

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:

Pre Topic:

DOA:.....Wong -

Topic:

Lists of contaminated sites

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 11/29/2000	hhagen 12/01/2000	rschluet 12/04/2000	_____	lrb_docadmin 12/04/2000		State
/2	traderc 01/09/2001	hhagen 01/10/2001	martykr 01/10/2001	_____	lrb_docadmin 01/10/2001		State

FE Sent For:

<END>

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*12 hmt
1/10/01* *King* *RW King*

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Subject: Environment - env. cleanup

Extra Copies: DNR

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/?	traderc	11 kmh 12/1/00	<i>[Signature]</i> 12.1.00	<i>[Signature]</i> 12.1.00			

FE Sent For:

<END>

2001-2003 Statutory Language Proposals

Division: AIR & WASTE
Bureau: REMEDIATION AND REDEVELOPMENT
Issue/Topic: LANGUAGE REQUIRING MULTIPLE LISTS/INVENTORIES OF CONTAMINATED SITES

Proposed Change: Amend s. 292.31 (1) language requiring that the Department compile and maintain an inventory of sites or facilities that may cause or threaten to cause environmental pollution. and that the Department "publish the hazard ranking list and any amendments to the hazard ranking list as a class 1 notice under ch. 984 in the official state newspaper under s. 984.04 or, if none exists, in a major newspaper with statewide circulation. "

Substitute a requirement that the Department make available a comprehensive listing of all known contaminated sites in the state.

Explanatory Note: This proposal would eliminate the s. 292.31 requirement that the Department maintain an inventory of sites or facilities which may cause or threaten to cause environmental pollution, and that the Department publish a hazard ranking list based on that inventory. The Department maintains this statutorily mandated list in addition to several other lists in an effort to provide current, accurate data to the public on contaminated sites and closed-out sites where contamination has been remediated. However, reliance on merely the statutorily mandated list does not give the public a comprehensive look at contaminated sites, may cause confusion, and may give the public a false sense of security that they have accessed data on all known contaminated sites. The Department proposes to substitute a statutory requirement that the Department make available a comprehensive listing of all known contaminated sites in the state. This would more fully comply with what the Department believes to be the original legislative intent to provide a comprehensive listing of contaminated sites data. These data would be available in a variety of formats to the public.

Desired Effective Date: Effective date of the budget act.

Contact Person: Lance Potter, MB/5, (7-7418); Bob Strous, RR/3, (6-2699); Eric Ebersberger, MB/5, (6-0818).



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0335/1

RCT:.....
hwh

SO ON

DOA:.....Wong - Lists of contaminated sites

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

DNW

Donovan

1 AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Current law requires DNR to compile and maintain an inventory of sites or facilities that may cause or threaten to cause environmental pollution. DNR must compile a revised list every four years. DNR must also create a list ranking the sites or facilities on the inventory in order of the hazard that they pose to public health or welfare or the environment. This bill eliminates the requirements for the inventory and hazard ranking. Under this bill, DNR is required to compile and make available a list of all known sites or facilities that are environmentally contaminated.

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. 227.01 (13) (zc) of the statutes is amended to read:

3 227.01 (13) (zc) Establishes an inventory or a hazard ranking list under s.

4 292.31.

History: 1985 a. 182; 1987 a. 27, 119, 395, 399, 403; 1989 a. 31, 56, 335, 341; 1991 a. 39, 254, 269, 309, 315; 1993 a. 16, 123, 237, 349, 364, 419, 442, 481, 491; 1995 a. 27, 215, 227, 289, 363; 1997 a. 27, 35, 231, 237; 1999 a. 9, 70; 1999 a. 150 s. 672; 1999 a. 167: s. 13.93 (2) (c).

