

**PETITION OF THE STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
REPEALING AN UNAUTHORIZED RULE**

The Wisconsin Department of Natural Resources proposes the following permanent rule to repeal NR 151.13 (2) (b) 2., 3., and 4; NR 151.25 (2) (a) 2., and 3.; and NR 151.25 (2) (c), relating to: non-agricultural performance standards, developed urban areas and transportation facility performance standards, developed urban areas.

EXR - 10

Analysis Prepared by the Department of Natural Resources

1. Statutes Interpreted:

- Section 281.16 (2) (am), Stats., as affected by 2011 Wis. Act 32

2. Statutory Authority:

- Section 227.26 (4) (b), Stats.
- Section 227.29 (1) (a), Stats.
- Section 281.16 (2) (am), Stats.

3. Explanation of Agency Authority:

Under s. 227.26 (4) (b), Stats., an agency that promulgated or that otherwise administers a rule that the agency determines is an unauthorized rule shall petition the joint committee for review of administrative rules for authorization to repeal that rule.

The Department of Natural Resources proposes repealing s. NR 151.13 (2) (b) 2., 3., and 4; s. NR 151.25 (2) (a) 2., and 3.; and s. NR 151.25 (2) (c), Wis. Adm. Code, Runoff Management, because statutory authority was repealed by 2011 Wis. Act 32.

4. Related Statutes or Rules:

- NR 151.13 (2) (b) 1., Wis. Adm. Code
- NR 216.07 (6) (a), Wis. Adm. Code

- Section 281.16 (2) (a), Stats.

5. Plain Language Analysis:

Under the statutes interpreted and statutory authority described above, the proposed rule will repeal s. NR 151.13 (2) (b) 2., 3., and 4; s. NR 151.25 (2) (a) 2., and 3.; and s. NR 151.25 (2) (c) Wis. Adm. Code, as unauthorized rules.

Section 1, 2, and 3 repeals s. NR 151.13 (2) (b) 2., 3., and 4; s. NR 151.25 (2) (a) 2., and 3.; and s. NR 151.25 (2) (c) which reference implementation of the 40% total suspended solids reduction requirement. Through 2011 Wisconsin Act 32, s. 281.16 (2) (am) was created to explicitly prohibit the DNR from enforcing a provision in a rule that requires a covered municipality to achieve a total suspended solids reduction above 20% by an established date.

6. Agency Contact Person:

Jim Bertolacini, DNR Storm Water Program Coordinator, Wisconsin DNR WT/3, 101 S. Webster St., P.O. Box 7921, Madison, WI 53707-7921; (608) 264-8971; Jim.Bertolacini@wisconsin.gov

TEXT OF RULE

SECTION 1. NR 151.13 (2) (b) 2., 3., and 4. are repealed.

SECTION 2. NR 151.25 (2) (a) 2., and 3. are repealed.

SECTION 3. NR 151.25 (2) (c) is repealed.

SECTION 4. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

END OF TEXT