



# WPDES PERMIT

## *STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES*

### **GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of Chapter 283, Wis. Stats., any facility engaged in

#### **LANDSPREADING OF INDUSTRIAL LIQUID WASTES**

located in the State of Wisconsin and meeting the applicability criteria listed in this General Permit, is permitted to discharge these wastewaters to approved spreading sites in Wisconsin in accordance with the effluent limitations, monitoring requirements and other conditions set forth in this permit.

State of Wisconsin Department of Natural Resources  
For the Secretary

By Sharon L. Gayan  
Sharon L. Gayan, MPA  
Director, Bureau of Water Quality

12/19/2017  
Date Permit Signed/Issued

PERMIT TERM: EFFECTIVE DATE – September 1, 2017

EXPIRATION DATE – August 31, 2022

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## TABLE OF CONTENTS

<b>1</b>	<b>APPLICABILITY CRITERIA</b>	<b>1</b>
1.1	ACTIVITIES COVERED	1
1.2	ACTIVITIES NOT COVERED	1
1.3	SEEKING COVERAGE UNDER AN INDIVIDUAL PERMIT	2
<b>2</b>	<b>LANDSPREADING SITE REQUIREMENTS</b>	<b>3</b>
2.1	DEPARTMENT APPROVAL FOR LANDSPREADING SITES	3
2.2	LANDSPREADING SITE SEPARATION DISTANCES AND SLOPES	3
<b>3</b>	<b>REPORTING REQUIREMENTS</b>	<b>4</b>
3.1	LAND APPLICATION CHARACTERISTIC REPORT (FORM 3400-49)	4
3.2	ANNUAL LAND APPLICATION REPORT (FORM 3400-55)	4
3.3	OTHER METHODS OF DISPOSAL OR DISTRIBUTION REPORT (FORM 3400-52)	4
<b>4</b>	<b>LIQUID WASTES LANDSPREADING REQUIREMENTS</b>	<b>5</b>
4.1	SAMPLING LOCATION	6
4.2	DAILY APPLICATION RATES	6
4.3	WEEKLY APPLICATION RATES	6
4.4	WHEY APPLICATION RATES	6
4.5	CHLORIDE REQUIREMENTS FOR LIQUID WASTES	6
4.6	NITROGEN REQUIREMENTS FOR LIQUID WASTES	6
<b>5</b>	<b>LANDSPREADING MANAGEMENT PLAN</b>	<b>8</b>
5.1	OPERATE CONSISTENT WITH AN APPROVED MANAGEMENT PLAN	8
5.2	SUBMITTAL OF THE MANAGEMENT PLAN	8
5.3	MANAGEMENT PLAN CONTENT	8
<b>6</b>	<b>OPERATIONAL AND STORAGE REQUIREMENTS</b>	<b>9</b>
<b>7</b>	<b>STANDARD REQUIREMENTS</b>	<b>10</b>
7.1	GENERAL CONDITIONS FOR GENERAL PERMIT DISCHARGES	10
7.1.1	<i>Request for Coverage</i>	10
7.1.2	<i>Department Coverage Determination</i>	10
7.1.3	<i>Delegation of Signature Authority</i>	10
7.1.4	<i>Permit Coverage Transfers</i>	10
7.1.5	<i>Permit Coverage Terminations</i>	11
7.1.6	<i>Continuation of an Expired General Permit</i>	11
7.1.7	<i>Modification or Revocation and Reissuance of a General Permit</i>	11
7.1.8	<i>Seeking Coverage under an Individual Permit</i>	11
7.2	GENERAL CONDITIONS FOR ALL DISCHARGES	12
7.2.1	<i>Duty to Comply</i>	12
7.2.2	<i>Permit Actions</i>	12
7.2.3	<i>Property Rights</i>	12
7.2.4	<i>Inspection and Entry</i>	12
7.2.5	<i>Recording of Results</i>	12
7.2.6	<i>Records Retention</i>	13
7.2.7	<i>Signatory Requirement</i>	13
7.2.8	<i>Duty to Mitigate</i>	13
7.2.9	<i>Duty to Provide Information</i>	13
7.2.10	<i>Need to Halt or Reduce Activity Not a Defense</i>	13
7.2.11	<i>Sampling and Testing Procedures</i>	13
7.2.12	<i>Reporting Requirements – Alterations or Additions</i>	13
7.2.13	<i>More Frequent Monitoring</i>	14
7.2.14	<i>Noncompliance Reporting</i>	14
7.2.15	<i>Other Information</i>	14
7.2.16	<i>Permit as Enforcement Shield</i>	15
7.3	GENERAL CONDITIONS FOR INDUSTRIAL DISCHARGES	15
7.3.1	<i>Spill Reporting</i>	15
7.3.2	<i>Planned Changes</i>	15
7.3.3	<i>Duty to Halt or Reduce Activity</i>	15
7.4	OTHER INFORMATION	15
7.5	WORK NEAR SURFACE WATERS AND WETLANDS	15
7.6	ENFORCEMENT	16
7.7	SEVERABILITY	16
<b>8</b>	<b>SUMMARY OF REPORTS DUE</b>	<b>17</b>

# **1 Applicability Criteria**

## **1.1 Activities Covered**

This permit applies to discharges meeting the following conditions:

This permit is applicable to industrial liquid wastes that are discharged indirectly to groundwater via seepage. The permit contains general applicability criteria to allow coverage of innocuous discharges.

