

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

1997-98

(session year)

Senate

(Assembly, Senate or joint)

Committee on
Education
(SC-Ed)

File Naming Example:

Record of Comm. Proceedings ... RCP

- 05hr_AC-Ed_RCP_pt01a
- 05hr_AC-Ed_RCP_pt01b
- 05hr_AC-Ed_RCP_pt02

NOTICES ...

- Committee Hearings ... CH (Public Hearing Announcements)
- **

- Executive Sessions ... ES
- **

- Committee Reports ... CR
- **

- Record of Comm. Proceedings ... RCP
- **

INFORMATION COLLECTED BY COMMITTEE
CLERK FOR AND AGAINST PROPOSAL

- Appointments ... Appt
- **

Name:

➤ Clearinghouse Rules ... CRule
**97hr_CRule_96-031_SC-
Ed_pt01**

- Hearing Records ... HR (bills and resolutions)
- **

- Miscellaneous ... Misc

CALVIN J. POTTER
State Senator



Wisconsin State Senate

MEMO

TO: Senate Education Committee Members

FROM: Cal Potter, Chair

RE: Clearinghouse Rules and Possible Hearing on Regent Appointments

DATE: June 20, 1996

Clearinghouse Rule 96-031 submitted by the University of Wisconsin System is attached for your review. If you are interested in requesting a hearing on this proposed rule, please contact Paul Rusk in my office no later than Thursday, June 27.

In the event the Senate is in session on Tuesday, July 9, I would like to hold a public hearing on the two regent appointments, Patrick Boyle and Joanne Brandes, that morning at 8 or 8:30 a.m, provided the appropriate paperwork is submitted to the Ethics Board. Please make a tentative entry in your calendars.

Thank you.

PROPOSED ORDER OF THE BOARD OF REGENTS OF
THE UNIVERSITY OF WISCONSIN SYSTEM
AMENDING AND CREATING RULES

Agency contact persons: Patricia A. Brady (262-6497);
Judith A. Temby (262-2324)

[INTRODUCTORY CLAUSE]

The Board of Regents of the University of Wisconsin System proposes an order to amend UWS 18.06(1), and to create UWS 18.02(5),(6) and (7), Wisconsin Administrative Code, relating to conduct on university lands.

[PLAIN LANGUAGE ANALYSIS PREPARED BY THE UW SYSTEM]

Pursuant to ss. 36.11(1)(c) and 227.11, Wisconsin Statutes, the Board of Regents of the University of Wisconsin System ("Board") is authorized to promulgate rules governing conduct on university lands. The Board's rules in this area are set forth in Chapter UWS 18, Wisconsin Administrative Code.

The proposed amendments to Chapter UWS 18 clarify the university's authority to prohibit and control the discharge of pollutants to storm water and storm sewers on university lands. The 1987 amendments to the Federal Clean Water Act, together with implementing state statutes (s. 147.021, Wis. Stats.) and administrative rules (Chapter NR 216, Wis. Adm. Code), require the issuance of storm water discharge permits for certain municipal storm sewer systems, sites of industrial activity, and construction sites. The Wisconsin Department of Natural Resources (DNR) is responsible for implementing these provisions, and for the issuance of permits. UW-Madison is currently subject to the permit requirement, and other university campuses operating storm sewer systems may become subject to the requirement in future.

In order for UW-Madison and other UW System institutions to obtain a permit, the university must demonstrate that it has adequate legal authority to prohibit and control unauthorized discharges to its storm sewer systems. The proposed amendments clarify that the discharge of pollutants to storm water or storm sewers on university lands is prohibited.

The proposed amendment to UWS 18.06(1) adds language specifically prohibiting the discharge of pollutants to storm water or storm sewers on or serving university lands. The proposed rule-making order also creates UWS 18.02 (5),(6) and (7), defining the terms "discharge pollutants to storm water," "discharge pollutants into storm sewers" and "pollutants" in a manner consistent with DNR definitions. The inclusion of these changes in Chapter UWS 18 will make clear that the university has the power to prosecute illegal discharges on university lands. Enforcement will occur through the forfeiture and citation procedures of UWS 18.07, and s. 778.25, Wis. Stats.

