

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

NOTICE OF FINAL DETERMINATION TO ISSUE A WISCONSIN POLLUTANT DISCHARGE
ELIMINATION SYSTEM (WPDES) GENERAL PERMIT No. WI- 0066435-01-0

General Permit Name: Storage of Domestic Septage (No. WI-0066435-01-0)

Receiving Water and Location: Land application sites throughout the state of Wisconsin and/or other permitted facilities which will accept the domestic septage.

Brief Description of Facilities Covered under General Permit: This general permit is applicable to septage storage facilities with a total storage capacity, which singly or when added together, is greater than or equal to 25,000 gallons at a single site or on the same parcel of land and contain only domestic septage. The owner or operator may remove the domestic septage from the septage storage facility and then land apply on department approved sites or haul the domestic septage to other permitted facilities approved for domestic septage storage and/or treatment.

Permit Drafter's Name, Address, Phone and Email: Trevor J. Moen, DNR, 101 S. Webster St., PO Box 7921, Madison, WI 53707-7921, phone: (608)266-3906 or email: Trevor.Moen@Wisconsin.gov.

Date Permit Signed/Issued: July 31, 2018

Date of Effectiveness: August 1, 2018

Date of Expiration: July 31, 2023

Following the public notice period, the Department has made a final determination to issue the Storage of Domestic Septage 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 John Bowen, President, Wisconsin Liquid Waste Carriers Association(WLWCA) on the draft permit. Comments from the WLWCA were delivered and explained by George Klaetsch, lobbyist for the WLWCA.

Before the department responses to the comments made by the WLWCA, the department would like to clarify information in the WLWCA letter that the department has up to:

- 90 days for plan & specification review and approval; and
- 30 days to review the notice of intent (NOI) and grant coverage under the permit.

WLWCA Comment #1: The GP requires a 7-day notification to the WDNR before any removal of septage takes place from the approved storage structure. We believe this will not work efficiently in every operational situation. Our solution would be to change the wording to "The WDNR will be notified prior to land application from the storage facility".

Department Response: Providing the 7-day notification is to alert the department of "large quantity" removals from storage as well as non-typical removals. Notification assists the department for various reasons:

1. Notification allows coordination between the department and the permittee to allow the department to observe land application practices.
2. Notification allows the department to "head off" complaints and to be knowledgeable about the land application activities from that permittee.

Please note that in most cases when the storage unit is emptied, the process could include the land application of several million gallons of septage, whereby the septage will be land applied within a few days compared to a typical

business that might require approximately six months to land apply similar quantities of septage. The rate of land application of septage is significant.

In situations where the permittee plans to land apply smaller volumes of septage on a fairly continuous basis, such as in the case of rotating fields throughout the summer months, an alternative notification process may be proposed by the permittee in its land management plan. Communication between the permittee and the department is the key. The land management plan will also include the typical manner in which the permittee intends to communicate with the department.

The department revised Section 7.7 of permit as follows: “The permittee shall notify the department at least seven (7) days prior to the anticipated removal of any of the storage facility contents. The method of notification (phone message, email, letter, etc.) will be a process agreed upon by the permittee and the department. The notification shall include a list of all land application sites anticipated to be used. The land management plan shall contain a description of this seven-day notification and the agreed upon method of notification. In situations where the permittee plans to land apply smaller volumes of septage on a fairly continuous basis, such as in the case of rotating fields throughout the summer months, an alternative notification process may be proposed by the permittee in the land management plan.”

WLWCA Comment #2: The GP requires land application site approvals that are specific to the storage permit. Some businesses may need to use their land application sites for both emptying their storage and landspreading at other times throughout the year. We believe these sites should be able to be used for both application purposes, as long as the total gallons per year allowed by NR 113 are not exceeded.

Department Response: The department typically assigns sites to either a septage business license or a WPDES permit, rather than assigning a site to both a licensee and a permittee. Typically, this is done to track the volume of septage that are applied to a particular site. For the department to assign a land application site to both a license and a permit, the land management plan will require explicit procedures for tracking the septage. It should be noted that septage is applied based on a hydraulic application rate rather than a true nutrient application rate based on periodic measurements of nutrient concentration within the septage.

This general permit is based on the hydraulic rate as determined by EPA and implemented by the department within ch. NR 113, Wis. Adm. Code. Failure of the licensee and permittee to accurately track the hydraulic rate of septage to the site will lead to compliance issues. The department will continue to review these terms in the general permit. Future modifications may be necessary. If the septage storage facility chooses to operate differently than the requirements of this general permit, then the issuance of an individual permit may be necessary.

