



**SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 326**

December 8, 2011 – Offered by Senator KEDZIE.

1 **AN ACT** *to repeal* 30.12 (1k) (b) 1., 30.12 (1k) (b) 2., 30.12 (1k) (b) 3., 30.12 (1k)
2 (c), 30.12 (1k) (d), 30.12 (3) (br), 30.12 (3m) (ar), 30.123 (6) (a), 30.123 (7) (b),
3 30.1235, 30.19 (3r) (b), 30.20 (1t) (b), 30.206 (1g), 30.206 (1m) and 30.2065 (3)
4 to (9); *to renumber* 30.123 (7) (a), 30.19 (3r) (a) and 289.31 (4); *to renumber*
5 **and amend** 30.12 (1g) (f), 30.12 (1k) (b) (intro.), 30.12 (3) (a) 6. and 30.208 (2);
6 **to amend** 30.01 (1am) (c), 30.025 (2), 30.10 (4) (a), 30.12 (1j) (c), 30.12 (1k) (cm)
7 (intro.), 30.12 (1k) (cm) 1., 30.12 (1k) (cm) 2., 30.12 (1k) (e) 2., 30.121 (3), 30.121
8 (3g), 30.121 (3r), 30.18 (4) (a), 30.206 (1) (a), 30.206 (3) (a), 30.206 (5), 30.206
9 (6), 30.2065 (2) (a), 30.2065 (2) (b), 30.208 (3) (a), 30.208 (3) (b), 30.208 (3) (c),
10 30.208 (3) (e), 30.208 (4) (a), 30.208 (5) (a) (intro.), 30.208 (5) (b) (intro.), 30.208
11 (5) (b) 4., 30.208 (5) (b) 5., 30.208 (5) (c) (intro.), 30.208 (5) (c) 2., 30.209 (2) (a),
12 30.209 (2) (b), 30.209 (2) (c), 30.209 (2) (d) (intro.), 30.2095 (1) (b), 84.01 (23),
13 227.01 (13) (rt), 281.346 (9) (b) 1. (intro.), 281.346 (9) (d) 3., 283.39 (1) (intro.),

1 283.49 (1) (a), 283.49 (2) (a), 283.53 (1), 283.53 (2) (a) (intro.), 283.53 (2) (b),
2 283.53 (2) (c), 283.53 (2) (d), 283.53 (2) (e), 283.63 (1) (intro.), 283.63 (1) (a),
3 283.63 (1) (b), 285.61 (5) (title), 285.61 (5) (c), 285.62 (3) (c), 285.76 (2) (a), 285.76
4 (3), 289.25 (3), 289.41 (1m) (g) 1., 291.87 (3), 291.87 (6) (a) and 292.31 (3) (f); **to**
5 **repeal and recreate** 299.05; and **to create** 30.102, 30.106, 30.12 (1h), 30.12
6 (3) (a) 6. c., 30.12 (3) (a) 14., 30.12 (3) (d), 30.121 (1), 30.121 (3c), 30.123 (7) (d),
7 30.19 (1m) (f), 30.19 (1m) (g), 30.206 (1) (am) and (ar), 30.206 (1) (b), 30.206 (1r),
8 30.206 (2b), 30.206 (2m), 30.208 (2) (d), 30.208 (3) (f), 30.208 (5) (a) 3., 30.208
9 (5) (b) 3m., 30.208 (5) (b) 3r., 30.208 (5) (bm), 30.209 (2) (e), 30.28 (2v), 31.12 (5),
10 281.346 (9) (b) 1. c., 281.346 (9) (b) 1. d., 281.346 (9) (b) 2. d., 281.346 (9) (bm),
11 281.41 (5), 283.39 (1) (c), 283.39 (1) (d), 283.39 (1m), 283.39 (3) (bg), 285.62 (3)
12 (a) 1g., 285.62 (3) (a) 1m., 285.63 (11), 285.76 (2) (am), 285.76 (2) (ar), 285.76
13 (2m), 289.31 (4) (am) 4., 289.31 (4) (am) 5., 289.31 (4) (bm), 289.31 (4) (cm),
14 291.87 (6m) and 299.17 of the statutes; **relating to:** the issuance of, and
15 exemptions from, certain individual permits, contracts, and general permits for
16 structures, deposits, and other activities in or near navigable waters; areas of
17 significant scientific value that are areas of special natural resource interest;
18 repair and maintenance of boathouses and fixed houseboats; certain notices
19 required to be provided by the Department of Natural Resources; expedited
20 procedures for certain plan approvals; deadlines for action on certain approval
21 applications; and general permitting for certain wetland restoration activities.

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

22 **SECTION 1.** 30.01 (1am) (c) of the statutes is amended to read:

1 30.01 **(1am)** (c) An area that possesses significant scientific value, as identified
2 by the department under s. 30.106.

3 **SECTION 2.** 30.025 (2) of the statutes is amended to read:

4 30.025 **(2)** HEARING. Once the applicant meets the requirements of sub. (1s) (a),
5 the department may schedule the matter for a public hearing. Notice of the hearing
6 shall be given to the applicant and shall be published as a class 1 notice under ch.
7 985 and as a notice on the department's Internet Web site. The department may give
8 such further notice as it deems proper, and shall give notice to interested persons
9 requesting same. The department's notice to interested persons may be given
10 through an electronic notification system established by the department. Notice of
11 a hearing under this subsection published as a class 1 notice, as a notice on the
12 department's Internet Web site, and through the electronic notification system
13 established by the department shall include the time, date, and location of the
14 hearing, the name and address of the applicant, a summary of the subject matter of
15 the application, and information indicating where a copy of the application may be
16 viewed on the department's Internet Web site. The summary shall contain a brief,
17 precise, easily understandable, plain language description of the subject matter of
18 the application. One copy of the application shall be available for public inspection
19 at the office of the department, at least one copy in the regional office of the
20 department, and at least one copy at the main public library, of the area affected.
21 Notwithstanding s. 227.42, the hearing shall be an informational hearing and may
22 not be treated as a contested case hearing nor converted to a contested case hearing.

23 **SECTION 3.** 30.10 (4) (a) of the statutes is amended to read:

1 30.10 (4) (a) This section does not impair the powers granted by law ~~under s.~~
2 ~~30.1235 or by other law~~ to municipalities to construct highway bridges, arches, or
3 culverts over streams.

4 **SECTION 4.** 30.102 of the statutes is created to read:

5 **30.102 Web site information. (1)** NAVIGABILITY DETERMINATION AND ORDINARY
6 HIGH-WATER MARK IDENTIFICATION. If the department makes a determination that a
7 waterway is navigable or is not navigable or identifies the ordinary high-water mark
8 of a navigable waterway, the department shall publish that information on the
9 department’s Internet Web site. Any person may rely on the information posted
10 under this section as being accurate. This section does not restrict the ability of a
11 person to challenge the accuracy of the information posted under this section.

12 **(2)** APPLICATION STATUS. To the greatest extent possible, the department shall
13 publish on the department’s Internet Web site the current status of any application
14 filed with the department for a permit, license, or other approval under this chapter.
15 The information shall include notice of any hearing scheduled by the department
16 with regard to the application.

17 **SECTION 5.** 30.106 of the statutes is created to read:

18 **30.106 Areas of significant scientific value.** In identifying areas that
19 possess significant scientific value, the department may include only the following:

20 **(1)** Specific portions of waters that contain critical habitat for endangered or
21 threatened species.

22 **(2)** Specific portions of waters that are immediately adjacent to an area that
23 contains critical habitat for endangered or threatened species and that directly affect
24 that habitat.

1 **(3)** Wild rice waters as identified in a written agreement between the
2 department and the Great Lakes Indian Fish and Wildlife Commission.

3 **(4)** Waters in ecologically significant coastal wetlands along Lakes Michigan
4 and Superior as identified in the most recent assessment conducted by the
5 department.

6 **(5)** Rivers that are included in the national wild and scenic rivers system under
7 s. 30.27 and rivers that are designated as wild rivers under s. 30.26.

