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1 **SECTION 723.** 281.34 (5) (b) 1. of the statutes is amended to read:

2 281.34 (5) (b) 1. Except as provided in subd. 2., if the department determines,
3 under the environmental review process in sub. (4), that an environmental impact
4 report under s. ~~23.11 (5)~~ 278.40 (1m) must be prepared for a proposed high capacity
5 well located in a groundwater protection area, the department may not approve the
6 high capacity well unless it is able to include and includes in the approval conditions,
7 which may include conditions as to location, depth, pumping capacity, rate of flow,
8 and ultimate use, that ensure that the high capacity well does not cause significant
9 environmental impact.

10 **SECTION 724.** 281.34 (5) (c) of the statutes is amended to read:

11 281.34 (5) (c) *High water loss.* If the department determines, under the
12 environmental review process in sub. (4), that an environmental impact report under
13 s. ~~23.11 (5)~~ 278.40 (1m) must be prepared for a proposed high capacity well with a
14 water loss of more than 95 percent of the amount of water withdrawn, the
15 department may not approve the high capacity well unless it is able to include and
16 includes in the approval conditions, which may include conditions as to location,
17 depth, pumping capacity, rate of flow, and ultimate use, that ensure that the high
18 capacity well does not cause significant environmental impact.

19 **SECTION 725.** 281.34 (5) (d) 1. of the statutes is amended to read:

20 281.34 (5) (d) 1. Except as provided in subd. 2., if the department determines,
21 under the environmental review process in sub. (4), that an environmental impact
22 report under s. ~~23.11 (5)~~ 278.40 (1m) must be prepared for a proposed high capacity
23 well that may have a significant environmental impact on a spring, the department
24 may not approve the high capacity well unless it is able to include and includes in
25 the approval conditions, which may include conditions as to location, depth, pumping

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1 capacity, rate of flow, and ultimate use, that ensure that the high capacity well does
2 not cause significant environmental impact.

3 **SECTION 726.** 281.36 (9) (ar) 2. b. of the statutes is amended to read:

4 281.36 **(9)** (ar) 2. b. If the proprietor refuses to grant consent for the entry on,
5 or the inspection of, the property or if the proprietor's explanation or terms of consent
6 are not acceptable to the department of ~~natural resources~~, the department of ~~natural~~
7 ~~resources~~ may apply for, obtain, or execute a special inspection warrant under s.
8 66.0119 or refer the matter to the department of justice for enforcement under s.
9 299.95.

10 **SECTION 727.** 281.36 (9) (ar) 2. c. of the statutes is amended to read:

11 281.36 **(9)** (ar) 2. c. If the proprietor fails to respond to all requests made under
12 subd. 1., an agent of the department of ~~natural resources~~ may apply for, obtain, and
13 execute a special inspection warrant under s. 66.0119.

14 **SECTION 728.** 281.37 (1) (a) 3. of the statutes is amended to read:

15 281.37 **(1)** (a) 3. A wild and scenic river designated under 16 USC 1271 to 1287,
16 a wild river designated under s. ~~30.26~~ [✓] 23.43, the Lower Wisconsin State Riverway
17 or a scenic urban waterway designated under s. ~~30.275~~ [✓] 23.434.

18 **SECTION 729.** 281.43 (1) of the statutes is amended to read:

19 281.43 **(1)** The department of ~~natural resources~~ may require the sewerage
20 system, or sewage or refuse disposal plant of any governmental unit including any
21 town, village or city, to be so planned and constructed that it may be connected with
22 that of any other town, village or city, and may, after hearing, upon due notice to the
23 governmental units order the proper connections to be made or a group of
24 governmental units including cities, villages, town sanitary districts or town utility
25 districts may construct and operate a joint sewerage system under this statute

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1 without being so required by order of the department of ~~natural resources~~ but
2 following hearing and approval of the department.

3 **SECTION 730.** 281.48 (5s) of the statutes is amended to read:

4 281.48 (5s) CITATIONS. (a) The department may follow the procedures for the
5 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
6 for a violation of subs. (2) to (5).

7 (b) Notwithstanding s. ~~23.66~~ 278.66 (4), the department shall promulgate rules
8 establishing the basic amount of the deposit that may be made under s. ~~23.66~~ 278.66
9 (1) by a person to whom a citation is issued under par. (a). The rules shall specify a
10 different amount for each offense under subs. (2) to (5).

11 **SECTION 731.** 281.55 (2) of the statutes is amended to read:

12 281.55 (2) In order that the construction of pollution prevention and abatement
13 facilities necessary to the protection of state waters be encouraged, a state program
14 of assistance to municipalities and school districts for the financing of such facilities
15 is established and a program of state advances in anticipation of federal aid
16 reimbursement is established to meet the state's water quality standards. These
17 state programs shall be administered by the department of ~~natural resources~~ and the
18 department shall make such rules as are necessary for the proper execution of the
19 state program.

20 **SECTION 732.** 281.55 (6) (b) 1. of the statutes is amended to read:

21 281.55 (6) (b) 1. These payments shall not exceed 50% of the approved project
22 in conjunction with the state program of advancement in anticipation of federal
23 reimbursement under sub. (2). To provide for the financing of pollution prevention
24 and abatement facilities, the ~~natural resources board~~ department, with the approval
25 of the governor, subject to the limits of s. 20.866 (2) (tm) may direct that state debt

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1 be contracted as set forth in subd. 2. and subject to the limits set therein. Said debts
2 shall be contracted for in the manner and form as the legislature hereafter
3 prescribes.

4 **SECTION 733.** 281.58 (9) (ae) of the statutes is amended to read:

5 281.58 (9) (ae) A municipality that submits an application under par. (a)
6 without design plans and specifications may obtain an initial determination of
7 financial eligibility from the department of administration. The department of
8 ~~natural resources~~ environmental quality may not approve a municipality's
9 application until the municipality submits design plans and specifications.

10 **SECTION 734.** 281.58 (9) (e) of the statutes is amended to read:

11 281.58 (9) (e) If the department of ~~natural resources~~ environmental quality and
12 the department of administration determine that the governor's recommendation,
13 as set forth in the executive budget bill, for the amount under s. 281.59 (3e) (b), the
14 amount available under s. 20.866 (2) (tc), or the amount available under s. 281.59 (4)
15 (f) for a biennium is insufficient to provide funding for all projects for which
16 applications will be approved during that biennium, the department of environmental quality
17 shall inform municipalities that, if the governor's
18 recommendations are approved, clean water fund program assistance during a fiscal
19 year of that biennium will be available only to municipalities that submit financial
20 assistance applications by the June 30 preceding that fiscal year.

21 **SECTION 735.** 281.58 (9m) (f) (intro.) of the statutes is amended to read:

22 281.58 (9m) (f) (intro.) If the department of ~~natural resources~~ environmental
23 quality and the department of administration determine that the amount approved
24 under s. 281.59 (3e) (b), the amount available under s. 20.866 (2) (tc), or the amount
25 available under s. 281.59 (4) (f) for a biennium is insufficient to provide funding for

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1 all projects for which applications will be approved during that biennium, all of the
2 following apply:

3 **SECTION 736.** 281.58 (11) (b) of the statutes is amended to read:

4 281.58 (11) (b) For municipalities meeting the financial hardship assistance
5 requirements under sub. (13), the department of ~~natural resources~~ environmental
6 quality may approve financial hardship assistance.

7 **SECTION 737.** 281.59 (11) (a) of the statutes is amended to read:

8 281.59 (11) (a) The department of ~~natural resources~~ environmental quality and
9 the department of administration may enter into a financial assistance agreement
10 with an applicant for which the department of administration has allocated subsidy
11 under s. 281.58 (9m), 281.60 (8) or 281.61 (8) if the applicant meets the conditions
12 under sub. (9) and the other requirements under this section and s. 281.58, 281.60
13 or 281.61.

14 **SECTION 738.** 281.59 (11) (c) of the statutes is amended to read:

15 281.59 (11) (c) The department of administration may retain the last payment
16 under a financial assistance agreement until the department of ~~natural resources~~
17 environmental quality and the department of administration determine that the
18 project is completed and meets the applicable requirements of this section and s.
19 281.58, 281.60 or 281.61 and that the conditions of the financial assistance
20 agreement are met.

21 **SECTION 739.** 281.59 (12) of the statutes is amended to read:

22 281.59 (12) MUNICIPAL OBLIGATIONS. The department of administration may
23 purchase or refinance obligations specified in s. 281.58 (6) (b) 1. and guarantee or
24 purchase insurance for municipal obligations specified in s. 281.58 (6) (b) 3. if the
25 department of administration and the department of ~~natural resources~~

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1 environmental quality approve the financial assistance under this section and s.
2 281.58.

3 **SECTION 740.** 281.625 (4) of the statutes is amended to read:

4 281.625 (4) With the approval of the department of administration, the
5 department of ~~natural resources~~ environmental quality may transfer funds from the
6 appropriation accounts under s. 20.320 (2) (s) and (x) to the Wisconsin drinking water
7 reserve fund under s. 234.933 to guarantee loans under s. 234.86.

