

Chapter NR 205

GENERAL PROVISIONS — WISCONSIN POLLUTANT  
DISCHARGE ELIMINATION SYSTEM

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Note: Chapters NR 205 through 297 created in 1975 as interim effluent limitations have been replaced by permanent rules effective July 1, 1976.

**NR 205.01 Purpose and scope.** The purpose of this chapter is to set forth the legal authority for, definitions applicable to, and abbreviations used in chs. NR 3 and 200-299 to avoid repetition in those chapters which implement the WPDES permit system established by ch. 147, Stats.

History: Cr. Register, June, 1976, No. 246, eff. 7-1-76.

**NR 205.02 Legal authority.** Sections and subsections of ch. 147, Stats., providing authority for the Wis. Adm. Code chapters implementing the WPDES permit program are:

(1) The definitions of s. 147.015, Stats., are repeated for convenient reference in s. NR 205.03 (1)-(20),

(2) Section 147.02 makes it illegal to discharge pollutants to waters of the state except in accordance with the terms of a permit for such discharge and authorizes the department to issue permits having appropriate conditions, effluent limitations or standards, and a schedule of compliance for meeting such effluent limitations and standards,

(3) Section 147.02 (4) (f), Stats., specifies that permits issued to publicly owned treatment works require that such works obtain reports of discharges and monitoring results from industrial users,

(4) Section 147.021, Stats., requires that rules of the department relating to effluent limitations and standards or monitoring requirements for discharges to waters of the state shall comply with and not exceed federal requirements except that permits not required by federal law are required for discharges that may contaminate groundwater in accordance with the definition of waters of the state in s. 147.015 (13), Stats.,

(5) Section 147.025, Stats., requires that the department promulgate rules and provide application forms for discharge permits and is the primary authority for chs. NR 200 and 202,

(6) Section 147.03, Stats., establishes procedures whereby the department may modify, revoke, suspend, or reissue permits following public notice and hearing procedures which are specified in ch. NR 3,

(7) Section 147.04 (1), Stats., provides for the promulgation of a list of categories and classes of point sources in ch. NR 220,

(8) Section 147.04 (2), Stats., requires that the department establish effluent limitations for point sources other than public works which will require application of the best practicable control technology currently

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available by July 1, 1977, and application of the best available technology economically achievable by July 1, 1983, and is the primary authority for chs. NR 221 through 229,

(9) Section 147.04 (3), Stats., requires that the department establish effluent limitations for publicly owned treatment works which will require the application of secondary treatment by July 1, 1977 and of the best practicable waste treatment technology by July 1, 1983 and is the primary authority for ch. NR 210,

(10) Section 147.04 (4), Stats., requires that the department establish more stringent limitations where necessary to meet applicable water quality standards,

(11) Section 147.04 (5), Stats., authorizes the department to adopt by publication interim effluent limitations effective for one year before adopting such limitations as rules,

(12) Section 147.05, Stats., requires that the department establish standards of performance for new sources and is the authority for appropriate sections in chs. NR 221 through 299,

(13) Section 147.07 (1), Stats., requires that the department establish effluent standards or prohibitions for toxic substances and is the authority for ch. NR 215,

(14) Section 147.07 (2), Stats., requires that the department establish pretreatment standards for pollutants in discharges to publicly owned treatment works and is the authority for the general provisions of ch. NR 211 and the specific pretreatment standards of chs. NR 221-299,

(15) Section 147.08 (1) (d), Stats., requires that the department prescribe rules for sampling effluents discharged from point sources and is the authority for ch. NR 218,

(16) Section 147.09, Stats., requires that the department provide appropriate public notices of proposed actions to enable adequate public participation in the decision processes and is the authority for ch. NR 3,

(17) Section 147.10, Stats., requires that the department prepare a fact sheet for applications describing discharges in excess of 500,000 gallons per day from any point source and the proposed permit limitations, schedule of compliance, and other conditions to assure compliance and is the authority for ch. NR 201.

History: Cr. Register, June, 1976, No. 246, eff. 7-1-76.

**NR 205.03 Definitions.** The following definitions are applicable to terms used in chs. NR 3 and 200-299 except as they may be superseded by a more specific definition in a particular chapter or section or in any particular issued permit.

(1) "Person" means an individual, owner or operator, corporation, partnership, association, municipality, interstate agency or state agency.

(2) "Municipality" means any city, town, village, county, county utility district, town sanitary district, town utility district, school district or metropolitan sewage district or any other public entity created pursuant

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to law and having authority to collect, treat or dispose of sewage, industrial wastes or other wastes.

(3) "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

(4) "Effluent limitation" means any restriction established by the department, including schedules of compliance, on quantities, rates, and concentrations of chemical, physical, biological and other constituents which are discharged from point sources into waters of this state.