8 **SECTION 6.** 30.12 (1g) (f) of the statutes is renumbered 30.12 (1g) (f) 1. (intro.)
9 and amended to read:

10 **30.12 (1g) (f) 1.** (intro.) A pier or wharf ~~that is no~~ to which all of the following
11 apply:

12 a. It is no more than 6 feet wide, ~~that extends.~~

13 b. It extends no further than to a point where the water is 3 feet at its maximum
14 depth as measured at summer low levels, or to the point where there is adequate
15 depth for mooring a boat or using a boat hoist or boat lift, whichever is farther from
16 the shoreline, ~~and that has.~~

17 c. It has no more than 2 boat slips for the first 50 feet of the riparian owner's
18 shoreline footage and no more than one additional boat slip for each additional 50
19 feet of the riparian owner's shoreline footage.

20 2. Notwithstanding the width limitation in ~~this paragraph~~ subd. 1., a pier may
21 have an area as a loading platform that is more than 6 feet wide if the surface area
22 of the platform is not more than 8 feet wide, ~~it extends perpendicular to one or both~~
23 ~~sides of the pier, and it is located at the lakeward end of the pier or at the end of the~~
24 ~~pier that extends into a stream~~ does not exceed 200 square feet.

25 **SECTION 7.** 30.12 (1h) of the statutes is created to read:

1 **30.12 (1h) PERSONAL WATERCRAFT SECURED TO PIERS ALLOWED.** A riparian owner
2 may secure to a pier or wharf up to 2 personal watercraft for the first 50 feet of the
3 riparian owner’s shoreline footage and one additional personal watercraft for each
4 additional 50 feet of the riparian owner’s shoreline footage without affecting the
5 riparian owner’s eligibility for an exemption under sub. (1g) (f). For the purpose of
6 this subsection, “personal watercraft” has the meaning given in s. 30.50 (9d).

7 **SECTION 8.** 30.12 (1j) (c) of the statutes is amended to read:

8 **30.12 (1j) (c)** If the riparian owner or owners of a property described in par. (a)
9 are eligible and propose to place a pier or wharf with the number of boat slips
10 specified in par. (a), the riparian owner or owners shall apply to the department for
11 an individual permit under s. 30.208 authorizing the configuration of the pier or
12 wharf unless the configuration is authorized by the department under a general
13 permit under s. 30.206 (1g). The department may not deny the permit on the basis
14 of the number of slips proposed by the riparian owner or owners if the number of slips
15 proposed does not exceed the number allowed under par. (a). A riparian owner or
16 owners who apply for a permit under this paragraph shall be presumed to be entitled
17 to the number of slips allowed under par. (a).

18 **SECTION 9.** 30.12 (1k) (b) (intro.) of the statutes is renumbered 30.12 (1k) (b)
19 and amended to read:

20 **30.12 (1k) (b)** In addition to the exemptions under sub. (1g), a riparian owner
21 of a pier or wharf that was placed on the bed of a navigable water ~~on or~~ before
22 ~~February 6, 2004~~ the effective date of this paragraph [LRB inserts date], is exempt
23 from the permit requirements under this section if all of the following apply: the pier
24 or wharf does not interfere with the riparian rights of other riparian owners.

25 **SECTION 10.** 30.12 (1k) (b) 1. of the statutes is repealed.

1 **SECTION 11.** 30.12 (1k) (b) 2. of the statutes is repealed.

2 **SECTION 12.** 30.12 (1k) (b) 3. of the statutes, as affected by 2011 Wisconsin Act
3 25, is repealed.

4 **SECTION 13.** 30.12 (1k) (c) of the statutes is repealed.

5 **SECTION 14.** 30.12 (1k) (cm) (intro.) of the statutes is amended to read:

6 30.12 **(1k)** (cm) (intro.) ~~Except as provided in par. (d), the~~ The department may
7 not take any enforcement action under this chapter against a riparian owner for the
8 placement of any of the following:

9 **SECTION 15.** 30.12 (1k) (cm) 1. of the statutes is amended to read:

10 30.12 **(1k)** (cm) 1. A structure for which the department has issued a permit
11 under this section ~~on or before February 6, 2004~~, if the structure is in compliance with
12 that permit.

13 **SECTION 16.** 30.12 (1k) (cm) 2. of the statutes is amended to read:

14 30.12 **(1k)** (cm) 2. A structure for which the department has issued a written
15 authorization ~~on or before February 6, 2004~~, if the structure is in compliance with
16 that written authorization.

17 **SECTION 17.** 30.12 (1k) (d) of the statutes is repealed.

18 **SECTION 18.** 30.12 (1k) (e) 2. of the statutes is amended to read:

19 30.12 **(1k)** (e) 2. If the exempt structure is a pier or wharf, relocate or
20 reconfigure the pier or wharf if the riparian owner does not enlarge the pier or wharf,
21 ~~the riparian owner registered the pier or wharf with the department under par. (b)~~
22 ~~3. and, before relocating or reconfiguring the pier or wharf, the riparian owner~~
23 ~~registers the reconfigured or relocated pier or wharf with the department under this~~
24 ~~subdivision.~~

1 **SECTION 19.** 30.12 (3) (a) 6. of the statutes is renumbered 30.12 (3) (a) 6. (intro.)
2 and amended to read:

3 30.12 **(3)** (a) 6. (intro.) Place a permanent boat shelter adjacent to the owner's
4 property for the purpose of storing or protecting watercraft and associated materials,
5 except that no general or individual permit may be issued for a permanent boat
6 shelter that is constructed after May 3, 1988, if the any of the following apply:

7 a. The property on which the permanent boat shelter is to be located also
8 contains a boathouse within 75 feet of the ordinary high-water mark ~~or if there,~~

9 b. There is a boathouse over navigable waters adjacent to the owner's property.

10 **SECTION 20.** 30.12 (3) (a) 6. c. of the statutes is created to read:

11 30.12 **(3)** (a) 6. c. The permanent boat shelter extends beyond the waterward
12 end of the owner's pier or the waterward side of the owner's wharf.

13 **SECTION 21.** 30.12 (3) (a) 14. of the statutes is created to read:

14 30.12 **(3)** (a) 14. Place a pier or wharf on the bed of a navigable water that is
15 in, or that would directly affect, an area of special natural resource interest and that
16 is adjacent to the owner's property if the pier or wharf does not interfere with the
17 riparian rights of other riparian owners and it meets the requirements of sub. (1g)
18 (f).

19 **SECTION 22.** 30.12 (3) (br) of the statutes is repealed.

20 **SECTION 23.** 30.12 (3) (d) of the statutes is created to read:

21 30.12 **(3)** (d) The department may impose conditions relating to the location,
22 design, construction, and installation of a pier or wharf placed under the authority
23 of a general permit issued under par. (a) 14., but may not prohibit a riparian owner
24 from placing a pier or wharf that meets the requirement of the general permit.

25 **SECTION 24.** 30.12 (3m) (ar) of the statutes is repealed.

1 **SECTION 25.** 30.121 (1) of the statutes is created to read:

2 30.121 **(1)** DEFINITION. In this section, the terms “maintain” and “repair”
3 include replacing structural elements, including roofs, doors, walls, windows,
4 beams, porches, and floors.

5 **SECTION 26.** 30.121 (3) of the statutes is amended to read:

6 30.121 **(3)** MAINTENANCE AND REPAIR. The riparian owner of any boathouse or
7 fixed houseboat extending beyond the ordinary high–water mark of any navigable
8 waterway may repair ~~and or~~ maintain the boathouse or fixed houseboat if the cost
9 ~~of the repair or maintenance~~ to repair or maintain the boathouse or fixed houseboat
10 does not exceed 50% of the equalized assessed value of the boathouse or fixed
11 houseboat. If the boathouse or fixed houseboat is not subject to assessment, the
12 owner may ~~make repairs~~ repair or maintain the boathouse or the fixed houseboat if
13 the cost of the repair or maintenance does not exceed 50% of the current fair market
14 value of the boathouse or fixed houseboat.

15 **SECTION 27.** 30.121 (3c) of the statutes is created to read:

16 30.121 **(3c)** EXCEPTION; CERTAIN BOATHOUSES. Subsection (3) does not apply to
17 repairing or maintaining a boathouse if the boathouse was in existence on December
18 16, 1979, and the repairing or maintaining does not affect the size, location, or
19 configuration of the boathouse and does not result in the boathouse being converted
20 into living quarters.

