

1 **SECTION 2492.** 281.58 (6) (a) 4. of the statutes is repealed.

2 **SECTION 2493.** 281.58 (6) (b) 1. of the statutes is amended to read:

3 281.58 (6) (b) 1. Purchasing or refinancing the obligation of a municipality if
4 the obligation was incurred to finance the cost of constructing a water pollution
5 control project located in this state ~~and the obligation was initially incurred on or~~
6 ~~after May 17, 1988.~~

7 **SECTION 2494.** 281.58 (6) (b) 2. of the statutes is repealed.

8 **SECTION 2495.** 281.58 (7) (b) 3. of the statutes is repealed.

9 **SECTION 2495p.** 281.58 (7) (b) 5. of the statutes is repealed.

10 **SECTION 2496.** 281.58 (7) (b) 7. of the statutes is repealed.

11 **SECTION 2496m.** 281.58 (8) (a) 1. of the statutes is amended to read:

12 281.58 (8) (a) 1. A person or municipality that has failed to substantially
13 comply, as specified by the rules promulgated under sub. (2), with the terms of a
14 federal or state grant or loan used to pay the costs of studies, investigations, plans,
15 designs or construction associated with wastewater collection, transportation,
16 treatment or disposal ~~or used to pay the cost of studies, investigations, plans, designs~~
17 ~~or construction associated with implementing a nonpoint source control~~
18 ~~management program.~~

19 **SECTION 2497.** 281.58 (8) (h) of the statutes is amended to read:

20 281.58 (8) (h) Except as provided in par. (k), a municipality that is a violator
21 of an effluent limitation at the time that the application for a treatment work project
22 is approved under sub. (9m) may not receive financial assistance of a method
23 specified under sub. (6) (b) 1., ~~2,~~ 3., 4. or 5. for that part of the treatment work project
24 that is needed to correct the violation. This paragraph does not apply to a
25 municipality that after May 17, 1988, is in compliance with a court or department

1 order to correct a violation of the enforceable requirements of its ch. 283 permit, and
2 that is applying for financial assistance under s. 281.59 (13) to correct that violation.

3 **SECTION 2498.** 281.58 (8) (j) of the statutes is created to read:

4 281.58 (8) (j) The amount of a payment under sub. (6) (b) 8. may not exceed the
5 amount of subsidy necessary to reduce the interest rate on the loan from market rate
6 to the interest rate that would have been charged on a loan to the municipality under
7 sub. (6) (b) 4.

8 **SECTION 2499.** 281.58 (8) (L) of the statutes is repealed.

9 **SECTION 2500.** 281.58 (8e) (a) of the statutes is amended to read:

10 281.58 (8e) (a) The type of project and the order in which it is listed under sub.
11 (7) (b) 1. to ~~7. 6.~~

12 **SECTION 2501.** 281.58 (8s) of the statutes is amended to read:

13 281.58 (8s) FACILITY PLAN. A municipality seeking financial assistance for a
14 project under this section, ~~except for a municipality seeking a capital cost loan,~~ shall
15 complete a facility plan as required by the department by rule.

16 **SECTION 2502.** 281.58 (9) (b) of the statutes is amended to read:

17 281.58 (9) (b) A municipality seeking financial assistance, ~~except for a~~
18 ~~municipality seeking a capital cost loan,~~ for a project under the clean water fund
19 program shall complete an environmental analysis sequence as required by the
20 department by rule.

21 **SECTION 2502v.** 281.58 (12) (a) 2. of the statutes is repealed.

22 **SECTION 2503.** 281.58 (12) (a) 4. of the statutes is amended to read:

23 281.58 (12) (a) 4. The interest rate for projects specified in sub. (7) (b) 6. ~~and~~
24 ~~7.~~ and for those portions of projects under subd. 1. that are restricted by sub. (8) (b),
25 (c), (f) or (h) is market interest rate.

1 **SECTION 2504.** 281.58 (12) (a) 5. of the statutes is repealed.

2 **SECTION 2504e.** 281.58 (12) (f) of the statutes is amended to read:

3 281.58 (12) (f) The department and the department of administration jointly
4 may request the joint committee on finance to take action under s. 13.101 (11) to
5 modify the percentage of market interest rates established in par. (a) 1. ~~to~~ or 3.

6 **SECTION 2504p.** 281.59 (1) (d) (intro.) of the statutes is amended to read:

7 281.59 (1) (d) (intro.) “Subsidy” means the amounts provided from the
8 environmental improvement fund to clean water fund program, safe drinking water
9 loan program, urban storm water loan program and land recycling loan program
10 projects for the following purposes:

11 **SECTION 2504q.** 281.59 (1) (d) 1. of the statutes is amended to read:

12 281.59 (1) (d) 1. To reduce the interest rate of clean water fund program, safe
13 drinking water loan program, urban storm water loan program and land recycling
14 loan program loans from market rate to a subsidized rate.

15 **SECTION 2504r.** 281.59 (1) (em) of the statutes is created to read:

16 281.59 (1) (em) “Urban storm water loan program” means the program
17 administered under s. 281.595, with financial management provided under this
18 section.

19 **SECTION 2505.** 281.59 (1m) (c) of the statutes is created to read:

20 281.59 (1m) (c) There is established a private sewage system replacement and
21 rehabilitation loan program, administered under s. 145.245 (12m).

22 **SECTION 2506f.** 281.59 (1m) (d) of the statutes is created to read:

23 281.59 (1m) (d) There is established an urban storm water loan program,
24 administered under s. 281.595, with financial management provided under this
25 section.

1 **SECTION 2506g.** 281.59 (2) (a) of the statutes is amended to read:

2 281.59 (2) (a) Administer its responsibilities under this section and ss. 281.58,
3 281.595, 281.60 and 281.61.

4 **SECTION 2506h.** 281.59 (2) (b) of the statutes is amended to read:

5 281.59 (2) (b) Cooperate with the department in administering the clean water
6 fund program, the safe drinking water loan program, the urban storm water loan
7 program and the land recycling loan program.

8 **SECTION 2506i.** 281.59 (3) (a) 1. of the statutes is amended to read:

9 281.59 (3) (a) 1. An estimate of the wastewater treatment, safe drinking water,
10 urban storm water and land recycling project needs of the state for the 4 fiscal years
11 of the next 2 biennia.

12 **SECTION 2506j.** 281.59 (3) (a) 4. of the statutes is amended to read:

13 281.59 (3) (a) 4. The extent to which the funding for the clean water fund
14 program, the urban storm water loan program and the safe drinking water loan
15 program, in the environmental improvement fund, will be maintained in perpetuity.

16 **SECTION 2506k.** 281.59 (3) (a) 5. of the statutes is amended to read:

17 281.59 (3) (a) 5. The most recent available audited financial statements of the
18 past operations and activities of the clean water fund program, the safe drinking
19 water loan program, the urban storm water loan program and the land recycling loan
20 program, the estimated environmental improvement fund capital available in each
21 of the next 4 fiscal years for the clean water fund program, the urban storm water
22 loan program and the safe drinking water loan program, and the projected
23 environmental improvement fund balance for the clean water fund program, the
24 urban storm water loan program and the safe drinking water loan program for each
25 of the next 20 years given existing obligations and financial conditions.

1 **SECTION 2506L.** 281.59 (3) (a) 6s. of the statutes is created to read:

2 281.59 (3) (a) 6s. An amount equal to the estimated present value of subsidies
3 for all loans under the urban storm water loan program to be made during the
4 biennium for which the biennial finance plan is prepared, discounted at a rate of 7%
5 per year to the first day of that biennium.

6 **SECTION 2506m.** 281.59 (3) (a) 7. of the statutes is amended to read:

7 281.59 (3) (a) 7. A discussion of the assumptions made in calculating the
8 amounts under subs. 6., 6e. ~~and, 6m. and 6s.~~

9 **SECTION 2506q.** 281.59 (3) (j) of the statutes is amended to read:

10 281.59 (3) (j) No later than November 1 of each odd-numbered year, the
11 department of administration and the department jointly shall submit a report, to
12 the building commission and committees as required under par. (bm), on the
13 implementation of the amount established under sub. (3e) (b) as required under s.
14 281.58 (9m) (e), and on the operations and activities of the clean water fund program,
15 the safe drinking water loan program, the urban storm water loan program and the
16 land recycling loan program for the previous biennium.

17 **SECTION 2507.** 281.59 (3e) (b) 1. and 3. of the statutes are amended to read:

18 281.59 (3e) (b) 1. Equal to ~~\$90,200,000~~ \$85,200,000 during the ~~1997-99~~
19 1999-01 biennium.

20 3. Equal to \$1,000 for any biennium after the ~~1997-99~~ 1999-01 biennium.

21 **SECTION 2508.** 281.59 (3m) (b) 1. and 2. of the statutes are amended to read:

22 281.59 (3m) (b) 1. Equal to ~~\$4,500,000~~ \$9,400,000 during the ~~1997-99~~ 1999-01
23 biennium.

24 2. Equal to \$1,000 for any biennium after the ~~1997-99~~ 1999-01 biennium.

25 **SECTION 2509.** 281.59 (3s) (b) 1. and 2. of the statutes are amended to read:

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① 281.59 (3s) (b) 1. Equal to ~~\$21,000,000~~ \$12,600,000 during the ~~1997-99~~
2 1999-01 biennium.

3 2. Equal to \$1,000 for any biennium after the ~~1997-99~~ 1999-01 biennium.

4 **SECTION 2509m.** 281.59 (3v) of the statutes is created to read:

5 281.59 (3v) URBAN STORM WATER LOAN PROGRAM EXPENDITURES. (a) No moneys
6 may be expended for the urban storm water loan program in a biennium until the
7 legislature reviews and approves all of the following as part of the biennial budget
8 act for the biennium:

9 1. An amount of present value of the subsidy for the urban storm water loan
10 program that is specified for that biennium under par. (b) and is based on the amount
11 included in the biennial finance plan under sub. (3) (a) 6s.

12 2. The amount of public debt, authorized under s. 20.866 (2) (tc), that the state
13 may contract for the purposes of the urban storm water loan program.

14 (b) The amount of present value of the subsidy for the urban storm water loan
15 program that is approved by the legislature under this paragraph is as follows:

16 1. Equal to \$4,500,000 during the 1999-01 biennium.

17 2. Equal to \$1,000 for any biennium after the 1999-01 biennium.

18 (c) The department of administration may allocate amounts approved under
19 par. (b) as the present value of subsidies for financial assistance under the urban
20 storm water loan program.

21 (d) Using the amount approved under par. (b) as a base, the department of
22 administration shall calculate the present value of the actual subsidy of each urban
23 storm water loan made for those projects in each biennium that are approved for
24 financial assistance. The present value shall be discounted as provided under sub.

25 (3) (a) 6s.

1 **SECTION 2509p.** 281.59 (4) (a) of the statutes is amended to read:

2 281.59 (4) (a) The clean water fund program is ~~a~~ ^{the} the urban storm water loan
3 program and the safe drinking water loan program are revenue-producing
4 ~~enterprise or program enterprises or programs~~, as defined in s. 18.52 (6).

5 **SECTION 2509q.** 281.59 (4) (am) of the statutes is amended to read:

6 281.59 (4) (am) Deposits, appropriations or transfers to the environmental
7 improvement fund for the purposes of the clean water fund program, the urban
8 storm water loan program or the safe drinking water loan program may be funded
9 with the proceeds of revenue obligations issued subject to and in accordance with
10 subch. II of ch. 18 or in accordance with subch. IV of ch. 18 if designated a higher
11 education bond.

12 **SECTION 2510.** 281.59 (4) (b) of the statutes is amended to read:

13 281.59 (4) (b) The department of administration may, under s. ~~18.56(5) and (9)~~
14 ~~(j)~~ 18.561 or 18.562, deposit in a separate and distinct fund in the state treasury or
15 in an account maintained by a trustee outside the state treasury, any portion of the
16 revenues derived under s. 25.43 (1). The revenues deposited with a trustee outside
17 the state treasury are the trustee's revenues in accordance with the agreement
18 between this state and the trustee or in accordance with the resolution pledging the
19 revenues to the repayment of revenue obligations issued under this subsection.

20 **SECTION 2510d.** 281.59 (4) (c) of the statutes is amended to read:

21 281.59 (4) (c) The building commission may pledge any portion of revenues
22 received or to be received in the fund established in par. (b) or the environmental
23 improvement fund to secure revenue obligations issued under this subsection. The
24 pledge shall provide for the transfer to the environmental improvement fund of all
25 pledged revenues, including any interest earned on the revenues, which are in excess

1 of the amounts required to be paid under s. 20.320 (1) (c) and (u) for the purposes of
2 the clean water fund program or the urban storm water loan program plus the
3 amounts required to be paid under s. 20.320 (2) (c) and (u) for the safe drinking water
4 loan program. The pledge shall provide that the transfers be made at least twice
5 yearly, that the transferred amounts be deposited in the environmental
6 improvement fund and that the transferred amounts are free of any prior pledge.

7 **SECTION 2510m.** 281.59 (4) (f) of the statutes is amended to read:

8 281.59 (4) (f) Revenue obligations may be contracted by the building
9 commission when it reasonably appears to the building commission that all
10 obligations incurred under this subsection can be fully paid on a timely basis from
11 moneys received or anticipated to be received. Revenue obligations issued under this
12 subsection for the clean water fund program and the urban storm water loan
13 program shall not exceed \$1,297,755,000 in principal amount, excluding obligations
14 issued to refund outstanding revenue obligation notes. Revenue obligations issued
15 under this subsection for the safe drinking water loan program shall not exceed
16 \$27,700,000 in principal amount, excluding obligations issued to refund outstanding
17 revenue obligation notes.

18 **SECTION 2511.** 281.59 (9) (a) of the statutes is amended to read:

19 281.59 (9) (a) A loan approved under the clean water fund program, the safe
20 drinking water loan program, the urban storm water loan program or the land
21 recycling loan program shall be for no longer than 20 years, as determined by the
22 department of administration, be fully amortized not later than 20 years after the
23 original date of the ~~note~~ financial assistance agreement, and require the repayment
24 of principal and interest, if any, to begin not later than 12 months after the expected

1 date of completion of the project that it funds, as determined by the department of
2 administration.

3 **SECTION 2511c.** 281.59 (9) (am) of the statutes is amended to read:

4 281.59 (9) (am) The department of administration, in consultation with the
5 department, may establish those terms and conditions of a financial assistance
6 agreement that relate to its financial management, including what type of municipal
7 obligation, as set forth under s. 66.36, is required for the repayment of the financial
8 assistance. Any terms and conditions established under this paragraph by the
9 department of administration shall comply with the requirements of this section and
10 s. 281.58, 281.595, 281.60 or 281.61. In setting the terms and conditions, the
11 department of administration may consider factors that the department of
12 administration finds are relevant, including the type of obligation evidencing the
13 loan, the pledge of security for the obligation and the applicant's creditworthiness.

14 **SECTION 2511e.** 281.59 (9) (b) (intro.) of the statutes is amended to read:

15 281.59 (9) (b) (intro.) As a condition of receiving financial assistance under the
16 clean water fund program, the safe drinking water loan program, the urban storm
17 water loan program or the land recycling loan program, an applicant shall do all of
18 the following:

19 **SECTION 2511f.** 281.59 (9) (b) 1. of the statutes is amended to read:

20 281.59 (9) (b) 1. Pledge the security, if any, required by the rules promulgated
21 by the department of administration under this section and s. 281.58, 281.595,
22 281.60 or 281.61.

23 **SECTION 2511g.** 281.59 (11) (a) of the statutes is amended to read:

24 281.59 (11) (a) The department of natural resources and the department of
25 administration may enter into a financial assistance agreement with an applicant

1 for which the department of administration has allocated subsidy under s. 281.58
2 (9m), 281.595 (8), 281.60 (8) or 281.61 (8) if the applicant meets the conditions under
3 sub. (9) and the other requirements under this section and s. 281.58, 281.595, 281.60
4 or 281.61.

5 **SECTION 2511i.** 281.59 (11) (b) of the statutes is amended to read:

6 281.59 (11) (b) If a municipality fails to make a principal repayment or interest
7 payment after its due date, the department of administration shall place on file a
8 certified statement of all amounts due under this section and s. 281.58, 281.595,
9 281.60 or 281.61. After consulting the department, the department of
10 administration may collect all amounts due by deducting those amounts from any
11 state payments due the municipality or may add a special charge to the amount of
12 taxes apportioned to and levied upon the county under s. 70.60. If the department
13 of administration collects amounts due, it shall remit those amounts to the fund to
14 which they are due and notify the department of that action.

15 **SECTION 2511k.** 281.59 (11) (c) of the statutes is amended to read:

16 281.59 (11) (c) The department of administration may retain the last payment
17 under a financial assistance agreement until the department of natural resources
18 and the department of administration determine that the project is completed and
19 meets the applicable requirements of this section and s. 281.58, 281.595, 281.60 or
20 281.61 and that the conditions of the financial assistance agreement are met.

21 **SECTION 2512.** 281.59 (12) of the statutes is amended to read:

22 281.59 (12) MUNICIPAL OBLIGATIONS. The department of administration may
23 purchase or refinance obligations specified in s. 281.58 (6) (b) 1. ~~or 2.~~ and guarantee
24 or purchase insurance for municipal obligations specified in s. 281.58 (6) (b) 3. if the

1 department of administration and the department of natural resources approve the
2 financial assistance under this section and s. 281.58.

3 **SECTION 2512e.** 281.59 (13s) of the statutes is amended to read:

4 281.59 (13s) POWERS. The department of administration may audit, or contract
5 for audits of, projects receiving financial assistance under the clean water fund
6 program, the safe drinking water loan program, the urban storm water loan program
7 and the land recycling loan program.

8 **SECTION 2512g.** 281.59 (14) of the statutes is amended to read:

9 281.59 (14) RULES. The department of administration shall promulgate rules
10 that are necessary for the proper execution of this section and of its responsibilities
11 under ss. 281.58, 281.595, 281.60 and 281.61.

12 **SECTION 2512j.** 281.595 of the statutes is created to read:

13 **281.595 Urban storm water loan program. (1) DEFINITIONS.** In this section:

14 (a) "Local governmental unit" means a city, village, town, county, town sanitary
15 district, public inland lake protection and rehabilitation district or metropolitan
16 sewerage district.

17 (b) "Market interest rate" means the interest at the effective rate of a revenue
18 obligation issued by this state to fund a loan or portion of a loan for a clean water fund
19 program project under s. 281.58.

20 (c) "Population" means population shown by the last federal census or by any
21 subsequent population estimate under s. 16.96.

22 (d) "Urban area" means any of the following:

- 23 1. An area with a population of 1,000 or more per square mile.
- 24 2. An area in which the land is used for industrial or commercial land uses.
- 25 3. An area that is surrounded by an area described in subd. 1. or 2.

1 (e) "Urban storm water loan program" means the program administered under
2 this section, with financial management provided under s. 281.59.

3 (2) GENERAL. The department and the department of administration shall
4 administer a program to provide financial assistance to local governmental units for
5 the planning, designing, construction or modification of nonpoint source pollution
6 and urban storm water runoff projects in urban areas.

7 (2g) INELIGIBLE USES. A local governmental unit may not use financial
8 assistance under this section to pay any portion of the cost of a project for which
9 financial assistance is provided under s. 281.65.

10 (2r) METHODS OF PROVIDING FINANCIAL ASSISTANCE. The following methods of
11 providing financial assistance may be used under the urban storm water loan
12 program:

13 (a) Making loans below the market interest rate for projects described in sub.

14 (2).

15 (b) Purchasing or refinancing the obligation of a local governmental unit that
16 was incurred to finance the cost of a project described in sub. (2).

17 (c) Guaranteeing, or purchasing insurance for, obligations incurred to finance
18 the cost of projects described in sub. (2) if the guarantee or insurance will provide
19 credit market access or reduce interest rates.

20 (d) Providing payments to the board of commissioners of public lands to reduce
21 principal or interest payments, or both, on loans made to local governmental units
22 under subch. II of ch. 24 by the board of commissioners of public lands for projects
23 that are eligible for financial assistance under the urban storm water loan program.

24 (3) NOTICE OF INTENT TO APPLY. (a) A local governmental unit shall submit notice
25 of its intent to apply for financial assistance under the urban storm water loan

1 program at least 6 months before the beginning of the fiscal year in which it intends
2 to receive the financial assistance. The notice shall be in a form prescribed by the
3 department and the department of administration.

4 (b) If a local governmental unit does not apply for financial assistance by April
5 30 of the 2nd year following the year in which it submitted notice under par. (a), the
6 local governmental unit shall submit a new notice under par. (a).

7 (c) The department may waive par. (a) or (b) upon the written request of a local
8 governmental unit.

9 (4) ENGINEERING REPORT. A local governmental unit seeking financial
10 assistance for a project under this section shall submit an engineering report, as
11 required by the department by rule.

12 (5) APPLICATION. After the department approves a local governmental unit's
13 engineering report submitted under sub. (4), the local governmental unit shall
14 submit an application for urban storm water financial assistance to the department.
15 The applicant shall submit the application before the April 30 preceding the
16 beginning of the fiscal year in which the applicant wishes to receive the financial
17 assistance. The application shall be in the form and include the information required
18 by the department and the department of administration and shall include plans and
19 specifications that are approvable by the department under this section. An
20 applicant may not submit more than one application per project per year.

21 (6) PRIORITY LIST. The department shall establish a priority list that ranks each
22 urban storm water loan program project. The department shall promulgate rules for
23 determining project rankings that base project priority on the impact of a project on
24 groundwater and surface water quality and on public health.

1 **(7) APPROVAL OF APPLICATION.** The department shall approve an application
2 received under sub. (5) after all of the following occur:

3 (a) The project is ranked on the priority list under sub. (6).

4 (b) The department determines that the project meets the eligibility
5 requirements under this section.

6 (c) The department of administration determines that the local governmental
7 unit will meet the requirements of s. 281.59 (9) (b).

8 (d) The legislature has approved an amount under s. 281.59 (3v) (b) 1. for the
9 biennium.

10 **(8) FUNDING LIST; ALLOCATION OF FUNDING.** (a) The department shall establish
11 a funding list for each fiscal year that ranks projects of local governmental units that
12 submit approvable applications under sub. (5) in the same order that they appear on
13 the priority list under sub. (6). If sufficient funds are not available to fund all
14 approved applications for financial assistance, the department of administration
15 shall allocate funding to projects that are approved under sub. (7) in the order that
16 they appear on the funding list.

17 (b) In allocating subsidy under this subsection, the department of
18 administration shall adhere to the amount approved by the legislature for each
19 biennium under s. 281.59 (3v) (b).

20 **(8m) CONDITIONS OF FINANCIAL ASSISTANCE.** As a condition of receiving financial
21 assistance under the urban storm water loan program, a local governmental unit
22 shall do all of the following:

23 (a) Establish a dedicated source of revenue for the repayment of the financial
24 assistance.

1 (b) Comply with those provisions of 33 USC 1381 to 1387 and this chapter and
2 ch. 283 and the regulations and rules promulgated under those provisions that the
3 department specifies.

4 (c) Develop and adopt a program for the operation and maintenance of the
5 nonpoint source pollution or storm water project, including the training of personnel,
6 as required by the department.

7 **(8s) INELIGIBILITY FOR AND LIMITATION ON FINANCIAL ASSISTANCE.** (a) A person or
8 municipality that has failed to substantially comply, as specified by the rules
9 promulgated under sub. (12), with the terms of a federal or state grant or loan used
10 to pay the cost of studies, investigations, plans, designs or construction associated
11 with implementing a nonpoint source control management program is not eligible
12 for financial assistance from the urban storm water loan program.

13 (b) The amount of a payment under sub. (2r) (d) may not exceed the amount of
14 subsidy necessary to reduce the interest rate on the loan from market rate to the
15 interest rate that would have been charged on a loan to the local governmental unit
16 under sub. (2r) (a).

17 **(9) FINANCIAL ASSISTANCE COMMITMENTS.** The department and the department
18 of administration may, at the request of a local governmental unit, issue a notice of
19 financial assistance commitment after the local governmental unit's application for
20 urban storm water financial assistance has been approved under sub. (7) and
21 funding has been allocated under sub. (8) for the local governmental unit's project.
22 The notice of financial assistance commitment shall specify the conditions that the
23 local governmental unit must meet to secure financial assistance and shall include
24 the estimated repayment schedules and other terms of the financial assistance.

1 **(10) DEADLINE FOR CLOSING.** If funding is allocated to a project under sub. (8)
2 for a loan and the loan is not closed before April 30 of the year following the year in
3 which funding is allocated, the department of administration shall release the
4 funding allocated to the project.

5 **(11) LOAN INTEREST RATES.** (a) Except as provided under par. (b), the interest
6 rate on an urban storm water loan program loan shall be 55% of market interest rate.

7 (b) The department and the department of administration jointly may request
8 the joint committee on finance to take action under s. 13.101 (11) to modify the
9 percentage of market interest under par. (a).

10 **(11m) SERVICE FEE.** The department and the department of administration
11 may jointly charge and collect an annual service fee for reviewing and acting upon
12 urban storm water loan program applications and servicing financial assistance
13 agreements. The fee shall be in addition to interest payments at the rate under sub.
14 (11). The department and the department of administration shall specify any fee in
15 the biennial finance plan and shall design the fee to cover the costs of reviewing and
16 acting upon urban storm water loan program applications and servicing financial
17 assistance agreements.

18 **(12) DUTIES OF THE DEPARTMENT.** The department shall do all of the following:

19 (a) Promulgate rules establishing eligibility criteria for applicants and projects
20 under this section.

21 (b) Promulgate rules that are necessary for the execution of its responsibilities
22 under the urban storm water loan program.

23 (c) Cooperate with the department of administration in administering the
24 urban storm water loan program.

1 (d) By May 1 of each even-numbered year, prepare and submit to the
2 department of administration a biennial needs list that includes all of the following
3 information:

4 1. A list of urban storm water projects that the department estimates will apply
5 for financial assistance under the urban storm water loan program during the next
6 biennium.

7 2. The estimated cost and estimated construction schedule of each project on
8 the list, and the total of the estimated costs of all projects on the list.

9 3. The estimated rank of each project on the priority list under sub. (6).

10 (e) Submit a biennial budget request under s. 16.42 for the urban storm water
11 loan program.

12 (f) Have the lead state role with the federal environmental protection agency
13 concerning the urban storm water loan program.

14 (g) Have the lead state role with local governmental units in providing urban
15 storm water loan program information, and cooperate with the department of
16 administration in providing that information to local governmental units.

17 (h) Inspect periodically urban storm water loan program project construction
18 to determine project compliance with construction plans and specifications approved
19 by the department and the requirements of the urban storm water loan program.

20 **SECTION 2513.** 281.60 (1) (a) of the statutes is amended to read:

21 281.60 (1) (a) "Eligible applicant" means a political subdivision, a
22 redevelopment authority created under s. 66.431 or a housing authority.

23 **SECTION 2514.** 281.60 (1) (c) of the statutes is repealed.

24 **SECTION 2515.** 281.60 (2) of the statutes is amended to read:

1 281.60 (2) GENERAL. The department and the department of administration
2 may administer a program to provide financial assistance to eligible applicants for
3 projects to remedy environmental contamination of sites or facilities at which
4 environmental contamination has affected groundwater or surface water or
5 threatens to affect groundwater or surface water. The department and the
6 department of administration may provide financial assistance under this section to
7 an eligible applicant only if the eligible applicant owns the contaminated site or
8 facility or, if the applicant is a political subdivision, if a redevelopment authority or
9 a housing authority owns the contaminated site or facility. The department and the
10 department of administration may not provide financial assistance under this
11 section to remedy environmental contamination at a site or facility that is not a
12 landfill if the eligible applicant caused the environmental contamination.

13 **SECTION 2516.** 281.60 (2r) (a) of the statutes is amended to read:

14 281.60 (2r) (a) Making loans ~~below the market interest rate~~ for projects
15 described in sub. (2).

16 **SECTION 2517.** 281.60 (7) (c) of the statutes is amended to read:

17 281.60 (7) (c) The department of administration determines that the eligible
18 applicant will meet the requirements of s. 281.59 (9) ~~(b)~~.

19 **SECTION 2518.** 281.60 (8s) of the statutes is created to read:

20 281.60 (8s) LIMITATION ON FINANCIAL ASSISTANCE. The amount of a payment
21 under sub. (2r) (d) may not exceed the amount of subsidy necessary to reduce the
22 interest rate on the loan from market rate to the interest rate that would have been
23 charged on a loan to the political subdivision under sub. (2r) (a).

24 **SECTION 2519.** 281.60 (11) of the statutes is amended to read:

1 281.60 (11) LOAN INTEREST RATES. The department and the department of
2 administration may not charge interest rate on a land recycling loan program loan
3 shall be 55% of market interest rate.

4 **SECTION 2520.** 281.60 (11m) of the statutes is amended to read:

5 281.60 (11m) SERVICE FEE. The department and the department of
6 administration shall jointly charge and collect an annual service fee for reviewing
7 and acting upon land recycling loan program applications and servicing financial
8 assistance agreements. ~~The fee shall be in addition to interest payments at the rate~~
9 ~~under sub. (11).~~ For the 1997–99 fiscal biennium, the service fee shall be 0.5% of the
10 loan balance. Fee amounts for later biennia shall be established in the biennial
11 finance plan under s. 281.59 (3) (a) 8. The department and the department of
12 administration shall specify in the biennial finance plan a fee designed to cover the
13 costs of reviewing and acting upon land recycling loan program applications and
14 servicing financial assistance agreements.

15 **SECTION 2521.** 281.61 (8s) of the statutes is created to read:

16 281.61 (8s) LIMITATION ON FINANCIAL ASSISTANCE. The amount of a payment
17 under sub. (2r) (d) may not exceed the amount of subsidy necessary to reduce the
18 interest rate on the loan from market rate to the interest rate that would have been
19 charged on a loan to the local governmental unit under sub. (2r) (a).

20 **SECTION 2521e.** 281.65 (1) (d) of the statutes is amended to read:

21 281.65 (1) (d) Focus limited technical and financial resources in critical
22 geographic locations ~~through the selection of priority lakes and priority watersheds~~
23 where nonpoint source related water quality problems and threats are the most
24 severe and control is most feasible.

25 **SECTION 2521f.** 281.65 (4) (f) of the statutes is amended to read:

1 281.65 (4) (f) Administer the distribution of grants and aids to governmental
2 units for local administration and implementation of the program under this section.
3 A grant awarded under this section may be used for ~~technical assistance, educational~~
4 ~~and training assistance, ordinance development and administration, cost-sharing~~
5 for management practices and capital improvements, ~~plan preparation under par-~~
6 ~~(g)~~, easements or other activities determined by the department to satisfy the
7 requirements of this section. A grant may not be used for promotional items, except
8 for promotional items that are used for informational purposes, such as brochures
9 or videos.

