

Chapter NR 200

APPLICATION FOR DISCHARGE PERMITS

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Note: Chapter NR 200 as it existed on May 31, 1985, was repealed and a new chapter NR 200 was created effective June 1, 1985.

NR 200.01 Purpose. The purpose of this chapter is to set forth the requirements for filing applications for the discharge permits required by s. 283.31, Stats., to prescribe the form of such applications pursuant to s. 283.37, Stats., and to specify the number of business days within which the department will publish a public notice indicating its intended action on a Wisconsin pollutant discharge elimination system permit application or request for modification pursuant to s. 227.0105, Stats. Section 283.37, Stats., requires a permit for the lawful discharge of any pollutant into the waters of the state, which include groundwaters by the definition set forth in s. 283.01 (13), Stats. The federal water pollution control act of 1977, P.L. 95-217; 33 USC 466 et seq., requires a permit for the lawful discharge of any pollutant into navigable waters. Therefore in Wisconsin, permits are required for discharges from point sources to surface waters of the state and additionally to land areas where pollutants may percolate, seep to, or be leached to groundwaters. This includes the land application of sludge.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85; am. Register, December, 1995, No. 480, eff. 1-1-96; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1996, No. 491.

NR 200.02 Definitions. For the purpose of this chapter the following definitions are applicable:

(1) "Business days" means each day except Saturday; Sunday; January 1; the last Monday in May, which shall be the day of celebration for May 30; July 4; the first Monday in September; the 4th Thursday in November; December 25; the day following if January 1, July 4 or December 25 falls on Sunday; after 12 noon on Good Friday, in lieu of the period specified in s. 757.17, Stats.; and December 24 and 31.

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

(3) "Discharge of pollutant" or "discharge of pollutants" means any addition of any pollutant to the waters of this state from any point source, including the land application of sludge.

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

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

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

(7) "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.

(8) "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.

(9) "Treatment works" means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage, sewage sludge 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.

(10) "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.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85; am. (3) and (9), Register, December, 1995, No. 480, eff. 1-1-96.

NR 200.03 Applicability and exclusions. (1) An application for a discharge permit shall be filed by any person who discharges or intends to discharge any pollutant from a point source to the waters of the state, or who land applies or disposes of sludge as specified in ch. NR 204, unless the discharge is excluded under sub. (3). Discharges for which applications are required include, but are not limited to:

(a) Direct discharge of any pollutant to any surface water;

(b) Discharge of any pollutant including cooling waters to any surface water through any storm sewer not discharging to a publicly owned treatment works;

(c) Discharge of pollutants for the purpose of disposal, treatment, land application of sludge or containment on land areas

including land disposal systems such as, but not limited to, ridge and furrow, land spreading, spray irrigation, and absorption pond systems;

(d) Discharge of pollutants to waters of the state from agriculture as specified in ch. NR 243;

(2) Where the discharge of pollutants as set forth in sub. (1) is by hauling, the applications shall be filed by the persons responsible for the origin or treatment of the pollutants. If a person hauling sludge changes the characteristics of the sludge such that they become a generator under ch. NR 204, then that person shall apply for a permit.

(3) The following discharges are exempt from the requirement of sub. (1):

(a) Discharges to publicly owned treatment works;

(b) Sewage discharged from vessels;

(c) Discharges from properly functioning marine engines;

(d) Discharges of domestic sewage to disposal systems, such as to septic tanks and drain fields, defined as private sewage systems in s. 145.01 (12), Stats., with a design capacity of less than 8000 gallons per day;

(e) The disposal of septic tank pumpage and other domestic waste to the extent that it is regulated by ch. NR 113. This does not exempt centralized septage treatment facilities which are required to obtain a permit under ch. NR 204.

(f) The disposal of solid wastes, including wet or semi-liquid wastes, at a site or operation licensed pursuant to chs. NR 500 to 536 except as required for municipal sludge in ch. NR 204.

