

2001 DRAFTING REQUEST

Bill

Received: **09/18/2000**

Received By: **traderc**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wong**

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - water quality**

Extra Copies: **DNR**

Pre Topic:

DOA:.....Wong -

Topic:

Variances to water quality standards

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	traderc 10/06/2000	jdye 10/06/2000	martykr 10/06/2000	_____	lrb_docadmin 10/06/2000		State

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: **09/18/2000**

Received By: **traderc**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wong**

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - water quality**

Extra Copies: **DNR**

Pre Topic:

DOA:.....Wong -

Topic:

Variances to water quality standards

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	traderc	1 10/6 jld	km 10/6	<u>Deif 10/6</u>			

FE Sent For:

<END>

2001-2003 Statutory Language Proposals

Division: WATER

Bureau: WATERSHED MANAGEMENT

Issue/Topic: S. 283.15 WATER QUALITY VARIANCES

Proposed Change: Amend s. 283.15 (5) (b) as follows:

283.15(5)(b)
(b) A variance applies for the term established by the secretary, but not to exceed ~~3~~ 5 years.

Amend 283.15 (6) as follows:

(6) Renewal. A variance may be renewed using the procedures in and subject to subs. (2) to (5), except that the permittee shall submit the application for a variance renewal at the same time it submits its application for permit reissuance. A variance may not be renewed if the permittee did not submit the reports required under sub. (5)(c)2. or substantially comply with all other conditions of the variance.

Explanatory Note: The proposal to amend s. 283.15 (5) (b) would make the state's WPDES variance procedure consistent with the variance provisions of the Great Lakes Water Quality Initiative. Specifically, the proposed changes would extend the maximum length of a variance to 5 years from the current maximum of 3 years.

The proposal to require that the permittee submit a variance application at the same time it submits its application for permit reissuance is an efficiency and workload saving measure benefiting both the Department and the permittee.

Desired Effective Date: Effective Date of the Budget Act.

Contact Person: Eric Ebersberger, MB/5 (6-0818); Bob Masnado, WT/2 (7-7662); Tom Mugan, WT/2 (6-7420); Robin J. Nyffeler, LS/5 (6-0024).



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0372/1

RCT.

SOON

Jld

DOA:.....Wong - Variances to water quality standards

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT ✓

WATER QUALITY ✓

Current law requires DNR to set water quality standards for the waters of this state. Current law also requires a person who discharges pollutants into the waters of this state from a confined source to obtain a water pollution discharge permit from DNR. A permit may contain requirements needed to meet a water quality standard for the water body into which the person discharges pollutants, however, under certain circumstances, DNR may grant a variance to a water quality standard. Under current law, the term of a variance may not exceed ~~3~~ years. ^{three}

three

This bill changes the maximum term for a variance to a water quality standard from ~~3~~ years to ^{five} years. The bill also requires a person who has obtained a variance to a water quality standard and who wishes to apply for renewal of the variance to submit the request to renew the variance with the application for reissuance of the person's water pollution discharge permit.

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.** 283.15 (5) (b) ^X of the statutes is amended to read:

2 283.15 (5) (b) A variance applies for the term established by the secretary, but
3 not to exceed ~~3~~ ⁵ years. The term of the initial variance and any renewals thereof
4 may not exceed the time that the secretary determines is necessary to achieve the
5 water quality based effluent limitation. Initial and interim effluent limitations
6 established under par. (c) 1. apply, as appropriate, for the term of the underlying
7 permit as issued, reissued or modified to implement the decision under sub. (4) (b)
8 or as extended by operation of s. 227.51 (2). Notwithstanding sub. (4) (d), s. 227.51
9 (2) shall apply for the purposes of continuing the provisions of a permit pending the
10 issuance or reissuance of a permit. Upon the issuance or reissuance of the new
11 permit, sub. (2) (a) 2. and s. 283.63 (1) (am) apply.

12 History: 1973 c. 74; 1979 c. 221 s. 2202 (39); 1985 a. 29; 1987 ^X a. 27, 60; 1995 a. 227 s. 861; Stats. 1995 s. 283.15.

12 **SECTION 2.** 283.15 (6) of the statutes is amended to read:

13 283.15 (6) RENEWAL. A variance may be renewed using the procedures in and
14 subject to subs. (2) to (5), except that a permittee shall submit the application for
15 renewal of its variance with the application for reissuance of its permit. A variance
16 may not be renewed if the permittee did not submit the reports required under sub.
17 (5) (c) 2. or substantially comply with all other conditions of the variance.

18 History: 1973 c. 74; 1979 c. 221 s. 2202 (39); 1985 a. 29; 1987 a. 27, 60; 1995 a. 227 s. 861; Stats. 1995 s. 283.15.

(END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0372/1

RCT:jld:km

DOA:.....Wong – Variances to water quality standards

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Current law requires DNR to set water quality standards for the waters of this state. Current law also requires a person who discharges pollutants into the waters of this state from a confined source to obtain a water pollution discharge permit from DNR. A permit may contain requirements needed to meet a water quality standard for the water body into which the person discharges pollutants, however, under certain circumstances, DNR may grant a variance to a water quality standard. Under current law, the term of a variance may not exceed three years.

This bill changes the maximum term for a variance to a water quality standard from three years to five years. The bill also requires a person who has obtained a variance to a water quality standard and who wishes to apply for renewal of the variance to submit the request to renew the variance with the application for reissuance of the person's water pollution discharge permit.

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.** 283.15 (5) (b) of the statutes is amended to read:

2 283.15 (5) (b) A variance applies for the term established by the secretary, but
3 not to exceed 3 5 years. The term of the initial variance and any renewals thereof
4 may not exceed the time that the secretary determines is necessary to achieve the
5 water quality based effluent limitation. Initial and interim effluent limitations
6 established under par. (c) 1. apply, as appropriate, for the term of the underlying
7 permit as issued, reissued or modified to implement the decision under sub. (4) (b)
8 or as extended by operation of s. 227.51 (2). Notwithstanding sub. (4) (d), s. 227.51
9 (2) shall apply for the purposes of continuing the provisions of a permit pending the
10 issuance or reissuance of a permit. Upon the issuance or reissuance of the new
11 permit, sub. (2) (a) 2. and s. 283.63 (1) (am) apply.

12 **SECTION 2.** 283.15 (6) of the statutes is amended to read:

13 283.15 (6) RENEWAL. A variance may be renewed using the procedures in and
14 subject to subs. (2) to (5), except that a permittee shall submit the application for
15 renewal of its variance with the application for reissuance of its permit. A variance
16 may not be renewed if the permittee did not submit the reports required under sub.
17 (5) (c) 2. or substantially comply with all other conditions of the variance.

18 (END)