10 **SECTION 2521g.** 281.65 (4) (g) (intro.) of the statutes is amended to read:

11 281.65 (4) (g) (intro.) In cooperation with the department of agriculture, trade
12 and consumer protection and the appropriate governmental unit, prepare priority
13 watershed and priority lakes plans to implement nonpoint source water pollution
14 abatement projects ~~and storm water control activities described in sub. (8c) in~~
15 priority watersheds and priority lake areas. In preparing the plans, the department
16 shall:

17 **SECTION 2521i.** 281.65 (4) (j) of the statutes is repealed.

18 **SECTION 2521k.** 281.65 (4) (pm) of the statutes is amended to read:

19 281.65 (4) (pm) Jointly with the department of agriculture, trade and consumer
20 protection, develop the forms required and implement the process under s. 92.14
21 (14).

22 **SECTION 2521m.** 281.65 (4) (t) of the statutes is repealed.

23 **SECTION 2521n.** 281.65 (4c) (a) of the statutes is amended to read:

24 281.65 (4c) (a) ~~Beginning on July 1, 1998, a~~ A governmental unit may request
25 funding under this subsection for a project that is in a priority watershed project, a

1 ~~or priority lake project area~~ or a ~~nonpoint source water pollution abatement~~ project
2 that is not in a priority watershed or a priority lake area by submitting an application
3 to the ~~board~~ department. An application shall be submitted before July 15 to be
4 considered for initial funding in the following year.

5 **SECTION 2521ne.** 281.65 (4c) (ae) of the statutes is created to read:

6 281.65 (4c) (ae) The department shall administer this subsection in a manner
7 that promotes the accelerated implementation of nonpoint source water pollution
8 control that cannot be conducted with funding under s. 92.14 in target areas
9 described in par. (am) 1. that are of the highest priority.

10 **SECTION 2521nm.** 281.65 (4c) (am) of the statutes is created to read:

11 281.65 (4c) (am) The department may select a project for funding under this
12 subsection only if all of the following apply:

13 1. The project will implement nonpoint source pollution control in an area that
14 is a target area based on any of the following:

15 a. The need for compliance with performance standards established by the
16 department under s. 281.16 (2).

17 b. The existence of impaired water bodies that the department has identified
18 to the federal environmental protection agency under 33 USC 1313 (d) (1) (A).

19 c. The existence of outstanding or exceptional resource waters, as designated
20 by the department under s. 281.15.

21 d. The existence of threats to public health.

22 e. The existence of an animal feeding operation that has received a notice of
23 discharge under ch. 283 or a notice of intent to issue a notice of discharge.

24 f. Other water quality concerns of national or statewide importance.

25 2. The project cannot be conducted with funding provided under s. 92.14.

1 3. The project is consistent with priorities identified by the department on a
2 watershed or other geographic basis.

3 4. The project is consistent with approved land and water resource
4 management plans under s. 92.10.

5 5. The application for the project specifies the watershed, subwatershed or
6 specific site that will be served by the project.

7 **SECTION 2521np.** 281.65 (4c) (b) of the statutes is amended to read:

8 281.65 (4c) (b) The department, ~~in consultation with the department of~~
9 ~~agriculture, trade and consumer protection,~~ shall use the system approved under
10 par. (e) (d) to determine the score of each project for which the board ~~it~~ receives an
11 application under par. (a) and shall inform the land and water conservation board
12 of the scores no later than September 1 of each year.

13 **SECTION 2521nr.** 281.65 (4c) (c) of the statutes is amended to read:

14 281.65 (4c) (c) After ~~receiving~~ determining project scores under par. (b) and
15 ~~before,~~ the department shall notify the land and water conservation board of the
16 projects that the department proposes to select for funding in the following year. The
17 board shall review the proposal and make recommendations to the department.
18 Before November 1 of each year, the ~~board~~ department shall select projects for
19 funding under this ~~section~~ subsection in the following year. To the extent practicable,
20 within the requirements of this section, the ~~board~~ department shall select projects
21 so that projects are distributed evenly around this state.

22 **SECTION 2521nt.** 281.65 (4c) (d) (intro.) of the statutes is amended to read:

23 281.65 (4c) (d) (intro.) ~~No later than April 1, 1998, the~~ The department, ~~in~~
24 ~~consultation with the department of agriculture, trade and consumer protection,~~
25 shall ~~propose to the board~~ adopt a scoring system for ranking nonpoint source water

1 pollution abatement projects for which applications are submitted under par. (a).
2 The criteria on which the scoring system is based shall include all of the following:

3 **SECTION 2521nv.** 281.65 (4c) (e) of the statutes is repealed.

4 **SECTION 2521p.** 281.65 (4c) (f) of the statutes is created to read:

5 281.65 (4c) (f) A project funded under this subsection may be conducted over
6 a period of one to 3 years, except that the department may approve an extension for
7 one year.

8 **SECTION 2521q.** 281.65 (4e) of the statutes is repealed.

9 **SECTION 2524m.** 281.65 (8) (e) of the statutes is amended to read:

10 281.65 (8) (e) ~~Except as provided in sub. (8e), grants~~ Grants may only be used
11 for implementing best management practices. Grants for implementing best
12 management practices may only be used for implementing cost-effective best
13 management practices specified under sub. (4) (e) unless an applicant demonstrates
14 that the use of a cost-effective best management practice will not contribute to water
15 quality improvement or will cause a water body to continue to be impaired as
16 identified to the federal environmental protection agency under 33 USC 1313 (d) (1)
17 (A).

18 **SECTION 2524s.** 281.65 (8) (k) of the statutes is repealed.

19 **SECTION 2525.** 281.65 (8) (L) of the statutes is amended to read:

20 281.65 (8) (L) A grant may not be made to an individual if the department
21 ~~receives a certification under s. 49.855 (7) that the individual is delinquent in child~~
22 ~~support or maintenance payments or owes past support, medical expenses or birth~~
23 ~~expenses~~ whose name appears on the statewide support lien docket under s. 49.854
24 (2) (b), unless the individual provides to the department a payment agreement that

1 has been approved by the county child support agency under s. 59.53 (5) and that is
2 consistent with rules promulgated under s. 49.858 (2) (a).

3 **SECTION 2525e.** 281.65 (8c) of the statutes is repealed.

4 **SECTION 2525f.** 281.65 (8d) of the statutes is renumbered 281.66 (6) and
5 amended to read:

6 281.66 (6) GRANTS FOR CAMPUSES. The Notwithstanding subs. (3) and (4), the
7 department may distribute a grant to the board of regents of the University of
8 Wisconsin System for practices, techniques or measures to control storm water
9 discharges on a University of Wisconsin System campus that is located in a
10 municipality that is required to obtain a permit under s. 283.33 and that is located
11 in a priority watershed area, as defined in s. 281.65 (2) (c), a priority lake area, as
12 defined in s. 281.65 (2) (bs), or an area that is identified as an area of concern by the
13 International Joint Commission, as defined in s. 281.35 (1) (h), under the Great
14 Lakes Water Quality Agreement.

15 **SECTION 2525g.** 281.66 of the statutes is created to read:

16 **281.66 Urban nonpoint source water pollution abatement and storm**
17 **water management program. (1) DEFINITIONS.** In this section:

18 (a) "Governmental unit" has the meaning given in s. 281.65 (2) (am).

19 (b) "Nonpoint source" has the meaning given in s. 281.65 (2) (b).

20 (c) "Population" means population shown by the last federal census or by any
21 subsequent population estimate under s. 16.96.

22 (d) "Structural urban best management practices" has the meaning given in s.
23 281.65 (2) (d).

24 (e) "Urban area" means any of the following:

25 1. An area with a population of 1,000 or more per square mile.

1 2. An area in which the land is used for industrial or commercial land uses.

2 3. An area that is surrounded by an area described in subd. 1. or 2.

3 **(2) ADMINISTRATION.** The department shall administer the program under this
4 section in a manner that promotes all of the following:

5 (a) Management of urban storm water and runoff from existing and developing
6 urban areas to achieve water quality standards, to minimize flooding and to protect
7 groundwater.

8 (b) Coordination of urban nonpoint source management activities and the
9 municipal storm sewer discharge permit program under s. 283.33.

10 (c) Implementation of nonpoint source performance standards under s. 281.16
11 (2).

12 **(3) ELIGIBILITY.** (a) The department may provide a cost-sharing grant for a
13 project under this section only if all of the following apply:

14 1. The project is in an urban area.

15 2. The governmental unit with jurisdiction over the project area ensures
16 adequate implementation of construction site pollution control, and of storm water
17 management after development, for development and redevelopment of sites of one
18 or more acres.

19 3. The project is consistent with nonpoint source performance standards under
20 s. 281.16 (2).

21 4. The project is consistent with priorities identified by the department on a
22 watershed or other geographic basis.

23 5. The application for the project specifies the watershed, subwatershed or
24 specific site that will be served by the project.

1 (b) The department may provide financial assistance under this section for a
2 project in a governmental unit either to that governmental unit or to another
3 governmental unit that is required to control storm water discharges under s. 283.33.

4 (4) FINANCIAL ASSISTANCE. (a) The department may provide local assistance
5 grants and cost-sharing grants under this section. A local assistance grant may not
6 exceed 70% of eligible costs. A cost-sharing grant may not exceed 50% of eligible
7 costs.

8 (b) The department may award a local assistance grant for any of the following:

9 1. Storm water management for urban areas and for areas that are expected
10 to become urban areas within 20 years.

11 2. Informational and educational activities related to nonpoint source water
12 pollution control, construction site erosion control or storm water management.

13 3. Development, administration and enforcement of a construction site erosion
14 control or storm water management ordinance.

15 4. Training of staff concerning nonpoint source water pollution control,
16 construction site erosion control or storm water management.

17 5. Other activities identified by the department by rule.

18 (c) The department may award a cost-sharing grant for any of the following
19 types of projects:

20 1. Structural urban best management practices, including necessary land
21 acquisition, storm sewer rerouting and removal of structures, and associated flood
22 management, except that the department may not award a grant for structural
23 urban best management practices associated with new construction or new
24 development.

25 2. Stream bank or shoreland stabilization necessary to control pollution.

1 3. Other nonpoint source water pollution abatement or storm water
2 management practices identified by the department by rule.

3 (5) SCORING SYSTEM. The department shall use a scoring system for ranking
4 nonpoint source water pollution abatement and storm water management projects
5 for which applications are submitted under this section. The criteria on which the
6 scoring system is based shall include all of the following:

7 (a) The extent to which the application proposes to use the cost-effective and
8 appropriate practices to achieve water quality goals.

9 (b) The existence in the project area of an impaired water body that the
10 department has identified to the federal environmental protection agency under 33
11 USC 1313 (d) (1) (A).

12 (c) The extent to which the project will result in the attainment of established
13 water quality objectives.

14 (d) The local interest in and commitment to the project.

15 (e) The inclusion of a strategy to evaluate the progress toward reaching project
16 goals, including the monitoring of water quality improvements resulting from
17 project activities.

18 (f). The extent to which the application proposes to use available federal
19 funding.

20 (g). The extent to which the project is necessary to enable the city of Racine to
21 control storm water discharges as required under 33 USC 1342 (p).

22 **SECTION 2525r.** 281.665 of the statutes is created to read:

23 **281.665 Municipal flood control and riparian restoration program. (1)**

24 DEFINITIONS. In this section:

25 (a) "Conservation easement" has the meaning given in s. 700.40 (1) (a).

1 (b) "Local governmental unit" means a city, village, town or metropolitan
2 sewerage district.

3 (2) ADMINISTRATION. The department shall administer the program under this
4 section to provide financial assistance to local governmental units for facilities and
5 structures for the collection and transmission of storm water and groundwater,
6 including the purchase of perpetual flowage and conservation easement rights on
7 land within floodways, and for the floodproofing of public and private structures that
8 remain in the 100-year floodplain.

9 (3) ELIGIBLE APPLICANTS. (a) The department may provide a cost-sharing grant
10 for a project that affects 2 or more local governmental units to one of the following:

11 1. One of the affected local governmental units upon application by all of the
12 affected local governmental units.

13 2. A local governmental unit that has jurisdiction over the provision of storm
14 water collection facilities for all of the affected local governmental units.

15 (c) The department may provide a cost-sharing grant for a project that affects
16 one local governmental unit to that local governmental unit.

17 (4) FINANCIAL ASSISTANCE. (a) The department may provide local assistance
18 grants and cost-sharing grants under this section. A local assistance grant may not
19 exceed 70% of eligible costs, including planning and design costs. A cost-sharing
20 grant may not exceed 70% of eligible costs for construction and real estate
21 acquisition.

22 (b) In any fiscal year, the department may not provide to any applicant more
23 than 20% of the funding available under this section in the fiscal year.

1 (5) ELIGIBILITY AND SCORING CRITERIA. (a) The department shall promulgate
2 rules specifying eligibility criteria for projects under this section and for determining
3 which eligible projects will receive financial assistance under this section.

4 (b) The department may not provide a cost-sharing grant for a project under
5 this section if any of the following applies:

6 1. The project would transfer flooding downstream.

7 2. The project provides for the channelization of a stream or for lining a natural
8 stream bed with concrete.

9 3. The project would accelerate upstream runoff.

10 (c) The department shall include all of the following in the criteria for
11 determining which eligible projects will receive cost-sharing grants under this
12 section:

13 1. The extent to which a project minimizes harm to existing beneficial functions
14 of water bodies and wetlands.

15 2. The extent to which a project maintains aquatic and riparian environments.

16 3. The extent to which a project uses storm water retention and detention
17 structures and natural storage.

18 4. The extent to which a project provides opportunity for public access to water
19 bodies and to the floodway.

20 SECTION 2526. 281.68 (1) (intro.) of the statutes is amended to read:

21 281.68 (1) DEFINITIONS. (intro.) In this section, ~~“qualified;~~

22 “Qualified lake association” means a group incorporated under ch. 181 that
23 meets all of the following conditions:

24 SECTION 2527. 281.68 (1) (a) to (h) of the statutes are renumbered 281.68 (1)

25 (b) 1. to 8.

1 **SECTION 2528.** 281.68 (1) (ag) of the statutes is created to read:

2 281.68 (1) (ag) “Lake” includes a flowage.

3 **SECTION 2529.** 281.68 (1m) of the statutes is amended to read:

4 281.68 (1m) PURPOSES OF GRANTS. The department shall develop and
5 administer a financial assistance program to provide lake management planning
6 grants for projects to provide information and education on the use of lakes and
7 natural lake ecosystems and on the quality of water in lakes, including mill ponds,
8 in order to and the quality of natural lake ecosystems.

9 (1r) USES OF GRANTS. Lake management planning grants shall be used to
10 improve water quality assessment and planning and to aid in the selection of
11 activities to abate do any of the following:

12 (a) Prevent pollution of from entering into lakes or into natural lake
13 ecosystems.

14 **SECTION 2530.** 281.68 (1r) (b) of the statutes is created to read:

15 281.68 (1r) (b) Protect or improve the quality of water in lakes or the quality
16 of natural lake ecosystems.

17 **SECTION 2531.** 281.68 (2) (title) of the statutes is created to read:

18 281.68 (2) (title) AMOUNT OF GRANTS.

19 **SECTION 2532.** 281.68 (3) (title) of the statutes is created to read:

20 281.68 (3) (title) RULES FOR GRANTS.

21 **SECTION 2533.** 281.68 (3) (b) of the statutes is renumbered 281.68 (3) (b) (intro.)
22 and amended to read:

23 281.68 (3) (b) (intro.) Eligible activities, which shall include data all of the
24 following for lakes and natural lake ecosystems:

25 1. Data collection, water quality assessment and nonpoint,

1 4. Nonpoint source pollution evaluation.

