



How Laws and Regulations are Put into Action

Vanessa Wishart, MEG Wastewater

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- Statutes
 - Regulations/Rules
 - Administrative Guidance

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Statutes

- The Clean Water Act is Implemented in Wisconsin through state statutes
- Statutory authority can be fairly broad or more specific
- Agencies must have explicit authority to develop and implement regulations



Legislative Process

- Introduction of a bill by a legislator in the Senate or Assembly
- Reference to a committee
- Public hearings
- Committee recommendation to full house (Senate or Assembly)
- Vote on passage
- Sent to the other house for the same process
- On to the Governor for signature



Examples: Water Quality Standards

- Wis. Stat. s. 281.15: “The department shall promulgate rules setting standards of water quality to be applicable to the waters of the state ...”
- Standards consist of:
 - Designated uses
 - Fish and aquatic life
 - Recreation
 - Public health and welfare
 - Wildlife
 - Water quality criteria
 - Narrative
 - Numeric
 - Antidegradation



Examples: WPDES Permits

- Wis. Stat. ch. 283
- Gives the department authority to promulgate rules to implement the WPDES permit program



Examples: Multi-Discharger Variance

- Wis. Stat. s. 283.16
- Creates a multi-discharge variance for phosphorus subject to specific requirements and restrictions
- Much more specific statutory provisions
 - Interim limits;
 - Options for permit compliance;
 - Requirements for submittal of applications;
 - Requirements for department review

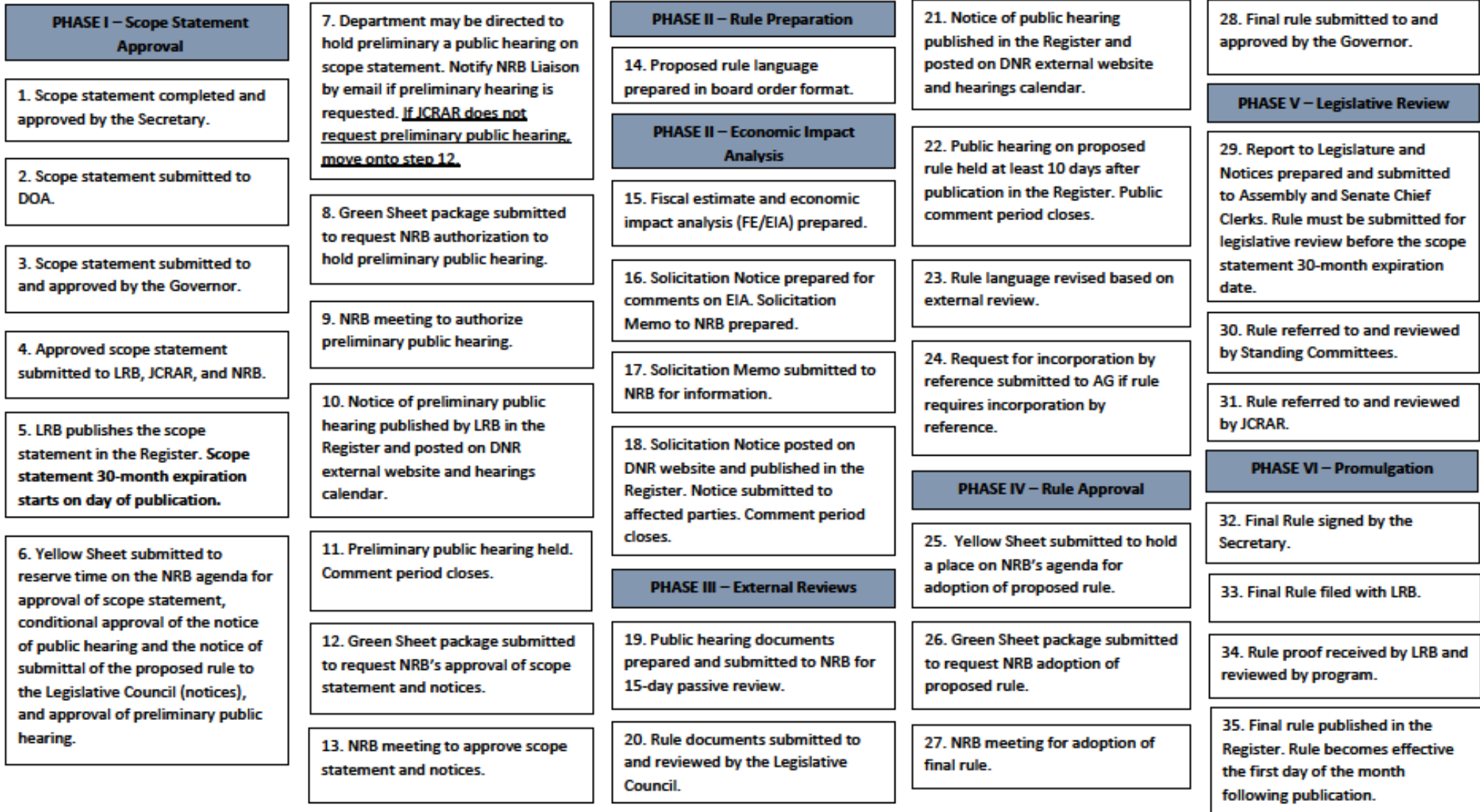
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Regulations

