

Clearinghouse Rule 19-052

PETITION OF THE STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES REPEALING AN UNAUTHORIZED RULE

The Wisconsin Department of Natural Resources proposes the following permanent rule to **repeal** NR 216.022, relating to: Other environmental programs, municipal separate storm sewer system discharge permits.

EXR - 11

Analysis Prepared by the Department of Natural Resources

1. Statutes Interpreted:

- Section 283.31 (1), Stats.
- Section 283.33, Stats.

2. Statutory Authority:

- Section 227.26 (4) (b), Stats.
- Section 227.29 (1) (a), Stats.
- Section 283.32 (1), Stats.
- Section 283.33, Stats.

3. Explanation of Agency Authority:

Under s. 227.26 (4) (b), Stats., an agency that promulgated or that otherwise administers a rule that the agency determines is an unauthorized rule shall petition the joint committee for review of administrative rules for authorization to repeal that rule.

The Department of Natural Resources (department) proposes repealing s. NR 216.022, Wis. Adm. Code, *Other environmental programs*, because the department is not authorized to defer Wisconsin Pollution Discharge Elimination System (WPDES) permitting to another department program under either state statute or federal law. Section 283.31 (1), Stats., specifically states that the discharge of any pollutant into any waters of the state or the disposal of sludge from a treatment work by any person is unlawful unless such discharge or disposal is done under a permit issued by the department under this section or s. 283.33.

4. Related Statutes or Rules:

- Section 283.35, Stats.
- Section 283.37, Stats.

5. Plain Language Analysis:

Under the statutes interpreted and statutory authority described above, the proposed rule will repeal s. NR 216.022, Wis. Adm. Code, as an unauthorized rule.

6. Agency Contact Person:

Jim Bertolacini, DNR Storm Water Program Coordinator, Wisconsin DNR WT/3, 101 S. Webster St.,

TEXT OF RULE

SECTION 1. NR 216.022 is repealed.

SECTION 2. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

END OF TEXT