



NR 3, 200 to 220 Filed November 30, 1973  
9:00 am ELP

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

L. P. Voigt  
Secretary

BOX 450  
MADISON, WISCONSIN 53701

November 28, 1973

IN REPLY REFER TO: \_\_\_\_\_

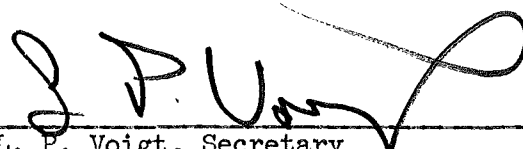
STATE OF WISCONSIN )  
DEPARTMENT OF NATURAL RESOURCES ) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, L. P. Voigt, Secretary of the Department of Natural Resources, and custodian of the official records of said Department, do hereby certify that the annexed rules and regulations relating to Wisconsin Pollutant Discharge Elimination System were duly approved and adopted by this Department on November 28, 1973.

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 Pyare Square Building in the City of Madison, this 28th day of November, 1973.

  
\_\_\_\_\_  
L. P. Voigt, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

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IN THE MATTER of creating NR 3 of the :  
Wisconsin Administrative Code :

ORDER NUMBER W-22-73

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ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES  
BOARD CREATING RULES

Pursuant to authority vested in the State of Wisconsin Natural Resources Board by sections 147.09(1), 147.09(3), 147.11, 147.13(1)(c), 147.13(2)(b), 147.20 and 227.08, Wisconsin Statutes, the Natural Resources Board hereby creates rules as follows:

CHAPTER NR 3

WISCONSIN POLLUTANT DISCHARGE  
ELIMINATION SYSTEM PUBLIC  
PARTICIPATION PROCEDURES

NR 3.01 DEFINITIONS

- (1) DEPARTMENT. Department means the department of natural resources.
- (2) SECRETARY. Secretary means the secretary of the department of natural resources.
- (3) PERMIT. Permit means a permit for the discharge of pollutants issued by the department pursuant to Chapter 147, Wisconsin Statutes.
- (4) W.P.D.E.S. Wisconsin Pollutant Discharge Elimination System.
- (5) U.S.E.P.A. United States Environmental Protection Agency.

SUBCHAPTER I. NOTICES OF COMPLETED PERMIT APPLICATIONS

NR 3.02 PUBLIC NOTICE OF RECEIPT OF A COMPLETED PERMIT APPLICATION

- (1) INTENT. Public notice of the receipt of a completed permit application is intended to inform the greatest number of interested and potentially interested members of the public of a completed application, the tentative determination to issue or deny the permit as required in Section 147.09, Wisconsin Statutes, and the public's right to obtain additional information, submit written comments, or request a public hearing with respect to issuance of a particular permit.
- (2) FORM. The public notice of receipt of a completed permit application shall be in writing, with a title identifying the subject of the notice and the number of the application.
- (3) CONTENT. The notice of receipt of a completed permit application shall contain the following information:
  - (a) The name and address of the applicant.
  - (b) A brief description of each applicant's activities or operations which result in the discharge described in the application.
  - (c) The name of the waterway to which the discharge is made, a general description of the location of such discharge and a statement whether such discharge is a new or existing discharge.
  - (d) A statement of the tentative determination to issue or deny a permit for the discharge described in the application.
  - (e) A brief description of the procedures for the formulation of final determinations, including the 30-day period for public comment, and the 30-day

period for requesting an informational public hearing, and the availability of fact sheets.

(f) The name, address, and phone number of the governmental unit issuing the notices.

(g) The address and phone number where interested persons may obtain further information, request a copy of the fact sheet when applicable, request a copy of the draft permit, and inspect and copy forms and related documents.

(h) A statement that reasonable costs will be charged for copies of all information excluding public notices and fact sheets.

(i) Where applicable, a statement that confidential information has been received that may be used to determine some of the conditions for the permit.

(4) CIRCULATION. Procedures for circulation of public notice of a completed permit application shall include the following:

(a) Publication of the notice as a class 1 notice under Chapter 985, Wisconsin Statutes, in a newspaper of general circulation in the area affected by the discharge.

(b) Posting of notice under Section 985.02(2), Wisconsin Statutes.

(c) Mailing the notice to the applicant and any person or group upon request.

(d) Mailing the notice to individuals and groups on a formal Department W.P.D.E.S. permit application mailing list. Requests to be placed on said mailing list shall be directed to the Department of Natural Resources, W.P.D.E.S. Permits, Box 450, Madison, Wisconsin 53701.

**NR 3.03 NOTICE OF RECEIPT OF A COMPLETED PERMIT APPLICATION TO OTHER GOVERNMENT AGENCIES**

(1) INTENT. The intent for providing notice of a completed permit application to government agencies is to inform the greatest number of interested and potentially interested federal, state, and local government agencies of a completed application, the tentative determination to issue or deny the permit, and their right to obtain additional information, submit written comments, or request a public hearing with respect to issuance of a particular permit.

(2) FORM. Form shall be the same as for public notice in NR 3.02(2).

(3) CONTENT. All government agency notices shall contain a copy of the public notice as described in NR 3.02, a copy of the fact sheet where available as described in NR 201.01, and a cover letter stating the purpose of the notice the 90 day period for submitting comments, and the 30 day period for requesting a public hearing pursuant to Section 147.13, Wisconsin Statutes. In addition, the United States Environmental Protection Agency shall always receive a copy of the draft permit.