8 **SECTION 741.** 281.65 (3) (at) of the statutes is amended to read:

9 281.65 (3) (at) Review rules drafted under this section and make
10 recommendations regarding the rules before final approval of the rules by the
11 ~~natural resources board~~ department.

12 **SECTION 742.** 281.65 (4g) of the statutes is amended to read:

13 281.65 (4g) The department may contract with any person from the
14 appropriation account under s. ~~20.370~~ 20.375 (4) (at) for services to administer or
15 implement this section, including information and education and training services.
16 The department shall allocate \$500,000 in each fiscal year from the appropriation
17 account under s. ~~20.370~~ 20.375 (4) (at) for contracts for educational and technical
18 assistance related to the program under this section provided by the University of
19 Wisconsin–Extension.

20 **SECTION 743.** 281.65 (4m) (c) of the statutes is amended to read:

21 281.65 (4m) (c) The department shall submit a copy of any plan it completes
22 under this subsection to any county located in or containing any watershed which is
23 a subject of the plan and to the department of agriculture, trade and consumer
24 protection. The department of agriculture, trade and consumer protection shall
25 review the plan and notify the department of ~~natural resources~~ environmental

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1 quality of its comments on the plan. A county receiving a plan under this subsection
2 shall review the plan, approve or disapprove the plan and notify the department of
3 ~~natural resources~~ environmental quality of its action on the plan.

4 **SECTION 744.** 281.65 (7) (b) of the statutes is amended to read:

5 281.65 (7) (b) The owner or operator of a site designated as a critical site in a
6 priority watershed or priority lake plan under sub. (5m) or in a modification to such
7 a plan under sub. (5s) or the department of ~~natural resources~~ may obtain a review
8 of the decision of a county land conservation committee under par. (a) 2. by filing a
9 written request with the land and water conservation board within 60 days after
10 receiving the decision of the county land conservation committee.

11 **SECTION 745.** 281.68 (2) (b) of the statutes, as affected by 2009 Wisconsin Act
12 28, is amended to read:

13 281.68 (2) (b) The total amount of lake monitoring contracts for each fiscal year
14 may not exceed 10 percent of the total amount appropriated under s. ~~20.370~~ 20.375
15 (6) (ar) and (as).

16 **SECTION 746.** 281.69 (1b) (d) of the statutes is amended to read:

17 281.69 (1b) (d) “Wetland” has the meaning given in s. ~~23.32~~ 278.32 (1).

18 **SECTION 747.** 281.69 (3m) (a) of the statutes is amended to read:

19 281.69 (3m) (a) The department shall provide grants of \$10,000 each from the
20 appropriation under s. ~~20.370~~ 20.375 (6) (ar) for lake management projects to eligible
21 recipients, other than nonprofit conservation organizations, that have completed a
22 comprehensive land use plan that includes a wetland enhancement or restoration
23 project. The grant shall be used for the implementation of the wetland enhancement
24 or restoration project. The 75% limitation under sub. (2) (a) does not apply to these
25 grants.

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1 **SECTION 748.** 281.695 (5) of the statutes is amended to read:

2 281.695 **(5)** Any municipality may participate in the state financial assistance
3 program for soil and water resources protection established under s. 281.55, 281.57
4 or 281.65 and may enter into agreements with the department of ~~natural resources~~
5 environmental quality for that purpose. Any municipality may participate in the
6 clean water fund program under ss. 281.58 and 281.59 and may enter into
7 agreements with the department of administration and the department of ~~natural~~
8 ~~resources~~ environmental quality for that purpose. Any county may participate in the
9 state financial assistance program for soil and water resources protection
10 established under s. 92.14 and may enter into agreements with the department of
11 agriculture, trade and consumer protection for that purpose.

12 **SECTION 749.** 281.695 (6) of the statutes is amended to read:

13 281.695 **(6)** Any municipality is authorized to enter into contracts with a
14 nonprofit-sharing corporation for the municipality to design and construct the
15 projects it will sublease from the department of ~~natural resources~~ environmental
16 quality pursuant to s. 281.55 (6) (b).

17 **SECTION 750.** 281.73 of the statutes is amended to read:

18 **281.73 Wastewater and drinking water grant.** The department of ~~natural~~
19 ~~resources~~ shall provide a grant from the appropriation under s. ~~20.370~~ 20.375 (6) (bk)
20 to the Town of Swiss, Burnett County, and the St. Croix Band of Chippewa for design,
21 engineering, and construction of wastewater and drinking water treatment
22 facilities.

23 **SECTION 751.** 281.75 (1) (i) of the statutes is amended to read:

24 281.75 **(1)** (i) “Well subject to abandonment” means a well that is required to
25 be abandoned under s. ~~NR 812.26 (2) (a)~~, Wis. Adm. Code rules promulgated by the

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1 ~~department~~, or that the department may require to be abandoned under ~~s. NR 812.26~~
2 ~~(2) (b), Wis. Adm. Code~~ rules promulgated by the department.

3 **SECTION 752.** 281.75 (5) (f) of the statutes is amended to read:

4 281.75 (5) (f) The department shall allocate money for the payment of claims
5 according to the order in which completed claims are received. The department may
6 conditionally approve a completed claim even if the appropriation under s. ~~20.370~~
7 20.375 (6) (cr) is insufficient to pay the claim. The department shall allocate money
8 for the payment of a claim which is conditionally approved as soon as funds become
9 available.

10 **SECTION 753.** 281.85 (intro.) of the statutes is amended to read:

11 **281.85 Great Lakes protection fund share.** (intro.) The department may
12 use moneys from the appropriation under s. ~~20.370~~ 20.375 (4) (ah) for any of the
13 following purposes:

14 **SECTION 754.** 281.96 of the statutes is amended to read:

15 **281.96 Visitorial powers of department.** Every owner of an industrial
16 establishment shall furnish to the department all information required by it in the
17 discharge of its duties under subch. II, except s. 281.17 (6) and (7). Any ~~member of~~
18 ~~the natural resources board or any~~ employee of the department may enter any
19 industrial establishment for the purpose of collecting such information, and no
20 owner of an industrial establishment shall refuse to admit such ~~member or~~
21 employee. The department shall make such inspections at frequent intervals. The
22 secretary ~~and all members of the board shall have~~ has the power for all purposes
23 falling within the department's jurisdiction to administer oaths, issue subpoenas,
24 compel the attendance of witnesses and the production of necessary or essential data.

25 **SECTION 755.** 283.001 (2) of the statutes is amended to read:

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1 283.001 **(2)** The purpose of this chapter is to grant to the department of ~~natural~~
2 resources all authority necessary to establish, administer and maintain a state
3 pollutant discharge elimination system to effectuate the policy set forth under sub.
4 (1) and consistent with all the requirements of the federal water pollution control act
5 amendments of 1972, P.L. 92-500; 86 Stat. 816.

6 **SECTION 756.** 283.01 (3) of the statutes is amended to read:

7 283.01 **(3)** “Department” means the department of ~~natural resources~~
8 environmental quality.

9 **SECTION 757.** 283.01 (16) of the statutes is amended to read:

10 283.01 **(16)** “Secretary” means the secretary of ~~natural resources~~
11 environmental quality or his or her designee.

12 **SECTION 758.** 283.33 (9) (c) of the statutes is amended to read:

13 283.33 **(9)** (c) All moneys collected under par. (a) shall be credited to the
14 appropriation under s. ~~20.370~~ 20.375 (4) (bj).

15 **SECTION 759.** 283.87 (1) of the statutes is amended to read:

16 283.87 **(1)** DEPARTMENT MAY RECOVER COSTS. In an action against any person who
17 violates this chapter or any provision of s. ~~29.601 or chs. 30, subchs. I to III of ch. 30~~
18 or chs. 31, 281, 285 or 289 to 299 relating to water quality the department may
19 recover the cost of removing, terminating or remedying the adverse effects upon the
20 water environment resulting from the unlawful discharge or deposit of pollutants
21 into the waters of the state, including the cost of replacing fish or other wildlife
22 destroyed by the discharge or deposit. All moneys recovered under this section shall
23 be deposited into the environmental fund.

24 **SECTION 760.** 283.87 (4) of the statutes is amended to read:

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1 **283.87 (4)** AIDS TO MUNICIPALITIES; ENVIRONMENTAL DAMAGE COMPENSATION. The
2 department may make grants to any county, city, village or town for the acquisition
3 or development of recreational lands and facilities from moneys appropriated under
4 s. ~~20.370~~ 20.375 (2) (dv). Use and administration of the grant shall be consistent with
5 any court order issued under sub. (3). A county, city, village or town which receives
6 a grant under this section is not required to share in the cost of a project under this
7 section.

8 **SECTION 761.** 283.89 (2m) of the statutes is amended to read:

9 **283.89 (2m)** If the department finds a violation of s. 283.33 (1) to (8) for which
10 a person is subject to a forfeiture under s. 283.91 (2), the department may issue a
11 citation and, if the department does issue a citation, the procedures in ss. ~~23.50 to~~
12 ~~23.99~~ 278.50 to 278.90 apply.

