



CR 82-156

State of Wisconsin / DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

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STATE OF WISCONSIN )  
DEPARTMENT OF NATURAL RESOURCES ) ss

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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-27-82 was duly approved and adopted by this Department on October 27, 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 9<sup>th</sup> day of February, 1983.

*Carroll D. Besadny*  
Carroll D. Besadny, Secretary

(SEAL)

5-1-83

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

AMENDING AND CREATING RULES

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WQ-27-82

.....  
IN THE MATTER of amending ss. NR 207.02, .  
207.04, 207.05 & 207.06; and creating .  
s. NR 205.04(3m) of the Wisconsin .  
Administrative Code pertaining to the .  
effluent limitations based upon federally .  
promulgated regulations .  
.....

Analysis Prepared by Department of Natural Resources

The effect of this amendment is to allow the Department to establish effluent limitations based on federal regulations in state-issued Wisconsin Pollutant Discharge Elimination System (WPDES) permits during a longer period of time than currently allowed under the existing code.

The reason for this rule is that the U.S. EPA is much later in developing regulations upon which Department rules must be based than was expected when the rule was first created. The ability of industry to comply with these regulations, and associated statutory deadlines, will be seriously jeopardized if the Department must first codify these regulations into the administrative code, before they can be used as a basis for permit limitations. This revision will remove the deadline for the authority to use federal regulations until the administrative code is promulgated. The effect of creating s. NR 205.04(3m) is to define the abbreviation BCT. The reason for this definition is to allow its use in other related administrative codes.

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Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 147.04 and 227.014, Stats., the State of Wisconsin Natural Resources Board hereby amends and creates rules interpreting s. 147.04, Stats., as follows:

SECTION 1. NR 205.04(3m) is created to read:

(3m) "BCT" means best conventional pollutant control technology.

SECTION 2. NR 207.02 is amended to read:

NR 207.02 APPLICABILITY. This chapter is applicable to discharge permits issued ~~during the period of June 1, 1981 through December 31, 1982~~ for all categories and classes of point sources listed in s. NR 220.02, ~~Wis. Adm. Code.~~

SECTION 3. NR 207.04 is amended to read:

NR 207.04 ESTABLISHMENT OF LIMITATIONS BASED UPON FEDERAL REGULATIONS. In the event that federal regulations establishing BGT-~~or~~-BAT effluent guidelines have been promulgated for a point source included in one of the categories and classes of point sources listed in s. NR 220.02, ~~Wis. Adm. Code,~~ the department may establish in the discharge permit for such source, effluent limitations based upon these federal regulations, ~~provided that:~~ Prior to permit modification or renewal, the federally promulgated guidelines shall be used for enforcement purposes except where permit conditions and limitations are based on water quality or where standards have been promulgated under s. 147.035(3), Stats.

~~(1)--The federal regulations are promulgated during the period September 1, 1980 through December 31, 1982; and~~

~~(2)--The discharge permit is issued or reissued during the period June 1, 1981 through December 31, 1982.~~

SECTION 4. NR 207.05 is amended to read:

NR 207.05 ESTABLISHMENT OF EFFLUENT GUIDELINE LIMITATIONS IN THE WISCONSIN ADMINISTRATIVE CODE. The department shall, as soon as possible after the promulgation of any federal regulations establishing BGT-~~or~~-BAT effluent

guidelines for certain categories and classes of point sources, adopt appropriate effluent guideline limitations for such point sources in the Wisconsin administrative code.

SECTION 5. NR 207.06 is amended to read:

NR 207.06 PROVISION FOR MODIFICATION. Any WPDES permits containing effluent limitations established under s. NR 207.04 shall be modified under s. 147.03, Stats., to reflect any changes in applicable BGT-~~or~~-BAF effluent limitations later promulgated in the Wisconsin administrative code.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on October 27, 1982.

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

Dated at Madison, Wisconsin February 9, 1983

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)