

Clearinghouse Rule 98-197  
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary

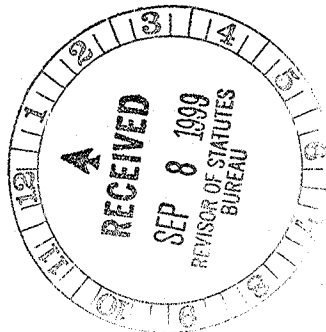
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STATE OF WISCONSIN )  
 ) ss  
DEPARTMENT OF NATURAL RESOURCES )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. WT-39-98 was duly approved and adopted by this Department on June 30, 1999. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 3rd day of September, 1999



*George E. Meyer*  
George E. Meyer, Secretary

(SEAL)

98-197

11-1-99



ORDER OF THE STATE OF WISCONSIN  
NATURAL RESOURCES BOARD  
RENUMBERING, RENUMBERING AND AMENDING, AMENDING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to renumber NR 200.02(2) to (6) and (8) to (10); to renumber and amend NR 200.02(7) and 200.08; to amend ch. NR 200 (title), 200.01, 200.03(1)(a) and (3)(f), 200.05 (intro.), (1)(b) and (4)(intro.), 200.07(2), (3) and (4) and 200.09; and to create NR 200 subch. I (title), 200.02(2), (5), (6), (7), (8), (10), (15), (16), (17) and (18), 200.027, NR 200 subch. II (title), 200.03(3)(i), 200.06(4), 200.065, 200.10(5) and NR 200, subch. III relating to applications for discharge permits and water quality standards variances.

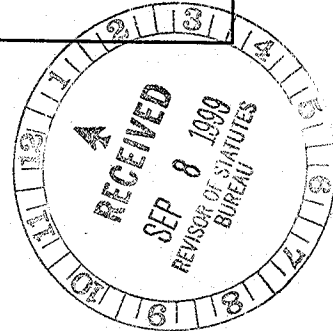
WT-39-98

Analysis prepared by the Department of Natural Resources

Statutory authority: ss. 227.11(2), 283.15(2)(b)1. and 283.31, Wis. Stats.

Statutes interpreted: ss. 227.116, 283.15, and 283.37, Wis. Stats.

This action will add language to ch. NR 200 to specify effluent monitoring and other application requirements for various categories of dischargers to reflect what has become common practice by Department staff. Other minor clean-up changes will also be made. New subchapters will be created to: 1) specify application requirements for variances to water quality standards to reflect statutory language and staff experience and 2) to define terms and conditions that apply throughout the chapter.



SECTION 1. Chapter NR 200 (title) is amended to read:

CHAPTER NR 200

APPLICATION FOR DISCHARGE PERMITS AND WATER QUALITY STANDARDS  
VARIANCES

SECTION 2. Subchapter I (title) of ch. NR 200 [precedes NR 200.01] is created to read:

SUBCHAPTER I - PURPOSE, DEFINITIONS AND GENERAL PROVISIONS

SECTION 3. NR 200.01 is amended to read:

NR 200.01 PURPOSE. The purpose of this chapter is to:

(1) To set forth the requirements for filing applications for the discharge permits required by s. 283.31, Stats., to prescribe the form of such applications pursuant to s. 283.37, Stats., and to specify the number of business days within which the department will publish a public notice

indicating its intended action on a Wisconsin pollutant discharge elimination system permit application or request for modification pursuant to s. ~~227.0105~~ 227.116, Stats. Section ~~283.37~~ 283.31, Stats., requires a permit for the lawful discharge of any pollutant into the waters of the state, which include groundwaters by the definition ~~set forth~~ in s. 283.01(13), Stats. The federal water pollution control act of 1977, P.L. 95-217; 33 USC 466 et. seq., requires a permit for the lawful discharge of any pollutant into navigable waters. Therefore in Wisconsin, permits are required for discharges from point sources to surface waters of the state and additionally to land areas where pollutants may percolate, seep to, or be leached to groundwaters. This includes the land application of sludge.

