

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

NOTICE OF FINAL DETERMINATION TO ISSUE A WISCONSIN POLLUTANT DISCHARGE
ELIMINATION SYSTEM (WPDES) PERMIT No. WI-0012345-01 PFAS MONITORING FOR SEWAGE
SLUDGE (BIOSOLIDS) GENERATORS

Permittee: Sewage sludge generators that discharge sewage sludge (biosolids) within the state of Wisconsin

Receiving Water and Location: Receiving waters are not affected by this general permit. This permit covers sewage sludge generators that discharge sewage sludge within the state of Wisconsin.

Brief Description of Facilities Covered under the General Permit: This permit is applicable to sewage sludge generators that do not have perfluoroalkyl and polyfluoroalkyl (PFAS) conditions in the sewage sludge generator's WPDES individual permit (IP).

Proposed Permit Overview: This general permit was generated in response to 2025 ACT 201 enacted April 6, 2026, which created s. 283.82(4), Wis. Stats. The statute directed the Wisconsin Department of Natural Resources (department) to issue WPDES permits requiring PFAS monitoring conditions for sewage sludge. To ensure all sewage sludge generators have PFAS monitoring requirements in a WPDES, this supplemental general permit will be issued to all permittees that do not have limits or conditions on PFAS substances in a WPDES IP.

A sewage sludge generator is no longer eligible for coverage under this general permit upon modification or reissuance of the generator's WPDES IP to include PFAS monitoring and conditions. When all sewage sludge generators' WPDES IPs have been modified or reissued this general permit will be terminated.

Date Permit Signed/Issued: June 28, 2026

Date of Effectiveness: July 1, 2026

Date of Expiration: June 30, 2031

Public Informational Hearing Held On: June 9, 2026

Following the public informational hearing, the Department has made a final determination to issue the above mentioned WPDES permit. The comments received on the proposed permit and applicable Wis. Adm. Codes were used as a basis for this final determination.

The Department has the authority to issue, modify, suspend, revoke and reissue or terminate WPDES permits and to establish effluent limitations and permit conditions under ch. 283, Stats.

Following is a summary of significant comments and any significant changes which have been made in the terms and conditions set forth in the draft permit:

Comments Received from the Applicant, Individuals or Groups and Any Permit Changes as Applicable

Two letters were received June 15, 2026, one from Stafford Rosenbaum LLP on behalf of the Municipal Environmental Group – Wastewater Division (MEG) and the second from Clean Wisconsin (CW). Please note comments have been edited for clarity and brevity.

MEG Comment: Language in the general permit (GP) should parallel the language provided in Act 201. Instead of providing that the department shall include "limitations and conditions" in an individual permit when the average of a utility's sample results exceeds a 20 ug/kg concentration in biosolids, the GP should provide that the department shall include "limitations or conditions" in an individual WPDES permit. Given the limited scientific development regarding the fate and transport of PFAS substances in land applied biosolids, it is not at all clear what limitations the department would include in an individual WPDES permit for biosolids. A much more useful and reasonable approach would be to include conditions such as monitoring requirements and compliance with the department's Interim Strategy for Land Application of Biosolids and Industrial Sludges Containing PFAS.

Department Response: When permit limitations are included in an individual WPDES permit conditions are included that explain why the limit is needed. Based on this comment no changes have been made to the permit.

CW Comment 1: Explicitly define or describe the terms "limitations," "conditions," and "modifications." Defining and/or describing key terms in the proposed GP is imperative to ensure consistent application of the permitting terms and prevent implementation ambiguity.

Department Response: Within the GP the use of "modification, limits and conditions" corresponds with the lexical definitions. The term "modification" describes updating a WPDES individual permit before that permit's expiration date. "Limits" are the quantitative and qualitative boundaries for discharges, while "conditions" are the operational and compliance requirements that must be met to legally discharge. It has been determined it is not necessary to add definitions to the GP. There were no changes to the proposed general permit.

CW Comment 2: Increase the frequency of monitoring from annually to quarterly. The proposed General Permit outlines an annual monitoring schedule, but quarterly testing, at minimum, of land-applied waste is necessary and is frequently required by other regulatory authorities.

Department Response: The “PFAS Monitoring for Sewage Sludge (Biosolids) Generators” general permit establishes the minimum sampling frequency for each sewage sludge Outfall. Sewage sludge generators may voluntarily sample more frequently; these data must be reported to the department. When the sewage sludge generator’s individual WPDES permit is reissued, the department may increase the PFAS monitoring frequency for specific Outfalls. Factors that may result in more frequent sewage sludge monitoring include, but are not limited to 1) amount of sewage sludge generated, distributed, and/or disposed, 2) frequency of discharge, and 3) sludge variability. There were no changes to the proposed general permit.

CW Comment 3: Extend the PFAS concentrations testing, reporting, and record keeping requirements and the corresponding landspreading limitations, conditions, and modifications to industrial sludge generators. Industrial sludge generators should be required to adhere to the same conditions prescribed to municipal sewage sludge generators.

Department Response: 2025 Act 201 created s. 283.82(4), Wis. Stats. This section of Wisconsin Statutes only applies to sewage sludge (ch. NR 204, Wis. Adm. Code). Industrial sludges, regulated under ch. NR 214, Wis. Adm. Code) are beyond the scope of s. 283.82(4), Wis. Stats. and this WPDES general permit. There were no changes to the proposed general permit.

CW Comment 4: Make the reported monitoring data easily accessible to the public. Public data reporting increases transparency, builds trust, and informs consumer decisions. The proposed General Permit directs sewage sludge generators to report monitoring data to the Department but does not provide for public disclosure.

Department Response: All monitoring data submitted under the WPDES permit program (general and individual WPDES permits) are subject to Wisconsin public record laws. In the future, the Wisconsin Department of Natural Resources will evaluate alternative method(s) for publishing sewage sludge monitoring data. There were no changes to the proposed general permit.

Comments Received from EPA or Other Government Agencies and Any Permit Changes as Applicable

No comments received.

As provided by s. 283.63, Stats., and ch. 203, Wis. Adm. Code, persons desiring further adjudicative review of this final determination may request a public adjudicatory hearing. A request shall be made by filing a verified petition for review with the Secretary of the Department of Natural Resources within 60 days of the date the permit was signed (see permit signature date above). Further information regarding the conduct and nature of public adjudicatory hearings may be found by reviewing ch. NR 203, Wis. Adm. Code, s. 283.63 Stats., and other applicable law, including s. 227.42, Stats.

Information on file for this permit action may be inspected and copied by contacting Stephen Warrner, DNR, 1027 W. St. Paul Ave, Milwaukee, WI 53233, phone: 414-897-5771 or email:

DNRWYPFASSludgeMonitoring@wisconsin.gov. Reasonable costs (15 cents per page for copies and 7 cents per page for scanning) will be charged for copies of information in the file other than the public notice and fact sheet. Pursuant to the Americans with Disabilities Act, reasonable accommodation, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.