



CR 85-10

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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-1-85a was duly approved and adopted by this Department on March 27, 1985 and December 18, 1985. 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 22nd day of January, 1986.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

6290J

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JAN 23 1986

2:45 pm
Revisor of Statutes
Bureau

4-1-86

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

CREATING RULES

· · · · ·
IN THE MATTER of creating s. NR 212.115 ·
of the Wisconsin Administrative Code ·
pertaining to water quality based · WQ-1-85a
allocations of pollutant discharges to ·
waters of the state ·
· · · · ·

Analysis Prepared by the Department of Natural Resources

Chapter NR 212, Wis. Adm. Code, allocates to municipal and industrial point source dischargers amounts of the class of pollutants known as BOD₅ allowable in certain streams in the state. Section NR 212.115 provides for short term transfers of allocations between existing dischargers without need for any change in the actual baseline load.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 227.011 and 227.014(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby creates rules interpreting ss. 147.04(5), 147.05 and 147.25, Stats., as follows:

SECTION 1. NR 212.115 is created to read:

NR 212.115 TRANSFERABLE WASTELOAD ALLOCATION. (1) Transfers of wasteload allocations between point source dischargers may be allowed through the permit issuance or modification process under the following conditions:

(a) The discharger applying to receive a transfer secures a legally binding agreement approved by the department, that the WPDES permit allocations for one or more existing dischargers shall be reduced by an amount sufficient to prevent the total maximum load under ss. NR 212.40 to 212.70 from being exceeded;

(b) The department shall consider the differences in waste characteristics and location of the affected point sources to determine amounts by which the existing point source allocations are reduced; and

(c) Transfer agreements approved by the department shall be for at least one wasteload allocation season and may not extend beyond the term of the seller's discharge permit.

(d) Transfers may not be approved by the department until the discharger applying for an increased wasteload allocation demonstrates through the use of a toxicity test approved by the department that the transfer will not result in a failure, as defined by the department, of the toxicity.

(2) Prior to department approval of a transfer, the discharger applying for an increased wasteload allocation shall demonstrate to the satisfaction of the department that the increase is needed due to:

(a) New production by a new discharger,

(b) Increased production which cannot be accommodated by the current treatment facility, or

(c) The inability of the current waste treatment facility to meet current wasteload allocations despite optimal operation and maintenance of the treatment facility.

(3) Prior to department approval of a transfer, all parties to the transfer shall waive all rights under s. 227.14, Stats., to retain any transfer beyond the expiration date of the WPDES permit of the dischargers applying to receive a transfer. The waiver shall be incorporated into both the legally binding agreement in sub. (1)(a) and the WPDES permit of all parties to the agreement.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on December 18, 1985.

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

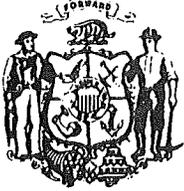
Dated at Madison, Wisconsin

January 21, 1986

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)
5168J



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

January 21, 1986

IN REPLY REFER TO: 1020

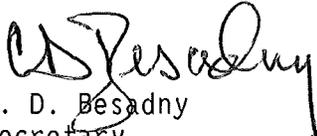
Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 904
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WQ-1-85a. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

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

Sincerely,


C. D. Besadny
Secretary

Enc.

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