



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A ... segment III

LRB BILL HISTORY RESEARCH APPENDIX

 The drafting file for 2011 LRBs0254/2 (For: Senator Kedzie)


has been copied/added to the drafting file for

2011 LRBs0263 (For: Senator Kedzie)



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 12/05/2011 (Per: RNK)

 The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.



Today 11/17
State of Wisconsin
2011 - 2012 LEGISLATURE

September 2011 Special Session



LRBs0254/Pr P2

RNK&MGG:cjs:jf

Trays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT ,
TO SENATE BILL 24

D-Note

Gen Cot

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

general permitting for certain wetland restoration activities;

1 (intro.), 281.346 (9) (d) 3., 283.39 (1) (intro.), 283.49 (1) (a), 283.49 (2) (a), 283.53
2 (1), 283.53 (2) (c), 283.53 (2) (e), 283.63 (1) (a), 285.61 (5) (title), 285.61 (5) (c),
3 285.62 (3) (c), 285.76 (2) (a), 285.76 (3), 289.25 (3), 289.41 (1m) (g) 1., 291.87 (3),
4 291.87 (6) (a) and 292.31 (3) (f); **to repeal and recreate** 299.05; and **to create**
5 30.102, 30.106, 30.12 (1h), 30.12 (3) (a) 6. c., 30.12 (3) (a) 14., 30.12 (3) (d), 30.121
6 (1), 30.121 (3c), 30.123 (7) (d), 30.19 (1m) (f), 30.19 (1m) (g), 30.206 (1) (am) and
7 (ar), 30.206 (1) (b), 30.206 (1r), 30.206 (2b), 30.206 (2m), 30.2065 (3) (a) 3.,
8 30.2065 (3) (a) 4., 30.2065 (3) (d), 30.208 (2) (d), 30.208 (3) (f), 30.208 (5) (a) 3.,
9 30.208 (5) (a) 4., 30.208 (5) (b) 3m., 30.208 (5) (b) 3r., 30.208 (5) (bm), 30.209 (2)
10 (e), 30.28 (2v), 31.12 (5), 281.346 (9) (b) 1. c., 281.346 (9) (b) 1. d., 281.346 (9) (b)
11 2. d., 281.346 (9) (bm), 281.41 (5), 283.39 (1) (c), 283.39 (1) (d), 283.39 (1m),
12 283.39 (3) (bg), 285.62 (3) (a) 1g., 285.62 (3) (a) 1m., 285.63 (11), 285.76 (2) (am),
13 285.76 (2) (ar), 285.76 (2m), 289.31 (4) (am) 4., 289.31 (4) (am) 5., 289.31 (4)
14 (bm), 289.31 (4) (cm), 291.87 (6m) and 299.17 of the statutes; **relating to:** the
15 issuance of, and exemptions from, certain individual permits, contracts, and
16 general permits for structures, deposits, and other activities in or near
17 navigable waters; areas of significant scientific value that are areas of special
18 natural resource interest; repair and maintenance of boathouses and fixed
19 houseboats; certain notices required to be provided by the Department of
20 Natural Resources; expedited procedures for certain plan approvals; deadlines
21 for action on certain approval applications; and granting rule-making
22 authority.

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

23 **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 and
9 potentially interested persons requesting same through an electronic notification
10 system established by the department. Notice of a hearing under this subsection
11 published as a class 1 notice, as a notice on the department's Internet Web site, and
12 through the electronic notification system established by the department shall
13 include the time, date, and location of the hearing, the name and address of the
14 applicant, a summary of the subject matter of the application, and information
15 indicating where a copy of the application may be viewed on the department's
16 Internet Web site. One copy of the application shall be available for public inspection
17 at the office of the department, at least one copy in the regional office of the
18 department, and at least one copy at the main public library, of the area affected.
19 Notwithstanding s. 227.42, the hearing shall be an informational hearing and may
20 not be treated as a contested case hearing nor converted to a contested case hearing.

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

22 30.10 (4) (a) This section does not impair the powers granted by law ~~under s.~~
23 ~~30.1235 or by other law~~ to municipalities to construct highway bridges, arches, or
24 culverts over streams.

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

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

8 (2) APPLICATION STATUS. To the greatest extent possible, the department shall
9 publish on the department's Internet Web site the current status of any application
10 filed with the department for a permit, license, or other approval under ch. 30 ^{of this chapter}. The
11 information shall include notice of any hearing scheduled by the department with
12 regard to the application.

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

14 **30.106 Areas of significant scientific value.** In identifying areas that
15 possess significant scientific value, the department may include only the following:

16 (1) Specific portions of waters that contain critical habitat for endangered or
17 threatened species.

18 (2) Specific portions of waters that are immediately adjacent to an area that
19 contains critical habitat for endangered or threatened species and that directly affect
20 that habitat.

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

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

1 (5) Rivers that are included in the national wild and scenic rivers system and
2 rivers that are designated as wild rivers under s. 30.26.

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

5 30.12 (1g) (f) 1. (intro.) A pier or wharf ~~that is no~~ to which all of the following
6 apply:

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

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

12 c. ~~It has~~ no more than 2 boat slips for the first 50 feet of the riparian owner's
13 shoreline footage and no more than one additional boat slip for each additional 50
14 feet of the riparian owner's shoreline footage.

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

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

21 30.12 (1h) PERSONAL WATERCRAFT SECURED TO PIERS ALLOWED. A riparian owner
22 may secure to a pier or wharf up to 2 personal watercraft for the first 50 feet of the
23 riparian owner's shoreline footage and one additional personal watercraft for each
24 additional 50 feet of the riparian owner's shoreline footage without affecting the

1 riparian owner's eligibility for an exemption under sub. (1g) (f). For the purpose of
2 this subsection, "personal watercraft" has the meaning given in s. 30.50 (9d).

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

4 30.12 (1j) (c) If the riparian owner or owners of a property described in par. (a)
5 are eligible and propose to place a pier or wharf with the number of boat slips
6 specified in par. (a), the riparian owner or owners shall apply to the department for
7 an individual permit under s. 30.208 authorizing the configuration of the pier or
8 wharf unless the configuration is authorized by the department under a general
9 permit under s. 30.206 (1g). The department may not deny the permit on the basis
10 of the number of slips proposed by the riparian owner or owners if the number of slips
11 proposed does not exceed the number allowed under par. (a). A riparian owner or
12 owners who apply for a permit under this paragraph shall be presumed to be entitled
13 to the number of slips allowed under par. (a).

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

16 30.12 (1k) (b) In addition to the exemptions under sub. (1g), a riparian owner
17 of a pier or wharf that was placed on the bed of a navigable water ~~on or~~ before
18 February 6, 2004 the effective date of this paragraph.... [LRB inserts date], is exempt
19 from the permit requirements under this section if all of the following apply: the pier
20 or wharf does not interfere with the riparian rights of other riparian owners.

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

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

23 **SECTION 12.** 30.12 (1k) (b) 3. of the statutes, as affected by 2011 Wisconsin Act
24 25, is repealed.

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

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

2 30.12 (1k) (cm) (intro.) ~~Except as provided in par. (d), the~~ The department may
3 not take any enforcement action under this chapter against a riparian owner for the
4 placement of any of the following:

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

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

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

10 30.12 (1k) (cm) 2. A structure for which the department has issued a written
11 authorization ~~on or before February 6, 2004~~, if the structure is in compliance with
12 that written authorization.

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

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

15 30.12 (1k) (e) 2. If the exempt structure is a pier or wharf, relocate or
16 reconfigure the pier or wharf if the riparian owner does not enlarge the pier or wharf,
17 ~~the riparian owner registered the pier or wharf with the department under par. (b)~~
18 ~~3. and, before relocating or reconfiguring the pier or wharf, the riparian owner~~
19 ~~registers the reconfigured or relocated pier or wharf with the department under this~~
20 ~~subdivision.~~

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

23 30.12 (3) (a) 6. (intro.) Place a permanent boat shelter adjacent to the owner's
24 property for the purpose of storing or protecting watercraft and associated materials,

1 except that no general or individual permit may be issued for a permanent boat
2 shelter that is constructed after May 3, 1988, if ~~the~~ any of the following apply:

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

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

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

7 30.12 (3) (a) 6. c. The permanent boat shelter extends beyond the waterward
8 end of the owner's pier or the waterward side of the owner's wharf.

