

passes or overflows occur during dry weather flow conditions, submit to the department acceptable dry weather flow correction programs to assure provision of the appropriate effluent quality, with no category 1 bypasses or overflows, during dry weather flow conditions, by July 1, 1983. Each program shall include a time schedule for completion of the necessary construction or upgrading. Each program shall also include proof of financial ability and commitment to complete the program in accordance with the time schedule.

2. No future sewer extensions tributary to a sewerage system from which category 1 bypasses or overflows continue during dry weather flow conditions shall be approved after the owners have completed approved programs established under subd. 1. or when the owners have not maintained the time schedules for completion of those approved programs, until either of the following occur:

a. The owners of the sewerage systems from which any category 1 bypasses or overflows occur during dry weather flow conditions correct those bypasses or overflows, or

b. The owners of the sewerage systems from which any category 1 bypasses or overflows occur during dry weather flow conditions, submit new or modified programs meeting the requirements of subd. 1., and failure to complete the work adequately was due to an event over which the owners had little or no control. For the purposes of this section, the failure to receive federal or state construction grants may not be considered to be an event over which the owners had little or no control.

(c) A sewerage system in which any category 1 bypasses or overflows occur during wet weather flow conditions,

1. Applications for sewer extensions otherwise prohibited by this paragraph may be approved if the owners of the sewerage systems to which the sewer extensions are tributary and from which any category 1 bypasses or overflows occur during wet weather flow conditions, submit to the department acceptable wet weather flow correction programs to assure provision of the appropriate effluent quality, with no category 1 bypasses or overflows, during wet weather flow conditions by July 1, 1983. Each program shall include a time schedule for completion of the necessary construction or upgrading. Each program shall also include proof of financial ability and commitment to complete the program in accordance with the time schedule.

2. In the event the owner of a sewerage system within which category 1 bypasses or overflows occur during wet weather flow conditions submits a program for correction which includes a time schedule extending beyond July 1, 1983, the natural resources board shall review the owner's program and the recommendations of department staff concerning it. The natural resources board shall then either approve or disapprove the owner's program. Any approvals granted under this paragraph may not have time schedules that extend beyond July 1, 1986.

3. No future sewer extensions tributary to a sewerage system from which category 1 bypasses or overflows continue during wet weather flow conditions shall be approved after the owners have completed approved programs established under subd. 1. or 2., or when the owners have not

maintained the time schedules for completion of those approved programs, until either of the following occur:

a. The owners of the sewerage systems from which any category 1 bypasses or overflows occur during wet weather flow conditions correct those bypasses and overflows, or

b. The owners of the sewerage systems from which any category 1 bypasses or overflows occur during wet weather flow conditions submit new or modified programs meeting the requirements of subd. 1. or 2., and failure to complete the work adequately was due to an event over which the owners had little or no control. For the purposes of this section, the failure to receive federal or state construction grants may not be considered to be an event over which the owners had little or no control.

(5) EXCEPTIONS. Sewer extensions otherwise prohibited by sub. (4) may be granted by the department upon the determination of any of the following:

(a) That construction of the subdivision, commercial establishment, institutional facility or industrial plant had commenced prior to May 24, 1976, as evidenced by the issuance of a building permit;

(b) That the area to be served was developed prior to May 24, 1976 and that the sewer extension will eliminate use of existing private sewage systems which pose a threat to the public health or safety, provided that connections to the sewer are allowed only for the existing development;

(c) That the sewers to be installed will result in the elimination of existing category 1 bypasses or overflows which occur during dry weather flow conditions or will result in the abandonment of an existing inadequate sewage treatment plant;

(d) That the proposed extension is a modification of a sewer extension previously approved by the department, providing that the modification results in no increase in the anticipated waste discharge to the sewer system;

(e) That the facilities to be served are intended primarily to provide educational, humanitarian, or charitable community services;

(f) That the program, time schedule, and the commitment to proceed are established in a court-approved stipulation, order, or judgment.

(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 ac-

cepted program. This paragraph does not apply to municipalities subject to a court order which regulates sewer extension approvals.

(6) **CONNECTION RESTRICTIONS.** As a condition of any approval granted under sub. (4) or (5) of this section, the department may require than an applicant for a sewer extension restrict the number of connections made to the sewer system in accordance with a prescribed schedule.

(7) **ENFORCEMENT RESPONSIBILITIES.** Category 2 bypasses and overflows, which result in violations of WPDES permits or court orders and judgments, may still result in enforcement action, notwithstanding a favorable determination regarding future sewer extensions. The 5-year storm frequency does not represent a criterion for determining compliance with effluent limitations.

