



# Live Expert Session

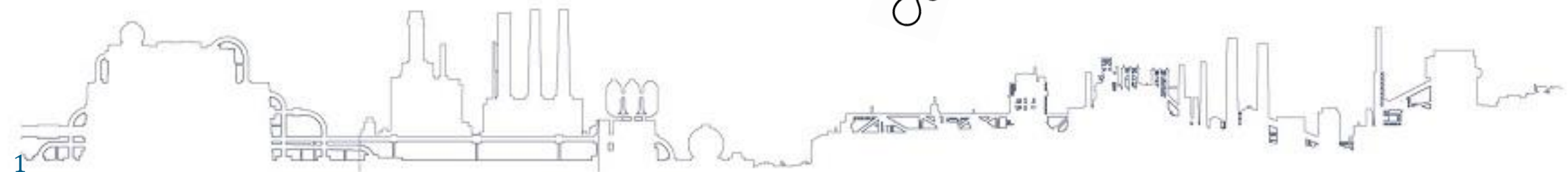


## Stormwater- Its Raining Again, Are You in Compliance?



Presenters: Paul Hagerty, Mark Robinson, Jennifer Gomez

Moderator: Karen Thompson



# Agenda

- Stormwater 101
- Multi-Sector General Permits – Flow down to States
- What future Stormwater Rules could look like – A California Perspective



**LIVE EXPERT: STORMWATER – IT'S RAINING AGAIN, ARE YOU IN COMPLIANCE?**

Complimentary Webinar  
September 29th from 1pm - 2pm EST

[www.all4inc.com/webinars](http://www.all4inc.com/webinars)



 YOUR ENVIRONMENTAL COMPLIANCE IS CLEARLY OUR BUSINESS.

# Logistics

- ❑ How to ask questions?
  - Please enter your questions in the Questions box.
  - Q&A at the end.
- ❑ Can I get a certificate of completion?
  - Yes, webinar attendees will receive a certificate upon request, please email [marketing@all4inc.com](mailto:marketing@all4inc.com).
- ❑ Will I get a copy of the slides?
  - Yes, we will post a recording of the webinar and a copy of the slides on our website. A link will be emailed to participants.

# How to Get ALL4 Updates

4 THE RECORD articles delivered to your inbox!



ABOUT US / SERVICES / EXPERTISE / INSIGHTS / TRAINING / CAREERS / CONTACT US

## Your Environmental Compliance OUR BUSINESS

ALL4 is a nationally recognized leader in environmental responsibility and creating value.

WHAT WE DO

www.all4inc.com

- 4 The Record Articles
- Podcast
- Webinars
- Presentations

Subscribe to our podcast, 4 THE RECORD: Behind the Scenes

4 The Record is a publication of ALL4's RegTech Group that contains an in-depth look at hot technical and regulatory topics.

Categories:

Category:

**2021 Look Ahead: Priorities for a Year of Accelerated Change**  
Posted: January 21st, 2021  
// Colin McCall Each year in our annual Look Ahead Article we face a challenge: assess the landscape in front of us as it exists in January, and attempt to predict how that landscape might shift to identify the most [...] [READ ARTICLE >](#)

**ALL4's Texas 2021 Look Ahead**  
Posted: January 27th, 2021  
Goodbye 2020! There has never been a year that literally everyone is unanimously looking to put in the history books and move on. 2020 brought so many challenges to many (all) of you, both personally and in your line of [...] [READ ARTICLE >](#)

**U.S. EPA Reverses 2015 SSM SIP Policy**  
Posted: January 25th, 2021  
On October 9, 2020, U.S. EPA released a guidance memorandum to the 10 U.S. EPA regional administrators entitled "Inclusion of Provisions Governing Periods of Startup, Shutdown, and Malfunctions in State Implementation Plans." As the title implies, the memo pertains to [...] [READ ARTICLE >](#)

**4 THE RECORD: BEHIND THE SCENES**  
ALL4's Insider Podcast

4 The Record: Behind the Scenes is ALL4's podcast, which we use to keep you informed on the latest changes in the world of air quality regulations and technology.

If you're new to podcasts, here's a quick primer: Podcasts are basically talk radio shows that exist on the internet. They're available anytime and practically anywhere you'd like to listen. To listen on our website, click on an episode below and enjoy. To subscribe on your mobile device, see the detailed instructions in the box below. Thanks again for checking out our podcast!

