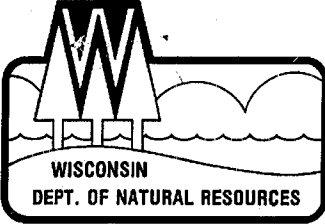


Clearinghouse Rule 95-165

95-105



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

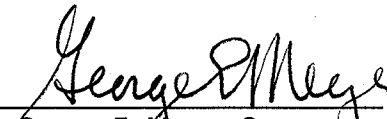
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Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
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STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) SS

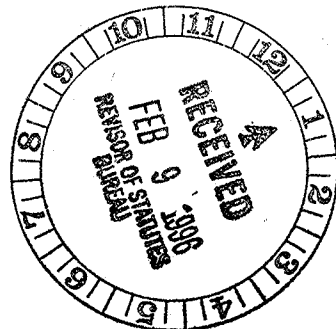
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

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. WR-44-95 was duly approved and adopted by this Department on December 7, 1995. 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 8th day of February, 1996.


George E. Meyer, Secretary

(SEAL)



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

REPEALING AND RECREATING AND CREATING RULES

.....
The Wisconsin Natural Resources Board proposes an order to repeal and recreate NR 212.40 Table 1-c and to create NR 212.40(4)(d) relating to water quality based allocations of pollutant discharges to waters of the state
.....

Analysis Prepared by the Department of Natural Resources

Statutory authority: s. 227.11(2)(a), Stats.
Statutes interpreted: ss. 147.04(5) and 147.25, Stats.

Chapter NR 212, Wis. Adm. Code, allocates to municipal and industrial point source discharges amounts of the class of pollutants known as BOD₅ allowable in certain streams in the state. NR 212.40 Table 1-c reduces the assimilative capacity of the last 7.2 miles of the Fox River and NR 212.40(4)(d) removes 2,500 pounds of BOD₅ from the baseline load for the last 7.2 miles of the Lower Fox River.

SECTION 1. NR 212.40 Table 1-c is repealed and recreated to read:

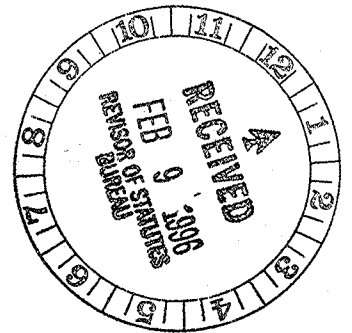


TABLE 1-c
LBS PER DAY OF BOD5
(river mile 7.3 to 0.0)

- FLOW (CFS) - TEMP DEG F -	Flow at Rapide Croche Dam (cfs)									(Previous four day average)						
	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	30750	30750	30750	30750	30750	30750	30750	30750	40850	53610	76790	115120	146430	146430	146430	
82.0 TO 85.0	30750	30750	30750	30750	30750	30750	30750	34900	45170	57470	79680	116190	146430	146430	146430	
78.0 TO 81.0	30750	30750	30750	30750	30750	30750	34270	42680	52900	64900	86230	120710	146430	146430	146430	
74.0 TO 77.0	30750	30750	30750	30750	30750	35050	42600	51730	62450	74710	95970	129530	146430	146430	146430	
70.0 TO 73.0	30750	30750	30750	30750	35840	43520	52590	63000	74760	87820	109830	143550	146430	146430	146430	
66.0 TO 69.0	30750	30750	30750	35230	44060	54050	65170	77420	90750	105170	128740	146430	146430	146430	146430	
62.0 TO 65.0	30750	30750	31830	42800	54720	67560	81290	95910	111380	127680	146430	146430	146430	146430	146430	
58.0 TO 61.0	30750	30750	38350	53200	68750	84980	101880	119410	137560	146430	146430	146430	146430	146430	146430	
54.0 TO 57.0	30750	30750	48080	67350	87080	107260	127860	146430	146430	146430	146430	146430	146430	146430	146430	
50.0 TO 53.0	30750	37970	61960	86190	110650	135320	146430	146430	146430	146430	146430	146430	146430	146430	146430	
46.0 TO 49.0	30750	51180	80920	110660	140400	146430	146430	146430	146430	146430	146430	146430	146430	146430	146430	
42.0 TO 45.0	44490	69850	105880	141690	146430	146430	146430	146430	146430	146430	146430	146430	146430	146430	146430	
41.0 OR LESS	64630	94910	137800	146430	146430	146430	146430	146430	146430	146430	146430	146430	146430	146430	146430	

TABLE 1-c
LBS PER DAY OF BOD5
(river mile 7.3 to 0.0)

- FLOW (CFS) - TEMP DEG F	Flow at Rapide Croche Dam (cfs)									(Previous four day average)					
	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)	← A → JULY-AUGUST →														
86.0 OR GREATER	57130	52880	48150	44920	43130	42730	43650	45830	49200	53720	62490	77590	106550	146430	146430
82.0 TO 85.0	54020	50450	46650	44340	43460	43940	45710	48730	52930	58250	68180	84760	115790	146430	146430
78.0 TO 81.0	49840	47400	45190	44430	45060	47030	50270	54710	60300	66970	78890	97990	132570	146430	146430
74.0 TO 77.0	46630	45390	44860	45750	48010	51560	56350	62310	69390	77530	91570	113400	146430	146430	146430
70.0 TO 73.0	44390	44410	45670	48310	52280	57520	63960	71550	80220	89910	106220	130970	146430	146430	146430
66.0 TO 69.0	43130	44480	47620	52110	57890	64910	73110	82410	92770	104110	122840	146430	146430	146430	146430
62.0 TO 65.0	42830	45590	50700	57140	64840	73740	83780	94910	107050	120140	141440	146430	146430	146430	146430
61.0 OR LESS	43510	47740	54930	63410	73120	84000	95990	109030	123050	138000	146430	146430	146430	146430	146430

SECTION 2. NR 212.40(4)(d) is created to read:

NR 212.40(4)(d) The adjusted baseline load for the nonpublicly-owned point source located between milepoint 0.8 and 0.5 shall be reduced by 2500 pounds of BOD₅ from the amount calculated in sub. (4)(b).

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on December 7, 1995.

The rules shall take effect 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 2/8/96

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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February 7, 1996

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. WR-44-95. These rules were reviewed by the Assembly Committee on Environment and Utilities and the Senate Committee on Environment and Energy 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 E. Meyer
Secretary

Enc.

