

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/23/2001

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Tesmer

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Addl. Drafters:

Subject: Public Util. - electric

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Tesmer - AM94,

Topic:

Including residential wells in engineering plan for CPCN

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>
/?	kunkemd 06/23/2001	jdyer 06/25/2001		_____			
/1	kunkemd 06/26/2001	jdyer 06/27/2001	rschluet 06/25/2001	_____	lrb_docadmin 06/25/2001		
/2			rschluet 06/27/2001	_____	lrb_docadmin 06/27/2001		

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FE Sent For:

<END>

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/?	kunkemd 06/23/2001	jdye 06/25/2001					
/1		1/2 6/27 jld	rschluet 06/25/2001		lrb_docadmin 06/25/2001		

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1/?	kunkemd	11/6/25 jld					
				6-25-1			

FE Sent For:

<END>

repealed, but that authority was not recreated for DNR. This provision gives DNR authority to disburse funds.

C. South Fork of the Hay River Watershed Funding

Maintain Joint Finance action, however change the sunset date from June 30, 2006 to June 30, 2005.

Location/Status [Comparative summary of Governor and Joint Finance Committee Budget Recommendations, page 546 – DNR Water Quality]

RCF

D. Combined Sewer Bypasses

Intentional diversions of untreated waste streams from any portion of a treatment facility are prohibited unless (1) the bypass does not cause effluent to exceed limits, and (2) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, and (3) there was no feasible alternatives, and the proper notification was submitted.

RCF

In addition, delete exception under NR 205.07 (1)(u) 1: An inadvertent bypass resulting from equipment damage or temporary power interruption.

Agency affected: DNR

Fiscal Impact: \$0

Location/Status: New motion (Kedzie)

E. High capacity wells

Agency affected: DNR

Move to require that the DNR permit only high capacity wells that will not have a significant impact on waters of the state as in 2000 Assembly Bill 311 with the intent to grandfather all wells in existence upon enactment of this legislation and which need to be maintained or replaced at their existing capacity. In addition, require a joint legislative council study on the overall issue of high capacity wells in Wisconsin.

RCF

Fiscal impact: DNR estimates that these provisions will have an annualized impact of \$303,200 if they had to screen 200 permit applications a year.

Location/Status: Assembly Bill 311, with addition of Legislative Council study (Johnsrud)

ARC

*Amendment 94
Analyst = Tesmer*

F. Facility Plans and Environmental Impact on Residential Wells

Amend Section 196.491(3)(a)3.a. to include "residential wells" as part of the engineering plan for siting of public utility facilities.

Agency affected: DNR

fiscal impact: \$0

Location/Status: Adopt LRBb1229/1

G. Water Towers in the Villages of Athens and Weston

Designate \$320,000 in bonding authority, of the \$720,000 in residual general obligation bonding authority remaining in the Wisconsin Fund, for a water tower project for the Village of Athens and designate \$400,000 of this bonding authority for a water tower project in the Village of Weston.

Agency affected: DNR

Fiscal impact: Fiscal Bureau has stated that the debt service on \$720,000 of bonding would be about \$57,400 GPR.

Rat

Location/Status: Adopt ARC Amendment #117 (Petrowski)

8. Brownfields and Contaminated Land

A. Local Governments and Property Owners of Brownfield Sites

This amendment creates legislation to include several items included in a brownfields study group dealing with liability exemptions for local governments and property owners of brownfield sites.

This amendment would grant property owners a liability exemption in certain situations regarding brownfield sites.

These four provisions were the same as proposed by the Brownfields Study Group and supported by Governor McCallum in his budget.

- 1) Allow local governments a liability exemption if the property was acquired through the Nelson Stewardship 2000 program.
- 2) Provide liability exemption to a voluntary party who has sold the property even if the new owner fails to maintain and monitor the property as required by the DNR.
- 3) Specify that liability exemption is available for hazardous substances in sediments that originates off the property.
- 4) Voluntary parties could receive liability exemption from soil contamination that originated off-site. The voluntary party would be eligible to obtain a full certification of clean up and exemption from future liability.

Fiscal Impact: None

Location/Status: Adopt ARC Amendment #119 (Wieckert)

2001

Date (time) needed _____

LRB b 1668, 2

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

MDK : jld : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

**SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55**

3001d ✓

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

2 1. Page 992, line 12: after that line insert:

3 "SECTION ~~2999d~~, 196.491 (3) (a) 3. a. ^x of the statutes is amended to read:

4 196.491 (3) (a) 3. a. At least 60 days before a person files an application under
5 subd. 1., the person shall provide the department with an engineering plan showing
6 the location of the facility, a description of the facility, including the major
7 components of the facility that have a significant air, water, or solid waste pollution
8 potential, and a description of the anticipated effects of the facility on air and water
9 quality and on residential wells. Within 30 days after a person provides an
10 engineering plan, the department shall provide the person with a listing of each
11 department permit or approval which, on the basis of the information contained in

1 the engineering plan, appears to be required for the construction or operation of the
2 facility.

