2023 ASSEMBLY BILL 1118

February 23, 2024 - Introduced by Representatives STUBBS, RATCLIFF, BALDEH, MOORE OMOKUNDE, JOERS, SHELTON, SINICKI, BARE, SUBECK, MADISON, J. ANDERSON, JACOBSON, DRAKE, PALMERI and OHNSTAD, cosponsored by Senators AGARD and L. JOHNSON. Referred to Committee on Housing and Real Estate.

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

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.

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

SECTION 1. 283.33 (8m) of the statutes is created to read:

283.33 **(8m)** RULES FOR STORM WATER POND SAFETY. The department shall

promulgate rules under sub. (8) establishing that any pond located in an area with a population density of not less than 1,000 people per square mile that is constructed as part of an activity for which a permit is required under sub. (1) or s. 283.31 must include one or more of the following features for safety:

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

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

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

(END)