

An Environmental Resource for Small Business

SB-003 2017

The following summary highlights some of the permits or approvals that are issued by the Wisconsin Department of Natural Resources (DNR) or the U.S. Environmental Protection Agency (EPA), as well as other state agencies or municipal governments. These regulations may apply to new businesses as well as expansion or renovation of existing businesses.

What should I do first?

There is an online resource that can help you run through all of the key DNR permit programs, and it's called the Permit Primer. But first, you may want to read through the topics included in this document to get a general sense of what permits or other approvals may be required before you break ground or expand.

DNR's Online Permit Resource

The DNR has an on-line "Permit Primer" that contains information about necessary environmental permits or approvals, including those for water supply, wastewater, wetlands, storm water, solid waste, hazardous waste and air pollution. New businesses in particular may be affected by every one of these programs. To review these programs at DNR, go to: <http://dnr.wi.gov/topic/SmallBusiness/Primer/>.

Air Pollution

DNR and EPA regulate the type and amount of air pollution released from businesses. This is done to protect human health and the state's natural resources.

AIR POLLUTION CONSTRUCTION PERMIT

- √ *Do you have a process that emits air pollution and wish to start or expand a business in Wisconsin?*
Examples of air pollution include emissions from equipment powered by coal, wood and other fuels, or facilities that use inks, coatings and solvents. If required, DNR must issue an air pollution construction permit prior to beginning construction. There are permit exemptions available.

AIR POLLUTION OPERATION PERMIT

- √ *Do you emit air pollution from an existing business in Wisconsin?*
All businesses must obtain an air pollution operation permit from DNR unless they are exempt. An operation permit stays in effect for up to five years before it must be renewed. If you are purchasing a facility that already has an operation permit and you are not making any modifications to the operations, you should contact DNR to revise the existing permit in your name. The DNR Permit Primer Air section walks through all the permit exemption scenarios.

COMPLIANCE WITH AIR POLLUTION REGULATIONS

- √ *Are there other requirements that apply to my business?*
Standards for reducing air pollution from specific industrial activities are enforced by both federal and state governments. For further information, review fact sheets and information provided on the Compliance Page (<http://dnr.wi.gov/topic/SmallBusiness/Compliance.html>) and the Air Regulations Page (<http://dnr.wi.gov/topic/SmallBusiness/Regulations.html>). You can also refer to chapters NR 400-499 in the Wisconsin Administrative Code (Wis. Adm. Code) or details on the air pollution regulations. (http://docs.legis.wisconsin.gov/code/admin_code/nr/400).

Solid and Hazardous Waste

For more information on any of the DNR waste management topics, call their main number at 608-266-2111 and you will be directed to a program expert.

Solid Waste

√ *Do you want to start a business to process, transport or dispose of solid waste?*

Solid waste includes garbage, refuse, salvageable material or sludge. DNR plan approvals and licenses are required for waste treatment plants, water supply treatment plants, air pollution control facilities, and recycling facilities that handle solid waste. Because this code is complex, companies are urged to contact a DNR representative for assistance.

Recycling Program

√ *Does your business recycle materials properly?*

In 1990, Wisconsin passed a comprehensive waste reduction and recycling law that affects every resident, business, institution, and governmental unit. Wisconsin businesses are under an obligation to recycle certain items that are banned from landfilling and incineration. Businesses must also include space for the collection and storage of recyclables in any new, renovated or expanded facility.



The following materials **must** be recycled in Wisconsin wherever they are generated:

- ❖ newspaper or other materials printed on similar paper;
- ❖ office paper, magazines or other materials printed on similar paper;
- ❖ corrugated cardboard or other container board;
- ❖ containers made of steel, aluminum, bi-metal, glass and plastic-polystyrene foam packaging;
- ❖ waste tires;
- ❖ used motor oil;
- ❖ major appliances;
- ❖ lead-acid batteries;
- ❖ yard waste.

The DNR issued a variance in 1996 that allows the disposal of plastic containers labeled #3 to #7 and polystyrene foam packaging. In certain circumstances, combustible materials may be burned in a licensed incinerator for energy recovery. There are additional impacts of the recycling law on certain businesses. For more information on recycling, you can go to DNR's web page at: <http://dnr.wi.gov/topic/Recycling/Business.html>.

Hazardous Waste

√ *Will your business generate any hazardous waste? If you're not sure, it's very important that you review your wastes and review the definition of hazardous waste.*

Hazardous waste is any waste (material that can no longer be used for its intended purpose) that would be considered hazardous: materials either specifically listed by EPA as hazardous or having a characteristic of being ignitable, corrosive, reactive or toxic such as acids, bases, left over thinners, paints, inks or solvents, etc. The regulations vary depending on the amount of waste you generate. Review DNR's hazardous waste program information at: <http://dnr.wi.gov/topic/Waste/Hazardous.html>.



Under federal and state laws, even small generators of hazardous waste have to comply with some regulations. To learn more about these requirements, review chs. NR 660-679, Wis. Adm. Code.

EMERGENCY PLANNING AND NOTIFICATION

There are several other EPA regulations that pertain to hazardous substances. Among these are emergency planning, emergency notification, and Community Right to Know rules. They require businesses that use, store, produce, or transport extremely hazardous substances above the reportable thresholds to submit an emergency planning notification to Wisconsin Emergency Management (WEM). A hazardous material spill must be reported to the DNR and the National Response Center immediately. You can do that by calling the combined hotline: **1-800-943-0003**. Businesses are also required to submit copies of Safety Data Sheets to WEM, and to provide a listing of chemicals stored on site during the year to the local fire department.

Waste Oil Recycling

√ *Will your business collect waste oil?*

Companies that sell automotive oil, including service stations, must maintain a waste oil collection facility or post a sign directing customers to the nearest waste oil collection facility. Companies that transport non-hazardous waste engine oil must obtain a solid waste transportation license.

Water Programs

Private Water Supply

√ *Will your business need a well?*

Potable wells must be installed by state licensed well drillers. Special DNR approval is required for wells that have a pumping capacity of 70 gallons per minute or more, and for the treatment of contaminated water supplies not covered by Department of Safety and Professional Services approved treatment devices. No fees are charged for the plan reviews, which typically take between 15 and 20 business days.

Industrial Wastewater Management

√ *Will your business discharge water to the surface or groundwater? (This may apply to any business that cannot connect to a municipal sewer.)*

Wisconsin Pollution Discharge Elimination System (WPDES) permits are required for companies that discharge wastewater into surface or groundwater, including storm sewers not connected to a municipal sanitary sewer. Applications must be submitted at least 180 days before the discharge begins. It may take the DNR six to nine months to prepare a finished permit. If a discharge is simple, the facility may qualify for a general permit, which normally takes one to two months. Go to the WPDES Permits page for information: <http://dnr.wi.gov/topic/wastewater/permits.html>.

√ *Will your business use the local municipal sewer to discharge water?*

Discharges to a local municipal treatment plant are negotiated with the local municipal treatment plant authority. Larger municipalities are required to implement controls for certain industrial categories. Industrial operations in smaller municipalities may receive state-issued permits for industrial wastes discharged into publicly owned treatment works (POTWs). No state fees are charged, but there may be some fees assessed by the local treatment plant. For more information, review information on DNR's Pretreatment Program. Go to <http://dnr.wi.gov/topic/wastewater/DischargeTypes.html>.

Runoff Management (Storm Water)

√ *Does your business store materials outside where they may expose storm water to contamination?*

There are four general permits for storm water discharge from industrial activities and one general permit for discharge from construction sites. The storm water permits for industrial facilities are divided into tiered permits and one industry specific permit (for recycling of scrap and waste materials). Those with no exposed materials outside should apply for a No Exposure Certification, which exempts you from the storm water permits.

Construction site storm water permits are issued by DNR for all sites that will disturb more than 1 acre. For more information on the DNR Storm Water program, go to: <http://dnr.wi.gov/topic/stormwater/>.

Wetlands and Navigable Water Permits

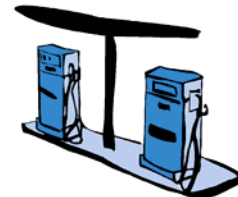
√ *Will your business impact a wetland or navigable waterway? (Even a culvert may represent a navigable waterway. Check with DNR before deciding whether this applies.)*

Companies locating near water or wetlands may require a number of permits. Activities such as grading, dredging, placement of materials/structures in waterways, storm water ponds or storm sewer outflows, as well as wetland delineation all must be reviewed by DNR and/or local government. Firms should contact the local county, city, or village zoning administrator if the project is located in an identified floodplain, flood hazard area, wetlands, within 1,000 feet of a lake or flowage, or 300 feet of a stream. For more information on the DNR water programs you can go to: <http://dnr.wi.gov/topic/waterways/>. For DNR contacts in the different watersheds of Wisconsin: http://dnr.wi.gov/topic/waterways/about_us/county_contacts.html.

Remediation and Demolition of Existing Property

Petroleum Cleanup

- √ *Do you need to clean up petroleum contamination on your property?*
The Petroleum Environmental Cleanup Fund Act (PECFA) was created to help businesses cover petroleum-related cleanup costs, including those involving underground storage tanks. PECFA is a reimbursement fund. In most cases, monetary awards are not made until after the responsible party (owner, operator, home oil tank owner, etc.) completes a DNR-approved cleanup. **As of July 20, 2015, no new sites will be accepted into the program.** For more information, go to: <http://dnr.wi.gov/topic/Brownfields/pecfa.html>.



