

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2003 ASSEMBLY BILL 655**

January 13, 2004 - Offered by Representatives GARD and HUNDERTMARK.

1 **AN ACT** *to repeal* 30.01 (6b), 30.02, 30.12 (2), 30.12 (3) (a) 3., 30.12 (3) (b), 30.12
2 (3) (bn), 30.12 (3) (d), 30.12 (4) (title), 30.12 (4m) (title), 30.123 (3), 30.135 (1)
3 (title), 30.135 (2), (3) and (4), 30.19 (1) (b), 30.19 (2), 30.19 (3), 30.195 (3) (title),
4 30.206 (2), 30.206 (3m), 30.207 (4) (b), 30.207 (5), 30.28 (3) (b), 285.60 (2m) and
5 299.05 (2) (d); **to renumber** 30.12 (3) (bt) 1. to 9., 30.12 (4) (d), 30.135 (1) (a) 1.,
6 30.135 (1) (a) 3., 30.20 (1) (c) 3., 30.28 (3) (a), 285.17 (2), 285.60 (6), 285.62 (8)
7 and 285.66 (2); **to renumber and amend** 30.015, 30.07, 30.12 (3) (a) 2., 30.12
8 (3) (a) 2m., 30.12 (3) (a) 7., 30.12 (3) (a) 8., 30.12 (3) (bt) (intro.), 30.12 (4) (a),
9 30.12 (4) (b), 30.12 (4) (c), 30.12 (4) (e), 30.12 (4) (f), 30.12 (4m), 30.123 (1), 30.123
10 (4), 30.135 (1) (a) (intro.), 30.135 (1) (a) 2., 30.135 (1) (b), 30.19 (1) (intro.), 30.19
11 (1) (a), 30.19 (1) (c), 30.19 (4), 30.195 (3), 30.20 (1) (d), 30.206 (1), 30.206 (3),
12 30.206 (4), 285.21 (1) (b), 285.27 (2) (b), 285.61 (2) and 285.62 (2); **to**
13 **consolidate, renumber and amend** 30.20 (1) (c) 1. and 2.; **to amend** 29.601

1 (5) (a), 30.01 (1p), 30.025 (1b) (b), 30.025 (1e) (a), 30.025 (1m) (a), 30.025 (2g) (a),
2 30.025 (3) (intro.), 30.025 (4), 30.10 (4) (a), 30.11 (4), 30.12 (title), 30.12 (1)
3 (intro.), 30.12 (1) (a), 30.12 (1) (b), 30.12 (3) (a) 6., 30.12 (3) (c), 30.123 (2), 30.13
4 (1m) (intro.), 30.13 (1m) (b), 30.13 (4) (a), 30.13 (4) (b), 30.18 (2) (a) (intro.), 30.18
5 (2) (b), 30.18 (4) (a), 30.18 (6) (b), 30.19 (1m) (intro.), 30.19 (1m) (a), 30.19 (1m)
6 (b), 30.19 (1m) (c), 30.19 (1m) (d), 30.19 (1m) (e), 30.19 (4) (title), 30.19 (5),
7 30.195 (1), 30.196 (intro.), 30.20 (1) (a), 30.20 (1) (b), 30.20 (2) (title), 30.20 (2)
8 (a) and (b), 30.20 (2) (c), 30.2026 (2) (d), 30.2026 (3) (a), 30.206 (6), 30.206 (7),
9 30.207 (1), 30.207 (3) (d) 2., 30.29 (3) (d), 30.298 (3), 84.18 (6), 227.14 (2) (a),
10 227.19 (3) (intro.), 227.19 (3) (a), 227.19 (3) (b), 227.53 (1) (a) 3., 236.16 (3) (d)
11 (intro.), 285.11 (9), 285.21 (4), 285.23 (1), 285.23 (2), 285.27 (1) (a), 285.27 (2)
12 (a), 285.27 (4), 285.60 (1) (a) 1., 285.61 (3) (intro.), 285.61 (3) (a), 285.61 (7) (a),
13 285.62 (1), 285.62 (5) (a), 285.62 (6) (c) 1., 285.62 (7) (b), 285.63 (1) (d), 285.66
14 (3) (a), 285.81 (1) (intro.) and 299.05 (2) (a); **to repeal and recreate** 30.12 (3)
15 (title), 30.12 (3) (a) (intro.), 30.123 (title), 30.195 (2), 30.20 (1) (title), 285.60 (3)
16 and 285.62 (9) (b); and **to create** 30.01 (1am), 30.01 (2m), 30.025 (5), 30.12 (1g)
17 (intro.), (a), (b), (e), (f), (i), (j), (k) and (km), 30.12 (1m), 30.12 (2m), 30.12 (2r),
18 30.12 (3) (a) 3c., 30.12 (3) (a) 3g., 30.12 (3) (a) 3r., 30.12 (3) (a) 13., 30.12 (3) (br),
19 30.12 (3m), 30.121 (3w), 30.123 (6), 30.123 (6m), 30.123 (6r), 30.123 (6s), 30.123
20 (7), 30.123 (8), 30.19 (1b), 30.19 (1c), 30.19 (1d), 30.19 (1m) (cm), 30.19 (3r),
21 30.19 (4) (a), 30.19 (4) (b), 30.19 (4) (c) 1., 30.20 (1g) (title) and (b), 30.20 (1k),
22 30.20 (1m), 30.20 (1r), 30.20 (1t), 30.20 (2) (bn), 30.20 (2) (d), 30.20 (2) (e),
23 30.201, 30.2022 (title), 30.206 (1) (title), 30.206 (1) (c) 1. to 3., 30.206 (3) (title),
24 30.206 (3) (c), 30.206 (3r), 30.206 (5) (title), 30.208, 30.209, 30.285, 30.291,
25 227.135 (1) (f), 227.137, 227.138, 227.14 (2) (a) 3., 227.14 (2) (a) 4., 227.14 (2) (a)

1 5., 227.14 (2) (a) 6., 227.14 (4) (b) 3., 227.19 (3) (cm), 227.43 (1g), 227.44 (2) (d),
2 227.483, 285.14, 285.17 (2) (b), 285.21 (1) (b) 1. to 4., 285.23 (6), 285.27 (2) (b)
3 1. to 4., 285.27 (2) (d), 285.60 (2g), 285.60 (5m), 285.60 (6) (b), 285.60 (8), 285.60
4 (9), 285.60 (10), 285.61 (2) (a) (title), 285.61 (2) (a) 2., 285.61 (2) (b), 285.61 (10),
5 285.61 (11), 285.62 (2) (a) (title), 285.62 (2) (a) 2., 285.62 (2) (b), 285.62 (8) (b),
6 285.62 (12), 285.66 (2) (b) and 285.81 (1m) of the statutes; **relating to:** air
7 pollution control; administrative rules and hearings; structures, deposits, and
8 other activities in or near navigable waters; notice, hearing, and review
9 procedures related to permits to place structures and materials and to conduct
10 activities in or near navigable waters; and granting rule-making authority.

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

11 **SECTION 1.** 29.601 (5) (a) of the statutes is amended to read:

12 29.601 (5) (a) This section does not apply to any activities carried out under the
13 direction and supervision of the department of transportation in connection with the
14 construction, reconstruction, maintenance and repair of highways and bridges in
15 accordance with s. ~~30.12 (4)~~ 30.2022.

16 **SECTION 2.** 30.01 (1am) of the statutes is created to read:

17 30.01 (1am) "Area of special natural resource interest" means any of the
18 following:

19 (a) A state natural area designated or dedicated under ss. 23.27 to 23.29.

20 (b) A surface water identified as a trout stream by the department.

21 (bm) A surface water identified as an outstanding or exceptional resource
22 water under s. 281.15.

1 (c) An area that possesses significant scientific value, as identified by the
2 department.

3 **SECTION 3.** 30.01 (1p) of the statutes is amended to read:

4 30.01 (1p) "Fishing raft" means any raft, float or structure, including a raft or
5 float with a superstructure and including a structure located or extending below or
6 beyond the ordinary high-water mark of a water, which is designed to be used or is
7 normally used for fishing, which is not normally used as a means of transportation
8 on water and which is normally retained in place by means of a permanent or
9 semipermanent attachment to the shore or to the bed of the waterway. "Fishing raft"
10 does not include a boathouse or fixed houseboat regulated under s. 30.121 nor a
11 wharf or pier regulated under ~~s. ss. 30.12 and~~ 30.13.

12 **SECTION 4.** 30.01 (2m) of the statutes is created to read:

13 30.01 (2m) "Great Lakes water body" means Lake Superior or Lake Michigan
14 and includes any bay or harbor that is part of Lake Superior or Lake Michigan.

15 **SECTION 5.** 30.01 (6b) of the statutes is repealed.

16 **SECTION 6.** 30.015 of the statutes is renumbered 30.208 (2) and amended to
17 read:

18 30.208 (2) ~~TIME LIMITS FOR ISSUING PERMIT DETERMINATIONS~~ PROCEDURE FOR
19 COMPLETING APPLICATIONS. In issuing individual permits or entering contracts under
20 this ~~chapter~~ subchapter, the department shall initially determine whether a
21 complete application for the permit or contract has been submitted and, no later than
22 ~~60~~ 30 days after the application is submitted, notify the applicant in writing about
23 the initial determination of completeness. If the department determines that the
24 application is incomplete, the notice shall state the reason for the determination and
25 the specific items of information necessary to make the application complete. An

1 applicant may supplement and resubmit an application that the department has
2 determined to be incomplete. There is no limit on the number of times that an
3 applicant may resubmit an application that the department has determined to be
4 incomplete under this section. The department may not demand items of
5 information that are not specified in the notice as a condition for determining
6 whether the application is complete unless both the department and the applicant
7 agree or unless the applicant makes material additions or alterations to the activity
8 or project for which the application has been submitted. The rules promulgated
9 under s. 299.05 apply only to applications for individual permits or contracts under
10 this subchapter that the department has determined to be complete.

11 **SECTION 7.** 30.02 of the statutes, as affected by 2003 Wisconsin Act 89, is
12 repealed.

13 **SECTION 8.** 30.025 (1b) (b) of the statutes, as created by 2003 Wisconsin Act 89,
14 is amended to read:

15 30.025 **(1b)** (b) "Permit" means ~~a~~ an individual permit or, a general permit,
16 an approval, or a contract required under this subchapter or subch. II, a permit or
17 an approval required under this chapter or ch. 31, a storm water discharge permit
18 required under s. 283.33 (1) (a), or a water quality certification required under s.
19 281.36 or under rules promulgated under subch. II of ch. 281 to implement 33 USC
20 1341 (a).

21 **SECTION 9.** 30.025 (1e) (a) of the statutes, as created by 2003 Wisconsin Act 89,
22 is amended to read:

23 30.025 **(1e)** (a) Except as provided in par. (b), this section applies to a proposal
24 to construct a utility facility if the utility facility is required to obtain, or give
25 notification of the wish to proceed under, one or more permits.

1 **SECTION 10.** 30.025 (1m) (a) of the statutes, as created by 2003 Wisconsin Act
2 89, is amended to read:

3 30.025 **(1m)** (a) The permits that the person may be required to obtain and the
4 permits under which the person must give notification of the wish to proceed.

5 **SECTION 11.** 30.025 (2g) (a) of the statutes, as created by 2003 Wisconsin Act
6 89, is amended to read:

7 30.025 **(2g)** (a) The department shall review every proposed utility facility
8 subject to this section, including each location, site, or route proposed for the utility
9 facility, to assess whether each proposed location, site, or route can meet the criteria
10 for proceeding under the authority of or obtaining the required permits, and shall
11 provide that information to the commission.

12 **SECTION 12.** 30.025 (3) (intro.) of the statutes, as affected by 2003 Wisconsin
13 Act 89, is amended to read:

14 30.025 **(3)** (intro.) The department shall ~~grant~~ issue, or authorize proceeding
15 under, the necessary permits if it finds that the applicant has shown that the
16 proposal:

17 **SECTION 13.** 30.025 (4) of the statutes, as affected by 2003 Wisconsin Act 89,
18 is amended to read:

19 30.025 **(4)** PERMIT CONDITIONS. The permit may be issued, or the authority to
20 proceed under a permit may be granted, upon stated conditions deemed necessary
21 to assure compliance with the criteria designated under sub. (3). The department
22 shall grant or deny the application for a permit for the utility facility within 30 days
23 of the date on which the commission issues its decision under s. 196.49 or 196.491
24 (3).

25 **SECTION 14.** 30.025 (5) of the statutes is created to read:

1 30.025 (5) EXEMPTION FROM CERTAIN PROCEDURES. Sections 30.208 and 30.209
2 do not apply to an application for any permit under this section.

3 **SECTION 15.** 30.07 of the statutes is renumbered 30.2095, and 30.2095 (1) (a),
4 as renumbered, is amended to read:

5 30.2095 (1) (a) Except as provided in par. (b), every permit or contract issued
6 under ss. 30.01 to 30.29 for which a time limit is not provided by s. 30.20 (2) is void
7 unless the activity or project is completed within 3 years after the permit or contract
8 was issued.

9 **SECTION 16.** 30.10 (4) (a) of the statutes is amended to read:

10 30.10 (4) (a) This section does not impair the powers granted by law under s.
11 ~~30.123~~ 30.1235 or by other law to municipalities to construct highway bridges,
12 arches, or culverts over streams.

13 **SECTION 17.** 30.11 (4) of the statutes is amended to read:

14 30.11 (4) RIPARIAN RIGHTS PRESERVED. Establishment of a bulkhead line shall
15 not abridge the riparian rights of riparian ~~proprietors~~ owners. Riparian ~~proprietors~~
16 owners may place solid structures or fill up to such line.

17 **SECTION 18.** 30.12 (title) of the statutes is amended to read:

18 **30.12 (title) Structures and deposits in navigable waters prohibited;**
19 **exceptions; penalty.**

20 **SECTION 19.** 30.12 (1) (intro.) of the statutes is amended to read:

21 30.12 (1) ~~GENERAL PROHIBITION~~ PERMITS REQUIRED. (intro.) ~~Except as provided~~
22 ~~under subs. (4) and (4m), unless a~~ Unless an individual or a general permit has been
23 ~~granted by the department pursuant to statute or~~ issued under this section or
24 authorization has been granted by the legislature ~~has otherwise authorized~~

1 ~~structures or deposits in navigable waters, it is unlawful, no person may do any of~~
2 the following:

3 **SECTION 20.** 30.12 (1) (a) of the statutes is amended to read:

4 30.12 (1) (a) ~~To deposit~~ Deposit any material or to place any structure upon the
5 bed of any navigable water where no bulkhead line has been established; ~~or.~~

6 **SECTION 21.** 30.12 (1) (b) of the statutes is amended to read:

7 30.12 (1) (b) ~~To deposit~~ Deposit any material or to place any structure upon the
8 bed of any navigable water beyond a lawfully established bulkhead line.

9 **SECTION 22.** 30.12 (1g) (intro.), (a), (b), (e), (f), (i), (j), (k) and (km) of the statutes
10 are created to read:

11 30.12 (1g) EXEMPTIONS. (intro.) A riparian owner is exempt from the permit
12 requirements under this section for the placement of a structure or the deposit of
13 material if the structure or material is located in an area other than an area of special
14 natural resource interest, does not interfere with the riparian rights of other riparian
15 owners, and is any of the following:

16 (a) A deposit of sand, gravel, or stone that totals less than 2 cubic yards and that
17 is associated with any activity or project that is exempt from an individual permit
18 or a general permit under this subchapter.

19 (b) A structure, other than a pier or a wharf, that is placed on a seasonal basis
20 in accordance with rules promulgated by the department.

21 (e) A boat shelter, boat hoist, or boat lift that is placed on a seasonal basis
22 adjacent to the riparian owner's pier or wharf or to the shoreline on the riparian
23 owner's property, in accordance with rules promulgated by the department.

24 (f) A pier or wharf that is no more than 6 feet wide, that extends no further than
25 to a point where the water is 3 feet at its maximum depth, or to the point where there

1 is adequate depth for mooring a boat or using a boat hoist or boat lift, whichever is
2 closer to the shoreline, and which has no more than 2 boat slips for the first 50 feet
3 of riparian owner's shoreline footage and no more than one additional boat slip for
4 each additional 50 feet of the riparian owner's shoreline.

5 (i) Riprap in an amount not to exceed 100 linear feet that is placed to replace
6 existing riprap located in an inland lake or Great Lakes waterbody and that includes
7 the replacement of filter fabric or base substrate.

