

**NOTICE OF PRELIMINARY DETERMINATION AND PUBLIC HEARING CONCERNING THE WATER QUALITY STANDARD FOR PHOSPHORUS AND PUBLIC COMMENT PERIOD**

NOTICE under section 283.16(2)(c), Wis. Stats., is hereby given that the Wisconsin Department of Administration ("Department"), in consultation with the Department of Natural Resources, has made a preliminary determination that attaining the water quality standard for phosphorus, adopted under s. 281.15, through compliance with water quality based effluent limitations by point sources that cannot achieve compliance without major facility upgrades is not feasible because it would cause substantial and widespread adverse social and economic impacts.

In the preliminary determination, the Department of Administration recommends the Department of Natural Resources move forward in seeking approval of a multi-discharger variance for phosphorus from the United States Environmental Protection Agency.

The preliminary determination is supported by an economic impact analysis and statewide economic impacts report conducted with consulting firms ARCADIS, Sycamore Advisors, and the University of Massachusetts Donahue Institute. A copy of the full preliminary determination and economic impact analysis is available on the Department's web site at <http://doa.wi.gov/Divisions/Intergovernmental-Relations/Phosphorus/>

NOTICE IS HEREBY FURTHER GIVEN that a public informational hearing will be held concerning the preliminary determination commencing at 1:00 pm on Tuesday, May 12th, 2015 at the Stoney Creek Hotel & Conference Center, 1100 Imperial Avenue, Rothschild, WI 54474. This hearing, with scheduled breaks, will conclude at 6:00 pm.

Pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.

Pursuant to ss. 283.16(2)(c) and (d), Wis. Stats., the public is invited to submit written comments concerning the preliminary determination. Written and oral comments will be accepted at the public hearing. Written comments may also be submitted within 30 days from the date of the public hearing or by June 11, 2015. Written comments should be sent to: Attn: Phosphorus, Division of Intergovernmental Relations, Wisconsin Department of Administration, P.O. Box 8944, Madison, WI 53708-8944 or by e-mail to: [phosphorus@wisconsin.gov](mailto:phosphorus@wisconsin.gov).

All comments received by the Department during the public comment period will be considered prior to making a final decision regarding the determination. After the public hearing and the public comment deadline, a final determination will be made on whether the Department of Natural Resources should seek approval under 40 CFR Part 131 from the United States Environmental Protection Agency for a multi-discharger variance for phosphorus under s. 283.16(em), Wis. Stats. The Department on its own initiative and in the public interest may seek additional information reasonably necessary for its determination.

Dated at Madison, Wisconsin – May 5, 2015

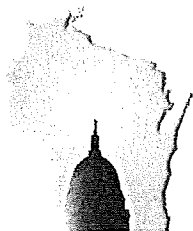
STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION

By



Ed Eberle

Administrator, Division of Intergovernmental Relations



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

SCOTT WALKER  
GOVERNOR

SCOTT A. NEITZEL  
SECRETARY

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Madison, WI 53707-7864  
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October 7, 2015

Cathy Stepp, Secretary  
WI Department of Natural Resources  
101 S. Webster St.  
Madison, WI 53703

Dear Secretary Stepp:

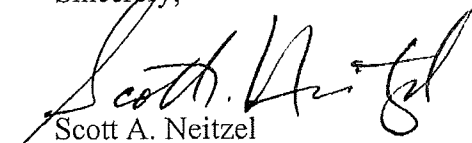
Attached is the final report from the Wisconsin Department of Administration Pursuant to WI ACT 378 - directing the Wisconsin Department of Administration to make an

*(2) INITIAL DETERMINATION CONCERNING THE WATER QUALITY STANDARD FOR PHOSPHORUS. (a) The department of administration, in consultation with the department of natural resources, shall determine whether attaining the water quality standard for phosphorus, adopted under s. 281.15, through compliance with water quality based effluent limitations by point sources that cannot achieve compliance without major facility upgrades is not feasible because it would cause substantial and widespread adverse social and economic impacts on a statewide basis. The department of administration may make separate determinations under this paragraph for statewide categories of point sources.*

The Wisconsin Department of Administration finds that implementation of the Wisconsin water quality standards for phosphorus will cause substantial and widespread adverse social and economic impacts to the state. Therefore it directs the Department of Natural Resources to move forward with the formal process of requesting approval of a multi-discharger variance (MDV) from the United States Environmental Protection Agency for the purposes of phosphorus reduction. In addition, DOA requests the DNR to hold a 45 day public comment period before its formal submittal to the EPA for the purposes of discussing how it will implement a MDV if ultimately approved by the EPA.

The Department of Administration concludes its role in this part of the process. Moving forward should an MDV be granted by the EPA the department looks forward to working with the DNR in meeting the statutory directives in WI ACT 378.

Sincerely,

  
Scott A. Neitzel  
Secretary