



# PFAS-related Law and Regulatory Provisions

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## Wisconsin

### *Laws*

- Wis. Stat. § 25.90 - PFAS fund
- Wis. Stat. § 299.48 - Fire fighting foam containing PFAS

### *Regulations*

- Wis. Admin. Code NR § 159.01-159.09 - Management of Class B Firefighting Foam
- Wis. Admin. Code NR § 106.97- 106.996 - Permit Requirements for PFOS and PFOA Discharges
- Wis. Admin. Code NR § 809.20 - Synthetic organic contaminant maximum contaminant levels and BATS.

25.90. PFAS fund, WI ST 25.90

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West's Wisconsin Statutes Annotated  
Public Lands, Waters and Natural Resources (Ch. 23 to 33)  
Chapter 25. Trust Funds and Their Management (Refs & Annos)

W.S.A. 25.90

25.90. PFAS fund

Effective: July 7, 2023

[Currentness](#)

There is established a separate nonlapsible trust fund designated as the PFAS fund, to consist of all of the following:

- (1) All moneys transferred under 2023 Wisconsin Act 19, section 9232(2), (3), and (4).
- (2) Notwithstanding s. 25.46(1)(ej), (t), and (u), all moneys, other than fines and forfeitures, that are received under settlement agreements or orders in settlement of actions or proposed actions for violations of chs. 280 to 299 that relate to perfluoroalkyl or polyfluoroalkyl substances.
- (3) All donations, gifts, and bequests made to the fund.
- (4) All moneys transferred to the fund from other funds.
- (5) All income and interest earned by the fund.

**Credits**

<<For credits, see Historical Note field.>>

W. S. A. 25.90, WI ST 25.90

Current through 2023 Act 272, published April 10, 2024.

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299.48. Fire fighting foam containing PFAS, WI ST 299.48

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West's Wisconsin Statutes Annotated  
Environmental Regulation (Ch. 280 to 299)  
Chapter 299. General Environmental Provisions (Refs & Annos)

W.S.A. 299.48

299.48. Fire fighting foam containing PFAS

Effective: September 1, 2020

[Currentness](#)

**(1) Definitions.** In this section:

(a) “Class B fire fighting foam” means a foam designed for use on a flammable liquid fire, and may include a dual action Class A and B foam.

(b) “PFAS” means a perfluoroalkyl or polyfluoroalkyl substance.

(c) “Testing” includes testing of a fire fighting foam to evaluate its effectiveness and testing of a fire fighting foam delivery system or equipment.

(d) “Training” means providing first-hand field experience to a person who may use a fire fighting foam as part of an emergency fire fighting or fire prevention operation.

**(2) Prohibition.** Except as provided under sub. (3), no person may use or otherwise discharge, including for training purposes, a class B fire fighting foam that contains intentionally added PFAS.

**(3) Exemptions.** The prohibition under sub. (2) does not apply to any of the following:

(a) The use or discharge of a class B fire fighting foam that contains intentionally added PFAS as part of an emergency fire fighting or fire prevention operation.

(b) The use of class B fire fighting foam that contains intentionally added PFAS for testing purposes, including calibration testing, conformance testing, or fixed system testing, if the testing facility has implemented appropriate containment, treatment, and disposal or storage measures to prevent discharges of the foam to the environment. Appropriate containment, treatment, and disposal or storage measures may not include flushing, draining, or otherwise discharging the foam into a storm or sanitary sewer.

299.48. Fire fighting foam containing PFAS, WI ST 299.48

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**(3m) Notification; safety data sheets.** (a) A person who uses or discharges a fire fighting foam under the exemption in sub. (3)(a) shall notify the department of the use or discharge immediately or as soon as practicable without hindering fire fighting or fire prevention operations. A person who possesses a fire fighting foam that may be used under the exemption in sub. (3)(a) shall request and retain any safety data sheets relating to the fire fighting foam and shall make them available to the department for examination after providing the notice under this paragraph.

(b) A person who uses a fire fighting foam under the exemption in sub. (3)(b) shall notify the department immediately of any discharge of the foam to the environment.

**(4) Construction.** Nothing in this section shall be construed as prohibiting the manufacture, sale, or distribution of a class B fire fighting foam that contains intentionally added PFAS.

**(5) Rules.** The department shall promulgate rules to implement and administer this section, including to determine appropriate containment, treatment, and disposal or storage measures for testing facilities under sub. (3)(b).

**Credits**

<<For credits, see Historical Note field.>>

W. S. A. 299.48, WI ST 299.48

Current through 2023 Act 272, published April 10, 2024.

NR 159.01 Purpose., WI ADC § NR 159.01

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Wisconsin Administrative Code  
Department of Natural Resources  
Environmental Protection -- General  
Chapter NR 159. Management of Class B Firefighting Foam

Wis. Adm. Code § NR 159.01

NR 159.01 Purpose.

Effective: August 1, 2022

[Currentness](#)

The purpose of this chapter is to establish the appropriate containment, treatment, and disposal and storage measures when testing Class B firefighting foam that contains intentionally added PFAS; to establish consistent, uniform standards and procedures to limit the discharge of Class B firefighting foams, unless the foam is used in emergency firefighting or fire prevention operations; and to clarify recordkeeping and notification requirements. This chapter is adopted under [s. 299.48](#), [Stats.](#)

**Credits**

**History:** EmR2045: emerg. cr., eff. 12-4-20; CR 21-073: cr. Register July 2022 No. 799, eff. 8-1-22.

Current through Wisconsin Register 823B, published July 29, 2024. Some sections may be more current, see credits for details.

Wis. Admin. Code § NR 159.01, WI ADC § NR 159.01

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NR 159.02 Applicability., WI ADC § NR 159.02

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Wisconsin Administrative Code  
Department of Natural Resources  
Environmental Protection -- General  
Chapter NR 159. Management of Class B Firefighting Foam

Wis. Adm. Code § NR 159.02

NR 159.02 Applicability.

Effective: August 1, 2022

[Currentness](#)

- (1) This chapter applies to any person conducting testing of foam that contains intentionally added PFAS, including calibration testing, conformance testing, or fixed-system testing, to evaluate its effectiveness or testing of a firefighting foam delivery system or equipment.
- (2) This chapter applies to any person that uses or discharges foam that contains intentionally added PFAS including use as part of an emergency firefighting or fire prevention operation.
- (3) This chapter applies to any person that contains, treats, disposes, or stores foam from a testing facility or generated as a result of testing.
- (4) The prohibitions and requirements in this chapter apply to foam that is in concentrate or that is mixed with water, liquids, or other substances. No person may discharge foam to a storm or sanitary sewer or to the environment unless the discharge meets the treatment requirements of this chapter and the discharge is in accordance with all other applicable environmental regulations.
- (5) This chapter may not be construed as prohibiting the manufacture, sale, or distribution of foam that contains intentionally added PFAS.

**Credits**

**History: EmR2045: emerg. cr., eff. 12-4-20; CR 21-073: cr. Register July 2022 No. 799, eff. 8-1-22.**

Current through Wisconsin Register 823B, published July 29, 2024. Some sections may be more current, see credits for details.