21 **SECTION 28.** 30.121 (3g) of the statutes is amended to read:

22 30.121 **(3g)** EXCEPTION; HISTORICAL OR CULTURAL VALUE. Subsection (3) does not
23 apply to ~~the repair or maintenance of~~ repairing or maintaining a boathouse or a fixed
24 houseboat if the boathouse or fixed houseboat has a historic or cultural value, as

1 determined by the state historical society or a local or county historical society
2 established under s. 44.03.

3 **SECTION 29.** 30.121 (3r) of the statutes is amended to read:

4 30.121 **(3r)** EXCEPTION; DAMAGES AFTER JANUARY 1, 1984. Subsections (2) and (3)
5 do not apply to ~~the repair or reconstruction of~~ repairing or reconstructing a damaged
6 boathouse if the boathouse was damaged by violent wind, vandalism or fire and if the
7 damage occurs after January 1, 1984.

8 **SECTION 30.** 30.123 (6) (a) of the statutes is repealed.

9 **SECTION 31.** 30.123 (7) (a) of the statutes is renumbered 30.123 (7).

10 **SECTION 32.** 30.123 (7) (b) of the statutes is repealed.

11 **SECTION 33.** 30.123 (7) (d) of the statutes is created to read:

12 30.123 **(7)** (d) Construct, reconstruct, and maintain bridges and culverts that
13 are part of a transportation project that is carried out under the direction and
14 supervision of a municipality.

15 **SECTION 34.** 30.1235 of the statutes is repealed.

16 **SECTION 35.** 30.18 (4) (a) of the statutes is amended to read:

17 30.18 **(4)** (a) ~~Upon receipt of a complete application, the department shall~~
18 ~~follow the notice and hearing procedures under s. 30.208 (3) to (5)~~ The notice and
19 hearing provisions of s. 30.208 (3) to (5) shall apply to an application under sub. (3).

20 In addition to providing notice as required under s. 30.208 (3) to (5), the department
21 shall mail a copy of the notice to every person upon whose land any part of the canal
22 or any other structure will be located, to the clerk of the next town downstream, to
23 the clerk of any village or city in which the lake or stream is located and which is
24 adjacent to any municipality in which the withdrawal will take place and to each
25 person specified in s. 281.35 (5) (b) or (6) (f), if applicable.

1 **SECTION 36.** 30.19 (1m) (f) of the statutes is created to read:

2 30.19 **(1m)** (f) Any land grading activity authorized under a stormwater
3 discharge permit issued under s. 283.33.

4 **SECTION 37.** 30.19 (1m) (g) of the statutes is created to read:

5 30.19 **(1m)** (g) Any land grading activity authorized by a permit issued by a
6 county under a shoreland zoning ordinance enacted under s. 59.692.

7 **SECTION 38.** 30.19 (3r) (a) of the statutes is renumbered 30.19 (3r).

8 **SECTION 39.** 30.19 (3r) (b) of the statutes is repealed.

9 **SECTION 40.** 30.20 (1t) (b) of the statutes is repealed.

10 **SECTION 41.** 30.206 (1) (a) of the statutes is amended to read:

11 30.206 **(1)** (a) The department shall issue the statewide general permits as
12 ~~rules promulgated under ch. 227 required under ss. 30.12 (3) (a), 30.123 (7) (a), 30.19~~
13 ~~(3r), and 30.20 (1t) (a). The statewide general permits required under ss. 30.12 (3)~~
14 ~~(a), 30.123 (7) (a), and 30.20 (1t) (a) shall be promulgated within 540 days after~~
15 ~~February 6, 2004. The department shall submit in proposed form the rule containing~~
16 ~~the statewide general permit under s. 30.19 (3r) (a) and the rule under s. 30.19 (1d)~~
17 ~~to the legislative council staff under s. 227.15 (1) no later than August 1, 2004.~~
18 ~~General permits issued under s. 30.206, 2001 stats., shall remain valid until the date~~
19 ~~upon which the rules issuing these statewide general permits are promulgated~~
20 ~~under this paragraph.~~

21 **SECTION 42.** 30.206 (1) (am) and (ar) of the statutes are created to read:

22 30.206 **(1)** (am) In addition to the general permits required under par. (a), the
23 department may issue a general permit authorizing an activity for which an
24 individual permit is issued, or a contract is entered into, under this subchapter.

1 (ar) A permit issued under par. (a) or (am) is in lieu of any permit or contract
2 that would otherwise be required for that activity under this subchapter.

3 **SECTION 43.** 30.206 (1) (b) of the statutes is created to read:

4 30.206 (1) (b) Except as provided in sub. (1r), a general permit issued under par.
5 (a) or (am) is valid for a period of 5 years, and an activity that the department
6 determines is authorized by a general permit remains authorized under the general
7 permit for a period of 5 years from the date of the department's determination or until
8 the activity is completed, whichever occurs first, regardless of whether the general
9 permit expired before the activity is completed. The department may renew or
10 modify, or revoke a general permit issued under par. (a) or (am) or s. 30.2065 upon
11 compliance with the requirements under subs. (2b) and (2m).

12 **SECTION 44.** 30.206 (1g) of the statutes is repealed.

13 **SECTION 45.** 30.206 (1m) of the statutes is repealed.

14 **SECTION 46.** 30.206 (1r) of the statutes is created to read:

15 30.206 (1r) TRANSITIONS BETWEEN PERMITS. Any general permit issued under
16 this section that is valid on the effective date of this subsection [LRB inserts date],
17 shall remain valid until the date upon which a general permit issued under sub. (1)
18 (a) or (am) that authorizes the same activity becomes effective.

19 **SECTION 47.** 30.206 (2b) of the statutes is created to read:

20 30.206 (2b) PUBLIC NOTICE. (a) The department shall provide to interested
21 members of the public notices of its intention to issue, renew, modify, or revoke a
22 general permit under sub. (1) (a) or (am) or s. 30.2065. Procedures for providing
23 public notices shall include all of the following:

24 1. Publication of a class 1 notice under ch. 985.

1 2. Providing a copy of the notice to any person or group upon request of the
2 person or group.

3 3. Publication of the notice through an electronic notification system
4 established by the department.

5 4. Publication of the notice on the department's Internet Web site.

6 (am) For the purpose of determining the date on which public notice is provided
7 under this subsection, the date on which the department first publishes the notice
8 on its Internet Web site shall be considered the date of public notice.

9 (b) The department shall provide a period of not less than 30 days after the date
10 of the public notice during which time interested persons may submit their written
11 comments on the department's intention to issue, renew, modify, or revoke a general
12 permit under sub. (1) (a) or (am) or s. 30.2065. All written comments submitted
13 during the period for comment shall be retained by the department and considered
14 by the department in acting on the general permit.

15 (c) Every public notice issued by the department under par. (a) shall include
16 a description of any activities to be authorized under the general permit.

17 **SECTION 48.** 30.206 (2m) of the statutes is created to read:

18 30.206 **(2m)** PUBLIC HEARING. (a) 1. The department shall provide an
19 opportunity for any interested state agency or federal agency or person or group of
20 persons to request a public hearing with respect to the department's intention to
21 issue, renew, modify, or revoke a general permit under sub. (1) (a) or (am) or s.
22 30.2065. Such request for a public hearing shall be filed with the department within
23 30 days after the provision of the public notice under sub. (2b) and shall indicate the
24 interest of the party filing the request and the reasons why a hearing is warranted.

1 2. The department shall hold a public hearing upon a request under subd. 1.
2 if the department determines that there is a significant public interest in holding
3 such a hearing. Hearings held under this section are not contested cases under s.
4 227.01 (3).

5 (b) Public notice of any hearing held under this subsection shall be provided in
6 accordance with the requirements under sub. (2b). The public notice shall include
7 the time, date, and location of the hearing, a summary of the subject matter of the
8 general permit, and information indicating where additional information about the
9 general permit may be viewed on the department's Internet Web site. The summary
10 shall contain a brief, precise, easily understandable, plain language description of
11 the subject matter of the general permit.

12 **SECTION 49.** 30.206 (3) (a) of the statutes is amended to read:

13 30.206 (3) (a) A person wishing to proceed with an activity that may be
14 authorized by a general permit under this section or s. 30.2065 shall apply to the
15 department, with written notification of the person's wish to proceed, not less than
16 30 days before commencing the activity authorized by a general permit. The
17 notification shall provide information describing the activity in order to allow the
18 department to determine whether the activity is authorized by the general permit
19 and shall give the department consent to enter and inspect the site, subject to s.
20 30.291. The department may make a request for additional information one time
21 during the 30-day period. If the department makes a request for additional
22 information, the 30-day period is tolled from the date the person applying for
23 authorization to proceed receives the request until the date on which the department
24 receives the information.

