

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING AND RE-CREATING RULES**

The Natural Resources Board proposes an order to repeal and re-create ch. NR 208 pertaining to wastewater treatment works compliance maintenance.

WT-11-04

Analysis Prepared by Department of Natural Resources

Statutory authority: s. 227.11(2), Stats.

Statutes interpreted: s. 283.001, 283.31, 283.55, Stats.

Chapter NR 208 establishes an annual reporting requirement for domestic wastewater treatment plants and sanitary sewer collection systems. The annual report is commonly known as the Compliance Maintenance Annual Report (CMAR). The CMAR is a proactive self-assessment tool that evaluates the performance of a treatment works during a calendar year and its level of compliance with permit limits and conditions. The CMAR is used to diagnose wastewater treatment works' needs before violations occur thus maintaining compliance with the terms of the WPDES (Wisconsin Pollution Discharge Elimination System) permit. The CMAR is also a communication tool between the wastewater treatment plant operator, the governing body or owner of the treatment works and the department.

Chapter NR 208- Compliance Maintenance is being repealed and recreated to achieve four objectives: assuring consistency with other rules; expanding application of the rule to sanitary sewer collection system operation & maintenance; improving the compliance maintenance rating system; and improving the quality and ease of reporting through electronic data management integration. The requirements for the submittal of the Compliance Maintenance Annual Report (CMAR) were established by rule in 1987, with revisions in 1992. Currently, 669 wastewater treatment facilities in the state complete the annual report and have been doing so for 17 years.

Through ch. 283, Stats., the department has the authority to administer the WPDES permit program. Sections 283.001, 283.31, 283.55 and 227.11(2), Stats., give the department the authority to develop rules for the administration of the WPDES permit program as well as the CMAR reporting program. Pursuant to s. 283.001, Stats., a primary goal of the WPDES permit program is to prevent, reduce and abate water pollution in the state. CMAR's help wastewater treatment facilities comply with WPDES permit requirements and consequently help these facilities prevent and reduce water pollution in the state.

Recent proposed federal regulations for collection systems, Capacity, Management, Operation and Maintenance (CMOM) is reflected through the creation of a new Sanitary Sewer Collection System Section in the CMAR. This new section focuses on operation and maintenance activities of collection systems in an effort to help reduce the number of sanitary sewer overflows occurring in the state. A report prepared for the Natural Resources Board in 2001 entitled "Sewer Overflows in Wisconsin" recommended expanding the compliance maintenance program to include satellite sewer systems that discharge into another municipality's collection and treatment system to ensure proper operation, maintenance and capacity of those systems. Routine collection system maintenance extends the useful life and capacity of these systems and reduces the incidence of sanitary sewer overflows. U.S. EPA supports the re-development of Wisconsin's compliance maintenance program through the award of two grants

Compliance Maintenance and the annual self-evaluation report are unique to Wisconsin. There is no federal CMAR reporting requirement. While many states and Ontario Province have tried to emulate Wisconsin's CMAR, other states have their own reports or methodologies to best suit their unique wastewater management regulatory programs. Adjacent states are currently interested in the sanitary sewer collection system section of the CMAR as a tool in implementing a future CMOM program.

Changes to ch. NR 208 include the revision of the annual report. The report includes fifteen sections in an electronic format (web-based). All CMAR reporting will have to be submitted electronically by 2007. Section completion will be specific to the type of treatment works. Each CMAR section will be conventionally graded (A, B, C, D and F) and an overall treatment works grade point average will be determined each year. Responses will be required by the treatment works owners for low grades in any section (C, D or F) or for low overall grade point average (< 3.0). A new section, Sanitary Sewer Collection Systems, will affect, for the first time, 310 collection systems tributary to regional or larger treatment plants. These collection systems currently have a general WPDES permit. The goal of this CMAR section is to optimize collection system operation and maintenance activities and system performance, thus reducing sanitary sewer overflows and basement backups.

The rules for the revised compliance maintenance annual report were developed using many sources of data and methodologies. CMAR sections were redeveloped using the operational experience of many DNR staff, field engineers, consultants and wastewater treatment operators; using standard operating practice manuals used widely within the profession, and USEPA reports on operations and performance limiting factors of wastewater treatment facilities. The basis of the new sanitary sewer collection system was developed using the USEPA and American Society of Civil Engineers report entitled, *Optimization of Collection System Maintenance Frequencies and System Performance (February 1999)*. The objective of this practical report was to develop an optimized approach for maintenance of separate collection systems and the approach was adapted for use in the CMAR.

The Department reviewed its database of WPDES permittees and determined approximately 50 small businesses such as trailer parks, resorts and private campgrounds will be affected by this rule. These businesses are currently permitted by the Department and most are currently required to submit a CMAR. These small businesses affected by the rule will now be required to submit their CMAR form electronically. Some businesses may not own a computer and will purchase one. The fiscal estimate includes a one-time computer purchase cost of \$1,500 for small businesses who purchase a computer to comply with the regulation. The rule also allows the submittal of a paper CMAR form on a case-by-case basis until June 30, 2007 to provide small businesses with more initial flexibility in complying with the rule. The Department determined there was no significant fiscal effect on small businesses, because they have the option of using personal computers or computers in the community in meeting the annual electronic CMAR form submittal requirements.

The rule will be implemented or enforced through the Wisconsin Pollutant Discharge Elimination System (WPDES) permit program. Compliance maintenance applies to owners of publicly and privately owned domestic wastewater treatment works when required in the owner's WPDES permit.

SECTION 1. Chapter 208 is repealed and recreated to read:

Chapter NR 208
COMPLIANCE MAINTENANCE

NR 208.01 Purpose.

NR 208.02 Applicability.

NR 208.03 Definitions.

NR 208.04 Compliance maintenance annual report.

NR 208.05 CMAR point and grading system.

NR 208.06 CMAR review and responses.

NR 208.01 Purpose. This chapter implements ch. 283, Stats., encourages and, where necessary, requires owners of publicly and privately owned domestic wastewater treatment works to take necessary actions to avoid water quality degradation, and prevent violations of WPDES permit effluent limits and conditions. This chapter promotes an owner's awareness and responsibility for wastewater conveyance and treatment needs; maximizes the useful life and performance of treatment works through improved operation and maintenance; and initiates formal planning, design and construction to prevent WPDES permit violations.

NR 208.02 Applicability. This chapter applies on January 1, 2005, to owners of publicly and privately owned domestic wastewater treatment works when required in the owner's WPDES permit, except for sanitary sewer collection systems subject to a WPDES permit. This chapter applies on January 1, 2006, to owners of sanitary sewer collection systems covered by a WPDES permit.

NR 208.03 Definitions. In addition to the definitions and abbreviations in chs. NR 110, 114, 140, 162, 204, 205, 206, 210, 214 and chs. 160 and 283, Stats., the following definitions apply to terms in this chapter:

(1) "Action response plan" means the proposed corrective actions that will be undertaken by the treatment works owner to address low CMAR section grades or a low grade point average.

(2) "Compliance maintenance annual report" or "CMAR" means a report that the owner of a treatment works submits to the department to describe the wastewater management activities, physical conditions and the performance of the owner's treatment works during the previous calendar year.

(3) "eCMAR" means the department's CMAR form that is available through an Internet website or other electronic means.

(4) "Facilities plan" means a report that the owner of a treatment works submits to the department that consists of those necessary plans and studies directly relating to the construction of proposed sewage treatment facilities or additions to existing sewage treatment facilities where additional treatment capacity is proposed.

(5) "Grade point average" or "GPA" means an overall treatment plant rating based upon CMAR section weighting factors of 1-10, letter grades and grade points.

(6) "Intermittent discharge" means a discharge on a periodic basis and that discharges less than 12 months in a year from a treatment works.

(7) "Operation and needs review" or "ONR" means a report which the owner of a treatment works submits to the department evaluating the ability of a treatment works to maintain effluent limits and meet permit conditions over the next 5 years.

(8) "Owner" means the state, county, town, town sanitary district, city, village, metropolitan sewerage district, corporation, firm, company, institution, association, utility district, school district, joint sewerage commission or individual owning or operating any wastewater works.

(9) "Treatment works" has the meaning given in s. 283.01(18), Stats., and includes wastewater treatment plants and sanitary sewer collection systems.

(10) "Weighting factor" means the weighted value associated with each CMAR section used to calculate an overall grade point average.

(11) "WPDES permit" means the Wisconsin pollutant discharge elimination system specific or general permit issued by the department pursuant to ch. 283, Stats.

NR 208.04 Compliance maintenance annual report. (1) PURPOSE. The compliance maintenance annual report describes wastewater management activities, physical conditions and performance of the treatment works during the previous calendar year. It provides a treatment works owner and the department with an objective analysis to determine whether a more detailed evaluation of the treatment works shall be conducted and where attention should be focused. The owner and the department may use the CMAR to identify needs for future planning actions. In conjunction with a grading

system, the CMAR shall establish when treatment works owners are required to initiate actions to prevent violations of WPDES permit effluent limits and conditions.

(2) SUBMITTAL, TIMING AND OTHER REQUIREMENTS. (a) *General.* All owners of treatment works shall submit the CMAR electronically on or before June 30 of each year. The owner shall register with the state of Wisconsin to submit electronic reports to the department. Owners of the treatment works or duly authorized representatives of the owner shall be registered to enter treatment works information and monitoring data collected in the previous calendar year into the electronic report and submit it electronically.

(b) *Electronic submittal variance.* In calendar years 2005 and 2006, the department may, on a limited case-by-case basis, approve alternative methods of CMAR submittal by owners of treatment works. In calendar years 2006 and 2007, the department may, on a limited case-by-case basis, approve alternative methods of CMAR submittal by owners of sanitary sewer collection systems covered by a WPDES permit.

Note: To register with the State of Wisconsin Web Access Management System (WAMS) and access the web-based CMAR go to <https://dnrx.wisconsin.gov/w11559>

Note: After this rule goes into effect, some existing WPDES permits will still specify March 31 as the due date for the CMAR. This rule extends the due date for CMAR submittals to June 30th. The department does not intend to individually modify all the WPDES permits to specify the new June 30th due date. Instead, after January 1, 2005, the department will not take enforcement action against a permittee based on the timeliness of a CMAR submittal, if a completed CMAR form, certification statement and resolution or owner's statement is submitted to the department after March 31st, but on or before June 30th of each year.

(3) CERTIFICATION. A separate CMAR certification document shall be signed by an authorized representative of the treatment works owner verifying the electronic report is complete, accurate and represents information from the owner's treatment works. The certification shall be submitted by mail until electronic signatures are legally valid in the state of Wisconsin.

Note: A copy of the certification form will be available electronically on the CMAR website or from the department by mail.

(4) RESOLUTION OR OWNER STATEMENT. In the case of a publicly owned treatment works, a resolution shall be passed by the governing body and the resolution shall be included as part of the electronic submittal. Private owners of wastewater treatment works shall address the items in this subsection in an owner statement of review and response as a part of the CMAR. The resolution or owner statement of review and response shall be included as part of the electronic submittal and include all of the following:

- (a) An acknowledgment that the governing body or private owner has reviewed the CMAR.
- (b) The recommendations or action plan, if required under this chapter, which the owner will follow to maintain compliance with effluent limitations and permit conditions.
- (c) Any other information the treatment works owner deems appropriate.

(5) CONTENT. The CMAR shall include an evaluation of the following sections and information, as it applies to a specific treatment works and as determined by the department under s. NR 208.05(1):

- (a) Influent flow and loading.
- (b) Effluent quality and plant performance (BOD/CBOD).
- (c) Effluent quality and plant performance (total suspended solids-TSS).

- (d) Effluent quality and plant performance (ammonia-NH₃).
- (e) Effluent quality and plant performance (phosphorus-P).
- (f) Effluent quality and plant performance (total nitrogen-total N).
- (g) Groundwater quality.
- (h) Ponds and lagoon leakage.
- (i) Biosolids quality and management.
- (j) Staffing and preventative maintenance.
- (k) Operator certification and education.
- (l) Financial management.
- (m) Sanitary sewer collection systems.
- (n) Grading summary.
- (o) Resolution or owner statement.

NR 208.05 CMAR point and grading system. (1) **APPLICABLE SECTIONS.** The department shall determine which CMAR sections under s. NR 208.04(5) apply to each treatment works and shall make the sections available electronically to the treatment works owner no later than April 30 of each year.

