WI’s NPS Regulatory Authority & TMDLs

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NPS Implementation History

- **Priority Watershed Program (Est. 1978)**
  - NPS Control Plans
  - Cost-sharing & local support funds provided
  - Largely voluntary (exc. critical sites)
  - 10-digit HUC scale

- **Legislative Audit Bureau Report (1994)**
  - Recommended changes to NPS Program
  - Voluntary approach not effective!
NPS Implementation History, cont.

- **Act 27 (1997)**
  - Develop ag. & non-ag. performance standards
  - Implement 4 manure management prohibitions from statutes
  - Administer cost-sharing funds for compliance

- **Act 9 (1999)**
  - Provided funding to facilitate the redesign of the NPS Program
    - Targeted Runoff Management Grant Program
Current Standards & Prohibitions

- Sections 281.16 & 281.65, Wisconsin Statutes
- Chapter NR 151, Wisconsin Administrative Code
  - October 1, 2002
Current Standards & Prohibitions

- Cropland Standards
  - Reduce sheet, rill, & wind erosion
  - Plan & implement nutrient management
Manure Storage Facility Standards

- Build new manure storage facilities to minimum standards
- Close abandoned manure storage facilities
- Abandon or upgrade failing facilities
- Provide clean water diversions for manure sources in the WQMA

WQMA = Water Quality Management Area
Current Standards & Prohibitions

- Manure Management Prohibitions
  - No manure storage facility overflows
  - No unconfined manure piles in the WQMA
  - No direct runoff from feedlot or stored manure
  - No unlimited livestock access to waters of the state
Cost-Share Requirement

- An offer of cost sharing must be made available for eligible costs to achieve required standards compliance for existing cropland practices or livestock facilities.
Once compliance is achieved, the cropland/livestock facility must maintain compliance with the standard or prohibition in perpetuity regardless of future cost sharing.
Proposed New Standards

- **Phosphorus Index**
  - Establishes average & max. PI for cropland, pasture & winter grazing areas

- **Tillage Setback**
  - Creates riparian no-tillage zone
  - Specifies size & allowable activity

- **Process Wastewater**
  - No significant discharges of process wastewater to waters of the state
    - Ex.) milk house waste & feed storage leachate
Proposed Performance Standards for TMDLs

- Proposed s. NR 151.005, Wis. Adm. Code
  - Require implementation of BMPs designed to meet the load allocation in an approved TMDL
  - Statewide standards would still be required as minimum level of performance
Proposed Modifications to NR 153 Targeted Runoff Management Grants

- 4 project categories
- Grants for large-scale projects include funds for local assistance (staffing)
- More efficiently manage available funding (state & federal)
Proposed Modifications to NR 153
Targeted Runoff Management Grants

- Large Scale TMDL Projects
  - Draft or approved TMDL or plan
  - Agricultural NPS only
  - Flexible watershed scale (up to HUC-12)
  - Address high priority sources affecting TMDL
  - 3-4 years duration; mid-project evaluation
  - Staff support $ (est. 10-15%)
Proposed Modifications to NR 153
Targeted Runoff Management Grants

- Small Scale TMDL Projects
  - Draft or approved TMDL or plan
  - Agricultural or small urban NPS
  - Single site focus
  - Address high priority sources affecting TMDL
  - 2-3 years duration
  - No staff support $
Questions?

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- Wisconsin Administrative Codes
  - http://www.legis.state.wi.us/rsb/code.htm
- Wisconsin Statutes
  - http://www.legis.state.wi.us/rsb/stats.html