

CR 85-87

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF NATURAL RESOURCES )

**RECEIVED**

JAN 15 1987  
*S. J. Dan*  
Revisor of Statutes  
Bureau

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. WQ-15-85b was duly approved and adopted by this Department on December 18, 1985. 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 13<sup>th</sup> day of January, 1987.

*Bruce B. Braun*  
Bruce B. Braun, Deputy Secretary

(SEAL)

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

.....  
IN THE MATTER of renumbering s. NR 212.40(3); amending ss. NR .  
212.40(4)(a) and (b), 212.60(1)(d) and (e), 212.60(1)(c), .  
(2)(c)1., 2.a., 3., (d), (e)2., (f)2., (g), (h)(intro.), and 2.; .  
repealing and recreating Tables 2-m, 3-m, 4-m and 5-m; .  
and creating ss. NR 212.40(1)(c), (2)(am), (c) and (d), . WQ-15-85b  
(3)(b) and (c), (6)(am) and (6)3. and Tables 1-c and 8-m .  
of the Wisconsin Administrative Code pertaining to .  
wasteload allocations. .  
.....

Analysis Prepared by Department of Natural Resources

Chapter NR 212, Wis. Adm. Code, allocates the class of pollutants known as BOD<sub>5</sub> allowable in certain streams in the state to municipal and industrial dischargers. The proposed revisions include amending baseline loads and multipliers for dischargers on the Wausau segment of the Upper Wisconsin River and creating baseline loads, multipliers and total maximum daily loads for dischargers on the DePere-Green Bay segment of the lower Fox River.

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Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 227.10 and 227.11(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby renumbers, amends, repeals and recreates and creates rules interpreting ss. 147.04(5), 147.05 and 147.25 Stats., as follows:

SECTION 1. NR 212.40(1)(c) is created to read:

NR 212.40(1)(c) The total maximum daily BOD<sub>5</sub> loads which are available for allocation to point sources discharging to the lower Fox river between milepoints 7.2 and 0.0 are shown in Table 1-c. The total maximum daily BOD<sub>5</sub> loads shown in Table 1-c have been determined in accord with ss. NR 102.02 and NR 102.03 to maintain the dissolved oxygen criteria except for natural conditions and the historically altered hydraulic characteristics.

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

NR 212.40(2)(am) Publicly-owned point sources between milepoints 7.2 and 0.0. The baseline load expressed in pounds per day for each publicly-owned point source shall be calculated as follows:

$$\text{Baseline Load} = (Q) (8.34) (60)$$

Where: Q = The average daily flow for the publicly-owned point source during 1979 expressed in millions of gallons per day, computed as:

3.96 million gallons per day for the publicly-owned point source located between milepoints 7.0 and 6.0.

19.03 million gallons per day for the publicly-owned point source located between milepoints 1.0 and 0.0.

8.34 = Conversion factor (lbs./gal.).

60 = Concentration of BOD<sub>5</sub> expressed in milligrams per liter.

SECTION 3. NR 212.40(2)(c) and (d) are created to read:

NR 212.40(2)(c) Nonpublicly-owned point sources between milepoints 7.2 and 0.0. The baseline load expressed in pounds per day for each nonpublicly-owned point source shall be calculated as follows:

$$\text{Baseline Load} = (\text{BPT}) (\text{Production})$$

Where: BPT = The final best practicable waste treatment effluent limitations for the point source as provided in chs. NR 284 and 285 or 217, where applicable, expressed in pounds of BOD<sub>5</sub> per ton of production.

Production = 1977 average daily off-machine production.

(d) Mini-cluster adjustment. The baseline load for nonpublicly owned point sources between milepoints 0.8 and 0.5, and 0.4 and 0.0 shall be adjusted by subtracting 10% of the contractual maximum daily BOD<sub>5</sub> discharged to the publicly-owned point source located between milepoint 1.0 and 0.0. The 10% contractual maximum figure for both nonpublicly owned point sources shall be added to the baseline load for the publicly-owned point source located between milepoints 1.0 and 0.0.

SECTION 4. NR 212.40(3) is renumbered 212.40(3)(a).

SECTION 5. NR 212.40(3)(b) and (c) are created to read:

NR 212.40(3)(b) The reserve capacity for each publicly-owned point source located between milepoints 7.0 and 6.0 shall be calculated as follows:

$$\text{Reserve Capacity} = (P) (110) (8.34) (60)$$

Where: P = Projected population change for the area between the years 1979 and 2000 expressed in millions of people.

110 = Projected per-capita wastewater flow expressed in gallons per day.

8.34 = Conversion factor (lbs./gal.).

60 = Concentration of BOD<sub>5</sub> expressed in milligrams per liter.

