

# STATEMENT OF BASIS

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(ISSUANCE)

**Application No.:** WI-0073061

**Name and Address of Applicant:**

Ashland Auto and Truck Recyclers  
52280 Beaugard Road  
Ashland, Wisconsin 54806

**Name and Address of Facility:**

Ashland Auto and Truck Recyclers  
52280 Beaugard Road  
Ashland, Wisconsin 54806

**Receiving Water:** Kakagon River

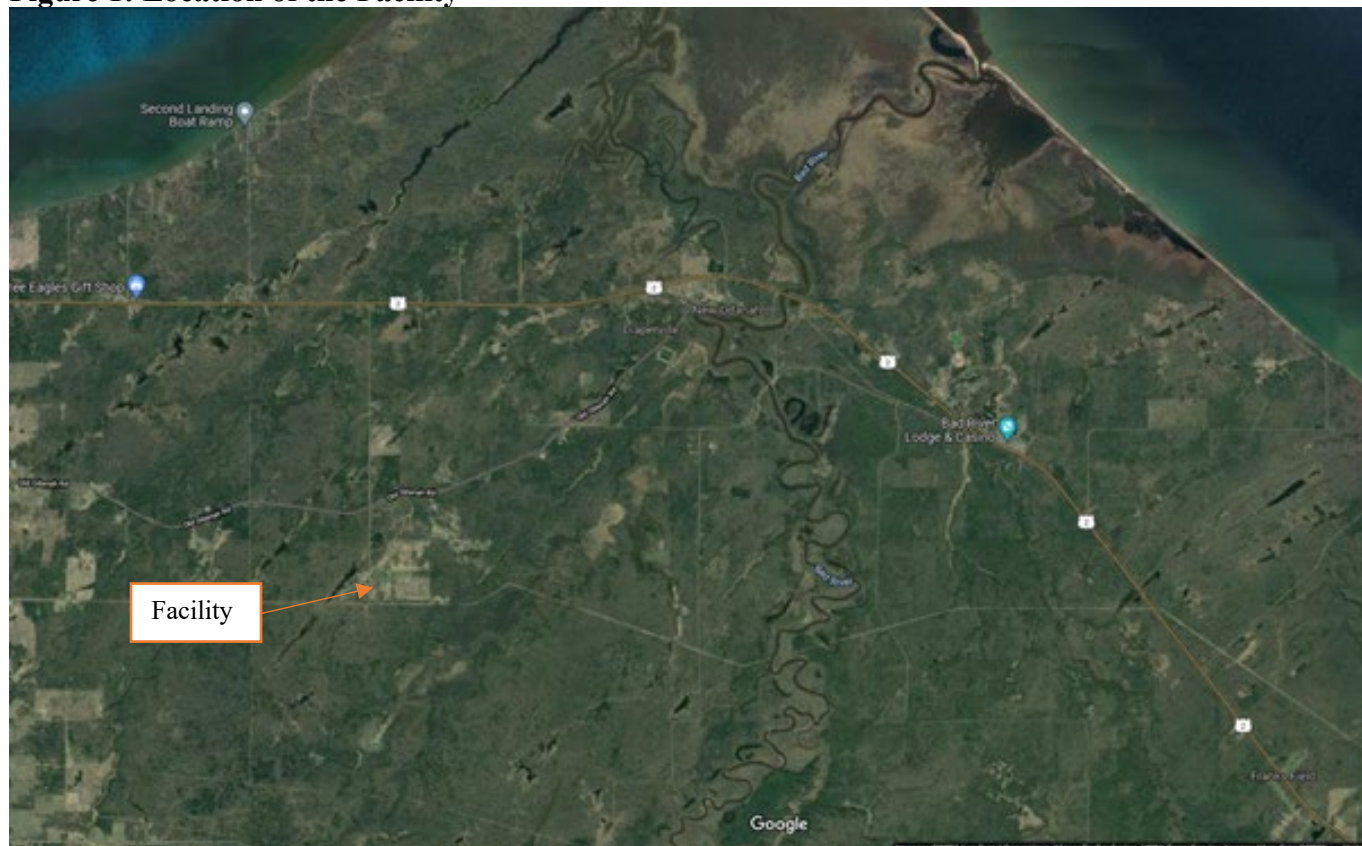
**DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE**

Ashland Auto and Truck Recyclers has applied for a National Pollutant Discharge Elimination System (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 EPA has retained the authority to issue NPDES permits to facilities with discharges to waters of the United States within the boundaries of Indian Reservations. The EPA is issuing this NPDES permit under the authorities of the Clean Water Act (CWA).