Wis. Admin. Code § NR 159.02, WI ADC § NR 159.02

NR 159.03 Definitions., WI ADC § NR 159.03

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Wisconsin Administrative Code  
Department of Natural Resources  
Environmental Protection -- General  
Chapter NR 159. Management of Class B Firefighting Foam

Wis. Adm. Code § NR 159.03

NR 159.03 Definitions.

Effective: August 1, 2022

[Currentness](#)

In this chapter:

- (1) “Calibration testing” means the comparison of measurement values delivered by a device under testing with those of a calibration standard of known accuracy.

**Note:** Calibration testing is typically associated with the installation, maintenance, and repair of emergency fire suppression and firefighting equipment.

- (2) “Class B firefighting foam” has the meaning specified in [s. 299.48 \(1\) \(a\), Stats.](#)

**Note:** Under [s. 299.48 \(1\) \(a\), Stats.](#), “Class B firefighting foam” means a foam designed for use on a flammable liquid fire, which may include a dual action Class A and B foam.

- (3) “Conformance testing” means testing or other activities that determine whether a process, product, or service complies with the requirements of a specification, technical standard, contract, or regulation.

- (4) “Container” means any device in which a material is stored, transported, treated, disposed of, or otherwise handled.

- (5) “Containment” means use of a container or secondary containment structure or device to keep foam under control or within boundaries.

- (6) “Department” means the department of natural resources.

- (7) “Discharge” has the meaning specified in [s. 292.01 \(3\), Stats.](#)

**Note:** Under [s. 292.01 \(3\), Stats.](#), “discharge” means, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

NR 159.03 Definitions., WI ADC § NR 159.03

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(8) “Dispose” or “disposal” means the discharge, deposit, injection, dumping, or placing of any solid waste into or on any land or water.

(9) “Emergency firefighting” means the act of attempting to prevent the spread of or extinguishing unwanted fires.

(10) “Environment” has the meaning specified in [s. NR 700.03 \(18\)](#).

**Note:** Under [s. NR 700.03 \(18\)](#), “environment” means any plant, animal, natural resource, surface water (including underlying sediments and wetlands), groundwater, drinking water supply, land surface and subsurface strata, and ambient air within the state of Wisconsin or under the jurisdiction of the state of Wisconsin.

(11) “Fire prevention operation” means measures and practices directed toward the prevention and suppression of unwanted fires.

(12) “Fire suppression system” means a system used to extinguish or prevent the spread of fire through the application of a substance.

(13) “Fixed system” means a permanently installed fire suppression system designed for use on the specific fire hazards the system is expected to control or extinguish.

(14) “Foam” means class B firefighting foam as defined under [s. 299.48 \(1\) \(a\), Stats.](#)

(15) “Foam that contains intentionally added PFAS” means foam in which PFAS is a constituent of the foam added during the manufacturing process.

(16) “Method detection limit” means the minimum measured concentration of a substance that can be reported with 99 percent confidence that the measured concentration is distinguishable from method blank results. The method detection limit is generated as defined in [s. NR 149.03 \(46\)](#).

(17) “Person” has the meaning specified in [s. 299.01 \(10\), Stats.](#)

**Note:** Under [s. 299.01 \(10\), Stats.](#), “person” means an individual, owner, operator, corporation, limited liability company, partnership, association, municipality, interstate agency, state agency, or federal agency.

(18) “PFAS” has the meaning specified in [s. 299.48 \(1\) \(b\), Stats.](#)

**Note:** Under [s. 299.48 \(1\) \(b\), Stats.](#), “PFAS” means a perfluoroalkyl or polyfluoroalkyl substance.



NR 159.03 Definitions., WI ADC § NR 159.03

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(19) “Safety data sheet” means a document that contains safety and safe handling information in respect to the product, including protection information regarding human health, and may include information on protection of the environment.

(20) “Storage” means storing on a temporary basis for future use or future treatment or disposal in such a manner as not to constitute ultimate disposal.

(21) “Testing” has the meaning specified in s. 299.48 (1) (c), Stats.

**Note:** Under s. 299.48 (1) (c), Stats., “testing” means the testing of a firefighting foam to evaluate its effectiveness and testing of a firefighting foam delivery system or equipment.

(22) “Training” has the meaning specified in s. 299.48 (1) (d), Stats.

**Note:** Under s. 299.48 (1) (d), Stats., “training” means providing first-hand field experience to a person who may use a firefighting foam as part of an emergency firefighting or fire prevention operation.

(23) “Treatment” means any method, technique, or process, including thermal destruction, that changes the physical, chemical, or biological character or composition of a contaminant.

**Credits**

**History:** EmR2045: emerg. cr., eff. 12-4-20; CR 21-073: cr. Register July 2022 No. 799, eff. 8-1-22.

Current through Wisconsin Register 823B, published July 29, 2024. Some sections may be more current, see credits for details.

Wis. Admin. Code § NR 159.03, WI ADC § NR 159.03

NR 159.04 Prohibition and exemptions., WI ADC § NR 159.04

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Wisconsin Administrative Code  
Department of Natural Resources  
Environmental Protection -- General  
Chapter NR 159. Management of Class B Firefighting Foam

Wis. Adm. Code § NR 159.04

NR 159.04 Prohibition and exemptions.

Effective: August 1, 2022

[Currentness](#)

(1) Except as provided under sub. (2), no person may use or otherwise discharge, including for training purposes, a class B firefighting foam that contains intentionally added PFAS.

(2) All of the following actions are exempt from the prohibition under sub. (1):

(a) The use or discharge by any person of a class B firefighting foam that contains intentionally added PFAS as part of an emergency firefighting or fire prevention operation.

(b) The use by any person of class B firefighting foam that contains intentionally added PFAS for testing purposes, including calibration testing, conformance testing, or fixed system testing, if the testing facility has implemented appropriate containment, treatment, and disposal or storage measures, as specified in [ss. NR 159.06 to 159.08](#), to prevent discharges of the foam to the environment.

**Note:** Under [s. 299.48 \(3\) \(b\), Stats.](#), appropriate containment, treatment, and disposal or storage measures may not include flushing, draining, or otherwise discharging foam into a storm or sanitary sewer.

**Note:** A person responsible under [s. 292.11 \(3\), Stats.](#), for discharges of PFAS to the environment shall follow the applicable requirements in chs. NR 700 to 754 for response action sites.

**Credits**

**History:** EmR2045: emerg. cr., eff. 12-4-20; CR 21-073: cr. Register July 2022 No. 799, eff. 8-1-22.

Current through Wisconsin Register 823B, published July 29, 2024. Some sections may be more current, see credits for details.

Wis. Admin. Code § NR 159.04, WI ADC § NR 159.04

NR 159.05 Notification and recordkeeping., WI ADC § NR 159.05

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Wisconsin Administrative Code  
Department of Natural Resources  
Environmental Protection -- General  
Chapter NR 159. Management of Class B Firefighting Foam

Wis. Adm. Code § NR 159.05

NR 159.05 Notification and recordkeeping.

