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1 **278.81 Effect of plea of no contest.** Forfeiture of deposit under s. 278.75 (3)
2 (b), an accepted plea of no contest under s. 278.70, or a stipulation of no contest under
3 s. 278.75 (3) (c) to a charge of violation is not admissible in evidence as an admission
4 against interest in any action or proceeding arising out of the same occurrence.

5 **278.82 Fees.** Fees in forfeiture actions under this subchapter are prescribed
6 in s. 814.63.

7 **278.83 Appeal.** In a case under this subchapter, all of the following apply:

8 (1) JURISDICTION ON APPEAL. Appeal may be taken by either party.

9 (2) STAY OF EXECUTION. The amount of undertaking required to stay execution
10 on appeal may not exceed the amount of the maximum forfeiture, plus costs, fees, and
11 surcharges imposed under ch. 814.

12 (3) PROCEDURE ON APPEAL. An appeal to the court of appeals shall be in
13 accordance with chs. 808 and 809.

14 **278.84 Forfeitures, costs, fees, and surcharges collected; to whom paid.**

15 All moneys collected in favor of the state under this subchapter for forfeiture, plus
16 costs, fees, and surcharges imposed under ch. 814, shall be paid by the officer who
17 collects the moneys to the appropriate county treasurer within 20 days after their
18 receipt by the officer, except that all jail surcharges imposed under ch. 814 shall be
19 paid to the county treasurer. In case of any failure in the payment, the county
20 treasurer may collect the payment from the officer by an action in the treasurer's
21 name of office and upon the official bond of the officer, with interest at the rate of 12
22 percent per year from the time when it should have been paid.

23 **278.85 Statement to county board; payment to state.** Every county
24 treasurer shall, on the first day of the annual meeting of the county board of
25 supervisors, submit to it a verified statement of all forfeitures, costs, fees, and

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1 surcharges imposed under ch. 814 and received under this subchapter during the
2 previous year. The county clerk shall deduct all expenses incurred by the county in
3 recovering those forfeitures, costs, fees, and surcharges from the aggregate amount
4 so received, and shall immediately certify the amount of clear proceeds of those
5 forfeitures, costs, fees, and surcharges to the county treasurer, who shall pay the
6 proceeds to the state as provided in s. 59.25 (3). Jail surcharges imposed under ch.
7 814 shall be treated separately as provided in s. 302.46.

8 **278.90 Place of trial.** In cases under this subchapter, all of the following
9 apply:

10 (1) Civil actions shall be tried in the county where the offense was committed,
11 except as otherwise provided in this section.

12 (2) If 2 or more acts are requisite to the commission of any offense, the trial may
13 be in any county in which any of the acts occurred.

14 (3) Where an offense is committed on or within one-fourth of a mile of the
15 boundary of 2 or more counties, the defendant may be tried in any of those counties.

16 (4) If an offense is commenced outside the state and is consummated within
17 the state, the defendant may be tried in the county where the offense was
18 consummated.

19 (5) If an offense is committed on boundary waters at a place where 2 or more
20 counties have common jurisdiction under s. 2.03 or 2.04 or under any other law, the
21 prosecution may be in either county. The county whose process against the offender
22 is first served shall be conclusively presumed to be the county in which the offense
23 was committed.

24 **SECTION 1004.** 279.06 (2) of the statutes is amended to read:

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1 279.06 (2) The authority shall notify the department of ~~natural resources~~
2 environmental quality of its action on an application under s. 279.05 (1) at the same
3 time that it notifies the applicant or applicants.

4 **SECTION 1005.** 280.01 (1) of the statutes is amended to read:

5 280.01 (1) “Department” means the department of ~~natural resources~~
6 environmental quality.

7 **SECTION 1006.** 280.98 (1) of the statutes is amended to read:

8 280.98 (1) Except as provided in sub. (5), the department may follow the
9 procedures for the issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to
10 collect a forfeiture as specified in sub. (3) from a person who commits a violation
11 specified under sub. (2).

12 **SECTION 1007.** 281.01 (3) of the statutes is amended to read:

13 281.01 (3) “Department” means the department of ~~natural resources~~
14 environmental quality.

15 **SECTION 1008.** 281.01 (12) of the statutes is amended to read:

16 281.01 (12) “Secretary” means the secretary of ~~natural resources~~
17 environmental quality.

18 **SECTION 1009.** 281.01 (21) of the statutes is amended to read:

19 281.01 (21) “Wetland” has the meaning given in s. ~~23.32~~ 278.32 (1).

20 **SECTION 1010.** 281.15 (1) of the statutes is amended to read:

21 281.15 (1) The department, in consultation with the department of natural
22 resources, shall promulgate rules setting standards of water quality to be applicable
23 to the waters of the state, recognizing that different standards may be required for
24 different waters or portions thereof. Water quality standards shall consist of the
25 designated uses of the waters or portions thereof and the water quality criteria for

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1 those waters based upon the designated use. Water quality standards shall protect
2 the public interest, which include the protection of the public health and welfare and
3 the present and prospective future use of such waters for public and private water
4 systems, propagation of fish and aquatic life and wildlife, domestic and recreational
5 purposes and agricultural, commercial, industrial and other legitimate uses. In all
6 cases where the potential uses of water are in conflict, water quality standards shall
7 be interpreted to protect the general public interest.

8 **SECTION 1011.** 281.16 (3) (a) (intro.) of the statutes is amended to read:

9 281.16 (3) (a) (intro.) The department of ~~natural resources~~ environmental
10 quality, in consultation with the department of agriculture, trade and consumer
11 protection, shall promulgate rules prescribing performance standards and
12 prohibitions for agricultural facilities and agricultural practices that are nonpoint
13 sources. The performance standards and prohibitions shall be designed to achieve
14 water quality standards by limiting nonpoint source water pollution. At a minimum,
15 the prohibitions shall include all of the following:

16 **SECTION 1012.** 281.16 (3) (b) of the statutes is amended to read:

17 281.16 (3) (b) The department of agriculture, trade and consumer protection,
18 in consultation with the department of ~~natural resources~~ environmental quality,
19 shall promulgate rules prescribing conservation practices to implement the
20 performance standards and prohibitions under par. (a) and specifying a process for
21 the development and dissemination of technical standards to implement the
22 performance standards and prohibitions under par. (a).

23 **SECTION 1013.** 281.16 (3) (e) of the statutes, as affected by 2009 Wisconsin Act
24 28, is amended to read:

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1 281.16 (3) (e) An owner or operator of an agricultural facility or practice that
2 is in existence before October 14, 1997, may not be required by this state or a
3 municipality to comply with the performance standards, prohibitions, conservation
4 practices or technical standards under this subsection unless cost-sharing is
5 available, under s. 92.14 or 281.65 or from any other source, to the owner or operator.
6 For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.15 (4), and 823.08
7 (3) (c) 2., the department of ~~natural resources~~ environmental quality shall
8 promulgate rules that specify criteria for determining whether cost-sharing is
9 available under s. 281.65 and the department of agriculture, trade and consumer
10 protection shall promulgate rules that specify criteria for determining whether
11 cost-sharing is available under s. 92.14 or from any other source. The rules may not
12 allow a determination that cost-sharing is available to meet local regulations under
13 s. 92.07 (2) or 92.15 that are consistent with or that exceed the performance
14 standards, prohibitions, conservation practices or technical standards under this
15 subsection unless the cost-sharing is at least 70% of the cost of compliance or is from
16 70% to 90% of the cost of compliance in cases of economic hardship, as defined in the
17 rules.