2 **SECTION 2534.** 281.68 (3) (b) 2. of the statutes is created to read:

3 281.68 (3) (b) 2. Assessments of water quality and of fish and aquatic life and
4 their habitat.

5 **SECTION 2535.** 281.68 (3) (b) 3. of the statutes is created to read:

6 281.68 (3) (b) 3. Assessments of the uses of a lake and the uses of the land
7 surrounding the lake.

8 **SECTION 2536.** 281.68 (3) (b) 5. of the statutes is created to read:

9 281.68 (3) (b) 5. Informational or educational programs and materials.

10 **SECTION 2537.** 281.68 (4) (title) of the statutes is created to read:

11 281.68 (4) (title) **ELIGIBILITY FOR LAKE MANAGEMENT PLANNING GRANTS.**

12 **SECTION 2538.** 281.69 (title) of the statutes is amended to read:

13 **281.69 (title) Lake management and classification grants and**
14 **contracts.**

15 **SECTION 2539.** 281.69 (1) (intro.) of the statutes is renumbered 281.69 (1m)
16 (intro.) and amended to read:

17 281.69 (1m) **TYPES OF PROJECTS.** (intro.) The department shall develop and
18 administer a financial assistance program to provide grants for the following ~~3~~ **2**
19 types of projects:

20 **SECTION 2540.** 281.69 (1) (a) of the statutes is renumbered 281.69 (1m) (a) and
21 amended to read:

22 281.69 (1m) (a) Lake management projects that will improve or protect the
23 quality of water in lakes or the quality of natural lake ecosystems ~~of lakes.~~

24 **SECTION 2541.** 281.69 (1) (b) of the statutes is renumbered 281.69 (1m) (b).

1 **SECTION 2542.** 281.69 (1) (c) of the statutes is renumbered 281.69 (1r) and
2 amended to read:

3 281.69 (1r) CONTRACTS. ~~Lake~~ The department may award contracts for lake
4 classification technical assistance projects to be conducted by nonprofit corporations
5 that will provide educational and technical assistance.

6 **SECTION 2543.** 281.69 (1b) of the statutes is created to read:

7 281.69 (1b) DEFINITION. In this section, “lake” includes a flowage.

8 **SECTION 2544.** 281.69 (2) (title) of the statutes is amended to read:

9 281.69 (2) (title) AMOUNTS OF GRANTS AND CONTRACTS.

10 **SECTION 2545.** 281.69 (2) (c) of the statutes is amended to read:

11 281.69 (2) (c) A ~~grant~~ contract for a lake classification technical assistance
12 project may not exceed \$200,000.

13 **SECTION 2546.** 281.69 (3) (a) of the statutes 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. 281.68 (1) (b), town sanitary
17 districts, public inland lake protection and rehabilitation districts and other local
18 governmental units, as defined in s. 66.299 (1) (a), that are established for the
19 purpose of lake management.

20 **SECTION 2547.** 281.69 (3) (b) 1. of the statutes is amended to read:

21 281.69 (3) (b) 1. The purchase of land or of a conservation easement, as defined
22 in s. 700.40 (1) (a), if the eligible recipient enters into a contract under ~~sub. (4) s.~~
23 281.71 and if the purchase will substantially contribute to the protection or
24 improvement of a lake’s water quality or its natural ecosystem.

1 **SECTION 2548.** 281.69 (4) of the statutes is renumbered 281.71, and 281.71
2 (title), (1) (intro.) and (d), (2) (intro.) and (b), (3) and (5), as renumbered, are amended
3 to read:

4 **281.71** (title) **Lake management project grants; river protection grants;**
5 **purchases.** (1) (intro.) In order to receive a grant for a purchase under sub. s. 281.69
6 (3) (b) 1. or 281.70 (5) (c) 1., the recipient shall enter into a contract with the
7 department that contains all of the following provisions:

8 (d) A clause that any subsequent sale or transfer of the property to be acquired
9 is subject to ~~pars. (b) and (e)~~ subs. (2) and (3).

10 (2) (intro.) The recipient of the grant used for a purchase under sub. s. 281.69
11 (3) (b) 1. or 281.70 (5) (c) 1. may subsequently sell or transfer the acquired property
12 to a 3rd party other than a creditor of the recipient if all of the following apply:

13 (b) The party to whom the property is sold or transferred enters into a new
14 contract with the department that contains the provisions under ~~par. (a)~~ sub. (1).

15 (3) The recipient of the grant used for a purchase under sub. s. 281.69 (3) (b)
16 1. or 281.70 (5) (c) 1. may subsequently sell or transfer the acquired property to
17 satisfy a debt or other obligation if the department approves the sale or transfer.

18 (5) The instrument conveying the property to the recipient shall state the
19 interest of the state under ~~par. (d)~~ sub. (4). The contract entered into under ~~par. (a)~~
20 sub. (1) and the instrument of conveyance shall be recorded in the office of the
21 register of deeds of each county in which the property is located.

22 **SECTION 2549.** 281.69 (6) (a) of the statutes is repealed.

23 **SECTION 2550.** 281.69 (6) (b) of the statutes is renumbered 281.69 (6) and
24 amended to read:

1 281.69 (6) LAKE CLASSIFICATION TECHNICAL ASSISTANCE ~~GRANTS~~ CONTRACTS. A
2 nonprofit corporation receiving a lake classification technical assistance ~~grant~~
3 contract shall provide educational and technical assistance to local units of
4 government and lake management organizations that will participate in a lake
5 classification project.

6 **SECTION 2551.** 281.70 of the statutes is created to read:

7 **281.70 River protection grants. (1) DEFINITION.** In this section, “river”
8 includes a stream or a flowage.

9 **(2) TYPES OF PROJECTS.** The department shall develop and administer a
10 financial assistance program to provide grants for planning projects and
11 management projects.

12 **(3) AMOUNTS OF GRANTS. (a)** A grant for a planning project may be made for up
13 to 75% of the cost of the project but may not exceed \$10,000 per grant.

14 **(b)** A grant for a management project may be made for up to 75% of the cost of
15 the project but may not exceed \$50,000 per grant.

16 **(4) ELIGIBLE RECIPIENTS. (a)** All of the following shall be eligible for grants
17 under this section:

- 18 1. Local governmental units, as defined in s. 66.299 (1) (a).
- 19 2. River management organizations that meet the qualifications under par. (b).
- 20 3. Nonprofit conservation organizations, as defined in s. 23.0955 (1).

21 **(b)** The department shall promulgate rules to establish the qualifications that
22 a river management organization must meet to qualify for a grant under this section.

23 **(5) ELIGIBLE ACTIVITIES.** The department shall promulgate rules to do all of the
24 following:

1 (a) Designate activities that are eligible for grants for planning projects.

2 Eligible activities under the rules for these grants shall include all of the following:

3 1. Data collection.

4 2. Assessments of water quality and of fish and aquatic life and their habitat.

5 3. Assessments of the uses of a river and the uses of the land surrounding the
6 river.

7 4. Nonpoint source pollution evaluation.

8 5. Informational or educational programs and materials as specified in par. (b).

9 6. Programs and materials to assist persons in forming river management
10 organizations or other groups to protect or improve rivers and natural riverine
11 ecosystems.

12 (b) For purposes of par. (a) 5., specify informational or educational materials
13 that may be provided on any of the following:

14 1. Protecting or improving the ways in which rivers are used.

15 2. Protecting or improving the quality of water in rivers.

16 3. Protecting or improving the quality of natural riverine ecosystems.

17 4. Protecting or improving fish populations, aquatic life or fish habitat in rivers.

18 (c) Designate activities that are eligible for grants for management projects.

19 Eligible activities under the rules for these grants shall include all of the following:

20 1. The purchase of land or of a conservation easement, as defined in s. 700.40

21 (1) (a) if the recipient enters into a contract under s. 281.71 and if the purchase will
22 substantially contribute to the protection or improvement of the river's water quality
23 or its natural ecosystem.

24 2. The restoration of in-stream or shoreline habitat.

1 3. The development of local regulations or ordinances that will protect or
2 improve the river's water quality or its natural ecosystem.

3 4. An activity that is approved by the department and that is needed to
4 implement a recommendation made as a result of a plan to protect or improve the
5 river's water quality or its natural ecosystem.

6 5. Installation of pollution control practices.

7 **(6) ELIGIBILITY; TYPES OF RIVERS.** The department shall promulgate rules
8 establishing the types of natural riverine ecosystems that are eligible for grants
9 under this section.

10 **(7) ELIGIBILITY; OTHER.** At the completion of a planning project, upon request
11 of the recipient of the grant for the planning project, the department may approve
12 as eligible activities for a management project grant the recommendations that were
13 made as a result of the project.

14 **SECTION 2551m.** 281.72 of the statutes is created to read:

15 **281.72 River protection; contracts with nonprofit organizations. (1)**
16 **DEFINITION.** In this section, "nonprofit conservation organization" means a river
17 management organization that meets the qualifications under s. 281.70 (4) (b) or a
18 nonprofit corporation, a charitable trust or other nonprofit association whose
19 purposes include the protection of rivers and that is described in section 501 (c) (3)
20 of the Internal Revenue Code and is exempt from federal income tax under section
21 501 (a) of the Internal Revenue Code.

22 **(2) REQUIREMENTS TO RECEIVE CONTRACTS.** The department shall provide
23 contracts to nonstock, nonprofit corporations that are described under section 501
24 (c) (3) or (4) of the Internal Revenue Code and that are organized in this state. For

1 a nonstock, profit corporation to qualify for a contract, the corporation shall meet all
2 of the following requirements:

3 (a) The corporation is exempt from taxation under section 501 (a) of the
4 Internal Revenue Code.

5 (b) The corporation provides support to nonprofit conservation organizations.

6 (c) The corporation has a board of directors that has a majority of members who
7 are representatives of nonprofit conservation organizations.

8 (d) The corporation contributes, to be used with the contract, \$1 for every \$3
9 it receives under the contract.

10 **(3) REQUIREMENTS UNDER CONTRACTS.** A corporation receiving a contract under
11 this subsection shall do all of the following:

12 (a) Assist in the establishment of nonprofit conservation organizations.

13 (b). Provide technical assistance to nonprofit conservation organizations.

14 (c) Conduct conferences on topics for which technical assistance is provided
15 under par. (b).

16 **SECTION 2554.** 285.01 (40) of the statutes is amended to read:

17 285.01 (40) "Solid waste" means any garbage, refuse, sludge from a waste
18 treatment plant, water supply treatment plant or air pollution control facility and
19 other discarded or salvageable materials, including solid, liquid, semisolid, or
20 contained gaseous materials resulting from industrial, commercial, mining and
21 agricultural operations, and from community activities, but does not include solids
22 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
23 return flows or industrial discharges which are point sources subject to permits
24 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear

1 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
2 ~~(3)~~ (1).

3 **SECTION 2554e.** 285.11 (18) of the statutes is created to read:

4 285.11 (18) Adopt and apply objective performance measurements, for the
5 subunit of the department that administers this chapter, relating to the issuance of
6 permits under subch. VII and to overall performance of the subunit.

7 **SECTION 2554f.** 285.17 (3) of the statutes is created to read:

8 285.17 (3) The department may not post on the Internet any information that
9 is required to be reported to the department under this chapter and that relates to
10 a facility's air emissions, including the nature and duration of specific emissions of
11 an air contaminant source and any results of monitoring the emissions of a
12 contaminant source or the ambient air in the vicinity of a contaminant source, unless
13 the department certifies that the information is accurate on the date on which the
14 information is posted.

15 **SECTION 2554j.** 285.48 of the statutes is created to read:

16 **285.48 Nitrogen oxide emissions reductions.** (1) DEFINITIONS. In this
17 section:

18 (a) "Call" means a call to implement a state implementation plan that is issued
19 by the federal environmental protection agency before the effective date of this
20 paragraph [revisor inserts date], or after that date arising out of a call issued
21 before that date, including a call issued after that date pursuant to a federal court
22 order or otherwise.

23 (b) "Electric cooperative" has the meaning given in s. 76.48 (1g) (c).

24 (c) "Midcontinent area" has the meaning given in s. 16.958 (1) (e).

1 (d) “Northwestern county” means Ashland, Barron, Bayfield, Buffalo, Burnett,
2 Chippewa, Clark, Douglas, Dunn, Eau Claire, Iron, Jackson, La Crosse, Monroe,
3 Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vernon or
4 Washburn county.

5 (e) “Other county” means a county that is not a northwestern county.

6 (f) “Public utility” has the meaning given in s. 196.01 (5).

7 (g) “State implementation plan” means a state implementation plan for control
8 of atmospheric ozone in another state.

9 (h) “Summer” means the period beginning on May 1 and ending on September
10 30 of each year.

11 **(2) APPLICABILITY.** This section applies if the department of natural resources,
12 pursuant to a call, issues a state implementation plan that requires electric
13 generating facilities in the midcontinent area of this state to comply with nitrogen
14 oxide emission reduction requirements. If the department of natural resources
15 issues such a plan, the department of natural resources shall notify the department
16 of administration and the public service commission. The notice shall specify the
17 date on which electric generating facilities in the midcontinent area of this state are
18 required to comply with the initial nitrogen oxide emission reduction requirements.

19 **(3) NITROGEN OXIDE EMISSIONS STANDARDS AND LIMITATIONS.** (a) In establishing
20 nitrogen oxide emission reduction requirements for the control of atmospheric ozone
21 in another state pursuant to a call, the department may not, in a state
22 implementation plan, by rule or through the adoption of control strategies, establish
23 nitrogen oxide emissions standards or limitations that do any of the following:

1 1. Require less than 2,234 tons, or the greater number of tons determined under
2 par. (d) 1., in total nitrogen oxide emissions each summer from all electric generating
3 facilities located in northwestern counties that are owned by electric cooperatives.

4 2. Require less than 315 tons, or the greater number of tons determined under
5 par. (d) 1., in total nitrogen oxide emissions each summer from all electric generating
6 facilities located in northwestern counties that are owned by public utilities.

7 3. Require less than 15,157 tons, or the greater number of tons determined
8 under par. (d) 1., in total nitrogen oxide emissions each summer from all electric
9 generating facilities located in other counties owned by public utilities or electric
10 cooperatives.

11 (b) The department shall issue emissions allowances in a number that is
12 sufficient to allow the emissions specified in par. (a).

13 (c) The department may not, based on this section, require reductions of
14 nitrogen oxide emissions that are in addition to any reductions required in a state
15 implementation plan from any of the following:

16 1. Any stationary source located in this state that is not an electric generating
17 facility owned by a public utility or electric cooperative.

18 2. Any mobile source.

19 (d) If the department of natural resources implements a state implementation
20 plan specified in sub. (2) in a manner that requires reductions in nitrogen oxide
21 emissions that are lower than the reductions set forth in the call published on
22 October 27, 1998, the department of natural resources shall do each of the following:

23 1. Determine the amounts by which the number of tons specified in par. (a) 1.,

24 2. and 3. shall be increased to reflect the lower reductions.

1 2. Take action that is necessary to relax any related emissions control
2 requirements in a manner that reflects the lower reductions.

3 3. Determine the amount by which the \$2,400,000 in assessments under s.
4 196.86 (2) shall be decreased to reflect the lower reductions and provide notice of the
5 decreased amount to the public service commission.

6 4. Determine the amount by which the \$2,500,000 that is transferred to the air
7 quality improvement fund under s. 16.958 (2) (a) shall be decreased to reflect the
8 lower reductions and provide notice of the decreased amount to the department of
9 administration.

