



CR 86-109

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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-29-86 was duly approved and adopted by this Department on August 28, 1986. 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 General Executive Facility #2 in the City of Madison, this 11th day of November, 1986.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

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Revisor of Statutes
Bureau

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

.....
IN THE MATTER of repealing s. NR 108.02(7);
renumbering s. NR 108.02(3) to (6) and (8) to .
(10); renumbering and amending s. NR 108.03; .
amending ss. NR 108.02(13)(e), 108.04(2) and .
108.06(4); repealing and recreating ch. NR 108 .
Title and s. NR 108.04(1); and creating .
ss. NR 108.02(2m), (3), (5), (6), (10) to (12) and .
(13)(f) and (g), 108.03(2) to (6), and 108.04(3).
to (5) of the Wisconsin Administrative Code .
pertaining to general requirements for water .
and wastewater systems .
.....

WW-29-86

Analysis Prepared By The Department Of Natural Resources

The rules are promulgated under the authority of ss. 144.025(2)(c) and 227.11(2)(a), Stats., and interpret s. 144.04, Stats. The effect of the amendments to ch. NR 108 is to clarify the action the Department will take when construction has commenced prior to plan approval, include language on the need for approval of flow and groundwater monitoring systems, and add standard approval conditions. The revisions will also incorporate plan approval requirements for pretreatment systems for industrial wastewaters sent to publicly owned treatment works.

SECTION 1. Chapter NR 108 Title is repealed and recreated to read:

Chapter NR 108

REQUIREMENTS FOR PLANS AND SPECIFICATIONS SUBMITTAL FOR REVIEWABLE PROJECTS
AND OPERATIONS OF COMMUNITY WATER SYSTEMS, SEWERAGE SYSTEMS AND INDUSTRIAL
WASTEWATER FACILITIES

SECTION 2. NR 108.02(2m) is created to read:

NR 108.02(2m) "Construction" means any placement, assembly or installation of facilities or equipment at the premises where such equipment will be used.

SECTION 3. NR 108.02(3) to (6) are renumbered NR 108.02(4) and (7) to (9) respectively.

SECTION 4. NR 108.02(3), (5) and (6) are created to read:

NR 108.02(3) "Compliance determination systems" means devices, such as flow meters and mechanical sampling equipment, used to determine whether a discharge is complying with permit conditions.

(5) "Groundwater monitoring system" means wells, piezometers or other equipment used to determine groundwater quality or elevation.

(6) "Industrial pretreatment facility" means a facility which reduces or removes pollutants from industrial wastes prior to discharge to a publicly owned sewerage system.

SECTION 5. NR 108.02(7) is repealed.

SECTION 6. NR 108.02(8) to (10) are renumbered NR 108.02(13) to (15), respectively.

SECTION 7. NR 108.02(10) to (12) are created to read:

NR 108.02(10) "Non-community water system" means a public water system that is not a community water system. A non-community water system typically serves a transient population rather than permanent year-round residents.

(11) "Permit" means a Wisconsin pollution discharge elimination system permit for the discharge of pollutants issued by the department under ch. 147, Stats.

(12) "Public water system" means a system providing piped water to the public for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A public water system is either a "community water system" or a "noncommunity water system". A public water system includes:

(a) Any collection, treatment, storage, and distribution facilities under control of the operator of the public water system and used primarily in connection with the public water system, and

(b) Any collection or pretreatment storage facilities not under control of the operator of the public water system which are used primarily in connection with the public water system.

SECTION 8. NR 108.02(13)(e) as renumbered is amended to read:

NR 108.02(13)(e) Any new industrial wastewater facility or any modification or alteration of an existing industrial wastewater facility, including compliance determination systems.

SECTION 9. NR 108.02(13)(f) and (g) are created to read:

NR 108.02(13)(f) Any new industrial pretreatment facility or any modification or alteration of an existing industrial pretreatment facility which may affect the quality or quantity of the discharge to a sewerage system.

(g) Any groundwater monitoring system associated with a wastewater treatment facility.

SECTION 10. NR 108.03 is renumbered NR 108.03(1) and amended to read:

NR 108.03 CONSTRUCTION OF REVIEWABLE PROJECTS. (1) No person shall ~~may~~ commence, or cause to be commenced, construction of any reviewable project until final plans and specifications for such project has ~~have~~ been reviewed and approved by the department or until at least 90 days has elapsed since the submission of final plans and specifications to the department, ~~whichever occurs first~~ and the department has not rejected the final plans and specifications. The 90-day time period may be extended as provided in s. 144.04, Stats.

