

SUMMARY OF NON-AGRICULTURAL PERFORMANCE STANDARDS

Disclaimer: This attachment contains a summary of the administrative rule requirements. Where discrepancies exist the provisions of the rule will govern.

Consistency Requirement

To be consistent with non-agricultural performance standards under ch. NR 151 the project must comprehensively address the performance standard that the project focuses on. In addition, local standards addressed by the project (e.g., thermal) must not work at cross-purposes to the State standards. The following criteria apply:

- A project may address one or more of the following performance standards for a given geographic area:
 - Construction site performance standards for new development and redevelopment (s. NR 151.11);
 - Post-construction performance standard for new development and redevelopment (s. NR 151.121-128 and NR 151.241-249);
 - Developed urban area performance standard (s. NR 151.13).

Non-Agricultural Performance Standards

The following is a summary of non-agricultural performance standards under subchapters III and IV of ch. NR 151. The administrative code should be consulted for more detailed information.

Section NR 151.11: Construction Sites In New Development And Redevelopment

During construction, land disturbance of one acre one or more will be limited to a discharge of no more than 5 tons/acre/year. In addition, these sites must also prevent tracking of sediment onto roads, prevent the discharge of sediment during site de-watering, protect storm drain inlets, prevent the discharge of sediment from disturbed areas into adjacent waters of the state, prevent the discharge of sediment from drainage ways that flow off the site, prevent the discharge of sediment eroding from soil stockpiles existing for more than seven days, prevent the discharge of sediment from erosive flows at outlets and in downstream channels, prevent the transport of runoff into waters of the state of untreated wash water from vehicle and wheel washing and properly use and store and dispose of chemicals, cement and other construction materials. Preventive measures include maintenance of existing vegetation especially adjacent to surface waters when possible, minimization of soil compaction and preservation of topsoil minimization of construction activity or slopes of 20% or more and the development of a spill prevention and response plan.

Section NR 151.121-128: Post-Construction In New Development And Redevelopment

Construction sites of one acre or more that were subject to the construction performance standards of s. NR 151.11 must provide storm water management plans that meet the performance standards listed below:

- **Total Suspended Solids**

80% of the total suspended solids that would normally run off the site in an average year must be retained. The reduction goal for redevelopment is 40% for parking lots and roads. For in-fill development under five acres that occurs prior to Oct. 1, 2012, the reduction goal is 40%. All other in-fill development has a reduction goal of 80%.

- **Peak Discharge Rate**

The pre-development peak runoff discharge rate for both the 1 year, 24-hour and the 2-year, 24-hour design storm must be maintained or reduced.

- **Infiltration**

A portion of the volume of water running off the site must be infiltrated.

For low connected impervious land uses, (up to 40% connected imperviousness), infiltrate 90% of the pre-development infiltration volume. No more than 1% of the site would have to be dedicated to meeting the infiltration requirement.

For moderate connected impervious land uses (40% to 80% connected imperviousness), infiltrate 75% of the pre-development infiltration volume. No more than 2% of the site would have to be dedicated to the meeting in the infiltration requirement.

For highly connected impervious land uses (more than 80% connected imperviousness), infiltrate 60% of the pre-development infiltration volume. No more than 2% of the site would have to be dedicated to meeting the infiltration requirement.

The rule identifies situations where infiltration is optional and others where it is prohibited in order to protect groundwater.

- **Protective Areas**

Permanent vegetative buffer areas must be maintained around lakes, streams and wetlands to filter pollutant(s) and protect against erosion. Buffer sizes range from 50–75 feet for most resources, varying according to the type and classification of the water body.

- **Fueling and Maintenance Areas**

Petroleum product runoff from fueling and vehicle maintenance areas must be controlled to remove any visible sheen.

Section NR 151.241-249: Transportation Facilities

Roads and associated structures are also subject to the post-construction performance standards. Some specific modifications are made in recognition of the unique character of transportation facilities:

- Exemption from post-construction performance standards for highway resurfacing, reconditioning or minor re-construction; and
- Option to use a water quality-designed swale to meet the post-construction performance standard.

Section NR 151.13: Developed Urban Area Performance Standards

These performance standards apply to incorporated cities, villages and towns with a population density of 1,000 or more people per square mile. These local units of government are responsible for implementing a storm water management program within two years of receiving permit coverage that includes the following:

- Public education on the proper management of leaves and grass clippings, lawn and garden fertilizers and pet wastes and the prevention of oil and chemical runoff into storm sewers.
- A municipal program for proper management of leaves and grass clippings, including public information about the program.
- Application of nutrients on municipally-owned property in accordance with a nutrient application schedule.
- Detection and elimination of illicit discharges.
- A 20% reduction in total suspended solids, or to the maximum extent practicable, as compared to no controls.