

# Is Your Facility on the Right Path to Environmental Compliance?

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Wisconsin Safety Council – Annual Safety Conference  
April 13, 2022



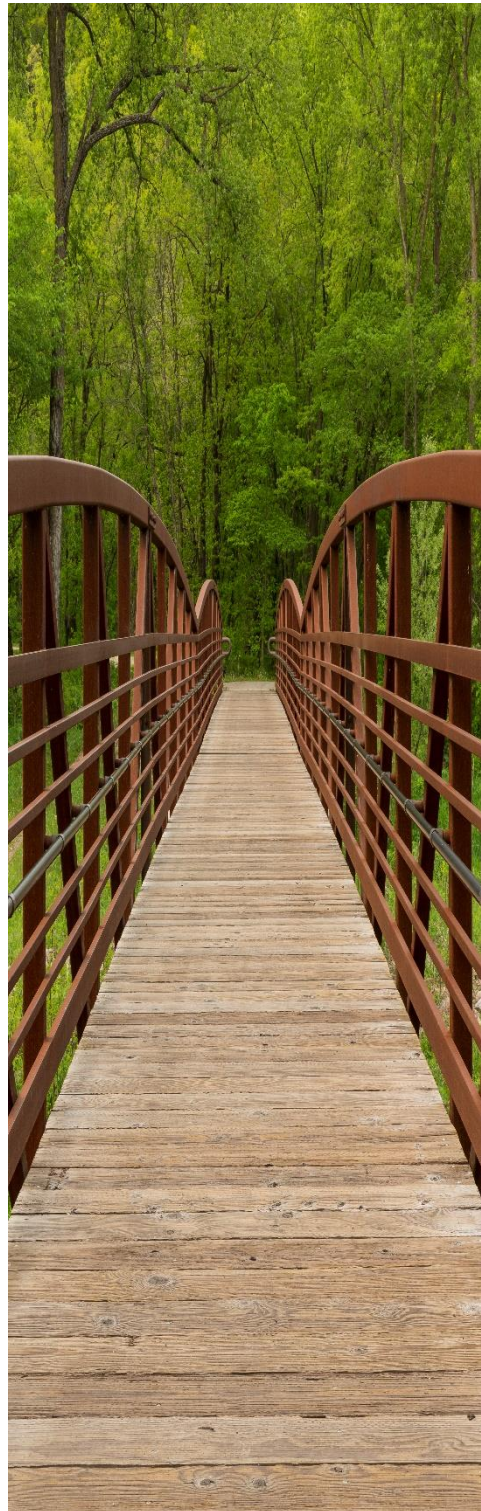
# Overview

- Main Topics
- Important Links
- Industrial Activities and Environmental Impacts
- What Activities Need DNR Permits
- No Permits, But Meet Requirements in Rule
  - DNR Requirements
  - US EPA Requirements
- DNR Support and Resources



# DNR Environmental Compliance Topics

- Permits
  - Air Pollution
  - Wells
  - Wastewater Discharge
  - Storm Water
  - Wetlands
  - Protected or Invasive Species



- Requirements
  - Waste Disposal
    - Hazardous Wastes
    - Universal/recycling
    - Demolition and Renovation Issues
  - Public Drinking Water Supply
  - Land or Water Contamination
  - Spills

# U.S. EPA Environmental Compliance Topics

- Chemical Accident Prevention Provisions and Risk Management Plans (RMP)
- Ozone depleting substances (Refrigerants)



- Emergency Planning and Community Right to Know Act (EPCRA)
  - Tier II Chemical Inventory
    - Delegated to state emergency mgmt
  - Toxic Release Inventory (TRI)
    - Also known as Form R
    - Submit to EPA

