

Technical Bulletin

Industrial Storm Water Permit Coverage for Wisconsin Landfills

Background

For years, Wisconsin landfills have relied on compliance with the storm water management requirements in the Chapter NR 500 code series to achieve compliance with the NR 216 storm water standards. Effective June 15, 2016, the Wisconsin Department of Natural Resources (WDNR) changed their policy, and now requires landfills and associated non-commercial borrow sites to obtain separate industrial storm water permit coverage.

The change in policy is documented in a WDNR guidance document titled, “Storm Water Discharge Permit Coverage at Solid Waste Landfills,” which became effective in May 2016 (PUB-WA-1816). The guidance document specifies the following:

- **All existing active landfills** are required to apply for Tier 2 Industrial Storm Water General Permit coverage.
- **All applicants for new landfills or landfill expansions** are required to apply for Tier 2 Industrial Storm Water General Permit coverage when they submit the Plan of Operation.
- **Inactive, closed, or capped landfills** that have no potential for contamination of storm water are excluded from industrial storm water permit coverage and are not required to obtain coverage under the Tier 2 Industrial Storm Water General Permit.

What is the Tier 2 Industrial Storm Water General Permit?

The Tier 2 Industrial Storm Water General Permit (WPDES Permit No. WIS067857-4) applies to point source discharges of storm water runoff originating from industrial facilities to waters of the state, either directly or via a storm sewer system. The goal is to reduce contaminants in the runoff. The Tier 2 Industrial Storm Water General Permit was reissued on June 15, 2016, and incorporates the items addressed in the guidance document.

Will This Affect My Storm Water Management Features?

Until now, storm water management features at Wisconsin landfills, such as sedimentation basins, were required to be designed in accordance with the performance standards of NR 504.09, which are specific to landfill construction. The reissued Tier 2 permit requires these features to comply with the post-construction performance standards of NR 151, which apply to all construction projects over one acre.

New landfills or expansions to landfills that are permitted after the effective date of the Tier 2 Industrial Storm Water General Permit (effective June 15, 2016) must design the storm water management system features to meet peak discharge and total suspended solids performance criteria of NR 151.122 and NR 151.123.

The guidance is clear that existing storm water management features do not need to be altered to meet the NR 151 standards.

Less clear is whether landfill storm water management features that have been designed and approved, but not yet constructed, will need to be modified. While the guidance indicates that NR 151 compliance is required for new landfills or expansions and not for existing landfills, the Tier 2 permit states that storm water management features constructed after the effective date of the permit must comply with NR 151. SCS has requested clarification from the WDNR on this issue.

Additional Clarifications Regarding Construction Events

There has often been confusion as to whether landfills are required to apply for coverage under the Construction Site Storm Water Runoff General Permit (WPDES Permit No. WI-S067831-4). In the WDNR’s “Storm Water Discharge Permit Coverage at Solid Waste Landfills” guidance document, WDNR clarified that construction events at landfills

are more appropriately covered under the Tier 2 Industrial Storm Water General Permit. Therefore, separate permit coverage is not required.

Next Steps for Landfills

Below are the required steps to obtain coverage and the associated dates:

1. **By September 19, 2016**, submit a Notice of Intent (NOI) form to WDNR.
2. WDNR will review your NOI and determine if your facility can be covered under the Tier 2 Industrial Storm Water Permit.
3. **By January 31, 2017**, submit a Storm Water Pollution Prevention Plan (SWPPP) Summary Form. This also requires preparation of a SWPPP report designed to prevent storm water discharges of pollutants to waters of the state.

For a Copy of the Guidance Document, Tier 2 Industrial Storm Water General Permit, and Supporting Documents:

WDNR Guidance Document: Storm Water Discharge Permit Coverage at Solid Waste Landfills

<http://dnr.wi.gov/files/PDF/pubs/WA/WA1816.pdf>

Tier 2 Industrial Storm Water General Permit

<http://dnr.wi.gov/topic/stormwater/documents/S067857-4.pdf>

Notice of Intent (NOI) Application Form

<http://dnr.wi.gov/files/PDF/forms/3400/3400-163.pdf>

SWPPP Summary Form

<http://dnr.wi.gov/topic/stormwater/documents/3400-167.pdf>

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