

# Waste and Materials Management Program and WPDES Permits

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## Purpose of Guidance

The intent of this guidance is to clarify responsibilities and avoid the duplication of effort or over lapping of requirements between the Waste and Materials Management (WA) and Watershed Management (WT) programs when a Wisconsin Pollutant Discharge Elimination System (WPDES) permit is issued.

## WPDES Permits and Septage Licensing

It is the sole responsibility of the Watershed Management Program to regulate, under the authority of chs. 281 and 283, Wis. Stats., the land application and public distribution of the following:

1. Domestic sewage sludge meeting the applicability requirements of s. NR 204.02, Wis. Adm. Code and which are regulated pursuant to a WPDES permit.
2. Septage, as defined in s. NR 113.03(55), Wis. Adm. Code, and meeting the applicability requirements of that rule.
3. Industrial liquid wastes, by-product solids and sludges meeting the applicability requirements of s. NR 214.02(1), Wis. Adm. Code, including all such material that may have beneficial properties as a soil conditioner or nutrient source and which are regulated pursuant to a WPDES permit.
4. Manure from agricultural operations regulated

under ch. NR 243, Wis. Adm. Code, and which are regulated pursuant to a WPDES permit.

5. Other waste materials that are co-mingled with materials listed in items 1 through 4 and which are regulated pursuant to a WPDES permit.

The treatment, storage, land application and public distribution of these materials will be regulated through the issuance of a WPDES permit or a license issued under the provisions of ss. 283.31 or 281.48, Wis. Stats.

## Examples / Addressed by WPDES

Following are seven examples of waste materials that meet these conditions for WT regulation:

1. Municipal wastewater treatment sludges (biosolids) that are beneficially used through land application or public distribution and are regulated under a WPDES permit.
2. Municipal wastewater treatment sludges (biosolids) that are:
  - co-mingled with animal waste (including bedding wastes) or other types of waste (like separated / processed waste from a MSW landfill that is composted),
  - treated, processed or blended at the

- wastewater treatment facility site or at a site controlled by the municipal wastewater treatment facility or at a site regulated under a WPDES permit,
  - beneficially used, and
  - regulated under a WPDES permit.
- 3. Liquid industrial wastewater, by-product solids and sludges that are beneficially used as a soil amendment and are regulated under a WPDES permit.
- 4. Industrial wastewater treatment sludges, liquid industrial wastewater and by-product solids that are:
  - co-mingled with animal waste (including bedding wastes) or other organic/biodegradable waste,
  - treated, processed or blended at the wastewater treatment facility site or at a site controlled by the industrial facility or at a site regulated under a WPDES permit,
  - beneficially used, and
  - regulated under a WPDES permit.
- 5. Farm/agricultural wastes (like manure) that originate from one or more farms that are:
  - processed solely or in conjunction with other wastes (usually biodegradable wastes),
  - further composted, processed or blended in such a manner as to allow beneficial use as a soil conditioner or source of nutrients and/or to generate energy, and
  - regulated under a WPDES permit.
- 6. Municipal wastewater treatment sludges (biosolids) that are:
  - co-mingled with fly ash and/or alkaline materials to stabilize and treat the sludge (biosolids),
  - treated, processed or blended at the wastewater treatment facility site or at a site controlled by the municipal wastewater treatment facility or at a site regulated under a WPDES permit,
  - beneficially used, and
  - regulated under a WPDES permit.
- 7. Industrial wastewater treatment sludges, liquid industrial wastewater and by-product solids that are:
  - co-mingled with fly ash and/or alkaline materials to stabilize and treat the sludge (biosolids),
  - treated, processed or blended at the wastewater treatment facility site or at a site controlled by the industrial wastewater treatment facility or at a site regulated under a WPDES permit,
  - beneficially used, and
  - regulated under a WPDES permit.

## Examples / Addressed by Waste Management

Following are two examples of materials that would need to be regulated by the Waste and Materials Management Program:

1. Processed wastes (organic waste) from a MSW landfill that are:
  - co-mingled with municipal sludge or industrial liquid wastewater treatment by-product solids (municipal or industrial facility has a WPDES permit),
  - composted or processed at the MSW landfill or a site that is not regulated by a WPDES permit, and
  - beneficially used.
2. Municipal lime and alum sludges that are

generated from potable water treatment (may contain Ra and As) and are proposed to be beneficially used. Please note that this will be the responsibility of WA until WT develops (if and/or when) a general or specific WPDES permit program to address lime and alum sludges.

determination where applicable and issuing a WPDES permit or septage license that is protective of the environment and public health.

Material that does not meet the criteria of the rules or statutes noted above and meet the applicability requirements contained in ch. NR 518 or other rules in the ch. NR 500 series of the Wis. Adm. Code, will be regulated by WA. WA will provide, if requested by WT, information and/or assistance on processing and beneficial use.

## Program Responsibilities

WT will be responsible for evaluating and reviewing projects and submittals that meet these criteria, making the beneficial use

**For more information on this subject, visit [dnr.wi.gov](http://dnr.wi.gov) search “waste” or email [DNRWasteMaterials@wisconsin.gov](mailto:DNRWasteMaterials@wisconsin.gov).**

***Disclaimer:** 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. 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.*

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## WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

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WA-19-0604-C

### DOCUMENT TITLE

Waste and Materials Management Program and WPDES Permits

### PROGRAM/BUREAU

Waste and Materials Management

### STATUTORY AUTHORITY OR LEGAL CITATION

Ch. 281, 283 and 289, Wis. Stats., chs. NR 113, 20, 214, Wis. Adm. Code

### DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

October 21, 2019

### DATE FINALIZED

November 12, 2019

### DNR CERTIFICATION

*I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.*

November 12, 2019

Signature

Date