

SSO General Permit

SANITARY SEWER OVERFLOWS from SEWAGE COLLECTION SYSTEMS

FACT SHEET

WPDES Permit No. WI-0047341-04-0

February 27, 2006

GENERAL DESCRIPTION

Sanitary sewer overflows (SSO) from sewage collection systems include all discharges of untreated sewage to waters of the state or to the land surface. Such overflows may occur from sewage pumping stations, sanitary manhole structures, and other places within the sewage collection system (excluding the wastewater treatment plant). An overflow may result from plugged or broken sanitary sewers, equipment failure or damage, power outage, and excessive infiltration and/or inflow (I/I) of clearwater (groundwater and storm water runoff) into sewers. Also, some communities in the state have collection systems with permanently installed overflow structures or pipes specifically designed to discharge sewage during surcharging or other high wastewater flow conditions.

The Department is authorized by state statutes to establish and administer the Wisconsin Pollutant Discharge Elimination System (WPDES) permit program, which regulates wastewater discharges, including sanitary sewer overflows. The SSO general permit may be used to regulate all applicable municipal and non-municipal entities that own and maintain a sewage collection system. The permit provides standard procedures for monitoring and reporting sewage overflow occurrences statewide. The sewage collection systems covered under this permit are tributary to a regional municipal sewerage system that receives and treats the wastewater. An individual WPDES permit is issued to these municipal sewerage systems, which discharge the treated wastewater to waters of the state.

The Department strongly encourages all municipal and non-municipal entities tributary to a regional sewerage system to adopt and participate in a coordinated on-going program of infiltration/inflow source identification, removal, and routine sewage collection system maintenance to minimize the potential for conditions that cause SSOs.

RATIONAL FOR PERMIT REQUIREMENTS

1. Applicability Criteria

The SSO general permit applies to municipalities (as defined in s. 283.01(7), Wis. Stats.) that own and operate an individual sewage collection system that is connected to a regional municipal sewerage system. The permit also covers selected non-municipal tributary entities, which may include certain industrial or commercial establishments, mobile home parks, and health care facilities, which, in the Department's judgment, may pose a reasonable potential for a sewage overflow. Non-municipal entities that would be considered for coverage include those who own and maintain a private sewage system with flow rates greater than a typical residence, have one or more sewage pumping stations, and lateral sewers lengths in excess of 200 feet. This general permit is not applicable to private residences, and facilities that are issued an individual WPDES permit. Individual permits similarly regulate overflows of sewage from sewage collection systems.

Sewage collection systems that actually discharge pollutants require a WPDES permit. This includes collection systems that have had a SSO at any time in the past, or a permanently installed overflow structure or pipe exists. An overflow structure or pipe located at a specific location allows for a diversion of sewage that is designed to discharge to the environment, such as into a ditch, into a storm sewer, directly into a river or lake, or onto the land surface. Such a diversion would occur when the sewer is surcharged and high wastewater flow exceeds the capacity of the sewer. Portable pumps to relieve sewer flows, or discharges from locations not intended to overflow such as manholes or pumping stations, are not considered permanently installed overflow structures.

A recent federal court ruling in another jurisdiction (*Waterkeeper Alliance et al. v. EPA*, 399 F.3d 486, 2nd Cir. 2005) has determined that under federal law NPDES permitting rules do not apply to “potential” discharges, but only to actual discharges of pollutants. If this decision applies to WPDES permittees in Wisconsin, the Department may lack the authority to issue a permit to a potential discharger, and some collection system owners could therefore decline coverage under the permit. If the collection system has never experienced a SSO in the past, and the collection system owner does not foresee any circumstances in the future when a SSO could occur, then a permit may not be required. The collection system owner is responsible for this determination. The cover letter that conveys coverage under the permit explains how to have the permit withdrawn. However, the Department encourages all collection systems to be covered under the general permit, because, if there is a SSO, and the collection system doesn’t have a permit, that is a violation for discharging without a permit.

2. Permit Conditions and Monitoring Requirements

- (1) An unscheduled SSO is prohibited and subject to enforcement action, except in limited circumstances because they are unavoidable or there is no feasible alternative. A scheduled overflow that occurs due to construction or maintenance of a sewage collection system is regulated differently, in accordance with Standard Requirement 3.13.

Noncompliance with the terms of the general permit may result in the following Department actions: (a) enforcement, (b) withdrawal of coverage under the general permit, (c) issuance of an individual permit with a compliance schedule requiring corrective action to eliminate SSOs, and (d) a moratorium on approvals for new sanitary sewer extension requests. In addition, each SSO occurrence receives points, and will be scored and graded according to the compliance maintenance annual report (CMAR) requirements in ch. NR 208, Wis. Adm. Code.

- (2) When a SSO occurs the permittee must notify the Department within 24 hours. The wastewater engineer or specialist in the regional office should be telephoned, but alternative messages are allowed. A follow-up written report must be sent to the Department within 5 days describing the situation and what is proposed to prevent future occurrences. The regional sewerage system receiving the wastewater must be copied on the report as a courtesy and for informational purposes.
- (3) One of the reporting requirements is rainfall data. In specified instances, a rain gauge must be provided within the area of the sewage collection system where overflows occur. Alternatively, the nearest existing rain gauging station (preferably less than 5 miles away) may be acceptable.
- (4) All permanently installed overflow structures must have recording devices to document if a SSO occurred, and record the duration and volume.
- (5) An inspection of each permanently installed automatic overflow structure is required within 24 hours after a ¾ inch 24-hour precipitation event, to look for any evidence of a SSO. The Department may specify that an inspection is required for smaller events.
- (6) If there is a drinking water intake in Lake Michigan, Lake Superior, or Lake Winnebago that could be impacted by a SSO, the permittee must notify the owner of the water intake as soon as possible. A table lists which water intakes are in the vicinity for each regional treatment sewerage system that must be notified.
- (7) A Compliance Maintenance Annual Report is required, which will summarize the status of the sewage collection system and any SSOs that occurred during the year. The CMAR program will be an evolving tool to collect data, help the Department determine reasonable goals, and measurements to determine compliance.

3. Standard Requirements

These requirements apply to all permittees, and reflect the general conditions contained in ch. NR 205, Wis. Adm. Code. They consist of permittee obligations, reporting requirements, and describe the proper operation of the sewage collection systems.

CHANGES FROM THE PREVIOUS GENERAL PERMIT REISSUANCE

The substance of the permit remains the same. The following changes are included in the reissuance:

- The previously used term of “bypasses or overflow” was replaced with “sanitary sewer overflow” or “SSO” to be consistent with EPA terminology and future DNR code revisions.
- New requirement added for notifying public drinking water supply owners if a SSO could impact it.
- Expanded on the reporting requirements in Section 2.3, with notes recommending use of DNR Form 3400-184 to report SSOs, and information to clarify common reporting problems.
- New requirement for submitting a Compliance Maintenance Annual Report (CMAR), which replaces the annual report previously in the permit.

The permit is being revoked and reissued because the addition of the CMAR needs to be included in the permit prior to the March 31, 2006 expiration date of the current permit. The permit is proposed for a five year term, but it may be revoked and reissued prior to expiration to include pending code revisions that will include requirements for developing and implementing a “Capacity, Management, Operation, and Maintenance” program (CMOM) to assure the proper operation of sewage collection systems.

SECOND PUBLIC NOTICE

The SSO general permit was public noticed again January 5, 2006, to allow additional time for comments. This request was made by some Milwaukee area permittees. The permit was first public noticed November 23, 2005 with a 30 day comment period. The comment period was extended until January 31, 2006. The following revisions were made to the permit since the first public notice:

- The note on the bottom of page 1, regarding the need for on going programs to eliminate SSOs, was deleted from the permit (but is retained in the fact sheet). The new Compliance Maintenance Annual Report and the activities associated with it, and in the future the CMOM program, will help accomplish reductions in SSOs.
- The first sentence in Section 1.3 “Occurrence of Frequent or Chronic SSOs) was revised by deleting the phrase “...or contributes to...”, because it was ambiguous. Also, the phrase “... frequent or chronic...” was replaced with “unscheduled” to avoid having to define what’s frequent or chronic, or limit the Department from taking action against a single occurrence of significance. This section was also moved to the end of Section 2.1 “Unscheduled SSO” , where it’s more appropriate.
- The reporting of a SSO to drinking water intake owners in Section 2.6 was clarified by providing an example. This notification is an EPA requirement and must be in the permit. The Department has taken the position that all SSOs must be reported to the drinking water intake owner (if the collection system is tributary to one of the listed regional POTWs). This avoids any judgment calls on what may be in the vicinity, and if the overflow could have an impact. In Table 1 the middle column heading was changed from “Surface Water Body” to “Drinking Water Source”.
- The permit term begins on March 1, 2006 instead of the previous January 1, 2006 because of the delay with the second public notice.
- Revisions were made to the fact sheet.

PUBLIC NOTICE COMMENTS

A total of 21 comment letters were received during the public notice period that ended January 31, 2006. All the comments were from the Milwaukee area (with the exception of a letter from EPA Region 5). The following is a summary of revisions to the permit and fact sheet in response to the comments that warranted a change, and other changes initiated by the Department:

- A note was added under the applicability criteria on page 2 that describes the determination to be made when a collection system owner experiences a SSO, but is not covered under this permit.

- The use of the term “sanitary sewer overflow” (or SSO) was questioned because it isn’t defined in State Statute or Administrative Code. The Department chose to use SSO in the permit reissuance instead of the term “bypasses or overflows”, which was used in the previous permits. It was clarified on the cover page and page 2 that SSO is the term used to describe bypasses or overflows. Use of SSO is consistent with current EPA regulations. Revisions to the definition in our administrative codes will be made as they are revised. Recent revisions to ch. NR 208, Wis. Adm. Code uses SSO. It’s important this permit be consistent with ch. NR 208 since the SSO permit contains CMAR requirements from this code.
- The definition of municipality was included in Section 1.1”Covered Facilities”, for convenience to permittees to avoid having to look this up in state statute.
- A new note was added to the bottom of page 2 indicating that discharging without a permit is a violation, and the reporting of a SSO is required regardless of whether a WPDES permit is issued.
- Deleted Section 2.1”Unauthorized Discharge” as unnecessary, and it also appears to be inconsistent with the permit because in some situations enforcement action would not be taken against a SSO if it qualifies as unavoidable or there is no feasible alternative.
- Revised the language in Section 2.4 “Recording Devices” , by eliminating the abnormal circumstances provision. It’s important there is flow monitoring at SSO locations to monitor the flow in the sewer to help understand the cause.
- Clarified the applicability of the compliance maintenance program to collection systems. Added a sentence to Section 2.7 “Compliance Maintenance Annual Report”, indicating that the effective date for the applicability of the CMAR requirements of ch. NR 208, Wis. Adm. Code was January 1, 2006. Added a sentence to the end of Section 2.1 ”Unscheduled SSO”, to indicate that the occurrence of a SSO results in points in the CMAR scoring system.

Comments that did not result in a revision to the permit:

- Many letters requested restoration of two deleted provisions that qualified a SSO as not being subject to enforcement action in previous permits - inadvertent SSO from equipment damage, plugged or broken sewers, and power interruptions; and excessive storm drainage or runoff. EPA required the removal of these provisions, and the current language was established in consultation with EPA and conformance with their rules. The language for unscheduled SSOs in this general permit is the same as in the standard requirements of individual WPDES permits the Department issues.
- Many letters objected to the reporting of SSO to drinking water intake owners, because scientific evidence of health impacts is lacking, that the water intakes identified within the vicinity that could be impacted is arbitrary, and it would create unfounded public concern. This notification is required by EPA so it must be in the permit. It was the Departments attempt to make this notification as simple as possible. If a SSO occurs, you provide notification immediately (could be as simple as sending out an email). Making an exact determination of whether a water intake could be impacted, and whether there is a health risk, could be very difficult and time consuming determinations. We don’t believe this is a burdensome notification. The phrase “or otherwise assures notification of” was added to Section 2.6, which would allow a third party (such as the regional treatment plant) to act as the clearinghouse for the tributary collection systems. The Department doesn’t share the opinion of raising unfounded public concerns about a SSO. To the contrary, the occurrence of a SSO is factual and should be public information, and it’s a concern. One comment letter recommended additional public notification, which we agree with, but lack the authority to include that in the permit.

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