1 **SECTION 2.** 292.21 (1) (c) 2. g. of the statutes is amended to read:

2 292.21 (1) (c) 2. g. A review to determine if the real property is listed in any of
3 the written compilations of sites or facilities considered to pose a threat to human
4 health or the environment, including the national priorities list under 42 USC 9605
5 (a) (8) (B); the federal environmental protection agency's information system for the
6 comprehensive environmental response, compensation and liability act, 42 USC
7 9601 to 9675, (CERCLIS); the department's most recent Wisconsin remedial
8 response site evaluation report, including the inventory list of sites or facilities which
9 ~~may cause or threaten to cause environmental pollution that are environmentally~~
10 contaminated required by s. 292.31 (1) (a); and the department's registry of
11 abandoned landfills.

12 History: 1995 a. 227 s. 708, 709, 993; 1997 a. 27; 1999 a. 9.

12 **SECTION 3.** 292.31 (1) (title) of the statutes is amended to read:

13 292.31 (1) (title) ~~INVENTORY LIST; ANALYSIS; HAZARD-RANKING.~~

14 History: 1995 a. 227 ss. 605 to 610, 612; 1995 a. 378 s. 45; 1997 a. 27.

14 **SECTION 4.** 292.31 (1) (a) (title) of the statutes is repealed and recreated to read:

15 292.31 (1) (a) (title) *List.*

16 **SECTION 5.** 292.31 (1) (a) 1. of the statutes is repealed and recreated to read:

17 292.31 (1) (a) 1. The department shall compile and make available a list of all
18 known sites or facilities in this state that are environmentally contaminated.

19 **SECTION 6.** 292.31 (1) (a) 2. of the statutes is repealed.

20 **SECTION 7.** 292.31 (1) (a) 3. of the statutes is amended to read:

21 292.31 (1) (a) 3. The decision of the department to include a site or facility on
22 the inventory list under subd. 1. or exclude a site or facility from the inventory list
23 is not subject to judicial review.

24 History: 1995 a. 227 ss. 605 to 610, 612; 1995 a. 378 s. 45; 1997 a. 27.

24 **SECTION 8.** 292.31 (1) (a) 4. of the statutes is amended to read:

1 292.31 (1) (a) 4. Notwithstanding s. 227.01 (13) or 227.10 (1), the list of sites
2 or facilities ~~which results from the inventory under subd. 1.~~ ^{delete striking of space} is not a rule.

History: 1995 a. 227 ss. 605 to 610, 612; 1995 a. 378 s. 45; 1997 a. 27.

3 **SECTION 9.** 292.31 (1) (b) 1. of the statutes is amended to read:

4 292.31 (1) (b) 1. The department may take direct action under subd. 2. or 3.
5 or may enter into a contract with any person to take the action. The department may
6 take action under subd. 2. or 3. regardless of whether a site or facility is included on
7 the inventory list under par. (a) ~~or the hazard ranking list under par. (c).~~

History: 1995 a. 227 ss. 605 to 610, 612; 1995 a. 378 s. 45; 1997 a. 27.

8 **SECTION 10.** 292.31 (1) (c) of the statutes is repealed.

9 **SECTION 11.** 292.31 (2) (a) of the statutes is amended to read:

10 292.31 (2) (a) Methods for preparing the ~~inventory and conducting the analysis~~
11 list under sub. (1).

History: 1995 a. 227 ss. 605 to 610, 612; 1995 a. 378 s. 45; 1997 a. 27.

12 **SECTION 12.** 292.31 (3) (c) of the statutes is amended to read:

13 292.31 (3) (c) *Sequence of remedial action.* In determining the sequence for
14 taking remedial action under this subsection, the department shall consider the
15 ~~hazard ranking of~~ the degree to which each site or facility presents a substantial
16 danger to public health or welfare or the environment, the potential urgency of
17 taking remedial action at each site or facility, the amount of funds available, the
18 information available about each site or facility, the willingness and ability of an
19 owner, operator or other responsible person to undertake or assist in remedial action,
20 the availability of federal funds under 42 USC 9601, et seq., and other relevant
21 factors. The department shall give the highest priority to remedial action at sites or
22 facilities which have caused contamination of a municipal water system in a town
23 with a population greater than 10,000. If any such site or facility is eligible for federal
24 funds under 42 USC s. 9601 to 9675, but the federal funds will not be available before