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

10 30.12 (3) (a) 14. Place a pier or wharf on the bed of a navigable water that is
11 in, or that would directly affect, an area of special natural resource interest and that
12 is adjacent to the owner's property if the pier or wharf does not interfere with the
13 riparian rights of other riparian owners and it meets the requirements of sub. (1g)
14 (f).

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

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

17 30.12 (3) (d) The department may impose conditions relating to the location,
18 design, construction, and installation of a pier or wharf placed under the authority
19 of a general permit issued under par. (a) 14., but may not prohibit a riparian owner
20 from placing a pier or wharf that meets the requirement of the general permit.

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

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

23 30.121 (1) DEFINITION. In this section, the terms "maintain" and "repair"
24 include replacing structural elements, including roofs, doors, walls, windows,
25 beams, porches, and floors.

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

2 30.121 (3) ~~MAINTENANCE AND REPAIR.~~ The riparian owner of any boathouse or
3 fixed houseboat extending beyond the ordinary high-water mark of any navigable
4 waterway may repair ~~and or~~ maintain the boathouse or fixed houseboat if the cost
5 ~~of the repair or maintenance to repair or maintain the boathouse or fixed houseboat~~
6 does not exceed 50% of the equalized assessed value of the boathouse or fixed
7 houseboat. If the boathouse or fixed houseboat is not subject to assessment, the
8 owner may ~~make repairs~~ repair or maintain the boathouse or the fixed houseboat if
9 the cost of the repair or maintenance does not exceed 50% of the current fair market
10 value of the boathouse or fixed houseboat.

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

12 30.121 (3c) EXCEPTION; CERTAIN BOATHOUSES. Subsection (3) does not apply to
13 repairing or maintaining a boathouse if the boathouse was in existence on December
14 16, 1979, and the repairing or maintaining does not affect the size, location, or
15 configuration of the boathouse and does not result in the boathouse being converted
16 into living quarters.

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

18 30.121 (3g) EXCEPTION; HISTORICAL OR CULTURAL VALUE. Subsection (3) does not
19 apply to ~~the repair or maintenance of~~ repairing or maintaining a boathouse or a fixed
20 houseboat if the boathouse or fixed houseboat has a historic or cultural value, as
21 determined by the state historical society or a local or county historical society
22 established under s. 44.03.

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

24 30.121 (3r) EXCEPTION; DAMAGES AFTER JANUARY 1, 1984. Subsections (2) and (3)
25 do not apply to ~~the repair or reconstruction of~~ repairing or reconstructing a damaged

1 boathouse if the boathouse was damaged by violent wind, vandalism or fire and if the
2 damage occurs after January 1, 1984.

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

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

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

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

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

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

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

12 30.18 (4) (a) ~~Upon receipt of a complete application, the department shall~~
13 ~~follow the notice and hearing procedures under s. 30.208 (3) to (5) The notice and~~
14 ~~hearing provisions of s. 30.208 (3) to (5) shall apply to an application under sub. (3).~~

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

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

22 30.19 (1m) (f) Any land grading activity authorized under a stormwater
23 discharge permit issued under s. 283.33.

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

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

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

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

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

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

7 30.206 (1) (a) The department shall issue the statewide general permits as
8 ~~rules promulgated under ch. 227~~ required under ss. 30.12 (3) (a), 30.123 (7) (a), 30.19
9 (3r), and 30.20 (1t) (a). ~~The statewide general permits required under ss. 30.12 (3)~~
10 ~~(a), 30.123 (7) (a), and 30.20 (1t) (a) shall be promulgated within 540 days after~~
11 ~~February 6, 2004. The department shall submit in proposed form the rule containing~~
12 ~~the statewide general permit under s. 30.19 (3r) (a) and the rule under s. 30.19 (1d)~~
13 ~~to the legislative council staff under s. 227.15 (1) no later than August 1, 2004.~~
14 ~~General permits issued under s. 30.206, 2001 stats., shall remain valid until the date~~
15 ~~upon which the rules issuing these statewide general permits are promulgated~~
16 ~~under this paragraph.~~

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

18 30.206 (1) (am) ~~Upon compliance with the requirements under subs. (2b) and~~
19 ~~(2c) and in~~ In addition to the general permits required under par. (a), the department
20 may issue a general permit authorizing an activity for which an individual permit
21 is issued, or a contract is entered into, under this subchapter. ← INSERT 11-21

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

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

1 30.206 (1) (b) A general permit issued under par. (a) or (am) is valid for a period
2 of 5 years, and an activity that the department determines is authorized by a general
3 permit remains authorized under the general permit for a period of 5 years from the
4 date of the department's determination or until the activity is completed, whichever
5 occurs first, regardless of whether the general permit expired before the activity is
6 completed. The department may renew or modify, or revoke a general permit issued
7 under par. (a) or (am) ^{or S. 30.2065} upon compliance with the requirements under subs. (2b) and
8 (2m); and until such renewal, modification, or revocation, the general permit shall
9 remain in effect.

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

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

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

13 30.206 (1r) **TRANSITIONS BETWEEN PERMITS.** Any general permit issued under
14 ~~this subchapter~~ ^{this ~~sub~~ section} that is valid on the effective date of this subsection [LRB inserts
15 date], shall remain valid until the date upon which a general permit issued under
16 sub. (1) (a) or (am) that authorizes the same activity becomes effective.

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

18 30.206 (2b) **PUBLIC NOTICE.** (a) The department shall provide to interested and
19 potentially interested members of the public notices of its intention to issue a general
20 permit under sub. (1) (a) or (am) ^{or 30.2065}. Procedures for providing public notices shall
21 include all of the following:

- 22 1. Publication of a class 1 notice under ch. 985.
- 23 2. Providing a copy of the notice to any person or group upon request of the
24 person or group.

*renew, modify
or revoke*

By the department
in acting on

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

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

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

7 (b) The department shall provide a period of not less than 30 days after the date
8 of the public notice during which time interested persons may submit their written
9 comments on the department's intention to issue a general permit under sub. (1) (a)
10 or (am). ^{or 5-30-2065} All written comments submitted during the period for comment shall be
11 retained by the department and considered ^{under par. (a)} in the issuance of the general permit.

12 (c) Every ^{public} notice issued by the department ^{of the department's intention to issue}
13 a general permit under sub. (1) (a) or (am) shall include a description of the activities
14 proposed to be authorized under the general permit. ^{any}

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

16 30.206 (2m) PUBLIC HEARING. (a) 1. The department shall provide an
17 opportunity for any interested state agency or federal agency or person or group of
18 persons to request a public hearing with respect to the department's intention to
19 issue a general permit under sub. (1) (a) or (am). ^{or 30.2065} Such request for a public hearing
20 shall be filed with the department within 30 days after the provision of the public
21 notice under sub. (2b) and shall indicate the interest of the party filing the request
22 and the reasons why a hearing is warranted.

23 2. The department shall hold a public hearing upon a request under subd. 1.
24 if the department determines that there is a significant public interest in holding

1 such a hearing. Hearings held under this section are not contested cases under s.
2 227.01 (3).

3 (b) Public notice of any hearing held under this subsection shall be provided in
4 accordance with the requirements under sub. (2b). The public notice shall include
5 the time, date, and location of the hearing, a summary of the subject matter of the
6 proposed general permit, and information indicating where additional information
7 about the proposed general permit may be viewed on the department's Internet Web
8 site.

9 **SECTION 49.** 30.2065 (3) (a) (intro.) of the statutes is amended to read:

10 30.2065 (3) (a) (intro.) The department shall circulate provide to interested and
11 potentially interested members of the public notices of its intention to issue a general
12 permit. Procedures for the circulation of providing public notices shall include at
13 least the following:

14 **SECTION 50.** 30.2065 (3) (a) 3. of the statutes is created to read:

15 30.2065 (3) (a) 3. Publication of the notice through an electronic notification
16 system established by the department.

17 **SECTION 51.** 30.2065 (3) (a) 4. of the statutes is created to read:

18 30.2065 (3) (a) 4. Publication of the notice on the department's Internet Web
19 site.

20 **SECTION 52.** 30.2065 (3) (d) of the statutes is created to read:

21 30.2065 (3) (d) For the purpose of determining the date on which public notice
22 is provided under this subsection, the date on which the department first publishes
23 the notice on its Internet Web site shall be considered the date of public notice.