13 **SECTION 762.** 285.01 (13) of the statutes is amended to read:

14 **285.01 (13)** “Department” means the department of ~~natural resources~~
15 environmental quality.

16 **SECTION 763.** 285.01 (38) of the statutes is amended to read:

17 **285.01 (38)** “Secretary” means the secretary of ~~natural resources~~
18 environmental quality.

19 **SECTION 764.** 285.11 (6) (intro.) of the statutes is amended to read:

20 **285.11 (6) (intro.)** Prepare and develop one or more comprehensive plans for
21 the prevention, abatement and control of air pollution in this state. The department
22 thereafter shall be responsible for the revision and implementation of the plans. The
23 rules or control strategies submitted to the federal environmental protection agency
24 under the federal clean air act for control of atmospheric ozone shall conform with
25 the federal clean air act unless, based on the recommendation of the ~~natural~~

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1 ~~resources board~~ secretary of environmental quality or the head of the department,
2 as defined in s. 15.01 (8), of any other department, as defined in s. 15.01 (5), that
3 promulgates a rule or establishes a control strategy, the governor determines that
4 measures beyond those required by the federal clean air act meet any of the following
5 criteria:

6 **SECTION 765.** 285.48 (2) of the statutes is amended to read:

7 285.48 (2) APPLICABILITY. This section applies if the department of ~~natural~~
8 ~~resources~~, pursuant to a call, issues a state implementation plan that requires
9 electric generating facilities in the midcontinent area of this state to comply with
10 nitrogen oxide emission reduction requirements. If the department of ~~natural~~
11 ~~resources~~ issues such a plan, the department of ~~natural resources~~ shall notify the
12 department of administration and the public service commission. The notice shall
13 specify the date on which electric generating facilities in the midcontinent area of
14 this state are required to comply with the initial nitrogen oxide emission reduction
15 requirements.

16 **SECTION 766.** 285.48 (3) (d) (intro.) of the statutes is amended to read:

17 285.48 (3) (d) (intro.) If the department of ~~natural resources~~ implements a state
18 implementation plan specified in sub. (2) in a manner that requires reductions in
19 nitrogen oxide emissions that are lower than the reductions set forth in the call
20 published on October 27, 1998, the department of ~~natural resources~~ shall do each of
21 the following:

22 **SECTION 767.** 285.57 (4) of the statutes is amended to read:

23 285.57 (4) CITATIONS. The department may follow the procedures for the
24 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
25 for a violation of sub. (2).

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1 **SECTION 768.** 285.59 (7) of the statutes is amended to read:

2 285.59 (7) CITATIONS. The department may follow the procedures for the
3 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
4 for a violation of sub. (2), (3) (c) or (4).

5 **SECTION 769.** 285.69 (2) (c) (intro.) of the statutes, as affected by 2009
6 Wisconsin Act 28, is amended to read:

7 285.69 (2) (c) (intro.) The fees collected under pars. (a) and (e) shall be credited
8 to the appropriations under s. ~~20.370~~ 20.375 (2) (bg), (3) (bg), (8) (mg) and (9) (mh)
9 ~~(th)~~, (sg), and (th) for the following:

10 **SECTION 770.** 285.69 (2m) (bm) (intro.) of the statutes, as affected by 2009
11 Wisconsin Act 28, is amended to read:

12 285.69 (2m) (bm) (intro.) The fees collected under this subsection shall be
13 credited to the appropriation account under s. ~~20.370~~ 20.375 (2) (bh) for the following
14 purposes as they relate to stationary sources for which an operation permit is
15 required under s. 285.60 but not under the federal clean air act:

16 **SECTION 771.** 285.69 (3) (a) of the statutes, as affected by 2009 Wisconsin Act
17 28, is amended to read:

18 285.69 (3) (a) The department may promulgate rules for the payment and
19 collection of fees for inspecting nonresidential asbestos demolition and renovation
20 projects regulated by the department. The fees under this subsection for an
21 inspection plus the fee under sub. (1) (c) may not exceed \$700 if the combined square
22 and linear footage of friable asbestos-containing material involved in the project is
23 less than 5,000. The fees under this subsection for an inspection plus the fee under
24 sub. (1) (c) may not exceed \$1,325 if the combined square and linear footage of friable
25 asbestos-containing material involved in the project is 5,000 or more. The fees

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1 collected under this subsection shall be credited to the appropriation under s. ~~20.370~~
2 20.375 (2) (bi) for the direct and indirect costs of conducting inspections of
3 nonresidential asbestos demolition and renovation projects regulated by the
4 department and for inspecting property proposed to be used for a community fire
5 safety training project.

6 **SECTION 772.** 285.69 (7) of the statutes is amended to read:

7 285.69 (7) EMISSION REDUCTION CREDIT FEES. The department may promulgate
8 rules for the payment of fees by persons who hold emission reduction credits that
9 may be used to satisfy the offset requirements in s. 285.63 (2) (a) and that have been
10 certified by the department. The rules may waive the payment of fees under this
11 subsection for categories of emission reduction credits. The fees collected under this
12 subsection shall be credited to the appropriation under s. ~~20.370~~ 20.375 (2) (bg).

13 **SECTION 773.** 285.85 (1) of the statutes is amended to read:

14 285.85 (1) If the secretary finds that a generalized condition of air pollution
15 exists and that it creates an emergency requiring immediate action to protect human
16 health or safety, he or she shall order persons causing or contributing to the air
17 pollution to reduce or discontinue immediately the emission of air contaminants, and
18 such order shall fix a place and time, not later than 24 hours thereafter, for a hearing
19 to be held before the department. Not more than 24 hours after the commencement
20 of such hearing, and without adjournment thereof, the ~~natural resources board~~
21 secretary shall affirm, modify or set aside the order ~~of the secretary~~.

22 **SECTION 774.** 285.86 (1) of the statutes is amended to read:

23 285.86 (1) The department may follow the procedures for the issuance of a
24 citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture from a person
25 who commits a violation specified under sub. (2).

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1 **SECTION 775.** 287.01 (1) of the statutes is amended to read:

2 287.01 **(1)** “Department” means the department of ~~natural resources~~
3 environmental quality.

4 **SECTION 776.** 287.25 (5) (a) of the statutes is amended to read:

5 287.25 **(5)** (a) The department may enter into agreements with eligible
6 applicants to make demonstration grants from the appropriation under s. ~~20.370~~
7 20.375 (6) (br).

8 **SECTION 777.** 287.91 (4) of the statutes is amended to read:

9 287.91 **(4)** The department of ~~natural resources~~ environmental quality shall
10 reimburse the department of justice for the expenses incurred in enforcing this
11 chapter from the appropriation under s. ~~20.370~~ 20.375 (2) (ma).

12 **SECTION 778.** 287.95 (4) of the statutes is amended to read:

13 287.95 **(4)** The department may follow the procedures for the issuance of a
14 citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture for the
15 violations under subs. (1), (2) (b) and (3) (b).

16 **SECTION 779.** 289.01 (7) of the statutes is amended to read:

17 289.01 **(7)** “Department” means the department of ~~natural resources~~
18 environmental quality.

19 **SECTION 780.** 289.01 (31) of the statutes is amended to read:

20 289.01 **(31)** “Secretary” means the secretary of ~~natural resources~~
21 environmental quality.

22 **SECTION 781.** 289.09 (2) (d) of the statutes is amended to read:

23 289.09 **(2)** (d) *Use of confidential records.* Except as provided under par. (c) and
24 this paragraph, the department or the department of justice may use records and
25 other information granted confidential status under this subsection only in the

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1 administration and enforcement of this chapter, ch. 287 or s. 299.15. The department
2 or the department of justice may release for general distribution records and other
3 information granted confidential status under this subsection if the owner or
4 operator expressly agrees to the release. The department of ~~natural resources~~ or the
5 department of justice may release on a limited basis records and other information
6 granted confidential status under this subsection if the department of ~~natural~~
7 ~~resources~~ or the department of justice is directed to take this action by a judge or
8 hearing examiner under an order which protects the confidentiality of the records or
9 other information. The department of ~~natural resources~~ or the department of justice
10 may release to the U.S. environmental protection agency, or its authorized
11 representative, records and other information granted confidential status under this
12 subsection if the department of ~~natural resources~~ or the department of justice
13 includes in each release of records or other information a request to the U.S.
14 environmental protection agency, or its authorized representative, to protect the
15 confidentiality of the records or other information.

16 **SECTION 782.** 289.25 (1) of the statutes is amended to read:

17 289.25 (1) PRELIMINARY DETERMINATION IF ENVIRONMENTAL IMPACT STATEMENT IS
18 REQUIRED. Immediately after the department determines that the feasibility report
19 is complete, the department shall issue a preliminary determination on whether an
20 environmental impact statement is required under s. 1.11 prior to the determination
21 of feasibility. If the department determines after review of the feasibility report that
22 a determination of feasibility cannot be made without an environmental impact
23 statement or if the department intends to require an environmental impact report
24 under s. ~~23-11 (5)~~ 278.40 (1m), the department shall notify the applicant in writing

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1 within the 60-day period of these decisions and shall commence the process required
2 under s. 1.11 or 23.11 (5).