This general permit (GP) will be issued for:

1. Routine landspreading of small volumes of wastewater;
2. Short term discharges of larger volumes of whey, whey industrial liquid waste, milk, milk contaminated with antibiotics that cannot be processed, and other wastewater;
3. Cooling water or boiler water containing water treatment additives, and wash water generated in industrial processing.
4. Food byproduct leachate from storage sites; and
5. Industrial or commercial wastewater that is biodegradable.
6. This GP will also be used by the department to react to urgent requests to land apply wastewater due to unexpected problems, such as an upset of a wastewater treatment plant.

## **1.2 Activities Not Covered**

This permit does not apply to discharges that meet any of the following conditions:

1. Discharges containing pollutants which the department determines do not meet the requirements of s. NR 214.17(4), Wis. Adm. Code, and, therefore, may cause an exceedance of the groundwater standards established in ch. NR 140, Wis. Adm. Code;
2. Wastewater transferred to a Public-Owned Treatment Works (POTW), landfill, incinerator or contract hauler;
3. Sludge as specified in s. NR 214.03(34), Wis. Adm. Code;
4. By-Product Solids as specified in s. NR 214.03(4), Wis. Adm. Code;
5. Contain toxic or hazardous substances (such as metals, solvents, lubricants, biocides other than chlorination, pesticides, etc.), unless the permittee demonstrates to the department that the discharge of such pollutants will be in such small quantities that no environmental pollution will result and the pollutants will not exceed groundwater standards established in ch. NR 140, Wis. Adm. Code;
6. Landspreading sites may not be located in wetlands or in a floodway;
7. Discharges to surface waters;
8. Discharges that affect endangered and threatened resources, unless the department determines that the discharges comply with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code.;
9. Discharges within Tribal Lands. The U.S. EPA regulates discharges within Tribal Lands (land owned by or held in trust for the tribes and land within recognized reservation boundaries);
10. Contract Haulers servicing industrial customers or mix wastes from more than one industrial source prior to landspreading must be required to obtain individual permit coverage prior to landspreading;

11. Disposal of nonbiodegradable pollutants, except for ions like chloride that can be limited to the rate necessary to comply with ch. NR 140 groundwater standards. The permittee must do a thorough wastewater analysis and calculate the per acre loading rate for each pollutant in order to determine applicability; or
12. Wastewater that is commingled with dissimilar wastes from multiple industrial sources.

### **1.3 Seeking Coverage under an Individual Permit**

For those facilities or discharges that are not covered under this GP listed under Sections 1.1 through 1.2 or may not meet other requirements listed in this GP, must seek coverage under an individual WPDES permit. The necessary steps to request coverage under an individual permit can be found at the department website: <http://dnr.wi.gov/topic/wastewater/PermitApplications.html>.

## 2 Landspreading Site Requirements

### 2.1 Department Approval for Landspreading Sites

The permittee is authorized to landspread industrial liquid wastes only on sites approved in writing by the department in accordance with s. NR 214.17(2), Wis. Adm. Code. The department may specify any site use restrictions in the written approval, and the permittee shall comply with all specified restrictions. The permittee shall not spread industrial liquid wastes on a site until approval is received from the department for the site.

The permittee shall submit a land application site request package including the Land Application Site Evaluation Form (3400-053) or equivalent and field authorization form (from field owner).

The site request package may also include location maps showing nearby residences and wells, soil maps, information on separation to groundwater and bedrock, and other information that demonstrates that landspreading on the site will comply with all applicable requirements of s. NR 214.17, Wis. Adm. Code and the conditions of the GP.