Stormwater discharges associated with certain industrial activities are subject to permitting requirements of the CWA. Applicable industrial activities are identified in 40 Code of Federal Regulations (C.F.R.) part 122.26(b)(14). This facility discharges stormwater associated with industrial activity according to the definition in 40 C.F.R. part 122.26(b)(14)(vi). The facility is existing and had previously been granted coverage under a NPDES permit issued by the State of Wisconsin. As the facility is located within the Bad River Reservation, where EPA has jurisdiction to issue NPDES permits, the facility submitted a permit application to EPA in November 2020. EPA is issuing an individual permit for the facility's stormwater discharges. See Figure 1 for the location of the facility.

The 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 SWPPP and CCP plan. The following outfalls are covered under this permit:

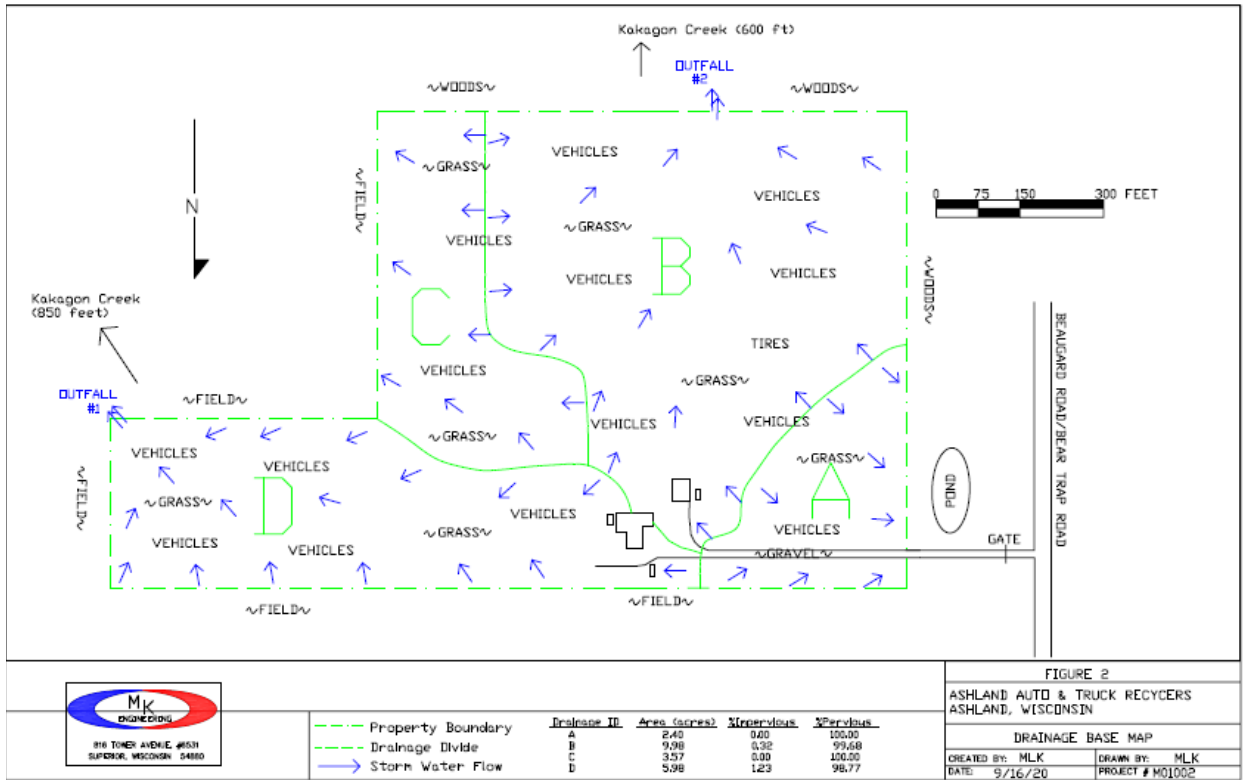
**Figure 1: Location of the Facility**



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

See Figure 2 for the map of the drainage areas that was submitted with the NPDES permit application. Note that Figure 2 which was included in the permit application refers to Kakagon Creek as the receiving water but the correct name for the receiving water is the Kakagon River.

**Figure 2: Facility Drainage Map.**



**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 Bad River Band on August 18, 2021 and the Band provided a certification with conditions on October 14, 2021, and those proposed conditions are under review by EPA. 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>

**Summary of Permit Conditions**

**Conventional and non-Conventional Parameter Monitoring Requirements.**

Consistent with federal regulations at 40 C.F.R. 122.26(c)(1)(i)(E)(3) and (5), the permit requires monitoring for the parameters listed below for each Outfall. Sampling shall be conducted according to sufficiently sensitive test procedures (i.e., methods) approved under 40 C.F.R. 136 for the analysis of pollutants or pollutant parameters or required under 40 C.F.R. chapter I, subchapter N or O. See instructions and 40 C.F.R. 122.21(e)(3). Results of this monitoring shall be submitted during the first quarter during which there is a discharge.

