

Chapter NR 205

GENERAL PROVISIONS

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Note: Chapter NR 205 as it existed on September 30, 1984 was repealed and a new chapter was created effective October 1, 1984.

NR 205.01 Purpose. The purpose of this chapter is to set forth the definitions applicable to and abbreviations used in chs. NR 200 to 298 to avoid repetition in those chapters. This chapter also sets forth permit general conditions for all WPDES permits, effluent limitations applicable to non-POTW's where pH is continuously monitored and procedures to be used for issuing general WPDES permits.

History: Cr. Register, September, 1984, No. 345, eff. 10-1-84.

NR 205.02 Applicability. The provisions of this chapter are applicable to all point source discharges of pollutants.

History: Cr. Register, September, 1984, No. 345, eff. 10-1-84.

NR 205.03 Definitions. The following definitions are applicable to terms used in chs. NR 200 to 298 except as they may be superseded by a more specific definition in a particular chapter or section or in any particular issued permit.

(1) "Bioaccumulation" means the uptake and retention of one or more substances in living tissue either by direct uptake or through uptake in the food chain or both.

(2) "Bioassay" means the procedure in which the response of captive aquatic organisms are used to detect or measure the presence or effect of one or more substances, wastes or environmental factors, alone or in combination.

(3) "Biological monitoring" as defined in ch. 147, Stats., means the determination of the effects on aquatic life, including accumulation of pollutants in tissue, in receiving waters due to the discharge of pollutants by techniques and procedures, including sampling of organisms representative of appropriate levels of the food chain appropriate to the volume and the physical, chemical and biological characteristic of the effluent and at appropriate frequencies and locations.

(4) "Blowdown" means the minimum discharge of recirculating water necessary to prevent the buildup of materials in the water above the limits of best engineering practice.

(5) "Bypass" means the diversion of waste streams from any portion of the treatment works.

(6) "Chronic toxicity" means the long term effects on aquatic or terrestrial organisms from exposure to a toxic pollutant as determined by whole or partial life-cycle tests.

(7) "Commercial domestic establishment" means any establishment which has the capability to collect, treat or dispose of domestic wastes including but not limited to restaurants, country clubs, mobile home parks, motels and hotels.

(8) "Construction" as defined in ch. 147, Stats., means any placement, assembly or installation of facilities or equipment, including contractual obligations to purchase such facilities or equipment, at the premises where such equipment will be used, including preparation work at such premises.

(9) "Contaminated storm water" means a point source discharge of storm water which the department has identified as a significant contributor of pollution.

(10) "Cooling water" means water which has been used primarily for cooling but which may be contaminated with process waste or airborne material. Examples are the discharge from barometric condensers or the blowdown from cooling towers.

(11) "Department" means the department of natural resources.

(12) "Discharge" as defined in ch. 147, Stats., when used without qualification includes a discharge of any pollutant.

(13) "Discharge of pollutant" as defined in ch. 147, Stats., means any addition of any pollutant to the waters of this state from any point source.

(14) "Domestic wastewater" means the type of wastewater normally discharged from plumbing facilities in private dwellings or commercial domestic establishments and includes, but is not limited to, sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastewaters.

(15) "Effluent limitation" as defined in ch. 147, Stats., means any restriction established by the department, including schedules of compliance, on quantities, rate, and concentrations of chemical, physical, biological and other constituents which are discharged from point sources into waters of the state.

(16) "General permit" means a permit for the discharge of pollutants issued by the department under s. 147.023, Stats.

(17) "Groundwater" means the portion of subsurface water which is within the zone of saturation and includes but is not limited to perched water tables, shallow regional groundwater tables, and aquifers or zones that are seasonally, periodically or permanently saturated.

(18) "Municipality" as defined in ch. 147, Stats., means any city, town, village, county, county utility district, town sanitary district, town utility district, school district or metropolitan sewage district or any other public entity created under law and having authority to collect, treat or dispose of sewage, industrial wastes or other wastes.