(g) Discharges from private alcohol fuel production systems as exempted in s. 283.61, Stats.;

(h) Discharges which have been included under the provisions of a general permit to the extent that all conditions of the general permit are met.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85; r. and recr. (3) (d), Register, October, 1986, No. 370, eff. 11-1-86; am. (1) (intro.), (c), (2), (3) (e) and (f), Register, December, 1995, No. 480, eff. 1-1-96; correction in (3) (g) made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1996, No. 491.

NR 200.04 Reporting of existing discharges.

(1) Any person discharging pollutants into waters of the state, for which an application is required under s. NR 200.03 (1) (a) and (b), shall have had a complete application on file with the department at least 180 days prior to the date on which the person commenced the discharge.

(2) Any person discharging pollutants into waters of the state, for which a complete application is required under s. NR 200.03 (1) (c), shall have had a complete application on file with the department at least 180 days prior to the date on which the person commenced the discharge.

(3) Any person discharging pollutants into waters of the state, for which an application is required under s. NR 200.03 (1) (d), shall have a complete application on file with the department no later than 90 days following receipt of the application.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85; am. (1) and (2), Register, December, 1995, No. 480, eff. 1-1-96.

NR 200.05 Reporting of new discharges. Pursuant to s. 147.14, Stats.:

(1) Any permittee discharging pollutants into waters of the state shall give notice to the department at least 180 days prior to any facility expansion, production increase, or process modification which will result in a new or increased discharge of one or more pollutants.

(a) If the new or increased discharge will result in exceeding or violating any effluent limitation of the existing permit for the discharge, the permittee shall file a new application with the department pursuant to s. 283.37, Stats., for the purpose of obtaining either a modification of the existing permit or the issuance of a new permit.

(b) If the new or increased discharge will not result in exceeding or violating any effluent limitations of the permit, the permittee shall give notice in the form of a letter addressed to the Department of Natural Resources, WPDES Permit Section, Box 7921, Madison, Wisconsin 53707, and to the appropriate district office. The letter shall refer to the number and expiration date of the existing permit, describe the proposed expansion, production increase, or process modification, and include a statement that no effluent limitation of the permit will be exceeded or violated. The letter of notification shall be signed in accordance with s. NR 200.07 (4).

(2) Any permittee who has ceased to discharge and who intends to recommence a discharge, for which an application is required under s. NR 200.03, whether under the former or new ownership or management, shall file a complete application with the department no later than 180 days prior to the date on which the permittee intends to recommence discharge.

(3) Any person who intends to commence a new discharge, for which an application is required under s. NR 200.03, shall file a complete application with the department no later than 180 days prior to the date on which the person intends to commence discharging.

(4) Any person discharging, or intending to commence discharging, into a publicly or privately owned treatment works who is or will become subject to the discharge reporting requirements of s. 147.025 (4), Stats., shall give notice of the following, to the department and the owner or operator of the treatment works, using the form prescribed in ch. NR 202, at least 180 days prior to:

(a) Any introduction of pollutants into the treatment works from any source, or

(b) Any introduction of types or volumes of pollutants into the treatment works which were not described in the report submitted under s. 283.37 (4), Stats.

(5) The owner or operator of a publicly or privately owned treatment works receiving a notice under sub. (4) is subject to sub. (1) and shall also include in the notice information on the quality and quantity of effluent to be introduced into the treatment works, and any anticipated impact of the pollutants on the quantity and quality of effluent and sludge to be discharged from the treatment works.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85; am. (4) (intro.) and (a) and (5), Register, December, 1995, No. 480, eff. 1-1-96; correction in (1) (a) and (3) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1996, No. 491.

NR 200.06 Application for reissuance. (1) Pursuant to s. 283.53 (3), Stats., a permittee who wishes to continue to discharge after the expiration of the permit shall file an application with the department for reissuance of the permit at least 180 days prior to its expiration, unless permission for a later date has been granted by the department.

(2) The application for reissuance of a permit shall be submitted in a form approved by the department and shall be signed in accordance with s. NR 200.07 (4).

(3) Data or information supplied in or with the application for reissuance and additional data or information which may be requested in accordance with s. NR 200.09, will be used as set forth in s. NR 200.08.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85; am. (2), Register, November, 1996, No. 491, eff. 12-1-96; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1996, No. 491.

NR 200.07 Application forms. (1) Application for a discharge permit shall be in a form approved by the department. Different application forms are used to provide information from different types of sources of discharge. The department may prescribe forms prepared by the environmental protection agency for use when appropriate or may modify such forms as necessary.

(2) Application forms may be obtained from the district offices of the department or the Department of Natural Resources, WPDES Permit Section, Box 7921, Madison, Wisconsin 53707.

(3) Application forms shall be filed with the Department of Natural Resources, WPDES Permit Section, Box 7921, Madison, Wisconsin 53707, or appropriate district office.

(4) Application forms or electronic permit application agreements submitted to the department shall be signed as follows:

(a) In the case of a corporation, by a principal executive officer of at least the level of vice-president, or by his or her authorized representative responsible for the overall operation of the point source for which a permit is sought,

(b) In the case of a partnership, by a general partner,

(c) In the case of a sole proprietorship, by the proprietor, or

(d) In the case of a publicly owned treatment works by a principal executive officer, ranking elected official, or other duly authorized employee.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85; am. (1), (4) (intro.), Register, November, 1996, No. 491, eff. 12-1-96.

NR 200.08 Use of information. (1) Data submitted in the applications shall be used as a basis for issuing discharge permits. The department may request additional information relating to the discharges from the applicant's facility. Such additional information shall be submitted in accordance with s. NR 200.09.

(2) All information contained in an application other than that specified as confidential shall be available to the public for inspection and copying. All confidential information, so identified, shall be set forth in separate documents. Effluent data may not be deemed confidential information. Effluent data includes the name and address of the permittee, the permit, the permit application, and any effluent report or information in the department's files, that identifies the amount, frequency and characteristics of the pollutants discharged. Confidential treatment will be considered only for that information identified as such in documents separate from nonconfidential information which meets the requirements of s. 283.55 (2) (c), Stats., and for which written application for confidentiality has been made pursuant to s. NR 2.19.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85; am. (2), Register, December, 1995, No. 480, eff. 1-1-96; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1996, No. 491.

NR 200.09 Incomplete application. The department may require an applicant to submit data necessary to complete any deficient application, may require any additional data other than that requested in the application or may require the applicant to submit a complete new application where the deficiencies are extensive or the appropriate form has not been used. Within 60 days of the date of receipt of a request from the department for additional data, the applicant shall submit the data. A permit may not be issued until a complete application is submitted to the department. A permit application will not be considered complete until the requirements of s. 23.11, Stats., and s. NR 150.04, are met, and all required information is submitted.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85; am. Register, December, 1995, No. 480, eff. 1-1-96.

NR 200.10 Time periods for action on permit applications and modification requests. (1) Within 100 business days of receipt of a complete permit application or request for modification of an existing permit the department shall publish a class 1 notice under ch. 985, Stats., indicating its intended action.

(2) Where a complete reissuance application has been received at least 180 calendar days prior to the permit expiration date, the department shall, at least 25 business days prior to the expiration date, publish a class 1 notice under ch. 985, Stats., indicating its intended action. Where a complete reissuance application is not received at least 180 calendar days prior to the permit expiration date, the time deadline in sub. (1) shall apply.

(3) The department's final decision on a permit application or request for modification shall be made within 50 business days after completion of the hearing process under s. 283.49, Stats., and consideration of the environmental impact of the project as required by s. 1.11, Stats.

(4) The time deadlines in subs. (1) to (3) are not applicable to permit applications or modification requests submitted to the department by a municipality.

Note: One hundred business days is approximately 140 calendar days; 50 business days is approximately 70 calendar days; 25 business days is approximately 30 calendar days.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1996, No. 491.