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1 **SECTION 500.** 73.0301 (1) (e) of the statutes is amended to read:

2 73.0301 (1) (e) "Licensing department" means the department of
3 administration; the board of commissioners of public lands; the department of
4 commerce; the department of children and families; the government accountability
5 board; the department of financial institutions; the department of health services;
6 the department of natural resources; the department of environmental quality; the
7 department of public instruction; the department of regulation and licensing; the
8 department of workforce development; the office of the commissioner of insurance;
9 or the department of transportation.

10 **SECTION 501.** 75.105 (1) (a) of the statutes is amended to read:

11 75.105 (1) (a) "Department" means the department of ~~natural resources~~
12 environmental quality.

13 **SECTION 502.** 75.106 (1) (b) of the statutes is amended to read:

14 75.106 (1) (b) "Department" means the department of ~~natural resources~~
15 environmental quality.

16 ~~**SECTION 503.** 77.14 of the statutes is amended to read:~~

17 ~~**77.14 Forest croplands information, protection, appropriation.** The~~
18 ~~department of natural resources shall publish and distribute information regarding~~
19 ~~the method of taxation of forest croplands under this subchapter, and may employ~~
20 ~~a fire warden in charge of fire prevention in forest croplands. All actual and~~
21 ~~necessary expenses incurred by the department of natural resources or by the~~
22 ~~department of revenue in the performance of their duties under this subchapter shall~~
23 ~~be paid from the appropriation made in s. 20.370 (1) (mv) (3) (uv) upon certification~~
24 ~~by the department incurring such expenses.~~

25 **SECTION 504.** 77.82 (2m) (d) of the statutes is amended to read:

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101-24
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SECTION 504

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1 77.82 (2m) (d) All of the recording fees collected under par. (a) 1. shall be
2 credited to the appropriation under s. ~~20.370 (1) (3) (ex)~~ 20.115 (5) (gr)

3 SECTION 505. 77.82 (2m) (dm) of the statutes is amended to read:

4 77.82 (2m) (dm) 1. Of each fee \$300 or the entire fee, whichever is less, that is
5 collected under par. (a) or (e) that is not credited to the appropriation under s. ~~20.370~~

6 (1) ~~(3) (ex)~~ 20.115 (5) (gr) < (gr) shall be credited to the appropriation under s. ~~20.370 (1) (ex) (3) (ex)~~ 20.115 (5) (rv)

7 2. Any amount not credited to the appropriation under s. ~~20.370 (1) (ex) (3) (ex)~~ 20.115 (5) (rv)

8 as calculated in subd. 1., shall be deposited into the conservation fund for forestry
9 purposes.

10 SECTION 506. 77.82 (4) of the statutes is amended to read:

11 77.82 (4) ADDITIONS TO MANAGED FOREST LAND. An owner of land that is
12 designated as managed forest land under an order that takes effect on or after April
13 28, 2004, may petition the department to designate as managed forest land an
14 additional parcel of land if the additional parcel is at least 3 acres in size and is
15 contiguous to any of that designated land. The petition shall be accompanied by a
16 nonrefundable \$20 application fee unless a different amount for the fee is established
17 by the department by rule at an amount equal to the average expense to the
18 department of recording an order issued under this subchapter. The fee shall be
19 deposited in the conservation fund and credited to the appropriation under s. ~~20.370~~

20 (1) ~~(3) (ex)~~ 20.115 (5) (gr) (gr) The petition shall be filed on a department form and shall contain any
21 additional information required by the department.

22 SECTION 507. 77.88 (2) (d) of the statutes is amended to read:

23 77.88 (2) (d) 1. Within 10 days after a transfer of ownership, the former owner
24 shall, on a form provided by the department, file with the department a report of the
25 transfer signed by the former owner and the transferee. The report shall be

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1 accompanied by a \$100 fee which shall be deposited in the conservation fund. Twenty
 2 dollars of the fee or a different amount of the fee as may be established under subd.
 3 2. shall be credited to the appropriation under s. ~~20.370 (1) (A) (cr)~~ 20.115 (5) (qr). The department
 4 shall immediately notify each person entitled to notice under s. 77.82 (8).

5 2. The department may establish by rule a different amount of each fee under
 6 subd. 1. that will be credited to the appropriation under s. ~~20.370 (1) (B) (cr)~~ 20.115 (5) (qr). The
 7 amount shall be equal to the average expense to the department of recording an order
 8 issued under this subchapter.

9 **SECTION 508.** 77.91 (4) of the statutes is amended to read:

10 77.91 (4) EXPENSES. Except as provided in sub. (5), the department's expenses
 11 for the administration of this subchapter shall be paid from the appropriation under
 12 s. ~~20.370 (1) (mv) (3) (mv)~~ 20.115 (5) (q).

13 **SECTION 509.** 77.91 (5) of the statutes is amended to read:

14 77.91 (5) RECORDING. Each register of deeds who receives notice of an order
 15 under this subchapter shall record the action as provided under s. 59.43 (1). The
 16 department shall pay the register of deeds the fee specified under s. 59.43 (2) (ag) 1.
 17 from the appropriation under s. ~~20.370 (1) (3) (cr)~~ 20.115 (5) (qr). If the amount in the appropriation
 18 under s. ~~20.370 (1) (4) (cr)~~ 20.115 (5) (qr) in any fiscal year is insufficient to pay the full amount
 19 required under this subsection in that fiscal year, the department shall pay the
 20 balance from the appropriation under s. ~~20.370 (1) (mv) (B) (mv)~~ 20.115 (5) (q).

21 **SECTION 510.** 82.10 (4) (a) 3m. of the statutes is created to read:

22 82.10 (4) (a) 3m. The department of environmental quality.

23 **SECTION 511.** 84.01 (17) of the statutes is amended to read:

24 84.01 (17) IMPROVEMENTS FOR NEXT 6 YEARS. In each odd-numbered year, the
 25 department shall determine, as far as possible, what improvements will be made

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1 during the following 6-year period, and shall notify the county clerks prior to
2 February 1 of each even-numbered year, as to the improvements in their respective
3 counties. Such notice shall also be given to the department of natural resources and
4 ~~to, the department of environmental quality, and~~ the department of agriculture,
5 trade and consumer protection.

6 **SECTION 512.** 84.01 (23) of the statutes is amended to read:

7 **84.01 (23) BRIDGE STANDARDS.** The department shall adopt standards and
8 specifications for the design and construction of county, town, village and city
9 bridges, arches or culverts. The standards shall be developed after consultation with
10 the department of natural resources and the department of environmental quality,
11 and shall be directed at preventing undue impairment of public rights in navigable
12 waters.

13 **SECTION 513.** 84.02 (3) (a) of the statutes is amended to read:

14 **84.02 (3) (a)** Changes may be made in the state trunk system by the
15 department, if it deems that the public good is best served by making the changes.
16 The department, in making the changes, may lay out new highways by the procedure
17 under this subsection. Due notice shall be given to the localities concerned of the
18 intention to make changes or discontinuances, and if the change proposes to lay a
19 highway via a new location and the distance along such deviation from the existing
20 location exceeds 2 1/2 miles, then a hearing in or near the region affected by the
21 proposed change shall be held prior to making the change effective. The notice shall
22 also be given to the secretary of natural resources ~~and~~ the secretary of environmental
23 quality either by registered mail or personally. Whenever the department decides
24 to thus change more than 2 1/2 miles of the system the change shall not be effective
25 until the decision of the department has been referred to and approved by the county

and the secretary of agriculture, trade and consumer protection

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1 board of each county in which any part of the proposed change is situated. A copy
2 of the decision shall be filed in the office of the clerk of each county in which a change
3 is made or proposed. Where the distance along the deviation from the existing
4 location exceeds 5 miles the change shall constitute an addition to the state trunk
5 highway system. The preexisting route shall continue to be a state trunk highway
6 unless the county board of each county in which any part of the relocation lies and
7 the department mutually agree to its discontinuance as a state trunk highway.
8 Whenever such county board or boards and the department cannot so agree the
9 department shall report the problem to the next ensuing session of the legislature
10 for determination.

11 **SECTION 514.** 84.078 (1) (am) of the statutes is amended to read:

12 84.078 (1) (am) “High-volume industrial waste” means fly ash, bottom ash,
13 paper mill sludge or foundry process waste, or any other waste with similar
14 characteristics specified by the department of ~~natural resources~~ environmental
15 quality by rule.

16 **SECTION 515.** 84.078 (3) (a) 2. of the statutes is amended to read:

17 84.078 (3) (a) 2. The department of ~~natural resources~~ environmental quality
18 certifies to the department of transportation, before the time that the department of
19 transportation advertises for bids for the improvement, that the high-volume
20 industrial waste intended to be used and the design for the use of the high-volume
21 industrial waste comply with all applicable state requirements or standards
22 administered by the department of ~~natural resources~~ environmental quality.

23 **SECTION 516.** 84.078 (3) (b) (intro.) of the statutes is amended to read:

24 84.078 (3) (b) (intro.) The exemption under par. (a) extends to the
25 transportation of high-volume industrial waste to or from the site of a highway

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1 improvement and to the storage of high-volume industrial waste at the site of a
2 highway improvement. The exemption provided under par. (a) continues to apply
3 after the date of certification by the department of ~~natural resources~~ environmental
4 quality under par. (a) 2., notwithstanding the occurrence of any of the following:

5 **SECTION 517.** 84.078 (3) (c) of the statutes is amended to read:

6 84.078 (3) (c) The department of transportation and the department of ~~natural~~
7 ~~resources~~ environmental quality may enter into agreements establishing standard
8 lists of high-volume industrial waste that may be used in highway improvements
9 and designs for the use of high-volume industrial waste in highway improvements
10 that comply with rules of the department of ~~natural resources~~ environmental quality
11 applicable at the time of the design of the highway improvement in order to simplify
12 certification under par. (a) 2. to the greatest extent possible.

13 **SECTION 518.** 84.11 (3) of the statutes is amended to read:

14 84.11 (3) HEARING. Within 60 days of the receipt of a petition under sub. (2),
15 the department shall fix a time and place for a hearing and give notice of the hearing
16 by publication of a class 2 notice, under ch. 985, in the vicinity of the proposed bridge
17 project. Notice shall also be given by registered letter addressed to the clerks of the
18 counties, cities, villages and towns in which any part of the bridge project will be
19 located. The notice shall also be given to the secretary of natural resources and the
20 secretary of environmental quality either by registered mail or personally. The
21 hearing may be held in any county, city, village or town in which any part of the bridge
22 project will be located.

23 **SECTION 519.** 84.11 (7m) of the statutes is amended to read:

24 84.11 (7m) EXECUTION AND CONTROL OF WORK. Subject to the control and
25 supervision over the navigable waters of the state conferred by law upon the

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1 department of ~~natural resources~~ environmental quality, and the control exercised by
2 the United States, the construction under this section of any bridge project shall be
3 wholly under the supervision and control of the department. The secretary shall
4 make and execute all contracts and have complete supervision over all matters
5 pertaining to such construction and shall have the power to suspend or discontinue
6 proceedings or construction relative to any bridge project at any time in the event any
7 county, city, village or town fails to pay the amount required of it as to any project
8 under sub. (1m), or in the event the secretary determines that sufficient funds to pay
9 the state's part of the cost of the bridge project are not available. All moneys provided
10 by counties, cities, villages and towns shall be deposited in the state treasury, when
11 required by the secretary, and paid out on order of the secretary. Any of such moneys
12 deposited for a project eligible for construction under sub. (1m) which remain in the
13 state treasury after the completion of the project shall be repaid to the respective
14 counties, cities, villages and towns in such amounts as to result in the distribution
15 provided in sub. (5m).