The department updated the activities not covered under Section 1.2 as follows: “Domestic septage that was never placed in the septage storage facility covered by this general permit and land applied directly to fields or hauled directly to other permitted facility approved for domestic septage storage and/or treatment. These activities are regulated under a septage business license and shall be reported accordingly. The department may assign an approved land application site to both a septage business license and this general permit of the same entity, if the land management plan adequately details procedures for tracking the total hydraulic application rate of domestic septage to that site from both the business license and this general permit.”

WLWCA Comment #3: NOI/Section 4: We believe that “management plan”, as used in the NOI should be more explicitly explained to avoid confusion. Our changed wording would read, “Septage Storage and Disposal Management Plan.” We believe that this better explains that the permittee needs a Standard Operating Procedure (SOP) for the facility. It also allows the permittee to empty the storage with operations other than land application, such as, dewatering, landfills, and wastewater treatment facilities.

Department Response: The department has replaced “management plan” with “land management plan” throughout the permit, fact sheet, and NOI. The land management plan is essentially the “playbook” of operations commonly referred to as the standard operating procedure (SOP). These operational procedures may include how waste is stored, transported, and land applied on fields as well as how information regarding these activities are recorded and reported to the department.

1. Typically, a septage licensee has SOPs. A permittee has a land management plan.
2. The land management plan communicates operational procedures to the department.

3. Quite often the permittee utilizes the land management plan as a training tool as well as an expectation tool for staff/employees.
4. The land management plan may be easily updated and is updated whenever practices are changed, field approvals are modified, etc. Many permittees maintain the front cover with the latest version date and then update particular sections within the land management plan when activities change.
5. The department reviews and approves the land management plan. Typically, the land management plan is submitted after the permittee has been “covered” under the general permit. However, for the variance process in the general permit to be implemented, the land management plan is submitted along with the NOI.
6. Details and specifics of the land management plan are worked out directly with the regional septage coordinator assigned to the facility.

WLWCA Comment #4: NOI/Section 4: We believe that a standardized, optional form for the “management plan” should be created by the WDNR as an option an applicant could use to meet the requirements of this section. This could provide efficiency for the regional coordinators who are reviewing the NOI. The form may not fit every business model or need, so it should only be an option, but it would likely address the majority of applications.

Department Response: The department developed an outline of typical items found in the land management plan. The outline is organized in a manner that allows the user to use it as a “checklist”. The land management plan outline is attached to this document. The outline will also be available on the general permit webpage here: <https://dnr.wi.gov/topic/wastewater/GeneralPermits.html>.

WLWCA Comment #5: NOI/Section 5, Part B: This seems to be an area where many applications will get halted. If an applicant begins the NOI process before their Plan & Spec approval is completed, the NOI is considered incomplete and denied. We believe that the GP clearly should state that an applicant needs to get approval on their Plan & Spec prior to beginning their NOI.

Department Response: One of the purposes of the NOI is to “connect” proposed or previously approved plans and specifications with the NOI. The NOI now allows the applicant to proceed to the next question even if the plans and specifications are not approved by department. The NOI includes information to notify the applicant to communicate with department wastewater plan review staff of the proposed plan and specifications and obtain approval. Communication between the applicant and the department is necessary as both 1) plan and spec approvals and 2) an approved NOI for general permit coverage are necessary for the permit to be implemented. Plan and spec review is conducted by engineers in the Madison office where the NOI and coverage for the GP are approved by regional staff assigned to the permittee.

WLWCA Comment #6: NOI/Section 7: We would like to see this section have more checkboxes with a variety of reasons for requesting a variance. For example: soil type, efficiency, and definitely “other”.

Department Response: The septage storage general permit has one variance option provided. This option is for the daily application rate increase above 13,000 gallons. For this variance to be utilized, the soils on the site must meet specific requirements as identified in the permit. The purpose of this variance is to allow the land application of septage at increased rates from storage for justifying the expenses of storage and injection that in turn decrease runoff potential and eliminate winter application. The increased daily application rate of the variance provides incentives for the use of injection (when appropriate soils are identified) at optimal times of the year to avoid runoff potential, winter application and saturated soil applications. The NOI has been updated to include the necessary information to justify the variance request.

Other variances will be considered by the department. These additional variances will be tied directly to the site for which the site variance applies. Site variances are submitted along with land application site submittals when land application sites are submitted to the department for review.

Comments Received from EPA or Other Government Agencies

No comments were from EPA or any other government agencies.

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.