# Before we start...



ENVIRONMENTAL SUMMARY CHECKLIST:  
<https://widnr.widen.net/s/8kp5fl59fs/sb003>



PERMIT PRIMER:  
<http://dnr.wi.gov/topic/smallbusiness/primer/>



SMALL BUSINESS WEBSITE:  
<http://dnr.wi.gov/topic/smallbusiness/>

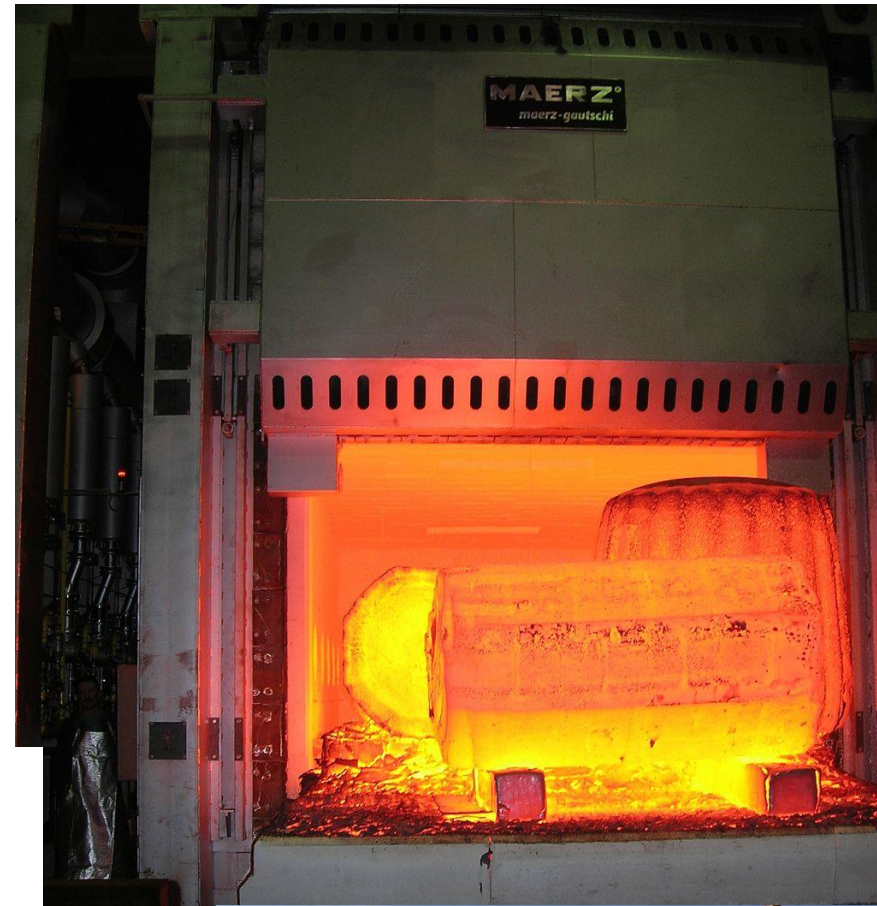


# **INDUSTRIAL ACTIVITIES WITH ENVIRONMENTAL IMPACT**

# Solvents/Paints/Inks

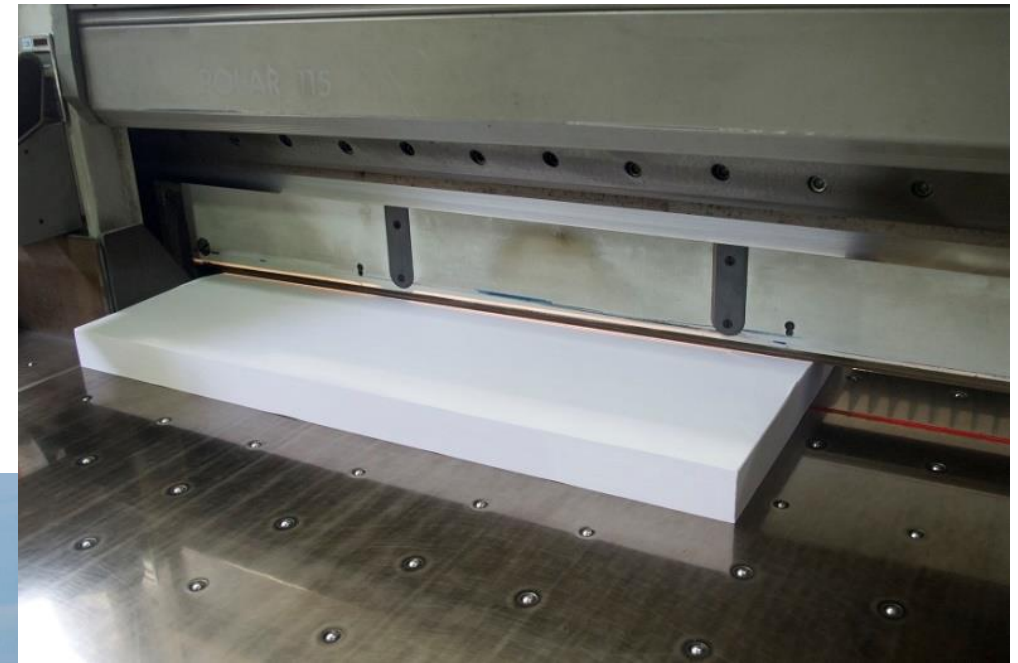
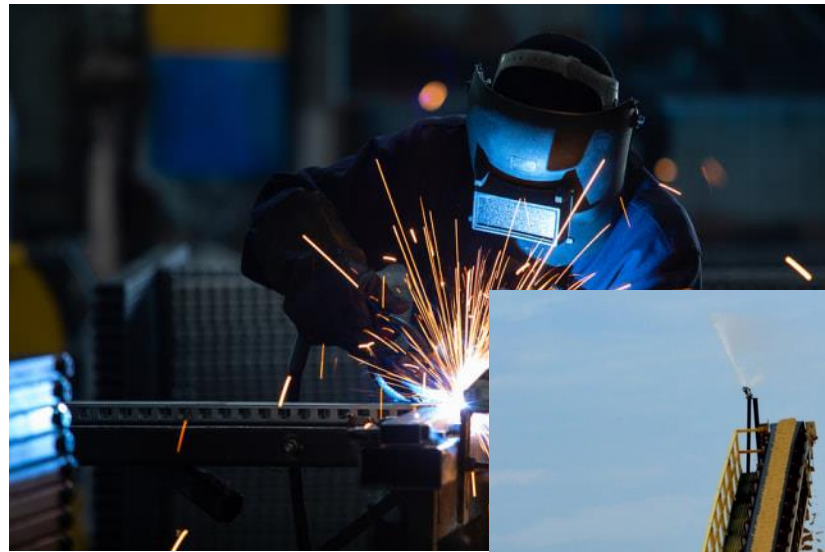