25 **SECTION 50.** 30.206 (5) of the statutes is amended to read:

1 30.206 (5) FAILURE TO FOLLOW PROCEDURAL REQUIREMENTS. Failure of an
2 applicant to follow the procedural requirements of this section may result in
3 forfeiture but may not, by itself, result in abatement of the activity.

4 **SECTION 51.** 30.206 (6) of the statutes is amended to read:

5 30.206 (6) REQUEST FOR INDIVIDUAL PERMIT. A person proposing an activity for
6 which a general permit has been issued under this section or s. 30.2065 may request
7 an individual permit under the applicable provisions of this subchapter or ch. 31 in
8 lieu of seeking authorization under the general permit.

9 **SECTION 52.** 30.2065 (2) (a) of the statutes is amended to read:

10 30.2065 (2) (a) ~~Upon compliance with the requirements under subs. (3) and (4),~~
11 ~~the~~ The department may issue a general permit to a person wishing to proceed with
12 an activity. A permit issued under this subsection is in lieu of any permit or approval
13 that would otherwise be required for that activity under this chapter or s. 31.02,
14 31.12, 31.33, 281.15, or 281.36.

15 **SECTION 53.** 30.2065 (2) (b) of the statutes is amended to read:

16 30.2065 (2) (b) A general permit issued under this subsection is valid for a
17 period of 5 years except that an activity that the department determines is
18 authorized by a general permit remains authorized under the permit until the
19 activity is completed. ~~The department may renew or modify a general permit issued~~
20 ~~under this subsection.~~

21 **SECTION 54.** 30.2065 (3) to (9) of the statutes are repealed.

22 **SECTION 55.** 30.208 (2) of the statutes is renumbered 30.208 (2) (a) and
23 amended to read:

24 30.208 (2) (a) Review; no additional information required. In issuing
25 individual permits or entering contracts under this subchapter, the department shall

1 ~~initially determine whether a complete application for the permit or contract has~~
2 ~~been submitted and, no later than~~ review an application, and within 30 days after
3 the application is submitted, the department shall determine that either the
4 application is complete or that additional information is needed. If the department
5 determines that the application is complete, the department shall notify the
6 applicant in writing about the ~~initial determination of completeness of that fact~~
7 within the 30-day period, and the date on which the notice under this paragraph is
8 sent shall be considered the date of closure for purposes of sub. (3) (a).

9 (b) *Additional information requested.* If the department determines that the
10 application is incomplete, the department shall notify the applicant in writing and
11 may make only one request for additional information during the 30-day period
12 specified in par. (a). Within 10 days after receiving all of the requested information
13 from the applicant, the department shall notify the applicant in writing as to
14 whether the application is complete. The date on which the 2nd notice under this
15 paragraph is sent shall be set as the date of closure for purposes of sub. (3) (a). The
16 department may request additional information from the applicant to supplement
17 the application, but the department may not request items of information that are
18 outside the scope of the original request unless the applicant and the department
19 both agree. A request for any such additional information may not affect the date
20 of closure.

21 (c) *Specificity of notice; limits on information.* Any notice stating that an
22 application has been determined to be incomplete or any other request for
23 information that is sent under par. (b) shall state the reason for the determination
24 or request and the specific items of information necessary to make the application
25 complete. An applicant may supplement and resubmit an application that the

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

11 **SECTION 56.** 30.208 (2) (d) of the statutes is created to read:

12 30.208 (2) (d) *Failure to meet time limits.* If the department fails to meet the
13 30-day time limit under par. (a) or 10-day time limit under par. (b), the application
14 shall be considered to have a date of closure that is the last day of that 30-day or
15 10-day time period for purposes of sub. (3) (a).

16 **SECTION 57.** 30.208 (3) (a) of the statutes is amended to read:

17 30.208 (3) (a) ~~Upon determination by the department under sub. (2), that an~~
18 ~~application submitted under sub. (1) is complete Within 15 days after the date of~~
19 ~~closure, as determined under sub. (2) (a) or (b), the department shall provide notice~~
20 ~~of complete pending application to interested and potentially interested members of~~
21 ~~the public, as determined by the department. The department shall provide the~~
22 ~~notice within 15 days after the determination that the application is complete. If the~~
23 ~~applicant has requested a public hearing as part of the submitted application, a~~
24 ~~notice of public hearing shall be part of the notice of complete pending application.~~

25 **SECTION 58.** 30.208 (3) (b) of the statutes is amended to read:

1 30.208 (3) (b) If the notice of ~~complete~~ pending application does not contain a
2 notice of public hearing, any person may request a public hearing in writing or the
3 department may decide to hold a public hearing with or without a request being
4 submitted if the department determines that there is a significant public interest in
5 holding a hearing.

6 **SECTION 59.** 30.208 (3) (c) of the statutes is amended to read:

7 30.208 (3) (c) A request for a public hearing under par. (b) must be submitted
8 to the department or the department's decision to hold a public hearing must occur
9 within ~~30~~ 20 days after the department ~~completes providing~~ provides the notice of
10 ~~complete pending~~ application. The department shall provide notice of public hearing
11 within 15 days after the request for public hearing is submitted or the department
12 makes its ~~determination~~ decision to hold a public hearing.

13 **SECTION 60.** 30.208 (3) (e) of the statutes is amended to read:

14 30.208 (3) (e) Within ~~30~~ 20 days after the ~~public hearing is held~~ period for public
15 comment under sub. (4) (b) has ended or if no public hearing is held, within 30 days
16 of the 30-day comment period under sub. (4) (a), the department shall render a
17 decision, issuing, denying, or modifying the permit or approving or disapproving the
18 contract that is the subject of the application submitted under sub. (1). If the decision
19 issued by the department under this paragraph is a denial or disapproval, the
20 department shall include in the decision the specific grounds and reasons as to how
21 the applicable provisions of this subchapter were not met. If the denial or
22 disapproval is based on an incomplete application, the department shall inform the
23 applicant of the areas of the application that were incomplete.

24 **SECTION 61.** 30.208 (3) (f) of the statutes is created to read:

1 30.208 (3) (f) If the department fails to comply with the time periods under par.
2 (e), a decision issuing the permit, modifying the permit, or approving the contract
3 shall be considered to be rendered. The permit that is issued or is modified, or the
4 contract that is approved, shall authorize the activity as proposed by the applicant,
5 but the department may impose terms and conditions on the permit or contract that
6 are consistent with the applicant's basic proposal.

7 **SECTION 62.** 30.208 (4) (a) of the statutes is amended to read:

8 30.208 (4) (a) The department shall provide a period for public comment after
9 the department has provided a notice of ~~complete~~ pending application under sub. (3)
10 (a), during which time any person may submit written comments with respect to the
11 application for the permit or contract. The department shall retain all of the written
12 comments submitted during this period and shall consider all of the comments in the
13 formulation of the final decision on the application. The period for public comment
14 shall end on the 30th day following the date on which the department completes
15 providing the notice of ~~complete~~ pending application, except as provided in par. (b).

16 **SECTION 63.** 30.208 (5) (a) (intro.) of the statutes is amended to read:

17 30.208 (5) (a) (intro.) The department shall, by rule, establish procedures for
18 providing notices of ~~complete~~ pending applications and notices of public hearings to
19 be provided under sub. (3), and notices of administrative hearings to be provided
20 under s. 30.209 (1m). The procedures shall require all of the following:

21 **SECTION 64.** 30.208 (5) (a) 3. of the statutes is created to read:

22 30.208 (5) (a) 3. That the notice be published on the department's Internet Web
23 site.

24 **SECTION 65.** 30.208 (5) (b) (intro.) of the statutes is amended to read:

1 30.208 (5) (b) (intro.) The department shall, by rule, prescribe the form and
2 content of notices of ~~complete~~ pending applications and notices of public hearings to
3 be provided under sub. (3), and notices of administrative hearings to be provided
4 under s. 30.209 (1m). Each notice shall include all of the following information:

5 **SECTION 66.** 30.208 (5) (b) 3m. of the statutes is created to read:

6 30.208 (5) (b) 3m. For a notice of public hearing under sub. (3), the time, date,
7 and location of the hearing.

