



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 836

**Assembly
Amendment 1**

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2013 Assembly Bill 836 makes various changes relating to Wisconsin Pollution Discharge Elimination System (WPDES) permitting.

2013 ASSEMBLY BILL 836

Assembly Bill 836 makes three substantive changes to WPDES permitting requirements. Each of the changes responds to deviations of state law from the federal Clean Water Act noted in a July 2011 letter from the U.S. Environmental Protection Agency (EPA).

First, the bill removes an exception from a requirement to obtain a stormwater discharge permit for certain Department of Transportation (DOT) projects. Under the bill, that change takes effect only after the Department of Natural Resources (DNR) issues a general permit authorizing stormwater discharges in connection with DOT projects, subject to specified requirements. The bill requires the DNR to issue that general permit no later than June 30, 2016.

Second, under current law, the DNR and the EPA establish standards that apply to new water pollution point sources. The bill modifies the definition of a new point source to incorporate references to federal law and to include certain point sources that are constructed after the EPA has published a proposed new performance standard, if that standard takes effect within 120 days of the publication of the proposed standard.

Finally, the bill modifies a grandfathering provision for certain modified point sources that have a thermal component. Specifically, the bill applies the grandfathering protection only with respect to water quality based effluent limitations.

ASSEMBLY AMENDMENT 1

Under the bill, once the DNR has issued a general permit for DOT stormwater discharges, the DOT may not discharge stormwater from the site of a transportation activity unless the discharge is authorized under that general permit.

The amendment specifies that such discharges are allowed if they are authorized under **either** the general permit issued by the DNR under the bill or an individual stormwater discharge permit.

BILL HISTORY

Representative Mursau offered Assembly Amendment 1 to 2013 Assembly Bill 836 on March 3, 2014. On March 19, 2014, the Assembly Committee on Environment and Forestry voted to recommend adoption of Assembly Amendment 1 on a vote of Ayes, 7; Noes, 0; and Absent, 1. On the same day, the committee voted to recommend passage of the bill, as amended, also on a vote of Ayes, 7; Noes, 0; and Absent, 1.

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