

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WY-09-24

Relating to: Revision to chs. NR 108, 110, and 150, relating to approval requirements for sewerage projects and facilities

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

The rule will be proposed as a permanent rule.

2. Detailed description of the objective of the proposed rule:

The Department of Natural Resources (department) proposes to comprehensively review and update current code requirements and procedures for the planning and design of sewerage (sewage/wastewater) systems. The primary goals will be to update code requirements to better reflect new technologies and broadly accepted engineering design standards, improve clarity and ease of use for owners and design engineers of sewerage systems, and identify potential staff workload reduction measures associated with program implementation. The proposed new or modified requirements will also aim to address any new or emerging issues as they arise.

This rulemaking process will be informed by a technical advisory committee and the Great Lakes – Upper Mississippi River Board’s Recommended Standards for Wastewater Facilities (10 States Standards).

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapter NR 110, Wis. Adm. Code, covers technical standards for sewerage systems. The majority of this chapter has not been revised over the past several decades, so it will be critically examined in order to re-structure it more effectively and improve process efficiency for sewerage systems owners, design engineers, department staff, and other stakeholders. This chapter contains extensive technical requirements that apply broadly to sewerage systems. Significant staff time is invested just to maintain and support the process requirements contained in the code. Chapter NR 110, Wis. Adm. Code, also contains requirements for facility planning. Facility planning is a process that requires owners of sewerage projects to evaluate alternatives for proposed sewerage projects, and requires that proposed sewerage projects be consistent with areawide water quality management plans.

Chapter NR 108, Wis. Adm. Code, a chapter that often works in tandem with ch. NR 110, Wis. Adm. Code, contains the definition of a “Reviewable Project” and the requirements and procedures for plan submittals related to sewerage system projects. This chapter may also be revised to change steps in the review procedures, plan format and content, or the project types that are subject to plan review.

The department anticipates that, after discussions with a technical advisory committee, proposed changes may include exempting certain project types from review, defining expedited review procedures for certain project types, and updating technical design standards. Specific changes may include:

- exempting certain pilot projects from requiring review;
- codifying a streamlined or “abbreviated” facility planning process for projects that are smaller in scope;
- updating the directions on how facility planners should evaluate new compliance options such as adaptive management and water quality trading; and
- codifying engineering standards that have been broadly accepted as alternative design requirements in Wisconsin and/or in recent or upcoming updates to the 10 States Standards.

The environmental review procedures in ch. NR 150, Wis. Adm. Code, may also need to be revised if it is determined that certain systems or projects should be exempted from plan review, or environmental review procedures should be simplified for certain systems or projects.

The rule may encompass additional code revisions to associated rules, consistent with the goals and objectives outlined above.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 227.11(2)(a), Stats., provides that a state agency “may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute,” subject to certain restrictions.

Section 281.12, Stats., contains general powers and duties for the department concerning waters of the state. In particular, s. 281.12(3), Stats., states that the department “upon request, shall consult with and advise owners who have installed or are about to install systems or plants, as to the most appropriate water source and the best method of providing for its purity, or as to the best method of disposing of wastewater, including operations and maintenance, taking into consideration the future needs of the community for protection of its water supply.”

Section 281.41, Stats., contains requirements for department review and approval of sewerage facilities, but this statute also allows certain types of systems to be exempted by rule.

Section 281.58(9), Stats., requires department plan review of projects submitted to the Clean Water Fund Program for financial assistance.

Sections 283.83, 283.85, and 283.93, Stats., contain requirements for the department’s continuing planning process, design of publicly owned treatment facilities, and limited exemptions from governmental consideration of environmental impact, respectively.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The department estimates that approximately 1,500 hours of staff time will be required to complete the proposed rule.

6. List with description of all entities that may be affected by the proposed rule:

The rule revisions would affect owners of sewerage systems regulated under ch. NR 110, Wis. Adm. Code. Sewerage systems defined as “private sewage systems” under ch. 145, Stats., are not regulated by chs. NR 108 or 110, Wis. Adm. Code. The owners of regulated “sewerage systems” are primarily

municipalities, but any other non-municipally owned sewerage system that treats non-industrial wastewater is also subject to ch. NR 110, Wis. Adm. Code, and would potentially be affected. These types of facilities can include developments such as resorts, mobile home parks, and recreational facilities, and institutions such as hospitals, prisons and schools.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

The U.S. Environmental Protection Agency (EPA) approves the department’s plan review program as part of their program delegation agreement with the department. In addition, Title 40, Code of Federal Regulations Section 130.5 requires a continuing planning process to develop areawide water quality management plans. Any proposed code revisions will be coordinated with the EPA and the department’s Clean Water Fund Program.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have an economic impact on small businesses):

The department’s preliminary determination is that the proposed rule changes will have a moderate impact (\$50,000 to less than \$5 million per year and with unquantifiable human health benefits). Overall, the proposed changes are expected to streamline the process for certain reviews, clarify and update existing code requirements, and update requirements to allow the use of new technologies and wastewater industry standards. Cost savings to applicants are also anticipated by allowing increased flexibility in the selection of materials, technologies, and designs used in wastewater conveyance and treatment systems. However, there may be some increased costs associated with updated technical standards applicable to sewerage systems.


9. Anticipated number, month and locations of public hearings:

The department anticipates holding one public hearing in January 2026. The department will hold the hearing virtually to allow as many people to attend as possible. Comments may be provided by mail, phone, email, or verbally during the hearing.

The department also intends to convene a technical advisory committee consisting of interested parties, such as representatives of publicly owned treatment works, engineering consulting firms, and environmental groups, to inform decision-making during rule drafting.

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Signed by:

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