3 **SECTION 783.** 289.29 (1) (c) of the statutes is amended to read:

4 289.29 (1) (c) The department may receive into evidence at a hearing conducted
5 under s. 289.26 or 289.27 any environmental impact assessment or environmental
6 impact statement for the facility prepared under s. 1.11 and any environmental
7 impact report prepared under s. ~~23.11-(5)~~ 278.40 (1m). The adequacy of the
8 environmental impact assessment, environmental impact statement or
9 environmental impact report is not subject to challenge at that hearing.

10 **SECTION 784.** 289.31 (7) (f) of the statutes is amended to read:

11 289.31 (7) (f) If the owner or operator of a site or facility subject to an order
12 under par. (d) is a municipality, the municipality is responsible for conducting any
13 monitoring ordered under par. (d). The department shall, from the environmental
14 fund appropriation under s. ~~20.370~~ 20.375 (2) (dv), reimburse the municipality for
15 the costs of monitoring that exceed an amount equal to \$3 per person residing in the
16 municipality for each site or facility subject to an order under par. (d), except that the
17 maximum reimbursement is \$100,000 for each site or facility. The department shall
18 exclude any monitoring costs paid under the municipality's liability insurance
19 coverage in calculating the municipal cost of monitoring a site or facility.

20 **SECTION 785.** 289.43 (7) (c) of the statutes is amended to read:

21 289.43 (7) (c) The department shall approve the requester's exemption
22 proposal if the department finds that the proposal, as approved, will comply with this
23 chapter and chs. 30, 31, 160 and 280 to 299 and ss. 1.11, ~~23.40~~, 59.692, 59.693, 60.627,
24 61.351, 61.354, 62.231, 62.234 ~~and~~, 87.30, and 278.40. If the proposal does not
25 comply with one or more of the requirements specified in this paragraph, the

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1 department shall provide a written statement describing how the proposal fails to
2 comply with those requirements. The department shall respond to an application for
3 an exemption under this subsection within 90 days.

4 **SECTION 786.** 289.43 (7) (e) 3. of the statutes is amended to read:

5 289.43 (7) (e) 3. All fees collected under this paragraph shall be credited to the
6 appropriation under s. ~~20.370~~ 20.375 (2) (dg).

7 **SECTION 787.** 289.64 (6) of the statutes is amended to read:

8 289.64 (6) USE OF SOLID WASTE FACILITY SITING BOARD FEES. The fees collected
9 under sub. (2) shall be credited to the appropriation under s. ~~20.370~~ 20.375 (2) (eg)
10 for transfer to the appropriation under s. 20.505 (4) (k).

11 **SECTION 788.** 289.68 (1) of the statutes is amended to read:

12 289.68 (1) PAYMENTS FROM THE WASTE MANAGEMENT FUND. The department may
13 expend moneys in the waste management fund only for the purposes specified under
14 subs. (3) to (6) and 1991 Wisconsin Act 39, section 9142 (2w). The department may
15 expend moneys appropriated under s. ~~20.370~~ 20.375 (2) (dq) for the purposes
16 specified under subs. (3) and (5) and 1991 Wisconsin Act 39, section 9142 (2w). The
17 department may expend moneys appropriated under s. ~~20.370~~ 20.375 (2) (dt) for the
18 purposes specified under sub. (4). The department may expend moneys appropriated
19 under s. ~~20.370~~ 20.375 (2) (dy) and (dz) for the purposes specified under sub. (6).

20 **SECTION 789.** 289.68 (3) of the statutes is amended to read:

21 289.68 (3) PAYMENTS FOR LONG-TERM CARE AFTER TERMINATION OF PROOF OF
22 FINANCIAL RESPONSIBILITY. The department may spend moneys appropriated under
23 s. ~~20.370~~ 20.375 (2) (dq) for the costs of long-term care of an approved facility for
24 which the plan of operation was approved under s. 289.30 (6) before August 9, 1989,

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1 that accrue after the requirement to provide proof of financial responsibility expires
2 under s. 289.41 (1m) (b) or (f) as authorized under s. 289.41 (11) (b) 2.

3 **SECTION 790.** 289.68 (4) of the statutes is amended to read:

4 289.68 (4) PAYMENT OF CLOSURE AND LONG-TERM CARE COSTS; FORFEITED BONDS AND
5 SIMILAR MONEYS. The department may utilize moneys appropriated under s. ~~20.370~~
6 20.375 (2) (dt) for the payment of costs associated with compliance with closure and
7 long-term care requirements under s. 289.41 (11) (b) 1.

8 **SECTION 791.** 289.68 (5) of the statutes is amended to read:

9 289.68 (5) PREVENTION OF IMMINENT HAZARD. The department may utilize
10 moneys appropriated under s. ~~20.370~~ 20.375 (2) (dq) for the payment of costs
11 associated with imminent hazards as authorized under s. 289.41 (11) (c) and (cm).

12 **SECTION 792.** 289.68 (6) of the statutes is amended to read:

13 289.68 (6) PAYMENT OF CORRECTIVE ACTION, FORFEITED BONDS AND RECOVERED
14 MONEYS. The department may utilize moneys appropriated under s. ~~20.370~~ 20.375
15 (2) (dy) and (dz) for the payment of costs of corrective action under s. 289.41 (11) (bm).

16 **SECTION 793.** 289.68 (7) of the statutes is amended to read:

17 289.68 (7) REPORT ON WASTE MANAGEMENT FUND. With its biennial budget
18 request to the department of administration under s. 16.42, the ~~natural resources~~
19 ~~board~~ department shall include a report on the fiscal status of the waste
20 management fund and an estimate of the receipts by and expenditures from the fund
21 in the current fiscal year and in the future.

22 **SECTION 794.** 291.01 (2) of the statutes is amended to read:

23 291.01 (2) “Department” means the department of ~~natural resources~~
24 environmental quality.

25 **SECTION 795.** 292.01 (2) of the statutes is amended to read:

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1 292.01 (2) “Department” means the department of ~~natural resources~~
2 environmental quality.

3 **SECTION 796.** 292.01 (17) of the statutes is amended to read:

4 292.01 (17) “Secretary” means the secretary of ~~natural resources~~
5 environmental quality.

6 **SECTION 797.** 292.11 (6) (a) of the statutes is amended to read:

7 292.11 (6) (a) *Contingency plan; activities resulting from discharges.* The
8 department may utilize moneys appropriated under s. ~~20.370~~ 20.375 (2) (dv) and
9 (my) in implementing and carrying out the contingency plan developed under sub.
10 (5) and to provide for the procurement, maintenance and storage of necessary
11 equipment and supplies, personnel training and expenses incurred in identifying,
12 locating, monitoring, containing, removing and disposing of discharged substances.

13 **SECTION 798.** 292.11 (6) (b) of the statutes is amended to read:

14 292.11 (6) (b) *Limitation on equipment expenses.* No more than 25% of the
15 moneys available under the appropriation under s. ~~20.370~~ 20.375 (2) (dv) or (my)
16 during any fiscal year may be used for the procurement and maintenance of
17 necessary equipment during that fiscal year.

18 **SECTION 799.** 292.11 (6) (c) 2. of the statutes is amended to read:

19 292.11 (6) (c) 2. Reimbursements to the department under section 311, federal
20 water pollution control act amendments of 1972, P.L. 92-500, shall be credited to the
21 appropriation under s. ~~20.370~~ 20.375 (2) (my).

22 **SECTION 800.** 292.12 (1) (a) of the statutes is amended to read:

23 292.12 (1) (a) “Agency with administrative authority” means the department
24 of agriculture, trade and consumer protection with respect to a site over which it has
25 jurisdiction under s. 94.73 (2), the department of commerce with respect to a site over

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1 which it has jurisdiction under s. 101.144 (2) (a), or the department of natural
2 resources environmental quality with respect to a site over which it has jurisdiction
3 under s. 292.11 (7).

4 **SECTION 801.** 292.255 of the statutes is amended to read:

5 **292.255 Report on brownfield efforts.** The department of natural
6 resources environmental quality, the department of administration, and the
7 department of commerce shall submit a report evaluating the effectiveness of this
8 state's efforts to remedy the contamination of, and to redevelop, brownfields, as
9 defined in s. 560.13 (1) (a).

10 **SECTION 802.** 292.31 (4) of the statutes is amended to read:

11 **292.31 (4) MONITORING COSTS AT NONAPPROVED FACILITIES OWNED OR OPERATED BY**
12 **MUNICIPALITIES.** Notwithstanding the environmental response rules under sub. (2) or
13 the environmental repair authority, remedial action sequence, and emergency
14 response requirements under sub. (3), the department shall pay that portion of the
15 cost of any monitoring requirement ~~which~~ that is to be paid under s. 289.31 (7) (f)
16 from the appropriation under s. ~~20.370~~ 20.375 (2) (dv) prior to making other
17 payments from that appropriation.