3001/b letter

3

SECTION ~~2999a~~ 196.491 (3) (a) 3. b. of the statutes is amended to read:

4 196.491 (3) (a) 3. b. Within 20 days after the department provides a listing
5 specified in subd. 3. a. to a person, the person shall apply for the permits and
6 approvals identified in the listing. The department shall determine whether an
7 application under this subd. 3. b. is complete and, no later than 30 days after the
8 application is filed, notify the applicant about the determination. If the department
9 determines that the application is incomplete, the notice shall state the reason for
10 the determination. An applicant may supplement and refile an application that the
11 department has determined to be incomplete. There is no limit on the number of
12 times that an applicant may refile an application under this subd. 3. b. If the
13 department fails to determine whether an application is complete within 30 days
14 after the application is filed, the application shall be considered to be complete. ~~The~~
15 ~~department shall complete action on an application under this subd. 3. b. for any~~
16 ~~permit or approval that is required prior to construction of a facility within~~ Within
17 120 days after the date on which the application is determined or considered to be
18 complete, the department shall complete action on the application for any permit or
19 approval that is required prior to construction of the facility and shall determine
20 whether the facility will reduce the availability of water to a residential well or cause
21 a preventive action limit established under s. 160.15 to be exceeded in water
22 produced by a residential well.

3001 p

23

SECTION ~~2999a~~ 196.491 (3) (e) of the statutes is renumbered 196.491 (3) (e)

24 (intro.) and amended to read:

1 196.491 (3) (e) (intro.) If the application does not meet the criteria under par.
2 (d), the commission shall reject the application or approve the application with such
3 modifications as are necessary for an affirmative finding under par. (d). The
4 commission may not issue a certificate of public convenience and necessity until the
5 unless each of the following is satisfied:

6 1. The department has issued all permits and approvals identified in the listing
7 specified in par. (a) 3. a. that are required prior to construction.

3001^P₁₆

8 SECTION ~~2999v.~~ 196.491 (3) (e) 2.^x of the statutes is created to read:

9 196.491 (3) (e) 2. The department has determined under par. (a) 3. b. that the
10 facility will not reduce the availability of water to a residential well and will not cause
11 a preventive action limit established under s. 160.15 to be exceeded in water
12 produced by a residential well.”.

13 2. Page 1403, line 4: after that line insert:

14 ^C
14 (5^a) ENGINEERING PLANS. The treatment of section 196.491 (3) (a) 3. a. of the
15 statutes first applies to engineering plans that are provided on the effective date of
16 this subsection.

17 ^{CC}
17 (5^p) DETERMINATION BY DEPARTMENT OF NATURAL RESOURCES. The treatment of
18 section 196.491 (3) (a) 3. b of the statutes, the renumbering and amendment of
19 section 196.491 (3) (e) of the statutes, and the creation of section 196.491 (3) (e) 2. of
20 the statutes first apply to facilities that are the subject of engineering plans that are
21 filed on the effective date of this subsection.”.

22 (END)

Kunkel, Mark

From: Raschka, Adam
Sent: Tuesday, June 26, 2001 12:24 PM
To: Kunkel, Mark
Subject: FW: (Enviro Pkg)FW: LRB Draft: 01b1668/1 Including residential wells in engineering plan for CPCN

Please make the following changes to this amendment.

Thanks

Delete the material on page 3, lines 13 to 21.

Create nonstatutory language:

Notwithstanding section 196.491 (3) (a) 3. a. and b. of the statutes, as affected by this act, a person who has filed an application under section 196.491 (3) (a) of the statutes before the effective date of this subsection shall, no later than 30 days after the effective date of this subsection, provide the department of natural resources with a supplemental engineering plan that includes a description of the anticipated effects of the facility on residential wells. No later than 60 days after the department of natural resources receives a supplemental plan under this subsection, the department shall determine whether the facility will reduce the availability of water to a residential well or cause a preventive action limit established under section 160.15 of the statutes to be exceeded in water produced by a residential well. Notwithstanding section 196.491 (3) of the statutes, the public service commission may not issue a certificate of public convenience and necessity for a facility if the department of natural resources determines under this subsection that the facility will reduce the availability of water to a residential well or cause a preventive action limit established under section 160.15 of the statutes to be exceeded in water produced by a residential well.