10 (4) LOW-INCOME WEATHERIZATION AND ENERGY CONSERVATION MEASURES;
11 RENEWABLE ENERGY USES. The department shall ensure that at least 866 tons of total
12 annual reductions in nitrogen oxide emissions required under the state
13 implementation plan are achieved through any of the following:

14 (a) The use of renewable energy, including renewable energy that is provided
15 by electric providers for the purpose of complying with the requirements of s. 196.378
16 (2) (a), or renewable energy that is used under programs specified in s. 196.374 (2)
17 (d) that are funded by expenditures under s. 196.374 (3).

18 (b) The implementation of low-income weatherization and energy
19 conservation measures, including programs established under s. 16.957 (2) (a) or (b)
20 or programs specified in s. 196.374 (2) (a) or (b) that are funded by expenditures
21 under s. 196.374 (3).

22 **285.49 Trading program for nitrogen oxide emissions credits.** The
23 department shall establish or authorize air contaminant sources to participate in a
24 market-based trading program for the purchase, sale and transfer of nitrogen oxide
25 emissions credits for use in any state implementation plan under s. 285.11 (6) that

1 requires reductions in nitrogen oxide emissions. To the extent allowed under federal
2 law, the department shall allow nitrogen oxide emissions reductions by any source
3 in this state, regardless of whether the source is subject to nitrogen oxide controls
4 under a state implementation plan, to be purchased, sold or transferred under the
5 trading program.

6 **SECTION 2555n.** 285.69 (2) (a) 1. of the statutes is amended to read:

7 285.69 (2) (a) 1. That fees collected in a year before 2002 are based on actual
8 emissions of all regulated pollutants and any other air contaminant specified by the
9 department in the rules in the preceding year.

10 **SECTION 2555q.** 285.69 (2) (a) 4. of the statutes is amended to read:

11 285.69 (2) (a) 4. That the fees collected in each year after 1994 and before 2002
12 are calculated by increasing the fees collected in the preceding year by the percentage
13 by which the consumer price index, as defined in 42 USC 7661a (b) (3) (B) (v),
14 increased in the preceding year.

15 **SECTION 2555s.** 285.69 (2) (a) 5. of the statutes is amended to read:

16 285.69 (2) (a) 5. That fees are not based on emissions by an air contaminant
17 source in excess of ~~4,000~~ 5,000 tons per year of each regulated pollutant, except that,
18 subject to par. (b), this limitation does not apply to a major utility, as defined in s.
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 2555u.** 285.69 (2) (a) 7. to 11. of the statutes are created to read:

22 285.69 (2) (a) 7. That the fees billed for a stationary source in each year after
23 2001 are based on the fees billed for the stationary source in 2001.

24 8. That the fee billed for each stationary source in each year after 2001 is based
25 on the actual emissions of all regulated pollutants, and any other air contaminant

1 specified by the department in the rules, in the preceding 5 years, using a 5-year
2 rolling average.

3 9. That fees billed in years after 2001 are determined using a
4 performance-based approach that increases a stationary source's fees in proportion
5 to increases in the amount of pollutants emitted by the stationary source, as
6 determined under subd. 8., and decreases a stationary source's fees in proportion to
7 decreases in the amount of pollutants emitted by the stationary source, as
8 determined under subd. 8.

9 10. That no multiplier or similar mechanism is used that would increase a
10 stationary source's fees to compensate for decreases in overall amounts of emissions.

11 11. That no provision is used that would increase the fee per unit of pollutant
12 emitted in order to compensate for decreases in overall amounts of emissions.

13 **SECTION 2555w.** 285.69 (2) (b) of the statutes is amended to read:

14 285.69 (2) (b) The department may not charge a major utility fees on emissions
15 in excess of 4,000 5,000 tons per year of each regulated pollutant beyond the amount
16 necessary to recover the fees that would have been charged for any phase I affected
17 unit listed in Table A of 42 USC 7651c owned by that major utility if the prohibition
18 in par. (a) 6. did not exist.

19 **SECTION 2556.** 285.69 (2) (c) (intro.) of the statutes is amended to read:

20 285.69 (2) (c) (intro.) The fees collected under ~~par.~~ pars. (a) and (e) shall be
21 credited to the appropriations under s. 20.370 (2) (bg), (3) (bg), (8) (mg) and (9) (mh)
22 for the following:

23 **SECTION 2557c.** 285.69 (2) (e) of the statutes is created to read:

24 285.69 (2) (e) Beginning in 2001, the owner or operator of a stationary source
25 for which an operation permit is required shall pay to the department an annual fee

1 of \$2.86 per ton of actual emissions in the preceding year of all air contaminants on
~~2~~ which the fee under par. (a) is based.

3 **SECTION 2558.** 285.69 (3) of the statutes is amended to read:

4 285.69 (3) ASBESTOS INSPECTION FEES. The department may promulgate rules
5 for the payment and collection of fees for inspecting nonresidential asbestos
6 demolition and renovation projects regulated by the department. The fees under this
7 subsection may not exceed ~~\$200~~ \$210 per project. The fees collected under this
8 subsection shall be credited to the appropriation under s. 20.370 (2) (bi) for the direct
9 and indirect costs of conducting inspections of nonresidential asbestos demolition
10 and inspection projects regulated by the department.

11 **SECTION 2559.** 285.86 of the statutes is created to read:

12 **285.86 Asbestos citations.** (1) The department may follow the procedures
13 for the issuance of a citation under ss. 23.50 to 23.99 to collect a forfeiture from a
14 person who commits a violation specified under sub. (2).

15 (2) The department shall promulgate rules that specify violations of rules
16 relating to asbestos abatement and management that are promulgated under ss.
17 285.11, 285.13, 285.17 and 285.27 to which sub. (1) applies. In a rule promulgated
18 under this subsection, the department may limit the applicability of sub. (1) based
19 on the frequency of violation and on health and environmental risks caused by the
20 violation.

21 (3) The department shall submit any proposed rules under sub. (2) to the
22 department of justice. The department may not promulgate a rule under sub. (2)
23 unless the rule is approved by the department of justice.

~~24~~ **SECTION 2560.** 287.11 (2) (dm) of the statutes is repealed.

~~25~~ **SECTION 2560e.** 287.23 (3) (a) of the statutes is repealed and recreated to read:

1 287.23 (3) (a) Subject to par. (am), a responsible unit is eligible for assistance
2 under this section for a year before 2000 if the responsible unit has been determined
3 under s. 287.11 to have an effective recycling program.

4 **SECTION 2560f.** 287.23 (3) (ac) of the statutes is created to read:

5 287.23 (3) (ac) Subject to par. (am), a responsible unit is eligible for assistance
6 under this section for 2000 if the responsible unit received assistance under this
7 section for 1999 and the responsible unit has been determined under s. 287.11 to have
8 an effective recycling program.

9 **SECTION 2560g.** 287.23 (3) (ae) of the statutes is created to read:

10 287.23 (3) (ae) Subject to par. (am), a responsible unit is eligible for assistance
11 under this section for a year after 2000 if the responsible unit has been determined
12 under s. 287.11 to have an effective recycling program and one of the following
13 applies:

14 1. The responsible unit has a residential collection program that serves 50%
15 or more of the population of the responsible unit, that collects, at least monthly,
16 newspaper, corrugated paper, magazines, aluminum containers, steel containers,
17 containers made of polyethylene terephthalate and high-density polyethylene and
18 glass containers and that is operated by the responsible unit under a contract,
19 franchise license or ordinance that requires at least monthly collection of these
20 materials.

21 2. The responsible unit has a drop-off program, that serves more than 50% of
22 the population of the responsible unit, for collecting newspaper, corrugated paper,
23 magazines, aluminum containers, steel containers, containers made of polyethylene
24 terephthalate and high-density polyethylene and glass containers taken by
25 individuals to a drop-off site that is owned by the responsible unit or is provided

1 under a contract with another person and that is adequate in size and hours of
2 operation to meet the needs of the responsible unit.

3 **SECTION 2560h.** 287.23 (3) (ag) of the statutes is created to read:

4 287.23 (3) (ag) The department shall determine the population served by a
5 residential collection program for the purposes of par. (ae) 1. and sub. (5d) (b) based
6 on information provided by the responsible unit for the year 2 years before the year
7 for which the department is determining the responsible unit's eligibility.

8 **SECTION 2560i.** 287.23 (5) (intro.) of the statutes is amended to read:

9 287.23 (5) GRANT AWARD FOR YEARS BEFORE 2000. (intro.) The For years before
10 2000, the department shall award a grant under this subsection to each eligible
11 responsible unit that submits a complete grant application under sub. (4) for
12 expenses allowable under sub. (3) (b). Except as provided under sub. (5m) or (5p),
13 the amount of the grant under this subsection shall be determined as follows:

14 **SECTION 2562e.** 287.23 (5b) of the statutes is created to read:

15 287.23 (5b) GRANT AWARD FOR 2000. For 2000, the department shall award a
16 grant under this subsection to each eligible responsible unit that submits a complete
17 grant application under sub. (4) for expenses allowable under sub. (3) (b). The
18 department shall determine the amount of the grants under this subsection as
19 follows:

20 (a) Determine the total amount that would have been awarded under this
21 section for 1999 if no grants had been reduced under sub. (5p).

22 (b) Determine the amount that each responsible unit received under this
23 section for 1999 or, for a responsible unit that had its grant for 1999 reduced under
24 sub. (5p), the amount that the responsible unit would have received if its grant had
25 not been reduced.

1 (c) Award to a responsible unit the proportion of the total amount available for
2 grants under this section for 2000 that is equal to the proportion of the amount
3 determined under par. (a) that the responsible unit received, or would have received,
4 for 1999 as determined under par. (b).

5 **SECTION 2562m.** 287.23 (5d) of the statutes is created to read:

6 **287.23 (5d) GRANT AWARD FOR YEARS AFTER 2000.** (a) Beginning with grants for
7 the year 2001, the department shall award a grant under this subsection to each
8 eligible responsible unit that submits a complete grant application under sub. (4) for
9 expenses allowable under sub. (3) (b).

10 (b) Except as provided in par. (c) or (d) or sub. (5p), the department shall award
11 an eligible responsible unit a grant under this subsection equal to \$7.90 times the
12 population of the responsible unit if the responsible unit has a residential collection
13 program that complies with sub. (3) (ae) 1. and the department shall award an
14 eligible responsible unit a grant equal to \$4.40 times the population of the
15 responsible unit if the responsible unit has a drop-off program that complies with
16 sub. (3) (ae) 2.

17 (c) A grant to a responsible unit under this subsection may not exceed the
18 allowable expenses under sub. (3) (b) that the responsible unit incurred in the year
19 2 years before the year for which the grant is made.

20 (d) If the available funds are insufficient to pay the grant amounts determined
21 under pars. (b) and (c), the department shall prorate the available funds.

22 **SECTION 2563dt.** 287.23 (5p) (a) of the statutes is amended to read:

23 **287.23 (5p)** (a) If a responsible unit submits its application under sub. (4) after
24 October 1 but no later than October 10, the amount of the responsible unit's grant
25 is 95% of the amount determined under sub. (5), (5d) or (5m).

1 **SECTION 2563ed.** 287.23 (5p) (b) of the statutes is amended to read:

2 287.23 (5p) (b) If a responsible unit submits its application under sub. (4) after
3 October 10 but no later than October 20, the amount of the responsible unit's grant
4 is 90% of the amount determined under sub. (5), (5d) or (5m).

5 **SECTION 2563eh.** 287.23 (5p) (c) of the statutes is amended to read:

6 287.23 (5p) (c) If a responsible unit submits its application under sub. (4) after
7 October 20 but no later than October 30, the amount of the responsible unit's grant
8 is 75% of the amount determined under sub. (5), (5d) or (5m).

9 **SECTION 2563ep.** 287.23 (5s) of the statutes is repealed.

10 **SECTION 2563er.** 287.23 (6) of the statutes is amended to read:

11 287.23 (6) DISBURSEMENT. The department shall disburse 50% of a grant to the
12 applicant ~~upon~~ after approval, but no later than ~~February~~ June 1 of the year for
13 which the grant is made.

14 **SECTION 2563et.** 287.23 (7) of the statutes is repealed.

15 **SECTION 2565c.** 287.40 (title) and (intro.) of the statutes are repealed.

16 **SECTION 2565d.** 287.40 (1) of the statutes is renumbered 560.031 (1) (a).

17 **SECTION 2565e.** 287.40 (2) of the statutes is renumbered 560.031 (1) (b).

18 **SECTION 2565f.** 287.40 (3) of the statutes is renumbered 560.031 (1) (c) and
19 amended to read:

20 560.031 (1) (c) "Recovered material" means a material ~~specified by the board~~
21 ~~under s. 287.42 (5)~~ that is recovered from solid waste for recycling.

22 **SECTION 2565g.** 287.40 (4) of the statutes is renumbered 560.031 (1) (e) and
23 amended to read:

1 560.031 (1) (e) "Waste generator" means a person who generates solid waste
2 ~~that contains a material specified by the board under s. 287.42 (5) or a responsible~~
3 unit.

4 **SECTION 2565h.** 287.41 of the statutes is repealed.

5 **SECTION 2565i.** 287.42 of the statutes is repealed.

6 **SECTION 2565j.** 287.44 of the statutes is repealed.

7 **SECTION 2565k.** 287.46 of the statutes is repealed.

~~8~~ **SECTION 2565L.** 287.48 of the statutes is repealed.

9 **SECTION 2568.** 289.01 (33) of the statutes is amended to read:

10 289.01 (33) "Solid waste" means any garbage, refuse, sludge from a waste
11 treatment plant, water supply treatment plant or air pollution control facility and
12 other discarded or salvageable materials, including solid, liquid, semisolid, or
13 contained gaseous materials resulting from industrial, commercial, mining and
14 agricultural operations, and from community activities, but does not include solids
15 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
16 return flows or industrial discharges which are point sources subject to permits
17 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear
18 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
19 ~~(3)~~ (1).

20 **SECTION 2569h.** 289.54 of the statutes is created to read:

21 **289.54 Disposal of certain dredged materials. (1)** In this section, "PCBs"
22 has the meaning given in s. 299.45 (1) (a).

23 **(2)** The department may not approve a request by the operator of a solid waste
24 disposal facility to accept dredged materials that contain PCBs or heavy metals in
25 a concentration of less than 50 parts per million for disposal in the solid waste

1 disposal facility until after the department holds a public meeting in the city, village
2 or town in which the solid waste disposal facility is located. At the public meeting,
3 the department shall describe the nature of the requested disposal and shall solicit
4 public comment.

~~5~~ **SECTION 2569k.** 289.645 of the statutes is created to read:

6 **289.645 Recycling fee. (1) IMPOSITION OF RECYCLING FEE ON GENERATORS.**

7 Except as provided under sub. (4), a generator of solid waste or hazardous waste shall
8 pay a recycling fee for each ton or equivalent volume of solid waste or hazardous
9 waste that is disposed of at a licensed solid waste or hazardous waste disposal
10 facility. If a person arranges for collection or disposal services on behalf of one or
11 more generators, that person shall pay the recycling fee to the licensed solid waste
12 or hazardous waste disposal facility or to any intermediate hauler used to transfer
13 wastes from collection points to a licensed facility. An intermediate hauler who
14 receives the recycling fee under this subsection shall pay the fee to the licensed solid
15 waste or hazardous waste disposal facility. Tonnage or equivalent volume shall be
16 calculated in the same manner as the calculation made for tonnage fees under s.
17 289.62 (1).

18 **(2) COLLECTION.** The owner or operator of a licensed solid waste or hazardous
19 waste disposal facility shall collect the recycling fee from the generator, a person who
20 arranges for disposal on behalf of one or more generators or an intermediate hauler
21 and shall pay to the department the amount of the fee required to be collected
22 according to the amount of solid waste or hazardous waste received and disposed of
23 at the facility during the preceding reporting period.