16 **SECTION 520.** 84.12 (7) of the statutes is amended to read:

17 84.12 (7) EXECUTION AND CONTROL OF WORK. Subject to the control and
18 supervision over the navigable waters of the state conferred upon the department of
19 ~~natural resources~~ environmental quality, and the control exercised by the United
20 States, the construction under this section of any bridge project shall be under the
21 joint supervision and control of the department and of the transportation
22 department of the other state concerned. If the transportation department of the
23 other state is not authorized to act jointly with this state in such bridge project
24 arrangements may be made with such subdivisions of the other state as may have
25 proper authority, represented by their proper officers. Control shall be exercised in

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1 the manner deemed most expedient by the secretary and such department or by the
2 secretary and the officers of the subdivisions of the other state concerned in the
3 construction. Contracts for the construction of said bridge projects may be made and
4 executed by the secretary and the transportation department of the other state
5 jointly, or jointly by the secretary and such subdivisions of the other state as may
6 participate in the construction, or by appropriate agreement between the parties
7 with respect to financing and control of the work, the authority of either state may
8 contract for all or part of the construction. The secretary may suspend or discontinue
9 proceedings or construction relative to any bridge project at any time in the event any
10 county, city, village or town fails to pay the amount required of it as to any project
11 eligible to construction under sub. (1) (a) or offered by it as to any project eligible to
12 construction under sub. (1) (b), or in the event the secretary determines that
13 sufficient funds to pay the state's part of the cost of the bridge project are not
14 available. All moneys available from this state, or its subdivisions, shall be deposited
15 in the state treasury when required by the secretary and shall be paid out only upon
16 the order of the secretary. Moneys deposited by such subdivisions which remain in
17 the state treasury after the completion of such project shall be repaid to the
18 respective subdivisions in the proportion paid in.

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19 **SECTION 521.** 85.19 (1) of the statutes is amended to read:

20 85.19 (1) STANDARDS. The department, in consultation with the department of
21 ~~natural resources~~ environmental quality, shall, by rule, establish standards for the
22 control of soil erosion related to highway and bridge construction that is funded in
23 whole or in part with state or federal funds. At a minimum, the standards shall
24 require the use of best management practices.

25 **SECTION 522.** 85.19 (2) (c) of the statutes is amended to read:

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1 85.19 (2) (c) The department shall establish the training program in
2 consultation with the department of ~~natural resources~~ environmental quality.

3 **SECTION 523.** 85.245 (1) of the statutes is renumbered 85.245.

4 **SECTION 524.** 85.245 (2) of the statutes is repealed.

5 **SECTION 525.** 86.255 (2) (a) of the statutes is amended to read:

6 86.255 (2) (a) The purchase of any land that is acquired as compensatory
7 mitigation for another wetland, as defined in s. ~~23.32~~ 278.32 (1), that will suffer an
8 adverse impact by degradation or destruction as part of a highway project.

9 **SECTION 526.** 87.01 (1) of the statutes is amended to read:

10 87.01 (1) “Department” means the department of ~~natural resources~~
11 environmental quality.

12 **SECTION 527.** 87.02 (intro.) of the statutes is amended to read:

13 **87.02 Powers of department.** (intro.) To accomplish the purposes of ss. 87.01
14 to 87.17, the department of ~~natural resources~~ is hereby authorized and empowered:

15 **SECTION 528.** 87.14 of the statutes is amended to read:

16 **87.14 Operation and maintenance.** The flood control board is authorized
17 to sell, lease, or lease with power to purchase, any reservoir proposed to be
18 constructed, in the process of construction or completed, to a duly organized river
19 improvement company as defined by s. 182.016, on such terms and conditions as are
20 approved by the department of ~~natural resources~~ as hereinafter provided. Unless so
21 leased or sold it shall be the duty of the flood control board to maintain and operate
22 said improvement. The cost of operation and maintenance during the period
23 intervening between the completion of said improvement and the date when funds
24 provided under this section become available shall be paid from the funds provided
25 for maintenance pursuant to the estimate made by the department as provided in s.

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1 87.07 (3). Prior to the first day of November in each year the flood control board shall
2 certify to the clerk of each town, village and city in which lands to be benefited by the
3 improvement are located an estimated budget, detailed as far as practicable, of the
4 cost of operation and maintenance of said improvement for the succeeding calendar
5 year, together with the amount due upon any judgments outstanding against the
6 board, except those judgments from which the board has appealed or intends to
7 appeal, and shall certify at the same time the portion of such cost to be borne by each
8 such town, village and city. This shall be determined in the same manner and
9 according to the same proportions as provided in s. 87.10 (1) (c). It shall thereupon
10 become the duty of each such town, village and city to include in its next succeeding
11 tax levy the amount so certified and to forward such amount, on or before March 15
12 following, to the flood control board.

13 **SECTION 529.** 87.18 of the statutes is amended to read:

14 **87.18 Lease, sale and lease with option to purchase the project.**

15 Whenever the flood control project consists of a storage reservoir and authority to
16 create, operate and maintain a reservoir on the river affected by such storage
17 reservoir is vested in a duly organized river improvement company as defined by s.
18 182.016, and the petitioners file with the department of natural resources a petition
19 and a proposed contract with such improvement company for a lease, sale, or lease
20 with option to purchase said reservoir, and the department finds the terms and
21 conditions of such contract are sufficient to assure the payment of the amount the
22 board will be obligated to pay for the cost of the reservoir and the maintenance and
23 operation of the same, and the project will secure effective flood control and
24 promotion of the public welfare, then notices, proceedings and assessments provided
25 by ss. 87.04 to 87.12 are not required. The department, however, shall make findings

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1 as required by s. 87.05 and shall order that the flood control board be appointed and
2 shall so certify to the governor as provided by s. 87.12. The governor shall thereupon
3 appoint the board as provided in said s. 87.12. The proposed contract filed with the
4 department by petitioners for the sale, lease, or lease with option to purchase said
5 reservoir property shall not be binding upon the board so appointed unless the board
6 approves such contract. Upon approval the board shall so report to the department
7 and file with it a final contract executed by the board and lessee or purchaser. The
8 department has authority to approve or disapprove such contract. If the department
9 approves such contract, then it shall be final and the department shall thereupon
10 order the board to proceed with the work. When such reservoir property is sold and
11 the purchase price has been fully paid and any indebtedness assumed by the
12 purchaser has been paid and discharged, including the fees and expenses of the
13 board, and the department so finds, the said board shall thereupon be dissolved by
14 order of the department.

15 **SECTION 530.** 88.05 (4) (a) of the statutes is amended to read:

16 88.05 (4) (a) The chairperson of the county highway committee except in a
17 county with a highway commissioner appointed under s. 83.01 (1) (c), the highway
18 commissioner; the chairperson of the county land conservation committee in the
19 county involved; the secretary of ~~natural resources~~ environmental quality; the state
20 drainage engineer; and, where a railroad company is involved, the person specified
21 in sub. (6).

22 **SECTION 531.** 88.11 (1) (e) of the statutes is amended to read:

23 88.11 (1) (e) Coordinate district activities with the department of ~~natural~~
24 ~~resources~~ environmental quality.

25 **SECTION 532.** 88.11 (1) (i) of the statutes is amended to read:

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1 88.11 (1) (i) Establish, by rule, performance standards for drainage district
2 structures, ditches, maintenance and operations, in order to minimize adverse
3 effects on water quality. The performance standards shall be consistent with any
4 requirements imposed by the department of ~~natural resources~~ environmental
5 quality under s. 88.31.

6 **SECTION 533.** 88.11 (2) of the statutes is amended to read:

7 88.11 (2) The state drainage engineer shall provide technical assistance to
8 improve district operations on the request of the department of ~~natural resources~~
9 environmental quality, drainage board, landowners in the district or the judge.

10 **SECTION 534.** 88.31 (1) of the statutes is amended to read:

11 88.31 (1) If it is necessary to enter upon any waters that may be navigable, or
12 to acquire and remove any dam or obstruction from the waters, or to clean out, widen,
13 deepen or straighten any stream that may be navigable, the board shall file with the
14 department of ~~natural resources~~ environmental quality an application for a permit
15 to do the work. The board shall file with the application any information that the
16 board or the department of ~~natural resources~~ environmental quality considers
17 necessary. The department shall specify by rule the information to be included in an
18 application. The application shall state that the public health or welfare will be
19 promoted by the removal of the dam or other obstruction or by the straightening,
20 cleaning out, deepening or widening of the waters and that other public rights in and
21 public uses of the waters will not be materially impaired. The application shall be
22 duly verified.

23 **SECTION 535.** 88.31 (2) of the statutes is amended to read:

24 88.31 (2) Upon receipt of the application the department of ~~natural resources~~
25 environmental quality shall fix a time and place for a hearing on the application, not

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1 less than 3 nor more than 8 weeks from the date of filing, at a place convenient to the
2 interested parties. If the application is for a permit to remove a dam, notice of the
3 hearing shall be given to all interested persons as provided by s. 31.06. In all other
4 cases, the department shall direct the applicant to give notice under s. 88.05 (2) (b)
5 to the persons specified in s. 88.05 (4) (b).

6 **SECTION 536.** 88.31 (4) (intro.) of the statutes is amended to read:

7 88.31 (4) (intro.) Upon the conclusion of the hearing and investigation, the
8 department of ~~natural resources~~ environmental quality shall grant the permit if it
9 finds:

10 **SECTION 537.** 88.31 (4m) of the statutes is amended to read:

11 88.31 (4m) The department of ~~natural resources~~ environmental quality shall
12 grant or deny the permit within 6 weeks after the conclusion of the hearing on the
13 application.

14 **SECTION 538.** 88.31 (5) of the statutes is amended to read:

15 88.31 (5) When granting a permit under this section the department of ~~natural~~
16 ~~resources~~ environmental quality also shall establish the minimum level at which the
17 affected waters may be maintained.

18 **SECTION 539.** 88.31 (6) of the statutes is amended to read:

19 88.31 (6) The department of ~~natural resources~~ environmental quality may
20 require the applicant for the permit to submit a plan for the work to be done in the
21 waters in question and may amend or modify such plan before approving it. The
22 department may at any time, on the application of any interested person, further
23 amend such plan when the same can be done without materially impairing the
24 navigability of any such waters and without materially impairing any other public
25 right.

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1 **SECTION 540.** 88.62 (3) of the statutes is amended to read:

2 88.62 (3) (a) If drainage work is undertaken in navigable waters, the drainage
3 board shall obtain a permit under s. 30.20 or 88.31 or ch. 31, as directed by the
4 department of ~~natural resources~~ environmental quality, except as provided in par.
5 (b).

6 (b) If drainage work is undertaken in navigable waters located in the Duck
7 Creek Drainage District, the board for that district shall obtain a permit under s.
8 30.20 or ch. 31, as directed by the department of ~~natural resources~~ environmental
9 quality.

10 **SECTION 541.** 88.72 (4) of the statutes is amended to read:

11 88.72 (4) Within 30 days after the department of ~~natural resources~~
12 environmental quality has issued all of the permits as required under this chapter
13 and chs. 30 and 31, the board shall proceed to estimate the cost of the work, including
14 the expenses of the proceeding together with the damages that will result from the
15 work, and shall, within a reasonable time, award damages to all lands damaged by
16 the work and assess the cost of the work against the lands in the district in proportion
17 to the assessment of benefits then in force.

18 **SECTION 542.** 91.46 (1) (i) of the statutes, as created by 2009 Wisconsin Act 28,
19 is amended to read:

20 91.46 (1) (i) Oil and gas exploration or production that is licensed by the
21 department of ~~natural resources~~ environmental quality under subch. II of ch. 295.

22 **SECTION 543.** 92.04 (2) (e) of the statutes is amended to read:

23 92.04 (2) (e) *Review joint evaluation plan.* The board shall review the
24 evaluation plan prepared under s. 92.14 (13). After its review, the board shall make

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1 recommendations on the plan to the department and to the department of ~~natural~~
2 ~~resources~~ environmental quality.

3 **SECTION 544.** 92.05 (1) of the statutes is amended to read:

4 92.05 (1) CENTRAL AGENCY. The department is the central agency of this state
5 responsible for setting and implementing statewide soil and water conservation
6 policies and administering the state's soil and water conservation programs. The
7 department shall coordinate its soil and water conservation program with the
8 nonpoint source water pollution abatement program established under s. 281.65, the
9 inland lake protection and rehabilitation program established under ch. 33 and other
10 programs with objectives related to soil and water conservation administered by the
11 department of ~~natural resources~~ environmental quality or by other state or federal
12 agencies.

13 **SECTION 545.** 92.10 (6) (a) 1. of the statutes is amended to read:

14 92.10 (6) (a) 1. Includes an assessment of water quality and soil erosion
15 conditions throughout the county, including any assessment available from the
16 department of ~~natural resources~~ environmental quality.