8 (j) Riprap in an amount not to exceed 300 linear feet that is placed to repair
9 existing riprap located in an inland lake or Great Lakes waterbody, and that consists
10 only of the placement of additional rock or the redistribution of existing rock within
11 the footprint of the existing riprap.

12 (k) A biological shore erosion control structure, as defined by rule by the
13 department.

14 (km) An intake or outfall structure that is less than 6 feet from the water side
15 of the ordinary high-water mark and that is less than 25 percent of the width of the
16 channel in which it is placed.

17 **SECTION 23.** 30.12 (1m) of the statutes is created to read:

18 30.12 (1m) RULES. (a) The department may promulgate rules concerning the
19 exempt activities under sub. (1g) that only do any of the following:

20 1. Establish reasonable installation practices for the placement of structures
21 or the deposit of material to minimize environmental impacts.

22 2. Establish reasonable construction and design requirements for the
23 placement of structures under sub. (1g) (c), (d), (f), (g), (h), and (km) that are
24 consistent with the purpose of the activity.

1 3. Establish reasonable limitations on the location of the placement of
2 structures or the deposit of material at the site affected by the activity.

3 (b) Notwithstanding par. (a), the rules under par. (a) 1. and 2. may not establish
4 practices or requirements that prohibit the placement of structures or the deposit of
5 material or that render the placement of structures or the deposit of material
6 economically cost-prohibitive.

7 **SECTION 24.** 30.12 (2) of the statutes is repealed.

8 **SECTION 25.** 30.12 (2m) of the statutes is created to read:

9 **30.12 (2m) PERMITS IN LIEU OF EXEMPTIONS.** The department may decide to
10 require that a person engaged in an activity that is exempt under sub. (1g) apply for
11 an individual permit or seek authorization under a general permit if the department
12 has conducted an investigation and visited the site of the activity and has determined
13 that conditions specific to the site require restrictions on the activity in order to
14 prevent any of the following:

15 (a) Significant adverse impacts to the public rights and interests.

16 (b) Environmental pollution, as defined in s. 299.01 (4).

17 (c) Material injury to the riparian rights of any riparian owner.

18 **SECTION 26.** 30.12 (2r) of the statutes is created to read:

19 **30.12 (2r) EXEMPTION DETERMINATIONS.** (a) A person may submit to the
20 department a written statement requesting that the department determine whether
21 a proposed activity is exempt under sub. (1g). The statement shall contain a
22 description of the proposed activity and site and shall give the department consent
23 to enter and inspect the site.

24 (b) The department shall do all of the following within 15 days after receipt of
25 a statement under par. (a).

1 1. Enter and inspect the site on which the activity is located, subject to s. 30.291,
2 if the department determines such an inspection is necessary.

3 2. Make a determination as to whether the activity is exempt.

4 3. Notify in writing the person submitting the statement which general or
5 individual permit will be required for the activity, if the department determines that
6 the activity is not exempt.

7 (c) If the department does not take action under par. (b), the department may
8 not require at any time that the person proposing to engage in the activity apply for
9 an individual permit or seek authorization under a general permit unless required
10 to do so by a court or hearing examiner.

11 (d) If a statement under par. (a) is not given or if the statement does not give
12 consent to inspect, the 15-day time limit under par. (b) does not apply.

13 **SECTION 27.** 30.12 (3) (title) of the statutes is repealed and recreated to read:

14 30.12 **(3)** (title) GENERAL PERMITS.

15 **SECTION 28.** 30.12 (3) (a) (intro.) of the statutes is repealed and recreated to
16 read:

17 30.12 **(3)** (a) (intro.) The department shall issue statewide general permits
18 under s. 30.206 that authorize riparian owners to do all of the following:

19 **SECTION 29.** 30.12 (3) (a) 2. of the statutes is renumbered 30.12 (1g) (c) and
20 amended to read:

21 30.12 **(1g)** (c) ~~Place a~~ A fish crib, spawning reef, wing deflector, or similar
22 device that is placed on the bed of navigable waters for the purpose of improving fish
23 habitat.

24 **SECTION 30.** 30.12 (3) (a) 2m. of the statutes is renumbered 30.12 (1g) (d) and
25 amended to read:

1 30.12 **(1g)** (d) ~~Place a~~ A bird nesting platform, ~~a~~ wood duck house, or similar
2 structure that is placed on the bed of a navigable water for the purpose of improving
3 wildlife habitat.

4 **SECTION 31.** 30.12 (3) (a) 3. of the statutes is repealed.

5 **SECTION 32.** 30.12 (3) (a) 3c. of the statutes is created to read:

6 30.12 **(3)** (a) 3c. Place riprap in order to replace or repair existing riprap, other
7 than riprap that is exempt under sub. (1g) (i) or (j).

8 **SECTION 33.** 30.12 (3) (a) 3g. of the statutes is created to read:

9 30.12 **(3)** (a) 3g. Place riprap on the bed or bank of a navigable water adjacent
10 to an owner's property in an amount up to and including 100 continuous feet in an
11 inland lake of 300 acres or more.

12 **SECTION 34.** 30.12 (3) (a) 3r. of the statutes is created to read:

13 30.12 **(3)** (a) 3r. Place riprap on the bed or bank of a navigable water adjacent
14 to an owner's property in an amount up to and including 300 continuous feet in a
15 Great Lakes water body.

16 **SECTION 35.** 30.12 (3) (a) 6. of the statutes is amended to read:

17 30.12 **(3)** (a) 6. Place a permanent boat shelter adjacent to the owner's property
18 for the purpose of storing or protecting watercraft and associated materials, except
19 that no general or individual permit may be granted issued for a permanent boat
20 shelter which is constructed after May 3, 1988, if the property on which the
21 permanent boat shelter is to be located also contains a boathouse within 75 feet of
22 the ordinary high-water mark or if there is a boathouse over navigable waters
23 adjacent to the owner's property.

24 **SECTION 36.** 30.12 (3) (a) 7. of the statutes is renumbered 30.12 (1g) (g) and
25 amended to read:

1 30.12 **(1g)** (g) ~~Place an~~ An intake structure and pipe that is placed on the bed
2 of a navigable water for the purpose of constructing a dry fire hydrant to supply water
3 for fire protection.

4 **SECTION 37.** 30.12 (3) (a) 8. of the statutes is renumbered 30.12 (1g) (h) and
5 amended to read:

6 30.12 **(1g)** (h) ~~Drive a piling~~ A piling that is driven into the bed of a navigable
7 water adjacent to the owner's property for the purpose of deflecting ice, protecting
8 an existing or proposed structure, or providing a pivot point for turning watercraft.

9 **SECTION 38.** 30.12 (3) (a) 13. of the statutes is created to read:

10 30.12 **(3)** (a) 13. Place a seawall to replace an existing seawall for which a
11 permit has been issued under this chapter. The replacement may not exceed 100
12 continuous feet in an inland lake of 300 or more acres and may not exceed 300
13 continuous feet in a Great Lakes water body.

14 **SECTION 39.** 30.12 (3) (b) of the statutes is repealed.

15 **SECTION 40.** 30.12 (3) (bn) of the statutes is repealed.

16 **SECTION 41.** 30.12 (3) (br) of the statutes is created to read:

17 30.12 **(3)** (br) The department may promulgate rules that specify structures or
18 deposits, in addition to those listed in par. (a), that may be authorized by statewide
19 general permits.

20 **SECTION 42.** 30.12 (3) (bt) (intro.) of the statutes is renumbered 30.2023 (intro.)
21 and amended to read:

22 **30.2023 Seawalls; Wolf River and Fox River basins.** (intro.) A riparian
23 owner is exempt from the permit requirements under ~~sub. (2) and this subsection s.~~
24 30.12 for a structure that is placed on the bed of a navigable water in the Wolf River

1 and Fox River basin area, as described in s. 30.207 (1), and that extends beyond the
2 ordinary high-water mark, if the following conditions apply:

3 **SECTION 43.** 30.12 (3) (bt) 1. to 9. of the statutes are renumbered 30.2023 (1)
4 to (9).

5 **SECTION 44.** 30.12 (3) (c) of the statutes is amended to read:

6 30.12 (3) (c) The department may promulgate rules deemed necessary to carry
7 out the purposes of impose conditions on general permits issued under par. (a) 6.,
8 including rules to establish minimum standards to govern the architectural features
9 of boat shelters and the number of boat shelters that may be constructed adjacent
10 to a parcel of land. The rules conditions may not govern the aesthetic features or color
11 of boat shelters. The standards conditions shall be designed to assure ensure the
12 structural soundness and durability of ~~a boat shelter~~ boat shelters. A municipality
13 may enact ordinances ~~not inconsistent~~ that are consistent with this section or with
14 rules promulgated under this section regulating paragraph and with any conditions
15 imposed on general permits issued to regulate the architectural features of boat
16 shelters that are under the jurisdiction of the municipality.

17 **SECTION 45.** 30.12 (3) (d) of the statutes is repealed.

18 **SECTION 46.** 30.12 (3m) of the statutes is created to read:

19 30.12 (3m) INDIVIDUAL PERMITS. (a) For a structure or deposit that is not exempt
20 under sub. (1g) and that is not subject to a general permit under sub. (3), a riparian
21 owner may apply to the department for the individual permit that is required under
22 sub. (1) in order to place the structure for the owner's use or to deposit the material.

23 (b) The notice and hearing provisions of s. 30.208 (3) to (5) shall apply to an
24 application under par. (a).

1 (c) The department shall issue an individual permit to a riparian owner for a
2 structure or a deposit pursuant to an application under par. (a) if the department
3 finds that all of the following apply:

- 4 1. The structure or deposit will not materially obstruct navigation.
- 5 2. The structure or deposit will not be detrimental to the public interest.
- 6 3. The structure or deposit will not materially reduce the flood flow capacity
7 of a stream.

8 **SECTION 47.** 30.12 (4) (title) of the statutes is repealed.

9 **SECTION 48.** 30.12 (4) (a) of the statutes is renumbered 30.2022 (1) and
10 amended to read:

11 30.2022 (1) Activities affecting waters of the state, as defined in s. 281.01 (18),
12 that are carried out under the direction and supervision of the department of
13 transportation in connection with highway, bridge, or other transportation project
14 design, location, construction, reconstruction, maintenance, and repair are not
15 subject to the prohibitions or permit or approval requirements specified under this
16 section or s. 29.601, 30.11, 30.12, 30.123, 30.19, 30.195, 30.20, 59.692, 61.351, 62.231,
17 or 87.30 or chs. 281 to 285 or 289 to 299, except s. 281.48. However, at the earliest
18 practical time prior to the commencement of these activities, the department of
19 transportation shall notify the department of the location, nature, and extent of the
20 proposed work that may affect the waters of the state.

21 **SECTION 49.** 30.12 (4) (b) of the statutes is renumbered 30.2022 (2) and
22 amended to read:

23 30.2022 (2) The exemption under par. (a) sub. (1) does not apply unless the
24 activity is accomplished in accordance with interdepartmental liaison procedures

1 established by the department and the department of transportation for the purpose
2 of minimizing the adverse environmental impact, if any, of the activity.

3 **SECTION 50.** 30.12 (4) (c) of the statutes is renumbered 30.2022 (3) and
4 amended to read:

5 30.2022 (3) If the department determines that there is reasonable cause to
6 believe that an activity being carried out under this ~~subsection~~ section is not in
7 compliance with the environmental protection requirements developed through
8 interdepartmental liaison procedures, it shall notify the department of
9 transportation. If the secretary and the secretary of transportation are unable to
10 agree upon the methods or time schedules to be used to correct the alleged
11 noncompliance, the secretary, notwithstanding the exemption provided in this
12 ~~subsection~~ section, may proceed with enforcement actions as the secretary deems
13 appropriate.

14 **SECTION 51.** 30.12 (4) (d) of the statutes is renumbered 30.2022 (4).

15 **SECTION 52.** 30.12 (4) (e) of the statutes is renumbered 30.2022 (5) and
16 amended to read:

17 30.2022 (5) Except as may be required otherwise under s. 1.11, no public notice
18 or hearing is required in connection with any interdepartmental consultation and
19 cooperation under this ~~subsection~~ section.

20 **SECTION 53.** 30.12 (4) (f) of the statutes is renumbered 30.2022 (6) and amended
21 to read:

22 30.2022 (6) This ~~subsection~~ section does not apply to activities in the Lower
23 Wisconsin State Riverway, as defined in s. 30.40 (15).

24 **SECTION 54.** 30.12 (4m) (title) of the statutes is repealed.

1 **SECTION 55.** 30.12 (4m) of the statutes is renumbered 30.12 (1m), and 30.12
2 (1m) (c) (intro.), as renumbered, is amended to read:

3 30.12 **(1m)** (c) (intro.) ~~Subsection (1) does not apply to a~~ A structure or deposit
4 that the drainage board for the Duck Creek Drainage District places in a drain that
5 the board operates in the Duck Creek Drainage District is exempt from the permit
6 requirements under this section if either of the following applies:

7 **SECTION 56.** 30.121 (3w) of the statutes is created to read:

8 30.121 **(3w)** EXCEPTION; COMMERCIAL BOATHOUSES. Notwithstanding subs. (2)
9 and (3), a person may construct, repair, or maintain a boathouse if all of the following
10 apply:

11 (a) The boathouse is used exclusively for commercial purposes.

12 (b) The boathouse is located on land zoned exclusively for commercial or
13 industrial purposes or the boathouse is located on a brownfield, as defined in s.
14 560.13 (1) (a), or in a blighted area, as defined in s. 66.1331 (3) (a).

15 (c) The boathouse is located within a harbor that is being operated as a
16 commercial enterprise or is located on a river that is a tributary of Lake Michigan
17 or Lake Superior.

18 (d) The person has been issued any applicable individual permits under this
19 subchapter and is in compliance with any applicable general permitting
20 requirements under this subchapter.

21 **SECTION 57.** 30.123 (title) of the statutes is repealed and recreated to read:

22 **30.123 (title) Bridges and culverts.**

23 **SECTION 58.** 30.123 (1) of the statutes is renumbered 30.1235 and amended to
24 read:

1 **30.1235 Municipal bridge construction.** Municipalities which construct or
2 reconstruct highway bridges shall not be required to obtain permits under this
3 ~~section or s. 30.10 or s. 30.12 or 30.123~~ for such that construction or reconstruction.
4 All municipal highway bridges shall be constructed or reconstructed in accordance
5 with standards developed under s. 84.01 (23).

6 **SECTION 59.** 30.123 (2) of the statutes is amended to read:

7 30.123 **(2)** PERMITS REQUIRED. ~~Except as provided in sub. (1) and s. 30.12 (4)~~
8 Unless an individual or a general permit has been issued under this section or
9 authorization has been granted by the legislature, no person may construct or
10 maintain a bridge or construct, place, or maintain a culvert in, on, or over navigable
11 waters ~~unless a permit has been issued by the department under this section.~~ The
12 application for a permit shall contain the applicant's name and address, the proposed
13 location of the bridge, a cross section and plan view of the navigable waters and
14 adjacent uplands, a description of materials to be used in construction of the bridge,
15 plans for the proposed bridge, evidence of permission to construct the bridge from the
16 riparian owners and any other information required by the department.

17 **SECTION 60.** 30.123 (3) of the statutes is repealed.

18 **SECTION 61.** 30.123 (4) of the statutes is renumbered 30.123 (8) (c) and
19 amended to read:

20 30.123 **(8)** (c) ~~The department shall review the plans for the proposed bridge~~
21 ~~to determine whether the proposed bridge will be an obstruction to navigation or will~~
22 ~~adversely affect the flood flow capacity of the stream.~~ The department shall grant
23 the issue an individual permit if the proposed pursuant to an application under par.
24 (a) if the department finds that the bridge or culvert will not materially obstruct

1 navigation, will not materially reduce the effective flood flow capacity of a stream or
2 be, and will not be detrimental to the public interest.

3 **SECTION 62.** 30.123 (6) of the statutes is created to read:

4 30.123 (6) EXEMPTIONS. Subsection (2) does not apply to any of the following:

5 (a) The construction and maintenance of highway bridges to which s. 30.1235
6 applies.

7 (b) The construction and maintenance of bridges by the department of
8 transportation in accordance with s. 30.2022.

9 (d) The construction or placement and the maintenance of a culvert to replace
10 a culvert that is authorized under a permit issued under s. 30.12 or 30.123, if the
11 construction, placement, and maintained will comply with the same conditions of the
12 permit.

