



CR 91-125

State of Wisconsin | DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

101 South Webster Street
Box 7921
Madison, Wisconsin 53707
TELEPHONE 608-266-2621
TELEFAX 608-267-3579
TDD 608-267-6897

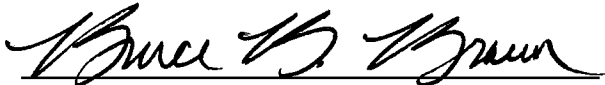
STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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. WR-26-91 was duly approved and adopted by this Department on June 25, 1992. 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 here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 21st
day of September, 1992.

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Bruce B. Braun, Deputy Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING AND CREATING RULES

.....
IN THE MATTER of amending s. NR 102.06 and .
creating ch. NR 217 of the Wisconsin .
Administrative Code pertaining to effluent .
standards for phosphorus. .
.....

WR-26-91

Analysis Prepared by
Department of Natural Resources

Statutory authority: ss. 147.035 and 144.025, Stats.
Statutes interpreted: ss. 147.035(3) and 144.025(1) and (2), Stats.

Chapter NR 217 establishes effluent standards and limitations for wastewaters which are discharged to surface waters under the Wisconsin pollution discharge elimination system (WPDES). The proposed rule will initially affect municipal wastewater treatment facilities which discharge more than 150 pounds of total phosphorus per month and industries which discharge more than 60 pounds of total phosphorus per month. These dischargers would be required to meet a 1 mg/L total phosphorus effluent standard (as a monthly average) which will be imposed through the WPDES permitting process. The rule allows the department to provide several types of exemptions to this effluent standard and establish alternative effluent limitations in response to information submitted by a permittee.

SECTION 1. NR 102.06 is amended to read:

NR 102.06 ENFORCEMENT. ~~Financial assistance, industrial incentives, increased surveillance, orders, and permits will be used to achieve and maintain the adopted water quality standards. Reasonable time schedules to comply with orders and permit conditions depend on the circumstances. All municipal sewage treatment plants shall provide a minimum of secondary treatment. Communities with a population of 2,500 and over in Lakes Michigan and Superior basins shall achieve an 85% reduction in phosphorus on an annual basis, and there shall be a commensurate removal from industrial wastes~~

~~containing more the 2 mg/L of total phosphorus and having an annual phosphorus discharge greater than 8,750 pounds. Any PHOSPHORUS. In addition to the requirements established in ch. NR 217, any wastewater discharger, regardless of population, volume, or type of waste discharge, or geographic location, may be required to remove excess amounts of phosphorus when phosphorus is causing overfertilization of surface water. A permit program is being initiated in accordance with the Federal Water Pollution Control Act Amendments of 1972 regarding treatment and monitoring requirements for waste discharges to waters of the state. All industrial plants discharging wastes to surface waters are required to provide, as a minimum, an effluent quality established in accordance with the Federal Water Pollution Control Act Amendments of 1972. Effluent limitations for total phosphorus based on surface water quality may be established where, in the best professional judgment of the department, such limitations will result in an improvement in water quality, or preserve the quality of surface waters where long-term discharges may result in impairment of water quality. Such limitations for phosphorus shall include an evaluation of the discharges from point sources, nonpoint sources, background sources, tributaries, and a consideration of a margin of safety.~~

SECTION 2. Chapter NR 217 is created to read:

CHAPTER NR 217
EFFLUENT STANDARDS AND LIMITATIONS

NR 217.01 Purpose
NR 217.02 Applicability
NR 217.03 Definitions
NR 217.04 Effluent standards and limitations for phosphorus

Note: Effluent standards are being created for phosphorus at this time. Effluent standards for other pollutants may be added to this chapter at later dates.

NR 217.01 PURPOSE. The purpose of this chapter is to reduce the amount of pollutants discharged to surface waters by establishing effluent standards and limitations for pollutants in effluent discharged to surface waters of the state. Effluent standards and limitations are adopted pursuant to ch. 147, Stats.