(2) To set forth the requirements for filing applications for variances to water quality standards allowed by s. 283.15, Stats.

SECTION 4. NR 200.02(1) is amended to read:

NR 200.02(1) "Business days" means each day except Saturday; Sunday; January 1; the third Monday in January, which shall be the day of celebration for January 15; the last Monday in May, which shall be the day of celebration for May 30; July 4; the first Monday in September; the 4th Thursday in November; December 24; December 25; December 31; and the day following if January 1, July 4 or December 25 falls on Sunday; after 12 noon on Good Friday, in lieu of the period specified in s. 757.17, Stats; and December 24 and 31.

SECTION 5. NR 200.02(2) to (10) are renumbered NR 200.02(3), (4), (9), (11), (12), (13), (14), (19) and (20) and NR 200.02(13), as renumbered, is amended to read:

NR 200.02(13) "Point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, outfall, 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" shall 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" shall 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, except for a conveyance that conveys only storm water.~~

SECTION 6. NR 200.02(2), (5), (6), (7), (8), (10), (15), (16), (17) and (18) are created to read:

NR 200.02(2) "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.

(5) "Limit of detection" means the lowest concentration level that can be determined to be statistically different from a blank.

(6) "Limit of quantitation" means the level above which quantitative results may be obtained with a specified degree of confidence.

Note: The limit of quantitation is 10/3 or 3.333 times the limit of detection.

(7) "Major municipal discharge" means a point source discharge with an average daily volume equal to or greater than one million gallons per day of either municipal wastewater from a publicly owned treatment works or of domestic wastewater from a privately owned treatment works.

(8) "Minor municipal discharge" means a point source discharge with an average daily volume less than one million gallons per day of either municipal wastewater from a publicly owned treatment works or domestic wastewater from a privately owned treatments works.

(10) "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.

(15) "Primary industry" means an industrial facility or activity that is encompassed by one of the industrial categories listed in 40 CFR 122, Appendix A.

(16) "Results" includes measurements, determinations and information obtained or derived from tests.

(17) "Secondary industry" means an industrial facility or activity that is not classified as a primary industry.

(18) "Surface waters" means waters of the state except wells and other groundwater. Cooling lakes, farm ponds and facilities constructed for the treatment of wastewaters are also excluded from this definition.

SECTION 7. NR 200.027 is created to read:

NR 200.027 ANALYTICAL METHODS AND LABORATORY REQUIREMENTS. (1) Methods used for analysis of samples shall be those specified as approved in ch. NR 219. Where more than one approved method exists, the department may require the applicant to repeat testing using a more sensitive approved method if results are reported as not detected.

(2) The applicant shall submit, with all monitoring results, appropriate quality control information, as specified in the permit application or s. NR 200.22(1)(f).

(3) The applicant shall report numerical values for all monitoring results greater than the limit of detection, as determined by a method specified by the department, unless analyte-specific instructions in the current WPDES permit specify otherwise. The applicant shall appropriately identify all results greater than the limit of detection but less than the limit of quantitation.

(4) Except for those tests excluded in s. NR 219.06, laboratory testing shall be performed by a laboratory registered or certified under ch. NR 149.

SECTION 8. Subchapter II (title) of ch. NR 200 [precedes NR 200.03] is created to read:

SUBCHAPTER II - APPLICATION FOR DISCHARGE PERMITS

SECTION 9. NR 200.03(1)(a) and (3)(f) are amended to read:

NR 200.03(1)(a) ~~Direct discharge~~ Discharge of any pollutant to any surface water.

(3)(f) The disposal of solid wastes, including wet or semi-liquid wastes, at a site or operation licensed pursuant to chs. NR 500 to 536, except as required for municipal sludge in ch. NR 204 or where storm water permit coverage is required under ch. NR 216.

SECTION 10. NR 200.03(3)(i) is created to read:

NR 200.03(3)(i) Discharges of storm water permitted under ch. NR 216.