Effective: August 1, 2022

[Currentness](#)

**(1) NOTIFICATION.** A person that uses or discharges foam shall do all of the following:

(a) Notify the department of the use or discharge of foam as part of an emergency firefighting or fire prevention operation immediately or as soon as practicable without hindering emergency firefighting or fire prevention operations.

(b) Notify the department immediately of any discharge of foam to the environment resulting from testing purposes.

**(2) RECORDKEEPING.** Any person in possession of foam shall retain foam safety data sheets and make them available to the department for examination upon request.

**Credits**

**History:** EmR2045: emerg. cr., eff. 12-4-20; CR 21-073: cr. Register July 2022 No. 799, eff. 8-1-22.

Current through Wisconsin Register 823B, published July 29, 2024. Some sections may be more current, see credits for details.

Wis. Admin. Code § NR 159.05, WI ADC § NR 159.05

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NR 159.06 Storage., WI ADC § NR 159.06

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Wisconsin Administrative Code  
Department of Natural Resources  
Environmental Protection -- General  
Chapter NR 159. Management of Class B Firefighting Foam

Wis. Adm. Code § NR 159.06

NR 159.06 Storage.

Effective: August 1, 2022

[Currentness](#)

A person that uses foam for testing purposes shall store foam in accordance with manufacturer instructions and safety data sheets, and in a manner that shall prevent discharge of foam to the environment. A person that stores foam for testing purposes shall do all of the following:

- (1) Establish and maintain a quarterly inspection program for detecting leaks in storage containers and a plan to undertake response measures to halt, contain, remove, treat, or dispose of foam discharges.
- (2) Post safety data sheets in a visible location in the storage area.
- (3) Clearly label all containers to indicate the contents of the container and keep containers in a manner that allows easy detection of signs of leakage.
- (4) Store and transport foam in containers fabricated from or lined with materials compatible with foam and designed to prevent evaporation of foam, including containers direct from the manufacturer.
- (5) Maintain material for absorbing any discharges of foam onsite.
- (6) Block any drains in a storage area from any connection to a sanitary or storm sewer.

**Credits**

**History:** EmR2045: emerg. cr., eff. 12-4-20; CR 21-073: cr. Register July 2022 No. 799, eff. 8-1-22.

Current through Wisconsin Register 823B, published July 29, 2024. Some sections may be more current, see credits for details.

Wis. Admin. Code § NR 159.06, WI ADC § NR 159.06

NR 159.07 Containment., WI ADC § NR 159.07

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Wisconsin Administrative Code  
Department of Natural Resources  
Environmental Protection -- General  
Chapter NR 159. Management of Class B Firefighting Foam

Wis. Adm. Code § NR 159.07

NR 159.07 Containment.

Effective: August 1, 2022

[Currentness](#)

A person that uses foam for testing purposes shall ensure that appropriate containment is in place during testing of foam or testing of fire suppression systems, foam delivery systems, or foam equipment to prevent discharge of foam to the environment. Appropriate containment shall include all of the following:

(1) Use of water or surrogate solutions; testing equipment indoors; spraying into drums, lined pits, or other containment equipment; and testing with closed-loop systems, when consistent with industry standards and other regulations governing foam testing.

**Note:** Other regulations may include chs. SPS 314 and 361 to 366, which incorporate standards of the national fire protection association, federal aviation administration requirements, and other applicable industry and national association standards.

(2) Testing and flushing of foam testing equipment, systems, and facilities conducted with a containment system capable of capturing, diverting, and storing generated foam.

(3) Testing that employs measures to prevent foam that escapes containment from entering surface waters, groundwater, storm sewers, or sanitary sewers.

(4) Containment system design that takes into account location and use of the foam, the risk to the environment, the automatic or manually activated design of a foam system, and any other applicable local, state, or federal regulations.

**Credits**

**History:** EmR2045: emerg. cr., eff. 12-4-20; CR 21-073: cr. Register July 2022 No. 799, eff. 8-1-22.

Current through Wisconsin Register 823B, published July 29, 2024. Some sections may be more current, see credits for details.

Wis. Admin. Code § NR 159.07, WI ADC § NR 159.07

NR 159.08 Treatment and disposal., WI ADC § NR 159.08

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Wisconsin Administrative Code  
Department of Natural Resources  
Environmental Protection -- General  
Chapter NR 159. Management of Class B Firefighting Foam

Wis. Adm. Code § NR 159.08

NR 159.08 Treatment and disposal.

Effective: August 1, 2022

[Currentness](#)

A person that uses foam for testing purposes or that conducts treatment or disposal of foam that was used for testing purposes may employ on-site or off-site measures for treatment, disposal, or a combination of treatment and disposal for foam. When implemented, appropriate treatment measures render wastewater containing foam to no longer be subject to the prohibition on discharge to storm or sanitary sewer under [s. 299.48 \(2\), Stats.](#) Treatment or disposal of foam used for testing purposes shall be conducted in a manner that prevents discharge of foam to the environment and shall meet all of the following requirements:

**(1) TREATMENT.** (a) *Incineration or thermal destruction.* Incineration or thermal destruction of foam shall be conducted at a temperature range and residence time sufficient to destroy PFAS while also ensuring the maximum degree of reduction in emission of PFAS, including elimination of emissions of PFAS when achievable. Prior to any person operating an incineration or thermal destruction treatment system under this subsection, a person shall submit documentation to the department that demonstrates the incineration or thermal destruction treatment system meets all of the requirements of this paragraph.

**Note:** Any discharge of treated foam to a sanitary sewer requires the approval from the owner of the publicly owned treatment works and may be subject to additional limitations. Any discharge of treated foam to waters of the state, including a discharge of treated foam through a storm sewer, requires Wisconsin pollutant discharge elimination system permit coverage under ch. 283, Stats., and may be subject to the regulations promulgated under that chapter.

(b) *Other treatment.* 1. 'Best available technology.' If treatment other than that specified in par. (a) is proposed, the treatment shall, at a minimum, satisfy all of the following design and operational standards:

- a. Treatment shall include preliminary treatment prior to granular activated carbon adsorption to remove compounds that may reduce adsorption capacity of granular activated carbon or interfere with PFAS removal. The preliminary treatment system may include clarifiers, bag filter units, clay filter units, or other similar treatment.
- b. Following preliminary treatment under subd. 1. a. and prior to granular activated carbon adsorption under subd. 1. c., the treatment shall include cloth filtration, ultrafiltration, or filtration of a finer pore size.
- c. Following filtration under subd. 1. b., the treatment shall include a minimum of 3 granular activated carbon adsorption units in series. Granular activated carbon adsorption units shall be optimized for PFAS removal. The

NR 159.08 Treatment and disposal., WI ADC § NR 159.08

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granular activated carbon adsorption units shall have a cumulative minimum empty bed contact time of 30 minutes. The lead granular activated carbon adsorption unit's media shall be replaced at a frequency that allows for optimal PFAS removal but no less frequently than once per treatment of each 10,000 bed volumes. Following media replacement, the lead unit shall be moved to the lag unit position with each of the other units moved forward one position in the series. The granular activated carbon media shall be derived from bituminous coal unless the discharger utilizes a more frequent media replacement schedule appropriate for that media and receives approval under subd. 2.

d. Treatment shall include at least one anion-exchange resin polishing unit to remove trace PFAS compounds.

e. Sampling ports shall be provided immediately after each treatment unit, including between granular activated carbon adsorption units.

f. If any sludges or solids are produced during any stages of treatment, they shall be solidified by mixing with cementitious materials or a comparable process prior to disposal at a licensed solid waste facility. Sludges or solids generated during the treatment process may not be disposed of via land application.