8 **SECTION 67.** 30.208 (5) (b) 3r. of the statutes is created to read:

9 30.208 (5) (b) 3r. For a notice of pending application and a notice of public
10 hearing under sub. (3), a brief, precise, easily understandable, plain language
11 description of the subject matter of the pending application and information
12 indicating where the pending application may be viewed on the department's
13 Internet Web site.

14 **SECTION 68.** 30.208 (5) (b) 4. of the statutes is amended to read:

15 30.208 (5) (b) 4. For a notice of ~~complete~~ pending application and a notice of
16 public hearing under sub. (3), a statement of the tentative determination to issue,
17 modify, or deny a permit, or to approve or disapprove a contract, for the activity or
18 project described in the application.

19 **SECTION 69.** 30.208 (5) (b) 5. of the statutes is amended to read:

20 30.208 (5) (b) 5. For a notice of ~~complete~~ pending application and a notice of
21 public hearing under sub. (3), a brief description of the procedures for the
22 formulation of final determinations, including a description of the comment period
23 required under sub. (4).

24 **SECTION 70.** 30.208 (5) (bm) of the statutes is created to read:

1 30.208 (5) (bm) For the purpose of determining the date on which notice is
2 provided under this subsection, the date of the notice shall be the date on which the
3 department first publishes the notice on its Internet Web site, unless the department
4 delegates to the applicant under par. (c) the requirement to provide notice. If the
5 department delegates to the applicant the requirement to provide notice, the date of
6 the notice shall be the date on which the department first publishes the notice on its
7 Internet Web site or 10 days after the date on which the department receives
8 satisfactory proof of publication of a class 1 notice from the applicant, whichever is
9 later.

10 **SECTION 71.** 30.208 (5) (c) (intro.) of the statutes is amended to read:

11 30.208 (5) (c) (intro.) The department may delegate the department's
12 requirement to provide notice under sub. (3) in the manner specified under par. (a)
13 1. or 2. or to provide notice under s. 30.209 (1m) by doing any of the following:

14 **SECTION 72.** 30.208 (5) (c) 2. of the statutes is amended to read:

15 30.208 (5) (c) 2. That Requiring that the applicant for the permit or contract
16 pay for the publication, mailing, or any other distribution costs of providing one or
17 more of the notices.

18 **SECTION 73.** 30.209 (2) (a) of the statutes is amended to read:

19 30.209 (2) (a) An administrative hearing under this ~~subsection~~ section shall be
20 treated as a contested case under ch. 227.

21 **SECTION 74.** 30.209 (2) (b) of the statutes is amended to read:

22 30.209 (2) (b) If a stay under sub. (1m) (c) is in effect, the hearing examiner
23 shall, within 30 days after receipt of the referral under sub. (1m) (g), determine
24 whether continuation of the stay is necessary to prevent significant adverse impacts
25 or irreversible harm to the environment pending completion of the administrative

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

5 **SECTION 75.** 30.209 (2) (c) of the statutes is amended to read:

6 30.209 (2) (c) ~~–A–~~ An administrative hearing under this section shall be
7 completed within 90 days after receipt of the referral of the petition under sub. (1m)
8 (g), unless all parties agree to an extension of that period. In addition, a hearing
9 examiner may grant a one–time extension for the completion of the hearing of up to
10 60 days on the motion of any party and a showing of good cause demonstrating
11 extraordinary circumstances justifying an extension.

12 **SECTION 76.** 30.209 (2) (d) (intro.) of the statutes is amended to read:

13 30.209 (2) (d) (intro.) Notwithstanding s. 227.44 (1), the department shall
14 provide a notice of the administrative hearing at least 30 days before the date of the
15 hearing to all of the following:

16 **SECTION 77.** 30.209 (2) (e) of the statutes is created to read:

17 30.209 (2) (e) In an administrative hearing under this section, the petitioner
18 shall proceed first with the presentation of evidence and shall have the burden of
19 proof.

20 **SECTION 78.** 30.2095 (1) (b) of the statutes is amended to read:

21 30.2095 (1) (b) The department may specify a time limit of less than 3 years
22 for ~~a~~ an individual permit or contract issued under ss. 30.01 to 30.29. ~~For good cause,~~
23 ~~the~~ The department may shall extend the time limit for ~~a~~ an individual permit or
24 contract issued under ss. 30.01 to 30.29 for no longer than ~~2~~ an additional 5 years if
25 the grantee requests an extension prior to expiration of the initial time limit.

1 **SECTION 79.** 30.28 (2v) of the statutes is created to read:

2 30.28 (2v) WEB SITE INFORMATION FEE. In addition to each fee charged under sub.
3 (1), the department shall charge a supplemental fee to be used by the department to
4 maintain a computerized system by which an applicant may determine the status of
5 an application submitted under this subchapter. The department shall estimate the
6 amount that the fee needs to be to provide sufficient funding for the cost of
7 administering the computerized system. The department shall then set the fee to
8 equal \$3 or the amount of the estimated fee, whichever is less.

9 **SECTION 80.** 31.12 (5) of the statutes is created to read:

10 31.12 (5) The department shall establish an expedited procedure for approval
11 of plans for low hazard dams, as defined in s. 31.19 (1g) (b), under this section. The
12 expedited procedure shall apply, in lieu of the procedure under this section, if the
13 department determines that all of the following are satisfied:

14 (a) The plan design is of a common construction and size or is for a minor
15 addition to an existing dam.

16 (b) The plan design is submitted by a registered professional engineer.

17 (c) The plan design is submitted by a person who has designed similar dams
18 and none of those similar dams has caused adverse impacts to the environment.

19 (d) The plan design contains no unusual siting requirements or other unique
20 design features.

21 (e) The plan design is for a dam that is located entirely on land that the permit
22 grantee owns or that is located entirely on land for which the permit grantee has
23 acquired an easement.

24 (f) The plan design is not likely to have an adverse impact on the environment.

25 **SECTION 81.** 84.01 (23) of the statutes is amended to read:

1 **84.01 (23) BRIDGE STANDARDS.** The department shall adopt standards and
2 specifications for the design and construction of county, town, village, and city
3 bridges, arches or culverts. The standards and specifications shall be developed after
4 consultation with the department of natural resources, and shall be directed at
5 preventing undue impairment of public rights in navigable waters. All highway
6 bridges, arches, and culverts constructed or reconstructed by a county, town, village,
7 or city shall be done in accordance with these standards and specifications.

8 **SECTION 82.** 227.01 (13) (rt) of the statutes is amended to read:

9 227.01 (13) (rt) Is a general permit issued under s. 30.206 or 30.2065.

10 **SECTION 83.** 281.346 (9) (b) 1. (intro.) of the statutes is amended to read:

11 281.346 (9) (b) 1. (intro.) The department shall, by rule, create procedures for
12 ~~circulating~~ providing to interested and ~~potentially~~ interested members of the public
13 notices of each complete application that the department receives under sub. (5) to
14 which the state decision-making standard under sub. (5m) or the compact
15 decision-making standard under sub. (6) applies, other than an application from a
16 person operating a public water supply system that is covered by an approved water
17 supply service area plan under s. 281.348, and each complete application that the
18 department receives under sub. (4) and of each general permit that the department
19 proposes to issue under sub. (4s) (a). The department shall include, in the rule, at
20 least the following procedures:

21 **SECTION 84.** 281.346 (9) (b) 1. c. of the statutes is created to read:

22 281.346 (9) (b) 1. c. Publication of the notice through an electronic notification
23 system established by the department.

24 **SECTION 85.** 281.346 (9) (b) 1. d. of the statutes is created to read:

1 281.346 (9) (b) 1. d. Publication of the notice on the department's Internet Web
2 site.

3 **SECTION 86.** 281.346 (9) (b) 2. d. of the statutes is created to read:

4 281.346 (9) (b) 2. d. Information indicating where the complete application may
5 be viewed on the department's Internet Web site.

6 **SECTION 87.** 281.346 (9) (bm) of the statutes is created to read:

7 281.346 (9) (bm) *Notice date.* For the purpose of determining the date on which
8 public notice is provided under this subsection, the date on which the department
9 first publishes the notice on its Internet Web site shall be considered the date of
10 public notice.