18 **SECTION 1014.** 281.17 (3) of the statutes is amended to read:

19 281.17 (3) The department shall promulgate rules establishing an examining
20 program for the certification of operators of water systems, wastewater treatment
21 plants and septage servicing vehicles operated under a license issued under s. 281.48
22 (3), setting such standards as the department finds necessary to accomplish the
23 purposes of this chapter and chs. 285 and 289 to 299, including requirements for
24 continuing education. The department may charge applicants a fee for certification.
25 All moneys collected under this subsection for the certification of operators of water

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1 systems, wastewater treatment plants and septage servicing vehicles shall be
2 credited to the appropriation under s. ~~20.370~~ 20.375 (4) (bL). No person may operate
3 a water ~~systems~~ system, wastewater treatment plant or septage servicing vehicle
4 without a valid certificate issued under this subsection. The department may
5 suspend or revoke a certificate issued under this subsection for a violation of any
6 statute or rule relating to the operation of a water system or wastewater treatment
7 plant or to septage servicing, for failure to fulfill the continuing education
8 requirements or as provided under s. 145.20 (5). The owner of any wastewater
9 treatment plant shall be, or shall employ, an operator certified under this subsection
10 who shall be responsible for plant operations, unless the department by rule provides
11 otherwise. In this subsection, "wastewater treatment plant" means a system or plant
12 used to treat industrial wastewater, domestic wastewater or any combination of
13 industrial wastewater and domestic wastewater.

14 **SECTION 1015.** 281.19 (6) of the statutes is amended to read:

15 281.19 (6) Orders issued by the department shall be signed by the person
16 designated by the ~~board~~ secretary.

17 **SECTION 1016.** 281.33 (2) of the statutes is amended to read:

18 281.33 (2) STATE STORM WATER MANAGEMENT PLAN. The department, in
19 consultation with the department of commerce, shall promulgate by rule a state
20 storm water management plan. This state plan is applicable to activities contracted
21 for or conducted by any agency, as defined under s. 227.01 (1), but also including the
22 office of district attorney, unless that agency enters into a memorandum of
23 understanding with the department ~~of natural resources~~ in which that agency
24 agrees to regulate activities related to storm water management. The department
25 shall coordinate the activities of agencies, as defined under s. 227.01 (1), in storm

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1 water management and make recommendations to these agencies concerning
2 activities related to storm water management.

3 **SECTION 1017.** 281.34 (4) (b) of the statutes is amended to read:

4 281.34 (4) (b) If, under sub. (5) (b), (c), or (d), the department requests an
5 environmental impact report under s. ~~23.11 (5)~~ 278.40 (1m) for a proposed high
6 capacity well, the department may ~~only~~ request information in that report that
7 relates only to the decisions that the department makes under this section related
8 to the proposed high capacity well.

9 **SECTION 1018.** 281.34 (5) (b) 1. of the statutes is amended to read:

10 281.34 (5) (b) 1. Except as provided in subd. 2., if the department determines,
11 under the environmental review process in sub. (4), that an environmental impact
12 report under s. ~~23.11 (5)~~ 278.40 (1m) must be prepared for a proposed high capacity
13 well located in a groundwater protection area, the department may not approve the
14 high capacity well unless it is able to include and includes in the approval conditions,
15 which may include conditions as to location, depth, pumping capacity, rate of flow,
16 and ultimate use, that ensure that the high capacity well does not cause significant
17 environmental impact.

18 **SECTION 1019.** 281.34 (5) (c) of the statutes is amended to read:

19 281.34 (5) (c) *High water loss.* If the department determines, under the
20 environmental review process in sub. (4), that an environmental impact report under
21 s. ~~23.11 (5)~~ 278.40 (1m) must be prepared for a proposed high capacity well with a
22 water loss of more than 95 percent of the amount of water withdrawn, the
23 department may not approve the high capacity well unless it is able to include and
24 includes in the approval conditions, which may include conditions as to location,

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

3 **SECTION 1020.** 281.34 (5) (d) 1. of the statutes is amended to read:

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

12 **SECTION 1021.** 281.36 (9) (ar) 2. b. of the statutes is amended to read:

13 281.36 (9) (ar) 2. b. If the proprietor refuses to grant consent for the entry on,
14 or the inspection of, the property or if the proprietor's explanation or terms of consent
15 are not acceptable to the department of ~~natural resources~~, the department of ~~natural~~
16 ~~resources~~ may apply for, obtain, or execute a special inspection warrant under s.
17 66.0119 or refer the matter to the department of justice for enforcement under s.
18 299.95.

19 **SECTION 1022.** 281.36 (9) (ar) 2. c. of the statutes is amended to read:

20 281.36 (9) (ar) 2. c. If the proprietor fails to respond to all requests made under
21 subd. 1., an agent of the department of ~~natural resources~~ may apply for, obtain, and
22 execute a special inspection warrant under s. 66.0119.

23 **SECTION 1023.** 281.37 (1) (a) 3. of the statutes is amended to read:

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

4 **SECTION 1024.** 281.43 (1) of the statutes is amended to read:

5 281.43 (1) The department of ~~natural resources~~ may require the sewerage
6 system, or sewage or refuse disposal plant of any governmental unit including any
7 town, village or city, to be so planned and constructed that it may be connected with
8 that of any other town, village or city, and may, after hearing, upon due notice to the
9 governmental units order the proper connections to be made or a group of
10 governmental units including cities, villages, town sanitary districts or town utility
11 districts may construct and operate a joint sewerage system under this statute
12 without being so required by order of the department of ~~natural resources~~ but
13 following hearing and approval of the department.

14 **SECTION 1025.** 281.48 (5s) of the statutes is amended to read:

15 281.48 (5s) CITATIONS. (a) The department may follow the procedures for the
16 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
17 for a violation of subs. (2) to (5).

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

22 **SECTION 1026.** 281.55 (2) of the statutes is amended to read:

23 281.55 (2) In order that the construction of pollution prevention and abatement
24 facilities necessary to the protection of state waters be encouraged, a state program
25 of assistance to municipalities and school districts for the financing of such facilities

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1 is established and a program of state advances in anticipation of federal aid
2 reimbursement is established to meet the state's water quality standards. These
3 state programs shall be administered by the department of ~~natural resources~~ and the
4 department shall make such rules as are necessary for the proper execution of the
5 state program.

6 **SECTION 1027.** 281.55 (6) (b) 1. of the statutes is amended to read:

7 281.55 (6) (b) 1. These payments shall not exceed 50% of the approved project
8 in conjunction with the state program of advancement in anticipation of federal
9 reimbursement under sub. (2). To provide for the financing of pollution prevention
10 and abatement facilities, the ~~natural resources board~~ department, with the approval
11 of the governor, subject to the limits of s. 20.866 (2) (tm) may direct that state debt
12 be contracted as set forth in subd. 2. and subject to the limits set therein. Said debts
13 shall be contracted for in the manner and form as the legislature hereafter
14 prescribes.

15 **SECTION 1028.** 281.58 (9) (ae) of the statutes is amended to read:

16 281.58 (9) (ae) A municipality that submits an application under par. (a)
17 without design plans and specifications may obtain an initial determination of
18 financial eligibility from the department of administration. The department of
19 ~~natural resources~~ environmental quality may not approve a municipality's
20 application until the municipality submits design plans and specifications.