17 **SECTION 546.** 92.10 (8) of the statutes is amended to read:

18 92.10 (8) DUTIES OF THE DEPARTMENT OF ~~NATURAL RESOURCES~~ ENVIRONMENTAL
19 QUALITY. The department of ~~natural resources~~ environmental quality shall provide
20 counties with assistance in land and water resource management planning,
21 including providing available water quality data and information, providing
22 training and support for water resource assessments and appraisals and providing
23 related program information.

24 **SECTION 547.** 92.14 (2) (j) of the statutes is amended to read:

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1 92.14 (2) (j) Enhancing the administration and coordination of state nonpoint
2 source water pollution abatement activities by the department and the department
3 of ~~natural resources~~ environmental quality, including providing a single process for
4 grant application, funding allocation, reporting and evaluation.

5 **SECTION 548.** 92.14 (6) (b) of the statutes is amended to read:

6 92.14 (6) (b) The department and the department of ~~natural resources~~
7 environmental quality shall prepare an annual grant allocation plan identifying the
8 amounts to be provided to counties under this section and ss. 281.65 and 281.66. In
9 the allocation plan, the departments shall attempt to provide funding under this
10 section for an average of 3 staff persons per county with full funding for the first staff
11 person, 70% funding for the 2nd staff person and 50% funding for any additional staff
12 persons and to provide an average of \$100,000 per county for cost-sharing grants.
13 The department shall submit that plan to the board.

14 **SECTION 549.** 92.14 (6) (d) of the statutes is amended to read:

15 92.14 (6) (d) The board shall review the annual allocation plan submitted to
16 it under par. (b) and make recommendations to the department of agriculture, trade
17 and consumer protection and the department of ~~natural resources~~ environmental
18 quality on approval, modification or disapproval of the plan.

19 **SECTION 550.** 92.14 (6) (h) 3. of the statutes is amended to read:

20 92.14 (6) (h) 3. Nothing in this paragraph affects the authority of the
21 department of ~~natural resources~~ environmental quality to act under ch. 283.

22 **SECTION 551.** 92.14 (6) (m) of the statutes is amended to read:

23 92.14 (6) (m) The department of agriculture, trade and consumer protection
24 and the department of ~~natural resources~~ environmental quality shall assist counties
25 in conducting the activities for which grants under sub. (3) may be used.

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1 **SECTION 552.** 92.14 (8) of the statutes is amended to read:

2 92.14 **(8)** RULES. In consultation with the department of ~~natural resources~~
3 environmental quality, the department shall promulgate rules to administer this
4 section and the department's duties under s. 281.65.

5 **SECTION 553.** 92.14 (12) of the statutes is amended to read:

6 92.14 **(12)** ANNUAL REPORT. Annually, the department, in cooperation with the
7 department of ~~natural resources~~ environmental quality, shall submit a report on the
8 progress of the program under this section and s. 281.65 to the board.

9 **SECTION 554.** 92.14 (13) of the statutes is amended to read:

10 92.14 **(13)** EVALUATION PLAN. The department, jointly with the department of
11 ~~natural resources~~ environmental quality, shall prepare a plan, which includes water
12 quality monitoring and analysis, for evaluating the program administered under
13 this section and s. 281.65 and submit the plan to the board. The board shall make
14 recommendations to the department and the department of ~~natural resources~~
15 environmental quality on the plan. The department shall review and approve or
16 disapprove the plan and shall notify the board of its final action on the plan. The
17 department shall implement any part of the plan for which the plan gives it
18 responsibility.

19 **SECTION 555.** 92.14 (14) of the statutes is amended to read:

20 92.14 **(14)** APPLICATION, ALLOCATION, REPORTING AND EVALUATION. The
21 department, jointly with the department of ~~natural resources~~ environmental quality,
22 shall develop a single set of grant application, reporting and evaluation forms for use
23 by counties receiving grants under this section and ss. 281.65 and 281.66. The
24 department, jointly with the department of ~~natural resources~~ environmental quality,
25 shall implement a single process for grant application, funding allocation, reporting

BILL**SECTION 555**

1 and evaluation for counties receiving grants under this section and ss. 281.65 and
2 281.66.

3 **SECTION 556.** 92.14 (14m) of the statutes is amended to read:

4 92.14 **(14m)** COORDINATION. The department of agriculture, trade and
5 consumer protection and the department of ~~natural resources~~ environmental
6 quality, jointly, shall review applications from counties for grants under sub. (5r)
7 and, for projects and activities selected to receive funding shall determine whether
8 to provide funding under this section or under s. 281.65 or 281.66.

9 **SECTION 557.** 92.14 (15) of the statutes is amended to read:

10 92.14 **(15)** FINANCIAL INFORMATION. The department shall consult with the
11 department of ~~natural resources~~ environmental quality when it prepares the
12 information which it submits to the department of administration under s. 16.42.

13 **SECTION 558.** 92.15 (3) of the statutes is amended to read:

14 92.15 **(3)** (a) Notwithstanding ss. 92.11 and 92.17, a local governmental unit
15 may enact regulations of livestock operations that exceed the performance
16 standards, prohibitions, conservation practices and technical standards under s.
17 281.16 (3) only if the local governmental unit demonstrates to the satisfaction of the
18 department of agriculture, trade and consumer protection or the department of
19 ~~natural resources~~ environmental quality that the regulations are necessary to
20 achieve water quality standards under s. 281.15.

21 (b) The department of agriculture, trade and consumer protection and the
22 department of ~~natural resources~~ environmental quality shall, by rule, specify
23 procedures for review and approval of proposed local governmental unit regulations
24 under par. (a).

25 **SECTION 559.** 92.18 (4) of the statutes is amended to read:

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1 92.18 (4) The department shall promulgate rules under this section in
2 consultation with the department of ~~natural resources~~ environmental quality.

3 **SECTION 560.** 92.18 (5) of the statutes is amended to read:

4 92.18 (5) Any training required under this section may be conducted by the
5 department or the department of ~~natural resources~~ environmental quality or by
6 another person with the approval of the department.

7 **SECTION 561.** 93.12 (5) of the statutes is amended to read:

8 93.12 (5) The department shall establish uniform minimum standards to be
9 used in the evaluation and certification of laboratory examinations. The department
10 shall submit any rules proposed under this subsection which affect the laboratory
11 certification program under s. 299.11 to the department of ~~natural resources~~
12 environmental quality and to the state laboratory of hygiene for review and
13 comment. These rules may not take effect unless they are approved by the
14 department of natural resources within 6 months after submission.

15 **SECTION 562.** 93.12 (8) of the statutes is amended to read:

16 93.12 (8) The department shall enter into a memorandum of understanding
17 with the department of ~~natural resources~~ environmental quality setting forth the
18 responsibilities of each department in administering the laboratory certification
19 programs under sub. (5) and s. 299.11. The memorandum of understanding shall
20 include measures to be taken by each department to avoid duplication of application
21 and compliance procedures for laboratory certification.

22 **SECTION 563.** 93.12 (9) of the statutes is amended to read:

23 93.12 (9) The department shall recognize the certification or registration of a
24 laboratory by the department of ~~natural resources~~ environmental quality under s.

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BILL**SECTION 563**

1 299.11 and shall accept the results of any test conducted by a laboratory certified or
2 registered to conduct that category of test under that section.

3 **SECTION 564.** 93.46 (1m) (b) of the statutes is amended to read:

4 93.46 **(1m)** (b) The department of natural resources and the department of
5 environmental quality shall assist persons in obtaining any license or approval
6 required by any state or federal agency to conduct a commercial aquaculture
7 operation.

8 **SECTION 565.** 93.90 (5) (c) of the statutes is amended to read:

9 93.90 **(5)** (c) Upon receiving the certified copy of the record under par. (bm), the
10 board shall determine whether the challenge is valid. The board shall make its
11 decision without deference to the decision of the political subdivision and shall base
12 its decision only on the evidence in the record under sub. (4) (b). In a case that
13 involves the application of requirements related to water quality, the board shall
14 consult with the department of agriculture, trade and consumer protection or with
15 the department of ~~natural resources~~ environmental quality concerning the
16 application of the requirements related to water quality. The board shall make its
17 decision within 60 days after the day on which it receives the certified copy of the
18 record under par. (bm), except that the board may extend this time limit for good
19 cause specified in writing by the board.

20 **SECTION 566.** 94.65 (3) (a) 3. of the statutes is amended to read:

21 94.65 **(3)** (a) 3. No permit is required for the landspreading of sewage sludge
22 under a pollutant discharge elimination system permit issued by the department of
23 ~~natural resources~~ environmental quality under s. 283.31 or 283.35.

24 **SECTION 567.** 94.73 (1) (b) of the statutes is amended to read:

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1 94.73 (1) (b) “Corrective action” means action that is taken in response to a
2 discharge and that is necessary to restore the environment to the extent practicable
3 and to minimize the harmful effects of the discharge to the air, lands or waters of this
4 state. “Corrective action” includes action taken or ordered by the department of
5 ~~natural resources~~ environmental quality under s. 292.11 (7) in response to a
6 discharge, but does not include action ordered by the department of ~~natural~~
7 ~~resources~~ environmental quality under s. 291.37 (2) or 291.95. “Corrective action”
8 does not include action taken, or ordered to be completed, before January 1, 1989.

9 **SECTION 568.** 94.73 (2) (a) of the statutes is amended to read:

10 94.73 (2) (a) The department may issue an order requiring a responsible person
11 to take corrective action. Except as provided in a memorandum of understanding
12 under sub. (12), if a discharge involves a hazardous substance that may also become
13 a hazardous waste, the department and the department of ~~natural resources~~
14 environmental quality shall consult to determine whether corrective action should
15 be taken under this section or s. 291.37 (2), 291.95 (1) or 292.31 (3).

16 **SECTION 569.** 94.73 (2m) (intro.) of the statutes is amended to read:

17 94.73 (2m) **CORRECTIVE ACTION ORDERED BY THE DEPARTMENT OF NATURAL**
18 **RESOURCES** ENVIRONMENTAL QUALITY (intro.) The department of ~~natural resources~~
19 environmental quality may take action under s. 292.11 (7) (a) or may issue an order
20 under s. 292.11 (7) (c) in response to a discharge only if one or more of the following
21 apply:

22 **SECTION 570.** 94.73 (2m) (b) of the statutes is amended to read:

23 94.73 (2m) (b) The department of agriculture, trade and consumer protection
24 requests the department of ~~natural resources~~ environmental quality to take the
25 action or issue the order.

BILL**SECTION 571**

1 **SECTION 571.** 94.73 (2m) (c) of the statutes is amended to read:

2 94.73 **(2m)** (c) The secretary of ~~natural resources~~ environmental quality
3 approves the action or order in advance after notice to the secretary of agriculture,
4 trade and consumer protection.

5 **SECTION 572.** 94.73 (2m) (d) of the statutes is amended to read:

6 94.73 **(2m)** (d) The department of ~~natural resources~~ environmental quality
7 takes action under s. 292.11 (7) (a) after the responsible person fails to comply with
8 an order that was issued under s. 292.11 (7) (c) in compliance with this subsection.

9 **SECTION 573.** 94.73 (2m) (e) of the statutes is amended to read:

10 94.73 **(2m)** (e) The department of ~~natural resources~~ environmental quality
11 takes the action or issues the order in compliance with a memorandum of
12 understanding under sub. (12) between the department of agriculture, trade and
13 consumer protection and the department of ~~natural resources~~ environmental
14 quality.

15 **SECTION 574.** 94.73 (3) (d) of the statutes is amended to read:

16 94.73 **(3)** (d) The applicant has complied with every corrective action order
17 issued to the applicant by the department under sub. (2) or the department of ~~natural~~
18 ~~resources~~ environmental quality under s. 292.11 (7) (c).

19 **SECTION 575.** 94.73 (3) (f) of the statutes is amended to read:

20 94.73 **(3)** (f) The applicant, upon discovery of the discharge, promptly reported
21 the discharge to the department or, if the applicant was required to report the
22 discharge under s. 292.11 (2), to the department of ~~natural resources~~ environmental
23 quality.