(4) CIRCULATION. The following agencies shall be mailed government agency notices as described above:

- (a) United States Environmental Protection Agency.
- (b) United State Army Corps of Engineers.
- (c) Other states potentially affected by the proposed discharge.
- (d) The county and the city, town or village where the proposed discharge is located.
- (e) The regional planning commission of the area where the proposed discharge is located.
- (f) Any other agency or unit of government interested in the proposed discharge.

## SUBCHAPTER II. PUBLIC INFORMATIONAL HEARINGS

### NR 3.04 INTENT AND SCOPE

The regulations in this chapter prescribe the policies and procedures to be followed in issuing the notice of and the conducting of a public informational hearing and deciding the final determination as to whether to issue or deny a permit authorizing discharges into the waters of the State of Wisconsin. A public informational hearing, either mandatory or discretionary on the department, is to give all interested persons an additional opportunity to make a statement with respect to a permit application and to have such statements considered in the final determination. The promulgation of the regulations in this chapter is by authority of Sections 147.13(1)(c) and 147.13(2)(b), Wisconsin Statutes.

### NR 3.05 REQUEST FOR PUBLIC INFORMATIONAL HEARING

(1) DISCRETIONARY HEARING. The department may schedule a public hearing on a permit application if requested by:

- (a) The applicant.
- (b) A state agency.
- (c) A federal agency other than the U.S.E.P.A.
- (d) Any person.
- (e) Any group of persons less than five.

(2) MANDATORY HEARING. The department shall schedule a public hearing on any permit:

- (a) If requested by the U.S.E.P.A.
- (b) If requested by any state affected by the discharge.

(c) Upon receipt of a petition signed by 5 or more persons.

(d) If the department determines that there is significant public interest in the permit application.

(3) FORM OF REQUEST OR PETITION. Any request or petition for hearing filed pursuant to this section shall be in writing and dated. The request or petition for hearing shall indicate the interest of the party filing the same, the issues that said party desires to be considered at the hearing and the number of the proposed permit application.

(4) TIMELINESS OF REQUEST OR PETITION. No request or petition for hearing under this section shall be timely unless received by the department within 30 calendar days of the issuance of the public notice of the receipt of a completed permit application.

(5) FILING ADDRESS. All requests or petitions for a public informational hearing shall be served by delivery or mail addressed to the Department of Natural Resources, W.P.D.E.S. Permits, P.O. Box 450, Madison, Wisconsin 53701.

#### NR 3.06 NOTICE OF PUBLIC INFORMATION HEARING

(1) FORM. Notice of a scheduled public hearing shall be in writing, with a title identifying the subject of the notice and the number of the application.

(2) CONTENT. The notice of a scheduled public hearing shall contain the following:

(a) The name, address, and phone number of the governmental unit conducting the hearing.

(b) The name and address of each applicant.

(c) The name of the authority to which the discharge is to be made, a general statement of the location of such proposed discharge, and a statement whether such discharge is a new or existing discharge.

(d) A brief statement that a public notice of a completed permit application has been issued, including date of such issuance.

(e) Information regarding the date, time and location of the hearing.

(f) The purpose and statutory authority of the hearing.

(g) A concise statement of the issues raised by the persons requesting the hearing.

(h) The address and phone number where interested persons may obtain further information, request a copy of each draft permit, and request a copy of each fact sheet where available, and inspect and copy forms and related documents.

(i) A statement that reasonable costs will be charged for copies of all information excluding public notices and fact sheets.

(j) A brief description of the nature of the hearing, including the rules and procedures to be followed, proposed time schedules and any necessary constraints to be placed on testimony at the hearing.

(k) Where applicable, a statement that confidential information has been received that may be used to determine some of the conditions for the permit.

(l) If it should be necessary to allow less than thirty days' notice prior to a hearing, a statement of the reasons for such shorter time period.

(m) The date of the notice.

(n) A brief description of the nature of the hearing and the procedures to be used at the hearing.

(3) CIRCULATION AND NOTIFICATION. Circulation and notification shall be the same as for public notice in NR 3.02 and government notice NR 3.03.

#### NR 3.07 LOCATION OF PUBLIC INFORMATIONAL HEARING

Whenever possible all public informational hearings on permit applications shall be held in the area affected by the proposed discharge. If more than one permit application from a particular region is scheduled for hearing at the same proceeding, the hearings may be held in a location reasonably accessible to all areas affected by the proposed discharges.

#### NR 3.08 PERSONS ENTITLED TO PARTICIPATE IN PUBLIC INFORMATIONAL HEARINGS

In addition to the applicants named in the public notice of hearing, any interested members of the public or representatives of government agencies may participate in a public informational hearing with respect to the issuance of the proposed permit subject to any restrictions set forth in NR 3.10. Persons and government agencies participating need not be represented by legal counsel.

#### NR 3.09 CHANGES IN TIME OR PLACE OF HEARING; ADJOURNMENTS

(1) CHANGES. Requests for changes in the time and place of a scheduled hearing will be granted only for good cause shown prior to any required newspaper publication of legal notice for said hearing.