# Engines/Boilers/Fuel

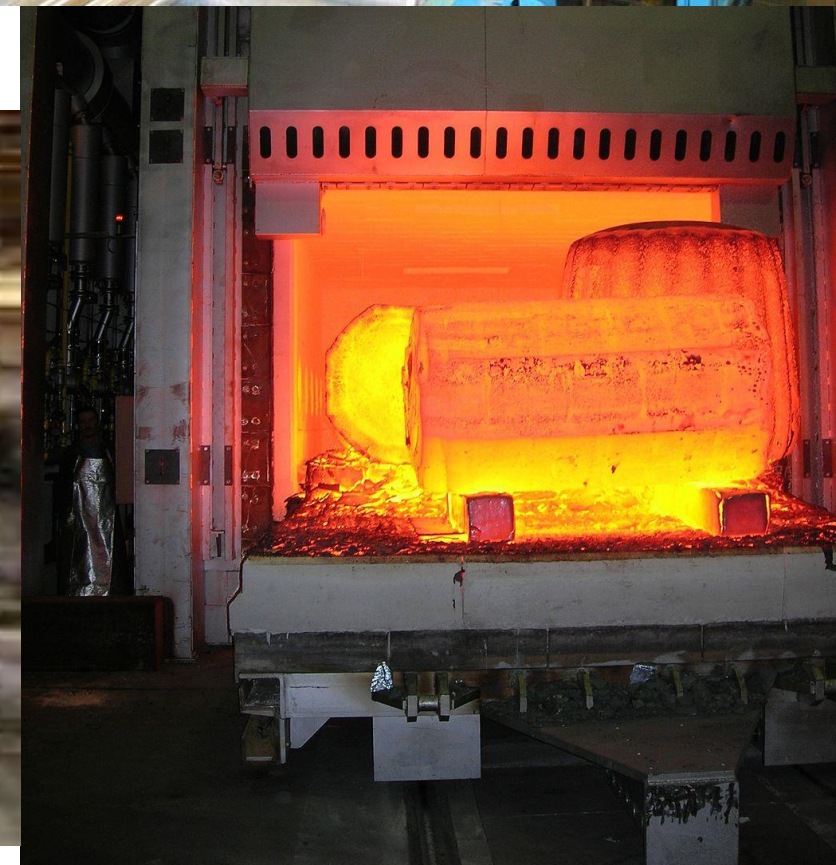




# Dust, Particles



# Metal fab/Assembly



# General maintenance





# **WHAT ACTIVITIES MIGHT NEED DNR PERMITS?**



# Air Regulations

- Many activities generate air pollution

# Air Permit Types



- 
- Obtain a permit for each facility, or change to existing facility, unless meets an exemption
    - Construction - for new facility or changes to existing
      - Any new or expanded piece of equipment, process line, multi-process operation, or whole facility
      - Also called “New Source Review” or NSR permit
    - Operation – for existing facilities
      - Required for existing facilities
      - And after construction authority expires (construction permits never expire)

# Air Permits

- Air permit is required if emitting pollutants over certain thresholds
  - Small sources of emissions may be exempt
  - <https://dnr.wi.gov/topic/airpermits/options.html>
- Plan ahead if making changes!
  - Some permits take only 15 days, others 90 days
  - Larger permits can take over 180 days
- State and federal air regulations may apply even if no permit needed, for example:
  - Fuel combustion (emergency generators)
  - Painting large equipment or cars
  - Fugitive dust





# Wastewater Discharges

- Where will process wastewater go?
  - Ground or surface water
  - Sewer/POTW
- WI Pollutant Discharge Elimination System (WPDES) permit
  - For industrial operations that discharge wastewater to water body or storm sewer
  - DNR sets limits on pollutant levels



# Wastewater Permits

- DNR must approve any plans to treat wastewater before discharge
- Work with local utility/municipality to meet limits if discharging to a publicly owned treatment plant



