



**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN
POLLUTANT DISCHARGE ELIMINATION SYSTEM
WPDES PERMIT NO. WI-S058831-3**

In compliance with the provisions of ch. 283, Wis. Stats., and ch. NR 216, Wis. Adm. Code, any facility located in the State of Wisconsin, excluding initial coverage within Indian Country after September 30, 2001, that discharges

**STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY
RECYCLING OF SCRAP AND WASTE MATERIALS**

and meeting the applicability criteria listed in Part A. of this permit and that receives a letter from the Wisconsin Department of Natural Resources (Department) granting coverage under this permit, is authorized to discharge storm water to waters of the state provided that the discharge is in accordance with the conditions set forth in this permit.

This permit is issued by the Department and covers storm water discharges from the facility as of the **Start Date** of permit coverage to the permittee. For initial permit coverage, the Department will transmit a cover letter to the permittee stating that the facility is covered under this permit. Initial coverage under this permit will become effective at a facility beginning upon the **Start Date** specified by the Department in the cover letter. For an existing facility with permit coverage under a previously issued version of the Recycling of Scrap and Waste Materials general permit, coverage under this permit will become effective at the facility beginning upon the **Effective Date** below. For these facilities, the **Effective Date** is the **Start Date**.

State of Wisconsin Department of Natural Resources
For the Secretary

By 
Pamela A. Biersach, Director
Bureau of Watershed Management

May 26, 2016
Date

PERMIT EFFECTIVE DATE: May 27, 2016 **PERMIT EXPIRATION DATE:** April 30, 2021

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A. APPLICABILITY CRITERIA

- (1) Facilities Covered: Except as provided in Part A.(2) below, this permit applies to storm water discharges originating from facilities which meet either of the following criteria:
- (a) Facilities where the primary income-producing activity is classified by the 1987 edition of the Standard Industrial Classification Manual as SIC code 5093 - Scrap and Waste Materials. This classification is for facilities primarily engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste materials. This classification 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 as SIC code 5015 and require coverage under General WPDES Storm Water Discharge Permit No. WI-S059145-3, *Dismantling of Vehicles for Parts Selling and Salvage*.
 - (b) Facilities with bulk storage piles of scrap material that request coverage from the Department under this permit rather than under the WPDES General Tier 1 Industrial Storm Water Discharge Permit, provided that the Department authorizes coverage under this permit in writing.
- (2) Discharges Not Covered: This permit does not apply to:
- (a) Non-storm water discharges.
 - (b) Remedial action discharges or discharges authorized by a general permit for discharging contaminated or uncontaminated groundwater.
 - (c) Discharges of hazardous substances that are required to be reported under ch. NR 706, Wis. Adm. Code.
 - (d) Storm water discharges from areas located on facility lands, which are segregated from the industrial activities of the facility, such as office buildings and accompanying parking lots, if the drainage from the segregated areas is not mixed with contaminated storm water drainage.
 - (e) Facilities where the Department makes a determination, pursuant to s. 283.35(3), Wis. Stats. or s. NR 216.25(3), Wis. Adm. Code, that a storm water discharge is more appropriately covered under an individual WPDES permit. The Department may make this determination if one or more of the following conditions are met:
 - 1. The storm water discharge is potentially a significant source of pollution and more appropriately regulated by an individual WPDES storm water discharge permit.
 - 2. The facility is not in compliance with the terms and condition of this permit or Subchapter II of ch. NR 216, Wis. Adm. Code.
 - 3. Numeric effluent limitations or standards are promulgated for a storm water discharge covered by this permit.
 - 4. Storm water discharges that are regulated by permits containing storm water effluent limitations.

- (f) Storm water discharges into a municipal combined sewer system.

Note: Areas where this exclusion may apply include portions of the City of Milwaukee, the City of Superior, and the Village of Shorewood.

- (g) Discharges of water requiring coverage under or authorized by the general permit for discharging petroleum contaminated water.
- (h) Storm water discharges that affect wetlands, unless the Department determines that the storm water discharges comply with the wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.
- (i) Storm water discharges that affect endangered and threatened resources, unless the Department determines that the storm water discharges comply with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code.
- (j) Storm water discharges that affect any historic property that is listed property, or on the inventory or on the list of locally designated historic places under s. 44.45, Wis. Stats., unless the Department determines that the storm water discharges will not have an adverse effect on any historic property pursuant to s. 44.40(3), Wis. Stats.
- (k) Storm water discharges within Indian Country for which initial coverage under this permit is sought after September 30, 2001. Industrial storm water discharges within Indian Country from non-tribal lands that have state coverage under a general storm water permit prior to September 30, 2001, continue to be covered under this permit for purposes of state law.

Note: Indian Country is defined under 18 USC §1151. Contact the Department at (608) 267-7694 for non-tribal storm water discharges within Indian Country to determine if state permit coverage from the Department is required.

- (l) Storm water discharges from land disturbing construction activity affecting one acre or more of land that require storm water permit coverage under subch. III or NR 216, Wis. Adm. Code, for new construction, reconstruction, or expansion of an industrial facility.
- (m) Storm water discharges in violation of the regulation of injection wells under ch. NR 815, Wis. Adm. Code.

Note: Information about the Department's injection well program may be found at: <http://dnr.wi.gov/topic/wells/uiw.html>

- (n) Storm water discharges from an industrial facility for which the owner or operator has submitted a Conditional No Exposure Certification to the Department in accordance with s. NR 216.21(3), Wis. Adm. Code, provided that the Department concurs with the no exposure certification and the conditions under which a No Exposure Exclusion was granted remain in effect.
- (3) **Initial Permit Coverage:** The owner or operator of an industrial facility meeting the permit applicability criteria of Part A.(1) of this permit and not previously covered under a version of this permit shall submit a complete Notice of Intent (NOI) to the Department to apply for coverage under an industrial storm water discharge permit in accordance with the time frames in

s. NR 216.22(2), Wis. Adm. Code. Within 30 calendar days of receipt of the NOI, the Department will evaluate the information submitted in the NOI to determine whether the NOI is complete, whether additional information is needed for review, whether the facility will be covered under this permit or an individual permit, or whether coverage under a permit will be denied. Based upon this evaluation, unless notified to the contrary by the Department, within 30 calendar days of receipt of the NOI the Department will transmit a cover letter to the owner or operator indicating the **Start Date** upon which permit coverage becomes effective at the facility with instructions on where to download the permit from the Department's Internet website. In the alternative, a hard copy of the permit will be mailed to the owner or operator of the facility upon request.

Note: The NOI form (Form 3400-163) and general permit are available for download from the Department's Internet website at: <http://dnr.wi.gov/topic/stormwater/industrial/forms.html>. If, for any reason, you are unable to access the permit over the Internet, please telephone the Department at (608) 267-7694 for assistance.

- (4) Existing Permit Coverage: Unless the Department makes a determination for an individual WPDES permit under Part A.(2)(e), a facility with existing general permit coverage prior to the **Effective Date** of this permit is automatically covered under this permit as of the **Effective Date**. For these permittees, the **Effective Date** is the permittee's **Start Date**. The Department will notify the owner or operator of the facility's continued coverage under this permit with instructions on where to download the permit from the Department's Internet website. In the alternative, a hard copy of the permit will be mailed to the owner or operator of the facility upon request.

Note: The permit is available for download from the Department's Internet website at: <http://dnr.wi.gov/topic/stormwater/industrial/forms.html>

If, for any reason, you are unable to access the permit over the Internet, please telephone the Department at (608) 267-7694 for assistance.

