



**STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES**

**GENERAL PERMIT TO DISCHARGE UNDER THE  
WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM**

Under the authority of Chapter 283, Wisconsin Statutes, this permit applies to bypasses or overflows from sewage collection systems owned and operated by municipalities and non-municipal entities that do not own or operate a wastewater treatment plant. In this permit, the term

**SANITARY SEWER OVERFLOWS (SSO)**

is used to describe bypasses or overflows from sewage collection systems.

State of Wisconsin Department of Natural Resources  
For the Secretary

By

A handwritten signature in cursive script that reads 'Russell Rasmussen'.

Russell Rasmussen  
Director, Bureau of Watershed Management

February 28, 2006  
Date of Signature

**PERMIT TERM**

Effective Date: March 1, 2006

Expiration Date: December 31, 2010

## 1 Applicability Criteria

This permit applies to sewage collection systems (sanitary sewers) tributary to a regional municipal sewerage system that receives and treats the wastewater.

The term "sanitary sewer overflow" (SSO), as used in this permit, means a discharge of sewage to waters of the state or to the land surface from a sanitary sewage collection system prior to the point the collection system enters the wastewater treatment plant. SSOs include discharges that occur on private property, except it does not include basement backups. A SSO could occur from permanently installed overflow structures or pipes that automatically or manually allow a discharge of wastewater, and from other discharge locations such as broken sewers or dislodged manhole covers caused by sewer surcharges.

### 1.1 Covered Facilities

This permit applies to the following owners of sewage collection system that discharge from their collection system and that have been granted coverage by the Department under this permit:

- Municipalities, as defined in s. 283.01(7), Wis. Stats. "Municipality" means any city, town, village, county, county utility district, town sanitary district, town utility district, school district or metropolitan sewage district or any other public entity created pursuant to law and have authority to collect, treat or dispose of sewage, industrial wastes or other wastes.
- Non-municipal entities that own, operate, and maintain an individual sewage collection system that is connected to another municipal sewerage system. This may include industrial and commercial establishments, mobile home parks, and health care facilities.

### 1.2 Facilities Not Covered

This permit is not applicable to:

- Individual private residences.
- Sewerage system owners who have been issued an individual WPDES permit for overflows of wastewater from their sewage collection system and/or treatment plant.
- Municipal wastewater treatment plants.
- Industrial wastewater collection systems or treatment plants.

*Note: Sewage collection system owners that have a SSO, including discharges from permanently installed overflow structures or pipes, and have not been granted coverage under this permit may be discharging without a permit, a violation of s. 283.31(1), Wis. Stats. Discharges of untreated sewage are subject to the reporting requirements of s. 283.55(1)(dm), Wis. Stats.*

## 2 Permit Conditions and Monitoring Requirements

### 2.1 Unscheduled SSO

Any unscheduled SSO of wastewater from the collection system is prohibited, and the Department may take enforcement action against a permittee for such occurrences under s. 283.89, Wis. Stats., unless:

- The SSO was unavoidable to prevent loss of life, personal injury, or severe property damage;
- There were no feasible alternatives to the SSO, such as the use of auxiliary treatment facilities, retention of untreated sewage, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a SSO which occurred during normal periods of equipment downtime or preventive maintenance; and
- The permittee notified the Department as required in Section 2.2.

If a permittee covered under this general permit has an unscheduled SSO from the sewage collection system that are prohibited under this section, or causes a bypass or overflow in the municipal sewerage system that receives the wastewater, the Department may take one or more of the following actions:

- Initiate appropriate enforcement action.
- Withdraw coverage under this general permit.
- Issue an individual permit in accordance with s. 283.35(3), Wis. Stats.
- Impose a moratorium on approvals for new sanitary sewer extension requests in accordance with s. NR 110.05(2)(b) and s. NR 110.05(4)(b)2., Wis. Adm. Code.

Each SSO occurrence shall be reported according to the compliance maintenance requirements in s. NR 208.05(3)(m), Wis. Adm. Code (refer to Section 2.7).

