

SSO RULE UPDATE

GOVERNMENT AFFAIRS SEMINAR

MIDDLETON, WI – FEBRUARY 28, 2013

By

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STATUS OF RULE

- **NATURAL RESOURCES BOARD APPROVAL -
DECEMBER 12, 2012**
- **LEGISLATIVE REVIEW UNDERWAY**
- **PUBLICATION - SPRING 2013?**

YOUR RESPONSIBILITIES

- PREVENT/REDUCE SSOs
- RESPOND TO SSO EVENTS
- REPORT SSOs
- CMAR RESPONSES
- DEVELOP CMOM
- IMPLEMENT CMOM
- POTENTIAL PERMIT REQUIREMENTS

PREVENT/REDUCE SSOs

- **SSOs ARE PROHIBITED**
- **WDNR ENFORCEMENT DISCRETION BASED ON:**
 - **UNAVOIDABLE? (INJURY, LOSS OF LIFE, SEVERE DAMAGE)**
 - **NO FEASIBLE ALTERNATIVES**
 - **UNUSUAL/SEVERE WEATHER**
 - **UNINTENTIONAL, TEMPORARY, ACCIDENT?**
 - **STATUS OF CMOM PROGRAM & IMPLEMENTATION**
 - **STATUS OF SECAP (IF REQ'D)**
 - **OTHER ACTIVITIES TO PREVENT SSOs**

RESPONSE TO SSOs

- ALL FEASIBLE STEPS TAKEN TO CONTROL OR LIMIT DISCHARGE?
- INTERCEPT OR REROUTE FLOW (haul, pump, etc.)
- RECOVER, IF POSSIBLE, & DISPOSE (vac. truck, etc.)
- CLEAN-UP OF DEBRIS, ETC.
- SAMPLE, MEASURE
- NOTIFY PUBLIC (CMOM EMERGENCY RESP. PLAN)
- NOTIFY DRINKING WATER SYSTEMS (if in permit)
- SATELLITES NOTIFY DOWNSTREAM SYSTEMS

REPORTING

- REPORT W/IN 24-HR (phone, fax, email)
- 5-DAY REPORT AFTER AWARE OF OCCURRENCE (FORM 3400-184 (www.dnr.wi.gov; enter 3400-184 at search box)*)
 - DATE, TIME (each loc'n & day is separate overflow occurrence)
 - DURATION OF EVENT, VOLUME
 - LOCATION OF OVERFLOW; DISCHARGE TO WHERE?

*http://dnr.wi.gov/topic/wastewater/documents/3400-184_ssoreportform.pdf

REPORTING (cont.)

- **IF CONTINUING, WHEN WILL OVERFLOW BE STOPPED?**
- **CAUSE OF OVERFLOW (PRECIPITATION, SOIL CONDITION, ETC.)**
- **WERE HUMANS EXPOSED?**
- **STEPS TAKEN TO MITIGATE IMPACTS**
- **ANY BUILDING BACKUPS? (number, location, proximity to OVERFLOW location)**

CMAR REPORTING

- **CMOM COMPLETED? (30 points, if not)**
- **NO POINTS ASSESSED FOR SSO OCCURRENCES**
- **REPORT ACTION TAKEN IN RESPONSE TO OCCURRENCES DURING THE YEAR IN ANNUAL CMAR**
- **EFFECTIVE FOR 2013 REPORTING YEAR**

CMOM

- **CAPACITY, MANAGEMENT, OPERATION & MAINTENANCE**
- **PROGRAM REQUIRED WITHIN 3 YEARS AFTER RULE EFFECTIVE DATE (approx. mid-2016 or earlier if permit req't)**
- **ALL SYSTEMS MUST DEVELOP AND IMPLEMENT PROGRAM, INCLUDING SATELLITES**

CMOM-GEN'L STANDARDS

- **SYSTEM PROPERLY MANAGED, OPERATED & MAINTAINED**
- **SYSTEM PROVIDES ADEQUATE CAPACITY**
- **ALL FEASIBLE STEPS TAKEN TO ELIMINATE/REDUCE I/I, CEASE SSOs, MITIGATE EFFECTS OF SSOs**
- **PROCESS IN PLACE TO NOTIFY AFFECTED PARTIES**
- **ANNUAL REPORTS SUBMITTED (NR 208/CMAR)**

CMOM COMPONENTS

- **GOALS – CONSISTENT WITH ABOVE STANDARDS**
- **ORGANIZATION & RESPONSIBILITIES**
- **LEGAL AUTHORITIES**
 - I/I SOURCES SUBJECT TO OVERSIGHT & CONTROL
 - DESIGN, CONSTRUCTION, ETC., MEET STANDARDS
 - SATELLITE SYSTEMS MONITORED & CONTROLLED
 - SOLIDS, FOG, ETC., ADEQUATELY CONTROLLED
 - ENFORCEMENT PROCEDURES IN PLACE

CMOM COMPONENTS (cont.)

