



State of Wisconsin

CR 82-9

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

RECEIVED
MAY 13 1982
1:45
Revisor of Statutes
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, 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. WQ-4-82 was duly approved and adopted by this Department on March 24, 1982. 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 General Executive Facility #2 in the City of Madison, this 10th day of May, 1982.

Carroll D. Besadny

Carroll D. Besadny, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING, RENUMBERING, AND AMENDING RULES

.....
IN THE MATTER of repealing s. NR 110.05(7);
renumbering s. NR 110.05(8); and amending .
s. NR 110.05(4) of the Wisconsin .
Administrative Code pertaining to sanitary .
sewer extensions .
.....

WQ-4-82

Analysis Prepared by Department of Natural Resources

The changes to s. NR 110.05(4), Wis. Adm. Code, are intended to correct ambiguous language contained in the rule. This revision will clarify the evaluation procedure used by the Department for programs submitted by municipalities to correct bypasses and overflows and for upgrading wastewater treatment facilities. The programs are submitted by municipalities that are experiencing problems with sewerage systems so that the municipalities may receive sanitary sewer extension approvals. The revisions do not change the Department's existing sewer extension review policy.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 144.025(2)(c), 227.011 and 227.014(2), Stats., the State of Wisconsin Natural Resources Board hereby repeals, renumbers, and amends rules interpreting s. 144.04, Stats., as follows:

SECTION 1 - NR 110.05(4) is amended to read:

(4) DENIAL OF SEWER EXTENSION APPLICATIONS. Applications for sanitary sewer extensions shall be denied if the sewer will be tributary to:

(a) 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 ch. NR 210 or 214, Wis. Adm. Code, or with any more stringent water quality related effluent limitations required to achieve applicable water quality standards derived

from chs. NR 102-104, Wis. Adm. Code, or from any federal water quality standard promulgated pursuant to ~~s. 303 of P.L. 95-217~~ 33 U.S.C. § 1313 for any waters of the state.

1. In the event that the WPDES permit for a sewage treatment plant currently discharging an effluent in accordance with ch. NR 210, Wis. Adm. Code, establishes a compliance schedule for achievement of any more stringent water quality related effluent limitations applicable to such treatment plant, compliance with the schedule of compliance in the discharge permit shall be deemed to be compliance with the applicable water quality related effluent limitations.

2. Applications for sewer extensions otherwise prohibited by ~~sub. (4)~~ (a) this paragraph may be approved if the owner of the sewage treatment plant ~~or the owner of the sewerage system~~ to which the sewer extensions are tributary, submits to the department an acceptable program to assure provision of the appropriate effluent quality, by July 1, 1983. The program shall include a time schedule for completion of the necessary construction or upgrading. It shall also include proof of financial ability and commitment to complete the program in accordance with the time schedule.

3. If applicable effluent limitations are not achieved after ~~an~~ the owner of the sewage treatment plant has completed a program to upgrade the sewage treatment works, plant, or if the owner of the sewage treatment plant has not maintained the time schedule established under subd. 2., no future sewer extensions may be approved until either of the following occur:

a. Applicable effluent limitations are achieved in accordance with sub. (3) or

b. An The owner of the sewage treatment plant submits a new or modified program meeting the requirements of ~~sub.-(4)-(a)~~ subd. 2., when and failure to complete the work adequately was due to an event over which ~~the~~ that owner had little or no control. For the purposes of this section, the failure to receive federal or state construction grants may not be considered to be an event over which the owner had little or no control.

(b) A sewerage system in which any category 1 bypasses or overflows occur during dry weather flow conditions.

1. Applications for sewer extensions otherwise prohibited by ~~sub.-(4)-(b)~~ this paragraph may be approved if ~~the owner of the sewage treatment plant or the owner~~ owners of the sewerage ~~system~~ systems to which the sewer extensions are tributary, and from which any category 1 bypasses or overflows occur during dry weather flow conditions, ~~submits~~ submit to the department an acceptable dry weather flow correction ~~program~~ programs to assure provision of the appropriate effluent quality, with no category 1 bypasses or overflows, during dry weather flow conditions, by July 1, 1983. The Each program shall include a time schedule for completion of the necessary construction or upgrading. ~~It~~ Each program shall also include proof of financial ability and commitment to complete the program in accordance with the time schedule.