18 **SECTION 803.** 292.31 (7) (am) 2. of the statutes is amended to read:

19 **292.31 (7) (am) 2.** The department may acquire an interest in property from
20 any person as part of a remedial action conducted in cooperation with the federal
21 environmental protection agency if the acquisition is necessary to implement the
22 remedy. Under this subdivision, the department may acquire an interest in property
23 that is necessary to ensure that restrictions on the use of land or groundwater are
24 enforceable. The department may expend moneys from the appropriations under ss.

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1 ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg) if necessary to compensate a person for an
2 interest in property acquired by the department under this subdivision.

3 **SECTION 804.** 292.31 (7) (b) of the statutes is amended to read:

4 292.31 (7) (b) The department may expend moneys from the appropriations
5 under ss. ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg) as required under 42 USC 9601,
6 et seq. The department shall promulgate by rule criteria for the expenditure of
7 moneys from the appropriations under ss. ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg).
8 The criteria shall include consideration of the amount of moneys available in the
9 appropriations under ss. ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg), the moneys
10 available from other sources for the required sharing of costs, the differences
11 between public and private sites or facilities, the potential for cost recovery from
12 responsible parties and any other appropriate factors.

13 **SECTION 805.** 292.33 (6) of the statutes is amended to read:

14 292.33 (6) EXCEPTION. A local governmental unit may not recover costs under
15 this section for remedial activities conducted on a property or portion of a property
16 with respect to a discharge after the department of ~~natural resources~~ environmental
17 quality, the department of commerce or the department of agriculture, trade and
18 consumer protection has indicated that no further remedial activities are necessary
19 on the property or portion of the property with respect to the discharge.

20 **SECTION 806.** 292.41 (6) (a) of the statutes is amended to read:

21 292.41 (6) (a) The department may utilize moneys appropriated under s.
22 ~~20.370~~ 20.375 (2) (dv) and (my) in taking action under sub. (4). The department shall
23 utilize these moneys to provide for the procurement, maintenance and storage of
24 necessary equipment and supplies, personnel training and expenses incurred in
25 locating, identifying, removing and disposing of abandoned containers.

BILL**SECTION 807**

1 **SECTION 807.** 292.41 (6) (b) of the statutes is amended to read:

2 292.41 **(6)** (b) No more than 25% of the total of all moneys available under the
3 appropriation under s. ~~20.370~~ 20.375 (2) (dv) and (my) may be used annually for the
4 procurement and maintenance of necessary equipment during that fiscal year.

5 **SECTION 808.** 292.53 of the statutes is amended to read:

6 **292.53 Availability of environmental insurance.** The department, in
7 cooperation with the department of administration, may undertake activities to
8 make private environmental insurance products available to encourage and
9 facilitate the cleanup and redevelopment of contaminated property. The department
10 of ~~natural resources~~ environmental quality may negotiate with, select, and contract
11 with one or more insurers to provide insurance products under this section, subject
12 to the approval of the department of administration under s. 16.865 (5).

13 **SECTION 809.** 292.55 (2) of the statutes is amended to read:

14 292.55 **(2)** The department may assess and collect fees from a person to offset
15 the costs of providing assistance under sub. (1). The department shall promulgate
16 rules for the assessment and collection of fees under this subsection. Fees collected
17 under this subsection shall be credited to the appropriation account under s. ~~20.370~~
18 20.375 (2) (dh).

19 **SECTION 810.** 292.57 (2) (b) of the statutes is amended to read:

20 292.57 **(2)** (b) Any moneys collected under this subsection shall be credited to
21 the appropriation account under s. ~~20.370~~ 20.375 (2) (dh).

22 **SECTION 811.** 292.65 (3) (c) of the statutes is amended to read:

23 292.65 **(3)** (c) The department shall allocate 9.7% of the funds appropriated
24 under s. ~~20.370~~ 20.375 (6) (eq) in each fiscal year for awards for immediate action
25 activities and applications that exceed the amount anticipated.

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1 **SECTION 812.** 292.65 (11) of the statutes is amended to read:

2 292.65 **(11)** ENVIRONMENTAL FUND REIMBURSEMENT. If the department expends
3 funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because
4 of a discharge of dry cleaning product at a dry cleaning facility and there is a person
5 who would be an eligible owner or operator under this section for the dry cleaning
6 facility, the department shall transfer from the appropriation account under s.
7 ~~20.370~~ 20.375 (6) (eq) to the environmental fund an amount equal to the amount
8 expended under s. 292.11 (7) (a) or 292.31 (3) (b) less the applicable deductible under
9 sub. (8) (e). The department shall make transfers under this subsection when the
10 department determines that sufficient funds are available in the appropriation
11 account under s. ~~20.370~~ 20.375 (6) (eq).

12 **SECTION 813.** 292.70 (7) of the statutes is amended to read:

13 292.70 **(7)** REVIEW AND PAYMENT. If a claim is filed under an agreement under
14 sub. (2) or (3), the department shall review the claim to determine whether it is valid.
15 A valid claim shall be paid from the appropriation under s. ~~20.370~~ 20.375 (2) (fq).

16 **SECTION 814.** 292.75 (2) (a) of the statutes is amended to read:

17 292.75 **(2)** (a) The department shall administer a program to award brownfield
18 site assessment grants from the appropriation under s. ~~20.370~~ 20.375 (6) (et) to local
19 governmental units for the purposes of conducting any of the eligible activities under
20 sub. (3).

21 **SECTION 815.** 292.75 (6) of the statutes is amended to read:

22 292.75 **(6)** LIMITATION OF GRANT. The total amount of all grants awarded to a
23 local governmental unit in a fiscal year under this section shall be limited to an
24 amount equal to 15% of the available funds appropriated under s. ~~20.370~~ 20.375 (6)
25 (et) for the fiscal year.

BILL**SECTION 816**

1 **SECTION 816.** 292.94 of the statutes is amended to read:

2 **292.94 Fees related to enforcement actions.** The department may assess
3 and collect fees from a person who is subject to an order or other enforcement action
4 for a violation of s. 292.11 or 292.31 to cover the costs incurred by the department to
5 review the planning and implementation of any environmental investigation or
6 environmental cleanup that the person is required to conduct. The department shall
7 promulgate rules for the assessment and collection of fees under this section. Fees
8 collected under this section shall be credited to the appropriation account under s.
9 ~~20.370~~ 20.375 (2) (dh).

10 **SECTION 817.** 293.01 (3) of the statutes is amended to read:

11 293.01 (3) “Department” means the department of ~~natural resources~~
12 environmental quality.

13 **SECTION 818.** 293.01 (28) (a) of the statutes is amended to read:

14 293.01 (28) (a) Habitat required for survival of species of vegetation or wildlife
15 designated as endangered through prior inclusion in rules adopted by the
16 department of natural resources, if such endangered species cannot be firmly
17 reestablished elsewhere.

18 **SECTION 819.** 293.01 (28) (b) (intro.) of the statutes is amended to read:

19 293.01 (28) (b) (intro.) Unique features of the land, as determined by state or
20 federal designation and incorporated in rules adopted by the department of natural
21 resources, as any of the following, which cannot have their unique characteristic
22 preserved by relocation or replacement elsewhere:

23 **SECTION 820.** 293.25 (6) of the statutes is amended to read:

24 293.25 (6) ENVIRONMENTAL IMPACT. Radioactive waste site exploration may
25 constitute a major action significantly affecting the quality of the human

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1 environment. No person may engage in radioactive waste site exploration unless the
2 person complies with the requirements under s. 1.11. Notwithstanding s. ~~23.40~~
3 278.40, the state may charge actual and reasonable costs associated with field
4 investigation, verification, monitoring, preapplication services and preparation of
5 an environmental impact statement.

6 **SECTION 821.** 295.11 (1) of the statutes is amended to read:

7 295.11 (1) “Department” means the department of ~~natural resources~~
8 environmental quality.

9 **SECTION 822.** 295.31 (1) of the statutes is amended to read:

10 295.31 (1) “Department” means the department of ~~natural resources~~
11 environmental quality.

12 **SECTION 823.** 299.01 (3) of the statutes is amended to read:

13 299.01 (3) “Department” means the department of ~~natural resources~~
14 environmental quality.

15 **SECTION 824.** 299.23 of the statutes is amended to read:

16 **299.23 Financial interest prohibited.** The secretary of ~~natural resources~~
17 environmental quality and any other person in a position of administrative
18 responsibility in the department may not have a financial interest in any enterprise
19 which might profit by weak or preferential administration or enforcement of the
20 powers and duties of the department.

21 **SECTION 825.** 299.64 (3) of the statutes is amended to read:

22 299.64 (3) CITATIONS. The department may follow the procedures for the
23 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
24 for a violation of sub. (2).