### 2.2 Landspreading Site Separation Distances and Slopes

1. All landspreading sites shall be approved by the department prior to waste spreading.
2. Landspreading sites shall be located at least 500 feet from the nearest inhabited dwelling, except that this distance may be reduced to 200 feet if the waste is incorporated with the soil and any affected owners and occupants give their written consent for the reduced separation distance. The department may require a greater separation distance depending on the type of waste material and potential for aesthetic and public health impacts.
3. Wastes may not be landspread closer than 1,000 feet from a well serving a community public water supply system and 250 feet from other potable water supply wells.
4. Landspreading sites may not be located in the floodway as specified in ch. NR 116. Any site located in the floodplain shall conform to ch. NR 116 and may not be used when the floodplain is flooded.
5. Wastes may not be landspread closer than 200 feet from any surface water, except that the minimum separation distance may be reduced, to a minimum of 100 feet, when a vegetative buffer strip is maintained between the site and the surface water. If the waste is incorporated with the soil, the separation distance from any surface water may be reduced to 50 feet.
6. Landspreading sites shall have at least 36 inches of separation between the ground surface and bedrock or groundwater. However, the department may allow a reduced separation distance to a minimum of 18 inches on a case-by-case basis provided the rate of waste application is reduced.
7. Landspreading sites shall be limited to a slope of 12% or less when the soil temperatures are above freezing. When the ground is frozen or snow covered, landspreading shall be restricted to sites with slopes of 2% or less. Sites with slopes of 2-6% may be approved for winter time spreading on a case-by-case basis.
8. Landspreading sites shall be limited to cultivated cropland, tree plantations, pasture or hayland. Other sites may be reviewed and approved on a case-by-case basis.

### 3 Reporting Requirements

The permittee shall comply with the following reporting requirements.

#### 3.1 Land Application Characteristic Report (Form 3400-49)

The analytical results from testing of industrial liquid wastes that are land applied shall be reported by the date indicated on the Characteristic Report Form 3400-49. The report form shall be submitted electronically and is due 21 days after end of the reporting period whether or not waste is land applied in accordance with s. NR 214.17(5)(c), Wis. Adm. Code. Following submittal of the electronic Characteristic Report Form 3400-49, this form shall be certified electronically via the 'eReport Certify' page by a responsible executive or municipal officer, manager, partner in accordance with s. NR 205.07(1)(g), Wis. Adm. Code. The 'eReport Certify' page certifies that the electronic report form is true, accurate, and complete.

**Note:** Monitoring is only required during periods of active landspreading.

#### 3.2 Annual Land Application Report (Form 3400-55)

The annual total loading for the land application of industrial liquid wastes to field spreading sites shall be submitted electronically on the Land Application Report Form 3400-55 by January 31, each year whether or not waste is land applied in accordance with s. NR 214.17(5)(c), Wis. Adm. Code.

Following submittal of the electronic Land Application Report Form 3400-55, this form shall be certified electronically via the 'eReport Certify' page by a responsible executive or municipal officer, manager, partner or proprietor in accordance with s. NR 205.07(1)(g), Wis. Adm. Code. The 'eReport Certify' page certifies that the electronic report form is true, accurate, and complete.

#### 3.3 Other Methods of Disposal or Distribution Report (Form 3400-52)

The permittee may submit electronically the Other Methods of Disposal or Distribution Report Form 3400-52 by January 31, each year whether or not waste is hauled to another facility, landfilled, or incinerated. Following submittal of the electronic Other Methods of Disposal or Distribution Report Form 3400-52, this form shall be certified electronically via the 'eReport Certify' page by a responsible executive or municipal officer, manager, partner or proprietor in accordance with s. NR 205.07(1)(g), Wis. Adm. Code. The 'eReport Certify' page certifies that the electronic report form is true, accurate, and complete.

**Note:** This form is not a requirement and is completely voluntary. However, the department recommends that permittees fill this form out when industrial liquid wastes are hauled to another permitted facility such as a Public-Owned Treatment Works (POTW), a landfill, an incinerator, a livestock feeding operation, or a contract hauler.

## 4 Liquid Wastes Landspreading Requirements

The discharge shall be limited to landspreading of liquid wastes to department approved spreading sites. During periods of discharge, the permittee shall comply with the monitoring requirements, reporting requirements and limitations specified below.

**Table 1 – Discharge Limitations and Monitoring Requirements for Indirect Discharges to Groundwater via Landspreading.**

<b>Monitoring Requirements and Effluent Limitations</b>					
<b>Parameter</b>	<b>Limit Type</b>	<b>Limit and Units</b>	<b>Sample Frequency</b>	<b>Sample Type</b>	<b>Notes</b>
Landspreading Rate	See Section 4.2	gpd	Daily	Daily Record	
Solids, Total		%	Quarterly	Grab	
Chloride		mg/L	Monthly	Grab	
Nitrogen, Total Kjeldahl		mg/L	Monthly	Grab	
Phosphorus, Total		mg/L	Quarterly	Grab	
Phosphorus, Water Extractable		%	Quarterly	Grab	

<b>Daily Log Requirements</b>				
All landspreading and monitoring activity shall be documented on log sheets. The original log sheets shall be kept by the permittee as described under “Records Retention” in the Standard Requirements Section, and if requested, made available to the department.				
<b>Parameter</b>	<b>Limit Type</b>	<b>Limit and Units</b>	<b>Sample Frequency</b>	<b>Sample Type</b>
DNR Site Number(s)	-	Number	Daily	Log
Number of Acres on the site to which waste is applied	-	Acres	Daily	Log
Application Rate	See Section 4.2	Gallons/Acre/Day	Daily	Calculated

<b>Annual Reporting Requirements and Limitations</b>				
By no later than January 31 <sup>st</sup> of each year the permittee shall submit an Annual Land Application Report (Form 3400-55) providing the following information for the previous calendar year.				
<b>Parameter</b>	<b>Limit Type</b>	<b>Limit and Units</b>	<b>Sample Frequency</b>	<b>Sample Type</b>
DNR Site Number(s)	-	Number	Annual	Record
Number of Acres on the site to which waste is applied	-	Acres	Annual	Record
Total Amount Per Site	-	Gallons	Annual	Total Annual
Total Kjeldahl Nitrogen per site	165, or alternate approved in writing	Pounds/Acre/Year	Annual	Calculated
Total Chloride per Site	340	Pounds/Acre per 2 years	Annual	Calculated

### 4.1 Sampling Location

Representative samples of the liquid wastes that are land applied shall be collected from the vehicle used to haul the wastes, unless an alternate means of collecting the sample is approved in the Landspreading Management Plan. The Landspreading Management Plan shall specify how the samples will be collected. If the permittee land applies milk under this permit, the permittee may use typical parameter values of milk to characterize the quality of milk that is land applied in lieu of actually sampling the milk that is land applied.

### 4.2 Daily Application Rates

The maximum daily volume of liquid waste applied shall be limited to 13,500 gallons per acre per day (1/2 inch) except that when the ground is frozen or snow covered it shall be limited to 6,800 gallons per acre per day (1/4 inch).

### 4.3 Weekly Application Rates

The permittee shall not land apply liquid wastes at weekly rates that exceed the values in the following table for the applicable soil texture. landspreading on soils with a depth to groundwater or bedrock of 18 to 36 inches is permitted only during the months of April through September.

Soil Texture	Maximum Weekly Volume to be Applied [gal/acre/week (inches/week)]	
	18-36" Depth to Groundwater or Bedrock	Greater than 36" depth to Groundwater or Bedrock
Sand	6,750 (1/4 inch)	13,500 (1/2 inch)
Sandy Loam	13,500 (1/2 inch)	27,000 (1 inch)
Loam	13,500 (1/2 inch)	27,000 (1 inch)
Silt Loam	13,500 (1/2 inch)	27,000 (1 inch)
Clay Loam	13,500 (1/2 inch)	20,000 (3/4 inch)
Clay	6,750 (1/4 inch)	13,500 (1/2 inch)

### 4.4 Whey Application Rates

The permittee may land apply whey, not including whey by-products or salty whey, at the following annual rates without sampling and calculating the nitrogen and chloride content of the land applied waste, provided no other waste or fertilizer has been applied to the same site: 27,150 gallons per acre (1 inch) the first year, 20,360 gallons per acre (3/4 inch) the second year, and 13,600 gallons per acre (1/2 inch) the third and succeeding years per s. NR 214.17 Wis. Adm. Code. Landspreading of whey shall comply with the maximum weekly application requirements shown in Section 4.3.

### 4.5 Chloride Requirements for Liquid wastes

The total pounds of chloride applied shall be limited to 340 pounds per acre for any 2 consecutive years per s. NR 214.17(4)(e) Wis. Adm. Code. Calculate the chloride loading as follows:

$$\text{Liquid: } \frac{\text{mg/L chloride} \times (\text{millions of gallons}) \times 8.34}{\text{acres land applied}} = \text{lbs chloride/acre}$$

### 4.6 Nitrogen Requirements for Liquid wastes

The total pounds of nitrogen applied per acre per year shall be limited to the nitrogen needs of the cover crop minus any other nitrogen, including fertilizer or manure, added to the landspreading site. Nitrogen applied can be calculated on the basis of plant available nitrogen, as long as the release of nitrogen from



the organic material is credited to future years. The Total Kjeldahl Nitrogen applied each year from all sources shall not exceed 165 pounds per acre per year on any site, except when alternate numerical nitrogen loading limits are approved in writing via the department's landspreading management plan approval. Calculate nitrogen loading as follows:

$$\text{Liquid: } \frac{\text{mg/L TKN} \times (\text{millions of gallons}) \times 8.34}{\text{acres land applied}} = \text{lbs TKN/acre}$$

## **5 Landspreading Management Plan**

### **5.1 Operate Consistent With an Approved Management Plan**

All landspreading sites used for treatment of industrial liquid wastes shall be operated in accordance with a department approved Landspreading Management Plan. The Landspreading Management Plan shall be consistent with the requirements of this permit, and s. NR 214.17, Wis. Adm. Code. A copy of the Landspreading Management Plan shall be retained by the permittee and this plan shall be made available upon department inspection. If operational changes are needed affecting the character, quality or quantity of the industrial liquid waste land applied, the management plan shall be amended by submitting a written request to the Department for approval.

