



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4806/1
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2019 ASSEMBLY BILL 794

January 24, 2020 - Introduced by Representatives FELZKOWSKI, KRUG, SUMMERFIELD, NOVAK, KITCHENS, KURTZ, BALLWEG, BRANDTJEN, DITTRICH, DUCHOW, EDMING, KATSMA, KNODL, KULP, LOUDENBECK, MAGNAFICI, MURSAU, NYGREN, PETRYK, PRONSCHINSKE, RAMTHUN, SKOWRONSKI, SORTWELL, SWEARINGEN, TRANEL, VANDERMEER, ZIMMERMAN, TUSLER, GUNDRUM, BORN, ALLEN and SPIROS, cosponsored by Senators JACQUE, LEMAHIEU, OLSEN, TIFFANY, KOOYENGA, STROEBEL, WANGGAARD and CRAIG. Referred to Committee on Government Accountability and Oversight.

1 **AN ACT to amend** 160.07 (2); and **to create** 160.05 (7) and 160.07 (4m) of the
2 statutes; **relating to:** public notice and comment period for certain
3 groundwater standards.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources compiles a list of substances that are detected in or have a reasonable probability of entering the groundwater resources of this state; identifies which of these substances is of public health or welfare concern; and ranks the substances based on their risks to public health or welfare. DNR submits the list of substances identified as a public health concern to the Department of Health Services. DHS develops recommendations for enforcement standards for those substances, which DNR then incorporates into its rules.

Under this bill, DNR must provide public notice of the list of groundwater substances that it compiles, including by publishing such a list on its Internet site, and must include notice of the information and reasoning it used in compiling the list. DNR must also provide a 21-day public comment period to allow for comments on the substances included on the list. The bill also requires DHS, upon developing a recommended enforcement standard for a substance identified as a public health risk, to provide public notice and a 21-day public comment period on the proposed recommendation, and must provide notice of the information and reasoning it used in developing the recommendation, before submitting the recommendation to DNR.

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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.** 160.05 (7) of the statutes is created to read:

2 160.05 (7) NOTICE AND PUBLIC COMMENT. Upon placing the name of a new
3 substance within a category or changing the category of a substance under this
4 section, the department shall provide public notice, which may include by publishing
5 the list on the department's Internet site, of the current list of categories and
6 rankings of substances and the information and reasoning used in determining each
7 substance's category and ranking. The department shall provide for a period of at
8 least 21 days following public notice of the list for public comment on the list, during
9 which time any person may submit written comments to the department with
10 respect to the list. The department shall retain all written comments submitted
11 during the public comment period and shall consider those comments in determining
12 whether to submit the list to the department of health services under s. 160.07 (2),
13 or establish enforcement standards for substances of public welfare concern under
14 s. 160.09, based on the list as originally proposed or whether to modify the proposed
15 list.

16 **SECTION 2.** 160.07 (2) of the statutes is amended to read:

17 160.07 (2) Within 10 days after ~~placing the name of a new substance within a~~
18 ~~category or changing the category of a substance~~ the expiration of the period for
19 public comment under s. 160.05 (7), the department shall submit the current list of
20 categories and rankings of substances to the department of health services.

21 **SECTION 3.** 160.07 (4m) of the statutes is created to read:

