

Report to
Legislative Council Rules Clearinghouse
Natural Resources Board Order No. WT-14-08
Revisions to chs. NR 151, 153, and 155, Wis. Adm. Code

Wisconsin Statutory Authority

Sections 227.11(2) (a), 281.16, 281.19, 281.65 and 281.66, Stats., interpreting ss. 281.16, 281.65 and 281.66, Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

Proposed revisions to these rules, which were initially promulgated in 2002, were prompted by several actions. The Natural Resources Board directed the department to develop and codify an agricultural buffer performance standard after it received the results of a University of Wisconsin study on buffers. Another action is an increased effort by the federal government and the state to address the problem of state waters that have been declared impaired, primarily by polluted runoff. The promulgation in 2007 of revisions to ch. NR 243, Animal Feeding Operations, necessitates changes to ch. NR 151 to make the rules consistent. Also in 2007 the legislature authorized the department to fund runoff Notices Of Discharge (NODs) issued to non-permitted livestock facilities outside of the Targeted Runoff Management grant process. Revisions to ch. NR 153 are needed to codify the funding process. The most recent action was the transfer of commercial building site erosion control authority from Commerce to the department by 2009 Wisconsin Act 28.

Other actions and events that occurred since the rules were first promulgated include the availability of research results showing that some performance standards may not be providing the level of protection originally intended, improved data sets for use in models and improved methods of calculating phosphorus and sediment delivery to receiving waters and the emergence of data generated by municipalities that caused concern about meeting future performance standards for developed urban areas. Implementation of the performance standards since 2002 demonstrated that portions of the runoff rules need changes to clarify intent.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

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