- **OPERATION & MAINTENANCE PROCEDURES & PROTOCOLS ESTABLISHED**
 - FACILITIES, EQUIPMENT, REPLACEMENT PARTS
 - MAPS OF SYSTEM (GIS)
 - MGMT. SYSTEM TO IDENTIFY & PRIORITIZE ACTIVITIES TO ADDRESS DEFICIENCIES
 - PREVENTATIVE MAINTENANCE DESCRIPTIONS
 - PERIODIC ASSESSMENT OF SYSTEM CAPACITY
 - BUILDING BACKUP PREVENTION/CORRECTION
 - TRAINING OF STAFF

CMOM COMPONENTS (cont.)

- **DESIGN & PERFORMANCE STANDARDS**

- INSPECTIONS & TESTING OF NEW OR REPLACEMENT SEWERS AND APPURTENANCES

- **OVERFLOW EMERGENCY RESPONSE PLAN**

- DESCRIBE STAFF ACTIONS & RESPONSIBILITIES WHEN SSO OCCURS
- PUBLIC, DRINKING WATER AGENCY AND HEALTH AGENCY NOTIFICATION PROCEDURES
- STAFF TRAINING
- ENSURE EMERGENCY OPERATIONS ARE IMPLEMENTED

CMOM COMPONENTS (cont.)

- **DOCUMENTATION AND AUDITING**
 - DOCUMENTATION MAINTAINED AND USED
 - DOCUMENTATION AVAILABLE FOR WDNR REVIEW (CMOM NOT SUBJECT TO WDNR APPROVAL)
 - CMAR REPORTING
 - ANNUAL SELF-AUDIT TO ASSURE PROGRAM STANDARDS ARE MET
- **CMOM CAN BE ADJUSTED BASED ON SYSTEM SIZE & COMPLEXITY**

OTHER PERMIT REQ'MTS

- **WDNR CAN ESTABLISH PERMIT REQUIREMENTS FOR**
 - **CMOM ACTIVITIES**
 - **SYSTEM EVALUATION AND CAPACITY ASSURANCE PLANS**
 - **RECURRING BUILDING BACKUPS CAUSED BY SYSTEM FAILURES**
- **PERMITS REQUIRED FOR SATELLITE SYSTEMS**
- **REPORTING CONTROLLED DIVERSIONS**
- **SCHEDULED BYPASSING APPROVALS ARE REQ'D**
- **OTHER BYPASSING AT TRTMT FACILITY PROHIBITED**

BLENDING

- **DIVERSION AROUND BIOLOGICAL UNITS**
- **MUST APPLY FOR APPROVAL**
- **CANNOT BLEND UNLESS SPECIFIC CONDITION IN PERMIT**
- **WDNR MAY APPROVE IF:**
 - **NECESSARY DURING WET WEATHER TO AVOID SEVERE PROPERTY DAMAGE (facility may become inoperable due to solids loss)**
 - **CMOM PROGRAM IS BEING IMPLEMENTED EFFECTIVELY**
 - **NO FEASIBLE ALTERNATIVES**
 - **DESIGN OF FACILITY IS APPROPRIATE**

BLENDING (cont)

- **CONDITIONS FOR BLENDING**

- TEMPORARY, ONLY DURING WET WEATHER WHEN PEAK CAPACITY IS EXCEEDED AND TO AVOID SEVERE PROPERTY DAMAGE
- DIVERTED FLOW MUST BE RECOMBINED WITH FULLY TREATED SEWAGE PRIOR TO MONITORING & DISCHARGE
- MONITORING MUST INCLUDE ENTIRE DISCHARGE
- EFFLUENT LIMITATIONS THAT OTHERWISE APPLY MUST BE MET
- **REPORT WITHIN 24-HR (phone, fax, email) & ON DMRs**

SUMMARY

- **RULES ESTABLISH SIGNIFICANT RESPONSIBILITIES FOR PERMITTEES**
- **RULES OFFER FLEXIBILITY IN SEVERAL AREAS**
- **RULES CREATE GREATER CERTAINTY & CONSISTENCY**
- **RULES ALLOW WDNR TO EXERCISE DISCRETION PROVIDED THAT SYSTEM OWNERS ARE EFFECTIVELY IMPLEMENTING PROGRAMS TO ELIMINATE/REDUCE I/I (e.g., CMOM)**