

## Chapter NR 113

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

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**Note:** Chapter NR 113 as it existed on September 30, 1987 was repealed and a new chapter NR 113 was created effective October 1, 1987. Chapter NR 113 as it existed on December 31, 1996, was repealed and a new chapter NR 113 was created effective January 1, 1997; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1999, No. 517.

**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, distribution cells, 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. The beneficial use of septage and its recycling to the land as a fertilizer or soil conditioner is encouraged.

**History:** Cr. Register, September, 1996, No. 489, eff. 1-1-97; CR 20-046: am. Register September 2021 No. 789, eff. 10-1-21.

**NR 113.02 Applicability.** This chapter applies to licensed haulers, certified operators, owners, and any person servicing private sewerage systems including septic and holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, distribution cells, 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 660 to 670.

(4) The use or disposal of solid waste which is regulated under chs. NR 500 to 538.

(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; corrections in (3) and (4) made under s. 13.92 (4) (b) 7., Stats., Register February 2010 No. 650; CR 20-046: am. (intro.) Register September 2021 No. 789, eff. 10-1-21.

**NR 113.03 Definitions.** In addition to the definitions and abbreviations in s. 281.48, 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 sep-

tage 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<sub>3</sub>-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	
	USDA	(inch/inch)
Sand		0.02
Loamy Sand		
Sandy Loam		0.10
Loam		0.20
Silt Loam		0.22
Silt		
Sandy Clay Loam		0.19
Clay Loam		
Silty Clay Loam		
Sandy Clay		0.17
Silty Clay		
Clay		

**Note:** The following method can be used to show that the soil meets the 5 inches of available water capacity requirement:

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	$10 \times .1$	= 1
20 inches of loam	$20 \times .2$	= 4
<u>10 inches of silt loam</u>	$10 \times .22$	= <u>2.2</u>
Calculated available water table		7.2

(7) “Bedrock” means the rock that is exposed at the earth’s surface or underlies soil material and includes any of the following:

(a) Weathered in–place consolidated material, larger than 2 mm in size and greater than 50 percent by volume.

(b) Weakly consolidated sandstone at the point of increased resistance to penetration of a knife blade.

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

(8m) “Centralized septage treatment facility” means a treatment facility that accepts septage from multiple sources and treats the septage prior to discharge or disposal.

**Note:** Centralized septage treatment facilities are regulated under ch. NR 204.

(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, distribution cells, privies, or portable restrooms who holds a valid Wisconsin septage servicing operator’s certification 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.

(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.

(13m) “Distribution cell” means a dimensional zone that is part of a POWTS treatment or dispersal component where wastewater is disseminated into in situ soil or engineered soil.

(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” or “pumping 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.

(16m) “DSPS” means the department of safety and professional services.

(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. 299.01 (5), 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 is approved by the department to receive more than 39,000 gallons per acre of septage per crop year and the volume applied is limited to the crop nutrient requirements.

(25) “Historical site” means any historic property listed under s. 44.40 (2) (a), Stats.

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

(26m) “Holding tank POWTS” means a holding tank component of a POWTS used 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 top–soil, by methods such as discing, mold–board plowing, chisel plowing or rototilling to a minimum depth of 4 inches.

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

(31) “Land application” or “landspreading” or “land applied” or “landspread” means the 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.

(31m) “Land management plan” or “management plan” means a plan for optimizing land application of septage and demonstrating compliance with the requirements of this chapter and may include standard operating procedures for various processes or procedures.

(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 public parks, ball fields, cemeteries, plant nurseries, turf farms, golf courses, and other similarly used lands.

(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.

(33m) “Log books and invoice records system” means a record keeping system that utilizes log books, invoice records, or a combination of both.

(34) “Low use field” means a field that is department approved to receive 39,000 gallons or less of septage per acre per crop year.

(34d) “Manure” has the meaning given under s. NR 151.015 (12).

(34h) “Master operator” means a certified operator who has met the requirements under s. NR 114.18 (2) and holds a valid Wisconsin master operator certification for servicing septage.

(34p) “Natural resources conservation service” or “NRCS” means United States department of agriculture, natural resources conservation service, formerly known as soil conservation service, or SCS.

**(34t)** “Non–holding tank POWTS” means POWTS or POWTS components, excluding a holding tank.

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

**(35g)** “Nutrients” means plant nutrients derived from commercial fertilizers, manure, organic wastes, soil reserves, legumes, or other sources.

**(35r)** “Operator–in–charge” or “OIC” means the master operator who has been designated by the owner to be responsible for the operation of a seepage servicing business.

**(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 certain bacteria, protozoa, viruses and viable helminth ova.

**(39)** “Permeability” means the rate of movement of liquid through the soil.

**(39m)** “pH” means the logarithm of the reciprocal of the hydrogen ion concentration measured at 25 degrees Centigrade or measured at another temperature and then converted to an equivalent value at 25 degrees Centigrade.

**(40)** “Ponding” means the presence of free liquid over an area of 4 square feet or more, visible 2 hours after application of the seepage. 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 seepage application, name, address, and telephone number of the hauler spreading the seepage and are spaced not more than 500 feet apart.

**(42m)** “Private onsite wastewater treatment system” or “POWTS” has the meaning given under s. 145.01 (12), Stats.

**(43)** “Privy” means an enclosed nonportable toilet into which human wastes not carried by water are deposited to a subsurface storage chamber that may or may not be watertight. This includes all of the following:

(a) Pit privy for which a cavity in the ground is constructed for toilet uses and receives human excrement to be partially absorbed directly by the surrounding soil.

(b) Vault privy in which human excrement is stored for decomposition and periodic servicing.

**(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 provide 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.

**(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 scum, liquid, sludge, or other waste in any of the following:

(a) A septic or holding tank, dosing chamber, grease interceptor, seepage bed, seepage pit, seepage trench, distribution cell, or other component of private onsite wastewater treatment systems.

(b) A privy or portable restroom.

**(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.

**(56m)** “Service shop” means a shop from which septage servicing is dispatched.

**(57)** “Service” or “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, distribution cells, privies, or portable restrooms and properly disposing or recycling of the contents as provided in this chapter.

**(57m)** “Sewage” has the meaning given under s. 281.01 (13), Stats.

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

**(58m)** “Site evaluation” means an evaluation of land slope, topographic or other features, or other limiting characteristics.

**(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 naturally occurring pedogenically developed and undeveloped regolith overlying unconsolidated material that overlies bedrock.

**(61m)** “Soil evaluation” means a field observation and report of soil morphology including a map showing locations of each soil evaluation.

**(62m)** “Soil morphology” means the physical or structural characteristics of a soil profile, particularly as related to the arrangement of soil horizons based on color, texture, structure, consistence, and porosity.

**(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.

**(64m)** “Soil scientist” means a person that meets any of the following criteria:

(a) Holds a professional soil scientist license issued under ch. GHSS 4.



(b) Holds a certified soil tester classification from DSPS issued under ch. SPS 305.

(c) Holds a bachelor of science degree in soil science from a 4-year accredited college.

(d) Is a certified professional soil scientist in good standing with the American society of agronomy.

**(65)** “Spill” means the uncontrolled discharge, dumping, or leaking of any septage or any of its constituents that may be emitted into the air, be discharged into any waters of the state, or otherwise enter the environment.

**(65m)** “Standard operating procedure” or “SOP” means a set of step-by-step instructions compiled by a business to help workers carry out complex routine operations.

**Note:** SOPs aim to achieve efficiency, quality output, and uniformity of performance, while reducing miscommunication and non-compliance with industry regulations. SOPs may be part of a land management plan.

**(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.

**(68m)** “Uniform application” means evenly spreading septage over a site through the use of a splash plate, injector, or other department approved spreading method.

**(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. 283, 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, distribution cells, privies, or portable restrooms, issued by the department under s. 281.48 (3), Stats.

**History:** Cr. Register, September, 1996, No. 489, eff. 1-1-97; correction in (29) made under s. 13.92 (4) (b) 7., Stats., Register February 2010 No. 650; **CR 20-046:** am. (6) Table, renum. (7) to (7) (intro.) and am., cr. (7) (a), (b), (8m), am. (9), r. (11), cr. (13m), am. (15), cr. (16m), am. (24), (25), cr. (26m), r. (29), am. (31), cr. (31m), am. (32), cr. (33m), am. (34), cr. (34d) to (34f), (35g), (35r), am. (38), cr. (39m), (42m), r. and recr. (43), r. (49), renum. (55) to (55) (intro.) and am., cr. (55) (a), (b), (56m), am. (57), cr. (57m), (58m), am. (60), r. (61), cr. (61m), r. (62), cr. (62m), (64m), am. (65), cr. (65m), (68m), am. (74) Register September 2021 No. 789, eff. 10-1-21; correction in (1), (2), (8), (37), (42), (44), (51), (55) (intro.), (57), (69), (71) made under s. 35.17, Stats., and correction in (4m) (b) made under s. 13.92 (4) (b) 12., Stats., Register September 2021 No. 789.

**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. A business shall adhere to all of the following:

(a) A valid business license is required for a business to continue septage servicing operations.

(b) For a business to continue servicing, the designated operator-in-charge shall possess a valid master operator certification otherwise the business shall designate a replacement operator-in-charge with a valid master operator certification.

(c) A vehicle used by different businesses, under a single owner or separate owners, shall be registered under each business license and each business license number shall be displayed on the vehicle.

(d) A business license is not transferable between businesses. A business license may remain with a business or business entity when the business or business entity transfers ownership. If only assets of the business entity are transferred, a new business license is required.

(e) Each business shall have a unique business license issued under s. NR 113.05 for any service shop that is more than 25 miles from another service shop owned by that business.

**(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, change of owner, or change of operator-in-charge.

**(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. 281.48 (5m), Stats.

**History:** Cr. Register, September, 1996, No. 489, eff. 1-1-97; **CR 20-046:** renum. (1) to (1) (intro.) and am., cr. (1) (a) to (e), am. (2) Register September 2021 No. 789, eff. 10-1-21.

**NR 113.05 Licensing.** (1) **INITIAL LICENSURE; APPLICANT REQUIREMENTS.** Applicants for licensure shall meet all of 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 clearly denote the owner and legal entity applying for the business license. The application shall designate an operator-in-charge for the business in accordance with ch. NR 114 and that operator-in-charge shall possess a valid master operator certification for the duration of the business license period. License fees under 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 license 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:

(c) 1. The department shall request a non-delinquency certificate from the departments of children and families, revenue, and workforce development under ss. 49.857, 73.0301, and 108.227, Stats., prior to issuing a license, renewing a license, or allowing a business to designate a master operator as the operator-in-charge.

2. If the department receives notice that a non-delinquency certificate cannot be issued from the department of children and families, the department of revenue, or the department of workforce development, the application shall be denied.

**TABLE 1  
COMMERCIAL HAULER  
FEE SCHEDULE SUMMARY**

	<b>Initial Licensing NR 113.05 (1)</b>	<b>Renewal of Licensing NR 113.05 (3)</b>
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 ensure that all of 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 obtain a master operator certification as required 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.** All licenses expire on June 30 on a biennial basis. Businesses seeking license renewal shall meet all of 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. 281.48, 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 that has accumulated violations, as summarized in the following table, for the following: ss. NR 113.04, 113.05, 113.06, 113.07, 113.09, 113.11, and 113.12, and s. 29.601, Stats., during the last license period. The department may not reissue a license for a period of at least one year after revocation under s. NR 113.13.

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

(dg) The business owner shall designate an operator-in-charge for the business. The designated operator-in-charge shall possess a valid master operator certification. The business shall employ an operator-in-charge with a valid master operator certification for the duration of the business license period.

(dr) 1. The department shall request a non-delinquency certification from the departments of children and families, revenue, and workforce development under ss. 49.857, 73.0301, and 108.227, Stats., prior to issuing a license, renewing a license, or allowing a business to designate a master operator as the operator-in-charge.

2. If the department receives notice that a non-delinquency certification cannot be issued from the departments of children and families, revenue, or workforce development, the department shall deny the application.

(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.

**(3m) WASTEWATER GENERATED AT CAMPGROUNDS AND FROM RECREATIONAL VEHICLES.** (a) Except as required under par. (b), wastewaters generated at campgrounds and from recreational vehicles are not subject to the requirements of this chapter if, under s. ATCP 79.15, all of the following apply:

1. The wastewater is discharged to any of the following:

a. A public sewer.

b. A POWTS approved by the department of safety and professional services or a governmental unit under s. 145.01 (5), Stats., that complies with chs. SPS 382 to 385.

c. A sanitary dump station.

2. The POWTS and sanitary dump stations are serviced according to this chapter.

(b) Septage generated from portable restrooms at campgrounds shall be serviced according to this chapter.

**(4) EXEMPTION.** (a) A farmer who disposes of septage on land owned or leased by the farmer is exempt from the licensing requirement under s. 281.48 (3) (d), Stats., if all of the following conditions apply:

1. The septage is removed from a septic tank that is located on the same parcel of land where the septage is disposed.

2. The farmer complies with all applicable statutes and rules for servicing and land application of the septage.

(e) 1. If a farmer is exempt under par. (a), the department may require the farmer to provide the department with information that shows that sufficient land area is available for disposal. Land area shall meet the requirements under s. NR 113.07 (3) (b).

2. The department may provide a non-commercial registration number to allow the farmer to report POWTS servicing events required under s. SPS 383.55 to governmental units under s. 145.01 (5), Stats., or to designated agents.

(f) While a person may be exempted from business licensing requirements by s. 281.48, Stats., servicing shall be in conformity with this chapter.

(g) A person that fails to comply with the requirements of this chapter is subject to enforcement under s. NR 113.14.

**History:** Cr. Register, September, 1996, No. 489, eff. 1-1-97; am. (3) (d), Register, January, 1999, No. 517, eff. 2-1-99; CR 20-046: am. (1) (intro.), (a), cr. (1) (c), am. (2) (intro.), (b), (3) (intro.), (d), cr. (3) (dg), (dr), (3m), renum. (4) (intro.), (a)

to (4) (a) (intro.), 1. and am., r. (4) (b), renum. (4) (c) to (4) (a) 2. and am., r. (4) (d), cr. (4) (e) to (g) Register September 2021 No. 789, eff. 10-1-21; correction in (3) (dr) made under s. 35.17, Stats., Register September 2021 No. 789.

### 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 all of 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) 1. 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 manure.

2. Except as required under subd. 3., use of the vehicle for fire protection service, oil recovery, and industrial wastes not regulated under chs. NR 500 to 538 or 660 to 670 is permissible if the tank is flushed or cleaned as necessary prior to and after use, provided all of the following are completed:

a. An SOP is developed, maintained, and implemented for flushing or cleaning the tank.

b. The flushing or cleaning activity is logged in a daily log book that includes the date, time, and disposal details of the cleaning or flushing water.

3. If the vehicle is used only for treatment plant disposal activities, the vehicle is not required to be flushed or cleaned.

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

(d) Except in any of the following cases, minimum allowable tank capacity is 1,000 gallons:

1. A tank only used for servicing portable restrooms.

2. A tank put into service prior to October 1, 1987.

3. A tank that is demonstrated by the licensed business and found by the department to be necessary and adequate.

(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. Alternative equipment proposed for use to service septage on islands shall be evaluated by the department on a case-by-case basis.

(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. On vehicles used solely for servicing portable restrooms, suction hoses used for cleaning portable restrooms may alternatively be provided with two shutoff valves with one located at the tank and the other shutoff valve located on the wand end of the suction hose.

(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 all of 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. If the servicing vehicle is used only for servicing and transporting portable restrooms and the placement of the sticker on the rear of the vehicle servicing tank prevents the sticker from being visible when transporting portable restrooms, the sticker may be applied to an alternative location on the vehicle approved by the department.

2. Each licensee shall display on at least one side of the 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 and all lettering and numbering shall be in distinct color contrast to its background.

2m. Each business that uses a vehicle that is used by more than one business, whether under a single owner or separate owners, shall register the vehicle under each business's license and each business license number shall be displayed on the vehicle.

3. Each licensee shall display on each vehicle the capacity of the tank in gallons, in lettering and numbers at least 2 inches high in a color distinct from the background and readily visible on the rear of any vehicle used in servicing. This display requirement does not apply if the capacity of the vehicle tank is 1,000 gallons or less and the servicing vehicle is used only for servicing and transporting portable restrooms. If a vehicle carries clear water and septage, only the septage capacity shall be listed.

(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 spill 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 by directly contacting the 24-hour spill hotline at 800-943-0003.

(c) All of the following shall be maintained in each vehicle used in servicing:

1. A copy of the current ch. NR 113, which shall be placed in the vehicle cab.

2. A written procedure for spill and accident cleanup, which shall be placed in the vehicle cab and include all of the following:

a. Department emergency hotline contact information including the phone number of the hotline 800-943-0003.

b. Mutual aid or equivalent contact information for removing wastes due to an accident.

c. Cleanup procedures for spills less than 50 gallons.



d. Cleanup and reporting procedures for spills 50 gallons or more.

e. Procedures for rendering spills harmless.

3. Supplies and tools for rendering spills harmless.

**Note:** Recommended supplies and tools include all of the following: hydrated lime, bleach, disinfectant, water, pointed and flat edged shovels, a wand, a squeegee, a bucket, and other standard supplies.

(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 restrooms that are permanently affixed to a trailer, an integral restroom trailer where the holding tank for the trailer is properly designed to transport wastes and so designated by the manufacturer, or other mobile structure where the design and intent is to transport the restroom 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. Water used for flushing servicing tanks or containers is included on daily logs under s. NR 113.11 (3) (c).

**Note:** Water used for flushing servicing tanks or containers is not included on annual disposal reports under s. NR 113.11 (3) (a) and (b).

(g) When disposing at a land application site, all of the following site related information shall be kept in the vehicle cab:

1. A copy of the site request and related submittal information under s. NR 113.11 (1).

2. A copy of the site approval issued by the department.

3. A copy of site maps approved or issued by the department under s. NR 113.11 (1).

**History:** Cr. Register, September, 1996, No. 489, eff. 1-1-97; correction in (2) (b) made under s. 13.92 (4) (b) 7., Stats., Register February 2010 No. 650; CR 20-046: am. (2) (intro.), renum. (2) (b) to (2) (b) 1. and am., cr. (2) (b) 2., 3., am. (2) (d) (intro.), 1., 2., r. and recr. (2) (d) 3., am. (2) (f), (k), (m) (intro.), 1., 2., cr. (2) (m) 2m., am. (2) (m) 3., (3) (b), r. and recr. (3) (c), am. (3) (e), (f), cr. (3) (g) Register September 2021 No. 789, eff. 10-1-21.

**NR 113.07 Disposal of septage.** Every business engaged in servicing or authorizing servicing shall comply with all of 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 land, subject to all of the following:

1. Septage disposal at WPDES permitted facilities shall comply with the WPDES permit requirements for that facility. An allowable WPDES permitted facility is one that meets requirements under ch. NR 204 for septage treatment which may be defined as a centralized septage treatment facility.

2. Septage from systems that have contracted for reserved capacity at a POTW shall be taken to that specific POTW.

(b) All of the following restrictions apply to the land application of septage from non-holding tank POWTS on frozen or snow covered ground:

1. Land application of septage removed from non-holding tank POWTS due to emergencies, including situations such as freeze-ups, is allowed if no other reasonable disposal methods are available. Reasonable disposal options include hauling the waste to a nearby treatment plant that will accept the septage in accordance with sub. (2). A business using land application for disposal shall obtain special written approval in advance from the department for specific sites that may be used for emergency situations. In addition, all of the following restrictions apply:

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

b. Waste shall be applied at a rate of less than 10,000 gallons per acre.

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

d. Application is not allowed in a floodplain.

2. Septage removed from non-holding tank POWTS due to a routine pumping may not be land applied during months when the ground is frozen or snow covered. Septage removed from non-holding tank POWTS shall be disposed at a POTW or stored under the requirements of this chapter.

3. Except as provided under par. (f), septage removed from non-holding tank POWTS that are regularly pumped more frequently than once every 6 months may be land applied during the months when the ground is frozen or snow covered. The restrictions under par. (c) apply to the land application of this septage.

**Note:** During months when the ground is frozen or snow covered, the land application of waste from non-holding tank POWTS is strongly discouraged. During these months, hauling septage from non-holding tank POWTS to a POTW or storing until land application can be completed on non-frozen, non-snow covered land application sites are the preferred methods of disposal.

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

1. Sites or fields used shall have slopes less than or equal to 6 percent. If slopes are greater than 2 percent but less than or equal to 6 percent, a site management plan is required.

2. Waste shall be applied at a rate of less than 10,000 gallons per acre.

3. Application is not allowed within 750 feet of any surface water or wetland.

4. Application is not allowed in a floodplain.

**Note:** During months when the ground is frozen or snow covered, the land application of septage from holding tank POWTS is strongly discouraged. During these months, hauling septage from holding tank POWTS to a POTW or storing until land application can be completed on non-frozen, non-snow covered land application sites are the preferred methods of disposal.

(d) Any land application of septage from holding tank POWTS or non-holding tank POWTS on frozen or snow covered ground is also subject to restrictions under 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 POWTS that singly or when added together or increased by successive additions generate 3,000 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 under s. 281.41 (3), Stats., 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 safety and professional services, until the service area adjustments have been completed and approved.

**Note:** By agreement and administrative code, the department of safety and professional services will not issue a plan approval for a 3,000 gallons per day or greater holding tank POWTS without the department's approval of the method of wastewater disposal as provided under s. SPS 383.22 (2) (b) 2.

(f) Disposal of wastewater from small holding tank and non-holding tank POWTS that generate less than 3,000 gallons of septage per day shall be by discharge into a POTW if any of the following conditions apply:

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

2. The non-holding tank POWTS is located in the POTW's sewer service area.

3. The holding tank POWTS 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 POWTS or non-holding tank POWTS 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 dis-

pose of the wastewater at a cost of less than or equal to the amount in Table 2.

TABLE 2

Years	Maximum Fee/1,000 Gallons
1996–1998	\$16.00
1999–2001	\$18.00
2002–2004	\$20.00

5. The holding tank POWTS 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 POWTS located in any of 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 under par. (f) does not apply if any of the following conditions are met:

1. Storage has been utilized and the septage from holding tank POWTS generating less than 3,000 gallons per day and non–holding tank POWTS will be land applied in accordance with a WPDES permit.

2. Septage from holding tank POWTS generating less than 3,000 gallons per day and non–holding tank POWTS is treated and disposed of in accordance with a WPDES permit.

3. The owner of the septic tank component of the POWTS is exempt from licensing under s. 281.48, 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. 281.49, Stats.

**Note:** Section 281.49, 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 land application method unless the land application is done in accordance with this chapter and is consistent with the grade designation of the operator–in–charge.

**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, unless it is demonstrated that the soil has a water holding capacity of greater than 5 inches above the groundwater and bedrock. In no case may greater than the top 60 inches in a soil profile be used to determine the 5 inches of water holding capacity. Permeability shall be calculated using the following table or other method acceptable to the department:



<b>Textural Classification System</b>	
<b>USDA</b>	<b>Permeability Inches/Hour</b>
Sand Loamy Sand	Greater Than 6
Sandy Loam	2.0 – 6.0
Loam	0.6 – 2.0
Silt Loam Silt	0.6 – 2.0
Sandy Clay Loam Clay Loam Silty Clay Loam	0.6 – 2.0
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. Land application vehicles shall be moving forward at all times while septage is being uniformly 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. a. 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.

b. The nitrogen recommendations shall be in accordance with the University of Wisconsin – Extension bulletin A-2809 dated November 2012, which is incorporated by reference or other soil nutrient determination and soil sampling guidance approved by the department.

**Note:** Copies of Bulletin A-2809 dated November 2012 are available for inspection in the offices of the department of natural resources and the legislative reference bureau.

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 (non-frozen, non-snow covered)	6.0%	12.0%	12.0%
Maximum allowable slope (frozen, snow covered) <sup>(3)</sup>	2.0%	N/A <sup>(4)</sup>	N/A
Minimum distance to a community well	1,000 ft	1,000 ft	1,000 ft
Minimum distance to other well <sup>(5)</sup>	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 <sup>(1)</sup> 200 ft <sup>(2)</sup>	200 ft
Minimum distance to a residence or business with written permission from the owner or occupant	250 ft	200 ft <sup>(1)</sup> 100 ft <sup>(2)</sup>	100 ft
Minimum distance to rural schools and health care facilities	1,000 ft	1,000 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; non-frozen, non-snow covered)	200 ft	150 ft	100 ft
Minimum distance to a stream, river, pond, lake, sinkhole, flowage or wetland (0% to 2% slope; frozen, snow covered) <sup>(3)</sup>	750 ft	N/A	N/A
Minimum distance to a dry run			
Slope 0–6%	100 ft	50 ft	25 ft
Slope 6–12%	N/A	100 ft	50 ft
Minimum distance to a property line <sup>(6)</sup>	50 ft	25 ft	25 ft

<sup>(1)</sup> If not lime stabilized but incorporated within 6 hours.

<sup>(2)</sup> If lime stabilized and incorporated within 6 hours.

<sup>(3)</sup> See sub. (1) (b) for further limitations on winter application.

<sup>(4)</sup> “N/A” means not allowed.

<sup>(5)</sup> 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.

<sup>(6)</sup> 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 above cut height.

3. a. A site shall be approved by the department based on information available to the department at the time of the site request.

b. A site approval may be rescinded if information is provided or available to the department showing the information used by the department to approve a site is not consistent with the new information and the site is deemed by the department to be inadequate to protect public health and waters of the state.

c. The department may request a site approval to be re-reviewed when ownership issues are unclear, violations such as

overapplication are identified, or other potential concerns are identified about a specific site.

d. A site that is approved by the department or by a county and meets 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 occupancy date of the encroachment.

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

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 under subd. 2. shall be met when septage is applied to agricultural land, forest, or a reclamation site.

b. The pH of septage applied to agricultural land, forest, or a reclamation site shall be raised to 12.0 or higher by alkali addition and, without the addition of more alkali, shall remain at 12.0 or

higher for 30 minutes, and the site restrictions under subd. 2. a. to d. shall be met. When this option is utilized, each container of septage that is applied shall be monitored for compliance. For the purposes of measuring septage at a pH of 12.0 standard units, the pH shall be measured to 3 significant digits.

**Note:** To achieve accurate pH monitoring results use 3 lots of narrow range pH paper or strips with 3 distinct lot numbers, or calibrate pH meters frequently with appropriate buffer solutions.

2. Pathogen reduction is achieved by all of 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 12.0 or higher by alkali addition and, without the addition of more alkali, shall remain at 12.0 or higher for 30 minutes. When this option is utilized, each container of septage that is applied shall be monitored for compliance.

**History:** Cr. Register, September, 1996, No. 489, eff. 1-1-97; r. and recr. (1) (b), (c), am. (1) (d) and (3) (b) 1., Register, January, 1999, No. 517, eff. 2-1-99; corrections in (1) (e), (g) and (2) (b) 2. made under s. 13.93 (2m) (b) 6. and 7., Stats., Register September 2001 No. 549; correction in (1) (e) made under s. 13.92 (4) (b) 6., Stats., Register January 2012 No. 673; CR 20-046: am. (intro.), renum. (1) (a) to (1) (a) (intro.), 2. and am., cr. (1) (a) 1., am. (1) (b) (intro.), 1. (intro.), 2., 3., (d), (e), (f) (intro.), 1. to 4., 5. (intro.), renum. (1) (g) to (1) (g) (intro.) and am., cr. (1) (g) 1. to 3., am. (3) (a), (b) 1. Table, 6., r. and recr. (3) (b) 11., am. (3) (b) 12. Table 3, (c) 2., r. and recr. (3) (c) 3., am. (3) (d) 1. a., b., 2. (intro.), (e) 3. Register September 2021 No. 789, eff. 10-1-21; correction in (1) (b) 1. a., (c) 1., (3) (b) 3., (c) 4., (e) (intro.) made under s. 35.17, Stats., Register September 2021 No. 789.

**NR 113.08 Site and soil evaluations. (1) GENERAL.** (a) Soil nutrient samples, when required under s. NR 113.07 (3) (b) 11., shall be collected pursuant to University of Wisconsin – Extension bulletin A-2809, dated November 2012, which is incorporated by reference, consistent with s. ATCP 50.50 (2) (d) and submitted to a department of agriculture, trade and consumer protection approved laboratory for analysis.

**Note:** Copies of Bulletin A-2809, dated November 2012, are available for inspection in the offices of the department of natural resources and the legislative reference bureau.

(b) Morphological soil evaluations shall be conducted by a soil scientist under s. NR 113.03 (64m), subject to all of the following requirements:

1. Morphological soil evaluations are required for any of the following:

a. High use fields.

b. Low use fields when detailed soil conservation or survey maps are not available.

c. When there are conflicting results of soil conservation or soil maps.

2. The evaluation shall include soil conditions and properties, permeability, available water capacity, depth of zones of soil saturation, depth to bedrock, slope, topography, setback requirements, and the potential for flooding.

3. 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 evaluation completion. No evaluation data may be omitted from reporting.

**(2) SOIL 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 for which limited 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.

(c) Additional soil borings may be required by the department when limited soil information exists or when soil information is determined to be insufficient.

**(3) SOIL SATURATION DETERMINATIONS.** Soil saturation determinations shall be conducted and reported by a soil scientist unless approved by the department.

**History:** Cr. Register, September, 1996, No. 489, eff. 1-1-97; CR 20-046: am. (title), renum. (1) to (1) (a), (b) and am., am. (2) (a), cr. (2) (c), (3) Register September 2021 No. 789, eff. 10-1-21; correction in (1) (b) (intro.) made under s. 35.17, Stats., and correction in (2) (title) made under s. 13.92 (4) (b) 2. Register September 2021 No. 789.

**NR 113.09 Application rates. (1) GENERAL.** (a) Land application to a site may not exceed the maximum hydraulic loading rates specified in Table 4 or nitrogen needs of the crop.

(b) Septage may only be applied to agricultural lands and may not be applied at rates that will supply available nitrogen at amounts greater than the agronomic need for the crop grown as calculated under sub. (4).

(c) 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 under sub. (4).

**(2) HIGH USE FIELDS.** The volume of septage applied annually on a high use field may not exceed the amount calculated under sub. (4) that 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-2809 nutrient application guidelines for field, vegetable and fruit crops in Wisconsin, dated November 2012, which is incorporated by reference and soil samples shall be collected based on the University of Wisconsin extension bulletin A-2100, sampling soils for testing, dated January 2013, which is incorporated by reference or guidance approved by the department, except as allowed under sub. (3).

**Note:** Copies of Bulletin A-2100, dated January 2013, and Bulletin A-2809, dated November 2012, are available for inspection in the offices of the department of natural resources and the legislative reference bureau.



(3) **SPECIFIC CROPS ON HIGH USE FIELDS.** 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:

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

**Note:** Under the federal nitrogen-hydraulic formula this estimates 2.5 lbs of nitrogen per 1,000 gallons of septage.

**Note:** The landowner or farmer may be subject to compliance with s. ATCP 50.04 (3) and s. NR 151.07. Any application of nutrients shall be consistent with nutrient management plans under these state requirements and with any local requirements.

(5) **MAXIMUM WEEKLY LOADING OF NON-GREASE INTERCEPTOR WASTE.** (a) *Weekly hydraulic rates.* The maximum weekly hydraulic loading rate of septage application shall be limited by soil characteristics, and application method. The maximum weekly hydraulic loading rate is limited to 13,000 gallons per acre per week except that injection and incorporation on sites of 6 percent slope or less may be increased as follows:

1. For sites with predominately sandy loam, loam and silt loam, the weekly application rate may be increased with department approval to 27,000 gallons per acre per week.

2. For sites with predominately clay loam, the weekly application rate may be increased with department approval to 20,000 gallons per acre per week.

3. Prior to hydraulic application of septage greater than 13,000 gallons per acre per week, the licensee or WPDES permit

holder shall submit a written request to the department for an increase in weekly hydraulic loading. The request shall include supporting information and be submitted under s. NR 113.11 (1).

4. After receiving a written request for an increased weekly hydraulic application rate from an applicant, the department shall determine the predominant soil texture at that site and evaluate if an increased weekly hydraulic loading rate is supported. The department, when making the determination of predominate soil texture, shall ensure the predominate soil texture within the top 12 inches of the soil profile and within the top 36 inches of the soil profile. The department shall document the evaluation in writing and provide the evaluation to the licensee or WPDES permit holder.

5. When weekly application rates are approved by the department for greater than 13,000 gallon per acre per week, the department may require a management plan.

(b) *Ponding Prohibited.* Ponding of septage shall be prohibited.

(6) **GREASE INTERCEPTORS.** (ag) Waste from grease interceptors shall be disposed of at a department licensed sanitary landfill, discharged for treatment at a WPDES permitted POTW, land applied, or disposed or treated through some other department approved method.

(ar) 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 percent 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 <sup>2</sup> Yearly Hydraulic Loading		High Use Field Yearly Hydraulic Loading
	Gal/Ac	Inches	Gal/Ac	Inches	
Non-Holding Tank POWTS Wastewater	13,000 <sup>3</sup>	1/2	39,000	1-1/2	Loading is based on crop requirements <sup>1</sup>
Non-Holding Tank POWTS Wastewater (75% or More) with Grease Trap Wastewater (25% or Less)	13,000 <sup>3</sup>	1/2	39,000	1-1/2	''
Holding Tank POWTS Wastewater	13,000 <sup>3</sup>	1/2	39,000	1-1/2	''
Holding Tank Non-POWTS Wastewater	13,000 <sup>3</sup>	1/2	39,000	1-1/2	''
Holding Tank POWTS Wastewater (75% or More) Grease Trap Wastewater (25% or Less)	13,000 <sup>3</sup>	1/2	39,000	1-1/2	''
Grease Trap Wastewater (All or Greater than 25% of a Mixed Load of Septage)	4,300	1/6	12,900	1/2	N/A

<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> Weekly application rates may be increased over the standard rate of 13,000 gallon per acre per week under sub. (5) (a).

**History:** Cr. Register, September, 1996, No. 489, eff. 1-1-97; CR 20-046: renum. (1) to (1) (b), (c) and am., cr. (1) (a), am. (2), (4), r. and recr. (5), renum. (6) (intro.), (a) to (6) (ag), (ar) and as renumbered, am. (6) (ag), am. (6) (b) Table 4 Register September 2021 No. 789, eff. 10-1-21; correction in (6) (ar) made under s. 35.17, Stats., Register September 2021 No. 789.

**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 all of the following:

(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. 281.48, 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.

(g) Enforcement mechanisms with penalties identical to those in s. 281.98, Stats.

**(3)** The department shall complete all of the following:

(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.

(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.

(3m) The department may 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.

(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 POWTS from a POTW that is presently accepting the wastewater for treatment to another POTW without the consent of both POTWs and the owner of the holding tank POWTS.

**History:** Cr. Register, September, 1996, No. 489, eff. 1-1-97; correction in (2) (g) made under s. 13.93 (2m) (b) 7., Stats., Register September 2001 No. 549; CR 20-046; am. (2) (intro.), (a), (c) to (f), (3) (intro.), (a), (b), renum. (3) (c) to (3m) and am., am. (5) Register September 2021 No. 789, eff. 10-1-21.

**NR 113.11 Department regulation. (1) SITE INFORMATION.** A business shall only apply septage to land application sites that meet the requirements of this chapter. Each business disposing of septage to a land application site shall, at least 7 days prior to using a land application site, submit all of the following 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 land application site and evaluation reports.

(cg) Proof of ownership of property and a landowner's signed statement accepting septage onto the site.

(cr) Completed department land application site request form 3400-053.

**Note:** The land application site request form is available by contacting the department of natural resources, water quality bureau, P.O. Box 7921, Madison, WI 53707-7921 or by making a request through a regional septage coordinator.

(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 farmer who generates septage from a septic tank on that farm may land apply the septage from that septic tank on that farm provided the farmer has proven to the department that adequate land is available for land application under s. 281.48 (4m), Stats.

(b) A farmer may land apply only on land that meets the requirements of this chapter and s. 281.48 (4m), Stats.

(c) The farmer shall record in the log book system all information required by the department under sub. (3) (b).

(d) The farmer shall comply with all applicable statutes and rules in removing and disposing of septic tank waste under s. 281.48 (4m), Stats.

(e) The farmer shall report to the governmental unit under s. 145.01 (5), Stats., or designated agent all servicing events under s. SPS 383.55. Service event reporting requires providing the governmental unit or designated agent with a registration number. The non-commercial registration number is provided by the department when the farmer proves to the department that sufficient land is available under s. 281.48 (4m), Stats.

**(3) RECORD KEEPING AND REPORTING INFORMATION.** Each business engaging in septage servicing shall submit or keep all of the following information on department approved forms, as indicated in this subsection, and submit it to the department or its designee:

(a) *Annual submittals for land application.* An annual land application report that includes all of the following shall be sub-

mitted annually to the department, on electronic forms provided by the department by January 31, following the calendar year in which land application occurs by those businesses that land apply:

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

**Note:** Department form 3400-55 is provided for this purpose. The online form generated for each business is accessed through the Wisconsin web access management system (WAMS) and using the department switchboard identification information issued to the business.

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

3. Annual nitrogen application rate in pounds per acre.

3m. Documentation of the application of nutrients from all other sources.

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.

5. Any other information required by the department.

(b) *Annual submittals for other methods of septage disposal.* An other method of disposal or distribution report that includes all of the following shall be submitted annually to the department on electronic forms provided by the department by January 31, following the calendar year in which the disposal of septage occurs:

1. The method of disposal utilized.

2. The name and permit or license number of the receiving facility, if applicable.

3. The type and volume of waste disposed.

**Note:** Department form 3400-52 is provided for this purpose. The online form generated for each business is accessed through the Wisconsin web access management system (WAMS) and using the department switchboard identification information issued to the business.

(c) *Vehicle log book or invoice records system.* Each licensed business and any person who services a septage system shall keep all of 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. Vehicle copies of daily log books and invoice records systems shall meet any of the following requirements:

a. Daily log books and invoice records systems shall be kept in the vehicle for a minimum of 2 days after servicing a system, except as provided under this subd. 2. b.

b. Daily log books and invoice records systems are not required to be kept inside the vehicle if the vehicle is solely used for servicing portable restrooms, the records are available at the business location, and the records are made available to the department representatives upon request.

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

a. Name, address, and identifying description of service location. If an address does not exist, alternate identifying information to record the location shall be provided.

b. Date and time of servicing for each service location.

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

d. Gallons collected. The records for vehicles used solely for servicing portable restrooms shall record the total gallons collected at each service location.

e. Disposal location.

f. Date and time of disposal.

g. Written certification by the designated operator-in-charge and vehicle operator as required under this subd. 7.

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

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

**Note:** Examples of alternate identifying location information include GPS coordinates, county parcel identification and legal description, written description, distance, and location from an identifiable landmark



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

5. Actual annual hydraulic and nitrogen application rates shall be retained.

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

7. The written certifications of daily logs and invoice system shall include any of the following, as applicable:

a. For a business that land applies septage for disposal purposes, the pathogen and vector attraction reduction 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 under [insert either s. NR 113.07 (3) (d) 1. a. or NR 113.07 (3) (d) 1. b.] and the vector attraction reduction requirement under [insert s. 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."

**Note:** A business may insert multiple references to pathogen and vector attraction requirements within the written certification statement correlating to the business operations.

b. For a business that does not land apply, a written certification is not required.

8. A signed and dated certification statement shall be included with each day's logs and records. This requirement may be satisfied by including annual signed and dated certification statements with all daily logs and annual year-to-date loading summaries.

9. Daily logs, other records, and additionally required information may be maintained in electronic format by the business and shall meet the requirements of this chapter.

**History:** Cr. Register, September, 1996, No. 489, eff. 1-1-97; am. (3) (intro.), (a) and 1., 3., renum. (3) (b) to be (3) (c), (3) (c) 4. to be (3) (c) 6. and (3) (c) 3.j. to be (3) (c) 4., cr. (3) (b) and (c) 5., Register, January, 1999, No. 517, eff. 2-1-99; CR 20-046; am. (1) (intro.), (c), cr. (1) (cg), (cr), am. (2) (a) to (c), cr. (2) (d), (e), am. (3) (intro.), (a) (intro.), 3., cr. (3) (a) 3m., 5., am. (3) (b) (intro.), renum. (3) (c) to (3) (c) (intro.) and am., renum. (3) (c) 2. to (3) (c) 2. (intro.), a. and am., cr. (3) (c) 2. b., am. (3) (c) 3. (intro.), a., b., d., g. to i., cr. (3) (c) 7. to 9. Register September 2021 No. 789, eff. 10-1-21; correction in (3) (a) 1. made under s. 35.17, Stats., Register September 2021 No. 789.

### NR 113.12 Septage storage facilities. (1) GENERAL.

(a) *Applicability.* The owner or operator of a septage only storage facility shall adhere to the requirements of this chapter. The owner or operator of a storage facility that stores septage mixed with other wastes or materials shall adhere to the requirements of this chapter in addition to the regulations that apply to those other wastes.

(b) *Compliance with this chapter.* The owner or operator of a septage storage facility shall comply with the provisions of this chapter unless specifically exempted by provisions of this section.

(c) *Storage duration.* No business or person may store septage for longer than 2 years.

(d) *WPDES permit requirement.* The department may on a case-by-case basis determine that the owner or operator of a septage storage facility shall obtain a WPDES general permit coverage, obtain a specific WPDES permit or modify an existing WPDES permit when the department determines it to be necessary to protect public health or the environment under sub. (5).

(2) **APPROVALS REQUIRED PRIOR TO USE.** Prior to receiving septage, the owner or operator of a septage storage facility, unless exempted by rule or statute, shall obtain all of the following:

(a) Department plan and specification conditional approval or conditional acceptance of the storage facility under sub. (3).

(b) A WPDES permit or WPDES general permit coverage, if required under sub. (1) (d).

(c) A department approved spill plan under sub. (7) (a).

(d) A department approved management plan under sub. (7) (d).

(e) Department approval of a land application site submitted under s. NR 113.11 in conformity with this chapter if disposal of septage will include land application.

(3) **PLAN AND SPECIFICATION REQUIREMENTS—GENERAL.** Prior to use, the owner or operator of a septage storage facility shall obtain a department plan and specification conditional approval or conditional acceptance and meet all of the following additional requirements as applicable:

(a) *Septage facilities approved prior to October 1, 2021.* A storage facility approved before October 1, 2021, that receives only septage and possesses written approval from the department may continue in operation. Within 24 months after October 1, 2021, the facility shall provide to the department all of the following:

1. A spill plan in conformance with sub. (7).

2. A management plan in conformance with sub. (7).

3. If available, a copy of the construction inspection report in conformance with sub. (6). If this report is unavailable, the facility owner or operator shall provide an inspection report completed by a qualified inspector for each storage unit completed within the last 2 years.

(b) *Transfer ownership of previously approved septage storage facilities.* A septage only storage facility for which the department has issued written approval may continue in operation after the transfer of ownership and upon the new owner of the septage storage facility completing all of the following:

1. Within 15 days of ownership transfer notifying the department of the change of ownership and providing new owner's contact information including legal entity name, address, phone number, and email address.

2. Within 15 days of ownership transfer providing to the department a copy of the plan and specification approval, conditional approval, or acceptance.

3. Within 60 days of ownership transfer, submitting to the department all of the following:

a. A spill plan in conformance with sub. (7) (a).

b. A management plan in conformance with sub. (7) (d).

c. A reevaluation inspection report in conformance with sub. (6).

d. If available, a copy of the construction inspection report under sub. (6) (a). If this report is unavailable, the facility new owner shall provide an inspection report completed by a qualified inspector for each storage unit completed within the last 2 years.

e. Department approval of a land application site submitted under s. NR 113.11 in conformity with this chapter if disposal of septage will include land application.

(c) *Proposed new septage storage facilities.* The owner or operator of a septage storage facility constructed after October 1, 2021, shall adhere to all of the following requirements:

1. A septage structure constructed after October 1, 2021, shall be designed and constructed to the requirements under ch. NR 110 unless exempted under par. (d).

2. The separation distances shall meet the requirements under sub. (4).

3. Plans and specifications shall be submitted to the department for review and approval.

4. Within 60 days of construction completion and prior to use, the owner or operator of the septage storage facility shall submit to the department all of the following:

a. A spill plan in conformance with sub. (7) (a).

b. A management plan in conformance with sub. (7) (d).

c. A copy of the construction inspection report in conformance with sub. (6).

(d) *Exemptions from ch. NR 110 for septage storage facilities constructed after October 1, 2021.* The department may issue exemptions from the design and submittal requirements of ch. NR 110 for a septage storage facility constructed after October 1, 2021, when the new septage storage facility meets all of the following:

1. The proposed septage storage facility added together with the septage storage facilities located on the same parcel possesses a maximum capacity of 50,000 gallons or less.

**Note:** The following provides an example. At parcel X, there are septage storage facilities A and B. The capacity of A is 20,000 gallons. The capacity of B is 20,000 gallons. After the effective date of this rule order, a new septage storage facility C is proposed. C must possess a maximum capacity of 10,000 gallons or less in order to be exempted from the design and submittal requirements of ch. NR 110.

2. The proposed septage storage facility includes only tanks approved under ch. SPS 384.

3. All storage tank installations comply with the applicable sections of the DSPS holding tank component manual that is in effect at the time of installation and ch. SPS 384.

4. The exemption application to the department shall include all of the following:

a. A completed application providing facts adequately describing the facility as may be required by the department.

b. A septage storage plan index and cover sheet that is properly signed, dated and properly labeled with page numbers. The index and cover sheet shall be included with the submittal by a designer of engineering systems—plumbing, designer of engineering systems—private sewage systems, master plumber, master plumber restricted service, or professional engineer.

c. A copy of the tank DSPS tank approval letter.

d. The DSPS approved tank plans and specifications.

e. A set of plans and specifications that provide design and layout and clearly indicate existing and proposed tank locations, buildings and building uses, driveways, property boundaries, wells, waterbodies, slopes, driveways, supplementary equipment such as screens, filters, refuse receptacles, receiving station, land uses in the vicinity, and any other relevant information as deemed necessary by the department. The north arrow shall be included for orientation. The drawing shall be drawn to scale and indicate the scale. If using an index sheet, the index sheet shall indicate each page and page number, total number of pages, the name of the submitter, the submitter's signature, and the date of submittal. Each additional page shall be clearly numbered.

f. A design report that includes plans and specifications for all septage storage facilities. The design report shall show calculations used to design the septage storage facilities. The report shall show proof that the designer considered factors relevant in preparing the plans and specifications. Factors include all of the following: volume of septage, types of septage, screen for debris, degree or extent of mixing, any lime addition and mixing for meeting vector attraction reduction, sediment removal, odor controls, pumps for removal, and other factors as necessary to provide an adequate description of the storage facility. The design report shall be included with the submittal by a designer of engineering systems—plumbing, designer of engineering systems—private sewage, master plumber, master plumber restricted service, or professional engineer.

g. A statement from the owner that indicates the tank is not part of a private onsite water treatment system that discharges to the waters of the state.

(e) *Delegation of review authority.* The department may not delegate review authority for septage storage facilities to counties or other local governmental entities.

**Note:** See ss. 281.41 and 281.48, Stats., and s. NR 113.10. Governmental units responsible for regulation of private onsite wastewater treatment systems as defined under s. 145.01 (5), Stats., do not possess the regulatory authority under s. 145.20, Stats., for septage storage as septage storage is not defined as a private onsite wastewater treatment system under s. NR 145.01 (12).

(f) *Proposed conversion of an existing storage facility to septage only storage facility.* When an owner or operator of an existing non-septage storage facility proposes to convert the storage facility to septage only storage, the storage facility shall adhere to all of the following prior to use:

1. The existing storage facility, after modifications if necessary, shall adhere to all of the requirements under ch. NR 110.

2. The department may allow exemptions from ch. NR 110 design standards and materials requirements if all of the following conditions are met:

a. The owner or operator can demonstrate that the design standards and material requirements are more stringent than necessary to comply with the provisions of ch. NR 140 and chs. 160 and 283, Stats. The owner or operator shall justify such an exemption from the design standards and material requirements by demonstrating the alternative design will not contribute to the exceedance of applicable groundwater and surface water standards.

b. The department shall consider all of the following factors when reviewing an alternative design in consideration of granting an exemption: physical characteristics of the site, such as soil texture, soil permeability, depth to groundwater, and depth to and type of bedrock; age and condition of the existing structure; analytical data from existing groundwater monitoring wells or any wells that may be installed as part of the demonstration; the quantity and composition of the materials stored or treated at the facility; the compatibility between the materials stored or treated at the facility; proximity of storage to surface waters, secondary containment, and any other information relevant to the environmental impacts of the facility's operations.

3. The owner or operator of the storage facility may request an exemption from the design standards and material standards by submitting facts to support the exemption request to the department in the application for plans and specifications.

4. The separation distances shall meet the requirements under sub. (4).

5. Plans and specifications shall be submitted to the department for review and acceptance.

6. Prior to use of the septage storage facility the owner or operator of the septage storage facility shall submit to the department all of the following:

a. A spill plan in conformance with sub. (7) (a).

b. A management plan in conformance with sub. (7) (d).

c. A conversion inspection report in conformance with sub. (6).

d. A report of department approved land application sites if disposal of septage will include land application.

7. Prior to use, the owner or operator of the septage storage facility shall submit to the department a report indicating that any deficiencies identified in the conversion inspection report were corrected.

(g) *Proposed conversion of manure storage facility to a storage facility mixing septage with manure.* When the owner or operator of an existing manure storage facility proposes to accept septage into the manure storage facility, all of the following requirements shall apply:

1. Septage may not be stored in the manure storage facility if the storage facility is located under a building where animals are housed.

2. Septage may not be mixed or stored with manure at a dairy farm regulated under ch. ATCP 65.

**Note:** Section ATCP 65.22 (6) (c) prohibits the mixing of human waste or septage with animal manure on a dairy farm.

3. The septage–manure mixture is subject to all ch. ATCP 50 requirements.

4. The septage–manure mixture shall comply with the requirements under county land and water conservation ordi-

nance requirements and local ordinance requirements together with all of the following requirements:

a. The existing manure storage facility shall adhere to all applicable design standards and material requirements under U.S. department of agriculture, natural resources conservation service, code 313, NRCS standard 313, dated May 2016, or equivalent. The owner or operator of the manure storage facility shall collect records from the county land and water conservation department and submit those documents to the department for review and acceptance.

**Note:** Copies of NRCS Standard 313, May 2016 are available for inspection in the offices of the department of natural resources, the legislative reference bureau, and U.S. department of agriculture, natural resources conservation service. NRCS 313 can be downloaded at the following link: [https://www.nrcs.usda.gov/wps/PA\\_NRC-SConsumption/download?cid=stelpdrb1254945&ext=pdf](https://www.nrcs.usda.gov/wps/PA_NRC-SConsumption/download?cid=stelpdrb1254945&ext=pdf).

b. The owner or operator of the manure storage facility shall provide evidence to the department that the addition of septage to the manure storage structure is not contrary to county manure storage structure requirements and that enough acreage exists for compliance with county land and water conservation nutrient management requirements.

c. The manure storage facility shall provide a copy of an inspection report to the department under sub. (6) (d).

5. The septage storage shall adhere to the requirements under ch. NR 110.

6. The department may allow exemptions from the ch. NR 110 design standards and materials requirements under par. (h).

7. The separation distances shall meet the requirements under sub. (4).

8. The owner or operator of the manure storage facility shall provide the department an operations report for review and acceptance to show the septage and manure mixture is protective of public health and the environment. The operations report shall include all of the following:

- a. The location of the 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 the waste storage.
- d. The name and address of the owner and operator 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. Sampling and analysis results of the combined waste in accordance with requirements of a WPDES permit or as required to provide nutrient analysis to comply with management planning requirements under ch. ATCP 50.
- h. The methods to be used for land application of the septage-manure mixture.

9. The owner or operator of the septage-manure storage facility shall determine the volume of septage to be placed into the manure storage facility and a calculation of the percentage of septage to manure. Upon determination, the following requirements apply:

a. If septage makes up 10 percent or more of the septage-manure mixture in the storage facility, or if there are greater than 50,000 gallons of septage in the septage-manure mixture, then the facility owner or operator shall submit a certification statement and corresponding documentation that the facility owner or operator land applies the entire contents of the storage facility in accordance with this chapter.

b. If septage makes up less than 10 percent of the mixture in the storage facility and there are 50,000 gallons or less of septage in the mixture storage facility, the septage shall be treated with lime or alkali prior to mixing with the manure to meet pathogen

control and vector attraction reduction requirements of this chapter.

(h) *Exemptions from ch. NR 110 for converting to combined septage and manure storage facilities.* 1. Exemptions from the design and submittal requirements under ch. NR 110 may be allowed by the department for converting manure storage into combined manure and septage storage facilities if the owner or operator can demonstrate that the design standards and material requirements are more stringent than necessary to comply with the provisions under ch. NR 140 and chs. 160 and 283, Stats. The owner or operator shall justify such an exemption from the design standards and material requirements by demonstrating the alternative design will not exceed applicable groundwater and surface water standards.

2. The department may consider any of the following factors when reviewing an alternative design in consideration of granting an exemption under this paragraph:

- a. Physical characteristics of the site, such as soil texture, soil permeability, depth to groundwater, and depth to and type of bedrock.
- b. Age and condition of existing structures.
- c. Analytical data from existing groundwater monitoring wells or any wells that may be installed as part of the demonstration.
- d. Quantity and composition of the materials stored or treated at the facility.
- e. Compatibility between the materials stored or treated at the facility.
- f. Any other information relevant to the environmental impacts of the facility's operations.

3. The owner or operator of the storage facility may request an exemption from the design standards and material standards by submitting facts to support the exemption request to the department in the application for plans and specifications.

**(4) PLAN AND SPECIFICATION REQUIREMENTS — SEPARATION DISTANCES.** (a) *Separation distances.* When evaluating septage storage facilities, the owner or operator of the storage facility shall ensure the separation distances for septage storage adhere to the requirements under ch. NR 110 at the time of construction except as provided under pars. (b) and (c).

(b) *DSPS approvals.* Tanks approved by DSPS under ch. SPS 384 with a maximum capacity of 50,000 gallons or less singly or when added together shall meet the separation requirements under ch. SPS 383 and be consistent with any DSPS approved component manual at the time of construction.

(c) *Conversion of use.* Conversion of existing non-septage storage facilities to septage storage facilities shall meet the separation requirements under ch. NR 110. Case-by-case exemptions under s. NR 110.04 may be approved by the department when the owner or operator of the septage storage facility is able to show adequate protections are available to protect public health and the environment.

**Note:** Well and water supply setback requirements are located under chs. NR 811 and 812.

**(5) WPDES PERMIT REQUIREMENTS.** (a) *WPDES permit requirement.* Except as provided under par. (b), no septage storage facility may operate until the department issues a WPDES permit to the owner or operator, or the department notifies the owner or operator that a WPDES general permit coverage covers the facility.

(b) *WPDES permit exemptions.* 1. On a case-by-case basis, the department may require an exempted septage storage facility to obtain a WPDES permit for violations of this chapter or to protect public health, groundwater, and surface waters.

2. A WPDES permit is not required for septage-only storage facilities when all of the following occur:



a. The storage unit is owned and operated by a licensed septage business.

b. When singly or when added together, the septage storage capacity is less than or equal to 550,000 gallons.

c. The septage storage facility submits plans and specifications to the department in conformance with sub. (3) and receives department conditional approval or conditional acceptance.

d. The septage storage facility complies with all other applicable requirements of sub. (3).

3. A WPDES permit is not required for septage–manure storage facilities when all of the following occur:

a. Septage makes up less than 10 percent of the septage–manure mixture in the storage facility and there are 50,000 gallons or less of septage in the septage–manure storage facility.

b. The septage is treated with lime or alkali prior to mixing with manure to meet pathogen control and vector attraction reduction requirements under s. NR 113.07 (3) (d) and (e).

c. The department provides in writing that a WPDES permit is not required to the applicant.

**(6) INSPECTIONS, INSPECTION REPORTS, FREQUENCY.** (a) *Construction inspection and report.* During construction of a septage storage facility a qualified person shall observe and review the installation. Upon completion, the qualified person shall develop and submit a construction inspection report to the department verifying the storage facility was installed according to the plans and specifications conditionally approved by the department under sub. (2) (a). The construction report shall indicate any deviations from the plans and specifications and include information relating to any difficulties experienced during construction. When deviations from plans and specifications occurred or difficulties were experienced, the report shall include an evaluation by the qualified designer or engineer as to the impacts upon the integrity of the storage facility and address any deficiencies. The report shall be approved by the department prior to any use of the septage storage facility. The report shall contain information establishing the qualification of the person to adequately evaluate the integrity of the storage facility.

(b) *Reevaluation inspection and report.* 1. The owner or operator of a septage storage facility shall complete a reevaluation inspection once every 10 years.

2. The owner or operator of each septage storage facility shall have the septage storage facility reevaluated by a qualified person. The reevaluation inspection shall include an in–depth inspection of the multiple components of the septage storage facility including piping, valves, tank integrity, foundation, receiving facilities, and mixing facilities. If the facility is a lagoon, the lagoon shall comply with the sealing requirements under s. NR 110.24. The findings of the reevaluation inspection shall be compiled into a report. The report shall be submitted to the department. The report shall contain information establishing the qualifications of the inspector to adequately evaluate the integrity of the storage facility.

3. The owner or operator of the septage storage facility shall report in writing to the department any deficiencies and identify plans and timeframes to correct the deficiencies identified by a reevaluation inspection under this paragraph. A qualified inspector shall verify that deficiencies have been corrected and communicate that information to the department in writing. The owner or operator shall indicate to the department in writing if the septage storage will be removed from service immediately.

4. The owner or operator of the septage storage facility shall provide regular and timely communication to the department until the septage storage facility is remedied or permanently abandoned.

(c) *Maintenance inspections and reporting.* 1. The owner or operator of the septage storage facility, or another person qualified

to inspect the septage storage facility that is designated by the owner or operator of the septage storage facility, shall inspect each septage storage facility as part of ongoing maintenance of the septage storage facility. Each inspection shall include observations and recording of all of the following:

a. Any evidence of tank leakage.

b. Any evidence of pipe or valve leakage.

c. Missing equipment including caps or plugs.

d. Any evidence of visible cracks or rusting that indicate future potential issues.

e. Disappearance of volumes of septage within the septage storage facility.

2. Maintenance inspections under subd. 1. shall be conducted and recorded monthly.

3. The owner or operator of the septage storage facility shall notify the department within 30 days of becoming aware of findings that require the owner or operator to minimize or prevent the likelihood of any adverse impacts to public health, the waters of the state, or the environment. The owner or operator shall develop, communicate, and implement a plan to further identify and resolve any potential impacts.

(d) *Conversion inspection and report.* When an owner or operator proposes to convert an existing non–septage storage facility to a septage storage facility, a qualified inspector shall evaluate the existing facility. The evaluation shall review the existing storage facility under ch. NR 110 requirements. The evaluation shall compare the existing design with the proposed use, assess whether the existing design is compatible with septage storage, assess the structural integrity of the storage facility, determine if the storage facility will protect public health and the environment, and determine if there are any deficiencies of the existing facility that require repairs prior to using the existing storage structure. Additionally, the qualified person shall submit a report to the department, providing an assessment with the supporting information, and submit additional information collected that may be relevant to reviewing the structure. When repairs are required, a follow–up report shall be submitted to the department and indicate the repairs made and whether the repairs were made to satisfy any department concerns.

**(7) ADDITIONAL REQUIREMENTS FOR ALL SEPTAGE STORAGE.** (a) *Spills, spill reporting, and spill plan.* The owner or operator of a septage storage facility shall conform to all of the following:

1. ‘Spills and spill reporting.’ Any spill shall be cleaned up and the area shall be restored to render it harmless to humans and animals. Spills of 50 gallons or greater shall be reported, within 24 hours, to the department by directly contacting the 24–hour spill hotline at 800–943–0003.

**Note:** Spill reporting shall be consistent with s. 292.11, Stats., and ch. NR 706.

2. ‘Spill plan.’ A written procedure for spill and accident cleanup shall be developed prior to the use of the storage facility. The spill plan shall address examples of different types and quantities of spills, procedures, and equipment to render the spills harmless, and contact information including the department spills hotline for reporting purposes. The spill plan shall include contact names and contact information for individuals and businesses that will provide additional servicing vehicles and response services. This written procedure shall also be a part of the management plan for the storage facility under sub. (7) (d), shall be made available upon department inspection, and shall be placed and maintained in all of the following locations:

a. Included in the cab of each vehicle that discharges to the storage facility and removes septage from the storage facility.

b. Onsite at the storage facility.

(b) *Nuisance abatement.* The owner or operator of the septage storage facility shall conform to all of the following:

1. Operations shall be conducted in a manner that does not cause a nuisance or health hazard.

2. Discharge valves on tanks, piping and other equipment shall be watertight, capped when not in use, and constructed and located so as to minimize any accidental spills.

3. Hoses and piping, when not in actual use, shall be stored so as to prevent leakage or dripping of septage.

4. To minimize unsanitary conditions, solid waste receptacles shall be used and serviced when equipment including screening, lime-mixing, and other equipment are used.

(c) *Recordkeeping and reporting information.* The owner or operator of the septage storage facility shall conform to all of the following:

1. 'General.' a. Daily logs shall describe all daily activities pertaining to discharging into or out of the septage storage facility. Daily logs shall provide a clear description of daily activities.

b. Land application records shall include pathogen control and vector attraction reduction requirements, including daily records of testing results, durations, and completion times under ss. NR 113.07 and 113.11.

c. Originals of the daily log sheets and other records including influent logs shall be maintained by the septage storage facility for a minimum of 5 years and made available upon department inspection.

2. 'Influent logs.' The septage storage facility shall record each load of septage hauled into the septage storage facility in daily logs, and include all of the following:

- a. Pick-up or service date and time.
- b. Waste type and quantity.
- c. Septage servicing location and owner.
- d. Other information as specified under s. NR 113.11 (3) (c).

3. 'Daily discharge logs.' The septage storage facility shall maintain a daily discharge log of wastes removed from the septage storage facility. The daily discharge logs shall include all of the following information, if applicable:

- a. Department approved site number.
- b. Type of waste applied to approved sites.
- c. The number of acres applied at each approved site.
- d. Gallons of waste applied to approved site.
- e. Application method approved under ch. NR 113.
- f. Methods, description of those methods, and results of how pathogen control requirements are met under s. NR 113.07 (3).
- g. Methods, descriptions of those methods, and results of how vector attraction reduction requirements are met under s. NR 113.07 (3).
- h. WPDES permitted facility name and number or name and permit number of treatment facility if hauled out of state.
- i. Gallons discharged at WPDES permitted facility.
- j. Date and time of discharge.
- k. Certification statement consistent with s. NR 113.07 (3).

4. 'Tracking of segregated septage wastes.' If the septage storage facility possesses the ability to separate different types of septage waste, the facility shall track and differentiate the different septage wastes individually.

5. 'Annual reporting.' The total quantity of waste applied to any site, discharged at treatment facilities or stored at storage facilities shall be reported on annual reports under s. NR 113.11.

6. 'Outfall assignment.' The department may assign an identification number to different parts or entities of the septage storage facility and may require the septage storage facility to report discharge volumes for the septage storage facility.

(d) *Management plan.* The owner or operator of a septage storage facility shall prepare and submit for approval to the department

a management plan for each septage facility. Each management plan shall meet all of the following requirements:

1. The management plan shall provide for optimizing system performance and demonstrating compliance with the requirements of this chapter. Following approval by the department, the septage storage facility shall be operated in conformance with the management plan. If the owner or operator of the septage storage facility wishes to operate differently than specified in the approved management plan, the owner or operator shall submit a written request to the department for approval of the amendment of the management plan. The amendment approval request shall include a copy of the complete amended plan.

2. The management plan and amendments shall include all of the following:

- a. Information on any pretreatment processes.
- b. Site identification on plat and soil maps.
- c. Aerial photographs, if available.
- d. Description of all site limitations, vegetative cover management and removal, availability of storage, type of transporting and spreading vehicle, load and rest schedules, and monitoring procedures.
- e. Contingency plans for periods of adverse weather.
- f. Pathogen control, vector reduction, odor, or nuisance abatement.
- g. Any other pertinent information required by the department.

3. The operation and management of the septage storage facility and land application activities shall be consistent with and in compliance with the department approved management plan. The management plan shall be consistent with the requirements under this chapter. A copy of the management plan shall be retained by the owner and operator and be made available upon department inspection.

4. The management plan shall include all of the following:

- a. The method utilized to discharge septage to the storage units.
- b. The type of wastes to be land applied or disposed.
- c. The record keeping system for septage being added to and removed from the storage units.
- d. The description of how septage will be mixed in the storage units.
- e. The description of how septage will be removed from the storage units.
- f. The methods and description of equipment to be used to land apply the storage facility contents.
- g. A description of procedures for regularly inspecting and maintaining each storage unit.
- h. The method to be used to track application and loading rates to ensure septage is not overapplied.
- i. Procedures describing the storage facility operation and maintenance during inclement weather.
- j. A description of procedures and equipment available to monitor and control emergency events such as a large spill.
- k. A description of the notification method and procedures that the owner or operator will use to submit to the department notifying the department 7 days prior to land application events. The department may waive the 7-day notification requirement when regular or ongoing land application events are proposed and details of the regular or ongoing land application events are included in the management plan.

L. Notification procedures in case of spills or emergency situations.

m. A description of the methods utilized to comply with pathogen and vector control requirements.

n. Land application site information summaries providing acreage secured for land application and the process to secure additional acreage as needed.

o. A description of steps the owner or operator will take to ensure that sites remain litter free, including any screening processes, litter removal from sites, and litter disposal.

p. A listing and description of any approved variances under s. NR 113.15 (4) and the circumstances in which the variances are used.

q. Additional information as required by the department relating to the operation of the facility and disposal of wastes.

(e) *Free board.* Free board for lagoons shall be 3 feet from the top of the lagoon to prevent overfilling. For all other storage structures except those approved under sub. (3) (d) 2., the septage storage facility shall maintain no less than 18 inches of free board from the top of walls to prevent overfilling the septage storage facility.

**Note:** Septage storage structures approved under sub. (3) (d) 2., include DSPS approved tanks. DSPS approved tanks are reviewed case by case and have differing free board.

(f) *Grit, screenings, and other waste.* Any bulky or non-organic waste that is removed from the septage storage facility during the cleanout or maintenance or any grit or screenings collected shall be properly disposed of at a licensed landfill. The landfill shall be licensed under chs. NR 500 to 538.

(g) *Abandonment.* In the event of abandonment of a septage storage facility, the owner of the septage storage facility shall be responsible for all abandonment procedures. Six months prior to abandoning the septage storage facility, the owner shall submit an abandonment plan and schedule of accomplishment to the department for its review and approval. The abandonment plan shall be in compliance with local, state, and federal rules and regulations. The owner within 12 months of the plan approval shall complete the abandonment.

(8) DEPARTMENT REQUIREMENTS. As required under s. 281.41 (1) (b), Stats., within 90 days from the time of receipt of complete plans, the department or its authorized representative shall examine and take action to approve, approve conditionally, or reject the plans and shall state in writing the department's determination of any conditions of approval or reasons for rejection and issue that determination to the applicant.

**History:** Cr. Register, September, 1996, No. 489, eff. 1-1-97; correction in (1) and (3) made under s. 13.92 (4) (b) 7., Stats., Register January 2012 No. 673; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register January 2018 No. 745; CR 20-046: r. and recr. Register September 2021 No. 789, eff. 10-1-21; correction in (3) (b) 1., (6) (a) made under s. 35.17, Stats., Register September 2021 No. 789.

**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. 281.48 (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. 281.48 (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. 281.98, Stats.

**History:** Cr. Register, September, 1996, No. 489, eff. 1-1-97; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register September 2001 No. 549.

**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 contaminate any lands or waters of the state or make any lands or waters of the state injurious to public health, harmful to commercial or agricultural use, or deleterious to animal or plant life.

(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. An owner shall submit a written request to the department for a variance under this section. Each request for a variance shall contain all of the following:

(a) The name, address, phone number, and business license number 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 that is relevant to making a determination on the justification of granting the variance.

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

(4) WRITTEN DETERMINATION. The department shall approve or deny the variance request in writing. The business shall retain a copy of each variance request and the department's decision.

(5) VARIANCE CANCELLATION. Violations of this chapter may result in the cancellation of a previously approved variance.

**History:** Cr. Register, September, 1996, No. 489, eff. 1-1-97; CR 20-046: am. (1), (3) (intro.), (a) to (c), cr. (4), (5) Register September 2021 No. 789, eff. 10-1-21.