24 **SECTION 576.** 94.73 (3m) (a) of the statutes is amended to read:

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1 94.73 (3m) (a) Costs for corrective action taken in response to a discharge that
2 is an intentional use of an agricultural chemical for agricultural purposes, unless the
3 corrective action is ordered by the department under sub. (2) or by the department
4 of ~~natural resources~~ environmental quality under s. 292.11 (7) (c).

5 **SECTION 577.** 94.73 (3m) (b) of the statutes is amended to read:

6 94.73 (3m) (b) Costs of reimbursing the department of ~~natural resources~~
7 environmental quality for action taken under s. 292.11 (7) (a) or 292.31 (1), (3) or (7)
8 because the applicant failed to respond adequately to a discharge.

9 **SECTION 578.** 94.73 (3m) (e) of the statutes is amended to read:

10 94.73 (3m) (e) Costs for corrective action taken in response to a discharge from
11 a facility that is required to be licensed under s. 289.31 or that would be required to
12 be licensed except that the department of ~~natural resources~~ environmental quality
13 has issued a specific exemption under s. 289.43 or rules promulgated under s. 289.05
14 (1) or (2).

15 **SECTION 579.** 94.73 (3m) (r) of the statutes is amended to read:

16 94.73 (3m) (r) The cost of providing alternative sources of drinking water,
17 except that, subject to sub. (6) (b) to (f), the department may reimburse a responsible
18 person who applies for reimbursement a total of not more than \$50,000 for the
19 replacement or restoration of private wells or for connection to a public or private
20 water source if the department or the department of ~~natural resources~~
21 environmental quality orders the well replacement or restoration or the connection
22 in response to a discharge.

23 **SECTION 580.** 94.73 (4) (b) of the statutes is amended to read:

24 94.73 (4) (b) Except as agreed under sub. (12), the department of agriculture,
25 trade and consumer protection shall promptly furnish the department of ~~natural~~

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1 resources environmental quality with a copy of each work plan submitted to the
2 department of agriculture, trade and consumer protection under par. (a) for comment
3 by the department of ~~natural resources~~ environmental quality. Within 14 days after
4 it receives a copy of a work plan or within a different time period agreed to under sub.
5 (12), the department of ~~natural resources~~ environmental quality may provide the
6 department of agriculture, trade and consumer protection with any comments of the
7 department of ~~natural resources~~ environmental quality on the work plan. If the
8 department of ~~natural resources~~ environmental quality timely submits written
9 comments on a proposed work plan, the department of agriculture, trade and
10 consumer protection shall either incorporate those comments into the approved work
11 plan or give the department of ~~natural resources~~ environmental quality a written
12 explanation of why the comments were not incorporated.

13 **SECTION 581.** 94.73 (9) of the statutes is amended to read:

14 94.73 (9) SAMPLING REQUIREMENTS. The department, in cooperation with the
15 department of ~~natural resources~~ environmental quality, shall establish a program
16 for the collection and analysis of soil and other environmental samples at sites where
17 discharges may have occurred, including sites required to be registered according to
18 rules promulgated by the department of agriculture, trade and consumer protection
19 under sub. (11).

20 **SECTION 582.** 94.73 (12) of the statutes is amended to read:

21 94.73 (12) MEMORANDUM OF UNDERSTANDING. The department and the
22 department of ~~natural resources~~ environmental quality shall enter into a
23 memorandum of understanding establishing their respective functions in the
24 administration of this section. The memorandum of understanding shall establish
25 procedures to ensure that corrective actions taken under this section are consistent

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1 with actions taken under s. 292.11 (7). The department and the department of
2 ~~natural resources~~ environmental quality may request that the secretary of
3 administration provide assistance in accomplishing the memorandum of
4 understanding.

5 **SECTION 583.** 97.34 (2) (b) of the statutes is amended to read:

6 97.34 (2) (b) No person may manufacture or bottle bottled drinking water for
7 sale or distribution in this state unless the bottled drinking water complies with
8 state drinking water standards adopted by the department of ~~natural resources~~
9 environmental quality under s. 280.11, 281.15 or 281.17 (8) and with health-related
10 enforcement standards adopted by the department of natural resources under ch.
11 160.

12 **SECTION 584.** 97.34 (2) (d) of the statutes is amended to read:

13 97.34 (2) (d) No person may manufacture or bottle bottled drinking water for
14 sale or distribution in this state unless the water system used by the manufacturer
15 or bottler complies with ch. 280 and rules promulgated by the department of ~~natural~~
16 ~~resources~~ environmental quality under that chapter.

17 **SECTION 585.** 100.27 (5) (d) of the statutes is amended to read:

18 100.27 (5) (d) Informs the department and the department of ~~natural resources~~
19 environmental quality of the collection site identified under par. (a) and the
20 telephone number under par. (c).

21 **SECTION 586.** 100.295 (1) of the statutes is amended to read:

22 100.295 (1) LABELING STANDARDS. The department shall establish standards
23 that must be met by products in order for any person to represent that the products
24 are recycled, recyclable or degradable. The department shall establish standards
25 that are consistent, to the greatest extent practicable, with nationwide industry

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1 consensus standards. In developing standards, the department shall consult with
2 the department of ~~natural resources~~ environmental quality and the council on
3 recycling and consider purchasing specifications under s. 16.72 (2) (e) and (f) and any
4 existing federal standards. The department shall give priority to establishing
5 standards for specific products commonly represented as being recycled, recyclable
6 or degradable.

7 **SECTION 587.** 101.143 (1) (am) of the statutes is amended to read:

8 101.143 (1) (am) “Case closure letter” means a letter provided by the
9 department of ~~natural resources~~ environmental quality that states that, based on
10 information available to the department of natural resources, no further remedial
11 action is necessary with respect to a discharge.

12 **SECTION 588.** 101.143 (2) (h) (intro.) of the statutes is amended to read:

13 101.143 (2) (h) (intro.) The department of commerce and the department of
14 ~~natural resources~~ environmental quality, jointly, shall promulgate rules designed to
15 facilitate effective and cost-efficient administration of the program under this
16 section that specify all of the following:

17 **SECTION 589.** 101.143 (2) (h) 3. of the statutes is amended to read:

18 101.143 (2) (h) 3. Review procedures that must be followed by employees of the
19 department of ~~natural resources~~ environmental quality and the department of
20 commerce in reviewing the information submitted under subd. 1.

21 **SECTION 590.** 101.143 (2) (i) (intro.) of the statutes is amended to read:

22 101.143 (2) (i) (intro.) The department of commerce and the department of
23 ~~natural resources~~ environmental quality, jointly, shall promulgate rules specifying
24 procedures for evaluating remedial action plans and procedures to be used by
25 employees of the department of commerce and the department of ~~natural resources~~

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1 environmental quality while remedial actions are being conducted. The
2 departments shall specify procedures that include all of the following:

3 **SECTION 591.** 101.143 (2) (j) (intro.) of the statutes is amended to read:

4 101.143 (2) (j) (intro.) The department of commerce and the department of
5 ~~natural resources~~ environmental quality, jointly, shall promulgate rules specifying
6 all of the following:

7 **SECTION 592.** 101.143 (2) (j) 1. of the statutes is amended to read:

8 101.143 (2) (j) 1. The conditions under which employees of the department of
9 commerce and the department of ~~natural resources~~ environmental quality must
10 issue approvals under sub. (3) (c) 4.

11 **SECTION 593.** 101.143 (2) (k) of the statutes is amended to read:

12 101.143 (2) (k) In promulgating rules under pars. (h) to (j), the department of
13 commerce and the department of ~~natural resources~~ environmental quality shall
14 attempt to reach an agreement that is consistent with those provisions. If the
15 department of commerce and the department of ~~natural resources~~ environmental
16 quality are unable to reach an agreement, they shall refer the matters on which they
17 are unable to agree to the secretary of administration for resolution. The secretary
18 of administration shall resolve any matters on which the departments disagree in
19 a manner that is consistent with pars. (h) to (j). The department of commerce and
20 the department of ~~natural resources~~ environmental quality, jointly, shall promulgate
21 rules incorporating any agreement between the department of commerce and the
22 department of ~~natural resources~~ environmental quality under this paragraph and
23 any resolution of disagreements between the departments by the secretary of
24 administration under this paragraph.

25 **SECTION 594.** 101.143 (2e) of the statutes is amended to read:

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1 101.143 **(2e)** RISK-BASED ANALYSIS. (a) The department of commerce and the
2 department of ~~natural resources~~ environmental quality shall attempt to agree on a
3 method, which shall include individualized consideration of the routes for migration
4 of petroleum product contamination at each site, for determining the risk to public
5 health, safety and welfare and to the environment posed by discharges for which the
6 department of commerce receives notification under sub. (3) (a) 3.

7 (b) If the department of commerce and the department of ~~natural resources~~
8 environmental quality are unable to reach an agreement under par. (a), they shall
9 refer the matters on which they are unable to agree to the secretary of administration
10 for resolution. The secretary of administration shall resolve any matters on which
11 the departments disagree in a manner that is consistent with par. (a). The
12 department of commerce and the department of ~~natural resources~~ environmental
13 quality, jointly, shall promulgate rules incorporating any agreement between the
14 department of commerce and the department of ~~natural resources~~ environmental
15 quality under par. (a) and any resolution of disagreements between the departments
16 by the secretary of administration under this paragraph.

17 (c) The department of ~~natural resources~~ environmental quality or, if the
18 discharge is covered under s. 101.144 (2) (b), the department of commerce shall apply
19 the method in the rules promulgated under par. (b) to determine the risk posed by
20 a discharge for which the department of commerce receives notification under sub.
21 (3) (a) 3.

22 **SECTION 595.** 101.143 (2m) of the statutes is amended to read:

23 101.143 **(2m)** INTERDEPARTMENTAL COORDINATION. Whenever the department of
24 commerce receives a notification under sub. (3) (a) 3. or the department of ~~natural~~
25 ~~resources~~ environmental quality receives a notification of a petroleum product

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1 discharge under s. 292.11, the department receiving the notification shall contact the
2 other department and shall schedule a meeting of the owner or operator or person
3 owning a home oil tank system and representatives of both departments.

4 **SECTION 596.** 101.143 (3) (a) 5. of the statutes is amended to read:

5 101.143 (3) (a) 5. The owner or operator or the person reports the discharge in
6 a timely manner to the division of emergency management in the department of
7 military affairs or to the department of ~~natural resources~~ environmental quality,
8 according to the requirements under s. 292.11.

9 **SECTION 597.** 101.143 (3) (a) 9. of the statutes is amended to read:

10 101.143 (3) (a) 9. The owner or operator or the person follows standards for
11 groundwater restoration in the groundwater standards in the rules promulgated by
12 the department of ~~natural resources~~ environmental quality under ss. 160.07 and
13 160.09 and restores the environment, to the extent practicable, according to those
14 standards at the site of the discharge from a petroleum product storage system or
15 home oil tank system.

16 **SECTION 598.** 101.143 (3) (c) 4. of the statutes is amended to read:

17 101.143 (3) (c) 4. Receive written approval from the department of ~~natural~~
18 ~~resources~~ environmental quality or, if the discharge is covered under s. 101.144 (2)
19 (b), from the department of commerce that the remedial action activities performed
20 under subd. 3. meet the requirements of s. 292.11.

21 **SECTION 599.** 101.143 (3) (cm) of the statutes is amended to read:

22 101.143 (3) (cm) *Monitoring as remedial action.* An owner or operator or person
23 owning a home oil tank system may, with the approval of the department of ~~natural~~
24 ~~resources~~ environmental quality or, if the discharge is covered under s. 101.144 (2)
25 (b), the department of commerce, satisfy the requirements of par. (c) 2. and 3. by

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1 proposing and implementing monitoring to ensure the effectiveness of natural
2 attenuation of petroleum product contamination.

3 **SECTION 600.** 101.143 (3) (cp) 1. of the statutes is amended to read:

4 101.143 (3) (cp) 1. Except as provided in subds. 2. to 5., if the department of
5 ~~natural resources~~ environmental quality or, if the site is covered under s. 101.144 (2)
6 (b), the department of commerce estimates that the cost to complete a site
7 investigation, remedial action plan and remedial action for an occurrence exceeds
8 \$60,000, the department of commerce shall implement a competitive public bidding
9 process to obtain information to assist in making the determination under par. (cs).

