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(b) A sewage treatment plant which discharges an effluent in compliance with the monthly average effluent limitations for biochemical oxygen demand (BOD) and total suspended solids contained in chapters NR 210 or 214, as appropriate, or with more stringent BOD and total suspended solids effluent limitations required to achieve water quality standards derived from chapters NR 102-104.

(c) In determining whether a discharged effluent is in compliance with the monthly average effluent limitations for biochemical oxygen demand (BOD) and total suspended solids contained in chapters NR 210 or 214, as appropriate, or with more stringent BOD and total suspended solids effluent limitations required to achieve water quality standards derived from chapters NR 102-104, the following procedure will apply:

1. Compliance will be determined by staff review of up to the previous 12 months of discharge monitoring data. If 12 months of data are not available, the review will be based on the data that are available.

2. More than a total of 3 violations of the monthly average limitations for BOD or suspended solids in the previous 12 months (or the equivalent ratio for the number of months of data available) shall cause denial, subject to the following additional considerations:

a. Recognition of the inherent inaccuracy of the BOD and suspended solids tests may be given by utilization of a factor of 1.3X for BOD and 1.2X for suspended solids for purposes of determining compliance with the limit as specified in the permit.

b. The department may grant approval if, in its judgment, it determines that the plant has in recent months been in compliance, thus demonstrating a trend toward better operation.

c. Consideration may be given in those instances where effluent violations have been caused by algae growth in a treatment facility utilizing lagoons as the principal treatment device.

d. The department may grant approval if, in its judgment, it determines that noncompliance with the effluent limitations has been caused by operating difficulties associated with plant startup for those sewage treatment facilities which have recently been constructed or undergone major modification or expansion.

(3) (a) Requests for sanitary sewer extensions shall be denied if the sewer will be tributary to:

1. A sewerage system which contains any bypass (es) or overflow (s) which operate during dry weather; or

2. A sewage treatment plant which discharges an effluent not in compliance with the monthly average effluent limitations for biochemical oxygen demand (BOD) and total suspended solids contained in chapters NR 210 or 214, as appropriate, or with more stringent BOD and total suspended solids effluent limitations required to achieve water quality standards derived from chapters NR 102-104.

(b) Requests for sewer extensions otherwise prohibited by this subsection may be approved if the owner of the treatment works, or the owner of the sewerage system, submits to the department an acceptable

program to assure provision of the appropriate effluent quality, with no dry weather bypass(es) or overflow(s), by July 1, 1982. The program must include a time schedule for completion of the necessary construction or upgrading. It must also include proof of financial ability and commitment to complete the program in accordance with the time schedule.

(4) Requests for sanitary sewer extensions shall be denied if the sewer will be tributary to a sewerage system which contains any bypass(es) or overflow(s) that operate under wet weather conditions, with the following exception:

(a) The request may be approved if the owner of the treatment works, or the owner of the sewerage system within which the bypassing occurs, submits to the department an acceptable program for correction of the bypass(es) or overflow(s), including a time schedule for completion of the corrective work, and proof of financial ability and commitment to complete the work in accordance with the schedule.

(b) In the event the applicant submits a program for correction which includes a time schedule extending beyond July 1, 1982, the following procedure will be employed:

1. The department will make a tentative determination as to the acceptability of the program and the time schedule;

2. Written notice of that tentative determination will be mailed to each member of the natural resources board;

3. If, within 15 days of the date of mailing of that notice, 4 members of the natural resources board notify the department in writing of their intention to take jurisdiction over the request, the applicant will be notified and the matter will be placed on the agenda of the natural resources board for the following month;

4. If the natural resources board takes jurisdiction over the matter as described, the final decision as to approval or denial of the request will be made by the natural resources board;

5. If the natural resources board does not take jurisdiction over the matter, the tentative determination of the department will be deemed approved by the natural resources board and that decision will be made final by notification to the applicant.

(5) Variances from the requirements of subsections (3) and (4) may be granted by the department to allow sewer extensions otherwise prohibited by this rule upon determination by the department of any of the following:

(a) That construction of the subdivision, commercial establishment, institutional facility or industrial plant had commenced prior to May 24, 1976, as evidenced by the issuance of a building permit;

(b) That the area to be served was developed prior to May 24, 1976 and that the sewer extension will eliminate use of existing private waste disposal systems which pose a threat to the public health or safety, provided that connections to the sewer are allowed only for the existing development;

(c) That the sewers to be installed will result in the elimination of existing dry weather overflow(s) or bypass(es), or will result in the abandonment of an existing inadequate sewage treatment plant;

(d) That the proposed extension is a revision to a sewer previously approved by the department, providing that the revision results in no increase in the anticipated waste discharge to the sewer system;

(e) That the facilities to be served are intended primarily to provide educational, humanitarian, or charitable community services;

(f) That the program, time schedule, and the commitment to proceed are established in a court-approved stipulation, order, or judgment.

