(d) The flow reregulation does not interfere with the uses for which the impoundment was authorized.

(2) Flow reregulation may not be used to accommodate new discharges of pollutants either from new point sources or from the expansion of existing point sources.

(3) Flow reregulation may not be accomplished by the construction of new impoundments built for the primary purpose of increasing flows to accommodate pollution loadings.

(4) Flow reregulation may not be accomplished by flow augmentation practices which would increase the overall quantity of surface water in the basin. Prohibited practices include interbasin transfers or groundwater pumping.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81.

NR 212.40 Determination of lower Fox river water quality related effluent limitations. Effluent limitations for point sources discharging BOD_5 to the lower Fox river shall be calculated according to the procedures contained in this section. These limitations shall apply from May 1 to October 31 annually.

(1) Total maximum daily load for BOD_5. (a) The total maximum daily BOD loads which are available for allocation to point sources discharging to the lower Fox river between milepoints 40.0 and 32.4 are shown in Table 1-a.

(b) The total maximum daily BOD_5 loads which are available for allocation to point sources discharging to the lower Fox river between milepoints 32.4 and 19.2 are shown in Table 1-b.

(c) The total maximum daily BOD_5 loads which are available for allocation to point sources discharging to the lower Fox river between milepoints 7.2 and 0.0 are shown in Table 1-c. The total maximum daily BOD_5 loads shown in Table 1-c have been determined in accord with ss. NR 102.02 and 102.03 to maintain the dissolved oxygen criteria except for natural conditions and the historically altered hydraulic characteristics.

(2) Determine baseline loads for each point source subject to the waste load allocation.

(a) Publicly-owned point sources between milepoints 40.0 and 19.2. The baseline load expressed in pounds per day for each publicly-owned point source shall be calculated as follows:

Baseline Load = (Q) (8.34) (60)

Where: Q = The average daily flow for the publicly-owned point source during 1976 and 1977 expressed in million gallons per day, computed as: 12.09 million gallons per day for the publicly-owned point source located between milepoints 38.0 and 37.0 on the Menasha channel.

1.40 million gallons per day for the publicly-owned point source located between milepoints 36.0 and 35.0.

10.47 million gallons per day for the publicly-owned point source located between milepoints 30.0 and 25.0.

2.99 million gallons per day for the publicly-owned point source located between milepoints 23.0 and 22.0.

8.34 = Conversion factor (lbs./gal.).

60 = Concentration of BOD_5 expressed in milligrams per liter.

(am) Publicly-owned point sources between milepoints 7.2 and 0.0. The baseline load expressed in pounds per day for each publicly-owned point source shall be calculated as follows:

Baseline Load = (Q) (8.34) (60)

Where: Q = The average daily flow for the publicly-owned point source during 1979 expressed in millions of gallons per day, computed as:

3.96 million gallons per day for the publicly-owned point source located between milepoints 7.0 and 6.0.

19.03 million gallons per day for the publicly-owned point source located between milepoints 1.0 and 0.0.

8.34 = Conversion factor (lbs./gal.).

60 = Concentration of BOD_5 expressed in milligrams per liter.

(b) Nonpublicly-owned point sources between milepoints 40.0 and 19.2. The baseline load expressed in pounds per day for each nonpublicly-owned point source shall be calculated as follows:

Baseline Load = (BPT) (Production) (0.85)

Where: BPT = The final best practicable waste treatment effluent limitations for the point source as provided in chs. NR 284 and 285, or 217, where applicable expressed in pounds of BOD_5 per ton of production.

Production = The maximum weekly off-machine production during 1973 expressed as tons per day.

0.85 = Adjustment factor to approximate daily average off-machine production.

(c) Nonpublicly-owned point sources between milepoints 7.2 and 0.0. The baseline load expressed in pounds per day for each nonpublicly-owned point source shall be calculated as follows:

Baseline Load = (BPT) (Production)

Where: BPT = The final best practicable waste treatment effluent limitations for the point source as provided in chs. NR 284 and 285 or 217, where applicable, expressed in pounds of BOD_5 per ton of production.

