

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Addl. Drafters:

Subject: **Agriculture - pesticides**

Extra Copies:

Submit via email: NO

Requester's email:

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**Pre Topic:**

SDC:.....Keckhaver - CN3529,

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**Topic:**

Change agricultural chemical cleanup program

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**Instructions:**

See Attached

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**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 06/16/2001	jdyer 06/16/2001	pgreensl 06/16/2001	_____	lrb_docadmin 06/16/2001		

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1?	traderc	1 6/16 jld	6/16 PS	6/16 scb			

FE Sent For:

<END>

GA-8) Support changes to the Agricultural Chemical Cleanup Program. (See attached).  
(WI Federation of Cooperatives)

CM  
3529

En?



GAB

## Proposed Budget Bill Amendment (To Agricultural Chemical Cleanup Program)

(In section on Costs Not Eligible for Reimbursement)

94.73 (3M)(r) The cost of providing alternative sources of drinking water, except that, subject to sub. (6)(b) to (f), the department may reimburse a responsible person who applies for reimbursement a total of not more than ~~\$20,000~~ \$50,000 for the replacement or restoration of private wells, including connection to a private or public water source if the department or the department of natural resources orders the well replacement or restoration in response to a discharge.

(Note: The intent is that eligibility for reimbursement for applicants who apply to the department after the effective date of this change extend to corrective action costs incurred from three years previous to the effective date, and forward from the effective date as long as application is made within three years after incurring the costs.)

### Explanation

- The proposal recognizes that safe drinking water is the emphasis, regardless of its source.
- The increased cap recognizes that the extension of municipal service may be the best alternative in some instances. The increase is based upon Wisconsin Public Service figures for the average cost of a main extension (\$40-\$50 per foot) and service extension costs (approximately \$1,500 per residential hook-up). The figure is based on extending a main 900 feet to service four homes.
- The department ultimately decides if well replacement is needed and the best alternative in providing a potable water source.
- This change is not likely to have a significant ACCP fund impact from eligible applicants with costs from the past three years or from applicants with future eligible costs. Continuing to prohibit the replacement of public wells from the ACCP fund will be a fiscal safeguard. Restricting eligibility to costs incurred from three years prior to the effective date of the change and forward will resemble current law restricting all ACCP claims to "three years to current."
- The projection from DATCP is that the ACCP fund balance will be approximately \$2.7 million at the end of FY 2000-2001. While it is possible that the fund's revenue from pesticide and fertilizer fees will be insufficient to cover all future claims in any given year, it is impossible to predict that with certainty. In addition, the restoration of some GPR support for the program remains a goal of WFC and others.

## AGRICULTURAL CHEMICAL

### CLEANUP PROGRAM (ACCP)

Groundwater is a major source of the state's drinking water. Under the Wisconsin Groundwater Law, the Department of Agriculture, Trade and Consumer Protection (DATCP) has tested the state's groundwater for the presence of agricultural chemicals (pesticides and fertilizers).

The DATCP has often found groundwater contamination near pesticide handling sites and other sites where spilled pesticide and fertilizer products have not been cleaned up. Cleanup of these sites is necessary, but it can be costly.

To ease the financial burden of site cleanup, the Wisconsin Legislature created the Agricultural Chemical Cleanup Program (ACCP) and reimbursement fund for reimbursing costs associated with the cleanup of agricultural chemicals.

Persons or businesses responsible for cleaning up sites contaminated with agricultural chemicals, or persons who have cleaned up contaminated sites since January 1, 1989, may apply for cost reimbursement from the ACCP, as long as the costs submitted to the department are less than three months old.

### PERSONS ELIGIBLE FOR REIMBURSEMENT

Any responsible person may apply to the ACCP for reimbursement of costs asso-

ciated with a clean-up. The responsible person may be:

- the person who owns or controls a spilled agricultural chemical
- the person or persons causing the spill
- the property owner where an agricultural chemical spill occurred

### REIMBURSABLE COSTS

Only certain costs are eligible for reimbursement. All eligible costs must be considered reasonable and necessary to complete the cleanup. Some examples are costs associated with:

- laboratory analysis of samples
- environmental consultant fees
- installation of monitoring wells
- soil borings
- costs to remove or treat contaminated soil or groundwater

### INELIGIBLE COSTS

Some cleanup costs are not eligible for reimbursement. These include but are not limited to:

- attorney fees
- costs covered by insurance
- decreased property values
- replacement of spilled agricultural chemicals
- loss of income
- liability claims

## DISCHARGE SITE

A discharge site includes the area which is affected by contamination regardless of property boundaries. This would include all contiguous land which is owned, leased or controlled by a responsible person at the time of the discharge, and all other land affected by the discharge. If a discharge affects two or more adjoining properties, the deductible and reimbursement payout is based upon one discharge site.

## WORKPLAN

The ACCP may not reimburse a responsible person for eligible costs exceeding \$7,500 unless the responsible person submits a written workplan and this workplan is approved by the ACCP before the corrective action is taken. A pre-approved workplan is not required for corrective action taken prior to August 12, 1993, or for reasonable and necessary corrective action taken on an emergency basis.

## COST ESTIMATE

The ACCP may not reimburse a responsible party for eligible costs unless a cost estimate was approved by the department before the costs were incurred. All subcontractor costs equal to or greater than \$3,000 must be competitively bid and a copy of the bids should be submitted to the department.

## CONTRACT SERVICES

To be eligible for reimbursement, all costs must be contracted according to



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb1017/1

RCT.....

SOON

JL

SDC:.....Keckhaver – CN3529, Change agricultural chemical cleanup program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 888, line 10: after that line insert:

3 "SECTION 2397e. 94.73 (3m) (r) of the statutes is amended to read:

4 94.73 (3m) (r) The cost of providing alternative sources of drinking water,

5 except that, subject to sub. (6) (b) to (f), the department may reimburse a responsible

6 person who applies for reimbursement a total of not more than \$20,000 \$50,000 for

7 the replacement or restoration of private wells or for connection to a public or private

8 water source if the department or the department of natural resources orders the

9 well replacement or ~~restoration~~ restoration or the connection in response to a discharge."

1

2. Page 1394, line 18: after that line insert:

2

“(1) AGRICULTURAL CHEMICAL CLEANUP PROGRAM. The treatment of section 94.73

3

(3m) (r) of the statutes first applies to applications received on the effective date of

4

this subsection<sup>o</sup> for costs incurred not more than 36 months before the effective date

5

of this subsection.”<sup>o</sup>

6

(END)

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