History: Cr. Register, November, 1974, No. 227, eff. 12-1-74; emerg. r. and recr. eff. 5-24-76; r. and recr. Register, September, 1976, No. 249, eff. 10-1-76; am. (3) (b) and (4) (b), Register, April, 1980, No. 292, eff. 5-1-80; am. Register, August, 1981, No. 308, eff. 9-1-81; am. (4), r. (7), renum. (8) to be (7), Register, June, 1982, No. 318, eff. 7-1-82; emerg. cr. (5) (g), eff. 4-15-83; cr. (5) (g) Register, September, 1983, No. 333, eff. 10-1-83.

NR 110.06 Construction plans for reviewable projects. (1) All construction plans for reviewable projects submitted to the department shall be in conformance with ch. NR 108, and shall bear a suitable title block which includes the name of the owner, the scale and the date. The north point shall be shown on each plan. All plans shall be clear and legible. Blueprints will not be accepted. The datum used shall be indicated and shall be related to U.S.G.S. datum.

(2) Detailed construction plans shall contain appropriate plan views, elevations, necessary sections and supplemental views which together with the specifications provide all necessary information for construction of the project. Manufacturers' drawings shall not be accepted.

(3) All construction plans shall be in conformance with an approved facilities plan as required in s. NR 110.08 (1).

(4) If the construction of a proposed project requires, or may require, any permit under ss. 30.12, 30.19, 30.195, or 30.20, Stats., application for the necessary permits shall be made to the department at the same time the project plans and specifications are submitted for review. Failure to apply for the necessary permits shall be cause for denial or rejection of the plans and specifications.

Note: Applicable state and local codes, including those of the department of industry, labor and human relations, the public service commission and the department of health and social services, should be consulted for other requirements.

History: Cr. Register, November, 1974, No. 227, eff. 12-1-74; r. and recr. Register, December, 1978, No. 276, eff. 1-1-79; cr. (4), Register, February, 1983, No. 326, eff. 3-1-83.

NR 110.07 Specifications for reviewable projects. (1) Complete technical specifications for all reviewable projects shall accompany the construction plans. Where feasible the specifications shall contain provisions for maintaining the same degree of wastewater treatment during construction as that which existed prior to the start of construction.

(2) The specifications accompanying the detailed construction drawing shall include, wherever applicable:

(a) All construction information not shown on the plans;

- (b) The complete requirements for all mechanical and electrical equipment;
- (c) The type and operating characteristics of all equipment;
- (d) The laboratory fixtures and equipment;
- (e) The construction materials to be used;
- (f) The identification of the chemicals to be used; and
- (g) The instructions for testing materials and equipment to meet design standards.

(3) Specifications reproduced from manufacturers' data and bearing the manufacturers' labels will not be accepted.

History: Cr. Register, November, 1974, No. 227, eff. 12-1-74; r. and recr. Register, December, 1978, No. 276, eff. 1-1-79.

NR 110.08 Facilities plans for reviewable projects. (1) APPLICABILITY. A facilities plan shall be prepared for each reviewable project submitted to the department for approval. Facilities plans for sewage treatment facilities or new sewage collection systems shall be submitted to and approved by the department prior to submittal of the construction plans and specifications. The department may accept construction plans and specifications for review prior to facilities plan approval provided that all substantive issues of the facilities plan review have been resolved.

(2) **CONTENT.** The facilities plan for municipally owned sewage treatment facilities, sewage collection systems, and interceptors shall contain all of the information required by ss. NR 110.09 (1) through (6), 110.10 (1) and (2), or 110.11 (1), whichever are applicable. The following facilities planning requirements do not apply to nonmunicipally owned facilities: s. NR 110.09 (1) (b) 3, 5 and 8, and (2) (b) through (e) and (j) through (m). The level of detail necessary to fulfill the requirements of this subsection may vary depending on the size and complexity of the project.

(3) **WISCONSIN ENVIRONMENTAL POLICY ACT REVIEW.** (a) Facilities plans, other than those excluded in s. NR 150.03 (2) (d) 17. (1978) shall be screened by the department to determine whether it is required to prepare an environmental impact statement in accordance with ch. NR 150 (1978).

(b) For a proposal which a federal agency and the department determine to be a major and significant action, the requirements of s. NR 150.10 (1978) shall apply.

(4) **CONFORMANCE WITH APPROVED AREAWIDE WASTE TREATMENT MANAGEMENT PLANS.** All approvable sewerage system facility plans must be in conformance with approved areawide waste treatment management plans unless the department determines that such plans conflict with the department's responsibilities to protect, maintain, and improve the quality and management of the waters of the state, ground and surface, public and private. In the absence of an approved areawide waste treatment management plan, no determination of such conformance is required.

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(5) APPROVAL OF NEW SEWAGE TREATMENT FACILITIES. It is the policy of the department to restrict the construction of new sewage treatment facilities in order to preserve and protect the quality of the waters of the state. The department may deny requests for approval of new sewage treatment facilities unless they meet the following criteria:

(a) *Treatment facilities to serve existing residential development.* Proposals for new treatment facilities to serve existing residential development may not be approved unless:

1. They are necessary to solve a documented and severe existing water quality (groundwater or surface water) or public health problem related