Production = 1977 average daily off-machine production.

(d) Mini-cluster adjustment. The baseline load for nonpublicly-owned point sources between milepoints 0.8 and 0.5, and 0.4 and 0.0 shall be adjusted by subtracting 10% of the contractual maximum daily BOD_5 discharged to the publicly-owned point source located between milepoint 1.0 and 0.0. The 10% contractual maximum figure for both non-publicly-owned point sources shall be added to the baseline load for the publicly-owned point source located between milepoints 1.0 and 0.0.

(3) (a) Determine the reserve capacity adjustment. The reserve capacity for each publicly-owned point source located between milepoints 40.0 and 19.2 shall be calculated as follows:

Reserve Capacity = (P) (124) (8.34) (60)

Where: P = Projected population change for the area between the years 1977 and 2000 expressed in millions of persons.

124 = Projected per-capita waste water flow expressed in gallons per day.

8.34 = Conversion factor (lbs./gal.).

60 = Concentration of BOD_5 expressed in milligrams per liter.

(b) The reserve capacity for each publicly-owned point source located between milepoints 7.0 and 6.0 shall be calculated as follows:

Reserve Capacity = (P) (110) (8.34) (60)

Where: P = Projected population change for the area between the years 1979 and 2000 expressed in millions of people.

110 = Projected per-capita wastewater flow expressed in gallons per day.

8.34 = Conversion factor (lbs./gal.).

60 = Concentration of BOD_5 expressed in milligrams per liter.

(c) The reserve capacity for each publicly-owned point source located between milepoints 1.0 and 0.0 shall be calculated as follows:

Reserve Capacity = (P) (111) (8.34) (60)

Where: P = Projected population change for the area between the years 1979 and 2000 expressed in millions of people.

111 = Projected per-capita wastewater flow expressed in gallons per day.

8.34 = Conversion factor (lbs./gal.).

60 = Concentration of BOD_5 expressed in milligrams per liter.

(4) Determine the adjustments to the baseline loads.

(a) The adjusted baseline load for each publicly-owned point source shall be equal to the baseline load for the source calculated in sub. (2) (a) and (am) plus the reserve capacity for the same source calculated in sub. (3).

(b) The adjusted baseline load for each nonpublicly-owned point source shall be calculated as follows:

$$\text{Adjusted Baseline Load} = (BL) - \frac{(BL)}{\text{Total BL}} \times (\text{Total Reserve Capacity})$$

Where: BL = The baseline load for the nonpublicly-owned point source as determined using the procedures in sub. (2) (b) and (c)

Total BL = The sum of all the baseline loads for nonpublicly-owned point sources calculated in sub. (2) (b) and (c) within the applicable stream segment defined in sub. (1).

Total Reserve Capacity = The sum of all the reserve capacities for publicly-owned point sources calculated in sub. (3) within the applicable stream segment defined in sub. (1).

(c) The adjusted baseline load for publicly-owned and nonpublicly-owned point sources from milepoints 32.4 through 19.2 shall include an incremental addition as follows:

Milepoint	BOD_5 Increment (lb/day)
32.4 - 30.0	591
30.0 - 28.0	1619
28.0 - 26.0	3085
26.0 - 23.0	1710
23.0 - 22.7	565
22.7 - 22.5	2629

(5) Determine the allocation for each point source. The allocation for each point source shall be calculated as follows:

$$\text{Point Source Allocation} = (\text{Adjusted Baseline Load}) \frac{(T)}{C+D}$$

Where: Adjusted Baseline Load = The adjusted baseline load for the point source calculated in sub. (4)

T = The applicable total maximum daily BOD_5 load available for allocation as shown in sub. (1)

C = The sum of all the adjusted baseline loads within the applicable stream segment as defined in sub. (1) for publicly-owned point sources calculated in sub. (4) (a).