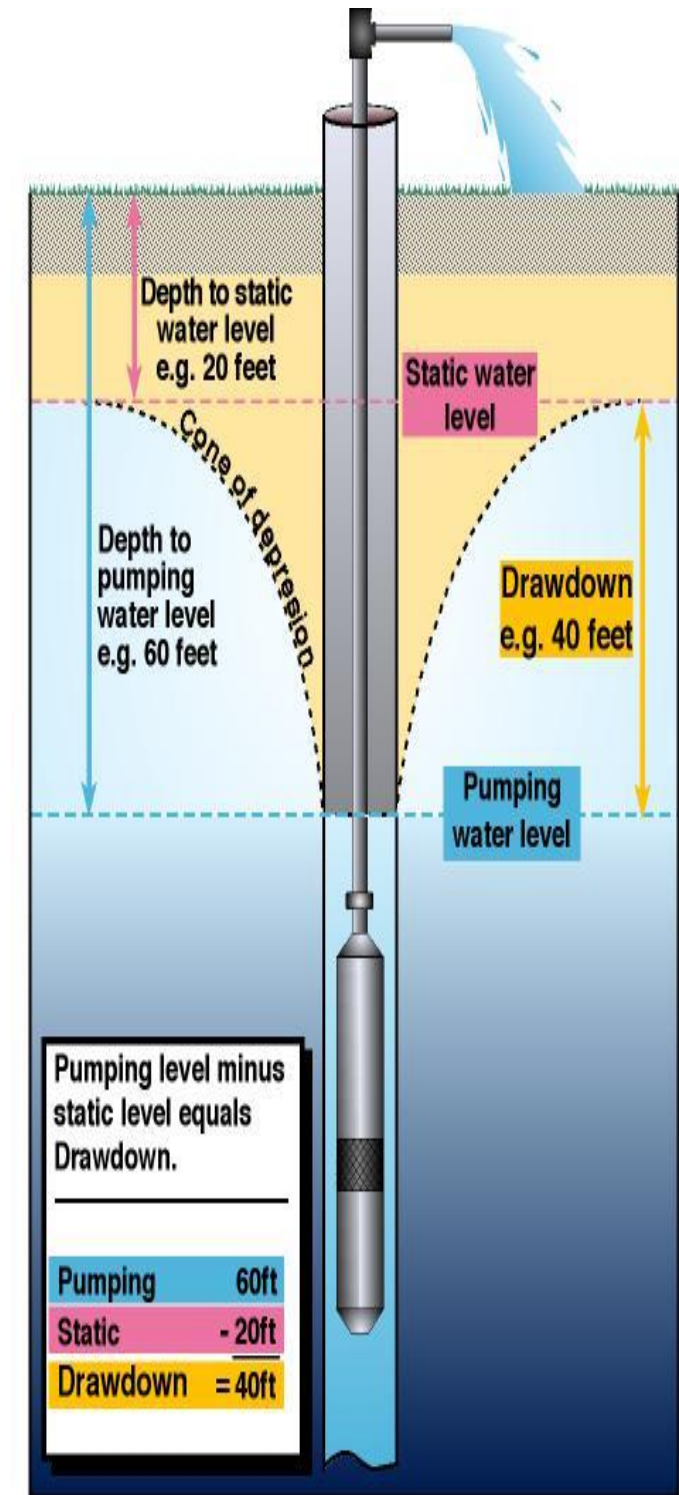


# Storm Water

- Rain / snow melt picks up contaminants and carries them into bodies of water
- Will you be doing construction? Are materials being stored outdoors?
  - Can you cover all materials?
  - DNR storm water permits required
- Options for industrial permit
  - No Exposure Certification
  - General Discharge Permit
  - Industry Specific Permits (auto salvage, scrap recycling, nonmetallic mining)
  - Individual Permit

# Wells

- Know where existing wells are - active & inactive
- Submit application for new well construction
  - High-capacity wells  
<https://dnr.wi.gov/topic/Wells/HighCap/Apply.html>
  - Check on county requirements as well
- Licensing required:
  - Current well driller license from DNR required to construct/reconstruct potable wells
  - Current pump installer license from DNR required to install/replace pumps, pitless adapters, accessory piping, pressure tanks
  - State certified master plumber required for work on distribution system



# Wetlands

- Avoid filling whenever possible
- Impacting wetlands requires permit
  - Restoration
  - Compensatory Mitigation
- Find out if property contains wetlands early in process to prevent delays!
  - Hire a consultant to make determination; DNR list of approved delineators
  - DNR services: Wetland Identification Service; Wetland Confirmation Service
- Army Corps of Engineers, counties, municipalities also regulate wetlands



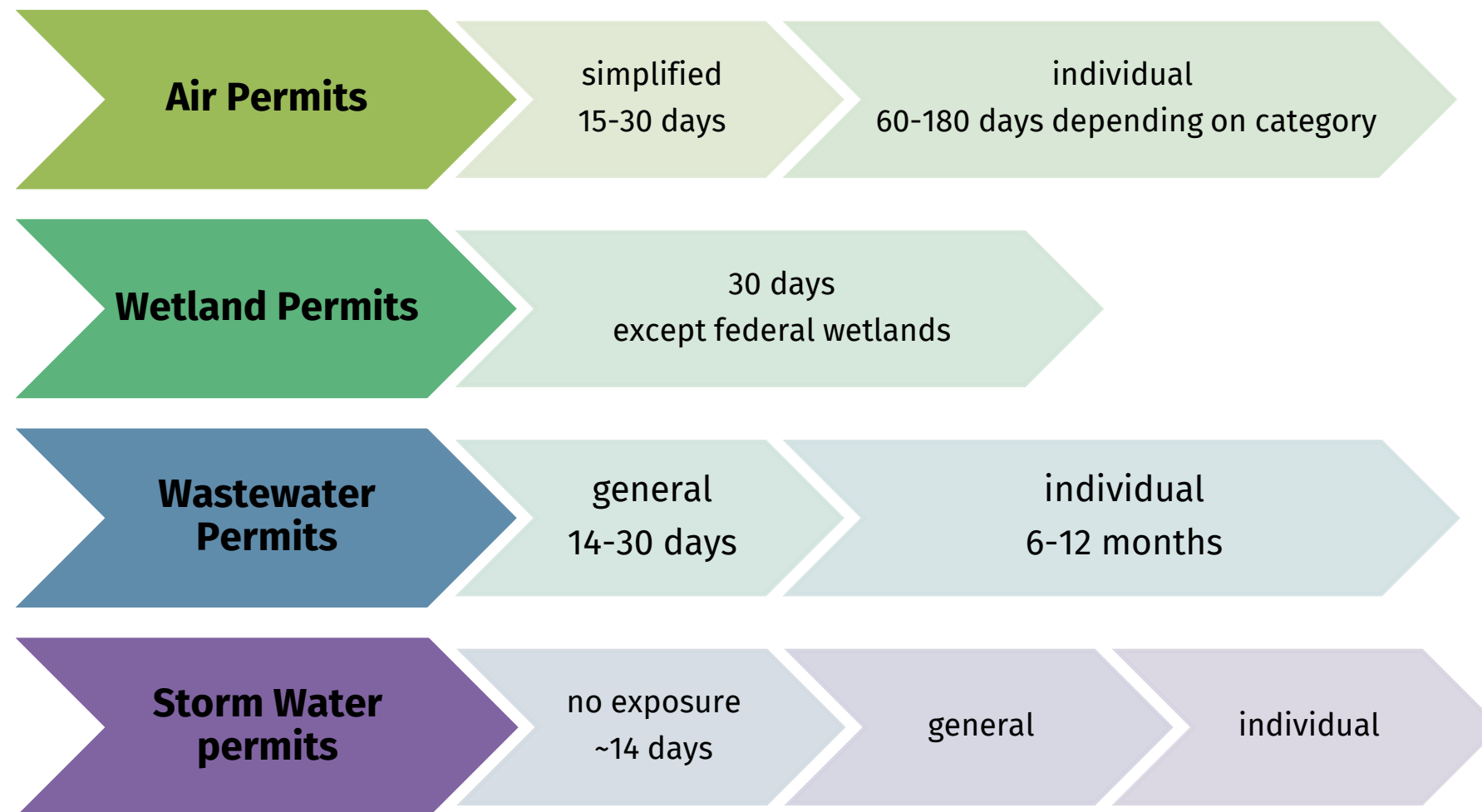
# Endangered, Threatened & Invasive Species

