



BUREAU OF WATER QUALITY  
PROGRAM GUIDANCE

WASTEWATER POLICY MANAGEMENT TEAM

Wisconsin Department of Natural Resources  
101 S. Webster Street, P.O. Box 7921  
Madison, WI 53707-7921

**Guidance on Review for Abandonment of Non-Industrial Treatment Facilities**

April 7, 2020

EGAD Number: 3400-2020-09

*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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**APPROVED:**

*Adrian Stocks*

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*4/27/2020*

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Date

## **Guidance on review for abandonment of Non-Industrial treatment Facilities**

### **Terms**

**Abandon:** To indefinitely cease or suspend use of any part of a sewerage system, such that it cannot be returned to service without maintenance or construction. “Abandon” includes demolishing or repurposing a treatment or storage unit.

**Demolish:** To tear down or break apart a portion of a sewerage system such that it is no longer visible nor useable for any purpose. Demolishing a unit is a type of abandonment.

**Repurpose:** To convert a portion of a sewerage system for a use other than as a part of a sewerage system. This may include demolishing appurtenances to a sewerage treatment or storage unit. Repurposing a unit is a type of abandonment.

**Reuse:** To use, either as-is or as a part of a conversion, an existing portion of a sewerage system within the sewerage system following construction of facility alterations.

**Sewerage System:** All structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main, as defined in s. NR 110.03(30), Wis. Adm. Code.

**Treatment Unit:** Individual structures or equipment within a sewage or wastewater treatment facility that are part of a treatment process. Typical treatment units are screens, clarifiers, aeration tanks, filters, digesters, and lagoons, as defined in s. NR 110.03(32i), Wis. Adm. Code.

### **Statement of problem addressed and background**

This guidance addresses abandonment requirements for non-industrial sewerage systems that are regulated under ch. NR 110, Wis. Adm. Code. While abandonment is recognized under ch. NR 110, Wis. Adm. Code, and other relevant rules and statutes, specific requirements are provided for only a limited set of unit process types.

This guidance addresses:

1. When abandonment is required,
2. When department approval of an abandonment plan is required, and
3. The contents of an approvable abandonment plan.

For more information, contact a municipal wastewater plan review policy expert.

This guidance supersedes guidance document 3400-1991-01.

### **Objectives**

1. Clarify when an abandonment is reviewable by the department.
2. Provide common considerations for evaluating each alternative abandonment method under a facility plan.
3. Update the previous guidance for more complete statutory and administrative code requirements.

## Discussion

Abandonment considerations are both implicit and explicit under Wisconsin Administrative Code. Wisconsin Administrative Code has explicit requirements surrounding abandonment for:

1. Sludge storage (ss. [NR 110.09\(2\)\(h\)7](#) and [NR 110.26\(10\)\(a\)](#), Wis. Adm. Code) and
2. lagoon and land disposal systems (s. [NR 110.09\(2\)\(r\)](#), Wis. Adm Code)

Since abandonment of a unit process is an alteration that “may affect the quality or quantity of effluent” (s. [NR 108.02\(13\)\(d\)](#), Wis. Adm. Code) and changes the operation of the facility (s. [NR 108.04\(2\)\(e\)](#), Wis. Adm. Code), abandonment of a unit process or storage basin is reviewable under s. [281.41](#), Wis. Stats.

As required per s. [NR 110.08\(1\)](#), Wis. Adm. Code, “a facilities plan shall be prepared for each reviewable project.” “A cost-effectiveness analysis shall be performed as part of the evaluation of alternatives in each facilities plan... [and] shall be prepared in accordance with s. [NR 110.09 \(2\)](#).” (s. [NR 110.08\(6\)](#), Wis. Adm. Code). The department has historically understood that cost-effective evaluations under s. [NR 110.09](#), Wis. Adm. Code, include the costs and benefits of proper abandonment, since “cost-effective” is determined on a total resource cost basis (s. [NR 110.09\(1\)\(a\)](#), Wis. Adm. Code). If abandonment is a necessary part of facility upgrade or replacement, it is an eligible cost under a Clean Water Fund loan (s. [NR 162.04\(1\)\(a\)1.](#), Wis. Adm. Code).

If a treatment or storage unit is proposed for reuse under a facility plan, the proposed use must be necessary (s. [NR 110.09\(1\)\(a\)](#), Wis. Adm. Code). For instance, a facility may utilize a lagoon cell for influent equalization to reduce the capacity of a proposed mechanical treatment facility, though consideration must be given to operational complications caused by primary solids removal following equalization. Speculative need for equalization should not be basis for allowing the conversion of a treatment structure to a storage structure.

If a treatment or storage unit is not proposed for reuse under a facility plan, the facility plan must address that unit’s fate. The facility plan must consider relevant factors such as future land use, availability of open space, potential liability of alternatives to demolition, appropriate removal of sludge, erosion control, and the associated cost of abandonment. Lagoons and land disposal systems require consideration of possible contamination (s. [NR 110.09\(2\)\(r\)](#), Wis. Adm. Code), which is more likely in those situations, and the completion of abandonment must be accomplished within 2 years of when it was last used for its originally intended purpose. The department will also require consideration of contamination under a facility plan for other types of abandoned units if the unit’s condition or other circumstances warrant evaluation or investigation (see chs. NR 700 through NR 754). This evaluation must be considered within the cost-effectiveness analysis and the environmental analysis. See, s. [NR 110.09](#) at [\(2\)](#) and [\(3\)](#); see also, s. [NR 110.08\(3\)](#), Wis. Adm. Code.

Section [NR 110.09\(2\)\(r\)](#), Wis. Adm. Code requires that an abandonment plan for lagoons and land disposal systems address “relandscaping necessary to prevent accumulation of standing water or runoff.” The department may approve alternative requirements that are in substantial compliance with the requirements in ch. NR 110, Wis. Adm. Code (s. [NR 110.04](#), Wis. Adm. Code). If a plan proposes to repurpose a lagoon as a recreational pond, the plan must be protective of ground water, surface water (including stormwater runoff requirements), nuisance conditions caused by stagnant water, etc. In all cases, sludge removal is necessary within 2 years of removal of a lagoon cell from a storage or treatment system and prior to repurposing (s. [NR 110.09\(2\)\(r\)](#), Wis. Adm. Code).

In addition to the facility plan, the final plans and specifications for abandonment are reviewable by the department. Abandonment is generally included as a part of a bid project for construction. As with all final plans and specifications, the final plans for abandonment and, if applicable, repurposing, must be consistent with an approved facility plan or facility plan amendment (s. [NR 110.06\(3\)](#), Wis. Adm. Code). A broad range of abandonment activities are eligible for funding through the Clean Water Fund program (s. [NR 162.04\(1\)\(a\)1.](#), Wis. Adm. Code).

In summary:

1. Abandonment of treatment processes or storage is reviewable by the department.
2. All proposed abandonments must be cost-effective, as determined under a facility plan.
3. Final abandonment must occur within 2 years of functional abandonment for lagoons and land disposal systems.



## 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.*

### DOCUMENT ID

WY-20-0017

### DOCUMENT TITLE

Guidance on Review for Abandonment of Non-Industrial Treatment Facilities

### PROGRAM/BUREAU

Water Quality

### STATUTORY AUTHORITY OR LEGAL CITATION

Chapter NR 110, Wis. Adm. Code.

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

03/09/2020

### DATE FINALIZED

04/07/2020

### 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.*

*Adrian Stocks*

*4/27/2020*

Signature

Date