(2) ADJOURNMENT. The hearing examiner may adjourn a hearing for good cause shown, the hearing to be reset or reconvened at the discretion of the department on 10 days' notice or at a time certain on agreement of all persons present.

#### NR 3.10 CONDUCT OF PUBLIC INFORMATIONAL HEARINGS

(1) NON-CONTESTED CASE. Public informational hearings held pursuant to this chapter are not contested cases under Section 227.01(2), Wisconsin Statutes.

(2) HEARING EXAMINER. Public informational hearings held pursuant to this chapter shall be conducted by the secretary or his designee.

(3) PROCEDURE.

(a) Regardless of specific requirements of this subsection the hearing examiner may, in his discretion, utilize such procedures as may be necessary to insure that the hearing will be conducted in an orderly and expeditious manner, provided such measures are consistent with broad public participation in the hearing.

(b) The hearing examiner will open the hearing and make a concise statement of the scope and purpose of the hearing and shall state what procedures will be used during the course of the hearing. The hearing examiner shall explain the method of notification of the final decision to grant or deny a permit and the methods by which said decision may be reviewed in a public adjudicatory hearing.

(c) Appearance slips shall be distributed to all in attendance at the hearing. Persons shall state on their appearance slips their intent to present or not present an oral or written statement at the hearing.

(d) Informational and clarifying questions may be directed at persons making oral statements through the hearing examiner. In no instance shall cross-examination be allowed at the hearing.

(e) Time limits may be placed on individual oral statements by the hearing examiner in order to insure an opportunity for all persons present to make statements in a reasonable period of time and to prevent undue repetition.

(f) The hearing examiner, in his discretion, may limit the number of representatives that may make oral statements on behalf of any individual organized group.

(g) Persons proposing to make oral statements at a hearing may be scheduled at times certain by the hearing examiner when necessary to ensure maximum participation and allotment of adequate time for oral statement. Such advanced oral statement scheduling shall not be a bar to unscheduled oral or written statements at the hearing.

(h) Multiple copies of all written statements are encouraged, however, no more than one legible copy of a written statement shall be required to be submitted to the hearing examiner.

(4) CONTEMPT. Contemptuous conduct at a hearing shall be grounds for exclusion from the hearing by the hearing examiner.

(5) REPORT OF PUBLIC PARTICIPATION. The hearing examiner shall make a written report of public participation during the hearing process. Copies of said report may be obtained at reasonable cost by request to the Bureau of Legal Services, P.O. Box 450, Madison, Wisconsin 53701

NR 3.11 TRANSCRIPTS

(1) METHOD AND COPIES. Public informational hearings will be transcribed either stenographically or electronically. A typed copy of the transcript will be furnished to all persons, upon request, at a reasonable cost to be determined by the department.



(2) CORRECTIONS. Any person, within 7 days of the date of mailing of the transcript, may file with the hearing examiner a notice in writing, claimed errors contained therein. Corrections of claimed errors shall be made at the discretion of the hearing examiner.

NR 3.12 FINAL DETERMINATION TO ISSUE OR DENY A DISCHARGE PERMIT

The department shall have the discretion to issue or deny any permit for a discharge or may modify any terms and conditions of a draft permit based on consideration of required standards, the permit application, statements by the public or by government agencies, and any other pertinent information.

NR 3.13 NOTICE OF FINAL DETERMINATION TO ISSUE OR DENY A PERMIT TO DISCHARGE

(1) FORM. The notice of final determination shall be in writing, with a title identifying the subject of the notice and the number of the application.

(2) CONTENT. The notice of final determination shall contain the following information:

(a) The name, address, and phone number of the governmental unit issuing the notice.

(b) The name and address of the applicant.

(c) A brief description of the applicant's activities or operations which result in the discharge described in the permit application.

(d) The name of the waterway to which the discharge is to be made a general statement of the location of such proposed discharge and a statement whether such discharge is a new or existing discharge.

(e) The purpose and the statutory authority for the permit.

(f) A statement of the final determination to issue or deny a permit for the discharge described in the application.

(g) A statement of any significant changes which have been made from terms and conditions set forth in the draft permit.

(h) The date of permit issuance or denial if the permit is issued, the date it becomes effective, and the length of the permit period.

(i) A brief description of the procedures available for adjudicative review.

(j) The address and phone number where interested persons may obtain further information, inspect and copy forms and related documents.

(k) A statement that reasonable costs will be charged for copies of all information excluding public notices and fact sheets.

(3) NOTIFICATION. The following persons and agencies shall be mailed notices of final determination as described in NR 3.13(2):

(a) The applicant or applicants for the permit.

- (b) All persons filling out appearance slips at the public informational hearing or who submitted written statements with respect to issuance of the permit.
- (c) United States Environmental Protection Agency.
- (d) United States Army Corps of Engineers.
- (e) Other states potentially affected by the proposed discharge.
- (f) The county and city, town or village where the proposed discharge is located.
- (g) The regional planning commission of the area where the proposed discharge is located.
- (h) Any other agency or unit of government interested in the proposed discharge.
- (i) All individuals and groups upon request or on a formal department mailing list. Requests to be placed on said mailing list shall be directed to the Department of Natural Resources, W.P.D.E.S. Permits, Box 450, Madison, Wisconsin 53701.