- Know your property if planning to build or expand
  - What species are present on the property?
  - Could protected species impact a project?
    - May require permit to allow impact
    - Incentives to preserve habitat/resources
  - Are invasive species present?
    - How will they impact the property?
    - What measures might you take to control or prevent their spread?
  - Management part of stormwater and wetlands permit applications



# Permit Applications

- Air Permits
  - <https://dnr.wi.gov/topic/AirPermits/Apply.html>
  - <https://dnr.wi.gov/topic/AirPermits/Forms.html>
- Water ePermits
  - <https://dnr.wi.gov/Permits/Water/>
- Planning
  - Allow for 2-6 months to prepare applications
  - DNR review time based on complete application; clock stops when they need more info
- Timelines:





**NO PERMITS, BUT  
REQUIREMENTS TO MEET**

# Waste Disposal

- Dispose of all waste materials properly!
  - Determine if each waste is hazardous or non-hazardous solid waste
  - Recycling certain materials can avoid hazardous waste rules
- Know how to handle hazardous waste
  - Regulations vary based on amount generated each month
- <https://dnr.wi.gov/topic/SmallBusiness/WasteOverview.html>





# Hazardous Waste



- Determine if each waste is hazardous:  
<https://dnr.wi.gov/files/PDF/pubs/wa/wa1152.pdf>
- Determine generator classification based on hazardous waste amounts
- Streamlined regulations for universal waste
- Additional requirements for treatment, storage and disposal facilities and hazardous waste transporters
- Common violations:  
<https://dnr.wi.gov/files/PDF/pubs/wa/WA850.pdf>



# Used Oil Management

## What is Used Oil?

- Motor oils, greases, brake fluids, transmission fluids, other hydraulic fluids, and refrigeration oils
- NOT waste oil – oil/fuel spill clean up, fuel tank bottoms

## How do you dispose used oil?

- Take to used oil collection center or to licensed service
- NOT for purposes such as dust suppression or burning
- Learn more:  
<https://dnr.wi.gov/files/PDF/pubs/wa/WA233.pdf>



## Demolition/Renovation

- Structures cannot be burned
  - Except for approved fire fighter training exercises
  - May need local burn permits
- Do structures contain asbestos?
  - Must be trained and certified to remove asbestos
  - DNR must be notified before removal begins
  - <https://dnr.wi.gov/topic/Demo/Asbestos.html>

# Public Drinking Water Systems

- Is your drinking water system public?
  - Only matters if you have your own well servicing the business, not on municipal water service
  - Regularly serves an average of 25 individuals daily at least 60 days of the year
- Legal responsibility to
  - Monitor water quality
  - Meet safe drinking water regulations
- Notify DNR if well changes ownership
- <https://dnr.wi.gov/topic/SmallBusiness/DrinkingWater.html>





# Inactive Wells

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- Unused wells pose a significant risk
  - **Must be properly filled and sealed!**
  - Acts as direct conduit into groundwater for surface contaminants
  - Contact a licensed well driller or pump installer
  - Grants available for well abandonment
- <https://dnr.wi.gov/topic/Wells/FillingSealing.html>