D = The sum of all the adjusted baseline loads within the applicable stream segment defined in sub. (1) for nonpublicly-owned point sources calculated in sub. (4) (b).

(6) For purposes of determining compliance with water quality related effluent limits, the following conditions shall be met:

(a) For a point source discharging into the lower Fox river from milepoints 40.0 through 19.2, the sum of the actual daily discharges for any 7-consecutive-day-period may not exceed the sum of the daily point source allocation values calculated under sub. (5) for the same 7-consecutive-day-period; and

(am) For a point source discharging into the lower Fox river from milepoints 7.2 through 0.0, the sum of the actual daily discharges for any 7-consecutive-day-period may not exceed the sum of the daily point source allocation values calculated under sub. (5) for the same 7-consecutive-day-period; and

(b) For any one day period;

1. For a point source discharging into the lower Fox river between milepoints 40.0 through 32.4, the actual discharge may not exceed 138% of the allocation for that day as calculated under sub. (5).

2. For a point source discharging into the lower Fox river between milepoints 32.4 and 19.2, the actual discharge may not exceed 120.0% of the allocation for that day as calculated under sub. (5).

3. For a point source discharging into the lower Fox river between milepoints 7.2 and 0.0, the actual discharge may not exceed 134% of the allocation for that day as calculated under sub. (5).

(7) The flow and temperature conditions used to determine compliance with permit effluent limits shall be the representative measurements of the flow averaged over the previous 4 days and temperature of the previous day.

(8) REALLOCATION OF AVAILABLE WASTELOAD ALLOCATIONS. (a) Wasteload allocations may be reallocated under par. (c) when a wasteload allocated permit expires, is revoked or surrendered for the following purposes:

1. Provide for the wasteload needed due to the reactivation of a facility that had closed and made the wasteload available.

2. Provide the wasteload for new production increases by existing dischargers.

3. Provide the wasteload for production by a new discharger.

4. Provide for existing dischargers to raise their existing allocations in the appropriate stream segment towards categorical effluent limitation levels based upon a demonstration of need that the dischargers' treatment facility is incapable of meeting applicable wasteload allocations.

(b) Reallocations shall include an explicit reserve capacity for future new dischargers or future production increases by existing dischargers.

(c) The following procedures shall be used to reallocate available wasteloads:

1. Upon notification by the department of an available wasteload allocation pursuant to par. (a), the designated management agency shall publish a notice of wasteload availability.

2. A 6 month period shall be provided for persons to declare interest in available wasteload allocations.

3. Within 60 days of the end of the 6 month period the designated management agency shall conduct a public meeting regarding the proposed reallocation.

4. The designated management agency shall recommend a reallocation proposal to the department including an explicit reserve capacity.

5. The department shall notify the designated management agency of acceptance or rejection of the recommendation within 6 months.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; cr. (8), Register, August, 1985, No. 356, eff. 9-1-85; am. (2) (a) and (b), (3), (5) and (6) (b) 1. and 2., cr. (4) (c), r. and recr. (8), Register, May, 1986, No. 365, eff. 6-1-86; cr. (1) (c), (2) (am), (c) and (d), (3) (b) and

(c), (6) (am) and (b) 3., am. (4) (a) and (b), renum. (3) to be (3) (a), Register, March, 1987, No. 375, eff. 4-1-87.

NR 212.60 Determination of upper Wisconsin river water quality related effluent limitations. Effluent limitations for point sources discharging BOD_5 to the upper Wisconsin river shall be calculated according to the procedures contained in this section. These limitations shall apply from May 1 to October 31 annually.

(1) Determine baseline loads for each point source subject to the waste load allocation.

(a) The baseline load for each publicly-owned point source located between milepoints 205.3 and 171.9 shall be calculated as follows:

Baseline Load = (Q) (8.34) (60) (C)

Where Q = The average daily flow for the publicly-owned point source during 1978 expressed in millions of gallons per day.

8.34 = Conversion factor (lbs./gal.).

60 = Concentration of BOD_5 expressed in milligrams per liter.

C = Reallocation conversion factor which has a value of 1.0 for the publicly-owned point source located between milepoints 205.3 and 199.4 and a value of 1.18 for the publicly-owned point sources located between milepoints 199.3 and 171.9.

(b) The baseline load for each nonpublicly-owned point source located between milepoints 205.3 and 171.9 shall be calculated as follows:

Baseline Load = (BPT) (Production)

Where BPT = The final best practicable waste treatment effluent limitations for the point source as provided in chs. NR 284 and 285, expressed as pounds of BOD_5 per ton of production. If chs. NR 284 and 285 do not apply, the best practicable waste treatment effluent limitations as determined under ch. NR 217, shall apply.

Production = The annual average off-machine production during 1978 expressed as tons per day.

(c) The baseline load for each publicly-owned point source located between milepoints 235.4 and 271.1 shall be calculated as follows:

Baseline Load = (Q) (8.34) (C)

Where Q = 0.55 million gallons per day for publicly-owned point sources located between milepoints 240.0 and 250.0

4.0 million gallons per day for publicly-owned point sources located between milepoints 250.0 and 260.0.

8.2 million gallons per day for publicly-owned point sources located between milepoints 260.0 and 265.0.

0.1 million gallons per day for publicly-owned point sources located between milepoints 265.0 and 271.1.

Where 8.34 = Conversion factor (lbs./gal.).

Where C = 45 milligrams per liter concentrations of BOD_5 for publicly-owned point sources located between milepoints 240.0 and 250.0, 250.0 and 260.0, and 265.0 and 271.1

60 milligrams per liter concentration of BOD_5 for publicly-owned point sources located between milepoints 260.0 and 265.0.

(d) The baseline load for each nonpublicly-owned point source with best practicable waste treatment effluent limitations of less than 500 pounds per day located between milepoints 271.1 and 240.0 shall be calculated as follows:

Baseline Load = (BPT) (Production)

Where BPT = The final best practicable waste treatment effluent limitations for the point source as provided in chs. NR 284 and 285, or 217, where applicable expressed as pounds of BOD_5 per ton of production.

Production = The maximum weekly off-machine production during 1981 expressed as tons per day.

(e) The baseline load for each nonpublicly-owned point source with best practicable waste treatment effluent limitations of BOD_5 equal to or exceeding 500 pounds per day located between milepoints 271.1 and 240.0 shall be calculated as follows:

Baseline Load = (BPT) (Production)

Where BPT = The final best practicable waste treatment effluent limitations for the point source as provided in chs. NR 284 and 285, or 217, where applicable expressed as pounds of BOD_5 per ton of production.

TABLE 1-b (continued)
LBS PER DAY OF BOD_5
(river mile 32.4 to 19.2)

Flow at Rapide Croche Dam (cfs) (Previous four day average)

FLOW (CFS) / TEMP °F	750 OR LESS	751 TO 1000	1001 TO 1250	1251 TO 1500	1501 TO 1750	1751 TO 2000	2001 TO 2250	2251 TO 2500	2501 TO 2750	2751 TO 3000	3001 TO 3500	3501 TO 4000	4001 TO 5000	5001 TO 8000	8001 OR MORE
(Previous Day Average)							OCTOBER								
66.0 or Greater	17100	17100	17350	20360	23070	26070	29340	32820	36620	40820	48090	54100	63500	96160	100580
62.0 TO 65.0	17100	17100	18280	22130	25690	29540	33740	37970	43200	48860	53790	61140	73830	100580	100580
58.0 TO 61.0	17100	17100	20910	25210	29930	35110	40550	46650	52270	55950	62210	72590	90220	100580	100580
54.0 TO 57.0	17100	18930	24460	30400	37000	44160	51740	56540	61660	67340	76760	91840	100580	100580	100580
50.0 TO 53.0	18180	23110	30750	39480	49160	56990	63400	70680	78880	87730	100580	100580	100580	100580	100580
46.0 TO 49.0	23260	30400	42140	54620	64450	74170	85110	97250	100580	100580	100580	100580	100580	100580	100580
42.0 TO 45.0	32620	44150	60850	75480	90500	100580	100580	100580	100580	100580	100580	100580	100580	100580	100580
41.0 or Less	50540	66850	90710	100580	100580	100580	100580	100580	100580	100580	100580	100580	100580	100580	100580