### SUBCHAPTER III. PUBLIC ADJUDICATORY HEARINGS

#### NR 3.14 INTENT

The purpose of this subchapter is to provide adequate procedures to insure as broad a degree of public participation in administrative adjudication of W.P.D.E.S. permits and their conditions as is consistent with procedural due process to the parties involved in said proceedings.

#### NR 3.15 APPLICABILITY OF SUBCHAPTER

- (1) This subchapter is applicable only to the review of the following:
  - (a) The denial, modification, suspension or revocation of a W.P.D.E.S. permit pursuant to sections 147.02 and 147.03, Wisconsin Statutes.
  - (b) The reasonableness of or necessity for any term or conditions of any issued or modified W.P.D.E.S. permit.
  - (c) The establishment of a proposed thermal effluent limitation pursuant to subsection 147.05(4), Wisconsin Statutes.
  - (d) The establishment of any proposed water quality related limitation pursuant to subsection 147.05(1), Wisconsin Statutes.
- (2) If the hearing is a contested case pursuant to subsection 227.01(2), Wisconsin Statutes, the rules set forth in Chapter NR 2, Wisconsin Administrative Code, will be applicable to the extent that they are not in conflict with the below-stated specific procedures for W.P.D.E.S. adjudicatory hearings.

NR 3.16 WHO MAY PETITION; WHEN

(1) A review hearing pursuant to this subchapter may be petitioned by any permit applicant, a permittee, a state affected or to be affected by a discharge or 5 or more persons.

(2) The petition must be filed within 60 days after notice of any action, which is reviewable under this section, is issued by the department.

NR 3.17 FORM OF PETITION

TO THE DEPARTMENT OF NATURAL RESOURCES:

The undersigned hereby petition(s) for a review of the department's (proposed rule) (decision) entitled \_\_\_\_\_ and dated \_\_\_\_\_, 19\_\_\_. The specific issue(s) requested to be reviewed (is) (are): \_\_\_\_\_.

The specific interest(s) of the petitioner(s) (is) (are): \_\_\_\_\_.

The reasons why a hearing is warranted are: \_\_\_\_\_.

Date \_\_\_\_\_

Signature(s) \_\_\_\_\_

Verification \_\_\_\_\_

NR 3.18

(1) FORM OF HEARING NOTICE. Notice of a scheduled public hearing shall be in writing, with a title identifying the subject of the notice and the number of the proposed rule, and the number of the subject permit or permit application.

(2) CONTENT OF HEARING NOTICE. The notice of a scheduled public hearing shall contain the following:

(a) The name, address, and phone number of the governmental unit conducting the hearing.

(b) The name and address of each petitioner.

(c) The substance of the petition for review.

(d) If applicable, the name of the waterway to which the discharge is to be made, a general statement of the location of such proposed discharge, and a statement whether such discharge is a new or existing discharge.

(e) Information regarding the date, time and location of the hearing.

(f) If applicable, a brief statement that a public notice of a completed permit application had been issued, including date of such issuance.

(g) The address and phone number where interested persons may obtain further information, request a copy of each draft permit if applicable, request a copy of

each fact sheet when applicable, request a copy of proposed rules when applicable and inspect and copy forms and related documents.

(h) The purpose and statutory authority of the hearing.

(i) A statement that reasonable costs will be charged for copies of all information excluding public notices and fact sheets.

(j) Where applicable, a statement that confidential information has been received and used to determine some of the conditions for the permit.

(k) If applicable, a brief summary of the proposed rule.

(l) If it should be necessary to allow less than thirty days' notice prior to a hearing, a statement of the reasons for such shorter time period.

(m) The date of the notice.

(n) A brief description of the nature of the hearing and the procedures to be used at the hearing.

(3) CIRCULATION OF NOTICE. The notice of hearing shall be circulated pursuant to the provisions of subsections NR 3.02(4) and NR 3.03(4), Wisconsin Administrative Code, at least 30 days prior to the hearing. If it should be necessary to allow less than thirty days' notice prior to a hearing, the hearing notice shall state the reasons for the shorter time period.

#### NR 3.19 LOCATION OF HEARING

The location of the hearing shall be in conformance with Section NR 3.07, Wisconsin Administrative Code.

#### NR 3.20 FINAL DECISION

The final decision on the issues raised by the petitioners shall be made within 90 days of the close of the hearing.

Dist.: Dist. Dirs. (20 ea.)  
Admin. Field Op.

250--13--D7054; R200--13--D7350

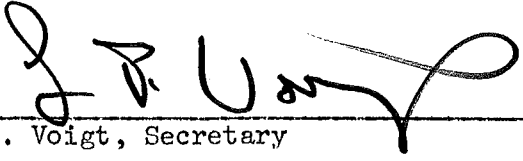
The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on November 28, 1973.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin November 28, 1973

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

  
\_\_\_\_\_  
L. P. Voigt, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

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IN THE MATTER of creating NR 200  
of the Wisconsin Administrative  
Code

:  
:  
: ORDER NUMBER W-23-73  
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ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES  
BOARD CREATING RULES

Pursuant to authority vested in the State of Wisconsin Natural Resources Board by sections 147.025(1) and 227.014, Wisconsin Statutes, the Natural Resources Board hereby creates rules as follows:

## CHAPTER NR 200

### Applications for Discharge Permits Wisconsin Pollutant Discharge Elimination System

#### NR 200.01 PURPOSE

The purpose of this chapter is to set forth the requirements for filing applications for the discharge permits required by section 147.02, Wisconsin Statutes, and to prescribe the form and content of such applications pursuant to section 147.025, Wisconsin Statutes. Section 147.02, Wisconsin Statutes, requires a permit for the lawful discharge of any pollutant into the waters of the state, which include ground waters by the definition set forth in section 147.015 (13), Wisconsin Statutes. The federal water pollution control act amendments of 1972, P.L. 92-500; 33 U.S.C. 1251 et seq., require 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, or seep to, or be leached to, ground waters.