**EPISODE 0: WELCOME!**

**Introduction**  
4 The Record: Behind The Scenes  
00:00:00 00:01:49

powered by Sounder

**EPISODE 8: THE NEW FEDERAL ADMINISTRATION CLIMATE PRIORITY**

**Federal Administration Climate Priority**  
4 The Record: Behind The Scenes  
00:00:00 00:14:26

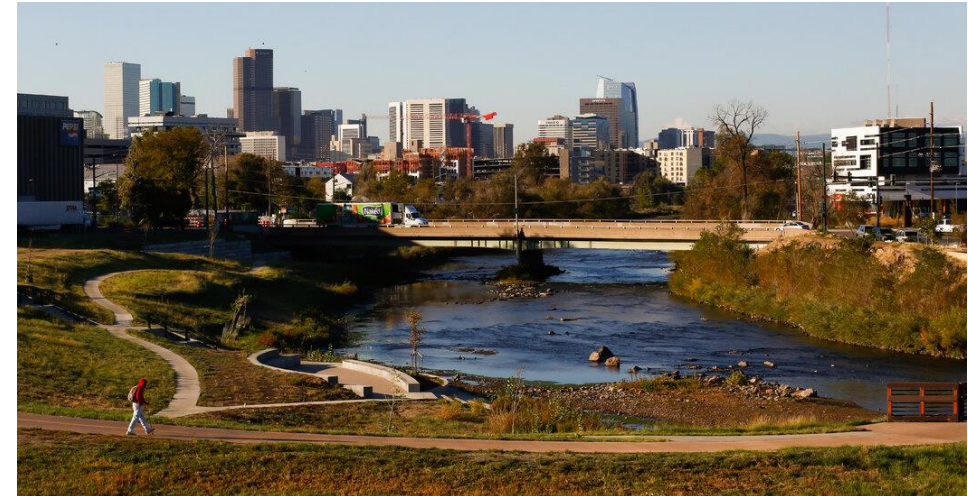
powered by Sounder

**EPISODE 7: THE FUTURE OF AIR QUALITY MODELING - PART 2 OF 2**

**The Future of Air Quality Modeling - Part 2**  
4 The Record: Behind The Scenes

YOUR ENVIRONMENTAL COMPLIANCE IS CLEARLY OUR BUSINESS.

# INDUSTRIAL STORMWATER 101



 YOUR ENVIRONMENTAL  
COMPLIANCE IS CLEARLY  
OUR BUSINESS.

# Industrial Stormwater 101

- ❑ Background - Regulatory (WHAT)
- ❑ Facility Applicability (WHO)
- ❑ Seeking Coverage (HOW)



# Background & Regulatory (WHAT)

- National Pollutant Discharge Elimination System (**NPDES**)
  - Permitting program (admin and enforcement) – Clean Water Act of 1972
  - NPDES initially for “point source” pollutants to WOTUS (process / sewage)
  - 1987 CWA added stormwater (1990 USEPA Phase I – 1999 Phase II)
- Industrial Stormwater = “**Industrial Activity**” + Stormwater
- Industrial Activity → 40 CFR §122.26(b)(14)
- **Facilities with Industrial Stormwater need “coverage”**

# Facility Applicability (WHO)

## □ 40 CFR §122.26(b)(14) (Industrial Activity) → SIC CODES

- (i) Storm water ELGs, NSPS, toxic pollutant effluent standards
- (ii) SIC 24, Group 241 (rocks & logs), Groups 242 – 249, 26, 28...
- (iii) SIC 10 - 14 (mineral industry) - active or inactive mining
- (iv) (v) Hazardous waste TSDFs (subtitle C) and landfills (subtitle D)
- (vi) Recycling, scrapyards, battery reclaimers, junkyards
- (vii) Steam electric power generating facilities, including coal handling sites
- (viii) Transportation facilities – SIC 40, 41, 42 (airports – warehousing – bulk petro)
- (ix) Treatment works (domestic sewage, sewage sludge, WWT)
- (x) Construction activity (clearing, grading and excavation) > 5 acres
- (xi) SIC 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25





