



Regulatory Briefing

# WDNR Proposed General Permit For Recycling of Scrap and Waste Materials

November 2010

## Overview

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***Industrial facilities have been required to have a stormwater discharge permit since the 1987 Amendments to the Clean Water Act***

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In November 2010, the Wisconsin Department of Natural Resources (WDNR) published its proposed reissued “General Permit to Discharge under the Wisconsin Pollutant Discharge Elimination System WPDES No. WI-S067831-3. Recycling of Scrap and Waste Materials”. This permit covers stormwater discharges from facilities engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste materials.

WPDES permits, including general permits, are reissued on a 5-year cycle. The current DNR general permit for scrap facilities was written in 2001 and expired in 2006. Therefore, this revised permit was needed to replace the expired one.

The proposed permit includes many of the same requirements that are included in the current WDNR industrial stormwater permit. However, some significant changes are being proposed for facilities located near certain types of water bodies. The proposed general permit also incorporates additional requirements to assure stormwater discharges from permitted facilities do not cause or contribute to water quality impairments.

## Types of Wisconsin DNR Permits

The WDNR has a series of stormwater general permits, in addition to the Scrap Recycler stormwater discharge permit. These include (*click on link to read a summary of each permit*):

Tier 1 Industrial Stormwater Discharge Permit:

[http://www.calthacompany.com/Wisconsin\\_Tier\\_1\\_Industrial\\_Stormwater\\_Permit\\_Summary.pdf](http://www.calthacompany.com/Wisconsin_Tier_1_Industrial_Stormwater_Permit_Summary.pdf)

Tier 2 Industrial Stormwater Discharge Permit:

[http://www.calthacompany.com/Proposed\\_Wisconsin\\_Tier\\_2\\_Stormwater\\_General\\_Permit.pdf](http://www.calthacompany.com/Proposed_Wisconsin_Tier_2_Stormwater_General_Permit.pdf)

Auto Salvage Facility Industrial Stormwater Discharge Permit:

[http://www.calthacompany.com/Revised\\_Wisconsin\\_Stormwater\\_General\\_Permit\\_Vehicle\\_Salvage.pdf](http://www.calthacompany.com/Revised_Wisconsin_Stormwater_General_Permit_Vehicle_Salvage.pdf)

WDNR also has general permits for certain process wastewater discharges which include stormwater discharges.

## What Types of Facilities Are Covered?

Facilities eligible for coverage under the proposed permit include those where the primary income-producing activity is classified as SIC code 5093 - Scrap and Waste Materials. This includes facilities engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste materials. It also includes auto wreckers engaged in dismantling automobiles for scrap. However, those facilities primarily engaged in dismantling automobiles for the purpose of selling secondhand parts are classified separately in SIC 5015 and are required to be covered under a different permit - WPDES Storm Water Discharge Permit No. WI-S059145-2, *Dismantling of Vehicles for Parts Selling and Salvage*.

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**IMPORTANT:**  
*Even facilities with  
NO OUTSIDE  
activities or  
storage are  
affected by  
stormwater rules*

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Facilities with bulk storage piles for scrap normally permitted under the Industrial Tier 1 WPDES Storm Water Discharge Permit can petition the WDNR to allow coverage under this permit.

The Tier 1 permit can also be used by facilities involved in the recycling of materials such as metal scrap yards, battery reclaimers, salvage yards, automobile junk yards, and facilities handling scrap and waste.

## Cooperative Compliance Program (CCP)

A facility can elect to participate in a cooperative compliance program (CCP). The purpose of the CCP is to administer a compliance program to assure its participants meet the requirements of this permit. A CCP must comply with requirements of permit, including annual reporting, conducting training, and conducting annual compliance audits at the member facilities.

By participating in a CCP, facilities are not required to comply with sections of the permit which require permitted sites to prepare a SWPPP, conduct inspections, and conduct visual and chemical monitoring.

## Chemical Stormwater Monitoring Requirements

As in the current permit, permitted facilities which do not participate in a CCP are required to collect and analyzed stormwater discharge samples annually for at least the first two years of the permit. The WDNR will then determine if stormwater monitoring is required for the remaining years of permit coverage.

Each facility must test for the chemical parameters listed in the permit, which includes total suspended solids, chemical oxygen demand, conductivity, total recoverable lead, copper and zinc, and naphthalene

The proposed WDNR does not include stormwater benchmarks. No specific corrective action is required in response to the results of sampling. However, data are submitted to DNR with the annual AFSCI report, and the agency could require additional controls.

## What Changes Are Proposed?

This section highlights some of the key changes reflected in WDNR's proposed permit compared to the expired permit; not all changes are discussed here. The majority of these new requirements involve additional requirements placed on facilities that discharge to certain types of water bodies.

**Discharges To Outstanding and Exceptional Resource Waters.** A facility covered under the permit may not create a new storm water discharge to an Outstanding Resource Water (ORW) or an Exceptional Resource Water (ERW) unless the facility's storm water pollution prevention plan (SWPPP) is updated to prevent the discharge of pollutants above background levels within the water body.