[TEXT OF RULE]

Section 1. UWS 18.02(5)(6) and (7) are created to read:

(5) "Discharge pollutants into storm sewers" means placing pollutants or water containing pollutants into any storm sewer on or serving university lands.

(6) "Discharge pollutants to storm water" means placing pollutants onto university lands so that they are carried by storm water to waters of the state.

(7) "Pollutants" has the meaning described in s. 147.015(13), Stats.

Section 2. UWS 18.06(1), Wis. Adm. Code, is amended read:

(1) ~~Litter.~~ Prohibited dumping; prohibited discharges to storm water.

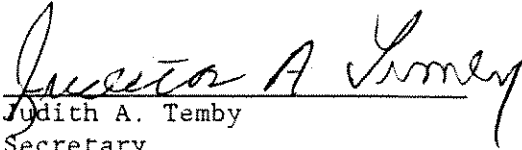
(a) No person may dump any waste, trash, debris, rubbish, earth or other fill, on any university lands unless authorized by the chief administrative officer.

(b) No person may discharge pollutants to storm water or into storm sewers on or serving university lands, except where authorized by the chief administrative officer and in conformance with state law.

[EFFECTIVE DATE]

It is proposed that this rule shall take effect as provided in s. 227.22(2)(intro.), Stats.

Dated: 6-3-96


Judith A. Temby
Secretary
Board of Regents of the
University of Wisconsin System

AGENCY ANALYSIS REPORT

Need for Proposed Rules

The Board of Regents of the University of Wisconsin System (Board) is authorized, under ss. 36.11(1)(c) and 227.11, Wisconsin Statutes, to promulgate rules governing conduct on university lands, and for the management of all property under its jurisdiction. The Board's rules on these subjects are set forth in Chapter UWS 18, Wisconsin Administrative Code.

The attached revisions to UWS 18.02 and 18.06(1), Wis. Adm. Code, are proposed to clarify the university's authority to prohibit and control the discharge of pollutants to storm sewer systems on university lands. The 1987 amendments to the Federal Clean Water Act, together with implementing state statutes (s. 147.021, Wis. Stats.) and administrative rules (Chapter NR 216, Wis. Adm. Code), require the issuance of storm water discharge permits for certain municipal storm sewer systems, sites of industrial activity, and construction sites. The Wisconsin Department of Natural Resources (DNR) is responsible for implementing these provisions, and for the issuance of permits. UW-Madison is currently subject to the permit requirement, and other university campuses operating storm sewer systems may become subject to the requirement in future.

In order for UW-Madison and other UW System institutions to obtain a required permit, the university must demonstrate that it has adequate legal authority to prohibit and control unauthorized discharges to its storm sewer system. The proposed amendments clarify that the discharge of pollutants to storm water or storm sewers on university lands is prohibited.

At its February 9, 1996 meeting, the Board directed that the proposed rules be submitted to the Legislative Council Rules Clearinghouse in accordance with s. 227.15, Wis. Stats., and scheduled a public hearing on the rules as revised. The hearing was held on May 9, 1996. The proposed rule-making order contains the amendments described above, and also reflects minor modifications suggested by the Legislative Council Rules Clearinghouse.

Persons Who Appeared at the Public Hearing

Patricia A. Brady, Senior UW System Legal Counsel, provided background information and a summary of the proposed revisions to ss. UWS 18.02 and UWS 18.06(1), Wis. Adm. Code.

There were no other appearances.

Modifications Made in the Proposed Rules as a Result of Testimony at the Public Hearing

No modifications in the rule were made as a result of the public hearing.

Response to Legislative Council Staff Recommendations

The Clearinghouse report on the proposed revisions contains three comments concerning the form, style and placement in the administrative code of the rules. The comments in paragraphs a. and c. of the Clearinghouse Report are nonsubstantive and technical in nature. They have been accepted and incorporated in the attached draft of the rules. The comment in paragraph b. is in the form of a question as to whether the phrase "state law" in s. UWS 18.06(1)(b) can be replaced with a reference to a specific statutory or administrative code provisions. Representatives of DNR proposed the addition of this language, as a way of clarifying that the chancellor of an institution may authorize only lawful discharges to storm water or storm sewers. The language seems adequate to convey this meaning, while identifying specific references to what discharges are deemed lawful by the DNR would be unduly cumbersome in this context. Accordingly, no change was made as a result of this comment.