24 **SECTION 53.** 30.2065 (4) (a) 1. of the statutes is amended to read:

← INSERT
14-8A
14-8B

to (9) are repealed

1 30.2065 (4) (a) 1. The department shall provide an opportunity for any affected
2 state, the U.S. environmental protection agency, or any interested state or federal
3 agency or person or group of persons to request a public hearing with respect to the
4 department's intention to issue a general permit under sub. (2). Such request for a
5 public hearing shall be filed with the department within 30 days after ~~the circulation~~
6 ~~of the public notice~~ is provided under sub. (3) and shall indicate the interest of the
7 party filing the request and the reasons why a hearing is warranted.

8 **SECTION 54.** 30.2065 (4) (b) of the statutes is amended to read:

9 30.2065 (4) (b) Public notice of any hearing held under this section shall be
10 ~~circulated~~ provided in accordance with the requirements of sub. (3). The notice shall
11 include the time, date, and location of the hearing, a summary of the subject matter
12 of the general permit, and information indicating where more information about the
13 subject matter of the general permit may be viewed on the department's Internet
14 Web site.

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

17 30.208 (2) (a) Review: no additional information required. In issuing
18 individual permits or entering contracts under this subchapter, the department shall
19 ~~initially determine whether a complete application for the permit or contract has~~
20 ~~been submitted and, no later than~~ review an application, and within 30 days after
21 the application is submitted, the department shall determine that either the
22 application is complete or that additional information is needed. If the department
23 determines that the application is complete, the department shall notify the
24 applicant in writing ~~about the initial determination of completeness of that fact~~

1 within the 30-day period, and the date on which the notice under this paragraph is
2 sent shall be considered the date of closure for purposes of sub. (3) (a).

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

15 (c) *Specificity of notice; limits on information.* Any notice stating that an
16 application has been determined to be incomplete or any other request for
17 information that is sent under par. (b) shall state the reason for the determination
18 or request and the specific items of information necessary to make the application
19 complete. An applicant may supplement and resubmit an application that the
20 department has determined to be incomplete. There is no limit on the number of
21 times that an applicant may resubmit an application that the department has
22 determined to be incomplete under this section. The department may not demand
23 items of information that are not specified in the notice as a condition for determining
24 whether the application is complete unless both the department and the applicant
25 agree or unless the applicant makes material additions or alterations to the activity

1 ~~or project for which the application has been submitted. The rules promulgated~~
2 ~~under s. 299.05 apply only to applications for individual permits or contracts under~~
3 ~~this subchapter that the department has determined to be complete that are still~~
4 ~~needed.~~

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

6 30.208 (2) (d) *Failure to meet time limits.* If the department fails to meet the
7 30-day time limit under par. (a) or 10-day time limit under par. (b), the application
8 shall be considered to have a date of closure that is the last day of that 30-day or
9 10-day time period for purposes of sub. (3) (a).

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

11 30.208 (3) (a) ~~Upon determination by the department under sub. (2), that an~~
12 ~~application submitted under sub. (1) is complete Within 15 days after the date of~~
13 ~~closure, as determined under sub. (2) (a) or (b), the department shall provide notice~~
14 ~~of complete pending application to interested and potentially interested members of~~
15 ~~the public, as determined by the department. ~~The department shall provide the~~~~
16 ~~notice within 15 days after the determination that the application is complete.~~ If the
17 applicant has requested a public hearing as part of the submitted application, a
18 notice of public hearing shall be part of the notice of ~~complete pending~~ application.

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

20 30.208 (3) (b) If the notice of ~~complete pending~~ application does not contain a
21 notice of public hearing, any person may request a public hearing in writing or the
22 department may decide to hold a public hearing with or without a request being
23 submitted if the department determines that there is a significant public interest in
24 holding a hearing.

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

1 30.208 (3) (c) A request for a public hearing under par. (b) must be submitted
2 to the department or the department's decision to hold a public hearing must occur
3 within ~~30~~ 20 days after the department ~~completes providing~~ provides the notice of
4 ~~complete pending~~ application. The department shall provide notice of public hearing
5 within 15 days after the request for public hearing is submitted or the department
6 makes its ~~determination~~ decision to hold a public hearing.

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

8 30.208 (3) (e) Within ~~30~~ 20 days after the ~~public hearing is held~~ period for public
9 comment under sub. (4) (b) has ended or if no public hearing is held, within 30 days
10 of the 30-day comment period under sub. (4) (a), the department shall render a
11 decision, issuing, denying, or modifying the permit or ~~approving or disapproving~~ the
12 contract that is the subject of the application submitted under sub. (1). If the decision
13 issued by the department under this paragraph is a denial or disapproval, the
14 department shall include in the decision the specific grounds and reasons as to how
15 the applicable provisions of this subchapter were not met and the steps that the
16 applicant needs to take to meet those provisions if the applicant decides to reapply.

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

18 30.208 (3) (f) If the department fails to comply with the time periods under par.
19 (e), a decision issuing the permit, modifying the permit, or approving the contract
20 shall be considered to be rendered. The permit that is issued or is modified, or the
21 contract that is approved, shall authorize the activity as proposed by the applicant,
22 but the department may impose terms and conditions on the permit or contract that
23 are consistent with the applicant's basic proposal.

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

1 30.208 (4) (a) The department shall provide a period for public comment after
2 the department has provided a notice of ~~complete~~ pending application under sub. (3)
3 (a), during which time any person may submit written comments with respect to the
4 application for the permit or contract. The department shall retain all of the written
5 comments submitted during this period and shall consider all of the comments in the
6 formulation of the final decision on the application. The period for public comment
7 shall end on the 30th day following the date on which the department completes
8 providing the notice of ~~complete~~ pending application, except as provided in par. (b).

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

10 30.208 (5) (a) (intro.) The department shall, by rule, establish procedures for
11 providing notices of ~~complete~~ pending applications and notices of public hearings to
12 be provided under sub. (3), and notices of administrative hearings to be provided
13 under s. 30.209 (1m). The procedures shall require all of the following:

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

15 30.208 (5) (a) 3. That the notice be published through an electronic notification
16 system established by the department.

17 **SECTION 65.** 30.208 (5) (a) 4. of the statutes is created to read:

18 30.208 (5) (a) 4. That the notice be published on the department's Internet Web
19 site.

20 **SECTION 66.** 30.208 (5) (b) (intro.) of the statutes is amended to read:

21 30.208 (5) (b) (intro.) The department shall, by rule, prescribe the form and
22 content of notices of ~~complete~~ pending applications and notices of public hearings to
23 be provided under sub. (3), and notices of administrative hearings to be provided
24 under s. 30.209 (1m). Each notice shall include all of the following information:

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

1 30.208 (5) (b) 3m. For a notice of public hearing under sub. (3), the time, date,
2 and location of the hearing.

3 **SECTION 68.** 30.208 (5) (b) 3r. of the statutes is created to read:

4 30.208 (5) (b) 3r. For a notice of pending application and a notice of public
5 hearing under sub. (3), information indicating where the pending application may
6 be viewed on the department's Internet Web site.

7 **SECTION 69.** 30.208 (5) (b) 4. of the statutes is amended to read:

8 30.208 (5) (b) 4. For a notice of ~~complete~~ pending application and a notice of
9 public hearing under sub. (3), a statement of the tentative determination to issue,
10 modify, or deny a permit, ~~or to approve or disapprove a contract,~~ for the activity or
11 project described in the application.

12 **SECTION 70.** 30.208 (5) (b) 5. of the statutes is amended to read:

13 30.208 (5) (b) 5. For a notice of ~~complete~~ pending application and a notice of
14 public hearing under sub. (3), a brief description of the procedures for the
15 formulation of final determinations, including a description of the comment period
16 required under sub. (4).

17 **SECTION 71.** 30.208 (5) (bm) of the statutes is created to read:

18 30.208 (5) (bm) For the purpose of determining the date on which notice is
19 provided under this subsection, the date on which the department first publishes the
20 notice on its Internet Web site shall be considered the date of notice.

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

22 30.208 (5) (c) (intro.) The department may delegate the department's
23 requirement to provide notice under sub. (3) in the manner specified under sub. (5)
24 (a) 1. or 2. or to provide notice under s. 30.209 (1m) by doing any of the following:

25 **SECTION 73.** 30.208 (5) (c) 2. of the statutes is amended to read:

1 30.208 (5) (c) 2. ~~That~~ Requiring that the applicant for the permit or contract
2 pay for the publication, mailing, or any other distribution costs of providing one or
3 more of the notices.