(c) The reserve capacity for each publicly-owned point source located between milepoints 1.0 and 0.0 shall be calculated as follows:

Reserve Capacity = (P) (111) (8.34) (60)

Where: P = Projected population change for the area between the years 1979 and 2000 expressed in millions of people.

111 = Projected per-capita wastewater flow expressed in gallons per day.

8.34 = Conversion factor (lbs./gal.).

60 = Concentration of BOD<sub>5</sub> expressed in milligrams per liter.

SECTION 6. NR 212.40(4)(a) and (b) are amended to read:

NR 212.40(4) Determine the adjustments to the baseline loads.

(a) The adjusted baseline load for each publicly-owned point source shall be equal to the baseline load for the source calculated in sub. (2) (a) and (am) plus the reserve capacity for the same source calculated in sub. (3).

(b) The adjusted baseline load for each nonpublicly-owned point source shall be calculated as follows:

Adjusted Baseline Load = (BL) -  $\frac{(BL)}{\text{Total BL}}$  x (Total Reserve Capacity)

Where: BL = The baseline load for the nonpublicly-owned point source as determined using the procedures in sub. (2) (b) and (c).

Total BL = The sum of all the baseline loads for nonpublicly-owned point sources calculated in sub. (2) (b) and (c) within the applicable stream segment defined in sub. (1).

Total Reserve Capacity = The sum of all the reserve capacities for publicly-owned point sources calculated in sub. (3) within the applicable stream segment defined in sub. (1).

SECTION 7. NR 212.40(6)(am) is created to read:

NR 212.40(6)(am) For a point source discharging into the lower Fox river from milepoints 7.2 through 0.0, the sum of the actual daily discharges for any 7-consecutive-day-period may not exceed the sum of the daily point source allocation values calculated under sub. (5) for the same 7-consecutive-day period; and

SECTION 8. NR 212.40(6)(b)3. is created to read:

NR 212.40(6)(b)3. For a point source discharging into the lower Fox river between milepoints 7.2 and 0.0, the actual discharge may not exceed 134% of the allocation for that day as calculated under sub. (5).

SECTION 9. NR 212.60(1)(c) is amended to read:

NR 212.60(1)(c) The baseline load for each publicly-owned point source located between milepoints ~~235.4~~ 240.0 and 271.1 shall be calculated as follows:

$$\text{Baseline Load} = (Q) (8.34) (C)$$

Where Q = 0.55 million gallons per day for publicly-owned point sources located between milepoints ~~235.4~~ 240.0 and 250.0.

4.0 million gallons per day for publicly-owned point sources located between milepoints 250.0 and 260.0.

~~9.2~~ 8.2 million gallons per day for publicly-owned point sources located between milepoints 260.0 and 265.0.

0.1 million gallons per day for publicly-owned point sources located between milepoints 265.0 and 271.1.

Where 8.34 = Conversion factor (lbs./gal.).

Where C = ~~30-milligrams-per-liter-concentration-of-BOD<sub>5</sub>-for--  
publicly-owned-point-sources-located-between-milepoints  
235.4-and-260.0;-and-publicly-owned-point-sources-located  
between-milepoints-265.0-and-271.1.~~

~~45-milligrams-per-liter-concentration-of-BOD<sub>5</sub>-for--  
publicly-owned-point-sources-located-between-milepoints  
250.0-and-260.0.~~

~~60-milligrams-per-liter-concentration-of-BOD<sub>5</sub>-for--  
publicly-owned-point-sources-located-between-milepoints  
260.0-and-265.0.~~

45 milligrams per liter concentrations of BOD<sub>5</sub> for  
publicly-owned point sources located between milepoints  
240.0 and 250.0, 250.0 and 260.0, and 265.0 and 271.1.

60 milligrams per liter concentration of BOD<sub>5</sub> for  
publicly owned point sources located between milepoints  
260.0 and 265.0.

SECTION 10. NR 212.60(1)(d) and (e) are amended to read:

NR 212.60(1)(d) The baseline load for each nonpublicly-owned point source with best practicable waste treatment effluent limitations of less than 500 pounds per day located between milepoints 271.1 and ~~235.4~~ 240.0 shall be calculated as follows:

Baseline Load = (BPT) (Production)

Where BPT = The final best practicable waste treatment effluent limitations for the point source as provided in chs. NR 284 and 285, or 217, where applicable expressed as pounds of BOD<sub>5</sub> per ton of production. ~~If chs. NR-284 and-285-do-not-apply,-the-best-practicable-waste-treatment-effluent-limitations-as-determined-under ch.-NR-217-shall-apply.~~

Production= The maximum weekly off-machine production during 1979-1981 expressed as tons per day.