## 2.2 SSO Reporting Requirements

Whenever there is a SSO from the collection system, the permittee shall notify the Department within 24 hours of initiation of the SSO occurrence by telephoning the wastewater staff in the regional office as soon as reasonably possible (FAX, email or voice mail, if staff are unavailable).

In addition, the permittee shall within 5 days of conclusion of the SSO occurrence report the following information to the Department in writing:

- Reason the SSO occurred, or explanation of other contributing circumstances that resulted in the SSO event. If the SSO is associated with wet weather, provide data on the amount and duration of the rainfall or snow melt for each separate event.
- Date the SSO occurred.
- Location where the SSO occurred.
- Duration of the SSO and estimated wastewater volume discharged.
- Steps taken or the proposed corrective action planned to prevent similar future occurrences.
- Any other information the permittee believes is relevant.

Also, submit a copy of the written report to the owner of the regional municipal sewerage system to which the sewage collection system is tributary.

### Notes:

*For the written notification of the SSO please use DNR Form 3400-184. This form is recommended because it identifies all the necessary information to report with a space to write in a response or check a box. An equivalent written notification is also acceptable. The DNR web site listed below contains a pdf copy of the form that can be printed, filled out, and mailed to the Department.*

<http://dnr.wi.gov/org/water/wm/ww/sanitary%20sewer%20overflow%20reporting%20form.htm>

*An occurrence may be more than one day if the circumstance(s) causing the SSO results in a discharge duration more than 24 hours. If there is a stop and restart of the SSO within the 24 hours, but it's caused by the same circumstances, report it as one SSO. If the SSOs are separated by more than 24 hours, they should be counted as separate SSOs.*

*The duration of the SSO is the amount of time sewage may have discharged, and is not the same as the length of time precipitation occurred. An estimate of the wastewater volume must be provided. Do not report unknown. A range of the potential SSO amounts may be calculated knowing the flow capacity of the sewer and the SSO duration.*

## 2.3 Rain Gauge

The permittee shall provide accurate rainfall data for the reporting under Section 2.2.

- (a) Permittees with permanently installed overflow structures present within their sewage collection system shall maintain at least one rain gauge or have access to rainfall data from a nearby existing official gauging station.
- (b) Permittees without permanently installed overflow structures within their sewage collection system are not required to maintain an individual rain gauge, unless required in writing by the Department. Rainfall data may be obtained from the nearest existing official gauging station.

## 2.4 Recording Devices

All permanently installed overflow structures within the permittee's sewage collection system shall be equipped with the following:

- (a) A device that gives positive physical evidence of each SSO occurrence. Alternatively, the Department may allow installation of a manually operated water tight gate or valve that requires deliberate activation, instead of an occurrence indicating device. The permittee must provide a written request and receive written Department approval for the alternative.
- (b) A device or other method to determine or estimate the duration and volume of a SSO.

## 2.5 Inspections

All permanently installed overflow structures within the permittee's sewage collection system shall be inspected within 24 hours of the conclusion of each rainfall and/or snow melt event which totals 3/4-inch or greater in a 24-hour period for evidence of any SSO occurrence. The Department, by written notification to the permittee, may require an inspection following any rainfall and/or snow melt event if information indicates events less the 3/4-inch may cause a SSO from the permittee's sewage collection system. Manually activated gates and valves are excluded from this inspection requirement.

## 2.6 Reporting of SSO to Drinking Water Intake Owners

Whenever there is an unscheduled or scheduled SSO within the permittee's sewage collection system (see Section 2.1 and Standard Requirement 3.13), the permittee shall notify or otherwise assure notification of the owner of all drinking water intakes located in surface water in the vicinity of the discharge as quickly as practicable, but no longer than 8 hours after becoming aware of the overflow. This notification shall include, at minimum, the drinking water intake owners shown in Table 1.

Each of the drinking water intake owners listed in Table 1 has a corresponding regional municipal sewerage system POTW (publicly owned treatment works) that the Department has determined is in the vicinity of the water intake. If a SSO occurs anywhere from a collection system that's tributary to a POTW listed in Table 1, it may potentially impact the corresponding water intake. Such owners of sewage collection systems covered by this general permit must notify the drinking water intake owner whenever a SSO occurs.

*For example: The Village of Greendale has a collection system tributary to the Milwaukee Metropolitan Sewerage District. There are five listings for drinking water system owners associated with the regional municipal sewerage system that Greendale is tributary to (Milwaukee Metropolitan Sewerage District POTW). If Greendale has a SSO, whether it runs into a ditch and soaks into the soil, or drains into a storm sewer, the Village must notify all five water utilities (Cudahy Waterworks, Milwaukee Waterworks, North Shore Water Commission, Oak Creek Waterworks, and South Milwaukee Waterworks).*

Table 1

DRINKNG WATER SYSTEM OWNER	DRINKING WATER SOURCE	REGIONAL MUNICIPAL SEWERAGE SYSTEM
Appleton Waterworks	Lake Winnebago	Appleton POTW or Neenah-Menasha Sewerage Commission POTW
Ashland Water Utility	Lake Superior	
Cudahy Waterworks	Lake Michigan	Milwaukee Metropolitan Sewerage District POTW
Green Bay, City of	Lake Michigan	Algoma POTW or Kewaunee POTW
Kenosha Waterworks	Lake Michigan	Kenosha POTW
Manitowoc, City of	Lake Michigan	Manitowoc POTW or Two Rivers POTW
Marinette, City of	Green Bay	Marinette POTW
Menasha Waterworks	Lake Winnebago	Appleton POTW or Neenah-Menasha Sewerage Commission POTW
Milwaukee Waterworks	Lake Michigan	Milwaukee Metropolitan Sewerage District POTW
Neenah Waterworks	Lake Winnebago	Appleton POTW or Neenah-Menasha Sewerage Commission POTW.
North Shore Water Commission	Lake Michigan	Milwaukee Metropolitan Sewerage District POTW
Oak Creek Waterworks	Lake Michigan	Milwaukee Metropolitan Sewerage District POTW
Oshkosh, City of	Lake Winnebago	Oshkosh POTW
Port Washington, City of	Lake Michigan	Port Washington POTW
Racine Waterworks	Lake Michigan	Racine POTW
Sheboygan, City of	Lake Michigan	Sheboygan POTW
South Milwaukee Waterworks	Lake Michigan	Milwaukee Metropolitan Sewerage District POTW
Superior Water, Light and Power Co.	Lake Superior	Superior POTW
Two Rivers, City of	Lake Michigan	Two Rivers POTW or Manitowoc POTW

## 2.7 Compliance Maintenance Annual Report

Effective January 1, 2006, the compliance maintenance requirements of ch. NR 208, Wis. Adm. Code applies to the owners of sanitary sewer collection systems covered by a WPDES permit. A Compliance Maintenance Annual Report (CMAR) shall be completed using information obtained over each calendar year regarding the permittee's sewage collection system. The CMAR shall be submitted by the permittee, in accordance with ch. NR 208, Wis. Adm. Code, by June 30 each year on an electronic report form provided by the Department. The DNR web site listed below provides information on the CMAR program requirements, including a section that is applicable to sewage collection system owners.

<http://dnr.wi.gov/org/water/wm/ww/cmar.html>

In the case of a publicly owned sewage collection system, a resolution shall be passed by the governing body and submitted as part of the CMAR, verifying its review of the report and providing responses as required. Private owners of sewage collection systems are not required to pass a resolution; but they must provide an Owner Statement, and responses as required, as part of the CMAR submittal.

A separate CMAR certification document, that is not part of the electronic report form, shall be mailed to the Department at the time of electronic submittal of the CMAR. The CMAR certification shall be signed and submitted by an authorized representative of the permittee. The certification shall be submitted by mail. The certification shall verify the electronic report is complete, accurate, and contains information from the owner's treatment works.

Sewage collection system owners submitting a CMAR to the Department required under Section 2.7, shall also submit all CMAR documents to the owner of the regional municipal sewerage system to which the sewage collection system is tributary.

## **3 STANDARD REQUIREMENTS**

### **3.1 NR 205 Wisconsin Administrative Code**

The conditions in ss. NR 205.07(1) and NR 205.07(3), Wis. Adm. Code, are included by reference in this permit. The permittee shall comply with all of these requirements, except for s. NR 205.07(1)(n), which does not apply to facilities covered under general permits. Selected s. NR 205.07 requirements are listed below for convenience.

### **3.2 Authorized Signature**

Reports, records, and monitoring results required by this permit shall be signed by the permittees authorized representative or, in his or her absence, as described in s. NR 205.07(1)(g).

### **3.3 Inspection and Entry**

The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to enter the permittee's premises, have access to records, and inspect and monitor the discharge as described in s. NR 205.07(1)(d).

### **3.4 Property Rights**

As set forth in s. NR 205.07(1)(c), this permit does not convey any property rights of any sort, or any exclusive privilege.

### **3.5 Planned Changes**

The permittee shall report to the Department any facility expansion, production increase or process modifications which will result in new, different or increased discharges of pollutants as set forth in s. NR 205.07(3)(c).

### **3.6 Water Quality Sampling and Testing Procedures**

Sampling and laboratory testing procedures shall be performed as specified in s. NR 205.07(1)(p) and as set forth below. Sampling and analysis of effluent samples shall be performed as specified in chs. NR 218 and NR 219, Wis. Adm. Code, respectively and shall be performed by a laboratory certified or registered in accordance with the requirements of ch. NR 149, Wis. Adm. Code.

### **3.7 Recording of Results**

For each effluent measurement or sample taken, the permittee shall record information as required in s. NR 205.07(1)(e).

### **3.8 Retention and Submittal of Reports, Records, Monitoring Results**

The permittee shall retain records of all monitoring required by this permit and report monitoring results as set forth in ss. NR 205.07(1)(f) and (r) and as described below. Reports, records, and monitoring results required by this permit shall be retained by the permittee for the duration of this permit or three years after this data is generated, whichever is longer. All reports, records, and monitoring results required by this permit shall be submitted to the Department office identified in the cover letter accompanying this permit.

### **3.9 Continuation of an Expired General Permit**

As provided in s. NR 205.08(9), the terms and conditions of this general permit shall continue to apply until this general permit is reissued or revoked or until an individual permit is issued for the discharge to which the general permit applied. The status of expired general permits and forms for requesting continued permit coverage can be accessed at the Department's web site.

<http://dnr.wi.gov/org/water/wm/ww/gpindex/gpinfo.htm>.

### **3.10 Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operation staffing and training. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

### **3.11 Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any adverse impact on the waters of the state resulting from noncompliance with the permit.

### **3.12 Prohibited Wastes**

Under no circumstances may the introduction of wastes prohibited by s. NR 211.10 Wis. Adm. Code, be allowed into the permittee's sanitary sewerage system. Prohibited wastes include those:

- (a) Which create a fire or explosion hazard in the treatment work;
- (b) Which may cause corrosive structural damage to the treatment works;
- (c) Solid or viscous substances in amounts which cause obstructions to the flow in sewers or interference with the proper operation of the treatment works;
- (d) Wastewaters at a flow rate or pollutant loading which are excessive over relatively short time periods so as to cause a loss of treatment efficiency; or
- (e) Changes in discharge volume or composition from contributing industries, which overload the treatment works or cause a loss of treatment efficiency.

### **3.13 Scheduled Overflows**

Any construction or normal maintenance, which may result in an overflow of wastewater from the permittee's sanitary sewerage system, is prohibited unless authorized by the Department in writing. If the Department determines that there is significant public interest in the proposed action, the Department may schedule a public hearing or public notice a proposal to approve the bypass. Each request shall specify the following minimum information:

- (a) Proposed date of the overflow;
- (b) Estimated date of the overflow;
- (c) Alternative(s) to the overflow; and
- (d) Measures to mitigate environmental harm caused by the overflow.



## **SSO General Permit**

### **SANITARY SEWER OVERFLOWS from SEWAGE COLLECTION SYSTEMS FACT SHEET**

WPDES Permit No. WI-0047341-04-0

February 27, 2006

### **GENERAL DESCRIPTION**

Sanitary sewer overflows (SSO) from sewage collection systems include all discharges of untreated sewage to waters of the state or to the land surface. Such overflows may occur from sewage pumping stations, sanitary manhole structures, and other places within the sewage collection system (excluding the wastewater treatment plant). An overflow may result from plugged or broken sanitary sewers, equipment failure or damage, power outage, and excessive infiltration and/or inflow (I/I) of clearwater (groundwater and storm water runoff) into sewers. Also, some communities in the state have collection systems with permanently installed overflow structures or pipes specifically designed to discharge sewage during surcharging or other high wastewater flow conditions.

The Department is authorized by state statutes to establish and administer the Wisconsin Pollutant Discharge Elimination System (WPDES) permit program, which regulates wastewater discharges, including sanitary sewer overflows. The SSO general permit may be used to regulate all applicable municipal and non-municipal entities that own and maintain a sewage collection system. The permit provides standard procedures for monitoring and reporting sewage overflow occurrences statewide. The sewage collection systems covered under this permit are tributary to a regional municipal sewerage system that receives and treats the wastewater. An individual WPDES permit is issued to these municipal sewerage systems, which discharge the treated wastewater to waters of the state.

The Department strongly encourages all municipal and non-municipal entities tributary to a regional sewerage system to adopt and participate in a coordinated on-going program of infiltration/inflow source identification, removal, and routine sewage collection system maintenance to minimize the potential for conditions that cause SSOs.

### **RATIONAL FOR PERMIT REQUIREMENTS**

#### **1. Applicability Criteria**

The SSO general permit applies to municipalities (as defined in s. 283.01(7), Wis. Stats.) that own and operate an individual sewage collection system that is connected to a regional municipal sewerage system. The permit also covers selected non-municipal tributary entities, which may include certain industrial or commercial establishments, mobile home parks, and health care facilities, which, in the Department's judgment, may pose a reasonable potential for a sewage overflow. Non-municipal entities that would be considered for coverage include those who own and maintain a private sewage system with flow rates greater than a typical residence, have one or more sewage pumping stations, and lateral sewers lengths in excess of 200 feet. This general permit is not applicable to private residences, and facilities that are issued an individual WPDES permit. Individual permits similarly regulate overflows of sewage from sewage collection systems.

Sewage collection systems that actually discharge pollutants require a WPDES permit. This includes collection systems that have had a SSO at any time in the past, or a permanently installed overflow structure or pipe exists. An overflow structure or pipe located at a specific location allows for a diversion of sewage that is designed to discharge to the environment, such as into a ditch, into a storm sewer, directly into a river or lake, or onto the land surface. Such a diversion would occur when the sewer is surcharged and high wastewater flow exceeds the capacity of the sewer. Portable pumps to relieve sewer flows, or discharges from locations not intended to overflow such as manholes or pumping stations, are not considered permanently installed overflow structures.

A recent federal court ruling in another jurisdiction (*Waterkeeper Alliance et al. v. EPA*, 399 F.3d 486, 2<sup>nd</sup> Cir. 2005) has determined that under federal law NPDES permitting rules do not apply to “potential” discharges, but only to actual discharges of pollutants. If this decision applies to WPDES permittees in Wisconsin, the Department may lack the authority to issue a permit to a potential discharger, and some collection system owners could therefore decline coverage under the permit. If the collection system has never experienced a SSO in the past, and the collection system owner does not foresee any circumstances in the future when a SSO could occur, then a permit may not be required. The collection system owner is responsible for this determination. The cover letter that conveys coverage under the permit explains how to have the permit withdrawn. However, the Department encourages all collection systems to be covered under the general permit, because, if there is a SSO, and the collection system doesn’t have a permit, that is a violation for discharging without a permit.

## 2. Permit Conditions and Monitoring Requirements

- (1) An unscheduled SSO is prohibited and subject to enforcement action, except in limited circumstances because they are unavoidable or there is no feasible alternative. A scheduled overflow that occurs due to construction or maintenance of a sewage collection system is regulated differently, in accordance with Standard Requirement 3.13.

Noncompliance with the terms of the general permit may result in the following Department actions: (a) enforcement, (b) withdrawal of coverage under the general permit, (c) issuance of an individual permit with a compliance schedule requiring corrective action to eliminate SSOs, and (d) a moratorium on approvals for new sanitary sewer extension requests. In addition, each SSO occurrence receives points, and will be scored and graded according to the compliance maintenance annual report (CMAR) requirements in ch. NR 208, Wis. Adm. Code.

- (2) When a SSO occurs the permittee must notify the Department within 24 hours. The wastewater engineer or specialist in the regional office should be telephoned, but alternative messages are allowed. A follow-up written report must be sent to the Department within 5 days describing the situation and what is proposed to prevent future occurrences. The regional sewerage system receiving the wastewater must be copied on the report as a courtesy and for informational purposes.
- (3) One of the reporting requirements is rainfall data. In specified instances, a rain gauge must be provided within the area of the sewage collection system where overflows occur. Alternatively, the nearest existing rain gauging station (preferably less than 5 miles away) may be acceptable.
- (4) All permanently installed overflow structures must have recording devices to document if a SSO occurred, and record the duration and volume.
- (5) An inspection of each permanently installed automatic overflow structure is required within 24 hours after a ¼ inch 24-hour precipitation event, to look for any evidence of a SSO. The Department may specify that an inspection is required for smaller events.
- (6) If there is a drinking water intake in Lake Michigan, Lake Superior, or Lake Winnebago that could be impacted by a SSO, the permittee must notify the owner of the water intake as soon as possible. A table lists which water intakes are in the vicinity for each regional treatment sewerage system that must be notified.
- (7) A Compliance Maintenance Annual Report is required, which will summarize the status of the sewage collection system and any SSOs that occurred during the year. The CMAR program will be an evolving tool to collect data, help the Department determine reasonable goals, and measurements to determine compliance.

## 3. Standard Requirements

These requirements apply to all permittees, and reflect the general conditions contained in ch. NR 205, Wis. Adm. Code. They consist of permittee obligations, reporting requirements, and describe the proper operation of the sewage collection systems.

## **CHANGES FROM THE PREVIOUS GENERAL PERMIT REISSUANCE**

The substance of the permit remains the same. The following changes are included in the reissuance:

- The previously used term of “bypasses or overflow” was replaced with “sanitary sewer overflow” or “SSO” to be consistent with EPA terminology and future DNR code revisions.
- New requirement added for notifying public drinking water supply owners if a SSO could impact it.
- Expanded on the reporting requirements in Section 2.3, with notes recommending use of DNR Form 3400-184 to report SSOs, and information to clarify common reporting problems.
- New requirement for submitting a Compliance Maintenance Annual Report (CMAR), which replaces the annual report previously in the permit.

The permit is being revoked and reissued because the addition of the CMAR needs to be included in the permit prior to the March 31, 2006 expiration date of the current permit. The permit is proposed for a five year term, but it may be revoked and reissued prior to expiration to include pending code revisions that will include requirements for developing and implementing a “Capacity, Management, Operation, and Maintenance” program (CMOM) to assure the proper operation of sewage collection systems.

## **SECOND PUBLIC NOTICE**

The SSO general permit was public noticed again January 5, 2006, to allow additional time for comments. This request was made by some Milwaukee area permittees. The permit was first public noticed November 23, 2005 with a 30 day comment period. The comment period was extended until January 31, 2006. The following revisions were made to the permit since the first public notice:

- The note on the bottom of page 1, regarding the need for on going programs to eliminate SSOs, was deleted from the permit (but is retained in the fact sheet). The new Compliance Maintenance Annual Report and the activities associated with it, and in the future the CMOM program, will help accomplish reductions in SSOs.
- The first sentence in Section 1.3 “Occurrence of Frequent or Chronic SSOs) was revised by deleting the phrase “...or contributes to...”, because it was ambiguous. Also, the phrase “... frequent or chronic...” was replaced with “unscheduled” to avoid having to define what’s frequent or chronic, or limit the Department from taking action against a single occurrence of significance. This section was also moved to the end of Section 2.1 “Unscheduled SSO” , where it’s more appropriate.
- The reporting of a SSO to drinking water intake owners in Section 2.6 was clarified by providing an example. This notification is an EPA requirement and must be in the permit. The Department has taken the position that all SSOs must be reported to the drinking water intake owner (if the collection system is tributary to one of the listed regional POTWs). This avoids any judgment calls on what may be in the vicinity, and if the overflow could have an impact. In Table 1 the middle column heading was changed from “Surface Water Body” to “Drinking Water Source”.
- The permit term begins on March 1, 2006 instead of the previous January 1, 2006 because of the delay with the second public notice.
- Revisions were made to the fact sheet.

## **PUBLIC NOTICE COMMENTS**

A total of 21 comment letters were received during the public notice period that ended January 31, 2006. All the comments were from the Milwaukee area (with the exception of a letter from EPA Region 5). The following is a summary of revisions to the permit and fact sheet in response to the comments that warranted a change, and other changes initiated by the Department:

- A note was added under the applicability criteria on page 2 that describes the determination to be made when a collection system owner experiences a SSO, but is not covered under this permit.

0 - A  
1 - B  
C -

4  
13 1  
2  
D 3

- The use of the term “sanitary sewer overflow” (or SSO) was questioned because it isn’t defined in State Statute or Administrative Code. The Department chose to use SSO in the permit reissuance instead of the term “bypasses or overflows”, which was used in the previous permits. It was clarified on the cover page and page 2 that SSO is the term used to describe bypasses or overflows. Use of SSO is consistent with current EPA regulations. Revisions to the definition in our administrative codes will be made as they are revised. Recent revisions to ch. NR 208, Wis. Adm. Code uses SSO. It’s important this permit be consistent with ch. NR 208 since the SSO permit contains CMAR requirements from this code.
- The definition of municipality was included in Section 1.1 “Covered Facilities”, for convenience to permittees to avoid having to look this up in state statute.
- A new note was added to the bottom of page 2 indicating that discharging without a permit is a violation, and the reporting of a SSO is required regardless of whether a WPDES permit is issued.
- Deleted Section 2.1 “Unauthorized Discharge” as unnecessary, and it also appears to be inconsistent with the permit because in some situations enforcement action would not be taken against a SSO if it qualifies as unavoidable or there is no feasible alternative.
- Revised the language in Section 2.4 “Recording Devices”, by eliminating the abnormal circumstances provision. It’s important there is flow monitoring at SSO locations to monitor the flow in the sewer to help understand the cause.
- Clarified the applicability of the compliance maintenance program to collection systems. Added a sentence to Section 2.7 “Compliance Maintenance Annual Report”, indicating that the effective date for the applicability of the CMAR requirements of ch. NR 208, Wis. Adm. Code was January 1, 2006. Added a sentence to the end of Section 2.1 “Unscheduled SSO”, to indicate that the occurrence of a SSO results in points in the CMAR scoring system.

Comments that did not result in a revision to the permit:

- Many letters requested restoration of two deleted provisions that qualified a SSO as not being subject to enforcement action in previous permits - inadvertent SSO from equipment damage, plugged or broken sewers, and power interruptions; and excessive storm drainage or runoff. EPA required the removal of these provisions, and the current language was established in consultation with EPA and conformance with their rules. The language for unscheduled SSOs in this general permit is the same as in the standard requirements of individual WPDES permits the Department issues.
- Many letters objected to the reporting of SSO to drinking water intake owners, because scientific evidence of health impacts is lacking, that the water intakes identified within the vicinity that could be impacted is arbitrary, and it would create unfounded public concern. This notification is required by EPA so it must be in the permit. It was the Departments attempt to make this notification as simple as possible. If a SSO occurs, you provide notification immediately (could be as simple as sending out an email). Making an exact determination of whether a water intake could be impacted, and whether there is a health risk, could be very difficult and time consuming determinations. We don’t believe this is a burdensome notification. The phrase “or otherwise assures notification of” was added to Section 2.6, which would allow a third party (such as the regional treatment plant) to act as the clearinghouse for the tributary collection systems. The Department doesn’t share the opinion of raising unfounded public concerns about a SSO. To the contrary, the occurrence of a SSO is factual and should be public information, and it’s a concern. One comment letter recommended additional public notification, which we agree with, but lack the authority to include that in the permit.

Prepared by:  
Paul W. Luebke, P.H. *Paul W. Luebke*  
Wastewater Permits and Pretreatment Section  
Bureau of Watershed Management