

# The Nonpoint Performance Standard Rules

Wisconsin Department of Natural  
Resources

# Rule Origins

- 1997 Act 27 and 1999 Act 9
- Outreach Advisory Committee
  - Supported by technical committees
  - Met over 18 months
- First rule version - 22 public hearings in March 2000
- Second rule version - 12 public hearings in March 2001

# Rules

- NR 151 - Performance Standards
- NR 152 - Model Ordinances
- NR 153 - TRM Grants
- NR 154 - BMPs and Cost Share Conditions
- NR 155 - Urban Grants
- NR 120 - Priority Watersheds
- NR 216 - Storm Water Permits
- NR 243 - Animal Feeding Operations

# Agricultural Performance Standards - NR 151

- Sheet, rill and wind erosion
- Manure storage facilities
- Clean water diversions
- Nutrient management
- Manure management prohibitions
  - No overflow of manure structures
  - No unconfined manure stacks in WQMAs
  - No direct runoff from feedlots
  - No unlimited livestock access



# Agricultural Revisions

## NR 151

- "T" measured by RUSLE II
- Remove riparian buffer and grassed waterway performance standards
  - buffers as written will be largely ineffective and are prohibitively expensive
  - buffers will largely be implemented through CREP
  - removes navigability concerns
  - replace with effective BMPs that are voluntary but with incentives
  - give preference in TRM for projects including these measures

# Nutrient Management

- NR 151.07(3)(b)1. - ...the plan shall be designed to maintain or reduce soil nutrient concentrations so as to manage delivery of nutrients contributing to the impairment of impaired surface waters and to outstanding and exceptional resource waters
- Increases allowed if:
  - Necessary to meet crop demands
  - Background water quality will not be altered (ORW and ERW only)
  - Low delivery risk can be demonstrated (303(d))

# Nutrient Management

- Nutrient management primarily N-based, but may be P-based in limited target areas
  - Waters impaired by nutrients - primarily P
    - 303 (d) list -
      - About 120 out of 560
  - Outstanding Resource Waters
  - Exceptional Resource Waters

# Other Revisions - NR 151

- Implementation
  - DNR requirements
  - Rely on governmental units
  - Develop strategy / guidance



# Non-Agricultural Revisions

## NR 151

- Revised infiltration standard for residential and commercial sites - 1% and 2% caps
- Removed 10,000 ft<sup>2</sup> threshold near navigable waters
- Modified runoff curve numbers
- Transportation
  - Construction site erosion control matrix
  - Exempted highways from infiltration

# Revisions to NR 154

- Greater flexibility in economic hardship determinations
- Agricultural technical standards are referenced to ATCP 50
- Grassed waterway and riparian buffer incentives

# Performance Standard Rule Status

- Package to the Natural Resources Board  
- late November, 2001 - January 2002
- Presentation to the Land and Water  
Conservation Board - December 3/4,  
2001
- Available to the public at our website in  
early January, 2002
- [www.dnr.state.wi.us](http://www.dnr.state.wi.us)

# Performance Standard Rule Status

- Presentation to the Natural Resources Board at the January 22 / 23, 2002 meeting
- If approved, forwarded to the legislature for its review and comment
- Final rules effective in late spring to summer, 2002
- Practical effect - 2003 season