(19) "Municipal wastewater" means the mixture of domestic, process and other wastewater tributary to any given municipal sanitary sewage or treatment system.

(20) "New source" as defined in ch. 147, Stats., means any point source the construction of which commenced after the effective date of applicable effluent limitations or standards of performance.

(21) "Noncontact cooling water" means water used for cooling which does not come into contact with any raw material, intermediate or finished product, or waste and has been used in heat exchangers, air or refrigeration compressors, or other cooling means where contamination with process waste is not normally expected.

(22) "Owner or operator" as defined in ch. 147, Stats., means any person owning or operating a point source of pollution.

(23) "Permit" as defined in ch. 147, Stats., means a permit for the discharge of pollutants issued by the department under ch. 147, Stats.

(24) "Permittee" means a municipality, industry, public agency or commercial domestic establishment which is issued a permit.

(25) "Person" as defined in ch. 147, Stats., means an individual, owner or operator, corporation, partnership, association, municipality, interstate agency, state agency or federal agency.

(26) "pH excursion" means an unintentional and temporary incident in which the pH value of the discharge wastewater exceeds the range set forth in the applicable effluent limitations as specified in the permit.

(27) "Point source" as defined in ch. 147, Stats., means any discernible, confined and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants may be discharged either into the waters of this state or into a publicly owned treatment works. Point source does not include diffused surface drainage or any ditch or channel which serves only to intermittently drain excess surface water from rain or melting snow and is not used as a means of conveying pollutants into waters of the state. Point source does not include uncontrolled discharges composed entirely of storm runoff when these discharges are uncontaminated by any industrial or commercial activity, unless the particular storm runoff discharge has been identified by the department as a significant contributor of pollution.

(28) "Pollutant" as defined in ch. 147, Stats., means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

(29) "Pollution" as defined in ch. 147, Stats., means man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

(30) "Process wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product, and is likely to contain in solution or suspension various components of such raw materials or products.

(31) "Publicly owned treatment works" has the meaning specified under s. NR 211.03 (11).

(32) "Schedule of compliance" as defined in ch. 147, Stats., means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation or other limitation, prohibition or standard.

(33) "Secretary" as defined in ch. 147, Stats., means the secretary of the department or the secretary's designee.

(34) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources. Severe property damage does not mean economic loss caused by delays in production.

(35) "Sewage" as defined in ch. 144, Stats., means the water carried wastes created in and to be conducted away from residences, industrial establishments, and public buildings as defined in s. 101.01 (2), Stats., with such surface or groundwater as may be present.

(36) "Sludge" means the accumulated solids generated during the biological treatment, chemical treatment, coagulation or sedimentation of water or wastewater.

(37) "Standard of performance" means any restriction established on quantities, rates and concentrations of chemical, physical, biological and other constituents of wastewaters which are or may be discharged from new sources into the waters of the state.

(38) "Storm water" or "storm runoff" means water resulting from melting snow or rainfall.

(39) "Toxic pollutants" as defined in ch. 147, Stats., means those pollutants or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, injection, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the department, cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions, including malfunctions in reproduction or physical deformations, in such organisms or their offspring.

(40) "Treatment work" as defined in ch. 147, Stats., means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature or necessary to recycle or reuse water at the most economical cost over the estimated life of the work, including intercepting sewers, outfall sewers, sewage collection systems, cooling towers and ponds, pumping, power and other equipment, and their appurtenances, extensions, improvements, remodeling, additions, and alterations thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment. Additionally, treatment work means any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems.

(41) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(42) "Vessel" as defined in ch. 147, Stats., means any watercraft or other artificial contrivance used or capable of being used as a means of transportation on water.

(43) "Wastewater" means cooling water, contaminated storm water, noncontact cooling water, process wastewater, sewage or any combination of these.

(44) "Waters of the state" as defined in ch. 147, Stats., means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

History: Cr. Register, September, 1984, No. 345, eff. 10-1-84; am. (31), Register, April, 1990, No. 412, eff. 5-1-90.