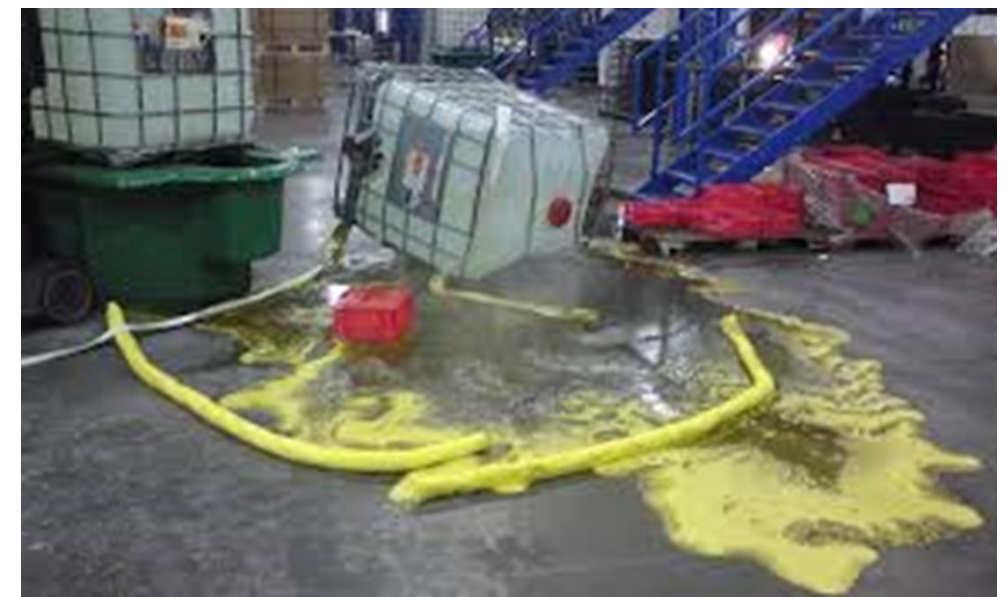


# Contaminated Property

- Know the environmental condition of the property to protect yourself from environmental liability
  - Check the BRRTS database & RR Sites Map tools:  
<https://dnr.wisconsin.gov/topic/Brownfields/WRRD.html>
  - Conduct Phase I & II Site Assessments, Site Investigations
  - Hire a consultant to conduct assessment
- DNR can help!

# Spill Response

- Spills require an immediate response!  
<https://dnr.wi.gov/topic/SmallBusiness/Spills.html>
- Determine if spill needs to be reported  
<https://dnr.wisconsin.gov/topic/Spills/define.html>
- Contact DNR spill coordinator for guidance on containment and cleanup  
<https://dnr.wi.gov/files/PDF/pubs/rr/RR559.pdf>
- **DNR's 24-hour spill emergency hotline**  
**1-800-943-0003**



# Permit fees/Annual fees

## Air Permits

Exemptions: \$0 to \$1,250

Construction: application \$7,500, final range approx. \$5,000 - \$50,000 or more

Operation: annual emissions fees (\$900-3000 base + \$37.51 per ton + add-ons) or simplified permits \$400/\$4,100 flat fees

## Water Permits

Wetland: mitigation in-lieu fee program

Wastewater: general \$0; individual = annual (higher of \$250-500 base or \$ per pound pollutant)

Storm Water – annual: Tier 1 \$260; Tier 2 \$130

## Waste

Annual hazardous waste generation \$350-470 base + \$20/ton



# Often Overlooked DNR Requirements

## Air

- Get an air permit for any operational change, before breaking ground or making alterations, unless meet exemption
- Report air emissions and keep records even if exempt from air permit

## Waste

- Evaluate each waste material for hazards and document results
- Properly manage wastes, particularly those intended for recycling, so they don't count as hazardous
- Label all wastes according to state rule and date first drop of waste in container

## Water

- Be sure you have a storm water permit or certify no exposure status
- Follow all wastewater permit monitoring and reporting frequencies

## General

- **Read ALL permits and follow each condition carefully!**
- **Communicate with appropriate programs any time you have an event that might violate permit/rule requirements; if unsure, ask.**



# **U.S. EPA REQUIREMENTS**

# Emergency Planning and Community Right to Know Act

**EPCRA** was created in 1986 to plan for accidental chemical release responses and to provide access to information about chemical hazards in local communities.

**EPCRA Provisions and Reporting Requirement Summary**

Section	Sections 302/303	Section 304	Sections 311/312	Section 313
<b>Topic</b>	Emergency Planning Notification	Emergency Release Notification	Hazard Chemical Inventory Reporting	Toxics Chemical Release Inventory / TRI (Form R)
<b>Chemicals identified</b>	356 extremely hazardous substances (EHS)	>1,000 hazardous & extremely hazardous substances	Products with SDS	650 toxic chemicals and categories
<b>Threshold levels</b>	Threshold Planning Quantity (TPQ)  1-10,000 lbs on site at any one time (chemical specific)	Reportable Quantity (RQ)  >1-5,000 lbs, released in 24 hr period	<ol style="list-style-type: none"> <li>1. TPQ, or</li> <li>2. 500 lbs for extremely hazardous substances (EHS) and</li> <li>3. 10,000 lbs on site at any one time for other chemicals</li> </ol>	<ol style="list-style-type: none"> <li>1. 25,000 lbs/year manufactured or processed</li> <li>2. 10,000 lbs/year “otherwise used”</li> <li>3. certain persistent bioaccumulative toxics have lower thresholds</li> </ol>
<b>Reporting requirements</b>	Section 302: one time notification to WEM  Section 303: updates as necessary	Emergency notification for each occurrence of release of RQ	Section 311: one time notification, updated as necessary  Section 312: Tier II report due annually by 1 March to WEM through WHOPRS	TRI (form R) report due annually by 1 July to EPA

# EPCRA

- Sections 302 through 312 managed by Wisconsin Emergency Management
  - <https://wem.wi.gov/epcra/>
  - Learn about EPCRA, find lists of regulated chemicals and current reporting forms: <https://wem.wi.gov/forms-resources/>
  - If have chemicals above thresholds on-site, then file annual Tier II (312) report by 1 March and pay fee
  - Submit report online: <https://wem.wi.gov/whoprs/>
- Section 313, Toxic Release Inventory (TRI) filed with U.S. EPA
  - Covered industries with listed chemicals above thresholds must submit by 1 July every year
  - <https://www.epa.gov/toxics-release-inventory-tri-program/reporting-tri-facilities>

