

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

NOTICE OF FINAL DETERMINATION TO ISSUE A WISCONSIN POLLUTANT DISCHARGE
ELIMINATION SYSTEM (WPDES) GENERAL PERMIT NO. WI- 0066575-01-0

General Permit Name: Low-Impact Discharge General Permit

Receiving Water and Location: Point source discharges to the surface waters or groundwater in the state of Wisconsin.

Brief Description of Facilities Covered under General Permit: This permit is applicable to facilities with low-impact point source discharges to waters of the state. These discharges are relatively pollutant free wastewaters that present no or minimal impact to water quality of surface water or wetlands or groundwater quality when managed properly. Low-impact discharges covered under this permit do not contain pollutants in concentrations that cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standards or groundwater quality standards. This general permit may cover the following low-impact discharge activities: maple syrup derived wastewaters; outside washing of vehicles, equipment, and/or other objects; noncontact cooling waters discharged to groundwater via infiltration; air conditioning/compressor condensates; or other low-impact discharge activities that meet the applicability conditions as approved by the department.

Permit Drafter: Trevor J. Moen, DNR, 625 E County Rd Y STE 700, Oshkosh WI 54904-9731, phone: (920) 424-7883 or email: Trevor.Moen@Wisconsin.gov

Date Permit Signed/Issued: February 28, 2020

Date of Effectiveness: March 1, 2020

Date of Expiration: February 28, 2025

Following the public notice period, the Department has made a final determination to issue the Low-Impact Discharge WPDES General Permit. The information from the WPDES permit file, comments received on the proposed permit and applicable Wis. Adm. Codes were used as a basis for this final determination.

The Department has the authority to issue, modify, suspend, revoke and reissue or terminate WPDES permits and to establish effluent limitations and permit conditions under ch. 283, Wis. Stats.

Any minor corrections to typographical errors, updating page numbers and headers/footers, adding and updating the Table of Contents and titles, correcting formatting, renumbering headings, and web links are not included in this summary document. The following is a summary of significant comments and any significant changes which have been made in the terms and conditions set forth in the draft permit:

Comments Received from the Applicant, Individuals or Groups

The Department received comments from Steven Anderson, Anderson's Maple Syrup, Inc., listed below, on the draft permit.

Anderson Comment #1:

It talks about some testing and we are wondering who will be responsible or if we even need to do the testing?

Department Response:

The general permit requires that the applicant/permittee sample the discharge for the parameters provided in 3.1.1 to access the applicability of the discharge under general permit. However, for certain discharge activities listed in Section 3.4, the department requires only a limited set of parameters to be sampled as part of this screening effort, as specified in Section 3.4. For instance, if the proposed discharge will be to a surface water, the general permit under Section 3.4 only requires maple syrup derived wastewaters to sample the wastewater for pH field/Lab, total BOD₅, total suspended solids, oil & grease, and/or total residual chlorine.

The general permit under Section 8.3.13 requires that the collected samples by the applicant/permittee shall be tested and analyzed by a laboratory certified or registered under ch. NR 149, Wis. Adm. Code. A list of Wisconsin DNR accredited laboratories can be found here: <https://dnr.wi.gov/regulations/labCert/LabLists.html>. The following tests are excluded from this requirement and can be conducted by the facility if the analysis is consistent with a Department approved test method in ch. NR 219, Wis. Adm. Code:

- Temperature;
- Turbidity;
- Bacteria tests in wastewater effluent and sludges;
- pH;
- Chlorine residual;
- Specific conductance;
- Physical properties of soils and sludges;
- Nutrient tests of soils and sludges; and
- Flow measurements.

Anderson Comment #2:

Will it be the DNR or the producer, the confusion was that in 3.1.1 on page 6 says the applicant and Section 3.4 on page 9 makes it sound like it might be a 3rd party, but also talks about multiple locations. It says Statewide operations – does this only apply to those that have multiple locations? Or to all. Maybe this does not apply to any of our syrup producers, but some do have multiple locations.

Department Response:

The department does not collect samples for permittees. Compliance with the permit including sampling and testing requirements are the responsibility of the permittee.

Statewide operations apply only to applicants/facilities that perform operations with temporary discharges at multiple locations across the state of Wisconsin. Maple syrup producers will perform recurring discharges (occurring year after year) at the same site. If a maple syrup business produces and discharges at multiple locations, they will have to apply for coverage for each location. However, these entities with coverage at multiple locations with continuous/recurring discharges at a single site may only need to prepare one best management practice (BMP) plan if the BMP plan includes all applicable discharge types (i.e. groundwater, surface waters, and wetlands).

The Department has updated Section 3.5 and 6.1 as such:

3.5 Sampling for Statewide Coverage

Permittees with statewide coverage shall collect at least one set of samples for the parameters listed in Section 3.4 from one discharge event that will be representative of all discharges occurring from standard operating procedures during the term of the permit.

6.1 Implementation

The permittee shall develop and implement a best management practice (BMP) plan for their discharge(s) to a water of the state. Alternatively, permittees with statewide coverage for temporary discharges, or entities with coverage at multiple facilities with continuous/recurring discharges at a single site may need only to prepare one BMP plan if the BMP plan includes all applicable discharge types (i.e. groundwater, surface waters, and wetlands). The permittee shall operate the facility consistent with a department approved BMP plan and in accordance with subsequent amendments to the plan.

Comments Received from EPA or Other Government Agencies

No comments were received.

As provided by s. 283.63, Wis. Stats., and ch. 203, Wis. Adm. Code, persons desiring further adjudicative review of this final determination may request a public adjudicatory hearing. A request shall be made by filing a verified petition for review with the Secretary of the Department of Natural Resources within 60 days of the date the permit was signed (see permit signature date above). Further information regarding the conduct and nature of public adjudicatory hearings may be found by reviewing ch. NR 203, Wis. Adm. Code, s. 283.63, Wis. Stats., and other applicable law, including s. 227.42, Wis. Stats.

Information on file for this permit action, including the draft permit and fact sheet may be reviewed on the internet at the above web link or may be inspected and copied at the permit drafter's office during office hours. Information on this permit may also be obtained by calling the permit drafter or by writing to the Department. Reasonable costs (usually 20 cents per page) will be charged for copies of information in the file other than the public notice, permit and fact sheet. Pursuant to the Americans with Disabilities Act, reasonable accommodation, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.