

Chapter NR 101

REPORTS AND FEES FOR DISCHARGES OF
INDUSTRIAL WASTES, TOXIC AND HAZARDOUS
SUBSTANCES, AND AIR CONTAMINANTS

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Note: Chapter NR 101 as it existed on December 31, 1977 was repealed and a new chapter NR 101 was created effective January 1, 1978.

Note: This revision of chapter NR 101 is primarily for the purpose of providing for payment of fees required by amendment of s. 144.54 (3), Stats.

NR 101.01 Purpose. The purpose of this chapter is to establish, pursuant to s. 144.54, Stats., requirements for submission of reports and payment of discharge environmental fees by persons discharging industrial wastes, toxic and hazardous substances, or air contaminants.

Note: This chapter does not establish any limitations on discharges of industrial wastes, toxic and hazardous substances, or air contaminants. Persons owning or operating facilities having such discharges remain subject to any lawful limitations on such discharges imposed in accordance with federal, state or local regulatory programs.

History: Cr. Register, December, 1977, No. 264, eff. 1-1-78.

NR 101.02 Applicability. The provisions of this chapter are applicable to persons required to submit reports to the department as set forth in either or both sections NR 101.11 and NR 101.21. Those sections require reports of discharges of industrial wastes, toxic and hazardous substances, and air contaminants which exceed specified reporting levels.

History: Cr. Register, December, 1977, No. 264, eff. 1-1-78.

NR 101.03 Definitions. The following definitions are applicable to terms used in this chapter.

(1) "Person" means an individual, partnership, corporation, association, state agency, or interstate agency owning or operating a facility discharging effluents to a surface water, to a land disposal system, or to a publicly owned treatment works or discharging emissions into the atmosphere.

(2) "Facility" means an operating plant or establishment carrying on any manufacturing activity, trade, or business on a common site, including similar such plants under common ownership or control located on contiguous properties. Plants or establishments under common ownership or control located on separate sites shall be considered separate and individual facilities.

(3) "Effluent" means any discharge of process waste water, cooling water, or sanitary waste water, to a surface water including such discharge through a storm sewer, to a land disposal system, or to a publicly owned waste treatment works. Precipitation runoff and liquid agricultural wastes used as soil fertilizer are excluded from this definition unless monitoring of such discharges is required under a WPDES discharge permit.

(4) "Surface water" means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, impounding reservoirs, marshes, water courses, drainage systems and other surface water, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and completely retained upon the property of a facility.

(5) "Land disposal system" means an absorption or seepage pond, a ridge and furrow, a spray irrigation, a spray runoff, a subsurface field absorption, a surface spreading, or other installation on a land area used for the disposal of effluent by absorption or percolation into the ground.

(6) "Publicly owned treatment works" means a sewage treatment plant owned by a municipality and the sewerage system tributary thereto.

(7) "Municipality" means, as defined in s. 144.01 (12), Stats., any city, town, village, county, county utility district, town sanitary district, public inland lake protection and rehabilitation district or metropolitan sewage district.

(8) "Process waste water" means any water, except cooling water, which comes into direct contact with or results from the production or use of any raw material, service item, intermediate product, finished product, byproduct, or waste product, and may contain in solution or suspension various components of such raw materials, items or products.

(9) "Cooling water" means any water which is used primarily for cooling of raw materials, products, or equipment.

(10) "Sanitary waste water" means waste water associated with personal hygiene, food preparation, or cleaning but does not include waste water from commercial or bulk production of goods or services such as, but not limited to, laundromats, commercial laundries, carwashes, food production, or other manufacturing activities.

(11) "WPDES permit" means a Wisconsin pollutant discharge elimination system permit issued by the department pursuant to ch. 147, Stats.

(12) "Emission" or "air emission" means any discharge of air contaminants into the atmosphere.

(13) "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide.

(14) "Particulate" or "particulate matter" means any material in an emission which exists as a solid at standard conditions.

(15) "Performance test" means the measurement of emissions or other procedures used for the purpose of determining compliance with a standard of performance.

(16) "Stack" means any device or opening designed or used to emit air contaminants into the ambient air.

History: Cr. Register, December, 1977, No. 264, eff. 1-1-78.

NR 101.11 Required effluent reports. (1) Each person owning or operating a facility for which a report is required by subsection (4) of this section shall submit to the department an annual report for each such facility for effluent:

- (a) To a surface water, directly or through a storm sewer;
- (b) To a land disposal system; or
- (c) To a publicly owned treatment works.

