2013 DRAFTING REQUEST

Assembly Amendment (AA-AB680)

Received:	**2/13/2014**	Received By:	**btradewe**
Wanted:	**Today**	Same as LRB:	
For:	**Amy Loudenbeck (608) 266-9967**	By/Representing:	
May Contact:		Drafter:	**btradewe**
Subject:	**Environment - water quality**	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
Requester's email: **Rep.Loudenbeck@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Various changes

Instructions:

Like SA1 to SB 547 (13a1686/2)

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	btradewe 2/13/2014	csicilia 2/13/2014		_____ _____			
/1			jmurphy 2/13/2014	_____ _____	mbarman 2/13/2014	mbarman 2/13/2014	

FE Sent For:

<END>

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/?	btradewe	1 cjs 2/13 14		jm 2/13			

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<END>

Tradewell, Becky

From: Henkel, Matt
Sent: Thursday, February 13, 2014 8:50 AM
To: Tradewell, Becky
Cc: Morouney, Lonna
Subject: Phosphorus amendment - LRB 1686/2

Becky, could you get Representative Loudenbeck an Assembly version of the Phosphorus amendment - LRB 1686/2? I've cc'd in Lonna from her office.

AB 680

Thanks!

-Matt

Matthew Henkel
Office of Senator Paul Farrow
Room 323 South, State Capitol
(608) 266-9174

State of Wisconsin
2013 – 2014 LEGISLATURE

LRB-a1686/2
RCT:cjs:rs

SENATE AMENDMENT 1,

TO SENATE BILL 547

February 12, 2014 – Offered by Senator FARROW.

At the locations indicated, amend the bill as follows:

1. Page 5, line 6: after "(1)" insert "or publicly owned treatment works".

2. Page 5, line 12: delete lines 12 to 15 and substitute:

"(h) "Target value" means the following:

1. For a point source in a watershed for which a federally approved total maximum daily load under 33 USC 1313 (d) (1) (C) is in effect on the effective date of this subdivision .... [LRB inserts date], the number of pounds of phosphorus that would be discharged from the point source during a year if the point source complied with its effluent limitation based on the total maximum daily load in effect on the effective date of this subdivision .... [LRB inserts date].

2. For a point source in a watershed for which no federally approved total maximum daily load under 33 USC 1313 (d) (1) (C) is in effect on the effective date of this subdivision .... [LRB inserts date], the number of pounds of phosphorus that

would be discharged from the point source during a year if the average concentration of phosphorus in the effluent discharged by the point source during the year was 0.2 milligrams per liter.".

3. Page 6, line 2: after "basis." insert "The department of administration may make separate determinations under this paragraph for statewide categories of point sources.".

4. Page 6, line 4: after "(a)" insert ", based on water quality based effluent limitations for phosphorus determined by the department of natural resources".

5. Page 6, line 23: delete "60th" and substitute "240th".

6. Page 7, line 8: after that line insert:

"(em) If the department of administration determines under par. (a) that attaining the water quality standard for phosphorus through compliance with water quality based effluent limitations by point sources that cannot achieve compliance without major facility upgrades is not feasible, the department of natural resources shall seek approval under 40 CFR Part 131 from the federal environmental protection agency for the variance under this section.".

7. Page 7, line 13: delete "1.".

8. Page 7, line 14: after that line insert:

"**(2m)** WATER QUALITY STANDARDS REVIEW. Every 3 years as part of the review of water quality standards required by 33 USC 1313 (c) (1), if the variance under this section is in effect, the department shall determine whether formal review under sub. (3) should be undertaken, considering any comments it receives on the variance under this section.".

1 **9.** Page 7, line 15: delete the material beginning with "Every" and ending with
2 "2019" on line 16 and substitute "In 2024".

3 **10.** Page 7, line 19: after "effect," insert "or upon a determination under sub.
4 (2m) that review under this subsection should be undertaken,".

5 **11.** Page 7, line 21: delete the material beginning with "regarding" and ending
6 with "achievable" on line 23 and substitute "to evaluate whether the determination
7 under sub. (2) (a) remains accurate".

8 **12.** Page 8, line 3: delete lines 3 and 4 and substitute:

9 "(b) The department of natural resources shall provide all of the following to
10 the department of administration for the report under par. (a):".

11 **13.** Page 8, line 15: delete the material beginning with "do" and ending with
12 "Decide" on line 16 and substitute "decide".

13 **14.** Page 8, line 20: delete "2." and substitute "(cm)".

14 **15.** Page 8, line 20: delete "subd. 1." and substitute "par. (c)".

