

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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RCT:kmg:pg

October 29, 2001

Rich Schuster:

1. This is a draft of a substitute amendment to SB 271 which I have drafted following discussions with John Stolzenberg of the Legislative Council.
2. This draft leaves the mining groundwater provisions in ch. 293 of the statutes to deal with what I understand to be DNR's concerns about requiring modeling for mining waste sites. The draft specifies that the design management zone may not be larger than 150 feet.
3. It is my understanding from John that you want to ensure that mining waste is tested to determine whether it is hazardous. I believe that current s. 291.21 will require that testing. I also understand that you want DNR to apply the more stringent of hazardous waste rules or mining rules. I believe that s. 293.93 of the statutes, as modified by this draft, would accomplish that. This may depend how broadly DNR interprets "standard" in s. 293.93. You may wish to ask DNR's experts to review the draft to determine whether they would interpret these provisions in a way that is consistent with your intent.
4. Please do not hesitate to contact me with questions or redraft instructions.

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