(2) **SECTION SCORES AND GRADES.** A point score shall be calculated by the department for only the CMAR sections that apply to a specific wastewater treatment works. The score and grade for each CMAR section shall be based on information and data collected and provided by the owner of the treatment works for the prior calendar year. The point score for each CMAR section shall be calculated by subtracting any points generated in each CMAR section from 100. The point score from each section shall be used to determine the applicable grade and response action shown in table 1 for that CMAR section.

Table 1
Section Scores, Grades, and Response Ranges

SCORE	GRADE	GRADE POINTS	GRADE MEANING	RESPONSE RANGE
91-100	A	4	Good	Voluntary
81-90	B	3	Satisfactory	Voluntary
71-80	C	2	Marginal	Recommendation
61-70	D	1	Poor	Action
<61	F	0	Fail	Action

(3) **CMAR SECTIONS AND POINT ASSIGNMENTS.** CMAR sections shall be assigned points based on treatment works monitoring data and other information from the previous calendar year as shown in this subsection. The department may require other section specific information that may be included within each CMAR section. Supplemental questions and information may not include points and may not affect the section's grade.

(a) *Influent flow and loading.* Point assignments for exceedances of percentages of maximum month design flow and 5-day biochemical oxygen demand (BOD) loadings in the previous calendar year shall be determined as follows:

Monthly Exceedance Criteria	Points Per Monthly Exceedance
Over 90% of maximum month design flow ¹	2
Over maximum month design flow ¹	1
Over 90% of design BOD loading	3
Over design BOD loading	2

¹“Maximum month design flow” means the largest volume of flow anticipated to occur during a continuous 30-day period, expressed as a daily average, for which the treatment works is designed to receive and provide treatment.

(b) *Effluent quality and plant performance (BOD/CBOD)*. 1. Point assignments for WPDES permit limit exceedances and for percentages of effluent 5-day biochemical oxygen demand (BOD) or 5-day carbonaceous biochemical oxygen demand (CBOD) limits in the previous calendar year shall be as follows:

Monthly Exceedance Criteria (>10mg/l BOD/CBOD limits)	Points Per Monthly Exceedance
Over 90% of permit limit	3
Over permit limit	7

Monthly Exceedance Criteria (< or = 10 mg/l BOD/CBOD limits)	Points Per Monthly Exceedance
Over permit limit	10

2. For systems that discharge intermittently to waters of the state, the points per monthly exceedance for this CMAR section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge.

Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is $12/6 = 2.0$

(c) *Effluent quality and plant performance (total suspended solids -TSS)*. 1. Point assignments for WPDES permit limit exceedances and for percentages of effluent TSS limits in the previous calendar year shall be as follows:

Monthly Exceedance Criteria (>10mg/l TSS limits)	Points Per Monthly Exceedance
Over 90% of permit limit	3
Over permit limit	7

Monthly Exceedance Criteria (< or = 10 mg/l TSS limits)	Points Per Monthly Exceedance
Over permit limit	10

2. For systems that discharge intermittently to waters of the state, the points per monthly exceedance for this CMAR section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge.

Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is $12/6 = 2.0$

(d) *Effluent quality and plant performance (ammonia- NH3)*. 1. Point assignments for exceedances of monthly WPDES permit limits for effluent ammonia (NH3) in the previous calendar year shall be as follows:

Monthly Exceedance Criteria	Points Per Monthly Exceedance
Over permit limit	10

2. If monthly limits do not apply and the applicable ammonia limits in a permit are weekly, then point assignments related to exceedances of weekly WPDES permit limits for effluent ammonia (NH₃) in the previous calendar year shall be as follows:

Weekly Exceedance Criteria	Points Per Weekly Exceedance
Over permit limit	2 ½

(e) *Effluent quality and plant performance (phosphorus -P)*. 1. Point assignments for exceedances of monthly WPDES permit limits for effluent total phosphorus (total P) in the previous calendar year shall be as follows:

Monthly Exceedance Criteria	Points Per Monthly Exceedance
Over permit limit	10

2. For systems that discharge intermittently to waters of the state, the points per monthly exceedance for this CMAR section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge.

Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is $12/6 = 2.0$

(f) *Effluent quality and plant performance (total nitrogen-total N)*. 1. Point assignments for exceedances of monthly WPDES permit limits for effluent total nitrogen (total N) in the previous calendar year shall be as follows:

Monthly Exceedance Criteria	Points Per Monthly Exceedance
Over permit limit	10

2. For systems that discharge intermittently to waters of the state, the points per monthly exceedance for this CMAR section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge.

Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is $12/6 = 2.0$

(g) *Groundwater quality*. Point assignments associated with groundwater dischargers with groundwater monitoring wells shall be as follows:

Exceedance Criteria	Exceedance Points
Enforcement Standard (ES) or Alternative Concentration Limit (ES-ACL) in any downgradient monitoring well of the discharge location	20
Enforcement Standard (ES) or Alternative Concentration Limit (ES-ACL) at any point of standards application monitoring well	10

Note: "Enforcement Standard" or "ES", Alternative concentration limit or "ACL", and "Standards application" has the meaning in ch. NR 140- Groundwater Quality

(h) *Ponds and lagoon leakage*. Point assignments shall be as follows:

Criteria	Points
No influent flow measurements	40
No effluent flow measurements	40
CMAR Estimated or Field Test Calculated Leakage Rates 0-1000 gallons/acre/day	0

1001-2000 gallons/acre/day	10
2001-4000 gallons /acre /day	20
4001-7000 gallons/acre/day	30
>7000 gallons/acre /day	40

NOTE: Pond and lagoon leakage rates may be estimated using total influent and effluent flows or calculated by actual field water balance testing if approved by the department. The change in storage volume (+/-) for fill and draw pond systems, storage lagoons, and other similar type systems may be used in the leakage rate estimation if the method for determining the change in storage volume(s) is approved by the department.

(i) *Biosolids quality and management.* Point assignments shall be as follows:

Criteria	Points
Over-application of nitrogen on approved sites	30
Lack of 4-year soil tests on active sites	10
Metals exceeded the high quality limits or 80% of the limit for molybdenum, nickel or selenium	
1-2 times	10
>2 times	15
Did not cumulatively track metals loading at each land application site if high quality limits were exceeded	10
Metals exceeded the ceiling limits	
1 time	10
>1 time	15
Land applied biosolids that exceeded the ceiling limit	20
Pathogen Control Class B limit exceeded or did not meet process criteria at time of land application	40
Vector Attraction Reduction limit or criteria exceeded at the time of land application	40
Biosolids Storage Time	
150-179 days	10
120-149 days	20
90-119 days	30
<90 days	40

Note: The definitions of "High quality limit", "Ceiling limit", "Pathogen control limit, and "Vector attraction reduction limit" may be found in ch. NR 204 – Domestic Sewage Sludge Management.

(j) *Staffing and preventative maintenance.* Point assignments shall be as follows:

Criteria	Points
Did not have a documented and implemented preventative maintenance plan for major equipment items	40
Preventative maintenance plan did not depict maintenance frequency and tasks for equipment	10
Preventative maintenance tasks and major equipment repairs were not recorded and filed	10

(k) *Operator certification and education.* Point assignments shall be as follows:

Criteria	Points
Did not have a designated operator-in-charge of the treatment works where required under ch. NR 114	20
The designated operator-in-charge was not certified at the appropriate level to operate the treatment works	20
Did not have a contingency plan option(s) for having a certified operator operate the treatment works in	

the event of the loss of the designated operator-in-charge.	20
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Note: The definition of "Operator-In-Charge" may be found in ch. NR 114 – Certification Requirements For Wastewater Treatment Plant Operators.

(L) *Financial management.* Point assignments shall be as follows:

Criteria	Points
User charges or other revenues were not sufficient to cover treatment works' O&M expenses	40
User charge system or other revenue sources was last reviewed and/or revised 3 or more years ago	20
Did not have a special account or financial resources available for repairing or replacing equipment for the treatment works	40
Equipment Replacement Fund was last reviewed and/or revised 3 or more years ago (public municipal facilities only)	20

Note: The definitions of "User Charge" and "Replacement" may be found in ch. NR 162 – Clean Water Fund.