2. ~~If category 1 bypasses or overflows continue during dry weather flow conditions after an owner has completed an approved program to correct category 1 bypasses and overflows occurring during dry weather flow~~

~~conditions, no future sewer extensions may be approved until either of the following occur:~~ No future sewer extensions tributary to a sewerage system from which category 1 bypasses or overflows continue during dry weather flow conditions shall be approved after the owners have completed approved programs established under subd. 1. or when the owners have not maintained the time schedules for completion of those approved programs, until either of the following occur:

a. ~~An owner corrects~~ the owners of the sewerage systems from which any category 1 bypasses or overflows occurring occur during dry weather flow conditions correct those bypasses or overflows, or

b. ~~An owner submits a~~ The owners of the sewerage systems from which any category 1 bypasses or overflows occur during dry weather flow conditions, submit new or modified program programs meeting the requirements of ~~sub.-(4)~~ subd. 1., when and failure to complete the work adequately was due to an event over which the ~~owner~~ owners had little or no control. For the purposes of this section, the failure to receive federal or state construction grants may not be considered to be an event over which the ~~owner~~ owners had little or no control.

(c) A sewerage system in which any category 1 bypasses or overflows occur during wet weather flow conditions.

1. Applications for sewer extensions otherwise prohibited by ~~sub.-(4)-(e)~~ this paragraph may be approved if ~~the owner of the sewage treatment plant or~~ the owner owners of the sewerage ~~system~~ systems to which the sewer extensions

are tributary and from which any category 1 bypasses or overflows occur during wet weather flow conditions, ~~submits~~ submit to the department an acceptable wet weather flow correction program programs to assure provision of the appropriate effluent quality, with no category 1 bypasses or overflows, during wet weather flow conditions by July 1, 1983. The Each program shall include a time schedule for completion of the necessary construction or upgrading. ~~It~~ Each program shall also include proof of financial ability and commitment to complete the program in accordance with the time schedule.

2. In the event the owner of a sewerage system within which category 1 bypasses or overflows occur during wet weather flow conditions submits a program for correction which includes a time schedule extending beyond July 1, 1983, the natural resources board shall review the owner's program and the recommendations of department staff concerning it. The natural resources board shall then either approve or disapprove the owner's program. Any approvals granted under this ~~section~~ paragraph may not have time schedules that extend beyond July 1, 1986.

3. ~~If category 1 bypasses or overflows continue during wet weather flow conditions after an owner has completed an approved program to correct category 1 bypasses and overflows occurring during wet weather flow conditions, no future sewer extensions may be approved until either of the following occur:~~ No future sewer extensions tributary to a sewerage system from which category 1 bypasses or overflows continue during wet weather flow conditions shall be approved after the owners have completed approved programs established under subd. 1. or 2., or when the owners have not maintained the time schedules for completion of those approved programs, until either of the following occur:

a. ~~An-owner-corrects~~ The owners of the sewerage systems from which any category 1 bypasses or overflows occurring occur during wet weather flow conditions correct those bypasses and overflows, or

b. ~~An-owner-submits~~ The owners of the sewerage systems from which any category 1 bypasses or overflows occur during wet weather flow conditions submit a new or modified program programs meeting the requirements of sub--(4) (e) subd. 1. or (4)-(e) 2., when and failure to complete the work adequately was due to an event over which the owner owners had little or no control. For the purposes of this section, the failure to receive federal or state construction grants may not be considered to be an event over which the owner owners had little or no control.

SECTION 2 - NR 110.05(7) is repealed.

SECTION 3 - NR 110.05(8) is renumbered to be NR 110.05(7).

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on March 24, 1982.

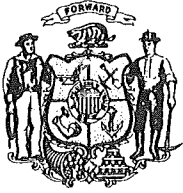
The rules contained herein shall take effect as provided in s. 227.026(1)(intro.), Stats.

Dated at Madison, Wisconsin May 10, 1982

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

May 10, 1982

BOX 7921
MADISON, WISCONSIN 53707

Mr. Orlan L. Prestegard
Revisor of Statutes
411 West
C A P I T O L

RECEIVED

MAY 13 1982

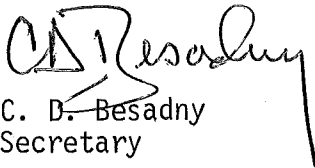
Revisor of Statutes
Bureau

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WQ-4-82. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Agriculture and Natural Resources pursuant to s. 227.018, Stats. There were no comments.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

Enc.