1 January 1, 2000, the department shall proceed with remedial action using state
2 funds.

3 History: 1995 a. 227 ss. 605 to 610, 612; 1995 a. 378 s. 45; 1997 a. 27.

3 SECTION 13. 292.31 (3) (cm) of the statutes is amended to read:

4 292.31 (3) (cm) *Remedial action schedule*. The department shall commence
5 remedial action as required under this paragraph for sites or facilities ~~which are~~
6 ~~included on the hazard ranking list and~~ ^{that} are determined to present a substantial
7 danger to public health or welfare or the environment. The department shall
8 commence remedial action at no less than 2 of the sites or facilities by January 1,
9 1989. The department shall commence remedial action at all of the sites or facilities
10 by January 1, 2000. After January 1, 1989, and before January 1, 2000, the
11 department shall annually commence remedial action at no less than 2 of the sites
12 or facilities.

13 History: 1995 a. 227 ss. 605 to 610, 612; 1995 a. 378 s. 45; 1997 a. 27.

13 SECTION 14. 292.31 (3) (d) of the statutes is amended to read:

14 292.31 (3) (d) *Emergency responses*. Notwithstanding rules promulgated
15 under this section, ~~the hazard ranking list~~, the considerations for taking action
16 under par. (c) or the remedial action schedule under par. (cm), the department may
17 take emergency action under this subsection and subs. (1) and (7) at a site or facility
18 if delay will result in imminent risk to public health or safety or the environment.
19 The department is not required to hold a hearing under par. (f) if emergency action
20 is taken under this paragraph. The decision of the department to take emergency
21 action is a final decision of the agency subject to judicial review under ch. 227.

22 History: 1995 a. 227 ss. 605 to 610, 612; 1995 a. 378 s. 45; 1997 a. 27.

22 SECTION 15. 292.31 (4) of the statutes is amended to read:

23 292.31 (4) MONITORING COSTS AT NONAPPROVED FACILITIES OWNED OR OPERATED BY
24 MUNICIPALITIES. Notwithstanding the ~~inventory, analysis and hazard ranking list~~

1 under sub. (1), the environmental response plan prepared under sub. (2) or the
2 environmental repair authority, remedial action sequence and emergency response
3 requirements under sub. (3), the department shall pay that portion of the cost of any
4 monitoring requirement which is to be paid under s. 289.31 (7) (f) from the
5 appropriation under s. 20.370 (2) (dv) prior to making other payments from that
6 appropriation.

7 History: 1995 a. 227 ss. 605 to 610, 612; 1995 a. 378 s. 451; 1997 a. 27.

SECTION 16. 292.31 (5) of the statutes is amended to read:

8 292.31 (5) MUNICIPAL INCINERATOR ASH TESTING. Notwithstanding the inventory,
9 ~~analysis and hazard ranking list~~ under sub. (1), the environmental response plan
10 prepared under sub. (2), the environmental repair authority, remedial action
11 sequence and emergency response requirements under sub. (3), or the monitoring
12 costs under sub. (4), the department shall pay the cost incurred by a municipality
13 after June 30, 1986, and before January 30, 1988, for testing required to determine
14 whether the ash from a municipally owned incinerator is hazardous. The
15 department shall make payments under this subsection from the appropriation
16 under s. 20.370 (2) (dv) prior to making other payments from that appropriation.

17 History: 1995 a. 227 ss. 605 to 610, 612; 1995 a. 378 s. 45; 1997 a. 27.

(END)

DNate

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0335/1dn

RCT:.....

hmb

Date

Please review this draft carefully to determine whether it complies with your intent. I was unsure from the instructions exactly what the department's intent was, so I was unsure what changes should be made in s. 292.31.

Please note that "site or facility" is a defined term in ch. 292. If you want the statute to have different coverage than "site or facility," please let me know.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0335/1dn
RCT:hmh:rs

December 1, 2000

Please review this draft carefully to determine whether it complies with your intent. I was unsure from the instructions exactly what the department's intent was, so I was unsure what changes should be made in s. 292.31.