10 **SECTION 601.** 101.143 (3) (cp) 2. of the statutes is amended to read:

11 101.143 (3) (cp) 2. The department of commerce or the department of ~~natural~~
12 ~~resources~~ environmental quality may waive the requirement under subd. 1. if an
13 enforcement standard is exceeded in groundwater within 1,000 feet of a well
14 operated by a public utility, as defined in s. 196.01 (5), or within 100 feet of any other
15 well used to provide water for human consumption.

16 **SECTION 602.** 101.143 (3) (cp) 5. of the statutes is amended to read:

17 101.143 (3) (cp) 5. The department of commerce or the department of ~~natural~~
18 ~~resources~~ environmental quality may waive the requirement under subd. 1. after
19 providing notice to the other department.

20 **SECTION 603.** 101.143 (3) (cs) 2. of the statutes is amended to read:

21 101.143 (3) (cs) 2. The department of ~~natural resources~~ environmental quality
22 and the department of commerce shall review the remedial action plan for a site that
23 is classified as high risk under s. 101.144 and shall jointly determine the least costly
24 method of complying with par. (c) 3. and with enforcement standards. The
25 departments shall notify the owner or operator of their determination of the least

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1 costly method and shall notify the owner or operator that reimbursement for
2 remedial action under this section is limited to the amount necessary to implement
3 that method.

4 **SECTION 604.** 101.143 (3) (cs) 3. of the statutes is amended to read:

5 101.143 (3) (cs) 3. In making determinations under subds. 1. and 2., the
6 department of ~~natural resources~~ environmental quality and the department of
7 commerce shall determine whether natural attenuation will achieve compliance
8 with par. (c) 3. and with enforcement standards.

9 **SECTION 605.** 101.143 (3) (cs) 4. of the statutes is amended to read:

10 101.143 (3) (cs) 4. The department of commerce may review and modify an
11 amount established under subd. 1. if the department determines that new
12 circumstances, including newly discovered contamination at a site, warrant those
13 actions. The department of commerce and the department of ~~natural resources~~
14 environmental quality may review and modify an amount established under subd.
15 2. if the departments determine that new circumstances, including newly discovered
16 contamination at a site, warrant those actions.

17 **SECTION 606.** 101.143 (3) (cw) 2. of the statutes is amended to read:

18 101.143 (3) (cw) 2. The department of ~~natural resources~~ environmental quality
19 and the department of commerce shall conduct the annual review required under
20 sub. (2) (i) 1. for a site that is classified as high risk under s. 101.144 and shall jointly
21 determine the least costly method of completing remedial action at the site in order
22 to comply with par. (c) 3. and with enforcement standards. The departments shall
23 notify the owner or operator of their determination of the least costly method and
24 shall notify the owner or operator that reimbursement under this section for

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1 remedial action conducted after the date of the notice is limited to the amount
2 necessary to implement that method.

3 **SECTION 607.** 101.143 (3) (cw) 3. of the statutes is amended to read:

4 101.143 (3) (cw) 3. In making determinations under subds. 1. and 2., the
5 department of ~~natural resources~~ environmental quality and the department of
6 commerce shall determine whether natural attenuation will achieve compliance
7 with par. (c) 3. and with enforcement standards.

8 **SECTION 608.** 101.143 (3) (cw) 4. of the statutes is amended to read:

9 101.143 (3) (cw) 4. The department of commerce may review and modify an
10 amount established under subd. 1. if the department determines that new
11 circumstances, including newly discovered contamination at a site, warrant those
12 actions. The department of commerce and the department of ~~natural resources~~
13 environmental quality may review and modify an amount established under subd.
14 2. if the departments determine that new circumstances, including newly discovered
15 contamination at a site, warrant those actions.

16 **SECTION 609.** 101.143 (3) (d) of the statutes is amended to read:

17 101.143 (3) (d) *Final review of remedial action activities.* The department of
18 ~~natural resources~~ environmental quality or, if the discharge is covered under s.
19 101.144 (2) (b), the department of commerce shall complete a final review of the
20 remedial action activities within 60 days after the claimant notifies the appropriate
21 department that the remedial action activities are completed.

22 **SECTION 610.** 101.143 (3) (e) of the statutes is amended to read:

23 101.143 (3) (e) *Notifications.* The department of ~~natural resources~~
24 environmental quality shall notify the department when it gives a claimant written
25 approval under par. (c) 4.

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1 **SECTION 611.** 101.143 (3) (f) 5. of the statutes is amended to read:

2 101.143 (3) (f) 5. The written approval of the department of ~~natural resources~~
3 environmental quality or the department of commerce under par. (c) 4.

4 **SECTION 612.** 101.143 (3) (g) of the statutes is amended to read:

5 101.143 (3) (g) *Emergency situations.* Notwithstanding pars. (a) 3. and (c) 1.
6 and 2., an owner or operator or the person may submit a claim for an award under
7 sub. (4) after notifying the department under par. (a) 3., without completing an
8 investigation under par. (c) 1. and without preparing a remedial action plan under
9 par. (c) 2. if an emergency existed which made the investigation under par. (c) 1. and
10 the remedial action plan under par. (c) 2. inappropriate and, before conducting
11 remedial action, the owner or operator or person notified the department of
12 commerce and the department of ~~natural resources~~ environmental quality of the
13 emergency and the department of commerce and the department of ~~natural~~
14 ~~resources~~ environmental quality authorized emergency action.

15 **SECTION 613.** 101.143 (4) (ei) 2m. of the statutes is amended to read:

16 101.143 (4) (ei) 2m. The owner or operator of the farm tank has received a letter
17 or notice from the department of commerce or department of ~~natural resources~~
18 environmental quality indicating that the owner or operator must conduct a site
19 investigation or remedial action because of a discharge from the farm tank or an
20 order to conduct such an investigation or remedial action.

21 **SECTION 614.** 101.143 (4) (es) 1. of the statutes is amended to read:

22 101.143 (4) (es) 1. The department shall issue an award for a claim filed after
23 August 9, 1989, for eligible costs, under par. (b), incurred on or after August 1, 1987,
24 by an owner or operator or a person owning a home oil tank system in investigating
25 the existence of a discharge or investigating the presence of petroleum products in

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1 soil or groundwater if the investigation is undertaken at the written direction of the
2 department of commerce or the department of ~~natural resources~~ environmental
3 quality and no discharge or contamination is found.

4 **SECTION 615.** 101.143 (11) (intro.) of the statutes is amended to read:

5 101.143 (11) REPORTS. (intro.) No later than each January 1 and July 1, the
6 department of commerce and the department of ~~natural resources~~ environmental
7 quality shall submit to the governor, to the joint legislative audit committee, to the
8 joint committee on finance and to the appropriate standing committees of the
9 legislature, under s. 13.172 (3), a report on the program under this section. The
10 departments shall include all of the following information in the report:

11 **SECTION 616.** 101.144 (2) (a) of the statutes is amended to read:

12 101.144 (2) (a) The department shall administer a program under which
13 responsible persons investigate, and take remedial action in response to, those
14 discharges of petroleum products from petroleum storage tanks that are covered
15 under par. (b). The department may issue an order requiring a responsible person
16 to take remedial action in response to a discharge of a petroleum product from a
17 petroleum storage tank if the discharge is covered under par. (b). In administering
18 this section, the department shall follow rules promulgated by the department of
19 ~~natural resources~~ environmental quality for the cleanup of discharges of hazardous
20 substances.

21 **SECTION 617.** 101.144 (3) (intro.) of the statutes is amended to read:

22 101.144 (3) (intro.) The department of ~~natural resources~~ environmental
23 quality may take action under s. 292.11 (7) (a) or may issue an order under s. 292.11
24 (7) (c) in response to a discharge that is covered under sub. (2) (b) only if one or more
25 of the following apply:

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1 **SECTION 618.** 101.144 (3) (b) of the statutes is amended to read:

2 101.144 (3) (b) The department of commerce requests the department of
3 ~~natural resources~~ environmental quality to take the action or issue the order.

4 **SECTION 619.** 101.144 (3) (c) of the statutes is amended to read:

5 101.144 (3) (c) The secretary of ~~natural resources~~ environmental quality
6 approves the action or order in advance after notice to the secretary of commerce.

7 **SECTION 620.** 101.144 (3) (d) of the statutes is amended to read:

8 101.144 (3) (d) The department of ~~natural resources~~ environmental quality
9 takes action under s. 292.11 (7) (a) after the responsible person fails to comply with
10 an order that was issued under s. 292.11 (7) (c) in compliance with this subsection.

11 **SECTION 621.** 101.144 (3) (e) of the statutes is amended to read:

12 101.144 (3) (e) The department of ~~natural resources~~ environmental quality
13 takes the action under s. 292.11 (7) (a) because the identity of the responsible person
14 is unknown.

15 **SECTION 622.** 101.144 (3g) (a) of the statutes is amended to read:

16 101.144 (3g) (a) If, on December 1, 1999, more than 35% of sites classified
17 under this section, excluding sites that are contaminated by a hazardous substance
18 other than a petroleum product or an additive to a petroleum product, are classified
19 as high-risk sites, the department of commerce and the department of ~~natural~~
20 ~~resources~~ environmental quality shall attempt to reach an agreement that specifies
21 standards for determining whether the site of a discharge of a petroleum product
22 from a petroleum storage tank is classified as high risk. The standards shall be
23 designed to classify no more than 35% of those sites as high-risk sites and may not
24 classify all sites at which an enforcement standard is exceeded as high-risk sites.
25 If the department of commerce and the department of ~~natural resources~~

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1 environmental quality are unable to reach an agreement, they shall refer the
2 matters on which they are unable to agree to the secretary of administration for
3 resolution. The secretary of administration shall resolve any matters on which the
4 departments disagree in a manner that is consistent with this paragraph. The
5 department of commerce shall promulgate rules incorporating any agreement
6 between the department of commerce and the department of ~~natural resources~~
7 environmental quality under this paragraph and any resolution of disagreements
8 between the departments by the secretary of administration under this paragraph.

9 **SECTION 623.** 101.144 (3m) (a) (intro.) of the statutes is amended to read:

10 101.144 **(3m)** (a) (intro.) The department of commerce and the department of
11 ~~natural resources~~ environmental quality shall enter into a memorandum of
12 understanding that does all of the following:

13 **SECTION 624.** 101.144 (3m) (b) of the statutes is amended to read:

14 101.144 **(3m)** (b) The department of commerce and the department of ~~natural~~
15 ~~resources~~ environmental quality shall submit a memorandum of understanding
16 under this subsection to the secretary of administration for review. A memorandum
17 of understanding under this subsection does not take effect until it is approved by
18 the secretary of administration.

19 **SECTION 625.** 101.653 (6m) of the statutes is amended to read:

20 101.653 **(6m)** REVIEW. The department and the department of ~~natural~~
21 ~~resources~~ environmental quality shall enter into a memorandum of agreement that
22 establishes a process for reviewing the standards established under sub. (2),
23 periodically updating those standards and reviewing the training program. The
24 memorandum of understanding shall ensure that local officials and other persons

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1 interested in the standards established under sub. (2) and the training program may
2 participate in the process.

3 **SECTION 626.** 107.15 (2) (b) of the statutes is amended to read:

4 107.15 (2) (b) “Licensee” means any person licensed to conduct exploration
5 activities by the department of ~~natural resources~~ environmental quality under s.
6 293.21. If the person is a corporation or limited liability company, “licensee” includes
7 the parent and any subsidiary or affiliates of the corporation or limited liability
8 company engaged in mining or activities related to mining in this state.

9 **SECTION 627.** 107.15 (6) (c) 2. of the statutes is amended to read:

10 107.15 (6) (c) 2. By the secretary of the department of ~~natural resources~~
11 environmental quality for purposes of specific environmental analysis and permit
12 application evaluation and by the secretary of the department of revenue provided
13 that the confidential information shall not be released by either the department of
14 revenue or the department of ~~natural resources~~ environmental quality, that the
15 departments of revenue and ~~natural resources~~ environmental quality shall establish
16 procedures to keep any confidential information confidential, and that the
17 responsible person or persons in each department shall be subject to the penalty
18 specified under this paragraph for the unauthorized release of confidential
19 information.

