

Administrative Rule Process for the Lead & Copper Rule

Environmental Management Division, 1-2025

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About Administrative Rules...



Regulations, standards, or policies promulgated by executive branch agencies (DNR) to implement statutes and administer agency programs.



Have the force and effect of law.

About Administrative Rules...



Rulemaking process is subject to oversight by the Legislature and is governed by Chapter 227, Wis. Stats.



Administrative rules are compiled in the Wisconsin Administrative Code.

Terms



Natural Resources Board (NRB) is the rule-making authority for the department. NRB sets policy for the department and exercises authority and responsibility in accordance with state laws.



Administrative Rule Promulgation Process: ~3 yrs

PHASE I – Scope Statement Approval

1. Scope statement completed and approved by the Secretary.
2. Scope statement submitted to DOA.
3. Scope statement submitted to and approved by the Governor.
4. Approved scope statement submitted to LRB, JCRAR, and NRB.
5. LRB publishes the scope statement in the Register. **Scope statement 30-month expiration starts on day of publication.**
6. Yellow Sheet submitted to reserve time on the NRB agenda for approval of scope statement, conditional approval of the notice of public hearing and the notice of submittal of the proposed rule to the Legislative Council (notices), and approval of preliminary public hearing.

7. Department may be directed to hold preliminary a public hearing on scope statement. Notify NRB Liaison by email if preliminary hearing is requested. If JCRAR does not request preliminary public hearing, move onto step 12.

8. Green Sheet package submitted to request NRB authorization to hold preliminary public hearing.

9. NRB meeting to authorize preliminary public hearing.

10. Notice of preliminary public hearing published by LRB in the Register and posted on DNR external website and hearings calendar.

11. Preliminary public hearing held. Comment period closes.

12. Green Sheet package submitted to request NRB's approval of scope statement and notices.

13. NRB meeting to approve scope statement and notices.

PHASE II – Rule Preparation

14. Proposed rule language prepared in board order format.

PHASE III – Economic Impact Analysis

15. Fiscal estimate and economic impact analysis (FE/EIA) prepared.

16. Solicitation Notice prepared for comments on EIA. Solicitation Memo to NRB prepared.

17. Solicitation Memo submitted to NRB for information.

18. Solicitation Notice posted on DNR website and published in the Register. Notice submitted to affected parties. Comment period closes.

PHASE IV – External Reviews

19. Public hearing documents prepared and submitted to NRB for 15-day passive review.

20. Rule documents submitted to and reviewed by the Legislative Council.

21. Notice of public hearing published in the Register and posted on DNR external website and hearings calendar.

22. Public hearing on proposed rule held at least 10 days after publication in the Register. Public comment period closes.

23. Rule language revised based on external review.

24. Request for incorporation by reference submitted to AG if rule requires incorporation by reference.

PHASE V – Rule Approval

25. Yellow Sheet submitted to hold a place on NRB's agenda for adoption of proposed rule.

26. Green Sheet package submitted to request NRB adoption of proposed rule.

27. NRB meeting for adoption of final rule.

28. Final rule submitted to and approved by the Governor.

PHASE VI – Legislative Review

29. Report to Legislature and Notices prepared and submitted to Assembly and Senate Chief Clerks. Rule must be submitted for legislative review before the scope statement 30-month expiration date.

30. Rule referred to and reviewed by Standing Committees.

31. Rule referred to and reviewed by JCRAR.

PHASE VII – Promulgation

32. Final Rule signed by the Secretary.

33. Final Rule filed with LRB.

34. Rule proof received by LRB and reviewed by program.

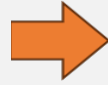
35. Final rule published in the Register. Rule becomes effective the first day of the month following publication.

Administrative Rule Promulgation

Typically
32 - 36 months



PHASE I – Scope Statement



PHASE II – Rule Development



PHASE III – Economic Impact Analysis

PHASE IV – Public Hearings

PHASE V – Adoption by NRB &
Approval by Governor

PHASE VI – Legislative Review

PHASE I – Scope Statement



Scope contains the objectives of the proposed rule



Describes the statutory authority for the proposed rule



Public hearing on Scope Statement



Scope Statement expires 30 months after publication

Green stars show opportunity for public input



PHASE II – Rule Drafting

Overlap with Phase III,
Economic Impact Analysis



Internal staff discussions;
Stakeholder meetings and
communications



Draft rule language



Complete draft rule
language & background
materials (“Board Order”)

PHASE III – Economic Impact Analysis (EIA)



Draft the Economic Impact
Analysis (EIA)



Economic Impact
comment period



Revise as needed

PHASE IV – Public Hearings



Complete the draft Board Order



Public hearing and comment
period



Summarize & respond to comments;
Revise Board Order as needed

PHASE V – Adoption by Natural Resources Board & Approval by Governor



Internally review and
approve final rule



Natural Resources Board
adopts rule



Governor approves rule

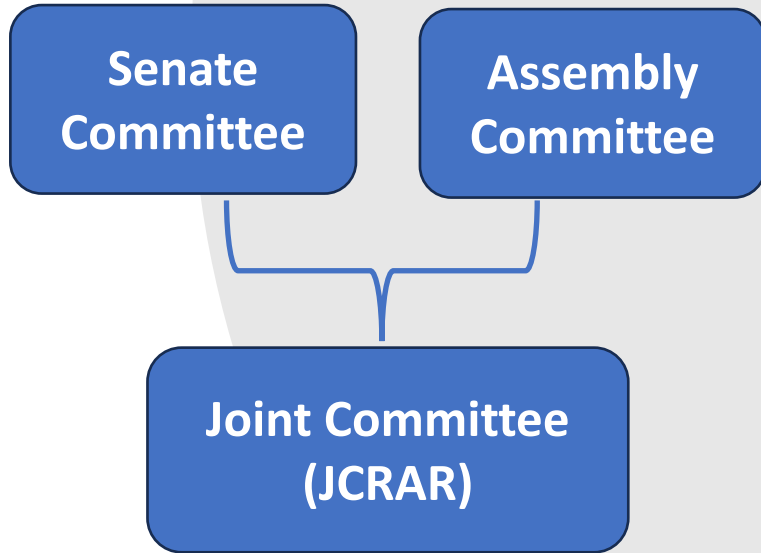


Submit final rule to
legislature

*Rule must be submitted to
legislature before Scope
Statement expiration date*



PHASE VI – Legislative Review



Review of rule by one committee in each house. May hold hearings.



Review of rule by JCRAR*. May hold a hearing.



Promulgation of the rule

**Joint Committee for Review of Administrative Rules*

General Timeline for Lead & Copper Rule

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
2025	Phase II & III: Rule drafting & EIA development EPA: Develop Primacy Package & EPA Review					Phase III: EIA Comment Period		Phase IV: Comment Period & Public Hearing			Phase V.a: NRB Adoption	
2026	Phase V.b: Governor approval; submit to Legislature		Legislative blackout period March 15, 2026 to Jan 2027 Phase VI Legislative Review					Primacy Deadline (without extension)		Scope statement expires		

Takeaways:

- Many steps & players
- Several opportunities for public input
- Aiming for submittal to the Legislature by Mar. 2026

Questions?

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