- (5) No Exposure Certification: The owner or operator of a facility not currently covered under this permit that has submitted a Conditional No Exposure Certification to the Department in accordance with s. NR 216.21(3), Wis. Adm. Code, but that has been denied a No Exposure Exclusion by the Department shall apply for permit coverage in accordance with Part A.(3) of this permit within 14-working days of being notified by the Department of the denial. The owner or operator of a facility that has previously been granted a No Exposure Exclusion by the Department but that has had that exclusion revoked shall apply for permit coverage in accordance with Part A.(3) of this permit within 14-working days of being notified by the Department of the revocation.
- (6) Permit Coverage Transfers: A permittee who will no longer control the permitted facility may request that permit coverage be transferred to the person who will control the facility. The transfer request shall be signed by both the permittee and the new owner or operator and sent via certified or registered mail to the Department contemporaneously with the transfer of control. The Department may require additional information including a Notice of Intent to be filed prior to transferring permit coverage. Coverage is not transferred until the Department sends notification of transfer approval to the new owner or operator. The transfer request shall contain the following information:

- (a) The name and address of the facility.
- (b) The Facility Identification Number.

- (c) The names of the persons involved in the transfer, their signatures, and date of signatures.
- (d) A description of any significant changes in the operation of the facility.
- (e) A statement of acknowledgement by the transferee that it will be the permittee of record and is responsible for compliance with the permit.

Note: Mail the request to transfer permit to the appropriate Department regional office or to the Department of Natural Resources, Storm Water Program – WT/3, Box 7921, Madison, WI 53707-7921.

- (7) Permit Coverage Terminations: If the permittee no longer claims coverage under this permit, the permittee shall submit a signed Notice of Termination to the Department in accordance with s. NR 216.32, Wis. Adm. Code.

Note: The NOT form (Form 3400-170) is available on the Department website at: <http://dnr.wi.gov/topic/stormwater/industrial/forms.html>

B. DISCHARGE AND MINIMUM SOURCE AREA CONTROL REQUIREMENTS
FOR ALL PERMITTEES

(1) Water Quality Standards:

- (a) This permit specifies the conditions under which storm water may be discharged to waters of the state for the purpose of achieving water quality standards contained in chs. NR 102 through 105, NR 140, and NR 207, Wis. Adm. Code. For the term of this permit, compliance with water quality standards will be addressed by adherence to the storm water discharge limitations in the Part B. If the permittee or the Department becomes aware that storm water discharges do not meet the discharge limitations in this Part B, the permittee shall undertake corrective actions in accordance with s. NR 216.27(4), Wis. Adm. Code, and Part C.(2) of this permit.
- (b) This permit does not authorize storm water discharges that the Department, prior to authorization of coverage under this permit, determines will cause or have reasonable potential to cause or contribute to an excursion above any applicable water quality standard. Where such determinations have been made prior to authorization, the Department may notify the applicant that an individual permit application is necessary.

(2) Outstanding and Exceptional Resource Waters:

- (a) Storm water discharges from industrial facilities covered under a previously issued version of this permit shall comply with Part B.(2)(b) through (e) as of the **Effective Date**. Storm water discharges from industrial facilities covered under this permit after the **Effective Date** shall comply with Part B.(2)(b) through (e) as of the **Start Date** of coverage under this permit.
- (b) The permittee shall determine whether any part of its facility discharges storm water to an outstanding resource water (ORW) or exceptional resource water (ERW). ORWs and ERWs are listed in ss. NR 102.10 and 102.11, Wis. Adm. Code, respectively.

Note: A list of ORWs and ERWs may be found on the Department's Internet site at:
<http://dnr.wi.gov/topic/surfacewater/orwerw.html>

- (c) The permittee may not establish a new storm water discharge of pollutants directly to an ORW or an ERW unless the discharge of pollutants is equal to or less than existing levels of pollutants immediately upstream of the discharge site. The storm water pollution prevention plan required under Part C of this permit shall include practices designed to meet this requirement for new discharges.
 - 1. "New storm water discharge" or "new discharge" means a storm water discharge that would first occur after the permittee's **Start Date** of coverage under this permit to a surface water to which the facility did not previously discharge storm water, and does not include an increase in a storm water discharge to a surface water to which the facility discharged on or before coverage under this permit.
- (d) The permittee may increase an existing storm water discharge directly to an ERW only if the increased discharge will not cause a significant lowering of water quality and the discharge is related to important economic or social development.
- (e) The permittee may increase an existing storm water discharge to an ORW only if the

increased discharge of pollutants is equal to or less than the background levels of the pollutant upstream of the discharge and the discharge is related to important economic or social development.

(3) Impaired Water Bodies and Total Maximum Daily Load Requirements:

- (a) “Pollutant(s) of concern” means a pollutant that is contributing to the impairment of a water body.
- (b) By February 15th of each calendar year, the permittee shall perform an annual check to determine whether its facility discharges a pollutant of concern via storm water to an impaired water body listed in accordance with Section 303 (d) (1) of the Federal Clean Water Act, 33 USC §1313 (d) (1) (C), and the implementing regulation of the U.S. Environmental Protection Agency (USEPA), 40 CFR §130.7 (c) (1). Impaired waters are those listed as not meeting applicable surface water quality standards. The results of the annual check shall be documented with either the Annual Facility Site Compliance Inspection required under Part E.(3)(c)1. or the Annual Compliance Report required under Part F.(2)(b).

Note: The list of Wisconsin impaired surface water bodies may be obtained by contacting the Department or by searching for keyword “impaired waters” on the Department’s Internet site. The Department updates the list approximately every two years. The updated list is effective upon approval by the USEPA. The current list may be found on the Department’s Internet site at: <http://dnr.wi.gov/topic/impairedwaters/>

- (c) A permittee that discharges a pollutant of concern via storm water to an impaired water body shall, within 180 days of the annual check that determines the facility discharges to an impaired water body, include a written section in a storm water pollution prevention plan that specifically identifies source area pollution prevention controls and storm water best management practices that will collectively be used to reduce, with the goal of eliminating, the storm water discharge of pollutant(s) of concern that contribute to the impairment of the water body and explain why these controls and practices were chosen as opposed to other alternatives. Changes identified in the storm water pollution prevention plan shall be implemented with the 180-day timeframe.

Note: For a permittee that discharges a pollutant of concern via storm water to an impaired water body, amending the storm water pollution prevention plan will be required after the initial annual check and if subsequent annual checks indicate additional pollutants of concern have been added, additional water bodies have been designated as impaired, or other relevant changes to the designation have occurred.

- (d) The permittee may not establish a new storm water discharge of a pollutant of concern to an impaired water body or significantly increase an existing discharge of a pollutant of concern to an impaired water body unless the new or increased discharge does not contribute to the receiving water impairment, or the discharge is consistent with a State and Federal approved total maximum daily load (TMDL) allocation for the impaired water body.
 - 1. “New storm water discharge” or “new discharge” has the meaning given in Part B.(2)(c)1. of this permit.
- (e) By February 15th each calendar year, the permittee shall perform an annual check to

determine whether its facility discharges a pollutant of concern via storm water to a water body included in a State and Federal approved TMDL. If so, the permittee shall assess whether the TMDL wasteload allocation for the facility's discharge is being met through the existing pollution prevention controls and storm water best management practices or whether additional controls or treatment are necessary and feasible. The assessment of the feasibility of additional controls or treatment shall focus on the ability to improve pollution prevention and treatment system effectiveness and the adequacy of implementation and maintenance of the additional controls or treatment. The results of the annual check shall be documented with either the Annual Facility Site Compliance Inspection required under Part E.(3)(c)1. or the Annual Compliance Report required under Part F.(2)(b).

