

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Joint Committee For
Review of Administrative
Rules (JCR-AR)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ 97hrJCR-AR_Crule_98-045

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ **

➤ Miscellaneous ... Misc

➤ **

➤ Record of Comm. Proceedings ... RCP

➤ **

8-045- NR 113 - SEPTIC TANK

State of Wisconsin
Department of Natural Resources

**NOTICE TO PRESIDING OFFICERS
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are: 3

Natural Resources Board Order No. WT-19-98

Legislative Council Rules Clearinghouse Number 98-045

Subject of Rules Septage management

Date of Transmittal to Presiding Officers September 28, 1998

Send a copy of any correspondence or notices pertaining to this rule to:

**Carol Turner, Rules Coordinator
DNR Bureau of Legal Services
LC/5, 101 South Webster**

266-1959

REPORT TO LEGISLATURE

NR 113, Wis. Adm. Code
Septage management

Board Order No. WT-19-98
Clearinghouse Rule No. 98-045

Statement of Need

The proposed revisions to the winter land application provisions modify the existing conditions for site approval. The proposed regulations do allow septic tank waste to be land applied in the winter in limited circumstances. Specifically, the only septic tank waste which may be land applied in the winter is waste which has been pumped due to an emergency or waste which has been removed from a septic tank that is a frequently pumped system. Septic tank waste which is pumped out due to routine maintenance may not be land applied on frozen or snow covered ground.

The rationale behind this proposed approach is that the Department recognizes that emergencies such as freeze-ups or failures can and do occur in parts of the state (northern region) where disposal into a treatment plant is not available or feasible (nearest plant may be miles away). To address these emergency situations, land application during winter months is allowed as long as the more stringent conditions are adhered to. In addition, land application of frequently pumped (every 6 months or less) septic systems is also conditionally allowed. This waste is more like holding tank waste in that it is not as high strength as standard septic tank waste. Waste from these systems will continue to be considered analogous to holding tank waste for regulatory purposes. In both of the situations mentioned, the Department continues to strongly recommend that waste be taken to a publicly owned treatment works during winter months.

The only change to existing conditions for approval of winter application for septic tank waste is that application is not allowed in a floodplain but the 750 foot separation distance requirement has been removed. The change was made because it was deemed redundant given the 750 foot separation requirement from surface water or wetlands. Finally, site restrictions are also proposed for holding tank waste. These site restrictions had been inadvertently omitted in the existing rule.

Modifications as a Result of Public Hearing

No modifications were made as a result of public hearings.

Appearances at the Public Hearing and Their Position

In support - none

In opposition - none

As interest may appear:

Roy Dieck, AA Septic Service, E3391 Thornapple Circle Drive, Aniwa, WI 54408

Larry Dieck, W9012 Cty. AA, Antigo, WI 54409

Al Morrison, Geiter Septic, P.O. Box 26, Wabeno, WI 54566

Sandry Begalke, Ken's Septic Cleaning, 26100 260th Avenue, Holcombe, WI 54748

Jeff Zabler, EP 4361 Stradt Road, Stratford, WI 54484

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The proposed modifications will not have a significant economic impact on a substantial number of small businesses. These revisions serve to clarify a number of issues and provide greater flexibility in general to the small businesses that service septage systems.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
 RENUMBERING, AMENDING, REPEALING AND RECREATING AND CREATING RULES

The State of Wisconsin Natural Resources Board proposes an order to renumber NR 113.11(3)(b), (c)3.j. and 4.; amending NR 113.05(3)(d), 113.07(1)(d), (3)(b)1., 113.09(3)(title), 113.11(1)(c), (3)(intro.), (a) and 1. and 3.; and repealing and recreating NR 113.07(1)(b) and (c); and creating NR 113.11(3)(b) and (c)5. relating to septage management

WT-19-98

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 281.48 and 227.11(2), Stats.
 Statutes interpreted: s. 281.48, Stats.

The proposed revisions modify existing restrictions on land application of septage on frozen or snow covered ground. Septic tank waste which is pumped because of an emergency may be applied on frozen or snow covered ground under certain circumstances. The rule changes set conditions on the land application of septage on frozen or snow covered ground to allow the application while still providing adequate water quality protection. Other clarifying changes to ch. NR 113 are also proposed; including but not limited to, changes to the soil permeability and other site management restrictions, changes to the reporting and recordkeeping requirements, changes to license revocation provisions and changes to the high use fields conditions.

SECTION 1. NR 113.05(3)(d) is amended to read:

NR 113.05(3)(d) The department may not issue or renew a license for a business which has violations, as summarized in the following table, for the following: ss. NR 113.04(1) and (2), 113.05(3), 113.06(1), (2) and (3), 113.07(1) and (3), 113.09, 113.11(1) and (3), 113.12 and s. 29.29, Stats., during the last license period. The department may not reissue a license for a period of at least one year after revocation.

Number of vehicle stickers issued to the business	Number of violations that result in the nonrenewal of the business license	
1 to 3	3	<u>6</u>
4 to 9	6	<u>12</u>
Greater than 9	9	<u>18</u>

SECTION 2. NR 113.07(1)(b) is repealed and recreated to read:

NR 113.07(1)(b) The following restrictions apply to the land application of wastes from septic systems on frozen or snow covered ground:

1. Land application of waste removed from septic systems due to emergencies, including but not limited to situations such as freeze-ups, is allowed if no other reasonable disposal methods are available. Reasonable disposal options include, but are not limited to, hauling the waste to a nearby treatment plant which will accept the septage in accordance with sub. (2). Land appliers shall obtain special written approval in advance from the department for specific sites which may be used for emergency situations. In addition, the following restrictions, at a minimum, will apply:

- a. Sites or fields used shall have slopes less than or equal to 2%.
- b. Waste shall be applied at a rate of less than 10,000 gallons per acre.
- c. Application is not allowed within 750 feet of any surface water or wetland.
- d. Application is not allowed in a floodplain.