Adam Raschka
Assembly Republican Caucus
adam.raschka@legis.state.wi.us
Direct Line: 608-267-0892
Toll-Free: 888-394-1452
Fax: 608-264-6999

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

From: Tessmer, Paul
Sent: Monday, June 25, 2001 2:27 PM
To: Raschka, Adam
Subject: (Enviro Pkg)FW: LRB Draft: 01b1668/1 Including residential wells in engineering plan for CPCN

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

From: Schlueter, Ron
Sent: Monday, June 25, 2001 2:26 PM
To: Tessmer, Paul
Cc: Legislative Fiscal Bureau; Hanaman, Cathlene; Haugen, Caroline
Subject: LRB Draft: 01b1668/1 Including residential wells in engineering plan for CPCN

Following is the PDF version of draft 01b1668/1.

ARC:.....Tesmer – AM94, Including residential wells in engineering plan for
CPCN

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 1. Page 992, line 12: after that line insert:

3 “SECTION 3001d. 196.491 (3) (a) 3. a. of the statutes is amended to read:

4 196.491 (3) (a) 3. a. At least 60 days before a person files an application under
5 subd. 1., the person shall provide the department with an engineering plan showing
6 the location of the facility, a description of the facility, including the major
7 components of the facility that have a significant air, water, or solid waste pollution
8 potential, and a description of the anticipated effects of the facility on air and water
9 quality and on residential wells. Within 30 days after a person provides an
10 engineering plan, the department shall provide the person with a listing of each

1 department permit or approval which, on the basis of the information contained in
2 the engineering plan, appears to be required for the construction or operation of the
3 facility.

4 **SECTION 3001db.** 196.491 (3) (a) 3. b. of the statutes is amended to read:

5 196.491 (3) (a) 3. b. Within 20 days after the department provides a listing
6 specified in subd. 3. a. to a person, the person shall apply for the permits and
7 approvals identified in the listing. The department shall determine whether an
8 application under this subd. 3. b. is complete and, no later than 30 days after the
9 application is filed, notify the applicant about the determination. If the department
10 determines that the application is incomplete, the notice shall state the reason for
11 the determination. An applicant may supplement and refile an application that the
12 department has determined to be incomplete. There is no limit on the number of
13 times that an applicant may refile an application under this subd. 3. b. If the
14 department fails to determine whether an application is complete within 30 days
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18 120 days after the date on which the application is determined or considered to be
19 complete, the department shall complete action on the application for any permit or
20 approval that is required prior to construction of the facility and shall determine
21 whether the facility will reduce the availability of water to a residential well or cause
22 a preventive action limit established under s. 160.15 to be exceeded in water
23 produced by a residential well.

24 **SECTION 3001p.** 196.491 (3) (e) of the statutes is renumbered 196.491 (3) (e)
25 (intro.) and amended to read:

1 196.491 (3) (e) (intro.) If the application does not meet the criteria under par.
2 (d), the commission shall reject the application or approve the application with such
3 modifications as are necessary for an affirmative finding under par. (d). The
4 commission may not issue a certificate of public convenience and necessity until the
5 unless each of the following is satisfied:

6 1. The department has issued all permits and approvals identified in the listing
7 specified in par. (a) 3. a. that are required prior to construction.

8 **SECTION 3001pt.** 196.491 (3) (e) 2. of the statutes is created to read:

9 196.491 (3) (e) 2. The department has determined under par. (a) 3. b. that the
10 facility will not reduce the availability of water to a residential well and will not cause
11 a preventive action limit established under s. 160.15 to be exceeded in water
12 produced by a residential well.”

13 **2.** Page 1403, line 4: after that line insert:

14 ~~“(5c) ENGINEERING PLANS. The treatment of section 196.491 (3) (a) 3. a. of the~~
15 ~~statutes first applies to engineering plans that are provided on the effective date of~~
16 ~~this subsection.~~

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20 ~~the statutes first apply to facilities that are the subject of engineering plans that are~~
21 ~~filed on the effective date of this subsection.”~~

22 (END)

INSERT 3-21 ✓

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1668/2ins
MDK:.....

INS 3-21

1 **1.** Page 1352, line 7: after that line insert:
2 ^C~~(3m)~~ ENGINEERING PLANS. Notwithstanding section 196.491 (3) (a) 3. a. and b. ✓
3 of the statutes, as affected by this act, a person who has filed an application under section
4 196.491 (3) (a) 1. ✓ of the statutes before the effective date of this subsection ✓ shall, no later than
5 30 days after the effective date of this subsection, ✓ provide the department of natural
6 resources with a supplemental engineering plan that includes a description of the
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10 residential well or cause a preventive action limit established under section ✓ 160.15 of the
11 statutes to be exceeded in water produced by a residential well. Notwithstanding section
12 196.491 ✓ (3) of the statutes, the public service commission may not issue a certificate of public
13 convenience and necessity for a facility if the department of natural resources determines
14 under this subsection ✓ that the facility will reduce the availability of water to a residential
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(end ins)

18



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5 (END)