SECTION 11. NR 108.03(2) to (6) are created to read:

NR 108.03(2) Site preparation work for industrial wastewater facilities and industrial pretreatment facilities may commence prior to the date of approval of plans and specifications. Site preparation work is limited to clearing, grubbing, and rough grading.

(3) The reviewable project shall be constructed in accordance with the approved plans and specifications and approval conditions or subsequent approved modifications.

(4) The department shall be notified when construction has commenced and again when the facilities are placed in operation.

(5) All existing treatment facilities shall be operated as effectively as possible during the course of the construction period.

(6) A resident inspector shall be provided by the treatment system owner or its consultant during the course of construction.

SECTION 12. NR 108.04 (title) and (1) is repealed and recreated to read:

NR 108.04 (title) PLANS FOR REVIEWABLE PROJECTS. (1) PRELIMINARY PLANS.

Prior to preparation of final plans and specifications for an industrial wastewater facility or industrial pretreatment facility, a conceptual design report of the proposed system may be submitted. Upon request the department will provide written comments on the acceptability of the concept and advice regarding design requirements.

SECTION 13. NR 108.04(2) is amended to read:

NR 108.04(2) SUBMISSION OF FINAL PLANS AND SPECIFICATIONS. (a) All final plans and specifications submitted to the department pursuant to s. 144.04, Stats., and s. NR 108.03, shall be accompanied by a request for approval and by information pertinent to the design of the system, including general plans, construction details, specifications and an engineering report. The facility owner, on whose behalf the submittal was made, shall be

notified by the department of any submittal deficiencies. Plans submitted without necessary design data will-be-retained may be rejected by the department. The plans and specifications and pertinent information shall be submitted at least 90 days prior to the date upon which the construction of the reviewable project is planned to commence, except in emergency situations when it is desired to commence construction in less than 90 days, in which case the plans and specifications shall be submitted as many days as possible prior to the desired construction date.

Note: The necessary accompanying design data for sewerage systems and waterworks can be found in ss. NR 110.06 to 110.11 and 111.11, respectively.

(b) Three sets of final plans and specifications shall be submitted for all reviewable projects except water main and sanitary sewer extensions in which cases only 2 sets need to be submitted. ~~Two-additional~~ Additional sets of plans and specifications shall ~~may be submitted~~ required for sewerage improvements that are eligible for state or federal grants-in-aid. One set of all approved plans and specifications will be affixed with the department's stamp of approval and returned to the owner.

Note: Section 59.635, Stats., requires that the county surveyor be notified if it is necessary to obliterate any landmark, monument, or corner post during construction. It is recommended that a copy of the construction plans be submitted to the county surveyor for review.

(c) The final plans and specifications shall be submitted under the signature and the seal of a professional engineer registered in Wisconsin.

1. This requirement may be waived at the discretion of the department for certain industrial wastewater and industrial pretreatment facilities not

affecting public health and for groundwater monitoring systems. Factors which may shall be considered by the department when granting a waiver include nature and size of the facilities-~~and~~, evidence of the individual's qualifications to design such specialized facilities as may be proposed, and the absence of public health and safety concerns.

2. This requirement is waived for community water systems which are not municipal water systems, as defined in s. NR 108.02 ~~(6)~~ (9), and which are not systems serving subdivisions, as defined in s. 236.02(8), Stats. For community water systems covered by this waiver, plans and specifications for proposed wells may be submitted by a well driller registered in Wisconsin, and for proposed pump installations, including the pump, piping and other appurtenances up to and including the pressure tank, by a pump installer registered in Wisconsin.

~~(d) The final plans and specifications shall include general plans, detailed plans, specifications and an engineering report. All reports, detailed plans and specifications shall be submitted at least 90 days prior to the date upon which the construction of the reviewable project is planned to commence. If construction is not commenced within 2 4 years from the date of approval for water main and sanitary sewer extensions or within 2 years from the date of approval for other systems, the approval is void. In the event if approval lapses by passage of time, application shall be made to the a new department for reapproval approval of the plans originally submitted in accordance with the requirements of NR 108.04(2) must be received before construction can commence.~~

(e) If modifications in the approved plans or specifications are necessary, revised plans or specifications shall be submitted to the

department for its approval prior to commencement of construction of the project modifications; ~~provided that revised.~~ Revised plans or specifications need not be submitted in the event the modifications in the approved plans or specifications will not affect the public health ~~or,~~ the capacity, flow or operation of the proposed facilities or devices to determine permit compliance.