11 **SECTION 88.** 281.346 (9) (d) 3. of the statutes is amended to read:

12 281.346 (9) (d) 3. The department shall ~~circulate~~ provide public notice of any
13 hearing held under this paragraph in the manner provided under par. (b) 1. The
14 notice shall include the time, date, and location of the hearing, a summary of the
15 subject matter of the application or proposed general permit, and information
16 indicating where a copy of the application or proposed general permit that is the
17 subject of the hearing may be found on the department's Internet Web site. The
18 summary shall contain a brief, precise, easily understandable, plain language
19 description of the subject matter of the application or proposed general permit. If the
20 hearing concerns an application received by the department, the notice shall also
21 include the name and address of the applicant.

22 **SECTION 89.** 281.41 (5) of the statutes is created to read:

23 281.41 (5) The department shall establish an expedited procedure for approval
24 of plans under this section. The expedited procedure shall apply, in lieu of the

1 procedure under sub. (1) (b), if the department determines that all of the following
2 are satisfied:

3 (a) The plan design is of a common construction and size or is for a minor
4 addition to an existing facility.

5 (b) The plan design is submitted by a registered professional engineer.

6 (c) The plan design is submitted by a person who has designed similar facilities
7 and none of those similar facilities has caused adverse impacts to the environment.

8 (d) The plan design contains no unusual siting requirements or other unique
9 design features.

10 (e) The plan design is not likely to have an adverse impact on the environment.

11 **SECTION 90.** 283.39 (1) (intro.) of the statutes is amended to read:

12 283.39 (1) (intro.) The department shall promulgate by rule procedures for
13 circulating providing to interested and ~~potentially interested~~ members of the public
14 notices of each complete application for a permit. Procedures for ~~the circulation of~~
15 providing public notices shall include at least the following:

16 **SECTION 91.** 283.39 (1) (c) of the statutes is created to read:

17 283.39 (1) (c) Publication of the notice through an electronic notification system
18 established by the department.

19 **SECTION 92.** 283.39 (1) (d) of the statutes is created to read:

20 283.39 (1) (d) Publication of the notice on the department's Internet Web site.

21 **SECTION 93.** 283.39 (1m) of the statutes is created to read:

22 283.39 (1m) Public notice under this section shall be considered to be provided
23 on the date that the department first publishes the notice on its Internet Web site.

24 **SECTION 94.** 283.39 (3) (bg) of the statutes is created to read:

1 283.39 (3) (bg) Information indicating where the complete application may be
2 viewed on the department's Internet Web site.

3 **SECTION 95.** 283.49 (1) (a) of the statutes is amended to read:

4 283.49 (1) (a) The department shall provide an opportunity for the applicant,
5 any affected state, the U.S. environmental protection agency, any interested state or
6 federal agency, person or group of persons to request a public hearing with respect
7 to a permit application. Such request for a public hearing shall be filed with the
8 department within 30 days after the ~~circulation of the~~ public notice of the complete
9 permit application is provided and shall indicate the interest of the party filing the
10 request and the reasons why a hearing is warranted.

11 **SECTION 96.** 283.49 (2) (a) of the statutes is amended to read:

12 283.49 (2) (a) Public notice of any hearing held under this section shall be
13 ~~circulated~~ provided in accordance with the requirements of s. 283.39 (1) and the
14 public notice shall be considered to be provided on the date specified in s. 283.39 (1m).

15 **SECTION 97.** 283.53 (1) of the statutes is amended to read:

16 283.53 (1) No permit issued by the department under s. 283.31 or 283.33 shall
17 have ~~a~~ an initial term for more than 5 years. Upon the request of a permit holder,
18 the department may renew the permit for a term of not more than 5 years, subject
19 to sub. (3).

20 **SECTION 98.** 283.53 (2) (a) (intro.) of the statutes is amended to read:

21 283.53 (2) (a) (intro.) Any permit issued by the department under s. 283.31 or
22 283.33 may, after an opportunity for hearing, be modified, ~~suspended~~ terminated, or
23 revoked and reissued, in whole or in part, for cause, including but not limited to:

24 **SECTION 99.** 283.53 (2) (b) of the statutes is amended to read:

1 283.53 (2) (b) Whenever, on the basis of any information available to it, the
2 department finds that there is cause for modifying, ~~suspending~~ ~~terminating~~, or
3 revoking ~~and reissuing~~ a permit, in whole or in part, the department shall notify the
4 permittee by certified mail or personal service of its intention to modify, ~~suspend~~
5 ~~terminate~~, or revoke ~~and reissue~~ the permit, in whole or in part, except that if the
6 department proposes to modify a permit to authorize a substantial change to a
7 nutrient management plan of a concentrated animal feeding operation, the
8 department may notify the permittee by electronic mail. Such notice shall specify
9 the information upon which the department relies, and if the department intends to
10 modify the permit, shall explain the modifications which the department intends to
11 make in the permit.

12 **SECTION 100.** 283.53 (2) (c) of the statutes is amended to read:

13 283.53 (2) (c) The department shall also notify the U.S. environmental
14 protection agency, the U.S. army corps of engineers, any affected state, any
15 interested agency of this state, and any interested members of the public of its
16 intention to modify, ~~suspend~~ ~~terminate~~, or revoke ~~and reissue~~ a permit. Such notice
17 shall incorporate the terms of the notice sent to the permittee and shall be ~~circulated~~
18 provided to members of the public in accordance with s. 283.39 (1), except that if the
19 department proposes to modify a permit to authorize a substantial change to a
20 nutrient management plan of a concentrated animal feeding operation, the
21 department is not required to provide notice of the substantial change under s.
22 283.39 (1) (a). The department shall provide a 14-day period, from the date on which
23 notice is provided under s. 283.39 (1) (d), for written comments on a proposed
24 modification to authorize a substantial change to a nutrient management plan.

25 **SECTION 101.** 283.53 (2) (d) of the statutes is amended to read:

1 283.53 (2) (d) The department may hold a public hearing on a proposed permit
2 modification, ~~suspension~~ termination, or revocation and reissuance if the
3 department determines that there is a significant public interest in holding such a
4 hearing or upon the petition of 5 or more persons. The petition shall indicate the
5 interest of the petitioners and the reasons why a hearing is warranted. A petition
6 for a hearing on a proposed permit modification to authorize a substantial change to
7 a nutrient management plan of a concentrated animal feeding operation shall be
8 filed within 14 days of the date notice is provided under s. 283.39 (1) (d).

9 **SECTION 102.** 283.53 (2) (e) of the statutes is amended to read:

10 283.53 (2) (e) Public notice of any hearing held under this section shall be
11 ~~circulated~~ provided in accordance with the requirements of pars. (b) and (c).

12 **SECTION 103.** 283.63 (1) (intro.) of the statutes is amended to read:

13 283.63 (1) (intro.) Any permit applicant, permittee, affected state or 5 or more
14 persons may secure a review by the department of any permit denial, modification,
15 ~~suspension~~ termination, or revocation and reissuance, the reasonableness of or
16 necessity for any term or condition of any issued, reissued or modified permit, any
17 proposed thermal effluent limitation established under s. 283.17 or any water
18 quality based effluent limitation established under s. 283.13 (5). Such review shall
19 be accomplished in the following manner:

20 **SECTION 104.** 283.63 (1) (a) of the statutes is amended to read:

21 283.63 (1) (a) A verified petition shall be filed with the secretary setting forth
22 specifically the issue sought to be reviewed by the department. Such petition must
23 be filed within 60 days after notice of any action which is reviewable under this
24 section is issued by the department. The petition shall indicate the interest of the
25 petitioners and the reasons why a hearing is warranted. Upon receipt of such

1 petitions, the department shall circulate provide a notice of public hearing in
2 accordance with the requirements of s. 283.39 (1) at least 10 days prior to holding a
3 public hearing thereon. The public notice shall be considered to be provided on the
4 date specified in s. 283.39 (1m).

5 **SECTION 105.** 283.63 (1) (b) of the statutes is amended to read:

6 283.63 (1) (b) The department shall hold a public hearing at the time and place
7 designated in the notice of hearing. At the beginning of each such hearing the
8 petitioner shall present evidence to the department which is in support of the
9 allegation made in the petition. All interested persons or their representative shall
10 be afforded an opportunity to present facts, views or arguments relevant to the issues
11 raised by the petitioners, and cross-examination shall be allowed. The department
12 shall consider anew all matters concerning the permit denial, modification,
13 ~~suspension~~ termination, or revocation and reissuance. No person may be required
14 to appear by attorney at any hearing under this section.