21 **SECTION 1029.** 281.58 (9) (e) of the statutes is amended to read:

22 281.58 (9) (e) If the department of ~~natural resources~~ environmental quality and
23 the department of administration determine that the governor's recommendation,
24 as set forth in the executive budget bill, for the amount under s. 281.59 (3e) (b), the
25 amount available under s. 20.866 (2) (tc), or the amount available under s. 281.59 (4)

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1 (f) for a biennium is insufficient to provide funding for all projects for which
2 applications will be approved during that biennium, the department of environmental quality
3 shall inform municipalities that, if the governor's
4 recommendations are approved, clean water fund program assistance during a fiscal
5 year of that biennium will be available only to municipalities that submit financial
6 assistance applications by the June 30 preceding that fiscal year.

7 **SECTION 1030.** 281.58 (9m) (f) (intro.) of the statutes is amended to read:

8 281.58 (9m) (f) (intro.) If the department of ~~natural resources~~ environmental
9 quality and the department of administration determine that the amount approved
10 under s. 281.59 (3e) (b), the amount available under s. 20.866 (2) (tc), or the amount
11 available under s. 281.59 (4) (f) for a biennium is insufficient to provide funding for
12 all projects for which applications will be approved during that biennium, all of the
13 following apply:

14 **SECTION 1031.** 281.58 (11) (b) of the statutes is amended to read:

15 281.58 (11) (b) For municipalities meeting the financial hardship assistance
16 requirements under sub. (13), the department of ~~natural resources~~ environmental
17 quality may approve financial hardship assistance.

18 **SECTION 1032.** 281.59 (11) (a) of the statutes is amended to read:

19 281.59 (11) (a) The department of ~~natural resources~~ environmental quality and
20 the department of administration may enter into a financial assistance agreement
21 with an applicant for which the department of administration has allocated subsidy
22 under s. 281.58 (9m), 281.60 (8) or 281.61 (8) if the applicant meets the conditions
23 under sub. (9) and the other requirements under this section and s. 281.58, 281.60
24 or 281.61.

25 **SECTION 1033.** 281.59 (11) (c) of the statutes is amended to read:

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1 281.59 (11) (c) The department of administration may retain the last payment
2 under a financial assistance agreement until the department of ~~natural resources~~
3 environmental quality and the department of administration determine that the
4 project is completed and meets the applicable requirements of this section and s.
5 281.58, 281.60 or 281.61 and that the conditions of the financial assistance
6 agreement are met.

7 **SECTION 1034.** 281.59 (12) of the statutes is amended to read:

8 281.59 (12) MUNICIPAL OBLIGATIONS. The department of administration may
9 purchase or refinance obligations specified in s. 281.58 (6) (b) 1. and guarantee or
10 purchase insurance for municipal obligations specified in s. 281.58 (6) (b) 3. if the
11 department of administration and the department of ~~natural resources~~
12 environmental quality approve the financial assistance under this section and s.
13 281.58.

14 **SECTION 1035.** 281.625 (4) of the statutes is amended to read:

15 281.625 (4) With the approval of the department of administration, the
16 department of ~~natural resources~~ environmental quality may transfer funds from the
17 appropriation accounts under s. 20.320 (2) (s) and (x) to the Wisconsin drinking water
18 reserve fund under s. 234.933 to guarantee loans under s. 234.86.

19 **SECTION 1036.** 281.65 (3) (at) of the statutes is amended to read:

20 281.65 (3) (at) Review rules drafted under this section and make
21 recommendations regarding the rules before final approval of the rules by the
22 ~~natural resources board~~ department.

23 **SECTION 1037.** 281.65 (4g) of the statutes is amended to read:

24 281.65 (4g) The department may contract with any person from the
25 appropriation account under s. ~~20.370~~ 20.375 (4) (at) for services to administer or

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1 implement this section, including information and education and training services.
2 The department shall allocate \$500,000 in each fiscal year from the appropriation
3 account under s. ~~20.370~~ 20.375 (4) (at) for contracts for educational and technical
4 assistance related to the program under this section provided by the University of
5 Wisconsin-Extension.

6 **SECTION 1038.** 281.65 (4m) (c) of the statutes is amended to read:

7 281.65 (~~4m~~) (c) The department shall submit a copy of any plan it completes
8 under this subsection to any county located in or containing any watershed which is
9 a subject of the plan and to the department of agriculture, trade and consumer
10 protection. The department of agriculture, trade and consumer protection shall
11 review the plan and notify the department of ~~natural resources~~ environmental
12 quality of its comments on the plan. A county receiving a plan under this subsection
13 shall review the plan, approve or disapprove the plan and notify the department of
14 ~~natural resources~~ environmental quality of its action on the plan.

15 **SECTION 1039.** 281.65 (7) (b) of the statutes is amended to read:

16 281.65 (~~7~~) (b) The owner or operator of a site designated as a critical site in a
17 priority watershed or priority lake plan under sub. (5m) or in a modification to such
18 a plan under sub. (5s) or the department of ~~natural resources~~ may obtain a review
19 of the decision of a county land conservation committee under par. (a) 2. by filing a
20 written request with the land and water conservation board within 60 days after
21 receiving the decision of the county land conservation committee.

22 **SECTION 1040.** 281.68 (2) (b) of the statutes, as affected by 2009 Wisconsin Act
23 28, is amended to read:

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1 281.68 (2) (b) The total amount of lake monitoring contracts for each fiscal year
2 may not exceed 10 percent of the total amount appropriated under s. ~~20.370~~ 20.375
3 (6) (ar) and (as).

4 **SECTION 1041.** 281.69 (1b) (d) of the statutes is amended to read:

5 281.69 (1b) (d) "Wetland" has the meaning given in s. ~~23.32~~ 278.32 (1).

6 **SECTION 1042.** 281.69 (3m) (a) of the statutes is amended to read:

7 281.69 (3m) (a) The department shall provide grants of \$10,000 each from the
8 appropriation under s. ~~20.370~~ 20.375 (6) (ar) for lake management projects to eligible
9 recipients, other than nonprofit conservation organizations, that have completed a
10 comprehensive land use plan that includes a wetland enhancement or restoration
11 project. The grant shall be used for the implementation of the wetland enhancement
12 or restoration project. The 75% limitation under sub. (2) (a) does not apply to these
13 grants.

14 **SECTION 1043.** 281.695 (5) of the statutes is amended to read:

15 281.695 (5) Any municipality may participate in the state financial assistance
16 program for soil and water resources protection established under s. 281.55, 281.57
17 or 281.65 and may enter into agreements with the department of ~~natural resources~~
18 environmental quality for that purpose. Any municipality may participate in the
19 clean water fund program under ss. 281.58 and 281.59 and may enter into
20 agreements with the department of administration and the department of ~~natural~~
21 ~~resources~~ environmental quality for that purpose. Any county may participate in the
22 state financial assistance program for soil and water resources protection
23 established under s. 92.14 and may enter into agreements with the department of
24 agriculture, trade and consumer protection for that purpose.

25 **SECTION 1044.** 281.695 (6) of the statutes is amended to read:

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1 281.695 (6) Any municipality is authorized to enter into contracts with a
2 nonprofit-sharing corporation for the municipality to design and construct the
3 projects it will sublease from the department of ~~natural resources~~ environmental
4 quality pursuant to s. 281.55 (6) (b).

