

VIA ELECTRONIC MAIL AND FIRST CLASS MAIL

January 7, 2005

Eric Rortvedt
WT/2 Wisconsin Department of Natural Resources
101 S. Webster St.
P.O. Box 7921
Madison, WI 53707-7921

Re: Comments on Proposed Reissuance of the General Permits for Storm Water Associated With Recycling of Scrap and Waste Materials (WPDES General Permit No. WI-S058831-2) and Dismantling of Vehicles for Parts Selling and Salvage (WPDES General Permit No. WI-S059145-2)

Dear Mr. Rortvedt,

I am writing this letter on behalf of Friends of Milwaukee's Rivers to offer comments on the proposed issuance of the general permit for storm water associated with industrial activity of recycling scrap and waste materials and dismantling of vehicles for parts selling and salvage.

Friends of Milwaukee's Rivers (FMR) is a non-profit organization that works to protect and improve the water quality and wildlife habitat of the Milwaukee River Basin, which includes the Milwaukee, Menomonee, and Kinnickinnic Rivers. As the licensed Milwaukee Riverkeeper under the Waterkeeper Alliance, FMR advocates compliance with environmental laws, responds to citizen complaints, identifies problems that affect our water bodies, and helps to devise appropriate remedies to address these problems.

FMR hopes to continue to collaborate with the Wisconsin Department of Natural Resources (WDNR) in the future to more effectively and successfully address the enormous challenges posed by industrial storm water pollution. As with other general permits currently being issued for public comment, the general permit for these industrial dischargers does not address how or whether antidegradation standards will be applied or how 303(d) impaired waters will be addressed. It is our understanding that by not addressing the effects of increasing pollutants into state waters that are already impaired, threatened, or exhibit outstanding/exceptional characteristics, that the WDNR is in violation of several provisions of the Clean Water Act.

Industrial scrap recyclers and vehicle dismantlers are a significant source of water pollution locally, especially in the Milwaukee Estuary and Menomonee River. These facilities are currently discharging pollutants into urban rivers that are already impaired and considered an Area of Concern by the U.S. EPA. FMR feels that the proposed general permits are not sufficiently protective of water quality, and that the WDNR should exclude these industrial facilities from general permit coverage when discharging into impaired waters. The WDNR should issue individual permits for these facilities to properly ensure that water quality standards will not be violated.

In addition, these industrial facilities should also be required to retain individual permits if discharging to outstanding and exceptional resource waters (ORWs and ERWs). There are relatively few ORWs and ERWs in the Milwaukee River Basin, and it seems that local staff should be able to provide more review to proposed discharges into these types of water bodies. FMR supports a watershed permitting system or “hybrid” system, which would allow for some flexibility or a “menu” of limitations that could be applied on a watershed-by-watershed or permit-by-permit basis throughout Wisconsin.

FMR feels that scrap and waste recycling and auto dismantling facilities that are discharging pollutants into our waters have the potential to cause or contribute to violations of water quality standards, especially in impaired waters, and thus the WDNR should conduct a reasonable potential analysis and establish numeric effluent limits for these industrial storm water dischargers. The narrative limitations and cursory visual inspections listed in the general permit do not seem enough to adequately protect our waters from industrial pollutants or to assure that discharges are not causing violations of water quality standards. With virtually no chemical monitoring required, it is unclear how WDNR staff would be able to determine if BMPs and BCTs at these industrial facilities are even working!

Interestingly, only the individual permittees that are not part of a Cooperative Compliance Program (CCP) have to do *annual* chemical monitoring. At the very least, industrial dischargers that are in a CCP or not in a CCP should have to submit to the same monitoring regime—preferably at least *quarterly* chemical monitoring. Permittees could be required to upload their data on a WDNR website, which would make it easier for WDNR staff to monitor compliance and easier for the public to watchdog these facilities as well. The general permit also needs to clarify the qualifications, level of monitoring, and reporting requirements of CCP consultants. It is unclear whether these consultants will report data to the WDNR, or if anyone from the WDNR will ever review the reports generated. In addition, will the CCPs, being paid by industry, have any incentive to report noncompliance of facilities to the WDNR? What will be the penalties assessed and liability of the industrial facilities and CCP consultants if found to be in noncompliance?

In conclusion, FMR feels that issuing a general permit for storm water associated with recycling of scrap and waste materials and dismantling of vehicles for parts selling and salvage is not warranted, especially when discharges will pollute already impaired waters, ORWs, and ERWs. Given the potential levels and types of pollutants discharged by these facilities, monitoring requirements also seem inadequate, and need to be improved in order to better address the enormous threat of industrial storm water.

Feel free to call me with any questions at (414) 287-0207 ext. 29. Thank you for consideration of these comments.

Sincerely,

Cheryl Nenn
Milwaukee Riverkeeper/Project Director