



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1329/1  
RNK:kjf.md

DOA:.....Steinmetz, BB0330 – Phosphorous effluent limitations

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

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

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*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**WATER QUALITY**

Under current law, DNR may promulgate rules that establish effluent limitations concerning the discharge of phosphorous (phosphorous rules) if the federal Environmental Protection Agency has not promulgated an effluent limitation, effluent standard, or prohibition concerning this type of discharge.

This bill prohibits DNR from promulgating or enforcing a phosphorous rule if the phosphorous rule establishes effluent limitations that are more stringent than the effluent limitations established by any of the states of Illinois, Indiana, Michigan, Minnesota, or Ohio.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 283.11 (3) (am) of the statutes is renumbered 283.11 (3) (am) 1. and amended to read:

283.11 (3) (am) 1. Notwithstanding sub. (1) or (2), and except as provided in subd. 2., the department shall promulgate by rule effluent limitations representing

the best available demonstrated control technology, processes, operating methods or other alternatives concerning the discharge of phosphorous if the U.S. environmental protection agency has not promulgated an effluent limitation, effluent standard or prohibition concerning this type of discharge.

**SECTION 2.** 283.11 (3) (am) 2. of the statutes is created to read:

283.11 **(3)** (am) 2. a. In this subdivision, “region” means the geographic region composed of the states of Illinois, Indiana, Michigan, Minnesota, or Ohio.

b. The department may not promulgate or enforce any rule establishing an effluent limitation for the discharge of phosphorous if that effluent limitation is more stringent than the effluent limitation for the discharge of phosphorous that is established by any state in the region.

**(END)**