2. 'Alternative treatment technology.' The department may, on a case-by-case basis, approve an alternative treatment technology to any of the treatment, design, and operation requirements under subd. 1., if the applicant can demonstrate that the proposed alternative treatment system will achieve treatment equivalent to or better than a system specified under subd. 1. Requests for approval of alternative requirements shall be made in writing and accompanied by written justification including performance data from pilot installations if requested by the department.

**Note:** Alternative treatment technologies may include solutions that improve upon the best available technology, existing alternative systems such as reverse osmosis with treatment of reject water, or modifications to the best available technology such as use of 2 granular activated carbon units with tailored operation and management plans to ensure prevention of breakthrough, or use of non-bituminous granular activated carbon media with an appropriately adjusted minimum empty bed contact time.

3. 'Treatment systems review.' Construction or modification of any treatment system subject to this paragraph requires plan review and approval prior to commencement of construction, in accordance with ch. NR 108 and [s. 281.41, Stats.](#)

4. 'PFAS treatment.' Any treatment system subject to this paragraph shall be operated to minimize the level of PFAS substances in effluent, and a person operating a treatment system shall take actions under this subsection to maintain appropriate and effective foam treatment. Actions taken under this subsection shall be documented in writing, and that documentation shall be retained for at least 3 years and made available to the department upon request.

(2) DISPOSAL. Appropriate foam disposal employed by a person shall comply with all of the following requirements:

(a) Unless treated in accordance with sub. (1), PFAS in foam shall be effectively immobilized through solidification by mixing with cementitious materials or a comparable process prior to disposal.

NR 159.08 Treatment and disposal., WI ADC § NR 159.08

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(b) Sludges or solids generated as a result of treatment and solidified in accordance with sub. (1) or foam managed in accordance with sub. (2) (a) in the state shall be disposed of at a licensed solid waste facility.

**Credits**

**History: EmR2045: emerg. cr., eff. 12-4-20; CR 21-073: cr. Register July 2022 No. 799, eff. 8-1-22.**

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Wis. Admin. Code § NR 159.08, WI ADC § NR 159.08

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NR 159.09 Lab analyses and samples for PFAS in foam., WI ADC § NR 159.09

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Wisconsin Administrative Code  
Department of Natural Resources  
Environmental Protection -- General  
Chapter NR 159. Management of Class B Firefighting Foam

Wis. Adm. Code § NR 159.09

NR 159.09 Lab analyses and samples for PFAS in foam.

Effective: August 1, 2022

[Currentness](#)

(1) Laboratory analyses of any treated foam samples collected shall report results to the testing laboratory's method detection limit. Laboratories shall use procedures suitable for the matrix, potential interferences, and expected level of PFAS in the sample. All chemical and physical analyses for which accreditation is available under ch. NR 149 shall be conducted by a laboratory accredited under ch. NR 149.

(2) Upon request of the department, a person or testing facility subject to this chapter shall provide the department with any foam safety data sheets, sampling, and analyses of the foam stored, tested, treated, disposed of, contained, or used at the facility or treated or disposed of at another facility.

**Credits**

**History:** EmR2045: emerg. cr., eff. 12-4-20; CR 21-073: cr. Register July 2022 No. 799, eff. 8-1-22.

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Wis. Admin. Code § NR 159.09, WI ADC § NR 159.09

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NR 106.97 Purpose., WI ADC § NR 106.97

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Wisconsin Administrative Code

Department of Natural Resources

Environmental Protection -- General

Chapter NR 106. Procedures for Calculating Water Quality Based Effluent Limitations for Point Source Discharges to Surface Waters (Refs & Annos)

Subchapter VIII. Permit Requirements for Pfos and Pfoa Discharges

Wis. Adm. Code § NR 106.97

NR 106.97 Purpose.

Effective: August 1, 2022

[Currentness](#)

The purpose of this subchapter is to specify how the department will regulate the discharge of PFOS and PFOA in wastewater to surface waters of the state that are subject to the PFOS and PFOA standards under [s. NR 102.04 \(8\) \(d\)](#) 1. pursuant to the permitting program under ch. 283, Stats.

**Credits**

**History: CR 21-083: cr. Register July 2022 No. 799, eff. 8-1-22.**

Current through Wisconsin Register 823B, published July 29, 2024. Some sections may be more current, see credits for details.

Wis. Admin. Code § NR 106.97, WI ADC § NR 106.97

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NR 106.975 Definitions., WI ADC § NR 106.975

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Wisconsin Administrative Code

Department of Natural Resources

Environmental Protection -- General

Chapter NR 106. Procedures for Calculating Water Quality Based Effluent Limitations for Point Source Discharges to Surface Waters (Refs & Annos)

Subchapter VIII. Permit Requirements for Pfos and Pfoa Discharges

Wis. Adm. Code § NR 106.975

NR 106.975 Definitions.

Effective: August 1, 2022

[Currentness](#)

In this subchapter:

- (1) “Composite sample” has the meaning specified in [s. NR 218.04 \(11\)](#).
- (2) “Equipment blank” means a sample collected by passing laboratory-verified PFAS-free water over or through field sampling equipment before the collection of field samples to evaluate potential contamination from the equipment used during sampling.
- (3) “Grab sample” has the meaning specified in [s. NR 218.04 \(10\)](#).
- (4) “Major municipal discharger” means a treatment works or system that has a major municipal discharge as defined in [s. NR 200.02 \(7\)](#).
- (5) “Minor municipal discharger” means a treatment works or system that has a minor municipal discharge as defined in [s. NR 200.02 \(8\)](#).
- (6) “Municipal discharger” means all publicly operated treatment works and privately owned domestic sewage treatment works subject to the requirements under ch. NR 210.
- (7) “New discharger” means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, that is not a new source, and that did not commence the discharge of pollutants at a particular site prior to August 1, 2022, and which has never received a finally effective WPDES permit for discharges at that site.
- (8) “New source” has the meaning specified in [s. NR 106.117](#).