25 **SECTION 826.** 299.83 (1) (c) of the statutes is amended to read:

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1 299.83 (1) (c) “Environmental performance,” unless otherwise qualified, means
2 the effects, whether regulated under subchs. I to III of ch. 30 or chs. 29 to 31, 160,
3 or 280 to 299 or unregulated, of a facility or activity on air, water, land, natural
4 resources, and human health.

5 **SECTION 827.** 299.83 (1) (d) of the statutes is amended to read:

6 299.83 (1) (d) “Environmental requirement” means a requirement in subchs.
7 I to III of ch. 30 or chs. 29 to 31, 160, or 280 to 299, a rule promulgated under one of
8 those chapters, or a permit, license, other approval, or order issued by the
9 department under one of those chapters.

10 **SECTION 828.** 299.83 (3) (b) 3. of the statutes is amended to read:

11 299.83 (3) (b) 3. That, within 24 months before the date of application, the
12 department of justice has not filed a suit to enforce an environmental requirement,
13 and the department of ~~natural resources~~ environmental quality has not issued a
14 citation to enforce an environmental requirement, because of a violation involving
15 a covered facility or activity.

16 **SECTION 829.** 299.83 (3) (d) 2. a. of the statutes is amended to read:

17 299.83 (3) (d) 2. a. Improving the environmental performance of the applicant,
18 with respect to each covered facility or activity, in aspects of environmental
19 performance that are regulated under subchs. I to III of ch. 30 or chs. 29 to 31, 160,
20 or 280 to 299.

21 **SECTION 830.** 299.83 (3) (d) 2. b. of the statutes is amended to read:

22 299.83 (3) (d) 2. b. Improving the environmental performance of the applicant,
23 with respect to each covered facility or activity, in aspects of environmental
24 performance that are not regulated under subchs. I to III of ch. 30 or chs. 29 to 31,
25 160, or 280 to 299.

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1 **SECTION 831.** 299.83 (3) (e) of the statutes, as affected by 2009 Wisconsin Act
2 30, is amended to read:

3 299.83 **(3)** (e) *Waiver of enforcement record requirements.* The secretary of
4 ~~natural resources~~ environmental quality may waive requirements in par. (b) 2. or 3.
5 based on the request of an applicant. The department shall provide public notice of
6 the request and shall provide at least 30 days for public comment on the request. The
7 secretary may not grant a waiver under this paragraph unless he or she finds that
8 the waiver is consistent with sub. (1m) and will not erode public confidence in the
9 integrity of the program.

10 **SECTION 832.** 299.83 (4m) (f) of the statutes is amended to read:

11 299.83 **(4m)** (f) After a participant in tier I of the program implements an
12 environmental management system that complies with sub. (3) (d) 1., the
13 department shall conduct any inspections of the participant's covered facilities or
14 activities that are required under subchs. I to III of ch. 30 or chs. 29 to 31, 160, or 280
15 to 299 at the lowest frequency permitted under those chapters, except that the
16 department may conduct an inspection whenever it has reason to believe that a
17 participant is out of compliance with a requirement in an approval or with an
18 environmental requirement.

19 **SECTION 833.** 299.83 (5) (b) 3. of the statutes is amended to read:

20 299.83 **(5)** (b) 3. That, within 24 months before the date of application, the
21 department of justice has not filed a suit to enforce an environmental requirement,
22 and the department of ~~natural resources~~ environmental quality has not issued a
23 citation to enforce an environmental requirement, because of a violation involving
24 a covered facility or activity.

BILL**SECTION 834**

1 **SECTION 834.** 299.83 (5) (e) of the statutes, as affected by 2009 Wisconsin Act
2 30, is amended to read:

3 299.83 (5) (e) *Waiver of enforcement record requirements.* The secretary of
4 ~~natural resources~~ environmental quality may waive requirements in par. (b) 2. or 3.
5 based on the request of an applicant. The department shall provide public notice of
6 the request and shall provide at least 30 days for public comment on the request.
7 This public comment period may be concurrent with the notice period under sub. (6)
8 (c) to (f). The secretary may not grant a waiver under this paragraph unless he or
9 she finds that the waiver is consistent with sub. (1m) and will not erode public
10 confidence in the integrity of the program.

11 **SECTION 835.** 299.85 (1) (c) 1. of the statutes is amended to read:

12 299.85 (1) (c) 1. ~~Chapters 29 to~~ Subchapters I to III of ch. 30 or chs. 31, 160, or
13 280 to 299, a rule promulgated under one of those chapters, or a permit, license, other
14 approval, or order issued by the department under one of those chapters.

15 **SECTION 836.** 299.85 (6) (b) (intro.) of the ~~statutes~~, as affected by 2009
16 Wisconsin Act 30, is amended to read:

17 299.85 (6) (b) (intro.) The department may not approve or issue a compliance
18 schedule that extends longer than 12 months beyond the date of approval of the
19 compliance schedule, unless the secretary of ~~natural resources~~ environmental
20 quality determines that a longer schedule is necessary. The department shall
21 consider the following factors in determining whether to approve a compliance
22 schedule:

23 **SECTION 837.** 299.85 (7) (a) 2. of the statutes, as affected by 2009 Wisconsin Act
24 30, is amended to read:

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1 299.85 (7) (a) 2. Notwithstanding minimum or maximum forfeitures specified
2 in ss. ~~29.314 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11), 29.889 (10) (c) 2., 29.969,~~
3 ~~29.971 (1) (a), (1m) (a), (3), (3m), (11g) (b), (11m) (b), and (11r) (b),~~ 30.298 (1), (2), and
4 (3), ~~30.49 (1) (a) and (c),~~ 31.23 (2), 281.75 (19), 281.98 (1), 281.99 (2) (a) 1., 283.91 (2),
5 285.41 (7), 285.57 (5), 285.59 (8), 285.87 (1), 287.95 (1), (2) (b), and (3) (b), 287.97,
6 289.96 (2) and (3) (a), 291.97 (1), 292.99 (1) and (1m), 293.81, 293.87 (3) and (4) (a),
7 295.19 (3) (a) and (b) 1., 295.37 (2), 299.15 (4), 299.51 (5), 299.53 (4) (c) 1., 299.62 (3)
8 (a) and (c), and 299.97 (1), if a regulated entity that qualifies under sub. (2) for
9 participation in the Environmental Compliance Audit Program corrects violations
10 that it discloses in a report that meets the requirements of sub. (3) within 90 days
11 after the department receives the report that meets the requirements of sub. (3), the
12 regulated entity may not be required to forfeit more than \$500 for each violation,
13 regardless of the number of days during which the violation continues.

14 **SECTION 838.** 299.85 (7) (a) 4. of the statutes is amended to read:

15 299.85 (7) (a) 4. Notwithstanding minimum or maximum forfeitures specified
16 in ss. ~~29.314 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11), 29.889 (10) (c) 2., 29.969,~~
17 ~~29.971 (1) (a), (1m) (a), (3), (3m), (11g) (b), (11m) (b), and (11r) (b),~~ 30.298 (1), (2), and
18 (3), ~~30.49 (1) (a) and (c),~~ 31.23 (2), 281.75 (19), 281.98 (1), 281.99 (2) (a) 1., 283.91 (2),
19 285.41 (7), 285.57 (5), 285.59 (8), 285.87 (1), 287.95 (1), (2) (b), and (3) (b), 287.97,
20 289.96 (2) and (3) (a), 291.97 (1), 292.99 (1) and (1m), 293.81, 293.87 (3) and (4) (a),
21 295.19 (3) (a) and (b) 1., 295.37 (2), 299.15 (4), 299.51 (5), 299.53 (4) (c) 1., 299.62 (3)
22 (a) and (c), and 299.97 (1), if the department approves a compliance schedule under
23 sub. (6) and the regulated entity corrects the violations according to the compliance
24 schedule, the regulated entity may not be required to forfeit more than \$500 for each
25 violation, regardless of the number of days during which the violation continues.

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SECTION 839

1 **SECTION 839.** 299.85 (7) (am) of the statutes is amended to read:

2 299.85 **(7)** (am) The department may issue a citation and follow the procedures
3 under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture for a violation to which
4 par. (a) 2. or 4. applies.

5 **SECTION 840.** 299.95 of the statutes is amended to read:

6 **299.95 Enforcement; duty of department of justice; expenses.** The
7 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except
8 ss. 285.57, 285.59, and 299.64, and all rules, special orders, licenses, plan approvals,
9 permits, and water quality certifications of the department, except those
10 promulgated or issued under ss. 285.57, 285.59, and 299.64 and except as provided
11 in ss. 285.86 and 299.85 (7) (am). The circuit court for Dane county or for any other
12 county where a violation occurred in whole or in part has jurisdiction to enforce chs.
13 281 to 285 and 289 to 295 or this chapter or the rule, special order, license, plan
14 approval, permit, or certification by injunctive and other relief appropriate for
15 enforcement. For purposes of this proceeding where chs. 281 to 285 and 289 to 295
16 or this chapter or the rule, special order, license, plan approval, permit or
17 certification prohibits in whole or in part any pollution, a violation is considered a
18 public nuisance. The department of ~~natural resources~~ environmental quality may
19 enter into agreements with the department of justice to assist with the
20 administration of chs. 281 to 285 and 289 to 295 and this chapter. Any funds paid
21 to the department of justice under these agreements shall be credited to the
22 appropriation account under s. 20.455 (1) (k).

