

PUBLIC NOTICE

**PUBLIC NOTICE OF DRAFT NPDES PERMIT TO
DISCHARGE INTO WATERS OF THE UNITED STATES**

U.S. Environmental Protection Agency
Region 5, Permits Branch - WP-16J
77 West Jackson Boulevard
Chicago, Illinois 60604
312-353-8270

Public Notice No.: 21-12-01-A

Public Notice Issued On: December 10, 2021 Comment period ends: January 10, 2022

Permit No.: WI-0073061-1 (FIRST ISSUANCE)

Application No.: WI-0073061-1

Name and Address of Applicant:

Ashland Auto and Truck Recyclers
52280 Beaugard Road
Ashland, Wisconsin 54808

Name and Address of Facility:

Ashland Auto and Truck Recyclers
52280 Beaugard Road
Ashland, Wisconsin 54808

Receiving Water: Kakagon River

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

Ashland Auto and Truck Recyclers has applied for an NPDES Permit to discharge stormwater associated with industrial activity into the Kakagon River. The discharge is located within the exterior boundaries of the Bad River Reservation. The U.S. Environmental Protection Agency proposes to issue a permit for the discharge.

Stormwater discharges associated with certain industrial activities are subject to permitting requirements of the Clean Water Act (CWA). Applicable industrial activities are identified in 40 Code of Federal Regulations (C.F.R.) part 122.26(b)(14). This facility proposes a Storm water discharge associated with industrial activity according to the definition in 40 C.F.R. part 122.26(b)(14)(vi).

The existing facility takes in vehicles that are dismantled for parts or sold for salvage. They also perform commercial towing and bring salvage vehicles to the property for dismantling or for towing storage. All dismantled vehicles are drained of all fluids and batteries which are stored or disposed properly in accordance with their storm water pollution prevention plan (SWPPP). The following outfalls are covered under this permit:

Outfall 001 - Stormwater from Drainage Area D and
Outfall 002 - Stormwater from Drainage Area B

The draft permit includes the following benchmark limitations and monitoring requirements:

Outfall 001 and 002 - Storm Water Associated with Industrial Activity

Parameter	Benchmark	Sample ^(a) Frequency	Sample ^(b) Type	Duration	Follow-up Action
Polycyclic Aromatic Hydrocarbons (PAHs) ^(c)	Indicator – Report only	Bi-annually (2 times per year)	Grab	First year and fourth year	None
Total Suspended Solids	100 mg/l	Quarterly	Grab	First year and fourth year	AIM See Part I.C.3
Total Recoverable Aluminium	1.10 mg/l	Quarterly	Grab	First year and fourth year	AIM See Part I.C.3
Total Recoverable Lead	Hardness Dependent ^(d)	Quarterly	Grab	First year and fourth year	AIM See Part I.C.3
Visual Monitoring ^(e)	-	Quarterly	Visual	Entirety of Permit coverage	AIM See Part I.C.3

(a) Quarterly sample frequency means performing the associated monitoring four times per year; once anytime during each of the four annual quarters (Jan.-Feb.-March, April-May-June, July-Aug.-Sept., Oct.-Nov.-Dec.). If there is no discharge during a quarter, the permittee shall state this on the discharge monitoring report form.

(b) A grab sample means a single sample taken at one moment of time. It shall be taken within the first 30 minutes of the discharge caused by a storm event with at least 0.1 inch of precipitation. If it is not practicable to take the sample during the first 30 minutes, sample during the first hour of discharge and describe why a grab sample during the first 30 minutes was impracticable. This information shall be submitted on or with the discharge monitoring report. Along with the results of your monitoring, you must provide the date and duration (in hours) of the storm event(s) samples; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event samples and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge samples.

(c) Monitoring is required for the 16 individual PAHs identified at Appendix A to 40 CFR Part 423: naphthalene, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthene, pyrene, benzo[a]anthracene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, benzo[g,h,i]perylene, indeno[1,2,3-c,d]pyrene, and dibenz[a,h]anthracene.