# Seeking Coverage (HOW)

- ❑ **NPDES is delegated to the states**
- ❑ Coverage can be obtained via
  - General Permit (most common)
    - Multi-sector General Permit
    - Sector-specific General Permit
  - Individual permit (e.g., impaired, HQ/EV, contam.)
  - No Exposure Certification (40 CFR §122.26(g))
- ❑ Most permits require periodic sampling and annual certification
- ❑ Wide range of permitting effort for coverage – very state-specific



# Stormwater 101 – Take Away

- “Industrial Activity” → Need stormwater coverage
- “Industrial Activity” → 40 CFR §122.26(b)(14) – SIC Codes
- Stormwater coverage obtained from states
  - Individual Permit
  - General Permit (e.g., MSGP)
  - No Exposure



# MULTI-SECTOR GENERAL PERMITS – FLOW DOWN TO STATES



**YOUR ENVIRONMENTAL  
COMPLIANCE IS CLEARLY  
OUR BUSINESS.**

# U.S. EPA Stormwater “Flow down” to States

- Every five years, U.S. EPA issues a new Multi-Sector General Permit (MSGP) that incorporates the “best of” new monitoring, management practices, and trends selected from state programs.
- MSGP becomes the “road map” for the state permit renewals over the next five years.
- However, state industrial stormwater permits that originated in the 1990’s no longer have the same look and feel of the MSGP.



# U.S. EPA Stormwater “Flow down” to States

- This spring, the MSGP for industrial stormwater discharges was issued with an effective date of March 1, 2021.
- The MSGP applies to industrial facilities in MA, NH, PR, and NM – and other locations where U.S. EPA directly manages the NPDES programs.
- The MSGP provides clues to your state’s future industrial stormwater permit(s).

# State Permits are Different?

- ❑ Some states have a single MSGP (e.g., PA, SC, and GA), while others have sector-specific general industrial stormwater permits (e.g., NJ, AL, and NC).
- ❑ The names of the permits and the associated plans vary widely – for example, Alabama uses “Best Management Practices” plan instead of Stormwater Pollution Prevention Plan.
- ❑ Many states have incorporated benchmarking – but tiering of benchmark results has been limited to a few states (e.g., CA, WA, NC, and OR).
- ❑ The renewal cycle for the state industrial stormwater permits can be offset from the Federal MSGP by up to five years.
- ❑ Additional delays can occur when industry groups file lawsuits against a proposed permit.

# Who's Up First?

- A number of states have or will renew their version of MSGP permits in 2021 – and may consider incorporating these new features of the MSGP.
- However, states renewing in 2022 and beyond will have more time to consider incorporating changes from the 2021 MGSP.
- Texas
- South Carolina
- Pennsylvania
- Louisiana
- Oregon
- Maryland
- NC (7 of 21 sector permits)
- MI (cycle year 1 facilities)

# Permit Streamlining

- Re-sequencing the permit sections (i.e., Monitoring, Corrective Actions and "Additional Implementation Measures" (AIM), and then Pollution Prevention Planning requirements).
- Using active voice permit language: "Samples must be collected..." now reads "You must collect samples..."
- Expect states to re-sequence their permit language and use active voice (sometimes referred to as "plain language").



# Monitoring Changes

- ❑ Indicator monitoring (report only) for pH, Total Suspended Solids (TSS) and Chemical Oxygen Demand (COD) for certain subsectors that do not have benchmark monitoring requirements.
- ❑ Indicator monitoring (report only) for polycyclic aromatic hydrocarbons (PAHs).
- ❑ Updated benchmark monitoring (values and schedule) – first and fourth years of permit.
- ❑ For impaired waters without a total maximum daily load (TMDL), facilities to monitor for all pollutants causing impairment.



# Additional Implementation Measures (AIM)

- Benchmark tiering forces facilities to evaluate/implement control measures and conduct on-going monitoring at baseline and higher tiers.
  - First Tier - Review the Pollution Prevention Plan and its control measures
  - Second Tier - Implement additional measures
  - Third Tier - Implement permanent structural source and treatment controls
- States that modify the MSGP approach can make benchmark tiering more complicated or more restrictive.

# Public Signage

- ❑ The 2021 MSGP requires operators to post a sign close to their facilities confirming permit coverage – fence line, lobby, outfall.
- ❑ This follows the 2015 MSGP in making the SWPPP publicly available as an attachment to the NOI electronically filed or on a public website.
- ❑ This signage requirement is parallel to the discharge signage requirement for sites with individual NPDES permits – typically at outfall.

