



2019 ASSEMBLY BILL 700

December 23, 2019 - Introduced by Representatives BILLINGS, NYGREN, SHANKLAND, NOVAK, KOLSTE, HEBL, SPREITZER, POPE, ANDERSON, C. TAYLOR, CONSIDINE, OHNSTAD, NEUBAUER, GRUSZYNSKI, STUBBS, B. MEYERS, FIELDS, CROWLEY, SARGENT, EMERSON, VINING, HESSELBEIN, SUBECK, VRUWINK, ALLEN, DOYLE and TUSLER, cosponsored by Senators SHILLING, SCHACHTNER, BEWLEY, JACQUE, CARPENTER, RISSER, L. TAYLOR, LARSON, MILLER, HANSEN, ERPENBACH, RINGHAND and OLSEN. Referred to Committee on Environment.

1 **AN ACT to create** 283.90 of the statutes; **relating to:** notifying counties of certain
2 water pollution violations, providing an exemption from emergency rule
3 procedures, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under this bill, if the Department of Natural Resources finds that the holder of a Wisconsin Pollutant Discharge Elimination System permit has violated groundwater standards, 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 types of violations that trigger the notice requirement.

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:

ASSEMBLY BILL 700**SECTION 1**

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

2 **283.90 Notification of violations.** Whenever on the basis of any information
3 available to it the department finds that a permit holder has violated any
4 groundwater protection standards under ch. 160, the department shall notify the
5 county health department and county land and conservation department in the
6 county in which the permit holder is located and the county health department and
7 county land and conservation department in any adjacent county that the
8 department determines may be negatively affected as a result of the violation. The
9 department shall provide this notice within 7 business days after confirming that a
10 violation has occurred. The department shall create and maintain a notification
11 system for notifying county health departments, county land and conservation
12 departments, and interested parties of the violations described in this section. The
13 department may establish, by rule, procedures for providing notice under this
14 section.

15 **SECTION 2. Nonstatutory provision.**

16 (1) Using the procedure under s. 227.24, the department of natural resources
17 may promulgate rules under s. 283.90. Notwithstanding s. 227.24 (1) (c) and (2),
18 emergency rules promulgated under this subsection remain in effect until July 1,
19 2021, or the date on which permanent rules take effect, whichever is sooner.
20 Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide
21 evidence that promulgating a rule under this subsection as an emergency rule is
22 necessary for the preservation of the public peace, health, safety, or welfare and is
23 not required to provide a finding of emergency for a rule promulgated under this
24 subsection. Notwithstanding s. 227.24 (1) (e) 1d. and 1g., the department is not
25 required to prepare a statement of scope of the rules promulgated under this

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1 subsection and is not required to present the rules promulgated under this
2 subsection to the governor for approval.

3 **SECTION 3. Effective date.**

4 (1) This act takes effect on the first day of the 7th month beginning after
5 publication.

6 (END)