20 **SECTION 628.** 110.20 (4) of the statutes is amended to read:

21 110.20 (4) DEPARTMENTAL COOPERATION. The department shall consult and
22 cooperate with the department of ~~natural resources~~ environmental quality in order
23 to efficiently and fairly establish and administer the program established under this
24 section.

25 **SECTION 629.** 110.20 (8) (am) 5. of the statutes is amended to read:

BILL**SECTION 629**

1 110.20 (8) (am) 5. No inspection station may be established within 0.5 mile of
2 an air monitoring station which reported a violation during the period from 1976 to
3 1979 of the carbon monoxide primary national ambient air quality standard as
4 defined by the department of ~~natural resources~~ environmental quality.

5 **SECTION 630.** 110.20 (8) (d) of the statutes is amended to read:

6 110.20 (8) (d) No inspection station may be established within 0.5 mile of an
7 air monitoring station which reported a violation during the period from 1976 to 1979
8 of the carbon monoxide primary national ambient air quality standard as defined by
9 the department of ~~natural resources~~ environmental quality.

10 **SECTION 631.** 110.20 (13) (b) of the statutes is amended to read:

11 110.20 (13) (b) The department of ~~natural resources~~ environmental quality
12 shall, by rule, establish the amount of the repair cost limit to equal the amount
13 required under 42 USC 7511a (b) 4. or (c) (3) (C).

14 **SECTION 632.** 110.215 of the statutes is amended to read:

15 **110.215 Motor vehicle emission control equipment grant program.**

16 From the appropriation under s. 20.395 (5) (hq), the department shall, in
17 consultation with the department of ~~natural resources~~ environmental quality,
18 develop and administer a program to provide grants for the purchase and
19 installation of oxidation catalyst mufflers on school buses customarily kept in
20 counties identified in s. 110.20 (5). The department shall adopt rules to implement
21 and administer this section, including procedures, standards, and criteria for
22 awarding and distributing the grants.

23 **SECTION 633.** 125.52 (2) of the statutes is amended to read:

24 125.52 (2) LIMITED MANUFACTURER'S PERMIT. The department shall issue a
25 limited manufacturer's permit which authorizes the use or sale of the intoxicating

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1 liquor produced only if it is rendered unfit for use as a beverage and is used or sold
2 for use as fuel. The department shall notify the department of ~~natural resources~~
3 environmental quality of the name and address of any person to whom a limited
4 manufacturer's permit is issued.

5 **SECTION 634.** 138.09 (7) (i) 3. of the statutes is amended to read:

6 138.09 (7) (i) 3. On motor vehicle loans, the actual filing fee required for filing
7 with the department of transportation under ch. 342 or, on boat loans, the filing fee
8 required for filing with the department of natural resources under subch. V of ch. 30.

9 **SECTION 635.** 145.20 (5) (c) of the statutes is amended to read:

10 145.20 (5) (c) The department of ~~natural resources~~ environmental quality may
11 suspend or revoke a license issued under s. 281.48 or a certificate issued under s.
12 281.17 (3) to the operator of a septage servicing vehicle if the department of ~~natural~~
13 ~~resources~~ environmental quality finds that the licensee or operator falsified
14 information on inspection forms. The department of commerce may suspend or
15 revoke the license of a plumber licensed under this chapter if the department finds
16 that the plumber falsified information on inspection forms.

17 **SECTION 636.** 146.60 (1) (c) of the statutes is amended to read:

18 146.60 (1) (c) "Departments" means the department of agriculture, trade and
19 consumer protection and the department of ~~natural resources~~ environmental
20 quality.

21 **SECTION 637.** 146.60 (2) (a) of the statutes is amended to read:

22 146.60 (2) (a) The department of ~~natural resources~~ environmental quality shall
23 be the reviewing department for any regulated release subject to 15 USC 2601 to
24 2629.

25 **SECTION 638.** 146.60 (3) (c) 1. of the statutes is amended to read:

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BILL**SECTION 638**

1 146.60 (3) (c) 1. If the department of ~~natural resources~~ environmental quality
2 receives information under this subsection or sub. (4) (c), it shall provide the
3 department of agriculture, trade and consumer protection with a copy of the
4 information.

5 **SECTION 639.** 146.60 (3) (c) 2. of the statutes is amended to read:

6 146.60 (3) (c) 2. If the department of agriculture, trade and consumer
7 protection receives information under this subsection or sub. (4) (c), it shall provide
8 the department of ~~natural resources~~ environmental quality with a copy of the
9 information.

10 **SECTION 640.** 146.60 (5) of the statutes is amended to read:

11 146.60 (5) MEMORANDUM OF UNDERSTANDING. Within 6 months after June 13,
12 1989, the department of ~~natural resources~~ environmental quality shall enter into a
13 memorandum of understanding with the department of agriculture, trade and
14 consumer protection setting forth the procedures and responsibilities of the
15 departments in the administration of this section. The memorandum shall establish
16 procedures that minimize the duplication of effort between the departments and for
17 the person providing information under sub. (3).

18 **SECTION 641.** 160.001 (6) of the statutes is amended to read:

19 160.001 (6) Where necessary to comply with federal statutes or regulations, the
20 department of ~~natural resources~~ environmental quality may adopt rules in
21 regulatory programs administered by it which are more stringent than the
22 enforcement standards and preventive action limits adopted under this chapter.

23 **SECTION 642.** 160.001 (7) of the statutes is amended to read:

24 160.001 (7) A regulatory agency may take any actions within the context of
25 regulatory programs established in statutes outside of this chapter, if those actions

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1 are necessary to protect public health and welfare or prevent a significant damaging
2 effect on groundwater or surface water quality for present or future consumptive or
3 nonconsumptive uses, whether or not an enforcement standard and preventive
4 action limit for a substance has been adopted under this chapter. Nothing in this
5 chapter requires the department of health services or the department of ~~natural~~
6 ~~resources~~ environmental quality to establish an enforcement standard for a
7 substance if a federal number or state drinking water standard has not been adopted
8 for the substance and if there is not sufficient scientific information to establish the
9 standard.

10 **SECTION 643.** 160.01 (1) of the statutes is amended to read:

11 160.01 (1) “Department”, when used without qualification, means the
12 department of ~~natural resources~~ environmental quality.

13 **SECTION 644.** 160.01 (7) of the statutes is amended to read:

14 160.01 (7) “Regulatory agency” means the department of agriculture, trade and
15 consumer protection, the department of commerce, the department of
16 transportation, the department of ~~natural resources~~ environmental quality and
17 other state agencies which regulate activities, facilities or practices which are
18 related to substances which have been detected in or have a reasonable probability
19 of entering the groundwater resources of the state.

20 **SECTION 645.** 160.07 (5) of the statutes is amended to read:

21 160.07 (5) Within 9 months after transmitting the name of a substance to the
22 department of health services under sub. (2), the department of ~~natural resources~~
23 environmental quality shall propose rules establishing the recommendation of the
24 department of health services as the enforcement standard for that substance and
25 publish the notice required under s. 227.16 (2) (e), 227.17 or 227.24 (3).

BILL**SECTION 646**

1 **SECTION 646.** 160.07 (6) of the statutes is amended to read:

2 160.07 **(6)** If a federal number is established or changed for a substance after
3 an enforcement standard is recommended by the department of health services and
4 if any person or regulatory agency submits a request, the department of ~~natural~~
5 ~~resources~~ environmental quality shall determine whether the enforcement standard
6 needs revision based on recommendations under sub. (4).

7 **SECTION 647.** 160.13 (2) (b) 4. of the statutes is amended to read:

8 160.13 **(2)** (b) 4. If no acceptable daily intake or equivalent value for an oncogen
9 is established by the federal environmental protection agency or if an acceptable
10 daily intake is established but oncogenic potential at the established acceptable daily
11 intake presents an unacceptable probability of risk, the department shall provide the
12 department of ~~natural-resources~~ environmental quality with an evaluation of the
13 oncogenic potential of the substance. This evaluation of oncogenic potential shall
14 indicate an acceptable daily intake for the substance which, if ingested daily over an
15 entire human lifetime, appears to present an acceptable probability of risk which is
16 presumed to be a risk level equal to a ratio of one to 1,000,000. A risk level equal to
17 a ratio of one to 1,000,000 is the expectation that no more than one excess death will
18 occur in a population of 1,000,000 over a 70-year period. The department shall base
19 the evaluation of oncogenic potential on a review of the most recent and scientifically
20 valid information available.

21 **SECTION 648.** 165.25 (4) (a) of the statutes is amended to read:

22 165.25 **(4)** (a) The department of justice shall furnish all legal services required
23 by the investment board, the lottery division in the department of revenue, the public
24 service commission, the department of transportation, the department of ~~natural~~
25 ~~resources~~ environmental quality, the department of tourism and the department of

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1 employee trust funds, together with any other services, including stenographic and
2 investigational, as are necessarily connected with the legal work.

3 **SECTION 649.** 165.25 (6) (e) of the statutes is amended to read:

4 165.25 (6) (e) The department of justice may appear for and defend the state
5 or any state department, agency, official or employee in any civil action arising out
6 of or relating to the assessment or collection of costs concerning environmental
7 cleanup or natural resources damages including actions brought under 42 USC 9607.

8 The action may be compromised and settled in the same manner as provided in par.

9 (a). At the request of the department of ~~natural resources~~ environmental quality, the
10 department of justice may provide legal representation to the state or to the
11 department of ~~natural resources~~ environmental quality in the same matter in which
12 the department of justice provides defense counsel, if the attorneys representing
13 those interests are assigned from different organizational units within the
14 department of justice. This paragraph may not be construed as a consent to sue the
15 state or any department, agency, official or employee of the state or as a waiver of
16 sovereign immunity.

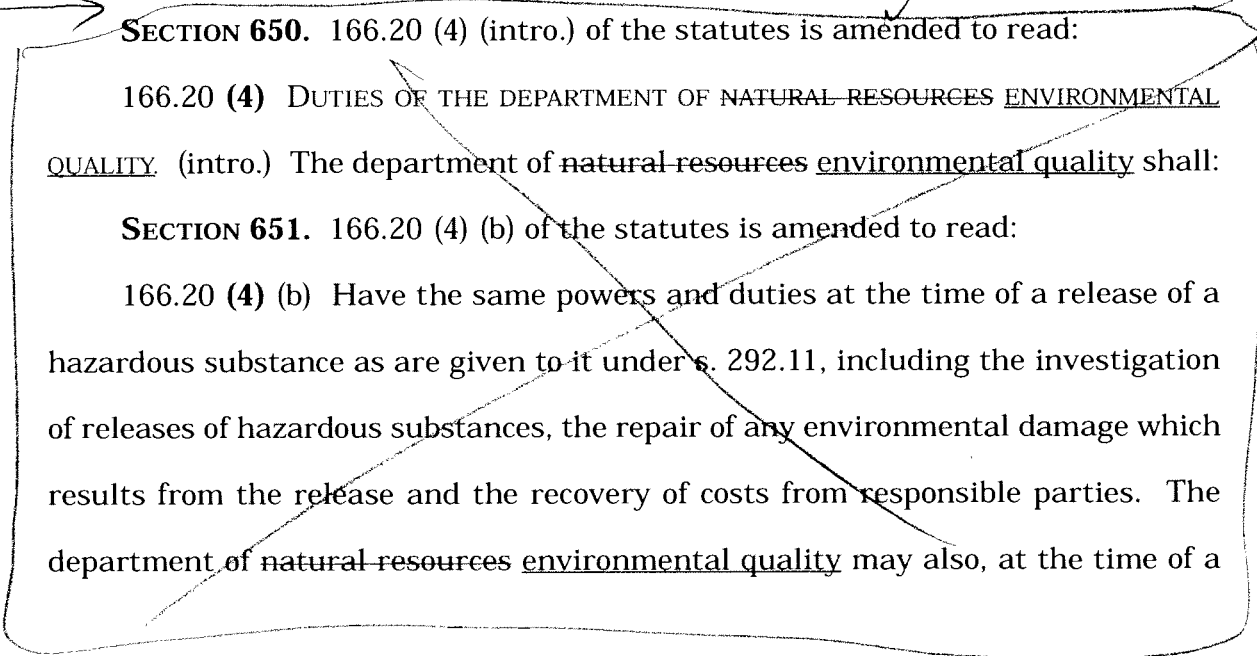
17 **SECTION 650.** 166.20 (4) (intro.) of the statutes is amended to read:

18 166.20 (4) DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL
19 QUALITY. (intro.) The department of ~~natural resources~~ environmental quality shall:

20 **SECTION 651.** 166.20 (4) (b) of the statutes is amended to read:

21 166.20 (4) (b) Have the same powers and duties at the time of a release of a
22 hazardous substance as are given to it under s. 292.11, including the investigation
23 of releases of hazardous substances, the repair of any environmental damage which
24 results from the release and the recovery of costs from responsible parties. The
25 department of ~~natural resources~~ environmental quality may also, at the time of a

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1 release of a hazardous substance, identify and recommend to the division and the
2 committee measures to lessen or mitigate anticipated environmental damage
3 resulting from the release.