5 **SECTION 1045.** 281.73 of the statutes is amended to read:

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

11 **SECTION 1046.** 281.75 (1) (i) of the statutes is amended to read:

12 281.75 (1) (i) "Well subject to abandonment" means a well that is required to
13 be abandoned under s. ~~NR 812.26 (2) (a)~~, ~~Wis. Adm. Code rules promulgated by the~~
14 ~~department~~, or that the department may require to be abandoned under s. ~~NR 812.26~~
15 ~~(2) (b)~~, ~~Wis. Adm. Code rules promulgated by the department~~.

16 **SECTION 1047.** 281.75 (5) (f) of the statutes is amended to read:

17 281.75 (5) (f) The department shall allocate money for the payment of claims
18 according to the order in which completed claims are received. The department may
19 conditionally approve a completed claim even if the appropriation under s. ~~20.370~~
20 20.375 (6) (cr) is insufficient to pay the claim. The department shall allocate money
21 for the payment of a claim which is conditionally approved as soon as funds become
22 available.

23 **SECTION 1048.** 281.85 (intro.) of the statutes is amended to read:

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1 **281.85 Great Lakes protection fund share.** (intro.) The department may
2 use moneys from the appropriation under s. ~~20.370~~ 20.375 (4) (ah) for any of the
3 following purposes:

4 **SECTION 1049.** 281.96 of the statutes is amended to read:

5 **281.96 Visitorial powers of department.** Every owner of an industrial
6 establishment shall furnish to the department all information required by it in the
7 discharge of its duties under subch. II, except s. 281.17 (6) and (7). ~~Any member of~~
8 ~~the natural resources board or any~~ employee of the department may enter any
9 industrial establishment for the purpose of collecting such information, and no
10 owner of an industrial establishment shall refuse to admit such ~~member or~~
11 employee. The department shall make such inspections at frequent intervals. The
12 secretary ~~and all members of the board shall have~~ has the power for all purposes
13 falling within the department's jurisdiction to administer oaths, issue subpoenas,
14 compel the attendance of witnesses and the production of necessary or essential data.

15 **SECTION 1050.** 283.001 (2) of the statutes is amended to read:

16 283.001 (2) The purpose of this chapter is to grant to the department of ~~natural~~
17 ~~resources~~ all authority necessary to establish, administer and maintain a state
18 pollutant discharge elimination system to effectuate the policy set forth under sub.
19 (1) and consistent with all the requirements of the federal water pollution control act
20 amendments of 1972, P.L. 92-500; 86 Stat. 816.

21 **SECTION 1051.** 283.01 (3) of the statutes is amended to read:

22 283.01 (3) "Department" means the department of ~~natural resources~~
23 environmental quality.

24 **SECTION 1052.** 283.01 (16) of the statutes is amended to read:

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1 283.01 (16) "Secretary" means the secretary of ~~natural resources~~
2 environmental quality or his or her designee.

3 **SECTION 1053.** 283.33 (9) (c) of the statutes is amended to read:

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

6 **SECTION 1054.** 283.87 (1) of the statutes is amended to read:

7 283.87 (1) DEPARTMENT MAY RECOVER COSTS. In an action against any person who
8 violates this chapter or any provision of s. ~~29.601 or chs. 30, subchs. I to III of ch. 30~~
9 or chs. 31, 281, 285 or 289 to 299 relating to water quality the department may
10 recover the cost of removing, terminating or remedying the adverse effects upon the
11 water environment resulting from the unlawful discharge or deposit of pollutants
12 into the waters of the state, including the cost of replacing fish or other wildlife
13 destroyed by the discharge or deposit. All moneys recovered under this section shall
14 be deposited into the environmental fund.

15 **SECTION 1055.** 283.87 (4) of the statutes is amended to read:

16 283.87 (4) AIDS TO MUNICIPALITIES; ENVIRONMENTAL DAMAGE COMPENSATION. The
17 department may make grants to any county, city, village or town for the acquisition
18 or development of recreational lands and facilities from moneys appropriated under
19 s. ~~20.370~~ 20.375 (2) (dv). Use and administration of the grant shall be consistent with
20 any court order issued under sub. (3). A county, city, village or town which receives
21 a grant under this section is not required to share in the cost of a project under this
22 section.

23 **SECTION 1056.** 283.89 (2m) of the statutes is amended to read:

24 283.89 (2m) If the department finds a violation of s. 283.33 (1) to (8) for which
25 a person is subject to a forfeiture under s. 283.91 (2), the department may issue a

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1 citation and, if the department does issue a citation, the procedures in ss. ~~23.50 to~~
2 ~~23.99~~ 278.50 to 278.90 apply.

3 **SECTION 1057.** 285.01 (13) of the statutes is amended to read:

4 285.01 (13) "Department" means the department of ~~natural resources~~
5 environmental quality.

6 **SECTION 1058.** 285.01 (38) of the statutes is amended to read:

7 285.01 (38) "Secretary" means the secretary of ~~natural resources~~
8 environmental quality.

9 **SECTION 1059.** 285.11 (6) (intro.) of the statutes is amended to read:

10 285.11 (6) (intro.) Prepare and develop one or more comprehensive plans for
11 the prevention, abatement and control of air pollution in this state. The department
12 thereafter shall be responsible for the revision and implementation of the plans. The
13 rules or control strategies submitted to the federal environmental protection agency
14 under the federal clean air act for control of atmospheric ozone shall conform with
15 the federal clean air act unless, based on the recommendation of the ~~natural~~
16 ~~resources board~~ secretary of environmental quality or the head of the department,
17 as defined in s. 15.01 (8), of any other department, as defined in s. 15.01 (5), that
18 promulgates a rule or establishes a control strategy, the governor determines that
19 measures beyond those required by the federal clean air act meet any of the following
20 criteria:

21 **SECTION 1060.** 285.48 (2) of the statutes is amended to read:

22 285.48 (2) APPLICABILITY. This section applies if the department of ~~natural~~
23 ~~resources~~, pursuant to a call, issues a state implementation plan that requires
24 electric generating facilities in the midcontinent area of this state to comply with
25 nitrogen oxide emission reduction requirements. If the department of ~~natural~~

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1 resources issues such a plan, the department of ~~natural resources~~ shall notify the
2 department of administration and the public service commission. The notice shall
3 specify the date on which electric generating facilities in the midcontinent area of
4 this state are required to comply with the initial nitrogen oxide emission reduction
5 requirements.

6 **SECTION 1061.** 285.48 (3) (d) (intro.) of the statutes is amended to read:

7 285.48 (3) (d) (intro.) If the department of ~~natural resources~~ implements a state
8 implementation plan specified in sub. (2) in a manner that requires reductions in
9 nitrogen oxide emissions that are lower than the reductions set forth in the call
10 published on October 27, 1998, the department of ~~natural resources~~ shall do each of
11 the following:

12 **SECTION 1062.** 285.57 (4) of the statutes is amended to read:

13 285.57 (4) CITATIONS. The department may follow the procedures for the
14 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
15 for a violation of sub. (2).

16 **SECTION 1063.** 285.59 (7) of the statutes is amended to read:

17 285.59 (7) CITATIONS. The department may follow the procedures for the
18 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
19 for a violation of sub. (2), (3) (c) or (4).