Note: State and Federal approved TMDLs can be identified by contacting the Department, or by searching for keyword "TMDL" on the Department Internet site. The current State and Federal approved Final TMDLs may be found on the Department's Internet site at: <http://dnr.wi.gov/topic/tmdls/>

- (f) Within 180 days of the annual check that determines the facility discharges to a TMDL allocated water body, a permittee that is included in a State and Federal approved TMDL shall submit to the Department a proposed implementation plan for the storm water discharge that meets the requirements of the State and Federal approved TMDL wasteload allocation for the facility. The proposed TMDL implementation plan shall specify any feasible pollution prevention and treatment improvements that could be made and specify any revisions or redesigns that could be implemented to increase the effectiveness of the permittee's storm water pollution prevention controls and treatment practices. The TMDL implementation plan shall also specify a time schedule for implementation of the improvements, revisions, or redesigns necessary to meet the wasteload allocation for the facility. If a specific wasteload allocation has not been assigned to the facility under a TMDL, compliance with this permit shall be deemed to be in compliance with the TMDL.

(4) Fish and Aquatic Life Waters:

- (a) The permittee shall determine whether it will have a storm water discharge to a fish and aquatic life water as defined in s. NR 102.13, Wis. Adm. Code.

Note: Most receiving waters of the state are classified as a fish and aquatic life waters and this classification includes all surface waters of the state except ORWs, ERWs, Great Lakes system waters and variance water identified in ss. NR 104.05 to 104.10, Wis. Adm. Code. The Department may be consulted if the permittee is not certain of the classification.

- (b) The permittee may not establish a new storm water discharge of pollutants to a fish and aquatic life water if the discharge will result in the significant lowering of water quality of the fish and aquatic life water. Significant lowering of water quality is defined in ch. NR 207, Wis. Adm. Code.

1. "New storm water discharge" or "new discharge" has the meaning given in Part B.(2)(c)1. of this permit.

- (c) If the permittee's facility has an existing storm water discharge to a fish and aquatic life water, it may not increase the discharge of pollutants if the increased discharge would

result in a significant lowering of water quality.

- (d) Any increased or new discharge of storm water authorized under this permit shall be related to important economic or social development.
- (5) Toxic Pollutants: In accordance with s. NR 102.12 Wis. Adm. Code, a new discharge and increased discharge as defined in ch. NR 207, Wis. Adm. Code, of persistent, bioaccumulating toxic substances to the Great Lakes waters or their tributaries shall be avoided or limited to the maximum extent practicable. Any new or increased discharge of these substances is prohibited unless the permittee certifies that the new or increased discharge is necessary after utilization of best technology in process or control using waste minimization, pollution prevention, municipal pretreatment programs, material substitution or other means of commercially available technologies which have demonstrated capability for similar applications.
- (6) Minimum Source Area Control Requirements: All permittees shall comply with the following minimum source area control requirements. The Storm Water Pollution Prevention Plan required under Part C shall identify how each source area control requirement will be met. Source area controls shall be utilized to prevent storm water from becoming contaminated at the facility. Structural source area controls that are either proposed or in place at the facility shall be indicated on the facility drainage base map described in Part C.(1)(c) of this permit. The permittee shall:
 - (a) Minimize exposure of pollutants associated with the potential sources of storm water contamination identified in Part C.(1)(d) of this permit.
 - (b) Use good house-keeping measures such as sweeping, appropriate storage, and proper management of waste materials and dumpsters/compactors.
 - (c) Maintain both structural and non-structural control measures, institute preventive maintenance for vehicles and equipment, and perform routine visual inspections.
 - (d) Minimize the potential for leaks, spills, and other releases that may contaminate storm water, and institute spill prevention and response measures, including spill reporting described in Part G.(5) of this permit.
 - (e) Stabilize areas of bare soil with vegetation or through permanent land cover to control soil erosion. Storm water discharges contaminated by sediment eroding from areas of bare soil that cannot be stabilized by pavement, gravel, vegetation, or other permanent land cover shall be treated by best management practices designed, installed and maintained to achieve compliance with the construction site performance standards in s. NR 151.11(6m), Wis. Adm. Code, and in accordance with the Department's Construction Site Erosion and Sediment Control Technical Standards.

Note: The Construction Site Erosion and Sediment Control Technical Standards are available at the following Department website:

http://dnr.wi.gov/topic/stormwater/standards/const_standards.html

- (f) Cover or enclose salt storage piles so that neither precipitation nor storm water runoff can come into contact with the stored salt; or, for permittees that use brine and have salt storage piles on impervious curbed surfaces, install a means of diverting contaminated storm water to a brine treatment system for process use.

- (g) Train and raise awareness of employees as appropriate on storm water pollution prevention, the requirements of this permit, and their specific responsibilities in implementing any of the requirements, practices, or activities of this permit or the Storm Water Pollution Prevention Plan.
- (h) Evaluate the facility for the presence of non-storm water discharges as specified in Part C.(3) of this permit.

Note: This permit does not cover non-storm water discharges. See Part A.(2)(a).

- (i) Minimize dust and off-site tracking of soil, raw materials, intermediate products, final products, or waste materials.
 - (j) If applicable, use a combination of storm water contact control or containment, drainage controls, or diversions to control SARA Title III Section 313 "Water Priority Chemicals" (42 USC s. 11023 (c)) potentially discharged through the action of storm water runoff, leaching, or wind.
- (7) Compliance with Runoff Management Performance Standards: The owner or operator of a facility subject to the performance standards in s. NR 151.12 or ss. NR 151.121 to 151.128, Wis. Adm. Code, shall describe in the Storm Water Pollution Prevention Plan the best management practices necessary to maintain compliance with the applicable performance standards in s. NR 151.12 or ss. NR 151.121 to 151.128, Wis. Adm. Code, for those areas that are described in s. NR 151.12(2) or s. NR 151.121(2), Wis. Adm. Code, respectively. Best management practices installed to meet the performance standards in s. NR 151.12 or s. NR 151.121 to 151.128, Wis. Adm. Code, shall be maintained to meet the treatment capability as originally designed.

C. PLANNING AND OPERATIONAL REQUIREMENTS FOR ALL PERMITTEES

- (1) Storm Water Pollution Prevention Plan (SWPPP): Any person owning or operating a facility covered by this permit shall prepare and implement a SWPPP. The owner or operator of a proposed facility that is to be constructed shall develop and implement a SWPPP prior to initiating construction. Owners or operators of other facilities shall have SWPPPs in compliance with this permit as of the **Effective Date**.

Note: Further details about how to prepare a SWPPP can be found in the guidance publication Industrial Storm Water Pollution Prevention Planning (WDNR, Sept. 1994) available on the Internet at: http://dnr.wi.gov/topic/stormwater/indus_pubs.html

The SWPPP shall be in writing and contain, at a minimum, the following elements:

- (a) Pollution Prevention Individual: The name of the specific individual, identified by job title, responsible for all aspects of SWPPP development and implementation.
- (b) Facility Site Description: A short description that summarizes the major activities conducted at various locations throughout the facility.
- (c) Drainage Base Map: A facility drainage base map that depicts how storm water drains on, through, and from the facility to groundwater, surface water, or wetlands. The drainage base map shall show all of the following:
1. Facility property boundaries.
 2. Depiction of the storm drainage collection and disposal system, including all surface and subsurface conveyances, with the conveyances named.
 3. Any secondary containment structures.
 4. Location of all outfalls, including outfalls recognized as permitted outfalls under another WPDES permit, numbered for reference, that discharge channelized flow to surface water, groundwater, or wetlands.
 5. Drainage area boundary for each storm water outfall.
 6. Surface area in acres draining to each outfall, including the percentage that is impervious such as paved, roofed, or highly compacted soil and the percentage that is pervious such as grassy areas and woods.
 7. Proposed and existing structural best management practices (BMPs).
 8. Proposed and existing storm water treatment practices.
 9. Name and location of receiving waters.
 10. Location of activities and materials that have the potential to contaminate storm water.
- (d) Potential Sources of Storm Water Contamination: An identification of:
1. Source Areas: All potential source areas of storm water contamination and any polluting activities associated with the source areas. The SWPPP shall consider all areas including but not limited to: processing areas, maintenance areas, material handling sites, storage areas, areas of actual or potential significant soil erosion, and any other areas capable of contaminating storm water runoff including immediate access roads and rail lines.
 2. Significant Materials: Significant polluting materials exposed to storm water in the source areas identified. When possible, specific pollutants likely to be present in

storm water as a result of contact with specific materials shall also be listed. Significant materials may include, but are not limited to: inbound scrap materials, used fluids, sediment deposits on impervious surfaces, obsolete debris and equipment, residual fluids from processing equipment and scrap automobiles, shredder fluff, and scrap with a significant risk of storm water contamination because of associated fluids, small particle size, or ease of transport, such as industrial turnings and borings, oily scrap, copper wire, fuel tanks, and PCB-bearing electrical components.

