

CHAPTER 1.4 - Test Credits

The purpose of this chapter is to give guidance to WDNR staff when determining the appropriateness of applying WET tests to future WPDES permit reissuances.

NOTICE: This chapter and the associated SWAMP WET Checklist are intended solely as guidance, and do 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.

Whole Effluent Toxicity Test Credits

Credits may be given if a permittee performs WET testing in addition to those required in the WPDES permit. These extra tests may be applied towards subsequent permit issuances, according to the following guidelines:

1. **Voluntary submittal of test data; Tests performed via 147.025, Wis. Stats., (permit application) letter; Tests not accounted for in a WQBEL memo.** If a facility has conducted a test outside of normal permit requirements, has submitted WET data for a permit application, or to account for any tests which were not addressed in a WQBEL memo, yet were performed according to a previous permit, credit may be given according to the following restrictions:
 - a) A successful battery was completed with respect to QA/QC requirements and a report submitted prior to the public notice date of the permit to be issued; and
 - b) The credit is limited to two test batteries that were initiated at least 60 days apart; and
 - c) The test(s) should have been initiated within two years of the date of issuance of the permit which reflects the credit; and
 - d) The facility has not reported any positive test results for the two years preceding the date of public notice of the permit which reflects the credit.
2. **Tests performed after public notice, before permit is reissued.** To account for tests that were completed according to a public noticed but not yet reissued permit, credit may be given toward meeting the requirements in the permit once reissued, according to the following restrictions:
 - a) A successful battery was completed with respect to QA/QC requirements and a report submitted prior to the issuance date of the permit; and
 - b) The credit is limited to test batteries that were initiated at least 60 days apart; and
 - c) All tests should have been completed according to all WET test requirements in the final, reissued permit. If WET test requirements change between public notice and final issuance of the permit, tests completed according to the public noticed permit will not be applicable.

How To Give Credits

When giving credit for completed toxicity tests as discussed above, you should simply apply the credits towards the next permit upon reissuance. That is, when reissuing the permit, you should subtract the number of credited tests from the number recommended. The permit drafter (or other appropriate staff) should document this decision in the permit file. For instance, if after completing the checklist, a recommendation was given to complete 3 tests within the permit term and credit for two tests was to be given, the permit would be written to require one test during that permit term.

NOTE: Toxicity tests conducted by the State Laboratory of Hygiene cannot be used as credits. This is due to many factors, including: 1) the tests were conducted to evaluate facility performance and/or make contract lab test comparisons, and 2) credits are not provided for other SLH-generated data (i.e. chemical-specific) and therefore should not be given for SLH-generated toxicity data.