20 **SECTION 1064.** 285.69 (2) (c) (intro.) of the statutes, as affected by 2009
21 Wisconsin Act 28, is amended to read:

22 285.69 (2) (c) (intro.) The fees collected under pars. (a) and (e) shall be credited
23 to the appropriations under s. ~~20.370~~ 20.375 (2) (bg), (3) (bg), (8) (mg) and (9) (mh)
24 (jh), (sg), and (th) for the following:

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1 **SECTION 1065.** 285.69 (2m) (bm) (intro.) of the statutes, as affected by 2009
2 Wisconsin Act 28, is amended to read:

3 285.69 (**2m**) (bm) (intro.) The fees collected under this subsection shall be
4 credited to the appropriation account under s. ~~20.370~~ 20.375 (2) (bh) for the following
5 purposes as they relate to stationary sources for which an operation permit is
6 required under s. 285.60 but not under the federal clean air act:

7 **SECTION 1066.** 285.69 (3) (a) of the statutes, as affected by 2009 Wisconsin Act
8 28, is amended to read:

9 285.69 (**3**) (a) The department may promulgate rules for the payment and
10 collection of fees for inspecting nonresidential asbestos demolition and renovation
11 projects regulated by the department. The fees under this subsection for an
12 inspection plus the fee under sub. (1) (c) may not exceed \$700 if the combined square
13 and linear footage of friable asbestos-containing material involved in the project is
14 less than 5,000. The fees under this subsection for an inspection plus the fee under
15 sub. (1) (c) may not exceed \$1,325 if the combined square and linear footage of friable
16 asbestos-containing material involved in the project is 5,000 or more. The fees
17 collected under this subsection shall be credited to the appropriation under s. ~~20.370~~
18 20.375 (2) (bi) for the direct and indirect costs of conducting inspections of
19 nonresidential asbestos demolition and renovation projects regulated by the
20 department and for inspecting property proposed to be used for a community fire
21 safety training project.

22 **SECTION 1067.** 285.69 (7) of the statutes is amended to read:

23 285.69 (**7**) **EMISSION REDUCTION CREDIT FEES.** The department may promulgate
24 rules for the payment of fees by persons who hold emission reduction credits that
25 may be used to satisfy the offset requirements in s. 285.63 (2) (a) and that have been

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1 certified by the department. The rules may waive the payment of fees under this
2 subsection for categories of emission reduction credits. The fees collected under this
3 subsection shall be credited to the appropriation under s. ~~20.370~~ 20.375 (2) (bg).

4 **SECTION 1068.** 285.85 (1) of the statutes is amended to read:

5 285.85 (1) If the secretary finds that a generalized condition of air pollution
6 exists and that it creates an emergency requiring immediate action to protect human
7 health or safety, he or she shall order persons causing or contributing to the air
8 pollution to reduce or discontinue immediately the emission of air contaminants, and
9 such order shall fix a place and time, not later than 24 hours thereafter, for a hearing
10 to be held before the department. Not more than 24 hours after the commencement
11 of such hearing, and without adjournment thereof, the ~~natural resources board~~
12 secretary shall affirm, modify or set aside the order ~~of the secretary~~.

13 **SECTION 1069.** 285.86 (1) of the statutes is amended to read:

14 285.86 (1) The department may follow the procedures for the issuance of a
15 citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture from a person
16 who commits a violation specified under sub. (2).

17 **SECTION 1070.** 287.01 (1) of the statutes is amended to read:

18 287.01 (1) "Department" means the department of ~~natural resources~~
19 environmental quality.

20 **SECTION 1071.** 287.25 (5) (a) of the statutes is amended to read:

21 287.25 (5) (a) The department may enter into agreements with eligible
22 applicants to make demonstration grants from the appropriation under s. ~~20.370~~
23 20.375 (6) (br).

24 **SECTION 1072.** 287.91 (4) of the statutes is amended to read:

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1 287.91 (4) The department of ~~natural resources~~ environmental quality shall
2 reimburse the department of justice for the expenses incurred in enforcing this
3 chapter from the appropriation under s. ~~20.370~~ 20.375 (2) (ma).

4 **SECTION 1073.** 287.95 (4) of the statutes is amended to read:

5 287.95 (4) The department may follow the procedures for the issuance of a
6 citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture for the
7 violations under subs. (1), (2) (b) and (3) (b).

8 **SECTION 1074.** 289.01 (7) of the statutes is amended to read:

9 289.01 (7) "Department" means the department of ~~natural resources~~
10 environmental quality.

11 **SECTION 1075.** 289.01 (31) of the statutes is amended to read:

12 289.01 (31) "Secretary" means the secretary of ~~natural resources~~
13 environmental quality.

14 **SECTION 1076.** 289.09 (2) (d) of the statutes is amended to read:

15 289.09 (2) (d) *Use of confidential records.* Except as provided under par. (c) and
16 this paragraph, the department or the department of justice may use records and
17 other information granted confidential status under this subsection only in the
18 administration and enforcement of this chapter, ch. 287 or s. 299.15. The department
19 or the department of justice may release for general distribution records and other
20 information granted confidential status under this subsection if the owner or
21 operator expressly agrees to the release. The department of ~~natural resources~~ or the
22 department of justice may release on a limited basis records and other information
23 granted confidential status under this subsection if the department of ~~natural~~
24 ~~resources~~ or the department of justice is directed to take this action by a judge or
25 hearing examiner under an order which protects the confidentiality of the records or

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1 other information. The department of ~~natural resources~~ or the department of justice
2 may release to the U.S. environmental protection agency, or its authorized
3 representative, records and other information granted confidential status under this
4 subsection if the department of ~~natural resources~~ or the department of justice
5 includes in each release of records or other information a request to the U.S.
6 environmental protection agency, or its authorized representative, to protect the
7 confidentiality of the records or other information.

8 **SECTION 1077.** 289.25 (1) of the statutes is amended to read:

9 289.25 (1) PRELIMINARY DETERMINATION IF ENVIRONMENTAL IMPACT STATEMENT IS
10 REQUIRED. Immediately after the department determines that the feasibility report
11 is complete, the department shall issue a preliminary determination on whether an
12 environmental impact statement is required under s. 1.11 prior to the determination
13 of feasibility. If the department determines after review of the feasibility report that
14 a determination of feasibility cannot be made without an environmental impact
15 statement or if the department intends to require an environmental impact report
16 under s. ~~23.11 (5)~~ 278.40 (1m), the department shall notify the applicant in writing
17 within the 60-day period of these decisions and shall commence the process required
18 under s. 1.11 or 23.11 (5).

19 **SECTION 1078.** 289.29 (1) (c) of the statutes is amended to read:

20 289.29 (1) (c) The department may receive into evidence at a hearing conducted
21 under s. 289.26 or 289.27 any environmental impact assessment or environmental
22 impact statement for the facility prepared under s. 1.11 and any environmental
23 impact report prepared under s. ~~23.11 (5)~~ 278.40 (1m). The adequacy of the
24 environmental impact assessment, environmental impact statement or
25 environmental impact report is not subject to challenge at that hearing.

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1 **SECTION 1079.** 289.31 (7) (f) of the statutes is amended to read:

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

11 **SECTION 1080.** 289.43 (7) (c) of the statutes is amended to read:

12 289.43 (7) (c) The department shall approve the requester's exemption
13 proposal if the department finds that the proposal, as approved, will comply with this
14 chapter and chs. 30, 31, 160 and 280 to 299 and ss. 1.11, ~~23.40~~, 59.692, 59.693, 60.627,
15 61.351, 61.354, 62.231, 62.234 ~~and~~, 87.30, and 278.40. If the proposal does not
16 comply with one or more of the requirements specified in this paragraph, the
17 department shall provide a written statement describing how the proposal fails to
18 comply with those requirements. The department shall respond to an application for
19 an exemption under this subsection within 90 days.