13 (e) The construction or placement and the maintenance of a culvert to replace
14 a culvert that has an inside diameter that does not exceed 24 inches.

15 **SECTION 63.** 30.123 (6m) of the statutes is created to read:

16 30.123 (6m) PERMITS IN LIEU OF EXEMPTIONS. The department may decide to
17 require that a person engaged in an activity that is exempt under sub. (6) (d) or (e)
18 apply for an individual permit or seek authorization under a general permit if the
19 department has conducted an investigation and visited the site of the activity and
20 has determined that conditions specific to the site require restrictions on the activity
21 in order to prevent any of the following:

22 (a) Significant adverse impacts to the public rights and interests.

23 (b) Environmental pollution, as defined in s. 299.01 (4).

24 (c) Material injury to the riparian rights of any riparian owner.

25 **SECTION 64.** 30.123 (6r) of the statutes is created to read:

1 30.123 **(6r)** EXEMPTION DETERMINATIONS. (a) A person may submit to the
2 department a written statement requesting that the department determine whether
3 a proposed activity is exempt under sub. (6) (d) or (e). The statement shall contain
4 a description of the proposed activity and site and shall give the department consent
5 to enter and inspect the site.

6 (b) The department shall do all of the following within 15 days after receipt of
7 a statement under par. (a).

8 1. Enter and inspect the site on which the activity is located, subject to s. 30.291,
9 if the department determines such an inspection is necessary.

10 2. Make a determination as to whether the activity is exempt.

11 3. Notify in writing the person submitting the statement which general or
12 individual permit will be required for the activity, if the department determines that
13 the activity is not exempt.

14 (c) If the department does not take action under par. (b), the department may
15 not require at any time that the person proposing to engage in the activity apply for
16 an individual permit or seek authorization under a general permit unless required
17 to do so by a court or hearing examiner.

18 (d) If a statement under par. (a) is not given or if the statement does not give
19 consent to inspect, the 15-day time limit under par. (b) does not apply.

20 **SECTION 65.** 30.123 (6s) of the statutes is created to read:

21 30.123 **(6s)** RULES. (a) The department may promulgate rules concerning the
22 exempt activities under sub. (6) that only do any of the following:

23 1. Establish reasonable installation practices for culverts to minimize
24 environmental impacts.

1 2. Establish reasonable construction and design requirements for culverts that
2 are consistent with the purpose of the activity.

3 3. Establish reasonable limitations on the location of culverts at the site
4 affected by the activity.

5 (b) Notwithstanding par. (a), the rules under par. (a) 1. and 2. may not establish
6 practices or requirements that prohibit the construction of culverts or that render
7 the placement of culverts economically cost-prohibitive.

8 **SECTION 66.** 30.123 (7) of the statutes is created to read:

9 30.123 (7) GENERAL PERMITS. (a) The department shall issue statewide general
10 permits under s. 30.206 that authorize any person to do all of the following:

11 1. Construct and maintain a clear-span bridge over a navigable water that
12 provides access to a principal structure, as defined by rule by the department.

13 2. Construct and maintain a culvert that replaces a culvert that is not exempt
14 under sub. (6) (c) and that is in a navigable water that is less than 35 feet wide.

15 3. Construct and maintain a bridge that is supported only by culverts in a
16 navigable water that is less than 35 feet wide.

17 (b) The department may promulgate rules that specify bridges or culverts, in
18 addition to those listed in par. (a), that may be authorized by statewide general
19 permits.

20 **SECTION 67.** 30.123 (8) of the statutes is created to read:

21 30.123 (8) INDIVIDUAL PERMITS. (a) For the construction and maintenance of a
22 bridge or culvert that is not exempt under sub. (6) and that is not subject to a general
23 permit under sub. (7), a person may apply to the department for the individual
24 permit that is required under sub. (2) in order to construct or maintain a bridge or
25 culvert.

1 (b) The notice and hearing provisions of s. 30.208 (3) to (5) shall apply to an
2 application under par. (a).

3 **SECTION 68.** 30.13 (1m) (intro.) of the statutes is amended to read:

4 **30.13 (1m)** SWIMMING RAFTS ALLOWED WITHOUT PERMIT UNDER CERTAIN
5 CIRCUMSTANCES. (intro.) A riparian ~~proprietor~~ owner may place a swimming raft in
6 a navigable waterway for swimming and diving purposes without obtaining a permit
7 under s. 30.12 if all of the following conditions are met:

8 **SECTION 69.** 30.13 (1m) (b) of the statutes is amended to read:

9 **30.13 (1m) (b)** The swimming raft does not interfere with rights of other
10 riparian ~~proprietors~~ owners.

11 **SECTION 70.** 30.13 (4) (a) of the statutes is amended to read:

12 **30.13 (4) (a)** *Interferes with public rights.* A wharf or pier which interferes with
13 public rights in navigable waters constitutes an unlawful obstruction of navigable
14 waters unless ~~a permit is issued for~~ the wharf or pier is authorized under a permit
15 issued under s. 30.12 or unless other authorization for the wharf or pier is expressly
16 provided.

17 **SECTION 71.** 30.13 (4) (b) of the statutes is amended to read:

18 **30.13 (4) (b)** *Interferes with riparian rights.* A wharf or pier which interferes
19 with rights of other riparian ~~proprietors~~ owners constitutes an unlawful obstruction
20 of navigable waters unless ~~a permit is issued for~~ the wharf or pier is authorized
21 under a permit issued under s. 30.12 or unless other authorization for the wharf or
22 pier is expressly provided.

23 **SECTION 72.** 30.135 (1) (title) of the statutes is repealed.

24 **SECTION 73.** 30.135 (1) (a) (intro.) of the statutes is renumbered 30.135 (1)
25 (intro.) and amended to read:

1 30.135 (1) (intro.) A riparian proprietor may place owner placing a water ski
2 platform or water ski jump in a navigable waterway ~~without obtaining a~~ is exempt
3 from the permit requirements under this chapter if all of the following requirements
4 are met:

5 **SECTION 74.** 30.135 (1) (a) 1. of the statutes is renumbered 30.135 (1) (a).

6 **SECTION 75.** 30.135 (1) (a) 2. of the statutes is renumbered 30.135 (1) (b) and
7 amended to read:

8 30.135 (1) (b) The platform or jump does not interfere with rights of other
9 riparian proprietors owners.

10 **SECTION 76.** 30.135 (1) (a) 3. of the statutes is renumbered 30.135 (1) (c).

11 **SECTION 77.** 30.135 (1) (b) of the statutes is renumbered 30.135 (2) and
12 amended to read:

13 30.135 (2) If the department determines that any of the requirements under
14 ~~par. (a) sub. (1)~~ are not met, the riparian owner shall submit ~~a permit~~ an application
15 for an individual permit to the department. The notice and hearing provisions under
16 s. 30.208 (3) to (5) apply to the application.

17 **SECTION 78.** 30.135 (2), (3) and (4) of the statutes are repealed.

18 **SECTION 79.** 30.18 (2) (a) (intro.) of the statutes is amended to read:

19 30.18 (2) (a) *Streams.* (intro.) No person may divert water from a stream in
20 this state without ~~a~~ an individual permit under this section if the diversion meets
21 either of the following conditions:

22 **SECTION 80.** 30.18 (2) (b) of the statutes is amended to read:

23 30.18 (2) (b) *Streams or lakes.* No person, except a person required to obtain
24 an approval under s. 281.41, may divert water from any lake or stream in this state
25 without ~~a~~ an individual permit under this section if the diversion will result in a

1 water loss averaging 2,000,000 gallons per day in any 30-day period above the
2 person's authorized base level of water loss.

3 **SECTION 81.** 30.18 (4) (a) of the statutes is amended to read:

4 30.18 (4) (a) Upon receipt of a complete application, the department shall
5 follow the notice and hearing procedures under s. 30.02 (3) and (4) 30.208 (3) to (5).
6 In addition to ~~the notice requirements~~ providing notice as required under s. 30.02 (3)
7 and (4) 30.208 (3) to (5), the department shall mail a copy of the notice to every person
8 upon whose land any part of the canal or any other structure will be located, to the
9 clerk of the next town downstream, to the clerk of any village or city in which the lake
10 or stream is located and which is adjacent to any municipality in which the diversion
11 will take place and to each person specified in s. 281.35 (5) (b) or (6) (f), if applicable.

12 **SECTION 82.** 30.18 (6) (b) of the statutes is amended to read:

13 30.18 (6) (b) *Use of water.* A person issued a permit under this section for the
14 purpose of irrigation or agriculture may use the water on any land contiguous to the
15 permittee's riparian land, but may not withdraw more water than it did before
16 August 1, 1957, without applying to the department for a modification of the permit.

17 **SECTION 83.** 30.19 (1) (intro.) of the statutes is renumbered 30.19 (1g) (intro.)
18 and amended to read:

19 30.19 (1g) PERMITS REQUIRED. (intro.) Unless ~~a~~ an individual or a general
20 permit has been granted by the department issued under this section or
21 authorization has been granted by the legislature, ~~it is unlawful~~ no person may do
22 any of the following:

23 **SECTION 84.** 30.19 (1) (a) of the statutes is renumbered 30.19 (1g) (a) and
24 amended to read:

1 30.19 (1g) (a) ~~To construct~~ Construct, dredge, or enlarge any artificial
2 waterway, canal, channel, ditch, lagoon, pond, lake or similar waterway where the
3 purpose is ultimate connection with an existing navigable stream, lake or other
4 navigable waters, or where water body that connects with a navigable waterway.

5 (am) Construct, dredge, or enlarge any part of the an artificial waterway water
6 body that is located within 500 feet of the ordinary high-water mark of an existing
7 navigable stream, lake or other navigable waters waterway, including a stormwater
8 management pond that does not discharge into a navigable waterway except as a
9 result of storm events.

10 **SECTION 85.** 30.19 (1) (b) of the statutes is repealed.

11 **SECTION 86.** 30.19 (1) (c) of the statutes is renumbered 30.19 (1g) (c) and
12 amended to read:

13 30.19 (1g) (c) ~~To grade or otherwise~~ Grade or remove top soil topsoil from the
14 bank of any navigable stream, lake or other body of navigable water waterway where
15 the area exposed by such ~~the~~ the grading or removal will exceed 10,000 square feet.

16 **SECTION 87.** 30.19 (1b) of the statutes is created to read:

17 30.19 (1b) DEFINITION. In this section:

18 (a) “Artificial water body” means a proposed or existing body of water that does
19 not have a history of being a lake or stream or of being part of a lake or stream.

20 (b) “Bank” means either of the following:

21 1. Land area that is, in size, the greater of the following:

22 a. The portion of land surface that extends 75 feet landward from the ordinary
23 high-water mark of any navigable waterway.

1 b. The portion of land surface extending landward from the ordinary
2 high-water mark of any navigable waterway to the point where the slope is less than
3 12 percent.

4 2. A bank as determined by the department by rule under sub. (1d).

5 (c) "Priority navigable waterway" means any of the following:

6 1. A navigable waterway, or a portion of a navigable waterway, that is identified
7 as an outstanding or exceptional resource water under s. 281.15.

8 2. A navigable waterway, or a portion of a navigable waterway, identified as a
9 trout stream.

10 3. A lake that is less than 50 acres in size.

11 4. Any other navigable waterway, or portion of a navigable waterway, that the
12 department has determined, by rule, contains sensitive fish and aquatic habitat and
13 that the department has specifically identified by rule.

14 **SECTION 88.** 30.19 (1c) of the statutes is created to read:

15 **30.19 (1c)** DEFINITION; APPLICABILITY. The definition of "bank" under sub. (1b)
16 does not apply after the 90th day after the day the rule under sub. (1d) is submitted
17 to legislative council staff under s. 227.15 (1) or the day that the rule promulgated
18 under sub. (1d) goes into effect, whichever is earlier.

19 **SECTION 89.** 30.19 (1d) of the statutes is created to read:

20 **30.19 (1d)** RULES; BANKS OF NAVIGABLE WATERWAYS. (a) The department shall
21 promulgate a rule to determine what constitutes a bank for purposes of this section
22 in accordance with all of the following:

23 1. For priority navigable waterways, the department shall promulgate a rule
24 stating that a bank is, in size, the greater of the following:

1 a. The portion of land surface that extends a certain distance landward from
2 the ordinary high-water mark of the navigable waterway, but the distance under the
3 rule may not exceed 300 feet.

4 b. The portion of land surface that extends landward from the ordinary
5 high-water mark of the navigable waterway to the point where the slope is measured
6 to be a certain percentage, but the percentage under the rule may not be less than
7 10 percent.

8 1m. The rule promulgated under sub. 1. may apply to specific priority navigable
9 waterways or to classes of priority navigable waterways.

10 2. For navigable waterways that are not priority navigable waterways, the
11 department shall promulgate a rule stating that a bank is, in size, the greater of the
12 following:

13 a. The portion of the land surface that extends a certain distance landward
14 from the ordinary high-water mark of the navigable waterway, but the distance
15 under the rule may not exceed 75 feet.

16 b. The portion of land surface that extends landward from the ordinary
17 high-water mark of the navigable waterway to the point where the slope is measured
18 to be a certain percentage, but the percentage under the rule may not be less than
19 12 percent.

20 2m. The rule promulgated under subd. 1. may apply to specific navigable
21 waterways or to classes of navigable waterways.

22 (am) The rule under this subsection may not require or allow the department
23 to deviate from, or create an exemption from, the requirements of the rules
24 promulgated under this section in determining what constitutes a bank at an
25 individual, specific site.

1 (b) In promulgating the rule under this subsection, the determination under
2 this subsection of what constitutes a bank may not include any land where the slope
3 or drainage of the land into the navigable waterway is completely interrupted.

4 (c) To the extent practicable, the rule under this subsection shall be consistent
5 with rules promulgated by the department that relate to shorelands, as defined in
6 s. 59.692 (1) (b), and floodplains, and rules promulgated under s. 281.16 (2) that
7 relate to protective areas for wetlands and waterways.

8 (d) In promulgating the rule under this subsection, the department shall
9 consider public rights and interests for the purpose of furthering the public trust in
10 navigable waters.

11 **SECTION 90.** 30.19 (1m) (intro.) of the statutes is amended to read:

12 30.19 (1m) ~~EXCEPTION~~ EXEMPTIONS. (intro.) ~~Subsection (1) does not apply to A~~
13 person is exempt from the permit requirements under this section for any of the
14 following:

15 **SECTION 91.** 30.19 (1m) (a) of the statutes is amended to read:

16 30.19 (1m) (a) The construction ~~and or~~ repair of any public highway ~~highway~~.

17 **SECTION 92.** 30.19 (1m) (b) of the statutes is amended to read:

18 30.19 (1m) (b) Any agricultural uses use of land.

19 **SECTION 93.** 30.19 (1m) (c) of the statutes is amended to read:

20 30.19 (1m) (c) ~~Any~~ An activity that affects a navigable inland lake that is
21 located wholly or partly in any county having a population of 750,000 or more.

22 **SECTION 94.** 30.19 (1m) (cm) of the statutes is created to read:

23 30.19 (1m) (cm) Any activity that affects a portion of Lake Michigan or of Lake
24 Superior that is located within a county having a population of 750,000 or more.

25 **SECTION 95.** 30.19 (1m) (d) of the statutes is amended to read:

1 30.19 (1m) (d) ~~These portions~~ Any activity that affects a portion of a navigable
2 streams, Lake Michigan or Lake Superior stream that is located within any a county
3 having a population of 750,000 or more.

4 **SECTION 96.** 30.19 (1m) (e) of the statutes is amended to read:

5 30.19 (1m) (e) Any work required to maintain the original dimensions of an
6 enlargement of ~~a waterway authorized~~ an artificial water body done pursuant to a
7 permit or legislative authorization under sub. (1) ~~(a) or (b)~~ (1g) (a) or (am).

8 **SECTION 97.** 30.19 (2) of the statutes is repealed.

9 **SECTION 98.** 30.19 (3) of the statutes is repealed.

10 **SECTION 99.** 30.19 (3r) of the statutes is created to read:

11 30.19 (3r) GENERAL PERMITS. (a) The department shall issue statewide general
12 permits under s. 30.206 that authorize persons to do all of the following:

13 1. Engage in an activity specified in sub. (1g) (am) substantially in accordance
14 with best management practices required for storm water discharge permits under
15 ch. 283.

