



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 378
[2013 Senate Bill 547]

**Statewide Variance to Phosphorus
Discharge Limits**

2013 Wisconsin Act 378

2013 Wisconsin Act 378 creates the framework for a statewide variance (a variance available to all dischargers in the state that meet specified conditions) from wastewater discharge limits for phosphorus. The framework focuses on sources of phosphorus discharge that cannot meet current discharge limits without making major facility upgrades (referred to in this Act Memo as “affected sources”). It makes the variance available to affected sources if it is found that it is not feasible for those sources to meet current discharge limits without causing substantial and widespread adverse social and economic impacts on a statewide basis (referred to in this Act Memo as a “determination of infeasibility”).

The Act directs the Department of Administration (DOA) to study the feasibility of affected sources meeting current discharge limits, considering certain calculations and information. If DOA makes a determination of infeasibility, the determination remains in effect until DOA finds that it is no longer accurate.

When a determination of infeasibility is in effect, an affected facility is eligible for a variance from its phosphorus discharge limits if it certifies that it cannot achieve compliance without a major facility upgrade. The variance consists of two principal elements:

- A schedule by which the affected source must, over 20 years, come into compliance with its phosphorus discharge limits.
- At the choice of the affected facility, one of the following mechanisms to accomplish reductions of phosphorus pollution from non-point sources in the watershed where the affected facility is located:

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

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- Making payments to one or more counties to implement projects to accomplish a reduction in phosphorus pollution in the same water basin as the affected facility.
- Entering into an agreement with the Department of Natural Resources to implement such projects, itself.
- Entering into an agreement with a third party to implement such projects.

For a fuller description of Act 378, see Legislative Council Information Memorandum 2014-02, *New Law Relating to Variances to Limits on Phosphorus Discharges (2013 Wisconsin Act 378)*.

Effective date: April 25, 2014.

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