



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 307
[2015 Assembly Bill 755]

**Various Changes Relating to the
Wisconsin Pollution Discharge
Elimination System Program**

2015 Wisconsin Act 307 (“the Act”) makes three substantive changes to address concerns identified by the U.S. Environmental Protection Agency with respect to the Wisconsin Pollution Discharge Elimination System (WPDES) program.

GENERAL PERMIT FOR TRANSPORTATION PROJECTS

Prior law exempted Department of Transportation (DOT) activities affecting waters of the state from general storm water permitting requirements.

The Act repeals that exemption and instead directs the Department of Natural Resources (DNR) to issue a statewide general permit authorizing DOT activities affecting waters of the state.

DEFINITION OF “NEW SOURCE”

For purposes of the WPDES program, **prior law** defined “new source” to mean a point source for which construction commenced after the effective date of applicable effluent limitations or standards of performance.

The Act amends the definition of “new source” to refer to standards of performance under the relevant section of the Clean Water Act and to specify that “new source” also includes a point source for which construction commences after the publication of a proposed standard of performance, if the standard of performance takes effect within 120 days of the publication of the proposed standard of performance.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

THERMAL LIMITATION PROTECTION PERIOD

State and federal law provide an exemption from certain water quality effluent limitations for certain point source discharges that have a thermal component. Under **prior state law**, that exemption applied to water-quality based effluent limitations established under s. 283.13, Stats., and to certain alternative thermal effluent limitations established under s. 283.17 (1), Stats.

The Act modifies the exemption to specify that it applies only to water-quality based effluent limitations established under s. 283.13, Stats., and not to alternative thermal effluent limitations established under s. 283.17 (1), Stats.

Effective date: April 1, 2016

Prepared by: Anna Henning, Senior Staff Attorney

April 7, 2016

AH:mcm;ty