- State administrative code provisions
 - Ex. Wis. Admin. Code ch. NR 102
- Developed to implement authority under state statutes
- Require explicit authority

**DNR ADMINISTRATIVE RULE PROMULGATION PROCEDURE FOR PERMANENT RULES
2020**





Process for Developing Rules

- Statement of Scope
- NRB approval for Statement of Scope
- Preparation of proposed rule
- Solicitation of information for economic impact analysis
- Public hearing/comment period on EIA
- Public hearing/comment period on proposed rule
- NRB meeting for adoption
- Submittal to Governor
- Legislative review



Example: Bacteria Standards

- DNR recently revised its water quality criteria for bacteria for protectiveness of the recreation designated use
- Statutory authority for revisions under Wis. Stat. s. 281.15 (water quality standards) and ch. 283 (WPDES permits)



Example: Bacteria Standards

- Included a number of code changes:
 - NR 102: E. coli as the pathogen indicator instead of fecal coliform; specific criteria established
 - NR 210: Revised calculation procedures for effluent limitations during recreation season based on NR 102 criteria revisions

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Guidance

- Agencies develop guidance documents to aid in interpretation and implementation of statutes and regulations
- Unlike statutes and regulations, guidance is *not* law
- Can include guidance documents, operational handbooks, and manuals



Guidance Development Process

- Process varies from agency to agency
- Recent legislative effort to formalize guidance process was struck down by the Wisconsin Supreme Court
- No formal process, but DNR Wastewater Program typically:
 - Makes guidance documents available for viewing on its website
 - Provides an opportunity for stakeholder input

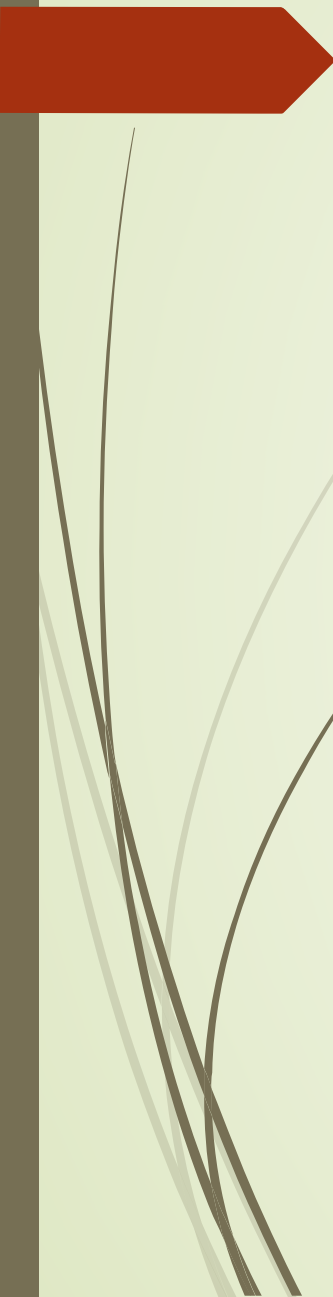


Example: Bacteria Standards



- Guidance: Implementation of Bacteria Water Quality Standards in Wastewater Permits
 - Posted to DNR website in late 2020 and was open for public comments
 - Provides guidance on:
 - Implementing E. coli limits in permits
 - Compliance schedules and interim limits
 - Lists of compliance options
 - Monitoring frequencies



So what goes in your permit?



Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Notes
Fecal Coliform	Geometric Mean - Monthly	400 #/100 ml	2/Week	Grab	Interim limit effective May – September annually until final E. coli limits go into effect per the “Effluent Limitations for E. coli” Schedule.
E. Coli		#/100 ml	2/Week	Grab	Monitoring only May-September annually until the final limit goes into effect per the “Effluent Limitations for E. coli” Schedule.



Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Notes
E. coli	Geometric Mean - Monthly	126 #/100 ml	Weekly	Grab	Limit effective May - September annually per the "Effluent Limitations for E. coli" Schedule.
E. coli	% Exceedance	10 Percent	Weekly	Grab	Limit effective May - September annually per the "Effluent Limitations for E. coli" Schedule. See the "E. coli Percent Limit" section below. Enter results in the DMR on the last day of the month.



Questions?

Contact: Vanessa Wishart
vwishart@staffordlaw.com