(m) *Sanitary sewer collection systems.* Point assignments shall be as follows:

Criteria	Points
Did not have a documented operation & maintenance or CMOM program	30
Each Sanitary Sewer Overflow occurrence ¹	10

¹"Sanitary Sewer Overflow (SSO) occurrence" means a discharge of sewage to waters of the state or to the ground surface from a sanitary sewer collection system prior to the point the collection system enters the wastewater treatment works. Sanitary sewer overflows include discharges that occur on private property, except it does not include basement backups. SSOs do not include *blending and controlled diversions* at the wastewater treatment works, provided there are no violations of WPDES permit requirements and the diversion is in conformance with approved plans.

Note: CMOM stands for Capacity, Management, Operation and Maintenance

Note: Sanitary sewer overflow occurrences are those that are required to be reported to the department per WPDES reporting requirements using the most current Form 3400-184 – Sanitary Sewer Overflow Notification Summary Report or other documentation provided by the treatment works owner.

1. Owners of sanitary sewer collection systems shall record and maintain information about the operation and maintenance of their sanitary sewer collection systems, which may include the following: cleaning, root removal, flow monitoring, smoke testing, sewer line televising, manhole inspections, lift station servicing, manhole rehabilitation, mainline rehabilitation, private sewer inspections, private sewer infiltration/inflow (I/I) removal, precipitation, sanitary sewer overflows, basement backups, lift station failures, sewer pipe failures, complaints and any other collection system information deemed important by the owner.

(n) *Grading summary.* The department shall provide to the owner a summary of section grades, response ranges and resultant grade point average for the applicable completed CMAR sections under s. NR 208.04(5) (a) to (m).

(o) *Resolution or owner statement.* The owner shall provide to the department a resolution or owner statement of review and response. Public and private treatment works owners shall complete and submit the resolution or owner statement with the CMAR. No point assignments are associated with this CMAR section.

(4) CALCULATION OF CMAR GRADE POINT AVERAGE (GPA). A grade point average shall be determined for each wastewater treatment works required to submit a CMAR. The grade point average

shall be calculated as follows: multiply the CMAR section grade points associated with the letter grades for each section as shown in table 1 by the corresponding section weighting factor provided in table 2; add the resulting values determined for all the sections; divide the value determined by the sum of all the weighting factors used in calculating the individual section values.

$$\text{G.P.A.} = \frac{\text{Sum (section grade points x section weighting factor)}}{\text{Sum of the applicable section weighting factors}}$$

Table 2
CMAR Section Weighting Factors

CMAR SECTION	WEIGHTING_FACTOR
Influent Flow and Loading	3.0
Effluent Quality and Plant Performance (BOD5/CBOD5)	10.0
Effluent Quality and Plant Performance (Total Suspended Solids)	5.0
Effluent Quality and Plant Performance (Ammonia)	5.0
Effluent Quality and Plant Performance (Phosphorus)	3.0
Effluent Quality and Plant Performance (Total Nitrogen)	7.0
Groundwater Quality	7.0
Ponds and Lagoon Leakage	7.0
Biosolids Quality and Management	5.0
Staffing and Preventative Maintenance	1.0
Operator Certification and Education	1.0
Financial Management	1.0
Sanitary Sewer Collection Systems	3.0

NR 208.06 CMAR review and responses. (1) OWNER REVIEW. The owner of the wastewater treatment works shall review and complete all applicable CMAR sections. The owner submitting a CMAR under this chapter shall provide a response for individual CMAR sections when required pursuant to table 1 and this section.

(2) DEPARTMENT REVIEW. The department shall review the CMAR information, points and scores generated, the grades of each section and the grade point average contained in the CMAR for accuracy and completeness. In case of error, the department shall make any corrections to the information, points and grades, as appropriate, and notify the owner with an explanation. All owners shall be notified of point or grading revisions as part of the department response. The department shall provide a response to the CMAR and any information submitted under this chapter by August 31 of the year in which the CMAR was received or within 60 days of receipt, whichever is later.

(3) OWNER AND DEPARTMENT RESPONSES FOR INDIVIDUAL SECTION GRADES. (a) Voluntary response ranges (A or B grades). For any CMAR section receiving a grade of A or B, the owner may provide information on improving treatment works or collection system management and performance. This information may be included in the CMAR resolution. The department may provide a response to any recommendations or information provided under this paragraph.

