



DATE: June 4, 2015
TO: WISCONSIN SEPTAGE BUSINESSES
FROM: Frederick J. Hegeman, statewide coordinator
RE: **Septage Update**

Communication

Welcome to another Septage Business Licensing Period beginning July 1, 2015. It is hard to believe we are 15-1/2 years past Y2K (year 2000). Remember January 1, 2000 when computers were going to destroy the world.

In any case, because the department needs to communicate better with licensed septage businesses and because it has been 15-1/2 years since Y2K, the department will be using email to communicate more frequently. The department also needs to become a little more efficient with our time and resources. With another round of staff reductions and more limiting budgets, the department will be communicating more and more by electronic means.

This doesn't mean the department won't use USPS mail in the future, but only the real important mail will be sent via USPS. As business owners, you already know how the expenses already work...it is not necessarily the cost of the postage, paper and envelopes; it is the labor associated with photocopying, addressing the envelopes and assembling the letters/inserts/envelopes.

The plan: *The plan is to periodically send emails providing information about regulations, class offerings, reminders and more. The department will also "post" these emails to our Septage Business Website under the UPDATES tab for reviewing.*

<http://dnr.wi.gov/regulations/opcert/septagebusiness.html>

Please remember, if the department takes the time to send you an email with information, it will most often be important enough to take the time to review. And if you task staff to monitor email for you, you may want to remind them (in some cases more than once) that you need to see the emailed information.

→**Action Item:** *Discuss with your staff getting DNR emails printed out.*

Email Address Update

During the last two to three years, the department has been asking septage businesses and certified operators for their updated email addresses.

- Does the department have your email address?
- Have you provided your most current email address to the department recently?

Many folks have multiple email accounts. Ensure your email account is up to date with the department and that the department has the one you want to receive your business/operator information.

→Action Item: *Send your regional coordinator your current email addresses. Your regional coordinator will ensure the addresses are included in our ELC database which we use for tracking certifications and business licenses.*

While you are at it, collect email addresses for your employees (with their permission) and get them to the department as well so that notices regarding certification updates, upcoming classes, etc. can be communicated.

→Action Item: *Collect and submit certified operators email addresses.*

Submitting Business Related Changes

While many of you already know, any changes to mailing addresses, physical addresses, servicing vehicles, business ownership and/or management needs to be communicated to the department pursuant to ch. NR 113, Wis. Adm. Code.

→Action Item: *Ensure changes are communicated with the department.*

While you are at it, perhaps you are able to verify the mailing addresses and phone numbers of your employees. Many move and then they are not able to be contacted with their renewal or credit related information.

→Action Item: *Ensure the department has the correct contact information for your employees.*

Think about contacting the department when an employee leaves. On a few occasions, a certified operator, will begin operating on some level without being licensed or will operate for another firm. Ensure there are no links between that employee and your business.

→Action Item: *Ensure employees no longer working for you are communicated to the department.*

Registration of Operators in Training

Rumor has it that many businesses have unregistered Operators-in-Training (OIT) this spring. A few things to remember:

- The Operator-in-Charge (OIC) shall:
 - Notify the department, in writing, of the starting date, name and address of the OIT, and
 - Pay the operator-in-training fee,
- BEFORE the person begins septage servicing.
- The OIC is responsible for the actions of the OIT.
 - A registered OIT may engage in septage servicing for up to 12 months without being certified.
 - To download the form OIT Registration Form (3400-174):
<http://dnr.wi.gov/files/PDF/forms/3400/3400-174.pdf>

A few reminders:

1. To register an OIT, you need to add the social security number at the bottom of the form.
2. OITs only have 12 months to pass the certified operator exam.
 - a. Operator exams are only offered two times per year or twice per 12 months.
 - b. This means OITs should attempt passing the exam at the first possible chance allowing them another opportunity to pass the exam should they fail the first attempt.
3. When servicing POWTS systems, OITs may need additional help to gain experience to meet county POWTS system reporting requirements.

→**Action Item:** Register those OIT folks before letting them service in the field.