20 **SECTION 1081.** 289.43 (7) (e) 3. of the statutes is amended to read:

21 289.43 (7) (e) 3. All fees collected under this paragraph shall be credited to the
22 appropriation under s. ~~20.370~~ 20.375 (2) (dg).

23 **SECTION 1082.** 289.64 (6) of the statutes is amended to read:

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1 289.64 (6) USE OF SOLID WASTE FACILITY SITING BOARD FEES. The fees collected
2 under sub. (2) shall be credited to the appropriation under s. ~~20.370~~ 20.375 (2) (eg)
3 for transfer to the appropriation under s. 20.505 (4) (k).

4 **SECTION 1083.** 289.68 (1) of the statutes is amended to read:

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

13 **SECTION 1084.** 289.68 (3) of the statutes is amended to read:

14 289.68 (3) PAYMENTS FOR LONG-TERM CARE AFTER TERMINATION OF PROOF OF
15 FINANCIAL RESPONSIBILITY. The department may spend moneys appropriated under
16 s. ~~20.370~~ 20.375 (2) (dq) for the costs of long-term care of an approved facility for
17 which the plan of operation was approved under s. 289.30 (6) before August 9, 1989,
18 that accrue after the requirement to provide proof of financial responsibility expires
19 under s. 289.41 (1m) (b) or (f) as authorized under s. 289.41 (11) (b) 2.

20 **SECTION 1085.** 289.68 (4) of the statutes is amended to read:

21 289.68 (4) PAYMENT OF CLOSURE AND LONG-TERM CARE COSTS; FORFEITED BONDS AND
22 SIMILAR MONEYS. The department may utilize moneys appropriated under s. ~~20.370~~
23 20.375 (2) (dt) for the payment of costs associated with compliance with closure and
24 long-term care requirements under s. 289.41 (11) (b) 1.

25 **SECTION 1086.** 289.68 (5) of the statutes is amended to read:

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1 289.68 (5) PREVENTION OF IMMINENT HAZARD. The department may utilize
2 moneys appropriated under s. ~~20.370~~ 20.375 (2) (dq) for the payment of costs
3 associated with imminent hazards as authorized under s. 289.41 (11) (c) and (cm).

4 **SECTION 1087.** 289.68 (6) of the statutes is amended to read:

5 289.68 (6) PAYMENT OF CORRECTIVE ACTION, FORFEITED BONDS AND RECOVERED
6 MONEYS. The department may utilize moneys appropriated under s. ~~20.370~~ 20.375
7 (2) (dy) and (dz) for the payment of costs of corrective action under s. 289.41 (11) (bm).

8 **SECTION 1088.** 289.68 (7) of the statutes is amended to read:

9 289.68 (7) REPORT ON WASTE MANAGEMENT FUND. With its biennial budget
10 request to the department of administration under s. 16.42, the ~~natural resources~~
11 ~~board~~ department shall include a report on the fiscal status of the waste
12 management fund and an estimate of the receipts by and expenditures from the fund
13 in the current fiscal year and in the future.

14 **SECTION 1089.** 291.01 (2) of the statutes is amended to read:

15 291.01 (2) "Department" means the department of ~~natural resources~~
16 environmental quality.

17 **SECTION 1090.** 292.01 (2) of the statutes is amended to read:

18 292.01 (2) "Department" means the department of ~~natural resources~~
19 environmental quality.

20 **SECTION 1091.** 292.01 (17) of the statutes is amended to read:

21 292.01 (17) "Secretary" means the secretary of ~~natural resources~~
22 environmental quality.

23 **SECTION 1092.** 292.11 (6) (a) of the statutes is amended to read:

24 292.11 (6) (a) *Contingency plan; activities resulting from discharges.* The
25 department may utilize moneys appropriated under s. ~~20.370~~ 20.375 (2) (dv) and

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1 (my) in implementing and carrying out the contingency plan developed under sub.
2 (5) and to provide for the procurement, maintenance and storage of necessary
3 equipment and supplies, personnel training and expenses incurred in identifying,
4 locating, monitoring, containing, removing and disposing of discharged substances.

5 **SECTION 1093.** 292.11 (6) (b) of the statutes is amended to read:

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

10 **SECTION 1094.** 292.11 (6) (c) 2. of the statutes is amended to read:

11 292.11 (6) (c) 2. Reimbursements to the department under section 311, federal
12 water pollution control act amendments of 1972, P.L. 92-500, shall be credited to the
13 appropriation under s. ~~20.370~~ 20.375 (2) (my).

14 **SECTION 1095.** 292.12 (1) (a) of the statutes is amended to read:

15 292.12 (1) (a) "Agency with administrative authority" means the department
16 of agriculture, trade and consumer protection with respect to a site over which it has
17 jurisdiction under s. 94.73 (2), the department of commerce with respect to a site over
18 which it has jurisdiction under s. 101.144 (2) (a), or the department of ~~natural~~
19 ~~resources~~ environmental quality with respect to a site over which it has jurisdiction
20 under s. 292.11 (7).

21 **SECTION 1096.** 292.255 of the statutes is amended to read:

22 **292.255 Report on brownfield efforts.** The department of ~~natural~~
23 ~~resources~~ environmental quality, the department of administration, and the
24 department of commerce shall submit a report evaluating the effectiveness of this

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1 state's efforts to remedy the contamination of, and to redevelop, brownfields, as
2 defined in s. 560.13 (1) (a).

3 **SECTION 1097.** 292.31 (4) of the statutes is amended to read:

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

11 **SECTION 1098.** 292.31 (7) (am) 2. of the statutes is amended to read:

12 292.31 (7) (am) 2. The department may acquire an interest in property from
13 any person as part of a remedial action conducted in cooperation with the federal
14 environmental protection agency if the acquisition is necessary to implement the
15 remedy. Under this subdivision, the department may acquire an interest in property
16 that is necessary to ensure that restrictions on the use of land or groundwater are
17 enforceable. The department may expend moneys from the appropriations under ss.
18 ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg) if necessary to compensate a person for an
19 interest in property acquired by the department under this subdivision.

20 **SECTION 1099.** 292.31 (7) (b) of the statutes is amended to read:

21 292.31 (7) (b) The department may expend moneys from the appropriations
22 under ss. ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg) as required under 42 USC 9601,
23 et seq. The department shall promulgate by rule criteria for the expenditure of
24 moneys from the appropriations under ss. ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg).
25 The criteria shall include consideration of the amount of moneys available in the

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1 appropriations under ss. ~~20.370~~ 20.375 (2) (dv) and 20.866 (2) (tg), the moneys
2 available from other sources for the required sharing of costs, the differences
3 between public and private sites or facilities, the potential for cost recovery from
4 responsible parties and any other appropriate factors.

5 **SECTION 1100.** 292.33 (6) of the statutes is amended to read:

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

12 **SECTION 1101.** 292.41 (6) (a) of the statutes is amended to read:

13 292.41 (6) (a) The department may utilize moneys appropriated under s.
14 ~~20.370~~ 20.375 (2) (dv) and (my) in taking action under sub. (4). The department shall
15 utilize these moneys to provide for the procurement, maintenance and storage of
16 necessary equipment and supplies, personnel training and expenses incurred in
17 locating, identifying, removing and disposing of abandoned containers.

18 **SECTION 1102.** 292.41 (6) (b) of the statutes is amended to read:

19 292.41 (6) (b) No more than 25% of the total of all moneys available under the
20 appropriation under s. ~~20.370~~ 20.375 (2) (dv) and (my) may be used annually for the
21 procurement and maintenance of necessary equipment during that fiscal year.