(e) The baseline load for each nonpublicly-owned point source with best practicable waste treatment effluent limitations of BOD<sub>5</sub> equal to or exceeding 500 pounds per day located between milepoints 271.1 and ~~235.4~~ 240.0 shall be calculated as follows:

Baseline Load = (BPT) (Production)

Where BPT = The final best practicable waste treatment effluent limitations for the point source as provided in chs. NR 284 and 285, or 217, where applicable expressed as pounds of BOD<sub>5</sub> per ton of production. ~~If chs. NR-284 and 285 do not apply, the best practicable waste treatment effluent limitations as determined under ch. NR-217 shall apply.~~

Production= The average weekly off-machine production expressed as tons per day from March to December 1973 for point sources located between milepoints 271.0 and 258.5 and the BPT WPDES permit limits for 1978 for point sources located between milepoints 258.4 and 258.2 and the average weekly off-machine production expressed as tons per day during 1974 for point sources located between milepoints 258.19 and 249.0 and the average weekly off-machine production expressed as tons per day during 1973 plus the woodroom allowance for sources located between milepoints 248.9 and ~~235.9~~ 240.0.

SECTION 11. NR 212.60(2)(c)1., (c)2.a., (c)3., (d), (e)2., (f)2., (g), (h) (intro) and 2. are amended to read:

NR 212.60(2)(c)1. The allocation for publicly-owned point sources located between milepoint ~~235.4~~ 240.0 and 250.0 shall be its baseline load as determined under sub. (1)(c).

2.a. For the period January 1, 1986 through December 31, 1990, the allocation shall be determined as follows:



Point Source Allocation = (Q) (8.34) (45)

Where Q = 3.1 million gallons per day

8.34 = Conversion factors (lbs./gal.)

45 = 45 milligrams per liter concentration of BOD<sub>5</sub>

(c)3. The allocation for the publicly-owned point source located between milepoints 260.0 and 265.0 shall be ~~its baseline load as determined in sub-~~ (1)(e) a reduction in discharge to levels appearing in Table 8-m. for the period ending December 31, 1985. The allocation to become effective on January 1, 1986 shall be determined at the time of the first 5-year reevaluation under s. NR-212.06(2). For purposes of determining compliance with water quality related effluent limits, the following conditions shall be met:

a. The sum of actual daily discharges for any 5-consecutive-day period may not exceed the sum of the daily point source allocation values calculated for the same 5-consecutive-day period.

b. For any one day period, the actual discharge for the point source may not exceed 108.5% of the allocation for that day calculated for those flow temperature regimes identified as Condition A in Table 8-m or 101.8% of the allocation for that day calculated for those flow/temperature regimes identified as Condition B in Table 8-m or 113.0% of the allocation calculated for those flow/temperature regimes identified as Condition C in Table 8-m.

(2)(d) The allocation for each nonpublicly-owned point source located between milepoints 271.1 and ~~235.4~~ 240.0 with best practicable waste treatment effluent limits of less than 500 pounds of BOD<sub>5</sub> per day shall be its baseline load as determined under sub. (1)(d).

(e)2. For any one day period, the actual discharge for the point source may not exceed ~~119.3%~~ 101.8% of the allocation for that day calculated for those flow/temperature regimes identified as Condition B in Table 2-m or ~~137.8%~~ 113.0% of the allocation calculated for those flow/temperature regimes identified as Condition C in Table 2-m. No percentage adjustment shall be made for conditions identified as Condition A in Table 2-m.

(f)2. For any one day period, the actual discharge for the point source may not exceed ~~119.3%~~ 108.5% of the allocation for that day calculated for those flow/temperature regimes identified as Condition B A in Table 3-m or ~~137.8%~~ 101.8% of the allocation calculated for those flow/temperature regimes identified as Condition G B in Table 3-m. ~~No percentage adjustment shall be made for conditions identified as Condition A in Table 3-m.~~ or 113.0% of the allocation calculated for those flow/temperature regimes identified as Condition C in Table 3-m.

(2)(g) The allocation for each nonpublicly-owned point source located between milepoints 258.19 and 249.0 with best practicable waste treatment effluent limits equal to or exceeding 500 pounds of BOD<sub>5</sub> per day shall be a reduction in its discharge to levels appearing in Table 4-m. For purposes of determining compliance with water quality related effluent limits, the following conditions shall be met:

1. The sum of actual daily discharges for any 5-consecutive-day period may not exceed the sum of the daily point source allocation values calculated for the same 5-consecutive-day period.

2. For any one day period, the actual discharge for the point source may not exceed 108.5% of the allocation for that day for those flow/temperature regimes identified as Condition A in Table 4-m or 101.8% of the allocation

calculated for those flow/temperature regimes identified as Condition B in Table 4-m or 113.0% of the allocation calculated for those flow/temperature regimes identified as Condition C in Table 4-m.