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

5 30.209 (2) (a) An administrative hearing under this ~~subsection~~ section shall be
6 treated as a contested case under ch. 227.

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

8 30.209 (2) (b) If a stay under sub. (1m) (c) is in effect, the hearing examiner
9 shall, within 30 days after receipt of the referral under sub. (1m) (g), determine
10 whether continuation of the stay is necessary to prevent significant adverse impacts
11 or irreversible harm to the environment pending completion of the administrative
12 hearing. The hearing examiner shall make the determination based on the request
13 under sub. (1m) (c), any response from the applicant under sub. (1m) (e), and any
14 testimony at a public hearing or any public comments. The determination shall be
15 made without a hearing.

16 **SECTION 76.** 30.209 (2) (c) of the statutes is amended to read:

17 30.209 (2) (c) ~~-A-~~ An administrative hearing under this section shall be
18 completed within 90 days after receipt of the referral of the petition under sub. (1m)
19 (g), unless all parties agree to an extension of that period. In addition, a hearing
20 examiner may grant a one-time extension for the completion of the hearing of up to
21 60 days on the motion of any party and a showing of good cause demonstrating
22 extraordinary circumstances justifying an extension.

23 **SECTION 77.** 30.209 (2) (d) (intro.) of the statutes is amended to read:

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

4 **SECTION 78.** 30.209 (2) (e) of the statutes is created to read:

5 30.209 (2) (e) In an administrative hearing under this section, the petitioner
6 shall proceed first with the presentation of evidence and shall have the burden of
7 proof.

8 **SECTION 79.** 30.2095 (1) (b) of the statutes is amended to read:

9 30.2095 (1) (b) The department may specify a time limit of less than 3 years
10 for ~~a~~ an individual permit or contract issued under ss. 30.01 to 30.29. ~~For good cause,~~
11 ~~the~~ The department ~~may~~ shall extend the time limit for ~~a~~ an individual permit or
12 contract issued under ss. 30.01 to 30.29 for no longer than ~~2~~ an additional 5 years if
13 the grantee requests an extension prior to expiration of the initial time limit.

14 **SECTION 80.** 30.28 (2v) of the statutes is created to read:

15 30.28 (2v) **WEB SITE INFORMATION FEE.** In addition to each fee charged under sub.
16 (1), the department shall charge a supplemental fee to be used by the department to
17 maintain a computerized system by which an applicant may determine the status of
18 an application submitted under this subchapter. The department shall estimate the
19 amount that the fee needs to be to provide sufficient funding for the cost of
20 administering the computerized system. The department shall then set the fee to
21 equal \$3 or the amount of the estimated fee, whichever is less.

22 **SECTION 81.** 31.12 (5) of the statutes is created to read:

23 31.12 (5) The department shall establish an expedited procedure for approval
24 of plans for low hazard dams, as defined in s. 31.19 (1g) (b), under this section. The

no changes
this page

1 expedited procedure shall apply, in lieu of the procedure under this section, if the
2 department determines that all of the following are satisfied:

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

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 dams
7 and none of those similar dams 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 for a dam that is located entirely on land that the permit
11 grantee owns or that is located entirely on land for which the permit grantee has
12 acquired an easement.

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

14 **SECTION 82.** 84.01 (23) of the statutes is amended to read:

15 84.01 (23) BRIDGE STANDARDS. The department shall adopt standards and
16 specifications for the design and construction of county, town, village, and city
17 bridges, arches or culverts. The standards and specifications shall be developed after
18 consultation with the department of natural resources, and shall be directed at
19 preventing undue impairment of public rights in navigable waters. All highway
20 bridges, arches, and culverts constructed or reconstructed by a county, town, village,
21 or city shall be done in accordance with these standards and specifications.

22 **SECTION 83.** 227.01 (13) (rt) of the statutes is amended to read:

23 227.01 (13) (rt) Is a general permit issued under s. 30.206 or 30.2065.

24 **SECTION 84.** 281.346 (9) (b) 1. (intro.) of the statutes is amended to read:

x ✓

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

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

12 281.346 (9) (b) 1. c. Publication of the notice through an electronic notification
13 system established by the department.

14 **SECTION 86.** 281.346 (9) (b) 1. d. of the statutes is created to read:

15 281.346 (9) (b) 1. d. Publication of the notice on the department's Internet Web
16 site.

17 **SECTION 87.** 281.346 (9) (b) 2. d. of the statutes is created to read:

18 281.346 (9) (b) 2. d. Information indicating where the complete application may
19 be viewed on the department's Internet Web site.

20 **SECTION 88.** 281.346 (9) (bm) of the statutes is created to read:

21 281.346 (9) (bm) *Notice date.* For the purpose of determining the date on which
22 public notice is provided under this subsection, the date on which the department
23 first publishes the notice on its Internet Web site shall be considered the date of
24 public notice.

25 **SECTION 89.** 281.346 (9) (d) 3. of the statutes is amended to read:

1 281.346 (9) (d) 3. The department shall ~~circulate~~ provide public notice of any
2 hearing held under this paragraph in the manner provided under par. (b) 1. The
3 notice shall include the time, date, and location of the hearing, a summary of the
4 subject matter of the hearing, and information indicating where a copy of the
5 application or proposed general permit that is the subject of the hearing may be
6 found on the department's Internet Web site. If the hearing concerns an application
7 received by the department, the notice shall also include the name and address of the
8 applicant.

9 **SECTION 90.** 281.41 (5) of the statutes is created to read:

10 281.41 (5) The department shall establish an expedited procedure for approval
11 of plans under this section. The expedited procedure shall apply, in lieu of the
12 procedure under sub. (1) (b), if the department determines that all of the following
13 are satisfied:

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

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 facilities
18 and none of those similar facilities 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 not likely to have an adverse impact on the environment.

22 **SECTION 91.** 283.39 (1) (intro.) of the statutes is amended to read:

23 283.39 (1) (intro.) The department shall promulgate by rule procedures for
24 ~~circulating~~ providing to interested and potentially interested members of the public

1 notices of each complete application for a permit. Procedures for ~~the circulation of~~
2 providing public notices shall include at least the following:

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

4 283.39 (1) (c) Publication of the notice through an electronic notification system
5 established by the department.

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

7 283.39 (1) (d) Publication of the notice on the department's Internet Web site.

8 **SECTION 94.** 283.39 (1m) of the statutes is created to read:

9 283.39 (1m) Public notice under this section shall be considered to be provided
10 on the date that the department first publishes the notice on its Internet Web site.

11 **SECTION 95.** 283.39 (3) (bg) of the statutes is created to read:

12 283.39 (3) (bg) Information indicating where the complete application may be
13 viewed on the department's Internet Web site.

14 **SECTION 96.** 283.49 (1) (a) of the statutes is amended to read:

15 283.49 (1) (a) The department shall provide an opportunity for the applicant,
16 any affected state, the U.S. environmental protection agency, any interested state or
17 federal agency, person or group of persons to request a public hearing with respect
18 to a permit application. Such request for a public hearing shall be filed with the
19 department within 30 days after the ~~circulation of the~~ public notice of the complete
20 permit application is provided and shall indicate the interest of the party filing the
21 request and the reasons why a hearing is warranted.

22 **SECTION 97.** 283.49 (2) (a) of the statutes is amended to read:

23 283.49 (2) (a) Public notice of any hearing held under this section shall be
24 circulated provided in accordance with the requirements of s. 283.39 (1) and the
25 public notice shall be considered to be provided on the date specified in s. 283.39 (1m).

1 **SECTION 98.** 283.53 (1) of the statutes is amended to read:

2 283.53 (1) No permit issued by the department under s. 283.31 or 283.33 shall
3 have ~~a~~ an initial term for more than 5 years. Upon the request of a permit holder,
4 the department may renew the permit for a term of not more than 5 years. There is
5 no limit on the number of times that a permit may be renewed.

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

7 283.53 (2) (c) The department shall also notify the U.S. environmental
8 protection agency, the U.S. army corps of engineers, any affected state, any
9 interested agency of this state, and any interested members of the public of its
10 intention to modify, suspend or revoke a permit. Such notice shall incorporate the
11 terms of the notice sent to the permittee ~~and~~, shall be circulated provided to members
12 of the public in accordance with s. 283.39 (1), and the public notice shall be considered
13 to be provided on the date specified in s. 283.39 (1m).

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

15 283.53 (2) (e) Public notice of any hearing held under this section shall be
16 circulated provided in accordance with the requirements of pars. (b) and (c).

