

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA)  
 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
 PROPOSED MULTI-SECTOR GENERAL PERMIT (MSGP)  
 FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY**

In compliance with the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. 1251 et seq.), operators of stormwater discharges associated with industrial activity located in an area identified in Appendix C where EPA is the permitting authority are authorized to discharge to waters of the United States in accordance with the eligibility and Notice of Intent (NOI) requirements, effluent limitations, inspection requirements, and other conditions set forth in this permit. This permit is structured as follows:

- **Parts 1-7:** General requirements that apply to all facilities;
- **Part 8:** Industry sector-specific requirements;
- **Part 9:** Specific requirements that apply in individual states and Indian country; and
- **Appendices A through Q:** Additional permit conditions that apply to all operators covered under this permit.

This permit becomes effective on [\[insert effective date\]](#).

This permit and the authorization to discharge shall expire at 11:59pm eastern time, [\[insert date 4 years and 364 days from effective date\]](#).

Signed and issued this    day of  
 Name  
 Title, Region 1

Signed and issued this    day of  
 Name  
 Title, Region 6

Signed and issued this    day of  
 Name  
 Title, Region 2

Signed and issued this    day of  
 Name  
 Title, Region 7

Signed and issued this    day of  
 Name  
 Title, Region 2 Caribbean Office

Signed and issued this    day of  
 Name  
 Title, Region 8

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 Title, Region 3

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 Name  
 Title, Region 9

Signed and issued this    day of  
 Name  
 Title, Region 4

Signed and issued this    day of  
 Name  
 Title, Region 10

Signed and issued this    day of  
 Name  
 Title, Region 5

## 1 **How to Obtain Coverage Under the MSGP**

To be covered under this permit, you must meet all of the eligibility conditions and follow the requirements for obtaining permit coverage in Part 1.

### 1.1 **Eligibility Conditions**

1.1.1 **Location of Your Facility.** Your facility must be located in an area where EPA is the permitting authority (see Appendix C);

1.1.2 **Your Discharges Are Associated with Industrial Activity.** Your facility must have an authorized stormwater discharge or an authorized non-stormwater discharge per Part 1.2 associated with industrial activity from your primary industrial activity (as defined in Appendix A and as listed in Appendix D), or you have been notified by EPA that you are eligible for coverage under Sector AD.

1.1.3 **Limitations on Coverage.** Discharges from your facility are **not**:

1.1.3.1 **Discharges mixed with non-stormwater discharges.** Discharges mixed with non-stormwater discharges other than those mixed with authorized non-stormwater discharges listed in Part 1.2.2, and/or those mixed with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES authorization.

1.1.3.2 **Stormwater discharges associated with construction activity.** Stormwater discharges associated with construction activity disturbing one acre or more, or that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more, unless in conjunction with mining activities or certain oil and gas extraction activities as specified in Sectors G, H, I, and J of this permit.

1.1.3.3 **Discharges already covered by another NPDES permit.** Unless you have received written notification from EPA specifically allowing these discharges to be covered under this permit, you are not eligible for coverage under this permit for any of the following:

- a. Stormwater discharges associated with industrial activity that are currently covered under an individual NPDES permit or an alternative NPDES general permit;
- b. Discharges covered within five years prior to the effective date of this permit by an individual NPDES permit or alternative NPDES general permit where that permit established site-specific numeric water quality-based limitations developed for the stormwater component of the discharge; or
- c. Discharges from facilities where any NPDES permit has been or is in the process of being denied, terminated, or revoked by EPA (this does not apply to the routine reissuance of permits every five years).

1.1.3.4 **Stormwater Discharges Subject to Effluent Limitations Guidelines.** Stormwater discharges subject to stormwater effluent limitation guidelines under 40 CFR, Subchapter N, other than those listed in Table 1-1 of this permit.

1.1.4 **Eligibility related to Endangered and Threatened Species and Critical Habitat Protection.** You are able to demonstrate that your stormwater discharges, authorized non-stormwater discharges, and stormwater discharge-related activities are not likely to adversely affect any species that are federally listed as endangered or threatened ("ESA-listed") and are not likely to adversely affect habitat that is designated as "critical habitat" under the Endangered Species Act (ESA), or said discharges and activities

were the subject of an ESA consultation or an ESA section 10 permit. You must follow the procedures and meet one of the criteria listed in Appendix E. You must comply with any measures that formed the basis of your criteria eligibility determination to be in compliance with the MSGP. These measures become permit requirements per Part 2.3. Documentation of these measures must be kept as part of your SWPPP (see Part 6.2.6.1).

**1.1.5 Eligibility related to Historic Properties Preservation.** You are able to demonstrate that your stormwater discharges, authorized non-stormwater discharges, and stormwater discharge-related activities meet one of the eligibility criteria in Appendix F.

**1.1.6 Eligibility for “New Dischargers” and “New Sources” (as defined in Appendix A)<sup>1</sup> ONLY:**

**1.1.6.1 Eligibility for “New Dischargers” and “New Sources” Based on Water Quality Standards.** You must meet applicable water quality standards. You are ineligible for coverage under this permit if EPA determines prior to your authorization to discharge that your discharges will not meet an applicable water quality standard. In such case, EPA may notify you that an individual permit application is necessary per Part 1.3.7, or, alternatively, EPA may authorize your coverage under this permit after you implement additional control measures so that your discharges will meet water quality standards.

**1.1.6.2 Eligibility for “New Dischargers” and “New Sources” for Water-Quality Impaired Waters.** If you discharge to an “impaired water” (as defined in Appendix A), you must do one of the following:

- a. Prevent all exposure to stormwater of the pollutant(s) for which the waterbody is impaired, and retain documentation of procedures taken to prevent exposure onsite with your SWPPP;
- b. Prior to submitting your NOI, provide to the appropriate EPA Regional Office technical information or other documentation to support your claim that the pollutant(s) for which the waterbody is impaired is not present at your facility, and retain such documentation with your SWPPP; or
- c. Prior to submitting your NOI, provide to the appropriate EPA Regional Office technical information or other documentation to support your claim that the pollutant(s) for which the waterbody is impaired is not present at your site, and retain such documentation with your SWPPP; or
- d. Prior to submitting your NOI, provide information to the appropriate EPA Regional Office, either data or other technical documentation, to support a conclusion that the discharge is expected to meet applicable water quality standards and retain such information with your SWPPP. The information you submit must demonstrate:
  - i. For discharges to waters without an EPA-approved or established total

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<sup>1</sup>“New Discharger” means a facility from which there is or may be a discharge, that did not commence the discharge of pollutants at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective NPDES permit for discharges at that site. See 40 CFR 122.2.

“New Source” means any building, structure, facility, or installation from which there is or may be a “discharge of pollutants,” the construction of which commenced: i) after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or ii) after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal. See 40 CFR 122.2.

maximum daily load (TMDL), that the discharge of the pollutant for which the water is impaired will meet water quality standards at the point of discharge to the waterbody; or

- ii. For discharges to waters with an applicable EPA-approved or established TMDL), that there are, in accordance with 40 CFR 122.4(i), sufficient remaining wasteload allocations in the TMDL to allow your discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with water quality standards (e.g., a reserve allocation for future growth).

You are eligible under Part 1.1.6.2.c if you receive a determination from the EPA Regional Office that your discharge will meet applicable water quality standards and you document the Region's determination in your SWPPP. If the EPA Regional Office fails to respond to you within 30 days after submission of data, you are considered to be eligible for coverage.

**1.1.6.3 Eligibility for “New Dischargers” and “New Sources” for Waters with High Water Quality (Tier 2, 2.5, and 3).**

- a. For new dischargers and new sources to Tier 2 or Tier 2.5 waters, your discharge must not lower the water quality of the applicable water. See a list of Tier 2 and Tier 2.5 waters in Appendix L.
- b. For new dischargers and new sources to waters designed by a state or tribe as Tier 3 waters<sup>2</sup> (outstanding national resource waters) for antidegradation purposes under 40 CFR 131.13(a)(3), you are not eligible under this permit and you must apply for an individual permit. See a list of Tier 3 waters in Appendix L.

**1.1.7 Eligibility for Discharges to a Federal CERCLA Site.** If you discharge to a federal CERCLA Site listed in Appendix P, you must notify the appropriate EPA Regional Office in advance and the EPA Regional Office must determine that you are eligible for permit coverage. In determining eligibility for coverage under this Part, the EPA Regional Office may evaluate whether you are implementing or plan to implement adequate controls and/or procedures to ensure that your discharge will not lead to recontamination of aquatic media at the CERCLA Site such that your discharge will cause or contribute to an exceedance of a water quality standard. If it is determined that your facility discharges to a CERCLA Site listed in Appendix P after you have obtained coverage under this permit, you must contact the EPA Regional Office and ensure that you either have implemented or will implement adequate controls and/or procedures to ensure that your discharges will not lead to recontamination of aquatic media at the CERCLA Site such that it will not meet an applicable water quality standard.