4 **SECTION 652.** 166.20 (5) (a) 2. of the statutes is amended to read:

5 166.20 (5) (a) 2. All facilities in this state covered under 42 USC 11004 shall
6 comply with the notification requirements of 42 USC 11004. Notification of the
7 department of ~~natural resources~~ environmental quality of the discharge of a
8 hazardous substance under s. 292.11 (2) shall constitute the notification of the
9 division required under 42 USC 11004 if the notification contains the information
10 specified in 42 USC 11004 (b) (2) or (c).

11 **SECTION 653.** 166.20 (5) (a) 4. (intro.) of the statutes is amended to read:

12 166.20 (5) (a) 4. (intro.) The following facilities shall comply with the toxic
13 chemical release form requirements under 42 USC 11023 and shall submit copies of
14 all toxic chemical release forms to the department of ~~natural resources~~
15 environmental quality:

16 **SECTION 654.** 166.22 (3) of the statutes is amended to read:

17 166.22 (3) If action required under sub. (2) is not being adequately taken or the
18 identity of the person responsible for an emergency involving a release or potential
19 release of a hazardous substance is unknown and the emergency involving a release
20 or potential release threatens public health or safety or damage to property, a local
21 agency may take any emergency action that is consistent with the contingency plan
22 for the undertaking of emergency actions in response to the release or potential
23 release of hazardous substances established by the department of ~~natural resources~~
24 environmental quality under s. 292.11 (5) and that it considers appropriate under
25 the circumstances.

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1 **SECTION 655.** 167.10 (3) (b) 3. of the statutes is amended to read:

2 167.10 **(3)** (b) 3. The disposal of hazardous substances in accordance with rules
3 adopted by the department of ~~natural resources~~ environmental quality.

4 **SECTION 656.** 167.31 (5) (d) of the statutes is amended to read:

5 167.31 **(5)** (d) The clerk of the circuit court shall collect and transmit to the
6 county treasurer the weapons surcharge as required under s. 59.40 (2) (m). The
7 county treasurer shall then pay the secretary of administration as provided in s.
8 59.25 (3) (f) 2. The secretary of administration shall deposit all amounts received
9 under this paragraph in the conservation fund to be appropriated under s. 20.370 ~~(3)~~
10 ~~(mu)~~ (1) (pu).

11 **SECTION 657.** 169.46 (1) (e) of the statutes is amended to read:

12 169.46 **(1)** (e) All moneys collected from natural resources surcharges shall be
13 deposited in the conservation fund and credited to the appropriation under s. 20.370
14 ~~(3)~~ ~~(mu)~~ (1) (pu).

15 **SECTION 658.** 169.46 (2) (e) of the statutes is amended to read:

16 169.46 **(2)** (e) All moneys collected from natural resources restitution
17 surcharges shall be deposited in the conservation fund and credited to the
18 appropriation account under s. 20.370 ~~(3)~~ ~~(mu)~~ (1) (pu).

19 **SECTION 659.** 170.12 (4) (intro.) of the statutes is amended to read:

20 170.12 **(4)** REVIEW BY OTHER AGENCIES. (intro.) Upon receipt of an application
21 under sub. (3), the board shall immediately transmit copies of the application to the
22 department of natural resources ~~and to, the department of environmental quality,~~
23 and the historical society for review. The department of natural resources and the
24 historical society shall, as appropriate, within 30 days after their receipt of the
25 application, notify the board whether any of the following applies:

BILL**SECTION 660**

1 **SECTION 660.** 170.12 (4) (c) of the statutes is amended to read:

2 170.12 (4) (c) The proposed project may affect public rights in navigable waters.
3 The department of natural resources and the department of environmental quality
4 shall recommend to the board requirements and conditions to be attached to the
5 permit which shall protect those rights.

6 **SECTION 661.** 182.70 (1) (d) of the statutes is amended to read:

7 182.70 (1) (d) “Department” means the department of ~~natural resources~~
8 environmental quality.

9 **SECTION 662.** 182.70 (3) (a) 1. of the statutes is amended to read:

10 182.70 (3) (a) 1. The company may create, acquire or lease an entire reservoir
11 project or otherwise maintain, operate or control a system of water reservoirs located
12 in or along the Wisconsin river. These reservoirs shall be located north of township
13 37 north in or along the Wisconsin River, and in or along any tributary of the
14 Wisconsin River that discharges into the river at any point north of the south line of
15 township 23 north. The company may create, acquire, maintain and operate
16 waterways to divert flood waters from or to the Wisconsin River to or from reservoirs
17 on other rivers. Diversion of flood waters shall be subject to approval by the
18 department, in consultation with the department of natural resources. The company
19 may construct, acquire and maintain dams, booms and other structures in, along or
20 across this portion of the Wisconsin River and its tributaries to accomplish the
21 purposes of this section. The company may clean out, straighten, deepen or
22 otherwise improve any tributary to improve navigation of the tributary or of the
23 Wisconsin River, or to prevent injury to property bordering on the rivers.

24 **SECTION 663.** 182.71 (1) (c) of the statutes is amended to read:

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1 182.71 (1) (c) “Department” means the department of ~~natural resources~~
2 environmental quality.

3 **SECTION 664.** 182.71 (7) (a) and (b) of the statutes are amended to read:

4 182.71 (7) (a) The commission shall appraise and fix the price of any dam, land
5 or flowage rights to be purchased by the company under this section. The
6 commission shall approve any lease of property by the company prior to the payment
7 of rent. The commission may require the department or the department of natural
8 resources to aid in appraising the value of the land.

9 (b) If the company intends to acquire and overflow property, the commission
10 shall approve the need to overflow the property. The department, in consultation
11 with the department of natural resources, shall mark the height to which any dam
12 may raise the water level by permanent monuments and bench marks, shall
13 supervise and control the time and extent of the drawing of water from the reservoirs,
14 and may compel the maintenance of all reservoirs established. The commission and
15 the department may employ, at the expense of the company, hydraulic engineers and
16 other persons to assist in obtaining information necessary to enforce this section.
17 The cost of hiring the engineers shall be included as a part of the cost of construction
18 or maintenance and operation of the reservoir system.

19 **SECTION 665.** 196.025 (2m) (title) of the statutes is amended to read:

20 196.025 (2m) (title) ~~COORDINATION WITH DEPARTMENT OF NATURAL RESOURCES~~
21 ENVIRONMENTAL QUALITY.

22 **SECTION 666.** 196.025 (2m) (a) 1. of the statutes is amended to read:

23 196.025 (2m) (a) 1. “Department” means the department of ~~natural resources~~
24 environmental quality.

25 **SECTION 667.** 196.374 (3) (a) of the statutes is amended to read:

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1 196.374 (3) (a) *In general.* The commission shall have oversight of programs
2 under sub. (2). The commission shall maximize coordination of program delivery,
3 including coordination between programs under subs. (2) (a) 1., (b) 1. and 2., and (c)
4 and (7), ordered programs, low-income weatherization programs under s. 16.957,
5 renewable resource programs under s. 196.378, and other energy efficiency or
6 renewable resource programs. The commission shall cooperate with the department
7 of ~~natural resources~~ environmental quality to ensure coordination of energy
8 efficiency and renewable resource programs with air quality programs and to
9 maximize and document the air quality improvement benefits that can be realized
10 from energy efficiency and renewable resource programs.

11 **SECTION 668.** 196.491 (1) (c) of the statutes is amended to read:

12 196.491 (1) (c) “Department” means the department of ~~natural resources~~
13 environmental quality.

14 **SECTION 669.** 196.491 (2) (b) 5. of the statutes is amended to read:

15 196.491 (2) (b) 5. Department of ~~natural resources~~ environmental quality.

16 **SECTION 670.** 196.86 (1) (a) of the statutes is amended to read:

17 196.86 (1) (a) “Department” means the department of ~~natural resources~~
18 environmental quality.

19 **SECTION 671.** 196.86 (1) (d) of the statutes is amended to read:

20 196.86 (1) (d) “Initial compliance date” means the date specified in a notice by
21 the department of ~~natural resources~~ environmental quality under s. 285.48 (2) by
22 which electric generating facilities in the midcontinent area of this state are required
23 to comply with initial nitrogen oxide emission reduction requirements.

24 **SECTION 672.** 196.86 (2) of the statutes is amended to read:

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1 196.86 (2) If the department of ~~natural resources~~ environmental quality makes
2 a notification to the commission under s. 285.48 (2), the commission shall assess
3 against electric public utility affiliates a total of \$2,400,000, or a decreased amount
4 specified in a notice by the department of natural resources under s. 285.48 (3) (d)
5 3., in each fiscal year of the 10-year period that commences on July 1 of the fiscal year
6 ending before the initial compliance date. An assessment in a fiscal year against an
7 electric public utility affiliate under this subsection shall be in an amount that is
8 proportionate to the electric public utility affiliate's heat throughput ratio for the
9 prior fiscal year.

10 **SECTION 673.** 198.22 (7) of the statutes is amended to read:

11 198.22 (7) BOUNDARIES. Immediately upon the organization of the board of
12 directors the clerk shall cause to be recorded in the office of the register of deeds of
13 each county in which any part of said district is located, and shall file with the
14 secretary of state, the department of ~~natural resources~~ environmental quality, the
15 governor and the clerk of each town, city or village, wholly or partly within the
16 district, a certified copy of the boundaries of the district as set forth in the notice of
17 election pursuant to sub. (3) or as thereafter amended. Thereafter, in any proceeding
18 wherein the boundaries of the district are concerned, it shall be sufficient in
19 describing said boundaries to refer to such record of such description.

20 **SECTION 674.** 198.22 (13) of the statutes is amended to read:

21 198.22 (13) DISTRIBUTION SYSTEM STANDARDS IN MILWAUKEE COUNTY. When any
22 such district is established in any county having a population of 500,000 or more and
23 containing a city of the 1st class, no municipality in such district shall construct any
24 part of its distribution system except according to the standard of sizes and grades
25 of materials as used by such city of the 1st class, or the standards of the American

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1 waterworks association and the department of ~~natural resources~~ environmental
2 quality.

3 **SECTION 675.** 200.01 (2) of the statutes is amended to read:

4 200.01 (2) "Department" means the department of ~~natural resources~~
5 environmental quality.

6 **SECTION 676.** 200.11 (1) (e) of the statutes is amended to read:

7 200.11 (1) (e) *Annual report.* The commission shall prepare annually a full and
8 detailed report of its official transactions and expenses and of all presently planned
9 additions and major changes in district facilities and services and shall file a copy
10 of such report with the department of ~~natural resources~~ environmental quality, the
11 department of health services and the governing bodies of all cities, villages and
12 towns having territory in such district.

13 **SECTION 677.** 200.27 (9) of the statutes is amended to read:

14 200.27 (9) ANNUAL REPORT. The commission shall prepare annually a full report
15 of its official transactions and expenditures and shall mail the report to the governor,
16 to the secretary of ~~natural resources~~ environmental quality and to the governing
17 body of each municipality.

18 **SECTION 678.** 200.29 (1) (c) 4. b. of the statutes is amended to read:

19 200.29 (1) (c) 4. b. Any area not included within the redefined boundary under
20 subd. 1. or 2. ceases to be a part of the district for all purposes upon the filing of a
21 certified copy of the resolution describing the area not within the district with the
22 clerk of each county in which the district is located. The commission shall also record
23 the resolution with the register of deeds for each county in which the district is
24 located, and file a certified copy of the resolution with the clerk of each city, village

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1 and town in the district and with the department of ~~natural resources~~ environmental
2 quality.