NR 106.975 Definitions., WI ADC § NR 106.975

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- (9) “PFAS” means a perfluoroalkyl or polyfluoroalkyl substance that contains a straight or branching chain of carbon atoms in which one or more of the carbon atoms have fluorine atoms attached at all bonding sites not occupied by another carbon atom and the fluorinated part of the molecule can be expressed as  $C_nF_{2n+1}$ .
- (10) “Perfluorooctanoic acid” or “PFOA” has the meaning specified in [s. NR 102.03 \(4e\)](#).
- (11) “Perfluorooctane sulfonate” or “PFOS” has the meaning specified in [s. NR 102.03 \(4m\)](#).
- (12) “Primary industry” has the meaning specified in [s. NR 200.02 \(15\)](#).
- (13) “Secondary industry” has the meaning specified in [s. NR 200.02 \(17\)](#).
- (14) “Source reduction activities” means structural or non-structural measures, practices, techniques, activities, or devices employed to reduce or eliminate the transfer of PFOS and PFOA from sources into surface waters of the state.
- (15) “Treatment works” has the meaning specified in [s. 283.01 \(18\)](#), Stats.
- (16) “WPDES permit” means the Wisconsin pollutant discharge elimination system permit issued by the department under ch. 283, Stats., for the discharge of pollutants.

**Credits**

**History:** CR 21-083: cr. Register July 2022 No. 799, eff. 8-1-22.

Current through Wisconsin Register 823B, published July 29, 2024. Some sections may be more current, see credits for details.

Wis. Admin. Code § NR 106.975, WI ADC § NR 106.975

NR 106.98 Determination of the necessity for reducing PFOS..., WI ADC § NR 106.98

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Wisconsin Administrative Code

Department of Natural Resources

Environmental Protection -- General

Chapter NR 106. Procedures for Calculating Water Quality Based Effluent Limitations for Point Source Discharges to Surface Waters (Refs & Annos)

Subchapter VIII. Permit Requirements for Pfos and Pfoa Discharges

Wis. Adm. Code § NR 106.98

NR 106.98 Determination of the necessity for reducing PFOS and PFOA in discharges.

Effective: August 1, 2022

Currentness

(1) GENERAL. This section establishes the procedures for determining when a permitted discharge has the reasonable potential to cause or contribute to an exceedance of the PFOS or PFOA standards under [s. NR 102.04 \(8\) \(d\) 1](#).

(2) DATA GENERATION. At the first reissuance of a WPDES permit after August 1, 2022, the department shall require in the reissued permit that the permittee monitor and report PFOS and PFOA at the frequencies and locations specified under this subsection, for up to 2 years, except if a waiver has been granted or reduced frequency is approved under sub. (3). All samples shall be collected and analyzed consistent with the requirements under ch. NR 219 and [s. NR 106.995](#). The following sample frequencies apply to each category of permitted dischargers:

(a) For a major municipal discharger with an average flow rate greater than or equal to 5 million gallons per day, the permittee shall, at a minimum, sample its effluent on a monthly basis. Influent monitoring will be determined on a case-by-case basis and shall be conducted at a frequency specified in the permit.

(b) For a major municipal discharger with an average flow rate greater than or equal to one million gallons per day but less than 5 million gallons per day, the permittee shall, at a minimum, sample its effluent once every 2 months. Influent monitoring will be determined on a case-by-case basis and shall be conducted at a frequency specified in the permit.

(c) For all other municipal dischargers, the permittee may only be required to sample for PFOS or PFOA if the department determines that PFOS or PFOA may be present in the discharge. In making this determination, the department shall consider the presence of potential PFOS or PFOA industrial wastes to the treatment works, the presence of nearby PFOS or PFOA remediation sites, and the presence of other potential sources of PFOS or PFOA that may contribute to any part of the minor municipal discharger. If the department determines that PFOA or PFOS may be present in the discharge, the department shall require that the permittee sample its influent and effluent at a frequency specified in the permit.

(d) For a primary or secondary industrial discharger, if the department determines that the permittee's effluent may contain PFOS or PFOA, the department shall require that the permittee sample its effluent at least monthly.

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(e) The department may require PFOS or PFOA monitoring for other discharges not included in one of the categories specified under pars. (a) to (d) if the department has a reasonable expectation that the discharge contains PFOS or PFOA at levels that will likely cause or contribute to an exceedance of the criteria under [s. NR 102.04 \(8\) \(d\) 1.](#)

**Note:** The department has authority to sample the effluent from permitted facilities under [s. 283.55, Stats.](#)

**Note:** The department has authority under [s. NR 205.066 \(1\)](#) to specify monitoring frequency for PFOS and PFOA in WPDES permits at its discretion on a case-by-case basis after 24 months.

**(3) REDUCED SAMPLE FREQUENCY AND WAIVER.** (a) The department may reduce monitoring frequency to once every 3 months for dischargers described under sub. (2) (a), (b) or (d) on a case-by-case basis, but only after at least 12 representative results have been generated.

(b) The department may waive the requirement to conduct PFOS or PFOA sampling for a discharger under sub. (2) if the department determines that it is unlikely that the permittee's effluent will contain PFOS or PFOA at levels above the criteria in [s. NR 102.04 \(8\) \(d\) 1.](#) Any approved waivers shall be reviewed at each permit reissuance to determine whether any changes were made at the permitted facility or when the department becomes aware of new information that may result in new or increased discharges of PFOS or PFOA, in which case monitoring may be required.

**(4) DETERMINATION OF THE NEED FOR A PFOS AND PFOA MINIMIZATION PLAN.** The department shall require creation and implementation of a PFOS and PFOA minimization plan that meets the requirements under [s. NR 106.99](#) as a condition of a WPDES permit whenever the department determines that the discharge from the permitted facility contains PFOS or PFOA at concentrations that have reasonable potential to cause or contribute to an exceedance of the PFOS or PFOA standard in [s. NR 102.04 \(8\) \(d\) 1.](#) When determining whether a permitted discharge has the reasonable potential to cause or contribute to an exceedance of the PFOS or PFOA standard in [s. NR 102.04 \(8\) \(d\) 1.](#), the department shall use the methods in this subsection to make the determination and shall use representative data that meet the sampling and analysis requirements under [ch. NR 219](#) and [s. NR 106.995](#). When making a reasonable potential determination for a permitted discharge of PFOS or PFOA under this subsection, the department shall consider whether the intake provisions in [s. NR 106.06 \(6\) \(b\)](#) apply to the discharge. When calculating a water quality based effluent limitation for PFOS in the reasonable potential determination, the department shall apply the requirements in [s. NR 106.06 \(1\) and \(6\)](#) in the calculation and shall use the applicable PFOS criterion in [s. NR 102.04 \(8\) \(d\) 1.](#) A mixing zone under [s. NR 106.06 \(2\)](#) may not be included in the limit calculation for a discharge of PFOS. When calculating a water quality based effluent limitation for PFOA in the reasonable potential determination, the department shall apply the requirements in [s. NR 106.06 \(1\) and \(4\) to \(11\)](#) in the calculation and shall use the applicable PFOA criterion in [s. NR 102.04 \(8\) \(d\) 1.](#) If any one of the following methods indicate that there is reasonable potential for an exceedance of either the PFOS or PFOA standard, a PFOS and PFOA minimization plan shall be required in the permit:

(a) If at least 11 daily discharge concentrations of the substance are greater than the limit of detection, a PFOS and PFOA minimization plan is required for a permitted facility if the upper 99th percentile of the 30-day average discharge concentrations for PFOS or PFOA exceeds the applicable water quality based effluent limitation calculated under this subsection. To calculate upper 99th percentile values of the daily discharge concentrations, one of the following shall be used:

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1. If a log normal probability distribution is determined to be appropriate, the upper 99th percentile of the 30-day average discharge concentrations may be calculated using the equation under [s. NR 106.05 \(5\) \(a\)](#).

