

2001 DRAFTING REQUEST

Bill

Received: 09/15/2000

Received By: traderc

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Wong

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Alt. Drafters:

Subject: Environment - env. cleanup

Extra Copies: DNR

Pre Topic:

DOA:.....Wong -

Topic:

Authority for DNR to acquire interests in real property as part of Superfund response action

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	traderc 10/02/2000	jdye 10/02/2000	pgreensl 10/02/2000	_____	gretskl 10/02/2000		State

FE Sent For:

<END>

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1?	traderc	1 10/2 jld	10/2 ps	10/2 EA			

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<END>

2001-2003 Statutory Language Proposals

Division: Air and Waste

Bureau: Remediation and Redevelopment

Issue/Topic: Authority to Acquire, Accept Transfer from U.S. EPA, and Hold Interests in Real Property As Part of a Response Action that is Taken Pursuant to CERCLA (the federal Superfund law).

Proposed Change: Create a new paragraph in s. 292.31 (7), Stats.

292.31 (7) (am) The department may accept the transfer of an interest in real property that has been acquired by the federal environmental protection agency as part of a response action taken under the federal superfund act, and may hold and enforce that interest in real property. The department may also acquire an interest in real property itself as part of a response action taken in cooperation with the federal environmental protection agency, and may expend moneys from the appropriations listed in par. (b) where it is necessary to compensate a property owner for creating an easement, transferring fee title or giving up any other interest in real property that is required for the implementation of the remedy, including interests in real property that are necessary to ensure that restrictions on the use of the land or the groundwater are enforceable.

Explanatory Note: A new statute is needed to authorize the Department of Natural Resources to accept the transfer of interests in real property from U. S. EPA, to acquire such interests itself, and to hold interests in real property as part of a response action that is taken pursuant to CERCLA (the federal Superfund law). The National Contingency Plan that has been promulgated by U.S. EPA provides that a Superfund-financed remedial action cannot proceed unless the state where the site is located provides the assurances that are required in 40 CFR ss. 300.510. Two of these assurances, required under 40 CFR ss. 300.510 (f), is the assurance that the state will acquire and hold any property interest that is necessary in order to conduct the fund-financed response action, and the assurance that the state will accept transfer of any interest acquired by U.S. EPA on or before completion of the response action.

Desired Effective Date: Effective date of the budget act.

Contact Person: Eric Ebersberger, MB/5 (6 0818); Lance Pottcr, MB/5 (7-7418); Linda Meyer, LS/5 (6-7588).



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0333/1

RCT:.....

SOON

Jed

DOA:.....Wong – Authority for DNR to acquire interests in real property as part of Superfund response action

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

✓ ENVIRONMENT

✓ HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Current law authorizes DNR to cooperate with the federal environmental protection agency (EPA) in implementing the federal ✓ Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, also called the ✓ Superfund Act), which provides for the clean up ✓ of contaminated property. This bill authorizes DNR to accept the transfer ✓ of an interest in property that was acquired by EPA as part of a CERCLA cleanup. The bill also authorizes DNR to acquire an interest in property from any person as part of a cleanup conducted in cooperation with EPA if the acquisition is necessary to conduct the cleanup.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

2 SECTION 1. 292.31 (7) (am) ✓ of the statutes is created to read:



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