

# Stormwater Rule & Performance Standards NR 216 & NR 151

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# EPA Phase I

## Ch. NR 216 Wis. Adm. Code

- 1990 EPA Phase I Rules
  - Included requirements for the States to regulate storm water
- 1994 Ch. NR 216 Promulgated
  - Municipal Storm Water permits
    - 49 communities in SER designated
  - Industrial Storm Water permits
  - Construction Storm Water Permits
    - sites > 5-acres

## EPA Phase II Rules

- March 10, 2003 requiring the States to regulate
  - small construction sites > 1-acre
    - 3207 active sites statewide, 1161 SER
  - small MS4s (municipal separate storm sewer systems) identified as located in an Urbanized Area
    - approximately an additional 50 communities in SER for a total of ~ 100 currently permitted or will be soon

## Ch. NR 216 Revisions

- Public comment period ended August, 2003 and comments were incorporated into final version where appropriate
- Changes were made to the permit fee's
  - MS4s based on population
  - Construction sites based on size
- [http://dnr.wi.gov/org/water/wm/nps/rules/nr216/nr216\\_revisions.htm](http://dnr.wi.gov/org/water/wm/nps/rules/nr216/nr216_revisions.htm)

## NR 216 Revisions

- Natural Resource Board approved revisions on February 26, 2004
- Legislature now has 60 days to respond
- Once (if) approved sent to Revisor of Statutes for changes (1-4 months)
- Finalized sometime mid summer

## NR 216-What's Next?

- Draft the Municipal General Storm Water Permit
- Public notice
- Evaluate communities with populations > 10,000 not listed by EPA in an Urbanized Area
- Issue general permits

# Municipal General Storm Water Permits

- Public Education and Outreach
- Public Involvement and participation
- Illicit Discharge Detection and Elimination
- Construction Site Pollution Control
- Post Construction Pollution Control

# Municipal General Storm Water Permits

- Pollution Prevention
- Storm Sewer Map
- Annual Reporting

# Runoff Management Rules

- Addresses biggest remaining pollution threat to Wisconsin waters
- Core is performance standards (NR 151)
- 7 other rules to support NR 151 or modify current programs
- Effective Oct. 1, 2002 (but not all performance standards-unless in permitted communities )



# NR 151 Performance Standards

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- Agricultural Performance Standards & Prohibitions (Subch. II)

- Non-Agricultural Performance Standards (Subch. III)
- Transportation Performance Standards (Subch. IV)
- Technical Standards Develop. Process (Subch. V)



## Non-Agricultural Performance Standards (Subchapter III)

- Construction Site Erosion Control
- Post-Construction Storm Water Management
- Developed Urban Area - Pollutant Loading Reduction

# Construction Standards

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## Applicability

- Sites with 1+ acre(s) of land disturbance

## Implementation

- Implemented through existing permits & programs  
NR 216, Ch. 30, TRANS 401

## Standard

- Written erosion & sediment control plan
- Sediment controlled by design to the **Maximum Extent Practicable** up to 80%

# Post-Construction Standards

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## Applicability

- Sites with 1 or more acres of land disturbance (during construction)
  - Were subject to construction standards

## Implementation

- Implemented through existing permits and programs
  - NR 216, Ch. 30, TRANS 401
- Effective 10/1/04 unless Permitted Municipality & required sooner

# Post-Construction Standards

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## Post-Construction Standards

- Written storm water plan
- TSS controlled by design to MEP up to **80%** for *new development*, **40%** for *redevelopment*
- 2-year 24-hour peak flow control
- Infiltration standard \*
- Protective areas (buffers) \*

# Post-Construction Standards

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## Infiltration Standard (by design)

- Residential
  - Infiltrate **90%** of the average annual predevelopment infiltration volume (or **25%** of the 2-yr, 24-hr storm)
  - Cap: 1% of area
- Non-residential
  - Infiltrate **60%** of the average annual predevelopment infiltration volume or (**10%** of the 2-yr, 24-hr storm)
  - Cap: 2% of area
- *Exclusions & Exemptions: NR 151.12(5)(c)*

# Post-Construction Standards

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## Protective Areas

- Maintain or restore a vegetated buffer along surface waters
- Buffer Widths
  - Outstanding & Exceptional Resource Waters: 75-foot buffer
  - Lakes & Streams: 50-foot buffer
  - Wetlands: 10 to 75-foot buffer
- Exemptions: NR 151.12(5)(d)

*Note:* - **BMPs can be located in protective area,**  
- **Can be disturbed during construction**

# Developed Urban Area Standards

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## **NR 216 Permitted municipalities must also:**

- Reduce total suspended solids by 20% (by 2008)
- Reduce total suspended solids by 40% (by 2013)
  - overall pollutant loading , determined by modeling

## For More Information

- **Storm Water Program**  
<http://dnr.wi.gov/org/water/wm/nps/stormwater.htm>
- **Runoff Mgmt Rules**  
<http://dnr.wi.gov/org/water/wm/nps/admrules.htm>
- **EPA Storm Water homepage:**  
[http://cfpub1.epa.gov/npdes/stormwater/swphase2.cfm?program\\_id=6](http://cfpub1.epa.gov/npdes/stormwater/swphase2.cfm?program_id=6)