16 2. Engage in an activity specified in sub. (1g) (c).

17 (b) The department may promulgate rules that specify other types of activities,
18 in addition to those listed in par. (a), that may be authorized by statewide general
19 permits.

20 **SECTION 100.** 30.19 (4) (title) of the statutes is amended to read:

21 30.19 (4) (title) ~~ISSUANCE OF PERMIT~~ INDIVIDUAL PERMITS.

22 **SECTION 101.** 30.19 (4) of the statutes is renumbered 30.19 (4) (c) (intro.) and
23 amended to read:

24 30.19 (4) (c) (intro.) ~~If the~~ The department finds that the project will not injure
25 ~~public rights or interest, including fish and game habitat, that the project~~ shall issue

1 an individual permit pursuant to an application under par. (a) if the department
2 finds that all of the following apply:

3 2. The activity will not cause environmental pollution, as defined in s. 299.01
4 (4), that any.

5 3. Any enlargement connected to a navigable waterways conforms to the
6 requirement of waterway complies with all of the laws for the relating to platting of
7 land and for sanitation and that no.

8 4. No material injury will result to the riparian rights of any riparian owners
9 on any body of water affected will result, the department shall issue a permit
10 authorizing the enlargement of the affected waterways of real property that abuts
11 any water body that is affected by the activity.

12 **SECTION 102.** 30.19 (4) (a) of the statutes is created to read:

13 30.19 (4) (a) For activities that are not exempt under sub. (1m) and that are
14 not subject to a general permit under sub. (3r), a person may apply to the department
15 for an individual permit in order to engage in an activity for which a permit is
16 required under sub. (1g).

17 **SECTION 103.** 30.19 (4) (b) of the statutes is created to read:

18 30.19 (4) (b) The notice and hearing provisions of s. 30.208 (3) to (5) apply to
19 an application under par. (a).

20 **SECTION 104.** 30.19 (4) (c) 1. of the statutes is created to read:

21 30.19 (4) (c) 1. The activity will not be detrimental to the public interest.

22 **SECTION 105.** 30.19 (5) of the statutes is amended to read:

23 30.19 (5) ~~CONDITIONS OF PERMIT~~ REQUIREMENT FOR PUBLIC ACCESS. The A permit
24 issued under this section to construct an artificial water body and to connect it to a
25 navigable waterway shall provide that all require that the navigable portion of the

1 ~~artificial waterways constructed under this section which are connected to navigable~~
2 ~~waterways shall be~~ water body be a public waterways waterway if the connecting
3 portion is navigable. The department may impose such further conditions in the
4 permit on public access as it finds reasonably necessary to protect public health,
5 safety, welfare, rights and interest and to protect private rights and property.

6 **SECTION 106.** 30.195 (1) of the statutes is amended to read:

7 30.195 (1) PERMIT REQUIRED. ~~No~~ Unless a permit has been issued under this
8 section or authorization has been granted by the legislature, no person may change
9 the course of or straighten a navigable stream without a permit issued under this
10 section or without otherwise being expressly authorized by statute to do so.

11 **SECTION 107.** 30.195 (2) of the statutes is repealed and recreated to read:

12 30.195 (2) INDIVIDUAL PERMITS. (a) A riparian owner shall apply to the
13 department for an individual permit in order to engage in activities for which a
14 permit is required under sub. (1).

15 (b) The notice and hearing provisions of s. 30.208 (3) to (5) apply to an
16 application under par. (a).

17 **SECTION 108.** 30.195 (3) (title) of the statutes is repealed.

18 **SECTION 109.** 30.195 (3) of the statutes is renumbered 30.195 (2) (c) and
19 amended to read:

20 30.195 (2) (c) ~~Upon application therefor, the~~ The department shall grant a
21 issue an individual permit to the applied for under this section to a riparian owner
22 if the department determines that all of the following apply:

23 1. The applicant is the owner of any land to change the course of or straighten
24 a upon which the change in course or straightening of the navigable stream on such
25 land, if such will occur.

1 2. The proposed change of course or straightening of the navigable stream will
2 improve the economic or aesthetic value of the owner's applicant's land and will,

3 3. The proposed change of course or straightening of the navigable stream will
4 not adversely affect the flood flow capacity of the stream or otherwise be detrimental
5 to ~~public rights or~~ the public interest.

6 4. The proposed change of course or straightening of the navigable stream will
7 not be detrimental to the rights of other riparians riparian owners located on the
8 stream. ~~If the department finds that the rights of such riparians will be adversely~~
9 ~~affected, it may grant the permit only with their consent. Such permit may be~~
10 ~~granted on the department's own motion after its own investigation or after public~~
11 ~~hearing and after giving prior notice of such investigation or hearing~~ or all of these
12 riparian owners have consented to the issuance of the permit.

13 **SECTION 110.** 30.196 (intro.) of the statutes is amended to read:

14 **30.196 Enclosure of navigable waters; issuance of permits to**
15 **municipalities.** (intro.) A municipality may enclose navigable waters by directing,
16 placing or restricting navigable waters into an enclosed drain, conduit, storm sewer
17 or similar structure if the department grants the municipality ~~a~~ an individual
18 permit. The department may grant this permit to a municipality after following the
19 notice and hearing requirements under s. ~~30.02 (3) and (4)~~ 30.208 (3) to (5) if it finds
20 that granting the permit:

21 **SECTION 111.** 30.20 (1) (title) of the statutes is repealed and recreated to read:

22 **30.20 (1)** (title) PERMITS OR CONTRACTS REQUIRED.

23 **SECTION 112.** 30.20 (1) (a) of the statutes is amended to read:

24 **30.20 (1)** (a) ~~No~~ Unless a contract has been entered into with the department
25 under sub. (2) (a) or (b) or authorization has been granted by the legislature, no

1 person may remove any material from the bed of any a natural navigable lake or from
2 the bed of any outlying waters of this state without first obtaining a contract as
3 provided in sub. (2).

4 **SECTION 113.** 30.20 (1) (b) of the statutes is amended to read:

5 30.20 (1) (b) ~~Except as provided under pars. (c) and (d),~~ Unless an individual
6 or a general permit has been issued by the department under this section or
7 authorization has been granted by the legislature, no person may remove any
8 material from the bed of any lake or navigable stream that is not mentioned
9 described under par. (a) ~~without first obtaining a permit from the department under~~
10 ~~sub. (2) (c).~~

11 **SECTION 114.** 30.20 (1) (c) 1. and 2. of the statutes are consolidated, renumbered
12 30.20 (1g) (a) 1. and amended to read:

13 30.20 (1g) (a) 1. ~~Except as provided under subd. 2., a person may remove~~ A
14 removal of material from the bed of a farm drainage ditch which was not a navigable
15 stream before ditching. ~~2. The department may require a permit under sub. (2) (c)~~
16 ~~for a removal under subd. 1. only if it is exempt from the individual and general~~
17 ~~permit requirements under this section unless the department finds that the~~
18 proposed removal may have a long-term adverse effect on cold-water fishery
19 resources or may destroy fish spawning beds or nursery areas.

20 **SECTION 115.** 30.20 (1) (c) 3. of the statutes is renumbered 30.20 (1g) (a) 2.

21 **SECTION 116.** 30.20 (1) (d) of the statutes is renumbered 30.20 (1g) (c) and
22 amended to read:

23 30.20 (1g) (c) ~~The~~ A removal of material by the drainage board for the Duck
24 Creek Drainage District may, without a permit under sub. (2) (c), remove material
25 from a drain that the board operates in the Duck Creek Drainage District is exempt

1 from the individual and general permit requirements under this section if the
2 removal is required, under rules promulgated by the department of agriculture,
3 trade and consumer protection, in order to conform the drain to specifications
4 imposed by the department of agriculture, trade and consumer protection after
5 consulting with the department of natural resources.

6 **SECTION 117.** 30.20 (1g) (title) and (b) of the statutes are created to read:

7 30.20 **(1g)** (title) EXEMPTIONS.

8 (b) A removal of material is exempt from the permit and contract requirements
9 under this section if the material does not contain hazardous substances, the
10 material is not being removed from an area of special natural resource interest, and
11 if any of the following applies:

12 1. The removal is the amount necessary to place or maintain a structure that
13 is exempt from any permitting requirements in this chapter.

14 2. The removal is by hand or by hand-held devices without the use or aid of
15 external or auxiliary power.

16 **SECTION 118.** 30.20 (1k) of the statutes is created to read:

17 30.20 **(1k)** RULES. (a) The department may promulgate rules concerning the
18 exempt activities under sub. (1g) that only do any of the following:

19 1. Establish reasonable procedures for undertaking the removal of material to
20 minimize environmental impacts.

21 2. Establish reasonable limitations on the location of the removal of material
22 at the site affected by the activity.

23 (b) Notwithstanding par. (a), the rules under par. (a) 1. may not establish
24 procedures that prohibit undertaking the removal of material or that render the
25 undertaking of the removal of material economically cost-prohibitive.

1 **SECTION 119.** 30.20 (1m) of the statutes is created to read:

2 **30.20 (1m)** PERMITS OR CONTRACTS IN LIEU OF EXEMPTIONS. The department may
3 decide to require that a person engaged in an activity that is exempt under sub. (1g)
4 apply for an individual permit or contract, or seek authorization under a general
5 permit if the department has conducted an investigation and visited the site of the
6 activity and has determined that conditions specific to the site require restrictions
7 on the activity in order to prevent any of the following:

8 (a) Significant adverse impacts to the public rights and interests.

9 (b) Environmental pollution, as defined in s. 299.01 (4).

10 (c) Material injury to the riparian rights of any riparian owner.

11 **SECTION 120.** 30.20 (1r) of the statutes is created to read:

12 **30.20 (1r)** EXEMPTION DETERMINATIONS. (a) A person may submit to the
13 department a written statement requesting that the department determine whether
14 a proposed activity is exempt under sub. (1g). The statement shall contain a
15 description of the proposed activity and site and shall give the department consent
16 to enter and inspect the site.

17 (b) The department shall do all of the following within 15 days after receipt of
18 a statement under par. (a).

19 1. Enter and inspect the site on which the activity is located, subject to s. 30.291,
20 if the department determines such an inspection is necessary.

21 2. Make a determination as to whether the activity is exempt.

22 3. Notify in writing the person submitting the statement of which general
23 permit or individual permit will be required, or whether a contract will be required,
24 if the department determines that the activity is not exempt.

1 (c) If the department does not take action under par. (b), the department may
2 not require at any time that the person proposing to engage in the activity apply for
3 an individual permit, seek authorization under a general permit, or apply to enter
4 a contract unless required to do so by a court or hearing examiner.

5 (d) If a statement under par. (a) is not given or if the statement does not give
6 consent to inspect, the 15-day time limit under par. (b) does not apply.

7 **SECTION 121.** 30.20 (1t) of the statutes is created to read:

8 30.20 (1t) GENERAL PERMITS. (a) The department shall issue statewide general
9 permits under s. 30.206 that authorize any person to remove material for
10 maintenance purposes from an area from which material has been previously
11 removed.

12 (am) No person may be authorized to proceed under a general permit issued
13 under par. (a) unless the person has demonstrated to the department that material
14 has been previously removed from the area for which the person has requested
15 authorization to proceed.

16 (b) The department may promulgate rules that specify other types of removals,
17 in addition to the one listed in par. (a), that may be authorized by statewide general
18 permits.

19 **SECTION 122.** 30.20 (2) (title) of the statutes is amended to read:

20 30.20 (2) (title) ~~CONTRACTS FOR REMOVAL~~ AND INDIVIDUAL PERMITS.

21 **SECTION 123.** 30.20 (2) (a) and (b) of the statutes are amended to read:

22 30.20 (2) (a) The department, ~~whenever consistent with public rights,~~ may
23 enter into ~~contracts~~ a contract on behalf of the state for the removal and lease or sale
24 of any material from the bed of any navigable lake or of any ~~of the~~ outlying waters,
25 ~~and for the lease or sale of the material.~~ Every if the contract is consistent with public

1 rights. A person seeking to enter into such a contract shall apply to the department.
2 Each contract entered into under this paragraph shall contain such any conditions
3 as may be that the department determines are necessary for the protection of the
4 public interest and the interests of the state and. Each contract entered into under
5 this paragraph shall also fix the amount of compensation to be paid to the state for
6 the material so to be removed, except that no the contract may not require that any
7 compensation may be paid for the material if the contract is with a municipality as
8 defined in s. 281.01 (6) and the material is to be used for a municipal purpose and
9 not for resale. No if the material will not be resold. Each contract entered into under
10 this paragraph may not run for a longer period more than 5 years. The department
11 may allow one extension of a contract entered into under this paragraph, upon
12 application to the department. The extension shall be for the same period as the
13 original contract.

14 (b) ~~The department, whenever consistent with public rights, may enter into~~
15 ~~contracts a contract on behalf of the state for the removal and lease or sale of any~~
16 ~~mineral, ore and, or other material from beneath the bed of a navigable lakes and~~
17 ~~waters, where the waters would water that the state may own if the contract will be~~
18 ~~consistent with public rights and if the navigable water will not be disturbed in the~~
19 ~~removal operation and for the lease and sale of such mineral, material and ore and~~
20 ~~provide the necessary regulations for all acts incident thereto. Every such. A person~~
21 ~~seeking to enter into such a contract shall apply to the department. Each contract~~
22 ~~entered into under this paragraph shall contain such any conditions as may be that~~
23 ~~the department determines are necessary for the protection of the public interest and~~
24 ~~the interests interest of the state, and. Each contract entered into under this~~
25 ~~paragraph shall also fix the compensation to be paid to the state for the material,~~

1 ~~mineral and ore so~~ mineral, ore, or other material to be removed. No Each contract
2 entered into, pursuant to under this paragraph, shall may not run for ~~a longer period~~
3 more than 75 years. Should any doubt exist as to whether the state, in fact, owns
4 such lake bed or stream bed such contract or lease shall be for such interests, if any,
5 as the state may own. Title to the royalties to be paid when mining operations are
6 begun shall be determined at such future time as royalties for ores so sold are paid
7 or are due and payable.

8 **SECTION 124.** 30.20 (2) (bn) of the statutes is created to read:

9 30.20 (2) (bn) For a removal that is not exempt under sub. (1g) and that is not
10 subject to a general permit under sub. (1t), a person may apply to the department for
11 an individual permit that is required under sub. (1) (b) in order to remove material
12 from the bed of any lake or stream not described under sub. (1) (a).

13 **SECTION 125.** 30.20 (2) (c) of the statutes is amended to read:

14 30.20 (2) (c) ~~A permit to remove material from the bed of any lake or stream~~
15 ~~not included in sub. (1) (a) may be issued by the department if it~~ The department
16 shall issue an individual permit pursuant to an application under par. (bn) if the
17 department finds that the issuance of such a ~~the~~ permit will be consistent with the
18 public interest in the ~~water involved.~~ ~~A permit or contract issued under this~~
19 ~~paragraph may be issued for up to 10 years if the applicant notifies the department~~
20 ~~at least 30 days before removing any material~~ lake or stream.

21 **SECTION 126.** 30.20 (2) (d) of the statutes is created to read:

22 30.20 (2) (d) If an applicant for a permit under par. (bn) submits the application
23 at least 30 days before the proposed date of the removal, the department may issue
24 the permit for a period of up to 10 years. The department may allow one extension

1 of a permit issued under this paragraph, upon application to the department. The
2 extension shall be for the same period of time as the original permit.

3 **SECTION 127.** 30.20 (2) (e) of the statutes is created to read:

4 30.20 (2) (e) The notice and hearing provisions of s. 30.208 (3) to (5) apply to
5 an application for a permit or contract under this subsection.

6 **SECTION 128.** 30.201 of the statutes is created to read:

7 **30.201 Financial assurance for nonmetallic mining. (1)** If the
8 department requires that financial assurance be provided as a condition for a permit
9 under s. 30.19, 30.195, or 30.20 or for a contract under s. 30.20 for nonmetallic mining
10 and reclamation, the financial assurance may be a bond or alternative financial
11 assurance. An alternative financial assurance may include cash or any of the
12 following:

13 (a) A certificate of deposit.

14 (b) An irrevocable letter of credit.

15 (c) An irrevocable trust.

16 (d) An escrow account.

17 (e) A government security.

18 (f) Any other demonstration of financial responsibility.

19 **(2)** Any interest earned by the financial assurance shall be paid to the person
20 operating the nonmetallic mining or reclamation project.

