

## Chapter NR 200

### APPLICATIONS FOR DISCHARGE PERMITS WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM

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**NR 200.01 Purpose.** The purpose of this chapter is to set forth the requirements for filing applications for the discharge permits required by section 147.02, Wis. Stats., and to prescribe the form and content of such applications pursuant to section 147.025, Wis. Stats. Section 147.02, Wis. Stats., requires a permit for the lawful discharge of any pollutant into the waters of the state, which include ground waters by the definition set forth in section 147.015 (13), Wis. Stats. The federal water pollution control act amendments of 1972, P.L. 92-500; 33 U.S.C. 1251 et seq., require a permit for the lawful discharge of any pollutant into navigable waters. Therefore in Wisconsin, permits are required for discharges from point sources to surface waters of the state and additionally to land areas where pollutants may percolate, or seep to, or be leached to, ground waters.

**History:** Cr. Register, January, 1974, No. 217, eff. 2-1-74.

**NR 200.02 Definitions.** For the purpose of this chapter the following definitions are applicable.

- (1) "DEPARTMENT" means the department of natural resources.
- (2) "DISCHARGE OF POLLUTANT" or "discharge of pollutants" means any addition of any pollutant to the waters of this state from any point source.
- (3) "MUNICIPALITY" means any city, town, village, county, county utility district, town sanitary district, town utility district, school district or metropolitan sewage district or any other public entity created pursuant to law and having authority to collect, treat or dispose of sewage, industrial wastes or other wastes.
- (4) "PERSON" for purposes of this chapter and chapter 144, Wis. Stats., means an individual, owner or operator, corporation, partnership, association, municipality, interstate agency or state agency.
- (5) "POINT SOURCE" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants may be discharged either into the waters of this state or into a publicly owned treatment works. "Point source" shall

not include diffused surface drainage or any ditch or channel which serves only to intermittently drain excess surface water from rain or melting snow and is not used as a means of conveying pollutants into waters of the state. "Point source" shall not include uncontrolled discharges composed entirely of storm runoff when these discharges are uncontaminated by any industrial or commercial activity, unless the particular storm runoff discharge has been identified by the department as a significant contributor of pollution.

(6) "POLLUTANT" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

(7) "TREATMENT WORK" means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial waste of a liquid nature or necessary to recycle or reuse water at the most economical cost over the estimated life of the work, including intercepting sewers, outfall sewers, sewage collection systems, cooling towers and ponds, pumping, power and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment. Additionally, "treatment work" means any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems.

(8) "WATERS OF THE STATE" means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface or ground water, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

**History:** Cr. Register, January, 1974, No. 217, eff. 2-1-74.

**NR 200.03 Applicability and exclusions.** (1) An application for a discharge permit shall be filed by any person who discharges any pollutant from a point source to the waters of the state unless the discharge is excluded under subsection (2) below or the provisions in sections NR 200.11 to 200.14 inclusive of this chapter. Discharges for which applications are required include, but are not limited to:

(a) Direct discharge of any pollutant to any surface water;

(b) Discharge of any pollutant including cooling waters to any surface water through any storm sewer system not discharging to a publicly owned treatment works;

(c) Discharge of pollutants other than from agriculture for the purpose of disposal, treatment, or containment on land areas in-

cluding land disposal systems such as ridge and furrow, irrigation, and ponding systems;

(d) Where the discharge of pollutants as set forth in paragraphs (a), (b), and (c) of this section is by hauling the applications shall be filed by the persons responsible for the origin of the pollutants.

(2) The following discharges are exempt from the requirement of subsection (1) above:

(a) Discharges to publicly owned treatment works;

(b) Sewage discharged from vessels;

(c) Discharges from properly functioning marine engines;

(d) Discharges of domestic sewage to disposal systems, such as to septic tanks and drain fields, defined as plumbing in section 145.01 (1) (b), Wis. Stats., and subject to regulation thereunder;

(e) The disposal of septic tank pumpage and other domestic waste to the extent that it is regulated by chapter NR 113, Wis. Adm. Code; and

(f) The disposal of solid wastes, including wet or semi-liquid wastes, at a site or operation licensed pursuant to chapter NR 151, Wis. Adm. Code.