23 **SECTION 841.** 340.01 (3) (b) of the statutes is amended to read:

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state forest rangers' vehicles

1 340.01 (3) (b) Conservation wardens' vehicles, environmental wardens'
2 vehicles, foresters' trucks, or vehicles used by commission wardens, whether publicly
3 or privately owned.

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or
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4 **SECTION 842.** 345.20 (2) (g) of the statutes is amended to read:

5 345.20 (2) (g) Sections ~~23.50 to 23.85~~ 278.50 to 278.90 apply to actions in circuit
6 court to recover forfeitures for violations of s. 287.81. No points may be assessed
7 against the driving record of a person convicted of a violation of s. 287.81. The report
8 of conviction and abstract of court record copy of the citation form shall be forwarded
9 to the department.

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10 **SECTION 843.** 350.12 (3h) (g) of the statutes is amended to read:

11 350.12 (3h) (g) *Receipt of fees.* All fees remitted to or collected by the
12 department under par. (ar) shall be credited to the appropriation account under s.
13 20.370 (9) ~~(hu)~~ (jw).

14 **SECTION 844.** 350.12 (4) (a) (intro.) of the statutes is amended to read:

15 350.12 (4) (a) *Enforcement, administration and related costs.* (intro.) The
16 moneys appropriated from s. 20.370 ~~(3) (1) (ak) and (aq), (tu), and (tw) and~~ (5) (es)
17 and ~~(9) (mu) and (mw)~~ may be used for the following:

18 **SECTION 845.** 350.12 (4) (a) 3m. of the statutes is amended to read:

19 350.12 (4) (a) 3m. The cost of state law enforcement efforts as appropriated
20 under s. 20.370 (3) (1) (ak) and (aq); and

21 **SECTION 846.** 350.12 (4) (am) of the statutes is amended to read:

22 350.12 (4) (am) *Enforcement aids to department.* Of the amounts appropriated
23 under s. 20.370 ~~(3) (1) (ak) and (aq)~~, the department shall allocate \$26,000 in each
24 fiscal year to be used exclusively for the purchase of snowmobiles or trailers to carry
25 snowmobiles, or both, to be used in state law enforcement efforts.

SECTION 847

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SECTION 847. 350.12 (4) (c) of the statutes is amended to read:

350.12 **(4)** (c) 1. Any moneys appropriated under s. 20.370 (1) (aq), (mq), ~~(3)~~ ~~(aq)~~ or ~~(9)~~ ~~(mw)~~ or (tw) that lapse shall revert to the snowmobile account in the conservation fund.

2. If any moneys appropriated under s. 20.370 ~~(9)~~ ~~(mu)~~ (1) (tu) lapse, a portion of those moneys shall revert to the snowmobile account in the conservation fund. The department shall calculate that portion by multiplying the total amount lapsing from the appropriation by the same percentage the department used for the fiscal year to determine the amount to be expended under the appropriation for snowmobile registration.

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SECTION 848. 560.11 (1) (a) of the statutes is amended to read:

560.11 **(1)** (a) Advise the department of ~~natural resources~~ environmental quality concerning the effectiveness of the small business stationary source technical and environmental compliance assistance program under s. 285.79, difficulties encountered by small business stationary sources, as defined in s. 285.79 (1), in complying with s. 299.15 and ch. 285 and the degree and severity of enforcement of s. 299.15 and ch. 285 against small business stationary sources.

SECTION 849. 560.11 (2) of the statutes is amended to read:

560.11 **(2)** The employees of the department of commerce who staff the small business ombudsman clearinghouse under s. 560.03 (9) and the employees of the department of ~~natural resources~~ environmental quality who staff the small business stationary source technical and environmental compliance assistance program under s. 285.79 shall provide the small business environmental council with the assistance necessary to comply with sub. (1).

SECTION 850. 560.13 (2) (a) 1m. of the statutes is amended to read:

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1 560.13 (2) (a) 1m. The recipient does not use the grant proceeds to pay lien
2 claims of the department of ~~natural resources~~ environmental quality or the federal
3 environmental protection agency based on investigation or remediation activities of
4 the department of ~~natural resources~~ environmental quality or the federal
5 environmental protection agency or to pay delinquent real estate taxes or interest
6 or penalties that relate to those taxes.

7 **SECTION 851.** 560.13 (5) of the statutes is amended to read:

8 560.13 (5) Before the department awards a grant under this section, the
9 department shall consider the recommendations of the department of
10 administration and the department of ~~natural resources~~ environmental quality.

11 **SECTION 852.** 560.19 (3) of the statutes is amended to read:

12 560.19 (3) In coordination with the solid and hazardous waste education center
13 under s. 36.25 (30) and the department of ~~natural resources~~ environmental quality,
14 the department shall conduct an education, environmental management and
15 technical assistance program to promote pollution prevention among businesses in
16 the state.

17 **SECTION 853.** 778.104 (title) of the statutes is amended to read:

18 **778.104 (title) Department of natural resources and department of**
19 **environmental quality forfeitures; how recovered.**

20 **SECTION 854.** 778.104 of the statutes is renumbered 778.104 (1) and amended
21 to read:

22 778.104 (1) If there is a conflict with this chapter, the procedure in ss. 23.50 to
23 23.85 shall be followed in actions to recover forfeitures for the violation of those
24 ~~natural resources~~ laws enumerated in s. 23.50.

25 **SECTION 855.** 778.104 (2) of the statutes is created to read:

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1 778.104 (2) If there is a conflict with this chapter, the procedure in ss. 778.50
2 to 778.90 shall be followed in actions to recover forfeitures for the violation of those
3 laws enumerated in s. 778.51 (1).

***** Note: make necessary changes ^{e (regarding)} enforcement.*

4 **SECTION 856.** 778.30 (1) (intro.) of the statutes is amended to read:

5 778.30 (1) (intro.) In addition to the procedures under s. 23.795, 278.795, or
6 345.47 or under this chapter for the collection of forfeitures, costs, assessments,
7 surcharges or restitution payments if a defendant fails to pay the forfeiture, costs,
8 assessment, surcharge or restitution payment within the period specified by the
9 circuit court, the court may do any of the following:

10 **SECTION 857.** 814.77 (5) of the statutes is repealed.

11 **SECTION 858.** 814.785 of the statutes is created to read:

12 **814.785 Surcharges in ch. 278 forfeiture actions.** In addition to any
13 forfeiture imposed in an action under s. 278.51, a defendant shall pay the following
14 surcharges if applicable:

15 (1) The court support services surcharge under s. 814.85.

16 (2) The crime laboratories and drug law enforcement surcharge under s.
17 165.755.

18 (3) The environmental surcharge under s. 299.93.

19 (4) The jail surcharge under s. 302.46 (1).

20 (5) The justice information system surcharge under s. 814.86 (1).

21 (6) The penalty surcharge under s. 757.05.

22 (7) The special prosecution clerks surcharge under s. 814.86 (1m).

23 **SECTION 859.** 823.08 (3) (c) 1. of the statutes is amended to read:

24 823.08 (3) (c) 1. Subject to subd. 2., if a court requests the department of
25 agriculture, trade and consumer protection or the department of ~~natural resources~~

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1 environmental quality for suggestions under par. (b) 2. a., the department of
2 agriculture, trade and consumer protection or the department of ~~natural resources~~
3 environmental quality shall advise the court concerning the relevant provisions of
4 the performance standards, prohibitions, conservation practices and technical
5 standards under s. 281.16 (3).

6 **SECTION 860.** 823.085 (2) (intro.) of the statutes is amended to read:

7 823.085 (2) (intro.) In any action finding a solid waste facility or the operation
8 of a solid waste facility to be a public or private nuisance, if the solid waste facility
9 was licensed under s. 289.31 (1) and was operated in substantial compliance with the
10 license, the plan of operation for the solid waste facility approved by the department
11 of ~~natural resources~~ environmental quality and the rules promulgated under s.
12 289.05 (1) that apply to the facility, then all of the following apply:

13 **SECTION 861.** 823.085 (2) (b) of the statutes is amended to read:

14 823.085 (2) (b) The department of ~~natural resources~~ environmental quality
15 shall comply with a request by the court to provide suggestions for practices to reduce
16 the offensive aspects of the nuisance.

17 **SECTION 862.** 893.73 (2) (a) of the statutes is amended to read:

18 893.73 (2) (a) An action under s. 60.73 contesting an act of a town board or the
19 department of ~~natural resources~~ environmental quality in the establishment of a
20 town sanitary district.

21 **SECTION 863.** 895.55 (2) (b) of the statutes is amended to read:

22 895.55 (2) (b) The assistance, advice or care was consistent with the national
23 contingency plan or the state contingency plan or was otherwise directed by the
24 federal on-scene coordinator or the secretary of ~~natural resources~~ environmental
25 quality.

