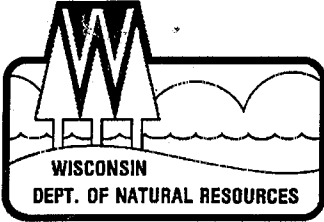


Clearinghouse Rule 96-021

96-021



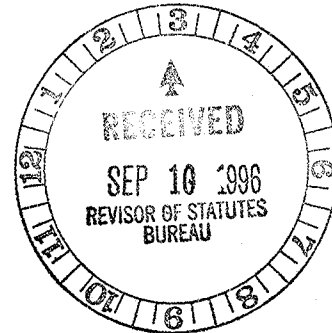
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Box 7921  
101 South Webster Street  
Madison, Wisconsin 53707-7921  
TELEPHONE 608-266-2621  
FAX 608-267-3579  
TDD 608-267-6897

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. WW-17-96 was duly approved and adopted by this Department on June 26, 1996. 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 7th day of September, 1996.

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

(SEAL)



12-1-96

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

AMENDING RULES

.....  
The Wisconsin Natural Resources Board proposes an order to amend ss. NR 149.22 and 219.04, Table A, (parameters 9 & 10 and footnotes 8, 9, & 10), relating to Whole Effluent Toxicity Testing Methods.  
.....

WW - 17 - 96

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 144.025(2)(b) and 227.11(2), Stats.

Statutes interpreted: ss. 144.025(1) and 147.04(5), Stats.

Section NR 149.22, Wis. Adm. Code, states test procedure requirements for laboratories to receive certification or registration for conducting whole effluent toxicity (WET) tests for compliance with Wisconsin Pollutant Discharge Elimination System (WPDES) permits. Section NR 219.04, Table A, (parameters 9 & 10 and footnotes 8, 9, & 10), lists the required test procedures to be followed when conducting WET tests. Previously, these chapters referred to U.S. Environmental Protection Agency documents, which have become outdated. Section NR 219.04, Table A, (parameters 9 & 10 and footnote 8), and s. NR 149.22, Wis. Adm. Code, are amended to reference the "State of Wisconsin Aquatic Life Toxicity Testing Methods Manual, 1st Edition", which includes testing procedures specific to situations in the state of Wisconsin.

SECTION 1. NR 149.22 is amended to read:

**NR 149.22 Requirements for effluent toxicity certification and registration.** This section applies to those laboratories certified or registered under test category 20. ~~The quality control requirements given in s. NR 149.14 do not apply to effluent toxicity testing. The required quality control procedures along with criteria and procedures for effluent toxicity testing are given in the approved methods and the "Guidance Manual for the Certification and Registration of Laboratories Conducting Effluent Toxicity Testing", Wisconsin Department of Natural Resources, May 1992.~~ The required quality control procedures along with criteria and procedures for effluent toxicity testing are given in the "State of Wisconsin Aquatic Life Toxicity Testing Methods Manual, 1st Edition," Wisconsin Department of Natural Resources, 1996.

NOTE: This publication is available for inspection at the offices of the Department of Natural Resources, the Secretary of State, and the Revisor of Statutes. Copies are available from the Department of Natural Resources, ~~Office of Technical Services, Bureau of Integrated Science Services~~, P.O. Box 7921, Madison, WI 53707.

NOTE: ~~The approved methods are cited in ch. NR 219.~~

SECTION 2. NR 219.04, Table A (columns) are amended to read:

TABLE A

LIST OF APPROVED BIOLOGICAL TEST PROCEDURES

PARAMETER AND UNITS	METHOD	EPA	STANDARD METHODS	USGS	WDNF
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SECTION 3. NR 219.04, Table A, footnote 8, is amended to read:

TABLE A NOTES:

~~8 Peltier, W.H., and C.I. Weber, eds. September 1991. Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms. Environmental Monitoring and Support Laboratory, U.S. Environmental Protection Agency, Cincinnati, Ohio. EPA/600/4-90/027.~~

8 Compliance monitoring must be performed in accordance with the specifications in the "State of Wisconsin Aquatic Life Toxicity Testing Methods Manual, 1st Edition," Wisconsin Department of Natural Resources, 1996. This publication is available for inspection at the offices of the Department of Natural Resources, the Secretary of State, and the Revisor of Statutes. Copies are available from the Department of Natural Resources, Bureau of Integrated Science Services, P.O. Box 7921, Madison, WI 53707.

SECTION 4. NR 219.04, Table A, footnotes 9 and 10 are repealed.

SECTION 5. NR 219.04, Table A, parameters 9 & 10, are amended to read:

TABLE A

LIST OF APPROVED BIOLOGICAL TEST PROCEDURES

PARAMETER AND UNITS	METHOD	EPA	STANDARD METHODS	USGS	WDNR
Acute and Chronic Toxicity:					
9. Toxicity, acute, fresh water organisms, percent effluent <sup>10</sup>	<del>Daphnia and Ceriodaphnia, 48-h static-renewal mortality.</del>	<del>p 39 s</del>			<u>8</u>
	Fathead minnow, 48-96-h static-renewal mortality, or 48 to 96-h flow-through mortality.	p 41 s			<u>8</u>
10. Toxicity, chronic, fresh water organisms, percent effluent <sup>10</sup>	Fathead minnow larval survival and growth.	1000.0 s			<u>8</u>
	<del>Fathead minnow embryo-larval survival and teratogenicity.</del>	<del>1001.0 s</del>			
	Ceriodaphnia survival and reproduction.	1002.0 s			<u>8</u>
	<del>Selenastrum growth.</del>	<del>1003.0 s</del>			

TABLE A NOTES:

8 Compliance monitoring must be performed in accordance with the specifications in the "State of Wisconsin Aquatic Life Toxicity Testing Methods Manual, 1st Edition," Wisconsin Department of Natural Resources, 1996. This publication is available for inspection at the offices of the Department of Natural Resources, the Secretary of State, and the Revisor of Statutes. Copies are available from the Department of Natural Resources, Bureau of Integrated Science Services, P.O. Box 7921, Madison, WI 53707.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 26, 1996.

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 September 7, 1996

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer  
George E. Meyer, Secretary



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

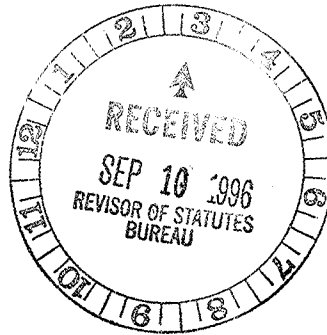
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Box 7921  
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TDD 608-267-6897

September 4, 1996

IN REPLY REFER TO:

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

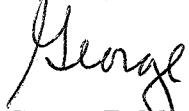


Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WW-17-96. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environmental Resources and Urban Affairs 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.