2. Waste removed from septic systems due to a routine pumping may not be land applied during months when the ground is frozen or snow covered. Waste removed in these pumping situations shall be taken to a POTW.

3. Except as provided in par. (f), waste removed from septic tanks which are regularly pumped more frequently than once every 6 months may be land applied during the months when the ground is frozen or snow covered. The restrictions in par. (c) apply to the land application of this waste.

Note: During months when the ground is frozen or snow covered, the land application of waste from septic systems is strongly discouraged. During these months, hauling waste from septic tanks to a POTW is the preferred method of disposal.

SECTION 3. NR 113.07(1)(c) is repealed and recreated to read:

NR 113.07(1)(c) Except as provided in par. (f), holding tank waste may be land applied during months when the ground is frozen or snow covered, on approved sites. The following restrictions, at a minimum, apply:

1. Sites or fields used shall have slopes less than or equal to 6%. If slopes are greater than 2% but less than or equal to 6%, a site management plan is required.
2. Waste shall be applied at a rate of less than 10,000 gallons per acre.
3. Application is not allowed within 750 feet of any surface water or wetland.
4. Application is not allowed in a floodplain.

Note: During months when the ground is frozen or snow covered, the land application of wastewater from holding tank systems is strongly discouraged. During these months, hauling wastewater from holding tanks to a POTW is the preferred method of disposal.

SECTION 4. NR 113.07(1)(d) is amended to read:

NR 113.07(1)(d) Any land application of holding tank waste or septic tank waste on frozen or snow covered ground is also subject to restrictions in sub. (3). Injection or incorporation may be utilized while the depth of the frost is less than 4 inches.

SECTION 5. NR 113.07(3)(b)1. is amended to read:

NR 113.07(3)(b)1. Septage may not be landspread on soils which have a permeability rate greater than 6 inches per hour within the top 36 inches, ~~or soils with a water holding capacity of less~~ unless it is demonstrated that the soil has a water holding capacity of greater than 5 inches above the groundwater and bedrock. In no case may greater than the top 60 inches in a soil profile be used to determine the 5 inches of water holding capacity. Permeability shall be calculated using the following table or other method acceptable to the department:

SECTION 6. NR 113.09(3) (title) is amended to read:

NR 113.09(3)(title) SPECIFIC CROPS ON HIGH USE FIELDS.

SECTION 7. NR 113.11(1)(c) is amended to read:

NR 113.11(1)(c) Completed department ~~agricultural site operations~~ landspreading site evaluation form.

SECTION 8. NR 113.11(3)(title), (intro), (a) and 1. are amended to read:

NR 113.11(3)(title) RECORD KEEPING AND REPORTING INFORMATION. (intro.) Each business engaging in ~~land application septage servicing~~ shall submit or keep the following information on department approved forms, as indicated in this subsection, and submit it to the department or its designee:

(a) *Annual submittals for land application.* An annual land application report shall be submitted annually by January 31, following the year in which land application occurs. Information to be submitted includes, but is not limited to, the following:

1. Completed records of the fields used, gallons and type of septage ~~spread per acre~~ applied on each field and number of acres used.

Note: Department form 3400-55 shall be used for this purpose. Form 3400-55 will be mailed to each licensed business on an annual basis. Forms may also be obtained at no charge by writing: Department of Natural Resources, Bureau of Watershed Management, P.O. Box 7921, Madison, WI 53707-7921.

SECTION 9. NR 113.11(3)(a)3. is amended to read:

NR 113.11(3)(a)3. ~~Actual~~ For high use fields, actual annual hydraulic and fertilizer nitrogen application rate in pounds per acre. ~~For high use fields, application~~ Application of nutrients from all sources shall be documented.

SECTION 10. NR 113.11(3)(b) is renumbered NR 113.11(3)(c)

SECTION 11. NR 113.11(3)(b) is created to read:

NR 113.11(3)(b) *Annual submittals for other methods of septage disposal.* An other method of disposal or distribution report shall be submitted annually to the department by January 31, following the year in which the disposal of septage occurs. Information to be submitted includes, but is not limited to, the following:

1. The method of disposal utilized.
2. The name and permit or license number of the receiving facility, if applicable.
3. The type and volume of waste disposed.

Note: Department form 3400-52 shall be used for this purpose. Form 3400-52 will be mailed to each licensed business on an annual basis. Forms may also be obtained at no charge by writing: Department of Natural Resources, Bureau of Watershed Management, P.O. Box 7921, Madison, WI 53707-7921.

SECTION 12. NR 113.11(3)(c)4. is renumbered to NR 113.11(3)(c)6.

SECTION 13. NR 113.11(3)(c)3.j. is renumbered to NR 113.11(3)(c)4.

SECTION 14. NR 113.11(3)(c)5. is created to read:

NR 113.11(3)(c)5. Actual annual hydraulic and nitrogen application rates shall be retained.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on September 23, 1998.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)