15 **SECTION 106.** 285.61 (5) (title) of the statutes is amended to read:

16 285.61 (5) (title) NOTICE; ANNOUNCEMENT; ~~NEWSPAPER~~ TYPE OF NOTICE.

17 **SECTION 107.** 285.61 (5) (c) of the statutes is amended to read:

18 285.61 (5) (c) *Newspaper Type of notice required.* The department shall publish
19 a class 1 notice under ch. 985, shall publish notice on its Internet Web site, and shall
20 provide notice, upon request, to interested persons, announcing the opportunity for
21 written public comment and the opportunity to request a public hearing on the
22 analysis and preliminary determination. The department's notice to interested
23 persons may be given through an electronic notification system established by the
24 department. For the purpose of determining the date on which notice is provided

1 under this subsection, the date on which the department first publishes the notice
2 on its Internet Web site shall be considered the date of notice.

3 **SECTION 108.** 285.62 (3) (a) 1g. of the statutes is created to read:

4 285.62 (3) (a) 1g. The name and address of the applicant.

5 **SECTION 109.** 285.62 (3) (a) 1m. of the statutes is created to read:

6 285.62 (3) (a) 1m. Information indicating where the application may be viewed
7 on the department's Internet Web site.

8 **SECTION 110.** 285.62 (3) (c) of the statutes is amended to read:

9 285.62 (3) (c) The department shall publish the notice prepared under par. (a)
10 as a class 1 notice under ch. 985 in a newspaper published in the area that may be
11 affected by emissions from the stationary source, shall publish the notice on its
12 Internet Web site, and, upon request, shall provide notice to interested persons. The
13 department's notice to interested persons may be given through an electronic
14 notification system established by the department. For the purpose of determining
15 the date on which public notice is provided under this paragraph, the date on which
16 the department first publishes the notice on its Internet Web site shall be considered
17 the date of public notice.

18 **SECTION 111.** 285.63 (11) of the statutes is created to read:

19 285.63 (11) MODELING. The department is not required to use air dispersion
20 modeling as a basis for making its findings under subs. (1) to (3) unless required to
21 do so under the federal clean air act.

22 **SECTION 112.** 285.76 (2) (a) of the statutes is amended to read:

23 285.76 (2) (a) Publish a class 1 notice, under ch. 985, of the proposed
24 redesignation and request for consultation with the state in a newspaper of general
25 circulation in the area that would be affected by the redesignation, as determined

1 using standards established by the federal environmental protection agency, and in
2 the official state newspaper and provide a written statement concerning the
3 proposed redesignation to those newspapers. The notices published under this
4 paragraph shall include information on how to locate the redesignation proposal on
5 the department's Internet Web site.

6 **SECTION 113.** 285.76 (2) (am) of the statutes is created to read:

7 285.76 (2) (am) Publish notice of the proposed redesignation and request for
8 consultation with the state on the department's Internet Web site.

9 **SECTION 114.** 285.76 (2) (ar) of the statutes is created to read:

10 285.76 (2) (ar) Provide to interested persons, upon request, notice of the
11 proposed redesignation and request for consultation with the state. The notice may
12 be given through an electronic notification system established by the department.
13 The notice shall include information indicating where the redesignation proposal
14 may be viewed on the department's Internet Web site.

15 **SECTION 115.** 285.76 (2m) of the statutes is created to read:

16 285.76 (2m) For the purpose of determining the date on which notice of the
17 proposed redesignation and request for consultation with the state is provided under
18 sub. (2), the date on which the department first publishes the notice on its Internet
19 Web site shall be considered the date of notice.

20 **SECTION 116.** 285.76 (3) of the statutes is amended to read:

21 285.76 (3) Within 15 days after receiving notification of the time and place of
22 a public hearing under 42 USC 7474 (b) (1) (A) concerning a proposal by an American
23 Indian tribal governing body to redesignate an area, the department shall provide
24 notice of the time and place of the public hearing in the manner provided in subs. (1)
25 and (2) (a) and by publication of the notice on the department's Internet Web site.

1 If the department receives notification of a hearing at the same time that it receives
2 notification of the proposed redesignation, it shall combine the newspaper notices
3 under this subsection with the notices under sub. (2) (a) and (am).

4 **SECTION 117.** 289.25 (3) of the statutes is amended to read:

5 **289.25 (3)** NOTIFICATION ON FEASIBILITY REPORT AND PRELIMINARY ENVIRONMENTAL
6 IMPACT STATEMENT DECISIONS. Immediately after the department issues a preliminary
7 determination that an environmental impact statement is not required or, if it is
8 required, immediately after the department issues the environmental impact
9 statement, the department shall publish a class 1 notice under ch. 985 in the official
10 newspaper designated under s. 985.04 or 985.05 or, if none exists, in a newspaper
11 likely to give notice in the area of the proposed facility, and shall publish the notice
12 on its Internet Web site. The notice shall include a statement that the feasibility
13 report and the environmental impact statement process are complete. The notice
14 shall invite the submission of written comments by any person within 30 days after
15 the notice for a solid waste disposal facility or within 45 days after the notice for a
16 hazardous waste facility is published. The notice shall describe the methods by
17 which a hearing may be requested under ss. 289.26 (1) and 289.27 (1). The
18 department shall distribute copies of the notice to the persons specified under s.
19 289.32. For the purpose of determining the date on which notice is published under
20 this subsection, the date on which the department first publishes the notice on its
21 Internet Web site shall be considered the date of notice.

22 **SECTION 118.** 289.31 (4) of the statutes is renumbered 289.31 (4) (am).

23 **SECTION 119.** 289.31 (4) (am) 4. of the statutes is created to read:

24 289.31 (4) (am) 4. Publication of the notice on the department's Internet Web
25 site.

1 **SECTION 120.** 289.31 (4) (am) 5. of the statutes is created to read:

2 289.31 **(4)** (am) 5. Providing notice to interested persons upon request. The
3 notice may be given through an electronic notification system established by the
4 department.

5 **SECTION 121.** 289.31 (4) (bm) of the statutes is created to read:

6 289.31 **(4)** (bm) The notice provided under par. (am) 1., 3., 4., and 5. shall
7 include all of the following:

8 1. The name and address of the applicant.

9 2. A summary that contains a brief, precise, easily understandable, plain
10 language description of the subject matter of the license.

11 3. Information indicating where more information about the subject matter of
12 the license may be viewed on the department's Internet Web site.

13 **SECTION 122.** 289.31 (4) (cm) of the statutes is created to read:

14 289.31 **(4)** (cm) For the purpose of determining the date on which public notice
15 is provided under this subsection, the date on which the department first publishes
16 the notice on its Internet Web site shall be considered the date of public notice.

17 **SECTION 123.** 289.41 (1m) (g) 1. of the statutes is amended to read:

18 289.41 **(1m)** (g) 1. The owner of an approved mining facility may apply, at any
19 time at least 40 years after the closing of the facility, to the department for
20 termination of the owner's obligation to maintain proof of financial responsibility for
21 long-term care of the facility. Upon receipt of an application under this subdivision,
22 the department shall publish a class 1 notice under ch. 985 in the official newspaper
23 designated under s. 985.04 or 985.05 or, if none exists, in a newspaper likely to give
24 notice in the area of the facility, shall publish the notice on its Internet Web site, and
25 shall provide the notice, upon request, to interested members of the public. The

1 department's notice to interested members of the public may be given through an
2 electronic notification system established by the department. The notice shall
3 include a statement that the owner has applied to terminate the owner's obligation
4 to maintain proof of financial responsibility for the long-term care of the facility, the
5 name and address of the owner, and information indicating where the full text of the
6 application may be viewed on the department's Internet Web site. The notice shall
7 invite the submission of written comments by any person within 30 days after the
8 notice is published. The notice shall describe the methods by which a hearing may
9 be requested under subs. 2. and 3. The department shall distribute a copy of the
10 notice to the owner of the facility. In any hearing on the matter, the burden is on the
11 owner to prove by a preponderance of the evidence that continuation of the
12 requirement to provide proof of financial responsibility for long-term care is not
13 necessary for adequate protection of human health or the environment. Within 120
14 days after the publication of the notice or within 60 days after any hearing is
15 adjourned, whichever is later, the department shall determine whether proof of
16 financial responsibility for long-term care of the facility continues to be required.
17 For the purpose of determining the date on which notice is provided under this
18 subdivision, the date on which the department first publishes the notice on its
19 Internet Web site shall be considered the date of notice. A determination that proof
20 of financial responsibility for long-term care is no longer required terminates the
21 owner's obligation to maintain proof of financial responsibility for long-term care.
22 The owner may not submit another application under this subdivision until at least
23 5 years after the previous application has been rejected by the department.