What are Wisconsin Outstanding Resource Water (ORW) or an Exceptional Resource Water (ERW)?

Link: <http://wisconsinenvironmentalconsultant.blogspot.com/2010/11/wisconsin-outstanding-resource-waters.html>

WDNR defines "new storm water discharge" as a discharge that did not exist before the start date of permit coverage. A new discharge does not include an increase in a storm water discharge to a water body to which the facility discharged on or before permit coverage started.

If a facility has an existing storm water discharge to an ERW, it may not increase the discharge of pollutants that results in a violation of water quality standards. If a facility has an existing storm water discharge to an ORW, it may increase the discharge of pollutants provided that: 1) the pollutant concentration within the receiving water would not increase; and 2) the increased discharge would not result in a violation of any water quality standard.

**Discharges To Impaired Water Bodies and Total Maximum Daily Load Requirements:** Impaired Waters. If a facility discharges a pollutant of concern to a listed impaired water body, the pollutant levels in the discharge need to be reduced as much as possible as part of an overall state effort to reduce the pollutant loading to impaired water bodies.

The proposed permit requires that an annual check be conducted to determine if the facility discharges listed impaired water body, and to update their SWPPP to reduce the pollutant of concern

Federal law prohibits the issuance of a WPDES permit to a new source or new discharger that will contribute to a violation of a water quality standard in a listed impaired water. For a new facility requesting coverage under the general permit, the DNR will evaluate the proposed new pollutant discharge and receiving water to determine if the above requirement can be met.

The proposed permit also requires that facilities conduct an annual check to determine whether the facility discharges storm water runoff to a water body that has an EPA approved TMDL allocation, and to determine if additional storm water control measures are necessary.

**Discharges To Fish and Aquatic Life Waters:** Under the general permit, a facility must determine whether its discharges storm water to a fish and aquatic life water as defined in Wisconsin Rules. Most receiving waters in Wisconsin are classified as a fish and aquatic life waters. A facility can not create a new storm water discharge to a fish and aquatic life water unless the storm water pollution prevention plan is designed to prevent the significant lowering of water quality.

What are Wisconsin Fish and Aquatic Life Waters?

Link: <http://wisconsinenvironmentalconsultant.blogspot.com/2010/11/what-are-wisconsin-fish-and-aquatic.html>

**Compliance with Runoff Management Performance Standards:** Wisconsin Rules specifies post-construction performance standards for new development and redevelopment. A newly constructed or redeveloped industrial facility that is required to meet the post-construction performance standards must describe in its SWPPP the BMPs necessary to maintain compliance with the applicable performance standards.

**Discharges To The Great Lakes & Tributaries:** Under the proposed permit, discharge of persistent, bioaccumulating toxic (PBT) substances to the Great Lakes waters or their tributaries, must be limited to the maximum extent practicable.

## Other Compliance Requirements

The proposed permit includes many compliance requirements that existing permitted facilities are already familiar with, including:

**SWPPP Requirements.** Facilities need to prepare and maintain a SWPPP that includes all the elements listed in the permit. The SWPPP must be certified by an officer of the company, or equivalent.

**Quarterly Visual Stormwater Monitoring.** A facility must conduct quarterly visual inspections of storm water discharge quality at each storm water discharge outfall. Inspections must be conducted within the first 30 minutes of discharge and must include any observations of color, odor, turbidity, floating solids, foam, oil sheen, or other obvious indicators of storm water pollution.

**Prohibited Discharges.** Non-stormwater discharges are not allowed under the general permit, which includes most kinds of process wastewater discharge, non-contact cooling water and most wash water. The permit also prohibits stormwater discharges that impact wetlands, affect endangered and threatened resources, or affect any historic property that is listed property, or on the inventory or on the list of locally designated historic places.

**Annual Inspections.** Facilities must conduct an Annual Facility Site Compliance Inspection (AFSCI). The AFSCI is intended to verify that drainage, potential pollution sources identified in the SWPPP are accurate, and that BMPs are being implemented, and adequately maintained.

## What If My Facility Is Already Covered By A Permit?

Many facilities that are subject to WPDES requirements have already been covered under the existing general permit. A scrap recycling facility with existing general permit coverage is automatically covered under the proposed permit as of the issuance date. DNR will notify the facility that it has received continued coverage under the permit.

A facility that has been denied or revoked a No Exposure Exclusion must apply for permit coverage within 14-working days. A permittee can also request that permit coverage be transferred to a new owner or operator. The transfer request shall be signed by both the permittee and the new owner or operator and sent via certified or registered mail to DNR.

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## Industrial Stormwater Services

Caltha provides expert consulting services to industries subject to stormwater permitting requirements, including:

- **Preparing new SWPPP or revising existing SWPPP**
- **Review of BMPs**
- **Development of employee training programs**
- **Conducting stormwater monitoring**
- **SPCC Plans and Emergency Preparedness Plans**

Email us at [info@calthacompany.com](mailto:info@calthacompany.com)

**Stormwater Services Website:**

[http://www.calthacompany.com/?page\\_id=16](http://www.calthacompany.com/?page_id=16)