3. Residual Pollutants: Areas containing any other toxic or hazardous pollutants from present or past activity at the site that remain in contact with precipitation or storm water and which could be discharged to the waters of the state. This is to include past releases of oil or other hazardous substances reportable under ch. NR 706, Wis. Adm. Code.
- (e) Status of Non-Storm Water Discharges: Identify all known contaminated and uncontaminated sources of non-storm water discharges to the storm sewer system or waters of the State and indicate which of the discharges, if any, are covered by WPDES permits.
 - (f) Permanent Capping or Paving over Soil: Before concrete or asphalt capping or paving is placed over any of the critical source areas listed in Part C.(1)(g) below, as part of a proposed storm water BMP, the permittee shall check for the presence of residual pollutants. Paving of roadways and other areas that do not contain one of the critical source areas can proceed without an investigation as described in this Part C.(1)(f). The investigation required under this permit may be limited to the critical source areas where storm water BMPs will require capping or paving. The investigation shall take into account the permittee's knowledge of the historical use of the area. The permittee may choose either soil sampling or groundwater monitoring in conducting the investigation.

The results of the investigation shall become part of the SWPPP documentation. If levels of residual pollutants that are not exempt from the reporting requirements in ch. NR 706, Wis. Adm. Code, are found, the permittee shall submit to the Department's Bureau of Remediation and Redevelopment the results of all tests taken, a description of the proposed capping or paving over the residual pollutants, a map depicting the critical source area and the proposed area of capping or paving, and an explanation as to whether or not the proposed capping or paving is a remedial action that will comply with the requirements of the NR 700, Wis. Adm. Code, rule series. Such residual pollutants would not necessarily be considered a hazardous substance discharge. The submittal shall be made to the Department prior to capping or paving. The permittee may then proceed without delay with capping or paving. The ability of the permittee to proceed without delay is not an approval of any remedial action. This permit does not exempt the permittee from the spills law as indicated under Part A.(2)(c) of this permit and the Department may later determine that the capping or paving does not comply with the requirements of the NR 700, Wis. Adm. Code, rule series and additional remedial actions may be required.

The permittee has the following options for determining if contamination exists in the critical source areas listed in (g) below:

1. Taking soil samples in the immediate location where the BMP will be located. Procedures and standards to be followed are set forth in the NR 700, Wis. Adm.

Code, rule series. These samples will be analyzed for contaminants that are likely to be present due to previous operational activities (e.g. lead recovery from batteries - samples would be analyzed for lead and pH), or

2. Placing a minimum of 3 groundwater-monitoring wells in the vicinity of the BMP to determine groundwater flow direction and determine whether or not contamination are present. Procedures and standards to be followed are set forth in the NR 700, Wis. Adm. Code, rule series. Groundwater monitoring well samples shall be analyzed for contaminants that are likely to be present due to previous operational activities (e.g., scrap metal cleaning area - samples would be analyzed for petroleum constituents, metals, and solvents).

If groundwater monitoring demonstrates that there are no residual groundwater pollutants that exceed the preventive action limits (PALs) in ch. NR 140, Wis. Adm. Code, then the soils that will remain within the capped or paved BMP area after the BMP construction is complete will not need to be sampled. If soil sampling is required because groundwater pollutants have been detected that exceed the PALs, in-situ soil sampling will need to be conducted only within the area that is proposed to be capped or paved. However, sampling is required for soils removed and disposed of outside of the capped or paved BMP area (including soils disposed of in other areas within the property boundary). Contaminated soils removed from the BMP area shall be disposed of in accordance with ch. NR 718, Wis. Adm. Code, and the NR 500 and NR 600, Wis. Adm. Code, rule series.

- (g) Critical Source Areas at a Scrap Recycling Facility: An identification of critical source areas includes any of the following areas which are known or suspected of the following:
 1. Unpaved areas where lead-acid batteries were broken and reclaimed.
 2. Unpaved areas where oily turnings and borings, or other types of oily scrap, have been stored and oil has seeped into the soil.
 3. Unpaved areas where used oils, fuels, fluids from scrap automobiles, or residual fluids from processing equipment and vehicles have seeped into the soil.
 4. Unpaved areas used for bulk storage piles of copper wire, fuel tanks, PCB-bearing electrical components, or shredder fluff.
 5. Unpaved areas used for open burning, which may have contaminated the soil with substances such as, but not limited to, heavy metals and PCBs.
- (h) SWPPP Implementation: The storm water pollution sources identified in the SWPPP shall be controlled by BMPs or treatment practices in accordance with Table A on page 16 below, as of the **Start Date** of coverage under this permit.
- (i) Discharges to Regulated Municipal Separate Storm Sewer Systems:
 1. Permittees regulated under this permit with storm water discharges and non-storm water discharges entering a municipal separate storm sewer system covered under a storm water permit issued pursuant to Subchapter I of ch. NR 216, Wis. Adm. Code, shall provide information on these discharges to the owner or operator of the municipal separate storm sewer system upon request. Information the permittee shall provide includes the area or sub-areas of the facility draining to the municipal

separate storm sewer system, the nature of industrial activity and potential storm water contamination sources in the areas draining to the system, the nature and number of non-storm water discharges to the system, storm water BMPs employed at the facility and their effectiveness at pollutant removal, storm water monitoring data, and copies of the SWPPP and other reports.

2. Upon discovering a previously unknown non-storm water discharge to the municipal separate storm sewer system that is not authorized to discharge under a required WPDES permit or that is an illicit discharge as defined by s. NR 216.002(11), Wis. Adm. Code, the permittee shall immediately report the discharge to the owner or operator of the municipal separate storm sewer system.
 3. The permittee shall immediately report spills or dumping of materials that enter the municipal separate storm sewer system to the owner or operator of the system.
 4. In accordance with the owner or operator's established authority to control discharges to its municipal separate storm sewer system, the permittee shall assist the owner or operator of the system with detecting and eliminating illicit discharges to the system to the maximum extent practicable if the owner or operator finds that the source of an illicit discharge may originate from the permittee's facility.
- (j) Storm Water Discharges to Outstanding and Exceptional Resource Waters: If the permittee's industrial storm water will discharge to an outstanding resource water or exceptional resource water, the permittee shall include a written section in the SWPPP that discusses and identifies the management practices and control measures the permittee will implement to prevent the discharge of any pollutant(s) in excess of the background level within the water body. This section of the permittee's plan shall specifically identify control measures and practices that will collectively be used to prevent the discharge of pollutants in excess of the background level within the water body
- (k) Signature: The SWPPP shall be signed in accordance with s. NR 216.22(7), Wis. Adm. Code, and contain the following statement:

"I certify under penalty of law that this document and attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information contained in the plan. Based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information; the information contained in this document is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for providing false information, including the possibility of fine and imprisonment. In addition, I certify under penalty of law that, based upon inquiry of persons directly under my supervision, to the best of my knowledge and belief, the provisions of this document adhere to the provisions of the storm water permit for the development and implementation of a Storm Water Pollution Prevention Plan and that the plan will be complied with."