TABLE 1-c
LBS PER DAY OF BOD_5
(river mile 7.3 to 0.0)

Flow at Rapide Croche Dam (cfs) (Previous four day average)

- FLOW (CFS) - TEMP °F	750 OR LESS	751 TO 1000	1001 TO 1250	1251 TO 1500	1501 TO 1750	1751 TO 2000	2001 TO 2250	2251 TO 2500	2501 TO 2750	2751 TO 3000	3001 TO 3500	3501 TO 4000	4001 TO 5000	5001 TO 8000	8001 OR MORE
(Previous Day Average)							MAY - JUNE								
86.0 or Greater	31540	31540	31540	31540	31540	31540	31540	31540	41900	54980	78760	118060	150180	150180	150180
82.0 TO 85.0	31540	31540	31540	31540	31540	31540	31540	35790	46320	58940	81720	119160	150180	150180	150180
78.0 TO 81.0	31540	31540	31540	31540	31540	31540	35150	43770	54250	66570	88440	123810	150180	150180	150180
74.0 TO 77.0	31540	31540	31540	31540	31540	35950	43690	53060	64050	76620	98420	132840	150180	150180	150180
70.0 TO 73.0	31540	31540	31540	31540	36760	44640	53930	64620	76670	90070	112640	147230	150180	150180	150180
66.0 TO 69.0	31540	31540	31540	36140	45190	55430	66840	79400	93080	107860	132040	150180	150180	150180	150180
62.0 TO 65.0	31540	31540	32650	43900	56120	69290	83370	98360	114230	130950	150180	150180	150180	150180	150180
58.0 TO 61.0	31540	31540	39330	54560	70510	87160	104480	122470	141080	150180	150180	150180	150180	150180	150180
54.0 TO 57.0	31540	31540	49310	69070	89310	110010	131130	150180	150180	150180	150180	150180	150180	150180	150180
50.0 TO 53.0	31540	38950	63550	88400	113490	138780	150180	150180	150180	150180	150180	150180	150180	150180	150180
46.0 TO 49.0	31540	52490	82990	113500	143990	150180	150180	150180	150180	150180	150180	150180	150180	150180	150180
42.0 TO 45.0	45630	71630	108600	145320	150180	150180	150180	150180	150180	150180	150180	150180	150180	150180	150180
41.0 or Less	66280	97340	141330	150180	150180	150180	150180	150180	150180	150180	150180	150180	150180	150180	150180
							JULY - AUGUST								
86.0 or Greater	58590	54240	49380	46070	44240	43820	44760	47000	50460	55100	64090	79580	109280	150180	150180
82.0 TO 85.0	55410	51740	47850	45480	44570	45060	46880	49980	54290	59740	69930	86930	118750	150180	150180
78.0 TO 81.0	51120	48610	46340	45570	46220	48230	51550	56110	61840	68690	80910	100500	135960	150180	150180
74.0 TO 77.0	47830	46550	46010	46920	49240	52880	57790	63910	71170	79510	93910	116300	150180	150180	150180
70.0 TO 73.0	45530	45550	46840	49550	53620	58990	65600	73380	82270	92210	108940	134320	150180	150180	150180
66.0 TO 69.0	44230	45620	48830	53440	59380	66580	74980	84520	95140	106780	125990	150180	150180	150180	150180
62.0 TO 65.0	43930	46760	52000	58600	66500	75630	85930	97340	109790	123220	145070	150180	150180	150180	150180
61.0 or Less	44620	48960	56330	65030	74990	86150	98450	111820	126200	141530	150180	150180	150180	150180	150180

