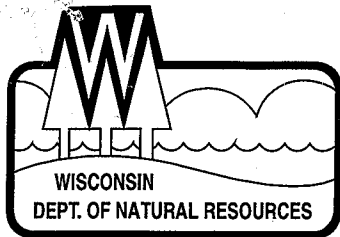


# Clearinghouse Rule 98-180

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES



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

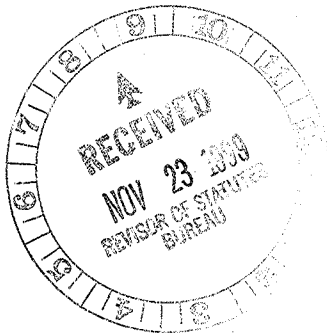
Box 7921  
101 South Webster Street  
Madison, Wisconsin 53707-7921  
TELEPHONE 608-266-2621  
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TDD 608-267-6897

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-59-98 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 16th day of November, 1999



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

(SEAL)



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

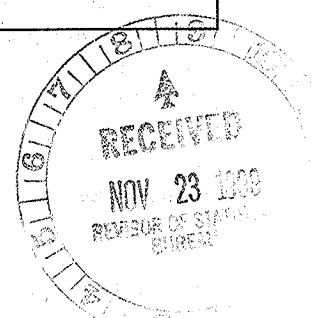
The State of Wisconsin Natural Resources Board proposes an order to amend NR 200.03(3)(d) and 206.03(17); to repeal and recreate NR 200.03(4); and to create NR 200.03(4) and (5) relating to WPDES permit exemptions for private sewage systems with a design capacity of less than 12,000 gallons per day

WT-59-98

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 283.31, 283.37 and 227.11(2)(a), Stats.  
Statutes interpreted: ss. 283.31 and 283.37, Stats.

Pursuant to existing regulations, the Department of Natural Resources has exempted private sewage systems with a design capacity of less than 8,000 gallons per day from the WPDES program. The proposed code revisions increase this threshold design capacity to 12,000 gallons per day. Specifically, under the proposed revisions, private sewage systems which are 12,000 gallons per day or less and which receive only domestic wastewater will not have to apply for a WPDES permit. All private sewage systems with a design capacity of greater than 12,000 gallons per day will have to apply for a WPDES permit.



SECTION 1. NR 200.03(3)(d) is amended to read:

NR 200.03(3)(d) Discharges of domestic sewage to disposal systems, such as to septic tanks and drain fields, defined as private sewage systems in s. 145.01(12), Stats., with a design capacity of ~~less than 8,000~~ 12,000 gallons per day or less;

SECTION 2. NR 200.03(4) is created to read:

NR 200.03(4) For the purpose of calculating the design capacity in sub. (3)(d), one of the following methods shall be used:

(a) Residential design capacity. The design capacity of 12,000 gallons per day for private sewage systems serving residential dwellings shall be deemed equivalent to 85 bedrooms. Residential dwellings include one- and 2-family dwellings, multi-family dwellings and mobile homes.

(b) Commercial design capacity. The design capacity of 12,000 gallons per day for private sewage systems serving commercial facilities shall be calculated on a case-by-case basis depending on the type and size of commercial establishment.

(c) Combined dwellings design capacity. The design capacity of 12,000 gallons per day for private sewage systems serving dwellings with combined residential and commercial uses shall be calculated by prorating the number of bedrooms on the basis of 85 bedrooms equaling 12,000 gallons per day for the residential dwellings and the estimated commercial wastewater flow calculated on a case-by-case basis depending on the type and size of commercial establishment to be served.

SECTION 3. NR 200.03(5) is created to read:

NR 200.03(4) When calculating design capacity under sub. (4), if one private sewage system is located near another private sewage system, the design capacities of each of the systems shall be added together if the perimeter of the distribution cell of one system is less than 1,500 feet from the perimeter of a distribution cell of another system and the systems are under the same ownership. In this paragraph, a distribution cell is the dimensional zone that is part of a private sewage system's treatment or dispersal component where wastewater is disseminated into in situ soil or engineered soil. In this subsection, ownership means a person, group of persons, a partnership or corporation.

Note: Any ambiguity regarding whether a system is under the same ownership shall be resolved by the department and the department of commerce on a case-by-case basis.

SECTION 4. NR 206.03(17) is repealed and recreated to read:

NR 206.03(17) "Large scale soil absorption system" means a private sewage system or subsurface soil absorption system which has a design capacity of more than 12,000 gallons per day where design capacity is calculated in accordance with s. NR 200.03(4).

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

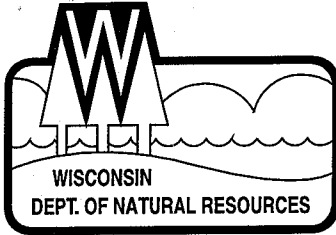
November 16, 1999

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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November 16, 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-59-98. These 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 E. Meyer  
Secretary

Enc.

