Chapter NR 113

SERVICING SEPTIC OR HOLDING TANKS, PUMPING CHAMBERS, GREASE INTERCEPTORS, SEEPAGE BEDS, SEEPAGE PITS, SEEPAGE TRENCHES, PRIVIES, OR PORTABLE RESTROOMS

Note: Chapter NR 113 as it existed on September 30, 1987 was repealed and a new chapter NR 113 was created effective October 1, 1987. Chapter NR 113 as it existed on December 31, 1996, was repealed and a new chapter NR 113 was created effective January 1, 1997.

NR 113.01 Purpose. The purposes of this chapter are to establish standards for the servicing of private sewage systems including septic and holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies and portable restrooms; to provide for the use and disposal of wastewaters from these sources while protecting public health from unsanitary and unhealthful practices and conditions; and to protect surface waters and groundwaters of the state from contamination by septage.

History: Cr. Register, September, 1996, No. 489, eff. 1–1–97.

NR 113.02 Applicability. This chapter applies to licensed haulers, owners and any person servicing private sewerage systems including septic and holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies and portable restrooms. The following services are exempt from these rules:

(1) The transport of industrial wastes which are regulated under ch. NR 214.

(2) The transport of animal excrement and associated bedding.

(3) The use or disposal of hazardous waste which is regulated under chs. NR 600 to 685.

(4) The use or disposal of solid waste which is regulated under chs. NR 500 to 536.

(5) The use or disposal of POTW sludge which is regulated under ch. NR 204.

(6) The use or disposal of septage that has been treated by facilities which are operated under a Wisconsin pollutant discharge elimination system (WPDES) discharge permit, including centralized septage treatment facilities, which are regulated under ch. NR 204.

History: Cr. Register, September, 1996, No. 489, eff. 1–1–97.

NR 113.03 DEFINITIONS. In addition to the definitions and abbreviations in s. 146.20, Stats., the following definitions apply to terms used in this chapter:

(1) "Agricultural land" means land on which a food crop, a feed crop or fiber crop will be grown within 12 months after septage is applied to the land. This includes range land and land used as pasture.

(2) "Agronomic rate" means the total septage application rate (dry weight basis) designed to provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop or other vegetation grown on the land and designed to minimize the amount of nitrogen in the septage that passes below the root zone of the crop or vegetation grown on the land to the ground water.

(3) "Application rate" means the hydraulic loading limits placed on a landspreading site or field normally expressed as gallons/acre/week.

(4) "Approved site" means property approved by the department or its agent for the disposal, recycling or storage of septage.

(5) "Available nitrogen" means the nitrogen present in the septage in the NH_3–N form and the nitrogen that is mineralized from the organic nitrogen in the septage, both of which can then be absorbed and assimilated by growing plants in the cropping year.

(6) "Available water capacity" means the amount of water which is readily held by the soil and available for plant uptake. Available water holding capacity shall be calculated using the following table or other method acceptable to the department:

Textural Classification System		Factor for Use in Calculation of Available Water Capacity
ILHR	USDA	(inch/inch)
Sand	Sand	0.02
	Loamy Sand	
Sandy Loam	Sandy Loam	0.10
Loam	Loam	0.20
Silt Loam	Silt Loam	0.22
	Silt	
Clay Loam	Sandy Clay Loam	0.19
	Clay Loam	
	Silty Clay Loam	
Clay	Sandy Clay	0.17
	Silty Clay	
	Clay	

Note: The following method can be used to show that the soil has 5 inches of available water capacity:
Multiply the number of inches of each soil texture in the soil profile (above groundwater and bedrock) by the appropriate factor given above.

Example:

10 inches of sandy loam	10 × .1	= 1
20 inches of loam	20 × .2	= 4
10 inches of silt loam	10 × .22	= 2.2
Calculated available water table		7.2

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

(8) "Business" means any individual, partnership, corporation or body politic that does servicing.

(9) "Certified operator" means any person servicing private sewage systems such as septic and holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms who holds a valid Wisconsin septage servicing operator's certificate under ch. NR 114.

(10) "Community well" means a public well which serves at least 15 service connections used by year–round residents or regularly serves at least 25 year–round residents. Any public well serving 7 or more homes, 10 or more mobile homes, 10 or more apartment units, or 10 or more condominium units shall be considered a community well unless information is available to indicate that 25 year–round residents will not be served.

(11) "Complete application" means the uniform spreading of septage over the entire site at a rate not to exceed 12,800 gallons per acre per week of septic tank wastewater or holding tank wastewater or 4,400 gallons per acre per week of grease interceptor wastewater.

(12) "Department" means the department of natural resources.

(13) "Disposal" means the controlled discharge of septage to a POTW, treatment or storage lagoon, or to an agricultural field for the purpose of recycling nutrients back into the environment.

(14) "Dormant field" means a field that is not currently used or will not be used within 12 months after septage has been applied to the field for the harvesting of a crop. A field may have a vegetative cover crop grown on it, and a need for increased organic matter.

(15) "Dosing chamber" means a water tight receptacle that employs a pump or automatic siphon to elevate or distribute effluent to the private sewage system.

(16) "Dry run" means a drainage pathway, either natural or artificial, with definable banks, which contains a confined flow during periods of runoff.

(17) "Farmer" means a person who owns or leases a contiguous parcel of land of 40 acres or more that the person is using for agricultural purposes.

(18) "Field" means a subset of a site.

(19) "Floodplain" has the meaning specified in s. NR 116.03 (16).

(20) "Food crops" means tobacco and crops grown for human consumption.

(21) "Grease interceptor" means a water tight receptacle designed to intercept and retain grease or fatty substances contained in kitchen and other food wastes. Grease interceptor and grease trap mean the same thing.

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

(23) "High groundwater level" means the higher of either the elevation to which the soil is saturated as observed as a free water surface in an unlined hole, or the elevation to which the soil has been seasonally or periodically saturated as indicated by soil color patterns throughout the soil profile.

(24) "High use field" means a field that receives more than 3 complete applications of septage per year and the number of applications are limited to the crop nutrient requirements.

(25) "Historical site" means any property designated as a historical site under s. 44.40 (2) (a), Stats.

(26) "Holding tank" means an approved watertight receptacle for the collection and holding of sewage.

(27) "Hydraulic loading rate" means the volume of waste discharged per unit area per unit time.

(28) "Incorporation" means the mixing of septage with topsoil, by methods such as discing, mold–board plowing, chisel plowing or rototilling to a minimum depth of 4 inches.

(29) "Industrial wastes" means industrial wastes which are biodegradable and of animal or plant origin, and includes suspended solids which are in a fluid or semifluid or solid state and are not regulated by chs. NR 214, 500 to 536 or 600 to 685.