22 **SECTION 1103.** 292.53 of the statutes is amended to read:

23 **292.53 Availability of environmental insurance.** The department, in
24 cooperation with the department of administration, may undertake activities to
25 make private environmental insurance products available to encourage and

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1 facilitate the cleanup and redevelopment of contaminated property. The department
2 of ~~natural resources~~ environmental quality may negotiate with, select, and contract
3 with one or more insurers to provide insurance products under this section, subject
4 to the approval of the department of administration under s. 16.865 (5).

5 **SECTION 1104.** 292.55 (2) of the statutes is amended to read:

6 292.55 (2) The department may assess and collect fees from a person to offset
7 the costs of providing assistance under sub. (1). The department shall promulgate
8 rules for the assessment and collection of fees under this subsection. Fees collected
9 under this subsection shall be credited to the appropriation account under s. ~~20.370~~
10 20.375 (2) (dh).

11 **SECTION 1105.** 292.57 (2) (b) of the statutes is amended to read:

12 292.57 (2) (b) Any moneys collected under this subsection shall be credited to
13 the appropriation account under s. ~~20.370~~ 20.375 (2) (dh).

14 **SECTION 1106.** 292.65 (3) (c) of the statutes is amended to read:

15 292.65 (3) (c) The department shall allocate 9.7% of the funds appropriated
16 under s. ~~20.370~~ 20.375 (6) (eq) in each fiscal year for awards for immediate action
17 activities and applications that exceed the amount anticipated.

18 **SECTION 1107.** 292.65 (11) of the statutes is amended to read:

19 292.65 (11) ENVIRONMENTAL FUND REIMBURSEMENT. If the department expends
20 funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because
21 of a discharge of dry cleaning product at a dry cleaning facility and there is a person
22 who would be an eligible owner or operator under this section for the dry cleaning
23 facility, the department shall transfer from the appropriation account under s.
24 ~~20.370~~ 20.375 (6) (eq) to the environmental fund an amount equal to the amount
25 expended under s. 292.11 (7) (a) or 292.31 (3) (b) less the applicable deductible under

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1 sub. (8) (e). The department shall make transfers under this subsection when the
2 department determines that sufficient funds are available in the appropriation
3 account under s. ~~20.370~~ 20.375 (6) (eq).

4 **SECTION 1108.** 292.70 (7) of the statutes is amended to read:

5 292.70 (7) REVIEW AND PAYMENT. If a claim is filed under an agreement under
6 sub. (2) or (3), the department shall review the claim to determine whether it is valid.
7 A valid claim shall be paid from the appropriation under s. ~~20.370~~ 20.375 (2) (fq).

8 **SECTION 1109.** 292.75 (2) (a) of the statutes is amended to read:

9 292.75 (2) (a) The department shall administer a program to award brownfield
10 site assessment grants from the appropriation under s. ~~20.370~~ 20.375 (6) (et) to local
11 governmental units for the purposes of conducting any of the eligible activities under
12 sub. (3).

13 **SECTION 1110.** 292.75 (6) of the statutes is amended to read:

14 292.75 (6) LIMITATION OF GRANT. The total amount of all grants awarded to a
15 local governmental unit in a fiscal year under this section shall be limited to an
16 amount equal to 15% of the available funds appropriated under s. ~~20.370~~ 20.375 (6)
17 (et) for the fiscal year.

18 **SECTION 1111.** 292.94 of the statutes is amended to read:

19 **292.94 Fees related to enforcement actions.** The department may assess
20 and collect fees from a person who is subject to an order or other enforcement action
21 for a violation of s. 292.11 or 292.31 to cover the costs incurred by the department to
22 review the planning and implementation of any environmental investigation or
23 environmental cleanup that the person is required to conduct. The department shall
24 promulgate rules for the assessment and collection of fees under this section. Fees

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1 collected under this section shall be credited to the appropriation account under s.
2 ~~20.370~~ 20.375 (2) (dh).

3 **SECTION 1112.** 293.01 (3) of the statutes is amended to read:

4 293.01 (3) "Department" means the department of ~~natural resources~~
5 environmental quality.

6 **SECTION 1113.** 293.01 (28) (a) of the statutes is amended to read:

7 293.01 (28) (a) Habitat required for survival of species of vegetation or wildlife
8 designated as endangered through prior inclusion in rules adopted by the
9 department of natural resources, if such endangered species cannot be firmly
10 reestablished elsewhere.

11 **SECTION 1114.** 293.01 (28) (b) (intro.) of the statutes is amended to read:

12 293.01 (28) (b) (intro.) Unique features of the land, as determined by state or
13 federal designation and incorporated in rules adopted by the department of natural
14 resources, as any of the following, which cannot have their unique characteristic
15 preserved by relocation or replacement elsewhere:

16 **SECTION 1115.** 293.25 (6) of the statutes is amended to read:

17 293.25 (6) ENVIRONMENTAL IMPACT. Radioactive waste site exploration may
18 constitute a major action significantly affecting the quality of the human
19 environment. No person may engage in radioactive waste site exploration unless the
20 person complies with the requirements under s. 1.11. Notwithstanding s. ~~23.40~~
21 278.40, the state may charge actual and reasonable costs associated with field
22 investigation, verification, monitoring, preapplication services and preparation of
23 an environmental impact statement.

24 **SECTION 1116.** 295.11 (1) of the statutes is amended to read:

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

3 **SECTION 1117.** 295.31 (1) of the statutes is amended to read:

4 295.31 (1) “Department” means the department of ~~natural resources~~
5 environmental quality.

6 **SECTION 1118.** 299.01 (3) of the statutes is amended to read:

7 299.01 (3) “Department” means the department of ~~natural resources~~
8 environmental quality.

9 **SECTION 1119.** 299.23 of the statutes is amended to read:

10 **299.23 Financial interest prohibited.** The secretary of ~~natural resources~~
11 environmental quality and any other person in a position of administrative
12 responsibility in the department may not have a financial interest in any enterprise
13 which might profit by weak or preferential administration or enforcement of the
14 powers and duties of the department.

15 **SECTION 1120.** 299.64 (3) of the statutes is amended to read:

16 299.64 (3) CITATIONS. The department may follow the procedures for the
17 issuance of a citation under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture
18 for a violation of sub. (2).

19 **SECTION 1121.** 299.83 (1) (c) of the statutes is amended to read:

20 299.83 (1) (c) “Environmental performance,” unless otherwise qualified, means
21 the effects, whether regulated under subchs. I to III of ch. 30 or chs. 29 to 31, 160,
22 or 280 to 299 or unregulated, of a facility or activity on air, water, land, natural
23 resources, and human health.

24 **SECTION 1122.** 299.83 (1) (d) of the statutes is amended to read:

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

5 **SECTION 1123.** 299.83 (3) (b) 3. of the statutes is amended to read:

6 299.83 (3) (b) 3. That, within 24 months before the date of application, the
7 department of justice has not filed a suit to enforce an environmental requirement,
8 and the department of ~~natural resources~~ environmental quality has not issued a
9 citation to enforce an environmental requirement, because of a violation involving
10 a covered facility or activity.

11 **SECTION 1124.** 299.83 (3) (d) 2. a. of the statutes is amended to read:

12 299.83 (3) (d) 2. a. Improving the environmental performance of the applicant,
13 with respect to each covered facility or activity, in aspects of environmental
14 performance that are regulated under subchs. I to III of ch. 30 or chs. 29 to 31, 160,
15 or 280 to 299.