(f) Plans shall be made on a high grade paper that will not crack when folded nor tear with reasonable usage. The maximum plan size should be 24" x 36"; and sheets in the same set of plans shall be numbered. The scale in feet to which the plans are drawn, the north point, the date and the name of the designer and owner shall, in all cases, be indicated. Drawings obtained from the manufacturer or supplier containing proprietary names or symbols will not be accepted for approval. All plans shall be drawn to a suitable scale not smaller than one inch equalling 40 feet for detailed plans and, whenever practicable, not smaller than one inch equalling 100 feet for general plans. Plans for modifications of or extensions to existing waterworks, sewerage systems ~~or,~~ industrial wastewater facilities or industrial pretreatment facilities shall clearly indicate the connections or relations thereto, and, if not already on file with the department, shall include plans of the existing system or ~~plant~~ facility.

SECTION 14. NR 108.04(3) to (5) are created to read:

NR 108.04(3) PLANS AND SPECIFICATIONS REVIEW. (a) The department shall examine and approve, conditionally approve, or reject the plans and specifications. The conditions of approval or reason for rejection shall be stated in writing.

(b) Approval of plans and specifications is not to be construed as a department determination on the issuance of a Wisconsin pollutant discharge elimination system permit, an opinion as to the ability of the proposed system to comply with effluent limitations in such permit, an approval of the environmental assessment that may be prepared for this project or an approval for any activities requiring a permit under ch. 30, 31 or 144, Stats. Approval of plans and specifications is also not to be construed as department certification of the ability of a proposed industrial pretreatment facility to comply with applicable pretreatment standards.

(4) REVIEW DELEGATION. (a) The department may delegate plans and specification review and/or approval authority for industrial pretreatment facilities to the governing body which controls the sewerage system to which the discharge is or will be directed. This delegation may be authorized upon written request and demonstration by the governing body of its capability to perform an adequate technical review.

(b) Review delegation shall be rescinded immediately, without a hearing, under any of the following circumstances:

1. The body receiving delegation requests that delegation be rescinded;
2. The department determines through an audit procedure that adequate and timely reviews and/or approvals have not been performed.

(c) If the department has delegated approval authority, a copy of plans and specifications, the review notes and correspondence, and a copy of the letter which approves, conditionally approves or rejects the plans and specifications shall be submitted to the department by the body receiving delegation at the time that final action occurs.

(d) If the department has delegated review authority, a copy of plans and specifications, the review notes and appropriate correspondence shall be submitted to the department by the body receiving delegation following the review activity.

(5) POST START OF CONSTRUCTION SUBMITTALS. The department shall not approve plans and specifications which are submitted after construction has commenced. The department may review the plans and specifications and require changes to components which may adversely affect public health, the operation of the proposed or existing facility and the determination of permit compliance. This review does not prohibit the department from taking enforcement action under s. NR 108.03.

SECTION 15. NR 108.06(4) is amended to read:

NR 108.06(4) REPORTS AND RECORDS. (a) Reports of operation of all municipal water ~~system~~ and systems, sewage treatment plants and industrial wastewater facilities and analyses of samples collected in conjunction thereto shall be submitted to the department on approved forms. Reports regarding the operation of waterworks during the preceding month shall be submitted to the department not later than the 10th day of each month. Reports regarding the operation of sewage treatment plants ~~during-the-preceding-month~~ and industrial wastewater facilities shall be submitted to the department ~~not later-than-the-28th-day-of-each-month~~ at the frequency specified in the permit for the facility.

Note: See ss. NR 109.80 and 111.27(2)(b) for other community water system reporting requirements.

(b) All owners or operators of sewage treatment plants and industrial wastewater facilities discharging wastewater into the waters of the state shall provide adequate flow measurement and recording equipment to measure the volume of effluent ~~discharge~~ discharged from their facility. Recorded ~~daily~~ flow data shall be submitted to the department ~~on-a-monthly-basis-by-the-28th day-of-the-month-following-the-month-of-record~~ at the frequency specified in the permit for the facility.

(c) All other waste facilities discharging to the waters of the state shall report under ~~applicable-regulations-established-under-s.-144.54,-Stats., and-the-rules-adopted-pursuant-thereto-(see ch. NR 101)-and ch. 147, Stats.~~

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 28, 1986

The rules contained herein shall take effect as provided in s. 227.026(1)(intro), Stats.

Dated at Madison, Wisconsin November 10, 1986

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besady
Carroll D. Besady, Secretary

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