(30) "Injection" means the subsurface placement of septage to a depth of 4 to 12 inches.

(31) "Land application" or "landspreading" means the spraying or spreading of septage onto the land surface, the injection of septage below the land surface, or the incorporation of septage into the soil, so that the septage can either condition the soil or fertilize crops or vegetation grown in the soil.

(32) "Land with a high potential for public exposure" means land that the public uses frequently or may readily come in contact with and has received land application of septage or septage byproducts within the last 12 months. This includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms and golf courses.

(33) "Litter free" means the absence of nonbiodegradable material such as plastics or glass of 2 inches or greater in length on the soil surface.

(34) "Low use field" means a field that receives 3 or less complete applications of septage per year.

(35) "Nuisance" means any source of filth or probable cause of sickness not in compliance with this rule.

(36) "Parcel of land" means property that is contiguous and under the same ownership interest.

Note: If a farmer owns a parcel of land that is split or divided by a public or private road or a railroad, the land on the other side of the road will be considered part of the same parcel of land.

(37) "Pasture crop" means a crop such as legumes, grasses, grain stubble or stover which is consumed by animals while grazing.

(38) "Pathogens" means disease causing organisms. This includes, but is not limited to, certain bacteria, protozoa, viruses and viable helminth ova.

(39) "Permeability" means the rate of movement of liquid through the soil.

(40) "Ponding" means the presence of free liquid over an area of 4 square feet or more, visible 2 hours after application of the septage. An example of a 4 square foot area would be an area 4 feet by 1 foot.

(41) "Portable restroom" means fixtures, incorporating holding tank facilities, designed to directly receive human excrement. Portable restrooms are self–contained units, may be designed for one or more person's use at a given time and are readily transportable.

(42) "Posting" means the placement of signs on the perimeter of a site or field that contain a notice of septage application, name, address and telephone number of the hauler spreading the septage and are spaced not more than 500 feet apart.

(43) "Privy" means a cavity in the ground or a portable above–ground device constructed for toilet uses which receives human excrement either to be partially absorbed directly by the surrounding soil or stored for decomposition and periodic removal.

(44) "Public contact site" means land with a high potential for contact by the public. Some examples include public parks, ball fields, cemeteries, plant nurseries, turf farms and golf courses.

(45) "Publicly owned wastewater treatment work" or "POTW" has the meaning specified in s. NR 211.03 (11).

(46) "Publicly owned treatment works holding tank service area" means the area outside the POTW's sewer service area, where the area has a contract for service with the POTW to pro-

vide permanent service and the area has been added to the POTW's service area.

(47) "Publicly owned treatment works planning area" means the area delineated in map form in which the service area delineation for a specific POTW is being or has been prepared to cover.

(48) "Publicly owned treatment works sewer service area" means the area presently served and anticipated to be served by a sewage collection system as approved under ch. NR 121 or as a facility planning effort done under ch. NR 110, if no ch. NR 121 designation has been made.

(49) "Reclamation site" means drastically disturbed land that is reclaimed. This includes, but is not limited to, strip mines and construction sites.

(50) "Recreational site" means a designated area clearly identified and maintained for the purpose of providing an opportunity for recreational activity.

(51) "Restricted public access" means private property or the limiting of entry for a period of time by means such as signs, traditional agricultural fencing or remote location.

(52) "Seepage bed" means an excavated area larger than 5 feet in width which contains a bedding of aggregate and has more than one distribution line so constructed as to allow disposal of effluent by soil absorption.

(53) "Seepage pit" means an underground receptacle so constructed as to allow disposal of effluent by soil absorption through its floor and walls.

(54) "Seepage trench" means an area excavated one to 5 feet in width which contains a bedding of aggregate and a single distribution line so constructed as to allow disposal of effluent by soil absorption.

(55) "Septage" means the wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.

(56) "Septic tank" means a tank which receives and partially treats sewage through processes of sedimentation, oxidation, flotation and bacterial action so as to separate solids from the liquid in the sewage and discharges the liquid to a soil absorption system.

(57) "Servicing" means removing the scum, liquid, sludge or other wastes from a private sewage system such as septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms and properly disposing or recycling of the contents as provided in this chapter.

(58) "Site" means property consisting of one or more fields used for the recycling, disposal or storage of septage.

(59) "Site management" means the physical manipulation of site characteristics to minimize the potential of septage runoff during the spring thaw or rainfall events.

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

(61) "Soil conservation practice" means a measure used to retain surface water and soil on agricultural fields including, but not limited to, contour strip cropping, terracing and grassed waterways.

(62) "Soil conservation service" or "SCS" means United States department of agriculture, soil conservation service, or natural resources conservation service (NSRC).

(63) "Soil profile" means the vertical arrangement of unconsolidated materials into distinct layers or horizons which overlie the bedrock.

(64) "Soil saturation" means that the soil pore space is filled with water.

(65) "Spill" means the uncontrolled discharge, dumping or leaking of any septage so that 50 gallons or more of septage or any of its constituents may be admitted into the air, be discharged into any waters of the state or otherwise enter the environment.

(66) "Surface application" means spreading septage on the surface of the land without mixing the septage with the soil.

(67) "Surface water" means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, impounding reservoirs, marshes, water courses, drainage systems and other surface water, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and completely retained upon the property of a facility.

(68) "Threatened or endangered species" are those species defined under ch. NR 27.

(69) "Vector attraction" means the characteristics of septage that attract rodents, flies, mosquitos or other organisms capable of transporting infectious agents.

(70) "Violation" means a failure to comply with any provision of this chapter.

(71) "Wetlands" means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which have soils or vegetation indicative of wet conditions.

(72) "Wisconsin pollutant discharge elimination system permit" or "WPDES permit" or "permit" means a permit issued by the department under ch. 147, Stats., for the discharge of pollutants.

(73) "Wisconsin soil testing program" means the soil analysis and fertilizer recommendation program established by the university of Wisconsin-extension through the soil science department.

(74) "Wisconsin sanitary license" means a license to service private sewage systems such as septic and holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms, issued by the department pursuant to s. 146.20 (3), Stats.

History: Cr. Register, September, 1996, No. 489, eff. 1–1–97.

NR 113.04 General requirements. (1) LICENSE REQUIREMENTS. No business, unless exempted by statute, may engage in servicing unless the vehicle and equipment used have been initially inspected by the department and issued a license indicating conformity with all requirements of this chapter. A business license fee is based on the number of vehicles used by the business.

Note: Farmers are exempted from the above business licensing requirements by s. 146.20, Stats., however, servicing by farmers shall be in conformity with this chapter.

(2) CHANGES. Every business required to be licensed by this chapter shall notify the department in writing within 15 days of any change in address, change of servicing vehicle or change of owner.

(3) DISPOSAL. No vehicle operator or person may dispose of or recycle septage unless done in accordance with this chapter or under county authority approved by the department under s. 146.20 (5m), Stats.

History: Cr. Register, September, 1996, No. 489, eff. 1–1–97.

NR 113.05 Licensing. (1) INITIAL LICENSURE; APPLICANT REQUIREMENTS. Applicants for licensure shall meet the following requirements:

(a) Every business, before engaging in servicing in this state, shall submit an application on forms prepared by the department. The application shall designate an operator-in-charge for the business in accordance with ch. NR 114. License fees in par. (b) shall accompany each application.

Note: Application forms are available at department offices.

(b) All licenses issued under this section for a period beginning before July 1, 1997, are issued on an annual basis and shall expire June 30 each year. All licenses issued under this section for a period beginning after June 30, 1997, are issued on a biennial basis and shall expire June 30 in every odd-numbered year. For a li-

cense to a state resident, for each vehicle used for servicing, the fee is $25 if the license period begins before July 1, 1997, and $50 if the license period begins after June 30, 1997. For a license to a nonresident, for each vehicle used for servicing, the fee is $50 if the license period begins before July 1, 1997, and $100 if the license period begins after June 30, 1997. In addition to the initial license fee, a groundwater fee of $50 for each business for a period beginning before July 1, 1997, or $100 for a period beginning after June 30, 1997, shall be submitted for credit to the groundwater fund. The fee schedule is as follows:

TABLE 1
COMMERCIAL HAULER
FEE SCHEDULE SUMMARY

	Initial Licensing NR 113.05 (1)	Renewal of Licensing NR 113.05 (3)
1. Business Fee		
Resident		
Before July 1997	$25/vehicle	$25/vehicle
After June 1997	$50/vehicle	$50/vehicle
Nonresident		
Before July 1997	$50/vehicle	$50/vehicle
After June 1997	$100/vehicle	$100/vehicle
2. Groundwater Fee		
Before July 1997	$50/business	$50/business
After June 1997	$100/business	$100/business
3. Late Filing Fee	N/A	$25

(2) INITIAL LICENSURE; DEPARTMENT REQUIREMENTS. Prior to issuance of a license, the department shall assure that the following requirements are met:

(a) The department shall inspect the servicing equipment and operating procedures. The vehicle business license sticker may not be issued if the equipment is not in compliance with this chapter.

(b) Each designated operator in charge shall pass an oral or written operator certification examination under ch. NR 114.

(c) Businesses using more than one vehicle shall be issued the same license number and a business license sticker for each vehicle.

(d) Within 30 working days of receipt of a complete business license application, the department shall take action by either approving or denying the license application.

(3) LICENSE RENEWAL. Prior to July 1, 1997, all licenses expire on June 30 on an annual basis. On or after July 1, 1997, all licenses expire on June 30 on a biennial basis. Businesses seeking license renewal shall meet the following renewal requirements:

(a) Application for renewal shall be filed with the department on or before June 1, at least one month prior to expiration, and if filed after that date, a late fee of $25 shall be charged in addition to the renewal fee. Anyone servicing systems without a current business license under this section, unless exempt by statute, is subject to the penalties in s. NR 113.14 and s. 146.20, Stats. Payment of a late fee does not relieve a violator from being subject to penalties. The renewal application shall designate an operator–in–charge for the business who is properly certified under ch. NR 114.

(b) The renewal fee and the groundwater fee shall accompany the renewal application. The renewal fee and groundwater fee are the same as for initial licensure in accordance with sub. (1) (b).

(c) Prior to renewal, servicing equipment shall be made available at least once every 2 years for an inspection by the department or by a department approved inspector. A vehicle sticker may not be issued if the equipment is found to be unsatisfactory or is not in compliance with this chapter. The department may not renew a business license for a business that does not have at least one vehicle meeting these requirements.

(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 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
4 to 9	6
Greater than 9	9

(e) Within 30 working days of the receipt of a completed license renewal application, the department shall take action by either approving or denying the license renewal application.

(4) EXEMPTION. A farmer, or his or her designee, who disposes of septage on land owned or leased by the farmer, is exempt from the licensing requirements of this section if all of the following apply:

(a) The septage is removed from a septage system that is located on the same parcel of land on which the septage is disposed.

(b) No more than 3,000 gallons of septage per week are disposed of on the same parcel of land.

(c) The farmer, or his or her designee, complies with all statutes and rules applicable to servicing.

(d) The farmer has sufficient land that is suitable for septage disposal.

Note: Farmers eligible for the farmer exemption are still required to meet all land application and servicing requirements of this chapter.

History: Cr. Register, September, 1996, No. 489, eff. 1–1–97.

NR 113.06 Vehicle inspections and servicing. (1) INSPECTION. Any business engaged in servicing shall allow the equipment to be used for servicing to be inspected upon request and at any reasonable time and place, as may be designated by the department.

(2) EQUIPMENT REQUIREMENTS. Vehicles and operations shall conform to this chapter and vehicles shall display a license sticker in accordance with par. (m) 1. All vehicles and equipment used in servicing shall conform to the following:

(a) All vehicles and all equipment used in servicing shall be maintained in operational condition and in conformance with this chapter at all times during use in servicing.

(b) The vehicles and implements used in servicing shall routinely be used for no other purpose except the hauling or servicing of septage, grease interceptors, municipal wastewater treatment sludges or animal wastes. However, use of the vehicle for fire protection service, oil recovery and industrial wastes not regulated under chs. NR 600 to 685 or 500 to 536 is permissible if the tank is flushed or cleaned as necessary prior to and after use.

(c) Vehicles and equipment shall be stored in a manner which will not cause a nuisance.

(d) The minimum allowable tank size is 1000 gallons, with the following exceptions:

1. Tanks used for servicing only portable restrooms;

2. Tanks put into service prior to October 1, 1987;

3. A smaller tank may be used where found necessary and adequate by the department.

(e) Department approval of any trailer–mounted servicing equipment shall be on an individual basis for specific uses only.

(f) Portable tanks or containers used for servicing, other than approved trailer–mounted servicing equipment, are prohibited. All approvable tanks or containers shall be attached to the vehicle

by welding or bolts and cannot be used for containing liquids that are intended for direct contact with humans or animals.

(g) Each tank shall be strong enough for all conditions of operation, leakproof, contain inertia baffles and be designed to be kept tightly closed to prevent spillage or escape of odors while in transit or storage. Tanks shall be constructed of suitable metal or materials approved by the department and mounted permanently on a truck chassis, except where trailer–mounted equipment is approved.

(h) Pumps shall be adequate for the required service. The installation shall be designed to prevent backflow or leakage. Connections shall be provided with caps or seals.

(i) Discharge valves on tanks shall be watertight, capped when not in use, and constructed and located so as to permit unobstructed discharge at the place of disposal.

(j) All servicing equipment used for surface spreading of septage shall have a splash plate or some other department approved method or device to facilitate uniform septage application.

(k) Hoses and piping, when not in actual use, shall be stored so as to prevent leakage or dripping of septage in transit, or the ends of hoses and pipes shall be connected or sealed with tightly fitted caps or covers, or the hoses and pipes shall be cleaned with water between uses so as not to cause a nuisance by leakage or dripping of septage during transit.

(L) Any business subject to the requirements of this chapter shall provide or have available facilities for washing the vehicles, tanks, implements and tools. Facilities shall be designed to prevent a nuisance to the general public.

(m) Vehicles, with the exception of vehicles used by farmers, used in servicing shall meet the following identification requirements:

1. No person, unless exempt by statute or this chapter, may operate a vehicle used for servicing unless a valid business license sticker is prominently displayed on the rear of the vehicle servicing tank.

2. Every licensee is required to paint on the side of each vehicle the words "Wisconsin Sanitary Licensee" and immediately under these words "License No. " with the number of its license in the space provided with letters and numbers at least 2 inches high with 1/2–inch minimum brush strokes and in a color distinct from its background.

3. The capacity of the tank in gallons, in lettering and numbers at least 2 inches high with 1/2–inch minimum brush strokes, shall be painted in a color distinct from the background and readily visible on the rear of any vehicle used in servicing.

(n) Starting July 1, 1997, all servicing equipment used for surface spreading of septage, including equipment in service prior to January 1, 1997, shall have a vehicle cab controlled discharge valve. New servicing equipment put into operation after January 1, 1997 shall be in conformance with this paragraph prior to use.

(3) SERVICING REQUIREMENTS. Every business engaged in servicing shall conform to the following:

(a) The vehicles, implements and containers shall be operated in a manner that does not cause a nuisance or health hazard.

(b) Any accidental spillage shall be cleaned up and the area restored to render it harmless to humans and animals. Spills of 50 gallons or greater shall be reported, within 24 hours, to the department or the county, if the county has been delegated septage regulation by the department.

(c) A written procedure for spill and accident cleanup shall be developed and a copy of the written procedure and a copy of the current ch. NR 113 shall be placed in each vehicle cab.

Note: Discharge, accidental or otherwise, of wastes from servicing vehicles may violate s. 29.29 (3), 346.94 (5) to (7) or 146.13, Stats., and may subject the violator to the penalties imposed by s. 346.95 (2) and (3), Stats., or other penalties. In addition, the transport of certain materials may violate s. 347.49 (2), 348.10 (2), Stats., or ch. Trans 302.

(d) Any property serviced shall be left in a sanitary condition.

(e) All businesses servicing portable restrooms shall empty the septage from the portable restroom prior to transporting the portable restroom for any purpose. An exception may be granted by the department for portable toilets that are permanently affixed to a trailer or other mobile structure where the design and intent is to transport the toilet with materials contained in the integral holding tank to a POTW.

(f) Water used for flushing servicing tanks or containers shall be disposed of in the same manner as the septage.

History: Cr. Register, September, 1996, No. 489, eff. 1–1–97.

NR 113.07 Disposal of domestic septage. Every business engaged in servicing or authorizing servicing shall comply with the following requirements for disposal of septage:

(1) DISPOSAL. (a) Disposal of septage shall be by discharge into a POTW or other facility for treatment or storage under a WPDES permit or to approved agricultural lands. Septage from systems that have contracted for reserved capacity at a POTW shall be taken to that specific POTW.

(b) If approved by the natural resources board prior to February 1, 1998, after November 15, 1998, land application of wastewater from septic tank systems on frozen or snow covered ground is prohibited unless:

1. Special permission is obtained from the department and it is demonstrated, to the satisfaction of the department, that there are no other reasonable disposal methods available and there is absolutely no likelihood that the septage will enter waters of the state. Department approvals for application of septic tank waste on frozen or snow covered ground shall require the following restrictions, at a minimum:

a. Sites or fields used shall have slopes less than or equal to 2%.

b. An application rate of less than 10,000 gal/acre.

c. Application is not allowed within 750 feet of any surface water, wetland or floodplain.

2. The wastewater is from septic tanks which are pumped more frequently than once every 6 months and thus function more like a holding tank. A site may not be used for spreading of septage from frequently pumped septic tanks on frozen or snow covered ground unless the site has a slope of less than or equal to 6% and each site is approved by the department as part of a site management plan.

(c) Land application of wastewater from holding tank systems on frozen or snow covered ground is strongly discouraged. Holding tank waste may only be applied to frozen or snow covered ground on slopes of 6% or less. If holding tank waste will be applied to frozen or snow covered sites that have slopes greater than 2%, a site management plan is required.

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

(e) Large commercial, industrial, recreational or residential development holding tank systems that singly or when added together or increased by successive additions generate 3000 gallons of septage per day or greater shall contract with a wastewater treatment facility for treatment of the septage. The contract terms shall provide assurance that the septage from the system will continually be conveyed to, and accepted, at the wastewater treatment facility. If a service area designation exists, the wastewater treatment facility shall amend the service area to include the commercial, industrial, recreational or residential development. The department may not indicate sufficient disposal capacity to the department of industry, labor and human relations, or department of commerce, until the service area adjustments have been completed and approved.

Note: By agreement and administrative code, the department of industry, labor and human relations will not issue a plan approval for a 3000 gallons per day or greater

holding tank system without the department's approval of the method of wastewater disposal as provided in s. ILHR 83.18 (4) (c).

(f) Disposal of wastewater from small holding tank and septic tank systems that generate less than 3000 gallons of septage per day shall be by discharge into a POTW if the following conditions apply:

1. The holding tank is located in the POTW's sewer service or holding tank service areas.

2. The septic tank is located in the POTW's sewer service area.

3. The holding tank is located outside the POTW's sewer service and holding tank service areas if the POTW will accept the wastewater and if the cost to the hauler is less than or equal to the costs in Table 2.

4. The holding tank or septic tank is located outside of Wisconsin and the point at which the wastewater is conveyed into the state is within 20 miles (shortest direct route by road) of a POTW that is willing to accept, treat and dispose of the wastewater at a cost of less than or equal to the amount in Table 2.

TABLE 2

Years	Maximum Fee/1000 Gallons
1996–1998	$16.00
1999–2001	$18.00
2002–2004	$20.00

5. The holding tank is located within 20 miles (shortest direct route by road) of a POTW that is willing to accept, treat and dispose of the wastewater at a cost of less than or equal to the amount in Table 2. This provision only applies to those holding tank systems located in the following counties:

a. Brown
b. Calumet
c. Dane
d. Dodge
e. Door
f. Fond du Lac
g. Jefferson
h. Kenosha
i. Kewaunee
j. Manitowoc
k. Milwaukee
L. Outagamie
m. Ozaukee
n. Racine
o. Rock
p. Sheboygan
q. Walworth
r. Washington
s. Waukesha
t. Winnebago

(g) The requirement in par. (f) does not apply if storage has been utilized and the wastewater from small holding tank and septic tank systems will be landspread or treated and disposed of in accordance with a WPDES permit, or if the owner of the holding or septic tank is exempt from licensing under s. 146.20, Stats.

(2) DISPOSAL OF SEPTAGE AT A POTW. (a) The following shall apply to disposal of septage for the period between April 16 and November 14:

1. Licensed businesses may apply to a POTW for permission to discharge septage.

2. A POTW may deny or approve an application for disposal of septage at that facility. If approved, the POTW may set conditions for disposal.

3. The only requirements that licensed disposers discharge to POTWs or that POTWs accept and treat septage during nonwinter months are those in sub. (1) (e) and (f).

(b) The following shall apply to disposal of septage for the period between November 15 and April 15:

1. Each year, prior to September 1, licensed disposers may apply to POTWs for permission to dispose of septage during winter.

2. Applications submitted to POTWs by licensed disposers are subject to review by POTWs pursuant to s. 144.08, Stats.

Note: Section 144.08, Stats. requires that POTW's shall:

1. Review septage applications and provide a written denial or approval to the licensed disposer by October 1 of each year.

2. Develop a disposal plan for each licensed disposer approved for septage acceptance. A disposal plan, at a minimum, shall contain the following terms and conditions:

a. Specific quantities, locations, times, and methods for discharge of septage into the sewerage system.

b. Requirements to report the source and amount of septage placed in the sewerage system.

c. Requirements for the licensed disposer to pay to analyze other than residential septage.

d. Actual and equitable disposal fees based on the septage introduced into the sewerage system and calculated at the rate applied to other users of the sewerage system, and including the costs of additional facilities or personnel necessary to accept septage at the point of introduction into the sewerage system.

e. All the terms and conditions imposed on the disposer of septage.

f. A formal approval that the licensed disposer has permission to discharge septage to a specific POTW under specific conditions.

3. Accept and treat septage from licensed disposers unless:

a. Treatment of the septage would cause the POTW to exceed its operating design capacity or to violate any applicable effluent limitations or standards, water quality standards or any other legally applicable requirements, including court orders or state or federal statutes, rules, regulations or orders; or

b. The septage is not compatible with the sewerage system; or

c. The disposer has not applied for and received approval to dispose of septage in the sewerage system or the disposer fails to comply with the disposal plan; or

d. The licensed disposer fails to comply with septage disposal rules promulgated by the POTW or the conditions of the disposal plan in subd. 2.

(c) Licensed disposers shall cooperate with POTW's in the implementation of a septage acceptance priority system pursuant to s. NR 205.07 (2) (e).

Note: The priority system for septage acceptance at POTW's in s. NR 205.07 (2) (e) is as follows:

1. 'First priority.' Wastes from existing or new holding and septic tanks within the POTW's sewer service area and holding tanks within the POTW's holding tank service area.

2. 'Second priority.' Wastes from existing holding tanks for residential or commercial establishments outside the POTW's sewer service area and holding tank service area but inside the POTW's planning area where the holding tank was installed to replace an inadequate private sewerage system.

3. 'Third priority.' Wastes from existing septic tanks and holding tanks that were installed not as a replacement to an inadequate sewer system for residential or commercial establishments outside the POTW's sewer service and holding tank service areas but inside the POTW's planning area.

4. 'Fourth priority.' Wastes from new or existing septic and holding tanks for residential or commercial establishments outside the POTW's planning area.

(3) LAND DISPOSAL OF SEPTAGE. (a) No business may dispose of septage by a landspreading method unless the spreading is done in accordance with this chapter.

Note: Any business disposing of septage by a land disposal method may be subject to the provisions of ch. 160, Stats., and ch. NR 140, if an analysis of the groundwater beneath the disposal field indicates groundwater contamination.

(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 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:

Textural Classification System		
ILHR	**USDA**	**Permeability Inches/Hour**
Sand	Sand Loamy Sand	Greater Than 6
Sandy Loam	Sandy Loam	2.0 – 6.0
Loam	Loam	0.6 – 2.0
Silt Loam	Silt Loam Silt	0.6 – 2.0
Clay Loam	Sandy Clay Loam Clay Loam Silty Clay Loam	0.6 – 2.0
Clay	Sandy Clay Silty Clay Clay	0.1 – 2.0

2. Septage may not be surface applied on soils that have a permeability of less than 0.2 inches per hour within the top 6 inches of soil.

3. Septage may not be landspread or discharged into or on any wetlands or in areas subject to ponding, including any ditch, dry run, pond, lake, stream, flowage, floodplain, cave, sinkhole, mine, gravel pit or quarry.

4. Septage may not be landspread on any land without the owner's permission.

5. Septage shall be landspread in a manner to prevent surface runoff. Septage may not be landspread on saturated soils during rainfall events or in areas of ponded water. All landspreading fields shall be left in a litter free condition.

6. Landspreading vehicles shall be moving forward at all times while septage is being spread. Ponding of septage is prohibited.

7. Septage may not be landspread on fields that are receiving or have received POTW sludges in the last crop year.

8. Septage that is land applied based on the agronomic crop requirements may not be applied more than 10 months prior to the planting of the crop.

9. A minimum 2–foot wide grass strip shall be maintained at the property line down slope from all land application sites.

10. Fields that are discontinued for more than one year of crop production shall be revegetated with grass or other appropriate cover.

11. Each business proposing to use a high use field shall establish the nitrogen need of the crop to be grown as determined by the analysis of soil samples. The nitrogen recommendations shall be based on sampling done in accordance with the University of Wisconsin -- extension bulletin A–2100, dated April 1991 ("soil information sheet"), or soil sampling guidance approved by the department.

Note: Copies of Bulletin A–2100 are available for inspection in the offices of the department of natural resources, secretary of state and revisor of statutes, Madison, Wisconsin, or may be purchased from the UW Soil and Plant Analysis Lab, 5711 Mineral Point Road, Madison, WI 53705 or the Soil and Forage Analysis Lab, 8396 Yellowstone Dr., Marshfield, WI 54449.

12. Any person who land applies septage shall comply with the minimum separation distances and maximum slope requirements in Table 3.

TABLE 3

	Spreading	**Incorporation**	**Injection**
Minimum depth from surface to bedrock and groundwater	3.0 ft	3.0 ft	3.0 ft
Maximum allowable slope (nonwinter)	6.0%	12.0%	12.0%
Maximum allowable slope (winter)[3]	2.0%	N/A[4]	N/A
Minimum distance to a community well	1000 ft	1000 ft	1000 ft
Minimum distance to other well[5]	250 ft	250 ft	250 ft
Minimum distance to a residence, business or recreational area without permission from the owner or occupant	500 ft	500 ft[1] 200 ft[2]	200 ft
Minimum distance to a residence or business with written permission from the owner or occupant	250 ft	200 ft[1] 100 ft[2]	100 ft
Minimum distance to rural schools and health care facilities	1000 ft	1000 ft	500 ft
Minimum distance to a stream, river, pond, lake, sinkhole, flowage, ditch or wetland (greater than 6% to 12% slope)	N/A	200 ft	150 ft
Minimum distance to a stream, river, pond, lake, sinkhole, flowage, ditch or wetland (0% to 6% slope; nonwinter)	200 ft	150 ft	100 ft
Minimum distance to a stream, river, pond, lake, sinkhole, flowage or wetland (0% to 2% slope; winter)[3]	750 ft	N/A	N/A
Minimum distance to a dry run			
Slope 0–6%	100 ft	50 ft	25 ft

TABLE 3

	Spreading	Incorporation	Injection
Slope 6–12%	N/A	100 ft	50 ft
Minimum distance to a property line[6]	50 ft	25 ft	25 ft

[1] If not lime stabilized but incorporated within 6 hours.

[2] If lime stabilized and incorporated within 6 hours.

[3] See sub. (1) (b) for further limitations on winter application.

[4] "N/A" means not allowed.

[5] Separation distances to non–potable wells used for irrigation or monitoring may be reduced to 50 ft. if the septage is incorporated or injected and the department does not determine that a greater distance to the wells is required to protect the groundwater.

[6] The distances to property lines may be reduced with the written permission of both property owners.

13. Septage may not be landspread where it is likely to adversely affect a threatened or endangered species or its designated critical habitat or a historical site.

(c) 1. Septage may be landspread seasonally on or into soils with a seasonal high groundwater level at a depth greater than one foot but less than 3 feet from the surface if the landspreading is limited to times when the soil is not saturated within 3 feet of the surface.

2. Septage may be surface applied to hay fields after the hay has been harvested but not after the new growth of hay has reached a height of 6 inches.

3. All sites that are approved by the department or by a county and meet all the separation requirements at the time of approval may not have the site approval rescinded for separation distance encroachment by residences, businesses or recreational areas for a period of 5 years. This 5–year period shall run from the date of the last department or county site approval.

4. Site management plans may not allow surface spreading of septage on disposal sites with a slope greater than 6%.

5. Surface application on snow covered fields requires plowed spreading lanes (snow removal) perpendicular to the slope when the snow depth is greater than 6 inches. Plowed lanes may not be wider than 20 feet and no closer than 40 feet.

(d) 1. Pathogens shall be reduced by one of the following methods:

a. The site restrictions in subd. 2. shall be met when septage is applied to agricultural land, forest or a reclamation site; or

b. The pH of septage applied to agricultural land, forest or a reclamation site shall be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for 30 minutes and the site restrictions in subd. 2. a. to d. shall be met. When this option is utilized, each container of septage which is applied shall be monitored for compliance.

2. Pathogen reduction is achieved by the following site restrictions:

a. Food crops with harvested parts that touch the septage/soil mixture and are totally above the land surface may not be harvested for 14 months after application of septage.

b. Food crops with harvested parts below the surface of the land may not be harvested for 20 months after application of septage when the septage remains on the land surface for 4 months or longer prior to incorporation into the soil.

c. Food crops with harvested parts below the surface of the land may not be harvested for 38 months after application of septage when the septage remains on the land surface for less than 4 months prior to incorporation into the soil.

d. Food crops, feed crops and fiber crops may not be harvested for 30 days after application of septage.

e. Animals may not be allowed to graze on the land for 30 days after application of septage.

f. Turf grown on land where septage is applied may not be harvested for one year after application of the septage when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by the department.

g. Public access to land with a high potential for public exposure shall be restricted for one year after application of septage.

h. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of septage.

(e) One of the following vector attraction reduction requirements shall be met when septage is applied to agricultural land, forest or a reclamation site.

1. Septage is injected below the surface of the land such that no significant amount of the septage shall be present on the land surface within one hour after the septage is injected.

2. Septage applied to the land surface shall be incorporated into the soil within 6 hours after application to or placement on the land.

3. The pH of septage shall be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for 30 minutes. When this option is utilized, each container of septage which is applied shall be monitored for compliance.

History: Cr. Register, September, 1996, No. 489, eff. 1–1–97.

NR 113.08 Site evaluation. (1) GENERAL. Site evaluation, when required by s. NR 113.07 (3) (b) 11., shall be conducted by a soil scientist. Site evaluations are required for high use fields. Low use fields, where detailed soil conservation or survey maps are not available, shall have a site evaluation conducted. The evaluation shall include soil conditions, properties and permeability, depth of zones of soil saturation, depth to bedrock, slope, topography, all setback requirements and the potential for flooding. Evaluation data shall be reported on forms acceptable to the department and signed by the soil scientist. Reports shall be filed with the department for all sites investigated within 30 days of completion of testing.

Note: Soil scientist includes, but is not limited to, the possession of a certified soil tester classification (CSTM or CSTS) from the department of industry, labor and human relations, a bachelor of science degree in soil science from a 4 year accredited college, or a certified professional soil scientist in good standing with the American society of agronomy.

(2) SOILING BORINGS; HIGH AND LOW USE FIELDS. Soil borings are required for all high use fields. Low use fields are not required to have soil borings as long as reliable detailed soil conservation or survey maps are available except as follows:

(a) Low use fields in which no soil information is available are required to have soil borings.

(b) For all low use fields that have a high degree of variability or where a detailed soil conservation or survey maps are known to be unreliable, the department or a delegated county may require soil borings.

History: Cr. Register, September, 1996, No. 489, eff. 1–1–97.

NR 113.09 Application rates. (1) GENERAL. Septage shall be applied only to agricultural lands and may not be applied at rates which will supply available nitrogen at amounts greater than the agronomic need for the crop grown as calculated by sub. (4).

Yearly loading rates listed in Table 4 may be used if the crop grown on a low use field requires 100 lbs–N/ac or more. If the crop requires less than 100 lbs–N/ac, the loadings shall be reduced in accordance with the equation in sub. (4).

(2) HIGH USE FIELDS. The volume of septage applied annually on a high use field may not exceed the amount calculated in sub. (4) which is necessary to supply the nitrogen needs of the crop to be grown, as determined by the analysis of soil samples. The nitrogen crop needs shall be based on the university of Wisconsin extension bulletin A–2100, dated April 1991 ("soil information sheet"), or soil sampling guidance approved by the department, except as allowed in sub. (3).

(3) SPECIFIC CROPS. Septage may be applied to most leguminous crops at a volume sufficient to supply 200 lbs/ac of available nitrogen. If septage is applied to soybeans, the loading shall be limited to 140 lbs/ac of available nitrogen.

(4) ANNUAL AGRONOMIC RATE. For the purpose of implementing this section, septage may not be applied at a rate that exceeds the following:

$$\text{Annual Agronomic Rate (Gallons per acre per year)} = \frac{\text{Pounds of Nitrogen Required For the Expected Crop Yield per Acre}}{0.0026}$$

(5) MAXIMUM LOADING. The hydraulic loading rate of application shall be limited by soil characteristics but under no conditions may it exceed 13,000 gallons per acre per week for holding tank or septic tank contents or a combination of the 2. Ponding of septage shall be prohibited.

(6) GREASE INTERCEPTORS. Waste from grease interceptors shall be disposed of at a department licensed sanitary landfill, land applied or through some other department approved method.

(a) Contents of grease interceptors that are land applied to agricultural lands shall be incorporated, injected or mixed with septage at a level not to exceed 25% grease interceptor wastewater and applied in accordance with sub. (5).

(b) The hydraulic loading rate for land application shall be limited by soil characteristics but under no conditions may exceed 4,300 gallons per acre per application for grease interceptor contents. Ponding of the grease interceptor wastewater is prohibited.

Table 4
Summary of Maximum Loading Rates

	Maximum Weekly Hydraulic Loading		Low Use Field[2] Yearly Hydraulic Loading		High Use Field Yearly Hydraulic Loading
	Gal/Ac	Inches	Gal/Ac	Inches	
Septic Tank Wastewater	13000	1/2	39000	1–1/2	Loading is based on crop requirements[1]
Septic Tank Wastewater (75% or More) with Grease Trap Wastewater (25% or Less)	13000	1/2	39000	1–1/2	"
Holding Tank Wastewater	13000	1/2	39000	1–1/2	"
Holding Tank Wastewater (75% or More) Grease Trap Wastewater (25% or Less)	13000	1/2	39000	1–1/2	"
Grease Trap Wastewater (All or Greater than 25% of a Mixed Load of Septage)	4300	1/6	12900	1/2	N/A

[1] The maximum annual hydraulic loading that will be permitted for any high use field will be based on the annual agronomic application rate computed by using the formula in sub. (4).

[2] If the crop grown on a low use field requires less than 100 lbs N/ac, the max. annual hydraulic loading that is permitted is based on the annual agronomic application rate in sub. (4).

History: Cr. Register, September, 1996, No. 489, eff. 1–1–97.

NR 113.10 County regulation. (1) A county may request the authority from the department to regulate land disposal of septage under this chapter.

(2) A county request shall include:

(a) A complete description of the proposed county–wide program;

(b) The proposed county–wide septage ordinance and regulations, which shall be consistent with this chapter and s. 146.20, Stats., and shall be applied uniformly to the entire county.

(c) Plans for personnel, budget, equipment, records system and forms;

(d) Authority and capability to regulate and enforce the proposed regulatory program;

(e) A description of the mechanism for generating money to finance the regulatory program;

(f) A description of the records system, which shall include field locations, field tests, field owners, field users, loading rates, county inspection, annual field licenses and enforcement actions; and

(g) Enforcement mechanisms with penalties identical to those in s. 146.20 (6), Stats.

(3) The department shall:

(a) Investigate the capability of the county to successfully implement the proposed regulatory program;

(b) Approve, conditionally approve or deny the proposed county regulatory program. Department action shall be based on the county's capability to successfully implement the proposed regulatory program;

(c) In no case delegate authority for the issuance of WPDES permits for the management of septage storage facilities, under s. NR 113.12 or centralized septage treatment facilities under ch. NR 204; and

(d) Monitor and evaluate the performance of any county that implements an approved county–wide land disposal regulation program. Evaluation of county efforts shall be conducted after the first 12 months but before 18 months of approval of the county program. If the county is found to be performing satisfactorily, then future evaluations shall be once every 2 years. If a county fails to adequately enforce the septage disposal ordinance, the department shall conduct a public hearing in the county seat upon 30 days' notice to the county clerk. As soon as practicable after the hearing, the department shall issue a written decision regarding compliance. If the department determines that the county has failed to adequately enforce the septage disposal ordinance, the department shall by order require modifications of the county program administration or revoke the authority of the county to adopt and enforce a septage disposal ordinance. At any time after the department issues an order under this paragraph, a county may submit a new application under sub. (1). The department may enforce this section and rules adopted under this section in any county which has adopted a septage disposal ordinance.

(4) No county septage ordinance may void existing contracts between a holding tank system owner and a POTW.

(5) No county may direct the disposal of wastewater from large holding tank systems from a POTW that is presently accepting the wastewater for treatment to another POTW without the consent of both POTW's and the owner of the holding tank system.

History: Cr. Register, September, 1996, No. 489, eff. 1–1–97.

NR 113.11 Department regulation. (1) SITE INFORMATION. Each business disposing of septage shall, at least 7 days prior to using a disposal field, submit the following information to the department or its designee:

(a) Plat map or aerial photograph or U.S. geologic survey topographic map with the field outlined and a scale attached for easy reference.

(b) Detailed soil survey map with the field outlined, if available, or soil investigation data as required in s. NR 113.08. Soil investigation data as required in s. NR 113.08 shall be collected, validated and signed by a soil scientist.

(c) Completed department agricultural site operations form.

(d) Any other information required by the department to make a determination on the adequacy of the proposed site.

(2) EXCEPTION TO THE 7–DAY SUBMITTAL REQUIREMENT FOR FARMS. (a) A licensed business may service and spread wastewater on the farm where the septage was generated without prior field approval.

(b) A business may spread only on soils that meet the requirements of this chapter.

(c) Each vehicle operator shall record in the log book all information required by the department under sub. (3) (b).

(3) RECORD KEEPING INFORMATION. Each business engaging in land application shall submit or keep the following information on department approved forms and submit it to the department or its designee:

(a) *Annual submittals.* 1. Completed records of the fields used, gallons and type of septage spread per acre on each field and number of acres used.

2. Crop grown on each field used and its yearly nitrogen requirement.

3. Actual annual hydraulic and fertilizer application rate. For high use fields, application of nutrients from all sources shall be documented.

4. In addition, agricultural soil analysis for each high use field once every 4 years of use when required by s. NR 113.07 (3) (b) 11.

(b) *Vehicle log book or invoice records system.* Each licensed business and any person who services a septage system shall keep the following records and make these records available to department representatives upon request.

1. Each vehicle operator shall have and maintain a daily log book or invoice records system for that vehicle.

2. Daily log books and invoice records systems shall be kept in the vehicle for a minimum of 2 days after servicing a system.

3. Daily books and invoice records systems shall, at a minimum, contain the following information:

a. Name and address or location of system serviced.

b. Date and time of servicing.

c. Type of system and description of all wastes pumped.

d. Gallons collected.

e. Disposal location.

f. Date and time of disposal.

g. Written certification by the designated operator–in–charge regarding the pathogen and vector attraction reduction requirements. The certification statement shall read as follows: "I certify, under penalty of law, that the information that will be used to determine compliance with the pathogen requirements [insert either NR 113.07 (3) (d) 1. a. or NR 113.07 (3) (d) 1. b.] and the vector attraction reduction requirement in [insert NR. 113.07 (3) (e) 1., NR 113.07 (3) (e) 2., or NR 113.07 (3) (e) 3.] has been prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification." This requirement may be satisfied by having the certification statement on annual year–to–date loading summaries for each site.

h. A description of how the pathogen reduction requirements are met.

i. A description of how the vector attraction reduction requirements are met.

j. Lime purchase receipts if surface spreading with alkaline stabilization is the selected method for meeting the pathogen and vector attraction reduction requirements.

4. All servicing records (log book or invoice records) shall be kept on file and available for inspection for a period of 5 years.

History: Cr. Register, September, 1996, No. 489, eff. 1–1–97.

NR 113.12 Septage storage facilities. (1) LARGE EXISTING FACILITIES. Existing in–ground or above–ground septage storage facilities constructed before September, 1987 and with a capacity of greater than 25,000 gallons shall be allowed as long as they meet the provisions of ch. NR 110, the department has accepted in writing the plans and specifications and the storage facility has received a specific WPDES permit. Storage facilities installed under ch. ILHR 83 are allowed if the owner obtains a specific WPDES permit.

(2) NEW LARGE FACILITIES. No person may construct any septage storage facility, which singly or when added together, provides capacity equal to or greater than 25,000 gallons without first obtaining department plan and specification approval. All storage facilities shall be designed in accordance with the appropriate requirements of ch. NR 110. No storage facility with a capacity equal to or greater than 25,000 gallons may operate until a specific WPDES permit is issued and an inspection and adequacy of sealing report is submitted and accepted by the department.

(3) SMALL FACILITIES. New or existing septage storage facilities with a capacity of less than 25,000 gallons are allowed if they have been approved under ch. ILHR 83 or meet the standards in ch. NR 110 and the department is notified of their use through form 3400–137, revised in July 1988.

Note: There is no intent to issue WPDES permits to all small storage facilities although the department reserves the ability to do so on a case by case basis in the event it is determined necessary to protect public health or the environment.

(4) OTHER STORAGE FACILITIES. Septage may be stored at sites such as, but not limited to, manure storage facilities and sludge storage lagoons. The mixture resulting from any combination of septage and domestic wastewater sludge will all be classified as domestic sludge and its use or disposal will be governed by ch. NR 204. Septage may not be stored in manure storage facilities if the storage facilities are located under a building where animals are housed. Prior to use of a combined septage and other wastes facility, the department shall review an operations report for the facility. The facility may be used to store septage upon approval by the department. This report shall include at a minimum:

(a) The location of the storage facility;

(b) The type and volume of the storage facility including construction and sealing details;

(c) Sufficient site characteristics information to evaluate the environmental impact and suitability of such waste storage;

(d) The name and address of the owner of the storage facility;

(e) Any contractual arrangements involved;

(f) The type and composition of any wastes other than septage to be stored at the facility;

(g) Annual sampling and analysis of the combined wastes in accordance with requirements in the permit;

(h) The methods to be used for landspreading the septage or septage mixture; and

(i) If septage makes up 10% or more of the mixture in the storage facility or if there are 25,000 gallons or more of septage in the mixture, a certification statement that the entire contents of the storage facility shall be landspread in accordance with this chapter.

(5) EXTENDED STORAGE. No person may store a batch of septage for longer than 2 years.

(6) DEPARTMENT REQUIREMENTS. The department shall satisfy the time requirements for all permits and plan approvals in s. NR 108.03.

History: Cr. Register, September, 1996, No. 489, eff. 1–1–97.

NR 113.13 Suspension and revocation. Any licensed business which engages in improper servicing or violates any provision of this chapter may be subject to suspension or revocation as provided in s. 146.20 (5), Stats., and penalties or forfeitures provided in s. NR 113.14, or both.

History: Cr. Register, September, 1996, No. 489, eff. 1–1–97.

NR 113.14 Enforcement. (1) CITATIONS. Pursuant to s. 146.20 (5s), Stats., the department may follow the procedures for the issuance of a citation under ss. 23.50 to 23.99, Stats., to collect a forfeiture for a violation of this chapter. Deposit amounts are listed in sub. (2).

(2) DEPOSIT SCHEDULE. Deposit amounts, not including applicable court costs, surcharges and assessments, for violations of ch. NR 113 sections are as follows:

Section	Deposit
113.04 (1) & (3)	$500.00
113.04 (2)	$100.00
113.05	$300.00
113.06	$300.00
113.07	$500.00
113.08	$300.00
113.09	$500.00
113.11	$500.00
113.12	$300.00

(3) PENALTIES. Any person or business who engages in improper servicing or violates any section of this chapter shall be subject to penalties as provided in s. 146.20 (6), Stats.

History: Cr. Register, September, 1996, No. 489, eff. 1–1–97.

NR 113.15 Variances. (1) GENERAL. The department may approve a variance from the requirements of this chapter when it determines that special circumstances make compliance impractical or not in the best interests of the state and the department is satisfied that issuance of a variance will not be detrimental to public health or the environment.

(2) APPLICABILITY. A variance may be requested from any requirement in this chapter that is not based on state statutes or federal statutes or regulations. A variance may not be issued for a statutory requirement.

(3) REQUEST FOR VARIANCE. A request for a variance shall be submitted in writing to the department. Each request for a variance shall contain the following:

(a) The name of the applicant;

(b) The section of this chapter from which a variance is sought and a statement explaining why the variance is necessary;

(c) An adequate description of the variance and the circumstances in which it will be used, including any pertinent background information which is relevant to making a determination on the justification of granting the variance; and

(d) A statement as to whether the same or similar variance has been requested previously, and if so, circumstances of the previous request.

History: Cr. Register, September, 1996, No. 489, eff. 1–1–97.