(d) The freshwater benchmark value for lead is dependent on water hardness. The permittee must determine the hardness of the receiving water in accordance with Part I.D.2.2 to identify the applicable ‘hardness range’ for determining their benchmark value applicable to the facility. Hardness Dependent Benchmarks follow in the table below

(e) See Part I.D.7 of the Permit

The limits were developed to ensure protection of the Bad River Band of Lake Superior Chippewa’s (Band) and Wisconsin’s water quality standards where they are applicable. In this regard, the Wisconsin Department of Natural Resources and the Band were contacted. Conditions of the permit are based on EPA’s 2021 multi-sector general permit for storm water associated with industrial activity. The permit also requires compliance with technology-based limitations, the revision (if needed) and implementation of a SWPPP and additional implementation measures if benchmark limits are not met.

SECTION 401 WATER QUALITY CERTIFICATION

Where states or tribes have federally approved water quality standards that are applicable at the point of discharge, federal NPDES permits cannot be issued unless water quality certification for the discharge is granted or waived pursuant to Section 401 of the Clean Water Act.

The Band is a federally recognized Indian tribe and has Treatment-in-the-same-Manner-As-a-State (“TAS”) for purposes of enforcement of federal water quality standards on the Band’s Reservation in northern Wisconsin. Therefore, in accordance with Section 401 of the Clean Water Act, EPA requested certification of the draft permit by the Band on August 18, 2021 and the Band provided a certification with conditions on October 14, 2021. The permit requires compliance with the Band’s Water Quality Standards which can be obtained at: <https://www.epa.gov/wqs-tech/water-quality-standards-regulations-bad-river-band-lake-superior-chippewa-tribe>

TENTATIVE DETERMINATION

On the basis of preliminary staff review and application of applicable standards and regulations, the Regional Administrator of EPA, Region 5 proposes to issue a permit for the discharges from Ashland Auto and Truck Recyclers subject to certain effluent limitations and special conditions.

COMMENT PROCEDURES

The determination to issue the NPDES permit is tentative. EPA's comment and public hearing procedures may be found at 40 C.F.R. 124.10, 124.11, 124.12, and 124.13. The following is a summary of those procedures:

1. The comment period during which written comments on the draft permit may be submitted extends to **January 10, 2022**.
2. During the comment period, any interested person may request a public hearing by filing a written request which must state the issues to be raised. The last day for filing a request for public hearing is **January 10, 2022**. EPA will hold a hearing if there is significant interest based on written requests. Public notice of such a hearing will be circulated in at least one newspaper in the geographical area of the discharge and to those persons on the EPA mailing list at least 30 days prior to the hearing.
3. All comments received after **January 10, 2022** will not be considered in the formulation of the final determination.
4. Written comments or requests for a public hearing must be emailed to: Krista McKim, U.S. Environmental Protection Agency, Region 5, Permits Branch at mckim.krista@epa.gov.

The application and Public Notice numbers should appear on the subject line for all submitted comments. It is important that all viewpoints are considered before taking action. Therefore, we greatly appreciate your time and effort in participating in the public participation process. EPA will notify the applicant and each person who has submitted written comments or requested notice of the final permit decision.

PETITION TO REVIEW

Within 30 days following the service of notice of the Regional Administrator’s final permit decision, any person who filed comments on the draft permit or participated in a public hearing, if held, may petition the Environmental Appeals Board (EAB) to review any condition of the permit decision. Such a petition must include a statement of the reasons supporting review of the decision, including a demonstration that the issue(s) being raised for review were raised during the public comment period (including any public hearing). The petition should, when

appropriate, show that each condition being appealed is based on a finding of fact or conclusion of law which is clearly erroneous.

AVAILABILITY OF DOCUMENTS

Due to COVID-19 public health emergency the application, draft permit, including proposed effluent limitations and special conditions, statement of basis, and other documents contained in the administrative record may not be available for inspection at the Chicago Regional offices of the Environmental Protection Agency. Please contact Krista McKim at (312) 353-8270 or by e-mail at mckim.krista@epa.gov anytime between 9:00 a.m. and 4:00 p.m., Monday through Friday if you are interested in viewing the administrative record. You may also view the public notice, statement of basis, and draft permit on Region 5's website at <https://www.epa.gov/npdes-permits/ashland-auto-and-truck-recyclers-mpdes-permit-wi-0073061-1>. All data submitted by the applicant is available as part of the administrative record. For more information, please contact Ms. McKim as stated above.

Unless a public hearing is scheduled, the EPA will issue a final determination as to the issuance of the permit in a timely manner after the expiration of the public comment period. If you would like to receive a copy of the final determination, please submit a request during the comment period to the above address. Please bring the foregoing to the attention of persons whom you know would be interested in this matter.