# Section 112(r) of the Clean Air Act Amendments

- **Chemical Accident Prevention** Provisions (40 CFR Part 68), published June 21, 1996
- Facilities develop a **Risk Management Program** to manage potential risks associated with processes using regulated substances
  - Source has more than threshold quantity of a regulated substance in a process
  - Process is any group of interconnected vessels and separate vessels located such that a highly hazardous chemical could be involved in a potential release
  - Elements of program based on levels of risk at facility
- Program levels
  - 1 is low risk: no releases last 5 years resulting in response, endpoint of impact is closer than receptors, coordinate with LEPC
  - 3 is high risk: cannot meet Program 1 and in listed NAICS or subject to OSHA PSM
  - 2 is anything not in 1 or 3



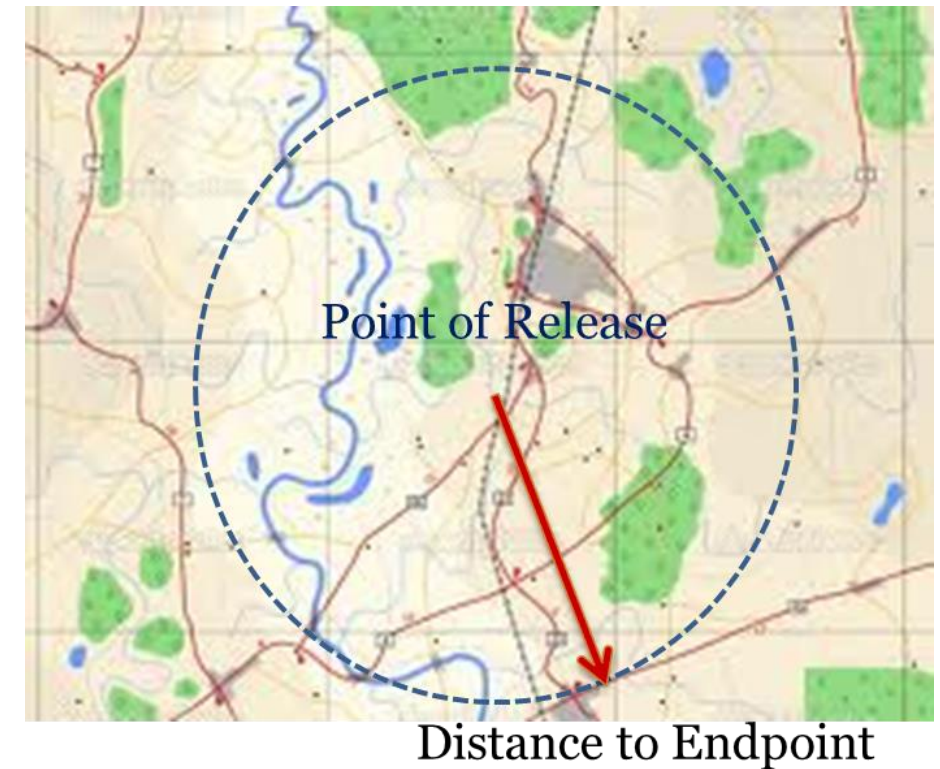
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# Section 112(r) or RMP

- Regulated substances:
  - <https://www.epa.gov/rmp/list-regulated-substances-under-risk-management-plan-rmp-program>
  - 77 Listed **Toxic** Substances
    - Ex: Anhydrous Ammonia, 10,000 pound threshold quantity
  - 63 Listed **Flammable** Substances
    - Ex: Methane, 10,000 pound threshold quantity
- Exemption
  - Ammonia used as an agricultural nutrient, when held by farmers, is exempt from all provisions of this part
- Exclusion
  - Flammable substances used as fuel or held for sale as fuel at retail facilities

# Section 112(r) or RMP

- Submit in the RMP:
  - Offsite consequence analysis (OCA)
  - Five-year accident history
  - Prevention program/Program 2 or 3
  - Emergency response program
- Update RMP:
  - At least once every 5 years from the date of the original submission or most recent update, or no later than:
    - 3 years after a newly regulated substance is listed by EPA
    - The date on which a regulated substance is first present above a threshold quantity
  - Within 6 months of a change that...
    - Requires a revised PHA or hazard review
    - Requires a revised OCA analysis
    - Alters the Program level
- De-registration within 6 months if rule no longer applies



# Ozone Depleting Substances (Refrigerants)

- Section 608 of Clean Air Act
  - Prevent the release of ozone-depleting substances (ODS) when stationary equipment is being serviced, maintained, repaired, or disposed.
  - Reduce the use and emission of ODS from stationary equipment.
  - Maximize the recapture and recycling of ODS from stationary equipment.
  - Ensure the safe disposal of ODS.
- <https://www.epa.gov/section608/managing-refrigerant-stationary-refrigeration-and-air-conditioning-equipment>
- Affects small businesses like grocery stores, food product storage, salvage yards accepting appliances, others...
  - <https://www.epa.gov/section608/stationary-refrigeration-resources-businesses>
  - <https://www.epa.gov/section608/revised-608-rule-fact-sheets>
- Related - AIM Act to reduce HFCs used as replacements for ODS
  - <https://www.epa.gov/climate-hfcs-reduction>





**RESOURCES**



envirocheck



# DNR's Sustainability & Business Support Section



Support for your business wherever you are on your path to sustainability

# Not sure where to start with DNR or EPA rules?

## Small Business Environmental Assistance Program (SBEAP)

- Free, confidential help with environmental rules
- Plain-language explanations and resources
- Trainings, webinars, emission calculators and more
- One-on-one help by phone, or site visits
- On-line resources available 24/7

Helpline: 855-899-3021

E-mail: [DNRsmallbusiness@wi.gov](mailto:DNRsmallbusiness@wi.gov)

Website: <https://dnr.wi.gov/topic/smallbusiness>





### Small Business Advisor - January 2021

- DNR reporting deadlines in early 2021
- New hazardous waste resources available
- DNR's Air Program portal offers access to guidance
- EPA releases final chemical risk evaluation for Perchloroethylene
- Opportunities for Input

### CONSTRUCTION AND DEMOLITION

As companies look to improve a property, whether its building on greenspace, renovating existing structures or demolishing them, landowners and construction or excavation crews alike should be aware of a range of requirements that apply to their activities. Review the information at the links below.

### ENVIRONMENTAL REGULATIONS

- **Make your plans environmentally sound before you break ground!** Avoid costly delays and potential re-learning about common mistakes made during land-altering, construction and demolition activities in our webinar series:



- Those working with existing structures should also reference: [Planning Your Demolition or Renovation](#)

## 2021-2022 Compliance Calendar for Gasoline Dispensing Facilities



Created by the Wisconsin Small Business Environmental Assistance Program

# Tools & Resources

### PERMIT PRIMER

Managing a small business requires you to wear many hats - CEO, accountant, environmental manager. As a Wisconsin business owner, you may be feeling overwhelmed by the number and complexity of rules. The DNR created this interactive "one-stop shop" Permit Primer to help small business owners manage environmental requirements. The system will clarify your environmental responsibilities.

To learn more about using the Permit Primer, click on the "Continue" button at the bottom of this page. When exploring the Primer you may return to the beginning by clicking on "Start the Permit Primer" link in the sidebar. From there you will be able to:

1. determine which environmental requirements apply to you;
2. determine what permits you need and how to get them; and
3. find ways to save money and resources through pollution prevention, waste minimization, and resource protection.

The Permit Primer contents are for informational purposes only and should not be relied upon solely. Please read and review any recommended pamphlets, brochures, statutes, codes, ordinances and other information. Remember also that there may be changes to statutes, codes and ordinances or other information, so please refer to the latest information.

[CONTINUE ONTO NAVIGATION TIPS.](#)

[CONTINUE TO WATER SUPPLY TO GET STARTED.](#)

**National Small Business Environmental Assistance Program**  
Helping small businesses and assistance providers access environmental compliance and sustainable business information.

Home | About Us | State Contacts | Committees | Annual Training | Calendar | Help

Small Business Resources | Industry Sectors | Environmental Compliance (Rules and Tools) | Sustainability | SBEAP/SBO Resources

Section 507 of the 1990 Clean Air Act Amendments requires each state establish a Small Business Environmental Assistance Program (SBEAP) to assist small businesses with environmental compliance and emissions reduction. This website contains resources for both small businesses and the SBEAPs that serve them.

Tweets by @National\_SBEAP

National SBEAP Retweeted  
IWRC @IowaEnviro  
Christina is a Senior at UNI & is an Earth Science major and Air Quality minor. She is joining the IWRC as their new Environmental Science Intern where she is working with the IAEAP.

KANSAS STATE UNIVERSITY | SMALL BUSINESS ENVIRONMENTAL ASSISTANCE PROGRAM | Funded by EPA through a Cooperative Agreement

# Think you are doing things right, but want to be sure?

## Enviro-check

- Voluntary self-audit, report violations/corrective actions to DNR
- Limited liability – no or low fines if eligible for the program and corrections made in <60 days (180 days for small business stationary sources)
- Improves facilities' knowledge and environmental performance through audit findings and corrective actions
- Reduces environmental risks and impacts



Phone: 608.266.6887

Email: [DNREnvirocheck@wi.gov](mailto:DNREnvirocheck@wi.gov)

Website: <https://dnr.wi.gov/topic/EnviroCheck/>

# Why Might a Company Use Enviro-Check?

- Change in operations
- Staff/management turnover
- Buy, sell or expand facility
- Some types of general complaints
- Identify efficiencies and cost-savings
- Requirement of customers, supply chain, certifications, lenders or risk management
- Due diligence review for shareholders or potential investors



# Going above and beyond basic compliance. Looking for flexibility and recognition?

## Green Tier

- Voluntary program providing recognition and support for superior environmental performance
- Negotiate flexibility in permits, inspection frequency, etc.
- Assigned Single Point of Contact (SPOC) at DNR
- Shifts the focus from enforcement to encouragement

Phone: 608.267.6817

Email: [GreenTier@wi.gov](mailto:GreenTier@wi.gov)

Website: [Greentier.wi.gov](http://Greentier.wi.gov)



# Green Tier Tools Drive Environmental Performance

- Environmental management systems
- Routine audits by approved auditors
- Annual reports
- Continual Improvement / Efficiencies
- Shared tools and resources
- Single points of Contact (SPOCs)
- Improved DNR relations





# CONNECT WITH US

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OFF THE RECORD"