  
3 295.12 (1) (d), the city, village or town may amend the ordinance and submit the  
4 amended ordinance to the department for approval. After obtaining the approval of  
5 the department under this ~~paragraph subsection~~, the city, village or town may not  
6 amend the ordinance to make it more restrictive. After obtaining the approval of the  
7 department under this ~~paragraph subsection~~, the city, village or town may not  
8 amend the ordinance to make it less restrictive than the ordinance established under  
9 sub. ~~(2) (a) 3. s. 295.12 (1) (d).~~

10 **SECTION 805.** 144.9407 (4m) of the statutes is renumbered 295.15 and amended  
11 to read:

12 **295.15 Fees.** A county or a city, village or town with a nonmetallic mining  
13 reclamation ordinance shall collect the fee established under sub. ~~(2) (b) 5. s. 295.12~~  
14 (3) (e) and shall forward the state's portion of the fee to the department within 90  
15 days after collecting the fee. A county or a city, village or town with a nonmetallic  
16 mining reclamation ordinance shall use the revenues from its portion of the fees only  
17 for the administration of the nonmetallic mining reclamation ordinance.

18 **SECTION 806.** 144.9407 (5) of the statutes is renumbered 295.16, and 295.16 (1),  
19 (2), (3) (a) and (4) (intro.), (f) and (g), as renumbered, are amended to read:

20 **295.16 (1) EXISTING NONMETALLIC MINING.** A nonmetallic mining reclamation  
21 ordinance and the standards established under sub. ~~(2) (a) 1. s. 295.12 (1) (a)~~ apply  
22 to all portions of a nonmetallic mining site, including unreclaimed portions of a  
23 nonmetallic mining site that relate to nonmetallic mining that occurred before the  
24 effective date of the ordinance.

1           **(2) NONMETALLIC MINING IN OR NEAR NAVIGABLE WATERWAYS.** A nonmetallic mining  
2 reclamation ordinance and the standards established under ~~sub. (2) (a) 1. s. 295.12~~  
3 (1) (a) do not apply to any nonmetallic mining site or portion of a nonmetallic mining  
4 site that is subject to permit and reclamation requirements of the department under  
5 ss. 30.19, 30.195, 30.20, 30.30 and 30.31.

6           **(3) (a)** The standards established under ~~sub. (2) (a) 1. s. 295.12 (1) (a)~~ and,  
7 except as provided in ~~subd. 2. par. (b)~~, a nonmetallic mining reclamation ordinance  
8 apply to nonmetallic mining conducted by or on behalf of the state or a municipality.  
9 Notwithstanding s. 13.48 (13), nonmetallic mining operated for the benefit or use of  
10 the state or any state agency, board, commission or department shall comply with the  
11 permit requirements and nonmetallic mining reclamation standards of any  
12 applicable nonmetallic mining reclamation ordinance.

13           **(4) EXEMPT ACTIVITIES.** (intro.) A nonmetallic mining reclamation ordinance  
14 and the standards established under ~~sub. (2) (a) 1. s. 295.12 (1) (a)~~ do not apply to  
15 the following activities:

16           (f) Any mining operation, the reclamation of which is required in a permit  
17 obtained under ~~ss. 144.80 to 144.94 ch. 293~~.

18           (g) Any activities conducted at a solid waste or hazardous waste disposal site  
19 required to prepare, operate or close a solid waste disposal facility under ~~ss. 144.435~~  
20 ~~to 144.445 subchs. II to IV of ch. 289~~ or a hazardous waste disposal facility under ~~ss.~~  
21 ~~144.60 to 144.74 ch. 291~~, but a nonmetallic mining reclamation ordinance and the  
22 standards established under ~~sub. (2) (a) 1. s. 295.12 (1) (a)~~ apply to activities related  
23 to solid waste or hazardous waste disposal that are conducted at a nonmetallic  
24 mining site that is not part of the solid waste or hazardous waste disposal facility

1 such as activities to obtain nonmetallic minerals to be used for lining, capping,  
2 covering or constructing berms, dikes or roads.

3 **SECTION 807.** 144.9407 (6) (title) of the statutes is renumbered 295.17 (title).

4 **SECTION 808.** 144.9407 (6) of the statutes is renumbered 295.17 (1).

5 **SECTION 809.** 144.9407 (7) of the statutes is renumbered 295.18, and 295.18 (1)  
6 (intro.), (b) and (c) and (2) to (4), as renumbered, are amended to read:

7 295.18 (1) REVIEW. (intro.) The department shall review the nonmetallic  
8 mining reclamation program under this ~~section~~ subchapter of each county and each  
9 city, village or town that exercises jurisdiction under this ~~section~~ subchapter to  
10 ascertain compliance with this ~~section~~ subchapter and the rules promulgated under  
11 this ~~section~~ subchapter. This review shall include all of the following:

12 (b) Verification, by on-site inspections, of county, city, village or town  
13 compliance with this ~~section~~ subchapter and rules promulgated under this ~~section~~  
14 subchapter.

15 (c) A written determination by the department, issued every 3 years, of whether  
16 or not the county, city, village or town is in compliance with this ~~section~~ subchapter  
17 and rules promulgated under this ~~section~~ subchapter.

18 **(2) NONCOMPLIANCE; HEARING.** If the department determines under ~~par. (a)~~ sub.  
19 (1) that a county, city, village or town is not in compliance with this ~~section~~  
20 subchapter and rules promulgated under this ~~section~~ subchapter, the department  
21 shall conduct a hearing, after 30 days' notice, in the county, city, village or town. As  
22 soon as practicable after the hearing, the department shall issue a written decision  
23 regarding compliance with this ~~section~~ subchapter and rules promulgated under this  
24 ~~section~~ subchapter.

1           **(3) MUNICIPAL NONCOMPLIANCE; CONSEQUENCES.** If the department determines  
2 under ~~par. (b) sub. (2)~~ that a city, village or town is not in compliance with this section  
3 ~~subchapter~~ and rules promulgated under this section ~~subchapter~~, the city, village or  
4 town may not administer the nonmetallic mining reclamation program. The county  
5 nonmetallic mining reclamation ordinance applies to that city, village or town and  
6 the county shall administer the nonmetallic mining reclamation program in that  
7 city, village or town. The city, village or town may apply to the department to resume  
8 its authority to administer the nonmetallic mining reclamation program, but not  
9 sooner than 3 years after the department issues a decision under ~~par. (b) sub. (2)~~.  
10 The department, after a hearing, may approve the city, village or town request to  
11 administer the nonmetallic mining reclamation program if the city, village or town  
12 demonstrates the capacity to comply with this section ~~subchapter~~ and rules  
13 promulgated under this section ~~subchapter~~.

14           **(4) COUNTY NONCOMPLIANCE; CONSEQUENCES.** If the department determines  
15 under ~~par. (b) sub. (2)~~ that a county is not in compliance with this section ~~subchapter~~  
16 and rules promulgated under this section ~~subchapter~~, the department shall  
17 administer the nonmetallic mining reclamation program in that county, including  
18 the collection of fees, review and approval of plans, inspection of nonmetallic mining  
19 sites and enforcement. The county may apply to the department at any time to  
20 resume administration of the nonmetallic mining reclamation program. The  
21 department, after a hearing, may approve the county request to administer the  
22 nonmetallic mining reclamation program if the county demonstrates the capacity to  
23 comply with this section ~~subchapter~~ and rules promulgated under this section  
24 ~~subchapter~~. No city, village or town may enact an ordinance under ~~sub. (4) s. 295.14~~

1 during the time that the department administers the nonmetallic mining  
2 reclamation program in the county in which the city, village or town is located.

3 **SECTION 810.** 144.9407 (8) of the statutes is renumbered 295.19, and 295.19 (1)  
4 (c), (2) and (3), as renumbered, are amended to read:

5 295.19 (1) (c) Issue a special order directing the immediate cessation of an  
6 activity regulated under this ~~section~~ subchapter until the necessary plan approval  
7 is obtained or until the nonmetallic mining site complies with the nonmetallic  
8 mining reclamation ordinance.

9 (2) DEPARTMENT ORDERS. The department may issue a special order directing  
10 the immediate cessation of an activity regulated under this ~~section~~ subchapter until  
11 the nonmetallic mining site complies with the nonmetallic mining reclamation  
12 standards established under ~~sub. (2) (a) 1.~~ s. 295.12 (1) (a).

13 (3) PENALTIES. (a) Any person who violates the rules promulgated under ~~sub.~~  
14 ~~(2) (a) 1.~~ s. 295.12 (1) (a) or an order issued under ~~par. (b)~~ sub. (2) may be required  
15 to forfeit not less than \$25 nor more than \$1,000 for each violation. Each day of  
16 continued violation is a separate offense. While an order issued under this ~~section~~  
17 subchapter is suspended, stayed or enjoined, this penalty does not accrue.

18 **SECTION 811.** 144.9407 (9) of the statutes is renumbered 295.20, and 295.20 (1)  
19 and (3) (intro.) and (a), as renumbered, are amended to read:

20 295.20 (1) REGISTRATION. Beginning on June 1, 1994, a landowner may register  
21 land owned by that person with each county in which the land is located if the land  
22 has an economically viable nonmetallic mineral deposit. The registration shall  
23 delineate the nonmetallic mineral deposit and the necessary buffer areas under the  
24 nonmetallic mining reclamation ordinance. The landowner, as a condition of  
25 registration, shall submit evidence that a notation of the registration has been

1 recorded in the office of the register of deeds in each county in which the nonmetallic  
2 mineral deposit or buffer area is located. A registration under this ~~paragraph~~  
3 subsection may not be rescinded by the county or the landowner or his or her  
4 successors or assigns.

5 **(3) EXCEPTIONS.** (intro.) Nothing in this ~~subsection~~ section shall be construed  
6 to prohibit the following:

7 (a) A use of land permissible under a zoning ordinance on the day before a  
8 mineral deposit or buffer area is registered under ~~par. (a)~~ sub. (1).

9 **SECTION 812.** Subchapter VI (title) of chapter 144 [precedes 144.941] of the  
10 statutes is renumbered subchapter II (title) of chapter 295 [precedes 295.31].

11 **SECTION 813.** 144.941 (intro.), (1), (1g), (1m), (1s), (2) and (3) of the statutes are  
12 renumbered 295.31 (intro.), (2), (3), (4), (6), (7) and (8m), and 295.31 (intro.), as  
13 renumbered, is amended to read:

14 **295.31 Definitions; oil and gas.** (intro.) In ~~ss. 144.941 to 144.944~~ this  
15 subchapter:

16 **SECTION 814.** 144.942 of the statutes is renumbered 295.33.

17 **SECTION 815.** 144.943 of the statutes is renumbered 295.35, and 295.35 (1) (b)  
18 and (d) and (5) (a), as renumbered, are amended to read:

19 295.35 (1) (b) Submit any information necessary for the department to  
20 determine whether the proposed exploration, production and site reclamation will  
21 comply with ~~ss. 144.941 to 144.944~~ this subchapter and rules promulgated under  
22 ~~those sections~~ this subchapter.

23 (d) File with the department a bond conditioned on the faithful performance  
24 of all of the requirements of ~~ss. 144.941 to 144.944~~ this subchapter and rules  
25 promulgated under ~~those sections~~ this subchapter.

1           **(5)** (a) That the applicant has violated and continues to fail to comply with ss.  
2    ~~144.941 to 144.944~~ this subchapter or any rule promulgated under ~~those sections~~ this  
3    subchapter.

4           **SECTION 816.** 144.944 of the statutes is renumbered 295.37 and amended to  
5    read:

6           **295.37 Penalties; oil and gas.** **(1)** Any person who makes or causes to be  
7    made in an application or report required under ~~ss. 144.941 to 144.944~~ this  
8    subchapter a statement known to the person to be false or misleading in any material  
9    respect or who refuses to submit information required by the department under ~~ss.~~  
10   ~~144.941 to 144.944~~ this subchapter may be fined not less than \$1,000 nor more than  
11   \$5,000.

12           **(2)** Any person who violates ~~ss. 144.941 to 144.944~~ this subchapter or any order  
13    issued or rule promulgated under ~~ss. 144.941 to 144.944~~ this subchapter may be  
14    required to forfeit not less than \$1,000 nor more than \$10,000 for each violation.  
15    Each day of violation is a separate offense.

16           **(3)** (a) If a person makes or causes to be made in an application or report  
17    required under ~~ss. 144.941 to 144.944~~ this subchapter a statement known to the  
18    person to be false or misleading and that statement is material to the issuance of an  
19    exploration or production license, the department may revoke the license. If a person  
20    holding an exploration or production license repeatedly makes or causes to be made  
21    in an application or report required under ~~ss. 144.941 to 144.944~~ this subchapter a  
22    statement known to the person to be false or misleading in any material respect or  
23    refuses to submit information required by the department under ~~ss. 144.941 to~~  
24   ~~144.944~~ this subchapter, the department may revoke the license.

1 (b) If a person holding an exploration or production license continues to violate  
2 ~~ss. 144.941 to 144.944~~ this subchapter after the department has issued an order to  
3 cease those violations, the department shall revoke the license.

4 (4) Any oil or gas produced in violation of ~~ss. 144.941 to 144.944~~ this subchapter  
5 or any order issued or rule promulgated under ~~ss. 144.941 to 144.944~~ this subchapter,  
6 or any product manufactured from that oil or gas, is subject to confiscation. The  
7 department may seize that oil, gas or products and request the department of justice  
8 to commence an action to confiscate the oil, gas or products.

9 **SECTION 817.** Subchapter VII (title) of chapter 144 [precedes 144.95] of the  
10 statutes is repealed.

11 **SECTION 818.** 144.95 of the statutes, as affected by 1995 Wisconsin Act 27, is  
12 renumbered 299.11, and 299.11 (1) (d) 1. to 4., 6. and 8. and (7) (b) 1., as renumbered,  
13 are amended to read:

14 299.11 (1) (d) 1. A feasibility report, plan of operation or the condition of any  
15 license issued for a solid waste facility under ~~s. 144.44 (2), (3) and (4)~~ subch. III of ch.  
16 289, or hazardous waste facility under ~~s. 144.64 (2) (am) and (b)~~ 291.25 (2) and (3).

17 2. An application for a mining permit under ~~s. 144.85 (3)~~ 293.37 (2).

18 3. Monitoring required by terms and conditions of a permit issued under ~~ch. 147~~  
19 283.

20 4. The replacement of a well or provision of alternative water supplies under  
21 ~~s. 144.027 281.75 or 144.265 281.77.~~

22 6. The management or enforcement of the safe drinking water program under  
23 ~~s. 144.025 (2) (t) or 162.03 280.13~~ (1) (b) and (d) or 281.17 (8).

24 8. An investigation of a discharge of a hazardous substance under ~~s. 144.76~~  
25 292.11.

1           **(7) (b) 1.** ‘Accepted methodology.’ The department shall prescribe by rule the  
2           accepted methodology to be followed in conducting tests in each test category. The  
3           department may prescribe by rule accepted sampling protocols and documentation  
4           procedures for a specified test category to be followed by the person collecting the  
5           samples. The department may prescribe this methodology by reference to standards  
6           established by technical societies and organizations as authorized under s. 227.21  
7           (2). The department shall attempt to prescribe this methodology so that it is  
8           consistent with any methodology requirements under the resource conservation and  
9           recovery act, as defined under s. ~~144.43 (4g)~~ 289.01 (30), the federal water pollution  
10          control act, as amended, 33 USC 1251 to 1376, the safe drinking water act, 42 USC  
11          300f to 300j-10, or the toxic substance control act, 15 USC 2601 to 2629.

12           **SECTION 819.** 144.951 of the statutes is renumbered 299.31.

13           **SECTION 820.** 144.955 of the statutes, as affected by 1995 Wisconsin Act 27, is  
14          renumbered 299.13, and 299.13 (1) (d) and (g), as renumbered, are amended to read:

15           299.13 **(1) (d)** “Hazardous waste” has the meaning given in s. ~~144.43 (2)~~ 289.01  
16          (12).

17           (g) “Toxic pollutants” has the meaning given in s. ~~147.015~~ 283.01 (17).

18           **SECTION 821.** Subchapter VIII (title) of chapter 144 [precedes 144.96] of the  
19          statutes is repealed.

20           **SECTION 822.** 144.96 of the statutes is renumbered 299.15, and 299.15 (3) (am)  
21          3., as renumbered, is amended to read:

22           299.15 **(3) (am) 3.** After June 30, 1992, the fee under this paragraph shall be  
23          paid by each person required to obtain a permit under s. ~~147.02~~ 283.31. After June  
24          30, 1992, the fee to be paid by a person under this paragraph shall be an amount  
25          determined under a rule promulgated by the department and shall be based on those

1 pollutants included in the permit under s. ~~147.02~~ 283.31 that are specified by the  
2 department by rule, the environmental harm caused by the pollutants discharged,  
3 the quantity of the pollutants discharged and the quality of the water receiving the  
4 discharge.

5 **SECTION 823.** 144.965 of the statutes is renumbered 299.21.

6 **SECTION 824.** 144.968 of the statutes, as created by 1995 Wisconsin Act 27, is  
7 renumbered 292.51.

8 **SECTION 825.** 144.97 of the statutes is renumbered 299.23 and amended to  
9 read:

10 **299.23 Financial interest prohibited.** The secretary of natural resources  
11 and any other person in a position of administrative responsibility in the department  
12 may not have a financial interest in any enterprise which might profit by weak or  
13 preferential administration or enforcement of the powers and duties of the  
14 department.

15 **SECTION 826.** 144.975 of the statutes is renumbered 299.91 and amended to  
16 read:

17 **299.91 Hearings; procedure; review.** The department shall hold a public  
18 hearing relating to alleged or potential environmental pollution upon the verified  
19 complaint of 6 or more citizens filed with the department. The complaint shall state  
20 the name and address of a person within the state authorized to receive service of  
21 answer and other papers in behalf of complainants. The department may order the  
22 complainants to file security for costs in a sum deemed to be adequate but not to  
23 exceed \$100 within 20 days after the service upon them of a copy of the order and all  
24 proceedings on the part of the complainants shall be stayed until the security is filed.  
25 The department shall serve a copy of the complaint and notice of the hearing upon

1 the alleged or potential polluter either personally or by registered mail directed to  
2 the last-known post-office address at least 20 days prior to the time set for the  
3 hearing. The hearing shall be held not later than 90 days after the filing of the  
4 complaint. The respondent shall file a verified answer to the complaint with the  
5 department and serve a copy on the person designated by the complainants not later  
6 than 5 days prior to the date set for the hearing, unless the time for answering is  
7 extended by the department for cause shown. For purposes of any hearing under this  
8 section the hearing examiner may issue subpoenas and administer oaths. Within 90  
9 days after the closing of the hearing, the department shall make and file its findings  
10 of fact, conclusions of law and order, which shall be subject to review under ch. 227.  
11 If the department determines that any complaint was filed maliciously or in bad faith  
12 it shall issue a finding to that effect and the person complained against is entitled  
13 to recover the expenses of the hearing in a civil action. Any situation, project or  
14 activity which upon continuance or implementation would cause, beyond reasonable  
15 doubt, a degree of pollution that normally would require clean-up action if it already  
16 existed, shall be considered potential environmental pollution. This section does not  
17 apply to any part of the process for approving a feasibility report, plan of operation  
18 or license under s. 144.44 subch. III of ch. 289 or 144.64 s. 291.23 or 291.25.

19 **SECTION 827.** 144.976 of the statutes is renumbered 281.94, and 281.94 (1), as  
20 renumbered, is amended to read:

21 281.94 (1) Any 6 or more residents of this state may petition for an  
22 investigation of a withdrawal, as defined under s. ~~144.026~~ 281.35 (1) (m), alleged to  
23 be in violation of s. ~~144.026~~ 281.35 (3) (a), in violation of a condition, limitation or  
24 restriction of a permit or approval issued in conformance with s. ~~144.026~~ 281.35 (6)  
25 (a) or in violation of any rule promulgated under s. ~~144.026~~ 281.35 (3) (a) or (4) to

1 (6) by submitting to the department a petition identifying the alleged violator and  
2 setting forth in detail the reasons for believing a violation occurred. The petition  
3 shall state the name and address of a person in this state authorized to receive  
4 service of answer and other papers on behalf of the petitioners and the name and  
5 address of a person authorized to appear at a hearing on behalf of the petitioners.

6 **SECTION 828.** 144.977 of the statutes is renumbered 281.95 and amended to  
7 read:

8 **281.95 Remedies; water withdrawal violations.** Any person who makes  
9 a withdrawal, as defined under s. ~~144.026~~ 281.35 (1) (m), in violation of s. ~~144.026~~  
10 281.35 (3) (a), in violation of a condition, limitation or restriction of a permit or  
11 approval issued in conformance with s. ~~144.026~~ 281.35 (6) (a) or in violation of any  
12 rule promulgated under s. ~~144.026~~ 281.35 (3) (a) or (4) to (6) is liable to any person  
13 who is adversely affected by the withdrawal for damages or other appropriate relief.  
14 Any person who is or may be adversely affected by an existing or proposed  
15 withdrawal, as defined under s. ~~144.026~~ 281.35 (1) (m), which is in violation of a  
16 condition, limitation or restriction of a permit or approval issued in conformance  
17 with s. ~~144.026~~ 281.35 (6) (a) or in violation of any rule promulgated under s. ~~144.026~~  
18 281.35 (4) to (6) may bring an action in the circuit court to restrain or enjoin the  
19 withdrawal.

20 **SECTION 829.** 144.98 of the statutes, as affected by 1995 Wisconsin Act 27, is  
21 renumbered 299.95 and amended to read:

22 **299.95 Enforcement; duty of department of justice; expenses.** The  
23 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except  
24 ss. ~~144.421~~ and ~~144.422~~ 281.48, 285.57 and 285.59, and all rules, special orders,  
25 licenses, plan approvals and permits of the department, except those promulgated

1 or issued under ss. ~~144.421 and 144.422~~ 281.48, 285.57 and 285.59. The circuit court  
2 for Dane county or for any other county where a violation occurred in whole or in part  
3 has jurisdiction to enforce chs. 281 to 285 and 289 to 295 or this chapter or the rule,  
4 special order, license, plan approval or permit by injunctive and other relief  
5 appropriate for enforcement. For purposes of this proceeding where chs. 281 to 285  
6 and 289 to 295 or this chapter or the rule, special order, license, plan approval or  
7 permit prohibits in whole or in part any pollution, a violation is deemed a public  
8 nuisance. The department of natural resources may enter into agreements with the  
9 department of justice to assist with the administration of this chapter. Any funds  
10 paid to the department of justice under these agreements shall be credited to the  
11 appropriation account under s. 20.455 (1) (k).

12 **SECTION 830.** 144.99 of the statutes, as affected by 1995 Wisconsin Act 27, is  
13 renumbered 299.97, and 299.97 (1), as renumbered, is amended to read:

14 299.97 (1) Any person who violates this chapter, except ss. ~~144.30 to 144.426,~~  
15 ~~144.48 (4) (b), 144.941 to 144.944 and 144.96~~ s. 299.15 (1), 299.51 (4) (b) or 299.53 (2)  
16 (a) or (3), or any rule promulgated or any plan approval, license or special order  
17 issued under this chapter, except under those sections, shall forfeit not less than \$10  
18 nor more than \$5,000, for each violation. Each day of continued violation is a  
19 separate offense. While the order is suspended, stayed or enjoined, this penalty does  
20 not accrue.

21 **SECTION 831.** 144.992 of the statutes is renumbered 299.93, and 299.93 (1), as  
22 renumbered, is amended to read:

23 299.93 (1) If a court imposes a fine or forfeiture for a violation of a provision  
24 of this chapter, ~~ch. 147 or 162 or s. 146.20~~ or chs. 280 to 285 or 289 to 295 or a rule  
25 or order issued under this chapter, ~~ch. 147 or 162 or s. 146.20~~ or chs. 280 to 285 or

1 289 to 295, the court shall impose an environmental assessment equal to 10% of the  
2 amount of the fine or forfeiture.

3 **SECTION 832.** 144.995 of the statutes is renumbered 299.33, and 299.33 (8), as  
4 renumbered, is amended to read:

5 299.33 (8) EXCLUSION. This section does not apply to any action or other  
6 proceeding for injury or threatened injury to property or person caused by a publicly  
7 owned treatment work operated under a permit for the discharge of pollutants issued  
8 by the department under s. ~~147.02~~ 283.31.