21 **SECTION 129.** 30.2022 (title) of the statutes is created to read:

22 **30.2022 (title) Activities of department of transportation.**

23 **SECTION 130.** 30.2026 (2) (d) of the statutes is amended to read:

1 30.2026 **(2)** (d) The village of Belleville shall create any artificial barrier under
2 this section in compliance with all state laws that relate to navigable bodies of water,
3 except s. 30.12 ~~(1) and (2)~~.

4 **SECTION 131.** 30.2026 (3) (a) of the statutes is amended to read:

5 30.2026 **(3)** (a) The village of Belleville shall maintain any artificial barrier
6 created as authorized under sub. (1). If a landowner of more than 500 feet of Lake
7 Belle View shoreline, a portion of which is located within 1,000 feet of any such
8 artificial barrier, is dissatisfied with the manner in which the village of Belleville is
9 maintaining the barrier, the owner may maintain the barrier in lieu of the village,
10 upon approval of the department. The village or a landowner who maintains the
11 barrier shall comply with all state laws that relate to navigable bodies of water,
12 except s. 30.12 ~~(1) and (2)~~. The department may require the village of Belleville or
13 the landowner to maintain the barrier in a structurally and functionally adequate
14 condition.

15 **SECTION 132.** 30.206 (1) (title) of the statutes is created to read:

16 30.206 **(1)** (title) PROCEDURE FOR ISSUING GENERAL PERMITS.

17 **SECTION 133.** 30.206 (1) of the statutes is renumbered 30.206 (1) (a) and
18 amended to read:

19 30.206 **(1)** (a) ~~For activities which require a permit or approval under ss. 30.12~~
20 ~~(3) (a) and 30.19 (1) (a), the department may issue a general permit authorizing a~~
21 ~~class of activities, according to rules promulgated by the department. Before issuing~~
22 ~~general permits, the department shall determine after an environmental analysis~~
23 ~~and notice and hearing under ss. 227.17 and 227.18, that. The department shall~~
24 issue the statewide general permits as rules promulgated under ch. 227 required
25 under ss. 30.12 (3) (a), 30.123 (7) (a), and 30.20 (1t) (a). The statewide general

1 permits required under ss. 30.12 (3) (a), 30.123 (7) (a), and 30.20 (1t) (a) shall be
2 promulgated within 540 days after the effective date of this paragraph [revisor
3 inserts date]. The department shall submit in proposed form the rule containing the
4 statewide general permit under s. 30.19 (3r) (a) and the rule under s. 30.19 (1d) to
5 the legislative council staff under section 227.15 (1) no later than the first day of the
6 6th month beginning after the effective date of this paragraph[revisor inserts
7 date]. General permits issued under s. 30.206, 2001 stats., shall remain valid until
8 the date upon which the rules issuing these statewide general permits are
9 promulgated under this paragraph.

10 (c) To ensure that the cumulative adverse environmental impact of the class
11 of activity activities authorized by a general permit is insignificant and that the
12 issuance of the general permit will not injure public rights or ~~interest~~ interests, cause
13 environmental pollution, as defined in s. 299.01 (4), or result in material injury to the
14 rights of any riparian owner, the department may impose any of the following
15 conditions on the permit:

16 **SECTION 134.** 30.206 (1) (c) 1. to 3. of the statutes are created to read:

17 30.206 (1) (c) 1. Construction and design requirements that are consistent with
18 the purpose of the activity authorized under the permit.

19 2. Location requirements that ensure that the activity will not materially
20 interfere with navigation or have an adverse impact on the riparian property rights
21 of adjacent riparian owners.

22 3. Restrictions to protect areas of special natural resource interest.

23 **SECTION 135.** 30.206 (2) of the statutes is repealed.

24 **SECTION 136.** 30.206 (3) (title) of the statutes is created to read:

1 30.206 (3) (title) PROCEDURES FOR CONDUCTING ACTIVITIES UNDER GENERAL
2 PERMITS.

3 **SECTION 137.** 30.206 (3) of the statutes is renumbered 30.206 (3) (a) and
4 amended to read:

5 30.206 (3) (a) A person wishing to proceed with an activity that may be
6 authorized by a general permit shall apply to the department, with written
7 notification of the person's wish to proceed, not less than 20 business 30 days before
8 commencing the activity authorized by a general permit. The department may
9 request additional information from the applicant notification shall provide
10 information describing the activity in order to allow the department to determine
11 whether the activity is within the scope of a authorized by the general permit and
12 shall inform the applicant in writing of its determination within 10 business days
13 after receipt of adequate information give the department consent to enter and
14 inspect the site, subject to s. 30.291. The department may make a request for
15 additional information one time during the 30-day period. If the department makes
16 a request for additional information, the 30-day period is tolled from the date the
17 person applying for authorization to proceed receives the request until the date on
18 which the department receives the information.

19 **SECTION 138.** 30.206 (3) (c) of the statutes is created to read:

20 30.206 (3) (c) Upon completion of an activity that the department has
21 authorized under a general permit, the applicant for the general permit shall provide
22 to the department a statement certifying that the activity is in compliance with all
23 of the conditions of the general permit and a photograph of the activity.

24 **SECTION 139.** 30.206 (3m) of the statutes is repealed.

25 **SECTION 140.** 30.206 (3r) of the statutes is created to read:

1 **30.206 (3r)** INDIVIDUAL PERMIT IN LIEU OF GENERAL PERMIT. (a) The department
2 may decide to require a person who has applied under sub. (3) for authorization to
3 proceed under a general permit to apply for and be issued an individual permit or be
4 granted a contract if either of the following applies:

5 1. The department determines that the proposed activity is not authorized
6 under the general permit.

7 2. The department has conducted an investigation and visited the site and has
8 determined that conditions specific to the site require restrictions on the activity in
9 order to prevent significant adverse impacts to the public rights and interest,
10 environmental pollution, as defined in s. 299.01 (4), or material injury to the riparian
11 rights of any riparian owner.

12 (b) A decision by the department to require an individual permit under this
13 subsection shall be in writing.

14 **SECTION 141.** 30.206 (4) of the statutes is renumbered 30.206 (3) (b) and
15 amended to read:

16 **30.206 (3) (b)** ~~Upon receipt of the department's determination that the~~
17 ~~proposed activity is authorized by a general permit, If within 30 days after a~~
18 notification under par. (a) is submitted to the department the department does not
19 require any additional information about the activity that is subject to the
20 notification and does not inform the applicant that an individual permit will be
21 required, the activity will be considered to be authorized by the general permit and
22 the applicant may proceed without further notice, hearing, permit or approval if the
23 activity is carried out in compliance with all of the conditions of the general permit.

24 **SECTION 142.** 30.206 (5) (title) of the statutes is created to read:

25 **30.206 (5) (title)** FAILURE TO FOLLOW PROCEDURAL REQUIREMENTS.

1 **SECTION 143.** 30.206 (6) of the statutes is amended to read:

2 30.206 (6) REQUEST FOR INDIVIDUAL PERMIT. A person proposing an activity for
3 which a general permit has been issued may request an individual permit under the
4 applicable provisions of this ~~chapter~~ subchapter or ch. 31 in lieu of seeking
5 authorization under the general permit.

6 **SECTION 144.** 30.206 (7) of the statutes is amended to read:

7 30.206 (7) This section does not apply to an application for a general permit for
8 the Wolf River and Fox River basin area or any area designated under s. 30.207 (1m)
9 ~~if the application for the general permit may be submitted under s. 30.207.~~

10 **SECTION 145.** 30.207 (1) of the statutes is amended to read:

11 30.207 (1) GEOGRAPHICAL AREA. For purposes of this section and s. ~~30.12 (3) (bt)~~
12 30.2023, the Wolf River and Fox River basin area consists of all of Winnebago County;
13 the portion and shoreline of Lake Poygan in Waushara County; the area south of
14 STH 21 and east of STH 49 in Waushara County; that portion of Calumet County in
15 the Lake Winnebago watershed; all of Fond du Lac County north of STH 23; that
16 portion of Outagamie County south and east of USH 41; that portion of Waupaca
17 County that includes the town of Mukwa, city of New London, town of Caledonia,
18 town of Fremont; and the portion and shoreline of Partridge Lake and the Wolf River
19 in the town of Weyauwega.

20 **SECTION 146.** 30.207 (3) (d) 2. of the statutes is amended to read:

21 30.207 (3) (d) 2. Specify the department's plans for proceeding on the
22 application. ~~The plans shall include a timetable for the notice and hearing required~~
23 ~~under sub. (4).~~

24 **SECTION 147.** 30.207 (4) (b) of the statutes is repealed.

25 **SECTION 148.** 30.207 (5) of the statutes is repealed.

1 **SECTION 149.** 30.208 of the statutes is created to read:

2 **30.208 Applications for individual permits and contracts; department**
3 **determinations. (1) APPLICATION REQUIRED.** A person who seeks to obtain or modify
4 an individual permit under this subchapter or to enter into a contract under s. 30.20
5 shall submit an application to the department. The application may contain a
6 request for a public hearing on the application.

7 **(3) NOTICE OF COMPLETE APPLICATION; REQUEST FOR PUBLIC HEARING; DECISION. (a)**
8 Upon determination by the department that an application submitted under sub. (1)
9 is complete, the department shall provide notice of complete application to interested
10 and potentially interested members of the public, as determined by the department.
11 The department shall provide the notice within 15 days after the determination that
12 the application is complete. If the applicant has requested a public hearing as part
13 of the submitted application, a notice of public hearing shall be part of the notice of
14 complete application.

15 (b) If the notice of complete application does not contain a notice of public
16 hearing, any person may request a public hearing in writing or the department may
17 decide to hold a public hearing without a request being submitted if the department
18 determines that there is a significant public interest in holding a hearing.

19 (c) A request for a public hearing under par. (b) must be submitted to the
20 department or the department's decision to hold a public hearing must occur within
21 30 days after the department completes providing the notice of complete application.
22 The department shall provide notice of public hearing within 15 days after the
23 request for public hearing is submitted or the department makes its determination.

24 (d) The department shall hold a public hearing within 30 days after the notice
25 of hearing has been provided under par. (a) or (c).

1 (e) Within 30 days after the public hearing is held or, if no public hearing is held,
2 within 30 days of the 30-day comment period under sub. (4) (a), the department shall
3 render a decision, issuing, denying, or modifying the permit or approving the
4 contract that is the subject of the application submitted under sub. (1).

5 **(4) PUBLIC COMMENT.** (a) The department shall provide a period for public
6 comment after the department has provided a notice of complete application under
7 sub. (3) (a), during which time any person may submit written comments with
8 respect to the application for the permit or contract. The department shall retain all
9 of the written comments submitted during this period and shall consider all of the
10 comments in the formulation of the final decision on the application. The period for
11 public comment shall end on the 30th day following the date on which the
12 department completes providing the notice of complete application, except as
13 provided in par. (b).

14 (b) If a public hearing is held, the period for public comment shall end on the
15 10th day following the date on which the public hearing is completed.

16 (d) The department shall promulgate rules to establish procedures for the
17 conduct of public hearings held under this subsection. Notwithstanding s. 227.42,
18 a public hearing held under this subsection shall be an informational hearing and
19 may not be treated as, nor converted to, a contested case under s. 227.01 (3).

20 **(5) NOTICE REQUIREMENTS.** (a) The department shall, by rule, establish
21 procedures for providing notices of complete applications and notices of public
22 hearings to be provided under sub. (3), and notices of administrative hearings to be
23 provided under s. 30.209 (1m). The procedures shall require all of the following:

- 24 1. That the notice be published as a class 1 notice under ch. 985.
- 25 2. That the notice be mailed to any person or group upon request.

1 (b) The department shall, by rule, prescribe the form and content of notices of
2 complete applications and notices of public hearings to be provided under sub. (3),
3 and notices of administrative hearings to be provided under s. 30.209 (1m). Each
4 notice shall include all of the following information:

5 1. The name and address of each applicant or permit holder.

6 2. A brief description of each applicant's activity or project that requires the
7 permit.

8 3. The name of the waterway in or for which the activity or project is planned.

9 4. For a notice of complete application and a notice of public hearing under sub.
10 (3), a statement of the tentative determination to issue, modify, or deny a permit for
11 the activity or project described in the application.

12 5. For a notice of complete application and a notice of public hearing under sub.
13 (3), a brief description of the procedures for the formulation of final determinations,
14 including a description of the comment period required under sub. (4).

15 (c) The department may delegate the department's requirement to provide
16 notice under sub. (3) or s. 30.209 (1m) by doing any of the following:

17 1. Requiring that the applicant for the permit or contract provide by
18 publication, mailing, or other distribution one or more of the notices.

19 2. That the applicant for the permit or contract pay for the publication, mailing,
20 or any other distribution costs of providing one or more of the notices.

21 **SECTION 150.** 30.209 of the statutes is created to read:

22 **30.209 Contracts and individual permits; administrative and judicial**
23 **review. (1)** In this section, "applicant" means any person applying to receive a
24 permit or contract under this subchapter or any person who has received a permit
25 or contract under this subchapter.

1 **(1m)** REQUEST FOR ADMINISTRATIVE REVIEW. (a) Any interested person may file
2 a petition with the department for administrative review within 30 days after any
3 of the following decisions given by the department:

4 1. The issuance, denial, or modification of any individual permit issued under
5 or contract entered into this subchapter.

6 2. The imposition of, or failure to impose, a term or condition on any individual
7 permit issued or contract entered into under this subchapter.

8 (b) If the petitioner is not the applicant, the petition shall describe the
9 petitioner's objection to the permit or contract and shall contain all of the following:

10 1. A description of the objection that is sufficiently specific to allow the
11 department to determine which provisions of this subchapter may be violated if the
12 proposed activity or project under the permit or contract is allowed to proceed.

13 2. A description of the facts supporting the petition that is sufficiently specific
14 to determine how the petitioner believes the activity or project, as proposed, may
15 result in a violation of the provisions of this subchapter.

16 3. A commitment by the petitioner to appear at the administrative hearing and
17 present information supporting the petitioner's objection.

18 (c) The activity or project shall be stayed pending an administrative hearing
19 under this section, if the petition contains a request for the stay showing that a stay
20 is necessary to prevent irreversible harm to the environment.

21 (d) If a stay is requested under par. (c), the stay shall be in effect until either
22 the department denies the request for an administrative hearing or the hearing
23 examiner determines that the stay is not necessary.

24 (e) The petitioner shall file a copy of the petition with the department. If the
25 petitioner is not the applicant, the petitioner shall simultaneously provide a copy of

1 the petition to the applicant. The applicant may file a response to the petition with
2 the department. If the applicant files a response under this paragraph, it shall be
3 filed within 15 days after the petition is filed.

4 (f) The department shall grant or deny the petition within 30 days after the
5 petition is filed. The failure of the department to dispose of the petition within this
6 30-day period is a denial. The department shall deny the petition if any of the
7 following applies:

8 1. The petitioner is not the applicant and the petition does not comply with the
9 requirements of par. (b).

10 2. The objection contained in the petition is not substantive. The department
11 shall determine that an objection is substantive if the supporting facts contained in
12 the objection appear to be substantially true and raise reasonable grounds to believe
13 that the provisions of this subchapter may be violated if the activity or project is
14 undertaken.

15 (fm) If the department denies the petition, the department shall send the
16 petitioner the denial in writing, stating the reasons for the denial.

17 (g) If the department grants a petition under this subsection, the department
18 shall refer the matter to the division of hearings and appeals in the department of
19 administration within 15 days after granting the petition unless the petitioner and
20 the applicant agree to an extension.

21 **(2)** ADMINISTRATIVE HEARINGS. (a) An administrative hearing under this
22 subsection shall be treated as a contested case under ch. 227.

23 (b) If a stay under sub. (1) (c) is in effect, the hearing examiner shall, within
24 30 days after receipt of the referral under sub. (1) (g), determine whether
25 continuation of the stay is necessary to prevent significant adverse impacts or

1 irreversible harm to the environment pending completion of the hearing. The
2 hearing examiner shall make the determination based on the request under sub. (1)
3 (c), any response from the applicant under sub. (1) (e), and any testimony at a public
4 hearing or any public comments. The determination shall be made without a
5 hearing.

6 (c) A hearing under this section shall be completed within 90 days after receipt
7 of the referral of the petition under sub. (1) (g), unless all parties agree to an
8 extension of that period. In addition, a hearing examiner may grant a one-time
9 extension for the completion of the hearing of up to 60 days on the motion of any party
10 and a showing of good cause demonstrating extraordinary circumstances justifying
11 an extension.