Please note that "site or facility" is a defined term in ch. 292. If you want the statute to have different coverage than "site or facility," please let me know.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

Tradewell, Becky

From: Wong, Manyee
Sent: Tuesday, January 09, 2001 4:40 PM
To: Tradewell, Becky
Subject: FW: Changes to LRB - 0335/1 - Lists of contaminated sites

Hi Becky,

Please incorporate DNR's recommended changes below. However, do not take out the word list. Rather, allow DNR to establish a list or a database. Do not take out the requirement that DNR must start remedial action on all sites by January 1, 2000.

Thanks.
Manyee

-----Original Message-----

From: Potter, Lance
Sent: Monday, January 08, 2001 3:03 PM
To: Wong, Manyee
Cc: Strous Jr, Robert E
Subject: Changes to LRB - 0335/1 - Lists of contaminated sites

Hello Manyee,

I showed the draft of LRB 0335/1 to program staff and they suggested the changes found on the enclosed MSword document:



Lists of contaminated
sites - ...

Please note that the majority of changes are to replace the word "list" with "database." This is being suggested as a way to avoid having to produce static information lists, but rather will promote the use of the most up-to-date source of the contaminated sites data. In addition, the deletion on page -4- reflects the need to remove the closure date (Jan. 1, 2000) for remedial action. This problem is further addressed in LRB 0331/1.

Thanks,

Lance

Changes to LRB-0335/1

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

2 SECTION 1. 227.01 (13) (zc) of the statutes is amended to read:
3 227.01 (13) (zc) Establishes ~~an inventory or a hazard ranking a list~~ a database under
4 s.292.31.

-2-

1 SECTION 2. 292.21 (1) (c) 2. g. of the statutes is amended to read:
2 292.21 (1) (c) 2. g. A review to determine if the real property is listed in any of
3 the written compilations of sites or facilities considered to pose a threat to human
4 health or the environment, including the national priorities list under 42 USC 9605
5 (a) (8) (B); the federal environmental protection agency's information system for the
6 comprehensive environmental response, compensation and liability act, 42 USC
7 9601 to 9675, (CERCLIS); the department's most recent Wisconsin remedial
8 response site evaluation report, including the ~~inventory list~~ database of sites or facilities which
9 ~~may cause or threaten to cause environmental pollution that are environmentally~~
10 contaminated required by s. 292.31 (1) (a); ~~and the department's registry of~~
11 ~~abandoned landfills.~~

12 SECTION 3. 292.31 (1) (title) of the statutes is amended to read:

13 292.31 (1) (title) ~~INVENTORY LIST DATABASE; ANALYSIS; HAZARD RANKING.~~

14 SECTION 4. 292.31 (1) (a) (title) of the statutes is repealed and recreated to read:

15 292.31 (1) (a) (title) *List Database.*

16 SECTION 5. 292.31 (1) (a) 1. of the statutes is repealed and recreated to read:

17 292.31 (1) (a) 1. The department shall compile and make available a list database of all
18 known sites or facilities in this state that are environmentally contaminated.

19 SECTION 6. 292.31 (1) (a) 2. of the statutes is repealed.

20 SECTION 7. 292.31 (1) (a) 3. of the statutes is amended to read:

21 292.31 (1) (a) 3. The decision of the department to include a site or facility on

22 ~~the inventory list database under subd. 1.~~ or exclude a site or facility from the ~~inventory list~~
23 ~~database~~

23 is not subject to judicial review.

24 SECTION 8. 292.31 (1) (a) 4. of the statutes is amended to read:

.3-

1 292.31 (1) (a) 4. Notwithstanding s. 227.01 (13) or 227.10 (1), the ~~list database~~ of sites
2 or facilities which results from the ~~inventory under subd. 1.~~ is not a rule.

