



WPDES PERMIT

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of Chapter 283, Wisconsin Statutes, any facility engaged in the

LANDSPREADING OF BY-PRODUCT SOLIDS

located in the State of Wisconsin and meeting the applicability criteria listed in this General Permit, is permitted to discharge these solids to approved landspreading sites in Wisconsin in accordance with the effluent limitations, monitoring requirements and other conditions set forth in this permit.

State of Wisconsin Department of Natural Resources
For the Secretary

By

Sharon L. Gayan
Sharon L. Gayan, MPA
Director, Bureau of Water Quality

12/19/2017
Date Permit Signed/Issued

PERMIT TERM: EFFECTIVE DATE – January 01, 2018

EXPIRATION DATE – December 31, 2022

TABLE OF CONTENTS

1 APPLICABILITY CRITERIA.....	1
2 LANDSPREADING SITE REQUIREMENTS.....	2
3 REPORTING REQUIREMENTS	3
4 BY-PRODUCT SOLIDS LANDSPREADING REQUIREMENTS.....	4
5 MANAGEMENT PLAN	6
6 OPERATIONAL REQUIREMENTS.....	7
7 STANDARD REQUIREMENTS	8
8 SUMMARY OF REPORTS DUE	14

1 Applicability Criteria

1.1 Activities Covered

This permit is applicable to landspreading discharges of by-product solids where by-product solids is defined by s. NR 214.03(4), Wis. Adm. Code, from an industrial, commercial or agricultural facility to a landspreading system meeting the following conditions:

- Routine landspreading of low volume by-product solids;
- Temporary or one-time landspreading of by-product solids;
- Interim landspreading of high volume by-product solids until an individual WPDES permit is issued or modified to include the landspreading discharge.

All by-product solids shall have no detrimental effect on soils, vegetation or groundwater of a landspreading system and shall have beneficial properties as a soil conditioner or fertilizer.

1.2 Activities Not Covered

This permit is not applicable to landspreading discharges that meet any of the following conditions:

- Landspreading of industrial liquid wastes as defined in s. NR 214.03(27), Wis. Adm. Code;
- Landspreading of industrial or domestic sewage sludges as defined in s. NR 204.03(55), Wis. Adm. Code and s. NR 214.03(34), Wis. Adm. Code;
- Hauling of by-product solids to another permitted facility such as a publicly-owned treatment works (POTW), a landfill, an incinerator, a livestock feeding operation, or a contract hauler;
- Landspreading of by-product solids containing toxic or hazardous substances (such as phenolics, metals, solvents, lubricants, biocides, pesticides, bioaccumulative organics, etc.), unless the permittee demonstrates to the Department of Natural Resources (hereafter department) that the discharge of such pollutants will be in such small quantities that no environmental pollution will result and the contaminants will not exceed groundwater quality standards established in ch. NR 140, Wis. Adm. Code. Discharges containing only toxic or hazardous substances to land treatment systems are prohibited under s. NR 664.0270, Wis. Adm. Code;
- Landspreading of by-product solids containing contaminants which the department determines do not meet the requirements of s. NR 214.17(4), Wis. Adm. Code, and, therefore, may cause an exceedance of the groundwater standards established in ch. NR 140, Wis. Adm. Code;
- Landspreading of by-product solids that are regulated under the provisions of ch. NR 518, Wis. Adm. Code;
- Landspreading of by-product solids to wetlands;
- Landspreading of by-product solids to surface waters;
- Landspreading of by-product solids that will cause adverse effects including causing an incidental take of endangered and threatened resources, unless the department determines that the discharges comply with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code.
- Landspreading of by-products solids within tribal lands. The Tribe or U.S. EPA regulates discharges from tribal lands (land owned by or held in trust for the tribes and land within recognized reservation boundaries);
- Facilities that contract haul and mix wastes from more than one industrial source prior to landspreading.

2 Landspreading Site Requirements

2.1 Landspreading Site Approval

The permittee is authorized to landspread by-product solids on sites approved in writing by the department in accordance with s. NR 214.17(2)(a), Wis. Adm. Code. The department may specify any site use restrictions or grant any case-by-case ch. NR 214, Wis. Adm. Code, exemptions in the written site approval letter. The permittee shall comply with all specified restrictions and exemptions. The permittee shall not landspread by-product solids on a site until approval is received from the department for the site. The department may require the permittee re-submit landspreading site information for existing spreading sites to confirm that the spreading areas meet the criteria specified in Section 2.2 of this permit. If an existing spreading site, or portion thereof, is found by the department to be environmentally unacceptable, a written notice will be issued to withdraw approval of that site or a portion of that site. The permittee shall landspread only on approved sites and shall comply with requirements of this permit.

The permittee shall submit a landspreading site request package including the following information: 1) Land Application Site Request (Form 3400-053) or equivalent; 2) verification of legal description (tax parcel record, land record, etc.) and; 3) field authorization form (from field owner). The site request package may also include location maps showing nearby residences and wells, soil maps, information on separation to groundwater and bedrock, and other information that demonstrates that by-product solids application on the site will comply with all applicable requirements of s. NR 214.17, Wis. Adm. Code and the conditions of the General Permit (hereafter GP).

2.2 Landspreading Site Location Criteria

The landspreading site location criteria are included by reference from s. NR 214.17(2), Wis. Adm. Code. The permittee must comply with all these requirements.

1. Landspreading sites shall be located at least 500 feet from the nearest inhabited dwelling, except that this distance may be reduced to 200 feet if the by-product solids are incorporated with the soil and any affected owners and occupants give their written consent for the reduced separation distance. The department may require a greater separation distance depending on the type of by-product solids and potential for aesthetic and public health impacts.
2. By-product solids may not be landspread closer than 1,000 feet from a well serving a community public water supply system and 250 feet from other potable water supply wells.
3. Landspreading sites may not be located in the floodway as specified in ch. NR 116, Wis. Adm. Code. Any site located in the floodplain shall conform to ch. NR 116, Wis. Adm. Code, and may not be used when the floodplain is flooded.
4. Landspreading sites shall be limited to cultivated cropland, tree plantations, pasture or hayland. Other sites may be reviewed and approved on a case-by-case basis by the department.
5. Landspreading sites shall be limited to a slope of 12% or less when the soil temperatures are above freezing. When the ground is frozen or snow covered, landspreading shall be restricted to sites with slopes of 2% or less. Sites with slopes of 2-6% may be approved for winter time spreading on a case-by-case basis by the department.
6. By-product solids may not be landspread closer than 200 feet from any surface water, except that the minimum separation distance may be reduced, to a minimum of 100 feet, when a vegetative buffer strip, at least 20 feet wide, is maintained between the nearest edge of the

landspreading site and the surface water. If the by-product solids are incorporated with the soil, the separation distance from any surface water may be reduced to 50 feet.

7. Landspreading sites shall have at least 36 inches of separation between the ground surface and bedrock or groundwater. However, the department may allow a reduced separation distance to a minimum of 18 inches on a case-by-case basis provided the rate of by-product solids application is reduced.

3 Reporting Requirements

The permittee shall comply with the following reporting requirements.

3.1 Daily Log

All discharge and monitoring activity shall be documented on log sheets. This includes the total daily by-product solids hauled volume. The original log sheets shall be kept by the permittee as described under Section 7.2.6 “Records Retention” in the Standard Requirements of this permit, and if requested, made available to the department. The total daily by-product solids haul volume may be determined by actual measurement of the amount of by-product solids in the hauling vehicles, or by calibration of the truck box or roll-off containers used to haul by-product solids times the number of trips for the day.

3.2 Characteristic Report (Form 3400-49)

The analytical results from testing of by-product solids that are landspread shall be reported by the date indicated on the Characteristic Report Form 3400-49. The report form shall be submitted electronically and is due 21 days after end of the reporting period whether or not waste is landspread in accordance with s. NR 214.17(5)(c), Wis. Adm. Code. Following submittal of the electronic Characteristic Report Form 3400-49, this form shall be certified electronically via the “eReport Certify” page by a principal executive officer or duly authorized representative in accordance with s. NR 205.07(1)(g), Wis. Adm. Code. The ‘eReport Certify’ page certifies that the electronic report form is true, accurate, and complete.

The permittee shall use the following convention when reporting by-product solids results: Pollutant concentrations less the limit of detection shall be reported as < (less than) the value of the limit of detection. For example, if a substance is not detected at a detection limit of 1.0 mg/kg, report the pollutant concentration as <1.0 mg/kg.

Note: All by-product solids results shall be reported on a dry weight basis. Monitoring is only required during periods of active landspreading.

3.3 Annual Land Application Report (Form 3400-55)

The annual totals for the landspread loadings of by-product solids to field spreading sites shall be submitted electronically on the Land Application Report Form 3400-55 by January 31, each year whether or not waste is landspread in accordance with s. NR 214.17(5)(c), Wis. Adm. Code. Amounts of waste shall be reported as dry weight. Following submittal of the electronic Land Application Report Form 3400-55, this form shall be certified electronically via the ‘eReport Certify’ page by a principal executive officer or duly authorized representative in accordance with s. NR 205.07(1)(g), Wis. Adm. Code. The ‘eReport Certify’ page certifies that the electronic report form is true, accurate, and complete.

3.4 Other Methods of Disposal or Distribution Report (Form 3400-52)

The permittee may submit electronically the Other Methods of Disposal or Distribution Report Form 3400-52 by January 31, each year whether or not waste is hauled to another facility, landfilled, or incinerated. Following submittal of the electronic Other Methods of Disposal or Distribution Report Form 3400-52, this form shall be certified electronically via the ‘eReport Certify’ page by a principal executive officer or duly authorized representative in accordance with s. NR 205.07(1)(g), Wis. Adm. Code. The ‘eReport Certify’ page certifies that the electronic report form is true, accurate, and complete.

Note: This form is not a requirement and is completely voluntary. However, the department recommends that permittees fill this form out when by-product solids are hauled to another permitted facility such as a publicly-owned treatment works (POTW), a landfill, an incinerator, a livestock feeding operation, or a contract hauler.

4 By-Product Solids Landspreading Requirements

4.1 Sampling Point(s)

The discharge shall be limited to landspreading of by-product solids for the listed sampling point(s) on department approved landspreading sites or by hauling to another permitted facility.

Sampling Point Designation	
Sampling Point Number	Sampling Point Location, WasteType/Sample Contents and Treatment Description (as applicable)
001	The landspreading of by-product solids from an industrial, commercial or agricultural facility to a land spreading system on department approved landspreading sites.

4.2 Monitoring Requirements and Limitations

The permittee shall comply with the following monitoring requirements and limitations based on s. NR 214.17(5), Wis. Adm. Code.

4.2.1 Sampling Point (Outfall) 001 – By-Product Solids

Monitoring Requirements and Effluent Limitations					
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Notes
Solids Hauled		Tons/day	Daily	Total Daily	Record in a Daily Log. See Section 3.1
Solids, Total		Percent	Annual	Grab Comp	See Section 4.2.2
Nitrogen, Total Kjeldahl		Percent	Annual	Grab Comp	See Sections 4.2.2 and 4.3.2
Chloride		Percent	Annual	Grab Comp	See Sections 4.2.2 and 4.3.1
Phosphorus, Total		Percent	Annual	Grab Comp	See Section 4.2.2
Phosphorus, Water Extractable		% of Total P	Annual	Grab Comp	See Section 4.2.2

Daily Log – Monitoring Requirements and Limitations				
All discharge and monitoring activity shall be documented on log sheets. Originals of the log sheets shall be kept by the permittee as described under “Records Retention” in the Standard Requirements section, and if requested, made available to the department.				
Parameters	Limit	Units	Sample Frequency	Sample Type
DNR Site Number(s)	-	Number	Daily	Log
Acres Applied	-	Acres	Daily	Log
Application Rate	-	Tons/Acre/Day	Daily	Calculated

Annual Report - Requirements and Limitations				
The Annual Land Application Report (Form 3400-55) is due by January 31 st of each year for the previous calendar year.				
Parameters	Limit	Units	Reporting Frequency	Sample Type
DNR Site Number(s)	-	Number	-	-
Acres Landspread	-	Acres	Annual	-
Total Amount Per Site	-	Pounds or Tons	Annual	Total Annual
Total Kjeldahl Nitrogen per Site	165, or alternate approved in writing	Pounds/Acre/Year	Annual	Calculated
Total Chloride per Site	340	Pounds/Acre per 2 Years	Annual	Calculated

4.2.2 Sampling

Grab composite samples shall be collected prior to landspreading which are representative of all the by-product solids being discharged. When the by-product solids are large pieces, a large sample shall be collected and ground up to a homogenous slurry for analysis.

Note: Monitoring is only required during periods of active landspreading.

4.3 Landspreading Limitations

The permittee shall comply with the following by-product solids landspreading limitations based on s. NR 214.17(4)(e), Wis. Adm. Code.

4.3.1 Chloride Requirements for By-Product Solids

The total pounds of chloride applied shall be limited to 340 pounds per acre for any 2 consecutive years. Calculate the chloride loading as follows:

For lbs:
$$\frac{\text{lbs of wet by-products} \times \% \text{solids} \times \% \text{chloride}}{\text{acres land applied} \times 100 \times 100} = \text{lbs chloride/acre}$$

For gals:
$$\frac{(\text{mg/L Chloride}) \times (\text{millions of gallons}) \times 8.34}{\text{acres land applied}} = \text{lbs chloride/acre}$$

The most recent quarterly total solids sample shall be used in the calculation of chloride loading for pounds.

4.3.2 Nitrogen Requirements for By-Product Solids

The total number of pounds of nitrogen that may be landspread per acre per year shall not exceed the nitrogen needs of the cover crop (based on a reliable reference such as: *A2809 Nutrient Application Guidelines for Field, Vegetable and Fruit Crops in Wisconsin*, from UW-Ext., <http://www.soils.wisc.edu/extension/pubs/A2809.pdf>) minus any other nitrogen added to the landspreading site, including fertilizer or manure. Nitrogen applied can be calculated on the basis of plant available nitrogen, as long as the release of nitrogen from the organic material is credited to future years. This permit requires that the Total Kjeldahl Nitrogen application amount in any calendar year shall not exceed 165 pounds per acre per year on any site, except when alternate numerical nitrogen loading limits are approved in writing via the department's landspreading management plan approval. Calculate nitrogen loading as follows ("TKN" represents "Total Kjeldahl Nitrogen"):

$$\text{For lbs: } \frac{\text{lbs of wet by-products} \times \% \text{solids} \times \% \text{TKN}}{\text{acres land applied} \times 100 \times 100} = \text{lbs TKN/acre}$$

$$\text{For gals: } \frac{(\text{mg/L TKN}) \times (\text{millions of gallons}) \times 8.34}{\text{acres land applied}} = \text{lbs TKN/acre}$$

The most recent quarterly total solids sample shall be used in the calculation of TKN loading for pounds.

4.3.3 Carbon to Nitrogen Ratio

In addition to the limitation on nitrogen, the total quantity of by-product solids landspread to the soil shall be within acceptable agricultural practices with respect to the carbon to nitrogen ratio. The carbon to nitrogen ratio shall be reported in the comments section of the Annual Land Application Report (Form 3400-55). The carbon to nitrogen ratio shall be reported once during the permit term.

5 Management Plan

5.1 Operate Consistent with an Approved Management Plan

All landspreading sites used for treatment of by-product solids shall be operated in accordance with a department approved management plan. The management plan shall be consistent with the requirements of this permit, and s. NR 214.17, Wis. Adm. Code. A copy of the management plan shall be retained by the permittee and this plan shall be made available upon department inspection. If operational changes are needed affecting the character, quality or quantity of the by-product solids landspread, the management plan shall be amended by submitting a written request to the department for approval.

5.2 Submittal of the Management Plan

If a landspreading management plan has not been approved by the department prior to the reissuance of this permit, then the permittee shall submit a management plan to the department for approval not more than 60 days from the date of reissuance of this permit or from the date that coverage under this permit was granted, whichever is later. When coverage is granted under this permit, if the department determines that a previously approved management plan must be amended to comply with the conditions of this permit and s. NR 214.17(6)(c), Wis. Adm. Code, the permittee shall submit an amended management plan to the department not more than 60 days from the date that coverage under this permit was granted. Management plans shall be submitted to department staff identified in the letter of determination under this permit.

5.3 Management Plan Content

The management plan shall specify information on pretreatment processes, site identification on plat and soil maps, aerial photographs, if available, description of all site limitations, vegetative cover management and removal, availability of storage, type of transporting and spreading vehicle, load and rest schedules, monitoring procedures, contingency plans for periods of adverse weather or odor or nuisance abatement and any other pertinent information in accordance with s. NR 214.17(6)(c), Wis. Adm. Code.

6 Operational Requirements

The permittee shall comply with the following operational requirements.

1. The volume of by-product solids landspread may not alter the characteristics or structure of the soil such that the crop is adversely affected or erosion or permeability problems occur as specified in s. NR 214.17(4)(e)1., Wis. Adm. Code.
2. There shall be no runoff or movement of by-product solids from the approved landspreading site. If runoff or movement occurs, all landspreading on the site shall cease immediately as specified in s. NR 214.17(4)(e)3., Wis. Adm. Code.
3. By-product solids shall be plowed, disked, injected, or otherwise incorporated in the surface soil layer within the time period specified in the approved management plan as specified in s. NR 214.17(4)(e)7., Wis. Adm. Code.
4. When necessary to prevent nuisance conditions, such as attraction of nuisance animals, transmission of disease, or the release of objectionable odors from solids decomposition, certain by-product solids will need to be incorporated into the soil as soon as possible specified in the approved management plan in accordance with s. NR 214.17(4)(e)3., Wis. Adm. Code.
5. The permittee is encouraged to landspread the by-product solids as it is transported to the fields; but if it becomes necessary to temporarily stockpile by-product solids in the fields, the stockpiled material must be landspread within 72 hours or less as specified in the approved management plan in accordance with s. NR 214.17(4)(e)8., Wis. Adm. Code.
6. Any system used for the storage or stacking of by-product solids prior to landspreading shall be designed and constructed in accordance with ch. NR. 213, Wis. Adm. Code, or other design criteria as approved in the landspreading management plan. Plans and specifications shall be submitted to the department for approval of such storage or stacking systems as specified in s. NR 214.17(3)(c), Wis. Adm. Code.
7. Storage or stacking systems shall be sited and operated to minimize odors or other public nuisance conditions as specified in s. NR 214.17(3)(d), Wis. Adm. Code.
8. Vehicles used for transporting or landspreading by-product solids shall be maintained to prevent spillage or leakage as specified in s. NR 214.17(6)(a), Wis. Adm. Code.
9. Vehicles used for landspreading by-product solids shall be equipped with a distribution system capable of applying the waste uniformly on the land surface as specified in s. NR 214.17(3)(a), Wis. Adm. Code.
10. Vehicles landspreading by-product solids shall be moving forward at all times of application unless the vehicle is equipped with a high-pressure spray nozzle that uniformly distributes the sludge on the land surface as specified in s. NR 214.17(6)(b), Wis. Adm. Code. If the vehicle is equipped with a high-pressure spray nozzle, the openings shall be sized to prevent plugging and located to minimize wind drift of the waste as specified in s. NR 214.17(3)(b), Wis. Adm. Code.
11. By-product solids containing viable pathogens, such as those from meat or poultry processing operations, may not be landspread on sites used for growing crops that may be consumed raw by humans as specified in s. NR 214.17(4)(c), Wis. Adm. Code.

7 Standard Requirements

The conditions in ss. NR 205.07(1), 205.07(3), and 205.08(3), Wis. Adm. Code, are included by reference in this permit. The permittee shall comply with all of these requirements, except for s. NR 205.07(1)(n), Wis. Adm. Code, which does not apply to facilities covered under GPs. Some of these requirements are outlined in the Standard Requirements section of this permit. Requirements not specifically outlined in the Standard Requirements can be found in the ss. NR 205.07(1), 205.07(3), and 205.08, Wis. Adm. Code.

7.1 General Conditions for General Permit Discharges

The permittee shall comply with the following general conditions for general permit discharges.

7.1.1 Request for Coverage

If an owner or operator of a facility or activity is proposing to discharge to waters of the State and the facility or activity's discharge meets the applicability criteria of this permit, the owner or operator shall submit a request for coverage document under this general permit (GP) as specified in s. NR 205.08(3), Wis. Adm. Code. If the facility's proposed discharge does not meet the applicability criteria under this permit, the owner or operator shall apply for a different GP or an individual permit. All requests of coverage must be mailed or emailed to the department regional GP reviewer. A listing of the GP reviewers for each region with mailing addresses and phone numbers can be found at <http://dnr.wi.gov/topic/wastewater/GeneralPermits.html>. The request for coverage can be also be found at the same department website.

Note: The department is in the process of developing and requiring electronic submissions of requests for coverage documents to discharge under this GP. Once the request for coverage documents are online, paper copies will be no longer accepted with a few exceptions. The department will post this update on our GP website.

7.1.2 Department Coverage Determination

Following submittal of a completed request for coverage document to the department, the department shall issue a letter of determination on whether the pollutant discharge is covered by this GP as specified in s. NR 205.08(3), Wis. Adm. Code. All applicants that request coverage under this GP shall have a letter of determination from the department granting them coverage under this GP prior to discharge. If the applicant does not have a letter from the department granting or conferring coverage for a discharge to waters of the State under this GP, then they are not permitted to discharge, and enforcement action may be pursued against the applicant for discharging without a permit. The letter of determination will be sent via email or mail to the applicant.

7.1.3 Delegation of Signature Authority

In accordance with s. NR 205.07(1)(g), Wis. Adm. Code, the permittee must provide a delegation of signature authority (DSA) request (Form 3400-220, Delegation of Signature Authority) or equivalent for a duly authorized representative to submit specific documents on the behalf of a responsible executive, officer, manager, partner, or proprietor of a permitted discharge. An executive, officer, manager, partner, or proprietor can only delegate signature authority to a duly authorized representative if that person has responsibility for the overall operation of the facility or activity regulated by this GP. The DSA request shall specify the name of the individual and their employment position. The DSA request must be submitted to the department with the request for coverage document or together with the submittal of any required documents. If there are any changes to this request, a new DSA request shall be submitted to the department.

7.1.4 Permit Coverage Transfers

A permittee who will no longer control the permitted discharge may request that permit coverage be transferred to the person who will control the discharge as specified in s. NR 203.136(1)(p), Wis. Adm. Code. The transfer request (Form 3400-222, Transfer of Coverage) or equivalent shall be completed including the “Certification & Signature” section by both the permittee and the new authorized representative and sent via mail or email to the department. The department will then send a letter to the previous owner stating that their coverage is terminated under this GP. The transfer request shall contain the following information:

- The name and address of the facility;
- The Facility Identification Number;
- The names of the persons involved in the transfer, their signatures, and date of signatures;
- A description of any changes in the operation of the facility and;
- A statement of acknowledgement by the transferee that it will be the permittee of record and is responsible for compliance with the permit.

If the quality or quantity of the discharge has not changed at the facility, the department will send a letter of determination that grants coverage to the new authorized representative under this GP. If there have been significant changes at the permitted facility, the new authorized representative shall submit a request for coverage document to the department.

7.1.5 Permit Coverage Terminations

If a permittee no longer requires coverage under this GP because they are eliminating their discharge, the permittee shall notify the department and request that their coverage be terminated under this GP in accordance with ss. NR 203.136(3)(d) and NR 205.07(1)(L), Wis. Adm. Code. All coverage termination requests (Form 3400-221, Notice of Termination) or equivalent must be completed by the permittee including the “Certification & Signature” section and sent via mail or email to the department. The department will then send a letter to the permittee stating that their coverage is terminated under this GP.

7.1.6 Continuation of an Expired General Permit

Section NR 205.08(9), Wis. Adm. Code, provides that the terms and conditions of this GP shall continue to apply until this GP is revoked and reissued or until an individual permit is issued for the discharge to which the GP applied. The status of expired GPs can be accessed at <http://dnr.wi.gov/topic/wastewater/GeneralPermits.html>.

7.1.7 Modification or Revocation and Reissuance of a General Permit

If any condition of this GP is found to be invalid under s. NR 203.136, Wis. Adm. Code, the department may modify or revoke and reissue this GP. If this GP is modified, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing GP shall remain in effect for the duration of the existing GP. If this GP is revoked and reissued, the entire GP is reopened just as if the permit had expired and was being reissued for a new term. During any revocation and reissuance proceeding, the permittee shall comply with all conditions of the existing GP until a new final GP is reissued.

7.1.8 Seeking Coverage under an Individual Permit

Facilities or discharges that are not eligible to be covered under this general permit or may not comply with the terms and conditions in this general permit or any other general permit, must seek coverage under an individual WPDES permit in accordance with s. NR 205.08(5), Wis. Adm. Code. To apply for individual permit, contact the appropriate WPDES permits staff based

upon the location of the proposed discharge or industry type. For guidance and specific instructions for applying for an individual permit, please visit our website:
<http://dnr.wi.gov/topic/wastewater/PermitApplications.html>.

Note: Applicants for new individual permits need to complete and submit a permit application far enough in advance so the department has time to process the application and issue the permit prior to the time discharge will commence. Maximum time deadlines for submitting applications for new discharges are specified in s. NR 200.05, Wis. Adm. Code. Based on these time periods, complete permit applications shall be received approximately six months before the desired start of discharge.

Applicants should also know that plans for any wastewater treatment system require department approval (up to 90 days) prior to construction. The time periods for department action on plan submittals may, in some cases, run concurrently with the permit processing time. For more advice on plan approvals, contact the appropriate WPDES permits staff based upon the location of the proposed discharge or industry type.

7.2 General Conditions for All Discharges

7.2.1 Duty to Comply

The permittee shall comply with all conditions of the permit. Any permit noncompliance is a violation of the permit and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit reissuance application. If a permittee violates any terms of the permit, the permittee is subject to the penalties established in ch. 283, Wis. Stats.

7.2.2 Permit Actions

As provided in s. 283.53, Wis. Stats., after notice and opportunity for a hearing the permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7.2.3 Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or any invasion of personal rights, or any infringement of federal, state or local laws or regulations.

7.2.4 Inspection and Entry

The permittee shall allow an authorized representative of the department, upon the presentation of credentials, to:

- Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records are required under the conditions of the permit;
- Have access to and copy, at reasonable times, any records that are required under the conditions of the permit;
- Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit; and
- Sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.

7.2.5 Recording of Results

The permittee shall maintain records which provide the following information for each effluent measurement or sample taken:

- the date, exact place, method and time of sampling or measurements;
- the individual who performed the sampling or measurements;
- the date the analysis was performed;
- the individual who performed the analysis;
- the analytical techniques or methods used; and
- the results of the analysis.

7.2.6 Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the permit for a period of at least 3 years from the date of the sample, measurement, report or application. All pertinent by-product solids information, including permit application information and other documents specified in the permit or ch. NR 214, Wis. Adm. Code, shall be retained for a minimum of 5 years.

7.2.7 Signatory Requirement

All permit applications, reports and other information requested by the department shall be signed by a responsible executive officer, manager, partner or proprietor as specified in s. 283.37(3), Wis. Stats., or a duly authorized representative of the officer, manager partner or proprietor that has been delegated signature authority pursuant to s. NR 205.07(1)(g)2., Wis. Adm. Code.

7.2.8 Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent the likelihood of any adverse impacts to public health, the waters of the state, or the environment resulting from noncompliance with the permit.

7.2.9 Duty to Provide Information

The permittee shall furnish the department, within a reasonable time, any information which the department may request to determine whether cause exists for modifying, terminating, suspending, revoking or reissuing the permit or to determine compliance with the permit. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall also furnish the department, upon request, copies of records required to be kept by the permittee.

7.2.10 Need to Halt or Reduce Activity Not a Defense

It is not a defense for a permittee in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

7.2.11 Sampling and Testing Procedures

Sampling and laboratory testing procedures shall be performed in accordance with s. NR 205.07(1)(p) and Chapters NR 218 and NR 219, Wis. Adm. Code and shall be performed by a laboratory certified or registered in accordance with the requirements of ch. NR 149, Wis. Adm. Code. Groundwater sample collection and analysis shall be performed in accordance with ch. NR

140, Wis. Adm. Code. The analytical methodologies used shall enable the laboratory to quantitate all substances for which monitoring is required at levels below the effluent limitation. If the required level cannot be met by any of the methods available in ch. NR 219, Wis. Adm. Code, then the method with the lowest limit of detection shall be selected. Additional test procedures may be specified in this permit.

7.2.12 Reporting Requirements – Alterations or Additions

The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is only required when:

- The alteration or addition to the permitted facility may meet one of the criteria for determining whether a facility is a new source.
- The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification requirement applies to pollutants which are not subject to effluent limitations in the existing permit.
- The alteration or addition results in a significant change in the permittee's by-product solids use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use of disposal sites not reported during the permit application process nor reported pursuant to an approved landspreading management plan. Additional sites may not be used for the landspreading of by-product solids until department approval is received.

7.2.13 More Frequent Monitoring

As specified in s. NR 205.07(1)(r), if the permittee monitors any parameter more frequently than required by the permit, using test procedures specified in chs. NR 204 or 219, Wis. Adm. Code or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharge monitoring report.

7.2.14 Noncompliance Reporting

The permittee shall report the following types of noncompliance by a telephone call to the department's regional office within 24 hours after becoming aware of the noncompliance:

- any noncompliance which may endanger health or the environment;
- any violation of an effluent limitation resulting from a bypass;
- any violation of an effluent limitation resulting from an upset; and
- any violation of a maximum discharge limitation for any of the pollutants listed by the department in the permit, either for effluent or by-product solids.

A written report describing the noncompliance shall also be submitted to the department as directed at the end of this permit within 5 days after the permittee becomes aware of the noncompliance. On a case-by-case basis, the department may waive the requirement for submittal of a written report within 5 days and instruct the permittee to submit the written report with the next regularly scheduled monitoring report. In either case, the written report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; the steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and if the noncompliance has not been corrected, the length of time it is expected to continue.

A scheduled bypass approved by the department as specified in s. NR 205.07(1)(u)2, Wis. Adm. Code, shall not be subject to the reporting required under this section.

Note: Section 292.11(2)(a), Wis. Stats., requires any person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance to notify the Department of Natural Resources **immediately** of any discharge not authorized by the permit. **The discharge of a hazardous substance that is not authorized by this permit or that violates this permit may be a hazardous substance spill. To report a hazardous substance spill, call DNR's 24-hour HOTLINE at 1-800-943-0003.**

7.2.15 Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the department, it shall promptly submit such facts or correct information to the department.

7.2.16 Permit as Enforcement Shield

Compliance with a permit during its term constitutes compliance for purposes of enforcement with 33 USC 1311, 1312, 1316, 1317, 1328, and 1345 (a) and (b), except for any toxic effluent standard or prohibition, and standards for sewage sludge use or disposal. If a new or revised toxic effluent standard or toxic prohibition becomes effective during the term of the permit, the permittee may be subject to enforcement action if the discharge exceeds the new or revised effluent standard for the toxic pollutant even though the discharge is in compliance with the existing permit. The permittee may also be subject to enforcement action standards for sewage sludge use or disposal. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in ch. 283, Wis. Stats., and ch. NR 203, Wis. Adm. Code.

Note: Pursuant to ss. 283.89 and 283.91, Wis. Stats., violations of permit conditions or rule requirements are referred to the department of justice for enforcement.

7.3 General Conditions for Industrial Discharges

7.3.1 Spill Reporting

The permittee shall notify the department in accordance with ch. NR 706 (formerly ch. NR 158), Wis. Adm. Code, in the event that a spill or accidental release of any material or substance results in the discharge of pollutants to the waters of the state at a rate or concentration greater than the effluent limitations established in the permit, or the spill or accidental release of the material is unregulated in the permit, unless the spill or release of pollutants has been reported to the department under this section.

7.3.2 Planned Changes

In accordance with ss. 283.31 (4) (b) and 283.59 (1), Wis. Stats., the permittee shall report to the department any facility expansion, production increase or process modifications which will result in new, different or increased discharges of pollutants. The report shall either be a new permit application or, if the new discharge will not violate the effluent limitations of the permit, a written notice of the new, different or increased discharge. The notice shall contain a description of the new activities, an estimate of the new, different or increased discharge of pollutants and a description of the effect of the new or increased discharge on existing waste treatment facilities. Following receipt of this report, the department may modify the permit to specify and limit any pollutants not previously regulated in the permit.

7.3.3 Duty to Halt or Reduce Activity

Upon failure or impairment of treatment facility operation, the permittee shall, to the extent necessary to maintain compliance with its permit, curtail production or wastewater discharges or both until the treatment facility operations are restored or an alternative method of treatment is provided.

8 Summary of Reports Due

FOR INFORMATIONAL PURPOSES ONLY

Description	Date	Page
Land Application Site Request Form 3400-53	Prior to landspreading to any site	2
Management Plan	60 days after the date of reissuance of the permit or the date that coverage under the permit was granted, whichever is later	6
Characteristic Report Form 3400-49	21 days after the end of the reporting period whether or not waste is landspread	3
Annual Land Application Report Form 3400-55	January 31, following each year whether or not waste is landspread	3
Methods of Disposal or Distribution Report Form 3400-52	January 31, following each year whether or not waste is hauled to another permitted facility	4

Monitoring results obtained during the specified reporting period shall be summarized and reported on the forms listed above or other reporting form or system approved by the department (including the electronic landspreading reporting system). Paper copies of the monitoring forms will no longer be accepted. A copy of the submitted electronic landspreading report forms shall be retained by the permittee.

Any facility plans or plans and specifications for industrial pretreatment and industrial wastewater systems shall be submitted to the Bureau of Water Quality, P.O. Box 7921, Madison, WI 53707-7921.