



State of Wisconsin
2019 - 2020 LEGISLATURE

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**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 113**

June 14, 2019 - Offered by Representative KITCHENS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 2: delete the material beginning with ““water pollution” and
3 ending with “period of time” on line 6 and substitute ““credits” means water pollution
4 credits that may be traded under s. 283.84 (1) (f) and (g)”.

5 **2.** Page 3, line 2: delete “(3) to (5)” and substitute “(3), (5), and (6)”.

6 **3.** Page 3, line 21: delete the material beginning with “clearinghouse” and
7 ending with “about the terms of” on line 22 and substitute “department of natural
8 resources has approved”.

9 **4.** Page 4, line 4: delete “prevention or environmental enhancement services”
10 and substitute “reduction activities”.

1 **5.** Page 4, line 6: delete the material beginning with “prevention or” and
2 ending with “environmental enhancement services” on line 7 and substitute
3 “reduction activities”.

4 **6.** Page 4, line 10: delete the material beginning with “Seek to establish” and
5 ending with “methods for determining” on line 11 and substitute “Use methods
6 approved by the department of natural resources to determine”.

7 **7.** Page 4, line 12: delete “prevention or environmental enhancement services”
8 and substitute “reduction activities”.

9 **8.** Page 4, line 13: after “scientific protocols.” insert “The clearinghouse may
10 recommend additional methods to the department of natural resources”.

11 **9.** Page 4, line 15: delete the material beginning with “prevention or
12 environmental” and ending with “enhancement services” on line 16 and substitute
13 “reduction activities”.

14 **10.** Page 4, line 16: delete “established” and substitute “approved”.

15 **11.** Page 4, line 16: delete the material beginning with “or, if such” and ending
16 with “natural resources” on line 18.

17 **12.** Page 4, line 19: delete “seek to”.

18 **13.** Page 4, line 20: delete “Minimize” and substitute “Seek to minimize”.

19 **14.** Page 4, line 21: delete lines 21 and 22 and substitute:

20 “2. Seek to maximize the performance of the water pollution reduction
21 activities.”.

22 **15.** Page 4, line 23: delete “Reduce” and substitute “Seek to reduce”.

23 **16.** Page 4, line 24: delete “, over time”.

1 **17.** Page 4, line 24: after that line insert:

2 “4. Require a maintenance schedule approved by the department of natural
3 resources to ensure that the credits are maintained throughout the time for which
4 they are certified under sub. (4).

5 (g) Before making a credit available for sale for use under s. 283.84 (1) (f), verify
6 the credit by reporting to the department of natural resources any pertinent
7 information regarding the credit and the related water pollution reduction activities,
8 including the location of the activities; the type of practice or technology used; any
9 maintenance schedule; the frequency of inspections; the duration for which the
10 credit is valid; and the amount of credits generated by the water pollution reduction
11 activities.”.

12 **18.** Page 5, line 1: delete “(g)” and substitute “(h)”.

13 **19.** Page 5, line 2: delete “credits and” and substitute “credits that have been
14 incorporated into permits under ch. 283. The clearinghouse shall”.

15 **20.** Page 5, line 10: after that line insert:

16 “(4) No later than 30 days after reviewing the information provided under sub.
17 (3) (g) and (h), the department of natural resources shall certify the amount of credits
18 and the duration of the credits available for sale.”.

19 **21.** Page 5, line 11: delete “(4)” and substitute “(5)”.

20 **22.** Page 5, line 15: delete “water pollution prevention or environmental
21 enhancement services” and substitute “credits”.

22 **23.** Page 6, line 3: delete that line and substitute:

1 “(6) Upon the recommendation of the department of natural resources, the
2 department”.

3 **24.** Page 6, line 5: delete “multidischarger variance.”.

4 **25.** Page 6, line 7: delete “(6)” and substitute “(7)”.

5 **26.** Page 6, line 11: after that line insert:

6 “(8) If the contract with the clearinghouse is terminated or the clearinghouse
7 ceases to function, the department of natural resources shall continue to administer
8 all credit transactions then in effect until a new clearinghouse contract is established
9 or until the terms of the individual parties’ contracts expire.

10 (9) Before the end of the 4th year of any contract entered into under sub. (2),
11 the department of natural resources shall evaluate the clearinghouse and shall
12 report its evaluation to the department.”.

13 **27.** Page 7, line 3: delete “s. 16.9685 (3) (g).” and substitute “s. 16.9685 (3) (h).

14 The 3rd party shall also verify the credit by reporting to the department of natural
15 resources any pertinent information regarding the agreement and the related water
16 pollution reduction activities, including the location of the activities; the type of
17 practice or technology used; any maintenance schedule; the frequency of inspections;
18 the duration for which the credit is valid; and the amount of credits generated by the
19 water pollution reduction activities.”.

20 **28.** Page 7, line 3: after that line insert:

21 “**SECTION 3m.** 283.84 (1e) of the statutes is created to read:

22 283.84 (1e) No later than 30 days after reviewing the information provided
23 under s. 16.9685 (3) (g) and (h), the department shall certify the amount of credits
24 and the duration of the credits available for sale.”.

1 **29.** Page 7, line 10: after “(f)” insert “or (g)”.

2 **30.** Page 7, line 15: after that line insert:

3 **SECTION 5m.** 283.84 (3r) of the statutes is amended to read:

4 283.84 **(3r)** The department shall include terms and conditions related to
 5 agreements under sub. (1) in new and reissued permits. The department shall
 6 determine how to incorporate credits purchased under sub. (1) (f) and the terms and
 7 conditions related to agreements entered into under sub. (1) (g) into new and
 8 reissued permits.”

9 **31.** Page 7, line 21: delete the material beginning with “As soon” and ending
 10 with “that act.” on page 8, line 2, and substitute “The department of natural
 11 resources shall consult with the federal environmental protection agency regarding
 12 the generation and use of water pollution credits under s. 283.84 (1) (f) and (g) in
 13 watersheds subject to total maximum daily loads that have been federally approved
 14 or for which federal approval is pending, with the goal of maximizing the
 15 opportunities for the generation and use of long-term and permanent credits.”.

16 **(END)**