For the sampling event during which the data below is collected, the facility must also provide the corresponding flow measurement or estimate of flow rate for the storm event sampled and the method of flow measurement or estimate and the total amount of discharge.

**Table 1: Discharge Monitoring Requirements**

Parameter	Benchmark	Sample <sup>(a)</sup> Frequency	Sample <sup>(b)</sup> Type	Duration
Polycyclic Aromatic Hydrocarbons (PAHs) <sup>(c)</sup>	Indicator – Report only	Bi-annually (2 times per year)	Grab	First year and fourth year
Total Suspended Solids	100 mg/l	Quarterly	Grab	First year and fourth year
Total Recoverable Aluminium	1.10 mg/l	Quarterly	Grab	First year and fourth year
Total Recoverable Lead	Hardness Dependent <sup>(d)</sup>	Quarterly	Grab	First year and fourth year
Visual Monitoring <sup>(e)</sup>	-	Quarterly	Visual	Entirety of Permit coverage

- (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) 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
- (d) See Part I.D.7 of the Permit

**Polycyclic Aromatic Hydrocarbons (PAHs)**

PAHs are required to be monitored bi-annually (twice per year) as indicator parameters during the first and fourth year of the permit term. Monitoring is required for the 16 individual PAHs identified at Appendix A to 40 C.F.R. 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.

**Total Suspended Solids (TSS)**

Monitoring for compliance with the benchmark is required quarterly for the first and fourth years. The TSS benchmark is 100 mg/l (milligrams per liter) and is meant to assess how well

best management practices utilized at the site are working to remove suspended solids from the discharge to concentrations below 100 mg/l. If monitoring demonstrates that the facility is not achieving this benchmark, the facility will need to implement Additional Implementation Measures (AIM) to bring the discharge into compliance with the benchmark.

### **Total Suspended Solids, Total Recoverable Aluminium and Lead**

The permit requires quarterly monitoring of benchmark parameters selected for the automobile salvage yards sector. The benchmark thresholds listed in Table 1 are not effluent limits, but if results exceed the benchmark values, the facility will need to consider implementing Additional Implementation measures (AIM). The exceedance of the benchmark is not a violation of the permit but does result in a requirement to take additional actions to bring the levels of pollutants in the discharge down to below the benchmark values.

### **Non-Numeric Technology-Based Effluent Limits**

The permit requires the design, installation and implementation of control techniques and management practices that are to be tailored to the permittee's facility. The permit requires operators to implement stormwater control measures to comply with non-numeric technology-based effluent limits, expressed narratively pursuant to 40 C.F.R. 122.44(k). The achievement of these non-numeric limits will result in the reduction or elimination of pollutants from stormwater discharges.

### **Stormwater Pollution Prevention Plan**

The permit requires the review and update of the facility's existing Stormwater Pollution Prevention Plan (SWPPP). The SWPPP focuses on two major objectives: (1) to identify sources of pollution potentially affecting the quality of stormwater discharges associated with industrial activity from the facility; and (2) to ensure implementation of measures to minimize and control pollutants in stormwater discharges associated with industrial activity from the facility. EPA believes the pollution prevention approach is the most environmentally sound and cost-effective way to control the discharge of pollutants in stormwater runoff from industrial facilities.

### **Visual Monitoring**

The permit requires that grab samples of stormwater discharges be taken and examined visually for the presence of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen or other obvious indicators of stormwater pollution. EPA believes that this quick and simple assessment will help the permittee to determine the effectiveness of his/her SWPPP on a regular basis at very little cost.

### **Routine Facility Inspections**

The permit requires the permittee to quarterly conduct inspections of areas of the facility covered by the requirements in the permit, including, but not limited to, the following:

- areas where industrial materials or activities are exposed to stormwater;
- areas identified in the SWPPP and those that are potential pollutant sources;
- areas where spills and leaks have occurred in the past three years;
- discharge points; and

- control measures used to protect water quality and meet the benchmark values contained in this permit.

These inspections will enable permittees to better identify sources of pollutants discharged in stormwater runoff from the facility and to actively observe the effectiveness of control measures.

**Special Conditions**

1. The permittee must submit electronic discharge monitoring reports (DMRs).
2. The permit has requirements to take corrective actions and Additional Implementation Measures (AIM).
3. The permit has requirements to review and update a stormwater pollution prevention plan.
4. The permit has requirements for routine facility inspections.
5. The permit has requirements for visual monitoring of the stormwater discharges.
6. The permit has requirements related to monitoring of benchmark parameters.
7. The permit has a requirement to analyze a sample of the receiving waters for hardness.
8. The permit has a requirement to collect discharge data for conventional and non-conventional pollutants per 40 C.F.R. 122.26(c)(1)(E).

The permit is based on an NPDES application dated November 19, 2020, and additional documents found in the administrative record.

This permit will be effective for approximately five years from the date of issuance as allowed by regulation.

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