3 **SECTION 679.** 200.29 (1) (d) 3. of the statutes is amended to read:

4 200.29 (1) (d) 3. Any area added to the district under this paragraph becomes
5 a part of the district for all purposes upon the filing of a certified copy of the resolution
6 describing the area being added with the clerk of each county in which the district
7 is located. The commission shall also record the resolution with the register of deeds
8 for each county in which the district is located, and file certified copies with the clerk
9 of each city, village and town in the district and with the department of ~~natural~~
10 ~~resources~~ environmental quality.

11 **SECTION 680.** 200.35 (4) of the statutes is amended to read:

12 200.35 (4) DELIVERY OF DEEDS; ~~DNR~~ STATE PERMITS. Upon application of the
13 commission the proper officers of this state shall execute, acknowledge and deliver
14 to the proper officers of the district any deed or other instrument as may be proper
15 for the purpose of fully confirming the grants under subs. (2) and (3).
16 Notwithstanding s. 30.05, the district may not commence an action under sub. (2) or
17 (3) without obtaining all of the necessary permits from the department of ~~natural~~
18 ~~resources~~ environmental quality under ch. 30.

19 **SECTION 681.** 200.35 (8) (a) of the statutes is amended to read:

20 200.35 (8) (a) Subject to s. 30.20 and to any applicable rule of the department
21 of ~~natural resources~~ environmental quality, the commission may improve any river
22 or stream within the district by deepening, widening or otherwise changing it as the
23 commission finds necessary in order to carry off surface or drainage water.

24 **SECTION 682.** 200.35 (9) (b) of the statutes is amended to read:

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1 200.35 (9) (b) The commission shall apply to the department of ~~natural~~
2 ~~resources~~ environmental quality for a permit for the diversion. Upon receipt of an
3 application for a permit, the department shall fix a time, not more than 8 weeks after
4 receiving the application, and a convenient place for a public hearing on the
5 application. The department shall notify the commission of the time and place and
6 the commission shall publish a notice of the time and place of the hearing once each
7 week for 3 successive weeks before the hearing in at least one newspaper designated
8 by the department of ~~natural resources~~ environmental quality and published in the
9 district.

10 **SECTION 683.** 200.35 (9) (c) of the statutes is amended to read:

11 200.35 (9) (c) In addition to the publication required under par. (b) the
12 commission, not less than 20 days prior to the hearing, shall mail a notice of the
13 hearing to every person who has recorded an interest in any lands that are likely to
14 be affected by the proposed diversion and whose post-office address can be
15 ascertained by due diligence. The notice shall specify the time and place of the
16 hearing, shall be accompanied by a general statement of the nature of the application
17 and shall be forwarded to these persons by registered mail in a sealed and postpaid
18 envelope properly addressed. The commission shall file proof of the publication and
19 mailing of notice with the department of ~~natural resources~~ environmental quality.
20 At the hearing or any adjournment thereof, the department of ~~natural resources~~
21 environmental quality shall consider the application and shall take evidence offered
22 by the commission and other persons in support of or in opposition to the application.
23 The department may require that the application be amended. If the department
24 finds after the hearing that the application is in the public interest, will not violate

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1 public rights and will not pose an unreasonable risk to life, health or property, the
2 department shall issue a permit to the commission.

3 **SECTION 684.** 200.35 (12) of the statutes is amended to read:

4 200.35 (12) DISPOSAL OF TREATED SEWAGE. Subject to any applicable rule of the
5 department of ~~natural resources~~ environmental quality, the commission may dispose
6 of treated sewage by commercial or charitable means and may expend an amount
7 reasonably necessary for this purpose.

8 **SECTION 685.** 200.35 (14) (d) 1. of the statutes is amended to read:

9 200.35 (14) (d) 1. The commission shall pay for the portion of the cost of a project
10 constructed by the commission under this subsection which equals the difference
11 between the cost of disposing of the waste rock at a disposal site which is approved
12 by the department of ~~natural resources~~ environmental quality and which is outside
13 of the district's service area and the cost of disposing of the waste rock in the project.

14 **SECTION 686.** 200.47 (2) (a) of the statutes is amended to read:

15 200.47 (2) (a) Except as provided in par. (b), all work done and all purchases
16 of supplies and materials by the commission shall be by contract awarded to the
17 lowest responsible bidder complying with the invitation to bid, if the work or
18 purchase involves an expenditure of \$20,000 or more. If the commission decides to
19 proceed with construction of any sewer after plans and specifications for the sewer
20 are completed and approved by the commission and by the department of ~~natural~~
21 ~~resources~~ environmental quality under ch. 281, the commission shall advertise by
22 a class 2 notice under ch. 985 for construction bids. All contracts and the awarding
23 of contracts are subject to s. 66.0901.

24 **SECTION 687.** 200.49 (7) (b) of the statutes is amended to read:

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1 200.49 (7) (b) The executive director shall submit the plan to the secretary of
2 ~~natural resources~~ environmental quality for review and comment. The secretary of
3 ~~natural resources~~ environmental quality shall provide the executive director with
4 comments or recommendations for changes in the plan, if any, within 30 days after
5 the plan is submitted. No contracts may be awarded under sub. (5) until 30 days after
6 the date the plan is submitted to the secretary of ~~natural resources~~ environmental
7 quality or until the date the executive director receives the secretary's comments or
8 recommendations, whichever is earlier.

9 **SECTION 688.** 218.21 (2) (eg) of the statutes is amended to read:

10 218.21 (2) (eg) A copy of correspondence on department of ~~natural resources~~
11 environmental quality letterhead indicating that the applicant has permit coverage
12 under s. 283.33, or a statement from the department of ~~natural resources~~
13 environmental quality that the applicant is not required to have a permit under s.
14 283.33.

15 **SECTION 689.** 218.21 (2) (em) of the statutes is amended to read:

16 218.21 (2) (em) A copy of correspondence on department of ~~natural resources~~
17 environmental quality letterhead indicating that the applicant has registered or
18 certified its compliance with refrigerant recovery to the department of ~~natural~~
19 ~~resources~~ environmental quality, under its rules promulgated pursuant to s. 285.59,
20 or a statement from the department of ~~natural resources~~ environmental quality that
21 the applicant is not required to register or certify under rules promulgated by the
22 department of ~~natural resources~~ environmental quality pursuant to s. 285.59.

23 **SECTION 690.** 227.137 (1) of the statutes is amended to read:

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1 227.137 (1) In this section, “agency” means the departments of agriculture,
2 trade, and consumer protection; commerce; ~~natural resources~~ environmental
3 quality; transportation; and workforce development.

4 **SECTION 691.** 227.42 (5) of the statutes is amended to read:

5 227.42 (5) Except as provided under s. 289.27 (1), this section does not apply
6 to any part of the process for approving a feasibility report, plan of operation or
7 license under subch. III of ch. 289 or s. 291.23, 291.25, 291.29 or 291.31, any decision
8 by the department of ~~natural resources~~ environmental quality relating to the
9 environmental impact of a proposed action under ch. 289 or 291 or ss. 292.31 and
10 292.35, or any part of the process of negotiation and arbitration under s. 289.33.

11 **SECTION 692.** 227.43 (1) (bd) of the statutes is created to read:

12 227.43 (1) (bd) Assign a hearing examiner to preside over any hearing of a
13 contested case that is required to be conducted by the department of environmental
14 quality and that is not conducted by the secretary of environmental quality.

15 **SECTION 693.** 227.43 (2) (am) of the statutes is created to read:

16 227.43 (2) (am) The department of environmental quality shall notify the
17 division of hearings and appeals of every pending hearing to which the administrator
18 of the division is required to assign a hearing examiner under sub. (1) (bd) after the
19 department of environmental quality is notified that a hearing on the matter is
20 required.

21 **SECTION 694.** 227.43 (3) (am) of the statutes is created to read:

22 227.43 (3) (am) The administrator of the division of hearings and appeals may
23 set the fees to be charged for any services rendered to the department of
24 environmental quality by a hearing examiner under this section. The fee shall cover

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SECTION 694

1 the total cost of the services less any costs covered by the appropriation under s.

2 20.505 (4) (f).

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3 **SECTION 695.** 227.43 (4) (am) of the statutes is created to read:

4 227.43 (4) (am) The department of environmental quality shall pay all costs of
5 the services of a hearing examiner assigned to the department under sub. (1) (bd),
6 according to the fees set under sub. (3) (am).

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7 **SECTION 696.** 227.44 (2) (d) of the statutes is amended to read:

8 227.44 (2) (d) If the subject of the hearing is a decision of the department of
9 natural resources, the department of environmental quality, or the department of
10 transportation, the name and title of the person who will conduct the hearing.

11 **SECTION 697.** 227.46 (8) of the statutes is amended to read:

12 227.46 (8) If the hearing examiner assigned under s. 227.43 (1) (b) renders the
13 final decision in a contested case and the decision is subject to judicial review under
14 s. 227.52, the department of natural resources may petition for judicial review. If the
15 hearing examiner assigned under s. 227.43 (1) (bd) renders the final decision in a
16 contested case and the decision is subject to judicial review under s. 227.52, the

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17 department of environmental quality may petition for judicial review. If the hearing
18 examiner assigned under s. 227.43 (1) (br) renders the final decision in a contested
19 case and the decision is subject to judicial review under s. 227.52, the department of
20 transportation may petition for judicial review.

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156-20

21 **SECTION 698.** 230.08 (2) (e) 4b. of the statutes is created to read:

22 230.08 (2) (e) 4b. Environmental quality — 2.
23 ***** Note: adjust DATCP positions ?*

23 **SECTION 699.** 230.08 (2) (e) 8. of the statutes is amended to read:

24 230.08 (2) (e) 8. Natural resources — 7 3.

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25 **SECTION 700.** 230.36 (1m) (b) 2. (intro.) of the statutes is amended to read:

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state forest ranger,

1 230.36 (1m) (b) 2. (intro.) A conservation warden, conservation patrol boat
2 captain, conservation patrol boat engineer, environmental warden, member of the
3 state patrol, state motor vehicle inspector, University of Wisconsin System police
4 officer, security officer, or security person, other state facilities police officer, special
5 tax agent, excise tax investigator employed by the department of revenue, and
6 special criminal investigation agent employed by the department of justice at all
7 times while:

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8 **SECTION 701.** 230.36 (2m) (a) 5m. of the statutes is created to read:

9 230.36 (2m) (a) 5m. An environmental warden.

10 **SECTION 702.** 234.86 (1) (b) of the statutes is amended to read:

11 234.86 (1) (b) "Department" means the department of ~~natural resources~~
12 environmental quality.

13 **SECTION 703.** 236.13 (2m) of the statutes is amended to read:

14 236.13 (2m) As a further condition of approval when lands included in the plat
15 lie within 500 feet of the ordinary high-water mark of any navigable stream, lake
16 or other body of navigable water or if land in the proposed plat involves lake or stream
17 shorelands referred to in s. 236.16, the department of ~~natural resources~~
18 environmental quality, to prevent pollution of navigable waters, or the department
19 of commerce, to protect the public health and safety, may require assurance of
20 adequate drainage areas for private sewage disposal systems and building setback
21 restrictions, or provisions by the owner for public sewage disposal facilities for
22 waters of the state, as defined in s. 281.01 (18), industrial wastes, as defined in s.
23 281.01 (5), and other wastes, as defined in s. 281.01 (7). The public sewage disposal
24 facilities may consist of one or more systems as the department of ~~natural resources~~
25 environmental quality or the department of commerce determines on the basis of

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1 need for prevention of pollution of the waters of the state or protection of public
2 health and safety.

3 **SECTION 704.** 236.16 (3) (a) of the statutes is amended to read:

4 236.16 (3) (a) All subdivisions abutting on a navigable lake or stream shall
5 provide public access at least 60 feet wide providing access to the low watermark so
6 that there will be public access, which is connected to existing public roads, at not
7 more than one-half mile intervals as measured along the lake or stream shore except
8 where greater intervals and wider access is agreed upon by the department of
9 natural resources, the department of environmental quality, and the department,
10 and excluding shore areas where public parks or open-space streets or roads on
11 either side of a stream are provided.

12 **SECTION 705.** 236.16 (3) (d) (intro.) of the statutes is amended to read:

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