(6) As a condition of any approval granted under subsection (3), (4) or (5) of this rule, the department may require that an applicant for a sewer extension restrict the number of connections made to such sewer in accordance with a prescribed schedule.

(7) Failure of the owner of the treatment works, or the owner of the sewerage system, to comply with any element of an acceptable program, time schedule, financial commitment, or other condition of approval established pursuant to this rule, shall cause denial of all subsequent requests for sewer extensions which would be tributary to the treatment works or sewerage system, except in those cases in which the department determines that a revision or modification of that element of an acceptable program, time schedule, financial commitment, or other condition of approval established pursuant to this rule is necessary because of the happening of an event over which the applicant has little or no control.

History: Cr. Register, November, 1974, No. 227, eff. 12-1-74; emerg. r. and recr. eff. 5-24-76; r. and recr. Register, September, 1976, No. 249, eff. 10-1-76.

NR 110.06 Construction plans for reviewable projects. (1) All construction plans for reviewable projects submitted to the department shall be in conformance with chapter NR 108 and shall bear a suitable title block which includes the name of the owner, the scale and the date. The north point shall be shown on each plan. All plans shall be clear and legible. Blueprints will not be accepted. The datum used shall be indicated and shall be related to U.S.G.S. datum.

(2) Detailed construction plans shall contain appropriate plan views, elevations, necessary sections and supplemental views which together with the specifications provide all necessary information for construction of the project. Manufacturers' drawings shall not be accepted.

(3) All construction plans shall be in conformance with an approved facilities plan as required in NR 110.08 (1).

Note: Applicable state and local codes, including those of the department of industry, labor and human relations, the public service commission and the department of health and social services, should be consulted for other requirements.

History: Cr. Register, November, 1974, No. 227, eff. 12-1-74; r. and recr. Register, December, 1978, No. 276, eff. 1-1-79.

NR 110.07 Specifications for reviewable projects. (1) Complete technical specifications for all reviewable projects shall accompany the construction plans. Where feasible the specifications shall contain provisions for maintaining the same degree of wastewater treatment during construction as that which existed prior to the start of construction.

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(2) The specifications accompanying the detailed construction drawing shall include, wherever applicable:

- (a) All construction information not shown on the plans;
- (b) The complete requirements for all mechanical and electrical equipment;
- (c) The type and operating characteristics of all equipment;
- (d) The laboratory fixtures and equipment;
- (e) The construction materials to be used;
- (f) The identification of the chemicals to be used; and
- (g) The instructions for testing materials and equipment to meet design standards.

(3) Specifications reproduced from manufacturers' data and bearing the manufacturers' labels will not be accepted.

History: Cr. Register, November, 1974, No. 227, eff. 12-1-74; r. and recr. Register, December, 1978, No. 276, eff. 1-1-79.

NR 110.08 Facilities plans for reviewable projects. (1) **APPLICABILITY.** A facilities plan shall be included with each reviewable project submitted to the department for approval. Facilities plans or sewage treatment facilities shall be submitted and approved by the department prior to submittal of the construction plans.

(2) **CONTENT.** The facilities plan shall contain all of the information required by NR 110.09 (1)-(6), NR 110.10 (1) and (2), or NR 110.11 (1) whichever are applicable. The level of detail necessary to fulfill this requirement may vary depending upon the size and complexity of the project.

(3) **WISCONSIN ENVIRONMENTAL POLICY ACT REVIEW.** (a) Facilities plans, other than those excluded in NR 150.03 (2) (d) 17., Wis. Adm. Code (1978), shall be screened by the department to determine whether it is required to prepare an environmental impact statement in accordance with chapter NR 150 (1978).

(b) For a proposal which a federal agency and the department determine to be a major and significant action, the requirements of NR 150.10 (1978) shall apply.

(4) **CONFORMANCE WITH APPROVED AREAWIDE WASTE TREATMENT MANAGEMENT PLANS.** All approvable sewerage system facility plans must be in conformance with approved areawide waste treatment management plans unless the department determines that such plans conflict with the department's responsibilities to protect, maintain, and improve the quality and management of the waters of the state, ground and surface, public and private. In the absence of an approved areawide waste treatment management plan, no determination of such conformance is required.

History: Cr. Register, November, 1974, No. 227, eff. 12-1-74; r. and recr. Register, December, 1978, No. 276, eff. 1-1-79.

Register, November, 1979, No. 286
Environmental Protection