2. If a probability distribution other than log normal is determined to be more appropriate and alternate methods are available, those methods may be used to calculate the upper 99th percentile.

(b) If fewer than 11 daily discharge concentrations of the substance are greater than the limit of detection, a PFOS and PFOA minimization plan is required for a permitted facility if the arithmetic average discharge concentration exceeds one-fifth of the applicable water quality based effluent limitation calculated under this subsection. The arithmetic average discharge concentration shall be calculated using all available representative discharge data, applying the following principles:

1. If, in the judgment of the department, the analytical methods used to test for the substance represent acceptable methods, all values reported as less than the limit of detection shall be set equal to zero for calculation of the average concentration.

2. If, in the judgment of the department, the analytical methods used to test for the substance do not represent the best acceptable methods, all values reported as less than the limit of detection shall be discarded from the data.

**Credits**

**History:** CR 21-083: cr. Register July 2022 No. 799, eff. 8-1-22.

Current through Wisconsin Register 823B, published July 29, 2024. Some sections may be more current, see credits for details.

Wis. Admin. Code § NR 106.98, WI ADC § NR 106.98

Wisconsin Administrative Code

Department of Natural Resources

Environmental Protection -- General

Chapter NR 106. Procedures for Calculating Water Quality Based Effluent Limitations for Point Source Discharges to Surface Waters (Refs & Annos)

Subchapter VIII. Permit Requirements for Pfos and Pfoa Discharges

Wis. Adm. Code § NR 106.985

NR 106.985 PFOS and PFOA minimization plans, permit implementation procedures schedule.

Effective: August 1, 2022

[Currentness](#)

**(1) GENERAL.** If the department determines a permittee has reasonable potential to cause or contribute to an exceedance of the PFOS or PFOA standard in [s. NR 102.04 \(8\) \(d\)](#) 1. based on the reasonable potential procedures and data collected under [s. NR 106.98](#), the department shall notify the permittee in writing that a PFOS and PFOA minimization plan that satisfies the requirements in [s. NR 106.99](#) is required.

**Note:** The department intends to make the reasonable potential determination during the term of the first reissued permit under s. NR 106.98 (2) as soon as the effluent sampling is completed. If the department determines that a permittee has reasonable potential to cause or contribute to an exceedance of the PFOS or PFOA standard, the department will modify the permit pursuant to the public notice and public participation procedures under ch. 283, Stats., and ch. NR 203 to incorporate the PFOS and PFOA minimization plan and other related terms and conditions, including annual progress reporting requirements and a schedule of compliance to meet applicable water quality based effluent limitations into the permit.

**(2) SCHEDULES.** The following timeline applies to a permittee that receives written notification that a PFOS and PFOA minimization plan is required under sub. (1):

(a) The permittee shall submit an initial PFOS and PFOA minimization plan that contains applicable goals and actions listed in [s. NR 106.99](#) for department review and approval no later than 90 days after written notification under sub. (1) was sent from the department. The department may approve, conditionally approve, or reject the plan. The department shall provide a written response to the permittee within 120 days of receiving the plan and, if the initial plan is rejected, the response shall explain the reasons for the rejection. The permittee shall submit a revised plan that addresses all deficiencies and concerns within 30 days of department notification.

(b) As soon as possible after department approval of the PFOS and PFOA minimization plan, the department shall modify or revoke and reissue the permit in accordance with the public notice and public participation procedures required under ch. 283, Stats., and ch. NR 203 to include the PFOS and PFOA minimization plan and other related terms and conditions, including annual progress reporting requirements and a schedule of compliance to meet applicable water quality based effluent limitations. After the permit has been modified or revoked and reissued the permittee shall implement actions



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identified in the approved plan and report annually to the department on the progress of the PFOS and PFOA minimization plan. The annual PFOS and PFOA minimization plan report shall include all of the following:

1. An analysis of trends in total effluent concentrations based on sampling, and for municipal dischargers an analysis of how influent and effluent concentrations vary with time and with significant loading of PFOS and PFOA.
2. A summary of activities that have been implemented during the previous year and description of which, if any, activities from the approved PFOS and PFOA minimization plan were not pursued and why.
3. An assessment of whether each implemented PFOS and PFOA minimization action appears to be effective or ineffective at reducing pollutant discharge concentrations and identification of actions planned for the upcoming year.
4. Identification of barriers that have limited the plan's effectiveness and adjustments to the plan that will be implemented during the next year to help address these barriers.

(c) A permittee may be allowed up to a maximum period of 85 months from the date the permit was modified or revoked and reissued to include the initial PFOS and PFOA minimization plan to implement PFOS and PFOA source reduction activities. After the initial PFOS and PFOA minimization plan is incorporated into the permit under par. (b), prior to each subsequent permit reissuance within the maximum 85 month period, the department shall evaluate whether levels of PFOS or PFOA in the effluent still have the reasonable potential to cause or contribute to an exceedance of the standard pursuant to [s. NR 106.98 \(4\)](#). If the department determines that levels of PFOS or PFOA in the effluent no longer have the reasonable potential to cause or contribute to an exceedance of the standard, the department may remove future PFOS and PFOA minimization plan requirements and future scheduled actions. However, the department shall include terms and conditions in the permit in accordance with the requirements in sub. (3). If the department determines that levels of PFOS or PFOA in the effluent still have the reasonable potential to cause or contribute to an exceedance of the PFOS or PFOA standard and there are feasible effective PFOS or PFOA source reduction activities that the permittee can still implement, the department may include the PFOS and PFOA minimization plan with source reduction activities in the reissued permit as a condition of the schedule. The department may require submittal of an updated PFOS and PFOA minimization plan as part of the reissuance application, or the permittee may choose to submit a revised PFOS and PFOA minimization plan. All revised PFOS and PFOA minimization plans are subject to department review and approval. If, however, the department or the permittee determine that there are no more feasible effective PFOS or PFOA source reduction activities that a permittee can implement, then the source reduction activities have been completed and par. (d) applies.

(d) After the actions in pars. (a) to (c) have been completed, all of the following requirements apply:

1. For PFOS, after a permittee has completed all feasible PFOS source reduction activities within the maximum allowable period of 85 months, if the department determines levels of PFOS in the permitted discharge still have the reasonable potential, as determined using the procedures in [s. NR 106.98 \(4\)](#), to cause or contribute to an exceedance of the PFOS standard in [s. NR 102.04 \(8\) \(d\) 1.](#), the permittee shall be required to achieve compliance with a water quality-based effluent limitation that is calculated using the procedure in [s. NR 106.98 \(4\)](#). The limit shall be expressed as a monthly average and in accordance with the requirements in [s. NR 106.07](#) unless impracticable.