3 SECTION 9. 292.31 (1) (b) 1. of the statutes is amended to read:

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5 may enter into a contract with any person to take the action. The department may
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7 the ~~inventory list database~~ under par. (a) ~~or the hazard ranking list under par. (c).~~

8 SECTION 10. 292.31 (1) (c) of the statutes is repealed.

9 SECTION 11. 292.31 (2) (a) of the statutes is amended to read:

10 292.31 (2) (a) Methods for preparing the ~~inventory and conducting the analysis~~
11 ~~list database~~ under sub. (1).

12 SECTION 12. 292.31 (3) (c) of the statutes is amended to read:

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17 remedial action at each site or facility, the amount of funds available, the information
18 available about each site or facility, the willingness and ability of an owner, operator
19 or other responsible person to undertake or assist in remedial action, the availability
20 of federal funds under 42 USC 9601, et seq., and other relevant factors. The
21 department shall give the highest priority to remedial action at sites or facilities
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23 population greater than 10,000. If any such site or facility is eligible for federal funds
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14 department shall make payments under this subsection from the appropriation
15 under s. 20.370 (2) (dv) prior to making other payments from that appropriation.

16

(END)



State of Wisconsin
2001 - 2002 LEGISLATURE

SO ON

LRB-03354 2

RCT:hmh:rs

stays MY

DOA:.....Wong - Lists of contaminated sites

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

Note

1 Do not gen.
AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

✓ ENVIRONMENT

✓ HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

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

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5 (a) (8) (B); the federal environmental protection agency's information system for the
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8 response site evaluation report, including the ~~inventory list~~ ^{or database} of sites or facilities ~~which~~
9 ~~may cause or threaten to cause environmental pollution that are environmentally~~
10 ~~contaminated~~ required by s. 292.31 (1) (a); ~~and the department's registry of~~
11 ~~abandoned landfills.~~

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13 292.31 (1) (title) ~~INVENTORY LIST~~ ^{or database} ANALYSIS; HAZARD RANKING.

14 **SECTION 4.** 292.31 (1) (a) (title) of the statutes is repealed and recreated to read:

15 292.31 (1) (a) (title) ~~List~~ ^{or database}

16 **SECTION 5.** 292.31 (1) (a) 1. of the statutes is repealed and recreated to read:

17 292.31 (1) (a) 1. The department shall compile and make available a ^{or database} list of all
18 known sites or facilities in this state that are environmentally contaminated.

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20 **SECTION 7.** 292.31 (1) (a) 3. of the statutes is amended to read:

21 292.31 (1) (a) 3. The decision of the department to include a site or facility on
22 the ~~inventory list~~ ^{or database} under subd. 1. or exclude a site or facility from the ~~inventory list~~ ^{or database}
23 is not subject to judicial review.

24 **SECTION 8.** 292.31 (1) (a) 4. of the statutes is amended to read:

1) 292.31 (1) (a) 4. Notwithstanding s. 227.01 (13) or 227.10 (1), the list of sites
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3 SECTION 9. 292.31 (1) (b) 1. of the statutes is amended to read:

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18 available about each site or facility, the willingness and ability of an owner, operator
19 or other responsible person to undertake or assist in remedial action, the availability
20 of federal funds under 42 USC 9601, et seq., and other relevant factors. The
21 department shall give the highest priority to remedial action at sites or facilities
22 which have caused contamination of a municipal water system in a town with a
23 population greater than 10,000. If any such site or facility is eligible for federal funds
24 under 42 USC s. 9601 to 9675, but the federal funds will not be available before

1 January 1, 2000, the department shall proceed with remedial action using state
2 funds.

3 **SECTION 13.** 292.31 (3) (cm) of the statutes is amended to read:

4 292.31 (3) (cm) *Remedial action schedule.* The department shall commence
5 remedial action as required under this paragraph for sites or facilities ~~which are~~
6 ~~included on the hazard ranking list and that~~ are determined to present a substantial
7 danger to public health or welfare or the environment. The department shall
8 commence remedial action at no less than 2 of the sites or facilities by January 1,
9 1989. The department shall commence remedial action at all of the sites or facilities
10 by January 1, 2000. After January 1, 1989, and before January 1, 2000, the
11 department shall annually commence remedial action at no less than 2 of the sites
12 or facilities.

