

# State of Wisconsin



2011 Senate Bill 557

Date of enactment: **March 23, 2012**

Date of publication\*: **April 6, 2012**

## 2011 WISCONSIN ACT 151

AN ACT *to repeal* 283.84 (1m) (c), 283.84 (2) and (3) and 283.84 (5); *to amend* 20.370 (4) (ag), 20.370 (4) (as), 283.84 (1), 283.84 (1m) (intro.), (a) and (b), 283.84 (3m) and 283.84 (4); and *to create* 283.84 (1) (d), 283.84 (1) (e), 283.84 (1m) (d), 283.84 (3r) and 283.84 (6) of the statutes; **relating to:** trading of water pollution credits, granting rule-making authority, and making an appropriation.

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

**SECTION 1.** 20.370 (4) (ag) of the statutes is amended to read:

20.370 (4) (ag) *Water resources — pollution credits.* From the general fund, all moneys received under s. 283.84 (1) (c) for activities to reduce water pollution in pilot project areas, as provided in agreements under s. 283.84 (1) (c).

**SECTION 2.** 20.370 (4) (as) of the statutes is amended to read:

20.370 (4) (as) *Water resources — trading water pollution credits.* As a continuing appropriation, from the environmental fund, the amounts in the schedule for the water pollution credit trading pilot projects program under s. 283.84.

**SECTION 3.** 283.84 (1) of the statutes is amended to read:

283.84 (1) The department shall administer ~~at least one pilot project to evaluate a program for~~ the trading of water pollution credits. ~~The department may only administer a pilot project if the pilot project that~~ is consistent with the federal Water Pollution Control Act, 33 USC 1251 to 1387. Subject to sub. (1m), a pilot project under

the program the department may authorize a person required to obtain a permit to increase the discharge of pollutants above levels that would otherwise be authorized in the permit if the person does one of the following:

(a) Reaches ~~an~~ a binding, written agreement with another person who is required to obtain a permit under which the other person agrees to reduce the discharge of pollutants ~~in the project area~~ below the levels that would otherwise be authorized in the other person's permit.

(b) Reaches ~~an~~ a binding, written agreement with another person who is not required to obtain a permit under which the other person agrees to reduce the amount of water pollution that it causes ~~in the project area~~ below the levels of water pollution that it causes ~~in the project area~~ when the agreement is reached.

(c) Reaches ~~an~~ a binding, written agreement with the department or a local governmental unit, as defined in s. 16.97 (7), under which the person pays money to the department or local governmental unit and the department or local governmental unit uses the money to reduce water pollution ~~in the project area~~ or to provide cost-sharing, for the purposes of s. 281.16 (3) (e) or (4), for projects to reduce water pollution.

**SECTION 4.** 283.84 (1) (d) of the statutes is created to read:

\* Section 991.11, WISCONSIN STATUTES 2009-10 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

283.84 (1) (d) Reaches a binding, written agreement with the department under which the person reduces the discharge of pollutants under another permit that the person holds below the levels that would otherwise be authorized in the other permit.

**SECTION 5.** 283.84 (1) (e) of the statutes is created to read:

283.84 (1) (e) Reaches a binding, written agreement with the department under which the person constructs a project or implements a plan that results in reducing the amount of water pollution from sources other than the source covered by the permit.

**SECTION 6.** 283.84 (1m) (intro.), (a) and (b) of the statutes are amended to read:

283.84 (1m) (intro.) ~~-A pilot project~~ Under the program, the department may authorize a person to increase a discharge of pollutants above levels that would otherwise be authorized in the permit only if all of the following apply:

(a) The agreement under sub. (1) ~~(a), (b) or (c)~~ results in an improvement in water quality.

(b) The ~~authorized~~ increase in pollutants and the reduction in ~~pollution~~ pollutants provided for in the agreement under sub. (1) ~~(a), (b) or (c)~~ involve the same pollutant or the same water quality standard.

**SECTION 7.** 283.84 (1m) (c) of the statutes is repealed.

**SECTION 8.** 283.84 (1m) (d) of the statutes is created to read:

283.84 (1m) (d) The increase in pollutants and the reduction in pollutants occur within the same basin or portion of a basin, as determined by the department.

**SECTION 9.** 283.84 (2) and (3) of the statutes are repealed.

**SECTION 10.** 283.84 (3m) of the statutes is amended to read:

283.84 (3m) A person engaged in mining, as defined in s. 293.01 (9), prospecting, as defined in s. 293.01 (18), or nonmetallic mining, as defined in s. 295.11 (3), may not enter into an agreement under sub. (1) ~~(a), (b) or (c)~~.

**SECTION 11.** 283.84 (3r) of the statutes is created to read:

283.84 (3r) The department shall include terms and conditions related to agreements under sub. (1) in new and reissued permits.

**SECTION 12.** 283.84 (4) of the statutes is amended to read:

283.84 (4) The department shall ~~amend~~ modify the permits of persons entering into agreements under sub. (1) to enable the agreements to be implemented and to include terms and conditions related to the agreements.

**SECTION 13.** 283.84 (5) of the statutes is repealed.

**SECTION 14.** 283.84 (6) of the statutes is created to read:

283.84 (6) The department may promulgate rules for the administration of this section.