9 **SECTION 833.** 145.01 (10) (d) of the statutes is amended to read:

10 145.01 (10) (d) The water pressure system other than municipal systems as  
11 provided in ch. 144 281.

NOTE: The cross-reference to ch. 144 is overly inclusive. Only current subch. II of  
ch. 144 relates to DNR regulation of municipal water systems. Therefore, the  
cross-reference is limited to those provisions of current ch. 144 which are contained in  
new ch. 281.

12 **SECTION 834.** 145.01 (17) of the statutes is amended to read:

13 145.01 (17) WATERS OF THE STATE. "Waters of the state" has the meaning  
14 specified under s. ~~144.01 (19)~~ 281.01 (18).

15 **SECTION 835.** 145.06 (4) (b) of the statutes is amended to read:

16 145.06 (4) (b) Plumbing from the private water supply pump to and including  
17 the initial pressure tank and connection to an existing water distribution system,  
18 when installed by persons licensed under ch. ~~162~~ 280.

19 **SECTION 836.** 145.06 (4) (e) of the statutes is amended to read:

20 145.06 (4) (e) Installation of sewer and water mains, ~~as defined in ch. 144~~, when  
21 installed by sewer and water utility contractors and their employees.

NOTE: The term "sewer and water mains" is not defined in ch. 144. Because these  
are not technical terms, no definition appears to be necessary. If any further elaboration

of the regulatory scope of this provision is necessary, it can be done by the department of commerce, by rule.

1       **SECTION 837.** 145.20 (3) (d) of the statutes is amended to read:

2       145.20 **(3)** (d) The department shall conduct training and informational  
3 programs for officials of the governmental unit responsible for the regulation of  
4 private sewage systems and employes and persons licensed under this chapter and  
5 s. ~~146.20~~ 281.48 and certified as operators of septage servicing vehicles under s.  
6 ~~144.025 (2) (L)~~ 281.17 (3) to improve the delivery of service under the private sewage  
7 system program. The department shall obtain the assistance of the Wisconsin  
8 counties association in planning and conducting the training and informational  
9 programs.

10       **SECTION 838.** 145.245 (1) (a) 2. of the statutes is amended to read:

11       145.245 **(1)** (a) 2. A written enforcement order issued under s. ~~144.025 (2) (d)~~,  
12 145.02 (3) (f) ~~or~~, 145.20 (2) (f) or 281.19 (2).

13       **SECTION 839.** 145.245 (3) of the statutes, as affected by 1995 Wisconsin Act 27,  
14 is amended to read:

15       145.245 **(3)** MAINTENANCE. The department shall establish a maintenance  
16 program to be administered by governmental units. The maintenance program is  
17 applicable to all new or replacement private sewage systems constructed in a  
18 governmental unit after the date on which the governmental unit adopts this  
19 program. The maintenance program shall include a requirement of inspection or  
20 pumping of the private sewage system at least once every 3 years. Inspections may  
21 be conducted by a master plumber, journeyman plumber or restricted plumber  
22 licensed under this chapter, a person licensed under s. ~~146.20~~ 281.48 or by an  
23 employe of the state or governmental unit designated by the department. The  
24 department of natural resources may suspend or revoke a license issued under s.

1 ~~146.20~~ 281.48 or a certificate issued under s. ~~144.025 (2) (L)~~ 281.17 (3) to the operator  
2 of a septage servicing vehicle if the department of natural resources finds that the  
3 licensee or operator falsified information on inspection forms. The department of  
4 commerce may suspend or revoke the license of a plumber licensed under this  
5 chapter if the department finds that the plumber falsified information on inspection  
6 forms.

7 **SECTION 840.** 146.16 of the statutes is amended to read:

8 **146.16 Expenses.** Expenses incurred under ~~chs. 144 to 146~~ this chapter, not  
9 made otherwise chargeable, shall be paid by the town, city or village.

10 **SECTION 841.** 146.20 (title) and (2) (intro.) of the statutes are renumbered  
11 281.48 (title) and (2) (intro.), and 281.48 (2) (intro.), as renumbered, is amended to  
12 read:

13 281.48 (2) DEFINITIONS. (intro.) ~~For the purpose of~~ In this section:

14 **SECTION 842.** 146.20 (2) (a) of the statutes is repealed.

15 **SECTION 843.** 146.20 (2) (b) to (5s) of the statutes, as affected by 1995 Wisconsin  
16 Act 27, are renumbered 281.48 (2) (b) to (5s), and 281.48 (3) (e) and (5m) (c), as  
17 renumbered, are amended to read:

18 281.48 (3) (e) *Operator certification.* No person, except for a farmer exempted  
19 from licensing under par. (d), may service a septage system or operate a septage  
20 servicing vehicle unless the person is certified as an operator of a septage servicing  
21 vehicle under s. ~~144.025 (2) (L)~~ 281.17 (3).

22 **(5m) (c)** The site criteria and disposal procedures in a county ordinance shall  
23 be identical to the corresponding portions of rules promulgated by the department  
24 under this section. The county shall require the person engaged in septage disposal  
25 to submit the results of a soil test conducted by a soil tester certified under s. 145.045

1 and to obtain an annual license for each location where the person disposes of septage  
2 on land, except that the county may not require a license for septage disposal in a  
3 licensed solid waste disposal facility. The county shall maintain records of soil tests,  
4 site licenses, county inspections and enforcement actions under this subsection. A  
5 county may not require licensing or registration for any person or vehicle engaged  
6 in septage disposal. The county may establish a schedule of fees for site licenses  
7 under this paragraph. The county may require a bond or other method of  
8 demonstrating the financial ability to comply with the septage disposal ordinance.  
9 The county shall provide for the enforcement of the septage disposal ordinance by  
10 penalties identical to those in sub. (6) s. 281.98.

11 **SECTION 844.** 146.20 (6) of the statutes is repealed.

NOTE: The penalty in current s. 146.20 (6) duplicates the penalty in new s. 281.98.

12 **SECTION 845.** Chapter 147 (title) of the statutes is renumbered chapter 283  
13 (title).

14 **SECTION 846.** 147.01 of the statutes is renumbered 283.001.

15 **SECTION 847.** 147.015 of the statutes is renumbered 283.01, and 283.01 (12) (b),  
16 as renumbered, is amended to read:

17 283.01 (12) (b) A discernible, confined and discrete conveyance of storm water  
18 for which a permit is required under s. ~~147.021~~ 283.33 (1).

19 **SECTION 848.** 147.017 of the statutes is renumbered 283.61, and 283.61 (1) (a),  
20 (b) and (c), as renumbered, are amended to read:

21 283.61 (1) (a) "Distillate waste product" has the meaning designated under s.  
22 ~~144.438~~ 289.44 (1) (a).

23 (b) "Environmentally sound storage facility" has the meaning designated  
24 under s. ~~144.438~~ 289.44 (1) (b).

1 (c) "Private alcohol fuel production system" has the meaning designated under  
2 s. ~~144.438~~ 289.44 (1) (c).

3 **SECTION 849.** 147.0175 of the statutes, as created by 1995 Wisconsin Act 99,  
4 is renumbered 283.62.

5 **SECTION 850.** 147.018 of the statutes is renumbered 283.81.

6 **SECTION 851.** 147.02 of the statutes is renumbered 283.31, and 283.31 (1), (2)  
7 (c), (3) (d) 3. and (4) (b), (c), (e) and (f) 1. and 2., as renumbered, are amended to read:

8 283.31 (1) The discharge of any pollutant into any waters of the state or the  
9 disposal of sludge from a treatment work by any person is unlawful unless such  
10 discharge or disposal is done under a permit issued by the department under this  
11 section or s. ~~147.021~~ 283.33. The department may by rule exempt certain classes or  
12 categories of vessels from this section. Except as provided in s. ~~147.021~~ 283.33, the  
13 department may require only one permit for a publicly owned treatment or collection  
14 facility or system, regardless of the number of point sources from such facility or  
15 system.

16 (2) (c) Any discharge to which the U.S. environmental protection agency has  
17 objected to in writing pursuant to s. ~~147.11~~ 283.41.

18 (3) (d) 3. Necessary to avoid exceeding total maximum daily loads established  
19 pursuant to a continuing planning process developed under s. ~~147.25~~ 283.83.

20 (4) (b) That facility expansions, production increases, or process modifications  
21 which result in new or increased discharges of pollutants at frequencies or levels in  
22 excess of the maximum discharges described in the permit shall be reported to the  
23 department under s. ~~147.14~~ 283.59 (1);

24 (c) That the permittee shall permit authorized representatives of the  
25 department upon the presentation of their credentials to enter upon any premises

1 in which an effluent source is located or in which any records are required to be kept  
2 for the purpose of administering s. ~~147.08~~ 283.55;

3 (e) That if a toxic effluent standard or prohibition, including any schedule of  
4 compliance specified in such effluent standard or prohibition, is established under  
5 s. ~~147.07~~ 283.21 (1) for a toxic pollutant present in the permittee's discharge and, if  
6 such standard or prohibition is more stringent than any limitation upon such  
7 pollutant in the permit, the department shall revise or modify the permit in  
8 accordance with the toxic effluent standard or prohibition;

9 (f) 1. Inform the department of any new introduction of pollutants into the  
10 treatment works under s. ~~147.14~~ 283.59 (2);

11 2. Require that any industrial user of such treatment work comply with the  
12 requirements of ss. ~~147.07~~ 283.21 (2), ~~147.08~~ 283.55 and ~~147.15~~ 283.57.

13 **SECTION 852.** ~~147.021~~ of the statutes is renumbered ~~283.33~~, and ~~283.33~~ (5) and  
14 (6), as renumbered, are amended to read:

15 ~~283.33~~ (5) OTHER DISCHARGERS. A person who is required to obtain a permit  
16 under sub. (1) (a) or (d) may apply for an individual permit or request coverage under  
17 a general permit issued by the department under s. ~~147.023~~ 283.35.

18 (6) OTHER COVERAGE. (a) A municipal separate storm sewer system that is  
19 combined with a sanitary sewer system is not required to be covered by a permit  
20 under this section but is required to be covered by a permit under s. ~~147.02~~ 283.31.

21 (b) The department may include coverage of a storm water discharge in a  
22 permit issued under s. ~~147.02~~ 283.31. For the purposes of this chapter, the portion  
23 of a permit issued under s. ~~147.02~~ 283.31 that covers a storm water discharge is  
24 considered a permit issued under this section.

25 **SECTION 853.** ~~147.023~~ of the statutes is renumbered ~~283.35~~.

1           **SECTION 854.** 147.025 of the statutes is renumbered 283.37, and 283.37 (1), (2),  
2 (4) and (6), as renumbered, are amended to read:

3           **283.37 (1)** The department shall promulgate rules relating to applications for  
4 permits under this chapter which shall require at a minimum that every owner or  
5 operator of a point source discharging pollutants into the waters of the state shall  
6 have on file either a completed permit application on forms provided by the  
7 department or a completed permit application under section 13 of the rivers and  
8 harbors act of 1899, 33 USC 407 or under the federal water pollution control act, as  
9 amended, 33 USC 1251 to 1376. The rules may specify different requirements for  
10 permits issued under s. ~~147.02~~ 283.31 and for permits issued under s. ~~147.021~~  
11 283.33.

12           **(2)** Any owner or operator of a point source for which a permit is required by  
13 s. ~~147.02~~ 283.31 (1) wishing to commence discharging pollutants into state waters  
14 from a new source, the construction of which commenced after July 22, 1973, shall  
15 submit a completed application not later than 180 days prior to the date on which it  
16 is desired to commence discharges.

17           **(4)** Prior to the submittal of a permit application for a publicly owned treatment  
18 works, each person discharging into such works who is subject to s. ~~144.96~~ 299.15 and  
19 rules promulgated thereunder shall submit a discharge report to the owner or  
20 operator of such works upon request. The report shall state the person's current  
21 discharges, and maximum discharges based on reasonably foreseeable projections  
22 of production increases, process modification or facility expansions during the next  
23 5 years. The owner or operator of such publicly owned treatment works shall submit  
24 the discharge reports to the department as part of the permit application. The form  
25 of the discharge report shall be prescribed by department rule.

1           **(6)** Subsections (1) to (5) do not apply to an owner or operator of a point source  
2 eligible for coverage under a general permit under s. ~~147.023~~ 283.35 and rules  
3 promulgated by the department under that section. The department may require the  
4 owner or operator to submit information regarding any discharge.

5           **SECTION 855.** 147.03 of the statutes is renumbered 283.53, and 283.53 (1), (2)  
6 (a) (intro.) and (c), (2d) (intro.), (2h) and (3) (d), (e) and (f), as renumbered, are  
7 amended to read:

8           283.53 **(1)** No permit issued by the department under s. ~~147.02~~ 283.31 or  
9 ~~147.021~~ 283.33 shall have a term for more than 5 years.

10           **(2)** (a) (intro.) Any permit issued by the department under s. ~~147.02~~ 283.31 or  
11 ~~147.021~~ 283.33 may, after an opportunity for hearing, be modified, suspended or  
12 revoked, in whole or in part, for cause, including but not limited to:

13           (c) The department shall also notify the U.S. environmental protection agency,  
14 the U.S. army corps of engineers, any affected state, any interested agency of this  
15 state, and any interested members of the public of its intention to modify, suspend  
16 or revoke a permit. Such notice shall incorporate the terms of the notice sent to the  
17 permittee and shall be circulated to members of the public in accordance with s.  
18 ~~147.09~~ 283.39 (1).

19           **(2d)** (intro.) The department may, with the consent of the permittee, modify a  
20 permit issued under s. ~~147.02~~ 283.31 or ~~147.021~~ 283.33 without following the  
21 procedures in sub. (2) (b) to (f) in order to do any of the following:

22           **(2h)** The department may, with the consent of the permittee, revoke a permit  
23 issued under s. ~~147.02~~ 283.31 or ~~147.021~~ 283.33 without following the procedures in  
24 sub. (2) (b) to (f).

1           **(3)** (d) The department shall adhere to the notice and public participation  
2 procedures specified in ss. ~~147.09 283.39~~ to ~~147.13 283.49~~ in connection with each  
3 request for reissuance of a permit.

4           (e) Notwithstanding any other provisions of this section, any new source the  
5 construction of which is commenced after October 18, 1972, and which is so  
6 constructed to meet all standards of performance adopted under s. ~~147.06 283.19~~  
7 shall not be subject to any more stringent standard of performance during either the  
8 10-year period beginning on the date of completion of such construction or the period  
9 of depreciation or amortization of such facility for the purposes of section 167 or 169  
10 of the internal revenue code, whichever period ends first.

11           (f) For the purposes of s. ~~147.20 283.63~~, denial of any application for the  
12 reissuance of a permit shall be treated as a denial of an application for a permit.

13           **SECTION 856.** 147.033 (title) and (1) (title) of the statutes are repealed.

14           **SECTION 857.** 147.033 (1) of the statutes is renumbered 283.31 (7) and amended  
15 to read:

16           283.31 **(7)** The holder of a permit under s. ~~147.02 this section~~ shall pay \$100  
17 to the department as a groundwater fee on January 1 if the permittee discharges  
18 effluent on land or if the permittee produces sludge from a treatment work which is  
19 disposed of on land. If the permittee discharges effluent on land and disposes of  
20 sludge from a treatment work on land, the permittee shall pay \$200 to the  
21 department as a groundwater fee on January 1. The moneys collected under this  
22 subsection shall be credited to the environmental fund for groundwater  
23 management.

24           **SECTION 858.** 147.033 (4) of the statutes is renumbered 283.33 (9), and 283.33  
25 (9) (a) 1. and 2., as renumbered, are amended to read:

1           283.33 **(9)** (a) 1. A storm water construction permit fee to be paid by any person  
2 who applies for a permit under s. ~~147.021~~ this section for the discharge of storm water  
3 from a construction site.

4           2. A storm water permit annual fee that is to be paid upon issuance of the  
5 permit and annually thereafter by a person who holds a permit under s. ~~147.021~~ this  
6 section for the discharge of storm water, other than for the discharge of storm water  
7 from a construction site.

8           **SECTION 859.** 147.035 of the statutes is renumbered 283.11, and 283.11 (2) (a),  
9 (4) (a) (intro.), (b) 1. and 3., (c) and (e) 2. and (5), as renumbered, are amended to read:

10           283.11 **(2)** (a) Except for rules concerning storm water discharges for which  
11 permits are issued under s. ~~147.021~~ 283.33, all rules promulgated by the department  
12 under this chapter as they relate to point source discharges, effluent limitations,  
13 municipal monitoring requirements, standards of performance for new sources, toxic  
14 effluent standards or prohibitions and pretreatment standards shall comply with  
15 and not exceed the requirements of the federal water pollution control act, 33 USC  
16 1251 to 1387, and regulations adopted under that act.

17           **(4)** (a) *Authorization.* (intro.) Notwithstanding sub. (1) or (2), the department  
18 may promulgate by rule, under s. ~~147.07~~ 283.21, a toxic effluent standard or  
19 prohibition applicable to a category or class of point sources for the discharge of an  
20 identified toxic pollutant, if the U.S. environmental protection agency has not done  
21 either of the following for that identified toxic pollutant:

22           (b) 1. Any toxic pollutant or combination of pollutants on the list prepared  
23 under s. ~~147.07~~ 283.21 (1) (a).

24           3. Any other substance which the department has proposed to be added to the  
25 list of toxic pollutants under s. ~~147.07~~ 283.21 (1) (a).

1           (c) *Concurrent rule making.* A toxic effluent standard or a prohibition for a  
2 substance identified under par. (b) 3. may not be promulgated before the list of toxic  
3 pollutants has been revised under s. ~~147.07~~ 283.21 (1) (a) to include that substance.  
4 The revision under s. ~~147.07~~ 283.21 (1) (a) and the toxic effluent standard or  
5 prohibition under s. ~~147.07~~ 283.21 (1) (b) may be promulgated concurrently.

6           (e) 2. If the U.S. environmental protection agency, under 33 USC 1311 (b) (2),  
7 promulgates an effluent limitation applicable to the discharge of a toxic pollutant  
8 from a point source after the department promulgates a toxic effluent standard or  
9 prohibition, the department may modify its standard or prohibition to conform to the  
10 federal toxic effluent limitation. A permittee to which the standard or prohibition  
11 promulgated by the department applies under the terms of a permit may request  
12 that the department modify the permit to conform to the federal effluent limitation.  
13 The department shall use the procedures specified under s. ~~147.03~~ 283.53 (2) (b) to  
14 (f) to determine whether to grant the request. The department shall grant the  
15 request unless it finds that the resulting limitation, as applied to the permittee and  
16 to any other permittees subject to the department's standard or prohibition which  
17 discharge into the receiving water, would be inadequate to protect the public health,  
18 safety or welfare or the environment in the receiving water or any other waters  
19 directly affected by the discharge. A decision by the department not to grant the  
20 request is reviewable under s. ~~147.20~~ 283.63.

21           **(5) NONAPPLICABILITY.** This section does not apply to any water quality based  
22 effluent limitation established under s. ~~147.04~~ 283.13 (5).

23           **SECTION 860.** 147.04 of the statutes is renumbered 283.13, and 283.13 (2)  
24 (intro.), (b) 2. and (d), (3) (a), (b) 1. (intro.) and (d) and (4) (intro.), as renumbered, are  
25 amended to read:

1           283.13 **(2)** SOURCES OTHER THAN PUBLIC TREATMENT WORKS. (intro.) The  
2 discharge from any point source, other than a publicly owned treatment works or a  
3 source of storm water permitted under s. ~~147.021~~ 283.33, shall comply with the  
4 following requirements:

5           (b) 2. The application of any applicable pretreatment requirements or any other  
6 requirements under s. ~~147.07~~ 283.21 to any point source discharging pollutants into  
7 a publicly owned treatment works.

8           (d) *Other toxic pollutants; compliance within 3 years after limitations are*  
9 *established.* Compliance with effluent limitations under par. (b) with respect to all  
10 toxic pollutants included on the list promulgated under s. ~~147.07~~ 283.21 (1) (a) but  
11 which are not included in the table referred to under par. (c) not later than 3 years  
12 after the date the effluent limitations are established.

13           **(3)** (a) *Maximum use of technology and reasonable progress.* The department  
14 may modify the requirements of sub. (2) (f) in accordance with s. ~~147.20~~ 283.63 for  
15 any point source for which a permit application is filed after July 1, 1977 if the owner  
16 or operator of the point source satisfactorily demonstrates to the department that the  
17 modified requirements will represent the maximum use of technology within the  
18 economic capability of the owner or operator and will result in reasonable further  
19 progress toward the national goal of elimination of the discharge of pollutants as  
20 stated in the federal water pollution control act, as amended, 33 USC 1251 to 1376.

21           (b) 1. (intro.) The department with the concurrence of the U.S. environmental  
22 protection agency shall modify the requirements of sub. (2) (f) with respect to the  
23 discharge of any pollutant other than heat from any point source upon a showing by  
24 the owner or operator of the point source satisfactory to the department in a  
25 proceeding under s. ~~147.20~~ 283.63 that:

1 (d) *No modification for toxic pollutants.* Notwithstanding pars. (a) and (b), the  
2 department may not modify any requirement of this subsection or sub. (2) applicable  
3 to any toxic pollutant which is on the list promulgated under s. ~~147.07~~ 283.21 (1).

4 (4) **EFFLUENT LIMITATIONS FOR PUBLIC TREATMENT WORKS.** (intro.) Discharges  
5 from publicly owned treatment works, except storm water discharges for which a  
6 permit is issued under s. ~~147.021~~ 283.33, shall comply with the following  
7 requirements:

8 **SECTION 861.** 147.05 of the statutes is renumbered 283.15, and 283.15 (1), (2)  
9 (a) and (e), (3), (4) (c), (5) (a), (b) and (c) 1. and 2. (intro.), (9) and (10), as renumbered,  
10 are amended to read:

11 283.15 (1) **DEFINITION.** In this section, “variance” means a variance to a water  
12 quality standard adopted under s. ~~144.025 (2) (b)~~ 281.15.

13 (2) (a) 1. When the department issues, reissues or modifies a permit to include  
14 a water quality based effluent limitation under s. ~~147.04~~ 283.13 (5), the permittee  
15 may apply to the department for a variance from the water quality standard used to  
16 derive the limitation.

17 2. After an application for a variance is submitted to the department, and until  
18 the last day for seeking review of the secretary’s final decision on the application or  
19 a later date fixed by order of the reviewing court, the water quality based effluent  
20 limitation under s. ~~147.04~~ 283.13 (5) and the corresponding compliance schedule are  
21 not effective. All other provisions of the permit continue in effect except those for  
22 which a petition for review has been submitted under s. ~~147.20~~ 283.63. For those  
23 provisions for which an application for variance has been submitted under this  
24 section, the corresponding or similar provisions of the prior permit continue in effect

1 until the last day for seeking review of the department's final decision or a later date  
2 fixed by order of the reviewing court.

3 (e) Within 30 days after the department receives a complete application for a  
4 variance, the department shall circulate to the parties in s. ~~147.03~~ 283.53 (2) (c) a  
5 public notice of receipt of the application for a variance and of any deadlines for  
6 submission of written arguments on facts and law by interested parties. In the public  
7 notice, the department shall establish a deadline for submitting written comments  
8 on the application.

9 **(3) TENTATIVE DECISION.** The secretary shall issue a tentative decision on the  
10 variance within 120 days after receipt of a completed application. The department  
11 shall circulate the tentative decision to the parties in s. ~~147.03~~ 283.53 (2) (c). If the  
12 tentative decision is to grant a variance based upon one or more of the conditions  
13 specified in sub. (4) (a) 1. a. to e., the department shall include in the notice under  
14 this subsection a statement on the effect of the variance, if granted, on the designated  
15 use of the water body during the term of the underlying permit. The department  
16 shall provide a 30-day period for written comments on the tentative decision.

17 **(4) (c)** Within 30 days after the date of the decision under par. (a) 1., the  
18 department shall issue the notice required under s. ~~147.03~~ 283.53 (2) (b) and (c) of  
19 its intent to modify the permit to incorporate the decision to approve all or part of a  
20 variance or to modify and approve the variance. Section ~~147.03~~ 283.53 (2) (d) does  
21 not apply to the proposed permit modification.

22 **(5) (a)** A variance applies only to the permittee requesting the variance and to  
23 the pollutant specified in the variance. A variance does not affect or require the  
24 department to modify the corresponding water quality standard adopted under s.  
25 ~~144.025 (2) (b)~~ 281.15.

1 (b) A variance applies for the term established by the secretary, but not to  
2 exceed 3 years. The term of the initial variance and any renewals thereof may not  
3 exceed the time that the secretary determines is necessary to achieve the water  
4 quality based effluent limitation. Initial and interim effluent limitations established  
5 under par. (c) 1. apply, as appropriate, for the term of the underlying permit as issued,  
6 reissued or modified to implement the decision under sub. (4) (b) or as extended by  
7 operation of s. 227.51 (2). Notwithstanding sub. (4) (d), s. 227.51 (2) shall apply for  
8 the purposes of continuing the provisions of a permit pending the issuance or  
9 reissuance of a permit. Upon the issuance or reissuance of the new permit, sub. (2)  
10 (a) 2. and s. ~~147.20~~ 283.63 (1) (am) apply.

11 (c) 1. Compliance with an initial effluent limitation which at the time the  
12 variance is approved represents the level currently achievable by the permittee. At  
13 the time a variance is approved a compliance schedule and an interim effluent  
14 limitation that is achievable by the permittee during the term of the variance may  
15 be specified. The initial and the interim effluent limitations may not be less  
16 stringent than a categorical effluent limitation that applies to the permittee under  
17 s. ~~147.04~~ 283.13 (2) or (4) or ~~147.06~~ 283.19 or a toxic effluent standard that applies  
18 to the permittee under s. ~~147.07~~ 283.21.

19 2. (intro.) Investigation of treatment technologies, process changes,  
20 wastewater reuse or other techniques that may result in compliance by the permittee  
21 with the water quality standard adopted under s. ~~144.025~~ ~~(2)~~ ~~(b)~~ 281.15, and  
22 submission of reports on the investigations at such times as required by the  
23 department. The secretary shall modify or waive the requirements specified in this  
24 subdivision if the secretary determines, based upon comments received on the  
25 tentative decision under sub. (3), that the requirements of this subdivision are:

1           **(9) RELATION TO PERMIT REVIEW.** If the secretary approves part or all of a variance  
2 or modifies and approves the variance under this section and the department issues  
3 a modified water quality based effluent limitation under s. ~~147.20~~ 283.63 for the  
4 same substance, the permittee shall comply with the least stringent of the 2 effluent  
5 limitations.

6           **(10) APPLICABILITY.** (a) Subsections (2) to (5) do not apply if the water quality  
7 based effluent limitation results from the decision of the department under s. ~~147.20~~  
8 283.63 to make the water quality based effluent limitation less stringent than the  
9 effluent limitation in the permit as issued, reissued or modified.

10           (b) Subsections (2) to (5) apply if the water quality based effluent limitation  
11 results from the decision of the department under s. ~~147.20~~ 283.63 to make the water  
12 quality based effluent limitation more stringent than the effluent limitation in the  
13 permit as issued, reissued or modified.

14           (c) This section does not apply to the issuance, reissuance or modification of a  
15 permit to incorporate a toxic effluent standard or prohibition promulgated by rule  
16 under s. ~~147.035~~ 283.11 (4) or ~~147.07~~ 283.21.

17           **SECTION 862.** 147.055 of the statutes is renumbered 283.17 and amended to  
18 read:

19           **283.17 Thermal effluent limitations.** (1) Any thermal effluent limitation  
20 proposed by the department may be modified by it in accordance with s. ~~147.20~~  
21 283.63, if the owner or operator of the point source which is the subject of the  
22 proposed limitation demonstrates to the satisfaction of the department that the  
23 proposed limitation is more stringent than necessary to assure the protection and  
24 propagation of a balanced indigenous population of shellfish, fish and wildlife in and  
25 on the body of water into which the discharge is made.

1           (2) Any point source of a discharge having a thermal component, the  
2 modification of which is commenced after October 18, 1972, and which, as modified,  
3 meets the most stringent effluent limitation established under s. ~~147.04~~ 283.13 or  
4 sub. (1) and this subsection, where the limitation assures protection and propagation  
5 of a balanced indigenous population of shellfish, fish and wildlife in and on the water  
6 into which the discharge is made, shall not be subject to any more stringent effluent  
7 limitation with respect to the thermal component during either the 10-year period  
8 beginning on the date of completion of the modification or the period of depreciation  
9 or amortization of the facility for the purpose of section 167 or 169 of the internal  
10 revenue code, whichever ends first.

11           **SECTION 863.** 147.06 of the statutes is renumbered 283.19, and 283.19 (1), as  
12 renumbered, is amended to read:

13           283.19 (1) The department shall, by rule, promulgate standards of  
14 performance, for each class or category of sources referred to under s. ~~147.04~~ 283.13  
15 (1) that is required to be covered by permits issued under s. ~~147.02~~ 283.31, which  
16 shall reflect the greatest degree of effluent reduction achievable through the  
17 application of the best available demonstrated control technology, processes,  
18 operating methods, or other alternatives. Where practicable, a standard of  
19 performance permitting no discharge of pollutants shall be adopted.

20           **SECTION 864.** 147.07 of the statutes is renumbered 283.21, and 283.21 (1) (b)  
21 and (g), as renumbered, are amended to read:

22           283.21 (1) (b) *Effluent standards.* The department may promulgate by rule an  
23 effluent standard, which may include a prohibition, establishing requirements for  
24 a toxic pollutant which, if an effluent limitation is applicable to a class or category  
25 of point sources, is applicable to that category or class of point sources only if this

1 effluent standard imposes more stringent requirements than are imposed under s.  
2 147.04 283.13 (2) (b). An effluent standard promulgated under this section shall  
3 take into account the toxicity of the pollutant, its persistence, degradability, the  
4 usual or potential presence of affected organisms in any waters, the importance of  
5 affected organisms, the nature and extent of the effect of the toxic pollutant on these  
6 organisms and the extent to which effective control is being or may be achieved under  
7 other regulatory authority.

8 (g) *Procedure for promulgation in absence of federal standards.* In  
9 promulgating rules establishing a toxic effluent standard or prohibition for which  
10 the U.S. environmental protection agency has not promulgated a toxic effluent  
11 limitation, standard or prohibition, the department shall follow the additional  
12 procedures specified in s. 147.035 283.11 (4) (d).

13 **SECTION 865.** 147.08 of the statutes is renumbered 283.55, and 283.55 (title),  
14 (1) (intro.), (2) (a) and (3), as renumbered, are amended to read:

15 **283.55** (title) **Monitoring and reporting; access to premises.** (1)  
16 MONITORING AND REPORTING REQUIREMENTS. (intro.) Every owner or operator of a point  
17 source who is required to obtain a permit issued under s. 147.02 283.31 shall:

18 (2) (a) Any duly authorized officer, employe or representative of the  
19 department shall have right to enter upon or through any premises in which an  
20 effluent source that is required to be covered by a permit issued under s. 147.02  
21 283.31 is located or in which any records required to be maintained by this section  
22 are located, and may at reasonable times have access to and copy any records, inspect  
23 any monitoring equipment or method required by this section, and sample any  
24 effluents which the owner and operator of such source is required to sample under  
25 this section.

1           **(3) CONSTRUCTION OF LAW.** Subsection (1) shall be construed so as not to require  
2 actions unnecessarily redundant with s. ~~144.96~~ 299.15. When a publicly owned  
3 treatment facility is required under state or federal law to monitor discharges into  
4 its system, records of such monitoring provided to the department, if substantially  
5 in compliance with the requirements of this section, shall serve in the place of the  
6 monitoring which would ordinarily be required of a person discharging into such  
7 system. Nothing in this section shall be construed to affect the validity of s. ~~144.96~~  
8 299.15, nor shall that section be construed to limit the application of this section.

9           **SECTION 866.** 147.09 of the statutes is renumbered 283.39.

10           **SECTION 867.** 147.10 of the statutes is renumbered 283.45, and 283.45 (1), as  
11 renumbered, is amended to read:

12           **283.45 (1)** For every discharge which has a total volume of more than 500,000  
13 gallons on any day of the year, except a storm water discharge for which a permit is  
14 issued under s. ~~147.021~~ 283.33, the department shall, following public notice,  
15 prepare and send to any person who so requests, a fact sheet concerning the  
16 application described in the public notice.

17           **SECTION 868.** 147.105 of the statutes is renumbered 283.47 and amended to  
18 read:

19           **283.47 Requests for information by permittee.** When a permit for which  
20 a fact sheet is required to be prepared under s. ~~147.10~~ 283.45 is issued, reissued or  
21 modified, if the permittee submits, during the public comment period afforded under  
22 s. ~~147.09~~ 283.39, to the department a written request for information on the  
23 background levels in the receiving water of substances for which a water quality  
24 based effluent limitation under s. ~~147.04~~ 283.13 (5) is included in the proposed  
25 permit, the department shall, to the extent the information is available, provide to

1 the permittee no later than the time that the permit is issued, reissued or modified  
2 such information or list of documents which present such information. Nothing in  
3 this section limits rights under ss. 19.31 to 19.37.

4 **SECTION 869.** 147.11 of the statutes is renumbered 283.41.

5 **SECTION 870.** 147.12 of the statutes is renumbered 283.43, and 283.43 (2), as  
6 renumbered, is amended to read:

7 283.43 (2) The department shall protect as confidential any information, other  
8 than effluent data, contained in permit application forms, or in other records, reports  
9 or plans, that is found to be confidential under s. ~~147.08~~ 283.55 (2) (c).

10 **SECTION 871.** 147.13 of the statutes is renumbered 283.49, and 283.49 (2) (a),  
11 as renumbered, is amended to read:

12 283.49 (2) (a) Public notice of any hearing held under this section shall be  
13 circulated in accordance with the requirements of s. ~~147.09~~ 283.39 (1).

14 **SECTION 872.** 147.135 of the statutes is renumbered 283.51 and amended to  
15 read:

16 **283.51 Mining hearing.** If a hearing on the permit application is conducted  
17 as a part of a hearing under s. ~~144.836~~ 293.43, the notice, comment and hearing  
18 provisions in that section supersede the notice, comment and hearing provisions of  
19 ss. ~~147.09, 147.11~~ 283.39, 283.41 and ~~147.13~~ 283.49.

20 **SECTION 873.** 147.14 of the statutes is renumbered 283.59, and 283.59 (2)  
21 (intro.) and (b) and (4), as renumbered, are amended to read:

22 283.59 (2) (intro.) Any person discharging, or intending to begin discharging,  
23 into a publicly owned treatment works who is or will become subject to the discharge  
24 reporting requirements of s. ~~147.025~~ 283.37 (4), shall give notice to the department  
25 and the owner or operator of such works the following:

1 (b) Any types or volumes of pollutants being introduced into such treatment  
2 works which were not described in the report submitted under s. ~~147.025~~ 283.37 (4).

3 (4) Notice of a new or increased discharge submitted to the department under  
4 this section shall be given at least 180 days prior to the date such new or increased  
5 discharge shall commence. The department, through the department of justice as  
6 provided under s. ~~147.29~~ 283.89, may enforce violations of this section directly  
7 against persons subject to s. ~~147.025~~ 283.37 (4).

8 **SECTION 874.** 147.15 of the statutes is renumbered 283.57.

9 **SECTION 875.** 147.20 of the statutes is renumbered 283.63, and 283.63 (1)  
10 (intro.), (a) and (am), (3), (4) and (5), as renumbered, are amended to read:

11 283.63 (1) (intro.) Any permit applicant, permittee, affected state or 5 or more  
12 persons may secure a review by the department of any permit denial, modification,  
13 suspension or revocation, the reasonableness of or necessity for any term or condition  
14 of any issued, reissued or modified permit, any proposed thermal effluent limitation  
15 established under s. ~~147.055~~ 283.17 or any water quality based effluent limitation  
16 established under s. ~~147.04~~ 283.13 (5). Such review shall be accomplished in the  
17 following manner:

18 (a) A verified petition shall be filed with the secretary setting forth specifically  
19 the issue sought to be reviewed by the department. Such petition must be filed  
20 within 60 days after notice of any action which is reviewable under this section is  
21 issued by the department. The petition shall indicate the interest of the petitioners  
22 and the reasons why a hearing is warranted. Upon receipt of such petitions, the  
23 department shall circulate a notice of public hearing in accordance with the  
24 requirements of s. ~~147.09~~ 283.39 (1) at least 10 days prior to holding a public hearing  
25 thereon.

1 (am) After a verified petition for review is filed and until the last day for seeking  
2 review of the department's decision or a later date fixed by order of the reviewing  
3 court, any term or condition, thermal effluent limitation or water quality based  
4 effluent limitation which is the subject of the petition is not effective. All other  
5 provisions of the permit continue in effect except those for which an application for  
6 a variance has been submitted under s. ~~147.05~~ 283.15. For those provisions for which  
7 a petition for review has been submitted under this section, the corresponding or  
8 similar provisions of the prior permit continue in effect until the last day for seeking  
9 review of the department's final decision or a later date fixed by order of the  
10 reviewing court.

11 (3) Subsections (1) and (2) do not apply if a hearing on the permit application  
12 is conducted as a part of a hearing under s. ~~144.836~~ 293.43.

13 (4) Subsections (1) and (2) do not apply to the modification of a permit which  
14 implements a decision under s. ~~147.05~~ 283.15 or the denial of a request for a variance  
15 under s. ~~147.05~~ 283.15. A proceeding under subs. (1) and (2) shall not be delayed  
16 pending completion of the review of a variance request under s. ~~147.05~~ 283.15.

17 (5) Rules promulgated under s. ~~144.025 (2) (b)~~ 281.15 may not be reviewed  
18 under this section. The application of rules promulgated under s. ~~144.025 (2) (b)~~  
19 281.15 may be reviewed under this section.

20 **SECTION 876.** 147.21 of the statutes, as affected by 1995 Wisconsin Act 27, is  
21 renumbered 283.91, and 283.91 (1) and (6), as renumbered, are amended to read:

22 283.91 (1) The department of justice, upon a referral pursuant to s. ~~147.29~~  
23 283.89, may initiate a civil action for a temporary or permanent injunction for any  
24 violation of this chapter or any rule promulgated thereunder or of a term or condition  
25 of any permit issued under this chapter.

1           **(6)** For the purposes of subs. (3) and (4), the term “person” means in addition  
2 to the definition under s. ~~147.015~~ 283.01 (11), any responsible corporate officer.

3           **SECTION 877.** 147.23 of the statutes, as affected by 1995 Wisconsin Act 27, is  
4 renumbered 283.87, and 283.87 (1) and (2), as renumbered, are amended to read:

5           **283.87 (1) DEPARTMENT MAY RECOVER COSTS.** In an action against any person who  
6 violates this chapter or any provision of s. 29.29 or ~~ch. 30, 31 or 144, 281, 285 or~~  
7 289 to 299, except s. 281.48, relating to water quality the department may recover  
8 the cost of removing, terminating or remedying the adverse effects upon the water  
9 environment resulting from the unlawful discharge or deposit of pollutants into the  
10 waters of the state, including the cost of replacing fish or other wildlife destroyed by  
11 the discharge or deposit. All moneys recovered under this section shall be deposited  
12 into the environmental fund.

13           **(2) ADVERSE EFFECTS.** The department may introduce evidence of the  
14 environmental pollution, ~~as defined under s. 144.01 (3),~~ that resulted from the  
15 unlawful discharge or deposit and evidence of the potential of the water environment  
16 for public use if the unlawful discharge or deposit had not occurred in order to assist  
17 the court in determining the adverse effects upon the water environment resulting  
18 from the unlawful discharge or deposit and in determining the amount of liability  
19 under sub. (1).

20           **SECTION 878.** 147.25 of the statutes is renumbered 283.83.

21           **SECTION 879.** 147.26 of the statutes is renumbered 283.85 and 283.85 (2)  
22 (intro.), as renumbered, is amended to read:

23           **283.85 (2) (intro.)** All plans submitted under s. ~~144.04~~ 281.41 after July 22,  
24 1973, for new treatment works, or modifications of treatment works, which will be

1 eligible for construction grants or loans under s. ~~144.21~~ 281.55 or ~~144.24~~ 281.57 or  
2 under ss. ~~144.241~~ 281.58 and ~~144.2415~~ 281.59, shall contain:

3 **SECTION 880.** 147.27 of the statutes is renumbered 283.95.

4 **SECTION 881.** 147.29 of the statutes is renumbered 283.89, and 283.89 (1), (2m)  
5 and (3), as renumbered, are amended to read:

6 283.89 (1) Except as provided in sub. (2m), whenever on the basis of any  
7 information available to it the department finds that any person is violating this  
8 chapter, any rule adopted thereunder or any term or condition of any permit issued  
9 pursuant to this chapter, the department shall refer the matter to the department  
10 of justice for enforcement under s. ~~147.21~~ 283.91.

11 **(2m)** If the department finds a violation of s. ~~147.021~~ 283.33 (1) to (8) for which  
12 a person is subject to a forfeiture under s. ~~147.21~~ 283.91 (2), the department shall  
13 issue a citation and the procedures in ss. 23.50 to 23.99 apply.

14 **(3)** In any criminal action commenced under s. ~~147.21~~ 283.91, the department  
15 of justice may request the assistance of the district attorney of any county in which  
16 the violation occurred, and the district attorney shall provide the requested  
17 assistance.

18 **SECTION 882.** 147.30 of the statutes is renumbered 283.93, and 283.93 (2), as  
19 renumbered, is amended to read:

20 283.93 (2) Financial assistance under s. ~~144.21~~ 281.55 or ~~144.24~~ 281.57 or  
21 under ss. ~~144.241~~ 281.58 and ~~144.2415~~ 281.59; and

22 **SECTION 883.** Chapter 159 (title) of the statutes is renumbered chapter 287  
23 (title) and amended to read:

24 **CHAPTER 287**

**SOLID WASTE REDUCTION,****RECOVERY AND RECYCLING**

**SECTION 884.** Subchapter I (title) of chapter 159 [precedes 159.01] of the statutes is renumbered subchapter I (title) of chapter 287 [precedes 287.01].

**SECTION 885.** 159.01 of the statutes is renumbered 287.01, and 287.01 (7), (9), (10), (11), (12), (15) and (16), as renumbered, are amended to read:

287.01 (7) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. ~~144.61 (5)~~ 291.01 (7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. ~~144.44 (7) (a) 1~~ 289.01 (17).

(9) "Responsible unit" means a municipality, county, another unit of government, including a federally recognized Indian tribe or band in this state, or solid waste management system under s. 59.07 (135), that is designated under s. ~~159.09~~ 287.09 (1).

(10) "Solid waste" has the meaning given in s. ~~144.01 (15)~~ 289.01 (33).

(11) "Solid waste disposal" has the meaning given in s. ~~144.43 (4r)~~ 289.01 (34).

(12) "Solid waste facility" has the meaning given in s. ~~144.43 (5)~~ 289.01 (35).

(15) "Solid waste storage" has the meaning given in s. ~~144.43 (7g)~~ 289.01 (38).

(16) "Solid waste treatment" has the meaning given in s. ~~144.43 (7r)~~ 289.01 (39).

**SECTION 886.** 159.03 of the statutes, as affected by 1993 Wisconsin Act 75 and 1995 Wisconsin Act 27, is renumbered 287.03.

**SECTION 887.** 159.05 of the statutes is renumbered 287.05, and 287.05 (8) and (9), as renumbered, are amended to read:

1           287.05 (8) That the powers enumerated under s. ~~159.13~~ 287.13 constitute  
2 proper powers consistent with uniform state policies concerning solid waste  
3 reduction, reuse, recycling, composting and resource recovery from solid waste; these  
4 powers are necessary for the safe, beneficial, economical and lawful management of  
5 solid waste; and these powers are necessary to accomplish or facilitate these uniform  
6 state policies by encouraging the financing, acquisition, construction, improvement,  
7 operation, maintenance and ownership of recycling and resource recovery facilities.  
8 The powers enumerated under s. ~~159.13~~ 287.13 constitute proper powers consistent  
9 with essential and legitimate governmental functions; and these powers are to be  
10 utilized in providing for the health, safety and welfare of and providing services and  
11 benefits for inhabitants of municipalities, counties and this state.

12           (9) That the state policies declared under this section and the standards,  
13 criteria, requirements and procedures established under s. ~~159.13~~ 287.13 ensure  
14 that a municipality or county exercising powers under s. ~~159.13~~ 287.13 acts in a  
15 manner consistent with uniform state policies and acts as an arm of the state for the  
16 public good.

17           **SECTION 888.** Subchapter II (title) of chapter 159 [precedes 159.07] of the  
18 statutes is renumbered subchapter II (title) of chapter 287 [precedes 287.07].

19           **SECTION 889.** 159.07 of the statutes, as affected by 1995 Wisconsin Acts 27 and  
20 142, is renumbered 287.07, and 287.07 (1m) (a), (2), (3) (j) and (7) (a), (b) 1. b., (c) 2.  
21 b. and 3., (e), (f), (g) 1. b. and (h) 1. b., as renumbered, are amended to read:

22           287.07 (1m) (a) Dispose of a lead acid battery or a major appliance in a solid  
23 waste disposal facility in this state, except that a person may dispose of a microwave  
24 oven in a solid waste disposal facility in this state if the capacitor has been removed  
25 and disposed of in accordance with s. ~~144.79~~ 299.45 (7), if applicable.

1           **(2)** YARD WASTE. Beginning on January 3, 1993, no person may dispose of yard  
2 waste in a solid waste disposal facility, except in a land spreading facility approved  
3 in accordance with ~~ss. 144.43 to 144.47~~ ch. 289, or burn yard waste without energy  
4 recovery in a solid waste facility in this state.

5           **(3)** (j) A waste tire, as defined in s. ~~144.449~~ 289.55 (1) (c).

6           **(7)** (a) The prohibitions in subs. (3) and (4) do not apply with respect to solid  
7 waste, except medical waste, as defined in par. (c) 1. cg., that is generated in a region  
8 that has an effective recycling program, as determined under s. ~~159.11~~ 287.11, and,  
9 if the region is not in this state, the region is located in a state that has an effective  
10 siting program, as determined under s. ~~159.12~~ 287.12. This paragraph does not  
11 apply to solid waste that is separated for recycling as part of an effective recycling  
12 program under s. ~~159.11~~ 287.11.

13           (b) 1. b. "Operating solid waste treatment facility" means a solid waste  
14 treatment facility that has an operating permit or license issued under s. ~~144.391~~  
15 285.60 or ~~144.44 (4)~~ 289.31 prior to May 11, 1990, except for a medical waste  
16 incinerator, as defined in par. (c) 1. cr.

17           (c) 2. b. The disposal of, in a solid waste disposal facility, a container, package  
18 or material identified under sub. (3) or (4) that contained infectious waste or that is  
19 from a treatment area and is mixed with infectious waste generated in the treatment  
20 area, if the container, package or material has been treated, pursuant to standards  
21 established under ~~ss. 144.43 to 144.47~~ ch. 289, to render the infectious waste  
22 noninfectious.

23           3. A person may not burn medical waste at a medical waste incinerator unless  
24 the person complies with s. ~~144.382~~ 285.53 (1), if applicable, and obtains from each

1 generator of the medical waste a copy of the policies under sub. (8) (a) and the annual  
2 assessment under sub. (8) (b).

3 (e) The department may grant a waiver to the prohibition in sub. (2) to allow  
4 the burning of brush or other clean woody vegetative material that is no greater than  
5 6 inches in diameter at wood burning facilities that are licensed or permitted under  
6 ~~ch. 144~~ chs. 281, 285 and 289 to 299 under conditions established by the department  
7 relating to the feasibility of complying with the prohibition in sub. (2).

8 (f) The prohibitions in subs. (2) and (3) do not apply to the beneficial reuse of  
9 a material within a solid waste disposal facility if the beneficial reuse of the material  
10 is approved in the solid waste disposal facility's plan of operation under s. ~~144.44~~ (3)  
11 289.30.

12 (g) 1. b. The department determines that granting the waiver or conditional  
13 waiver will not impede progress toward meeting the goals of the state solid waste  
14 policy under s. ~~159.05~~ 287.05.

15 (h) 1. b. Granting the waiver or conditional waiver will not impede progress  
16 toward meeting the goals of the state solid waste policy under s. ~~159.05~~ 287.05.

17 **SECTION 890.** 159.08 of the statutes is renumbered 287.08.

18 **SECTION 891.** 159.09 of the statutes is renumbered 287.09, and 287.09 (2) (a)  
19 and (b) (intro.) and 2m. and (3) (b), as renumbered, are amended to read:

20 287.09 (2) (a) Develop and implement a recycling or other program to manage  
21 the solid waste generated within its region in compliance with s. ~~159.07~~ 287.07 (1m)  
22 to (4) and the priorities under s. ~~159.05~~ 287.05 (12).

23 (b) (intro.) Submit to the department by January 1, 1993, a report setting forth  
24 how the responsible unit intends to implement its program under par. (a), as it

1 relates to the requirements of s. ~~159.07~~ 287.07 (3) and (4). The report shall specify  
2 all of the following:

3 2m. The procedures or processes that the responsible unit intends to use to  
4 manage solid waste that is not separated for recovery or recycling, consistent with  
5 the priorities under s. ~~159.05~~ 287.05 (12).

6 **(3) (b)** Adopt an ordinance to enforce the program established under sub. (2)

7 (a). The ordinance may include a schedule of forfeitures to be imposed for violations  
8 of that ordinance. The ordinance may authorize the responsible unit or person  
9 designated under par. (a) to refuse to accept solid waste at the recycling facility or  
10 site if the solid waste is a container for a nonhousehold pesticide, as defined in s.  
11 94.68 (3) (a) 2., is contaminated or is otherwise in a condition that makes recycling  
12 infeasible. The ordinance may require a person to use a facility for the recycling of  
13 solid waste or for the recovery of resources from solid waste, as defined in s. ~~159.13~~  
14 287.13 (1) (d), only as provided under s. ~~159.13~~ 287.13.

15 **SECTION 892.** 159.095 of the statutes is renumbered 287.095.

16 **SECTION 893.** 159.10 of the statutes is renumbered 287.10 and amended to  
17 read:

18 **287.10 Limit on local regulation.** No responsible unit that accepts funds  
19 under s. ~~159.23~~ 287.23 or county or municipality located within such a responsible  
20 unit may impose a restriction, except one that is consistent with this chapter or ch.  
21 100, or a tax or fee on the sale or distribution of packaging for a purpose relating to  
22 the disposal of the packaging.

23 **SECTION 894.** 159.11 of the statutes, as affected by 1995 Wisconsin Act 142 is  
24 renumbered 287.11, and 287.11 (1), (2) (a), (b), (c) (intro.), (d) (intro.), (dm), (er), (ew)  
25 and (i) and (2m) (a) 2., (b) and (c) and (2p), as renumbered, are amended to read:

1           287.11 (1) DEPARTMENT REVIEW. Upon request of a responsible unit or an  
2 out-of-state unit, the department shall review documentation of the responsible  
3 unit's solid waste management program created under s. ~~159.09~~ 287.09 (2) (a) or the  
4 out-of-state unit's solid waste management program and determine whether the  
5 program is an effective recycling program. The department shall complete its review  
6 and make a determination within 90 days after receiving the documentation. The  
7 department shall promulgate, by rule, its determination that an out-of-state unit's  
8 solid waste management program is an effective recycling program.

9           (2) (a) A public education component to inform residents of the region of the  
10 reasons to recycle, local opportunities to recycle and the prohibitions in s. ~~159.07~~  
11 287.07 (3) and (4).

12           (b) A requirement that the occupants of single-family residences, buildings  
13 containing 2 or more dwelling units and commercial, retail, industrial and  
14 governmental facilities in the region either separate the materials identified in s.  
15 ~~159.07~~ 287.07 (3) and (4) from postconsumer waste generated in the region or treat  
16 that postconsumer waste at a facility that will recover those materials from solid  
17 waste in as pure a form as is technically feasible.

18           (c) (intro.) A requirement that owners of buildings containing 5 or more  
19 dwelling units in the region do all of the following if postconsumer waste generated  
20 in those buildings is not treated at a facility that will separate the materials  
21 identified in s. ~~159.07~~ 287.07 (3) and (4) from that postconsumer waste:

22           (d) (intro.) A requirement that owners of commercial, retail, industrial and  
23 governmental facilities in the region do all of the following if postconsumer waste  
24 generated in those buildings is not treated at a facility that will separate the  
25 materials identified in s. ~~159.07~~ 287.07 (3) and (4) from that postconsumer waste:

1 (dm) Beginning in 1997, a system of volume-based solid waste fees to generate  
2 revenue equal to the responsible unit's costs for solid waste management other than  
3 those reimbursed by the state. This criterion does not apply to any responsible unit  
4 that separates for recycling at least 25% by volume or by weight of the solid waste  
5 collected within the region by the responsible unit or by any person under contract  
6 with the responsible unit. This criterion does not apply to a responsible unit that  
7 provides solid waste to an operating solid waste treatment facility, as defined in s.  
8 ~~159.07~~ 287.07 (7) (b) 1. b., under a contract that was in effect on January 1, 1993.

9 (er) A prohibition on disposing of in a solid waste disposal facility or burning  
10 in a solid waste treatment facility any material identified under s. ~~159.07~~ 287.07 (3)  
11 and (4) that is separated for recycling as part of the program.

12 (ew) Provisions for the management of postconsumer waste that is not  
13 separated for recycling or recovery under par. (b) consistent with the highest feasible  
14 priority under s. ~~159.05~~ 287.05 (12).

15 (i) A reasonable effort, through the implementation of pars. (a) to (h), to reduce  
16 to the maximum extent feasible the amount, by weight, of each material specified in  
17 s. ~~159.07~~ 287.07 (3) and (4) that is generated as solid waste within the region and  
18 disposed of in a solid waste disposal facility or converted into fuel or burned without  
19 energy recovery in a solid waste treatment facility.

20 **(2m)** (a) 2. "Cost of selling processed material" means the net cost, including  
21 any storage costs, of selling processed material to a broker, dealer or manufacturing  
22 facility, plus any cost of transporting the processed material from the waste  
23 processing facility to the destination specified by the broker, dealer or manufacturing  
24 facility, less the portion of any state financial assistance received under s. ~~159.23~~  
25 287.23 or ~~159.25~~ 287.25 attributable to the processed material.

1           (b) The department shall, at the request of a responsible unit that has been  
2 determined to have an effective recycling program under this section, grant a  
3 variance to the requirements in sub. (2) (b) and (er) for up to one year for a material  
4 identified in s. ~~159.07~~ 287.07 (3) or (4) that is generated in the responsible unit's  
5 region if the department determines that the cost of selling processed material  
6 exceeds any of the following:

7           (c) The department may on its own initiative grant, to one or more responsible  
8 units that have been determined to have effective recycling programs under this  
9 section, a variance to the requirements in sub. (2) (b) and (er) for up to one year for  
10 a material identified in s. ~~159.07~~ 287.07 (3) or (4) that is generated in the responsible  
11 units' regions if the department determines that the cost of selling processed  
12 material exceeds the amount under par. (b) 1. or 2.

13           **(2p)** MATERIALS EXCEPTED FROM PROHIBITIONS ON LAND DISPOSAL AND  
14 INCINERATION. (a) The requirements of sub. (2) (b) and (er) do not apply to a material  
15 that is subject to an exception under s. ~~159.07~~ 287.07 (7) (b), (bg) or (c) or a waiver  
16 or conditional waiver under s. ~~159.07~~ 287.07 (7) (h).

17           (b) The requirements of sub. (2) (er) do not apply to a material that is subject  
18 to an exception under s. ~~159.07~~ 287.07 (7) (f) or a waiver or conditional waiver under  
19 s. ~~159.07~~ 287.07 (7) (g).

20           (c) The department may grant a responsible unit an exception to a requirement  
21 in sub. (2) (b) or (er) for up to one year for a material that is subject to an exception  
22 under s. ~~159.07~~ 287.07 (7) (d).

23           (d) A responsible unit may not prohibit the beneficial reuse of a material within  
24 a solid waste disposal facility if the beneficial reuse of the material is approved in the  
25 solid waste disposal facility's plan of operation under s. ~~144.44~~ (3) 289.30.

1 (e) A responsible unit may not prohibit the disposal in a solid waste disposal  
2 facility or the burning in a solid waste treatment facility of any material for which  
3 the department has granted a waiver or conditional waiver under s. ~~159.07~~ 287.07  
4 (7) (g).

5 **SECTION 895.** 159.12 of the statutes is renumbered 287.12, and 287.12 (3), as  
6 renumbered, is amended to read:

7 287.12 (3) EFFECTIVE SITING PROGRAM. The state in which an out-of-state unit  
8 is located has an effective program for siting municipal solid waste treatment  
9 facilities and municipal waste landfills if the combined capacity added within the  
10 previous 4 years by the construction of new or the expansion of existing municipal  
11 solid waste treatment facilities and municipal waste landfills in that state exceeded  
12 the amount of solid waste generated in the state during those years, excluding  
13 high-volume industrial waste, as defined in s. ~~144.44 (7) (a) 1.~~ 289.01 (17),  
14 prospecting or mining waste and demolition waste.

15 **SECTION 896.** 159.13 of the statutes is renumbered 287.13, and 287.13 (2) (d),  
16 (3) (d), (5) (e), (8) (j), (10) (intro.), (16) and (17) (bg), as renumbered, are amended to  
17 read:

18 287.13 (2) (d) The facility is constructed, operated, maintained, expanded,  
19 modified and closed in compliance with this chapter and ~~ch. 144 chs. 281, 285 and~~  
20 289 to 299 and all necessary permits, licenses and approvals required by the  
21 department are obtained.

22 (3) (d) The facility is constructed, operated, maintained, expanded, modified  
23 and closed in compliance with this chapter and ~~ch. 144 chs. 281, 285 and 289 to 299~~  
24 and all necessary permits, licenses and approvals required by the department are  
25 obtained.

1           **(5)** (e) Solid waste produced by a commercial business or industry which is  
2 disposed of or held for disposal in an approved facility, as defined under s. 144.441  
3 ~~(1)~~ ~~(a)~~ 289.01 (3), owned by the generator and designed and constructed for the  
4 purpose of accepting that type of solid waste.

5           **(8)** (j) Construction, operation, maintenance, expansion, modification and  
6 closure of the facility will comply with ~~ch. 144~~ chs. 281, 285 and 289 to 299 and all  
7 permits, licenses and approvals required by the department will be obtained.

8           **(10)** MUNICIPAL WASTE FLOW CONTROL ORDINANCE. (intro.) Except as provided  
9 under sub. (4), a municipality may adopt a municipal waste flow control ordinance  
10 if the municipality adopted an appropriate initial intent resolution under sub. (6),  
11 if the municipality or, if the municipality enters into an agreement under sub. (3),  
12 the responsible municipality submitted the necessary comprehensive facility project  
13 description report required under sub. (7), if the municipality issued a determination  
14 of best public interest utilizing criteria under sub. (8) after conducting the hearing  
15 required under sub. (9) and if the facility complies with this chapter and ~~ch. 144~~ chs.  
16 281, 285 and 289 to 299 and all permits, licenses and approvals required by the  
17 department are obtained. The municipal waste flow control ordinance shall include:

18           **(16)** PERMITS, LICENSE AND APPROVALS; REPORT REVIEW AND FEES; PROOF OF  
19 FINANCIAL RESPONSIBILITY. (a) A municipality may not construct, operate, maintain,  
20 expand, modify or close any facility for the recycling of solid waste or for the recovery  
21 of resources from solid waste in violation of ~~ch. 144~~ chs. 281, 285 and 289 to 299 or  
22 without any license, permit or approval required by the department.

23           **(17)** (bg) Solid waste of each type to be incinerated, as determined in the air  
24 permit under s. 144.391 285.60, shall be recycled by means other than incineration  
25 to the extent of economic feasibility.

1           **SECTION 897.** 159.15 of the statutes is renumbered 287.15, and 287.15 (2) (c)  
2 and (d), (3) (b) and (c), (4) and (5), as renumbered, are amended to read:

3           287.15 (2) (c) *Exemption.* An engine waste oil collection facility maintained by  
4 a retail sales establishment which is of a type approved by the department is exempt  
5 from the rules promulgated under s. ~~144.435~~ 289.05 (1) and need not be licensed as  
6 a solid waste disposal facility under s. ~~144.44~~ subch. III of ch. 289.

7           (d) *Compliance with solid and hazardous waste regulations.* Except as  
8 provided under par. (c), no person may maintain or operate an engine waste oil  
9 collection facility unless the person complies with the requirements of ~~ss. 144.43 to~~  
10 ~~144.47 and 144.60 to 144.74~~ chs. 289 and 291 and rules promulgated under those  
11 ~~sections~~ chapters with respect to that facility.

12           (3) (b) *Exemption.* If a municipality submits and obtains approval from the  
13 department for an informal plan of operation for an engine waste oil storage facility  
14 and constructs, maintains or provides for an engine waste oil storage facility of a type  
15 approved by the department, that facility is exempt from the rules promulgated  
16 under s. ~~144.435~~ 289.05 (1) and need not be licensed as a solid waste disposal facility  
17 under s. ~~144.44~~ subch. III of ch. 289. The informal plan of operation shall contain the  
18 information and be in a form approved by the department but is not required to be  
19 prepared by a registered professional engineer.

20           (c) *Compliance with solid and hazardous waste regulations.* Except as provided  
21 under par. (b), no person may maintain or operate a facility for the storage of engine  
22 waste oil unless the person obtains a license and complies with the requirements of  
23 ~~ss. 144.43 to 144.47 and 144.60 to 144.74~~ chs. 289 and 291 and rules promulgated  
24 under those ~~sections~~ chapters with respect to that facility.

1           (4) WASTE OIL TRANSPORTATION. (a) *Exemptions.* 1. The department shall  
2 exempt a consumer from the licensing and other requirements of s. ~~144.64~~ 291.23  
3 and rules promulgated under ~~that section~~ s. 291.05 (5) for the transportation of  
4 engine waste oil.

5           2. The department may exempt a retail sales establishment or a service  
6 establishment from the licensing and other requirements of s. ~~144.64~~ 291.23 and  
7 rules promulgated under ~~that section~~ s. 291.05 (5) for the transportation of engine  
8 waste oil.

9           (b) *Compliance with solid and hazardous waste regulations.* Except as  
10 provided under par. (a), no person may transport engine waste oil unless the person  
11 obtains a license and complies with the requirements of ~~ss. 144.43 to 144.47 and~~  
12 ~~144.60 to 144.74~~ chs. 289 and 291 and rules promulgated under those ~~sections~~  
13 chapters with respect to the transportation of the engine waste oil.

14           (c) *Collection and transportation service.* A person who collects and transports  
15 waste oil for sale or transfer to waste oil recyclers or for other approved methods of  
16 disposal shall obtain a license and comply with the requirements of ~~ss. 144.43 to~~  
17 ~~144.47 and 144.60 to 144.74~~ chs. 289 and 291 and rules promulgated under these  
18 ~~sections~~ chapters. When issuing the license under s. ~~144.64~~ 291.23, the department  
19 shall require any person who collects and transports waste oil to provide services to  
20 any collection or storage facility within his or her geographic area which has  
21 accumulated 200 gallons or more of engine waste oil. The department may revoke  
22 a license issued under s. ~~144.64~~ 291.23 if a person who collects and transports waste  
23 oil fails to provide services to collection or storage facilities within his or her  
24 geographic area which have accumulated 200 gallons or more of engine waste oil.

1           **(5) WASTE OIL RECYCLING.** No person may maintain or operate a facility for the  
2 recycling of engine waste oil unless the person obtains a license and complies with  
3 the requirements of ~~ss. 144.43 to 144.47 and 144.60 to 144.74~~ chs. 289 and 291 and  
4 rules promulgated under those sections chapters with respect to that facility.

NOTE: Several provisions in this section relate to the transportation of waste oil and the requirement for a permit for that activity, but the cross-reference is to s. 144.64, which includes licensing requirements for other types of hazardous waste management activities and facilities. Accordingly, the cross-reference is narrowed to current s. 144.64 (1), renumbered as s. 291.23, which relates to the license for hazardous waste transportation.

5           **SECTION 898.** 159.17 of the statutes, as affected by 1995 Wisconsin Act 27,  
6 section 4415d, is renumbered 287.17, and 287.17 (1) (b), (c) and (d) and (5), as  
7 renumbered, are amended to read:

8           287.17 **(1) (b)** “Solid waste facility” has the meaning given under s. ~~144.43 (5)~~  
9 289.01 (35).

10           (c) “Tire dump” has the meaning given under s. ~~144.449~~ 289.55 (1) (b).

11           (d) “Waste tire” has the meaning given under s. ~~144.449~~ 289.55 (1) (c).

12           **(5) OTHER RECOVERY ACTIVITIES BY DEPARTMENT.** The department may conduct  
13 a recovery activity designed to reduce the volume of waste tires in a tire dump that  
14 does not receive at least 95% of its tires from Wisconsin retailers and residents if the  
15 department, after due diligence, is unable to recover nuisance abatement expenses  
16 under s. ~~144.449~~ 289.55 (5) from a person responsible for a nuisance at a tire dump  
17 after the department has initiated abatement activities.

18           **SECTION 899.** 159.18 of the statutes is renumbered 287.18.

19           **SECTION 900.** 159.185 of the statutes is renumbered 287.185.

20           **SECTION 901.** 159.19 of the statutes, as affected by 1993 Wisconsin Act 75, is  
21 renumbered 287.19, and 287.19 (1) (intro.), (a) 2. and 3. and (b) (intro.) and (2), as  
22 renumbered, are amended to read:

1           287.19 (1) DUTIES. (intro.) The department shall provide assistance to  
2 individuals, groups, businesses, state agencies, counties and municipalities in all  
3 aspects of recycling consistent with this subchapter, and whenever practical shall be  
4 provided with an emphasis on documents and material easy to read and understand  
5 by the general public. This assistance may be provided through programs  
6 established under s. ~~159.21~~ 287.21 and shall include all of the following:

7           (a) 2. Maintaining current estimates of the amount of components of solid  
8 waste specified in s. ~~159.07~~ 287.07 generated by categories of businesses, industries,  
9 municipalities and other governmental entities.

10           3. Providing solid waste generators with information on how to manage solid  
11 waste consistent with s. ~~159.05~~ 287.05 (12).

12           (b) *Recycling programs.* (intro.) With respect to programs created under s.  
13 ~~159.09~~ 287.09 (2) (a):

14           (2) POWERS. In providing assistance under sub. (1), the department may  
15 provide assistance relating to the marketing of materials recovered from solid waste,  
16 if the provision of that assistance is a responsibility assigned to the department in  
17 a memorandum of understanding under s. ~~159.03~~ (3) (b), contract or other agreement  
18 with the recycling market development board.

19           **SECTION 902.** 159.21 of the statutes is renumbered 287.21, and 287.21 (intro.),  
20 as renumbered, is amended to read:

21           **287.21 Statewide education program.** (intro.) The department shall  
22 collect, prepare and disseminate information and conduct educational and training  
23 programs designed to assist in the implementation of solid waste management  
24 programs under ss. ~~159.01~~ 287.01 to ~~159.31~~ 287.31, enhance municipal and county  
25 solid waste management programs under s. ~~159.09~~ 287.09 (2) (a) and inform the

1 public of the relationship among an individual's consumption of goods and services,  
2 the generation of different types and quantities of solid waste and the  
3 implementation of the solid waste management priorities in s. ~~159.05~~ 287.05 (12).

4 The department shall prepare the information and programs on a statewide basis for  
5 the following groups:

6 **SECTION 903.** 159.215 of the statutes is renumbered 287.215.

7 **SECTION 904.** 159.22 of the statutes, as affected by 1993 Wisconsin Act 75, is  
8 renumbered 287.22.

9 **SECTION 905.** 159.23 of the statutes, as affected by 1995 Wisconsin Act 27, is  
10 renumbered 287.23, and 287.23 (1) (ar), (3) (a) 2., (am) 1. and (b), (4) (a) and (b) 1. and  
11 2. and (5) (c) 3. and 4., as renumbered, are amended to read:

12 287.23 (1) (ar) "Avoided disposal cost" means the amount of the cost of  
13 disposing of solid waste that a responsible unit avoids as a result of operating a solid  
14 waste management program with one or more of the components specified in s.  
15 ~~159.11~~ 287.11 (2) (a) to (h) during the year for which an application is submitted  
16 under sub. (4).

17 (3) (a) 2. For assistance in 1995 to 1999, a responsible unit that has been  
18 determined under s. ~~159.11~~ 287.11 to have an effective recycling program.

19 (am) 1. That the responsible unit has not maintained an effective recycling  
20 program following approval of the recycling program under s. ~~159.11~~ 287.11.

21 (b) Only expenses, including capital expenses, anticipated to be incurred for  
22 planning, constructing or operating a recycling program with one or more of the  
23 components specified in s. ~~159.11~~ 287.11 (2) (a) to (h) and for complying with the  
24 prohibition under s. ~~159.07~~ 287.07 (2) during the year for which an application is  
25 submitted under sub. (4) are eligible for assistance under the program.

1           **(4)** (a) The information specified in s. ~~159.09~~ 287.09 (2) (b).

2           (b) 1. Making continued progress in creating an effective recycling program  
3 under s. ~~159.11~~ 287.11 by January 1, 1995.

4           2. Maintaining an effective recycling program following approval of the  
5 recycling program under s. ~~159.11~~ 287.11.

6           **(5)** (c) 3. Except as provided in subd. 5. or sub. (5e), for all other responsible  
7 units, the amount of the grant for 1998 equals either 50% of the eligible expenses of  
8 complying with the prohibition under s. ~~159.07~~ 287.07 (2) and of the eligible capital  
9 costs of the recycling program plus 66% of the other eligible expenses of planning and  
10 operating the recycling program less avoided disposal costs or \$8 times the  
11 population of the responsible unit, whichever is less.

12           4. Except as provided in subd. 5. or sub. (5e), for all other responsible units, the  
13 amount of the grant for 1999 equals either 25% of the eligible expenses of complying  
14 with the prohibition under s. ~~159.07~~ 287.07 (2) and of the eligible capital costs of the  
15 recycling program plus 50% of the other eligible expenses of planning and operating  
16 the recycling program less avoided disposal costs or \$8 times the population of the  
17 responsible unit, whichever is less.

18           **SECTION 906.** 159.25 of the statutes, as affected by 1995 Wisconsin Act 27, is  
19 renumbered 287.25, and 287.25 (3) (cm), as renumbered, is amended to read:

20           287.25 **(3)** (cm) Beginning on January 1, 1993, no responsible unit may apply  
21 for a demonstration grant unless it has complied with s. ~~159.09~~ 287.09 (2) (b).

22           **SECTION 907.** 159.31 of the statutes is renumbered 287.31.

23           **SECTION 908.** Subchapter III (title) of chapter 159 [precedes 159.40] of the  
24 statutes is renumbered subchapter III (title) of chapter 287 [precedes 287.40].

1           **SECTION 909.** 159.40 of the statutes, as affected by 1995 Wisconsin Acts 15 and  
2 27, is renumbered 287.40, and 287.40 (3) and (4), as renumbered, are amended to  
3 read:

4           287.40 (3) "Recovered material" means a material specified by the board under  
5 s. ~~159.42~~ 287.42 (5) that is recovered from solid waste for recycling.

6           (4) "Waste generator" means a person who generates solid waste that contains  
7 a material specified by the board under s. ~~159.42~~ 287.42 (5) or a responsible unit.

8           **SECTION 910.** 159.41 of the statutes, as created by 1995 Wisconsin Act 27, is  
9 renumbered 287.41.

10           **SECTION 911.** 159.42 of the statutes, as affected by 1995 Wisconsin Acts 15 and  
11 27, is renumbered 287.42, and 287.42 (1) (b) and (c) and (5), as renumbered, are  
12 amended to read:

13           287.42 (1) (b) Minimize the number of variances granted under s. ~~159.11~~  
14 287.11 (2m) (b) and (c).

15           (c) In furtherance of the efforts of responsible units under s. ~~159.11~~ 287.11 (2)  
16 (i), minimize the amounts of these recovered materials disposed of in landfills or  
17 burned without energy recovery in incinerators.

18           (5) In consultation with the council on recycling, annually establish a list of  
19 materials recovered from solid waste for which financial assistance may be provided  
20 under this subchapter, which shall include the materials specified in s. ~~159.07~~ 287.07  
21 (3), based on the board's analysis of current and future markets for materials  
22 recovered from solid waste.

23           **SECTION 912.** 159.44 of the statutes, as affected by 1995 Wisconsin Act 27, is  
24 renumbered 287.44, and 287.44 (1), as renumbered, is amended to read:

25           287.44 (1) Provide financial assistance under s. ~~159.46~~ 287.46.

1           **SECTION 913.** 159.46 of the statutes, as affected by 1995 Wisconsin Act 27, is  
2 renumbered 287.46.

3           **SECTION 914.** 159.48 of the statutes, as affected by 1995 Wisconsin Act 27, is  
4 renumbered 287.48.

5           **SECTION 915.** 159.49 of the statutes, as affected by 1995 Wisconsin Act 27, is  
6 renumbered 287.49.

7           **SECTION 916.** Subchapter IV (title) of chapter 159 [precedes 159.81] of the  
8 statutes is renumbered subchapter IV (title) of chapter 287 [precedes 287.81].

9           **SECTION 917.** 159.81 of the statutes is renumbered 287.81, and 287.81 (1) (c)  
10 and (3) (b), as renumbered, are amended to read:

11           287.81 (1) (c) "Waters of the state" has the meaning given in s. ~~144.01 (19)~~  
12 281.01 (18).

13           (3) (b) Subsection (2) does not apply to a person who deposits or discharges solid  
14 waste in conformance with ~~ch. 30, 31, 144 or 147~~ 281 to 285 or 289 to 299 or a  
15 permit, license or other approval issued by the department under those chapters.

16           **SECTION 918.** Subchapter V (title) of chapter 159 [precedes 159.91] of the  
17 statutes is renumbered subchapter V (title) of chapter 287 [precedes 287.91].

18           **SECTION 919.** 159.91 of the statutes is renumbered 287.91, and 287.91 (1) and  
19 (2), as renumbered, are amended to read:

20           287.91 (1) The attorney general shall enforce this chapter except for ss. ~~159.07,~~  
21 ~~159.08~~ 287.07, 287.08 and ~~159.81~~ 287.81 and all rules promulgated under this  
22 chapter except under those sections.

23           (2) Notwithstanding sub. (1) and s. ~~159.95~~ 287.95 (3) (a), the attorney general  
24 may enforce s. ~~159.07~~ 287.07 (3) and (4) by seeking injunctive relief against any  
25 person violating those provisions.

1           **SECTION 920.** 159.93 of the statutes is renumbered 287.93.

2           **SECTION 921.** 159.95 of the statutes is renumbered 287.95, and 287.95 (1), (2)  
3 and (3), as renumbered, are amended to read:

4           287.95 (1) Any person who violates s. ~~159.07~~ 287.07 (1m) may be required to  
5 forfeit \$50 for a first violation, may be required to forfeit \$200 for a 2nd violation and  
6 may be required to forfeit not more than \$2,000 for a 3rd or subsequent violation.

7           (2) (a) Any person who violates s. ~~159.07~~ 287.07 (2) or ~~159.08~~ 287.08 before  
8 January 1, 1995, is not subject to a penalty.

9           (b) After December 31, 1994, any person who violates s. ~~159.07~~ 287.07 (2) or  
10 ~~159.08~~ 287.08 may be required to forfeit \$50 for a first violation, may be required to  
11 forfeit \$200 for a 2nd violation and may be required to forfeit not more than \$2,000  
12 for a 3rd or subsequent violation.

13           (3) (a) Any person who violates s. ~~159.07~~ 287.07 (3) and (4) before January 1,  
14 1997, is not subject to a penalty.

15           (b) After December 31, 1996, any person who violates s. ~~159.07~~ 287.07 (3) and  
16 (4) may be required to forfeit \$50 for a first violation, may be required to forfeit \$200  
17 for a 2nd violation and may be required to forfeit not more than \$2,000 for a 3rd or  
18 subsequent violation.

19           **SECTION 922.** 159.97 of the statutes is renumbered 287.97 and is amended to  
20 read:

21           **287.97 Penalties.** Any person who violates this chapter, except s. ~~159.07,~~  
22 ~~159.08~~ 287.07, 287.08 or ~~159.81~~ 287.81, or any rule promulgated under this chapter,  
23 except under s. ~~159.07, 159.08~~ 287.07, 287.08 or ~~159.81~~ 287.81, may be required to  
24 forfeit not less than \$10 nor more than \$1,000 for each violation.

25           **SECTION 923.** 160.01 (4) of the statutes is amended to read:

1           160.01 (4) "Groundwater" means any of the waters of the state, as defined in  
2 s. ~~144.01 (19)~~ 281.01 (18), occurring in a saturated subsurface geological formation  
3 of rock or soil.

4           **SECTION 924.** 160.09 (1) (intro.) of the statutes is amended to read:

5           160.09 (1) (intro.) Notwithstanding the authority of the department under ~~chs.~~  
6 ~~144 and 162~~ ss. 280.11, 281.15 and 281.17 (8) to establish standards for pure drinking  
7 water, the department shall establish enforcement standards for substances of  
8 public welfare concern as follows:

NOTE: The reference to establishing standards for pure drinking water under ~~chs.~~  
144 and 162 is overly inclusive. Only ~~ss. 144.025 (2) (b) and (t) and 162.01~~ of those  
chapters relate specifically to establishing water quality and drinking water standards.  
Therefore, the new cross-reference is restricted to new ~~ss. 280.11, 281.15 and 281.17 (8)~~,  
which correspond with current ~~ss. 144.025 (2) (b) and (t) and 162.01~~.

9           **SECTION 925.** 160.19 (8) of the statutes is amended to read:

10           160.19 (8) Notwithstanding subs. (2) to (4), the department may allow a facility  
11 which is regulated under ~~subch. IV of ch. 144 or ch. 147~~ chs. 283 or 289 to 292 to be  
12 constructed, after May 11, 1984, in an area where the background concentration of  
13 nitrate or a substance of public welfare concern attains or exceeds the preventive  
14 action limit or the enforcement standard if the facility is designed to achieve the  
15 lowest possible concentration for that substance which is technically and  
16 economically feasible and the anticipated increase in the concentration of the  
17 substance does not present a threat to public health or welfare.

18           **SECTION 926.** 160.19 (9) (intro.) of the statutes is amended to read:

19           160.19 (9) (intro.) Notwithstanding subs. (2) to (4), the department may allow  
20 a facility which is regulated under ~~subch. IV of ch. 144 or ch. 147~~ chs. 283 or 289 to  
21 292 to be constructed, after May 11, 1984, in an area where the background

1 concentration of a substance of public health concern, other than nitrate, attains or  
2 exceeds a preventive action limit for that substance:

3 **SECTION 927.** 160.19 (12) of the statutes is amended to read:

4 160.19 (12) The requirements in this section shall not apply to rules governing  
5 an activity regulated under ~~ss. 144.80 to 144.94~~ ch. 293, or to a solid waste facility  
6 regulated under ~~s. 144.44 subch. III of ch. 289~~ which is part of an activity regulated  
7 under ~~ss. 144.80 to 144.94~~ ch. 293, except that the department may promulgate new  
8 rules or amend rules governing this type of activity, practice or facility if the  
9 department determines that the amendment or promulgation of rules is necessary  
10 to protect public health, safety or welfare.

11 **SECTION 928.** 160.21 (2) (c) (intro.) of the statutes is amended to read:

12 160.21 (2) (c) (intro.) If facilities are subject to regulation under ~~subch. IV of~~  
13 ~~ch. 144 or ch. 147~~ chs. 283 or 289 to 292, the department shall develop by rule and  
14 utilize points of standards application for purposes of facility design, the review of  
15 facility performance and enforcement as follows:

16 **SECTION 929.** 160.21 (2) (c) 1. of the statutes is amended to read:

17 160.21 (2) (c) 1. Rules promulgated by the department under ~~s. 144.435~~ 289.05  
18 (1) relating to facility design shall establish design criteria which ensure compliance  
19 with s. 160.19 (2) at any point of present groundwater use, at property boundaries  
20 and at any point beyond a 3-dimensional design management zone within property  
21 boundaries established under general criteria specified by rule and applied to  
22 individual facilities.

23 **SECTION 930.** 160.23 (7) of the statutes is amended to read:

24 160.23 (7) If the concentration of a substance in groundwater attains or exceeds  
25 a preventive action limit at a point of standards application and if a waste facility

1 subject to the waste management fund incurs costs for repairing environmental  
2 damage which arises from these occurrences which are not anticipated in the plan  
3 of operation and which poses a substantial hazard to public health or welfare, those  
4 costs may be paid as provided under s. ~~144.441(6)~~ 289.68.

5 **SECTION 931.** 160.25 (1) (a) (intro.) of the statutes is amended to read:

6 160.25 (1) (a) (intro.) If an activity or practice is not subject to regulation under  
7 ~~subch. IV of ch. 144 or ch. 147~~ chs. 283 or 289 to 292 and if the concentration of a  
8 substance in groundwater attains or exceeds an enforcement standard at a point of  
9 standards application, the regulatory agency shall take the following responses  
10 unless it can be shown to the regulatory agency that, to a reasonable certainty, by the  
11 greater weight of the credible evidence, an alternative response will achieve  
12 compliance with the enforcement standard at the point of standards application:

13 **SECTION 932.** 160.25 (2) of the statutes is amended to read:

14 160.25 (2) If a facility is subject to regulation under ~~subch. IV of ch. 144 or ch.~~  
15 ~~147~~ chs. 283 or 289 to 292 and if the concentration of a substance in groundwater  
16 attains or exceeds an enforcement standard at a point of standards application, the  
17 department shall require remedial actions for a specific site in accordance with rules  
18 promulgated under s. 160.21 as are necessary to achieve compliance with the  
19 enforcement standard at the point of standards application.

20 **SECTION 933.** 160.25 (6) of the statutes is amended to read:

21 160.25 (6) If the concentration of a substance in groundwater attains or exceeds  
22 an enforcement standard at a point of standards application and if a waste facility  
23 subject to the waste management fund incurs costs for repairing environmental  
24 damage which arises from those occurrences which are not anticipated in the plan

1 of operation and which poses a substantial hazard to public health or welfare, those  
2 costs may be paid as provided under s. 144.441 ~~(6)~~ 289.68.

3 **SECTION 934.** 160.27 (5) of the statutes is amended to read:

4 160.27 (5) Notwithstanding subs. (1) to (3), a regulatory agency may develop  
5 and operate a system for monitoring and sampling groundwater to determine  
6 compliance with this chapter. This section does not affect the authority of the  
7 department to require groundwater monitoring by owners or operators of solid or  
8 hazardous waste facilities or water supply or wastewater systems under ~~ch. 144, 147~~  
9 ~~or 162~~ chs. 280 to 285 or 289 to 299, except s. 281.48.

10 **SECTION 935.** 160.32 (2) of the statutes is amended to read:

11 160.32 (2) NO ADMISSION OF LIABILITY. A response at a specific site taken by any  
12 person under s. 160.23 or 160.25 is not evidence of liability or an admission of liability  
13 for any potential or actual environmental pollution, as defined under s. 144.01 ~~(3)~~  
14 299.01 (4).

15 **SECTION 936.** Chapter 162 (title) of the statutes is renumbered chapter 280  
16 (title).

17 **SECTION 937.** 162.01 of the statutes is renumbered 280.11, and 280.11 (title)  
18 and (1), as renumbered, are amended to read:

19 **280.11 (title) Pure drinking water; powers of department of natural**  
20 **resources.** (1) The department of ~~natural resources~~ shall, after a public hearing,  
21 prescribe, publish and enforce minimum reasonable standards and rules and  
22 regulations for methods to be pursued in the obtaining of pure drinking water for  
23 human consumption and the establishing of all safeguards deemed necessary in  
24 protecting the public health against the hazards of polluted sources of impure water  
25 supplies intended or used for human consumption, including minimum reasonable

1 standards for the construction of well pits. It shall have general supervision and  
2 control of all methods of obtaining groundwater for human consumption including  
3 sanitary conditions surrounding the same, the construction or reconstruction of  
4 wells and generally to prescribe, amend, modify or repeal any rule or regulation  
5 theretofore prescribed and shall do and perform any act deemed necessary for the  
6 safeguarding of public health.

7 **SECTION 938.** 162.02 of the statutes is renumbered 280.01 and amended to  
8 read:

9 **280.01 Definitions.** For the purposes of In this chapter, the following  
10 definitions are hereby established:

11 (1) "Department" shall ~~mean~~ means the department of natural resources.

12 (2) "Groundwater" is ~~defined to mean~~ means subsurface water supplied for  
13 human consumption.

14 (3) "Permit" is means the registration certificate issued by the department of  
15 natural resources to each person, firm or corporation duly registering and paying the  
16 annual permit fee to do well drilling or pump installing, or both, as herein provided  
17 for.

18 (4) "Pump installer" is means any person, firm or corporation who has duly  
19 registered as such with the department of natural resources and shall have paid the  
20 annual registration fee and obtained a permit to engage in pump installing as herein  
21 provided.

22 (5) "Pump installing" is means the industry and procedure employed in the  
23 placement and preparation for operation of equipment and materials utilized in  
24 withdrawing or obtaining water from a well for consumption or use, including all

1 construction involved in making entrance to the well and establishing such seals and  
2 safeguards as are necessary to protect such water from contamination.

3 (6) "Well" is ~~defined to mean~~ means an excavation or opening into the ground  
4 made by digging, boring, drilling, driving or other methods for the purpose of  
5 obtaining groundwater for human consumption.

6 (7) "Well driller" is ~~defined to be~~ means any person, firm or corporation who has  
7 duly registered as such with the department of natural resources and shall have paid  
8 the annual registration fee and obtained a permit to construct wells as herein  
9 provided.

10 (8) "Well drilling" is ~~defined as~~ means the industry and procedure employed in  
11 obtaining groundwater from a well by digging, boring, drilling, driving or other  
12 methods but not including the driving of points for the purpose of obtaining ground  
13 water. It shall also include all construction work and installation of well casings in  
14 said well involved therein for the protection of such well water against pollution.

15 **SECTION 939.** 162.03 of the statutes is renumbered 280.13.

16 **SECTION 940.** 162.04 of the statutes is renumbered 280.15, and 280.15 (1) (a),  
17 as renumbered, is amended to read:

18 280.15 (1) (a) *Registration requirement.* Except as provided under ss. 162.047  
19 280.17 and ~~162.05~~ 280.19, no person may engage in the business of well drilling or  
20 pump installing in this state unless the person registers each place of business or  
21 retail outlet he or she operates as a well driller or pump installer and pays the  
22 required permit fee.

23 **SECTION 941.** 162.047 of the statutes is renumbered 280.17.

24 **SECTION 942.** 162.05 of the statutes is renumbered 280.19.

25 **SECTION 943.** 162.06 of the statutes is renumbered 280.97.

1           **SECTION 944.** 162.07 of the statutes is renumbered 280.21.

2           **SECTION 945.** 166.03 (2) (b) 6. of the statutes is amended to read:

3           166.03 **(2)** (b) 6. Request the department of health and family services to  
4 inspect or provide for the inspection of shipments of radioactive waste, obtain and  
5 analyze data concerning the radiation level of shipments of radioactive waste and  
6 issue reports concerning these shipments and radiation levels. The adjutant general  
7 may assess and collect and receive contributions for any costs incurred under this  
8 subdivision from any person who produced the radioactive waste which is the subject  
9 of the activity for which the costs are incurred. In this subdivision, “radioactive  
10 waste” has the meaning given in s. ~~144.833~~ 293.25 (1) (b).

11           **SECTION 946.** 166.15 (1) (e) 5. of the statutes is amended to read:

12           166.15 **(1)** (e) 5. Environmental pollution, as defined in s. ~~144.01~~(3) 299.01 (4).

13           **SECTION 947.** 166.15 (1) (e) 6. of the statutes is amended to read:

14           166.15 **(1)** (e) 6. Expenses incurred by an emergency provider in preparing for  
15 and responding to a nuclear incident which are not reimbursed under s. ~~144.76~~(7)  
16 ~~or 166.03 (1) (b) 2. or 3. or (2) (b) 7. or 292.11 (7).~~

17           **SECTION 948.** 166.15 (1) (h) of the statutes is amended to read:

18           166.15 **(1)** (h) “Radioactive waste” means radioactive waste, as defined in s.  
19 ~~144.833~~ 293.25 (1) (b), and radioactive defense waste.

20           **SECTION 949.** 166.15 (1) (j) of the statutes is amended to read:

21           166.15 **(1)** (j) “Routine operations” means the operation of transportation  
22 equipment in a manner that is not subject to the requirements for immediate notice  
23 of incidents under 49 USC 1801 to 1811 or notice of discharge under s. ~~144.76~~ 292.11  
24 (2).

25           **SECTION 950.** 166.20 (4) (a) of the statutes is amended to read:

1           166.20 (4) (a) Upon receipt of a notification under sub. (5) (a) 2. or s. ~~144.76~~  
2           292.11 (2) of the release of a hazardous substance, provide all information contained  
3           in the notification to the board.

4           **SECTION 951.** 166.20 (4) (b) of the statutes is amended to read:

5           166.20 (4) (b) Have the same powers and duties at the time of a release of a  
6           hazardous substance as are given to it under s. ~~144.76~~ 292.11, including the  
7           investigation of releases of hazardous substances, the repair of any environmental  
8           damage which results from the release and the recovery of costs from responsible  
9           parties. The department of natural resources may also, at the time of a release of a  
10          hazardous substance, identify and recommend to the board and the committee  
11          measures to lessen or mitigate anticipated environmental damage resulting from the  
12          release.

13          **SECTION 952.** 166.20 (5) (a) 2. of the statutes is amended to read:

14          166.20 (5) (a) 2. All facilities in this state covered under 42 USC 11004 shall  
15          comply with the notification requirements of 42 USC 11004. Notification of the  
16          department of natural resources of the discharge of a hazardous substance under s.  
17          ~~144.76~~ 292.11 (2) shall constitute the notification of the board required under 42 USC  
18          11004 if the notification contains the information specified in 42 USC 11004 (b) (2)  
19          or (c).

20          **SECTION 953.** 166.20 (5) (a) 4. c. of the statutes is amended to read:

21          166.20 (5) (a) 4. c. All facilities with 10 or more employes in major group  
22          classifications 10 to 13 in the standard industrial classification manual, 1987  
23          edition, published by the U.S. office of management and budget, at which a toxic  
24          chemical is used at or above an applicable threshold quantity, except that compliance  
25          with the toxic chemical release form requirements under this subd. 4. c. is not

1 required for the placement of a toxic chemical in a storage or disposal site or facility  
2 that is located at a facility with a permit under ss. ~~144.80 to 144.94~~ ch. 293 if the toxic  
3 chemical consists of or is contained in merchantable by-products as defined in s.  
4 ~~144.81 (3)~~ 293.01 (7), minerals as defined in s. ~~144.81 (4)~~ 293.01 (8) or refuse as  
5 defined in s. ~~144.81 (17)~~ 293.01 (25).

6 **SECTION 954.** 166.21 (2m) (f) of the statutes is amended to read:

7 166.21 **(2m)** (f) Procedures for county emergency response team actions that  
8 are consistent with local emergency response plans developed under s. 166.20 (3) and  
9 the state contingency plan established under s. ~~144.76~~ 292.11 (5).

10 **SECTION 955.** 166.22 (1) (a) of the statutes is amended to read:

11 166.22 **(1)** (a) "Discharge" has the meaning given in s. ~~144.76 (1) (a)~~ 292.01 (3).

12 **SECTION 956.** 166.22 (1) (b) of the statutes is amended to read:

13 166.22 **(1)** (b) "Hazardous substance" has the meaning given in s. ~~144.01 (4m)~~  
14 299.01 (6).

15 **SECTION 957.** 166.22 (3) of the statutes is amended to read:

16 166.22 **(3)** If action required under sub. (2) is not being adequately taken or the  
17 identity of the person responsible for a discharge of a hazardous substance is  
18 unknown and the discharge threatens public health or safety or damage to property,  
19 a local agency may take any emergency action that is consistent with the contingency  
20 plan for the undertaking of emergency actions in response to the discharge of  
21 hazardous substances established by the department of natural resources under s.  
22 ~~144.76~~ 292.11 (5) and that it considers appropriate under the circumstances.

23 **SECTION 958.** 168.04 of the statutes is amended to read:

24 **168.04 Standards.** The department by rule shall prescribe minimum product  
25 grade specifications for gasoline, reformulated gasoline, as defined in s. ~~144.3716~~

1 285.37 (1), and kerosene and may prescribe product grade specifications for  
2 automotive gasoline, gasoline-alcohol fuel blends, aviation gasoline, fuel oils and  
3 diesel fuels. Automotive gasoline specifications shall include lead content. The rules  
4 shall, to the extent feasible, be in conformity with nationally recognized standards,  
5 specifications and classifications, such as those published by the American society  
6 for testing and materials, the society of automotive engineers and the U.S.  
7 environmental protection agency. The department may not promulgate or enforce  
8 a rule prohibiting additional information from placement on the dispensing device.

9 **SECTION 959.** 168.11 (1) (b) 2. of the statutes, as created by 1995 Wisconsin Act  
10 51, is amended to read:

11 168.11 (1) (b) 2. A device that dispenses, for sale at retail, a reformulated  
12 gasoline, as defined in s. ~~144.3716~~ 285.37 (1), that contains an oxygenate other than  
13 ethanol shall be marked or labeled with the identity of the oxygenate at all times  
14 when the product is offered for sale. The label shall identify the oxygenate as “methyl  
15 tertiary butyl ether (MTBE)” or “ethyl tertiary butyl ether (ETBE)” or, if the  
16 reformulated gasoline contains another oxygenate or a combination of oxygenates,  
17 the label shall identify the oxygenate or oxygenates in the manner specified by the  
18 department by rule.

19 **SECTION 960.** 196.49 (2) of the statutes is amended to read:

20 196.49 (2) No public utility may begin the construction, installation or  
21 operation of any new plant, equipment, property or facility, nor the construction or  
22 installation of any extension, improvement or addition to its existing plant,  
23 equipment, property, apparatus or facilities unless the public utility has complied  
24 with any applicable rule or order of the commission and with s. ~~144.026~~ 281.35, if  
25 applicable. If a cooperative association has been incorporated under ch. 185 for the

1 production, transmission, delivery or furnishing of light or power and has filed with  
2 the commission a map of the territory to be served by the association and a statement  
3 showing that a majority of the prospective consumers in the area are included in the  
4 project, no public utility may begin any such construction, installation or operation  
5 within the territory until after the expiration of 6 months from the date of filing the  
6 map and notice. If the cooperative association has entered into a loan agreement  
7 with any federal agency for the financing of its proposed system and has given  
8 written notice of the agreement to the commission, no public utility may begin any  
9 construction, installation or operation within the territory until 12 months after the  
10 date of the loan agreement.

11 **SECTION 961.** 196.491 (3) (d) 3. of the statutes is amended to read:

12 196.491 (3) (d) 3. The design and location or route is in the public interest  
13 considering alternative sources of supply, alternative locations or routes, individual  
14 hardships, engineering, economic, safety, reliability and environmental factors. In  
15 its consideration of environmental factors, the commission may not determine that  
16 the design and location or route is not in the public interest because of the impact of  
17 air pollution if the proposed facility will meet the requirements of ss. 144.30 to  
18 144.426 ch. 285.

19 **SECTION 962.** 196.491 (3) (d) 4. of the statutes is amended to read:

20 196.491 (3) (d) 4. The proposed facility will not have undue adverse impact on  
21 other environmental values such as, but not limited to, ecological balance, public  
22 health and welfare, historic sites, geological formations, the aesthetics of land and  
23 water and recreational use. In its consideration of the impact on other  
24 environmental values, the commission may not determine that the proposed facility  
25 will have an undue adverse impact on these values because of the impact of air

1 pollution if the proposed facility will meet the requirements of ss. ~~144.30 to 144.426~~  
2 ch. 285.

3 **SECTION 963.** 196.856 (1) of the statutes, as affected by 1995 Wisconsin Act 27,  
4 is amended to read:

5 196.856 (1) The commission shall annually assess against the major utilities,  
6 as defined under s. ~~144.386~~ 285.41 (1) (f), the total, not to exceed \$400,000, of the  
7 amount appropriated under s. 20.370 (2) (cj) for acid deposition studies and  
8 evaluation and monitoring activities conducted by the department of natural  
9 resources.

10 **SECTION 964.** 196.98 of the statutes is amended to read:

11 **196.98 Water reporting required.** The commission shall ensure that each  
12 public utility to which s. ~~144.026~~ 281.35 applies shall comply with the requirements  
13 of that section and shall report its volume and rate of withdrawal, as defined under  
14 s. ~~144.026~~ 281.35 (1) (m), and its volume and rate of water loss, as defined under s.  
15 ~~144.026~~ 281.35 (1) (L), if any, to the commission in the form and at the times specified  
16 by the department of natural resources. The commission shall provide the  
17 information reported under this section to the department of natural resources.

18 **SECTION 965.** 214.495 (1) of the statutes is amended to read:

19 214.495 (1) A mortgage taken and recorded by a savings bank shall have  
20 priority over all liens, except tax and special assessment liens and liens under ss.  
21 ~~144.442 (9)~~ 292.31 (8) (i), ~~144.76 (13)~~ and ~~144.77~~ 292.41 (6) (d) and 292.81, upon the  
22 mortgaged premises and the buildings and improvements thereon, that are filed  
23 after the recording of the mortgage.

24 **SECTION 966.** 215.21 (4) (a) of the statutes is amended to read:

1           215.21 (4) (a) All mortgages described in this section shall have priority over  
2 all liens, except tax and special assessment liens and liens under ss. ~~144.442 (9)~~  
3 292.31 (8) (i), ~~144.76 (13)~~ and ~~144.77~~ 292.41 (6) (d) and 292.81, upon the mortgaged  
4 premises and the buildings and improvements thereon, which shall be filed  
5 subsequent to the recording of such mortgage.

6           **SECTION 967.** 227.01 (13) (ym) of the statutes is amended to read:

7           227.01 (13) (ym) Establishes conditions for a waiver to allow the burning of  
8 brush or other woody material under s. ~~159.07~~ 287.07 (7) (e).

9           **SECTION 968.** 227.01 (13) (z) of the statutes is amended to read:

10          227.01 (13) (z) Defines or lists nonattainment areas under s. ~~144.371~~ 285.23.

11          **SECTION 969.** 227.01 (13) (zc) of the statutes is amended to read:

12          227.01 (13) (zc) Establishes an inventory or a hazard ranking under s. ~~144.442~~  
13 292.31.

14          **SECTION 970.** 227.01 (13) (zi) of the statutes is amended to read:

15          227.01 (13) (zi) Lists responsible units, as defined in s. ~~159.01~~ 287.01 (9), and  
16 out-of-state units, as defined in s. ~~159.01~~ 287.01 (5), with an effective recycling  
17 program under s. ~~159.11~~ 287.11 (3).

18          **SECTION 971.** 227.01 (13) (zp) of the statutes is amended to read:

19          227.01 (13) (zp) Establishes water quality objectives for priority watersheds  
20 or priority lakes under s. ~~144.25~~ 281.65 (4) (dm).

21          **SECTION 972.** 227.03 (2) of the statutes is amended to read:

22          227.03 (2) Except as provided in s. 108.105, only the provisions of this chapter  
23 relating to rules are applicable to matters arising out of s. 66.191, 1981 stats., s. 40.65  
24 (2), ~~144.445~~ 289.33, 303.07 (7) or 303.21 or subch. II of ch. 107 or ch. 102, 108 or 949.

25          **SECTION 973.** 227.42 (4) of the statutes is amended to read:

1           227.42 (4) This section does not apply if a hearing on the matter was conducted  
2 as a part of a hearing under s. ~~144.836~~ 293.43.

3           **SECTION 974.** 227.42 (5) of the statutes is amended to read:

4           227.42 (5) Except as provided under s. ~~144.44 (2) (m)~~ 289.27 (1), this section  
5 does not apply to any part of the process for approving a feasibility report, plan of  
6 operation or license under s. ~~144.44 or 144.64 subch. III of ch. 289 or s. 291.23, 291.25,~~  
7 291.29 or 291.31, any decision by the department of natural resources relating to the  
8 environmental impact of a proposed action under ss. ~~144.43 to 144.47 or 144.60 to~~  
9 144.74 ch. 289 or 291 or ss. 292.31 and 292.35, or any part of the process of negotiation  
10 and arbitration under s. ~~144.445~~ 289.33.

11           **SECTION 975.** 227.42 (6) of the statutes is amended to read:

12           227.42 (6) This section does not apply to a decision issued or a hearing  
13 conducted under s. ~~144.645~~ 291.87.

14           **SECTION 976.** 234.01 (4n) (a) 8. of the statutes is amended to read:

15           234.01 (4n) (a) 8. Facilities for recycling as defined in s. ~~159.13~~ 287.13 (1) (h).

16           **SECTION 977.** 234.67 (1) (g) of the statutes is amended to read:

17           234.67 (1) (g) "Postconsumer waste" has the meaning given in s. ~~159.01~~ 287.01  
18 (7).

19           **SECTION 978.** 234.69 (1) (c) of the statutes is amended to read:

20           234.69 (1) (c) "Nonattainment area" has the meaning given in s. ~~144.30 (21)~~  
21 285.01 (30).

22           **SECTION 979.** 234.69 (2) (b) 2. and 3. of the statutes are amended to read:

23           234.69 (2) (b) 2. Sections ~~144.30 to 144.403~~ Chapter 285, except ss. 285.30,  
24 285.31, 285.55, 285.57, 285.59, 285.73, 285.77, 285.83, 285.85 and 285.87.

25           3. A local air pollution control program established under s. ~~144.41~~ 285.73.

1           **SECTION 980.** 234.87 (1) (ae) of the statutes is amended to read:

2           234.87 (1) (ae) “Best management practices” has the meaning given in s. ~~144.25~~  
3 281.65 (2) (a).

4           **SECTION 981.** 234.87 (1) (as) of the statutes is amended to read:

5           234.87 (1) (as) “Discharge” has the meaning given in s. ~~144.76 (1) (a)~~ 292.01 (3).

6           **SECTION 982.** 234.87 (1) (b) of the statutes is amended to read:

7           234.87 (1) (b) “Priority lake area” has the meaning given in s. ~~144.25~~ 281.65  
8 (2) (bs).

9           **SECTION 983.** 234.87 (1) (c) of the statutes is amended to read:

10           234.87 (1) (c) “Priority watershed” has the meaning given in s. ~~144.25~~ 281.65  
11 (2) (c).

12           **SECTION 984.** 234.87 (3) (b) 1. of the statutes is amended to read:

13           234.87 (3) (b) 1. A priority watershed or priority lake area in which the program  
14 under s. ~~144.25~~ 281.65 is implemented after May 16, 1992.

15           **SECTION 985.** 236.13 (2m) of the statutes, as affected by 1995 Wisconsin Act 27,  
16 is amended to read:

17           236.13 (2m) As a further condition of approval when lands included in the plat  
18 lie within 500 feet of the ordinary high-water mark of any navigable stream, lake  
19 or other body of navigable water or if land in the proposed plat involves lake or stream  
20 shorelands referred to in s. 236.16, the department of natural resources, to prevent  
21 pollution of navigable waters, or the department of commerce, to protect the public  
22 health and safety, may require assurance of adequate drainage areas for private  
23 sewage disposal systems and building setback restrictions, or provisions by the  
24 owner for public sewage disposal facilities for waters of the state, as defined in s.  
25 281.01 (18), industrial wastes, as defined in s. 281.01 (5), and other wastes, as

1 defined in s. ~~144.01~~ 281.01 (7). The public sewage disposal facilities may consist of  
2 one or more systems as the department of natural resources or the department of  
3 commerce determines on the basis of need for prevention of pollution of the waters  
4 of the state or protection of public health and safety.

5 **SECTION 986.** 254.36 (2) of the statutes is amended to read:

6 254.36 (2) The department, on the recommendation of the council, shall  
7 promulgate a radiation protection code. Other departments and agencies of state  
8 government and local governmental units may adopt the identical code, but no other  
9 rule, code or ordinance relating to this subject may be promulgated or enacted except  
10 as provided under ss. ~~144.83 (4) (i), 144.833 and 166.03 (2) (b) 6., 293.15 (8) and~~  
11 293.25.

12 **SECTION 987.** Chapter 281 of the statutes is created to read:

13 **CHAPTER 281**

14 **WATER AND SEWAGE**

15 **SUBCHAPTER I**

16 **DEFINITIONS**

17 (precedes 281.01)

18 **281.01 Definitions.** In this chapter, unless the context requires otherwise:

19 (3) "Department" means the department of natural resources.

20 (4) "Garbage" means discarded materials resulting from the handling,  
21 processing, storage and consumption of food.

22 (5) "Industrial wastes" includes liquid or other wastes resulting from any  
23 process of industry, manufacture, trade or business or the development of any  
24 natural resource.

1           **(6)** “Municipality” means any city, town, village, county, county utility district,  
2 town sanitary district, public inland lake protection and rehabilitation district or  
3 metropolitan sewage district.

4           **(7)** “Other wastes” includes all other substances, except industrial wastes and  
5 sewage, which pollute any of the surface waters of the state. The term also includes  
6 unnecessary siltation resulting from operations such as the washing of vegetables  
7 or raw food products, gravel washing, stripping of lands for development of  
8 subdivisions, highways, quarries and gravel pits, mine drainage, cleaning of vehicles  
9 or barges or gross neglect of land erosion.

10           **(8)** “Owner” means the state, county, town, town sanitary district, city, village,  
11 metropolitan sewerage district, corporation, firm, company, institution or individual  
12 owning or operating any water supply, sewerage or water system or sewage and  
13 refuse disposal plant.

14           **(9)** “Person” means an individual, owner, operator, corporation, limited  
15 liability company, partnership, association, municipality, interstate agency, state  
16 agency or federal agency.

17           **(10)** “Pollution” includes contaminating or rendering unclean or impure the  
18 waters of the state, or making the same injurious to public health, harmful for  
19 commercial or recreational use, or deleterious to fish, bird, animal or plant life.

20           **(11)** “Refuse” means all matters produced from industrial or community life,  
21 subject to decomposition, not defined as sewage.

22           **(12)** “Secretary” means the secretary of natural resources.

23           **(13)** “Sewage” means the water-carried wastes created in and to be conducted  
24 away from residences, industrial establishments, and public buildings as defined in  
25 s. 101.01 (12), with such surface water or groundwater as may be present.

1           **(14)** “Sewerage system” means all structures, conduits and pipe lines by which  
2 sewage is collected and disposed of, except plumbing inside and in connection with  
3 buildings served, and service pipes from building to street main.

4           **(15)** “Solid waste” means any garbage, refuse, sludge from a waste treatment  
5 plant, water supply treatment plant or air pollution control facility and other  
6 discarded or salvageable materials, including solid, liquid, semisolid, or contained  
7 gaseous materials resulting from industrial, commercial, mining and agricultural  
8 operations, and from community activities, but does not include solids or dissolved  
9 material in domestic sewage, or solid or dissolved materials in irrigation return flows  
10 or industrial discharges which are point sources subject to permits under ch. 283, or  
11 source material, as defined in s. 254.31 (10), special nuclear material, as defined in  
12 s. 254.31 (11), or by-product material, as defined in s. 254.31 (3).

13           **(16)** “System or plant” includes water and sewerage systems and sewage and  
14 refuse disposal plants.

15           **(17)** “Wastewater” means all sewage.

16           **(18)** “Waters of the state” includes those portions of Lake Michigan and Lake  
17 Superior within the boundaries of this state, and all lakes, bays, rivers, streams,  
18 springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage  
19 systems and other surface water or groundwater, natural or artificial, public or  
20 private, within this state or its jurisdiction.

21           **(19)** “Water supply” means the sources and their surroundings from which  
22 water is supplied for drinking or domestic purposes.

23           **(20)** “Waterworks” or “water system” means all structures, conduits and  
24 appurtenances by means of which water is delivered to consumers except piping and  
25 fixtures inside buildings served, and service pipes from building to street main.

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SUBCHAPTER II

WATER RESOURCES

(precedes 281.11)

**281.12 General department powers and duties.**

**281.13 Surveys and research.**

**281.15 Water quality standards.**

**281.17 Water quality and quantity; specific regulations.**

**281.19 Orders.**

**281.20 Orders; nonpoint source pollution.**

SUBCHAPTER III

WATER QUALITY AND QUANTITY;

GENERAL REGULATIONS

(precedes 281.31)

SUBCHAPTER IV

WATER AND SEWAGE FACILITIES;

SEPTAGE DISPOSAL

(precedes 281.41)

SUBCHAPTER V

FINANCIAL ASSISTANCE

(precedes 281.51)

SUBCHAPTER VI

COMPENSATION

(precedes 281.75)

SUBCHAPTER VII

## 1 GREAT LAKES REMEDIAL ACTION

2 (precedes 281.81)

## 3 SUBCHAPTER VIII

## 4 GENERAL PROVISIONS; ENFORCEMENT

5 (precedes 281.91)

6 **281.91 State agency personnel to report water pollution.**

7 **281.98 Penalties. (1)** Except as provided in ss. 281.47 (1) (d) and 281.75 (19),  
8 any person who violates this chapter or any rule promulgated or any plan approval,  
9 license or special order issued under this chapter shall forfeit not less than \$10 nor  
10 more than \$5,000 for each violation. Each day of continued violation is a separate  
11 offense. While an order is suspended, stayed or enjoined, this penalty does not  
12 accrue.

13 **(2)** In addition to the penalties provided under sub. (1), the court may award  
14 the department of justice the reasonable and necessary expenses of the investigation  
15 and prosecution of the violation, including attorney fees. The department of justice  
16 shall deposit in the state treasury for deposit into the general fund all moneys that  
17 the court awards to the department or the state under this subsection. Ten percent  
18 of the money deposited in the general fund that was awarded under this subsection  
19 for the costs of investigation and the expenses of prosecution, including attorney fees,  
20 shall be credited to the appropriation account under s. 20.455 (1) (gh).

21 **SECTION 988.** Chapter 283 of the statutes is created to read:

## 22 SUBCHAPTER I

## 23 POLICY AND PURPOSE

24 (precedes 283.001)

## 25 SUBCHAPTER II



1 to human health or welfare, animal or plant life, or property, or would unreasonably  
2 interfere with the enjoyment of life or property.

3 (13) "Department" means the department of natural resources.

4 (21) "Hazardous substance" means any substance or combination of  
5 substances including any waste of a solid, semisolid, liquid or gaseous form which  
6 may cause or significantly contribute to an increase in mortality or an increase in  
7 serious irreversible or incapacitating reversible illness or which may pose a  
8 substantial present or potential hazard to human health or the environment because  
9 of its quantity, concentration or physical, chemical or infectious characteristics. This  
10 term includes, but is not limited to, substances which are toxic, corrosive, flammable,  
11 irritants, strong sensitizers or explosives as determined by the department.

12 (28) "Municipality" means any city, town, village, county, county utility  
13 district, town sanitary district, public inland lake protection and rehabilitation  
14 district or metropolitan sewage district.

15 (33) "Person" means an individual, owner, operator, corporation, limited  
16 liability company, partnership, association, municipality, interstate agency, state  
17 agency or federal agency.

18 (35) "Refuse" means all matters produced from industrial or community life,  
19 subject to decomposition, not defined as sewage.

20 (38) "Secretary" means the secretary of natural resources.

21 (39) "Sewage" means the water-carried wastes created in and to be conducted  
22 away from residences, industrial establishments, and public buildings as defined in  
23 s. 101.01 (12), with such surface water or groundwater as may be present.

24 (40) "Solid waste" means any garbage, refuse, sludge from a waste treatment  
25 plant, water supply treatment plant or air pollution control facility and other

1 discarded or salvageable materials, including solid, liquid, semisolid, or contained  
2 gaseous materials resulting from industrial, commercial, mining and agricultural  
3 operations, and from community activities, but does not include solids or dissolved  
4 material in domestic sewage, or solid or dissolved materials in irrigation return flows  
5 or industrial discharges which are point sources subject to permits under ch. 283, or  
6 source material, as defined in s. 254.31 (10), special nuclear material, as defined in  
7 s. 254.31 (11), or by-product material, as defined in s. 254.31 (3).

## 8 SUBCHAPTER II

### 9 GENERAL POWERS AND DUTIES

10 (precedes 285.11)

11 **285.11 Air pollution control; department duties.**

12 **285.13 Air pollution control; department powers.**

13 **285.15 Interstate agreement.**

## 14 SUBCHAPTER III

### 15 AIR QUALITY STANDARDS, PERFORMANCE

#### 16 STANDARDS; EMISSION LIMITS AND

#### 17 NONATTAINMENT AREAS

18 (precedes 285.21)

19 **285.21 Ambient air quality standards and increments.**

20 **285.27 Performance and emission standards.**

21 **(4) IMPACT OF CHANGE IN FEDERAL STANDARDS.** If the standards of performance  
22 for new stationary sources or the emission standards for hazardous air contaminants  
23 under the federal clean air act are relaxed, the department shall alter the  
24 corresponding state standards unless it finds that the relaxed standards would not  
25 provide adequate protection for public health and welfare. This subsection applies

1 to state standards of performance for new stationary sources and emission standards  
2 for hazardous air contaminants in effect on April 30, 1980, if the relaxation in the  
3 corresponding federal standards occurs after April 30, 1980.

4 SUBCHAPTER IV

5 VOLATILE ORGANIC COMPOUNDS  
6 AND MOBILE SOURCES; EMISSION  
7 LIMITS AND STANDARDS

8 (precedes 285.30)

9 SUBCHAPTER V

10 SULFUR DIOXIDE AND NITROGEN  
11 OXIDE EMISSION RATES AND GOALS

12 (precedes 285.41)

13 SUBCHAPTER VI

14 WASTE INCINERATORS; OZONE  
15 DEPLETING SUBSTANCES; EMISSION  
16 LIMITS AND OTHER REQUIREMENTS

17 (precedes 285.51)

18 **285.51 Solid waste incinerator operator certification.**

19 SUBCHAPTER VII

20 PERMITS AND FEES

21 (precedes 285.60)

22 SUBCHAPTER VIII

23 MISCELLANEOUS

24 (precedes 285.70)

25 SUBCHAPTER IX



1 substantial present or potential hazard to human health or the environment because  
2 of its quantity, concentration or physical, chemical or infectious characteristics. This  
3 term includes, but is not limited to, substances which are toxic, corrosive, flammable,  
4 irritants, strong sensitizers or explosives as determined by the department.

5 **(23)** "Municipality" means any city, town, village, county, county utility  
6 district, town sanitary district, public inland lake protection and rehabilitation  
7 district or metropolitan sewage district.

8 **(27)** "Person" means an individual, owner, operator, corporation, limited  
9 liability company, partnership, association, municipality, interstate agency, state  
10 agency or federal agency.

11 **(28)** "Refuse" means all matters produced from industrial or community life,  
12 subject to decomposition, not defined as sewage.

13 **(31)** "Secretary" means the secretary of natural resources.

14 **(31m)** "Sewage" means the water-carried wastes created in and to be  
15 conducted away from residences, industrial establishments, and public buildings as  
16 defined in s. 101.01 (12), with such surface water or groundwater as may be present.

17 **(33)** "Solid waste" means any garbage, refuse, sludge from a waste treatment  
18 plant, water supply treatment plant or air pollution control facility and other  
19 discarded or salvageable materials, including solid, liquid, semisolid, or contained  
20 gaseous materials resulting from industrial, commercial, mining and agricultural  
21 operations, and from community activities, but does not include solids or dissolved  
22 material in domestic sewage, or solid or dissolved materials in irrigation return flows  
23 or industrial discharges which are point sources subject to permits under ch. 283, or  
24 source material, as defined in s. 254.31 (10), special nuclear material, as defined in  
25 s. 254.31 (11), or by-product material, as defined in s. 254.31 (3).





1 disposal of any solid waste may present an imminent and substantial danger to  
2 health or the environment, the department shall do all of the following:

3 (a) Provide immediate notice of the danger to each affected municipality.

4 (b) Promptly post notice of the danger at the site at which the danger exists,  
5 or order a person responsible for the danger to post such notice.

6 **(2) OTHER ACTIONS.** In addition to the actions under sub. (1), the department  
7 may do one or more of the following:

8 (a) Issue any special order necessary to protect public health or the  
9 environment.

10 (b) Take any other action necessary to protect public health or the environment.

11 (c) Request the department of justice to commence legal proceedings to restrain  
12 or enjoin any person from handling, storage, treatment, transportation or disposal  
13 which presents or may present an imminent and substantial danger to health or the  
14 environment or take any other action as may be necessary to protect public health  
15 and the environment.

NOTE: This provision is currently numbered s. 144.72 and relates to both solid and  
hazardous waste. Section 144.72 is renumbered s. 291.85 and made applicable to  
hazardous waste. The identical language is duplicated here for solid waste.

16 289.96 **(3)** (a) Except for the violations enumerated in sub. (1), any person who  
17 violates this chapter or any rule promulgated or any plan approval, license or special  
18 order issued under this chapter shall forfeit not less than \$10 nor more than \$5,000  
19 for each violation. Each day of continued violation is a separate offense. While an  
20 order is suspended, stayed or enjoined, the penalty does not accrue.

21 (b) In addition to the penalties provided under par. (a), the court may award  
22 the department of justice the reasonable and necessary expenses of the investigation  
23 and prosecution of the violation, including attorney fees. The department of justice

1 shall deposit in the state treasury for deposit into the general fund all moneys that  
2 the court awards to the department or the state under this paragraph. Ten percent  
3 of the money deposited in the general fund that was awarded under this paragraph  
4 for the costs of investigation and the expenses of prosecution, including attorney fees,  
5 shall be credited to the appropriation account under s. 20.455 (1) (gh).

6 **SECTION 992.** Chapter 291 of the statutes is created to read:

7 **CHAPTER 291**

8 **HAZARDOUS WASTE MANAGEMENT**

9 **SUBCHAPTER I**

10 **DECLARATION OF POLICY**

11 (precedes 291.001)

12 **SUBCHAPTER II**

13 **DEFINITIONS**

14 (precedes 291.01)

15 291.01 (4) "Environmental pollution" means the contaminating or rendering  
16 unclean or impure the air, land or waters of the state, or making the same injurious  
17 to public health, harmful for commercial or recreational use, or deleterious to fish,  
18 bird, animal or plant life.

19 (12) "Municipality" means any city, town, village, county, county utility  
20 district, town sanitary district, public inland lake protection and rehabilitation  
21 district or metropolitan sewage district.

22 (16) "Solid waste" has the meaning given under s. 289.01 (33).

23 (23) "Wastewater" means all sewage.

1 SUBCHAPTER III

2 ADMINISTRATION

3 (precedes 291.05)

4 **291.05 Required rules.**

5 (5) (a) The department shall promulgate rules regarding hazardous waste  
6 transportation that establish standards for the following:

7 **291.07 Authorized rules.**

8 **291.09 Department duties.**

9 **291.11 Department powers.**

10 SUBCHAPTER IV

11 HAZARDOUS WASTE;

12 GENERAL REGULATION

13 (precedes 291.21)

14 **291.25 Licenses; treatment, storage or disposal.**

15 SUBCHAPTER V

16 ENFORCEMENT; PENALTIES

17 (precedes 291.85)

18 **SECTION 993.** Chapter 292 of the statutes is created to read:

19 **CHAPTER 292**

20 **REMEDIAL ACTION**

21 SUBCHAPTER I

22 DEFINITIONS

23 (precedes 292.01)

24 **292.01 Definitions.** In this chapter:

25 (1) "Approved facility" has the meaning given in s. 289.01 (3).

1           **(1m)** “Approved mining facility” has the meaning given in s. 289.01 (4).

2           **(2)** “Department” means the department of natural resources.

3           **(4)** “Environmental pollution” means the contaminating or rendering unclean  
4 or impure the air, land or waters of the state, or making the same injurious to public  
5 health, harmful for commercial or recreational use, or deleterious to fish, bird,  
6 animal or plant life.

7           **(5)** “Hazardous substance” means any substance or combination of substances  
8 including any waste of a solid, semisolid, liquid or gaseous form which may cause or  
9 significantly contribute to an increase in mortality or an increase in serious  
10 irreversible or incapacitating reversible illness or which may pose a substantial  
11 present or potential hazard to human health or the environment because of its  
12 quantity, concentration or physical, chemical or infectious characteristics. This term  
13 includes, but is not limited to, substances which are toxic, corrosive, flammable,  
14 irritants, strong sensitizers or explosives as determined by the department.

15           **(6)** “Hazardous waste” means any solid waste identified by the department as  
16 hazardous under s. 291.05.

17           **(7)** “Landfill” means a solid waste facility for solid waste disposal.

18           **(10)** “Long-term care” means the routine care, maintenance and monitoring  
19 of a solid or hazardous waste facility following closing of the facility.

20           **(11)** “Municipality” means any city, town, village, county, county utility district,  
21 town sanitary district, public inland lake protection and rehabilitation district or  
22 metropolitan sewage district.

23           **(12)** “Nonapproved facility” has the meaning given in s. 289.01 (24).



1           (c) *Emission data; analyses and summaries.* The department may not grant  
2 confidential status for emission data. Nothing in this subsection prevents the  
3 department from using records and other information in compiling or publishing  
4 analyses or summaries relating to the general condition of the environment if the  
5 analyses or summaries do not identify a specific owner or operator or the analyses  
6 or summaries do not reveal records or other information granted confidential status.

7           (d) *Use of confidential records.* Except as provided under par. (c) and this  
8 paragraph, the department or the department of justice may use records and other  
9 information granted confidential status under this subsection only in the  
10 administration and enforcement of ss. 292.31 and 292.35. The department or the  
11 department of justice may release for general distribution records and other  
12 information granted confidential status under this subsection if the owner or  
13 operator expressly agrees to the release. The department or the department of  
14 justice may release on a limited basis records and other information granted  
15 confidential status under this subsection if the department or the department of  
16 justice is directed to take this action by a judge or hearing examiner under an order  
17 which protects the confidentiality of the records or other information. The  
18 department or the department of justice may release to the U.S. environmental  
19 protection agency, or its authorized representative, records and other information  
20 granted confidential status under this subsection if the department or the  
21 department of justice includes in each release of records or other information a  
22 request to the U.S. environmental protection agency, or its authorized  
23 representative, to protect the confidentiality of the records or other information.

## 1 SUBCHAPTER III

## 2 ENFORCEMENT; PENALTIES

3 (precedes 292.93)

NOTE: The enforcement and penalty provisions in ss. 292.93 to 292.98 duplicate the enforcement and penalty provisions in ss. 144.431 (2) (b), 144.465 and 144.47. This duplication is necessary to preserve the enforcement and penalty provisions applicable to ss. 144.442 (4) to (9), (10) and (11) and 144.4422 which are renumbered to this chapter.

4 **292.93 Orders.** The department may issue orders to effectuate the purposes  
5 of ss. 292.31 and 292.35 and enforce the same by all appropriate administrative and  
6 judicial proceedings.

7 **292.95 Review of alleged violations; environmental repair and cost**  
8 **recovery.** Any 6 or more citizens or any municipality may petition for a review of  
9 an alleged violation of s. 292.31 or 292.35 or any rule promulgated or special order,  
10 plan approval, license or any term or condition of a license issued under those  
11 sections in the following manner:

12 (1) They shall submit to the department a petition identifying the alleged  
13 violator and setting forth in detail the reasons for believing a violation occurred. The  
14 petition shall state the name and address of a person within the state authorized to  
15 receive service of answer and other papers in behalf of the petitioners and the name  
16 and address of a person authorized to appear at a hearing in behalf of the petitioners.

17 (2) Upon receipt of a petition under this section, the department may:

18 (a) Conduct a hearing in the matter within 60 days of receipt of the petition.  
19 A hearing under this paragraph shall be a contested case under ch. 227. Within 60  
20 days after the close of the hearing, the department shall either:

21 1. Serve written notice specifying the law or rule alleged to be violated,  
22 containing findings of fact, conclusions of law and an order, which shall be subject  
23 to review under ch. 227; or

1           2. Dismiss the petition.

2           (b) Initiate action under s. 292.98.

3           **(3)** If the department determines that a petition was filed maliciously or in bad  
4 faith, it shall issue a finding to that effect, and the person complained against is  
5 entitled to recover expenses on the hearing in a civil action.

6           **292.98 Violations and enforcement; environmental repair and cost**  
7 **recovery.** **(1)** (a) If the department has reason to believe that a violation of s. 292.31  
8 or 292.35 or any rule promulgated or special order, plan approval, or any term or  
9 condition of a license issued under those sections occurred, it may:

10           1. Cause written notice to be served upon the alleged violator. The notice shall  
11 specify the law or rule alleged to be violated, and contain the findings of fact on which  
12 the charge of violation is based, and may include an order that necessary corrective  
13 action be taken within a reasonable time. This order shall become effective unless,  
14 no later than 30 days after the date the notice and order are served, the person named  
15 in the notice and order requests in writing a hearing before the department. Upon  
16 such request, the department shall after due notice hold a hearing. Instead of an  
17 order, the department may require that the alleged violator appear before the  
18 department for a hearing at a time and place specified in the notice and answer the  
19 charges complained of; or

20           2. Initiate action under s. 299.95.

21           (b) If after such hearing the department finds that a violation has occurred, it  
22 shall affirm or modify its order previously issued, or issue an appropriate order for  
23 the prevention, abatement or control of the problems involved or for the taking of  
24 other corrective action as may be appropriate. If the department finds that no  
25 violation has occurred, it shall rescind its order. Any order issued as part of a notice

1 or after hearing may prescribe one or more dates by which necessary action shall be  
2 taken in preventing, abating or controlling the violation.

3 **292.99 Penalties.** (1) Any person who violates this chapter or any rule  
4 promulgated or any plan approval, license or special order issued under this chapter  
5 shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of  
6 continued violation is a separate offense. While an order is suspended, stayed or  
7 enjoined, this penalty does not accrue.

8 (2) In addition to the penalties provided under sub. (1), the court may award  
9 the department of justice the reasonable and necessary expenses of the investigation  
10 and prosecution of the violation, including attorney fees. The department of justice  
11 shall deposit in the state treasury for deposit into the general fund all moneys that  
12 the court awards to the department or the state under this subsection. Ten percent  
13 of the money deposited in the general fund that was awarded under this subsection  
14 for the costs of investigation and the expenses of prosecution, including attorney fees,  
15 shall be credited to the appropriation account under s. 20.455 (1) (gh).

16 **SECTION 994.** Chapter 293 of the statutes is created to read:

17 **CHAPTER 293**

18 **METALLIC MINING**

19 **SUBCHAPTER I**

20 **DEFINITIONS**

21 (precedes 293.01)

22 293.01 (1m) "Air pollution" means the presence in the atmosphere of one or  
23 more air contaminants in such quantities and of such duration as is or tends to be  
24 injurious to human health or welfare, animal or plant life, or property, or would  
25 unreasonably interfere with the enjoyment of life or property.



## 1 SUBCHAPTER IV

## 2 PROSPECTING; MINING; RECLAMATION

3 (precedes 293.31)

4 **293.35 Application for prospecting permit.**5 **293.37 Application for mining permit.**6 **(3)** (a) A reclamation plan shall accompany all applications for mining permits.

7 If it is physically or economically impracticable or environmentally or socially  
8 undesirable for the reclamation process to return the affected area to its original  
9 state, the plan shall set forth the reasons therefor and shall discuss alternative  
10 conditions and uses to which the affected area can be put.

11 (b) The reclamation plan shall specify how the applicant intends to accomplish,  
12 to the fullest extent possible, compliance with the minimum standards under s.  
13 293.13 (2) (c).

14 293.43 (1) APPLICABILITY.

15 **293.45 Prospecting; department grant or denial of permit.**16 **293.49 Mining; department grant or denial of permit.**

17 **(7)** The department, in granting a permit under this section, shall require the  
18 permit holder to perform adequate monitoring of environmental changes during the  
19 course of the permitted activity and for such additional period of time as is necessary  
20 to satisfactorily complete reclamation and completely release the permit holder from  
21 any bonds required.

22 **293.53 Review of permits; periodic reports.**

## 23 SUBCHAPTER V

## 24 GENERAL PROVISIONS; ENFORCEMENT

25 (precedes 293.81)



1 health, harmful for commercial or recreational use, or deleterious to fish, bird,  
2 animal or plant life.

3 (8) "Person" means an individual, owner, operator, corporation, limited  
4 liability company, partnership, association, municipality, interstate agency, state  
5 agency or federal agency.

6 (10) "Solid waste" means any garbage, refuse, sludge from a waste treatment  
7 plant, water supply treatment plant or air pollution control facility and other  
8 discarded or salvageable materials, including solid, liquid, semisolid, or contained  
9 gaseous materials resulting from industrial, commercial, mining and agricultural  
10 operations, and from community activities, but does not include solids or dissolved  
11 material in domestic sewage, or solid or dissolved materials in irrigation return flows  
12 or industrial discharges which are point sources subject to permits under ch. 283, or  
13 source material, as defined in s. 254.31 (10), special nuclear material, as defined in  
14 s. 254.31 (11), or by-product material, as defined in s. 254.31 (3).

15 295.17 (2) Any duly authorized officer, employe or representative of the  
16 department may enter and inspect any property, premises or place on or at which any  
17 nonmetallic mining operation is located or is being constructed or installed at any  
18 reasonable time for the purpose of ascertaining the state of compliance with this  
19 chapter and chs. 281, 285, 289 to 293 and 299 and rules adopted pursuant thereto.  
20 No person may refuse entry or access to any such authorized representative of the  
21 department who requests entry for purposes of inspection, and who presents  
22 appropriate credentials, nor may any person obstruct, hamper or interfere with any  
23 such inspection. The department shall furnish to the nonmetallic mining site  
24 operator a written report setting forth all observations, relevant information and  
25 data which relate to compliance status.

1           295.19 (3) (b) 1. Except for the violations enumerated in par. (a), any person  
2 who violates this subchapter or any rule promulgated or any plan approval, license  
3 or special order issued under this subchapter shall forfeit not less than \$10 nor more  
4 than \$5,000 for each violation. Each day of continued violation is a separate offense.  
5 While the order is suspended, stayed or enjoined, this penalty does not accrue.

6           2. In addition to the penalties provided under subd. 1., the court may award the  
7 department of justice the reasonable and necessary expenses of the investigation  
8 and prosecution of the violation, including attorney fees. The department of justice  
9 shall deposit in the state treasury for deposit into the general fund all moneys that  
10 the court awards to the department or the state under this subdivision. Ten percent  
11 of the money deposited in the general fund that was awarded under this subdivision  
12 for the costs of investigation and the expenses of prosecution, including attorney fees,  
13 shall be credited to the appropriation account under s. 20.455 (1) (gh).

14           295.31 (1) "Department" means the department of natural resources.

15           (7m) "Other waste" includes all other substances, except industrial wastes, as  
16 defined in s. 281.01 (5), and sewage, as defined in s. 281.01 (13), which pollute any  
17 of the surface waters of the state. The term also includes unnecessary siltation  
18 resulting from operations such as the washing of vegetables or raw food products,  
19 gravel washing, stripping of lands for development of subdivisions, highways,  
20 quarries and gravel pits, mine drainage, cleaning of vehicles or barges or gross  
21 neglect of land erosion.

22           (8) "Person" means an individual, owner, operator, corporation, limited  
23 liability company, partnership, association, municipality, interstate agency, state  
24 agency or federal agency.



1           (7) “Industrial wastes” include liquid or other wastes resulting from any  
2 process of industry, manufacture, trade or business or the development of any  
3 natural resource.

4           (8) “Municipality” means any city, town, village, county, county utility district,  
5 town sanitary district, public inland lake protection and rehabilitation district or  
6 metropolitan sewage district.

7           (9) “Other wastes” include all other substances, except industrial wastes and  
8 sewage, which pollute any of the surface waters of the state. The term also includes  
9 unnecessary siltation resulting from operations such as the washing of vegetables  
10 or raw food products, gravel washing, stripping of lands for development of  
11 subdivisions, highways, quarries and gravel pits, mine drainage, cleaning of vehicles  
12 or barges or gross neglect of land erosion.

13           (10) “Person” means an individual, owner, operator, corporation, limited  
14 liability company, partnership, association, municipality, interstate agency, state  
15 agency or federal agency.

16           (11) “Sewage” means the water-carried wastes created in and to be conducted  
17 away from residences, industrial establishments and public buildings, as defined in  
18 s. 101.01 (12), with such surface water or groundwater as may be present.

19           (12) “Sewerage system” means all structures, conduits and pipe lines by which  
20 sewage is collected and disposed of, except plumbing inside and in connection with  
21 buildings served, and service pipes from building to street main.

22           (13) “Wastewater” means all sewage.

23           **SECTION 997.** 341.10 (8) of the statutes is amended to read:

24           341.10 (8) The vehicle is not eligible for registration under s. 144.42 285.30 (6).

25           **SECTION 998.** 345.11 (1u) of the statutes is amended to read:

1           345.11 **(1u)** The uniform traffic citation may be used by an officer of a law  
2 enforcement agency of a municipality or county or a traffic officer employed under  
3 s. 110.07 for a violation of s. ~~159.81~~ 287.81.

4           **SECTION 999.** 345.20 (2) (g) of the statutes is amended to read:

5           345.20 **(2)** (g) Sections 23.50 to 23.85 apply to actions in circuit court to recover  
6 forfeitures for violations of s. ~~159.81~~ 287.81. No points may be assessed against the  
7 driving record of a person convicted of a violation of s. ~~159.81~~ 287.81. The report of  
8 conviction and abstract of court record copy of the citation form shall be forwarded  
9 to the department.

10          **SECTION 1000.** 348.15 (3) (bv) of the statutes, as affected by 1995 Wisconsin Act  
11 113, is amended to read:

12          348.15 **(3)** (bv) In the case of a vehicle or combination of vehicles used primarily  
13 for the transportation of septage, as defined in s. ~~144.08~~ 281.49 (1) (a), the gross  
14 weight imposed on the highway by the wheels of any one axle may not exceed 21,500  
15 pounds or, for 2 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more  
16 consecutive axles more than 9 feet apart, a weight of 4,000 pounds more than is  
17 shown in par. (c) or, for groups of 4 or more consecutive axles more than 10 feet apart,  
18 a weight of 6,000 pounds more than is shown in par. (c) or, for groups of 5 or more  
19 consecutive axles more than 14 feet apart, a weight of 7,000 pounds more than is  
20 shown in par. (c), but not to exceed 80,000 pounds. This paragraph does not apply  
21 to the national system of interstate and defense highways, except for that portion of  
22 USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51  
23 and the I 90/94 interchange near Portage upon their federal designation as I 39.

24          **SECTION 1001.** 348.27 (12) of the statutes is amended to read:

1           348.27 **(12)** TRANSPORTATION OF GARBAGE OR REFUSE. The department may issue  
2 an annual or consecutive month permit for the transportation of garbage, as defined  
3 in s. ~~144.01 (4)~~ 289.01 (9), or refuse, ~~as defined in s. 144.43 (4)~~, in a self-compactor  
4 equipped vehicle which exceeds statutory weight and length limitations and for the  
5 return of the vehicle when empty. A permit under this subsection may be issued for  
6 use on any highway within this state. In this subsection, "refuse" means combustible  
7 and noncombustible rubbish, including paper, wood, metal, glass, cloth an products  
8 thereof, litter and street rubbish, ahses, and lumber, concrete and other debris  
9 resulting from the construction or demolition of structures.

10           **SECTION 1002.** 443.14 (10) and (11) of the statutes are amended to read:

11           443.14 **(10)** Any person employed by a county or this state who is engaged in  
12 the planning, design, installation or regulation of soil and water conservation  
13 activities under ch. 92 or s. ~~144.25~~ 281.65 and who is certified under s. 92.18.

14           **(11)** Any land surveyor registered under s. 443.06 who is engaged in the  
15 planning, design, installation or regulation of soil and water conservation activities  
16 under ch. 92 or s. ~~144.25~~ 281.65.

17           **SECTION 1003.** 443.14 (12m) of the statutes is amended to read:

18           443.14 **(12m)** A well driller, as defined in s. ~~162.02~~ 280.01 (7), who is engaged  
19 in well drilling, as defined in s. ~~162.02~~ 280.01 (8).

20           **SECTION 1004.** 560.03 (9) of the statutes is amended to read:

21           560.03 **(9)** Establish and operate a small business ombudsman clearinghouse  
22 for business and industry to facilitate the flow of information from other state and  
23 federal agencies, to assist state agencies in establishing methods to encourage the  
24 participation of small businesses in rule making under s. 227.114 (4) and to serve as  
25 ombudsman for small business stationary sources, as defined in s. ~~144.36~~ 285.79 (1),

1 in connection with the implementation of the federal clean air act, 42 USC 7401 to  
2 7671q.

3 **SECTION 1005.** 560.11 (1) (a) of the statutes is amended to read:

4 560.11 (1) (a) Advise the department of natural resources concerning the  
5 effectiveness of the small business stationary source technical and environmental  
6 compliance assistance program under s. ~~144.36~~ 285.79, difficulties encountered by  
7 small business stationary sources, as defined in s. ~~144.36~~ 285.79 (1), in complying  
8 with ~~ss. 144.30 to 144.426 and 144.96~~ s. 299.15 and ch. 285 and the degree and  
9 severity of enforcement of ~~ss. 144.30 to 144.426 and 144.96~~ s. 299.15 and ch. 285  
10 against small business stationary sources.

11 **SECTION 1006.** 560.11 (1) (c) of the statutes is amended to read:

12 560.11 (1) (c) Review information to be provided to small business stationary  
13 sources in connection with ~~ss. 144.30 to 144.426 and 144.96~~ s. 299.15 and ch. 285 to  
14 ensure that the information can be understood by persons without technical  
15 training.

16 **SECTION 1007.** 560.11 (2) of the statutes is amended to read:

17 560.11 (2) The employees of the department of commerce who staff the small  
18 business ombudsman clearinghouse under s. 560.03 (9) and the employees of the  
19 department of natural resources who staff the small business stationary source  
20 technical and environmental compliance assistance program under s. ~~144.36~~ 285.79  
21 shall provide the small business environmental council with the assistance  
22 necessary to comply with sub. (1).

23 **SECTION 1008.** 560.12 (1) (ae) of the statutes is amended to read:

24 560.12 (1) (ae) "Recyclable material" means a material identified in s. ~~159.07~~  
25 287.07 (3) or (4) that is recovered from solid waste.

1           **SECTION 1009.** 560.19 (1) (b) of the statutes is amended to read:

2           560.19 (1) (b) “Hazardous pollution prevention” has the meaning given in s.  
3 ~~144.955~~ 299.13 (1) (c).

4           **SECTION 1010.** 560.19 (4) (d) 2. of the statutes, as affected by 1995 Wisconsin  
5 Act 27, is amended to read:

6           560.19 (4) (d) 2. The program under s. ~~144.955~~ 299.13.

7           **SECTION 1011.** 560.65 (1) (a) of the statutes, as affected by 1995 Wisconsin Act  
8 27, is amended to read:

9           560.65 (1) (a) “Air pollution” has the meaning given in s. ~~144.01 (1)~~ 285.01 (3).

10          **SECTION 1012.** 560.65 (1) (ag) of the statutes, as created by 1995 Wisconsin Act  
11 27, is amended to read:

12          560.65 (1) (ag) “Industrial waste” has the meaning given in s. ~~144.01~~ 281.01  
13 (5).

14          **SECTION 1013.** 560.65 (1) (ar) of the statutes, as created by 1995 Wisconsin Act  
15 27, is amended to read:

16          560.65 (1) (ar) “Nonattainment area” has the meaning given in s. ~~144.30 (21)~~  
17 285.01 (30).

18          **SECTION 1014.** 560.65 (1) (b) of the statutes is amended to read:

19          560.65 (1) (b) “Postconsumer waste” has the meaning given in s. ~~159.01~~ 287.01  
20 (7).

21          **SECTION 1015.** 560.65 (1) (c) of the statutes, as created by 1995 Wisconsin Act  
22 27, is amended to read:

23          560.65 (1) (c) “Stationary source” has the meaning given in s. ~~144.30 (23)~~ 285.01  
24 (41).

1           **SECTION 1016.** 560.65 (1) (d) of the statutes, as created by 1995 Wisconsin Act  
2 27, is amended to read:

3           560.65 (1) (d) “Volatile organic compound” has the meaning given in s. ~~144.30~~  
4 ~~(24)~~ 285.01 (42).

5           **SECTION 1017.** 560.65 (1) (e) of the statutes, as created by 1995 Wisconsin Act  
6 27, is amended to read:

7           560.65 (1) (e) “Volatile organic compound accommodation area” has the  
8 meaning given in s. ~~144.30 (25)~~ 285.01 (43).

9           **SECTION 1018.** 560.65 (1) (f) of the statutes, as created by 1995 Wisconsin Act  
10 27, is amended to read:

11           560.65 (1) (f) “Waters of the state” has the meaning given in s. ~~144.01 (19)~~  
12 281.01 (18).

13           **SECTION 1019.** 560.65 (1m) (a) 3. b. of the statutes, as created by 1995  
14 Wisconsin Act 27, is amended to read:

15           560.65 (1m) (a) 3. b. To control or treat industrial wastes or air pollution but  
16 not other wastes, as defined in s. ~~144.01 (8)~~ 281.01 (7).

17           **SECTION 1020.** 560.65 (1m) (a) 3. e. of the statutes, as created by 1995 Wisconsin  
18 Act 27, is amended to read:

19           560.65 (1m) (a) 3. e. To comply with the air pollution control requirements of  
20 ss. ~~144.30 to 144.403~~ 285.01 to 285.29, 285.33 to 285.53, 285.60 to 285.71, 285.75,  
21 285.79 and 285.81, of a local air pollution control program under s. ~~144.41~~ 285.73 or  
22 of the federal clean air act, 42 USC 7401 to 7671q.

23           **SECTION 1021.** 560.65 (4) (a) of the statutes, as affected by 1995 Wisconsin Act  
24 27, is amended to read:

1           560.65 (4) (a) If the project is for the production of a product made from one or  
2 more materials recovered from postconsumer waste, whether the production is  
3 consistent with the priorities established under s. ~~159.42~~ 287.42 (5) for the  
4 development of markets for materials recovered from solid waste that are in effect  
5 on January 1 of the year in which the applicant submits a complete application for  
6 a grant or loan under this section to the department.

7           **SECTION 1022.** 560.797 (1) (a) of the statutes, as created by 1995 Wisconsin Act  
8 27, is amended to read:

9           560.797 (1) (a) “Environmental pollution” has the meaning given in s. ~~144.01~~  
10 ~~(3)~~ 299.01 (4).

11           **SECTION 1023.** 560.835 (1) (a) of the statutes is amended to read:

12           560.835 (1) (a) The production of a product made from one or more materials  
13 recovered from postconsumer waste, as defined in s. ~~159.01~~ 287.01 (7).

14           **SECTION 1024.** 560.835 (1) (c) of the statutes is amended to read:

15           560.835 (1) (c) The development and operation of a facility to process materials  
16 recovered from a solid waste management program that complies with s. ~~159.07~~  
17 287.07 (1m), (3) or (4) or the development and operation of a solid waste collection  
18 business if the solid waste collected is used in the production of a product.

19           **SECTION 1025.** 703.16 (6) (e) of the statutes is amended to read:

20           703.16 (6) (e) A lien under s. ~~144.442~~ ~~(9)~~ 292.31 (8) (i), ~~144.76~~ ~~(13)~~ or ~~144.77~~  
21 292.41 (6) (d) or 292.81.

22           **SECTION 1026.** 706.01 (9) of the statutes is amended to read:

23           706.01 (9) “Mining company” means any person or agent of a person who has  
24 a prospecting or mining permit under s. ~~144.84~~ 293.45 or ~~144.85~~ 293.49.

25           **SECTION 1027.** 706.11 (1) (intro.) of the statutes is amended to read:

1           706.11 (1) (intro.) Except as provided in sub. (4), when any of the following  
2 mortgages has been duly recorded, it shall have priority over all liens upon the  
3 mortgaged premises and the buildings and improvements thereon, except tax and  
4 special assessment liens filed after the recording of such mortgage and except liens  
5 under s. ~~144.442 (9)~~ ss. 292.31 (8) (i), 144.76 (13) and 144.77 292.41 (6) (d) and 292.81:

6           **SECTION 1028.** 707.37 (4) (d) of the statutes is amended to read:

7           707.37 (4) (d) A lien under s. ~~144.442 (9)~~ 292.31 (8) (i), 144.76 (13) or 144.47  
8 292.41 (6) (d) or 292.81.

9           **SECTION 1029.** 779.01 (4) of the statutes is amended to read:

10           779.01 (4) PRIORITY OF CONSTRUCTION LIEN. The lien provided in sub. (3) shall  
11 be prior to any lien which originates subsequent to the visible commencement in  
12 place of the work of improvement, except as otherwise provided by ss. ~~144.442 (9) (i),~~  
13 ~~144.76 (13), 144.76 (6) (d),~~ 215.21 (4) (a), 292.31 (8) (i), 292.41 (6) (d), 292.81 and  
14 706.11 (1). When new construction is the principal improvement involved,  
15 commencement is deemed to occur no earlier than the beginning of substantial  
16 excavation for the foundations, footings or base of the new construction, except where  
17 the new construction is to be added to a substantial existing structure, in which case  
18 the commencement is the time of the beginning of substantial excavation or the time  
19 of the beginning of substantial preparation of the existing structure to receive the  
20 added new construction, whichever is earlier. The lien also shall be prior to any  
21 unrecorded mortgage given prior to the commencement of the work of improvement,  
22 if the lien claimant has no actual notice of the mortgage before the commencement.  
23 Lien claimants who perform work or procure its performance or furnish any labor or  
24 materials or plans or specifications for an improvement prior to the visible

1 commencement of the work of improvement shall have lien rights, but shall have  
2 only the priority accorded to other lien claimants.