County Reporting: POWTS Maintenance Requirements and All Servicing Events

Virtually all counties have a POWTS maintenance program and require reporting pursuant to their ordinances. These county POWTS maintenance plans are required pursuant to s. 145.20, Wis. Statutes. In addition, all inspection, evaluation, maintenance or servicing events are required to be reported pursuant to s. SBS 383.55, Wis. Adm. Code.

POWTS Maintenance Programs. In addition to following the requirements of chs. NR 113/114, Wis. Adm. Code, governmental units (i.e., counties) have ordinances relating to:

- a) Servicing private onsite wastewater treatment systems (POWTS) and holding tanks, and
- b) Reporting the servicing event.

Counties have the authority to customize their forms to meet their individual needs. At a minimum, counties will need:

- the property owner name,
- a POWTS identifying number (i.e., a sanitary permit number)
- location of the POWTS,
- date of inspection, evaluation, maintenance or servicing event, and
- the certification of the individual performing the inspection, evaluation, maintenance or servicing event.

Again, counties can ask for additional information to properly track events surrounding the POWTS.

Reporting All Events. Remember, the Wisconsin Plumbing code also requires ALL inspections, evaluations, maintenance and servicing events to be reported to the appropriate governmental unit (i.e., county) (See s. SPS 383.55, Wis. Adm. Code for details)

http://docs.legis.wisconsin.gov/code/admin_code/sps/safety_and_buildings_and_environment/380_387/383.pdf

This means that if you service a septic tank or a holding tank, you are required to report the event EVEN if the system is not part of the county maintenance cycle for the particular year.

Compliance Credits vs. General Credits

Remember, all certified operators including Master Operators are required to obtain 3 certified operator (aka, compliance) credits every three years. Master operators also require an additional 15 general septage credits to renew their certifications every three years.

Certified operator (compliance) credits are directly related to EPA's 40 CFR 503 and/or chs. NR 113/114, Wis. Adm. Code. General septage credits are related to other portions of operating a septage business including truck, POTW disposal issues, and more.

Obtaining Your Credits—Ensuring Your Staff has Credits

Credit opportunities are available throughout the year. Many businesses have asked that training not be provided in the summer or other busy times of the year. Unfortunately, because of folks missing other training opportunities through their three year cycle, the Department is forced to add additional compliance training opportunities. In fact, the June 12th Master Operator Class and Exam was added for folks not achieving compliance credits. This practice will be curtailed. Failing to plan appropriately to obtain credits will be your issue and may cause issues for you and your business.

Plan ahead. Certified and Master Operators need to plan ahead to ensure they attend appropriate training to obtain the appropriate type of credits. Many classes such as the Spring Biosolids Symposium, the Wis. Liquid Waste Carriers Association Conventions and county training classes have changing numbers of compliance credits from year to year.

Appropriate Credits for Staff. Operators-in-Charge may need to consider ensuring their work staff is up to date with their compliance credits. There are ample opportunities to collect the appropriate credits over a three year cycle. Waiting (or forgetting) to fulfill the required credits causes significant issues for: the licensed septage business, and in many cases the individual operators (i.e., unemployed) and the business’s customers.

→Action Item: *Monitor the expiration date of your operators as well as monitoring their appropriate continuing education credits.*

Using the OpCert Lookup webpage, you can monitor their continuing education credits as well as being able to print out their wallet sized Operator Certification so they have their certification number when attending classes.

<http://dnr.wi.gov/regulations/opcert/>

Look for the blue Operator Certification Lookup Button as shown below on the webpage.



Once on the Operator Certification Lookup webpage, you can search by name and/certification number for your staff. See SNIP Below.

Operator Certification Lookup



Instructions: Enter either a name or certification number to search for a certified operator. If you are not sure about the spelling of a name, you may search by the first few letters. **Attention Wastewater Operators:** To view how your certification will convert on July 1, 2015 due to the NR114 Code Revision, search for your record and then click on the "Print Card" PDF.