NR 217.02 APPLICABILITY. This chapter is applicable to point sources which discharge wastewater to the surface waters of the state.

NR 217.03 DEFINITIONS. Definitions of terms and the meaning of abbreviations used in this chapter are as defined in chs. NR 102, 106, 205, 210 and 243. In addition, "effluent standard" means any requirement for a specific pollutant applicable to a category or class of point sources which are more stringent than the requirements under s. 147.04(1) to (4), Stats.

NR 217.04 EFFLUENT STANDARDS AND LIMITATIONS FOR PHOSPHORUS. (1)
GENERAL. Effluent limitations for total phosphorus shall be imposed in WPDES permits for wastewaters discharged to surface waters as specified in this section.

(a) An effluent standard for total phosphorus shall apply as follows:

1. An effluent limitation equal to 1 mg/L total phosphorus as a monthly average shall apply to publicly owned treatment works and privately owned domestic sewage works subject to ch. NR 210 which discharge wastewater containing more than 150 pounds of total phosphorus per month, unless an alternative limitation is provided under sub. (2).

2. An effluent limitation equal to 1 mg/L total phosphorus as a monthly average shall apply in cases where the discharge of wastewater from all outfalls of a facility other than those subject to ch. NR 210 contains a cumulative total of more than 60 pounds of total phosphorus per month, unless an alternative limitation is provided under sub. (2). Outfalls consisting of noncontact cooling water without phosphorus containing additives may not be included in the calculation of the cumulative total of phosphorus discharged from the facility. Compliance with the concentration limit shall be determined as a rolling 12 month average as determined by the total phosphorus from all outfalls subject to the effluent limitation for the most recent 12 months divided by the total flow for all those outfalls for the same period.

3. Effluent limitations for phosphorus equal to 1 mg/L as a monthly average contained in permits on the effective date of this rule... (revisor insert date) shall remain in effect.

4. Effluent limitations for phosphorus equal to 85% removal of influent concentrations of phosphorus contained in permits on the effective date of this rule... (revisor insert date) shall be modified to 1 mg/L total phosphorus as a monthly average upon reissuance of the permit unless an alternative limitation is provided under sub. (2).

5. Runoff to surface waters from animal feeding operations shall be controlled using best management practices to achieve the purpose of this chapter pertaining to phosphorus.

6. The department shall determine if a permittee is discharging more than the applicable threshold value specified in subd. 1. or 2. by examining available data on or requiring monitoring of the amount of phosphorus contained in the wastewater effluent. Such data shall be representative of

the amount of phosphorus contained in the wastewater effluent during periods of discharge or operation.

Note: The threshold values of this section will be applied at the time of WPDES permit reissuance or permit modification which may occur due to changes in waste characteristics.

(b) (Reserved)

Note: See 102.06 in reference to water quality standards.

(2) ALTERNATIVE EFFLUENT LIMITATIONS TO THE EFFLUENT STANDARD FOR PHOSPHORUS. (a) Permittees subject to sub. (1)(a)1., 2., or 4. may request an alternative effluent limitation for total phosphorus if one or more of the following apply:

1. A permittee may request an alternative effluent limitation in cases where achieving the 1 mg/L total phosphorus effluent standard is not practically achievable.

a. A permittee requesting an alternative effluent limitation under this subdivision shall provide, as a part of the WPDES permit process, information which demonstrates that the 1 mg/L total phosphorus effluent standard is not practically achievable and information necessary for the department to establish an alternative effluent limitation. The information provided shall include but not be limited to the following: the results of a comprehensive phosphorus minimization study to determine the sources of phosphorus to the wastewater, an evaluation of possible methods to reduce the sources of phosphorus to the wastewater, a description of actions implemented to reduce the sources of phosphorus to the wastewater. In addition, the permittee shall provide data on the phosphorus concentrations in the influent to and effluent from the wastewater treatment facilities which are achievable after phosphorus

amount of phosphorus discharged while allowing efficient operation of the wastewater treatment system, a description of actions implemented to reduce the amount of phosphorus discharged, the phosphorus effluent concentrations achievable after phosphorus minimization steps have been implemented, the removal efficiencies and costs associated with alternative treatment technologies which would be necessary to achieve the 1 mg/L effluent standard and the requested alternative limitation.

b. The department shall review requests and the information provided by the permittee and may establish alternative effluent limitations to the effluent standard imposed under subd. (1)(a)2. where this standard, in the best professional judgment of the department, is not practically achievable. The department shall establish an alternative effluent limitation considering the minimum phosphorus effluent quality achievable while allowing efficient operation of the wastewater treatment system. The alternative effluent limitation established by the department under this subdivision may not exceed 2 mg/L as a monthly average.

(b) Permittees subject to sub. (1)(a)1. or 2. which do not discharge their effluent into the basins of the Great Lakes or the Fox (Illinois) river may request an alternative effluent limitation for total phosphorus according to the provision of this paragraph.

1. A permittee may request an alternative effluent limitation under this paragraph in cases where achieving the 1 mg/L effluent standard would not result in an environmentally significant improvement in water quality and material progress towards the attainment and maintenance of associated surface water quality standards for the receiving water as established in chs. NR 102 to 104.

2. A permittee requesting an alternative effluent limitation under this paragraph shall propose for the department's approval a study plan to identify the receiving waters affected or potentially affected by the discharge, describe how information will be obtained to justify an alternative effluent limitation under this paragraph, and provide the information necessary to establish interim and alternative effluent limitations under this paragraph. This study plan shall be submitted as a part of the WPDES permit application process. The results of the study shall include an evaluation of all point and non-point sources of phosphorus in the watersheds and the impacts of the phosphorus contributions on biological and chemical water quality conditions. Upon review of the study plan, the department may require additional information as deemed necessary and may expand the study to include other watersheds or portions thereof that may be significantly impacted by the permittee's discharge of phosphorus.

3. The department may establish an alternative effluent limitation where, in the best professional judgment of the department and based upon the information provided by the permittee pursuant to the study plan and other relevant information, achieving the effluent standard under sub. (1)(a) 1. or 2. would not result in an environmentally significant improvement in water quality and material progress towards the attainment of associated surface water quality standards for the receiving waterbody as established in chs. NR 102 to 104.

4. An interim effluent limitation and compliance schedule for completing the study shall be imposed in a permit until the request for an exemption from the 1 mg/L effluent standard is approved or denied. The interim effluent limitation shall be equal to the representative concentration

of total phosphorus as a monthly average in the effluent based on the information provided by the permittee as a part of the WPDES permit application process.

5. Alternative effluent limitations established under this paragraph may not exceed the interim effluent limitation established under subd. 4.

(3) ANALYTICAL METHODS AND LABORATORY PROCEDURES. Methods used for analysis of influent and effluent samples shall be as described in ch. NR 219 unless alternative methods are specified in the WPDES discharge permit.

(4) COMPLIANCE. The department shall determine and specify a reasonable compliance schedule in the permittee's WPDES permit if the facility is unable to meet the effluent standard or limitations determined according to this section at the time of permit issuance or reissuance. The date for compliance with this section may not extend beyond 3 years from the date of permit issuance or reissuance, unless the department determines that circumstances beyond the permittee's control, such as an environmental impact statement, require additional time for compliance. In such circumstances, the date for compliance with this section may not extend beyond 5 years from the date of permit issuance or reissuance.

(5) DEPARTMENT DETERMINATIONS. Effluent standards and limitations established under subs. (1)(a) and (2) are not subject to the variance procedure under s. 147.05, Stats.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Boards on June 25, 1992.

The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin

September 21, 1992

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

Carroll D. Besadny
Carroll D. Besadny, Secretary

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