17 **SECTION 101.** 283.63 (1) (a) of the statutes is amended to read:

18 283.63 (1) (a) A verified petition shall be filed with the secretary setting forth
19 specifically the issue sought to be reviewed by the department. Such petition must
20 be filed within 60 days after notice of any action which is reviewable under this
21 section is issued by the department. The petition shall indicate the interest of the
22 petitioners and the reasons why a hearing is warranted. Upon receipt of such
23 petitions, the department shall ~~circulate~~ provide a notice of public hearing in
24 accordance with the requirements of s. 283.39 (1) at least 10 days prior to holding a

1 public hearing thereon. The public notice shall be considered to be provided on the
2 date specified in s. 283.39 (1m).

3 SECTION 102. 285.61 (5) (title) of the statutes is amended to read:

4 285.61 (5) (title) NOTICE; ANNOUNCEMENT; NEWSPAPER TYPE OF NOTICE.

5 SECTION 103. 285.61 (5) (c) of the statutes is amended to read:

6 285.61 (5) (c) *Newspaper Type of notice required.* The department shall publish
7 a class 1 notice under ch. 985, shall publish notice on its Internet Web site, and shall
8 provide notice to interested and potentially interested persons through an electronic
9 notification system established by the department announcing the opportunity for
10 written public comment and the opportunity to request a public hearing on the
11 analysis and preliminary determination. For the purpose of determining the date
12 on which notice is provided under this subsection, the date on which the department
13 first publishes the notice on its Internet Web site shall be considered the date of
14 notice.

15 SECTION 104. 285.62 (3) (a) 1g. of the statutes is created to read:

16 285.62 (3) (a) 1g. The name and address of the applicant.

17 SECTION 105. 285.62 (3) (a) 1m. of the statutes is created to read:

18 285.62 (3) (a) 1m. Information indicating where the application may be viewed
19 on the department's Internet Web site.

20 SECTION 106. 285.62 (3) (c) of the statutes is amended to read:

21 285.62 (3) (c) The department shall publish the notice prepared under par. (a)
22 as a class 1 notice under ch. 985 in a newspaper published in the area that may be
23 affected by emissions from the stationary source, shall publish the notice on its
24 Internet Web site, and shall provide notice to interested and potentially interested
25 persons through an electronic notification system established by the department.

1 For the purpose of determining the date on which public notice is provided under this
2 paragraph, the date on which the department first publishes the notice on its
3 Internet Web site shall be considered the date of public notice.

4 **SECTION 107.** 285.63 (11) of the statutes is created to read:

5 285.63 (11) MODELING. The department is not required to use air dispersion
6 modeling as a basis for making its findings under subs. (1) to (3) unless required to
7 do so under the federal clean air act.

8 **SECTION 108.** 285.76 (2) (a) of the statutes is amended to read:

9 285.76 (2) (a) Publish a class 1 notice, under ch. 985, of the proposed
10 redesignation and request for consultation with the state in a newspaper of general
11 circulation in the area that would be affected by the redesignation, as determined
12 using standards established by the federal environmental protection agency, and in
13 the official state newspaper and provide a written statement concerning the
14 proposed redesignation to those newspapers. The notices published under this
15 paragraph shall include information on how to locate the redesignation proposal on
16 the department's Internet Web site.

17 **SECTION 109.** 285.76 (2) (am) of the statutes is created to read:

18 285.76 (2) (am) Publish notice of the proposed redesignation and request for
19 consultation with the state on the department's Internet Web site.

20 **SECTION 110.** 285.76 (2) (ar) of the statutes is created to read:

21 285.76 (2) (ar) Provide to interested and potentially interested persons notice
22 of the proposed redesignation and request for consultation with the state through an
23 electronic notification system established by the department. The notice shall
24 include information indicating where the redesignation proposal may be viewed on
25 the department's Internet Web site.

1 **SECTION 111.** 285.76 (2m) of the statutes is created to read:

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

6 **SECTION 112.** 285.76 (3) of the statutes is amended to read:

7 285.76 (3) Within 15 days after receiving notification of the time and place of
8 a public hearing under 42 USC 7474 (b) (1) (A) concerning a proposal by an American
9 Indian tribal governing body to redesignate an area, the department shall provide
10 notice of the time and place of the public hearing in the manner provided in subs. (1)
11 and (2) (a) and by publication of the notice on the department's Internet Web site and
12 through an electronic notification system established by the department. If the
13 department receives notification of a hearing at the same time that it receives
14 notification of the proposed redesignation, it shall combine the ~~newspaper~~ notices
15 under this subsection with the notices under sub. (2) (a), (am), and (ar).

16 **SECTION 113.** 289.25 (3) of the statutes is amended to read:

17 289.25 (3) NOTIFICATION ON FEASIBILITY REPORT AND PRELIMINARY ENVIRONMENTAL
18 IMPACT STATEMENT DECISIONS. Immediately after the department issues a preliminary
19 determination that an environmental impact statement is not required or, if it is
20 required, immediately after the department issues the environmental impact
21 statement, the department shall publish a class 1 notice under ch. 985 in the official
22 newspaper designated under s. 985.04 or 985.05 or, if none exists, in a newspaper
23 likely to give notice in the area of the proposed facility, and shall publish the notice
24 on its Internet Web site. The notice shall include a statement that the feasibility
25 report and the environmental impact statement process are complete. The notice

1 shall invite the submission of written comments by any person within 30 days after
2 the notice for a solid waste disposal facility or within 45 days after the notice for a
3 hazardous waste facility is published. The notice shall describe the methods by
4 which a hearing may be requested under ss. 289.26 (1) and 289.27 (1). The
5 department shall distribute copies of the notice to the persons specified under s.
6 289.32. For the purpose of determining the date on which notice is published under
7 this subsection, the date on which the department first publishes the notice on its
8 Internet Web site shall be considered the date of notice.

9 **SECTION 114.** 289.31 (4) of the statutes is renumbered 289.31 (4) (am).

10 **SECTION 115.** 289.31 (4) (am) 4. of the statutes is created to read:

11 289.31 (4) (am) 4. Publication of the notice on the department's Internet Web
12 site.

13 **SECTION 116.** 289.31 (4) (am) 5. of the statutes is created to read:

14 289.31 (4) (am) 5. Providing notice to interested and potentially interested
15 persons through an electronic notification system established by the department.

16 **SECTION 117.** 289.31 (4) (bm) of the statutes is created to read:

17 289.31 (4) (bm) The notice required under par. (am) shall include all of the
18 following:

- 19 1. The name and address of the applicant.
- 20 2. A summary of the subject matter of the license.
- 21 3. Information indicating where more information about the subject matter of
22 the license may be viewed on the department's Internet Web site.

23 **SECTION 118.** 289.31 (4) (cm) of the statutes is created to read:

1 289.31 (4) (cm) For the purpose of determining the date on which public notice
2 is provided under this subsection, the date on which the department first publishes
3 the notice on its Internet Web site shall be considered the date of public notice.

4 **SECTION 119.** 289.41 (1m) (g) 1. of the statutes is amended to read:

5 289.41 (1m) (g) 1. The owner of an approved mining facility may apply, at any
6 time at least 40 years after the closing of the facility, to the department for
7 termination of the owner's obligation to maintain proof of financial responsibility for
8 long-term care of the facility. Upon receipt of an application under this subdivision,
9 the department shall publish a class 1 notice under ch. 985 in the official newspaper
10 designated under s. 985.04 or 985.05 or, if none exists, in a newspaper likely to give
11 notice in the area of the facility, shall publish the notice on its Internet Web site, and
12 shall provide the notice to interested and potentially interested members of the
13 public through an electronic notification system established by the department. The
14 notice shall include a statement that the owner has applied to terminate the owner's
15 obligation to maintain proof of financial responsibility for the long-term care of the
16 facility, the name and address of the owner, and information indicating where the full
17 text of the application may be viewed on the department's Internet Web site. The
18 notice shall invite the submission of written comments by any person within 30 days
19 after the notice is published. The notice shall describe the methods by which a
20 hearing may be requested under subds. 2. and 3. The department shall distribute
21 a copy of the notice to the owner of the facility. In any hearing on the matter, the
22 burden is on the owner to prove by a preponderance of the evidence that continuation
23 of the requirement to provide proof of financial responsibility for long-term care is
24 not necessary for adequate protection of human health or the environment. Within
25 120 days after the publication of the notice or within 60 days after any hearing is

1 adjourned, whichever is later, the department shall determine whether proof of
2 financial responsibility for long-term care of the facility continues to be required.
3 For the purpose of determining the date on which notice is provided under this
4 subdivision, the date on which the department first publishes the notice on its
5 Internet Web site shall be considered the date of notice. A determination that proof
6 of financial responsibility for long-term care is no longer required terminates the
7 owner's obligation to maintain proof of financial responsibility for long-term care.
8 The owner may not submit another application under this subdivision until at least
9 5 years after the previous application has been rejected by the department.