(g) Discharge of dredge carriage return flows where the dredging is done under a chapter 30, Wis. Stats., permit or contract.

**History:** Cr. Register, January, 1974, No. 217, eff. 2-1-74; cr. (2) (g), Register, November, 1976, No. 251, eff. 12-1-76.

**NR 200.04 General filing requirements.** (1) Unless otherwise provided in this chapter all existing discharges for which an application is required under sections NR 200.03(1) (a) and (b) shall have a complete application on file on or before January 17, 1974, unless an application adequately describing the present discharge has been filed with:

(a) The U.S. army corps of engineers or the environmental protection agency under section 13 of the river and harbors act of 1899, 33 U.S.C. 407, or

(b) The environmental protection agency under the federal water pollution control amendments of 1972, P.L. 92-500; 33 U.S.C. 1251 et seq.

(2) In the case of all existing discharges for which an application will be required under section NR 200.03 (1) (c) a complete application shall be on file on or before July 1, 1974.

(3) In the case of all existing discharges for which an application will be required under section NR 200.12 (1) a complete application shall be on file no later than 180 days following adoption of that section.

(4) For any existing point source, for which an application would be required under section NR 200.03, Wis. Adm. Code, which has been closed or has ceased to discharge and which intends to reopen or recommence discharge, whether under the former or new ownership or management, a complete application shall be on file not later than 180

days prior to the date on which it is intended to recommence discharge.

(5) For any new point source, the construction of which commenced after July 22, 1973, and for which an application will be required under section NR 200.03, Wis. Adm. Code, a complete application shall be on file not later than 180 days prior to the date on which it is intended that discharges commence from such source.

(6) Applications shall be filed with the Department of Natural Resources, WPDES Permit Section, Box 7921, Madison, Wisconsin 53707.

(7) Applications shall be filed on one or more of the forms prescribed in this chapter. In most cases only one form will be required.

(8) The application form shall be signed as follows:

(a) In the case of a corporation, by a principal executive officer of at least the level of vice-president, or by his authorized representative responsible for the overall operation of the point source for which a permit is sought,

(b) In the case of a partnership, by a general partner,

(c) In the case of a sole proprietorship, by the proprietor, or

(d) In the case of a publicly owned treatment works by a principal executive officer, ranking elected official, or other duly authorized employe.

**History:** Cr. Register, January, 1974, No. 217, eff. 2-1-74; am. (1) (intro), (6) and (7), Register, June, 1977, No. 258, eff. 7-1-77.

**NR 200.05 Incomplete application.** (1) The department may require any applicant to submit data necessary to complete any deficient application or may require the applicant to submit a complete new application where the deficiencies are extensive or the appropriate form has not been used. Any additional data requested shall be submitted within 60 days of the date of receipt of such request on a form supplied by the department and signed as required by section NR 200.04, Wis. Adm. Code.

**History:** Cr. Register, January, 1974, No. 217, eff. 2-1-74.

**NR 200.06 Use of information.** (1) Data submitted in the applications will be used as a basis for issuing discharge permits. In some instances it may be necessary for the department to request additional information relating to the discharges from the applicant's facility. Such additional information shall be submitted in accordance with section NR 200.05, Wis. Adm. Code.

(2) All information contained in an application other than that specified as confidential shall be available to the public for inspection and copying. All confidential information, so identified, shall be set forth in separate documents. Effluent data shall not be deemed confidential information. Confidential treatment will be considered only for that information identified as such in documents separate from nonconfidential information which meets the requirements of

section 147.08 (2) (c), Wis. Stats., and for which written application for confidentiality has been made pursuant to NR 2.19.

**History:** Cr. Register, January, 1974, eff. 2-1-74; emerg. r. and recr. (2), eff. 1-1-75; r. and recr. (2), Register, May, 1975, No. 233, eff. 6-1-75.