24 **(3) AMOUNT OF RECYCLING FEE.** The fee imposed under this section is as follows:

25 (a) For all solid waste other than high-volume industrial waste, \$2 per ton.

1 (b) For all high-volume industrial waste, 30 cents per ton.

2 (4) EXEMPTIONS FROM RECYCLING FEE. (a) Solid waste materials approved by the
3 department for lining, daily cover or capping or for constructing berms, dikes or
4 roads within a solid waste disposal facility are not subject to the recycling fee
5 imposed under sub. (1), except that materials approved for use under s. 289.30 (5)
6 or 289.31 (9) are subject to the fee.

7 (b) Except as provided in par. (c), the recycling fee does not apply to waste
8 generated by an organization described in section 501 (c) (3) of the Internal Revenue
9 Code that is exempt from federal income tax under section 501 (a) of the Internal
10 Revenue Code, that derives a portion of its income from the operation of recycling and
11 reuse programs and that does one of the following:

- 12 1. Provides services and programs for people with disabilities.
13 2. Primarily serves low-income persons.

14 (c) Waste generated by an organization described in par. (b) which is
15 commingled with waste generated by a person other than an organization described
16 in par. (b) is subject to the fee.

17 (5) PAYMENT. The owner or operator of any licensed solid or hazardous waste
18 disposal facility shall pay the recycling fee required to be collected under sub. (2) as
19 follows:

20 (a) For waste disposed of from January 1 to March 31, no later than May 1.

21 (b) For waste disposed of from April 1 to June 30, no later than August 1.

22 (c) For waste disposed of from July 1 to September 30, no later than November

23 1.

24 (d) For waste disposed of from October 1 to December 31, no later than
25 February 1.

1 **(6) USE OF RECYCLING FEES.** The fees collected under sub. (2) shall be deposited
2 in the recycling fund.

3 **(7) FAILURE TO PAY RECYCLING FEE.** (a) If a person required under sub. (1) to pay
4 the recycling fee to a licensed solid waste or hazardous waste disposal facility fails
5 to pay the fee, the owner or operator of the licensed solid waste or hazardous waste
6 disposal facility shall submit to the department with the payment required under
7 sub. (2) an affidavit stating facts sufficient to show the person's failure to comply with
8 sub. (1).

9 (b) If the person named in the affidavit under par. (a) is a generator or a person
10 who arranges for collection or disposal services on behalf of one or more generators
11 and the person 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 it has
15 paid the fee as required under sub. (1).

16 (c) If the person named in the affidavit under par. (a) is an intermediate hauler
17 that holds a license for the collection and transportation of solid waste or hazardous
18 waste, the department shall immediately notify the person that the license will be
19 suspended 30 days after the date the notice is mailed unless the person submits to
20 the department an affidavit stating facts sufficient to show that either of the
21 following has occurred:

22 1. The person named in the affidavit under par. (a) received the required fee
23 from a generator, from a person who arranges for collection or disposal services on
24 behalf of one or more generators or from an earlier intermediate hauler, and paid the

1 fee to the licensed solid waste or hazardous waste disposal facility or to a subsequent
2 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 fee to the person named in the affidavit under par. (a).

6 (d) If the department does not receive an affidavit under par. (b) or (c) within
7 30 days after the date the notice is mailed, the department shall suspend the license
8 issued to the person for the collection and transportation of solid waste or hazardous
9 waste. Notwithstanding s. 227.42, the department is not required to provide the
10 licensee with a hearing before the suspension.

11 (e) When a person whose license is suspended under par. (d) provides the
12 department with proof that the person has paid the owner or operator of the licensed
13 solid waste or hazardous waste facility the amount of the unpaid fee, the department
14 shall immediately reinstate the suspended license.

15 **SECTION 2569L.** 289.67 (1) (cm) of the statutes is amended to read:

16 289.67 (1) (cm) *Amount of environmental repair fee.* Except as provided under
17 par. (d), the environmental repair fee imposed under par. (a) is ~~15 cents per ton for~~
18 ~~solid or hazardous waste received by a licensed solid or hazardous waste disposal~~
19 ~~facility after December 31, 1985, but before July 1, 1989, and 20 cents per ton for solid~~
20 ~~or hazardous waste received by a licensed solid or hazardous waste disposal facility~~
21 ~~on or after July 1, 1989.~~

22 **SECTION 2569m.** 289.67 (1) (cp) of the statutes is amended to read:

23 289.67 (1) (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm)
24 and except as provided under par. (d), the environmental repair fee imposed under
25 par. (a) is ~~30~~ 32.3 cents per ton for solid or hazardous waste, other than high-volume

1 industrial waste, ~~disposed of on or after January 1, 1988, but before July 1, 1989,~~
2 ~~and 50 cents per ton disposed of on or after July 1, 1989.~~

3 **SECTION 2569n.** 289.67 (2) (b) 1. and 2. of the statutes are amended to read:

4 289.67 (2) (b) 1. A generator of hazardous waste shall pay a base fee of ~~\$125~~
5 \$210 if the generator has generated more than zero pounds in that particular year,
6 plus ~~\$12~~ \$20 per ton of hazardous waste generated during the reporting year.

7 2. No generator may pay a fee that is greater than ~~\$10,000~~ \$17,000.

8 **SECTION 2569r.** 291.09 (3) of the statutes is created to read:

9 291.09 (3) The department shall study whether the list of hazardous wastes
10 under s. 291.05 (2) should be revised as it relates to commercial chemical products.

11 **SECTION 2570.** 292.11 (7) (d) 1m. of the statutes is created to read:

12 292.11 (7) (d) 1m. The department may negotiate and enter into an agreement
13 containing a schedule for conducting nonemergency actions required under sub. (3)
14 with a local governmental unit, as defined in sub. (9) (e) 1., that is acting on behalf
15 of owners of contaminated property within one of the following:

16 a. A business improvement district, as defined in s. 66.608 (1) (b).

17 b. An area designated by the local governmental unit if the area consists of 2
18 or more properties affected by a contiguous region of groundwater contamination or
19 contains 2 or more properties that are brownfields, as defined in s. 560.60 (1v).

20 **SECTION 2571.** 292.11 (7) (d) 2. of the statutes is amended to read:

21 292.11 (7) (d) 2. The department may charge fees, in accordance with rules that
22 it promulgates, to offset the costs of negotiating and entering into an agreement
23 under subd. 1. or 1m.

24 **SECTION 2572.** 292.11 (9) (e) 1. of the statutes is amended to read:

1 292.11 (9) (e) 1. ~~Local~~ In this paragraph, “local governmental unit” means a
2 municipality, a redevelopment authority created under s. 66.431, a public body
3 designated by a municipality under s. 66.435 (4), a community development
4 authority or a housing authority.

5 **SECTION 2573.** 292.11 (9) (e) 1m. (intro.) of the statutes is amended to read:

6 292.11 (9) (e) 1m. (intro.) ~~A~~ Except as provided in subs. 2., 4., 6. and 7., a local
7 governmental unit is exempt from subs. (3), (4) and (7) (b) and (c) with respect to
8 discharges of hazardous substances on or originating from property acquired by the
9 local government unit before, on or after the effective date of this subdivision
10 [revisor inserts date], if any of the following applies:

11 **SECTION 2574.** 292.11 (9) (e) 1m. b. of the statutes is amended to read:

12 292.11 (9) (e) 1m. b. The local governmental unit acquired the property from
13 a local governmental unit that acquired is exempt under this subdivision with
14 respect to the property under a method described in subd. 1m. a.

15 **SECTION 2575.** 292.11 (9) (e) 1m. e. of the statutes is created to read:

16 292.11 (9) (e) 1m. e. The local governmental unit acquired the property through
17 escheat.

18 **SECTION 2576.** 292.11 (9) (e) 1m. f. of the statutes is created to read:

19 292.11 (9) (e) 1m. f. The local governmental unit acquired the property using
20 funds appropriated under s. 20.866 (2) (tz).

21 **SECTION 2577.** 292.11 (9) (e) 1s. of the statutes is amended to read:

22 292.11 (9) (e) 1s. ~~An~~ Except as provided in subs. 2. and 4. to 6., an economic
23 development corporation described in section 501 (c) of the Internal Revenue Code,
24 as defined in s. 71.22 (4), that is exempt from federal taxation under section 501 (a)
25 of the Internal Revenue Code, or an entity wholly owned and operated by such a

1 corporation, is exempt from subs. (3), (4) and (7) (b) and (c) with respect to property
2 acquired before, on or after October 14, 1997, if the property is acquired to further
3 the economic development purposes that qualify the corporation as exempt from
4 federal taxation.

5 **SECTION 2578.** 292.11 (9) (e) 3. of the statutes is repealed.

6 **SECTION 2579.** 292.11 (9) (e) 5. c. of the statutes is repealed.

7 **SECTION 2580.** 292.11 (9) (e) 6. of the statutes is created to read:

8 292.11 (9) (e) 6. Subdivisions 1m. and 1s. only apply if the local governmental
9 unit or the economic development corporation agrees to allow the department, any
10 authorized representatives of the department, any party that possessed or controlled
11 the hazardous substance or caused the discharge of the hazardous substance and any
12 consultant or contractor of such a party to enter the property to take action to respond
13 to the discharge.

14 **SECTION 2581.** 292.11 (9) (e) 7. of the statutes is created to read:

15 292.11 (9) (e) 7. Subdivision 1m. does not apply to property described in subd.
16 1m. f. unless the local governmental unit enters into an agreement with the
17 department to ensure that the conditions in subs. 2. and 4. are satisfied.

18 **SECTION 2581r.** 292.13 (1) (intro.) of the statutes is amended to read:

19 292.13 (1) EXEMPTION FROM LIABILITY FOR GROUNDWATER CONTAMINATION. (intro.)
20 A person, ~~other than a state agency,~~ is exempt from s. 292.11 (3), (4) and (7) (b) and
21 (c) with respect to the existence of a hazardous substance in the groundwater on
22 property possessed or controlled by the person if all of the following apply:

23 **SECTION 2581w.** 292.13 (1m) (intro.) of the statutes is amended to read:

24 292.13 (1m) EXEMPTION FROM LIABILITY FOR SOIL CONTAMINATION. (intro.) A
25 person, ~~other than a state agency,~~ is exempt from s. 292.11 (3), (4) and (7) (b) and (c)

1 with respect to the existence of a hazardous substance in the soil on property
2 possessed or controlled by the person if all of the following apply:

3 **SECTION 2582.** 292.15 (1) (a) of the statutes is created to read:

4 292.15 (1) (a) "Enforcement standard" has the meaning given in s. 160.01 (2).

5 **SECTION 2583.** 292.15 (1) (am) of the statutes is created to read:

6 292.15 (1) (am) "Natural attenuation" means the reduction in the mass and
7 concentration in groundwater of a substance, and the products into which the
8 substance breaks down, due to naturally occurring physical, chemical and biological
9 processes, without human intervention.

10 **SECTION 2584.** 292.15 (1) (f) of the statutes is repealed and recreated to read:

11 292.15 (1) (f) "Voluntary party" means a person who submits an application to
12 obtain an exemption under this section and pays any fees required under sub. (5).

13 **SECTION 2585.** 292.15 (2) (a) (title) of the statutes is created to read:

14 292.15 (2) (a) (title) *General.*

15 **SECTION 2586.** 292.15 (2) (a) (intro.) of the statutes is amended to read:

16 292.15 (2) (a) (intro.) Except as provided in sub. (6) or (7), a voluntary party is
17 exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25
18 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules
19 promulgated under those provisions, with respect to ~~the existence~~ discharges of a
20 hazardous substance substances on the or originating from a property, if the release
21 of those hazardous substances occurred prior to the date on which the department
22 approves the environmental investigation of the property under subd. 1. and if all
23 of the following occur at any time before or after the date of acquisition:

24 **SECTION 2587.** 292.15 (2) (a) 2. of the statutes is amended to read:

1 292.15 (2) (a) 2. Except as provided in sub. (4), the ~~property is cleaned up by~~
2 ~~restoring the environment~~ is restored to the extent practicable with respect to the
3 discharges and ~~minimizing~~ the harmful effects from ~~a discharge of the hazardous~~
4 ~~substance~~ the discharges are minimized in accordance with rules promulgated by the
5 department and any contract entered into under those rules.

6 **SECTION 2588.** 292.15 (2) (a) 3. of the statutes is amended to read:

7 292.15 (2) (a) 3. The voluntary party obtains a certificate of completion from
8 the department that the ~~property~~ environment has been satisfactorily restored to the
9 extent practicable with respect to the discharges and that the harmful effects from
10 ~~a discharge of a hazardous substance~~ the discharges have been minimized.

11 **SECTION 2589.** 292.15 (2) (a) 6. of the statutes is amended to read:

12 292.15 (2) (a) 6. The voluntary party has not obtained the ~~certification under~~
13 ~~subd. 3.~~ certificate of completion by fraud or misrepresentation, by the knowing
14 failure to disclose material information or under circumstances in which the
15 voluntary party knew or should have known about more discharges of hazardous
16 substances than were revealed by the investigation conducted under subd. 1.

17 **SECTION 2591.** 292.15 (2) (ae) of the statutes is created to read:

18 292.15 (2) (ae) *Natural attenuation.* Except as provided in sub. (6) or (7), if
19 there exists a hazardous substance in groundwater on or originating from a property
20 in a concentration that exceeds an enforcement standard and the department
21 determines that natural attenuation will restore groundwater quality in accordance
22 with rules promulgated by the department, a voluntary party is exempt from ss.
23 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11
24 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules promulgated under those
25 provisions, with respect to discharges of hazardous substances on or originating from

1 the property, if the release of those hazardous substances occurred prior to the date
2 on which the department approves the environmental investigation of the property
3 under subd. 1. and if all of the following occur at any time before or after the date of
4 acquisition:

5 1. An environmental investigation of the property is conducted that is approved
6 by the department.

7 2. The environment is restored to the extent practicable with respect to the
8 discharges and the harmful effects from the discharges are minimized in accordance
9 with rules promulgated by the department and any contract entered into under those
10 rules, except that this requirement does not apply with respect to the hazardous
11 substance in groundwater that the department has determined will be brought into
12 compliance with rules promulgated by the department through natural attenuation.

13 3. The voluntary party obtains a certificate of completion from the department
14 stating that the environment has been satisfactorily restored to the extent
15 practicable with respect to the discharges and that the harmful effects from the
16 discharges have been minimized, except with respect to the hazardous substance in
17 groundwater that the department has determined will be brought into compliance
18 with rules promulgated by the department through natural attenuation.

19 3m. If required by the department, the voluntary party obtains and maintains
20 insurance to cover the costs of complying with s. 292.11 (3) with respect to the
21 hazardous substance that the department has determined will be brought into
22 compliance with rules promulgated by the department through natural attenuation,
23 in case natural attenuation fails, and the insurance complies with rules promulgated
24 by the department and names this state as the insured.

1 4. The voluntary party maintains and monitors the property as required under
2 rules promulgated by the department and any contract entered into under those
3 rules.

4 5. The voluntary party does not engage in activities that are inconsistent with
5 the maintenance of the property.

6 6. The voluntary party has not obtained the certification under subd. 3. by
7 fraud or misrepresentation, by the knowing failure to disclose material information
8 or under circumstances in which the voluntary party knew or should have known
9 about more discharges of hazardous substances than were revealed by the
10 investigation conducted under subd. 1.