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2. For PFOA, after a permittee has completed all feasible PFOA source reduction activities within the maximum allowable period of 85 months, if the department determines levels of PFOA in the discharge still have the reasonable potential, as determined under the procedures in [s. NR 106.98 \(4\)](#), to cause or contribute to an exceedance of the PFOA standard in [s. NR 102.04 \(8\) \(d\) 1.](#), a water quality-based effluent limitation for PFOA shall be included in the permit. The limitation shall be calculated using the calculation procedures in [s. NR 106.98 \(4\)](#). The PFOA limitation shall be expressed as a monthly average and in accordance with the requirements in [s. NR 106.07](#) unless impracticable.

3. The department may provide additional time in the compliance schedule consistent with the requirements under [s. NR 106.117](#) to achieve compliance with the water quality-based effluent limitations as soon as reasonably possible.

4. The department shall require continued monitoring of PFOS and PFOA with the water quality-based effluent limitation at a frequency specified in the permit and may require continued monitoring in the permit even if a water quality-based effluent limit for PFOS or PFOA is not required in the permit under this subsection.

**(3) MAINTENANCE OF PFOS AND PFOA EFFLUENT QUALITY.** If implementation of the PFOS and PFOA minimization plan reduces or eliminates the discharge of PFOS and PFOA to a level where the permitted discharge no longer has the reasonable potential to cause or contribute to an exceedance of the PFOS or PFOA standards under [s. NR 102.04 \(8\) \(d\) 1.](#), the permittee shall maintain effluent quality below the standards. The department may require continued monitoring of PFOS and PFOA and may include requirements in a permit to ensure maintenance of effluent quality.

**Credits**

**History:** CR 21-083: cr. Register July 2022 No. 799, eff. 8-1-22.

Current through Wisconsin Register 823B, published July 29, 2024. Some sections may be more current, see credits for details.

Wis. Admin. Code § NR 106.985, WI ADC § NR 106.985

NR 106.99 PFOS and PFOA minimization plans., WI ADC § NR 106.99

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Wisconsin Administrative Code

Department of Natural Resources

Environmental Protection -- General

Chapter NR 106. Procedures for Calculating Water Quality Based Effluent Limitations for Point Source Discharges to Surface Waters (Refs & Annos)

Subchapter VIII. Permit Requirements for Pfos and Pfoa Discharges

Wis. Adm. Code § NR 106.99

NR 106.99 PFOS and PFOA minimization plans.

Effective: August 1, 2022

[Currentness](#)

**(1) GENERAL.** A PFOS and PFOA minimization plan shall include similar types of goals and actions that are required for pollutant minimization programs under [s. NR 106.04 \(5\)](#). The plan shall be implemented in a manner that reduces PFOS and PFOA concentrations to the maximum extent practicable and shall include all of the following:

- (a) Identification of specific PFOS and PFOA source reduction activities to be undertaken and a relative timeline to implement those activities.
- (b) A list of PFOS and PFOA source reduction activities that have been implemented prior to submission of the plan, if any, and a description of how effective those activities were in reducing potential and actual PFOS or PFOA discharges, concentrations, or sources.
- (c) An explanation of how implementation of the PFOS and PFOA minimization plan will be documented, including measures such as the number of contacts of various types made, programs implemented, and other activities.
- (d) Steps to measure the effectiveness of the PFOS and PFOA minimization plan elements in reducing potential and actual PFOS and PFOA discharges. Where the permittee regularly monitors influent, effluent, sludge, or biosolids for PFOS and PFOA, measures shall include any changes in PFOS and PFOA concentrations over comparable historic data. When practicable, other measures or estimates of PFOS and PFOA reductions from programs such as PFOS and PFOA recycling, collection, or safe disposal may also be included.

**(2) MUNICIPAL DISCHARGER PLANS.** In addition to the actions under sub. (1), for permitted municipal dischargers, a PFOS and PFOA minimization plan shall consist of all of the following elements:

- (a) *Source identification.* The permittee shall establish an inventory of treatment system users to identify dischargers to the municipal treatment system that may be significant sources of PFOS or PFOA.

NR 106.99 PFOS and PFOA minimization plans., WI ADC § NR 106.99

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**Note:** The following types of users are examples of users that have the potential to be significant sources of PFOS or PFOA: (a) Metal finishers that are using, or have used, PFAS-containing wetting agents, demisters, defoamers, or surfactants in their plating tanks; (b) Landfills that have accepted waste from metal finishers using hexavalent chromium or other industries associated with PFAS use, including tanneries, fabric or leather treaters, or paper manufacturers; (c) Contaminated sites discharging wastewater potentially containing PFAS, including those associated with firefighting foam, certain metal finishing wastes, or water- or stain-repellent treatment chemicals; (d) Centralized waste treatment facilities that accept any of the above wastewaters; and (e) Any other industrial users that use or have used PFAS products or raw materials.

(b) *Source monitoring.* Once sources have been identified under par. (a), the permittee shall develop a monitoring plan to sample all probable sources of PFOS and PFOA, the sampling protocol that will be followed, and the timeline for completion. The monitoring plan shall include a schedule to conduct all sampling of identified probable sources of PFOS and PFOA within the first 24 months from the date the permit was modified or revoked and reissued to include the initial PFOS and PFOA minimization plan. Any plan developed for collecting PFOS and PFOA samples from the permittee's sewer system users may be independently implemented by the permittee, jointly by the permittee and others, or by another governmental unit.

(c) *Perform source monitoring.* The permittee shall provide sample results from each probable source identified in the monitoring plan for PFOS and PFOA, using grab samples, and following recommended sampling protocols to prevent cross-contamination.

**Note:** Permittees may refer to the Michigan Department of Environmental Quality's "Wastewater PFAS Sampling Guidance" for recommended sampling protocols and cross-contamination prevention measures. This document may be found through searching the Michigan Department of Environment, Great Lakes, and Energy website.

(d) *Actions to reduce or eliminate PFOS and PFOA in permitted discharges.* The plan shall identify PFOS and PFOA source reduction activities and measures to eliminate, reduce, or control sources to the maximum extent practicable.

**Note:** An example of an action to eliminate, reduce, or control PFAS in permitted discharges is to update sewer use ordinances.

(e) *Education and outreach.* The plan shall include activities to educate the general public, industrial and commercial sewer system users, or other professionals about the ways to reduce the use of PFAS-containing products, proper disposal of PFAS-containing products, and other mitigation efforts.

(f) *Other activities.* The plan may include activities that the department, in consultation with the permittee, determines to be appropriate for the individual permittee's circumstances.

**(3) PRIMARY AND SECONDARY INDUSTRY PLANS.** In addition to the provisions under s. NR 106.99 (1), for primary and secondary industries, a PFOS and PFOA minimization plan shall consist of an evaluation of all of the following elements:

(a) Source identification and inventory.