(2) Reports required pursuant to this section shall be submitted by February 1 of each year for effluents during the preceding calendar year. Persons unable to submit reports by February 1 for sufficient reasons shall, upon written request to the department, be granted an extension of 45 days for submission of such reports.

(3) The form and content of effluent reports shall be as set forth in section NR 101.12.

(4) A report is required for each facility, other than one owned and operated by a municipality, having an effluent to a surface water, to a land disposal system, or to a publicly owned treatment works if any such effluent on any one or more days in a calendar year:

(a) Contains any one or more of the industrial wastes or toxic and hazardous substances identified in Table 1 in either a concentration or daily quantity in excess of the reporting level set forth in that table, and either;

- (b) Has a volume greater than 10,000 gallons per day, or
- (c) Has a volume less than 10,000 gallons per day where,

1. The effluent is to a surface water from a facility required by a WPDES permit to monitor the effluent for other than volume and temperature, or

2. The effluent is to a land disposal system from a facility required by a WPDES permit to monitor either the effluent or underlying ground water for other than effluent volume, or

3. The effluent is to a publicly owned treatment works from a facility subject to a pretreatment standard, adopted by the department pursuant to s. 147.07 (2), Stats., which limits the discharge of one or more of the substances identified in Table 1.

(5) For the purposes of subsection (4) (a) and of reports required by this section:

(a) The reporting level for thermal discharge is applicable only to effluent to a surface water, and

(b) Both the concentration and the daily quantity of industrial wastes or toxic and hazardous substances shall be determined in accordance with section NR 101.12(4).

(6) For the purpose of determining the volume of effluent to a surface water, to a land disposal system, or to a publicly owned treatment works:

(a) The volume of sanitary waste water contained in any such effluent may be deducted from the total volume; and

(b) Where any such effluent consists of more than one effluent stream the volume shall be the total of the individual streams less the volume of any sanitary waste water contained therein.

(7) Any person required to file a report for an effluent to a publicly owned treatment works shall provide a copy of such report, or equivalent data characterizing discharges to publicly owned treatment works, to the authority responsible for the operation of such works.

(8) Any person who establishes a new facility for which a report will be required in accordance with this section shall, within 90 days of commencing operation of such facility, register such new facility with the department.

History: Cr. Register, December, 1977, No. 264, eff. 1-1-78.

TABLE 1. Register of Industrial Wastes or Toxic and Hazardous Substances

SUBSTANCE	REPORTING LEVELS ¹	QUANTITY FEE FACTORS ²		
		in dollars/lb/day for discharges to		
	Concentration (mg/l) and Quantity (lbs/day)	Surface Waters	Land Disposal Systems	Publicly Owned Treatment Works
1. METALS				
Antimony, total	0.20	\$ 2.50	\$ 2.00	\$ 2.00
Arsenic, total	0.05	2.50	2.00	2.00
Beryllium, total	0.10	5.00	4.00	4.00
Cadmium, total	0.05	25.00	20.00	20.00
Chromium, total	0.10	2.50	1.25	1.25
Copper, total	0.10	2.50	1.25	1.25
Lead, total	0.10	2.50	1.25	1.25
Manganese, total	0.10	2.50	1.25	1.25
Mercury, total	0.0025	500.00	250.00	250.00
Nickel, total	0.20	2.50	2.00	2.00
Selenium, total	0.05	2.50	2.00	2.00
Silver, total	0.10	2.50	1.25	1.25
Thallium, total	0.05	2.50	2.00	2.00
Zinc, total	0.20	2.50	1.25	1.25
2. NUTRIENTS & DISSOLVED IONS				
Chloride	50	0.05	0.04	0.04
Cyanide, total	0.025	10.00	5.00	5.00
Fluoride	2	0.05	0.04	0.04
Nitrogen (Kjeldahl)	0.60	0.25	0.125	0.125
Nitrogen (Nitrate + Nitrite)	0.60	0.25	0.125	0.125
Phosphorus, total	0.10	1.00	0.50	0.50
Sulfate	30	0.05	0.04	0.04
Sulfide	1	2.00	0.20	0.20
3. ORGANICS-GENERAL				
Biochemical Oxygen Demand, five-day (BOD ₅)	5	0.25	0.00	0.025
Oil & Grease	5	1.00	0.30	0.30
Phenols	0.05	20.00	6.00	6.00