



**TELECONFERENCE/VIRTUAL
PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS (POWTS)
TECHNICAL CODE ADVISORY COMMITTEE
Virtual, 4822 Madison Yards Way, Madison, WI
Contact: Brad Wojciechowski (608) 266-2112
April 24, 2025**

*The following agenda describes the issues that the Committee plans to consider at the meeting.
At the time of the meeting, items may be removed from the agenda. Please consult the meeting
minutes for a record of the actions of the Committee.*

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes for July 15, 2024 (3-4)**
- C. Reminder: Conflicts of Interest, Scheduling Concerns**
- D. Introduction, Announcements, and Recognition**
- E. Administrative Matters – Discussion and Consideration**
 - 1) Committee, Department, and Staff Updates
 - 2) Committee Members
 - a. Hammes, Jeffrey
 - b. Hegeman, Frederick
 - c. Keymer, Daniel
 - d. Schmidt, Robert
 - e. Stair, Todd
 - f. Vander Leest, Daniel
 - g. Wellauer, Eric
 - h. Wieser, Mark
- F. Technical Advisory Matters - Discussion and Consideration**
- G. Memorandum of Understanding between the Department of Safety and Professional Services and Department of Natural Resources relating to on-site wastewater treatment systems – Discussion and Consideration (5-22)**
- H. Public Comments**

ADJOURNMENT

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of any agenda item may be changed by the board for the convenience of the parties. The person credentialed by the board has the right to demand that the meeting at which final action may be taken against the credential be held in open session. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer or reach the Meeting Staff by calling 608-267-7213.

**TELECONFERENCE/VIRTUAL
PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS (POWTS)
TECHNICAL CODE ADVISORY COMMITTEE
MEETING MINUTES
JULY 15, 2024**

PRESENT: Jeffrey Hammes, Frederick Hegeman, Robert Schmidt, Todd Stair, Daniel Vander Leest, Eric Wellauer, Mark Wieser

EXCUSED: Daniel Keymer

STAFF: Brad Wojciechowski, Executive Director; Bradley Johnson, Safety and Buildings Bureau Director; Joe Ricker, Legal Counsel; Josua Rowley, Private Sewage Plan Reviewer; Ashley Sarnosky, Board Administration Specialist and other Department staff

CALL TO ORDER

Brad Wojciechowski, Executive Director, called the meeting to order at 9:03 a.m. A quorum was confirmed with seven (7) members present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Updated to include details pertaining to item G.1) **9:00 A.M. APPEARANCE:** Jason Knutson, P.E., Wisconsin Department of Natural Resources – Presentation: MOU Between DSPS and DNR on POWTS Regulations
- Update document header to correct department reference.

MOTION: Robert Schmidt moved, seconded by Todd Stair, to adopt the Agenda as amended. Motion carried unanimously.

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES AND DEPARTMENT OF NATURAL RESOURCES RELATING TO ON-SITE WASTEWATER TREATMENT SYSTEMS

MOTION: Mark Wieser moved, seconded by Robert Schmidt, to thank Jason Knutson, P.E., Wisconsin Department of Natural Resources, for his appearance and presentation on the MOU Between DSPS and DNR on POWTS Regulations. Motion carried unanimously.

MOTION: Jeffrey Hammes moved, seconded by Todd Stair, to recommend that DSPS expedite the examination of well data from Juneau County in consideration of a partial removal of the hydrograph suspension method in areas of the central sands where well data shows that the hydrograph method is safe to use. Motion carried unanimously.


ADJOURNMENT

MOTION: Mark Wieser moved, seconded by Todd Stair, to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned at 12:01 p.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski, Executive Director		2) Date when request submitted: 4/10/2025 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Choose an item. POWTS-TAC			
4) Meeting Date: 4/24/2025	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Memorandum of Understanding between the Department of Safety and Professional Services and Department of Natural Resources relating to on-site wastewater treatment systems – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <Appearance Name(s)> <input type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>	
10) Describe the issue and action that should be addressed: Please see attached documentation for review.			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;">  Signature of person making this request </div> <div style="text-align: center;"> 4/10/2025 Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;"> Supervisor (Only required for post agenda deadline items) _____ </div> <div style="text-align: center;"> Date _____ </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;"> Executive Director signature (Indicates approval for post agenda deadline items) _____ </div> <div style="text-align: center;"> Date _____ </div> </div>			
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

MEMORANDUM OF UNDERSTANDING

Between the

Department of Safety and Professional Services

And the

Department of Natural Resources

This Memorandum of Understanding (MOU) is voluntarily entered this ____ day of (month), (year), by and among the Wisconsin Department of Natural Resources, and the Wisconsin Department of Safety and Professional Services.

I. Background

WHEREAS the Department of Natural Resources (DNR) is responsible for implementing state and federal laws that protect and enhance Wisconsin's natural resources including its air, land, water, forests, wildlife, fish, and plants;

WHEREAS the Department of Safety and Professional Services (DSPS) is responsible for promoting economic growth and stability while protecting the citizens of Wisconsin as designated by statute;

WHEREAS both DNR and DSPS have responsibilities for the administration of on-site wastewater treatment systems pursuant to each agency's authority under chs. 145, 160, 281 and 283 of the Wisconsin Statutes;

WHEREAS the DNR and the Department of Commerce (predecessor to DSPS) had an MOU signed in 1999 that has since become outdated;

Now, therefore, the Parties agree to a new, revised MOU and delineate the responsibilities for effective administration of on-site wastewater treatment systems as follows:

II. Definitions

- A. "Centralized septage treatment facility" means a treatment facility that accepts septage from multiple sources and treats the septage prior to discharge or disposal as defined by both ss. NR 113.03(8m) and NR 204.03(11), Wis. Adm. Code.
- There is a campground exemption as allowed by s. NR 113.05(3m), Wis. Adm. Code, when wastewater is generated at the campground and from recreational vehicles. This exemption is consistent with the requirements of ss. ATCP 79.15(1) and (3), Wis. Adm. Code.

- S. NR 113.02(6), Wis. Adm. Code exempts centralized septage facilities from conforming to ch. NR 113, Wis. Adm. Code when operating under a Wisconsin pollutant discharge elimination system (WPDES) discharge permit.
- B. “Commercial domestic establishment” means any establishment which has the capability to collect, treat or dispose of domestic wastes including but not limited to restaurants, country clubs, mobile home parks, motels and hotels, defined in s. NR 205.03(7), Wis. Adm. Code.
- C. “Design management zone” means a 3-dimensional boundary surrounding each regulated facility, practice or activity established under s. NR 140.22 (3), Wis. Adm. Code.
- D. “Design wastewater flow” or “design capacity” means 150% of the estimated wastewater flow (daily effluent application) generated by a dwelling, building or facility as established by s. SPS 383.43(2), Wis. Adm. Code, unless otherwise approved by DSPS or DNR.
- For new commercial systems, use 150% of the estimated design flow as established in Table A-383.43-1 of the appendix to ch. SPS 383, A-383.43(6), Wis. Adm. Code. Use of this method is subject to the best professional judgment of the plan reviewer.
 - For existing commercial systems, use the higher of peak meter flow rates or 150% of the average flow metering data to determine estimated design flow, as referenced in the appendix to ch. SPS 383, A-383.43(6)(a), Wis. Adm. Code. Use of this method is subject to the best professional judgment of the plan reviewer.
 - If metered flow data is unavailable, use 150% of the estimated design flow as established in the appendix to ch. SPS 383, A-383.43(6)(a), Wis. Adm. Code. Use of this method is subject to the best professional judgment of the plan reviewer.
 - For new systems serving residential dwellings, the design capacity of 12,000 gallons per day shall be deemed equivalent to 85 bedrooms, as referenced in s. NR 200.03(4)(a), Wis. Adm. Code. In other words, each bedroom shall be considered to provide 141.2 gallons per day design flow.
 - Where a new system is serving an expansion of an existing development that, as determined by the plan reviewer, is similar in nature to the residences to be served by the new system, existing flow meter data from the existing development’s private onsite wastewater treatment systems (POWTS) may be used to calculate a design flow, with the higher of peak meter flow rates or 150% of average meter readings used to determine design flow. Use of this method is subject to the best professional judgement of the plan reviewer.
 - For existing systems serving multi-family residential dwellings or cluster systems serving multiple dwellings, the plan reviewer may use the higher of peak meter flow rates or 150% of average meter flow readings to determine design flow. Use of this method is subject to the best professional judgement of the plan reviewer.
 - If metered flow data is unavailable, the design capacity of 12,000 gallons per day shall be deemed equivalent to 85 bedrooms, referenced in s. NR

200.03(4)(a), Wis. Adm. Code. In other words, each bedroom shall be considered to provide 141.2 gpd design flow.

- When calculating design capacity, if one on-site wastewater treatment system is located near any other private wastewater treatment system, the design capacities of each of the systems shall be added together if the perimeter of the distribution cell of one system is less than 1,500 feet from the perimeter of a distribution cell of another system and the systems are under the same ownership, as referenced in s. NR 200.03(5), Wis. Adm. Code. See appendix C for visual examples.
 - To evaluate whether systems under common ownership are considered a single large on-site wastewater treatment system, the reviewer shall draw a 1,500 foot radius circle around each individual system. If the design flows of all systems within any one of those circles cumulatively exceed 12,000 gpd, all of those systems within the circle are considered part of a large system.
- E. “Distribution cell” means a dimensional zone that is part of an on-site wastewater treatment system or dispersal component where wastewater is disseminated into in situ soil or engineered soil, defined in s. SPS 381.01(76), Wis. Adm. Code.
- F. “Domestic wastewater” means the type of wastewater normally discharged from plumbing facilities in private dwellings or commercial domestic establishments and includes, but is not limited to, sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastes, defined in ss. NR 206.03(7) and SPS 381.01(78), Wis. Adm. Code.
- G. “Estimated wastewater flow” means the typical quantity of domestic wastewater generated daily by a dwelling, building, or facility, as defined in s. SPS 381.01(90), Wis. Adm. Code.
 - For new commercial facilities, use estimated wastewater flows from Table A found in the appendix to ch. SPS 383, A-383.43-1, Wis. Adm. Code.
 - Existing systems may use measured daily flow over a period of time that represents the facility’s use or occupancy to determine estimated flow.
- H. “In-kind replacement” means a process part being replaced by the same or functionally equivalent component, which would require no DNR approval under s. 281.41, Wis. Stats.
- I. “Large scale soil absorption system” or “Large on-site wastewater treatment system” means an on-site wastewater treatment system or subsurface soil absorption system which has a design capacity of equal to or more than 12,000 gallons per day where design capacity is calculated in accordance with s. NR 200.03(4), Wis. Adm. Code, as defined in s. NR 206.03(17), Wis. Adm. Code.
 - See definition of “Design Capacity” above for procedures for calculating design flow at these types of systems.
- J. “Material change” refers to any rehabilitation or change to a POWTS beyond “in-kind replacements.”
- K. “Mixed wastewater” means wastewater that contains a combination of domestic and non-domestic wastewater, as defined in s. SPS 381.01(154m), Wis. Adm. Code.

Commented [BMTD1]: Removed "along with any other systems within 1500' of systems belonging to the large system".

- L. “Non-domestic wastewater” means any wastewater that is not domestic wastewater or storm water, as defined in s. SPS 381.01(160m).
- M. “Ownership” means a person, group of persons or a corporation which owns a majority interest in the properties where majority ownership is based upon a majority of the issued voting stock, a majority of the members if no voting stock is issued, a majority of the board of the directors or comparable governing body or participation of each general partner in the profits of a partnership, as defined in s. SPS 383.22(2)(b)6.g., Wis. Adm. Code.
- Any ambiguity regarding whether two or more systems are under the same ownership, including complex scenarios that do not fit the examples in the following bullet, shall be resolved by the DNR and the DSPS on a case-by-case basis, as noted in s. NR 200.03(5), Wis. Adm. Code.
 - In determining whether two or more systems are under common ownership, DNR and DSPS will typically evaluate whether the same person, group of persons, or corporation(s) own a majority stake (i.e., $\geq 50\%$) in each of the systems. See the examples below for more detail:
 - If John owns 100% of System A and 49% of System B, and Tom owns 51% of System B, the systems are not under common ownership. John is the sole majority owner of System A, and Tom is the sole majority owner of System B.
 - If John owns 51% of System A and 49% of System B, and Tom owns 49% of System A and 51% of System B, then Tom and John, as a group of persons, are the majority owners of both systems, so the systems are considered to be under common ownership.
 - If John and Tom each own 25% of both System A and System B, Harry owns 50% of System A, and Larry owns 50% of System B, the systems are under common ownership because John and Tom are a group of persons who together have a majority ownership of both systems.
- N. “Privately owned domestic wastewater treatment work” means facilities which treat domestic wastewater and which are owned and operated by non-municipal entities or enterprises such as mobile home parks, restaurants, hotels, motels, country clubs, etc., which are permitted under ch. 283, Wis. Stats., as defined in s. NR 206.03(18), Wis. Adm. Code.
- O. “Privately owned on-site wastewater treatment system” or “POWTS” means a treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative system approved by DSPS including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private on-site wastewater treatment system may be owned by the property owner or by a special purpose district, as defined in s. 145.01(12), Wis. Stats.
- P. “Replacement” means an addition or substantial modification to an existing POWTS soil absorption component, effluent lift/dose tank or lift/dose chamber (not a pump or

controls), or septic tank or other treatment tank, for the purpose of establishing when DNR plan review is required on an existing system.

Commented [M2]: Definition added

- Q. "Residential dwellings" include one- and two-family dwellings, multi-family dwellings and mobile homes, as defined in s. NR 200.03(4)(a), Wis. Adm. Code.
- R. "Small-scale soil absorption system" or "small on-site wastewater treatment system" means an on-site wastewater treatment system which has a design capacity that does not meet the criteria of a large-scale soil absorption system.
- S. "Subsurface discharge" means a method of dispersal of final effluent beneath the surface of the ground.

III. Large On-site Wastewater Treatment Systems that Receive Domestic Wastewater

It is mutually agreed that:

A. Plan Review

1. DSPS and DNR will conduct joint plan reviews for proposed large on-site wastewater treatment systems that receive domestic wastewater. See appendix A for plan approval authorities.
2. If the owner of a proposed large on-site wastewater treatment system intends to apply for state Clean Water Fund assistance under s. 281.58, Wis. Stats., and under ch. NR 162, Wis. Adm. Code, and the system serves two or more residential structures, then the proposed system shall be subject to DNR plan review regulations in ch. NR 110, Wis. Adm. Code, in accordance with ch. NR 162, Wis. Adm. Code and s. 281.58, Wis. Stats.

B. Permits

1. Pursuant to s. NR 200.03, Wis. Adm. Code and ch. 283, Wis. Stats., the DNR shall be responsible for the issuance of WPDES permits for existing and proposed large on-site wastewater treatment systems that receive domestic wastewater. See Appendix B for permitting requirements.
2. All POWTS receiving domestic wastewater require coverage under a sanitary permit issued by DSPS or its designated governmental unit. See Appendix B for permitting requirements.

Commented [BMTD3]: Removed reference to general/individual WPDES permits

Commented [BMTD4]: Removed "adequate nitrogen removal" section

C. Existing Systems

1. An existing large on-site wastewater treatment system shall be subject to DNR plan review at the time of proposed modifications or replacements (unless the replacement is considered in-kind). The review shall follow the applicable agency's administrative codes.
2. All large on-site wastewater treatment systems require a WPDES permit. Owners have a duty to self-report and apply for WPDES permit coverage for such systems if not currently permitted.

IV. Small On-site Wastewater Treatment Systems that Receive Domestic Wastewater

It is mutually agreed that:

A. Plan Review

1. DSPS or its designated governmental unit shall conduct plan reviews for proposed small on-site wastewater treatment system, including on-site wastewater treatment systems serving multiple structures and/or lots.
2. Proposed systems that have applied for Clean Water Fund assistance under s. 281.58, Wis. Stats., and under ch. NR 162, Wis. Adm. Code, will be jointly reviewed by DSPS and DNR.

B. Permits

1. Pursuant to s. NR 200.03(3)(d), Wis. Adm. Code, DNR will not issue WPDES permits to existing or proposed domestic small POWTS.
2. All POWTSs receiving domestic wastewater require coverage under a sanitary permit issued by DSPS or its designated governmental unit.

C. Existing Systems

1. An existing small on-site wastewater treatment system shall be regulated by DSPS or its designated governmental unit, for purposes of plan review and permitting.
2. An existing small on-site wastewater treatment system that is replaced or modified in a manner that increases the design treatment capacity to or above the 12,000 gallons per day threshold is subject to DNR plan review process and must apply for a WPDES permit. The review shall follow the applicable agency's administrative codes.

V. Large On-site Wastewater Treatment Systems that Receive Non-Domestic Wastewater

It is mutually agreed that:

A. Plan Review

1. Mixed Wastewater

- a) If DNR determines that the non-domestic wastewater within the resulting mixed wastewater will have characteristics similar to and no stronger than domestic wastewater and that the proposed discharge is not expected to cause adverse environmental impacts, such as an exceedance of ch. NR 140, Wis. Adm. Code, groundwater standards, DSPS and DNR will conduct joint plan reviews of large on-site wastewater treatment systems receiving mixed wastewater.
- b) If DNR determines that the non-domestic wastewater within the resulting mixed wastewater may be higher strength than domestic wastewater or may present groundwater quality concerns, DNR will solely review systems.

2. Non-domestic Wastewater Only

- a) DNR will solely review systems for non-domestic wastewater when DNR has approval authority for these systems, DSPS will provide technical assistance as requested.

B. Permits

1. A WPDES permit is required for large on-site wastewater treatment systems receiving either mixed wastewater or solely non-domestic wastewater.
2. POWTS receiving mixed wastewater also require coverage under a sanitary permit issued by DSPS or its designated governmental unit.
3. POWTS receiving solely non-domestic wastewater do not require coverage under a sanitary permit.

C. Existing Systems

1. An existing large on-site wastewater treatment system receiving either mixed wastewater or non-domestic wastewater only shall be subject to DNR plan review at the time of proposed modifications or replacements (unless the replacement is considered in-kind). The review shall follow the applicable agency's administrative codes.
2. All large on-site wastewater treatment systems require a WPDES permit. Owners have a duty to self-report and apply for WPDES permit coverage for such systems if not currently permitted.

Commented [BMTD5]: Removed section on commercial laundry, motor cleaning, etc.

Commented [BMTD6]: Separated mixed/non-domestic

Commented [BMTD7]: Removed reference to general/individual WPDES permits

VI. Small On-site Wastewater Treatment Systems that Receive Non-Domestic Wastewater

It is mutually agreed that:

A. Plan Review

1. Mixed Wastewater

a) If DNR determines that the non-domestic wastewater within the resulting mixed wastewater will have characteristics similar to and no stronger than domestic wastewater and that the proposed discharge is not expected to cause adverse environmental impacts, such as an exceedance of ch. NR 140, Wis. Adm. Code, groundwater standards, DNR shall issue a concurrence letter stating that discharge of the non-domestic wastewater component to the treatment system is domestic strength and acceptable. If DNR issues a concurrence letter, DSPS shall conduct the official plan review of the project construction plans and specifications. The formal approval for the proposed wastewater treatment system and subsurface disposal system must come from the DSPS (or an authorized agent of DSPS), but DSPS shall not offer an official approval prior to receiving a DNR concurrence letter.

b) If DNR determines that the non-domestic wastewater within the resulting mixed wastewater may be higher strength than domestic wastewater or may present groundwater quality concerns, DNR shall identify any necessary supplemental preliminary treatment steps based on the nature and source of the industrial wastewater as well as potential for impacts on the treatment system and groundwater quality. DNR will issue a concurrence letter once any necessary supplemental preliminary treatment steps have been added to the proposed plans and specifications. If DNR does not issue a concurrence letter, DNR shall conduct the official plan review of the project construction plans and specifications, in consultation with DSPS.

2. Non-Domestic Wastewater Only

a) DNR will solely review systems for non-domestic wastewater when DNR has approval authority for these systems, DSPS will provide technical assistance as requested.

B. Permits

1. A WPDES permit will not be required for small on-site wastewater treatment systems receiving mixed or solely non-domestic wastewater if DNR concurs that the wastewater is domestic strength and is not expected to cause adverse environmental impacts, such as an exceedance of ch. NR 140, Wis. Adm. Code, groundwater standards.

Commented [BMTD8]: Reformatted section

Commented [BMTD9]: Removed section on commercial laundry, motor cleaning, etc.

2. A WPDES permit will be required for small on-site wastewater treatment systems that accept mixed wastewater or solely non-domestic wastewater if DNR determines that the wastewater is stronger than domestic strength and/or the discharge is expected to have potential to cause adverse environmental impacts, such as an exceedance of groundwater standards found in ch. NR 140, Wis. Adm. Code, as determined on a case-by-case basis.

3. All POWTS receiving mixed wastewater require coverage under a sanitary permit issued by DSPS or its designated governmental units.

4. POWTS receiving solely non-domestic wastewater do not require coverage under a sanitary permit.

C. Existing Systems

1. An existing small on-site wastewater treatment system receiving either mixed wastewater or solely non-domestic wastewater shall be subject to DNR plan review at the time of proposed modifications or replacements (unless the replacement is considered in-kind). The review shall follow the applicable agency's administrative codes.

2. Owners have a duty to self-report and apply for WPDES permit coverage for such systems if not currently permitted.

Commented [BMTD10]: Removed reference to general/individual permits

Commented [KJRD11]: I may be misremembering, but I thought that DSPS wanted to issue sanitary permits even for solely non-domestic wastewater POWTS, no? Let me know if I have that wrong.

VII. Holding Tanks

It is mutually agreed that:

A. Plan Review

1. Domestic Wastewater

a) DSPS or its designated governmental unit shall conduct plan review of holding tanks receiving domestic wastewater. For holding tanks with a design flow rate greater than 3,000 gallons per day, DSPS shall not grant plan approval without DNR concurrence, and, if applicable, approval from the publicly owned treatment works (POTW) that will receive the holding tank's waste, of the method of wastewater disposal as provided under s. SPS 383.22(2)(b)2., Wis. Adm. Code.

2. Mixed Wastewater

a) Holding tanks designed to hold a mix of domestic and non-domestic wastewater will be jointly reviewed by DNR and DSPS.

b) The DNR shall review the industrial component of the waste and assess whether the proposed design fulfills the requirements listed under ss. NR 213.08 and NR 213.15, Wis. Adm. Code, as well as the applicable requirements in chs. NR 811 and NR 812, Wis. Adm. Code. If it is determined that all previously mentioned requirements are met by the proposed design, the DNR may issue a concurrence letter stating that the applicable code requirements are met by the proposed design. DSPS may then conduct a review of the proposed design as well as the domestic component of the wastewater. The formal approval for the proposed holding tank shall be issued by DSPS, but only after a concurrence letter from DNR has been received.

3. Non-Domestic Wastewater Only

a) DNR will solely review systems for holding tanks receiving only non-domestic wastewater.

B. WPDES Permits

1. Pursuant to s. NR 113.07(1), Wis. Adm. Code, septage shall be discharged to a facility covered by a WPDES permit or to an approved agricultural land-spreading site. Discharge to a wastewater treatment facility may be required for holding tanks with a design flow rate greater than 3,000 gallons per day. If a septage service area designation exists under s. 281.41(3), Wis. Stats., the facility shall amend the septage service area to include the commercial, industrial, recreational, or residential development.

2. Discharge from a holding tank to approved agricultural land requires a WPDES permit.

C. Existing Systems

1. Any existing holding tank receiving only domestic wastewater shall continue to be regulated by DSPS.

2. Any existing holding tank receiving mixed or industrial wastewater may be subject to DNR plan review at the time of modifications or replacements (unless the replacement is considered in-kind).

Commented [KJRD12]: Removed section prohibiting discharge from holding tanks, since this is allowed if they obtain a WPDES permit:
"3. Holding tanks may not require a WPDES permit as in instances where discharge directly to a surface water or groundwater from a holding tank shall will not occur."

VIII. Miscellaneous

It is mutually agreed that:

A. Since there is some overlap of authority in the regulation of on-site wastewater treatment systems between the two agencies, both DSPS and DNR may seek clarifying legislative changes consistent with the terms and conditions of this MOU (see section VIII. E. below). The agencies shall modify this MOU as needed to reflect current legislation.

B. For wastewater treatment systems other than those addressed in this MOU, DNR shall continue to do plan reviews and issue WPDES permits to all systems that have a discharge to ground or surface waters, regardless of size or ownership. Examples of these systems include, but are not limited to, land application systems, spray irrigation systems, seepage cells, ridge and furrow systems, etc. This also includes publicly owned on-site wastewater treatment systems.

C. Small POWTSs regulated by DSPS may include alternative systems such as lined constructed wetlands and evapotranspiration beds, which have a treatment component that may expose wastewater to the ground surface.

D. DSPS is responsible for review and approval of any catch basins, private sewer lines/connections, and other plumbing appurtenances associated with the installation of the proposed on-site wastewater treatment system.

E. In all cases where joint reviews may be conducted, both agencies agree to cooperate and exchange information in a timely manner so the reviews can be done effectively and efficiently. If either agency does not approve of a system based on related codes, the plan is not approvable. Joint review may continue until statutory changes to ch. 145, Wis. Stats., are enacted.

IX. Responsibilities of Parties

A. DNR has plans to update the relevant definitions and regulating authority on large on-site wastewater systems in s. NR 200.03(4), Wis. Adm. Code. This update is meant to clarify ambiguous language to clearly reflect this MOU's contents.

B. The DSPS plans to make the necessary changes to SPS 383 as needed to clarify the intent of this MOU.

C. DSPS has plans to update its application form(s) for new POWTSs to require the new system owner to disclose whether they are the majority owner of any other systems within 1,500 feet and/or belong to a group of persons whom together are majority owners of any other systems within 1,500 feet. The form will be updated to require that the locations and design flow rates of such systems be provided.

X. Effective Date

The existing MOU dated December 1999 shall be terminated and this MOU shall become effective upon signature by both parties.

XI. Disputes, Modification, and Termination

For purposes of resolving any disputes, conflicts, or interpretations of this MOU and to address or resolve any unforeseen issues that may arise that are related to this MOU, the following staff contacts are established:

DSPS- Field Services Bureau Director (held by Bradley Johnson, P.E., at time of MOU signature)

DNR- Wastewater Section Manager (held by Jason Knutson, P.E., at time of MOU signature)

Commented [SBMD13]: This will need to be updated prior to MOU signature.

Signed, written modifications may be made to this MOU upon mutual agreement of DNR and DSPS. This MOU may be terminated by either agency upon thirty (30) days written notice.

IN WITNESS THEREOF, the parties hereto have executed the agreement this ____ day of _____, 20__ at Madison, Wisconsin.

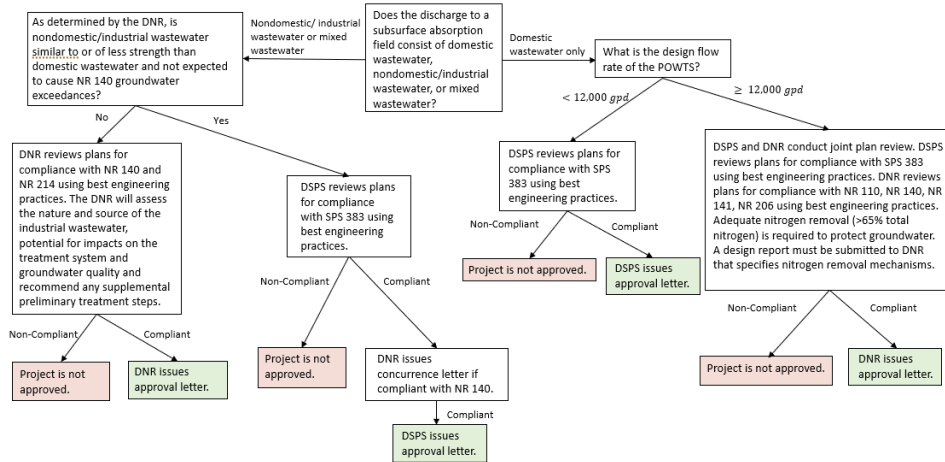
By: _____

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

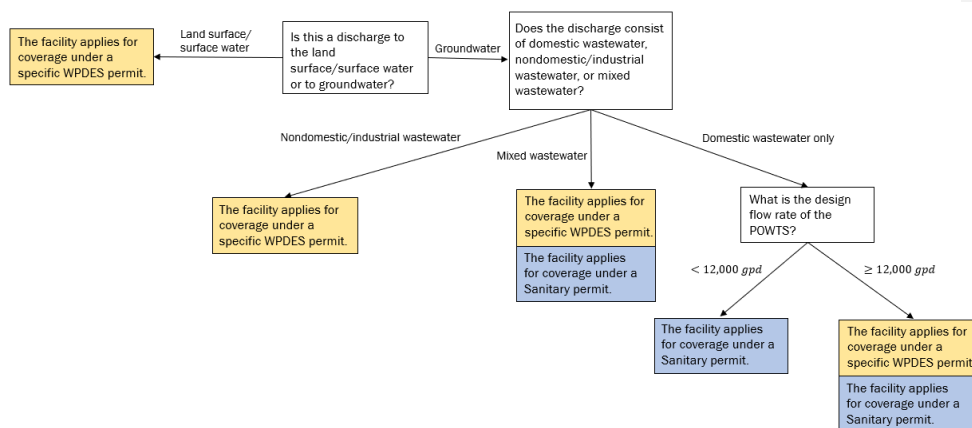
By: _____

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Appendix A: Plan Approval Authorities



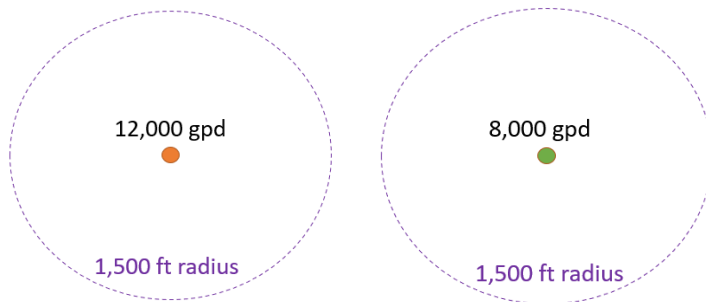
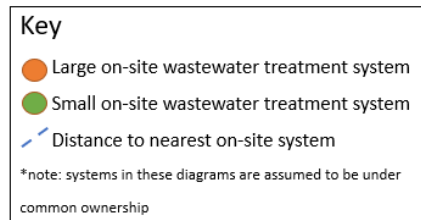
Appendix B: Permit Requirements



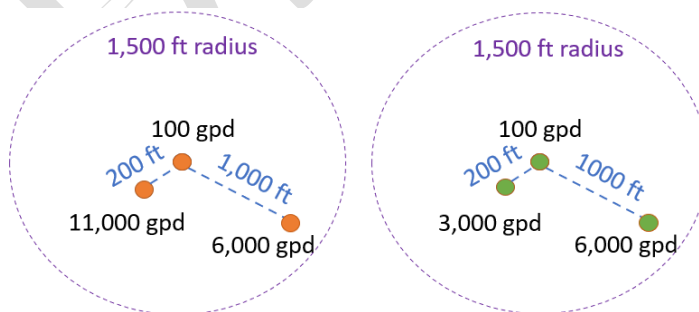
Commented [BMTD14]: Removed references to general/individual WPDES permits

Commented [KJRD15R14]: Also added sanitary permit in bottom right

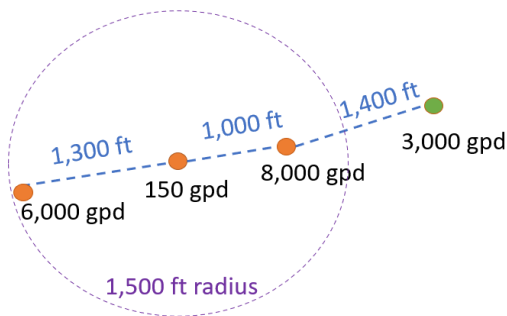
Appendix C: Clustered Systems



Systems with a flow rate greater than or equal to 12,000 gallons per day are considered a large on-site wastewater treatment system.

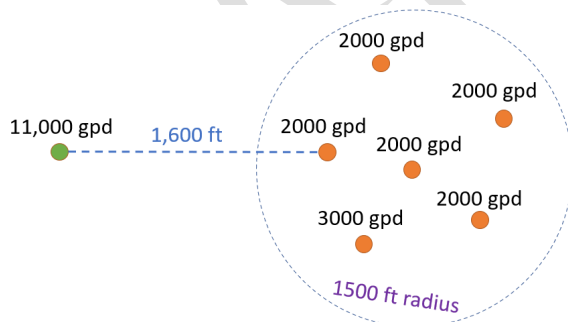


Systems with a combined flow rate greater than or equal to 12,000 gallons per day, within 1,500 feet, and under the same ownership are considered a large on-site wastewater treatment system.

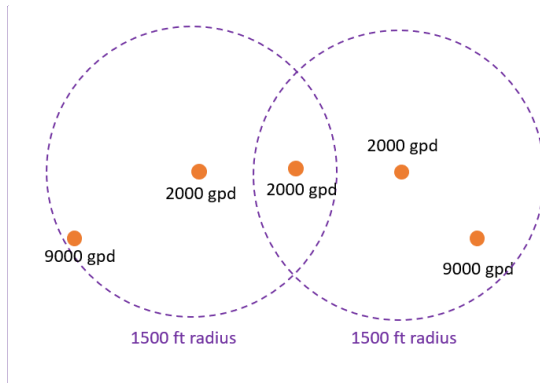


To evaluate whether systems under common ownership are considered a single large on-site wastewater treatment system, the reviewer shall draw a 1,500-foot radius circle around each individual system. If the design flows of all systems within any one of those circles cumulatively exceed 12,000 gallons per day, all of those systems within the circle are considered part of a large system.

Commented [BMTD16]: Removed "along with any other systems within 1500' of systems belonging to the large system". Adjusted graphic to reflect the definition.



Systems with a combined flow rate greater than or equal to 12,000 gallons per day, within 1,500 feet of other systems, and under the same ownership are considered a large on-site wastewater treatment system (clustered systems).



In a situation where two or more separate clusters of systems each independently constitute a large POWTS, are under common ownership, and share one or more individual POWTSs, the systems will be treated as an individual large POWTS system. They may be permitted under a single WPDES permit.

Commented [KJRD17]: Added this to clarify how to handle two overlapping clusters that each are independently large systems. They would still require N removal either way, but we could permit them under a single WPDES permit.