SECTION 11. NR 200.05 (intro.), (1)(b), and (4) (intro.) are amended to read:

NR 200.05 REPORTING OF NEW DISCHARGES. Pursuant to s. ~~147.14~~ 283.59, Stats.:

(1)(b) If the new or increased discharge will not result in exceeding or violating any effluent limitations of the permit, the permittee shall give notice in the form of a letter addressed to the ~~Department of Natural Resources, WPDES Permit Section, Box 7921, Madison, Wisconsin 53707 and to the appropriate district office department.~~ The letter shall refer to the number and expiration date of the existing permit, describe the proposed expansion, production increase, or process modification, and include a statement that no effluent limitation of the permit will be exceeded or violated. The letter of notification shall be signed in accordance with s. NR 200.07(4).

Note: The letter required in par. (b) may be mailed to the appropriate regional office or to the Department of Natural Resources, Bureau of Watershed Management, Box 7921, Madison, Wisconsin 53707.

(4)(intro.) Any person discharging, or intending to commence discharging, into a publicly or privately owned treatment works who is or will become subject to the discharge reporting requirements of s. ~~147.025(4)~~ 283.37(4), Stats., shall give notice of the following, to the department and owner or operator of the treatment works, using the form prescribed in ch. NR 202, at least 180 days prior to:

SECTION 12. NR 200.06(4) is created to read:

NR 200.06(4) The department may require an applicant to report on application forms any information the department needs to correspond with the applicant or assemble the permit components or conditions appropriate for the particular discharge including:

(a) General facts about the applicant or facility, including coverage under other environmental permits, sources of wastewater and information on the treatment system for which a permit is requested.

(b) Data available to the applicant through information searches or measurements taken by the applicant.

(c) Information obtained by the applicant as a result of requirements in previous permits.

(d) Information on results of testing, including quality control information, obtained by the applicant through investigations, such as pilot studies or effluent or ambient monitoring.

SECTION 13. NR 200.065 is created to read:

**NR 200.065 APPLICATION MONITORING REQUIREMENTS FOR DISCHARGES TO SURFACE WATERS.** (1) **EXISTING DISCHARGES.** An applicant for permit issuance or reissuance with an existing discharge to surface waters shall monitor as follows and report the monitoring results on application forms:

(a) Samples shall be as representative of normal effluent quality as possible.

(b) Minimum monitoring requirements for each type of point source that conveys a wastewater discharge are specified in Table 1.

Table 1 - Minimum monitoring requirements

Wastewater discharge type	Number of monitoring tests	Pollutants required to be monitored
Major municipal discharge	1	Pollutants listed in s. NR 215.03 excluding asbestos, 2-chloroethyl vinyl ether and dioxin; pollutants listed in ch. NR 105, Tables 1 through 9 excluding bis(chloromethyl) ether, dichlorodifluoromethane, dioxin and trichlorofluoromethane; and pollutants listed in ch. NR 102, Table 1
	4	Copper, ammonia, phosphorus and hardness
	1	Chloride and whole effluent toxicity
Minor municipal discharge	4	Copper, ammonia, phosphorus and hardness
	1	Chloride, arsenic, cadmium, chromium, lead, nickel and zinc
Primary industry process discharge	1	Pollutants listed in s. NR 215.03 <sup>1</sup> excluding asbestos, 2-chloroethyl vinyl ether and dioxin; pollutants listed in ch. NR 105 <sup>1</sup> , Tables 1 through 9 excluding bis(chloromethyl) ether, dichlorodifluoromethane, dioxin and trichlorofluoromethane; and pollutants listed in ch. NR 102 <sup>1</sup> , Table 1
	4	Copper, ammonia, phosphorus and hardness
	3	Mercury