11 **SECTION 2592.** 292.15 (2) (ag) of the statutes is created to read:

12 292.15 (2) (ag) *Property affected by off-site discharge.* Except as provided in
13 sub. (6) or (7), for a property on which there exists a hazardous substance for which
14 a voluntary party is exempt from liability under s. 292.13 (1), a voluntary party is
15 exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25
16 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules
17 promulgated under those provisions, with respect to discharges of hazardous
18 substances on or originating from the property, if the release of those hazardous
19 substances occurred prior to the date on which the department approves the
20 environmental investigation of the property under par. (a) 1., if par. (a) 1. and 4. to
21 6. apply and all of the following occur at any time before or after the date of
22 acquisition:

23 1. The environment is restored to the extent practicable with respect to the
24 discharges and the harmful effects from the discharges are minimized in accordance
25 with rules promulgated by the department and any contract entered into under those

1 rules, except that this requirement does not apply with respect to the hazardous
2 substance for which the voluntary party is exempt from liability under s. 292.13 (1).

3 2. The voluntary party obtains a certificate of completion from the department
4 stating that the environment has been satisfactorily restored to the extent
5 practicable with respect to the discharges and that the harmful effects from the
6 discharges have been minimized, except with respect to the hazardous substance for
7 which the voluntary party is exempt from liability under s. 292.13 (1).

8 3. The voluntary party obtains a written determination from the department
9 under s. 292.13 (2) with respect to the hazardous substance for which the voluntary
10 party is exempt from liability under s 292.13 (1).

11 4. The voluntary party continues to satisfy the conditions under s. 292.13 (1)
12 (d) to (g).

13 **SECTION 2593.** 292.15 (2) (am) (intro.) of the statutes is amended to read:

14 292.15 (2) (am) *Partial cleanup.* (intro.) The department may approve a
15 partial cleanup and issue a certificate of completion as provided in par. (a), (ae) or (ag)
16 that states that not all of the property has been satisfactorily restored or that not all
17 of the harmful effects from a discharge of a hazardous substance have been
18 minimized. Approval of a partial cleanup exempts a voluntary party from ss. 291.37
19 (2) and 292.11 (3), (4) and (7) (b) and (c) with respect to the portion of the property
20 or hazardous substances cleaned up under this paragraph. In addition to meeting
21 the requirements of par. (a), (ae) or (ag), a certificate for a partial cleanup under this
22 paragraph may be issued only if:

23 **SECTION 2594.** 292.15 (2) (ar) (title) of the statutes is created to read:

24 292.15 (2) (ar) (title) *Condition.*

25 **SECTION 2595.** 292.15 (2) (at) of the statutes is created to read:

1 292.15 (2) (at) *Discharges discovered after environmental investigations.*
2 Except as provided in sub. (6) or (7), a voluntary party is exempt from ss. 289.05 (1),
3 (2), (3) and (4), 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and
4 (7) (b) and (c) and 292.31 (8), and rules promulgated under those provisions, with
5 respect to a discharge of a hazardous substance on or originating from a property if
6 the discharge occurred before the environmental investigation under subd. 1. is
7 completed and if all of the following apply:

8 1. An environmental investigation of the property and of any discharges of
9 hazardous substances originating from the property is conducted and is approved by
10 the department.

11 2. If required by the department, the voluntary party enters into an agreement
12 with the department under which the voluntary party agrees to conduct a cleanup
13 approved by the department.

14 3. The voluntary party obtains and maintains insurance to cover the costs of
15 complying with s. 292.11 (3) with respect to a hazardous substance discharges that
16 occurred before the investigation under subd. 1. is completed and that are discovered
17 in the course of conducting a cleanup of the property, the insurance complies with
18 rules promulgated by the department and the insurance names the voluntary party
19 and this state as insureds.

20 3m. If the department requires the voluntary party to enter into an agreement
21 under subd. 2., the voluntary party conducts the agreed upon cleanup.

22 4. A hazardous substance discharge that occurred before the investigation
23 under subd. 1. is completed is discovered after the investigation under subd. 1. is
24 approved and before the cleanup is completed.

1 6. The voluntary party has not obtained approval of the investigation under
2 subd. 1. or the agreement under subd. 2. by fraud or misrepresentation, by the
3 knowing failure to disclose material information or under circumstances in which
4 the voluntary party knew or should have known about more discharges of hazardous
5 substances than were revealed by the investigation conducted under subd. 1.

6 **SECTION 2596.** 292.15 (2) (b) of the statutes is amended to read:

7 292.15 (2) (b) Extent of exemptions. The exemptions provided in pars. (a), (ae),
8 (ag) and (am) continue to apply after the date of certification by the department
9 under par. (a) 3., (ae) 3. or (ag) 2., or approval by the department under par. (am),
10 notwithstanding the occurrence of any of the following:

11 1. Statutes, rules or regulations are created or amended that would impose
12 greater responsibilities on the voluntary party than those imposed under par. (a) 2.,
13 (ae) 2. or (ag) 1.

14 2. The voluntary party fully complies with the rules promulgated by the
15 department and any contract entered into under those rules under par. (a) 2., (ae) 2.
16 or (ag) 1. but it is discovered that the cleanup fails to fully restore the environment
17 and minimize the effects from a discharge of a hazardous substance.

18 3. The contamination from a hazardous substance that is the subject of the
19 cleanup under par. (a) 2., (ae) 2. or (ag) 1. is discovered to be more extensive than
20 anticipated by the voluntary party and the department.

21 **SECTION 2597.** 292.15 (2) (c) (title) of the statutes is created to read:

22 292.15 (2) (c) (title) *Prohibition on action.*

23 **SECTION 2598.** 292.15 (2) (c) of the statutes is amended to read:

24 292.15 (2) (c) The department of justice may not commence an action under 42
25 USC 9607 against any voluntary party meeting the criteria of this subsection to

1 recover costs for which the voluntary party is exempt under pars. (a), (ac), (ag), (am),
2 (at) and (b).

3 **SECTION 2599.** 292.15 (2) (d) (title) of the statutes is created to read:

4 292.15 (2) (d) (title) *Exception.*

5 **SECTION 2600.** 292.15 (2) (e) of the statutes is created to read:

6 292.15 (2) (e) *Contract with insurer.* If the department requires insurance
7 under par. (ae) 3m. or (at) 3., the department may contract with an insurer to provide
8 insurance required under par. (ae) 3m. or (at) 3. and may require voluntary parties
9 to obtain coverage under the contract.

10 **SECTION 2601.** 292.15 (3) of the statutes is amended to read:

11 292.15 (3) SUCCESSORS AND ASSIGNS. ~~The An~~ exemption provided in sub. (2)
12 applies to any successor or assignee of the voluntary party ~~who qualifies as a~~
13 ~~voluntary party and who~~ if the successor or assignee complies with the provisions of
14 sub. (2) (a) 4. and 5. ~~unless or (ae) 3m., 4. and 5. and, if applicable, sub. (2) (ag) 4. or~~
15 (am) as though the successor or assignee were the voluntary party except that the
16 exemption in sub. (2) does not apply if the successor or assignee knows that a
17 certificate under sub. (2) (a) 3., (ae) 3., (ag) 12. or (am) was obtained by any of the
18 means or under any of the circumstances specified in sub. (2) (a) 6.

19 **SECTION 2602.** 292.15 (4) (intro.) of the statutes is amended to read:

20 292.15 (4) LIMITED RESPONSIBILITY. (intro.) The responsibility of a voluntary
21 party under sub. (2) (a) 2. may be monetarily limited by agreement between the
22 voluntary party and the department if the voluntary party purchased the property
23 from a local governmental unit that acquired the property in a way or for a purpose
24 described in s. 292.11 (9) (e) 1m. ~~a., b., c. or d.~~ The agreement shall stipulate all of the
25 following:

1 **SECTION 2603.** 292.15 (5m) of the statutes is repealed.

2 **SECTION 2604.** 292.15 (6) of the statutes is renumbered 292.15 (6) (a) and
3 amended to read:

4 292.15 (6) (a) This section does not exempt property from any lien filed under
5 s. 292.81 (3) for costs incurred by the department prior to the date that certification
6 is issued under sub. (2) (a) 3., (ae) 3. or (ag) 2.

7 **SECTION 2605.** 292.15 (6) (b) of the statutes is created to read:

8 292.15 (6) (b) This section does not exempt property from any lien filed under
9 s. 292.81 (3) for costs that are incurred by the department with respect to a hazardous
10 substance discharge described in sub. (2) (at) 3. and that are not covered by insurance
11 required by sub. (2) (at) 3.

12 **SECTION 2606.** 292.21 (1) (c) 1. b. of the statutes is repealed.

13 **SECTION 2607.** 292.21 (1) (c) 1. g. of the statutes is created to read:

14 292.21 (1) (c) 1. g. The lender agrees to allow the department, any authorized
15 representatives of the department, any party that possessed or controlled the
16 hazardous substance or caused the discharge of the hazardous substance and any
17 consultant or contractor of such a party to enter the real property to take action to
18 respond to the discharge.

19 **SECTION 2608.** 292.21 (1) (c) 1. h. of the statutes is created to read:

20 292.21 (1) (c) 1. h. The lender agrees to avoid any interference with action
21 undertaken to respond to the discharge and to avoid actions that worsen the
22 discharge.

23 **SECTION 2609.** 292.21 (1) (c) 1. i. of the statutes is created to read:

1 292.21 (1) (c) 1. i. The lender agrees to any other condition that the department
2 determines is reasonable and necessary to ensure that the department or other
3 person described in subd. 1. g. can adequately respond to the discharge.

4 **SECTION 2610.** 292.24 of the statutes is created to read:

5 **292.24 Responsibility of local governmental units; hazardous waste.**

6 (1) DEFINITION. In this section, “local governmental unit” has the meaning given in
7 s. 292.11 (9) (e) 1.

8 (2) EXEMPTION FROM LIABILITY. Except as provided in sub. (3), a local
9 governmental unit is exempt from ss. 291.25 (1) to (5), 291.29 and 291.37, and rules
10 promulgated under those provisions, with respect to the existence of a hazardous
11 waste discharge on property acquired in a way or for a purpose described in s. 292.11
12 (9) (e) 1m., if all of the following occur at any time before or after the date of
13 acquisition:

14 (a) An environmental investigation of the property is conducted that is
15 approved by the department and that identifies any hazardous waste discharges
16 that occurred on the property.

17 (b) The hazardous waste discharges identified by the investigation under par.
18 (a) are cleaned up by restoring the environment to the extent practicable with respect
19 to the discharges and minimizing the harmful effects from the discharges in
20 accordance with rules promulgated by the department and any contract entered into
21 under those rules.

22 (c) The local governmental unit obtains an approval from the department
23 stating that the property has been satisfactorily restored to the extent practicable
24 with respect to the hazardous waste discharges and that the harmful effects from the
25 discharges have been minimized.

1 (d) The local governmental unit maintains and monitors the property as
2 required under rules promulgated by the department and any contract entered into
3 under those rules.

4 (e) The local governmental unit does not engage in activities that are
5 inconsistent with the maintenance of the property.

6 (f) The local governmental unit has not obtained the certification under par. (c)
7 by fraud or misrepresentation, by the knowing failure to disclose material
8 information or under circumstances in which the local governmental unit knew or
9 should have known about more discharges of hazardous waste than were revealed
10 by the investigation conducted under par. (a).

11 (g) The local governmental unit did not cause the discharge of any hazardous
12 waste identified on the property.

13 **(3) APPLICABILITY.** Subsection (2) does not apply to any of the following:

14 (a) A hazardous waste treatment, storage or disposal facility that first begins
15 operation after the date on which the local governmental unit acquired the property.

16 (b) A licensed hazardous waste treatment, storage or disposal facility operated
17 on the property before the date on which the local governmental unit acquired the
18 property and that is operated after the date on which the local governmental unit
19 acquired the property.

20 (c) Any hazardous waste disposal facility that has been issued a license under
21 s. 144.441 (2), 1995 stats., or s. 289.41 (1m), or rules promulgated under those
22 sections, for a period of long-term care following closure of the facility.

23 **SECTION 2611.** 292.25 of the statutes is created to read:

24 **292.25 Report on impact of exemptions from liability.** (1) The
25 department shall biennially determine all of the following:

1 (a) The number of sites for which a person is seeking to qualify for an exemption
2 under s. 292.15.

3 (b) The number of sites for which a certificate of completion was issued under
4 s. 292.15.

5 (c) The number of sites for which a certificate of completion was issued under
6 s. 292.15 at which it is discovered that the cleanup failed or at which additional
7 hazardous substances are found after the certificate of completion was issued.

8 (d) The number of sites described in par. (b) at which the department has
9 determined that it is necessary to conduct remedial action using moneys from the
10 environmental fund and the estimated costs of performing that remedial action.

11 (e) The number of sites for which a claim was made against an insurance policy
12 required under s. 292.15.

13 (2) No later than September 15 of each even-numbered year, the department
14 shall submit a report describing its determinations under sub. (1) to the legislature
15 under s. 13.172 (2), to the governor and to the department of administration.

16 (3) The department may require a person to provide information necessary for
17 the department to make the determinations under sub. (1).

18 **SECTION 2611d.** 292.255 of the statutes is created to read:

19 **292.255 Report on brownfield efforts.** On or before June 30 annually, the
20 department of natural resources, the department of administration, the department
21 of commerce, the department of revenue and the department of transportation shall
22 submit a report to the appropriate standing committees of the legislature under s.
23 13.172 (3) and to the joint committee on finance evaluating the effectiveness of this
24 state's efforts to remedy the contamination of, and to redevelop, brownfields, as
25 defined in s. 560.60 (1v).

1 **SECTION 2612.** 292.33 of the statutes is created to read:

2 **292.33 Local government cost recovery cause of action. (1) DEFINITION.**

3 In this section “local governmental unit” has the meaning given in s. 292.11 (9) (e)

4 1.

5 **(2) CAUSE OF ACTION.** Except as provided in sub. (6), a local governmental unit
6 may recover costs as provided in sub. (4) from a responsible person described in sub.
7 (3) if the costs are incurred in connection with a property acquired as provided in s.
8 292.11 (9) (e) 1m. on which a hazardous substance has been discharged.

9 **(3) RESPONSIBLE PERSONS. (a)** Except as provided in par. (b), a local
10 governmental unit may recover costs in an action under this section from any of the
11 following:

12 1. A person who, at the time that the local governmental unit acquired the
13 property, possessed or controlled the hazardous substance that was discharged on
14 the property.

15 2. A person who caused the discharge of the hazardous substance on the
16 property.

~~17~~ (b) A local governmental unit may not recover costs in an action under sub. (2)
18 from a person listed in par. (a) if any of the following applies:

19 1. The person is exempt from liability under s. 292.11 (9) (e), 292.13, 292.15,
20 292.16, 292.19 or 292.21 with respect to the discharge that is the subject of the action.

21 2. The person has entered into a consent order under this chapter or ch. 289
22 or 291 or an agreement under s. 292.11 (7) (d) or 292.31 (8) (h) with respect to the
23 discharge that is the subject of the action and the person is in compliance with the
24 consent order or agreement.

1 3. The person is exempt from liability under s. 292.35 (9) (e) with respect to the
2 discharge that is the subject of the action.

3 4. The discharge that was caused by the person and that is the subject of the
4 action was in compliance with a permit, license, approval, special order, waiver or
5 variance issued under ch. 283 or 285 or under corresponding federal statutes or
~~6~~ regulations.

7 (4) RECOVERABLE COSTS. (a) Except as provided in par. (b), in an action under
8 this section a local governmental unit may recover the reasonable and necessary
9 costs that it incurs for all of the following:

10 1. Investigating environmental contamination on the property and planning
11 remedial activities described in subd. 2.

12 2. Conducting remedial activities to restore the property for its intended future
13 use.

14 3. Administering the activities under subds. 1. and 2. and bringing the action
15 under this section, including costs, disbursements and engineering fees but
16 excluding attorney fees.