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(b) Improvement of operational controls or maintenance.

(c) Substitution of raw materials or chemical additives with low or zero PFOS, PFOA, and PFOS and PFOA precursor alternatives.

(d) Institution of alternative processes.

(e) Clean-up of historical contamination.

(f) Other activities that the department, in consultation with the permittee, determines to be appropriate for the individual permittee's circumstances.

**(4) REVIEWING AND APPROVING A PFOS AND PFOA MINIMIZATION PLAN.** In reviewing the appropriate elements for a PFOS and PFOA minimization plan for municipal dischargers or primary and secondary industrial dischargers, the department shall consider all of the following:

(a) The type and size of discharger.

(b) The operations that generate the wastewater.

(c) The concentrations of PFOS and PFOA in the effluent, influent, and biosolids or sludge, if applicable and available.

(d) The costs of potential PFOS and PFOA minimization plan elements.

(e) The environmental costs and benefits of the PFOS and PFOA minimization plan elements.

(f) The characteristics of the community in which the discharger is located, if applicable.

(g) The opportunities for material or product substitution.

(h) The opportunities available for support from or cooperation with other organizations.

(i) The actions the discharger has taken in the past to reduce PFOS or PFOA use or discharges.

(j) Any other relevant information.

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(5) REVISIONS TO PLANS. Any revision to previously approved plans requires department approval.

**Credits**

**History: CR 21-083: cr. Register July 2022 No. 799, eff. 8-1-22.**

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Wis. Admin. Code § NR 106.99, WI ADC § NR 106.99

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NR 106.995 Sampling and laboratory analysis requirements., WI ADC § NR 106.995

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Environmental Protection -- General

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Subchapter VIII. Permit Requirements for Pfos and Pfoa Discharges

Wis. Adm. Code § NR 106.995

NR 106.995 Sampling and laboratory analysis requirements.

Effective: August 1, 2022

[Currentness](#)

(1) The permittee shall collect samples in accordance with the requirements in the permit. The department may require either grab or composite samples as a permit condition. If the permittee uses a composite sampler, an equipment blank is required.

**Note:** If the permittee uses a composite sampler, it is recommended the permittee contact their department compliance representative prior to sample collection for additional sampling information.

(2) The laboratory performing the analyses on any samples shall be certified for the applicable PFAS compounds in the aqueous matrix by the Wisconsin Laboratory Certification Program established under [s. 299.11, Stats.](#), in accordance with [s. NR 149.41](#).

**Note:** If the EPA Office of Water publishes a 1600 series isotope dilution method for the analysis of PFAS in wastewater, the department recommends use of the EPA method.

(3) The department may reject any sample results if results are produced by a laboratory that is not in compliance with certification requirements under ch. NR 149.

**Credits**

**History:** CR 21-083: cr. Register July 2022 No. 799, eff. 8-1-22.

Current through Wisconsin Register 823B, published July 29, 2024. Some sections may be more current, see credits for details.

Wis. Admin. Code § NR 106.995, WI ADC § NR 106.995

NR 106.996 New dischargers or new sources., WI ADC § NR 106.996

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Subchapter VIII. Permit Requirements for Pfos and Pfoa Discharges

Wis. Adm. Code § NR 106.996

NR 106.996 New dischargers or new sources.

Effective: August 1, 2022

[Currentness](#)

If the department determines that a new source or new discharger may have the reasonable potential to cause or contribute to an exceedance of the PFOS or PFOA standard under [s. NR 102.04 \(8\) \(d\) 1.](#), the permittee shall install pollution control measures to achieve the standard prior to discharge, and water quality-based effluent limitations for PFOS or PFOA or both that are calculated using the procedure in [ss. NR 106.07 \(2\)](#) and [106.98 \(4\)](#) and ch. NR 207 shall be included in the permit.

**Credits**

**History:** CR 21-083: cr. Register July 2022 No. 799, eff. 8-1-22; correction made under [s. 35.17, Stats.](#), Register July 2022 No. 799.

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Wis. Admin. Code § NR 106.996, WI ADC § NR 106.996

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NR 809.20 Synthetic organic contaminant maximum..., WI ADC § NR 809.20

Wisconsin Administrative Code

Department of Natural Resources

Environmental Protection - Water Supply

Chapter NR 809. Safe Drinking Water (Refs & Annos)

Subchapter I - Maximum Contaminant Levels, Monitoring and Analytical Requirements for Primary Drinking Water Contaminants

Wis. Adm. Code § NR 809.20

NR 809.20 Synthetic organic contaminant maximum contaminant levels and BATS.

Effective: August 1, 2022

[Currentness](#)

(1) **APPLICABILITY.** The following maximum contaminant levels for synthetic organic contaminants apply to community water systems and non-transient non-community water systems.

Contaminant	MCL (mg/L)
Alachlor	0.002
Atrazine	0.003
Benzo[a]pyrene	0.0002
Carbofuran	0.04
Chlordane	0.002
2,4-D	0.07
Dalapon	0.2
Dibromochloropropane	0.0002
Di(2-ethylhexyl)adipate	0.4
Di(2-ethylhexyl)phthalate	0.006
Dinoseb	0.007
Diquat	0.02
Endothall	0.1
Endrin	0.002
Ethylene Dibromide	0.00005

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Glyphosate	0.7
Heptachlor	0.0004
Heptachlor epoxide	0.0002
Hexachlorobenzene	0.001
Hexachlorocyclopentadiene	0.05
Lindane	0.0002
Methoxychlor	0.04
Oxamyl	0.2
Pentachlorophenol	0.001
PFOS and PFOA	0.000070
Picloram	0.5
Polychlorinated biphenyls (PCBs)	0.0005
Simazine	0.004
2,3,7,8-TCDD (Dioxin)	$3 \times 10^{-8}$
Toxaphene	0.003
2,4,5-TP	0.05

(2) BEST AVAILABLE TREATMENT. The following are the BATs available for achieving compliance with the maximum contaminant levels for the organic contaminants listed in sub. (1):

(a) Central treatment using granular activated carbon, except for glyphosate.

(b) Packed tower aeration for dibromochloropropane, di(2-ethylhexyl)adipate, ethylene dibromide, and hexachlorocyclopentadiene.

(c) Oxidation for glyphosate.

(d) Granular activated carbon, powdered activated carbon, ion exchange resins, nanofiltration, and reverse osmosis for PFOS and PFOA.

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(3) ALTERNATIVE TREATMENT. A water supplier may use an alternative treatment not listed in sub. (2) if it is demonstrated to the department, using pilot studies or other means, that the alternative treatment is sufficient to achieve compliance with the MCLs in sub. (1).

**Credits**

**History:** CR 09-073: cr. Register November 2010 No. 659, eff. 12-1-10; **CR 21-088: am. (1) Table, cr. (2) (d) Register July 2022 No. 799, eff. 8-1-22.**

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Wis. Admin. Code § NR 809.20, WI ADC § NR 809.20

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