#### NR 200.02 DEFINITIONS

For the purpose of this chapter the following definitions are applicable.

- (1) "DEPARTMENT" means the department of natural resources.
- (2) "DISCHARGE OF POLLUTANT" or "discharge of pollutants" means any addition of any pollutant to the waters of this state from any point source.
- (3) "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.
- (4) "PERSON" for purposes of this chapter and chapter 144 means an individual, owner or operator, corporation, partnership, association, municipality, interstate agency or state agency.
- (5) "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.

(6) "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.

(7) "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.

(8) "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 ground water, 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.

#### NR 200.03 APPLICABILITY AND EXCLUSIONS

(1) An application for a discharge permit shall be filed by any person who discharges any pollutant from a point source to the waters of the State unless the discharge is excluded under sub.(2) below or the provisions in sections NR 200.11 to 200.14 inclusive of this chapter. 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 system not discharging to a publicly owned treatment works;

(c) discharge of pollutants other than from agriculture for the purpose of disposal, treatment, or containment on land areas including land disposal systems such as ridge and furrow, irrigation, and ponding systems;

(d) where the discharge of pollutants as set forth in paragraphs (a), (b), and (c) of this section is by hauling the applications shall be filed by the persons responsible for the origin of the pollutants.

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

(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 plumbing in section 145.01(1)(b), Wisconsin Statutes, and subject to regulation thereunder;
- (e) the disposal of septic tank pumpage and other domestic waste to the extent that it is regulated by Chapter NR 113, Wisconsin Administrative Code; and
- (f) the disposal of solid wastes, including wet or semi-liquid wastes, at a site or operation licensed pursuant to Chapter NR 151, Wisconsin Administrative Code.

#### NR 200.04 GENERAL FILING REQUIREMENTS

(1) In the case of all existing discharges for which an application is required under sections NR 200.03(1)(a) and (b), Wisconsin Administrative Code, a complete application shall be on file on or before January 17, 1974, except as provided in paragraph (3) of this section, unless an application adequately describing the present discharge has been filed with:

(a) the U.S. Army Corps of Engineers or the Environmental Protection Agency under section 13 of the river and harbors act of 1899, 33 U.S.C. 407, or

(b) the Environmental Protection Agency under the federal water pollution control amendments of 1972, P.L. 92-500; 33 U.S.C. 1251 et seq.

(2) In the case of all existing discharges for which an application will be required under section NR 200.03 (1)(c) a complete application shall be on file on or before July 1, 1974.

(3) In the case of all existing discharges for which an application will be required under section NR 200.12 (1) a complete application shall be on file no later than 180 days following adoption of that section.

(4) For any existing point source, for which an application would be required under section NR 200.03, Wisconsin Administrative Code, which has been closed or has ceased to discharge and which intends to reopen or recommence discharge, whether under the former or new ownership or management, a complete application shall be on file not later than 180 days prior to the date on which it is intended to recommence discharge.

(5) For any new point source, the construction of which commenced after July 22, 1973, and for which an application will be required under section NR 200.03, Wisconsin Administrative Code, a complete application shall be on file not later than 180 days prior to the date on which it is intended that discharges commence from such source.

(6) Applications shall be filed with the Administrator, Division of Environmental Protection, Department of Natural Resources, Box 450, Madison, Wisconsin 53701.

(7) Applications shall be filed in duplicate on one or more of the forms prescribed in this chapter. In most cases only one form will be required, but sources producing both raw materials and finished products may be required to use more than one form.

(8) The application form 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 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.

NR 200.05 INCOMPLETE APPLICATION

(1) The department may require any applicant to submit data necessary to complete any deficient 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. Any additional data requested shall be submitted within 60 days of the date of receipt of such request on a form supplied by the department and signed as required by section NR 200.04, Wisconsin Administrative Code.

NR 200.06 USE OF INFORMATION

(1) Data submitted in the applications will be used as a basis for issuing discharge permits. In some instances it may be necessary for the department to request additional information relating to the discharges from the applicant's facility. Such additional information shall be submitted in accordance with section NR 200.05, Wisconsin Administrative Code.

(2) All information contained in an application will, upon request, be made available to the public for inspection and copying. A separate sheet entitled "Confidential Answers" must be used to set out any information, except effluent data, which is considered by the applicant to be, or to reveal, methods or processes entitled to protection as trade secrets. The information sheet shall clearly indicate the item number or numbers to which the confidential information applies. Confidential treatment can be considered only for that information for which a specific written request for confidentiality has been made on such an attached sheet and which meets the requirements of section 147.08(2)(c), Wisconsin Statutes.