17 (b) The costs determined under par. (a) shall be reduced by the fair market
18 value of the property after completion of the activities under par. (a) 2.

19 (c) Recoverable costs under this subsection may not be reduced by the amount
20 of any state or federal moneys received by the local governmental unit for any of the
21 activities under par. (a).

22 (d) 1. In an action under this section, the liability of a responsible person
23 described in sub. (3) (a) 2. is limited to the amount that bears the same proportion
24 to the total costs under par. (a), adjusted as provided in par. (b), as the amount of the
25 environmental pollution on the property from the discharge caused by the

1 responsible person bears to all of the environmental pollution on the property from
2 discharges of hazardous substances.

3 2. In an action under this section, the liability of a responsible person described
4 in sub. (3) (a) 1. is limited to the amount of the total costs under par. (a), adjusted as
5 provided in par. (b), that the local governmental unit is unable to recover from
6 responsible parties described in sub. (3) (a) 2. *check space* less the amount that the local
7 governmental unit is unable to recover because of the exemptions in sub. (3) (b) 3.
~~8~~ and 4.

9 (5) REPAYING STATE ASSISTANCE. If a local governmental unit that recovers costs
10 under this section received money from this state, other than under s. 292.11 (7) or
11 292.31 (1), (3) or (7), for any of the activities under sub. (4) (a), the local governmental
12 unit shall reimburse to the state an amount that bears the same proportion to the
13 total amount recovered under this section as the amount received from the state,
14 other than under s. 292.11 (7) or 292.31 (1), (3) or (7), bears to the total costs under
15 sub. (4) (a) adjusted as provided in sub. (4) (b).

16 (6) EXCEPTION. A local governmental unit may not recover costs under this
17 section for remedial activities conducted on a property or portion of a property with
18 respect to a discharge after the department of natural resources, the department of
19 commerce or the department of agriculture, trade and consumer protection has
20 indicated that no further remedial activities are necessary on the property or portion
21 of the property with respect to the discharge.

22 (7) LIMITATION OF ACTION. An action under this section shall be commenced
23 within 6 years after the date that the local governmental unit completes the
24 activities under sub. (4) (a) 2. or be barred.

25 SECTION 2613. 292.57 of the statutes is created to read:

1 **292.57 Database of properties on which groundwater standards are**
2 **exceeded. (1)** In this section, “groundwater standard” means an enforcement
3 standard, as defined in s. 160.01 (2), or a preventive action limit, as defined in s.
4 160.01 (6).

5 **(2) (a)** The department may promulgate a rule specifying a fee for placing
6 information concerning a property on which a groundwater standard is exceeded into
7 a database.

8 **(b)** Any moneys collected under this subsection shall be credited to the
9 appropriation account under s. 20.370 (2) (mi).

10 **SECTION 2614.** 292.65 (1) (d) 9. of the statutes is created to read:

11 292.65 (1) (d) 9. A formal wear rental firm.

12 **SECTION 2614e.** 292.65 (1) (ek) of the statutes is created to read:

13 292.65 (1) (ek) “Formal wear” includes tuxedos, suits and dresses, but does not
14 include costumes, table linens and household fabrics.

15 **SECTION 2614g.** 292.65 (1) (em) of the statutes is created to read:

16 292.65 (1) (em) “Formal wear rental firm” means a facility that rents formal
17 wear to the general public and dry cleans only the formal wear that it rents to the
18 general public.

19 **SECTION 2615.** 292.65 (1) (h) 3. of the statutes is created to read:

20 292.65 (1) (h) 3. A person who operated a dry cleaning facility that ceased
21 operating before October 14, 1997.

22 **SECTION 2616.** 292.65 (1) (i) 1. of the statutes is renumbered 292.65 (1) (i) 1.
23 (intro.) and amended to read:

24 292.65 (1) (i) 1. (intro.) A person who owns, or has possession or control of, a
25 dry cleaning facility, or and who receives or received direct or indirect consideration

1 from the operation of a dry cleaning facility regardless of whether the dry cleaning
2 facility remains in operation and regardless of whether the person owns or receives
3 consideration at the time that environmental pollution occurs, any of the following:

4 **SECTION 2617.** 292.65 (1) (i) 1. a. of the statutes is created to read:

5 292.65 (1) (i) 1. a. A dry cleaning facility that is licensed under s. 77.9961 (2).

6 **SECTION 2618.** 292.65 (1) (i) 1. b. of the statutes is created to read:

7 292.65 (1) (i) 1. b. A dry cleaning facility that has ceased operation but that,
8 if it ceased operation on or after October 14, 1997, was licensed under s. 77.9961 (2)
9 before it ceased operation.

10 **SECTION 2619.** 292.65 (1) (i) 3. of the statutes is created to read:

11 292.65 (1) (i) 3. A person who owns the property on which one of the following
12 is located:

13 a. A dry cleaning facility that is licensed under s. 77.9961 (2).

14 b. A dry cleaning facility that has ceased operation but that was licensed under
15 s. 77.9961 (2) before it ceased operation.

16 **SECTION 2620.** 292.65 (1) (L) of the statutes is amended to read:

17 292.65 (1) (L) "Service provider" means a consultant, testing laboratory,
18 monitoring well installer, soil boring contractor, other contractor, ~~lender~~ or any other
19 person who provides a product or service for which an application for reimbursement
20 has been or will be filed under this section, or a subcontractor of such a person.

21 **SECTION 2621.** 292.65 (3) (am) 2. of the statutes is amended to read:

22 292.65 (3) (am) 2. The department shall pay an award for immediate action
23 activities. ~~For the purposes of this subdivision, removal of contaminated soils and~~
24 ~~recovery of free dry cleaning solvent are not considered immediate action activities.~~

1 **SECTION 2622.** 292.65 (3) (am) 3. of the statutes is repealed and recreated to
2 read:

3 292.65 (3) (am) 3. After paying awards for immediate action activities, the
4 department shall do the following with the remaining funds available for awards
5 under this section:

6 a. In the program year that begins on July 1, 1999, provide 75% to pay awards
7 for eligible costs incurred before October 14, 1997, and provide 25% to pay awards
8 for eligible costs incurred on or after October 14, 1997.

9 b. In the program year that begins on July 1, 2000, provide 50% to pay awards
10 for eligible costs incurred before October 14, 1997, and provide 50% to pay awards
11 for eligible costs incurred on or after October 14, 1997.

12 c. In the program year that begins on July 1, 2001, and every program year
13 thereafter, provide at least 70% as awards to pay eligible costs incurred on or after
14 October 14, 1997.

15 **SECTION 2627.** 292.65 (4) (m) of the statutes is created to read:

16 292.65 (4) (m) *Notification of insurance claims and receipt of proceeds.* An
17 owner or operator shall notify the department of any insurance claim made to cover
18 eligible costs, the status of the claim, and, if the owner or operator has received any
19 insurance proceeds arising from the claim, the amount of the proceeds.

20 **SECTION 2629.** 292.65 (6) of the statutes is repealed.

21 **SECTION 2631.** 292.65 (7) (a) 16. of the statutes is repealed.

22 **SECTION 2632.** 292.65 (7) (b) of the statutes is repealed.

23 **SECTION 2634.** 292.65 (7) (c) 6. of the statutes is created to read:

24 292.65 (7) (c) 6. Costs of financing eligible activities.

25 **SECTION 2636.** 292.65 (8) (a) 4m. of the statutes is created to read:

1 292.65 (8) (a) 4m. If the owner or operator receives any proceeds arising from
2 an insurance claim for any eligible costs, a record of the payment.

3 **SECTION 2636g.** 292.65 (8) (d) 8. of the statutes is amended to read:

4 292.65 (8) (d) 8. The dry cleaning solvent discharge was caused by a person who
5 provided services or products to the owner or operator or to a prior owner or operator
6 of the dry cleaning facility, including a person who provided perchloroethylene to the
7 owner or operator or prior owner or operator of a dry cleaning facility using a system
8 other than a closed, direct-coupled delivery system.

9 **SECTION 2637.** 292.65 (8) (e) 3a. of the statutes is repealed and recreated to
10 read:

11 292.65 (8) (e) 3a. If eligible costs are \$200,000 or less, \$10,000.

12 **SECTION 2638.** 292.65 (8) (e) 3am. of the statutes is created to read:

13 292.65 (8) (e) 3am. If eligible costs exceed \$200,000 but do not exceed \$400,000,
14 \$10,000 plus 8% of the amount by which eligible costs exceed \$200,000.

15 **SECTION 2639.** 292.65 (8) (e) 3ar. of the statutes is created to read:

16 292.65 (8) (e) 3ar. If eligible costs exceed \$400,000, \$26,000 plus 10% of the
17 amount by which eligible costs exceed \$400,000.

18 **SECTION 2640.** 292.65 (8) (e) 3b. of the statutes is amended to read:

19 292.65 (8) (e) 3b. ~~For each year in which the owner or operator has not paid the~~
20 ~~annual license fee under s. 77.9961 (1) for the dry cleaning facility, an An amount~~
21 ~~equal to 30 times the average annual license fee paid under s. 77.9961 (1) for that the~~
22 ~~year in which an award is made.~~

23 **SECTION 2641.** 292.65 (8) (e) 3c. of the statutes is amended to read:

24 292.65 (8) (e) 3c. ~~For each year in which the dry cleaning solvents fee under s.~~
25 ~~77.9962 was imposed and the dry cleaning facility was not in operation, an An~~

1 amount equal to 30 times the total amount collected under s. 77.9962 for ~~that~~ the
2 year in which an award is made divided by the number of dry cleaning facilities in
3 operation during that year.

4 **SECTION 2641g.** 292.65 (8) (j) 4. of the statutes is created to read:

5 292.65 (8) (j) 4. If, prior to receiving an award under this section, an owner or
6 operator receives payment from an insurance company arising out of a claim for
7 payment of any eligible costs, the department may not reimburse the owner or
8 operator any amount that exceeds the difference between the amount of the award
9 calculated under subd. 1. or 2. and pars. (e) and (f) and the amount by which the
10 insurance payment exceeds the sum of the deductible and the amount by which the
11 amount calculated under par. (e) exceeds the maximum award under par. (f).

12 **SECTION 2641m.** 292.65 (8m) of the statutes is created to read:

13 292.65 (8m) REIMBURSEMENT OF INSURANCE PROCEEDS. If, after the owner or
14 operator receives an award under this section, the owner or operator receives
15 payment from an insurance company arising out of a claim for payment of any
16 eligible costs, the owner or operator shall pay to the department the amount by which
17 the insurance payment exceeds the sum of the deductible and the amount by which
18 the amount calculated under par. (e) exceeds the maximum award under par. (f), but
19 not more than the amount of the award received. The amounts collected by the
20 department under this subsection shall be deposited in the dry cleaner
21 environmental response fund.

22 **SECTION 2643.** 292.65 (11) of the statutes is created to read:

23 292.65 (11) ENVIRONMENTAL FUND REIMBURSEMENT. If the department expends
24 funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because
25 of a discharge of dry cleaning solvent at a dry cleaning facility, the department shall

1 transfer from the appropriation account under s. 20.370 (6) (eq) to the environmental
2 fund an amount equal to the amount expended under s. 292.11 (7) (a) or 292.31 (3)
3 (b). The department shall make transfers under this subsection when the
4 department determines that sufficient funds are available in the appropriation
5 account under s. 20.370 (6) (eq).

6 **SECTION 2644.** 292.65 (12m) of the statutes is created to read:

7 292.65 (12m) PROHIBITION. No person may knowingly make or cause to be made
8 a false or misleading statement in any document submitted to the department under
9 this section.

10 **SECTION 2645m.** 292.66 (2) (e) of the statutes is repealed.

11 **SECTION 2645p.** 292.66 (2) (g) of the statutes is created to read:

12 292.66 (2) (g) The owner or operator of a dry cleaning facility that is operating
13 at the time that the owner or operator applies for assistance under this section
14 certifies that any perchloroethylene delivered to the dry cleaning facility is delivered
15 using a closed, direct-coupled delivery system.

16 **SECTION 2646.** 292.66 (3) of the statutes is amended to read:

17 292.66 (3) An award under this section ~~may not exceed \$15,000, of which not~~
18 ~~more than \$2,500 may be~~ shall equal 50% of the eligible costs, except that an award
19 may not exceed \$20,000. Of the total award, the reimbursement for the preliminary
20 site screening shall equal 50% of the cost of conducting the preliminary site
21 screening, except that the reimbursement for the preliminary site screening may not
22 exceed \$3,000.

23 **SECTION 2647.** 292.66 (5) of the statutes is created to read:

1 292.66 (5) No person may knowingly make or cause to be made a false or
2 misleading statement in any document submitted to the department under this
3 section.

4 ~~SECTION 2648c.~~ 292.70 of the statutes is created to read:

5 **292.70 Indemnification for disposal of polychlorinated biphenyls. (1)**

6 DEFINITION. In this section, "PCBs" has the meaning given in s. 299.45 (1) (a).

7 (2) INDEMNIFICATION AGREEMENTS CONCERNING DISPOSAL OF CONTAMINATED
8 SEDIMENTS. Subject to sub. (4), the department may enter into an agreement with a
9 municipality under which this state agrees to indemnify the municipality and its
10 agencies, officials, employes and agents against liability for damage to persons,
11 property or the environment resulting from the municipality's acceptance for
12 disposal of sediments that are from the Great Lakes basin and are contaminated
13 with PCBs, if the sediments are disposed of in a manner approved by the department.

14 (3) INDEMNIFICATION AGREEMENTS CONCERNING TREATMENT OF CONTAMINATED
15 LEACHATE. Subject to sub. (4), the department may enter into an agreement with a
16 municipality under which this state agrees to indemnify the municipality and its
17 agencies, officials, employes and agents against any liability for damage to persons,
18 property or the environment resulting from the municipality's conveyance or
19 treatment of leachate that is contaminated with PCBs and that is from a landfill that
20 accepts sediments contaminated with PCBs, if the leachate is treated in a manner
21 approved by the department.

22 (4) REQUIREMENTS. The department may enter into an agreement under sub.
23 (2) or (3) only if all of the following apply:

24 (a) The agreement is approved by the governor, the attorney general, the
25 secretary and the governing body of the municipality.

1 (b) The agreement specifies a method for determining whether the
2 municipality is liable for damage described in sub. (2) or (3).

3 (c) The agreement requires the municipality to notify the department and the
4 attorney general when a claim or lawsuit to which the agreement may apply is filed
5 against the political subdivision.

6 (d) The agreement authorizes the attorney general to intervene on behalf of the
7 municipality and this state in any lawsuit to which the agreement may apply.

8 (e) The agreement requires the operator of the solid waste disposal facility or
9 wastewater treatment facility to minimize risks related to PCBs.

10 (f) The agreement authorizes the department to require the operator of the
11 solid waste disposal facility or wastewater treatment facility to operate in a manner
12 specified by the department in order to minimize risks related to PCBs.

13 (5) LIMITATION. The department may include in an agreement under sub. (4)
14 a limitation on the amount that this state will pay to a municipality under the
15 agreement.

16 (6) IMMUNITY. This section and any agreement entered into under sub. (3) or
17 (4) may not be construed as consent to sue this state.

18 (7) REVIEW AND PAYMENT. If a claim is filed under an agreement under sub. (2)
19 or (3), the department shall review the claim to determine whether it is valid. A valid
20 claim shall be paid from the appropriation under s. 20.370 (2) (fq).

21 SECTION 2649. 292.75 of the statutes is created to read:

22 292.75 Brownfield site assessment grants. (1) DEFINITIONS. In this
23 section: