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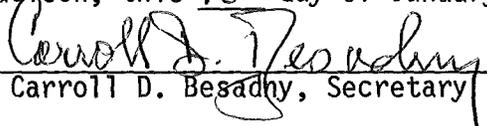
STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES )

SS \_\_\_\_\_

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. WQ-20-84 was duly approved and adopted by this Department on September 26, 1984. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 10<sup>th</sup> day of January, 1985.

  
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Carroll D. Besadny, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
AMENDING AND CREATING RULES

IN THE MATTER of amending s. NR 113.03(4),  
and creating ss. NR 113.01(4),  
NR 180.14(2)(a)12., and ch. NR 206 of the  
Wisconsin Administrative Code pertaining  
to land disposal of municipal and domestic  
wastewaters.  
WQ-20-84

Analysis Prepared by the Department of Natural Resources

The effect of the creation of ch. NR 206, is to establish influent, effluent and groundwater monitoring requirements for discharges of wastewaters from municipal treatment facilities to land disposal systems. The rule prohibits land disposal of holding tank domestic wastewaters and requires the haulers to take the wastewater to a treatment plant for disposal. The rule sets up a WPDES permitted variance procedure for haulers who cannot find a wastewater treatment plant which accepts holding tank domestic wastewaters within a 20 mile radius. The rule requires treatment prior to land disposal of holding tank domestic wastewaters from storage lagoons.

The effluent limitations and other criteria for new land disposal system discharge prohibitions are developed to reduce the impact on groundwater from these systems. The prohibition of land disposal of untreated holding tank domestic wastewaters is expected to reduce public health risk and groundwater contamination from such discharges.

The effect of Amendment to s. NR 113.03(4) and creation of ss. NR 113.01(4) and 180.14(2)(a)12 will be to exempt from the provisions of this chapter all facilities regulated by NR 206.

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Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ch. 147 and s. 227.014(2)(a)., Stats., the State of Wisconsin Natural Resources Board hereby amends and creates rules interpreting s. 147.015(13), Stats., as follows:

SECTION 1. NR 113.03(4) is amended to read:

NR 113.03(4) "Servicing" means the cleaning, removing, hauling and or disposing of the scum, liquid, sludge or other wastes from any septic tank, holding tank, seepage pit, grease trap, mobile public toilet or permanent or portable privy.

SECTION 2. NR 113.01(4) is created to read:

NR 113.01(4) The disposal of domestic wastewater from a holding tank, which is regulated under ch. NR 206.

SECTION 3. NR 180.14(3)(a)12.

NR 180.14(2)(a)12. Sites used exclusively for the disposal of waste regulated under ch. NR 206.

SECTION 4. Chapter NR 206 is created to read:

## Chapter NR 206

### Land Disposal of Municipal and Domestic Wastewaters

NR 206.01 Purpose

NR 206.02 Applicability

NR 206.03 Definitions

NR 206.04 Severability

NR 206.05 Compliance with effluent limitations and monitoring requirements

NR 206.06 Alternative requirements

NR 206.07 General conditions for municipal wastewater land disposal

NR 206.08 Effluent limitations

NR 206.09 Wastewater Monitoring requirements

NR 206.10 Groundwater monitoring

NR 206.01 PURPOSE. The purpose of this chapter is to establish effluent limitations and monitoring requirements to be used in permits for discharges of holding tank domestic wastewater from storage lagoons and wastewaters from publicly owned treatment works and privately owned domestic wastewater treatment works to land disposal systems. Section 147.02, Stats., requires a permit for the lawful discharge of any pollutant into the waters of the state. Section 147.015(13), Stats., defines "waters of the state" as including groundwater. Consequently, permits are required for the type of discharges to which this chapter applies. It is the intent of the department through this chapter to restore and maintain the physical, chemical and biological integrity of the groundwater of the state and to encourage the protection of this resource.

NR 206.02 APPLICABILITY. (1) The provisions of this chapter are applicable to discharges to:

(a) Land disposal systems of liquid wastewaters from publicly owned wastewater treatment works and from privately owned domestic wastewater treatment works;

(b) Land disposal systems of septage from storage lagoons; and

(c) Land disposal systems of domestic wastewaters from holding tanks by persons other than private pumpers.

(2) The provisions of this chapter are not applicable to land disposal of:

(a) Industrial wastes and by-products approved and permitted under ch. NR 214;

(b) Sludge from publicly owned wastewater treatment works and privately owned domestic wastewater treatment works regulated under ch. NR 204; [Note - NR 204 is created by clearinghouse rule 84-57]

(c) Domestic wastewater by "private pumpers" as defined and regulated under ch. NR 113;

(d) Septic tank effluent regulated under ch. ILHR 83;

(e) Septage disposal regulated under ch. NR 113; and

(f) Solid, liquid, and hazardous wastes at a disposal site licensed pursuant to chs. NR 180 or NR 181.

NR 206.03 DEFINITIONS. The following definitions are applicable to terms used in this chapter. Definitions of other terms and the meanings of abbreviations are set forth in ch. NR 205.

(1) "Bedrock" means the rocks that underlie soil material. Bedrock may be present at the earth's surface when the weathered in place consolidated material, larger than 2 mm in size, is greater than 50% by volume.

(2) "Biological treatment" means a level of wastewater treatment accomplished through:

- (a) An activated sludge process,
- (b) Trickling filters,
- (c) An aerated lagoon,
- (d) Rotating biological contactors,
- (e) A stabilization pond, or
- (f) Other equivalent systems approved on a case-by-case basis.

(3) "Domestic wastewater" means the type of wastewater normally discharged from plumbing facilities in private dwellings or commercial domestic establishments and includes, but is not limited to, sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastes.

(4) "Groundwater" means any of the waters of the state as defined in s. 144.01(19), occurring in a saturated subsurface geological formation of rock or soil.

(5) "Groundwater monitoring" means measuring the groundwater level and/or analyzing samples of water taken from one or more wells.

(6) "Hazardous waste" means a waste identified by the department as hazardous under s. 144.62(2), Stats.

(7) "Holding tank" means any facility, designed to be watertight, which is used for the storage and decomposition of human excrement, domestic wastes or liquid industrial wastes.

(8) "Hydraulic loading rate" means the average daily volume of effluent discharged to a land disposal system during a calendar month or other period of time specified in a WPDES permit for the discharge. The average is calculated by dividing the total discharge volume for the month or period of time by the number of days in the month or period of time.

(9) "Injection" means the subsurface emplacement of a fluid or waste.

(10) "Land disposal system" means a facility for disposing of liquid wastes consisting of:

- (a) An absorption or seepage pond system,
- (b) A ridge and furrow system,
- (c) A spray irrigation system,
- (d) A subsurface field absorption system, or
- (e) Any other land area receiving liquid waste discharges.

(11) "Privately owned domestic wastewater treatment work" means facilities which treat domestic wastewater and which are owned and operated by non-municipal entities or enterprises such as mobile home parks, restaurants, hotels, motels, country clubs, etc. which are permitted under ch. 147, Stats.

(12) "Private pumper" has the meaning specified under s. NR 113.03(5).

(13) "Publicly owned treatment work" has the meaning specified under s. NR 211.03(8).

(14) "Soil" means the unconsolidated material which overlies the bedrock.

(15) "Toxic pollutants" has the meaning specified under s. NR 205.03(7).

(16) "WPDES permit" means a permit issued under the Wisconsin pollutant discharge elimination system.

(17) "Well" means a bored, drilled or driven shaft or a dug hole where the depth of the shaft or hole is greater than the largest surface dimension, and which is terminated above, within or below an aquifer. This does not include holes or openings in the land surface such as those made with normal agricultural equipment for tilling the soil or crop production.

NR 206.04 SEVERABILITY. Should any section, paragraph, phrase, sentence, or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

NR 206.05 COMPLIANCE WITH EFFLUENT LIMITATIONS AND MONITORING

REQUIREMENTS. (1) All new or modified land disposal systems approved on or after January 1, 1985 shall comply with the applicable effluent limits and monitoring requirements of this chapter.

(2) All systems approved prior to January 1, 1985 shall comply with the effluent limits described in s. NR 206.08(1)(c) 3 and 4.

(3) All systems approved prior to January 1, 1985 shall comply with the groundwater monitoring well construction requirements in s. NR 110.25(5) and begin sampling by January 1, 1987.

(4) All systems approved prior to January 1, 1985 shall comply with the requirement of nitrogen and temperature monitoring of influent and effluent by January 1, 1989.

NR 206.06 ALTERNATIVE REQUIREMENTS. (1) If the owner of a proposed land disposal system feels that compliance with the monitoring requirements, discharge prohibitions and effluent limits of this chapter are impracticable, the reasons therefor shall be fully communicated in writing to the department. This communication shall set forth alternative requirements for which department approval is sought and all pertinent facts, data, reports and studies supporting the imposition of such alternative requirements.

(2) If the department determines that compliance with the monitoring requirements, discharge prohibitions and effluent limits of this chapter would be impracticable in specific cases, it may approve alternative requirements which, in its opinion, are in substantial compliance with the requirements of this chapter.

NR 206.07 GENERAL CONDITIONS REQUIRED FOR ALL LAND DISPOSAL SYSTEMS.

(1) DESIGN LIMITATIONS. (a) A land disposal system shall be constructed in accordance with the design criteria in ch. NR 110.

(b) Background groundwater monitoring data described in s. NR 206.10(2)(d) shall be collected prior to the design of a land disposal system.

(2) OPERATIONAL REQUIREMENTS. (a) No discharge to a land disposal system may exceed the loadings specified in the WPDES permit for the system.

(b) No discharge to the system may have physical or chemical characteristics which prevent the proper operation of the land disposal system.

(c) The discharge of toxic or hazardous pollutants to land disposal systems is prohibited unless the applicant can demonstrate and the department determines that the discharge of such pollutants will be in such small quantities that no detrimental effect on groundwater or surface water will result. The criteria used shall include but not be limited to the toxicity of the pollutant, capacity of the soil to remove the pollutant, degradability, usual or potential presence of the pollutant in the existing environment, method of application and all other relevant factors.

(d) The underground injection of municipal and domestic wastewaters through a well is prohibited.

(e) All municipal and domestic wastewater land disposal systems shall be preceded by a biological treatment approved by the department. Industrial waste discharges tributary to the municipal treatment works shall be in compliance with applicable pretreatment standards under s. NR 211.30.

(f) Land disposal of holding tank domestic wastewater from storage lagoons shall be preceded by a treatment approved by the department.

(g) For a land disposal system located on a site where soil, geologic or other conditions may result in an increased possibility of groundwater contamination, the department may require additional treatment prior to discharge to such land disposal systems.

(h) Discharge to a land disposal system shall be limited so that the discharge and any precipitation which falls within the boundary of the disposal system during such discharge does not overflow the boundary of the system unless the WPDES permit authorizes collection and discharge of runoff to a surface water.

(i) Discharge of domestic wastewaters from holding tanks by persons other than private pumpers shall be to a municipally operated wastewater treatment plant, unless exempted under par. (j).

(j) Persons other than private pumpers can request a variance from par. (i) if they can demonstrate to the department that:

1. There are no municipal wastewater treatment plants within a 20 mile (32 kilometers) radius, or

2. No municipal wastewater treatment plants within a 20 mile (32 kilometers) radius will accept holding tank domestic wastewaters.

3. If it is demonstrated to the department that the conditions in either subds. 1. or 2. apply, then the persons may submit the following information to obtain a WPDES permit for landspreading holding tank domestic wastewaters.

a. The location of each site delineated on either a soils map, plat map, air photo, or a U.S. geological survey topographic map.

b. The ownership of each site as well as a description of the contracts or agreements covering use of the landspreading site.

c. The land use of each site and the current uses of adjacent properties.

d. The distance from each site to the nearest residence, nearest public and private water supply and nearest surface water.

e. The depth to groundwater and bedrock at each selected site.

f. An estimate of the total acreage to which the holding tank domestic wastewaters will be applied.

g. An estimate of the amount of holding tank domestic wastewaters to be applied in gallons per acre.

4. The department shall review and approve the landspreading sites based on the following criteria. Holding tank domestic wastewater may not be:

a. Landspread on slopes greater than 12%.

b. Landspread on land with a slope greater than 3% during the period from December 15 through March 31.

c. Applied to soils with a seasonal water table at a depth of less than 3 feet (0.91 meters).

d. Applied to soils with a depth to bedrock of less than 3 feet (0.91 meters).

e. Landspread in wetlands or in areas subject to flooding or ponding.

f. Landspread within 200 feet (61 meters) of a private water supply well.

g. Landspread within 1000 feet (305 meters) of a public water supply well.

h. Landspread within 1000 feet (305 meters) of any residence unless the occupants agree in writing to a lesser distance.

i. Landspread on slope of 0 to 60% within 200 feet (61 meters) from any ditch dryrun, pond, lake, stream, flowage or other channelized waterways; on slope of 6 to 12% within 500 feet (152 meters) from any ditch, dryrun, pond, lake, stream, flowage or other channelized waterways.

j. Landspread on any site which the department determines will have a detrimental effect on air, surface water or on groundwater quality.

5. The department may require specific soil borings at the disposal site or a site monitoring program if the land application practices of the permittee may result in a threat to the environment or public health.

6. The variance request shall be resubmitted every 5 years or as specified in the permit at which time information requested in (subds.) 1 to 3 shall be updated and resubmitted.

7. Pursuant to s. 144.08(5), the holding tank domestic wastewater hauler shall apply annually to the owner of the municipal wastewater treatment plant, prior to September 1, for permission to dispose of holding tank domestic wastewater.

8. Pursuant to s. NR 128.12(13), the owner of a municipal treatment plant which received construction grant funds shall not prohibit the hauling and discharge of holding tank domestic wastewater from within the service area to the treatment facility.

NR 206.08 EFFLUENT LIMITATIONS FOR SPECIFIC TYPES OF LAND DISPOSAL

SYSTEMS. (1) ABSORPTION POND SYSTEMS. (a) Design limitations. Absorption pond systems shall conform to the design requirement in s. NR 110.25(4).

(b) New systems discharge prohibitions. No WPDES permit may be issued for:

1. An absorption pond system designed to be constructed in soils coarser than loamy sands (USDA soils classification) or with less than 5% passing a number 200 sieve.

2. An absorption pond system designed to be constructed in soils finer than clay loam (USDA soils classification) or with liquid limits greater than 50% (unified soil classification).

3. An absorption pond system designed to be constructed in soils with pH less than 6.5.

4. An absorption pond system where the total nitrogen concentration in the raw wastewater to the biological treatment system is greater than 25 mg/l unless the treatment system includes a denitrification process.

(c) Effluent limitations. 1. The discharge to the absorption pond shall have total nitrogen concentration of less than 20 mg/l in monthly average.

2. The discharge to the absorption pond shall be limited to a maximum hydraulic loading rate of 90,000 gallons per acre per day (1850 meters per second).

3. The discharge to the absorption pond shall be BOD<sub>5</sub> concentration of less than 50 mg/l in monthly average.

4. Absorption ponds shall be operated to provide alternately a 2 week dosing and a 2 week resting schedule or as specified in the WPDES permit.

(2) All other land disposal systems shall be evaluated by the department on a case-by-case basis.

NR 206.09 WASTEWATER MONITORING REQUIREMENTS. (1) Discharges to a land disposal system shall, at a minimum, be monitored for flow, pH, temperature, BOD<sub>5</sub> and total nitrogen. For spray irrigation systems fecal coliform bacteria monitoring shall be included. The frequency of flow monitoring and sampling and the type of samples shall be as specified in the WPDES permit.

(2) Influent to all treatment facilities subject to the monitoring provisions of sub. (1) shall be monitored for flow, pH, temperature, BOD<sub>5</sub> and total nitrogen. The frequency of flow monitoring and sampling and the type of samples shall be as specified in the WPDES permit. Any flow bypassing the treatment facility to the land disposal system shall be monitored continuously.

(3) Monitoring for other pollutants parameters may be required on a case-by-case basis dependent on waste characteristics and their potential for groundwater contamination.

(4) Unless otherwise specified in the WPDES permit for a land disposal system: (a) The procedures for measuring flow and taking samples of discharges shall be those set forth in ch. NR 218.

(b) The methods of analysis for substances contained in discharges shall be those set forth in ch. NR 219.

NR 206.10 GROUNDWATER MONITORING. (1) DESIGN CRITERIA. The design criteria and construction standards for a groundwater monitoring well shall conform to s. NR 110.25(5).

(2) MONITORING REQUIREMENTS. (a) Design flow less than .05 MGD. The department may require monitoring of groundwater if there is reason to believe contamination of groundwater may occur or is occurring.

(b) Design flow of .05 MGD TO 1.0 MGD. Groundwater shall be monitored at a single level, at locations specified in the WPDES permit, monthly for the first 3 months after the monitoring system is installed, and twice annually thereafter. The department may modify the twice annual requirement to once annually if the land disposal system is receiving liquid wastes for a period of not more than 4 months annually, or it may require more frequent monitoring on a case-by-case basis if there is reason to believe contamination may be occurring.

(c) Design flow greater than 1.0 MGD. Groundwater shall be monitored at 2 levels at locations specified in the WPDES permit at the same frequency as required in par. (b).

(d) The department may require groundwater monitoring for any or all of the following parameters in filtered and unfiltered samples: elevation, BOD<sub>5</sub>, specific conductance, COD, organic nitrogen, ammonia nitrogen, nitrate and nitrite nitrogen, chlorides, sulfates, dissolved solids, alkalinity, hardness and pH. Monitoring for other parameters may be required on a case-by-case basis if there is reason to believe contamination is occurring or if these contaminants are present in the wastewater.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on September 26, 1984.

The rules contained herein shall take effect as provided in s. 227.026(1) (intro.), Stats.

Dated at Madison, Wisconsin

January 10, 1985

STATE OF WISCONSIN

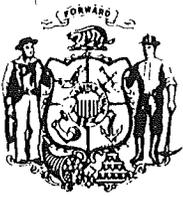
DEPARTMENT OF NATURAL RESOURCES

By

Carroll D. Besadny

Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

January 10, 1985

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard  
Revisor of Statutes  
411 West  
C A P I T O L

**RECEIVED**

**JAN 16 1985**

Revisor of Statutes  
Bureau

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WQ-20-84. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

  
C. D. Besadny  
Secretary

Enc.

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