



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5092/4
MCP:skw

2019 ASSEMBLY BILL 867

February 7, 2020 - Introduced by Representatives POPE, HEBL, SHANKLAND, ANDERSON, BILLINGS, BROSTOFF, EMERSON, FIELDS, NEUBAUER, C. TAYLOR, ZAMARRIPA, SARGENT, SUBECK, GRUSZYNSKI, STUBBS, CABRERA, MILROY, SINICKI, HESSELBEIN, OHNSTAD, CONSIDINE and VRUWINK, cosponsored by Senators MILLER, SMITH, RISSER, ERPENBACH, LARSON, SCHACHTNER, CARPENTER and WIRCH. Referred to Committee on Agriculture.

1 **AN ACT** *to renumber and amend* 283.31 (8); and *to create* 20.285 (1) (ib),
2 20.370 (4) (ca), 20.370 (4) (cb), 20.435 (1) (d), 20.435 (1) (r), 280.11 (3), 281.16
3 (3) (em), 281.16 (3) (f) and 283.31 (5d) of the statutes; **relating to:** groundwater
4 monitoring, CAFO fees, nutrient management plans, well construction rules,
5 the SnapPlus program, and making an appropriation.

Analysis by the Legislative Reference Bureau

The bill increases the annual fee for concentrated animal feeding operations from \$345 to \$650. Under the bill, once every five years a CAFO must pay a fee of \$3,270 instead of the \$650 fee.

In addition, the bill requires DNR to establish a plan to expand nutrient management planning and cost-sharing availability to meet the goal of having all farmers and all manure landspreading operations be covered by a nutrient management plan by 2030. The bill also allows DNR to require groundwater monitoring at any manure landspreading location in sensitive areas of the state if a public health risk exists.

The bill also requires DNR, as necessary, to establish rules and update existing rules relating to well construction and pump installation to provide enhanced requirements to protect groundwater in sensitive geologic formations.

Under the bill, DNR, the Department of Agriculture, Trade and Consumer Protection, the U.S. Department of Agriculture Natural Resources Conservation Service, the University of Wisconsin-Extension, and the University of

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Wisconsin-Madison Department of Soil Science must collaborate to update the SnapPlus program, to take into account nutrient loss. The UW-Extension must also update its nutrient application guidelines to take into account nutrient loss.

Finally, the bill creates several sum sufficient appropriations to ensure rapid response time for the State Laboratory of Hygiene to perform testing relating to water contamination; for DNR and the Department of Health Services to perform emergency testing of public and private water supplies near areas of known contamination from perfluoroalkyl or polyfluoroalkyl substances (PFAS); for DNR to assist municipalities and the public in addressing local sites that are contaminated with PFAS; and for DHS to make recommendations to DNR on groundwater standards.

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

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

1 **SECTION 1.** 20.285 (1) (ib) of the statutes is created to read:

2 20.285 (1) (ib) *State laboratory of hygiene, water analyses.* A sum sufficient to
3 ensure rapid response times for testing relating to water contamination.

4 **SECTION 2.** 20.370 (4) (ca) of the statutes is created to read:

5 20.370 (4) (ca) *PFAS rapid response.* From the general fund, a sum sufficient
6 for emergency testing of public and private water supplies near areas of known
7 contamination from perfluoroalkyl or polyfluoroalkyl substances.

8 **SECTION 3.** 20.370 (4) (cb) of the statutes is created to read:

9 20.370 (4) (cb) *PFAS assistance.* From the general fund, a sum sufficient to
10 assist municipalities and the public in addressing local sites that are contaminated
11 from perfluoroalkyl or polyfluoroalkyl substances.

12 **SECTION 4.** 20.435 (1) (d) of the statutes is created to read:

13 20.435 (1) (d) *PFAS rapid response.* A sum sufficient for emergency testing of
14 public and private water supplies near areas of known contamination from
15 perfluoroalkyl or polyfluoroalkyl substances.

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1 **SECTION 5.** 20.435 (1) (r) of the statutes is created to read:

2 20.435 (1) (r) *Groundwater standards.* From the environmental fund, a sum
3 sufficient to make groundwater recommendations under s. 160.

4 **SECTION 6.** 280.11 (3) of the statutes is created to read:

5 280.11 (3) The department shall, as necessary, promulgate rules and update
6 existing rules relating to well construction and pump installation to provide
7 enhanced requirements to protect groundwater in sensitive geologic formations.

8 **SECTION 7.** 281.16 (3) (em) of the statutes is created to read:

9 281.16 (3) (em) The department shall establish a plan to expand nutrient
10 management planning and cost-sharing availability with the goal of having every
11 owner or operator of an agricultural practice in this state, and every person who
12 applies manure to land in this state, develop a nutrient management plan by 2030.

13 **SECTION 8.** 281.16 (3) (f) of the statutes is created to read:

14 281.16 (3) (f) The department may require groundwater monitoring at any
15 location of an agricultural practice and any location where manure is applied to land,
16 if located in a sensitive area and if a public health risk exists.

17 **SECTION 9.** 283.31 (5d) of the statutes is created to read:

18 283.31 (5d) Each permit issued by the department under this section to an
19 animal feeding operation or to a person who applies manure to land may, in addition
20 to those criteria provided in subs. (3) and (4), require groundwater monitoring.

21 **SECTION 10.** 283.31 (8) of the statutes, as affected by 2019 Wisconsin Act 9, is
22 renumbered 283.31 (8) (a) and amended to read:

23 283.31 (8) (a) The holder of a permit under this section for a concentrated
24 animal feeding operation shall annually pay to the department a fee of \$345, which

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1 ~~shall be credited to the appropriation account under s. 20.370 (9) (ag) \$650, except~~
2 ~~in years in which the permit holder pays the fee under par. (b).~~

3 (b) The holder of a permit under this section for a concentrated animal feeding
4 operation shall pay to the department a fee of \$3,270 every 5 years.

5 (c) The fee paid under pars. (a) and (b) shall be credited to the appropriation
6 account under s. 20.370 (9) (ag).

7 (d) The department shall annually submit a report to the joint committee on
8 finance and, under s. 13.172 (3), to the standing committees of the legislature with
9 jurisdiction over agricultural and environmental matters describing the use of the
10 moneys credited to the appropriation account under s. 20.370 (9) (ag) under this
11 subsection and the use of the moneys appropriated under s. 20.370 (9) (ap).

12 **SECTION 11. Nonstatutory provisions.**

13 (1) UPDATING SNAPPLUS. The department of natural resources, department of
14 agriculture, trade and consumer protection, U.S. Department of Agriculture Natural
15 Resources Conservation Service, University of Wisconsin-Extension, and
16 University of Wisconsin-Madison Department of Soil Science shall collaborate to
17 update any nutrient management software program provided to the public,
18 including the online SnapPlus program, to take into account nutrient loss.

19 (2) UPDATING NUTRIENT RECOMMENDATIONS. The University of
20 Wisconsin-Extension shall update its nutrient application guidelines to take into
21 account nutrient loss.

22 (END)