16 **SECTION 1125.** 299.83 (3) (d) 2. b. of the statutes is amended to read:

17 299.83 (3) (d) 2. b. Improving the environmental performance of the applicant,
18 with respect to each covered facility or activity, in aspects of environmental
19 performance that are not regulated under subchs. I to III of ch. 30 or chs. 29 to 31,
20 160, or 280 to 299.

21 **SECTION 1126.** 299.83 (3) (e) of the statutes, as affected by 2009 Wisconsin Act
22 30, is amended to read:

23 299.83 (3) (e) *Waiver of enforcement record requirements.* The secretary of
24 ~~natural resources~~ environmental quality may waive requirements in par. (b) 2. or 3.
25 based on the request of an applicant. The department shall provide public notice of

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1 the request and shall provide at least 30 days for public comment on the request. The
2 secretary may not grant a waiver under this paragraph unless he or she finds that
3 the waiver is consistent with sub. (1m) and will not erode public confidence in the
4 integrity of the program.

5 **SECTION 1127.** 299.83 (4m) (f) of the statutes is amended to read:

6 299.83 (4m) (f) After a participant in tier I of the program implements an
7 environmental management system that complies with sub. (3) (d) 1., the
8 department shall conduct any inspections of the participant's covered facilities or
9 activities that are required under subchs. I to III of ch. 30 or chs. 29 to 31, 160, or 280
10 to 299 at the lowest frequency permitted under those chapters, except that the
11 department may conduct an inspection whenever it has reason to believe that a
12 participant is out of compliance with a requirement in an approval or with an
13 environmental requirement.

14 **SECTION 1128.** 299.83 (5) (b) 3. of the statutes is amended to read:

15 299.83 (5) (b) 3. That, within 24 months before the date of application, the
16 department of justice has not filed a suit to enforce an environmental requirement,
17 and the department of ~~natural resources~~ environmental quality has not issued a
18 citation to enforce an environmental requirement, because of a violation involving
19 a covered facility or activity.

20 **SECTION 1129.** 299.83 (5) (e) of the statutes, as affected by 2009 Wisconsin Act
21 30, is amended to read:

22 299.83 (5) (e) *Waiver of enforcement record requirements.* The secretary of
23 ~~natural resources~~ environmental quality may waive requirements in par. (b) 2. or 3.
24 based on the request of an applicant. The department shall provide public notice of
25 the request and shall provide at least 30 days for public comment on the request.

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1 This public comment period may be concurrent with the notice period under sub. (6)
2 (c) to (f). The secretary may not grant a waiver under this paragraph unless he or
3 she finds that the waiver is consistent with sub. (1m) and will not erode public
4 confidence in the integrity of the program.

5 **SECTION 1130.** 299.85 (1) (c) 1. of the statutes is amended to read:

6 299.85 (1) (c) 1. ~~Chapters 29 to~~ Subchapters I to III of ch. 30 or chs. 31, 160, or
7 280 to 299, a rule promulgated under one of those chapters, or a permit, license, other
8 approval, or order issued by the department under one of those chapters.

9 **SECTION 1131.** 299.85 (6) (b) (intro.) of the statutes, as affected by 2009
10 Wisconsin Act 30, is amended to read:

11 299.85 (6) (b) (intro.) The department may not approve or issue a compliance
12 schedule that extends longer than 12 months beyond the date of approval of the
13 compliance schedule, unless the secretary of ~~natural resources~~ environmental
14 quality determines that a longer schedule is necessary. The department shall
15 consider the following factors in determining whether to approve a compliance
16 schedule:

17 **SECTION 1132.** 299.85 (7) (a) 2. of the statutes, as affected by 2009 Wisconsin
18 Act 30, is amended to read:

19 299.85 (7) (a) 2. Notwithstanding minimum or maximum forfeitures specified
20 in ss. ~~29.314 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11), 29.889 (10) (c) 2., 29.969,~~
21 ~~29.971 (1) (a), (1m) (a), (3), (3m), (11g) (b), (11m) (b), and (11r) (b),~~ 30.298 (1), (2), and
22 (3), ~~30.49 (1) (a) and (e),~~ 31.23 (2), 281.75 (19), 281.98 (1), 281.99 (2) (a) 1., 283.91 (2),
23 285.41 (7), 285.57 (5), 285.59 (8), 285.87 (1), 287.95 (1), (2) (b), and (3) (b), 287.97,
24 289.96 (2) and (3) (a), 291.97 (1), 292.99 (1) and (1m), 293.81, 293.87 (3) and (4) (a),
25 295.19 (3) (a) and (b) 1., 295.37 (2), 299.15 (4), 299.51 (5), 299.53 (4) (c) 1., 299.62 (3)

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1 (a) and (c), and 299.97 (1), if a regulated entity that qualifies under sub. (2) for
2 participation in the Environmental Compliance Audit Program corrects violations
3 that it discloses in a report that meets the requirements of sub. (3) within 90 days
4 after the department receives the report that meets the requirements of sub. (3), the
5 regulated entity may not be required to forfeit more than \$500 for each violation,
6 regardless of the number of days during which the violation continues.

7 **SECTION 1133.** 299.85 (7) (a) 4. of the statutes is amended to read:

8 299.85 (7) (a) 4. Notwithstanding minimum or maximum forfeitures specified
9 in ss. ~~29.314 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11), 29.889 (10) (c) 2., 29.969,~~
10 ~~29.971 (1) (a), (1m) (a), (3), (3m), (11g) (b), (11m) (b), and (11r) (b),~~ 30.298 (1), (2), and
11 (3), ~~30.49 (1) (a) and (e),~~ 31.23 (2), 281.75 (19), 281.98 (1), 281.99 (2) (a) 1., 283.91 (2),
12 285.41 (7), 285.57 (5), 285.59 (8), 285.87 (1), 287.95 (1), (2) (b), and (3) (b), 287.97,
13 289.96 (2) and (3) (a), 291.97 (1), 292.99 (1) and (1m), 293.81, 293.87 (3) and (4) (a),
14 295.19 (3) (a) and (b) 1., 295.37 (2), 299.15 (4), 299.51 (5), 299.53 (4) (c) 1., 299.62 (3)
15 (a) and (c), and 299.97 (1), if the department approves a compliance schedule under
16 sub. (6) and the regulated entity corrects the violations according to the compliance
17 schedule, the regulated entity may not be required to forfeit more than \$500 for each
18 violation, regardless of the number of days during which the violation continues.

19 **SECTION 1134.** 299.85 (7) (am) of the statutes is amended to read:

20 299.85 (7) (am) The department may issue a citation and follow the procedures
21 under ss. ~~23.50 to 23.99~~ 278.50 to 278.90 to collect a forfeiture for a violation to which
22 par. (a) 2. or 4. applies.

23 **SECTION 1135.** 299.95 of the statutes is amended to read:

24 **299.95 Enforcement; duty of department of justice; expenses.** The
25 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except

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

16 **SECTION 1136.** 303.04 of the statutes is amended to read:

17 **303.04 Correctional farms.** The board of commissioners of public lands, the
18 department of natural resources, the department of agriculture, trade and consumer
19 protection, and the department may select from the state forest reserves a quantity
20 of land not to exceed 5,000 acres and convert the same into farms for the state
21 prisons.

22 **SECTION 1137.** 323.60 (4) (intro.) of the statutes, as affected by 2009 Wisconsin
23 Act 42, is amended to read:

24 **323.60 (4) DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL**
25 **QUALITY** (intro.) The department of ~~natural resources~~ environmental quality shall: