

# **SSO RULE UPDATE**

**GOVERNMENT AFFAIRS SEMINAR  
WISCONSIN SECTION - CSWEA**

**MIDDLETON, WI – FEBRUARY 24, 2011**

# PURPOSE OF RULE

- ESTABLISH CLEAR, UNAMBIGUOUS REQ'MTS
- CONFORM MORE CLOSELY TO U.S. EPA REGS
- CREATE CONSISTENCY IN TERMINOLOGY WITHIN WDNR RULES
- CREATE CONSISTENCY IN REQ'MTS WITHIN DNR RULES
- REQUIRE IMPLEMENTATION OF CMOM PROGRAMS

# U.S. EPA BYPASS RULE

- BYPASS MEANS “...THE INTENTIONAL DIVERSION OF WASTE STREAMS FROM ANY PORTION OF A TREATMENT FACILITY.”
- BYPASS PROHIBITED UNLESS
  - UNAVOIDABLE TO PREVENT LOSS OF LIFE, ETC.
  - NO FEASIBLE ALTERNATIVES
  - APPROPRIATELY REPORTED
- NO REGULATION FOR CMOM

# U.S. EPA ACTIONS

- **SANITARY SEWER OVERFLOWS ARE BYPASSES**
- **SANITARY SEWER OVERFLOWS ARE PROHIBITED “UNLESS...”**
- **BYPASSES AROUND BIOLOGICAL TREATMENT (BLENDING) “MIGHT” BE PROHIBITED?**
- **BYPASSES FOR OPERATION/MAINTENANCE OK WITH ADEQUATE NOTICE**
- **BUILDING BACKUP “MIGHT” BE A SSO**
- **INCONSISTENT ENFORCEMENT POSITIONS**

# DEFINITIONS

(\* = new def'n.)

- **BLENDING\*** – ROUTING AROUND BIOLOGICAL PROCESS
- **BUILDING SEWER\*** – SEWER FROM BUILDING TO PUBLIC SEWER (same as COMM rule)
- **BUILDING BACKUP\*** – ACCUMULATION OF SEWAGE IN BUILDING CAUSED BY BLOCKAGE OR HYDRAULIC CONSTRAINT
- **BYPASS** – SAME AS U.S. EPA DEF'N
- **COMBINED SEWER SYSTEM\*** – COLLECTION SYSTEM FOR SEWAGE AND STORMWATER

# DEFINITIONS

- **CONTROLLED DIVERSION** – ROUTING AROUND ANY TREATMENT UNIT
- **HYDRAULIC CONSTRAINT\*** – SEWER COLLAPSE OR ACCUMULATION OF BLOCKAGE MATERIAL
- **PRIVATE INTERCEPTOR MAIN SEWER\*** – SERVES MULTIPLE BLDGS AND NOT PUBLIC SEWER (same as COMM rule)
- **SSO\*** – RELEASE FROM COLLECTION SYSTEM INTO SURFACE WATER OR TO LAND SURFACE
- **SSO OVERFLOW STRUCTURE\***

# DEFINITIONS

- **SATELLITE SEWAGE COLLECTION SYSTEM\*** – PVT OR MUNICIPAL COLL'N SYSTEM DISCHARGING TO ANOTHER SYSTEM FOR TREATMENT
- **SEWAGE COLLECTION SYSTEM** – ADD “LIFT STATIONS” TO EXISTING
- **SEWAGE TREATMENT FACILITY\*** – PLACE WHERE POLLUTANTS ARE REDUCED
- **SEWAGE TREATMENT FACILITY OVERFLOW\*** – RELEASE WITHIN TRTMT FACILITY TO SURFACE WATER/LAND SURFACE

# DEFINITIONS

- **SEWAGE TREATMENT FACILITY OVERFLOW STRUCTURE\***
- **SEWER EXTENSION** – SEWER THAT PROVIDES ADD'L CONVEYANCE CAPACITY OR SERVES NEW AREA
- **TREATMENT PROCESS\*** – PHYSICAL, CHEMICAL OR BIOLOGICAL ACTION TO REMOVE POLLUTANTS (e.g., sedimentation, biological, etc.)
- **TREATMENT UNIT\*** – STRUCTURE/EQUIPMENT IN A SEWAGE TREATMENT FACILITY (e.g., screens, clarifier, aeration tank, etc.)



# NR 110 CHANGES

- REMOVE THE SSO-RELATED **“SEWER BAN”** PARTS OF NR 110.05 (intended to become part of enforcement actions, when necessary) + EDITS
- ESTABLISHES STANDARDS FOR CONTENT & CONDUCT OF **SYSTEM EVALUATION & CAPACITY ASSURANCE PLAN (SECAP)**
  - COLLECTION SYSTEM EVALUATION
  - ANALYSIS OF SSO CAUSES/SOLUTIONS
  - IDENTIFY SHORT & LONG TERM ACTIONS

# NR 110 CHANGES

- ESTABLISH DESIGN STANDARDS FOR **SSO/STFO STRUCTURES**
- REPEALS OPERATIONAL ITEMS IN NR 110.15 RELATING TO:
  - TREATMENT DURING MAINTENANCE
  - EMERGENCY OPERATION
  - BYPASSING
- EDITS TO REQUIREMENTS DURING **EMERGENCY OPERATIONS**

# NR 205 CHANGES

- CLARIFY THE “NONCOMPLIANCE REPORTING” REQUIREMENTS
  - SSO REPORTING REFERRED TO NR 210
- BYPASS PROHIBITION WITH “EXCEPTIONS”
  - BLENDING AND CONTROLLED DIVERSION REQ’MTS REFERRED TO NR 210
  - UNAVOIDABLE & NOT FEASIBLE & REPORTED (CONSISTENT WITH U.S. EPA)
  - SCHEDULED BYPASS (PRIOR APPROVAL)

# NR 208 CHANGES

- **CREATE NEW CRITERIA CATEGORY FOR SEWAGE TREATMENT FACILITY OVERFLOWS UNDER COLLECTION SYSTEM (Point assignment = 10)**
- **MODIFY FOOTNOTE UNDER COLLECTION SYSTEM TABLE TO BE CONSISTENT WITH OTHER CODE CHANGES**

# NR 210 CHANGES

- ESTABLISH PERMITTING AUTHORITY FOR **SATELLITE SYSTEMS**
- ESTABLISH REQUIREMENT FOR **COMBINED SEWER SYSTEMS** (Reference to U.S. EPA policy)
- ESTABLISH **PROHIBITION FOR SSO/STFO**
- REFERENCE TO **“FACTORS”** DEPARTMENT WILL CONSIDER IN DETERMINING **NONCOMPLIANCE**

# NR 210 CHANGES

- ESTABLISH EXPECTATIONS FOR **PERMITTEE RESPONSE** ACTIONS FOR SSOs
- ESTABLISH **REPORTING** REQUIREMENTS FOR SSOs
- REQUIRES **PUBLIC NOTIFICATION** (part of CMOM emergency response plan)
- AUTHORIZES NOTIFICATION OF DRINKING WATER INTAKE OWNERS (specific permit requirement)

# NR 210 CHANGES

- BUILDING BACKUPS
  - **NOT SSOs**
  - DISCRETE BUILDING BACKUPS **NOT** PROHIBITED
  - AUTHORIZES PERMIT REQ'MT FOR RECURRING BACKUPS DUE TO COLL'N SYSTEM ISSUES
  - REPORT UNDER NR 208

# NR 210 CHANGES

- REQUIRES CMOM PROGRAM (within 3 years of rule effective date)
  - STANDARDS & COMPONENTS (per CMOM guidance)
  - DOCUMENTATION REQUIREMENT (review/approval by WDNR not req'd, but WDNR can request; annual verification via NR 208)
  - ANNUAL SELF-AUDIT REQUIRED
  - ALLOWANCE FOR CASE-SPECIFIC EXCEPTIONS
  - WDNR MAY ISSUE PERMIT REQUIREMENTS



# NR 210 CHANGES

- WDNR MAY REQUIRE **SECAP** IN RESPONSE TO:
  - NONCOMPLIANCE WITH **SSO** PROHIBITION
  - FREQUENT/RECURRING **BUILDING BACKUPS**
  - EFFLUENT **LIMIT VIOLATIONS** CAUSED BY EXCESSIVE FLOW
  - **CMOM** IMPLEMENTATION INADEQUATE
- SECAP SUBJECT TO **REVIEW/APPROVAL**  
(reference to NR 110)
- WDNR MAY REQUIRE SECAP IMPLEMENTATION

# NR 210 CHANGES

- **BLENDING** MUST BE AUTHORIZED IN PERMIT
- **CONDITIONS ON BLENDING:**
  - RE-ROUTED FLOW MUST BE COMBINED PRIOR TO DISCHARGE
  - EFFLUENT LIMITATIONS MUST BE MAINTAINED
  - BLENDING ALLOWED ONLY UNDER **WET WEATHER/HIGH FLOW**
  - **CMOM** PROGRAM MUST BE IN PLACE
  - **NO FEASIBLE ALTERNATIVES**
- JUSTIFICATION FOR BLENDING REQ'D EACH PERMIT

# NR 210 CHANGES

- CONTROLLED DIVERSIONS AUTHORIZED
  - **NOT** CONSIDERED **A BYPASS** IF CONDITIONS MET
  - EFFLUENT LIMITATIONS MUST BE ATTAINED
  - ALLOWED FOR **PROPER OPERATIONS AND MAINTENANCE**
  - NOT ALLOWED DURING **HIGH FLOW**
  - BLANKET OK FOR DIVERSIONS AROUND **FINAL FILTERS**
  - DOCUMENT ON **FACILITY RECORDS**; WDNR REVIEW ON REQUEST

# NEXT STEPS

- **AWAIT FINAL ACTION ON REG REFORM LEGISLATION AND FOLLOW-UP ACTIONS/REQUIREMENTS**
- **FINALIZE DRAFT FOLLOWING NEW PROCESSES**
- **FINALIZE SUPPORTING DOCUMENTATION AND DRAFT FOR REVIEW BY NATURAL RESOURCES BOARD**
- **AUTHORIZATION FOR HEARINGS (SUMMER 2011)**
- **HOLD HEARINGS**
- **MODIFY, AS NECESSARY, BASED ON COMMENTS**
- **NRB APPROVAL OF RULE**

# NEXT STEPS

- REACTIONS TO THE PROPOSAL FROM THE REGULATED COMMUNITY REQUESTED, INCLUDING THOSE THAT ARE SUPPORTIVE OF ALL OR PARTS OF THE PROPOSED RULES.
- CONTACT SECRETARY'S OFFICE OF DEPT. OF NATURAL RESOURCES OR SEND EMAIL MESSAGES TO:
  - [duane.schuettepelz@wisconsin.gov](mailto:duane.schuettepelz@wisconsin.gov)