(2)(h) The allocation for each nonpublicly-owned point source located between milepoints 248.9 and ~~235.4~~ 240.0 with best practicable waste treatment effluent limits equal to or exceeding 500 pounds of BOD<sub>5</sub> per day shall be a reduction in its discharges to levels appearing in Table 5-m. For purposes of determining compliance with water quality related effluent limits, the following conditions shall be met:

(h)2. For any one day period, the actual discharge for the point source may not exceed ~~131.8%~~ 113.4% of the allocation for that day calculated for those flow/temperature regimes identified as Condition G in Table 5-m or 110.2% of the allocation for that day calculated for those flow/temperature regimes identified as Condition B in Table 5-m or 113.0% of the allocation for that day calculated for those flow/temperature regimes identified as Condition C in Table 5-m. ~~No-percentage-adjustment-shall-be-made-for-conditions identified-as-Condition-A-or-B-in-Table-5-m.~~

SECTION 12. Table 1-c is created to read:



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

|                        |  | Flow at Rapide Croche Dam (cfs) (Previous four day average) |       |       |       |       |       |       |        |        |        |        |        |        |        |        |
|------------------------|--|---|-------|-------|-------|-------|-------|-------|--------|--------|--------|--------|--------|--------|--------|--------|
| - FLOW (CFS) :         |  | 750   | 751   | 1001  | 1251  | 1501  | 1751  | 2001  | 2251   | 2501   | 2751   | 3001   | 3501   | 4001   | 5001   | 8001   |
| - :                    |  | OR  | TO    | TO    | TO    | TO    | TO    | TO    | TO     | TO     | TO     | TO     | TO     | TO     | TO     | OR     |
| TEMP DEG F - :         |  | LESS  | 1000  | 1250  | 1500  | 1750  | 2000  | 2250  | 2500   | 2750   | 3000   | 3500   | 4000   | 5000   | 8000   | MORE   |
| (Previous Day Average) |  | JULY-AUGUST   |       |       |       |       |       |       |        |        |        |        |        |        |        |        |
| 86.0 OR GREATER        |  | 58590   | 54240 | 49380 | 46070 | 44240 | 43820 | 44760 | 47000  | 50460  | 55100  | 64090  | 79580  | 109280 | 150180 | 150180 |
| 82.0 TO 85.0           |  | 55410   | 51740 | 47850 | 45480 | 44570 | 45060 | 46880 | 49980  | 54290  | 59740  | 69930  | 86930  | 118750 | 150180 | 150180 |
| 78.0 TO 81.0           |  | 51120   | 48610 | 46340 | 45570 | 46220 | 48230 | 51550 | 56110  | 61840  | 68690  | 80910  | 100500 | 135960 | 150180 | 150180 |
| 74.0 TO 77.0           |  | 47830   | 46550 | 46010 | 46920 | 49240 | 52880 | 57790 | 63910  | 71170  | 79510  | 93910  | 116300 | 150180 | 150180 | 150180 |
| 70.0 TO 73.0           |  | 45530   | 45550 | 46840 | 49550 | 53620 | 58990 | 65600 | 73380  | 82270  | 92210  | 108940 | 134320 | 150180 | 150180 | 150180 |
| 66.0 TO 69.0           |  | 44230   | 45620 | 48830 | 53440 | 59380 | 66580 | 74980 | 84520  | 95140  | 106780 | 125990 | 150180 | 150180 | 150180 | 150180 |
| 62.0 TO 65.0           |  | 43930   | 46760 | 52000 | 58600 | 66500 | 75630 | 85930 | 97340  | 109790 | 123220 | 145070 | 150180 | 150180 | 150180 | 150180 |
| 61.0 OR LESS           |  | 44620   | 48960 | 56330 | 65030 | 74990 | 86150 | 98450 | 111820 | 126200 | 141530 | 150180 | 150180 | 150180 | 150180 | 150180 |



SECTION 13. Tables 2-m, 3-m, 4-m and 5-m are repealed and recreated to read:







































SECTION 14. Table 8-m is created to read:









The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on December 18, 1985.

The rules contained herein shall take effect as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin

January 13, 1987

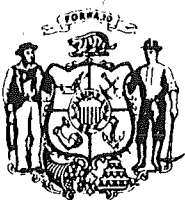
STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

Carroll D. Besady  
Carroll D. Besady, Secretary

(SEAL)

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State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

January 14, 1987

IN REPLY REFER TO: 1020

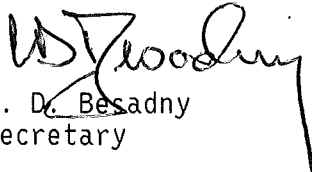
Mr. Orlan L. Prestegard  
Revisor of Statutes  
Suite 904  
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WQ-15-85b. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

  
C. D. Besadny  
Secretary

Enc.

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