10 **SECTION 120.** 291.87 (3) of the statutes is amended to read:

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

1 **SECTION 121.** 291.87 (6) (a) of the statutes is amended to read:

2 291.87 (6) (a) Publishing a class 1 notice, under ch. 985, in a newspaper likely
3 to give notice in the area where the facility is located, publishing the notice on its
4 Internet Web site and providing the notice to interested and potentially interested
5 members of the public through an electronic notification system established by the
6 department.

7 **SECTION 122.** 291.87 (6m) of the statutes is created to read:

8 291.87 (6m) For the purpose of determining the date on which notice is
9 provided under subs. (4) and (5), the date on which the department first publishes
10 the notice on its Internet Web site as required under sub. (6) shall be considered the
11 date of notice.

12 **SECTION 123.** 292.31 (3) (f) of the statutes is amended to read:

13 292.31 (3) (f) *Notice; hearing.* The department shall publish a class 1 notice,
14 under ch. 985, shall publish the notice on its Internet Web site, and shall provide the
15 notice to interested and potentially interested members of the public through an
16 electronic notification system established by the department, prior to taking
17 remedial action under this subsection and subs. (1) and (7), ~~which describes.~~ The
18 notice shall describe the proposed remedial action and, the amount and purpose of
19 any proposed expenditure, the name and address of the facility that is the subject of
20 the proposed remedial action, a brief description of the proposed remedial action, and
21 information indicating where more information regarding the proposed remedial
22 action may be viewed on the department's Internet Web site. For the purpose of
23 determining the date on which notice is provided under this paragraph, the date on
24 which the department first publishes the notice on its Internet Web site shall be
25 considered the date of notice. Except as provided under par. (d), the department shall

1 provide a hearing to any person who demands a hearing within 30 days after the
2 notice is published for the purpose of determining whether the proposed remedial
3 action and any expenditure is within the scope of this section and is reasonable in
4 relation to the cost of obtaining similar materials and services. The department is
5 not required to conduct more than one hearing for the remedial action proposed at
6 a single site or facility. Notwithstanding s. 227.42, the hearing shall not be conducted
7 as a contested case. The decision of the department to take remedial action under
8 this section is a final decision of the agency subject to judicial review under ch. 227.

9 **SECTION 124.** 299.05 of the statutes is repealed and recreated to read:

10 **299.05 Deadlines for action on certain applications. (1) DEFINITION.** In
11 this section, "approval" means a license, registration, or certification specified in sub.
12 (2).

13 **(2) DEADLINES.** (a) The department, by rule, shall establish periods within
14 which the department intends to approve or disapprove an application for any of the
15 following:

- 16 1. A well driller or pump installer registration under s. 280.15 (1).
- 17 2. A water system or septage servicing vehicle operator certification under s.
18 281.17 (3).
- 19 3. A license for servicing septic tanks and similar facilities under s. 281.48 (3).
- 20 4. A solid waste incinerator operator certification under s. 285.51 (2).
- 21 5. A laboratory certification or registration under s. 299.11.

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

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

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

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

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

6 **(2m) FAILURE TO MEET DEADLINE.** (a) Subject to sub. (4), the department shall
7 refund fees paid by the applicant for an approval if the department fails to provide
8 the applicant with written notice that the department has approved or disapproved
9 the application for the approval, including the specific facts upon which any
10 disapproval is based, before the expiration of the period established under sub. (2)
11 for the approval.

12 (b) Subject to sub. (4), if the department fails to provide the applicant for an
13 approval with written notice that the department has approved or disapproved the
14 application before the expiration of the period established under sub. (2) for the
15 approval, the applicant may choose to proceed under ch. 227 as though the
16 department had disapproved the application by providing the department with
17 written notice of that choice no later than 45 days after the expiration of the period
18 established under sub. (2).

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

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

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

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

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

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

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

15 **SECTION 125.** 299.17 of the statutes is created to read:

16 **299.17 Web site information.** To the greatest extent possible, the
17 department shall publish on the department's Internet Web site the current status
18 of any application filed with the department for a permit, license, or other approval
19 under chs. 281 to 285 or 289 to 299. The information shall include notice of any
20 hearing scheduled by the department with regard to the application.

21 **SECTION 126. Initial applicability.**

22 (1) The treatment of section 30.18 (4) (a), 30.208 (3) (a), (b), (c), (e), and (f), (4)
23 (a), and (5) (a) (intro.) and (b) (intro.), 4., and 5. of the statutes, the renumbering and
24 amendment of section 30.208 (2) of the statutes, and the creation of section 30.208

1 (2) (d) of the statutes first apply to applications for individual permits or contracts
2 that are submitted on the effective date of this subsection.

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

5 **SECTION 127. Effective dates.** This act takes effect on the first day of the 4th
6 month beginning after publication, except as follows:

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

9 (END)

d-note

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0254/P1insMG
MGG:.....

SA

1 **Insert 11-21**

2m

****NOTE: I have taken out the introductory phrase in s. 30.206 (1) (am) that contains the cross-references to subs. (2b) and (2m). This is redundant because language elsewhere states that these subsections apply to general permits under s. 30.206 (1) (a) and (am) and 30.2065. See language in s. 30.206 (1) (b), (2b) (intro.) and (b) and (2m).

2 **Insert ~~14-13~~ 14-8 A**

****NOTE: I have included the phrase "renew, modify, or revoke" in s. 30.206 (2b) and (2m) in light of the language contained in the last sentence of s. 30.206 (1) (b).

3 **~~Insert 15-14~~**

4 **SECTION 1.** 30.206 (3) (a) of the statutes is amended to read:

5 30.206 (3) (a) A person wishing to proceed with an activity that may be
6 authorized by a general permit under this section or s. 30.2065 shall apply to the
7 department, with written notification of the person's wish to proceed, not less than
8 30 days before commencing the activity authorized by a general permit. The
9 notification shall provide information describing the activity in order to allow the
10 department to determine whether the activity is authorized by the general permit
11 and shall give the department consent to enter and inspect the site, subject to s.
12 30.291. The department may make a request for additional information one time
13 during the 30-day period. If the department makes a request for additional
14 information, the 30-day period is tolled from the date the person applying for
15 authorization to proceed receives the request until the date on which the department
16 receives the information.

History: 1987 a. 374; 1995 a. 227; 1997 a. 174; 2003 a. 89, 118, 326; 2007 a. 96, 204.

17 **SECTION 2.** 30.206 (5) of the statutes is amended to read:

18 30.206 (5) FAILURE TO FOLLOW PROCEDURAL REQUIREMENTS. Failure of an
19 applicant to follow the procedural requirements of this section may result in
20 forfeiture but may not, by itself, result in abatement of the activity.

History: 1987 a. 374; 1995 a. 227; 1997 a. 174; 2003 a. 89, 118, 326; 2007 a. 96, 204.

1 **SECTION 3.** 30.206 (6) of the statutes is amended to read:

2 30.206 (6) **REQUEST FOR INDIVIDUAL PERMIT.** A person proposing an activity for
3 which a general permit has been issued under this section or s. 30.2065 may request
4 an individual permit under the applicable provisions of this subchapter or ch. 31 in
5 lieu of seeking authorization under the general permit.

6 History: 1987 a. 374; 1995 a. 227; 1997 a. 174; 2003 a. 89, 118, 326; 2007 a. 96, 204.

6 **SECTION 4.** 30.2065 (2) (a) of the statutes is amended to read:

7 30.2065 (2) (a) ~~Upon compliance with the requirements under subs. (3) and (4),~~
8 the The department may issue a general permit to a person wishing to proceed with
9 an activity. A permit issued under this subsection is in lieu of any permit or approval
10 that would otherwise be required for that activity under this chapter or s. 31.02,
11 31.12, 31.33, 281.15, or 281.36.

History: 2009 a. 391.

