



## Wisconsin's Runoff Management Rules

### NR 151 Subchapter IV Transportation Facilities Performance Standards

**NR 151 Subchapter IV is part of 8 Department of Natural Resources rules that address runoff pollution (also known as nonpoint source pollution), the major cause of polluted waters in Wisconsin and the United States**

**Complete versions of the Runoff Management rules can be obtained by visiting the DNR Runoff Management Program Web page (<http://www.dnr.state.wi.us/org/water/wm/nps/index.htm>) or by contacting:**

**Wisconsin DNR  
Runoff Management/  
WT 2  
Attn.: Carol Holden  
P.O. Box 7921  
Madison, WI 53707  
(608)266-0140**

Subchapter IV of NR 151 contains the performance standards for major transportation facilities that cause or may cause polluted runoff. Transportation facilities covered by this subchapter of NR 151 include roads, public mass transit systems, highways, public airports, railroads, public trails, and other public transportation works.

The transportation facility performance standards focus on transportation sites during and after construction, as well as to some in developed urban areas. These standards apply to projects administered by the Department of Transportation (DOT), as well as non-DOT-administered projects.

The **transportation facility construction site erosion control** performance standard applies to sites on which land-disturbing construction activity affects 5 or more acres of land. This threshold will be lowered to 1 acre by March 10, 2003. The lower threshold is consistent with the timing and applicability of new U.S. Environmental Protection Agency Phase 2 Storm Water Regulations.

The standard requires implementation of an erosion and sediment control plan using practices that, by design, minimize contaminated runoff entering state waters. The goal is to reduce the average annual sediment load carried in runoff by 80 percent. Some exceptions to meeting the 80-percent control are allowed,

provided a reasonable justification is presented.

Sediment and erosion control practices for transportation facilities are contained in DNR and DOT specifications and manuals. Specific control measures include: minimization of tracking; proper use and storage of chemicals, cement and other compounds; minimizing sediment discharge from de-watering; sediment clean up; and sewer inlet protection. Sediment control practices may be located on or off-site but before runoff enters state waters or a separate storm sewer system connecting to waters of the state.

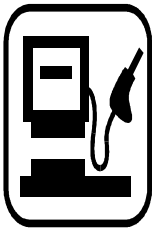
The goal of the **post-construction** performance standard is to set a minimum control level for polluted runoff from transportation facility sites that were subject to the construction performance standard. The standard requires implementation of a storm water management plan using Best Management Practices (BMPs) that minimize pollutants in runoff, maintain or lower runoff rates, provide for infiltration, create and



## NR 151 Transportation Facilities Performance Standards

maintain buffer areas, and control 80 percent of the total suspended solids that would normally run off the site. Implementation of the post-construction performance standard is delayed for 2 years after the rule is promulgated to allow time for advance planning for implementation. Properly designed and maintained vegetated swales meet requirements of this performance standard. Additional treatment may be needed for runoff that enters outstanding and exceptional resource waters and federally listed waters that are degraded from nonpoint pollution sources.

The infiltration standard will vary according to soil conditions. Certain types of runoff that could contaminate groundwater are exempt from infiltration. A permanent vegetative buffer area must be maintained in newly developed sites around lakes, streams, and wetlands to filter pollutants and protect against erosion. Buffer sizes vary according to type and classification of the waterbody. Also, petroleum



product runoff from fueling and vehicle maintenance areas must be controlled to remove all visible sheen in the runoff.

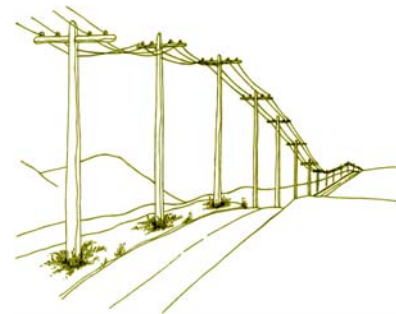
The practices identified in the management plan must be installed during or immediately after construction. The practices may be located off site but must be installed **before** entering state waters.

The **developed urban area** performance standard is applicable *only* to highways that are under the jurisdiction of the DOT that are regulated under an NR 216 municipal storm water discharge permit. (Local roads within an NR 216 municipality not under DOT jurisdiction are covered by the developed urban area performance standards in NR 151.13.) The standard is intended to promote and encourage coordination between the DOT and the NR 216-permitted municipalities to control runoff pollution from urbanized areas.

The performance standard requires DOT to implement a storm water management plan that attains a reduction in total suspended solids from transportation facilities of 20

percent by March 10, 2008, and 40 percent by March 10, 2013. DOT will also be responsible for informing and educating their appropriate staff and contractors about proper use and management of nutrients, pesticides, salt and other de-icing materials, and vehicle maintenance activities to prevent polluted runoff to state waters.

DOT transportation activities covered under Section 30.12(4) of Wisconsin Statutes follow the consultation and conflict resolution process specified in agreements between the DNR and DOT. (Non-DOT transportation activities would be regulated by the DNR through either a storm water permit issued under NR 216 or by Section 281.98 of Wisconsin Statutes.)



Two (2) additional fact sheets covering other provisions of NR 151 (Subchapter II — Agricultural Performance Standards Prohibitions and Subchapter III — Non-Agricultural Performance Standards and Prohibitions) are also available from the Department of Natural Resources.

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