

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3079/P1dn
RCT:cjs:jf

October 7, 2013

This is a preliminary draft of the proposal for a statewide variance from the water quality standard for phosphorus. The draft is quite complex and it should be reviewed carefully. There are notes in the draft raising issues about specific provisions in the draft.

This draft does not allow a minor source to increase its phosphorus discharge above the level achieved on the effective date of the bill, but the provisions for establishing interim effluent limitations for other sources could allow those sources to increase the concentration of their phosphorus discharges. Is that intended? If so, might that cause any problem in obtaining EPA approval of the waiver?

The proposed language included a statement that the right to a hearing on variance decisions is limited to the right to a hearing under s. 283.63. That is not necessary and should not be included unless there is another provision that provides a right to a hearing. Please let me know if there is another provision.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov