



CR 83-27

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

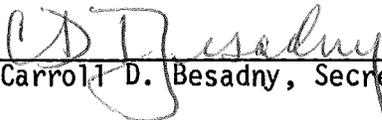
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AUG 4 1983
1:00 p.m.
Revisor of Statutes
Bureau

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-4-83 was duly approved and adopted by this Department on May 25, 1983. 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 2nd day of August, 1983.


Carroll D. Besadny, Secretary

(SEAL)

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10-1-83

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

.....
IN THE MATTER of creating s. NR 110.05(5)(g) .
of the Wisconsin Administrative Code pertaining . WQ-4-83
to exceptions to sanitary sewer prohibitions .
.....

Analysis Prepared by Department of Natural Resources

Section NR 110.05, Wis. Adm. Code, establishes a strong relationship between the achievement of water quality goals and the approval of sewer extensions. The rule ties approvals of sewer extensions to the capabilities and performance of a municipality's sewage treatment plant. Further, the rule contains a requirement that where the performance of the plant was not adequate, the passage of a program financed by the municipality, if necessary, would guarantee sewer extension approvals from the Department.

The sewer extension review program depends on the discharge permit program. Recently revisions to s. 147.04, Stats., now allow certain municipal permittees an extension from June 30, 1983 to as late as December 31, 1985 to achieve compliance with final water quality related effluent limitations, if it can be demonstrated that the reason for noncompliance was because of an event over which the municipality had little or no control.

The proposed rule will grant exceptions to allow "no fault" municipalities to submit programs with schedules extending to December 31, 1985, in order to obtain sewer extension approvals.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 144.025(2)(c), 227.014, and 227.02(1)(e), Stats., the State of Wisconsin Natural Resources Board hereby creates rules interpreting ss. 144.04 and 147.04, Stats., as follows:

SECTION 1. NR 110.05(5)(g) is created to read:

(g) That the owner of the sewage treatment plant to which the sewer extension is tributary cannot complete work to achieve appropriate effluent quality as described in sub. (4)(a) by July 1, 1983 due to an event over which

the plant owner has little or no control, and the plant owner has submitted a request for a WPDES permit modification which is acceptable to the department. To be eligible for this exception, the plant owner must submit a program acceptable to the department to achieve, by December 31, 1985, appropriate effluent quality without experiencing category 1 dry weather or wet weather bypasses and overflows. The program shall include a time schedule for completion of necessary construction or upgrading. It shall also include proof of financial ability and commitment to complete the program in accordance with the time schedule. Sanitary sewer extensions may be approved under this subsection as long as the plant owner remains in compliance with all elements of the accepted program. This paragraph does not apply to municipalities subject to a court order which regulates sewer extension approvals.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 25, 1983.

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

Dated at Madison, Wisconsin Aug 2, 1983

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By CD Besadny
Carroll D. Besadny, Secretary

(SEAL)