# Enhanced Stormwater Controls for Major Storm Events

- “Consideration” of enhanced stormwater control measures for facilities subject to hurricanes, storm surge and flood events .
- Elevating materials, temporarily reducing outdoor storage prior to storm events, and delaying deliveries in advance of storm events.
- Some states may find this “consideration” useful but difficult to enforce.

# Take Away

- ❑ The MSGP brings new content every five years
- ❑ States incorporate changes to general permits during renewals
- ❑ State permit structures vary widely
- ❑ Look for the MSGP items summarized here when your state permit draft is issued

# WHAT FUTURE STORMWATER RULES COULD LOOK LIKE – A CALIFORNIA PERSPECTIVE



# Environmental Policy: Made in California

- California is a leader in environmental policy
  - 1966: First state to regulate vehicle exhaust by setting limits on hydrocarbons and carbon monoxide emissions.
  - 1977: First state to adopt efficiency standard for appliances.
  - 2011: First state to adopt cap-and-trade system for regulating GHG emissions.
  - 2019: First state to require public notice for PFAS in drinking water.
- California is setting the stage for future stormwater legislation

# Limits and Levels

- ❑ Industrial General Permit (IGP) limit types
  - Numeric Action Limits (NALs)
  - TMDL-Numeric Action Limits (TNALs)
  - Numeric Effluent Limits (NELs)
- ❑ Baseline status
  - Facilities at baseline status demonstrate compliance with permit limits.
- ❑ Level 1 status
  - Requires assistance of QISP.
  - Focused on implementing cost effective BMPs.
- ❑ Level 2 status
  - Requires assistance of QISP.
  - Focused on implementing physical, structural, or mechanical BMPs.





# Qualified Industrial Stormwater Practitioner

- What is a QISP?
  - Individual that has completed the State Water Board training course and is knowledgeable on aspects of the IGP and how it may apply to specific facilities.
- What do QISPs do?
  - Assists New Dischargers in determining coverage eligibility to an impaired water body.
  - Can complete Level 1 ERA evaluations and reports, Level 2 action plans and technical reports.
  - Can provide training to Dischargers in Level 1 status.

# Compliance Reports

- Exceedance Response Actions (ERA)
  - Required when an NAL or TNAL is exceeded.
  - ERAs are divided into two level of responses: Level 1 and Level 2.
  - Provides an opportunity for Dischargers to develop an adaptive and cost-effective BMP program to reach compliance with limits.
- Water Quality Based Corrective Actions
  - Required when an NEL is exceeded.
  - Mandatory minimum penalties may apply.

# Frequency of Sampling

- Goal is to collect at least four samples of stormwater per reporting year.
  - Much higher frequency than other General Permits.
- How does California accomplish this?
  - Dischargers are given four hours to sample as opposed to one hour (2008 MSGP).
  - Dischargers are allowed to sample after two working dry days as opposed to three working dry days.
  - California IGP does not specify a volume for sampling (no use of rain gauges).
  - Dischargers can sample from events that begin prior to operating hours.
- Dischargers are not in violation of the IGP if unable to collect four samples.



# Summary

- Use of compliance status, such as “levels” and submittal of compliance reports.
- Use of qualified personnel to assist in implementation of General Permit requirements.
- Increase flexibility in sampling requirements to allow for a higher sampling frequency.





# Questions?



Karen Thompson // Kentucky Offices Leader  
859.281.1664  
kthompson@all4inc.com



[www.all4inc.com](http://www.all4inc.com)

Paul Hagerty // Directing Consultant  
610.422.1168  
phagerty@all4inc.com

Jenny Gomez // Consulting Scientist, QISP  
909.637.2818  
jgomez@all4inc.com



Mark Robinson // Technical Director  
470.893.2880  
mrobinson@all4inc.com



# No Exposure Requirements (PADEP)

Are any of the following materials or activities exposed to precipitation now, or will be exposed to precipitation within the next five years?

Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to storm water.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Materials or residuals on the ground or in stormwater inlets from spills/leaks.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Materials or products from past industrial activity.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Material handling equipment (except adequately maintained vehicles).	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Materials or products during loading/unloading or transporting activities.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Materials or products stored outdoors (except final products intended for outside use, e.g., new cars, where exposure to stormwater does not result in the discharge of pollutants).	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Materials or products handled/stored on roads or railways owned or maintained by the discharger.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Waste material (except waste in covered, non-leaking containers, e.g., dumpsters with lids).	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Application or disposal of process wastewater (unless otherwise permitted).	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Particulate matter or visible deposits of residuals from roof stacks/vents not otherwise regulated, i.e., under an air quality control permit, and evident in the stormwater outflow.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**NOTE** – An applicant is not eligible for No Exposure Certification if any of the answers to questions in the table above are “Yes”. See additional eligibility requirements contained in the No Exposure Instructions.

# Industries covered by PAG-03 (PADEP)

PAG-03 Appendix	SIC Code	Industrial Activity	Source
I – Food and Kindred Products	2011-2015	Meat Products	40 CFR § 122.26(b)(14)(xi)
	2021-2026	Dairy Products	
	2032-2038	Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties	
	2041-2048	Grain Mill Products	
	2051-2053	Bakery Products	
	2061-2068	Sugar and Confectionery Products	
	2074-2079	Fats and Oils Products	
	2082-2087	Beverages	
	2091-2099	Miscellaneous Food Preparations and Kindred Products	
	2111-2141	Tobacco Products	
J – Additional Facilities	Various	Other stormwater discharges designated as needing a permit or any facility discharging stormwater associated with industrial activity not described by any other appendix.	40 CFR § 122.26(a)(9)(i)(C) & (D) and Pennsylvania Clean Streams Law
K – Existing Salt Storage and Distribution Sites	Various	Salt Storage and Distribution Piles	Pennsylvania Clean Streams Law
L – Land Transportation and Petroleum Stations and Terminals	4011, 4013	Railroad Transportation	40 CFR § 122.26(b)(14)(viii)
	4111-4173	Local and Highway Passenger Transportation	
	4212-4231	Motor Freight Transportation and Warehousing	
	4311	United States Postal Service	
	5171	Petroleum Bulk Stations and Terminals	
M – Asphalt Paving, Roofing Materials and Lubricants	2951, 2952	Asphalt Paving and Roofing Materials	40 CFR § 122.26(b)(14)(ii)
	2992, 2999	Miscellaneous Products of Petroleum and Coal	

ENVIRONMENTAL  
ANCE IS CLEARLY

OUR BUSINESS.

# Industries covered by PAG-03 (PADEP)

F – Chemicals and Allied Products	2812-2819	Industrial Inorganic Chemicals	40 CFR § 122.26(b)(14)(ii)
	2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass	
	2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; in vitro and in vivo Diagnostic Substances; and Biological Products, Except Diagnostic Substances	
	2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations	
	2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products	
	2861-2869	Industrial Organic Chemicals	
	2873-2879	Agricultural Chemicals	
	2891-2899	Miscellaneous Chemical Products	
	2911	Petroleum Refining	
	3952	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors	
G – Air Transportation Facilities	4512-4581	Air Transportation Facilities	40 CFR § 122.26(b)(14) (viii)
H – Steam Electric Generating Facilities	4911	Steam Electric Generating Facilities, including coal handling sites	40 CFR § 122.26(b)(14) (vii)

ENVIRONMENTAL  
IS CLEARLY

OUR BUSINESS.



# Industries covered by PAG-03 (PADEP)

PAG-03 Appendix	SIC Code	Industrial Activity	Source
D – Timber Products	2411	Log Storage and Handling	40 CFR § 122.26(b)(14)(ii)
	2421	General Sawmills and Planing Mills	
	2426	Hardwood Dimension and Flooring Mills	
	2429	Special Product Sawmills, Not Elsewhere Classified	
	2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood	
	2441	Nailed and Lock Corner Wood Boxes and Shook	
	2448	Wood Pallets and Skids	
	2449	Wood Containers, Not Elsewhere Classified	
	2451, 2452	Wood Buildings and Mobile Homes	
	2491	Wood Preserving	
	2493	Reconstituted Wood Products	
2499	Wood Products, Not Elsewhere Classified		
E – Paper and Allied Products	2611	Pulp Mills	40 CFR § 122.26(b)(14)(ii)
	2621	Paper Mills	
	2631	Paperboard Mills	
	2652-2657	Paperboard Containers and Boxes	
	2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes	
	2812, 2819	Industrial Inorganic Chemicals	

NTAL


**COMPLIANCE IS CLEARLY  
OUR BUSINESS.**