	1	BOD <sub>5</sub> (five-day biochemical oxygen demand), COD (chemical oxygen demand), chloride, total residual chlorine, oil and grease, pH, total suspended solids, temperature (summer and winter) and total phenols
	1	Fecal coliform and pollutants listed in s. NR 215.06 excluding TOC (total organic carbon) when the applicant believes the pollutant is present in the discharge for reasons other than its presence in the intake water
Secondary industry process discharge or cooling water discharge, or both	4	Copper, ammonia, phosphorus and hardness
	1	BOD <sub>5</sub> (five-day biochemical oxygen demand), COD (chemical oxygen demand), chloride, total residual chlorine, oil and grease, pH, total suspended solids, temperature (summer and winter), arsenic, cadmium, chromium, lead, mercury, nickel, zinc
	1	Any of the following pollutants that the applicant believes is present in the discharge for reasons other than its presence in the intake water: Pollutants listed in ss. NR 215.03, 215.05 and 215.06 excluding 2-chloroethyl vinyl ether, dioxin, asbestos and TOC (total organic carbon); pollutants listed in ch. NR 105, Tables 1 through 9 excluding bis(chloromethyl) ether, dichlorodifluoromethane, dioxin and trichlorofluoromethane; and pollutants listed in ch. NR 102, Table 1
Noncontact cooling water discharge	1	Ammonia, BOD <sub>5</sub> (five-day biochemical oxygen demand), chloride, oil and grease, pH, phosphorus, total suspended solids and temperature (summer and winter)
	1	Any of the following pollutants that the applicant believes is present in the discharge for reasons other than its presence in the intake water: Pollutants listed in ss. NR 215.03, 215.05 and 215.06 excluding 2-chloroethyl vinyl ether, dioxin, asbestos and TOC (total organic carbon); pollutants listed in ch. NR 105, Tables 1 through 9 excluding bis(chloromethyl) ether, dichlorodifluoromethane, dioxin and trichlorofluoromethane; and pollutants listed in ch. NR 102, Table 1

<sup>1</sup> Primary industries are required to test only those GC/MS fractions that are specified in 40 CFR 122, Appendix D, revised Table 1.

(c) Persons collecting multiple samples for a pollutant shall allow at least a 24 hour interval between consecutive samples.

(d) The department may require the applicant to monitor 11 times for chloride for major municipal discharges or minor municipal discharges when the source of wastewater is from hard water communities, or for industrial process wastewater discharges from dairies, canneries, meat processors, water utilities that utilize ion-exchange water softening and other industrial categories expected to have high chloride levels.

(e) The department may require the applicant to monitor 4 times for the metals arsenic, cadmium, lead, nickel and zinc for major municipal discharges or minor municipal discharges when levels of those metals measured in the wastewater treatment system sludge from a facility are abnormally high compared with other similar facilities in the state.

(f) The department may require the applicant to monitor for the dioxin and furan congeners listed in s. NR 106.16(2) for a major municipal discharge or minor municipal discharge when sources of wastewater include a pulp or paper mill or both, a leather tannery, a petroleum refinery or an organic chemical manufacturer or for a primary industrial discharge if the industry is a pulp or paper mill or both, a leather tannery, a petroleum refinery or an organic chemical manufacturer.

(g) The department may require monitoring for any other pollutant not specified in Table 1 if its presence could be reasonably expected based on wastewater sources.

(h) An applicant for permit reissuance may apply test data collected to fulfill current permit required monitoring or data collected for other reasons to fulfill these requirements if:

1. No more than 5 years have elapsed since the monitoring; and
2. No operational changes have occurred since the monitoring.

(i) Unless the monitoring is required by federal regulations, the department may exempt applicants from some or all of the monitoring requirements in this subsection for reasons including, but not limited to, any of the following:

1. Parameters such as flow, hardness or pH measured in the discharge or receiving water would result in proposed effluent limitations for a pollutant much greater than anticipated discharge levels for that pollutant, based upon measurements from similar discharges.

2. Proposed effluent limitations for a pollutant would be much greater than anticipated discharge levels for that pollutant, based on previous measurements made since significant facility changes have occurred.

3. Previous monitoring from similar facilities indicate the absence of significant quantities of a pollutant or class of pollutants.

(2) NEW DISCHARGES. The department may require a person applying for a new discharge permit to conduct pilot studies or other tests or provide effluent data from similar facilities to project pollutant levels in the proposed discharge.

