



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-5795/1  
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## 2023 SENATE BILL 1017

February 13, 2024 - Introduced by Senators AGARD and L. JOHNSON, cosponsored by Representatives STUBBS, RATCLIFF, BALDEH, MOORE OMOKUNDE, JOERS, SHELTON, SINICKI, BARE, SUBECK, MADISON, J. ANDERSON, JACOBSON, DRAKE and PALMERI. Referred to Committee on Natural Resources and Energy.

1     **AN ACT** *to create* 283.33 (8m) of the statutes; **relating to:** safety requirements  
2             for storm water retention ponds and granting rule-making authority.

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***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Natural Resources issues water pollutant discharge elimination system (WPDES) permits and storm water discharge permits. DNR promulgates rules for the administration of both permits.

This bill requires that DNR promulgate rules establishing that any pond located in an area with a population density of at least 1,000 people per square mile that is constructed as part of an activity for which a WPDES or stormwater discharge permit is required must include one or more of the following safety features: (1) a shallow ledge around the periphery of the pond; (2) vegetation that is at least 24 inches high between the pond and any easy point of access; or (3) any other alternative safety feature authorized by DNR by rule.

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

3             **SECTION 1.** 283.33 (8m) of the statutes is created to read:  
4             283.33 **(8m)** RULES FOR STORM WATER POND SAFETY. The department shall  
5             promulgate rules under sub. (8) establishing that any pond located in an area with

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**SECTION 1**

1 a population density of not less than 1,000 people per square mile that is constructed  
2 as part of an activity for which a permit is required under sub. (1) or s. 283.31 must  
3 include one or more of the following features for safety:

4 (a) A shallow ledge around the periphery of the pond.

5 (b) Vegetation that is not less than 24 inches high between the pond and any  
6 easy point of access.

7 (c) Any other alternative safety feature authorized by the department by rule.

8 (END)