



2017 SENATE BILL 739

January 29, 2018 - Introduced by Senators SHILLING, BEWLEY, CARPENTER, ERPENBACH, HANSEN, MILLER, RINGHAND and VINEHOUT, cosponsored by Representatives BILLINGS, NYGREN, ANDERSON, BERCEAU, E. BROOKS, CONSIDINE, CROWLEY, DOYLE, HEBL, HESSELBEIN, KOLSTE, NOVAK, OHNSTAD, POPE, SARGENT, SHANKLAND, SINICKI, SPREITZER, SUBECK, C. TAYLOR and VRUWINK. Referred to Committee on Natural Resources and Energy.

1 **AN ACT** *to create* 283.90 of the statutes; **relating to:** notifying well owners and
2 counties of certain water pollution violations, providing an exemption from
3 emergency rule 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 certain provisions of the permit, DNR must notify the owners of any wells that may be negatively affected by the violation and the county or counties in which the permit holder and any wells that may be negatively affected by the violation are located. The bill requires DNR to provide these notices within 30 days after finding that a violation has occurred and within 24 hours if DNR determines that the violation poses a serious risk to public health. The bill also requires DNR to establish, by rule, procedures for providing the required notice.

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:

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

SENATE BILL 739**SECTION 1**

1 **283.90 Notification of violations.** Whenever on the basis of any information
2 available to it the department finds that a permit holder has violated any of the
3 conditions, terms, or criteria specified in the permit under s. 283.31 (3) to (6), the
4 department shall notify the owners of any wells that may be negatively affected by
5 the violation and the county or counties in which the permit holder and any wells that
6 may be negatively affected by the violation are located. The department shall
7 provide this notice within 30 days after finding that a violation has occurred except
8 that, if the department determines that the violation poses a serious risk to public
9 health, the department shall provide the notice, with the assistance of the applicable
10 county health departments if possible, within 24 hours after finding that a violation
11 has occurred. The department shall establish, by rule, procedures for providing
12 notice under this section.

13 **SECTION 2. Nonstatutory provision.**

14 (1) Using the procedure under section 227.24 of the statutes, the department
15 of natural resources may promulgate rules required under section 283.90 of the
16 statutes. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency
17 rules promulgated under this subsection remain in effect until July 1, 2019, or the
18 date on which permanent rules take effect, whichever is sooner. Notwithstanding
19 section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide
20 evidence that promulgating a rule under this subsection as an emergency rule is
21 necessary for the preservation of the public peace, health, safety, or welfare and is
22 not required to provide a finding of emergency for a rule promulgated under this
23 subsection. Notwithstanding section 227.24 (1) (e) 1d. and 1g. of the statutes, the
24 department is not required to prepare a statement of scope of the rules promulgated

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1 under this 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)