NR 205.04 Abbreviations. The abbreviations listed below have the meanings shown unless otherwise specifically defined wherever they occur in chs. NR 200 to 298 and in public notices, fact sheets, and permits issued under the Wisconsin pollutant discharge elimination system.

- (1) "ac" means acre.
- (2) "avg" means the average for 30 days.
- (3) "BAT" means best available technology economically achievable.
- (4) "BCT" means best conventional pollutant control technology.
- (5) "BOD" or "BOD₅" means the 5 day biochemical oxygen demand.
- (6) "BPT" means best practicable technology currently available.
- (7) "btu" means british thermal unit.
- (8) "cm" means centimeter.
- (9) "COD" means chemical oxygen demand.
- (10) "cu ft" means cubic foot.
- (11) "cu m" means cubic meter.
- (12) "cu y" means cubic yard.
- (13) "DMR" means discharge monitoring report.
- (14) "DNR" means department of natural resources.
- (15) "DO" means dissolved oxygen.
- (16) "EPA" means the U.S. environmental protection agency.

- (17) "g" means gram.
- (18) "gal" means gallon.
- (19) "gpd" means gallons per day.
- (20) "ha" means hectare.
- (21) "hp" means horsepower.
- (22) "in" means inch.
- (23) "k cu m" means 1,000 cubic meters.
- (24) "kg" means kilogram.
- (25) "kkg" means 1,000 kilograms.
- (26) "kw" means kilowatt.
- (27) "kwh" means kilowatt hour.
- (28) "l" means liter.
- (29) "lb" means pound.
- (30) "m" means meter.
- (31) "max" means the maximum for any one day.
- (32) "meq" or "meq/l" means milliequivalents or milliequivalents per liter.
- (33) "mg" means milligram.
- (34) "MGD" or "mgd" means millions of gallons per day.
- (35) "ml" means milliliter.
- (36) "mm" means millimeter.
- (37) "mpn" or "MPN" means most probable number.
- (38) "Mw" means megawatt.
- (39) "Mwh" means megawatt hour.
- (40) "NPDES" means the national pollutant discharge elimination system.
- (40m) "NSPS" means new source performance standards.
- (41) "pH" means the logarithm of the reciprocal of the hydrogen ion concentration or the negative logarithm of the hydrogen ion concentration.
- (42) "PCB" means polychlorinated biphenyl.
- (43) "POTW" means publicly owned treatment work.
- (43k) "PSES" means pretreatment standards for existing sources.
- (43n) "PSNS" means pretreatment standards for new sources.
- (44) "sq ft" means square foot.

- (45) "sq m" means square meter.
 (46) "SS" or "TSS" means total suspended (nonfiltrable) solids.
 (47) "TDS" means total dissolved (filtrable) solids.
 (48) "TOC" means total organic carbon.
 (49) "TTO" means total toxic organics.
 (50) "tpd" means tons per day.
 (51) "ug" means micrograms.
 (52) "WPDES" means the Wisconsin pollutant discharge elimination system.

History: Cr. Register, September, 1984, No. 345, eff. 10-1-84; cr. (40m), (43k) and (43n), Register, April, 1990, No. 412, eff. 5-1-90.

NR 205.05 Rainfall events. The design rainfall amount and probable intensity of 10-year and 25-year, 24-hour rainfall events for locations in Wisconsin shall be determined from the data in table 1, or for a particular location such determination may be made on the basis of more recent rainfall probability data verified by a government agency and approved by the department for this purpose.

Table 1
 Probable 24-Hour Rainfall Events,
 in inches of rain, for counties in Wisconsin

