

2003 DRAFTING REQUEST

Bill

Received: **10/14/2002**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Mawdsley**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - env. cleanup**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Mawdsley - BB0139,

Topic:

Fees for reviewing response actions associated with hazardous substance enforcement actions

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> |
|--------------|------------------------|-----------------------|------------------------|----------------|------------------------|-----------------|-----------------|
| /? | | | | | | | State |
| /1 | btradewe 11/11/2002 | kgilfoy 11/11/2002 | pgreensl 11/11/2002 | | amentkow 11/11/2002 | | |

FE Sent For:

<END>

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Medium priority

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|--------------|----------------|-----------------|--------------|------------------------|------------------|-----------------|-----------------|
| FE Sent For: | | 11-11/11 kmg | 11/11 ps | 11/11 <END> serb | | | |

2003-05 Statutory Language Proposals:

| | |
|--------------------------------|---|
| DIVISION: | Air and Waste |
| BUREAU: | Remediation and Redevelopment |
| ISSUE/TOPIC: | Fees for non-voluntary enforcement actions involving technical review of environmental response action documents |
| PROPOSED CHANGE: | Require persons that are subject to enforcement actions under s. 292.11 or 292.31, Stats., to pay the department for the cost of reviewing the response action documents associated with the enforcement action. |
| EXPLANATORY NOTE: | Presently, cooperating parties conducting an environmental investigation, cleanup or other related action pay the department for any technical reviews or approvals those persons may request. In contrast, persons subject to an enforcement action or those being compelled to clean up, are not required to reimburse the department for time spent reviewing those documents. This change would require those persons subject to an enforcement document to pay for department review of technical documents, even if they did not request such a review. |
| DESIRED EFFECTIVE DATE: | The effective date of the budget act. |
| CONTACT PERSON: | Lance Potter, MB/5 (7-7418); Darsi Foss, RR/3 (7-6713); Mark Gordon, RR/3 (6-7278) |

292.11(7)(d) 2 ✓

292.13 (3) ✓

292.15 (5) ✓

292.35(13) ✓
292.55(2) ✓

app?

20-370(2)(d) ✓

292.11(7)(e) - order to fulfill duty under sub. (3)



State of Wisconsin

2003 - 2004 LEGISLATURE

SOON (in 11/11)

LRB-0448/1

RCT:.....
King

DOA:.....Mawdsley - BB0139, Fees for reviewing response actions associated with hazardous substance enforcement actions

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

1

^{DON'T GEN. CAT.}
AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

~~HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP~~

^{impose} This bill authorizes DNR to charge fees ~~from~~ ^{on} persons who are subject to enforcement actions because of discharges of hazardous substances ^{to cover} for the costs DNR incurs in reviewing the planning and implementation of environmental investigations and environmental cleanups.

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. 20.370 (2) (dh) of the statutes is amended to read:

3

20.370 (2) (dh) *Solid waste management — remediated property.* All moneys

4

received under ss. 292.11 (7) (d) 2., 292.13 (3), 292.15 (5), 292.21 (1) (c) 1. d., 292.35

1 (13) ~~and~~, 292.55 (2), ~~and~~ 292.94 for the department's activities related to the issuance
2 of determinations under s. 292.13 (2), remedial action cost recovery under s. 292.35
3 ~~and~~, remediation of property under ss. 292.11 (7) (d), 292.15 (2) and (4), ~~and~~ 292.55
4 (1), and conducting reviews described in s. 292.94.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109.

5 **SECTION 2. 292.94 of the statutes is created to read:**

6 **292.94 Fees related to enforcement actions.** The department may assess
7 and collect fees from a person who is subject to an order or other enforcement action
8 for a violation of s. 292.11 or 292.31 to cover the costs incurred by the department to
9 review the planning and implementation of any environmental investigation or
10 environmental cleanup that the person is required to conduct. The department shall
11 promulgate rules for the assessment and collection of fees under this section. Fees
12 collected under this section shall be credited to the appropriation account under s.
13 20.370 (2) (dh).

14 (END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0448/1
RCT:kmg:pg

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associated with hazardous substance enforcement actions

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

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