(5) "Schedule of compliance" means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation or other limitation, prohibition or standard.

(6) "Discharge of pollutant" or "Discharge of pollutants" means any addition of any pollutant to the waters of this state from any point source.

(7) "Toxic pollutants" means those pollutants or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the department, cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions, including malfunctions in reproduction or physical deformations, in such organisms or their offspring.

(8) "Point source" means any discernible, confined and discrete conveyance including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants may be discharged either into the waters of this state or into a publicly owned treatment works. "Point source" shall not include diffused surface drainage or any ditch or channel which serves only to intermittently drain excess surface water from rain or melting snow and is not used as a means of conveying pollutants into waters of the state. "Point source" shall not include uncontrolled discharges composed entirely of storm runoff when these discharges are uncontaminated by any industrial or commercial activity, unless the particular storm runoff discharge has been identified by the department as a significant contributor of pollution.

(9) "Biological monitoring" means the determination of the effects on aquatic life, including accumulation of pollutants in tissue, in receiving waters due to the discharge of pollutants by techniques and procedures, including sampling of organisms representative of appropriate levels of the food chain appropriate to the volume and the physical, chemical and biological characteristic of the effluent and at appropriate frequencies and locations.

(10) "Discharge" when used without qualification includes a discharge of any pollutant.

(11) "Construction" means any placement, assembly or installation of facilities or equipment, including contractual obligations to purchase such facilities or equipment, at the premises where such equipment will be used, including preparation work at such premises.

(12) "Treatment work" means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial waste of a liquid nature or necessary to recycle or reuse water at the most economical cost over the estimated life of the work, including intercepting sewers, outfall sewers, sewage collection systems, cooling towers and ponds, pumping, power and other equipment, and their appurtenances, extensions, improvements, remodeling, additions, and alterations thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment. Additionally, "treatment work" means any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems.

(13) "Waters of the state" means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

(14) "Department" means the department of natural resources.

(15) "Permit" means a permit for the discharge of pollutants issued by the department under this chapter.

(16) "Secretary" means the secretary of the department of natural resources or his designee.

(17) "Owner or operator" means any person owning or operating a point source of pollution.

(18) "Vessel" means any watercraft or other artificial contrivance used or capable of being used as a means of transportation on water.

(19) "Pollution" means man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

(20) "New source" means any point source the construction of which commenced after the effective date of applicable effluent limitations or standards of performance.

(21) "Process wastes" or "Process wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product, and is likely to contain in solution or suspension various components of such raw materials and products.

(22) "Domestic waste" means the type of waste normally discharged from plumbing facilities in private dwellings and includes, but is not limited to, sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastes.

(23) "Municipal waste" means the mixture of domestic, process, and other wastes tributary to any given municipal sanitary sewerage or treatment system.

(24) "Cooling water" means water which has been used primarily for cooling but which may be contaminated with process waste or airborne material, such as the discharge from barometric condensers or the blowdown from cooling towers.

(25) "Noncontact cooling water" means water used for cooling which does not come into contact with any raw material, intermediate or finished product, or waste and has been used in heat exchangers, air or refrigeration compressors, or other cooling means where contamination with process waste is not normally expected.

(26) "Blowdown" means the minimum discharge of recirculating water necessary to prevent the buildup of materials in the water above the limits of best engineering practice.

(27) "Storm water" or "storm runoff" means water resulting from melting snow or rainfall, except that defined in sub. (28).

(28) "Contaminated storm water" means a point source discharge of storm water which the department has identified as a significant contributor of pollution in accordance with the definition of sub. (8) of this section.

(29) "Standard of performance" means any restriction established on quantities, rates, and concentrations of chemical, physical, biological, and other constituents of wastewaters which are or may be discharged from new sources into waters of the state.

History: Cr. Register, June, 1976, No. 246, eff. 7-1-76.

NR 205.04 Abbreviations. The abbreviations listed below have the meanings shown unless otherwise specifically defined wherever they occur in chs. NR 200 through 299, and in public notices, fact sheets, and permits issued under the Wisconsin pollutant discharge elimination system.

- (1) "ac" means acre(s).
- (2) "ave" means the average for 30 days.
- (3) "BAT" means best available technology economically achievable.
- (3m) "BCT" means best conventional pollutant control technology.
- (4) "BOD" or "BOD<sub>5</sub>" means the 5 day biochemical oxygen demand.
- (5) "BPT" means best practicable technology currently available.
- (6) "btu" means british thermal unit.
- (7) "cm" means centimeter(s).
- (8) "COD" means chemical oxygen demand.
- (9) "cu ft" means cubic foot or feet.
- (10) "cu m" means cubic meter(s).
- (11) "DNR" means department of natural resources, state of Wisconsin.
- (12) "DO" means dissolved oxygen.

