

nominally feasible. Groundwater preventive action limits are listed in ss. NR 140.10 and 140.12.

(2) **RESPONSES WHEN THE PREVENTIVE ACTION LIMIT IS EXCEEDED.** For a facility where a PAL has been exceeded in a groundwater monitoring well, the department may require a variety of responses as listed in Table 5 of ch. NR 140, such as requiring a change in the operation or design of the treatment system, requiring clean-up of the groundwater, or granting an exemption from the limit in accordance with s. NR 140.28. An exemption may be granted only after the department determines that the concentration of the substance in the groundwater has been minimized to the extent technically and economically feasible. Best management practices, waste reduction, wastewater pretreatment and alternative treatment systems used by other dischargers within the same industrial category will be considered in making the determination of what is technically and economically feasible.

(3) **RESPONSES WHEN THE ENFORCEMENT STANDARD IS EXCEEDED.** For a facility where an enforcement standard has been exceeded at a point of standards application, the department may require a variety of responses as listed in Table 6 of ch. NR 140, such as requiring a change in the operation or design of the treatment system, requiring an alternate treatment system, requiring clean-up of the groundwater, or requiring closure of the land treatment system. An exemption may be granted in accordance with s. NR 140.28 only after it has been determined that the background concentration of the substance in the groundwater has caused exceedence of the enforcement standard.

History: Cr. Register, June, 1990, No. 414, eff. 7-1-90.

NR 214.08 Abandonment. Land treatment systems, which will no longer be used, shall be properly abandoned within 2 years of the date on which waste material was last applied. The department may require a plan that includes a procedure to properly identify the presence and characteristics of any accumulated solid matter and provide appropriate removal, disposal, treatment or recycling alternatives in accordance with applicable solid and hazardous waste laws. All recycling, treatment and disposal shall be conducted so as to protect public health and the environment. The plan shall also address site restoration and any landscaping that will prevent groundwater impacts, accumulation of standing water or runoff. The department may require groundwater monitoring for a period of time after abandonment of the land treatment system to assess groundwater impacts. The design, installation, construction, abandonment and documentation of all monitoring wells shall be in accordance with the requirements of ch. NR 141.

History: Cr. Register, June, 1990, No. 414, eff. 7-1-90; am., Register, April, 1994, No. 460, eff. 5-1-94.

NR 214.09 Sampling and analytical methods. Unless otherwise specified in the WPDES permit for a land treatment system:

(1) The procedures for measuring flow and taking samples of discharges shall be those in ch. NR 218,

(2) The methods of analysis for substances contained in discharges shall be those specified in ch. NR 219, and

(3) All laboratory monitoring data which is submitted to the department shall include a certification that the laboratory adhered to the provisions of ch. NR 149, which specifies minimum requirements and crite-

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ria for laboratory methodology, quality control procedures, and records keeping procedures.

History: Cr. Register, June, 1990, No. 414, eff. 7-1-90.

NR 214.10 General permits. Under s. 147.023, Stats., the department may issue a general or statewide WPDES permit for discharges from specified categories or classes of point sources. The department is considering the issuance of general WPDES permits to cover certain classes of land treatment systems, such as low volume liquid waste or by-product solid landspreading. Information to determine eligibility for coverage under a general WPDES permit shall be submitted before the facility is authorized by the department to discharge under the general permit. Any person who has an individual WPDES permit for a discharge is not covered by a general WPDES permit for that discharge. The department may withdraw a discharge from the coverage of a general WPDES permit and issue an individual WPDES permit pursuant to s. 147.023, Stats., on its own motion, or upon the petition of any general permittee, affected state, or 5 or more persons affected by the disposal practices of a general permittee. If the department determines that a discharge covered by a general WPDES permit is better regulated by a specific WPDES permit, it shall notify the affected person in writing of the need to apply for a specific permit and shall provide the person with an application form. Any person so notified shall submit that application form within 60 days of receipt of the notice and application form.

History: Cr. Register, June, 1990, No. 414, eff. 7-1-90.

Subchapter II — Requirements for Specific Land Treatment Systems

NR 214.12 Absorption pond systems. (1) **SITE LOCATION CRITERIA.** (a) The absorption pond system shall be located at least 500 feet from the nearest inhabited dwelling, except that this distance may be reduced with the written consent of any affected owners and occupants. The department may require a greater distance depending on the potential for aesthetic and public health impacts.

(b) The system shall be located at least 1,000 feet from a well serving a community public water supply system and at least 250 feet from other potable water supply wells.

(c) The bottom of the absorption pond shall be at least 5 feet from bedrock and the calculated groundwater level. The calculated groundwater level is the elevation of the natural groundwater level plus the calculated mound height.

(d) The system may not be located in the floodway as specified in ch. NR 116. Any system located in the floodplain shall conform to ch. NR 116 and may not be operated when the floodplain is flooded.

(e) Systems shall be constructed in locations other than groundwater recharge areas, whenever possible.

(2) **DESIGN AND CONSTRUCTION CRITERIA.** (a) Absorption pond systems shall consist of either 2 or more cells which can be alternately loaded and rested, or one cell preceded by an effluent storage or stabilization pond system. Where only one cell is provided, the storage or stabilization pond shall be operated on a fill and draw basis and have sufficient capacity to allow intermittent loading of the absorption pond.

(b) In systems with more than one cell, the wastewater distribution system shall be arranged so that individual cells within the absorption