**NR 200.07 Reporting of new discharges.** Pursuant to section 147.14, Wis. Stats.:

(1) Any permittee discharging pollutants into waters of the state shall give notice to the department at least 180 days prior to any facility expansion, production increase, or process modification which will result in a new or increased discharge of one or more pollutants.

(a) If such new or increased discharge will result in exceeding or violating any effluent limitation of the existing permit for the discharge, a new application shall be filed by the permittee pursuant to section 147.025, Wis. Stats., for the purpose of obtaining either a modification of the existing permit or the issuance of a new permit.

(b) If such new or increased discharge will not result in exceeding or violating any effluent limitations of the permit, such notice shall be given in the form of a letter addressed to the Department of Natural Resources, WPDES Permit Section, Box 7921, Madison, Wisconsin 53707. Said letter shall refer to the number and expiration date of the existing permit, describe the proposed expansion, production increase, or process modification, and include a statement that no effluent limitation of the permit will be exceeded or violated. Such letter of notification shall be signed by the person required to sign permit applications and monitoring reports.

(2) Any person discharging, or intending to commence discharging, into a publicly owned treatment works who is or will become subject to the discharge reporting requirements of section 147.025 (4), Wis. Stats., shall give notice of the following, to the department and the owner or operator of such works, using the form prescribed in chapter NR 202, Wis. Adm. Code, at least 180 days prior to:

(a) Any introduction of pollutants into such treatment works from any new source, or

(b) Any introduction of types or volumes of pollutants into such treatment works which were not described in the report submitted under section 147.025 (4), Wis. Stats.

(3) The owner or operator of a publicly owned treatment works receiving a notice under subsection (2) is subject to subsection (1) and shall also include in his notice information on the quality and quantity of effluent to be introduced into such treatment works and any anticipated impact of such pollutants on the quantity and quality of effluent to be discharged from such works.

**History:** Cr. Register, January, 1974, No. 217, eff. 2-1-74; am. (1) (b), Register, June, 1977, No. 258, eff. 7-1-77.

**NR 200.08 Application for reissuance.** (1) Pursuant to section 147.03 (3), Wis. Stats., a permittee who wishes to continue to discharge after the expiration of the permit shall file an application for reissuance of the permit at least 180 days prior to the expiration date thereof.

(2) The application for reissuance of a permit shall be submitted on forms supplied by the department and shall be signed as provided in section NR 200.04 (8).

(3) Data or information supplied in or with the application for reissuance and additional data or information which may be requested in accordance with section NR 200.05, will be used as set forth in section NR 200.06.

**History:** Cr. Register, November, 1976, No. 251, eff. 12-1-76.

**NR 200.10 Application forms.** (1) Different application forms have been designed and used by the environmental protection agency to provide information from different types of sources of discharge. Forms prescribed by this chapter in sections 200.11 to 200.16 inclusive are similar to the federal forms designated as short forms A, B, C, and D and standard forms A and C.

(2) Forms may be obtained from the district offices of the department or the Department of Natural Resources, WPDES Permit Section, Box 7921, Madison, Wisconsin 53707.

**History:** Cr. Register, January, 1974, No. 217, eff. 2-1-74; am. (2), Register, June, 1977, No. 258, eff. 7-1-77.

**NR 200.11 Short form A. Sewerage systems and treatment works.**

(1) This form shall be used by owners or operators of:

(a) Publicly owned sewerage systems and treatment works; and

(b) Privately owned treatment works receiving domestic sewage only, exclusive of such works receiving also wastes from industrial, agricultural, or service establishment point sources for which applications are required on short form C or D.

(2) The application shall be on forms supplied by the department.

(3) Owners or operators of publicly owned treatment works will be required to submit applications on standard form A if any of the conditions listed in section NR 200.15 are met.

**History:** Cr. Register, January, 1974, No. 217, eff. 2-1-74; r. and recr. Register, June, 1977, No. 258, eff. 7-1-77.

**NR 200.12 Short form B. Agriculture.** (1) **APPLICABILITY.** (To be created at a later date.)

(2) **FORM AND CONTENT.** The application shall be submitted on forms supplied by the department.