12 (d) Notwithstanding s. 227.44 (1), the department shall provide a notice of the
13 hearing at least 30 days before the date of the hearing to all of the following:

- 14 1. The applicant.
- 15 2. Each petitioner, if other than the applicant.
- 16 3. Any other persons required to receive notice under the rules promulgated
17 under s. 30.208 (5).

18 **(3) JUDICIAL REVIEW.** (a) Any person whose substantial interest is affected by
19 a decision of the department under sub. (1m) (a) 1. or 2. may commence an action in
20 circuit court to review that decision.

21 (b) Any party aggrieved by a decision of a hearing examiner under sub. (2) may
22 commence an action in circuit court to review that decision.

23 **SECTION 151.** 30.28 (3) (a) of the statutes is renumbered 30.28 (3).

24 **SECTION 152.** 30.28 (3) (b) of the statutes is repealed.

25 **SECTION 153.** 30.285 of the statutes is created to read:

1 **30.285 Records of exemptions and permitted activities. (1)** On an
2 annual basis, the department shall keep records of all of the following

3 (a) The number of exempted activities that are conducted under ss. 30.12 (1g),
4 30.123 (6), 30.19 (1m), and 30.20 (1g) of which the department is aware.

5 (b) The number of exemptions under par. (a) for which the department required
6 applications for individual permits or contracts.

7 (c) The number of exemptions under par. (a) for which the department required
8 applications to seek authorizations to proceed under general permits.

9 (d) The number of activities that are authorized under general permits for
10 which the department requires applications for individual permits or contracts.

11 **(2)** For each record kept under sub. (1) (b) to (d), the department shall include
12 all of the following:

13 (a) The type of permit or contract application required.

14 (b) The date of the application.

15 (c) The date of the department's decision whether to issue the individual
16 permit, grant authorization under the general permit, or to grant the contract.

17 (d) The county in which the activity or project is located.

18 **SECTION 154.** 30.29 (3) (d) of the statutes is amended to read:

19 30.29 **(3)** (d) *Activities for which a permit is issued.* A person or agent of a person
20 who is ~~issued a permit by the department while the person or agent is engaged in~~
21 ~~activities related to the purpose for which the permit is issued~~ as authorized under
22 a general or individual permit issued under this subchapter or as authorized under
23 a contract entered into under this subchapter.

24 **SECTION 155.** 30.291 of the statutes is created to read:

1 **30.291 Inspections for certain exemptions and permitted activities. (1)**

2 For purposes of determining whether an exemption is appropriate under s. 30.12
3 (2m) or (2r), 30.123 (6m) or (6r), or 30.20 (1m) or (1r), whether a general permit is
4 appropriate under s. 30.206 (3), or whether authorization to proceed under a general
5 permit is appropriate under s. 30.206 (3r), any employee or other representative of
6 the department, upon presenting his or her credentials, may enter the site and
7 inspect any property on the site.

8 **(3)** The department shall provide reasonable advance notice, before entering
9 the site and inspecting the property.

10 **(4)** If the owner of the site refuses to give consent for an entry and inspection
11 to determine whether authorization to proceed under a general permit is appropriate
12 under s. 30.206 (3r), the department shall deny authorization to proceed under the
13 general permit and shall allow an application to be submitted for an individual
14 permit for the activity.

15 **SECTION 156.** 30.298 (3) of the statutes is amended to read:

16 30.298 **(3)** Any person who violates a general permit under s. 30.206 shall
17 forfeit not less than \$10 nor more than \$500 for the first offense and shall forfeit not
18 less than \$50 nor more than \$500 upon conviction of the same offense a 2nd or
19 subsequent time.

20 **SECTION 157.** 84.18 (6) of the statutes is amended to read:

21 84.18 **(6)** EXECUTION AND CONTROL OF WORK. Subject to s. ~~30.12 (4)~~ 30.2022 and
22 the control exercised by the United States, the construction under this section of any
23 local bridge project shall be wholly under the supervision and control of the
24 department. The secretary shall make and execute all contracts and have complete
25 supervision over all matters pertaining to such construction and shall have the

1 power to suspend or discontinue proceedings or construction relative to any bridge
2 project at any time in the event any county, city, village or town fails to pay the
3 amount required of it for any project eligible for construction under this section, or
4 if the secretary determines that sufficient funds to pay the state's part of the cost of
5 such bridge project are not available. All moneys provided by counties, cities,
6 villages and towns shall be deposited in the state treasury, when required by the
7 secretary, and paid out on order of the secretary. Any of the moneys deposited for a
8 project eligible for construction under this section which remain in the state treasury
9 after the completion of the project shall be repaid to the respective county, city, village
10 or town in proportion to the amount each deposited.

11 **SECTION 158.** 227.135 (1) (f) of the statutes is created to read:

12 227.135 (1) (f) A summary and preliminary comparison of any existing or
13 proposed federal regulation that is intended to address the activities to be regulated
14 by the rule.

15 **SECTION 159.** 227.137 of the statutes is created to read:

16 **227.137 Economic impact reports of proposed rules. (1)** In this section,
17 "agency" means the departments of agriculture, trade, and consumer protection;
18 commerce; natural resources; transportation; and workforce development.

19 **(2)** After an agency publishes a statement of the scope of a proposed rule under
20 s. 227.135, and before the agency submits the proposed rule to the legislative council
21 for review under s. 227.15, a municipality, an association that represents a farm,
22 labor, business, or professional group, or 5 or more persons that would be directly and
23 uniquely affected by the proposed rule may submit a petition to the department of
24 administration asking that the secretary of administration direct the agency to
25 prepare an economic impact report for the proposed rule. The agency shall prepare

1 an economic impact report before submitting the proposed rule to the legislative
2 council staff under s. 227.15 if the secretary of administration directs the agency to
3 prepare that report. The secretary of administration may direct the agency to
4 prepare an economic impact report for the proposed rule before submitting the
5 proposed rule to the legislative council staff under s. 227.15. The secretary of
6 administration shall direct the agency to prepare an economic impact report for the
7 proposed rule before submitting the proposed rule to the legislative council staff
8 under s. 227.15 if the secretary determines that all of the following apply:

9 (a) The petition was submitted to the department of administration no later
10 than 90 days after the publication of the statement of the scope of the proposed rule
11 under s. 227.135 (3) or no later than 10 days after publication of the notice for a public
12 hearing under s. 227.17, whichever is earlier.

13 (b) The proposed rule would cost affected persons \$20 million or more during
14 each of the first 5 years after the rule's implementation to comply with the rule, or
15 the rule would adversely affect in a material way the economy, a sector of the
16 economy, productivity, competition, jobs, the environment, public health or safety, or
17 state, local, or tribal governments or communities.

18 **(3)** An economic impact report shall contain information on the effect of the
19 proposed rule on specific businesses, business sectors, and the state's economy.
20 When preparing the report, the agency shall solicit information and advice from the
21 department of commerce, and from governmental units, associations, businesses,
22 and individuals that may be affected by the proposed rule. The agency may request
23 information that is reasonably necessary for the preparation of an economic impact
24 report from other state agencies, governmental units, associations, businesses, and
25 individuals. The economic impact report shall include all of the following:

1 (a) An analysis and quantification of the problem, including any risks to public
2 health or the environment, that the rule is intending to address.

3 (b) An analysis and quantification of the economic impact of the rule, including
4 costs reasonably expected to be incurred by the state, governmental units,
5 associations, businesses, and affected individuals.

6 (c) An analysis of benefits of the rule, including how the rule reduces the risks
7 and addresses the problems that the rule is intended to address.

8 **(4)** The agency shall submit the economic impact report to the legislative
9 council staff, to the department of administration, and to the petitioner.

10 **(5)** This section does not apply to emergency rules promulgated under s.
11 227.24.

12 **SECTION 160.** 227.138 of the statutes is created to read:

13 **227.138 Department of administration review of proposed rules. (1)**

14 In this section:

15 (a) "Agency" has the meaning given in s. 227.137 (1).

16 (b) "Department" means the department of administration.

17 (c) "Economic impact report" means a report prepared under s. 227.137.

18 **(2)** If an economic impact report will be prepared under s. 227.137 (2) regarding
19 a proposed rule, the department shall review the proposed rule and issue a report.
20 The agency shall not submit a proposed rule to the legislative council staff for review
21 under s. 227.15 (1) until the agency receives a copy of the department's report and
22 the approval of the secretary of administration. The report shall include all of the
23 following findings:

24 (a) That the economic impact report and the analysis required under s. 227.137

25 **(3)** are supported by related documentation contained in the economic impact report.

1 (b) That the agency has statutory authority to promulgate the proposed rule.

2 (c) That the proposed rule, including any administrative requirements, is
3 consistent with and not duplicative of other state rules or federal regulations.

4 (d) That the agency has adequately documented the factual data and analytical
5 methodologies that the agency used in support of the proposed rule and the related
6 findings that support the regulatory approach that the agency chose for the proposed
7 rule.

8 **(3)** Before issuing a report under sub. (2), the department may return a
9 proposed rule to the agency for further consideration and revision with a written
10 explanation of why the proposed rule is returned. If the agency head disagrees with
11 the department's reasons for returning the proposed rule, the agency head shall so
12 notify the department in writing. The secretary of administration shall approve the
13 proposed rule when the agency has adequately addressed the issues raised during
14 the department's review of the rule.

15 **(4)** No person is entitled to judicial review of any action taken by the
16 department under this section.

17 **SECTION 161.** 227.14 (2) (a) of the statutes is amended to read:

18 227.14 **(2)** (a) An agency shall prepare in plain language an analysis of each
19 proposed rule, which shall be printed with the proposed rule when it is published or
20 distributed. The analysis shall include ~~a~~ all of the following:

21 1. A reference to each statute that the proposed rule interprets, each statute
22 that authorizes its promulgation, each related statute or related rule, and ~~a~~ an
23 explanation of the agency's authority to promulgate the proposed rule under those
24 statutes.

25 2. A brief summary of the proposed rule.

1 **SECTION 162.** 227.14 (2) (a) 3. of the statutes is created to read:

2 227.14 **(2)** (a) 3. A summary of and preliminary comparison with any existing
3 or proposed federal regulation that is intended to address the activities to be
4 regulated by the proposed rule.

5 **SECTION 163.** 227.14 (2) (a) 4. of the statutes is created to read:

6 227.14 **(2)** (a) 4. A comparison of similar rules in adjacent states.

7 **SECTION 164.** 227.14 (2) (a) 5. of the statutes is created to read:

8 227.14 **(2)** (a) 5. A summary of the factual data and analytical methodologies
9 that the agency used in support of the proposed rule and how any related findings
10 support the regulatory approach chosen for the proposed rule.

11 **SECTION 165.** 227.14 (2) (a) 6. of the statutes is created to read:

12 227.14 **(2)** (a) 6. Any analysis and supporting documentation that the agency
13 used in support of the agency's determination of the rule's effect on small businesses
14 under s. 227.114 or that was used when the agency prepared an economic impact
15 report under s. 227.137 (3).

16 **SECTION 166.** 227.14 (4) (b) 3. of the statutes is created to read:

17 227.14 **(4)** (b) 3. For rules that the agency determines may have a significant
18 fiscal effect on the private sector, the anticipated costs that will be incurred by the
19 private sector in complying with the rule.

20 **SECTION 167.** 227.19 (3) (intro.) of the statutes is amended to read:

21 227.19 **(3)** FORM OF REPORT. (intro.) The report required under sub. (2) shall be
22 in writing and shall include the proposed rule in the form specified in s. 227.14 (1),
23 the material specified in s. 227.14 (2) to (4), a copy of any economic impact report
24 prepared by the agency under s. 227.137, a copy of any report prepared by the

1 department of administration under s. 227.138, a copy of any recommendations of
2 the legislative council staff, and an analysis. The analysis shall include:

3 **SECTION 168.** 227.19 (3) (a) of the statutes is amended to read:

4 227.19 (3) (a) A detailed statement explaining the need for basis and purpose
5 of the proposed rule, including how the proposed rule advances relevant statutory
6 goals or purposes.

7 **SECTION 169.** 227.19 (3) (b) of the statutes is amended to read:

8 227.19 (3) (b) ~~An~~ A summary of public comments to the proposed rule and the
9 agency's response to those comments, and an explanation of any modification made
10 in the proposed rule as a result of public comments or testimony received at a public
11 hearing.

12 **SECTION 170.** 227.19 (3) (cm) of the statutes is created to read:

13 227.19 (3) (cm) Any changes to the analysis prepared under s. 227.14 (2) or the
14 fiscal estimate prepared under s. 227.14 (4).

15 **SECTION 171.** 227.43 (1g) of the statutes is created to read:

16 227.43 (1g) The administrator of the division of hearings and appeals shall
17 establish a system for assigning hearing examiners to preside over any hearing
18 under this section. The system shall ensure, to the extent practicable, that hearing
19 examiners are assigned to different subjects on a rotating basis. The system may
20 include the establishment of pools of examiners responsible for certain subjects.

21 **SECTION 172.** 227.44 (2) (d) of the statutes is created to read:

22 227.44 (2) (d) If the subject of the hearing is a decision of the department of
23 natural resources or the department of transportation, the name and title of the
24 person who will conduct the hearing.

25 **SECTION 173.** 227.483 of the statutes is created to read:

1 **227.483 Costs upon frivolous claims. (1)** If a hearing examiner finds, at
2 any time during the proceeding, that an administrative hearing commenced or
3 continued by a petitioner or a claim or defense used by a party is frivolous, the
4 hearing examiner shall award the successful party the costs and reasonable attorney
5 fees that are directly attributable to responding to the frivolous petition, claim, or
6 defense.

7 **(2)** If the costs and fees awarded under sub. (1) are awarded against the party
8 other than a public agency, those costs may be assessed fully against either the party
9 or the attorney representing the party or may be assessed so that the party and the
10 attorney each pay a portion of the costs and fees.

11 **(3)** To find a petition for a hearing or a claim or defense to be frivolous under
12 sub. (1), the hearing examiner must find at least one of the following:

13 (a) That the petition, claim, or defense was commenced, used, or continued in
14 bad faith, solely for purposes of harassing or maliciously injuring another.

15 (b) That the party or the party's attorney knew, or should have known, that the
16 petition, claim, or defense was without any reasonable basis in law or equity and
17 could not be supported by a good faith argument for an extension, modification, or
18 reversal of existing law.

19 **SECTION 174.** 227.53 (1) (a) 3. of the statutes is amended to read:

20 227.53 **(1)** (a) 3. If the petitioner is a resident, the proceedings shall be held in
21 the circuit court for the county where the petitioner resides, except that if the
22 petitioner is an agency, the proceedings shall be in the circuit court for the county
23 where the respondent resides and except as provided in ss. 73.0301 (2) (b) 2., 77.59
24 (6) (b), 182.70 (6), and 182.71 (5) (g). ~~The proceedings shall be in the circuit court for~~
25 ~~Dane County if~~ If the petitioner is a nonresident, the proceedings shall be held in the

1 county where the property affected by the decision is located or, if no property is
2 affected, in the county where the dispute arose. If all parties stipulate and the court
3 to which the parties desire to transfer the proceedings agrees, the proceedings may
4 be held in the county designated by the parties. If 2 or more petitions for review of
5 the same decision are filed in different counties, the circuit judge for the county in
6 which a petition for review of the decision was first filed shall determine the venue
7 for judicial review of the decision, and shall order transfer or consolidation where
8 appropriate.

9 **SECTION 175.** 236.16 (3) (d) (intro.) of the statutes is amended to read:

10 236.16 (3) (d) (intro.) All of the owners of all of the land adjacent to a public
11 access established under par. (a) to an inland lake, as defined in s. 30.92 (1) (bk), may
12 petition the city, village, town or county that owns the public access to construct
13 shoreline erosion control measures. Subject to par. (e), the city, village, town or
14 county shall construct the requested shoreline erosion control measures or request
15 the department of natural resources to determine the need for shoreline erosion
16 control measures. Upon receipt of a request under this paragraph from a city, village,
17 town or county, the department of natural resources shall follow the notice and
18 hearing procedures in s. ~~30.02 (3) and (4)~~ 30.208 (3) to (5). Subject to par. (e), the city,
19 village, town or county shall construct shoreline erosion control measures as
20 required by the department of natural resources if the department of natural
21 resources determines all of the following:

22 **SECTION 176.** 285.11 (9) of the statutes is amended to read:

23 285.11 (9) Prepare and adopt minimum standards for the emission of mercury
24 compounds or metallic mercury into the air, consistent with s. 285.27 (2) (b).

25 **SECTION 177.** 285.14 of the statutes is created to read:

1 **285.14 State implementation plans. (1)** CONTENT. The department may not
2 submit a control measure or strategy that imposes or may result in regulatory
3 requirements to the federal environmental protection agency for inclusion in a state
4 implementation plan under 42 USC 7410 unless the department has promulgated
5 the control measure or strategy as a rule.

6 **(2) REVIEW BY STANDING COMMITTEES.** At least 60 days before the department is
7 required to submit a state implementation plan to the federal environmental
8 protection agency, the department shall prepare, and provide to the standing
9 committees of the legislature with jurisdiction over environmental matters, under
10 s. 13.172 (3) a report that describes the proposed plan and contains all of the
11 supporting documents that the department intends to submit with the plan. The
12 department shall also submit to the revisor of statutes for publication in the
13 administrative register a notice of availability of the report. If, within 30 days after
14 the department provides the report, the chairperson of a standing committee to
15 which the report was provided submits written comments on the report to the
16 department, the secretary shall respond to the chairperson in writing within 15 days
17 of receipt of the comments. This subsection does not apply to a modification to a state
18 implementation plan relating to an individual source.

19 **SECTION 178.** 285.17 (2) of the statutes is renumbered 285.17 (2) (a).

20 **SECTION 179.** 285.17 (2) (b) of the statutes is created to read:

21 285.17 **(2)** (b) Before issuing an operation permit that contains a monitoring
22 requirement relating to the emissions from an air contaminant source, the
23 department shall notify the applicant of the proposed monitoring requirement and
24 give the applicant the opportunity to demonstrate to the administrator of the
25 division of the department that administers this chapter that the proposed

1 monitoring requirement is unreasonable considering, among other factors,
2 monitoring requirements imposed on similar air contaminant sources. If the
3 administrator determines that the monitoring requirement is unreasonable, the
4 department may not impose the monitoring requirement. If the administrator
5 determines that the monitoring requirement is reasonable, the applicant may obtain
6 a review of that determination by the secretary. The secretary may not delegate this
7 function to another person. If the secretary determines that the monitoring
8 requirement is unreasonable, the department may not impose the monitoring
9 requirement.

10 **SECTION 180.** 285.21 (1) (b) of the statutes is renumbered 285.21 (1) (b) (intro.)
11 and amended to read:

12 285.21 (1) (b) *Standard to protect health or welfare.* (intro.) If an ambient air
13 quality standard for any air contaminant is not promulgated under section 109 of the
14 federal clean air act, the department may promulgate an ambient air quality
15 standard if the department finds that the standard is needed to provide adequate
16 protection for public health or welfare. The department may not make this finding
17 for an air contaminant unless the finding is supported with written documentation
18 that includes all of the following:

19 **SECTION 181.** 285.21 (1) (b) 1. to 4. of the statutes are created to read:

20 285.21 (1) (b) 1. A public health risk assessment that characterizes the types
21 of stationary sources in this state that are known to emit the air contaminant and
22 the population groups that are potentially at risk from the emissions.

23 2. An analysis showing that members of population groups are subjected to
24 levels of the air contaminant that are above recognized environmental health

1 standards or will be subjected to those levels if the department fails to promulgate
2 the proposed ambient air quality standard.

3 3. An evaluation of options for managing the risks caused by the air
4 contaminant considering risks, costs, economic impacts, feasibility, energy, safety,
5 and other relevant factors, and a finding that the proposed ambient air quality
6 standard reduces risks in the most cost-effective manner practicable.

7 4. A comparison of the proposed ambient air quality standard with ambient air
8 quality standards in Illinois, Indiana, Michigan, Minnesota, and Ohio.

9 **SECTION 182.** 285.21 (4) of the statutes is amended to read:

10 285.21 (4) IMPACT OF CHANGE IN FEDERAL STANDARDS. If the ambient air
11 increment or the ambient air quality standards in effect on April 30, 1980, under the
12 federal clean air act are relaxed modified, the department shall alter the
13 corresponding state standards unless it finds that the relaxed modified standards
14 would not provide adequate protection for public health and welfare. The
15 department may not make this finding for an ambient air quality standard unless
16 the finding is supported with the written documentation required under sub. (1) (b)
17 1. to 4.

18 **SECTION 183.** 285.23 (1) of the statutes is amended to read:

19 285.23 (1) PROCEDURES AND CRITERIA. The department shall promulgate by rule
20 procedures and criteria to identify a nonattainment area and to reclassify a
21 nonattainment area as an attainment area. After the effective date of this subsection
22 [revisor inserts date], the department may not identify a county as part of a
23 nonattainment area under the federal clean air act if the concentration of an air
24 contaminant in the atmosphere in that county does not exceed an ambient air quality

1 standard, unless under the federal clean air act the county is required to be
2 designated as part of a nonattainment area.

3 **SECTION 184.** 285.23 (2) of the statutes is amended to read:

4 285.23 (2) DOCUMENTS. The department shall issue documents from time to
5 time which define or list specific nonattainment areas or recommend that areas be
6 designated as nonattainment areas under the federal clean air act based upon the
7 procedures and criteria promulgated under sub. (1). Notwithstanding ss. 227.01 (13)
8 and 227.10 (1), documents issued under this subsection are not rules.

9 **SECTION 185.** 285.23 (6) of the statutes is created to read:

10 285.23 (6) REPORT TO STANDING COMMITTEES. Before the department issues
11 documents under sub. (2) and at least 60 days before the governor is required to make
12 a submission on a nonattainment designation under 42 USC 7407 (d) (1) (A), the
13 department shall prepare, and provide to the standing committees of the legislature
14 with jurisdiction over environmental matters under s. 13.172 (3), a report that
15 contains a description of any area proposed to be identified as a nonattainment area
16 and supporting documentation. The department shall also submit to the revisor of
17 statutes for publication in the administrative register a notice of availability of the
18 report. If, within 30 days after the department submits the report, the chairperson
19 of a standing committee to which the report was provided submits written comments
20 on the report to the department, the secretary shall respond to the chairperson in
21 writing within 15 days of receipt of the comments.

22 **SECTION 186.** 285.27 (1) (a) of the statutes is amended to read:

23 285.27 (1) (a) *Similar to federal standard.* If a standard of performance for new
24 stationary sources is promulgated under section 111 of the federal clean air act, the
25 department shall promulgate by rule a similar emission standard, including

1 administrative requirements that are consistent with the federal administrative
2 requirements, but this standard may not be more restrictive in terms of emission
3 limitations than the federal standard except as provided under sub. (4).

4 **SECTION 187.** 285.27 (2) (a) of the statutes is amended to read:

5 285.27 (2) (a) *Similar to federal standard.* If an emission standard for a
6 hazardous air contaminant is promulgated under section 112 of the federal clean air
7 act, the department shall promulgate by rule a similar standard, including
8 administrative requirements that are consistent with the federal administrative
9 requirements, but this standard may not be more restrictive in terms of emission
10 limitations than the federal standard except as provided under sub. (4).

11 **SECTION 188.** 285.27 (2) (b) of the statutes is renumbered 285.27 (2) (b) (intro.)

12 and amended to read:

13 285.27 (2) (b) *Standard to protect public health or welfare.* (intro.) If an
14 emission standard for a hazardous air contaminant is not promulgated under section
15 112 of the federal clean air act, the department may promulgate an emission
16 standard for the hazardous air contaminant if the department finds the standard is
17 needed to provide adequate protection for public health or welfare. The department
18 may not make this finding for a hazardous air contaminant unless the finding is
19 supported with written documentation that includes all of the following:

20 **SECTION 189.** 285.27 (2) (b) 1. to 4. of the statutes are created to read:

21 285.27 (2) (b) 1. A public health risk assessment that characterizes the types
22 of stationary sources in this state that are known to emit the hazardous air
23 contaminant and the population groups that are potentially at risk from the
24 emissions.

1 2. An analysis showing that members of population groups are subjected to
2 levels of the hazardous air contaminant that are above recognized environmental
3 health standards or will be subjected to those levels if the department fails to
4 promulgate the proposed emission standard for the hazardous air contaminant.

5 3. An evaluation of options for managing the risks caused by the hazardous air
6 contaminant considering risks, costs, economic impacts, feasibility, energy, safety,
7 and other relevant factors, and a finding that the chosen compliance alternative
8 reduces risks in the most cost-effective manner practicable.

9 4. A comparison of the emission standards for hazardous air contaminants in
10 this state to hazardous air contaminant standards in Illinois, Indiana, Michigan,
11 Minnesota, and Ohio.

12 **SECTION 190.** 285.27 (2) (d) of the statutes is created to read:

13 285.27 (2) (d) *Emissions regulated under federal law.* Emissions limitations
14 promulgated under par. (b) and related control requirements do not apply to
15 hazardous air contaminants emitted by emissions units, operations, or activities
16 that are regulated by an emission standard promulgated under section 112 of the
17 federal clean air act, including a hazardous air contaminant that is regulated under
18 section 112 of the federal clean air act by virtue of regulation of another substance
19 as a surrogate for the hazardous air contaminant or by virtue of regulation of a
20 species or category of hazardous air contaminants that includes the hazardous air
21 contaminant.

22 **SECTION 191.** 285.27 (4) of the statutes is amended to read:

23 285.27 (4) **IMPACT OF CHANGE IN FEDERAL STANDARDS.** If the standards of
24 performance for new stationary sources or the emission standards for hazardous air
25 contaminants under the federal clean air act are relaxed, the department shall alter

1 the corresponding state standards unless it finds that the relaxed standards would
2 not provide adequate protection for public health and welfare. The department may
3 not make this finding for an emission standard for a hazardous air contaminant
4 unless the finding is supported with the written documentation required under sub.
5 (2) (b) 1. to 4. This subsection applies to state standards of performance for new
6 stationary sources and emission standards for hazardous air contaminants in effect
7 on April 30, 1980, if the relaxation in the corresponding federal standards occurs
8 after April 30, 1980.

9 **SECTION 192.** 285.60 (1) (a) 1. of the statutes is amended to read:

10 285.60 (1) (a) 1. Except as provided in sub. (2g), (5m), or (6), no person may
11 commence construction, reconstruction, replacement or modification of a stationary
12 source unless the person has a construction permit from the department.

13 **SECTION 193.** 285.60 (2g) of the statutes is created to read:

14 285.60 (2g) REGISTRATION PERMITS. (a) *Rules.* Subject to sub. (8), the
15 department shall promulgate rules specifying a simplified process under which the
16 department may issue a registration permit authorizing construction or operation
17 or both for a stationary source with low actual or potential emissions if the owner or
18 operator provides to the department, on a form prescribed by the department,
19 sufficient information to show that the source qualifies for a registration permit. In
20 the rules, the department shall include criteria for identifying categories of sources
21 the owners or operators of which may elect to obtain registration permits and general
22 requirements applicable to sources that qualify for registration permits. In the rules,
23 the department may exempt persons who qualify for registration permits from the
24 requirement to obtain a construction permit.

1 (b) *Procedure.* The procedural requirements of ss. 285.61 (2) to (8) and 285.62
2 (2) to (7) do not apply to a registration permit under this subsection. Within 15 days
3 after receipt of the form prescribed by the department, the department shall provide
4 one of the following to an applicant for a registration permit:

5 1. Written notice of the department's determination that the source qualifies
6 for a registration permit.

7 2. A written description of any information that is missing from the application
8 for a registration permit.

9 3. Written notice of the department's determination that the source does not
10 qualify for a registration permit, specifically describing the reasons for that
11 determination.

12 **SECTION 194.** 285.60 (2m) of the statutes is repealed.

13 **SECTION 195.** 285.60 (3) of the statutes is repealed and recreated to read:

14 **285.60 (3) GENERAL PERMITS.** (a) *Rules.* The department shall promulgate rules
15 for the issuance of general permits authorizing construction or operation or both for
16 similar stationary sources. In the rules, the department shall specify criteria for
17 identifying categories of sources for which the department may issue general permits
18 and general requirements applicable to sources that qualify for general permits.

19 (b) *Procedure.* The procedural requirements of ss. 285.61 (2) to (8) and 285.62
20 (2) to (5) do not apply to the determination of whether a source is covered by a general
21 permit under this subsection. Within 15 days after receipt of an application for
22 coverage under a general permit, the department shall provide one of the following
23 to the applicant:

24 1. Written notice of the department's determination that the source qualifies
25 for coverage under the general permit.

1 2. A written description of any information that is missing from the application
2 for coverage under the general permit.

3 3. Written notice of the department's determination that the source does not
4 qualify for coverage under the general permit, specifically describing the reasons for
5 that determination.

6 **SECTION 196.** 285.60 (5m) of the statutes is created to read:

7 **285.60 (5m) WAIVER OF CONSTRUCTION PERMIT REQUIREMENTS.** (a) Subject to sub.
8 (8), the department shall promulgate rules under which a person is allowed to
9 commence construction, reconstruction, replacement, or modification of a stationary
10 source prior to the issuance of a construction permit upon a showing that
11 commencing construction, reconstruction, replacement, or modification prior to the
12 issuance of the permit is necessary to avoid undue hardship.

13 (b) Subject to sub. (8), the department may allow a person to commence
14 construction, reconstruction, replacement, or modification of a stationary source
15 prior to the issuance of a construction permit on a case-by-case basis or on bases
16 specified in a rule.

17 (c) The department shall act on a waiver request under this subsection within
18 15 days after it receives the request.

19 **SECTION 197.** 285.60 (6) of the statutes is renumbered 285.60 (6) (a).

20 **SECTION 198.** 285.60 (6) (b) of the statutes is created to read:

21 **285.60 (6) (b)** Subject to sub. (8), the department shall, by rule, exempt minor
22 sources from the requirement to obtain a construction permit and an operation
23 permit if the emissions from the sources do not present a significant hazard to public
24 health, safety or welfare or to the environment.

25 **SECTION 199.** 285.60 (8) of the statutes is created to read:

1 **285.60 (8)** COMPLIANCE WITH FEDERAL LAW. The department may not promulgate
2 a rule or take any other action under this section that conflicts with the federal clean
3 air act.

4 **SECTION 200.** 285.60 (9) of the statutes is created to read:

5 **285.60 (9)** PETITIONS FOR REGISTRATION PERMITS, GENERAL PERMITS, AND
6 EXEMPTIONS. A person may petition the department to make a determination that a
7 type of stationary source meets the criteria for a registration permit under sub. (2g),
8 a general permit under sub. (3), or an exemption under sub. (6). The department
9 shall provide a written response to a petition within 30 days after receiving the
10 petition indicating whether the type of stationary source meets the applicable
11 criteria for a registration permit, a general permit, or an exemption. If the type of
12 source meets the applicable criteria, the department shall, within 365 days after
13 receiving the petition, issue the registration permit or general permit or, for an
14 exemption, shall submit to the legislative council staff under s. 227.15 (1) in proposed
15 form any necessary rules or take any other action that is necessary provide the
16 exemption.

17 **SECTION 201.** 285.60 (10) of the statutes is created to read:

18 **285.60 (10)** PERMIT STREAMLINING. The department shall continually assess
19 permit obligations imposed under this section and ss. 285.61 to 285.65 and
20 implement measures that are consistent with this chapter and the federal clean air
21 act to allow for timely installation and operation of equipment and processes and the
22 pursuit of related economic activity by lessening those obligations, including
23 consolidating the permits for sources at a facility into one permit, expanding
24 exemptions under sub. (6), and expanding the availability of registration permits

1 under sub. (2g), general permits under sub. (3), and construction permit waivers
2 under sub. (5m).

3 **SECTION 202.** 285.61 (2) of the statutes is renumbered 285.61 (2) (a) 1. and
4 amended to read:

5 285.61 (2) (a) 1. Within 20 days, excluding statewide legal holidays specified
6 in s. 895.20, after receipt of the application the department shall indicate provide
7 written notice to the applicant describing specifically all of the plans, specifications
8 and any other information necessary to determine if the proposed construction,
9 reconstruction, replacement or modification will meet the requirements of this
10 chapter and s. 299.15 and rules promulgated under this chapter and s. 299.15.

