

Clearinghouse Rule 13-006

Report to
Legislative Council Rules Clearinghouse
NR 211, Wis. Adm. Code
Natural Resources Board Order No. WT-28-10

Wisconsin Statutory Authority:

Sections 283.11(1), (2); 283.21(2); 283.31

Federal Authority:

40 CFR Part 403, General Pretreatment Regulations

Comparison of Adjacent States:

All adjacent states have already incorporated these changes to federal pretreatment requirements into their respective state general pretreatment requirements.

Court Decisions Directly Relevant:

None.

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

This action by the Department proposes changes to Wisconsin Administrative Code Chap. NR 211 (General Pretreatment Requirements) regarding wastewater pretreatment requirements for publicly owned treatment works (POTWs) and for the industries which discharge to them. The proposed changes incorporate new federal pretreatment requirements, collectively known as "the Streamlining Rule", into NR 211 and enable Wisconsin's pretreatment requirements to more closely conform to federal pretreatment regulations found in 40 CFR Part 403. The rule changes generally reduce the regulatory burden on municipal pretreatment programs and on industries.

The proposed Streamlining revisions would make the following significant changes to NR 211 along with other minor changes:

1. Remove sampling requirements for wastewater pollutants, discharged by industries to sanitary sewers, shown to be neither present nor expected to be present in the discharge.
2. Remove all pretreatment sampling and reporting requirements for industries never discharging more than 100 gallons per day (gpd) of regulated industrial wastewater to the sanitary sewer.
3. Reduce pretreatment sampling and reporting requirements (from twice per year to once per year) for industries which discharge less than .01 percent of the wastewater flow capacity of the municipal treatment plant they discharge to.
4. Reduce pretreatment inspection requirements (from once per year to once per 2 years) for municipal wastewater treatment plants, with industrial pretreatment programs, when inspecting industries which discharge less than .01 percent of the wastewater flow capacity of the municipal treatment plant they discharge to.
5. Require municipal wastewater treatment plants with industrial pretreatment programs to repeat sampling at industries if a test result from the municipal sample exceeded a limit.

6. Allow municipal wastewater treatment plants with industrial pretreatment programs to use a general discharge permit to regulate several similar industries rather than several individual discharge permits.
7. Require municipal wastewater treatment plants with industrial pretreatment programs to include applicable Best Management Practices and slug control measures in industrial discharge permits.

The Department is proposing these Streamlining changes because state law (s. 283.11(2), Wis. Stats.) requires that state wastewater regulations comply with – and not exceed - requirements in federal wastewater regulations. The Department has been notified by US EPA that Wisconsin's pretreatment requirements are not consistent with those in federal regulations.

In addition, the Department proposes to eliminate outdated requirements in NR 211 for industries operating as centralized waste treaters that conflict with newer federal pretreatment requirements for those industries.

Agency Procedures for Promulgation

The Department plans to hold one public hearing regarding these proposed changes to NR 211 after which it will solicit public comments regarding the proposal. After reviewing submitted comments, any necessary changes to the proposal will be made followed by presentation of the final proposal to the Natural Resources Board, Board approval and final promulgation.

Description of any Forms (attach copies if available)

Not applicable.

Name and Telephone Number of Agency Contact

Robert J. Liska – Pretreatment Coordinator
Wisconsin Dept. of Natural Resources, Bureau of Water Quality
(608) 267 – 7631
Robert.Liska@Wisconsin.gov