

Report to  
Legislative Council Rules Clearinghouse  
NR 105, Wis. Adm. Code  
Natural Resources Board Order No. WT-35-07

Wisconsin Statutory Authority

ss. 227.11(2)(a) and 281.15, Stats., interpreting s. 281.15, Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

The Department is proposing to update surface water quality criteria for 15 substances and to develop new surface water quality criteria for 2 other substances in ch. NR 105. These updates and additions are the result of two federal initiatives. First, in 2000 U.S. EPA formally objected to aquatic life criteria for several substances in ch. NR 105 because the state criteria were not as protective as the federal criteria. Second, U.S. EPA has developed and updated human health criteria for some additional substances subsequent to the 2000 objections. The department's proposed updates and additions will ensure federal approval of the criteria for those substances. No changes are proposed in the procedures used for developing criteria in ch. NR 105, only the numerical criteria for some of the substances regulated are being addressed at this time.

Of the 18 substances proposed for criteria revisions, it is estimated that no discharge permits will be affected for 14 of those substances. This is because the criteria are high enough and/or the discharge levels are low enough that no effluent limitations will be needed in any permit. The only substances for which changes in permit limitations are foreseen are arsenic, copper, nickel and selenium.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

Name and Telephone Number of Agency Contacts

Jim Schmidt, Bureau of Watershed Management – 267-7658  
Robin Nyffeler, Bureau of Legal Services – 266-0024  
Carol Turner, Bureau of Legal Services - 266-1959

Submitted on December 6, 2007