- (13) "EPA" means the federal environmental protection agency.
- (14) "g" means gram(s).
- (15) "gal" means gallon(s).
- (16) "gpd" means gallon(s) per day.
- (17) "ha" means hectare(s).
- (18) "hp" means horsepower.
- (19) "in" means inch(es).
- (20) "k cu m" means 1,000 cubic meter(s).
- (21) "kg" means kilogram(s).
- (22) "kgg" means 1,000 kilograms.
- (23) "kw" means kilowatt(s).
- (24) "kwh" means kilowatt hour(s).
- (25) "l" means liter(s).
- (26) "lb" means pound(s).
- (27) "m" means meter(s).
- (28) "max" means the maximum for any one day.
- (29) "mg" means milligram(s).
- (30) "Mgd" or "mgd" means million(s) of gallons per day.
- (31) "ml" means milliliter(s).
- (32) "mm" means millimeter(s).
- (33) "mpn" or "MPN" means most probable number.
- (34) "Mw" means megawatt(s).
- (35) "Mwh" means megawatt hour(s).
- (36) "NPDES" means the national pollutant discharge elimination system.
- (37) "pH" means the logarithm of the reciprocal of the hydrogen ion concentration.
- (38) "sq ft" means square foot or feet.
- (39) "sq m" means square meter(s).
- (40) "SS" or "TSS" means total suspended nonfilterable solids.
- (41) "TDS" means total dissolved solids.
- (42) "TOC" means total organic carbon.
- (43) "tpd" means tons per day.
- (44) "ug" means micrograms.
- (45) "WPDES" means the Wisconsin pollutant discharge elimination system.

History: Cr. Register, June, 1976, No. 246, eff. 7-1-76; cr. (3m), Register, April, 1983, No. 328, eff. 5-1-83.

NR 205.05 Rainfall events. The probable intensity of 10 year and 25 year 24 hour rainfall events for locations in Wisconsin shall be determined from the data in table 1 or alternately for a particular location such determination may be made on the basis of other rainfall probability data submitted to and approved by the department.

Table 1  
 Probable 24 Hour Rainfall Events,  
 in inches of rain, for counties in Wisconsin

	10 year	25 year		10 year	25 year
Adams	4.0	4.5	Marathon	3.9	4.4
Ashland	3.8	4.2	Marinette	3.5	4.1
Barron	4.0	4.5	Marquette	4.0	4.5
Bayfield	3.8	4.2	Menominee	3.6	4.2
Brown	3.6	4.2	Milwaukee	3.8	4.4
Buffalo	4.2	4.7	Monroe	4.2	4.7
Burnett	4.0	4.5	Oconto	3.6	4.1
Calumet	3.7	4.3	Oneida	3.7	4.2
Chippewa	4.1	4.6	Outagamie	3.7	4.3
Clark	4.0	4.5	Ozaukee	3.8	4.4
Columbia	4.0	4.5	Pepin	4.2	4.8
Crawford	4.3	4.9	Pierce	4.1	4.7
Dane	4.1	4.6	Polk	4.0	4.6
Dodge	3.9	4.5	Portage	3.9	4.4
Door	3.5	4.0	Price	3.8	4.3
Douglas	3.8	4.3	Racine	3.9	4.5
Dunn	4.1	4.7	Richland	4.2	4.7
Eau Claire	4.1	4.6	Rock	4.1	4.7
Florence	3.5	4.0	Rusk	4.0	4.5
Fond du Lac	3.8	4.4	St. Croix	4.1	4.7
Forest	3.6	4.1	Sauk	4.1	4.6
Grant	4.4	4.9	Sawyer	3.9	4.4
Green	4.2	4.7	Shawano	3.7	4.3
Green Lake	3.9	4.4	Sheboygan	3.7	4.3
Iowa	4.3	4.8	Taylor	4.0	4.4
Iron	3.7	4.2	Trempealeau	4.2	4.7
Jackson	4.1	4.6	Vernon	4.3	4.8
Jefferson	4.0	4.6	Vilas	3.7	4.2
Juneau	4.1	4.6	Walworth	4.0	4.6
Kenosha	3.9	4.6	Washburn	3.9	4.4
Kewaunee	3.6	4.1	Washington	3.8	4.4
LaCrosse	4.2	4.8	Waukesha	3.9	4.5
Lafayette	4.3	4.8	Waupaca	3.8	4.3
Langlade	3.7	4.2	Waushara	3.9	4.4
Lincoln	3.8	4.3	Winnebago	3.8	4.3
Manitowoc	3.6	4.2	Wood	4.0	4.5

Note: The data of table 1 were obtained by extrapolation from maps published by the National Weather Service in Technical Bulletin No. 40, "Rainfall Frequency Atlas of the United States", published in May 1961 and now out of print.

History: Cr. Register, June, 1976, No. 246, eff. 7-1-76.