For the purposes of this permit, a facility discharges to a federal CERCLA Site if the discharge flows directly into the site through its own conveyance, or a through a conveyance owned by others, such as a municipal separate storm sewer system (MS4).

<sup>2</sup> For the purposes of this permit, your project is considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first water of the U.S. to which you discharge is identified by a state, tribe, or EPA as a Tier 2, Tier 2.5, or Tier 3 water. For discharges that enter a separate storm sewer system prior to discharge, the first water of the U.S. to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system. ( separate storm sewer systems (MS4s and non-municipal storm sewers systems) do not include combined sewer systems or separate sanitary sewer systems.)

**Request for Comment 1:** Currently, the above eligibility criterion in the 2015 MSGP only applies to facilities in EPA Region 10. EPA requests comment on whether this current eligibility criterion should be applied in all EPA Regions for facilities that discharge to Federal CERCLA sites that may be of concern for recontamination from industrial stormwater discharges. EPA is also interested in information that would assist the Agency in identifying such sites. EPA also requests comment on requiring such facilities to notify the EPA Regional Office a minimum of 30 days in advance of submitting the Notice of Intent (NOI) form.

**1.1.8 Eligibility for Facilities using Coal-Tar Sealcoat.** To be eligible for coverage under this permit, you must not have any stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during your coverage under this permit. EPA may authorize your coverage under this permit if you eliminate such discharge or EPA will notify you that an individual permit application is necessary per Part 1.3.7.

**Request for Comment 2:** EPA requests comment on the following:

- Whether the permit should include an eligibility criterion related to the application of coal-tar sealcoat to paved areas where industrial activities are located.
- Any studies that provide data on the level of PAHs from coal-tar sealed pavements, the sources of measured PAHs in the aquatic environment, the levels of PAHs in fish and seafood, and associated chemical and biological impacts that may occur via stormwater discharges.
- Whether or to what extent requiring facilities to implement specific stormwater control measures under the MSGP to control and treat PAH-laden discharges from surfaces paved with coal-tar sealcoat is an appropriate alternative to the proposed eligibility criterion, and if so, what those control measures should be.

**Request for Comment 3:** EPA's Construction General Permit (CGP), which covers stormwater discharges from certain construction activities where EPA is the NPDES permitting authority, currently includes an eligibility criterion for operators who plan to add "cationic treatment chemicals" to stormwater and/or authorized non-stormwater prior to discharge. To be eligible for CGP coverage, those operators must notify the applicable EPA Regional Office in advance and the EPA Regional Office may authorize coverage after the CGP operator has included appropriate controls and implementation procedures designed to ensure that the use of cationic treatment chemicals will not lead to discharges that cause an exceedance of water quality standards. A goal of EPA's stormwater program is to better align the Agency's general permits where appropriate. Therefore, EPA requests comment on whether it is appropriate to add the corresponding CGP eligibility requirement or a similar eligibility requirement to the MSGP for operators who may elect to use cationic treatment chemicals to comply with the MSGP, specifically Part 2.1.2.5 Erosion and Sediment Controls.

"Cationic Treatment Chemical" are defined as polymers, flocculants, or other chemicals that contain an overall positive charge. Among other things, they are used to reduce turbidity in stormwater discharges by chemically bonding to the overall negative charge of suspended silts and other soil materials and causing them to bind together and settle out. Common examples of cationic treatment chemicals are chitosan and cationic PAM.

## 1.2 Types of Discharges Authorized Under the MSGP<sup>3</sup>

**1.2.1 Authorized Stormwater Discharges.** If you meet all the eligibility criteria in Part 1.1, then the following discharges from your facility are authorized under this permit:

**1.2.1.1** Stormwater discharges associated with industrial activity for any primary industrial activities and co-located industrial activities (as defined in Appendix A) except for any stormwater discharges prohibited in Part 8;

**1.2.1.2** Discharges EPA has designated as needing a stormwater permit as provided in Sector AD;

**1.2.1.3** Discharges that are not otherwise required to obtain NPDES permit authorization but are mixed with discharges that are authorized under this permit; and

**1.2.1.4** Stormwater discharges from facilities subject to any of the national stormwater-specific effluent limitations guidelines listed in Table 1-1.