Signed, Authorized Representative

Table A. Storm Water Pollution Sources to be Addressed in the SWPPP: Select and implement BMPs or treatment practices to address the storm water pollution sources identified in this Table A.
1. Non-storm water discharges. Examples are cooling water, process water, sewage, spills, leaks and vehicle washwater.
2. Inbound scrap materials. Inspection of materials delivered to the facility. Certain types of material (such as gasoline tanks, batteries, PCB-capacitors and compressors) may require special handling or storage procedures or may not be accepted by some facilities.
3. Storage and handling of SARA Title III Section 313 "Water Priority Chemicals" (42 USC s. 11023(c)), batteries and used fluids. Used fluids could include waste oil, parts cleaning fluids, and maintenance fluids (motor oil, antifreeze and hydraulic oil).
4. Sediment deposits on impervious surfaces. Impervious surfaces include rooftops, paved roadways and parking lots, and paved scrap storage and processing areas. Non-industrial impervious areas such as office buildings and employee/visitor parking lots are excluded if the drainage from these areas is not mixed with industrial runoff.
5. Obsolete debris and equipment. Includes accumulated debris, demolition materials, sludge, paper filters, debris from filtration and treatment systems, pallets and old recycling equipment no longer in use.
6. Spills and leaks. Spills and leaks are immediate, accidental releases of fluids or material from vehicles, processing equipment, drums, aboveground tanks, maintenance activities, scrap storage containers, hydraulic systems and fueling operations. Vehicles intended for scrap but not already drained of all fluids shall be drained as soon as practicable and appropriate means shall be employed to prevent spills and leaks. Fluids shall be appropriately stored and disposed of.
7. Erosion and sedimentation sources where nonstructural controls are appropriate.
8. Ferrous and non-ferrous turnings and borings, and associated oils, fines and coolants.
9. Residual fluids and particulates that are discharged or emitted during the operation of processing equipment. Includes hydraulic fluids, coolants, fuels, lubricants, and metal fines. Includes fluids and particulates potentially released during the removal or renovation of equipment, or during the installation of new equipment.
10. Fluids from scrap automobiles, motor blocks and vehicle parts. Includes fuel, antifreeze, oils, and power steering, transmission and brake fluids.
11. Erosion and sedimentation sources where structural controls (paving, detention ponds) are appropriate.
12. Runoff problems. Ponding, poor drainage, or excessive flow volumes or velocities that contribute to water pollution problems.
13. Source areas that have been identified in the SWPPP development that are not otherwise listed in this Table.
14. Other scrap with a significant risk of storm water contamination. Includes scrap that has associated fluids (such as lubricants, coolants, or cutting oils), has small particles, or is easily erodible or mobile. Includes oily scrap, chopped wire, wire insulation, electrical components, ballasts and shredder fluff.

Notes to Table A:

(1) Mercury is a hazardous waste and mercury switches and mercury containing devices are allowed to be managed under less stringent Universal Waste Regulations when they are properly managed and recycled. If mercury switches and mercury containing devices are not properly managed and recycled, the mercury waste is subject to more stringent hazardous waste regulations under ch. 291, Wis. Stats., and chs. NR 660 to 679, Wis. Adm. Code.

(2) Burning of solid waste materials such as oily material, treated wood, plastic, rubber, household garbage and most all other trash is prohibited statewide. Information on open burning regulations is available on the Department's website at: <http://dnr.wi.gov/topic/OpenBurning/>

(3) Construction or use of a well to dispose of storm water directly into underground is prohibited under s. NR 815.11(5), Wis. Adm. Code.

(2) Amending a SWPPP: Unless an alternative timeframe is specified by the Department, the permittee shall amend the SWPPP within 30 days of the occurrence of any of the following circumstances:

- (a) When expansion, production increases, process modifications, changes in material handling or storage, or other activities are planned which will result in significant increases in the exposure of pollutants to storm water discharged either to waters of the state or to storm water treatment devices. The amendment shall contain a description of the new activities that contribute to the increased pollutant loading, planned source control activities that will be used to control pollutant loads, an estimate of the new or increased discharge of pollutants following treatment, and when appropriate, a description of the effect of the new or increased discharge on existing storm water treatment facilities.
- (b) The monitoring required in this permit (comprehensive annual facility site compliance inspection, quarterly visual inspections of storm water quality, or monthly inspections, compliance audits) or other means reveals that the provisions of the SWPPP are ineffective in controlling storm water pollutants discharged to waters of the state.
- (c) Upon written notice that the Department finds the SWPPP to be ineffective in achieving the conditions of this permit.

(3) Evaluation of Non-Storm Water Discharges: Each permittee shall evaluate all storm water outfalls for non-storm water discharges to the storm drainage system for the duration of this permit. Evaluations shall take place during dry periods and shall be representative of non-storm water discharges from the facility (i.e. consider seasonal or cyclical activities). Either of the following monitoring procedures is acceptable:

- (a) End of Pipe Screening: A visual observation made at least twice per year, beginning in the first year of permit coverage, at each outfall of the storm sewer collection system. Instances of dry weather flow, stains, sludge, color, odor, or other indications of a non-storm water discharge shall be recorded.
- (b) Detailed Testing: A detailed testing of the storm sewer collection system performed during the first year of the permit. Acceptable testing methods include dye testing, smoke testing, or video camera observation. This method of testing shall be repeated at 5 year intervals, beginning with the test done during the first year of permit coverage.

Upon discovering non-storm water flows, which are not covered under another permit, the permittee shall either seek coverage under another permit or eliminate the non-storm water flow.

D. ADDITIONAL REQUIREMENTS FOR PERMITTEES WHO ELECT TO PARTICIPATE IN A CCP

A permittee may elect to participate in a cooperative compliance program (CCP) that is sponsored by permittees. The purpose of the CCP is to administer a compliance program in such a way that its participants meet the requirements of this permit. A CCP shall comply with Part F of this permit. The permittee is responsible for ensuring that its CCP complies with the requirements of Part F of this permit. Where a permittee elects CCP participation, the permittee shall comply with Parts A, B, C, D, and G of this permit. A permittee that becomes ineligible, for any reason, for participation in the CCP, is subject to the requirements of Part E of this permit and not Part D. Unless the permittee becomes ineligible for CCP participation, the permittee shall have the option to transfer into alternative CCPs.

- (1) Storm Water Pollution Prevention Plan (SWPPP) Certification: Within 2 months after joining a CCP, the permittee shall send the Department a statement signed in accordance with s. NR 216.22(7), Wis. Adm. Code that a SWPPP has been developed for the facility and that the SWPPP has been certified by the CCP in accordance with Part F.(2)(e). The SWPPP shall be kept at the facility and made available to the Department upon request. If the storm water discharges to a municipality covered under a municipal storm water permit, the SWPPP shall be made available to that municipality upon request.
- (2) BMP and Treatment Practice Selection: The permittee shall select from a set of acceptable BMPs and treatment practices developed jointly by the Department and the CCP. The acceptable BMPs may include performance criteria. The selected BMPs and treatment practices will be considered the best available technology (BAT) that is economically achievable and best conventional pollutant control technology (BCT) that demonstrates compliance on the part of the permittee. The Department and the CCP may update the list of approved BMPs and treatment practices to incorporate new approaches and control strategies, and to remove those that are not found to be effective.

Where storm water is significantly contaminated with petroleum products following the implementation of acceptable BMPs, additional BMPs shall include treatment for oil and grease removal by an adequately sized, designed, and functioning wastewater treatment device. Coverage under a separate individual or Petroleum Contaminated Water general permit is required for discharges of water that has been treated after contacting petroleum products.

Where point source discharges of storm water are contaminated by significant amounts of sediment from eroding areas, including bare-earth industrial lots and ongoing industrial processes, acceptable BMPs shall include treatment by sediment trapping and sediment reduction practices designed in accordance with good engineering practices.

A permittee wishing to substitute an alternative BMP or treatment practice assumes the risk that the alternative BMP is inadequate or ineffective. Where a permittee proposes a substitute for an acceptable BMP, the CCP shall notify the Department of the substitute in an annual compliance report. The Department may require the permittee to perform additional monitoring to determine if the alternative BMP is adequate and effective.

- (3) BMP Implementation: Each permittee shall implement BMPs or treatment practices according to Part C.(1)(h) of this permit.
- (4) Conduct Monthly Inspections: The permittee shall conduct monthly inspections beginning in the third month of permit coverage. The inspection shall be adequate to verify that the site drainage conditions and potential pollution sources identified in the SWPPP remain accurate, and that the BMPs prescribed in the SWPPP are being implemented, properly operated and

adequately maintained. The inspections shall include checking for signs of leakage of any fluids from equipment and storage containers, and checking the condition of storage areas. At least two of the monthly inspections shall include visual observations of storm water discharge quality at each storm water discharge outfall during a runoff event. The observations shall be conducted within the first 30 minutes of discharge or as soon thereafter as practical, but not exceeding 60 minutes. These inspections of storm water discharge quality shall be conducted between March 15 and September 15 and at least 3 months apart, and shall include any observations of color, odor, turbidity, floating solids, foam, oil sheen, or other obvious indicators of storm water pollution. Written records for all monthly inspections shall be maintained on site and shall document the inspection date, inspection personnel, scope of the inspection, major observations, and revisions needed in the SWPPP. If there were no runoff events large enough to conduct a visual observation of storm water discharge quality, the circumstances shall be documented and maintained on site.

- (5) Annual Compliance Audit: The permittee shall participate in an annual audit of SWPPP compliance and source area control BMP effectiveness administered by the CCP. The results of the audit shall be kept at the facility as part of the SWPPP. The CCP shall include the facility and permittee name on a report of compliance audits performed.
- (6) CCP Eligibility Reinstatement: If a permittee is terminated from CCP eligibility, it shall be allowed to apply to the Department for CCP eligibility reinstatement. The permittee shall contact the Department by letter to request CCP eligibility reinstatement and justify that non-compliance issues have been resolved. The Department may reinstate CCP eligibility to permittees that have resolved non-compliance issues and shall do so by letter.
- (7) Employee Training: The permittee shall participate and attend annual employee SWPPP training provided by the CCP under Part F.(2)(f) of this permit. As applicable, the employee training program shall include proper handling of equipment, management of storage areas, and disposal of waste materials.

E. ADDITIONAL REQUIREMENTS FOR PERMITTEES WHO DO NOT PARTICIPATE IN A CCP

(1) Storm Water Pollution Prevention Plan (SWPPP):

- (a) Source Area Control Best Management Practices (BMPs): Each permittee's SWPPP shall provide for the use of source area control BMPs to prevent storm water from being contaminated at the facility. BMPs are activities, prohibitions of practices, maintenance procedures, structural controls, source area controls, treatment requirements, operating procedures, outdoor storage containment and other management practices to prevent or reduce pollutants in runoff entering waters of the state. Each permittee's SWPPP shall provide for the use of the following applicable BMPs:
1. Erosion control practices to control significant soil erosion as specified in Part B.(6)(e).
 2. Good housekeeping measures, preventive maintenance measures, visual inspections, spill prevention and response measures, and employee training and awareness.
 3. Covering or enclosing salt storage piles so that neither precipitation nor storm water runoff can come into contact with the stored salt; or, for permittees that use brine and have salt storage piles on impervious curbed surfaces, a means of diverting contaminated storm water to a brine treatment system for process use.
 4. Use of a combination of storm water contact control or containment, drainage controls, or diversions to control "water priority chemicals" listed under Section 313 of title III of the superfund amendments and reauthorization act (42 USC s. 11023 (c)), potentially discharged through the action of storm water runoff, leaching, or wind.
- (b) Treatment Practices: When source area control BMPs are not feasible, not cost effective, or are inadequate to control storm water pollution, or when the Department determines BMPs are inadequate to achieve a water quality standard, the permittee shall implement treatment practices to reduce the pollutants in contaminated storm water prior to discharge to waters of the state. Treatment practice is a storm water treatment system, works, or practice that is designed to reduce or remove pollutants from contaminated storm water. If a SWPPP includes a storm water treatment practice, the Department may require the submittal of plans and specifications for review and approval pursuant to s. 281.41(1), Wis. Stats. Each permittee's SWPPP shall provide for the following types of storm water treatment practices:
1. Storm water significantly contaminated with petroleum products shall be treated for oil and grease removal by an adequately sized, designed, and functioning wastewater treatment device. Coverage under a separate individual or Petroleum Contaminated Water general permit is required for discharges of water that has been treated after contacting petroleum products.
 2. Point source discharges of storm water contaminated by significant amounts of sediment from eroding areas, including bare earth industrial lots and ongoing industrial processes, shall be treated by sediment trapping and sediment reduction practices that are designed in accordance with good engineering practices and principals appropriate for the eroding area(s) of concern.

- (c) Each permittee's SWPPP shall include a checklist of inspections to be made during the annual facility site inspection.
 - (d) Each permittee's SWPPP shall also identify for each outfall the type of monitoring that will be conducted, such as non-storm discharge monitoring, storm water discharge quality inspections or chemical pollutant monitoring.
 - (e) Each permittee's SWPPP shall include an annual employee training and awareness program. As applicable, the employee training program shall include proper handling of equipment, management of storage areas, and disposal of waste materials.
- (2) Monitoring Requirements: Monitoring includes site inspections as well as the collection and analysis of storm water samples. Any monitoring shall be representative of storm water discharges from the facility.
- (a) Annual Facility Site Compliance Inspection (AFSCI): The permittee shall perform and document the results of the AFSCI. The inspection shall be adequate to verify that the site drainage conditions and potential pollution sources identified in the SWPPP remain accurate, and that the BMPs prescribed in the SWPPP are being implemented, properly operated and adequately maintained. Information reported shall include the inspection date, inspection personnel, scope of the inspection, major observations and revisions needed in the SWPPP.
 - (b) Quarterly Visual Monitoring: The permittee shall perform and document quarterly visual inspections of storm water discharge quality at each storm water discharge outfall. Inspections shall be conducted within the first 30 minutes of discharge or as soon thereafter as practical, but not exceeding 60 minutes. The inspections shall include any observations of color, odor, turbidity, floating solids, foam, oil sheen, or other obvious indicators of storm water pollution. Information reported shall include the inspection date, inspection personnel, visual quality of the storm water discharge, and probable sources of any observed storm water contamination.
 - (c) Annual Chemical Storm Water Sampling: For an existing facility with permit coverage under a previously issued version of this permit, the permittee shall perform annual chemical storm water sampling at each outfall. For a facility receiving permit coverage under this permit for the first time after the **Effective Date**, the permittee shall perform annual chemical storm water sampling at each outfall beginning within 12 months after the **Start Date** of coverage under this permit.
 - 1. The permittee shall sample storm water discharges annually for the following physical and chemical characteristics:
 - a) Total Suspended Solids (TSS)
 - b) Chemical Oxygen Demand
 - c) Conductivity
 - d) Total Recoverable Lead, Aluminum, Copper, Iron, and Zinc
 - e) Oil and Grease
 - 2. The annual monitoring results for the parameters listed in Table B shall be compared to the values indicated:

Table B.

TSS	100 mg/L
Total Recoverable Aluminum	0.75 mg/L
Total Recoverable Iron	1.0 mg/L

- a) If an annual monitoring result for a parameter listed in Table B exceeds the value indicated and the exceedance is attributable to the permittee's facility, the permittee shall do either of the following:
- In accordance with s. NR 216.27(4), Wis. Adm. Code, and Part C.(2) of this permit, amend the SWPPP and implement the necessary modifications so that the next annual monitoring result for a parameter listed in Table B does not exceed the value; or
 - Make a determination and document in writing to the Department that no further pollutant reductions are technologically practicable or economically achievable beyond the BMPs implemented to meet the discharge and minimum source area control requirements in Part B of this permit.
3. The permittee shall follow the procedure for storm water sampling and analysis as specified in s. NR 216.28(4), Wis. Adm. Code.

Note: Wisconsin's Guidance for Industrial Storm Water Sampling (WDNR, Sept. 1994) is available on the Department's website at:
http://dnr.wi.gov/topic/stormwater/indus_pubs.html

4. Monitoring Waivers: The Department may waive specific monitoring requirements for the following reasons:
- a) The permittee indicates that either an employee could not reasonably be present at the facility at the time of the snowmelt or runoff event, or that attempts to meet the monitoring requirement would endanger employee safety or well-being.
- b) The permittee indicates that there were no snow melt or runoff events large enough to conduct a quarterly visual inspection at an outfall. A waiver is automatically granted for a quarter where the permittee sufficiently documents and retains records demonstrating that there were no snow melt or runoff events large enough to conduct a quarterly visual inspection at the facility during that quarter. Documentation and records used to qualify for an automatic waiver shall be submitted to the Department upon request.
- c) An inactive or remote facility where the permittee demonstrates that monitoring and inspection activities are impractical or unnecessary. At a minimum, the Department shall establish an alternative requirement that the permittee make site inspections by a qualified individual at least once in every 3-year period.
- d) The permittee can demonstrate to the Department's satisfaction that the

sources of storm water contamination are outside of the permittee's property boundary and are not associated with the permittee's activities. The demonstration shall be presented in the SWPPP and submitted to the Department for evaluation.

(3) Compliance and Reporting Requirements:

(a) SWPPP Compliance and Reporting Requirements

1. The owner or operator of a facility that is to be constructed shall develop a SWPPP and submit a SWPPP summary to the Department with the Notice of Intent requesting permit coverage prior to initiating construction. Owners or operators of other facilities shall develop SWPPPs and submit SWPPP summaries to the Department prior to initiating industrial operation.
2. The SWPPP shall be kept at the facility and made available to the Department upon request. If the storm water discharges to a municipality that is covered under a municipal storm water permit, the SWPPP shall be made available to that municipality upon request.
3. The SWPPP summary shall be submitted on a standard form available from the Department.
4. If a SWPPP summary is incomplete, the Department shall notify the permittee, and may request to review the complete SWPPP.
5. The permittee shall keep the SWPPP current and correct deficiencies in the original SWPPP. The permittee shall amend the SWPPP and notify the Department in the event of any facility operational changes that could result in additional significant storm water contamination.

(b) BMP Implementation: Each permittee shall implement BMPs or treatment practices according to Part C.(1)(h) of this permit.

(c) Monitoring Compliance and Reporting Requirements

1. The first Annual Facility Site Compliance Inspection (AFSCI) shall be conducted by the permittee within 12 months after the **Start Date** of coverage under this permit and shall be submitted within 18 months after the **Start Date** of coverage under this permit. Subsequent annual reports shall be submitted within 6 months after the end of the reporting year. The report shall be written on forms prepared by and available from the Department, and shall contain information from the AFSCI, the quarterly visual inspection, the non-storm water evaluation and storm water chemical monitoring. Copies of all of the AFSCI, quarterly visual inspection and non-storm water monitoring reports shall be maintained on site for Department inspection for 10 years after the date that the report or record was made.
2. The first quarterly visual inspection of storm water discharge quality shall be conducted within 3 months after obtaining coverage under the permit.
3. The permittee shall submit the annual chemical monitoring results with the AFSCI report.

Note: The industrial forms are available for download from the Department's Internet website at: <http://dnr.wi.gov/topic/stormwater/industrial/forms.html>

F. COOPERATIVE COMPLIANCE PROGRAM ELIGIBILITY AND REQUIREMENTS

- (1) Eligibility: For an organization to be eligible as a Cooperative Compliance Program (CCP) under this permit, the organization must meet and/or demonstrate the following:
- (a) Department Notification: The organization shall notify the Department by letter of its intent to operate a CCP in accordance with this Part F of the permit. The letter shall describe how the organization intends to comply with this permit. The organization shall assign a unique name to its CCP. The Department will reply by letter to the organization acknowledging its eligibility as a CCP under this permit.
 - (b) Reporting Members and Membership Threshold: The organization shall:
 - 1. Maintain a minimum membership of at least 10 permitted facilities under the Recycling of Scrap and Waste Materials Permit (WI-S058831-3). A Dismantling of Vehicles for Parts Selling and Salvage (WI-S059145-3) permittee is not eligible to be a member of a Recycling of Scrap and Waste Materials CCP. The minimum membership threshold shall be reached and maintained within one year after the Department's letter to the organization acknowledging their intent to operate as a CCP.

The Department may on a case-by-case basis allow an organization to operate with fewer than 10 members when the Department determines that such organization can otherwise provide appropriate services as required by this permit. Reasons for allowing a program to operate as a CCP with less than 10 members may include having terminated members or a limited availability of permittees in the organization's primary area of operation. The organization shall continue to pursue increasing its membership to 10 or more members.
 - 2. The organization shall inform the Department by writing of new members in its program within 14 days after the member joining its program.
 - (c) Environmental Expert: The organization shall have or retain an environmental expert, such as an environmental consultant or equivalent professional, with adequate experience and knowledge in management of storm water pollution through BMPs at scrap recycle, auto dismantle, or equivalent facilities. The environmental expert's credentials shall be provided to the Department.
 - (d) Maintaining Eligibility: The organization shall substantially comply with Part F of this permit to maintain eligibility as a CCP. The Department shall notify the organization by letter of its ineligibility as a CCP if it determines that the organization has not substantially complied with Part F of this permit. Examples which may cause an organization to become ineligible in the CCP program may include, but are not limited to: failure to conduct audits or training sessions, providing inaccurate reports, failure to maintain proper documentation of audits or failure to take appropriate action to address substantial non-compliance.
- (2) Requirements: A CCP shall provide or perform the following:
- (a) Storm Water Manual: The CCP shall develop and distribute to each member a storm water manual, or equivalent document, to assist each member in managing its own compliance. The manual shall include guidance on preparing a storm water pollution

prevention plan, reporting forms, audit records, and other relevant information to assist each member in tracking compliance. All records are to be retained for a period of 10 years after the date that the report or record was made.

(b) Annual Compliance Report: The annual compliance report shall comply with the following:

1. An annual compliance report covering all members shall be submitted to the Department within 2 months after the end of a CCP's compliance-reporting year. If submitted in paper format, six (6) copies of the annual compliance report shall be sent to: Department of Natural Resources, Storm Water Program – WT/3, Box 7921, Madison, WI 53707-7921. If submitted electronically, one (1) CD containing the annual compliance report shall be sent to the same address above or the annual compliance report shall be e-mailed or transmitted by some other acceptable electronic means to the storm water program coordinator. The compliance-reporting year for a CCP, under this permit shall be November 1 - October 31 unless otherwise approved by the Department.