	<u>10-year</u>	<u>25-year</u>		<u>10-year</u>	<u>25-year</u>
Adams	4.1	4.7	Marathon	4.0	4.5
Ashland	3.9	4.3	Marquette	3.6	4.1
Barron	4.1	4.6	Marquette	4.1	4.6
Bayfield	3.9	4.4	Menominee	3.7	4.3
Brown	3.7	4.3	Milwaukee	3.9	4.5
Buffalo	4.3	4.8	Monroe	4.2	4.8
Burnett	4.0	4.6	Oconto	3.7	4.2
Calumet	3.8	4.4	Oneida	3.8	4.3
Chippewa	4.1	4.7	Outagamie	3.8	4.4
Clark	4.1	4.7	Ozaukee	3.9	4.4
Columbia	4.1	4.7	Pepin	4.3	4.8
Crawford	4.3	5.0	Pierce	4.2	4.8
Dane	4.2	4.8	Polk	4.1	4.7
Dodge	4.0	4.6	Portage	4.0	4.6
Door	3.6	4.1	Price	4.0	4.4
Douglas	3.9	4.4	Racine	4.0	4.6
Dunn	4.2	4.7	Richland	4.3	4.9
Eau Claire	4.2	4.7	Rock	4.1	4.7
Florence	3.6	4.1	Rusk	4.1	4.6
Fond du Lac	3.9	4.5	St. Croix	4.2	4.7
Forest	3.7	4.2	Sauk	4.2	4.8
Grant	4.3	5.0	Sawyer	4.0	4.5
Green	4.2	4.8	Shawano	3.8	4.4
Green Lake	4.0	4.6	Sheboygan	3.8	4.4
Iowa	4.3	4.9	Taylor	4.1	4.6
Iron	3.8	4.3	Trempealeau	4.3	4.8
Jackson	4.2	4.8	Vernon	4.3	4.9
Jefferson	4.0	4.6	Vilas	3.8	4.3
Juneau	4.1	4.7	Walworth	4.1	4.6
Kenosha	4.0	4.6	Washburn	4.0	4.5
Kewaunee	3.7	4.2	Washington	3.9	4.5
LaCrosse	4.3	4.9	Waukesha	4.0	4.6
Lafayette	4.3	4.9	Waupaca	3.9	4.5
Langlade	3.8	4.3	Waushara	4.0	4.6
Lincoln	3.9	4.4	Winnebago	3.9	4.5
Manitowoc	3.8	4.3	Wood	4.1	4.6

Note: The data of table 1 were obtained by extrapolation from maps published by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the United States".

History: Cr. Register, September, 1984, No. 345, eff. 10-1-84.

Register, April, 1990, No. 412

NR 205.06 Effluent limitations applicable where pH is monitored continuously. When an industrial point source discharger continuously monitors the pH of wastewater in accordance with the requirements of a WPDES permit and the pH limits in the permit are established as part of the effluent limitations applicable to the category of dischargers to which the industrial point source belongs, the permittee shall maintain the pH of such wastewater within the range of the categorical limits, except pH excursions from the range are permitted subject to the following constraints:

(1) The total time during which the pH values are outside the range of categorical pH limits may not exceed 7 hours and 26 minutes in any calendar month.

(2) An individual excursion from the range of categorical pH limits may not exceed 60 minutes.

(3) These provisions do not apply to pH limits required in a WPDES permit which are established under s. NR 102.03 (4) (h).

History: Cr. Register, September, 1984, No. 345, eff. 10-1-84.

NR 205.07 General conditions. (1) The following conditions shall be included in all WPDES permits issued by the department. Conditions applicable specifically to POTW permits and non-POTW permits are contained in subs. (2) and (3), respectively.

(a) *Duty to comply.* The permittee shall comply with all conditions of the permit. Any permit noncompliance is a violation of the permit and is grounds for enforcement action, permit revocation or modification, or denial of a permit reissuance application.

(b) *Permit actions.* As provided in s. 147.03, Stats., after notice and opportunity for a hearing the permit may be modified or revoked and reissued for cause. If the permittee files a request for a permit modification, revocation or reissuance, or a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the permittee of any permit condition.

(c) *Property rights.* The permit does not convey any property rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or any invasion of personal rights, or any infringement of federal, state or local laws or regulations.

(d) *Inspection and entry.* The permittee shall allow an authorized representative of the department, upon the presentation of credentials, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records are required under the conditions of the permit;

2. Have access to and copy, at reasonable times, any records that are required under the conditions of the permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit; and

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.