

NR 110

State of Wisconsin

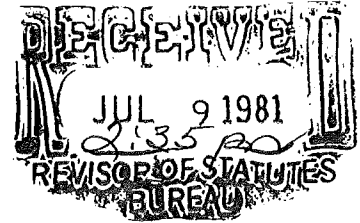
DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: _____

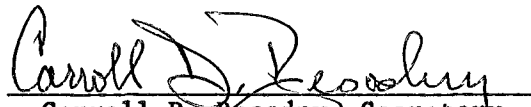
STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. WQ-56-80 was duly approved and adopted by this Department on March 26, 1981. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 7th day of July, 1981.


Carroll D. Besadny, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

.....
IN THE MATTER of creating sections :
NR 110.03(20) and NR 110.08(5) of the :
Wisconsin Administrative Code :
pertaining to approval of new :
sewage treatment facilities :
.....

WQ-56-80

Analysis Prepared by Department of Natural Resources

Section NR 110.08(5), Wis. Adm. Code, would establish criteria for the approval or denial of new sewage treatment plants. It is the purpose of these rules to limit the proliferation of small sewage treatment plants to those necessary to eliminate water quality and health problems. These rules are a formalization of the Department's long-standing nonproliferation policy.

New sewage treatment plants to serve residential development would be allowed if cost-effective and needed to solve an existing health or water quality problem. New treatment facilities intended to serve new residential development will generally be denied. There is a variance procedure to this general prohibition. Interim treatment facilities will be allowed under certain circumstances. There are also criteria for approval of facilities to serve nonresidential development.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 144.025, 144.04, 147.02 and 227.014, Stats., the State of Wisconsin Natural Resources Board hereby creates rules interpreting ss. 144.025 and 144.04, Stats., as follows:

SECTION 1 - NR 110.03(20) is created to read:

(20) "WPDES permit" means the Wisconsin pollutant discharge elimination system permit required by s. NR 200.03, Wis. Adm. Code.

SECTION 2 - NR 110.08(5) is created to read:

(5) APPROVAL OF NEW SEWAGE TREATMENT FACILITIES. It is the policy of the department to restrict the construction of new sewage treatment facilities in order to preserve and protect the quality of the waters of the state. The

department may deny requests for approval of new sewage treatment facilities unless they meet the following criteria:

(a) Treatment facilities to serve existing residential development.

Proposals for new treatment facilities to serve existing residential development may not be approved unless:

1. They are necessary to solve a documented and severe existing water quality (groundwater or surface water) or public health problem related to inadequate existing residential sewage disposal; or, are needed to replace an existing treatment facility which is not in compliance with its WPDES permit;

2. They are the cost-effective alternative solution in accordance with s. NR 110.09(1)(a); and

3. They are municipally owned, operated and maintained.

(b) Interim treatment facilities. An interim treatment facility is one which would serve areas which are within the future sewer service area of another existing facility as delineated in an approved areawide water quality management plan as provided for in ch. NR 121, Wis. Adm. Code. Proposals for new interim treatment facilities may not be approved unless:

1. They are necessary to solve a documented and severe existing water quality (groundwater or surface water) or public health problem related to inadequate existing residential sewage disposal; or, are needed to replace an existing treatment facility which is not in compliance with its WPDES permit;

2. They are the cost-effective alternative solution in accordance with s. NR 110.09(1)(a);

3. They are municipally owned, operated and maintained;

4. The sewage collection system is designed so that it can be easily connected to the regional system in the future;

5. The sewer service area of the proposed system lies entirely within the planned service area of the regional system as delineated in an approved areawide water quality management plan; and

6. An agreement is signed by all involved municipalities which provides for a specified date of abandonment and connection. This intermunicipal agreement may be reviewed and approved by the department prior to facilities plan approval. The WPDES permits may contain schedules for facilities abandonment and connection.

(c) Treatment facilities serving isolated nonresidential development.

Nonresidential development includes things such as parks and recreational facilities, airports, highway oriented commercial facilities and institutions such as hospitals, nursing homes, prisons and schools. Proposals for new treatment facilities to serve nonresidential development may not be approved unless:

1. Joint treatment with other wastewater treatment systems is not feasible;
2. The proposed facilities are designed to treat only wastes generated by the proposed nonresidential development; and
3. The WPDES permit limits service to the proposed nonresidential development.

(d) Treatment facilities to serve new residential development.

1. Proposals for new treatment facilities intended to serve new residential development such as facilities for residential subdivisions, mobile home parks and condominium developments may be denied.

2. Variances to this general prohibition may be granted:
 - a. Only after the department has considered:
 - 1) The general public interest;
 - 2) Environmental impacts;
 - 3) Socioeconomic impacts; and
 - 4) The impact on orderly development and provision of general governmental services within the service area; and
 - b. Only after a finding that all of the following criteria are met:

1) The proposal is consistent with the department's responsibility to protect, maintain and improve the quality and management of the waters of the state;

2) The proposed facilities will be municipally owned, operated and maintained;

3) The proposed facilities will be more cost-effective in accordance with s. NR 110.09(1)(a) than other treatment and discharge alternatives; and

4) All other federal, state and local approvals and permits have been obtained.

(e) Conformance with areawide water quality management plans. In addition to the requirements of pars. (a) through (d), the new sewage treatment facilities shall also be in conformance with any approved areawide water quality management plan. These plans may be consistent with the criteria in pars. (a) through (d). These plans as approved by the department may also contain additional criteria necessary to address regional or local considerations.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on March 26, 1981.

The rules contained herein shall take effect as provided in s. 227.026(1) (intro.), Stats.

Dated at Madison, Wisconsin July 7th 1981

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

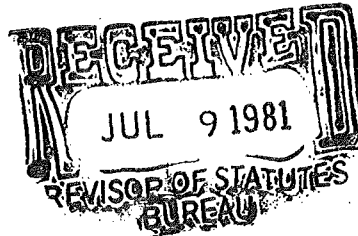
Carroll D. Besadny
Secretary

July 7, 1981

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard
Revisor of Statutes
411 West
C A P I T O L

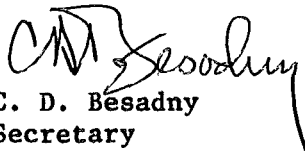


Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WQ-56-80. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Agriculture and Natural Resources pursuant to s. 227.018, Stats. There were no comments.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,



C. D. Besadny
Secretary

Enc.