NR 200.07 REPORTING OF NEW DISCHARGES pursuant to section 147.14, Wisconsin Statutes

(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 such new or increased discharge will result in exceeding or violating any effluent limitation of the existing permit for the discharge, a new application shall be filed by the permittee pursuant to section 147.025, Wisconsin Statutes, for the purpose of obtaining either a modification of the existing permit or the issuance of a new permit.

(b) If such new or increased discharge will not result in exceeding or violating any effluent limitations of the permit, such notice shall be given in the form of a letter addressed to the Administrator, Division of Environmental Protection, Box 450, Madison, Wisconsin 53701. Said 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. Such letter of notification shall be signed by the person required to sign permit applications and monitoring reports.

(2) Any person discharging, or intending to commence discharging, into a publicly owned treatment works who is or will become subject to the discharge reporting requirements of section 147.025(4), Wisconsin Statutes, shall give notice of the following to the Department and the owner or operator of such works, using the form prescribed in Chapter NR 202, Wisconsin Administrative Code, at least 180 days prior to;

(a) any introduction of pollutants into such treatment works from any new source, or

(b) any introduction of types or volumes of pollutants into such treatment works which were not described in the report submitted under section 147.025(4).

(3) The owner or operator of a publicly owned treatment works receiving a notice under sub.(2) is subject to sub.(1) and shall also include in his notice information on the quality and quantity of effluent to be introduced into such treatment works and any anticipated impact of such pollutants on the quantity and quality of effluent to be discharged from such works.

#### NR 200.10 APPLICATION FORMS

(1) Different application forms have been designed and used by the Environmental Protection Agency to provide information from different types of sources of discharge. Forms prescribed by this chapter in parts 200.11 to 200.16 inclusive are similar to the federal forms designated as short forms A, B, C, and D and standard forms A and C.

(2) Forms may be obtained from the district offices of the Department or the Division of Environmental Protection, Box 450, Madison, Wisconsin 53701.

#### NR 200.11 SHORT FORM A. Municipal Wastewater Discharges

(1) APPLICABILITY. This application form shall be used by owners or operators of publicly owned sewerage systems and treatment works, and for treatment works receiving only domestic sewage from industrial or agricultural point sources. However, owners or operators of publicly owned treatment works will be required to submit standard form A if the discharge meets any of the conditions listed in section NR 200.15, Wisconsin Administrative Code.

(2) FORM AND CONTENT. The application shall be submitted on forms supplied by the Department.

NR 200.12 SHORT FORM B. Agriculture

- (1) APPLICABILITY. (To be created at a later date.)
- (2) FORM AND CONTENT. The application shall be submitted on forms supplied by the Department.

NR 200.13 SHORT FORM C. Manufacturing Establishments and Mining

- (1) APPLICABILITY. This form shall be used by the owners or operators of all manufacturing, industrial, and mining facilities, including power plants, producers of sand, gravel and stone, the dairy products industry, the meat packing and processing industry, and the fruit and vegetable freezing or canning industry. However, applicants using this form will also be required to file a standard form C if the described discharge meets the requirements of section NR 200.16, Wisconsin Administrative Code.
- (2) FORM AND CONTENT. The application shall be submitted on forms supplied by the Department.

NR 200.14 SHORT FORM D. Services, Wholesale and Retail Trade, and All Other Commercial Establishments, Including Vessels, Not Engaged in Manufacturing or Agriculture.

- (1) APPLICABILITY. This form shall be used by owners or operators of services, wholesale or retail trade outlets, and all other commercial establishments, including non-exempted vessels, not engaged in manufacturing or agriculture. This form shall also be used by owners or operators of private domestic sewage treatment works for service establishments such as hotels, motels, and trailer parks. However applicants using this form may be required to file an application on standard form C if the discharge meets the requirements of section 200.16.
- (2) FORM AND CONTENT. The application shall be submitted on forms supplied by the Department.

NR 200.15 STANDARD FORM A. Municipal

- (1) APPLICABILITY. This form shall be used by all municipalities which meet any of the following conditions.
  - (a) The discharges from the facility have a total volume of more than 5 million gallons on any day of the year;
  - (b) The facility serves a population in excess of 10,000; or
  - (c) The facility receives wastes from an industrial user and such wastes
    - (1) have a total volume of more than 50,000 gallons on any day of the year,
    - (2) contain toxic pollutants,
    - (3) have a total volume which constitutes more than 5 percent of the volume of the total discharge from the facility on any day of the year, or

(4) alone or in combination with other discharges into the facility interfere with the operation of the facility or adversely affect the quality of the discharge from the facility.

(2) FORM AND CONTENT. The application shall be submitted on forms supplied by the Department.

(3) SHORT FORM APPLICATION UNNECESSARY. Any applicant may submit a standard form without prior submission of a short form if he complies with all applicable filing dates and requirements.

NR 200.16 STANDARD FORM C. Manufacturing and Commercial

(1) APPLICABILITY. This form shall be used by all manufacturing and commercial establishments required to file applications using short form A, C, or D and which meet either of the following conditions.

(a) The discharges (except those to publicly owned treatment works) from the facility have a total volume of 50,000 gallons on any day of the year;

(b) The discharges (except those to publicly owned treatment works) contain toxic pollutants.

(2) FORM AND CONTENT. The application shall be submitted on forms supplied by the Department.

(3) SHORT FORM APPLICATION UNNECESSARY. Any applicant may submit a standard form without prior submission of a short form if he complies with all applicable filing dates and requirements.

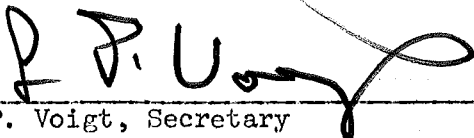
The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on November 28, 1973.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin November 28, 1973

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

  
\_\_\_\_\_  
L. P. Voigt, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

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IN THE MATTER of creating NR 201 :  
of the Wisconsin Administrative : ORDER NUMBER W-24-73  
Code :  
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ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES  
BOARD CREATING RULES

Pursuant to authority vested in the State of Wisconsin Natural Resources Board by sections 147.10(2) and 227.014, Wisconsin Statutes, the Natural Resources Board hereby creates rules as follows:

Chapter NR 201  
Fact Sheet for Proposed Permits  
Wisconsin Pollutant Discharge Elimination System

NR 201.01 The department shall prepare a fact sheet for each discharge having a volume of more than 500,000 gallons on any day of the year for which it proposes to issue a permit and shall send a copy to any interested person on request.

The fact sheet shall include at least the following information.

- (1) Reference to the application number and public notice number to which it is related.
- (2) The name and address of the applicant.
- (3) A brief description of the activity resulting in the discharge and the location of the discharge with respect to the receiving water.
- (4) A statement as to whether the discharge is in existence or is a proposed new discharge.
- (5) A sketch or detailed description of the discharge location.
- (6) A quantitative description of the discharges described in the application which includes at least
  - (a) An identification of the outfalls comprising the discharge,
  - (b) The average daily discharge in pounds per day of any pollutants which are subject to effluent limitations or prohibition,
  - (c) The average daily flow in gallons or millions of gallons per day for continuous flows or the volume and frequency of batch discharges, and
  - (d) For thermal discharges subject to limitation, the average summer and winter temperatures in degrees Fahrenheit
- (7) A statement of the tentative determination to issue or deny a permit.
- (8) If the tentative determination is to issue a permit,
  - (a) The proposed effluent limitation for those pollutants proposed to be limited and
  - (b) A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed effluent limitations and
  - (c) A brief description of any other proposed special conditions which will have a significant impact on the discharge described in the application.
- (9) A brief description of the uses for which the receiving waters have been classified and of the applicable water quality standards and effluent limitations.




The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on November 28, 1973.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin November 28, 1973

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

  
\_\_\_\_\_  
L. P. Voigt, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

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IN THE MATTER of creating NR 202  
of the Wisconsin Administrative  
Code

:  
:  
:

ORDER NUMBER W-25-73

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES  
BOARD CREATING RULES

Pursuant to authority vested in the State of Wisconsin Natural Resources Board by sections 147.025(4) and 227.014, Wisconsin Statutes, the Natural Resources Board hereby creates rules as follows:

CHAPTER NR 202

Wisconsin Pollutant Discharge Elimination System  
Report of Industrial Waste Contribution  
To Municipal System

NR 202.01 REPORT OF INDUSTRIAL WASTE DISCHARGE TO MUNICIPAL SYSTEM

(1) APPLICABILITY. Persons who discharge pollutants into publicly owned treatment works and who are subject to section 144.54, Wisconsin Statutes, and rules promulgated thereunder in Chapter NR 101, Wisconsin Administrative Code, shall submit to the owner or operator of such works a report describing present discharges to such works and maximum discharge to such works based on a reasonably foreseeable projection of production increases, process modifications, or facility expansion during the next 5 years, in accordance with section 147.025(4), Wisconsin Statutes.

(2) FORM AND CONTENT. The report form and content is as follows:

STANDARD FORM A - MUNICIPAL WASTEWATER DISCHARGERS

FOR DEPT. USE									

(SECTION IV. INDUSTRIAL WASTE CONTRIBUTION TO MUNICIPAL SYSTEM)

Submit a description of each major industrial facility discharging to the municipal system, using a separate Section IV for each facility description. Indicate the 4 digit Standard Industrial Classification (SIC) Code for the industry, the major product or raw material, the flow (in thousand gallons per day), and the characteristics of the wastewater discharged from the industrial facility into the municipal system. Consult Table III for standard measures of products or raw materials. (see instructions)

1. Major Contributing Facility (see instructions)

Name 401a \_\_\_\_\_

Number & Street 401b \_\_\_\_\_

City 401c \_\_\_\_\_

County 401d \_\_\_\_\_

State 401e \_\_\_\_\_

Zip Code 401f \_\_\_\_\_

2. Primary Standard Industrial Classification Code (see instructions) 402 \_\_\_\_\_

3. Principal Product or Raw Material (see instructions)

Product 403a \_\_\_\_\_ 403b \_\_\_\_\_

Raw Material 403c \_\_\_\_\_ 403d \_\_\_\_\_

Quantity \_\_\_\_\_ Units (See Table III) \_\_\_\_\_

4. Flow Indicate the volume of water discharged into the municipal system in thousand gallons per day and whether this discharge is intermittent or continuous.

404a \_\_\_\_\_ thousand gallons per day

404b  Intermittent (int)  Continuous (con)

5. Pretreatment Provided Indicate if pretreatment is provided prior to entering the municipal system

405  Yes  No

6. Characteristics of Wastewater (see instructions)

406a	Parameter Name						
406b	Parameter Number						
406b	Value						

7. FIVE YEAR PROJECTION: INDICATE THE MAXIMUM DISCHARGES BASED ON REASONABLY FORESEEABLE PROJECTION OF PRODUCTION INCREASES, PROCESS MODIFICATION OR FACILITY EXPANSIONS DURING THE NEXT FIVE YEARS.

A. FLOW: \_\_\_\_\_ THOUSAND GALLONS PER DAY.

B. CHARACTERISTICS OF WASTEWATER.

406a	Parameter Name						
406b	Parameter Number						
406b	Value						


The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on November 28, 1973.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin November 28, 1973

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

  
\_\_\_\_\_  
L. P. Voigt, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

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IN THE MATTER of creating NR 220 :  
of the Wisconsin Administrative : ORDER NUMBER W-26-73  
Code :  
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ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES  
BOARD CREATING RULES

Pursuant to authority vested in the State of Wisconsin Natural Resources  
Board by sections 147.04(1) and 227.014, Wisconsin Statutes, the Natural  
Resources Board hereby creates rules as follows:

Categories and Classes of Point Sources for  
Wisconsin Pollutant Discharge Elimination System

NR 220.01 Categories and classes of point sources other than publicly owned treatment works promulgated pursuant to section 147.04(1), Wisconsin Statutes, for which effluent standards and standards of performance are to be adopted.

- (1) Asbestos Products
- (2) Beverages
  - (a) Malt Beverages
  - (b) Malt
  - (c) Wines, Brandy, Brandy Spirits
  - (d) Distilled, Rectified, Blended Liquor
  - (e) Soft drinks and Carbonated Water
- (3) Canned and Preserved Fruits and Vegetables
- (4) Cement
- (5) Concrete, Gypsum, Plaster
  - (a) Readi-mix
  - (b) Lime
  - (c) Gypsum
- (6) Chemicals, Inorganic
- (7) Chemicals, Organic
- (8) Chemicals, Miscellaneous
- (9) Chemicals, Phosphate, non-fertilizer
- (10) Dairy Products
  - (a) Butter
  - (b) Cheese, natural and processed
  - (c) Condensed and Evaporated Products
  - (d) Ice Cream
  - (e) Fluid and Cultured Milk products
- (11) Drugs and Pharmaceuticals
- (12) Fats and Oils
- (13) Feedlots
- (14) Ferro-Alloys
- (15) Fertilizer Industry
- (16) Fiberglass
- (17) Fish and Seafood Products
- (18) Glass
- (19) Grain Milling
  - (a) Dry milling
  - (b) Wet milling
- (20) Iron and Steel
- (21) Iron Foundries
- (22) Leather and Tanning
- (23) Meat and Poultry Products
- (24) Metal Finishing, Electroplating
- (25) Mining and Milling, Ores
- (26) Mining, Fertilizers
- (27) Motor Vehicles
- (28) Non-ferrous Foundries
- (29) Non-ferrous Metals
- (30) Petroleum Products
- (31) Plastics and Synthetics

- (32) Photography materials
- (33) Power Plants, Steam-Electric
- (34) Pulp and Paper
  - (a) Pulp
  - (b) Paper
  - (c) Paperboard
  - (d) Building Paper
  - (e) Paper Converting
- (35) Rubber
  - (a) Tires and inner tubes
  - (b) synthetic rubber
- (36) Sand and Gravel
  - (a) Clay
  - (b) Stone
- (37) Sewage Treatment Works not publicly owned
- (38) Soap and Detergents
  - (a) Soap
  - (b) Detergents, non-industrial
  - (c) Detergents, Industrial
- (39) Sugar and confectionery
- (40) Textiles
- (41) Water Treatment Plant, sludge disposal
- (42) Wood Products
  - (a) Veneer and Plywood
  - (b) Hardboard
  - (c) Preserving



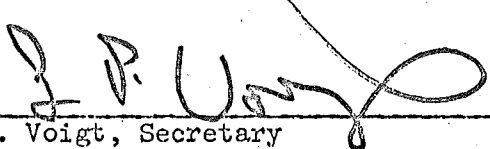
The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on November 28, 1973.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin November 28, 1973

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

  
\_\_\_\_\_  
L. P. Voigt, Secretary

(SEAL)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

L. P. Voigt  
Secretary

BOX 450  
MADISON, WISCONSIN 53701

November 28, 1973

IN REPLY REFER TO: \_\_\_\_\_

Mr. James J. Burke  
Revisor of Statutes  
411 West  
C A P I T O L

Dear Mr. Burke:

Enclosed are three copies, including one certified copy, of State of Wisconsin Natural Resources Board Order Nos. W-22-73, W-23-73, W-24-73, W-25-73 and W-26-73. You will note this order takes effect upon publication.

Kindly publish it in the Administrative Register accordingly.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'L. P. Voigt', written over the typed name.

L. P. Voigt  
Secretary

Encs.