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1 **SECTION 864.** 895.56 (2) (c) of the statutes is amended to read:

2 895.56 (2) (c) The acts or omissions involving petroleum-contaminated soil on
3 the property were required by reasonably precise specifications in the contract
4 entered into under s. 84.06 (2), and the acts or omissions conformed to those
5 specifications, or were otherwise directed by the department of transportation or by
6 the department of ~~natural resources~~ environmental quality.

7 **SECTION 865.** 895.56 (3) (c) of the statutes is amended to read:

8 895.56 (3) (c) The person fails to warn the department of transportation or the
9 department of ~~natural resources~~ environmental quality about the presence of
10 petroleum-contaminated soil encountered at the site, if the
11 petroleum-contaminated soil was reasonably known to the person but not to the
12 department of transportation or to the department of ~~natural resources~~
13 environmental quality.

14 **SECTION 866.** 895.58 (1) (a) of the statutes is amended to read:

15 895.58 (1) (a) “Department” means the department of ~~natural resources~~
16 environmental quality.

17 **SECTION 867.** 938.237 (1) of the statutes is amended to read:

18 938.237 (1) CITATION FORM. The citation forms under s. 23.54, 66.0113, 278.54
19 778.25, 778.26 or 800.02 may be used to commence an action for a violation of civil
20 laws and ordinances in the court.

21 **SECTION 868.** 938.237 (2) of the statutes is amended to read:

22 938.237 (2) PROCEDURES. The procedures for issuance and filing of a citation,
23 and for forfeitures, stipulations, and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4),
24 66.0113, 278.50 to 278.67, 278.75 (3) and (4), 778.25, 778.26, and 800.01 to 800.04
25 except s. 800.04 (2) (b), when the citation is issued by a law enforcement officer, shall

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1 be used as appropriate, except that this chapter shall govern taking and holding a
2 juvenile in custody, s. 938.37 shall govern costs, fees, and surcharges imposed under
3 ch. 814, and a *capias* shall be substituted for an arrest warrant. Sections 66.0113 (3)
4 (c) and (d), 66.0114 (1), and 778.10 as they relate to collection of forfeitures do not
5 apply.

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SECTION 869. Nonstatutory provisions.

(1) TRANSFERS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

(a) *Assets and liabilities.* On the effective date of this paragraph, the following
assets and liabilities of the department of natural resources shall become the assets
and liabilities of the department of environmental quality:

1. The assets and liabilities that are primarily related to the functions of the
division of air and waste.

2. The assets and liabilities that are primarily related to the functions of the
bureau of drinking water and groundwater and to those functions of the bureau of
watershed management that are assigned to the department of environmental
quality by this act.

3. The assets and liabilities that are primarily related to those functions of the
divisions of enforcement and science, administration and technology, and customer
assistance and employee services that are assigned to the department of
environmental quality by this act.

4. Any other assets and liabilities related to the administrative functions of the
department of natural resources that the secretary of natural resources determines
should be transferred.

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1 (b) *Employee transfers.* The following classified positions in the department of
2 natural resources and the incumbents in the positions are transferred to the
3 department of environmental quality:

4 1. The classified positions and the incumbents in the positions in the division
5 of air and waste.

6 2. The classified positions and the incumbents in the positions in the bureau
7 of drinking water and groundwater and the classified positions and the incumbents
8 in the positions in the bureau of watershed management that are primarily related
9 to those functions of the bureau of watershed management that are assigned to the
10 department of environmental quality by this act.

11 3. The classified positions and the incumbents in the positions that are
12 primarily related to those functions of the divisions of enforcement and science,
13 administration and technology, and customer and employee services that are
14 assigned to the department of environmental quality by this act.

15 4. Any other classified positions and the incumbents in the positions related
16 to the administrative functions of the department of natural resources that the
17 secretary of natural resources determines should be transferred.

18 (c) *Employee status.* Employees transferred under paragraph (b) shall have the
19 same rights and status under subchapter V of chapter 111 and chapter 230 of the
20 statutes in the department of environmental quality that they enjoyed in the
21 department of natural resources immediately before the transfer. Notwithstanding
22 section 230.28 (4) of the statutes, no employee so transferred who has attained
23 permanent status in class is required to serve a probationary period.

24 (d) *Position changes.* The authorized full-time equivalent positions for the
25 department of natural resources funded by an appropriation immediately before the

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1 effective date of this paragraph are reduced by the number of full-time equivalent
2 positions funded by that appropriation that are transferred to the department of
3 environmental quality under par. (b), and the authorized full-time equivalent
4 positions for the department of environmental quality funded by the equivalent
5 appropriation to that department are increased by the same number.

6 (e) *Tangible personal property.* On the effective date of this paragraph, all of
7 the following tangible personal property, including records, of the department of
8 natural resources shall be transferred to the department of environmental quality:

9 1. The tangible personal property, including records, primarily related to the
10 functions of the division of air and waste.

11 2. The tangible personal property, including records, primarily related to the
12 functions of the bureau of drinking water and groundwater and to those functions
13 of the bureau of watershed management that are assigned to the department of
14 environmental quality by this act.

15 3. The tangible personal property, including records, primarily related to those
16 functions of the divisions of enforcement and science and customer and employee
17 services that are assigned to the department of environmental quality by this act.

18 4. Any other tangible personal property related to the administrative functions
19 of the department of natural resources that the secretary of natural resources
20 determines should be transferred.

21 (f) *Contracts transferred.* The following contracts entered into by the
22 department of natural resources in effect on the effective date of this paragraph
23 remain in effect and are transferred to the department of environmental quality:

24 1. Contracts that are primarily related to the functions of the division of air and
25 waste.

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1 2. Contracts that are primarily related to the functions of the bureau of
2 drinking water and groundwater and to those functions of the bureau of watershed
3 management that are assigned to the department of environmental quality by this
4 act.

5 3. Contracts that are primarily related to those functions of the divisions of
6 enforcement and science and customer and employee services that are assigned to
7 the department of environmental quality by this act.

8 4. Any other contracts related to the administrative functions of the
9 department of natural resources that the secretary of natural resources determines
10 should be transferred.

11 (g) *Contracts carried out.* The department of environmental quality shall carry
12 out the obligations in a contract under paragraph (f) except to the extent that the
13 contract is modified or rescinded by the department of environmental quality in a
14 manner allowed under the contract.

15 (h) *Rules and orders.*

16 1. The following rules promulgated and orders issued by the department of
17 natural resources that are in effect on the effective date of this subdivision shall be
18 considered rules and orders of the department of environmental quality and shall
19 remain in effect until their specified effective dates or until modified, repealed, or
20 rescinded by the department of environmental quality:

21 a. The rules and orders that are primarily related to the functions of the
22 division of air and waste.

23 b. The rules and orders that are primarily related to the functions of the bureau
24 of drinking water and groundwater and to those functions of the bureau of watershed

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1 management that are assigned to the department of environmental quality by this
2 act.

3 c. The rules and orders that are primarily related to those functions of the
4 divisions of enforcement and science and customer and employee services that are
5 assigned to the department of environmental quality by this act.

6 2. In the rules and orders under subdivision 1., references to the secretary or
7 department of natural resources or to an officer or employee of the department of
8 natural resources transferred under this act to the department of environmental
9 quality shall be treated as references to the secretary or department of
10 environmental quality or to an officer or employee of the department of
11 environmental quality.

12 (i) *Pending matters.* The following matters pending with the department of
13 natural resources on the effective date of this paragraph are transferred to the
14 department of environmental quality, and all materials submitted to or actions taken
15 by the department of natural resources with respect to the following pending matters
16 are considered as having been submitted to or taken by the department of
17 environmental quality:

18 1. Pending matters that are primarily related to the functions of the division
19 of air and waste.

20 2. Pending matters that are primarily related to the functions of the bureau of
21 drinking water and groundwater and to those functions of the bureau of watershed
22 management that are assigned to the department of environmental quality by this
23 act.

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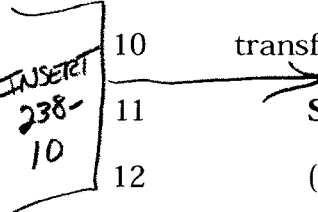
SECTION 869

1 3. Pending matters that are primarily related to those functions of the divisions
2 of enforcement and science and customer and employee services that are assigned
3 to the department of environmental quality by this act.

4 4. Any other pending matters relating to the administration of the department
5 that the secretary of natural resources determines should be transferred.

6 (j) *Dispute resolution.* The secretary of environmental quality or the secretary
7 of natural resources may, after the effective date of this paragraph, and before July
8 1, 2012, request the joint committee on finance to modify the transfers provided
9 under paragraphs (a), (b), (d), (e), (f), and (i). The committee may make those
10 transfers as requested or as modified by the committee.

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SECTION 870. Effective date.

(1) This act takes effect on July 1, 2011.

(END)