### **5.2 Submittal of the Management Plan**

If a Landspreading Management Plan has not been approved by the department prior to the reissuance of this permit, then the permittee shall submit a management plan to the department for approval not more than 60 days from the date of reissuance of this permit or from the date that coverage under this permit was granted, whichever is later. When coverage is granted under this permit, if the department determines that a previously approved management plan must be amended to comply with the conditions of this permit and s. NR 214.17(6)(c), Wis. Adm. Code, the permittee shall submit an amended Landspreading Management Plan to the department not more than 60 days from the date that coverage under this permit was granted.

### **5.3 Management Plan Content**

Landspreading Management Plan shall specify information on pretreatment processes, site identification on plat and soil maps, aerial photographs, if available, description of all site limitations, vegetative cover management and removal, availability of storage, type of transporting and spreading vehicle, load and rest schedules, monitoring procedures, contingency plans for periods of adverse weather or odor or nuisance abatement and any other pertinent information in accordance with s. NR 214.17(6)(c), Wis. Adm. Code.

## 6 Operational and Storage Requirements

1. Liquid wastes containing viable pathogens, such as those from meat or poultry processing operations, may not be applied on fields used for growing crops that may be consumed raw by humans.
2. The volume of liquid waste landspread may not alter the characteristics or structure of the soil such that the crop is adversely affected or erosion or permeability problems occur.
3. The volume of liquid waste landspread shall be limited to prevent ponding, except for temporary conditions following rainfall events. If ponding occurs, all spreading shall cease immediately.
4. The volume of liquid waste landspread shall be limited to prevent runoff and control odor. If runoff occurs, all spreading shall cease immediately.
5. The liquid wastes shall be applied on approved sites to assure uniform distribution of the material and resting of the soil and to maintain the soil's absorptive capacity. Vehicles used for land applying liquid wastes shall be equipped with a distribution system capable of applying the waste uniformly on the land surface.
6. Vehicles used for transporting or land applying the liquid wastes shall be maintained to prevent spillage or leakage.
7. Any system used for the storage or stacking of wastes prior to landspreading shall be designed and constructed in accordance with ch. NR 213, or other design criteria as approved in the Landspreading Management Plan. Plans and specifications shall be submitted to the department for approval of such storage or stacking systems.
8. Storage or stacking systems shall be sited and operated to minimize odors or other public nuisance conditions.
9. Liquid wastes may be discharged into liquid manure storage facilities in an amount that is less than 10% of the total volume of the mixture of liquid waste and manure at the time the liquid waste is discharged into the manure storage facility. At no time may the amount of liquid manure in a storage facility be less than 90%, by volume. This mixture is exempted from the requirements of s. NR 214.17 (2), (3), (4), and (7) if the liquid waste and manure mixture has beneficial properties as a soil conditioner or fertilizer, is applied in accordance with accepted agricultural practices, and does not cause detrimental effects. All liquid manure storage facilities receiving liquid wastes covered under this permit shall be approved by the department prior to use and shall meet or exceed USDA NRCS Technical Bulletin Section IV design criteria 313 (12/05) or equivalent sealing specifications accepted by the department. The permittee shall track the volume of all liquid wastes hauled to an approved manure storage facility.

## **7 Standard Requirements**

The conditions in ss. NR 205.07(1), 205.07(3), and 205.08(3), Wis. Adm. Code, are included by reference in this permit. The permittee shall comply with all of these requirements, except for s. NR 205.07(1)(n), Wis. Adm. Code, which does not apply to facilities covered under general permits. Some of these requirements are outlined in the Standard Requirements Section of this permit. Requirements not specifically outlined in the Standard Requirements can be found in the ss. NR 205.07(1), 205.07(3), and 205.08, Wis. Adm. Code.

### **7.1 General Conditions for General Permit Discharges**

The permittee shall comply with the following general conditions for general permit discharges.

#### **7.1.1 Request for Coverage**

if an owner or operator of a facility or activity is proposing to discharge indirectly to groundwaters of the state via landspreading and the facility or activity's discharge meets the eligibility requirements of this permit, the owner or operator shall submit a request for coverage document under this general permit as specified in s. NR 205.08(3), Wis. Adm. Code. If the facility's proposed discharge does not meet the eligibility criteria under this permit, the owner or operator shall apply for an individual permit. The request for coverage document must be mailed to the department regional office that regulates the proposed discharge location. The request for coverage documents can be found at the department website: <http://dnr.wi.gov/topic/wastewater/GeneralPermits.html>.