13 **SECTION 14.** 292.31 (3) (d) of the statutes is amended to read:

14 292.31 (3) (d) *Emergency responses.* Notwithstanding rules promulgated
15 under this section, ~~the hazard ranking list,~~ the considerations for taking action
16 under par. (c) or the remedial action schedule under par. (cm), the department may
17 take emergency action under this subsection and subs. (1) and (7) at a site or facility
18 if delay will result in imminent risk to public health or safety or the environment.
19 The department is not required to hold a hearing under par. (f) if emergency action
20 is taken under this paragraph. The decision of the department to take emergency
21 action is a final decision of the agency subject to judicial review under ch. 227.

22 **SECTION 15.** 292.31 (4) of the statutes is amended to read:

23 292.31 (4) **MONITORING COSTS AT NONAPPROVED FACILITIES OWNED OR OPERATED BY**
24 **MUNICIPALITIES.** Notwithstanding the ~~inventory, analysis and hazard ranking list~~

25 ~~or database~~ under sub. (1), the environmental response plan prepared under sub. (2) or the

1 environmental repair authority, remedial action sequence and emergency response
2 requirements under sub. (3), the department shall pay that portion of the cost of any
3 monitoring requirement which is to be paid under s. 289.31 (7) (f) from the
4 appropriation under s. 20.370 (2) (dv) prior to making other payments from that
5 appropriation.

6 SECTION 16. 292.31 (5) of the statutes is amended to read:

7 292.31 (5) MUNICIPAL INCINERATOR ASH TESTING. Notwithstanding the ~~inventory,~~
8 ~~analysis and hazard ranking list~~ ^{or data base} under sub. (1), the environmental response plan
9 prepared under sub. (2), the environmental repair authority, remedial action
10 sequence and emergency response requirements under sub. (3), or the monitoring
11 costs under sub. (4), the department shall pay the cost incurred by a municipality
12 after June 30, 1986, and before January 30, 1988, for testing required to determine
13 whether the ash from a municipally owned incinerator is hazardous. The
14 department shall make payments under this subsection from the appropriation
15 under s. 20.370 (2) (dv) prior to making other payments from that appropriation.

16

(END)

DN Note

Date

- 0335/2dn
RET. hmh

Mangee Wong!

This ^{re} draft is not being provided to DNR.

RET

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0335/2dn
RCT:hmh:km

January 10, 2001

Manyee Wong:

This redraft is not being provided to DNR.

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State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0335/2
RCT:hmh:km

DOA:.....Wong - Lists of contaminated sites

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Current law requires DNR to compile and maintain an inventory of sites or facilities that may cause or threaten to cause environmental pollution. DNR must compile a revised list every four years. DNR must also create a list ranking the sites or facilities on the inventory in order of the hazard that they pose to public health or welfare or the environment. This bill eliminates the requirements for the inventory and hazard ranking. Under this bill, DNR is required to compile and make available a list or database of all known sites or facilities that are environmentally contaminated.

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. 227.01 (13) (zc) of the statutes is amended to read:

3 227.01 (13) (zc) Establishes ~~an inventory or a hazard ranking a list or database~~

4 under s. 292.31.

1 **SECTION 2.** 292.21 (1) (c) 2. g. of the statutes is amended to read:

2 292.21 (1) (c) 2. g. A review to determine if the real property is listed in any of
3 the written compilations of sites or facilities considered to pose a threat to human
4 health or the environment, including the national priorities list under 42 USC 9605
5 (a) (8) (B); the federal environmental protection agency's information system for the
6 comprehensive environmental response, compensation and liability act, 42 USC
7 9601 to 9675, (CERCLIS); and the department's most recent Wisconsin remedial
8 response site evaluation report, including the inventory list or database of sites or
9 facilities ~~which may cause or threaten to cause environmental pollution that are~~
10 environmentally contaminated required by s. 292.31 (1) (a); ~~and the department's~~
11 ~~registry of abandoned landfills.~~