SECTION 14. NR 200.07(2) to (4) are amended to read:



NR 200.07(2) Application forms may be obtained ~~from the district offices or by contacting the department or the Department of Natural Resources, WPDES Permit Section, Box 7921, Madison, Wisconsin 53707.~~

Note: Persons may obtain application forms by writing to the department regional office or the Department of Natural Resources, Bureau of Watershed Management, Box 7921, Madison, Wisconsin 53707 or by calling one of those offices. Persons requesting an application form should say they wish to apply for a WPDES permit and provide their name, address, telephone number and a brief description of the facility which will generate the wastewater discharge.

(3) Application forms shall be filed with the ~~Department of Natural Resources, WPDES Permit Section, Box 7921, Madison, Wisconsin 53707, or appropriate district office~~ department at the address provided on the application.

(4) ~~Application~~ Persons submitting application forms or electronic permit application agreements submitted to the department shall be signed as follows: sign the form or agreement and certify to the accuracy of the information pursuant to s. NR 205.07(1)(g).

~~(a) In the case of a corporation, by a principal executive officer of at least the vice president, or by his or her authorized representative responsible for the overall operation of the point source for which a permit is sought,~~

~~(b) In the case of a partnership, by a general partner,~~

~~(c) In the case of a sole proprietorship, by the proprietor, or~~

~~(d) In the case of a publicly owned treatment works, by a principal executive officer, ranking elected official, or other duly authorized employee.~~

SECTION 15. NR 200.08 is renumbered NR 200.024 and NR 200.024(1), as renumbered is, amended to read:

NR 200.024 USE OF INFORMATION. (1) Data submitted in the applications or as part of additional information submittals shall be used as a basis for issuing discharge permits or variances. The department may request additional information relating to the discharges from the applicant's facility. Such additional information shall be submitted in accordance with s. NR 200.09.

SECTION 16. NR 200.09 is amended to read:

NR 200.09 INCOMPLETE APPLICATION. The department may require an applicant to submit data necessary to complete any deficient application, may require any additional data other than that requested in the application or may require the applicant to submit a complete new application where the deficiencies are extensive or the appropriate form has not been used. Within 60 days of the date of receipt of a request from the department for additional data, the applicant shall submit the data. A permit may not be issued until a complete application is submitted to the department. A permit application will not be considered complete until the requirements of s. 23.11, Stats., and ~~s. NR 150.04~~ ch. NR 150 are met, and all required information is submitted.

SECTION 17. NR 200.10(5) is created to read:

NR 200.10(5) The time deadlines in sub. (2) are not applicable if the department determines, pursuant to s. 283.53, Stats., that the permittee is not in substantial compliance with all the terms, conditions, requirements and schedules of compliance of the expiring permit.

SECTION 18. NR 200, Subchapter III is created to read:

**SUBCHAPTER III - APPLICATION FOR WATER QUALITY STANDARDS VARIANCES**

**NR 200.20 GENERAL.** (1) When the department issues, reissues or modifies a permit to include a water quality based effluent limitation under s. 283.13(5), Stats., the permittee may apply to the department for a variance from the water quality standard used to derive the limitation.

(2) In order to obtain a variance, a permittee shall demonstrate, by the greater weight of credible evidence, that attaining the water quality standard is not feasible because of one or more of the following:

(a) Naturally occurring pollutant concentrations prevent the attainment of the standard.

(b) Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the standard, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating water conservation requirements.

(c) Human caused conditions or sources of pollution prevent the attainment of the standard and cannot be remedied or would cause more environmental damage to correct than to leave in place.

(d) Dams, diversions or other types of hydrological modifications preclude the attainment of the standard, and it is not feasible to restore the water body to its original condition or to operate the modification in a way that would result in the attainment of the standard.

(e) Physical conditions related to the natural features of the water body, such as the lack of proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses.

(f) The standard, as applied to the permittee, will cause substantial and widespread adverse social and economic impacts in the area where the permittee is located.