**Note:** The department is in the process of developing and requiring electronic submissions of requests for coverage to discharge under this general permit. The department will notify permittees when this requirement becomes available.

#### **7.1.2 Department Coverage Determination**

All owners or operators of a facility or activity that request coverage under this permit shall have a letter of determination authorizing the pollutant discharge under this general permit as defined in s. NR 205.08(3), Wis. Adm. Code. Until the department issues a letter of determination that grants coverage for a pollutant discharge, the discharge is not authorized under this permit and shall not be initiated.

#### **7.1.3 Delegation of Signature Authority**

In accordance with s. NR 205.07(1)(g), Wis. Adm. Code, the permittee must provide a delegation of signature authority (DSA) request (Form 3400-220, Delegation of Signature Authority) for a duly authorized representative to submit specific documents on the behalf of a responsible executive or municipal officer, manager, partner or proprietor of a permitted discharge. A responsible executive, officer, manager, partner, or proprietor can only delegate signature authority to duly authorized representative if that person has responsibility for the overall operation of the facility or activity regulated by this general permit. The DSA request shall specify the name of the individual and their employment position. The DSA request must be submitted to the department or together with the submittal of any required documents. If there are any changes to this request, a new DSA request shall be submitted to the department.

#### **7.1.4 Permit Coverage Transfers**

A permittee who will no longer control the permitted discharge may request that permit coverage be transferred to the person who will control the discharge as specified in s. NR 203.136(1)(p), Wis. Adm. Code. The transfer request (Form 3400-222, Transfer of Coverage) shall be completed including the Certification & Signature Section by both the permittee and the new owner or operator and sent via mail

to the department. The department will then send a letter to the previous owner stating that their coverage is terminated under this general permit. The transfer request shall contain the following information:

1. The name and address of the facility.
2. The Facility Identification Number.
3. The names of the persons involved in the transfer, their signatures, and date of signatures.
4. A description of any significant changes in the operation of the facility.
5. A statement of acknowledgement by the transferee that it will be the permittee of record and is responsible for compliance with the permit.

If nothing has changed at the facility, the department will send a letter of determination that grants coverage and approval to the new owner or operator. If there have been sufficient changes at the permitted facility, the new owner should submit a request for coverage to the department.

### **7.1.5 Permit Coverage Terminations**

If a permittee no longer requires coverage under this general permit because they are eliminating their discharge, the permittee shall notify the department and request that their coverage be terminated under this general permit in accordance with ss. NR 203.136(3)(d) and NR 205.07(1)(L), Wis. Adm. Code. All coverage termination requests (Form 3400-221, Notice of Termination) must be completed by the permittee including the Certification & Signature section and sent via mail to the department. The department will then send a letter to the permittee stating that their coverage is terminated under this general permit.

### **7.1.6 Continuation of an Expired General Permit**

As provided in s. NR 205.08(9), Wis. Adm. Code, the terms and conditions of this general permit shall continue to apply until this general permit is revoked and reissued or until an individual permit is issued for the discharge to which the general permit applied. The status of expired general permits and forms for requesting continued permit coverage can be accessed at <http://dnr.wi.gov/topic/wastewater/GeneralPermits.html>.

### **7.1.7 Modification or Revocation and Reissuance of a General Permit**

If any condition of this general permit is found to be invalid for cause under s. NR 203.136, Wis. Adm. Code, the department may modify or revoke and reissue this general permit. If this general permit is modified, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing general permit shall remain in effect for the duration of the existing general permit. If this general permit is revoked and reissued, the entire general permit is reopened just as if the permit had expired and was being reissued for a new term. During any revocation and reissuance proceeding, the permittee shall comply with all conditions of the existing general permit until a new final general permit is reissued.

### **7.1.8 Seeking Coverage under an Individual Permit**

Facilities or discharges that are not covered under this general permit or that are unable to comply with the terms and conditions in this general permit, must seek coverage under an individual WPDES permit in accordance with s. NR 205.08(5), Wis. Adm. Code, prior to discharging. To apply for a new individual permit, contact the appropriate WPDES permits staff based upon the location of the proposed discharge or industry type for guidance and specific instructions for applying for new permits. Complete the New WPDES Permit Pre-application Worksheet and mail it to the appropriate DNR permits staff. Applicants applying for new individual permits need to complete and submit a permit application far enough in advance so the department has time to process the application and issue the permit prior to the time discharge will commence. Maximum time deadlines for department action on applications are specified in s. NR 200.10, Wis. Adm. Code. This maximum time period approximates 6 months after the agency

receives a complete application. More information can be found at the department website here:  
<http://dnr.wi.gov/topic/wastewater/PermitApplications.html>.

Applicants should also know that plans for any wastewater treatment system require department approval (up to 90 days) prior to construction. The time periods for department action on plan submittals may, in some cases, run concurrently with the permit processing time. The same department contacts can provide more specific advice on plan approval requirements.

## **7.2 General Conditions for All Discharges**

### **7.2.1 Duty to Comply**

The permittee shall comply with all conditions of the permit. Any permit noncompliance is a violation of the permit and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit reissuance application. If a permittee violates any terms of the permit, the permittee is subject to the penalties established in ch. 283, Wis. Stats.

### **7.2.2 Permit Actions**

As provided in s. 283.53, Wis. Stats., after notice and opportunity for a hearing the permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

### **7.2.3 Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or any invasion of personal rights, or any infringement of federal, state or local laws or regulations.

### **7.2.4 Inspection and Entry**

The permittee shall allow an authorized representative of the department, upon the presentation of credentials, to:

- Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records are required under the conditions of the permit;
- Have access to and copy, at reasonable times, any records that are required under the conditions of the permit;
- Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit; and
- Sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.

### **7.2.5 Recording of Results**

The permittee shall maintain records which provide the following information for each effluent measurement or sample taken:

- the date, exact place, method and time of sampling or measurements;
- the individual who performed the sampling or measurements;
- the date the analysis was performed;
- the individual who performed the analysis;
- the analytical techniques or methods used; and

- the results of the analysis.

### **7.2.6 Records Retention**

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the permit for a period of at least 3 years from the date of the sample, measurement, report or application. All pertinent sludge information, including permit application information and other documents specified in the permit or ch. NR 204, Wis. Adm. Code, shall be retained for a minimum of 5 years.

### **7.2.7 Signatory Requirement**

All permit applications, reports and other information requested by the department shall be signed by a responsible executive officer, manager, partner or proprietor as specified in s. 283.37(3), Wis. Stats., or a duly authorized representative of the officer, manager partner or proprietor that has been delegated signature authority pursuant to NR 205.07(1)(g)2, Wis. Adm. Code.

### **7.2.8 Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent the likelihood of any adverse impacts to public health, the waters of the state, or the environment resulting from noncompliance with the permit.

### **7.2.9 Duty to Provide Information**

The permittee shall furnish the department, within a reasonable time, any information which the department may request to determine whether cause exists for modifying, terminating, suspending, revoking or reissuing the permit or to determine compliance with the permit. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall also furnish the department, upon request, copies of records required to be kept by the permittee.

### **7.2.10 Need to Halt or Reduce Activity Not a Defense**

It is not a defense for a permittee in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

### **7.2.11 Sampling and Testing Procedures**

Sampling and laboratory testing procedures shall be performed in accordance with s. NR 205.07(1)(p) and Chapters NR 218 and NR 219, Wis. Adm. Code and shall be performed by a laboratory certified or registered in accordance with the requirements of ch. NR 149, Wis. Adm. Code. Groundwater sample collection and analysis shall be performed in accordance with ch. NR 140, Wis. Adm. Code. The analytical methodologies used shall enable the laboratory to quantitate all substances for which monitoring is required at levels below the effluent limitation. If the required level cannot be met by any of the methods available in ch. NR 219, Wis. Adm. Code, then the method with the lowest limit of detection shall be selected. Additional test procedures may be specified in this permit.

### **7.2.12 Reporting Requirements – Alterations or Additions**

The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is only required when:

- The alteration or addition to the permitted facility may meet one of the criteria for determining whether a facility is a new source.

- The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification requirement applies to pollutants which are not subject to effluent limitations in the existing permit.
- The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use of disposal sites not reported during the permit application process nor reported pursuant to an approved land application plan. Additional sites may not be used for the land application of sludge until department approval is received.

### **7.2.13 More Frequent Monitoring**

As specified in NR 205.07(1)(r), if the permittee monitors any parameter more frequently than required by the permit, using test procedures specified in ch. NR 204 or 219, Wis. Adm. Code or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharge monitoring report.

### **7.2.14 Noncompliance Reporting**

The permittee shall report the following types of noncompliance by a telephone call to the department's regional office within 24 hours after becoming aware of the noncompliance:

- any noncompliance which may endanger health or the environment;
- any violation of an effluent limitation resulting from a bypass;
- any violation of an effluent limitation resulting from an upset; and
- any violation of a maximum discharge limitation for any of the pollutants listed by the department in the permit, either for effluent or sludge.

A written report describing the noncompliance shall also be submitted to the department as directed at the end of this permit within 5 days after the permittee becomes aware of the noncompliance. On a case-by-case basis, the department may waive the requirement for submittal of a written report within 5 days and instruct the permittee to submit the written report with the next regularly scheduled monitoring report. In either case, the written report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; the steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and if the noncompliance has not been corrected, the length of time it is expected to continue.

A scheduled bypass approved by the department as specified in s. NR 205.07(1)(u)2, Wis. Adm. Code, shall not be subject to the reporting required under this Section.

**NOTE:** Section 292.11(2)(a), Wis. Stats., requires any person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance to notify the department **immediately** of any discharge not authorized by the permit. **The discharge of a hazardous substance that is not authorized by this permit or that violates this permit may be a hazardous substance spill. To report a hazardous substance spill, call the department's 24-hour HOTLINE at 1-800-943-0003.**

### **7.2.15 Other Information**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the department, it shall promptly submit such facts or correct information to the department.



## **7.2.16 Permit as Enforcement Shield**

Compliance with a permit during its term constitutes compliance for purposes of enforcement with 33 USC 1311, 1312, 1316, 1317, 1328, and 1345 (a) and (b), except for any toxic effluent standard or prohibition, and standards for sewage sludge use or disposal. If a new or revised toxic effluent standard or toxic prohibition becomes effective during the term of the permit, the permittee may be subject to enforcement action if the discharge exceeds the new or revised effluent standard for the toxic pollutant even though the discharge is in compliance with the existing permit. The permittee may also be subject to enforcement action standards for sewage sludge use or disposal. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in ch. 283, Wis. Stats., and ch. NR 203, Wis. Adm. Code.

**Note:** Pursuant to ss. 283.89 and 283.91, Wis. Stats., violations of permit conditions or rule requirements are referred to the department of justice for enforcement.

## **7.3 General Conditions for Industrial Discharges**

### **7.3.1 Spill Reporting**

The permittee shall notify the department in accordance with ch. NR 706 (formerly ch. NR 158), Wis. Adm. Code, in the event that a spill or accidental release of any material or substance results in the discharge of pollutants to the waters of the state at a rate or concentration greater than the effluent limitations established in the permit, or the spill or accidental release of the material is unregulated in the permit, unless the spill or release of pollutants has been reported to the department under this Section.

### **7.3.2 Planned Changes**

In accordance with ss. 283.31 (4) (b) and 283.59 (1), Wis. Stats., the permittee shall report to the department any facility expansion, production increase or process modifications which will result in new, different or increased discharges of pollutants. The report shall either be a new permit application or, if the new discharge will not violate the effluent limitations of the permit, a written notice of the new, different or increased discharge. The notice shall contain a description of the new activities, an estimate of the new, different or increased discharge of pollutants and a description of the effect of the new or increased discharge on existing waste treatment facilities. Following receipt of this report, the department may modify the permit to specify and limit any pollutants not previously regulated in the permit.

### **7.3.3 Duty to Halt or Reduce Activity**

Upon failure or impairment of treatment facility operation, the permittee shall, to the extent necessary to maintain compliance with its permit, curtail production or wastewater discharges or both until the treatment facility operations are restored or an alternative method of treatment is provided.

## **7.4 Other Information**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the department, it shall promptly submit such facts or correct information to the department.

## **7.5 Work near Surface Waters and Wetlands**

Any work performed in wetland areas or within areas subject to local floodplain and shoreline regulations must conform to all applicable county or local ordinances. All applicable state permits and/or contracts required by chs. 30, 31 and 87, Wis. Stats. (or Wisconsin Administrative Code adopted under these laws), and applicable federal permits must be obtained as necessary.

## **7.6 Enforcement**

Any violation of this permit is enforceable under ss. 283.89 and 283.91, Wis. Stats.

## **7.7 Severability**

The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstance is held invalid, the remainder of this permit shall not be affected thereby.

## **8 Summary of Reports Due**

FOR INFORMATIONAL PURPOSES ONLY

<b>Description</b>	<b>Date</b>	<b>Page</b>
Landspreading Site Evaluation Form 3400-53	Prior to application to site.	<b>3</b>
Sludge/Waste Characteristic Form 3400-49	21 days after the end of the reporting period	<b>3</b>
Annual Land Application Report Form 3400-55	January 31, following each year waste is land applied	<b>3</b>
Landspreading Management Plan	Within 60 days of permit coverage or changes to the plan.	<b>6</b>

Report forms shall be submitted to the address printed on the report form. Any facility plans or plans and specifications for industrial pretreatment or industrial wastewater systems shall be submitted to the Bureau of Watershed Management, 101 South Webster Street, P.O. Box 7921, Madison, WI 53707-7921.

*Note: More frequent reporting than annually is expected to be specified when current discharge data is needed or to account for increasing use of advances in information technology (wastewater database capability to generate paper Discharge Monitoring Report Forms for individual facilities covered by General WPDES permits or future anticipated capability for reporting data electronically via the internet using the eDMR system).*