

(14) "Nonpoint source allocation" means that portion of the total maximum load distributed or apportioned to nonpoint sources and unavailable for allocation to point sources.

(15) "Point source allocation" means that portion of the total maximum load distributed or apportioned to point sources.

(16) "Publicly-owned point source" means any point source which is owned by a municipality.

(17) "Public sector growth" means an increase in waste water discharge from any person except industrial establishments, whose waste water is treated by a publicly-owned point source.

(18) "Reserve capacity" means that portion of the total maximum load reserved for allocation to new or expanding point sources.

(19) "Residential growth" means an increase in population.

(20) "Stream segment" means a portion of a stream including natural and artificial flowages.

(21) "Total maximum load" means the maximum quantity of a pollutant or pollutants that can be discharged into a water quality limited segment over a specified period of time to maintain the applicable water quality standards. The total maximum load is the sum of the point source allocation, the nonpoint source allocation, the reserve capacity and the margin of safety.

(22) "Waste load allocation" means the allocation resulting from the process of distributing or apportioning the total maximum load to each individual point source, nonpoint sources, reserve capacity and margin of safety.

(23) "Water quality limited segment" means any area or portion of a stream which will not meet the established water quality standard with application of only categorical effluent limitations to all point sources.

(24) "Water quality related effluent limitation" means a point source effluent limitation designed to meet applicable water quality standards and which is more restrictive than the categorical effluent limitations. For the purposes of this chapter, water quality related effluent limitations refer to those determined as a result of a waste load allocation.

(25) "Water quality standards" means administrative rules adopted as chs. NR 102, 103 and 104, under authority of s. 144.025 (2) (b), Stats.

(26) "WPDES permit" means a Wisconsin pollutant discharge elimination system permit for the discharge of pollutants issued by the department under ch. 147, Stats.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81.

**NR 212.05 General.** (1) Water quality related effluent limitations and total maximum loads shall be established whenever categorical effluent limits required under s. 147.04, Stats., are less stringent than necessary to achieve the designated water quality standard. Water quality related effluent limitations for point sources shall be specified in a WPDES permit.

(2) For the purposes of this chapter compliance with water quality related effluent limitations is recognized as compliance with s. 147.02 (4) (d), Stats.

(3) In no case shall the water quality related effluent limitations be less stringent than applicable categorical effluent limitations.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81.

**NR 212.06 Determination of the total maximum load.** (1) When required by s. NR 212.05, total maximum loads for stream segments shall be established based upon relevant water quality and quantity considerations including, but not limited to, streamflow, water temperature, pH, dissolved oxygen, suspended solids and hardness or other natural background conditions. The stream conditions to be used for calculating the total maximum load are specified in s. NR 102.03 (3). Variable loadings may be established for a given stream segment to reflect the varying capacity of a stream to assimilate wastes under differing conditions when necessary supporting data is available.

(2) Total maximum loads shall be reviewed at least once every 5 years and if necessary, recalculated by the department prior to permit reissuance, based on factors which shall include but not be limited to changes in stream conditions and advancements in stream modeling techniques.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81.

**NR 212.07 Allocation for reserve capacity.** The allocation for a reserve capacity for a particular stream segment shall be zero unless otherwise specified in ss. NR 212.40 to 212.70.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; am. Register, May, 1985, No. 353, eff. 6-1-85.

**NR 212.08 Allocation for margin of safety.** The allocation for a margin of safety shall be zero unless otherwise specified in ss. NR 212.40 to 212.70.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; am. Register, May, 1985, No. 353, eff. 6-1-85.

**NR 212.09 Nonpoint source allocation.** The allocation for nonpoint sources shall be zero unless otherwise specified in ss. NR 212.40 to 212.70.

Note: For those stream conditions where the allocation of water quality related effluent limitations is necessary, nonpoint source effects on stream segments will normally be accounted for in the water quality model or other technical analysis used to determine the total maximum load. In unforeseen circumstances requiring the specific allocation of a portion of the total maximum load for contributions from nonpoint sources, s. NR 212.09 can be used. Direct control of contributions from nonpoint sources will be implemented through land management control practices and will not normally be included in a waste load allocation.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; am. Register, May, 1985, No. 353, eff. 6-1-85.

**NR 212.10 Point source allocations.** (1) The water quality related effluent limitations for a point source discharge to a stream segment which is not impacted by any other point source shall be calculated by subtracting any allocations for reserve capacity, margin of safety or nonpoint sources from the total maximum loading.

(2) The procedures for determining water quality related effluent limitations for point source dischargers to a stream segment affected by more than one discharger are found in ss. NR 212.40 to 212.70.

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