24 **SECTION 124.** 291.87 (3) of the statutes is amended to read:

1 291.87 (3) If the licensee requests a hearing within 45 days after receiving the
2 notice under sub. (2), the department shall schedule a hearing and give notice of the
3 hearing by publishing a class 1 notice, under ch. 985, by publishing the notice on its
4 Internet Web site, and, upon request, by providing the notice to interested members
5 of the public, at least 45 days prior to the date scheduled for the hearing. The
6 department's notice to interested members of the public may be given through an
7 electronic notification system established by the department. For the purpose of
8 determining the date on which notice is published under this subsection, the date on
9 which the department first publishes the notice on its Internet Web site shall be
10 considered the date of notice. If the licensee requests a contested case hearing and
11 if the conditions specified under s. 227.42 (1) (a) to (d) are satisfied, the department
12 shall conduct the hearing as a contested case; otherwise, the department shall
13 conduct the hearing as an informational hearing. There is no statutory right to any
14 hearing concerning the denial, suspension or revocation of a license for the reasons
15 stated under sub. (1m) (b) to (f) except as provided under this subsection.

16 **SECTION 125.** 291.87 (6) (a) of the statutes is amended to read:

17 291.87 (6) (a) Publishing a class 1 notice, under ch. 985, in a newspaper likely
18 to give notice in the area where the facility is located, publishing the notice on its
19 Internet Web site, and, upon request, providing the notice to interested members of
20 the public. The department's notice to interested members of the public may be given
21 through an electronic notification system established by the department.

22 **SECTION 126.** 291.87 (6m) of the statutes is created to read:

23 291.87 (6m) For the purpose of determining the date on which notice is
24 provided under subs. (4) and (5), the date on which the department first publishes

1 the notice on its Internet Web site as required under sub. (6) shall be considered the
2 date of notice.

3 **SECTION 127.** 292.31 (3) (f) of the statutes is amended to read:

4 292.31 **(3)** (f) *Notice; hearing.* The department shall publish a class 1 notice,
5 under ch. 985, shall publish the notice on its Internet Web site, and, upon request,
6 shall provide the notice to interested members of the public, prior to taking remedial
7 action under this subsection and subs. (1) and (7), which describes. The department's
8 notice to interested members of the public may be given through an electronic
9 notification system established by the department. The notice shall describe the
10 proposed remedial action and, the amount and purpose of any proposed expenditure,
11 the name and address of the facility that is the subject of the proposed remedial
12 action, a brief description of the proposed remedial action, and information
13 indicating where more information regarding the proposed remedial action may be
14 viewed on the department's Internet Web site. For the purpose of determining the
15 date on which notice is provided under this paragraph, the date on which the
16 department first publishes the notice on its Internet Web site shall be considered the
17 date of notice. Except as provided under par. (d), the department shall provide a
18 hearing to any person who demands a hearing within 30 days after the notice is
19 published for the purpose of determining whether the proposed remedial action and
20 any expenditure is within the scope of this section and is reasonable in relation to the
21 cost of obtaining similar materials and services. The department is not required to
22 conduct more than one hearing for the remedial action proposed at a single site or
23 facility. Notwithstanding s. 227.42, the hearing shall not be conducted as a contested
24 case. The decision of the department to take remedial action under this section is a
25 final decision of the agency subject to judicial review under ch. 227.

1 **SECTION 128.** 299.05 of the statutes is repealed and recreated to read:

2 **299.05 Deadlines for action on certain applications. (1)** DEFINITION. In
3 this section, “approval” means a license, registration, or certification specified in sub.
4 (2).

5 **(2)** DEADLINES. (a) The department shall establish periods within which the
6 department intends to approve or disapprove an application for any of the following:

7 1. A well driller or pump installer registration under s. 280.15 (1).

8 2. A water system or septage servicing vehicle operator certification under s.
9 281.17 (3).

10 3. A license for servicing septic tanks and similar facilities under s. 281.48 (3).

11 4. A solid waste incinerator operator certification under s. 285.51 (2).

12 5. A laboratory certification or registration under s. 299.11.

13 (am) Notwithstanding s. 227.10 (1), the periods established by the department
14 under par. (a) need not be promulgated as rules under ch. 227.

15 (b) The department shall approve or disapprove an application for any of the
16 following within 30 days from the date on which the department receives the
17 application:

18 1. A solid waste disposal facility operator certification under s. 289.42 (1).

19 2. A hazardous waste transportation license under s. 291.23.

20 3. A medical waste transportation license under s. 299.51 (3) (c).

21 (c) The department shall approve or disapprove an application for an oil or gas
22 exploration license under s. 295.33 (1) within 60 days from the date on which the
23 department receives the application.

24 **(2m)** FAILURE TO MEET DEADLINE. (a) Subject to sub. (4), the department shall
25 refund fees paid by the applicant for an approval if the department fails to provide

1 the applicant with written notice that the department has approved or disapproved
2 the application for the approval, including the specific facts upon which any
3 disapproval is based, before the expiration of the period established under sub. (2)
4 for the approval.

5 (b) Subject to sub. (4), if the department fails to provide the applicant for an
6 approval with written notice that the department has approved or disapproved the
7 application before the expiration of the period established under sub. (2) for the
8 approval, the applicant may choose to proceed under ch. 227 as though the
9 department had disapproved the application by providing the department with
10 written notice of that choice no later than 45 days after the expiration of the period
11 established under sub. (2).

12 (c) The department may not disapprove an application for an approval solely
13 because the department is unable to complete its review of the application within the
14 period established under sub. (2).

15 **(3) NOTICE OF DEADLINE.** Upon receiving an application for an approval, the
16 department shall inform the applicant of the period established under sub. (2) for the
17 license or other approval.

18 **(4) PERMITTED EXTENSION OF DEADLINE.** The department may extend the period
19 established under sub. (2) because an application is incomplete if all of the following
20 apply:

21 (a) Within 14 days after receiving the application, the department provides
22 written notice to the applicant describing specifically the information that must be
23 provided to complete the application.

24 (b) The information under par. (a) is directly related to eligibility for the license
25 or other approval or to terms or conditions of the license or other approval.

1 (c) The information under par. (a) is necessary to determine whether to approve
2 the application or is necessary to determine the terms or conditions of the license or
3 other approval.

4 (d) The extension is not longer than the period equal to the number of days from
5 the day on which the department provides the notice under par. (a) to the day on
6 which the department receives the information.

7 **SECTION 129.** 299.17 of the statutes is created to read:

8 **299.17 Web site information.** To the greatest extent possible, the
9 department shall publish on the department's Internet Web site the current status
10 of any application filed with the department for a permit, license, or other approval
11 under chs. 281 to 285 or 289 to 299. The information shall include notice of any
12 hearing scheduled by the department with regard to the application.

13 **SECTION 130. Initial applicability.**

14 (1) The treatment of sections 30.106, 30.18 (4) (a), 30.208 (3) (a), (b), (c), (e), and
15 (f), (4) (a), and (5) (a) (intro.) and (b) (intro.), 4., and 5., and 30.28 (2v) of the statutes,
16 the renumbering and amendment of section 30.208 (2) of the statutes, and the
17 creation of section 30.208 (2) (d) of the statutes first apply to applications for
18 individual permits or contracts that are submitted on the effective date of this
19 subsection.

20 (2) The treatment of section 30.209 (2) (e) of the statutes first applies to
21 administrative hearings that are commenced on the effective date of this subsection.

22 **SECTION 131. Effective dates.** This act takes effect on the first day of the 4th
23 month beginning after publication, except as follows:

1 (1) The treatment of section 30.12 (1k) (b) (intro.) 1., 2., and 3., (c), (cm) (intro.),
2 1., and 2., (d), and (e) 2. of the statutes takes effect on day after publication.

3 (END)