****NOTE: See the note above that follows the creation of s. 30.206 (1) (am). ✓

12 **SECTION 5.** 30.298 (3) of the statutes is amended to read:

13 30.298 (3) Any person who violates a general permit under s. 30.206 or 30.2065
14 shall forfeit not less than \$10 nor more than \$500 for the first offense and shall forfeit
15 not less than \$50 nor more than \$500 upon conviction of the same offense a 2nd or
16 subsequent time.

History: 1987 a. 374; 2003 a. 118; 2009 a. 391.

17 ~~**Insert 23-23**~~

18 **SECTION 6.** 227.01 (13) (rt) of the statutes is amended to read:

19 227.01 (13) (rt) Is a general permit issued under s. ~~30.2065~~ 30.206.

History: 1985 a. 182; 1987 a. 27, 119, 395, 399, 403; 1989 a. 31, 56, 335, 341; 1991 a. 39, 254, 269, 300, 315; 1993 a. 16, 123, 237, 349, 364, 419, 442, 481, 491; 1995 a. 27, 215, 227, 289, 363; 1997 a. 27, 35, 231, 237; 1999 a. 9, 70; 1999 a. 150 s. 672; 1999 a. 167; 2001 a. 38, 109; 2003 a. 33 ss. 2364, 2813; 2005 a. 217, 418; 2007 a. 20; 2009 a. 2, 28, 219, 391; 2011 a. 14, 32.

INSERT 14-8 B

Section #. 30.2065 (2) (b) of the statutes is amended to read:

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

History: 2009 a. 391.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0254/PYdn
RNK&MGG:cjs:jf

slays

November 16, 2011

date

repeal

This draft contains the treatment of S. 30.2065 (3) to (9) and the merger of those repealed provisions into S. 30.206, as requested by DNR.

Attention: Dan Johnson

I have made the changes we discussed over the phone regarding incomplete applications. See treatment of s. 30.208 (3) (e). Based on some of the discussion at DNR the other day, I am concerned that there is not a "meeting of the minds" as to what is happening in s. 30.208. The changes to s. 30.208 in this substitute amendment require that DNR hold public hearings and accept public comments on applications within certain time deadlines, regardless of whether they are complete. If that is not the desired intent, please call me to discuss redrafting.

This draft contains various changes to the notice provisions in s. 30.2065. In a subsequent version of this draft, the other changes suggested by DNR (repeal of s. 30.2065 (3) to (10)) need to be included in this draft since they want the changes to s. 30.206 that are in this draft to apply to s. 30.2065.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

This substitute amendment makes various changes to Special Session Senate Bill 24 including changes to requirements for the Department of Natural Resources (DNR) to provide public notice concerning certain hearings, applications, and approvals. Because many of the relevant statutes in current law have different requirements for these notices, I tried to make your requested changes in a way that was tailored to each statute. Consequently, some of the language in the substitute amendment is different than the language requested. For example, the substitute amendment does not require DNR to give a notice to provide the date and time of a hearing if, in fact, under current law DNR is only required to give notice of a complete application and not a hearing.

Under s. 289.31 (4) (b) in current law, DNR must provide notice of the intent to issue an operating license for a hazardous waste facility not only by publishing a class 1 notice but also by broadcasting a notice by radio announcement. Consequently, under this substitute amendment, the expanded content of the notice must also be included in the radio announcement. Is this O.K.?

Please note that under current law, the new requirements in s. 283.39 (1)(a) will apply to ss. 283.15 (3)(a) and 283.63 (1)(a) because those provisions contain a cross-reference to s. 283.39(1)(a). Please confirm that this is consistent with your intent.

INSERT D-NOTE

also apply this substitute amendment notice

As you know, SB 24 ~~repealed and recreated~~ *repeals and recreates* s. 299.05, which concerns deadlines for actions on certain applications. One of the applications to which the deadlines apply is an application for a well driller or pump installer registration under s. 280.15. I have made the cross-reference in the substitute amendment more specific so that it applies only to business registrations and not to individual licenses under that statute. Is this consistent with your intent?

I have revised s. 30.12 (3) (a) 14., as created in the substitute amendment, which requires DNR to issue a general permit for certain piers and wharves placed in areas of special natural resource interest. The new language clarifies that under the general permit, the pier or wharf must not, in addition to meeting the requirements of sub. (1g) (f), interfere with the riparian rights of other riparian owners. Please review this language to ensure that it meets your intent.

Please confirm that the repeal of s. 30.20 (1t) (b), stats., is still consistent with your intent.

Finally, I did not revise the notice requirements under s. 281.344 because that statute applies only when the Great Lakes compact is not in effect. Because that compact is now in effect, that statute is no longer relevant.

Please feel free to contact me if you have any questions.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

INSERT D-Note

- (9) Please review s. 283.15(3)(a) in current law. That provision contains a cross-reference to notices under s. 283.39. Given the treatments to s. 283.39 under this substitute amendment, please ^{confirm that the} cross-reference to s. 283.39 in s. 283.15(3)(a) is consistent with your intent. Also, there is ~~also~~ a cross-reference to s. 283.39(1) in s. 283.63(1)(a), as amended in this substitute amendment. Again, please confirm that this cross-reference is O.K.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0254/P2dn
RNK&MGG:cjs:rs

November 17, 2011

Attention: Dan Johnson

I have made the changes we discussed over the phone regarding incomplete applications. See treatment of s. 30.208 (3) (e). Based on some of the discussion at DNR the other day, I am concerned that there is not a "meeting of the minds" as to what is happening in s. 30.208. The changes to s. 30.208 in this substitute amendment require that DNR hold public hearings and accept public comments on applications within certain time deadlines, regardless of whether they are complete. If that is not the desired intent, please call me to discuss redrafting.

This draft contains the repeal of s. 30.2065 (3) to (9) and the merger of those repealed provisions into s. 30.206, as requested by DNR.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

This substitute amendment makes various changes to requirements for DNR to provide public notice concerning certain hearings, applications, and approvals. Because many of the relevant statutes in current law have different requirements for these notices, I tried to make your requested changes in a way that was tailored to each statute. Consequently, some of the language in the substitute amendment is different than the language requested. For example, the substitute amendment does not require DNR to give a notice to provide the date and time of a hearing if, in fact, under current law DNR is only required to give notice of a complete application and not a hearing.

Please review s. 283.15 (3) (a) in current law. That provision contains a cross-reference to notices under s. 283.39. Given the treatments to s. 283.39 under this substitute amendment, please confirm that the cross-reference to s. 283.39 in s. 283.15 (3) (a) is consistent with your intent. Also, there is a cross-reference to s. 283.39 (1) in s. 283.63 (1) (a), as amended in this substitute amendment. Again, please confirm that this cross-reference is O.K.

Under s. 289.31 (4) (b) in current law, DNR must provide notice of the intent to issue an operating license for a hazardous waste facility not only by publishing a class 1

notice but also by broadcasting a notice by radio announcement. Consequently, under this substitute amendment, the expanded content of the notice must also be included in the radio announcement. Is this O.K.?

As you know, SB 24 repeals and recreates s. 299.05, which concerns deadlines for actions on certain applications. One of the applications to which the deadlines apply is an application for a well driller or pump installer registration under s. 280.15. I have made the cross-reference in the substitute amendment more specific so that it applies only to business registrations and not to individual licenses under that statute. Is this consistent with your intent?

I have revised s. 30.12 (3) (a) 14., as created in the substitute amendment, which requires DNR to issue a general permit for certain piers and wharves placed in areas of special natural resource interest. The new language clarifies that under the general permit, the pier or wharf must not, in addition to meeting the requirements of sub. (1g) (f), interfere with the riparian rights of other riparian owners. Please review this language to ensure that it meets your intent.

Please confirm that the repeal of s. 30.20 (1t) (b), stats., is still consistent with your intent.

Finally, I did not revise the notice requirements under s. 281.344 because that statute applies only when the Great Lakes compact is not in effect. Because that compact is now in effect, that statute is no longer relevant.

Please feel free to contact me if you have any questions.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Gibson-Glass, Mary

From: Johnson, Dan
Sent: Monday, November 21, 2011 3:40 PM
To: Gibson-Glass, Mary
Subject: RE: SS SB 24 amendment comments

Okay, thanks. I looked at it from the prism of 'dredging material'. Go ahead and repeal that provision.