Note: The Department would prefer electronic submittal of the annual compliance report in PDF format. To obtain the e-mail address of the storm water permit coordinator, please telephone the Department at (608) 267-7694 or visit the Department's website at: <http://dnr.wi.gov/topic/stormwater/contacts.html>

2. The annual report shall include a complete evaluation of each member's compliance status with the permit, detailed information on BMPs including effectiveness and additional recommended BMPs, a summary of training provided, and a summary of compliance issues and actions taken to address them. The annual report shall also include an evaluation of the effectiveness of the CCP program and whether the planning and operational practices implemented through the CCP were effective in minimizing pollutants in storm water discharges. The CCP's environmental expert shall certify annual reports with the use of the following or equivalent language.

I certify that this annual compliance report meets the requirements of Part F.(2)(b) of the WPDES industrial storm water permit number WI-S058831-3. To the best of my knowledge and belief, the information contained in the annual compliance report is true, accurate and complete.

Signed, CCP Environmental Expert

- (c) Complaint Investigation: The Department will ordinarily, in concert with the CCP's environmental expert, investigate a complaint to determine an appropriate course of action. However, the Department retains the ability to independently investigate as authorized by statute.
- (d) Membership Termination: The CCP shall have the authority to terminate its members, that do not substantially comply with this permit, from the CCP. The CCP shall notify the Department by letter within 14 days after any membership termination and include a justification for termination. The Department shall also have the authority to terminate a permittee from the CCP if it does not substantially comply with this permit. The Department shall justify by letter its reasons for terminating a permittee from the CCP. A member terminated from the CCP, by either a CCP or the Department, shall not be

eligible to join any CCP and will be required to meet the conditions of Part E of this permit and shall be ineligible for the conditions of Part D. A permittee terminated from the CCP may re-apply for eligibility reinstatement subject to the conditions of Part D.(6) of this permit.

- (e) Storm Water Pollution Prevention Plan (SWPPP) Certification: The CCP's environmental expert shall review each member's SWPPP and visit each member's facility in order to verify that it meets the requirements of the permit prior to certification of the SWPPP. A SWPPP, which has not been certified, shall be deemed incomplete. The CCP's environmental expert shall certify a SWPPP with the use of the following or equivalent language.

I certify that this storm water pollution prevention plan (SWPPP) meets the requirements of the WPDES industrial storm water general discharge permit number WI-S058831-3 as a member of a qualifying Cooperative Compliance Program under the permit. Based upon my review of the facility, the pollution sources and the activities are adequately defined, and the Best Management Practices are consistent with those approved by the WDNR. To the best of my knowledge and belief, the information contained in the SWPPP is true, accurate and complete.

Signed, CCP Environmental Expert

- (f) Annual Training Sessions: The CCP's environmental expert shall provide annual group training sessions for its members. Individual training sessions do not meet this requirement. These sessions are intended to bring all members together to allow for an open exchange of members' knowledge and experience with the other members. Each annual training session shall give an overview of the entire permit and requirements. However, additional attention shall be given to topics that the permittee will need to perform/evaluate within the coming year. The initial (year 1) training session shall emphasize development of a SWPPP. The year 2 training session should emphasize basic implementation of BMPs and monthly self-inspections. Year 3 training sessions and thereafter would likely emphasize specific source areas and associated BMPs. The Department shall be notified of training sessions 14 days in advance and allowed reasonable access to the training sessions.
- (g) Annual Compliance Audits: The primary purpose of an annual compliance audit is to verify that the certified SWPPP is accurate, up-to-date and is being appropriately implemented.
1. The CCP environmental expert shall conduct annual compliance audits of each member's facility to evaluate compliance with this permit. The audits shall evaluate all potential storm water contamination source areas. Documentation of the audit shall be maintained by the CCP and at each facility.
 2. The annual compliance audits shall document for each source area the following:
 - a) That the source area is in compliance with this permit in accordance with Table A on page 16 above.
 - b) Current BMPs utilized and apparent effectiveness.

- c) Whether or not additional/alternative BMPs are recommended and potential BMP alternatives to consider.
 - d) Current status of compliance (i.e., substantial compliance or substantial non-compliance) and explain. If substantial non-compliance, then indicate timetable for coming into substantial compliance.
- (h) Program Evaluation: A CCP shall require members to participate in Department-sponsored surveys, studies, or evaluations with respect to the CCP's effectiveness of managing storm water. Program evaluation results shall be reported in the Annual Compliance Report.
- (3) Mailing of Submittals: Unless otherwise directed by the Department, all correspondence, annual reports, etc., required in accordance with Part F of this permit shall be mailed to the Department at: Department of Natural Resources, Storm Water Program - WT/3, 101 S. Webster St., Box 7921, Madison, WI 53707-7921.

G. GENERAL CONDITIONS

The general conditions in s. NR 205.07(1), (3), and (5), Wis. Adm. Code, are hereby incorporated by reference into this permit, except for s. NR 205.07(1)(n) and (3)(b), Wis. Adm. Code. Under s. NR 205.08(9), Wis. Adm. Code, dischargers covered under a storm water general permit are not required to submit an application for reissuance unless directed to do so by the Department under s. NR 216.22(9), Wis. Adm. Code. The requirements for spill reporting are in Part G.(5) below.

Note: Chapter NR 205 is available at: http://docs.legis.wisconsin.gov/code/admin_code/nr/200/205

- (1) Work near Surface Waters and Wetlands: Activities performed in wetland areas, in floodplains, or near shorelands may require permits or approvals through applicable state law, state regulations, or county or local ordinances. Additionally, state permits and/or contracts required by chs. 30, 31 and 87, Wis. Stats. and s. 281.36, Wis. Stats. (or Wisconsin Administrative Code promulgated under these laws), and federal permits may be applicable.
- (2) Continuation of the Expired General Permit: As provided in s. NR 205.08(9), Wis. Adm. Code, and s. 227.51, Wis. Stat., the terms and conditions of this general permit shall continue to apply until this general permit is reissued or revoked or until an individual permit is issued for the discharge to which the general permit applied.
- (3) Liabilities under Other Laws: Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the federal Clean Water Act (33 U.S.C. s. 1321), any applicable federal, state, or local law or regulation under authority preserved by Section 510 of the Clean Water Act (33 U.S.C. s. 1370).
- (4) Severability: The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstance is held invalid the remainder of this permit shall not be affected thereby.
- (5) Spill Reporting: The permittee shall notify the Department immediately of any release or spill of a hazardous substance to the environment in accordance with s. 292.11, Wis. Stats., and ch. NR 706, Wis. Adm. Code.

Note: The 24-hour toll free spills hotline number is (800) 943-0003. Information about hazardous substance spills is available at: <http://dnr.wi.gov/topic/Spills/>

- (6) Submitting Records: Unless otherwise specified, any reports submitted to the Department of Natural Resources in accordance with this permit shall be submitted to the appropriate Department regional storm water contact or to Department of Natural Resources, Storm Water Program – WT/3, Box 7921, Madison, WI 53707-7921.
- (7) Enforcement: Any violation of s. 283.33, Wis. Stats., ch. NR 216, Wis. Adm. Code, or this permit is enforceable under s. 283.89, Wis. Stats.
- (8) Permit Fee: A storm water discharge permit fee shall be paid annually for each industrial facility covered under this permit. The permittee will be billed by the Department annually in May of each year and the fee is due by June 30 of each year in accordance with s. NR 216.30, Wis. Adm. Code. A permittee may be referred to the Wisconsin Department of Revenue for the collection of any unpaid storm water fee.