11 **SECTION 203.** 285.61 (2) (a) (title) of the statutes is created to read:

12 285.61 (2) (a) (title) *Request for additional information.*

13 **SECTION 204.** 285.61 (2) (a) 2. of the statutes is created to read:

14 285.61 (2) (a) 2. If the department requests additional information under subd.
15 1., the department shall notify the applicant, within 15 days after receiving
16 additional information from the applicant, whether that additional information
17 satisfies the department's request.

18 **SECTION 205.** 285.61 (2) (b) of the statutes is created to read:

19 285.61 (2) (b) *When application is considered to be complete.* 1. If the
20 department does not indicate to an applicant within the time provided in par. (a) 1.
21 that additional information is needed, the application is considered to be complete
22 for the purposes of the time limits in sub. (3) 20 days after receipt of the application.

23 2. If the department indicates to an applicant within the time provided in par.
24 (a) 1. that additional information is needed but the department does not indicate to
25 the applicant within the time provided in par. (a) 2. that additional information

1 provided is deficient, the application is considered to be complete for the purposes of
2 the time limits in sub. (3) 15 days after receipt of the additional information.

3 3. If neither subd. 1. nor subd. 2. applies, an application is considered to be
4 complete for the purposes of the time limits in sub. (3) when the department notifies
5 the applicant under par. (a) 2. that the additional information provided by the
6 applicant satisfies the department's request.

7 4. This paragraph does not prevent the department from requesting additional
8 information from an applicant after the time limit in par. (a) 1. or 2.

9 **SECTION 206.** 285.61 (3) (intro.) of the statutes is amended to read:

10 285.61 (3) ANALYSIS. (intro.) The department shall prepare an analysis
11 regarding the effect of the proposed construction, reconstruction, replacement or
12 modification on ambient air quality and a preliminary determination on the
13 approvability of the construction permit application, within the following time
14 periods after the receipt of the plans, specifications and other information
15 application is considered to be complete under sub. (2) (b):

16 **SECTION 207.** 285.61 (3) (a) of the statutes is amended to read:

17 285.61 (3) (a) *Major source construction permits.* For construction permits for
18 major sources, within 120 90 days.

19 **SECTION 208.** 285.61 (7) (a) of the statutes is amended to read:

20 285.61 (7) (a) *Hearing permitted.* The department may hold a public hearing
21 on the construction permit application if requested by a person who may be affected
22 by the issuance of the permit, any affected state or the U.S. environmental protection
23 agency within 30 days after the department gives notice under sub. (5) (c). A request
24 for a public hearing shall indicate the interest of the party filing the request and the
25 reasons why a hearing is warranted. The department shall hold the public hearing

1 within 60 days after the deadline for requesting a hearing if it deems that there is
2 a significant public interest in holding a hearing.

3 **SECTION 209.** 285.61 (10) of the statutes is created to read:

4 285.61 **(10)** EXTENSIONS. Upon agreement between the department and an
5 applicant, the department shall extend any time limit applicable to the department
6 under this section. The department may not require an applicant to agree to extend
7 a time period as a condition of approving an application.

8 **SECTION 210.** 285.61 (11) of the statutes is created to read:

9 285.61 **(11)** DELAY IN ISSUING PERMITS. (a) Subject to sub. (10), if the department
10 fails to act on an application for a construction permit within the time limit in sub.
11 (8) (b), the department shall include in a report the reasons for the delay in acting
12 on the application and recommendations for how to avoid similar delays in the
13 future. The department shall make reports under this paragraph available to the
14 public, place a prominent notice of the reports on the department's Internet site, and
15 submit the reports to the standing committees of the legislature with jurisdiction
16 over environmental matters semiannually.

17 (b) If the department fails to act on an application for a construction permit
18 within the time limit in sub. (8) (b) and the applicant has not agreed to an extension
19 under sub. (10), the department shall refund the fee under s. 285.69 (1) (a) that was
20 paid by the applicant.

21 **SECTION 211.** 285.62 (1) of the statutes is amended to read:

22 285.62 **(1)** ~~APPLICANT NOTICE~~ APPLICATION REQUIRED. A person who is required
23 to obtain an operation permit for a stationary source shall apply to the department
24 for the permit on or before the operation permit application date specified under sub.
25 (11) (b). The department shall specify by rule the content of applications under this

1 subsection. If required by the federal clean air act, the department shall provide a
2 copy of the complete application to the federal environmental protection agency. The
3 department may not accept an application submitted to the department before
4 November 15, 1992, as an application under this subsection.

5 **SECTION 212.** 285.62 (2) of the statutes is renumbered 285.62 (2) (a) 1. and
6 amended to read:

7 285.62 (2) (a) 1. Within 20 days, excluding statewide legal holidays specified
8 in s. 895.20, after receipt of the application the department shall indicate provide
9 written notice to the applicant describing specifically any additional information
10 required under sub. (1) necessary to determine if the source, upon issuance of the
11 permit, will meet the requirements of this chapter and s. 299.15 and rules
12 promulgated under this chapter and s. 299.15.

13 **SECTION 213.** 285.62 (2) (a) (title) of the statutes is created to read:

14 285.62 (2) (a) (title) *Request for additional information.*

15 **SECTION 214.** 285.62 (2) (a) 2. of the statutes is created to read:

16 285.62 (2) (a) 2. If the department requests additional information under subd.
17 1., the department shall notify the applicant, within 15 days after receiving
18 additional information from the applicant, whether that additional information
19 satisfies the department's request.

20 **SECTION 215.** 285.62 (2) (b) of the statutes is created to read:

21 285.62 (2) (b) *When application is considered to be complete.* 1. If the
22 department does not indicate to an applicant within the time provided in par. (a) 1.
23 that additional information is needed, the application is considered to be complete
24 for the purposes of the time limit in sub. (7) (b) 20 days after receipt of the application.

1 2. If the department indicates to an applicant within the time provided in par.
2 (a) 1. that additional information is needed but the department does not indicate to
3 the applicant within the time provided in par. (a) 2. that additional information
4 provided is deficient, the application is considered to be complete for the purposes of
5 the time limit in sub. (7) (b) 15 days after receipt of the additional information.

6 3. If neither subd. 1. nor subd. 2. applies, an application is considered to be
7 complete for the purposes of the time limit in sub. (7) (b) when the department
8 notifies the applicant under par. (a) 2. that the additional information provided by
9 the applicant satisfies the department's request.

10 4. This paragraph does not prevent the department from requesting additional
11 information from an applicant after the time limit in par. (a) 1. or 2.

12 **SECTION 216.** 285.62 (5) (a) of the statutes is amended to read:

13 285.62 (5) (a) *Hearing permitted.* The department may hold a public hearing
14 on an application for an operation permit for a stationary source if requested by any
15 state that received notice under sub. (3) (b) or any other person, if the person may
16 be affected by the issuance of the permit, within 30 days after the department gives
17 notice under sub. (3) (c). A request for a public hearing shall indicate the interest of
18 the party filing the request and the reasons why a hearing is warranted. The
19 department shall hold the public hearing within 60 days after the deadline for
20 requesting a hearing if it determines that there is a significant public interest in
21 holding the hearing.

22 **SECTION 217.** 285.62 (6) (c) 1. of the statutes is amended to read:

23 285.62 (6) (c) 1. If the department receives an objection from the federal
24 environmental protection agency under this subsection, the department may not

1 issue the operation permit unless the department revises the proposed operation
2 permit as necessary to satisfy the objection.

3 **SECTION 218.** 285.62 (7) (b) of the statutes is amended to read:

4 285.62 (7) (b) The department shall approve or deny the operation permit
5 application for a new source or modified source. The department shall issue the
6 operation permit for a new source or modified source if the criteria established under
7 ss. 285.63 and 285.64 are met. The department shall issue an operation permit for
8 a new source or modified source or deny the application within 180 days after the
9 application is considered to be complete under sub. (2) (b) or after the permit
10 applicant submits to the department the results of all equipment testing and
11 emission monitoring required under the construction permit, whichever is later.

12 **SECTION 219.** 285.62 (8) of the statutes is renumbered 285.62 (8) (a).

13 **SECTION 220.** 285.62 (8) (b) of the statutes is created to read:

14 285.62 (8) (b) If a person submits an application for renewal of an operation
15 permit before the date specified in s. 285.66 (3) (a), the stationary source may not be
16 required to discontinue operation and the person may not be prosecuted for lack of
17 an operation permit until the department acts under sub. (7), except that this
18 paragraph does not apply in a situation in which its application would contravene
19 the federal clean air act.

20 **SECTION 221.** 285.62 (9) (b) of the statutes is repealed and recreated to read:

21 285.62 (9) (b) Subject to sub. (12), if the department fails to act on an
22 application for an operation permit within the time limit under sub. (7) (b), the
23 department shall include in a report the reasons for the delay in acting on the
24 application and recommendations for how to avoid delays in the future in similar
25 situations. The department shall make reports under this subsection available to

1 the public, place a prominent notice of the reports on the department's Internet site,
2 and submit the reports to the standing committees of the legislature with jurisdiction
3 over environmental matters semiannually.

4 **SECTION 222.** 285.62 (12) of the statutes is created to read:

5 285.62 (12) EXTENSIONS. Upon agreement between the department and an
6 applicant, the department shall extend any time limit applicable to the department
7 under this section. The department may not require an applicant to agree to extend
8 a time period as a condition of approving an application.

9 **SECTION 223.** 285.63 (1) (d) of the statutes is amended to read:

10 285.63 (1) (d) *Source will not preclude construction or operation of other source.*
11 The stationary source will not degrade the air quality in an area sufficiently to
12 prevent the construction, reconstruction, replacement, modification or operation of
13 another stationary source if the department received plans, specifications and other
14 information under s. 285.61 (2) (a) for the other stationary source prior to
15 commencing its analysis under s. 285.61 (3) for the former stationary source. This
16 paragraph does not apply to an existing source required to have an operation permit.

17 **SECTION 224.** 285.66 (2) of the statutes is renumbered 285.66 (2) (a).

18 **SECTION 225.** 285.66 (2) (b) of the statutes is created to read:

19 285.66 (2) (b) Notwithstanding par. (a), the department may not specify that
20 coverage under a general permit under s. 285.60 (3) expires except as follows:

21 1. The department may specify an expiration date for coverage under a general
22 permit at the request of an owner or operator.

23 2. The department may specify a term of 5 years or longer for coverage under
24 a general permit if the department finds that expiring coverage would significantly

1 improve the likelihood of continuing compliance with applicable requirements
2 compared to coverage that does not expire.

3 3. The department may specify a term of 5 years or less for coverage under a
4 general permit if required by the federal clean air act.

5 **SECTION 226.** 285.66 (3) (a) of the statutes is amended to read:

6 285.66 (3) (a) A permittee shall apply for renewal of an operation permit at
7 least ~~12~~ 6 months before the operation permit expires. The permittee shall include
8 any new or revised information needed to process the application for renewal.

9 **SECTION 227.** 285.81 (1) (intro.) of the statutes is amended to read:

10 285.81 (1) PERMIT HOLDER; PERMIT APPLICANT; ORDER RECIPIENT. (intro.) Any
11 permit, part of a permit, condition or requirement in a permit, order, decision or
12 determination by the department under ss. 285.39, 285.60 to 285.69 or 285.75 shall
13 become effective unless the permit holder or applicant or the order recipient seeks
14 a hearing ~~on~~ challenging the action in the following manner:

15 **SECTION 228.** 285.81 (1m) of the statutes is created to read:

16 285.81 (1m) EFFECT OF A CHALLENGE. (a) Subject to par. (b), if a permit holder
17 or applicant seeks a hearing challenging part of a permit or a condition or
18 requirement in a permit under sub. (1), the remainder of the permit shall become
19 effective and the permit holder or applicant may, at its discretion, begin the activity
20 for which the application was submitted or for which the permit was issued.

21 (b) An emission limitation contained in a permit becomes effective despite a
22 challenge under par. (a), unless the permit holder or applicant challenging the
23 emission limitation obtains a stay of the emission limitation from the hearing
24 examiner or court considering the challenge.

25 **SECTION 229.** 299.05 (2) (a) of the statutes is amended to read:

1 299.05 (2) (a) Permits, contracts, and other approvals under ss. 30.10 to 30.205
2 and 30.21 to 30.27.

3 **SECTION 230.** 299.05 (2) (d) of the statutes is repealed.

4 **SECTION 231. Nonstatutory provisions.**

5 (1) REPORT ON AIR PERMIT STREAMLINING EFFORTS.

6 (a) The department of natural resources, in consultation with owners and
7 operators of stationary sources of air pollution, shall develop a report that contains
8 all of the following:

9 1. A list of all existing exemptions under section 285.60 (6) of the statutes, as
10 affected by this act, and all general permits under section 285.60 (3) of the statutes,
11 as affected by this act.

12 2. Recommendations, and related proposed rule revisions, for expanding
13 exemptions under section 285.60 (6) of the statutes, as affected by this act,
14 establishing registration permits under section 285.60 (2g) of the statutes, as created
15 by this act, expanding the use of general permits under section 285.60 (3) of the
16 statutes, as affected by this act, issuing construction permit waivers under section
17 285.60 (5m) of the statutes, as created by this act, and taking other actions under
18 section 285.60 (10) of the statutes, as created by this act, including consolidating the
19 permits for sources at one facility into one permit.

20 3. A schedule for providing additional reports containing recommendations,
21 and related rule revisions, for expanding exemptions under section 285.60 (6) of the
22 statutes, as affected by this act, expanding the use of registration permits under
23 section 285.60 (2g) of the statutes, as created by this act, expanding the use of general
24 permits under section 285.60 (3) of the statutes, as affected by this act, expanding
25 the issuance of construction permit waivers under section 285.60 (5m) of the

1 statutes, as created by this act, and taking other actions under section 285.60 (10)
2 of the statutes, as created by this act, including consolidating the permits for sources
3 at one facility into one permit.

4 4. A description of requirements in the federal clean air act that limit the
5 department's ability to expand exemptions under section 285.60 (6) of the statutes,
6 as affected by this act, expand the use of registration permits under section 285.60
7 (2g) of the statutes, as created by this act, expand the use of general permits under
8 section 285.60 (3) of the statutes, as affected by this act, expand the issuance of
9 construction permit waivers under section 285.60 (5m) of the statutes, as created by
10 this act, and take other actions under section 285.60 (10) of the statutes, as created
11 by this act, and recommendations on how these limitations might be overcome.

12 (b) The department of natural resources shall submit the report under
13 paragraph (a) to the legislature in the manner provided under s. 13.172 (2) no later
14 than the first day of the 7th month beginning after the effective date of this
15 paragraph.

16 (2) REPORT ON CLEAN AIR ACT STATE IMPLEMENTATION PLANS. No later than the first
17 day of the 13th month beginning after the effective date of this subsection, the
18 department of natural resources shall submit to the standing committees of the
19 legislature with jurisdiction over environmental matters a report that contains all
20 of the following:

21 (a) A description of all of this state's existing and pending state implementation
22 plans under 42 USC 7410 with an analysis of any rules or requirements included in
23 the plans that may not have been necessary to obtain federal environmental
24 protection agency approval but that are federally enforceable as a result of being
25 included in the plan.

1 (b) Recommendations for priorities for revisions of state implementation plans
2 to remove rules and other requirements that may not have been necessary to obtain
3 federal environmental protection agency approval.

4 (3) REPORT ON EMISSION MONITORING PRACTICES. The department of natural
5 resources, in consultation with representatives of industry and others, shall develop
6 a report that identifies best practices for emissions monitoring required under
7 section 285.17 (2) of the statutes, as affected by this act, and related proposed rule
8 revisions, to reduce overall permitting costs and approval times and to minimize
9 inconsistencies in monitoring requirements within this state and with monitoring
10 requirements imposed by other states and the federal environmental protection
11 agency. The department shall submit the report under this subsection to the
12 standing committees of the legislature with jurisdiction over environmental matters
13 no later than the first day of the 13th month beginning after the effective date of this
14 subsection.

15 (4) REPORT ON APPLICATION REQUIREMENTS. The department of natural resources,
16 in consultation with representatives of industry and others, shall develop a report
17 that identifies information that the department will require in applications for air
18 pollution control permits, and related proposed rule revisions, to reduce overall
19 permitting costs and approval times and to minimize inconsistencies in application
20 requirements within this state and with application requirements imposed by other
21 states and the federal environmental protection agency. The department shall
22 submit the report under this subsection to the standing committees of the legislature
23 with jurisdiction over environmental matters no later than the first day of the 13th
24 month beginning after the effective date of this subsection.

25 **SECTION 232. Initial applicability.**

