



**Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS**

In the Matter of the Wisconsin Pollutant Discharge Elimination System Permit No. WI-0061514-03-0 (WPDES Permit) Reissued to United Liquid Waste Recycling, Inc., Located in Clyman, Wisconsin, by the Department of Natural Resources on July 1, 2014.

DNR Case No. DNR-14-061

NOTICE OF TELEPHONE PREHEARING CONFERENCE

The Department of Natural Resources reissued WPDES Permit No. WI-0061514-02-0 on June 30, 2014, to regulate the discharges associated with the operations of United Liquid Waste Recycling, Inc.'s storage and treatment facility and land application activities. The Permit was issued in accordance with the effluent limitations, monitoring requirements and other conditions. The subject facility is located at 715 Morgan Street, in the Town of Clyman, Dodge County, Wisconsin and discharges into groundwaters of the State via landspreading on approved sites in Columbia, Dane, Dodge, Fond du Lac, Green Lake and Jefferson counties.

On July 30, 2014, Attorney Amy B.F. Tutwiler, on behalf of United Liquid Waste Recycling, Inc. (ULWR), filed a Petition for Contested Case Hearing with the Department of Natural Resources challenging specific terms and conditions of the WPDES Permit reissued to ULWR (WPDES No. WI-0061514-03-0) and challenging whether the names of ULWR's municipal clients may be released or are to be held confidential pursuant to an order issued by the Division of Hearings and Appeals.

By letter dated August 18, 2014, the Department of Natural Resources granted the request for hearing pursuant to Wis. Stat. § 283.63 on the following issues:

1. Are the nitrogen loading limits on the land application of mixed wastes (industrial wastewater and municipal biosolids), established in Section 3.3.3.4 (Outfall 030), Section 3.3.5.4 (Outfall 111), Section 3.3.7.4 (Outfalls 51 and 110), Section 3.3.8.5 (Outfalls 101, 102 and 103) and Section 5.3.10.2, authorized and reasonable?
2. Is the nitrogen requirement in Section 3.3.11.10 (Outfall 221) of the permit authorized and reasonable?
3. Are the chloride loading limits on the land application of mixed wastes (industrial wastewater and municipal biosolids), established in Section 3.3.3.5 (Outfall 030),

Section 3.3.5.5 (Outfall 111), Section 3.3.7.5 (Outfalls 51 & 110) and Section 3.3.8.6 (Outfalls 101, 102 and 103), authorized and reasonable?

4. Are the chloride monitoring requirements on mixed wastes (industrial wastewater and municipal biosolids), established in Section 3.3.3 (Outfall 030), Section 3.3.5 (Outfall 111), Section 3.3.7 (Outfalls 51 and 110) and Section 3.3.8 (Outfalls 101, 102, and 103), authorized and reasonable?
5. Are the monitoring requirements for chemical oxygen demand (COD) on mixed wastes (industrial wastewater and municipal biosolids), established in Sections 3.3.3 and 3.3.8, authorized and reasonable?
6. Are the pH monitoring requirements on mixed wastes (industrial wastewater and municipal biosolids), established in Sections 3.3.3, 3.3.5, 3.3.6, 3.3.7, 3.3.8, 3.3.9 and 3.3.10, authorized and reasonable?
7. Are the metals monitoring requirements on industrial cake sludge, established in Section 3.3.4 (Outfalls 050 and 109), authorized and reasonable?
8. Are the compliance maintenance annual reporting requirements in Section 5.1.5 of the permit reasonable and necessary?
9. Are the bypass restrictions and reporting requirements on ULWR's wastewater treatment system in Sections 5.2.2 and 5.2.3 authorized and reasonable?
10. Is the restriction in Section 3.3.10.2 that limits certain fields to a single municipal client authorized and reasonable?

On March 23, 2015, the Division of Hearings and Appeals received a Request for Hearing from the Department.

NOTICE IS HEREBY GIVEN that the State of Wisconsin Division of Hearings and Appeals will initiate a telephone prehearing conference on the above matter pursuant to Wis. Stats. § 283.63 on **April 22, 2015, 2015 at 10:00 a.m.** Any person, organization or governmental unit wishing to become a party to this proceeding must appear at the conference in person or by an authorized representative. **To so participate, said persons must write to the Division of Hearings and Appeals, at least three days prior to the April 22nd telephone prehearing conference, in care of the undersigned and indicate a phone number where they can be reached at the above mentioned time.** If necessary, the purpose of the prehearing conference will be to identify parties to the proceeding, to simplify the issues which may be contested at the hearing, establish a discovery schedule and set a date for hearing. No testimony will be heard at the prehearing conference; however, a date may be set for the hearing on the merits at the conference.

When the hearing is held it will be a Class 1 contested case pursuant to Wis. Stat. § 227.01(3)(a) and the fair play provisions of Wis. Stat. ch. 227 will apply. The procedures

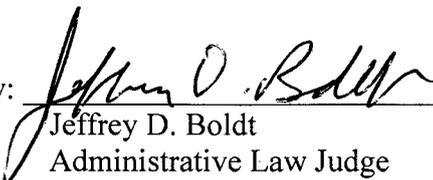
relating to contested cases set forth in Wis. Admin. Code ch. NR. 2 will be followed. The procedure that will be followed at the public hearing will closely resemble that normally followed at a court hearing. All parties are advised that they have the right to seek the aid and assistance of legal counsel and to be represented by legal counsel at the public hearing.

The permits, petitions and other information relating to the petitioner are on file and may be inspected and copied at the offices of the Department of Natural Resources, 101 South Webster Street, Madison, Wisconsin, between the hours of 9:00 a.m. and 3:30 p.m., Monday through Friday, holidays excepted. Copies of documents on file for the applicant may be obtained by writing to the Department of Natural Resources, WPDES Permit Section, P.O. Box 7921, Madison, Wisconsin, 53707-7921. Reasonable costs will be charged for copies of all information excluding public notices and fact sheets.

Pursuant to the Americans With Disabilities Act, reasonable accommodations will be made to any qualified individual upon request. Please call the Division of Hearings and Appeals at (608) 266-3865 with specific information on your request prior to the date of the scheduled prehearing or hearing.

Dated at Madison, Wisconsin on March 26, 2015.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
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By: 
Jeffrey D. Boldt
Administrative Law Judge