

Chapter NR 151 Runoff Management

*Nitrate TAC Meeting #1
February 27, 2020*





Agenda

- Background of our state NPS pollution abatement program.
- Statutory authority for NR 151.
- Describe what is in NR 151.
- Describe authority for developing targeted performance standards.



Nonpoint Runoff Management in Wisconsin

1978 - WI NPS Water Pollution Abatement Program

- Created out of the Clean Water Act, states started addressing runoff issues.
- NR 120, Priority Watershed Program
- Administered by DNR, DATCP, County LCDs
(not soil water conservation districts)
- "Critical Sites" means those sites that are **significant** sources of nonpoint source pollution...
- Large scale plans, 10 yr. lifespan.
- Successful program



Nonpoint Runoff Management in Wisconsin

1997 - NPS Program Redesign

- Uniform eligibility for funding and compliance.
- Created TRM grants, NR 151 (ag and non-ag performance standards).
- Assigned implementation responsibilities to local governments
- Staffing grants for counties to DATCP
- Defines agencies roles
- Defines cost share requirement



State Statutes – s.281.16

The legislature instructed the department of natural resources in s. 281.16, Stats., to prescribe nonpoint source performance standards. These performance standards are listed in ch. NR 151.

- DNR Role -- promulgate rules prescribing performance standards and prohibitions (NR 151).
- DATCP Role -- promulgate rules prescribing conservation practices to implement the performance standards and prohibitions (ATCP 50).
- Defines cost share requirement for implementation (grants)



NR 151 Purpose

- Establishes runoff pollution performance standards for agricultural, non-agricultural, and transportation facilities.
- Creates a process to develop and disseminate non-ag technical standards.
- Specifies how to develop targeted performance standards if statewide performance standards do not achieve water quality standards.



Elements of NR 151

I – Definitions, General Provisions

- Targeted Performance Standards provision is here.

II – Agricultural Performance Standards and Prohibitions

III – Non-Agricultural Performance Standards

IV – Transportation Performance Standards

V – Process to Develop Non-Agricultural Technical Standards



CH. NR 151 Runoff Management

Administrative code

NR 151.02-08: Establishes runoff pollution performance standards for agricultural facilities and practices designed to meet water quality standards.

NR 151.004: If not achieved, specifies how to develop targeted performance standards.

NR 151.09-095: Implementation and Enforcement Procedures including the role of municipalities, new vs. existing.

NR 151.096: Local ordinances that exceed state standards.

NR 151.097: Variance process when compliance is not feasible.



Ch. NR 151, Wis. Adm. Code

Runoff Management – Agricultural Perf. Standards

- **2002**

- Performance standards and prohibitions for all agricultural operations in the state

- **2010**

- Updated to include additional standards and prohibitions
 - For example, tillage setback from streams and phosphorus index

- **2018**

- Updated to include targeted performance standards to address pathogen issues in Silurian bedrock areas

- **2022?**

Statewide Agricultural Performance Standards

- Sheet, rill, and wind erosion
- Tillage setback
- Phosphorus index
- Manure storage facilities
- Process wastewater handling
- Clean water diversions
- Nutrient management



Statewide Manure Management Prohibitions

- No overflow of manure storage facilities
- No unconfined manure pile in a water quality management area
- No direct runoff from a feedlot or stored manure to waters of the state
- Livestock grazing may not cause stream bank erosion





2003 Implementation Strategy

Collaboration by DNR, DATCP, UW, and counties.

- Counties provide:
 - lead role for implementation
 - technical assistance to farmers
- DATCP administers:
 - funds to counties for staffing
 - grants and incentives for water quality practices
- DNR offers:
 - grants and technical assistance
 - enforcement support
- UW hosts outreach opportunities



Targeted Performance Standards

- Authority described in NR 151.004.
- The department shall develop targeted performance standards if the statewide performance standards do not achieve water quality standards. Using modeling or monitoring, the department shall determine if a specific waterbody or area will not attain WQS or GWS.



Targeted Performance Standards

- Apply to a specific area having characteristics that necessitate additional practices to meet water quality standards.
- Considerations for creating a TPS:
 - Geology and physical parameters
 - Monitoring data or modeling indicate problems
 - Pollutants of concern



Rule Changes

NR 151 and NR 243:

- NR 151 performance standards will apply to all agricultural facilities and practices where sensitive area exists.
 - If cost sharing is provided to existing small and medium size farms.
- Incorporation by reference into NR 243 the NR 151 targeted performance standard will apply to all permitted CAFOs (where sensitive area exists).
 - Updated in permits during re-issuance.

Questions?

