

## **Guidance for Requesting an Increased Discharge to Wetlands To Fulfill Requirements of Chapter NR 103 Water Quality Standards for Wetlands**

*This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.*

If you request an increase in any of your permit effluent limitations and your wastewater discharge will potentially impact a wetland either directly or indirectly, you must submit the following information as required by Wisconsin Administrative Code, Chapter NR 103, Water Quality Standards for Wetlands. If you are not sure whether a wetland will be impacted, contact the permit drafter who is identified in the cover letter that accompanies this permit reissuance package. All requirements of ch. NR 103 must be satisfied before the Department can reissue a permit containing an increased effluent limitation.

### **I. WATER/WETLAND DEPENDENCY**

Is the project water or wetland dependent? (Does the project need to be located in or adjacent to a wetland or surface water to fulfill its basic purpose?)

### **II. PRACTICABLE ALTERNATIVES ANALYSIS**

Are practicable alternatives available which will not adversely impact wetlands or have other significant adverse environmental impacts? Explain in detail:

#### **A. Background of the Project**

1. Describe the purpose and need for the project.
2. Is the project an expansion of an existing work or is it new construction?
3. When did you start to develop a plan for your project?
4. Explain why the project must be located in or adjacent to wetlands. Why was this project site chosen over others?

#### **B. Alternatives**

1. Can you satisfy your needs in ways other than the proposed project?
2. Can the project be redesigned to fit the site without affecting wetlands?
3. Can you make the project smaller and still meet your needs?
4. What other sites were considered?
  - a. What geographical area was searched for alternative sites?
  - b. Are other non-wetland sites available for development in the area?
  - c. Have you sold any lands in recent years that would have been suitable for the project?

#### **C. Comparison of Alternatives**

1. How do the costs compare for the alternatives considered in B. above?

2. Are there logistical reasons that limit the alternatives considered?
3. Are there technological limitations for the alternatives considered?
4. Are there other reasons certain alternatives are not feasible?
1. If you have not chosen an available alternative that would avoid wetland impacts, explain why your alternative was selected.

***CHAPTER NR 103 (continued)***

**III. WETLAND FUNCTIONAL ASSESSMENT**

How will the project affect the wetland?

A. Describe the wetland that will be affected:

1. Vegetation type(s).
2. Soils.
3. Hydrology and watershed area - water source, inlet(s) and outlet(s), presence or absence of surface water over the year.
4. Surrounding land uses (current and projected).
5. Existing functional values which the wetland performs [See NR 103.03(1)]:
  - a. Storm and flood water storage.
  - b. Hydrologic functions such as groundwater discharge and recharge.
  - c. Filtration and storage of sediments, nutrients or toxic substances.
  - d. Shoreline protection against erosion.
  - e. Habitat for aquatic organisms.
  - f. Habitat for wildlife, both game and non-game species.
  - g. Human use functional values.

B. Explain how the project may affect the functional values of the wetland, water quality or other environmental values:

1. Impacts to the functional values of the wetland, as in A.5. above.
2. Impacts to wetland criteria [See NR 103.03(2)].
3. Cumulative impacts (Cumulative impacts are defined as the impacts on the environment which result from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions.)
4. Secondary impacts.
5. Impacts to Areas of Special Natural Resource Interest (See NR 103.04).