3 **SECTION 1030.** 779.35 of the statutes is amended to read:

4 **779.35 Mining liens.** Any person who shall perform any labor or services for  
5 any person or corporation engaged in or organized for the purpose of mining,  
6 smelting or manufacturing iron, copper, silver or other ores or minerals, and any  
7 bona fide holder of any draft, time check or order for the payment of money due for  
8 any such labor, issued or drawn by any such person or corporation, shall have a lien  
9 for the wages due for the amount due on such draft, check or order upon all the  
10 personal property connected with such mining, smelting or manufacturing industry  
11 belonging to such person or corporation, including the ores or products of such mine  
12 or manufactory, together with the machinery and other personal property used in the  
13 operation of such mine or manufactory and all the interest of such person or  
14 corporation in any real estate belonging thereto and connected with such business,  
15 which said lien shall take precedence of all other debts, judgments, decrees, liens or  
16 mortgages against such person or corporation, except liens accruing for taxes, fines  
17 or penalties and liens under ss. ~~144.442 (9)~~ 292.31 (8) (i), ~~144.76 (13)~~ and ~~144.77~~  
18 292.41 (6) (d) and 292.81, subject to the exceptions and limitations hereinafter set  
19 forth.

20 **SECTION 1031.** 779.40 (1) of the statutes is amended to read:

21 **779.40 (1)** Any person who shall perform any labor for an employer not the  
22 owner of the real estate, engaged in quarrying, crushing, cutting or otherwise  
23 preparing stone for use or for manufacturing lime and any bona fide holder of any  
24 draft, time check or order for the payment of money due for any such labor issued by  
25 such employer, shall have a lien for wages owed and for the amount due on such draft,

1 check or order upon the personal property connected with such industry owned by  
2 such employer, including interest in the product of such quarry or factory and  
3 machinery and other personal property used in the operation of such quarry or  
4 factory, and all interest in any lease of the real estate connected with such business,  
5 which lien shall take precedence of all other debts, judgments, decrees, liens or  
6 mortgages against such employer, except taxes, fines or penalties and mortgages or  
7 judgments recorded or entered before such labor is performed and except liens under  
8 ss. ~~144.442 (9)~~ 292.31 (8) (i), ~~144.76 (13)~~ and ~~144.76~~ 292.41 (6) (d) and 292.81.

9 **SECTION 1032.** 814.60 (2) (cs) of the statutes is amended to read:

10 814.60 (2) (cs) Environmental assessment imposed by s. ~~144.992~~ 299.93.

11 **SECTION 1033.** 814.63 (3) (bs) of the statutes is amended to read:

12 814.63 (3) (bs) Environmental assessment imposed by s. ~~144.992~~ 299.93.

13 **SECTION 1034.** 823.085 (1) of the statutes is amended to read:

14 823.085 (1) In this section, "solid waste facility" has the meaning given in s.  
15 ~~144.43 (5)~~ 289.01 (35).

16 **SECTION 1035.** 823.085 (2) (intro.) of the statutes is amended to read:

17 823.085 (2) (intro.) In any action finding a solid waste facility or the operation  
18 of a solid waste facility to be a public or private nuisance, if the solid waste facility  
19 was licensed under s. ~~144.44 (4) (a)~~ 289.31 (1) and was operated in substantial  
20 compliance with the license, the plan of operation for the solid waste facility  
21 approved by the department of natural resources and the rules promulgated under  
22 s. ~~144.435~~ 289.05 (1) that apply to the facility, then all of the following apply:

23 **SECTION 1036.** 823.115 (1) of the statutes is amended to read:

24 823.115 (1) If personal and real property are ordered sold under s. 823.114, and  
25 the real property is not released to the owner under s. 823.15, the plaintiff in the

1 action under s. 823.113 shall sell the property at the highest available price. The city,  
2 town or village may sell the property at either a public or private sale. The proceeds  
3 of the sale shall be applied to the payment of the costs of the action and abatement  
4 and any liens on the property, and the balance, if any, paid as provided in sub. (2).  
5 The plaintiff may file a notice of the pendency of the action as in actions affecting the  
6 title to real estate and if the owner of the building or structure, or the owner of the  
7 land upon which the building or structure is located, is found guilty of the nuisance,  
8 the judgment for costs of the action not paid out of the proceeds of the sale of the  
9 property shall constitute a lien on the real estate prior to any other lien created after  
10 the filing of the lis pendens, except a lien under s. ~~144.442 (9)~~ 292.31 (8) (i), ~~144.76~~  
11 ~~(13)~~ or ~~144.77~~ 292.41 (6) (d) or 292.81.

12 **SECTION 1037.** 895.46 (6) of the statutes is amended to read:

13 895.46 (6) The protection afforded by this section applies to any criminal action  
14 under s. 144.74 (2) or 144.93 (2) or under 7 USC 136L (b), 15 USC 2616 (b), 33 USC  
15 1319 (c), 42 USC 2284, 6928 (d) and (e), 6973 (b), 6992 (b) and (c), 7413 (c), 9603 (b),  
16 9606 (b) and 11045 (b) or 49 USC appendix 1809 (b) that is commenced against a state  
17 officer or state employe who is proceeded against in his or her official capacity or as  
18 an individual because of acts committed in the storage, transportation, treatment or  
19 disposal of hazardous substances, as defined in s. ~~144.01 (4m)~~ 289.01 (11), if that  
20 officer or employe is found to be acting within the scope of his or her employment and  
21 if the attorney general determines that the state officer or state employe acted in  
22 good faith. Regardless of the determination made by the attorney general, the  
23 protection afforded by this section applies if the state officer or agent is not found  
24 guilty of the criminal action commenced under this subsection. This protection

1 includes the payment of reasonable attorney fees in defending the action and costs  
2 or fines arising out of the action.

3 **SECTION 1038.** 895.48 (2) (a) 1. of the statutes is amended to read:

4 895.48 (2) (a) 1. "Discharge" has the meaning given under s. ~~144.76 (1) (a)~~  
5 292.01 (3).

6 **SECTION 1039.** 895.48 (2) (a) 2. of the statutes is amended to read:

7 895.48 (2) (a) 2. "Hazardous substance" has the meaning given under s. ~~144.01~~  
8 ~~(4m)~~ 299.01 (6).

9 **SECTION 1040.** 895.48 (2) (c) 2. of the statutes is amended to read:

10 895.48 (2) (c) 2. Who would be liable for the discharge under ~~ch. 144 or 147 chs.~~  
11 281 to 285 or 289 to 299, except s. 281.48, or any rule promulgated or permit or order  
12 issued under ~~ch. 144 or 147 chs. 281 to 285 or 289 to 299, except s. 281.48;~~

13 **SECTION 1041.** 895.52 (1) (f) of the statutes is amended to read:

14 895.52 (1) (f) "Property" means real property and buildings, structures and  
15 improvements thereon, and the waters of the state, as defined under s. ~~144.01 (19)~~  
16 281.01 (18).

17 **SECTION 1042.** 904.085 (2) (a) of the statutes is amended to read:

18 904.085 (2) (a) "Mediation" means mediation under s. 93.50 (3), conciliation  
19 under s. 111.54, mediation under s. 111.11, 111.70 (4) (cm) 3. or 111.87, negotiation  
20 under s. ~~144.445~~ 289.33 (9), mediation under ch. 655 or s. 767.11, or any similar  
21 statutory, contractual or court-referred process facilitating the voluntary resolution  
22 of disputes. "Mediation" does not include binding arbitration or appraisal.

23 **SECTION 1043.** 946.13 (2) (g) of the statutes is amended to read:

24 946.13 (2) (g) Contracts with, or tax credits or payments received by, public  
25 officers or employes for wildlife damage claims or abatement under s. 29.598, for

1 farmland preservation under ss. 71.09 (11) and 91.13, soil and water resource  
2 management under s. 92.14, soil erosion control under s. 92.10, 1985 stats., animal  
3 waste management under s. 92.15, 1985 stats., and nonpoint source water pollution  
4 abatement under s. ~~144.25~~ 281.65.

5 **SECTION 1044.** 946.13 (9) of the statutes is amended to read:

6 946.13 (9) Subsection (1) does not apply to the member of a local committee  
7 appointed under s. ~~144.445~~ 289.33 (7) (a) acting as a member of that committee in  
8 negotiation, arbitration or ratification of agreements under s. ~~144.445~~ 289.33.

9 **SECTION 1045.** 973.05 (1) of the statutes is amended to read:

10 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant  
11 permission for the payment of the fine, of the penalty assessment imposed by s.  
12 165.87, the jail assessment imposed by s. 302.46 (1), the crime victim and witness  
13 assistance surcharge under s. 973.045, any applicable deoxyribonucleic acid analysis  
14 surcharge under s. 973.046, any applicable drug abuse program improvement  
15 surcharge imposed by s. 161.41 (5), any applicable domestic abuse assessment  
16 imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver improvement  
17 surcharge imposed by s. 346.655, any applicable weapons assessment imposed by s.  
18 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4), any  
19 applicable environmental assessment imposed by s. ~~144.992~~ 299.93, any applicable  
20 wild animal protection assessment imposed by s. 29.9965, any applicable natural  
21 resources assessment imposed by s. 29.997 and any applicable natural resources  
22 restitution payment imposed by s. 29.998 to be made within a period not to exceed  
23 60 days. If no such permission is embodied in the sentence, the fine, the penalty  
24 assessment, the jail assessment, the crime victim and witness assistance surcharge,  
25 any applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse

1 program improvement surcharge, any applicable domestic abuse assessment, any  
2 applicable driver improvement surcharge, any applicable weapons assessment, any  
3 applicable uninsured employer assessment, any applicable environmental  
4 assessment, any applicable wild animal protection assessment, any applicable  
5 natural resources assessment and any applicable natural resources restitution  
6 payment shall be payable immediately.

7 **SECTION 1046.** 1995 Wisconsin Act 27, section 9442 (7t) is amended to read:

8 [1995 Wisconsin Act 27] Section 9442 (7t) WASTE TIRE PROGRAM. The treatment  
9 of sections 20.370 (2) (dj) (by SECTION 649), (dL) and (hq) (by SECTION 656b), 25.40 (1)  
10 (a) 5., ~~144.449 (1) (am) and (3) (f)~~, 159.17 and 342.14 (1m) of the statutes takes effect  
11 on June 30, 1997.

12 **SECTION 1047. Effective dates.** This act takes effect on January 1, 1997,  
13 except as follows:

14 (1) The repeal of section 287.17 of the statutes and the repeal and recreation  
15 of section 20.370 (2) (hq) of the statutes take effect on June 30, 1997.

NOTE: The following list shows the location of those statutes renumbered and reorganized in this bill. The left-hand column ("Old Statute Number") lists those provisions of the statutes affected by this bill, while the right-hand column ("New Statute Number") shows the new statutory number of each provision.

<b>Old Statute Number</b>	<b>New Statute Number</b>
144.01	Repealed
144.02	281.13 (1)
144.025 (1)	281.11
144.025 (2) (a)	281.12 (1)
144.025 (2) (b)	281.15
144.025 (2) (c) and (d)	281.19 (1) and (2)
144.025 (2) (e)	281.17 (1)
144.025 (2) (f)	281.19 (3)
144.025 (2) (g)	281.13 (3)
144.025 (2) (h)	281.12 (3)

<b>Old Statute Number</b>	<b>New Statute Number</b>
144.025 (2) (i)	281.17 (2)
144.025 (2) (j)	281.12 (5)
144.025 (2) (k)	281.19 (4)
144.025 (2) (L)	281.17 (3)
144.025 (2) (m)	281.19 (6)
144.025 (2) (q)	281.17 (5)
144.025 (2) (r)	281.19 (5)
144.025 (2) (s)	281.19 (7)
144.025 (2) (t)	281.17 (8)
144.025 (2) (u)	281.20 (1)
144.025 (2) (v)	281.20 (3)
144.025 (2) (w)	281.20 (5)
144.025 (6)	281.91
144.025 (7)	281.19 (8)
144.0252	281.22
144.0255	281.53
144.026	281.35
144.027	281.75
144.03 (1)	281.96
144.03 (2)	293.86
144.04	281.41
144.05	281.47
144.06	281.45
144.07	281.43
144.08	281.49
144.09	281.97
144.10 (1)	281.81
144.10 (2) to (4)	281.83
144.11	281.85
144.14	281.17 (6)
144.15	281.17 (7)
144.21	281.55
144.23	281.56
144.235	281.51
144.24	281.57
144.241	281.58
144.2415	281.59

<b>Old Statute Number</b>	<b>New Statute Number</b>
144.242	281.63
144.25	281.65
144.251	281.67
144.253	281.68
144.254	281.69
144.26	281.31
144.265	281.77
144.266	281.33
144.27	281.92
144.30	285.01
144.31 (1)	285.11
144.31 (2)	285.13
144.31 (3)	285.51
144.31 (4)	285.15
144.32	285.71
144.33	285.70
144.34	285.19
144.36	285.79
144.371	285.23
144.3712	285.33
144.3714	285.35
144.3716	285.37
144.372	285.29
144.373	285.25
144.374	285.62 (11)
144.375 (1) to (3) and (6)	285.21
144.375 (4), (5) and (5m)	285.27
144.38	285.17
144.382	285.53
144.385	Repealed
144.386	285.41
144.387	285.43
144.388	285.45
144.389	285.47
144.391	285.60
144.392	285.61
144.3925	285.62

<b>Old Statute Number</b>	<b>New Statute Number</b>
144.393	285.63
144.3935	285.64
144.394	285.65
144.395	285.67
144.396	285.66
144.398	285.68
144.399	285.69
144.40	285.39
144.401	285.75
144.403	285.81
144.404	285.77
144.405	285.31
144.407	285.55
144.41	285.73
144.42	285.30
144.421	285.57
144.422	285.59
144.423	285.83
144.424	285.85
144.426	285.87
144.43	289.01
144.431 (1)	289.06
144.431 (2) (intro.) and (a)	289.07 (intro.) and (1)
144.431 (2) (b)	289.93
144.431 (2) (c) and (d)	289.07 (2) and (3)
144.431 (2) (e)	Repealed
144.432	289.11
144.433	289.09
144.434	289.91
144.435 (1) and (2)	289.05 (1) and (2)
144.435 (3) and (4)	289.42 (1) and (2)
144.435 (5) (a)	Repealed
144.435 (5) (b)	289.05 (4)
144.436	289.51
144.437	289.10
144.438	289.44
144.4389	289.445

<b>Old Statute Number</b>	<b>New Statute Number</b>
144.439	289.45
144.44 (1) (a) and (am)	Repealed
144.44 (1) (b), (bm), (c) and (d)	289.01 (6), (10), (18) and (29)
144.44 (1) (e)	Repealed
144.44 (1c)	289.21
144.44 (1m)	289.22
144.44 (2) (a) and (b)	289.23 (1) and (2)
144.44 (2) (c)	Repealed
144.44 (2) (d) and (e)	289.23 (3) and (5)
144.44 (2) (f), (fm) and (g)	289.24 (1), (2) and (3)
144.44 (2) (h)	289.23 (4) and 289.24 (4)
144.44 (2) (i) to (k)	289.25
144.44 (2) (L)	289.26 (1)
144.44 (2) (m)	289.27 (1)
144.44 (2) (n)	289.29 (1)
144.44 (2) (nm) and (nr)	289.28 (1) and (2)
144.44 (2) (nu)	289.29 (2)
144.44 (2) (o)	289.29 (3)
144.44 (2) (om)	289.28 (3)
144.44 (2) (p) and (q)	289.29 (4) and (5)
144.44 (2g)	289.26 (2) to (5)
144.44 (2r)	289.27 (2) to (5)
144.44 (3) (a) to (am)	289.30 (1) to (3)
144.44 (3) (ar)	Repealed
144.44 (3) (b) to (g)	289.30 (4) to (11)
144.44 (4)	289.31 (1) to (8)
144.44 (4e)	289.31 (9)
144.44 (4m)	289.32
144.44 (4r)	289.34
144.44 (6)	289.47
144.44 (7) (a) (intro.)	Repealed
144.44 (7) (a) 1.	289.01 (17)
144.44 (7) (a) 2.	289.43 (1)
144.44 (7) (am) to (h)	289.43 (2) to (9)
144.44 (8)	289.95
144.44 (9)	289.53
144.44 (10)	289.61

<b>Old Statute Number</b>	<b>New Statute Number</b>
144.441 (intro.)	Repealed
144.441 (1) (a), (b) and (c)	289.01 (3), (4) and (24)
144.44 (1m)	289.05 (3)
144.441 (2)	289.41 (1m)
144.441 (3) and (4)	289.62
144.441 (6)	289.68 (1) to (6)
144.441 (6m)	289.68 (7)
144.441 (7)	289.63
144.441 (7m)	289.64
144.4412	289.65
144.4414	289.66
144.442 (1) (a) to (cm)	Repealed
144.442 (1) (d) and (e)	292.01 (18) and (21)
144.442 (1m) to (3)	289.67
144.442 (4) to (9)	292.31 (1) to (8)
144.442 (9m)	292.61
144.442 (10) and (11)	293.31 (9) and (10)
144.4422	292.35
144.443	289.41
144.444	289.46
144.445	289.33
144.446	289.12
144.447	289.36
144.448	289.08
144.449	289.55
144.45	289.07 (4)
144.453	289.57
144.455	289.83
144.46	289.35
144.463	289.59
144.465	289.92
144.469	289.96
144.47	289.97
144.48	299.51
144.50	299.53
144.52	299.55
144.60 (1)	Repealed

<b>Old Statute Number</b>	<b>New Statute Number</b>
144.60 (2)	291.001
144.60 (3)	291.35
144.61	291.01
144.62 (2) (a) and (b)	291.05 (1) and (2)
144.62 (2) (c)	291.05 (4)
144.62 (3)	291.07 (1)
144.62 (4)	291.11 (5)
144.62 (5)	291.07 (2)
144.62 (7)	291.05 (5) (b)
144.62 (8)	291.05 (6)
144.62 (8m)	291.07 (3)
144.62 (9)	291.09 (1)
144.62 (10)	291.05 (3)
144.62 (12)	291.09 (2)
144.62 (13)	291.11 (2)
144.62 (14)	291.91 (1)
144.62 (15)	291.11 (1)
144.62 (16)	291.93
144.62 (17) and (18)	291.11 (3) and (4)
144.63	291.21
144.64 (1) (a) and (b) (intro.)	291.23 (1) and (2)
144.64 (1) (b) 1. to 5.	291.05 (5) (a) 1. to 5.
144.64 (1) (c)	291.23 (3)
144.64 (2) (a) to (d)	291.25 (1) to (5)
144.64 (2) (e)	291.87 (1m)
144.64 (2) (f) and (g)	291.25 (6) and (7)
144.64 (2m)	291.29
144.64 (3)	291.31
144.64 (4) (a)	291.05 (7)
144.64 (4) (b)	291.33
144.645	291.87
144.68	291.27
144.69	291.91 (2)
144.70	291.15
144.72	291.85
144.725	291.89
144.73	291.95

<b>Old Statute Number</b>	<b>New Statute Number</b>
144.735	291.37
144.737	291.13
144.74	291.97
144.75	299.41
144.76 (1) (intro.)	Repealed
144.76 (1) (a), (b), (bm), (c) and (d)	292.01 (3), (8), (9), (15) and (16)
144.76 (2) to (9)	292.11 (2) to (9)
144.76 (9m) and (9s)	292.21
144.76 (10) to (12)	292.11 (10) to (12)
144.76 (13)	292.81
144.765	292.15
144.77	292.41
144.788	299.43
144.79	299.45
144.80	Repealed
144.81	293.01
144.815	293.61
144.82	293.11
144.83 (1) and (2)	293.13
144.83 (4)	293.15 (1) to (11)
144.83 (5)	293.15 (12)
144.83 (6)	293.85
144.831 (1) to (6)	293.31
144.831 (7)	293.45 (3)
144.831 (8)	293.15 (13)
144.832	293.21
144.833	293.25
144.834 (1) and (2)	293.35 (2) and (3)
144.836 (intro.), (1), (2), (3) and (4)	293.43 (1), (1m), (2), (3) and (5)
144.838 (1) to (4)	293.33
144.838 (5)	293.43 (4)
144.839	293.41
144.84 (1)	293.35 (1)
144.84 (2) and (3)	293.45 (1) and (2)
144.84 (4)	293.53 (1)
144.84 (5)	293.35 (5)
144.85 (1) (a) and (b)	293.37 (1)

<b>Old Statute Number</b>	<b>New Statute Number</b>
144.85 (1) (c)	293.49 (8)
144.85 (2) (a)	293.37 (5)
144.85 (2) (b)	293.49 (6)
144.85 (3)	293.37 (2)
144.85 (4) (a) and (b)	293.37 (4)
144.85 (4) (c)	293.37 (2) (g)
144.85 (5) (a), (b) and (bm)	293.49 (1), (2) and (3)
144.85 (5) (c)	293.39 (3)
144.85 (5) (d) and (e)	293.49 (4) and (5)
144.852	293.39
144.855	293.65
144.86	293.51
144.87 (1)	293.55 (1)
144.87 (2)	293.57
144.87 (3)	293.55 (2)
144.875	293.59
144.88	293.81
144.89	293.53 (2)
144.90	293.63
144.91	293.83
144.92	293.91
144.925	293.47
144.93	293.87
144.935	293.89
144.937	293.93
144.94	293.95
144.9407 (1)	295.11
144.9407 (2)	295.12
144.9407 (3)	295.13
144.9407 (4)	295.14
144.9407 (4m)	295.15
144.9407 (5)	295.16
144.9407 (6)	295.17 (1)
144.9407 (7)	295.18
144.9407 (8)	295.19
144.9407 (9)	295.20
144.941	295.31

<b>Old Statute Number</b>	<b>New Statute Number</b>
144.942	295.33
144.943	295.35
144.944	295.37
144.95	299.11
144.951	299.31
144.955	299.13
144.96	299.15
144.965	299.21
144.968	292.51
144.97	299.23
144.975	299.91
144.976	281.94
144.977	281.95
144.98	299.95
144.99	299.97
144.992	299.93
144.995	299.33
146.20	281.48
147.01	283.001
147.015	283.01
147.017	283.61
147.0175	283.62
147.018	283.81
147.02	283.31
147.021	283.33
147.023	283.35
147.025	283.37
147.03	283.53
147.033 (1)	283.31 (7)
147.033 (4)	283.33 (9)
147.035	283.11
147.04	283.13
147.05	283.15
147.055	283.17
147.06	283.19
147.07	283.21
147.08	283.55

<b>Old Statute Number</b>	<b>New Statute Number</b>
147.09	283.39
147.10	283.45
147.105	283.47
147.11	283.41
147.12	283.43
147.13	283.49
147.135	283.51
147.14	283.59
147.15	283.57
147.20	283.63
147.21	283.91
147.23	283.87
147.25	283.83
147.26	283.85
147.27	283.95
147.29	283.89
147.30	283.93
159.01	287.01
159.03	287.03
159.05	287.05
159.07	287.07
159.08	287.08
159.09	287.09
159.095	287.095
159.10	287.10
159.11	287.11
159.12	287.12
159.13	287.13
159.15	287.15
159.17	287.17
159.18	287.18
159.185	287.185
159.19	287.19
159.21	287.21
159.215	287.215
159.22	287.22
159.23	287.23

<b>Old Statute Number</b>	<b>New Statute Number</b>
159.25	287.25
159.31	287.31
159.40	287.40
159.41	287.41
159.42	287.42
159.44	287.44
159.46	287.46
159.48	287.48
159.49	287.49
159.81	287.81
159.91	287.91
159.93	287.93
159.95	287.95
159.97	287.97
162.01	280.11
162.02	280.01
162.03	280.13
162.04	280.15
162.047	280.17
162.05	280.19
162.06	280.97
162.07	280.21