(b) Recommendation response range (C grade). For any CMAR section receiving a grade of C, the owner shall recommend steps or actions that have been or may be taken to address problems or deficiencies identified in that CMAR section. These recommendations shall be included in the CMAR resolution. The department shall provide a response to any recommendations or information provided under this paragraph.

(c) Action response ranges (D or F grades). For any CMAR section resulting in a grade of D or F, the owner shall submit an action response plan. The action response plan shall be included in the CMAR resolution and shall state what actions will be taken to address and correct problems identified in that

CMAR section. The department shall provide a response to the action response plan and other information provided under this paragraph.

(4) OWNER AND DEPARTMENT RESPONSES FOR CMAR GRADE POINT AVERAGE. (a) *Voluntary response range (3.00-4.00 GPA).* For CMAR grade point averages of 3.00-4.00, the owner may evaluate and implement steps to address any problems or deficiencies identified in the CMAR. This information may be included in the CMAR resolution. The owner may initiate planning for new, improved, upgraded or additional treatment facilities. The department shall provide a response to the CMAR grade point average and any recommendations or information provided under this paragraph.

(b) *Recommendation response range (2.00-2.99 GPA).* For CMAR grade point averages of 2.00-2.99, the owner shall recommend steps or actions that have been or may be taken to address problems or deficiencies identified in the CMAR. These recommendations shall be included in the CMAR resolution. The department may recommend that the owner develop an operation and needs review (ONR). Alternatively, the department may recommend that the owner undertake specific actions to maintain compliance. A facilities plan shall be recommended by the owner or the department if an ONR indicates the existing treatment works is not capable of providing adequate wastewater conveyance and treatment any time within the next 5 years. The department shall provide a response to any recommendation made under this paragraph.

(c) *Action response range (< 2.00 GPA).* For CMAR grade point averages less than 2.00, the owner shall provide the department with a plan that describes actions the owner will take to address the problems that resulted in the low grade point average. The action response plan shall be included in the CMAR resolution and shall state what actions have been or will be taken to address and correct problems identified. The department may require the owner to complete an operation and needs review or a facilities plan under ch. NR 110 within a time period which the department prescribes. A facilities plan shall be required if the department determines that consistent future compliance with permit limitations and conditions will not result from improved system operation and maintenance or that growth within areas served by the owner's sewerage system jeopardizes future compliance. An implementation schedule shall be submitted by the owner as a part of the operations and needs review or facilities plan. The department shall provide a response to the CMAR and action plan made under this paragraph.

(5) OWNER RESPONSE REQUIREMENTS. The following general requirements shall be followed in implementing the response actions described in this subsection:

(a) *Action response plans.* An action response plan shall contain and specify the corrective actions that shall be taken such as, but not limited to, operational changes, operation and needs reviews, facility planning, engineering studies, improvements, upgrading or new facility. The owner shall submit an implementation schedule as part of the action response plan.

(b) *Operations and needs review (ONR).* The ONR shall evaluate the ability of the treatment works to maintain compliance with effluent limits and WPDES permit conditions over the next 5 years including anticipated increases in discharges due to residential, commercial and industrial growth within the owner's sewer service area. The ONR may recommend operational changes, minor upgrading of treatment works or that the treatment works prepare a facilities plan. The owner shall submit an implementation schedule as part of the ONR.

(c) *Facilities plan.* The scope of the facilities plan, if required under sub. (4)(c), shall be based on the CMAR section grades and overall grade point average for the treatment works. The facilities plan shall meet the requirements of s. NR 110.08. The owner shall submit an implementation schedule as a part of the facilities plan.

(6) WPDES PERMIT ACTIONS. The department may modify, reissue or revoke and reissue the owner's WPDES permit to include the necessary actions or recommendations identified under subs. (3)(b) and (c) and (4)(b) and (c) with a compliance schedule to implement the actions or recommendations.

(7) OTHER ACTIONS. Compliance with the requirements of this chapter does not preclude the department from taking any other actions, including enforcement, necessary to ensure the permittee's compliance with a WPDES permit, ch. 283, Stats., or any other applicable laws and regulations.

SECTION 2. EFFECTIVE DATE. This rule shall take effect on January 1, 2005.

SECTION 3. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on June 23, 2004.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)