**NR 200.21 TIME DEADLINE FOR FILING VARIANCE REQUESTS.** A permittee who wishes to apply for a variance shall submit an application for a variance within 60 days after the department issues, reissues or modifies the permit.

**NR 200.22 INFORMATION TO BE INCLUDED IN AN APPLICATION FOR A VARIANCE.** (1) A permittee applying for a variance shall supply the following information:

(a) Facility name, address and WPDES permit number.

(b) The name, address and telephone of a facility contact person.

(c) The date the permit was issued, reissued or modified which gives rise to the request for a variance.

(d) Each water quality standard, pollutant and corresponding effluent limitation for which a variance is being requested.

(e) Results of monitoring data for the pollutant for which the permittee is seeking a variance which represents the past and current levels of effluent quality. Monitoring shall conform with the following.

1. The submittal shall specify sample location, sample type, sampling dates, analysis dates and laboratory name and certification number.

2. Data quantity shall be sufficient to allow appropriate statistical treatment to characterize effluent quality over time.

3. Samples shall be collected on days when contributions from industrial, commercial or other processes or sources of wastewater are expected to be at normal levels.

4. Results of monitoring shall be summarized in tabular or graphical format or both.

5. Any changes, such as changes in contract lab or method of analysis or treatment or process changes that occurred which may have affected results or could explain data trends shall be noted and an explanation provided.

6. In addition, for this data to be considered to be representative, the permittee shall supply information to demonstrate that:

a. Sample results fall above the limit of quantitation for the analytical method used or that the most sensitive approved analytical method listed for the pollutant in ch. NR 219 was used with proper technique to produce the results.

b. Proper laboratory quality control procedures were used to generate the data. To make this demonstration, the permittee shall supply, for several representative analytical runs, the raw data for samples, calibrations, calibration verifications and quality control steps. The raw data for quality control steps shall include results of replicate samples, identity of samples used for replicate samples, matrix spikes, matrix spike concentrations used, reagent blanks, method blanks and quality control limits. Raw data, replicate sample, matrix spike and quality control limit have the meanings specified in s. NR 149.03.

c. Proper sampling quality control procedures designed to minimize sample contamination were used. This demonstration shall include a description of sampling procedures and submittal of results of field blanks. A field blank is a volume of reagent grade water which is handled in such a way so as to duplicate as closely as possible the exposure of a water sample to potential sources of contamination during sampling, preservation and transportation to the laboratory.

(f) Changes which could be made to enhance treatment or source reduction of flows coming to the treatment facility or which would reduce the level of toxicity or the discharge of the pollutant for which the permittee is seeking a variance. This information shall include the following:

1. An estimate of capital and operating costs for the changes and a reasonable schedule for planning and accomplishing the work.

2. If the source of the pollutant is believed to be from dissolution of metals from water supply distribution piping materials:

a. Information on past and current water supply treatment practices which may increase or decrease the corrosive nature of the water supply including what changes have been made and when.

b. Data on the water supply stability or corrosivity, using one of various methods of determination, for the raw and treated water supply.

c. Other potential water sources or methods of water supply treatment as an alternative.

(g) Information which establishes the significance of industrial and commercial wastewater sources versus domestic wastewater sources of the pollutant for which a variance is requested. This may include an approximate mass-balance calculation of treatment system loadings from all sources.

(h) For facilities which monitor the treatment system sludge pursuant to requirements in ch. NR 204 or 214 for the pollutant for which a variance is requested, results of the most recent 3 years of sludge testing, along with volumes disposed of so as to perform an approximate mass balance of the pollutant entering and leaving the plant.

(i) If a variance is being requested for whole effluent toxicity in conjunction with a specific chemical pollutant or if whole effluent toxicity failures have been experienced and they are believed to have resulted from the pollutant for which the variance is being requested, evidence which points to the pollutant as the cause of the whole effluent toxicity failures.

(j) Effluent limitations which the permittee believes it can currently achieve.

(k) Effluent limitations which the permittee believes it can achieve at some later date during the term of the variance and the corresponding schedule which would be followed to meet these limitations.