Hazardous Release Cleanup

- √ *Do you need to clean up hazardous substance contamination on your property?*
Spills of any substances determined to be hazardous will need to be cleaned up according to state and federal laws. The DNR's Remediation program can help you learn what needs to be done on your property: <http://dnr.wi.gov/topic/brownfields/>.

Brownfields Initiative

- √ Wisconsin's Brownfields Initiative is a multi-agency program targeted at the remediation and redevelopment of contaminated properties throughout Wisconsin. This program can provide grants and technical assistance to communities or businesses interested in revitalizing brownfield properties. For more information about the Brownfields Grant Program or Wisconsin's Brownfields Initiative, go to: <http://inwisconsin.com/community/assistance/brownfield-program/>.

Asbestos Management

- √ *Do you need to remove materials that contain asbestos during renovation/demolition of property?*
If yes, then you must submit a notification to DNR and the Department of Health Services 10 days prior to beginning the renovation/demolition activities. Refer to DNR's web page for more information: <http://dnr.wi.gov/topic/Demo/Asbestos.html>. Click on the "Online notification and fees" tab to learn more about using the online notification system.

Raze Permits

- √ Check with local governments to determine if a raze permit is required prior to demolition.

Construction/Demolition Wastes

- √ *Do you need to dispose of construction/demolition (C&D) wastes?*
More resources are available for cost saving recycling and reuse of C&D wastes. Steel, concrete and similar materials can be recycled. Learn more about C&D: <http://dnr.wi.gov/topic/demo/>. Wastes that cannot be recycled will need to be handled properly based on their hazardous properties. Refer back to the Hazardous Waste information above.

Environmental Assessment

The DNR may conduct an environmental assessment (EA) prior to issuing many of their permits or other approvals mentioned previously. You can review the process here: <http://dnr.wi.gov/topic/EIA/WEPA.html>.

Property Transactions

For any other programs that regulate a property you may consider purchasing, review the DNR's Property Transaction pages: <http://dnr.wi.gov/topic/SmallBusiness/PurchaseProperty.html>. In addition, if purchasing an existing business that is/was regulated by DNR, review any permit transfers that may need to take place before or after the transaction is complete: <http://dnr.wi.gov/topic/smallbusiness/propertytransfers.html>.

Sources of Additional Help and Information

Department of Natural Resources

Small Business Environmental Assistance Program

The Small Business Environmental Assistance Program (SBEAP) helps small businesses understand and comply with state and federal environmental regulations. SBEAP serves as a free, non-regulatory resource to small business owners around the state. The program serves as a liaison between small businesses and state and federal regulators. Program staff create "plain language" publications, answer compliance questions, respond to written and verbal regulatory inquiries, coordinate environmental compliance workshops, and direct businesses to other pertinent technical assistance providers. Go to: <http://dnr.wi.gov/topic/SmallBusiness/> for contact information.

Business Support and Sustainability

The DNR's Business Support and Sustainability section provides guidance and information to businesses affected by environmental regulations. Staff can provide pollution prevention information, regulatory assistance, and industry recognition to Wisconsin businesses. Each business sector specialist works with a particular industry to learn about that sector's needs and provide timely assistance. Contact the business sector specialists for further information: <http://dnr.wi.gov/topic/Sectors/>.

Lists of Contaminated Sites

DNR has online databases of contaminated sites available to the public.

The Solid and Hazardous Waste Information Management System (SHWIMS) provides a list of landfills, waste transporters, and hazardous waste generation and waste processing facilities. It also has links to information about spills, leaks, Superfund cleanups, and other contaminated sites: <http://dnr.wi.gov/sotw/Welcome.do>.

The Bureau for Remediation and Redevelopment has two tracking systems which list sites with spills, leaks, Superfund cleanups, etc.: <http://dnr.wi.gov/topic/Brownfields/clean.html>.

U.S. Department of Labor - OSHA

The Occupational Safety and Health Administration (OSHA) is responsible for regulating work place safety. For office contacts in Wisconsin, go to their website at: <https://www.osha.gov/oshdir/wi.html>.

For **free non-regulatory assistance** by OSHA trained experts, consult the State Lab of Hygiene and their WisCon Onsite Safety and Health Consultation program: <http://www.slh.wisc.edu/occupational/wiscon/>.

Wisconsin Regional Planning Commissions

Depending on where you are located, there may be different land use and transportation planning issues. Much of Wisconsin is covered by regional planning commissions: <http://www.awrpc.org/>.

DISCLAIMER — This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.



Wisconsin's SMALL BUSINESS
ENVIRONMENTAL ASSISTANCE PROGRAM
DNR.WI.GOV, search "smallbusiness"
DNRSmallBusiness@WI.GOV • (855) 889-3021