(c) Reallocations shall occur according to the following procedure:

1. Upon notification by the department of the availability of a wasteload pursuant to par. (a), the designated management agency shall publish a notice of wasteload availability.

2. A 6-month period shall be provided for persons to declare interest in available wasteload allocations.

3. Within 60 days of the end of the 6 month period the designated management agency shall conduct a public meeting regarding the proposed reallocation.

4. The designated management agency shall recommend a reallocation including an explicit reserve capacity to the department within 30 days of the public meeting.

5. The department shall notify the designated management agency of acceptance or rejection of the recommendation within 6 months.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81; emerg. r. and recr. (1) (c) and (2) (c), eff. 8-5-83; r. and recr. (1) (c) and (2) (c), Register, November, 1983, No. 335, eff. 12-1-83; am. (1) (a) and (f), (2) (b) 2., cr. (4), Register, May, 1986, No. 365, eff. 6-1-86; am. (1) (c) to (e), (2) (c) 1., 2.a. and 3., (d), (e) 2., (f) 2., (g), (h) (intro.) and 2., cr., tables 1-c and 8-m, r. and recr. tables 2-m, 3-m, 4-m and 5-m, Register, March, 1987, No. 375, eff. 4-1-87.

NR 212.70 Determination of Peshtigo river water quality related effluent limitations. Effluent limitations for point sources discharging BOD_5 to the Peshtigo river shall be calculated according to the procedures contained in this section. These limitations shall apply from May 1 to October 31 annually.

(1) Determine baseline loads for each point source subject to the wasteload allocation.

(a) The baseline load for each publicly-owned point source located between milepoints 9.6 and 0.0 shall be calculated as follows:

Baseline load = (Q) (8.34) (60) + (BPT) (Production)

Where Q = The year 2000 flow projection of the domestic contribution of the influent to the treatment plant expressed in millions of gallons per day

8.34 = Conversion factor

60 = Concentration of BOD_5 expressed in milligrams per liter

BPT = The final best practicable waste treatment effluent limitations for the industrial contribution of the influent to the treatment plant as provided in chs. NR 284 and 285 expressed as pounds of BOD_5 per ton of production. If chs. NR 284 and 285 do not apply, the best practicable waste treatment effluent limitations as determined under ch. NR 217 shall apply.

Production = The annual average off-machine production during January 1 to December 1, 1978 expressed as tons per day

(b) The baseline load for each nonpublicly-owned point source located between milepoints 12.0 and 9.7 shall be calculated as follows:

Baseline load = (BPT) (Production)

Where BPT = The final best practicable waste treatment effluent limitations for the point source which is not discharged to a publicly-owned treatment system as provided in chs. NR 284 and 285 expressed as pounds of BOD_5 per ton of production. If chs. NR 284 and 285 do not apply, the best practicable waste treatment effluent limitations as detemined under ch. NR 217 shall apply.

Production = The annual average off-machine production during January 1 to December 1, 1978 expressed as tons per day.

(2) Determine the allocation for each point source.

(a) The allocation for each publicly-owned point source located between milepoints 9.6 and 0.0 shall be a reduction in its discharge to levels appearing in Table 1-p.

(b) The allocation for each nonpublicly-owned point source located between milepoints 12.0 and 9.6 shall be a reduction in its discharge to levels appearing in Table 2-p.

(3) The flow and temperature conditions used to determine compliance with permit effluent limits shall be the representative average measurements of the flow and temperature of the previous day.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85.