12 **SECTION 3.** 292.31 (1) (title) of the statutes is amended to read:

13 292.31 (1) (title) ~~INVENTORY LIST OR DATABASE; ANALYSIS; HAZARD RANKING.~~

14 **SECTION 4.** 292.31 (1) (a) (title) of the statutes is repealed and recreated to read:

15 292.31 (1) (a) (title) *List or database.*

16 **SECTION 5.** 292.31 (1) (a) 1. of the statutes is repealed and recreated to read:

17 292.31 (1) (a) 1. The department shall compile and make available a list or
18 database of all known sites or facilities in this state that are environmentally
19 contaminated.

20 **SECTION 6.** 292.31 (1) (a) 2. of the statutes is repealed.

21 **SECTION 7.** 292.31 (1) (a) 3. of the statutes is amended to read:

22 292.31 (1) (a) 3. The decision of the department to include a site or facility on
23 the inventory list or database under subd. 1. or exclude a site or facility from the
24 inventory list or database is not subject to judicial review.

25 **SECTION 8.** 292.31 (1) (a) 4. of the statutes is amended to read:

1 292.31 (1) (a) 4. Notwithstanding s. 227.01 (13) or 227.10 (1), the list or
2 database of sites or facilities ~~which results from the inventory under subd. 1.~~ is not
3 a rule.

4 **SECTION 9.** 292.31 (1) (b) 1. of the statutes is amended to read:

5 292.31 (1) (b) 1. The department may take direct action under subd. 2. or 3. or
6 may enter into a contract with any person to take the action. The department may
7 take action under subd. 2. or 3. regardless of whether a site or facility is included on
8 the inventory list or database under par. (a) ~~or the hazard ranking list under par. (e).~~

9 **SECTION 10.** 292.31 (1) (c) of the statutes is repealed.

10 **SECTION 11.** 292.31 (2) (a) of the statutes is amended to read:

11 292.31 (2) (a) Methods for preparing the ~~inventory and conducting the analysis~~
12 list or database under sub. (1).

13 **SECTION 12.** 292.31 (3) (c) of the statutes is amended to read:

14 292.31 (3) (c) *Sequence of remedial action.* In determining the sequence for
15 taking remedial action under this subsection, the department shall consider the
16 ~~hazard ranking of degree to which~~ each site or facility presents a substantial danger
17 to public health or welfare or the environment, the potential urgency of taking
18 remedial action at each site or facility, the amount of funds available, the information
19 available about each site or facility, the willingness and ability of an owner, operator
20 or other responsible person to undertake or assist in remedial action, the availability
21 of federal funds under 42 USC 9601, et seq., and other relevant factors. The
22 department shall give the highest priority to remedial action at sites or facilities
23 which have caused contamination of a municipal water system in a town with a
24 population greater than 10,000. If any such site or facility is eligible for federal funds
25 under 42 USC s. 9601 to 9675, but the federal funds will not be available before

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14 292.31 (3) (d) *Emergency responses.* Notwithstanding rules promulgated
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18 if delay will result in imminent risk to public health or safety or the environment.
19 The department is not required to hold a hearing under par. (f) if emergency action
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1 or the environmental repair authority, remedial action sequence and emergency
2 response requirements under sub. (3), the department shall pay that portion of the
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5 appropriation.

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7 292.31 (5) MUNICIPAL INCINERATOR ASH TESTING. Notwithstanding the ~~inventory,~~
8 ~~analysis and hazard ranking list or database~~ under sub. (1), the environmental
9 response plan prepared under sub. (2), the environmental repair authority, remedial
10 action sequence and emergency response requirements under sub. (3), or the
11 monitoring costs under sub. (4), the department shall pay the cost incurred by a
12 municipality after June 30, 1986, and before January 30, 1988, for testing required
13 to determine whether the ash from a municipally owned incinerator is hazardous.
14 The department shall make payments under this subsection from the appropriation
15 under s. 20.370 (2) (dv) prior to making other payments from that appropriation.

16

(END)