15 **16.** Page 8, line 21: after "accurate," insert "the department of natural
16 resources shall".

17 **17.** Page 9, line 10: after that line insert:

18 "(g) If the department of administration decides under par. (c) that the
19 determination described in that paragraph remains accurate, the department of
20 natural resources shall seek aproval from the federal environmental protection
21 agency under 40 CFR 131.21 for renewal of the variance under this section.".

22 **18.** Page 9, line 14: delete "is in" and substitute "and approval of the variance
23 under this section by the federal environmental protection agency are in".

1 **19.** Page 9, line 15: delete "if the" and substitute "if all of the following apply:
2 1. The determination applies to the existing source.
3 2. Subject to par. (am) 1., the".
4 **20.** Page 9, line 17: delete "upgrade" and substitute "upgrade.".
5 **21.** Page 9, line 18: delete "and" and substitute:
6 "3. The permittee".
7 **22.** Page 9, line 18: after that line insert:
8 "(am) 1. The department shall approve an application for a variance if the
9 requirements in pars. (a) and (b) are complied with, unless the department
10 determines that the certification under par. (a) 2. is substantially inaccurate.
11 2. The department shall act on an application for a variance under this section
12 no later than the 30th day after the day on which the department receives the
13 application for the variance.
14 3. If the department does not act on the application for a variance by the
15 deadline under subd. 2., the application is approved.".
16 **23.** Page 10, line 23: after "par." insert "(ae) or".
17 **24.** Page 10, line 23: delete the material beginning with "the" and ending with
18 "limits" on line 24.
19 **25.** Page 10, line 25: after "section" insert "the department may include a
20 requirement that the permittee optimize the performance of the point source in
21 controlling phosphorus discharges and shall include the following interim limits".
22 **26.** Page 11, line 15: after that line insert:

1 "(ae) If a permittee who chose an option for complying with a water quality
2 based effluent limitation for phosphorus other than the variance under this section
3 applies for the variance under this section, the department shall count a permit that
4 included the other compliance option as though the permit had included the
5 variance, for the purposes of par. (a), including determining the applicable interim
6 limit.".

7 **27.** Page 11, line 19: delete "highest" and substitute "most stringent".

8 **28.** Page 12, line 13: delete "of administration".

9 **29.** Page 12, line 14: delete "(c) 2." and substitute "(cm)".

10 **30.** Page 12, line 16: delete "of natural resources".

11 **31.** Page 12, line 17: delete "(c) 2." and substitute "(cm)".

12 **32.** Page 13, line 3: after "value" insert "or $640,000, whichever is less".

13 **33.** Page 13, line 16: delete "state or" and substitute "state,".

14 **34.** Page 13, line 18: after "sources" insert ", or for modeling or monitoring to
15 evaluate the amount of phosphorus in the waters of the state for planning purposes".

16 **35.** Page 13, line 20: delete the material beginning with "To the" and ending
17 with "state." on line 23.

18 **36.** Page 13, line 23: after that line insert:

19 "2m. No later than March 1 of each year, a county shall develop a plan for using
20 the payments received under this subsection in the previous year that is consistent
21 with the county's land and water resource management plan under s. 92.10. A
22 county shall do all of the following in the plan under this subdivision:

a. Identify projects that have, or watersheds in which there exists, the greatest potential to reduce the amount of phosphorus per acre entering the waters of the state, based on an assessment of the land and land use practices in the county.

b. Describe the measures it will take to ensure that each project that it funds is completed and evaluated.".

37. Page 13, line 24: after "the" insert "2nd".

38. Page 14, line 3: delete "payments during the previous year" and substitute "those payments".

39. Page 14, line 4: after "quantify" insert ", in pounds,".

40. Page 14, line 13: after that line insert:

"**(8m)** PROJECTS OR PLANS. (a) A person who constructs a project or implements a plan under an agreement under sub. (6) (b) 2. or 3. that involves activities for which performance standards and prohibitions have been prescribed under s. 281.16 (2) or (3) shall comply with those performance standards and prohibitions and any associated technical standards.

(b) A person who constructs a project or implements a plan under an agreement under sub. (6) (b) 2. or 3. shall annually submit a report to the department that quantifies, in pounds, the phosphorus reductions achieved through the project or plan, using accepted modeling technology. The department shall review reports submitted under this paragraph. If the department determines, based on the results of the modeling, that a project or plan is not effectively reducing the amount of phosphorus entering the waters of the state, the department shall terminate or modify the agreement.".

(END)