Last Name: Certification Type:
First Name: Certification #:

Classes: Finding Appropriate Classes with “Right” Credits

A quick and easy way to find appropriate classes is to use the Training Calendar. Using the link below, you can simple click the Calendar Tab and then click the “[Training Calendar](#)” link. Here you

can use the drop down boxes to find septage certification related classes in the “Certification Type” drop down box.

Be prudent and review the details column on the right side of the page. If you are looking for a class with septage compliance hours, pay particular attention for “Septage Compliance hours” in the column. You may have to search several lines of classes. **Note:** Many of the classes are for wastewater treatment plant certified operators as there are many in the state.

<http://dnr.wi.gov/regulations/opcert/training.html>

New Waste Code (Outfall) for Portable Restrooms

New for 2015 is a new Outfall number for Portable Restroom Waste. The new three-digit outfall number will need to be reported on both the 3400-052 Other Methods of Disposal Report as well as the 3400-055 Annual Land Application Report. The number has not been finalized within the department database.

The new outfall number will assist on multiple levels.

1. It will be more consistent for all folks when they are reporting their annual wastes. In years past, many folks have reported portable restroom waste as septage, while others have reported it as holding tank waste.
2. By determining the trends and volumes associate with land application and/or disposal at wastewater treatment plants, the department may consider more simplified potential disposal and licensing alternatives.
3. Please remember if you contract with a portable restroom business to haul their waste from their trucks and/or storage tanks, the waste you haul is portable restroom waste and the waste reported as such.

→Action Item: *If you are dealing with portable restroom waste, begin to think how you might categorize the waste in your logs, invoice system or other records so that you can report it as a different waste type.*

Annual Electronic Reporting Reminder

Remember when you complete your annual reports there are several functions:

- **Data Entry:** Entering data until you are ready to submit the form.
- **Form Submittal:** When you submit the form, you are basically submitting the form to the department’s computer to verify the data makes sense. While the department’s computer cannot completely verify all of the data you submit, it does review much of the easier issues to ensure you haven’t forgotten some of the information. The department staff do not have to wait till June to find simply errors that can be automatically reviewed.
- **Certifying:** This is the step that YOU CERTIFY that the correct data is on the form. Without certifying the information, the data submitted is essentially useless to the department. If you fail to certify the forms, you will likely receive an email or follow up call as a reminder. If you further fail to certify the forms, you are wasting department resources and are likely to receive a citation for failing to report as required pursuant to s. NR 113.11(3)(a)&(b).

Planned Changes to Annual Electronic Reporting

Changes are in the works making submitting annual reports a little easier for calendar year 2015.

Planned changes include:

- Asking a series of questions to generate appropriate:
 - Annual Land Application Reports, and/or
 - Other Methods of Disposal Reports.
- Certifying once where both forms are certified.

Each year, incremental changes are made making the process more efficient, faster and more cost effective to all. While there are still some that complain about the change from the paper forms to the electronic forms, the reality is there have been substantial savings as well as reducing the number of errors in the submittals.

The annual reporting program is used by more than 2500 permittees including POTWs, industry and the nearly 500 licensed septage businesses.

Vehicle Registration Inspection

When registering a new or replacement vehicle to your fleet, registration can be completed in one of two ways.

1. Regional DNR Staff Inspection, or
2. Self-Inspection.

Pending schedules, either type can be completed in a timely manner. Additional information is discussed below.

DNR Staff Vehicle Inspection. Contact your regional septage person to determine if they have the ability to schedule an inspection of your vehicle. Septage for regional staff is only on a part time basis. Staff have significant numbers of other duties. In ALL CASES, an appointment with your regional septage person is required. To locate your regional septage person, follow the link below and then click on the contact tab near the top of the page.

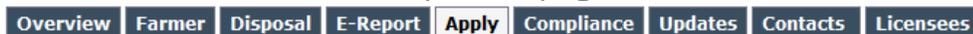
<http://dnr.wi.gov/regulations/opcert/septagebusiness.html>

Self-Inspection of Septage Servicing Vehicle. When choosing to self-inspect a servicing vehicle, you will need to collect additional information and send it to the department. Essentially, you will need to provide information that an onsite inspector would review and provide documentation to the department.

1. Locate the Wisconsin Septage Servicing Licensee Vehicle Inspection Report Form (Form 3400-019) from the website.

<http://dnr.wi.gov/regulations/opcert/septagebusiness.html>

- a. Click on the APPLY tab near the top of the page.



- b. Scroll to Step 3: Complete any Vehicle Inspection Report(s) and pay appropriate fees.

Step 3: Complete any Vehicle Inspection Report(s) and pay appropriate fees

- c. Scroll to Vehicle Inspection Report (Form 3400-019)

[Vehicle Inspection Report \(Form 3400-019\) PDF](#)

2. The Operator-in-Charge (OIC) must sign the form. The OIC is the person responsible for the vehicle.
3. Complete the form in its entirety or the form will be returned. This will delay registration.
4. Photos
 - a. Driver Side Vehicle Photo:
 - i. See inspection form item #2. The lettering must be exact as stated. NO ABBREVIATIONS.
 - b. Passenger Side Vehicle Photo:
 - i. See inspection form item #2. The lettering must be exact as stated. NO ABBREVIATIONS.
 - c. Front of Vehicle:
 - i. General photo of vehicle front.
 - ii. Close up photo of license plate.
 - d. Rear of Vehicle Photo:
 - i. General photo of vehicle rear.
 - ii. Close up photo of Gallon Capacity labeling. See inspection form item #3. The gallon capacity must be displayed and visible.
 - iii. Close up photos of license plate with valid sticker.
 - iv. Close up photos of cap on discharge valves
 - v. Close up photos of cab actuated discharge valve (if vehicle used for land application).
 - e. Truck Cabin.
 - i. Photo of cab-actuated valve switch (if vehicle used for land application).
 - f. Splash Plate.
 - i. Photo of splash plate (if vehicle used for land application).

Vehicle Registration Fees. Vehicle registration fees are different pending if you are replacing a truck in your fleet or if you are adding an additional truck. Fees are different pending where your business is located.

- a. If you are replacing a truck currently registered to your fleet with a new/used truck, there is no fee.
- b. If you are a Wisconsin business and adding an additional truck to your fleet, the fee is \$50 per truck.
- c. If you are a Non-Wisconsin business and adding an additional truck to your fleet, the fee is \$100 per truck.

Submitting Vehicle Inspection Application. The vehicle inspection application package shall be mailed to the department at the following address:

State of Wisconsin
 Department of Natural Resources
 Septage Licensing
 P.O. Box 7921
 Madison, WI 53707-7921

Alternatively, the required photos can be emailed to: DNROpCertSeptage@wisconsin.gov

Truck Sticker. Once the Vehicle Inspection Application is received complete with required photos, fees and application form, the application will be processed and the business sticker will be mailed to you.

→Action Item: *You are approved to use the vehicle when and only the sticker is prominently displayed on the rear of the vehicle servicing tank.*

Land Application Update

Here are several land application reminders.

1. Land application of septage wastes are for the purpose of recycling nutrients for agricultural related use. Approved agricultural sites are NOT disposal sites.
2. Additional nitrogen sources are required on your annual land application report.
3. Review the conditions on your approved sites.
4. Land Application Site Requests need to be complete or they will be returned.

Nutrient Recycling Issues. When a licensed septage business land applies septage to a field, several important factors need to be evaluated.

- Over-application Issue. Reporting the number of acres a site has been approved for instead of the actual acres used is one form of over-application. *For example: If a site is approved for 20 acres, are you applying to all 20 acres or just a portion of the site such as a 5 acre area.* Businesses need to report the actual acres applied to, not the approved acreage.
- Uniform application. Land application requires that a site (or a portion of a site) have uniform application. This means that all portions of the field are limited by the amount of septage approved for that field. *Example: If a 10 acre site is approved at 39,000 gal/acre/year, but only 6 acres of the site receives 10,000 gallons per acres ($6 \times 10,000 = 60,000$), then the 4 acre portion is still limited to 39,000 gallons per acre ($4 \times 39,000 = 156,000$). This means the entire site is limited to 216,000 gallons ($60,000 + 156,000 = 216,000$). Application greater than 216,000 gallons such as 390,000 gallons ($10 \times 39,000$) is over-application.*

Additional Nitrogen Sources. Pursuant to s. NR 113.09(1), Wis. Adm. Code, "Septage shall be applied only to agricultural lands and may not be applied at rates which will supply available nitrogen at amounts greater than the agronomic need of the crop grown...". This means several things:

- If the farmer is adding additional nitrogen to the site, the additional nitrogen must be subtracted from the crop needs when estimating the amount of septage you will apply to agricultural lands.
- You need to know the estimated harvesting rate so that the agronomic need of the crop can be estimated.
- You are required to talk with the farmer, collect information with respect to the harvesting and the additional nutrients that you are land applying to the site. This information is required on the Annual Land Application Report (aka Form 3400-055) you submit at the end of each year. While the department does not have the staff to review each and every form, the department does plan to review forms from Grade T businesses in the next few years to ensure accuracy during the auditing process.

→Action Item: *Collect and record the agronomic need of the crop as well as the additional amounts of nitrogen used on each approved land application site. You will need this information when properly completing your annual reports.*

Review Conditions on your Site Approvals. Many site approvals have specific conditions attached to them. In many cases, sites are conditionally approved because of depth to water issues and other constraints. Winter application approved sites certainly have conditions attached as well. Failure to follow the conditions could result in the department rescinding these sites.

→**Action Item:** *Review the conditions of your Site Approvals.*

Issues with Land Application Site Requests. Land Application Site Requests are not being submitted properly. The department is receiving applications with a wide assortment of issues and as a result, the applications are being returned to the submitter. Pay particular attention to these items.

- Land Application Site Request (Form 3400-053). Complete the form in its entirety as it applies to you as a licensed septage business.
- Proof of Ownership. You need to provide proof of ownership. The department will accept a photocopy of a tax bill showing the legal description and the owner of the parcel or even a photocopy of a plat book page showing the owner.
- Aerial Photo. Mark the field boundaries. Include an outline of the proposed area that you wish to use. The department needs you to provide the area that you wish to use.
- Soil Map. Provide the soil map of the area. Typically, you can work with your mapping department at the county to obtain this information or use the NRCS Web Soil Survey at the link below:
<http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>
- Owner Permission. Provide an adequate authorization form showing that permission is provided by the owner and farmer.

Note: Incomplete applications and package submittals will simply be returned and denied as the department continues to streamline systems & processes

→**Action Item:** *Ensure completeness in the Land Application Site Request before submitting the package.*

Compliance and Enforcement Case Update

Compliance audits were recently completed in South East Region for T Grade haulers in a few counties. The outcomes are not final, but there were wide ranging results from a few companies showed exceptional compliance while a few were extremely disappointing. Follow up inspection letters, notices of non-compliance and Notices of Violation are currently in the works.

Septage enforcement is on the rise again. Several referral packages are headed to the Department of Justice (DOJ) along with the many that are there currently. In addition, more citations have been issued in the past four to six months. These are now coming through the court system where citation convictions are quite common.

As always, many complaints have come into the department this spring. Investigations are underway to determine the legitimacy/severity of these complaints. As usual, additional follow-up with appropriate enforcement will ensue.

Two entities, who, had previously been referred to DOJ, had their business license revoked for one year along with the Operator-in-Charge having their Master Operator Certification revoked for two years each. The department is considering additional revocations for continued repeat offenders.

While news releases of DOJ convictions have been quite common in the past, apparently the new policy at DOJ is to not release the names of individuals and companies convicted of environmental violations. At this time new the policy is unclear and the potential carryover to other departments is uncertain. This means that there may be a restriction placed on news releases relating to citation convictions of septage cases.

Please review the Action Items throughout this document for quick and easy ways to avoid compliance issues.

Contact Information

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(position is vacant)
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