



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-1785/P1  
MCP:emw

DOA:.....Potts, BB0498 - Notification of WPDES permit violations

**FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT** ...; **relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

***Requiring notification of water-related permit violations***

Under this bill, if DNR finds that the holder of a Wisconsin Pollutant Discharge Elimination System permit has violated a limitation under the permit that is based on a groundwater standard, DNR must notify the county health department and county land and conservation department in the county in which the permit holder is located and the county health department and county land and conservation department in any adjacent county that DNR determines may be negatively affected by the violation. The bill requires DNR to provide these notices within seven business days after confirming that a violation has occurred. The bill also allows DNR to establish, by rule, procedures for providing the required notice. Finally, the bill requires DNR to create and maintain a notification system for notifying county health departments, county land and conservation departments, and interested parties of the violations but requires that the notification system ensure that county health departments and county land and conservation departments are notified of a violation at least 24 hours before anyone else is notified.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 283.90 of the statutes is created to read:

**283.90 Notification of violations.** Whenever, on the basis of any information available to it, the department finds that a permit holder has violated any limitation in a permit that is based on a groundwater protection standard under ch. 160, the department shall notify the county health department and county land and conservation department in the county in which the permit holder is located and the county health department and county land and conservation department in any adjacent county that the department determines may be negatively affected as a result of the violation. The department shall provide this notice within 7 business days after confirming that a violation has occurred. The department shall create and maintain a notification system for notifying county health departments, county land and conservation departments, and interested parties of the violations described in this section. The department may establish, by rule, procedures for providing notice under this section. The notification system under this section shall ensure that county health departments and county land and conservation departments are notified at least 24 hours prior to notifying any other interested parties.

**SECTION 9132. Nonstatutory provisions; Natural Resources.**

(1) EMERGENCY RULES FOR NOTIFICATION OF WATER PERMIT VIOLATIONS. The department of natural resources may use the procedure under s. 227.24, to promulgate rules under s. 283.90. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until July 1,

2025, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (e) 1d. and 1g., the department is not required to prepare a statement of scope of the rules promulgated under this subsection and is not required to present the rules promulgated under this subsection to the governor for approval.

**SECTION 9432. Effective dates; Natural Resources.**

(1) NOTIFICATION OF WATER PERMIT VIOLATIONS. The treatment of s. 283.90 takes effect on the first day of the 7th month beginning after publication.

(END)