(l) Whether the permittee believes it can meet the effluent limitations that give rise to the variance request at any time during the term of the permit.

(m) A detailed discussion of evidence and reasons why the permittee believes a variance is warranted based on one or more of the grounds listed in s. NR 200.20(2).

(n) Demonstration that the variance requested conforms with antidegradation requirements specified in ch. NR 207.

(o) Characterization of the extent of any increased risk to human health and the environment associated with granting the variance so as to allow the department to decide if such increased risk is consistent with protection of the public health, safety and welfare.

(p) For variance requests based on s. NR 200.20(2)(f), the permittee shall conduct a financial impact analysis which shall include an estimate of the capital, operation and maintenance and financing costs, translated into an annualized cost, of potential changes identified in par. (g) compared with an analysis of financial affordability. The analysis of financial affordability shall include:

1. For publicly owned systems, an estimate of how much annual municipal revenue would need to increase, taking into account any offsetting state shared revenues if the most cost-effective pollutant control option was implemented and how this would affect user fees if user fees were used to finance the costs. This analysis shall also compare projected user fees with user fees in similar communities. If industrial or commercial contributions comprise a significant source of the pollutant, information requested in subd. 2 shall also be provided.

2. For privately owned systems or if the most cost-effective pollutant control option for a publicly owned system involves additional regulation of privately owned contributors as the impacted parties, an estimate of how implementing the most cost-effective pollutant control option would affect profitability and other financial health indicators of the private entity.

3. An analysis of the socioeconomic impacts to the community where the entity is located.

Note: Permittees may find helpful a United States Environmental Protection Agency publication titled *Interim Economic Guidance for Water Quality Standards - Workbook*, EPA-823-B-95-002, March 1995. Information on ordering EPA publications can be found on the World Wide Web at <http://www.epa.gov/>.

(2) In addition to the information required in sub. (1), the permittee may, within the 60-day time limits specified in s. NR 200.21, submit to the department any other information to support the request for a variance.

NR 200.23 SIGNATURE OF AUTHORIZED REPRESENTATIVE. Pursuant to s. NR 205.07(1)(g), a person submitting an application for a variance shall include a signed statement by an authorized representative that certifies to the accuracy of the information.

NR 200.24 APPLICATION COMPLETENESS. When the department receives an application for a variance:

(1) The department may request additional information from the permittee within 30 days after receiving the application. The permittee shall provide the additional information within 30 days of receipt of the department's request. An application is not complete until the additional information is provided to the department.

(2) If the permittee does not provide information as required under s. NR 200.22 or sub. (1), the department shall deny the application.

NR 200.25 TIME PERIODS FOR DEPARTMENT ACTION ON APPLICATIONS. The department shall adhere to the time deadlines specified in s. 283.15, Stats., in making determinations of application completeness and tentative and final decisions on variance requests.

Note: These time deadlines are as follows: (1) Public notice of receipt of an application for a variance within 30 days after receipt of the information specified in s. NR 200.22 or 200.24(1), if applicable. (2) Public notice of a tentative decision within 120 days after receipt of the information specified in s. NR 200.22 or 200.24(1), if applicable. (3) Final decision within 90 days after expiration of the 30-day public notice comment period under sub. (2).

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on June 30, 1999.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin

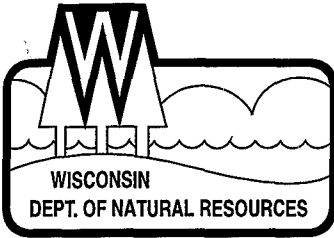
September 3, 1999

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By

George E. Meyer  
George E. Meyer, Secretary

(SEAL)



**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Tommy G. Thompson, Governor  
George E. Meyer, Secretary

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September 1, 1999

Mr. Gary L. Poulson  
Assistant Revisor of Statutes  
131 West Wilson Street - Suite 800  
Madison, WI

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WT-39-98 rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

*George*  
George E. Meyer  
Secretary

Enc.