**History:** Cr. Register, January, 1974, No. 217, eff. 2-1-74.

**NR 200.13 Short form C. Industrial, manufacturing, and mining.**

(1) This form shall be used by owners or operators of:

(a) Industrial, manufacturing and mining point sources including steam electric power plants, producers of sand, gravel, and stone, and the dairy, meat packing, and fruit and vegetable freezing and canning industries; and

(b) Silvicultural point sources as defined in subsection (4) of this section.

(2) The application shall be on forms supplied by the department.

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(3) Owners or operators using short form C will be required to submit applications on standard form C if any of the conditions listed in section NR 200.16 are met.

(4) For the purposes of this section: (a) "Silvicultural point source" means any discernible confined and discrete conveyance related to rock crushing and gravel washing facilities or log sorting or storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into surface waters of the state;

(b) "Rock crushing and gravel washing facilities" means those facilities which process crushed and broken stone, gravel, and riprap; and

(c) "Log sorting or storage facilities" means those facilities wherein discharges result from the holding of unprocessed wood (logs or round wood with, or after removal of, bark) in mill or log ponds or on land storage areas where water is intentionally applied to the logs.

(5) Applications for silvicultural point sources shall be filed by December 31, 1976.

**Note:** Discharges from facilities described in (4) (b) and (c) are subject to effluent limitations set forth in Wis. Adm. Code chapters NR 269 and NR 297 respectively.

**History:** Cr. Register, January, 1974, No. 217, eff. 2-1-74; r. and recr. Register, June, 1977, No. 258, eff. 7-1-77.

**NR 200.14 Short form D.** Wholesale, retail, service, and other commercial establishments. (1) This form shall be used by owners or operators of wholesale and retail trade outlets and service or other commercial establishments not engaged in manufacturing or agriculture. Applicants using this form may be required to file an application on standard form C if any of the conditions listed in section NR 200.16 are met.

(2) The application shall be on forms supplied by the department.

**History:** Cr. Register, January, 1974, No. 217, eff. 2-1-74; r. and recr. June, 1977, No. 258, eff. 7-1-77.

**NR 200.15 Standard form A. Municipal.** (1) **APPLICABILITY.** This form shall be used by all municipalities which meet any of the following conditions.

(a) The discharges from the facility have a total volume of more than 5 million gallons on any day of the year;

(b) The facility serves a population in excess of 10,000; or

(c) The facility receives wastes from an industrial user and such waste

1. Has a total volume of more than 50,000 gallons on any day of the year,

2. Contains toxic pollutants,

3. Has a total volume which constitutes more than 5% of the volume of the total discharge from the facility on any day of the year, or

4. Alone or in combination with other discharges into the facility interfere with the operation of the facility or adversely affect the quality of the discharge from the facility.

(2) **FORM AND CONTENT.** The application shall be submitted on forms supplied by the department.

(3) **SHORT FORM APPLICATION UNNECESSARY.** Any applicant may submit a standard form without prior submission of a short form if he complies with all applicable filing dates and requirements.

**History:** Cr. Register, January, 1974, No. 217, eff. 2-1-74.

**NR 200.16 Standard form C. Manufacturing and commercial. (1) APPLICABILITY.** This form shall be used by all manufacturing and commercial establishments required to file applications using short form A, C, or D and which meet either of the following conditions.

(a) The discharges (except those to publicly owned treatment works) from the facility have a total volume of 50,000 gallons on any day of the year;

(b) The discharges (except those to publicly owned treatment works) contain toxic pollutants.

(2) **FORM AND CONTENT.** The application shall be submitted on forms supplied by the department.

(3) **SHORT FORM APPLICATION UNNECESSARY.** Any applicant may submit a standard form without prior submission of a short form if he complies with all applicable filing dates and requirements.

**History:** Cr. Register, January, 1974, No. 217, eff. 2-1-74.