



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-1928/P3
ZDW:amn/cjs/emw

DOA:.....Richter, BB0525 - Environmental impacts on covered communities

FOR 2025-2027 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

ENVIRONMENT

GENERAL ENVIRONMENT

Environmental impacts to covered communities

Under current law, DNR issues various permits for the operation of facilities as part of DNR's regulation of air and water pollution and hazardous and solid waste. Under the bill, DNR may not issue permits for those facilities located in covered communities unless the permit applicant 1) prepares a report assessing the environmental impact of the facility, 2) makes the report available to the public and provides the report to DNR and to the municipality in which the covered community is located, and 3) conducts a public hearing in the municipality in which the covered community is located. Under the bill, "covered community" means a census tract that is at or above the 65th percentile for share of households with a household income at or below 200 percent of the federal poverty level and that meets any other criteria from a specified list.

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:

SECTION 1. 23.405 of the statutes is created to read:

23.405 Report on environmental impacts to covered communities. (1)

In this section:

(a) "Covered community" means a census tract that is at or above the 65th percentile for share of households with a household income at or below 200 percent of the federal poverty level and is any of the following:

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1. At or above the 90th percentile for share of households that are both earning less than 80 percent of area median family income, as determined by the federal department of housing and urban development, and are spending more than 30 percent of their income on housing costs.

2. At or above the 90th percentile for share of homes built before 1960.

3. At or above the 90th percentile for having hazardous waste treatment, storage, or disposal facilities or large quantity generators located within 3.1 miles.

4. At or above the 90th percentile for number of proposed or listed sites identified by the federal environmental protection agency as superfund or national priorities list sites located within 3.1 miles.

5. At or above the 90th percentile for mixture of particles in diesel exhaust in the air, measured as pounds per cubic foot.

6. At or above the 90th percentile for number of vehicles, based on average annual daily traffic, at major roads within 1,640 feet, divided by distance in feet.

7. At or above the 90th percentile for risk-screening environmental indicators modeled toxic concentrations at stream segments within 1,640 feet, divided by distance in feet.

8. Occupied by a federally recognized American Indian tribe or band.

(b) “Cumulative impacts” means the combined past, present, and foreseeable future emissions and discharges occurring in a specific geographical area that are assessed based upon guidance issued by the department for exposure, public health or environmental risk, or other effects to the geographical area.

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(c) “Facility” means any facility, the operation of which requires a permit issued by the department under ch. 283, 285, 289, or 291.

(2) The department shall identify and maintain a list of covered communities in the state. The department shall update the list as necessary to reflect the most recent data on household income and the most recent federal decennial census.

(3) The department may not issue a permit under ch. 283, 285, 289, or 291 for the operation of a facility that is located wholly or partly within a covered community unless the permit applicant does all of the following:

(a) Prepares a report assessing the environmental impact of the facility, including any cumulative impacts on the covered community, any adverse environmental effects that could not be avoided if the permit were issued, and the public health impact on the covered community.

(b) Makes the report available to the public and provides the report to the department and the governing body and municipal clerk for the municipality in which the covered community is located.

(c) Not less than 30 days after providing the report to the department and the governing body and municipal clerk under par. (b), conducts a public hearing in the municipality in which the covered community is located. The permit applicant shall conduct the public hearing in a manner that provides clear, accurate, and complete information about the facility and that provides the opportunity for meaningful public participation by residents of the covered community. Not less than 21 days prior to the hearing, the permit applicant shall publish public notices of the hearing in no fewer than 2 newspapers circulating within the covered

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community. Not less than 14 days prior to the hearing, the permit applicant shall provide a copy of the public notice to the department and the governing body and the municipal clerk of the municipality in which the covered community is located.

(4) If a permit applicant is applying for more than one permit for a proposed new or expanded facility that is subject to sub. (3), the permit applicant is not required to comply with sub. (3) more than once for permits applicable to that facility.

(5) Following a public hearing conducted under sub. (3) (c), the department shall consider community support and any testimony presented in its decision to grant or deny a permit and shall evaluate any revisions or conditions to the permit that may be necessary to reduce the adverse impact to public health or to the environment in the covered community.

(6) The department shall issue a decision on a permit application that is subject to sub. (3) not less than 60 days following the public hearing held as required by sub. (3) (c). The department may deny an application for a permit for the operation of a facility that is located wholly or partly within a covered community if the department finds that the cumulative impact of the facility, in addition to the existing conditions in the covered community, constitute an unreasonable risk to the environment and the health of the residents in the covered community.

(7) The department may promulgate any rules necessary to administer this section.

SECTION 9432. Effective dates; Natural Resources.

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SECTION 9432

(1) ENVIRONMENTAL IMPACTS TO COVERED COMMUNITIES.

(a) Except as provided in par. (b), the treatment of s. 23.405 takes effect on the first day of the 6th month beginning after publication.

(b) The treatment of s. 23.405 (1) (a) and (2) takes effect on first day of the 4th month beginning after publication.

(END)