Dan

From: Gibson-Glass, Mary
Sent: Monday, November 21, 2011 3:38 PM
To: Johnson, Dan
Cc: Kite, Robin
Subject: RE: SS SB 24 amendment comments

Dan,

The repeal of s. 30.20 (1t) (b) was part of AB 177 and have nothing to do with changes in this sub to s. 30.20. Robin did not realize this when she wrote you the last drafter's note. It had to do with the fact that language regarding authorized general permits, as opposed to the required general permits, are now found in s. 30.206 (1)(am), as created in this draft. This is how DNR requested it to be done in the sub to AB 177. It is also necessary to be consistent with the repeal of other similar provisions such as s. 30.19 (3r) (b).

Therefore, the repeal of s. 30.20 (1t) (b) needs to continue as part of the draft.

Mary

From: Johnson, Dan
Sent: Monday, November 21, 2011 3:15 PM
To: Kite, Robin; Gibson-Glass, Mary
Subject: SS SB 24 amendment comments

Hi Mary and Robin,

Attached are comments and instructions regarding LRBs0254/P2, the substitute amendment for Special Session Bill 24. I am waiting for one final comment from the DNR regarding this draft, but wanted to get started on revisions to this amendment. Senator Kedzie is hoping to take action on this amendment on Wednesday, November 30th. Thus, we need to have it ready to go preferably no later than next Monday. If you believe that is or is not possible, let me know.

Of course, if you have any questions regarding these instructions, please call or write. I should have the final comment from the DNR to you very soon. Thank you!!

Dan Johnson
Chief of Staff
State Senator Neal Kedzie
11th Senate District
608.266.2635

<< File: SSA to SS SB 24 amendment comments.doc >>

Gibson-Glass, Mary

From: Johnson, Dan
Sent: Monday, November 21, 2011 4:55 PM
To: Kite, Robin; Gibson-Glass, Mary
Subject: RE: SS SB 24 amendment comments

Okay, thank you. If by this Wednesday it appears it will not be ready by Monday, let me know. The DNR has submitted its final comments on the amendment to me, which we agree with adding to the bill.

- ✓ 1. The first is a minor revision to reissuing WPDES permits under 283.53(1), which should now read as follows:

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

2. The next is in regards to the noticing requirements under s. 283.53 as they may relate to changes to nutrient management plans for concentrated agricultural feeding operations, or CAFOs. The DNR believes having to notice changes to such plans in a newspaper with a 30-day public hearing requirement would be very cumbersome. Thus, we are requesting the following language to be added to the amendment:

SECTION xx. 283.53(2)(b) is amended to read:

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

SECTION xx. 283.53(2)(c) is amended to read:

283.53(2)(c) The department shall also notify the U.S. environmental protection agency, the U.S. army corps... of the public notice of its intention to modify, ~~suspend or terminate, or revoke and reissue~~ a permit. Such notice shall incorporate the terms of the notice sent to the permittee and shall be circulated to members of the public in accordance with s. 283.39(1), except for notice of a proposed modification to a permit that authorizes a substantial change to the nutrient management plan of a concentrated animal feeding operation. For a modification to authorize a substantial change to the nutrient management plan, the Department is not required to provide notice of the substantial change under s. 283.39(1)(a). All written comments on the proposed substantial change shall be submitted within 14 days of the date notice is provided in s. 283.39(1)(d).

SECTION xx. 283.53(2)(d) is amended to read:

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

283.39(1)(d).

3. The final comment is the new notification requirements for Individual Permits under 30.208 is missing from the draft. I'm not sure how we missed this, but it should be included in the Individual Permit process and mirror the same notification requirements for General Permits.

Dan Johnson

State Senator Neal Kedzie

11th Senate District

608.266.2635

From: Kite, Robin
Sent: Monday, November 21, 2011 3:35 PM
To: Johnson, Dan
Cc: Gibson-Glass, Mary
Subject: RE: SS SB 24 amendment comments

Dan:

I will do my best to get this draft to you by next Monday. I am leaving town on Thanksgiving morning and will not be back until Tuesday. And Mary will be out of the office on Wednesday and Thursday this week.

The draft does not have an initial applicability provision with regard to the new notice requirements. I think it is advisable that the draft specify that the new notice requirements first apply to applications that are submitted on the effective date of the bill. Otherwise, it will be unclear whether DNR has satisfied the notice requirements with regard to applications that have been submitted before the bill takes effect and that are still being processed. Do you concur?

Robin

From: Johnson, Dan
Sent: Monday, November 21, 2011 3:15 PM
To: Kite, Robin; Gibson-Glass, Mary
Subject: SS SB 24 amendment comments

Hi Mary and Robin,

Attached are comments and instructions regarding LRBs0254/P2, the substitute amendment for Special Session Bill 24. I am waiting for one final comment from the DNR regarding this draft, but wanted to get started on revisions to this amendment. Senator Kedzie is hoping to take action on this amendment on Wednesday, November 30th. Thus, we need to have it ready to go preferably no later than next Monday. If you believe that is or is not possible, let me know.

Of course, if you have any questions regarding these instructions, please call or write. I should have the final comment from the DNR to you very soon. Thank you!!

Dan Johnson

Chief of Staff

State Senator Neal Kedzie

11th Senate District
608.266.2635

<< File: SSA to SS SB 24 amendment comments.doc >>

11/22 -

Conversation w/ Dan -

We discussed need for initial app. re: notice changes

Given the delayed app. date + DNR's position that it can implement these changes in 4 months - we concluded that most of the provisions in the amendment do not need an initial app. provision

Sen. Kedzie comments on SSA to SS SB 24
November 21, 2011

Response to Drafter's Note Memo

- Under the bill and amendment, public hearings could be held on "pending" applications. The DNR believes only complete applications would be the subject of such hearings since it has the ability to request additional information from the applicant if necessary before moving to the next step. We agree and the current language meets our intent.
- The DNR is fine with the revisions to and merging of s. 30.2065.

○ ✓ We believe the cross-references to notices under s. 283.15(3)(a) and 283.63(1)(a) are acceptable under the amendment.

RUK □ ✓ We do not believe the expanded content should also be included with a radio announcement. The intent was to include such content only within the context of a newspaper.

RAK □ ✓ The specificity of s. 280.15(1) under s. 299.05 of the amendment is acceptable.

RUK ✓ The addition of new language that says a pier may be placed in ASNRI waters under a General Permit so long as it does not interfere with the riparian rights of others is acceptable.

No • Since the previous provisions under the bill regarding dredging of material are being removed by the amendment, then s. 30.20 (1)(b) should be retained in statute and not repealed by the amendment. part of ASA to AB 177
OKed by Dan

Response to Embedded Drafter's Notes

- ✓ Page 11, line 20 – OK
- ✓ Page 14, line 7 – OK
- ✓ Page 15, line 14 – OK

Revision to the Amendment

NGC ✓ On page 5, line 2, we requested a specific reference to s. 30.27(1). It does not appear in the amendment draft, but it should be added.

299.05
only
per law
RNK ✓ Delete "by rule" wherever it appears in the amendment.

Page 27, lines 8-9; Delete, "There is no limit on the number of times that a permit may be renewed."

RNK ✓ Add a definition that "summary" means "a brief, precise, and plain-language description that can be easily understood."

RNK ✓ Wherever it appears in the draft, **change this:** "interested and potentially interested members of the public (or persons)"

RNK ✓ **To this:** "members of the public (or persons) who have verbally or in writing expressed an interest regarding such notification to the Department"

per den -
just take
"potentially
interested"

~~RNK~~
MGS ✓ On page 18, lines 21-25, **change this:** If the decision issued by the department under this paragraph is a denial or disapproval, the department shall include in the decision the specific grounds and reasons as to how the applicable provisions of this subchapter were not met and the steps that the applicant needs to take to meet those provisions if the applicant decides to reapply.

To this: If the decision issued by the department under this paragraph is a denial or disapproval, the department shall include in the decision the specific grounds and reasons as to how the applicable provisions of this subchapter were not met. If the denial or disapproval is based on an incomplete application, the department shall specify to the applicant the areas on the application which were incomplete.

RNK ✓ On page 21, lines 1-3, **change this:** For the purpose of determining the date on which notice is provided under this subsection, the date on which the department first publishes the notice on its Internet Web site shall be considered the date of notice.

✓ **To this:** For the purpose of determining the date on which notice is provided under this subsection, the date shall be the day on which the department first publishes the notice on its Internet Web site, or 10 days after the department receives proof from the applicant that a class 1 notice has been submitted, whichever is later.