



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1328/3
RNK:kjf&wlj:jf

DOA:.....Steinmetz, BB0331 – Stormwater discharge rules

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Under current law, DNR is required to promulgate rules prescribing performance standards for facilities or practices that cause, or have the potential to cause, nonpoint source water pollution. Nonpoint source water pollution is water pollution that does not result from a discernible, confined, and discrete conveyance such as a pipe, well, or concentrated animal feeding operation.

This bill requires DNR to repeal and recreate its nonpoint source water pollution rules effective 90 days after this bill's effective date. The bill specifies that the rules may not be more stringent than the requirements under the federal Water Pollution Control Act. The bill also specifies that, to the extent allowed under federal law, if DNR's rules establish a deadline by fixing a date by which certain municipalities must achieve a minimum reduction in total suspended solids for runoff from existing development, the rules must also provide that the fixed-date deadline does not apply to a municipality that determines that compliance with the deadline would have a significant adverse economic impact on that municipality.

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

SECTION 9135. Nonstatutory provisions; Natural Resources.

(1) NONPOINT SOURCE WATER POLLUTION RULES.

(a) The department of natural resources shall promulgate rules under section 281.16 (2) of the statutes that repeal and recreate chapter NR 151, Wisconsin Administrative Code, in effect on the effective date of this subsection. The repealed and recreated rules shall take effect 90 days after the effective date of this paragraph and shall be no more stringent than the requirements under the federal Water Pollution Control Act, [33 USC 1251 to 1387](#), and regulations adopted under that act.

(b) 1. In this paragraph:

a. "Covered municipality" means a municipality for which the department of natural resources granted coverage under a general permit issued under section 283.35 of the statutes.

b. "Municipality" has the meaning given in section 281.01 (6) of the statutes.

c. "Storm water management program" means a program that requires a covered municipality to achieve a minimum reduction in total suspended solids for runoff from existing development that enters the waters of this state.

2. To the extent allowed under federal law, if the rules promulgated under paragraph (a) establish a deadline by fixing a date by which a covered municipality must develop and implement a storm water management program, the rules shall also provide that the deadline for developing and implementing a storm water management program does not apply to a covered municipality that determines that compliance with the deadline would have a significant adverse economic impact on that municipality.

(END)