**Table 1-1. Stormwater-Specific Effluent Limitations Guidelines**

Regulated Discharge	40 CFR Section	MSGP Sector	New Source Performance Standard (NSPS)	New Source Date
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	A	Yes	1/26/81
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	C	Yes	4/8/74
Runoff from asphalt emulsion facilities	Part 443, Subpart A	D	Yes	7/28/75
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	E	Yes	2/20/74
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	J	No	N/A
Runoff from hazardous waste and non-hazardous waste landfills	Part 445, Subparts A and B	K, L	Yes	2/2/00
Runoff from coal storage piles at steam electric generating facilities	Part 423	O	Yes	11/19/82

<sup>3</sup> Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under Clean Water Act (CWA) section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), or during an inspection.

<sup>4</sup> NSPS promulgated in 1974 were not removed via the 1982 regulation; therefore wastewaters generated by Part 423- applicable sources that were New Sources under the 1974 regulations are subject to the 1974 NSPS.

Regulated Discharge	40 CFR Section	MSGP Sector	New Source Performance Standard (NSPS)	New Source Date
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	Part 449	S	Yes	6/15/1 <sup>2</sup>

**1.2.2 Authorized Non-Stormwater Discharges.** Below is the list of non-stormwater discharges authorized under this permit. Unless specifically listed in this Part, this permit does not authorize any other non-stormwater discharges requiring NPDES permit coverage and you must either eliminate those discharges or they must be covered under another NPDES permit; this includes the sector-specific non-stormwater discharges that are listed in Part 8 as prohibited (a non-exclusive list is provided only to raise awareness of contaminants or sources of contaminants characteristic of certain sectors).

**1.2.2.1 Authorized Non-Stormwater Discharges for All Sectors.** The following are the only non-stormwater discharges authorized under this permit for all sectors provided that all discharges comply with the effluent limits set forth in Parts 2 and 8.

- a. Discharges from emergency/unplanned fire-fighting activities;
- b. Fire hydrant flushings;
- c. Potable water, including uncontaminated water line flushings;
- d. Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors and from the outside storage of refrigerated gases or liquids;
- e. Irrigation/landscape drainage, provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;
- f. Pavement wash waters, provided that detergents or hazardous cleaning products are not used (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities (see Part 6.2.3), or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods (e.g., applying absorbent materials and sweeping, using hydrophobic mops/rags) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
- g. Routine external building washdown / power wash water that does not use detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
- h. Uncontaminated ground water or spring water;
- i. Foundation or footing drains where flows are not contaminated with process materials;
- j. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown; drains); and

- k. Any authorized non-stormwater discharge listed above in this Part 1.2.2 or any stormwater discharge listed in Part 1.2.1 mixed with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

**1.2.2.2 Additional Authorized Non-Stormwater Discharge for Sector A Facilities.** Discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage, provided the non-stormwater component of the discharge is in compliance with the non-numeric effluent limits requirements in Part 2.1.2.

**1.2.2.3 Additional Authorized Non-Stormwater Discharges for Earth-Disturbing Activities Conducted Prior to Active Mining Activities for Sectors G, H and J Facilities.** The following non-stormwater discharges are only authorized for earth-disturbing activities conducted prior to active mining activities, as defined in Part 8.G.3.2, 8.H.3.2, and 8.J.3.2, provided that, with the exception of water used to control dust, these discharges are not routed to areas of exposed soil and all discharges comply with the permit's effluent limits. Once the earth-disturbing activities conducted prior to active mining activities have ceased, the only authorized non-stormwater discharges for Sectors G, H, and J are those listed in Part 1.2.2.3.

- a. Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
- b. Water used to control dust; and
- c. Dewatering water that has been treated by an appropriate control under Parts 8.G.4.2.9, 8.H.4.2.9, or 8.J.4.2.9.

### **1.3 Obtaining Authorization to Discharge**

**1.3.1 Prepare Your SWPPP Prior to Submitting Your Notice of Intent (NOI).** You must develop a SWPPP or update your existing SWPPP per Part 6 prior to submitting your Notice of Intent (NOI) for coverage under this permit, per Part 1.3.2 below. If you choose to post your SWPPP on the Internet per Part 6.4.1, you must include the URL on your NOI form and this URL must directly link to the SWPPP (not just the corporate or facility homepage). If you do not post your SWPPP online, you must enter additional facility information from your SWPPP on your NOI, per Part 6.4.2.

**1.3.2 How to Submit Your Notice of Intent (NOI) to Get Permit Coverage.** To be covered under this permit, you must use EPA's NPDES eReporting Tool for the MSGP (NeT-MSGP) to electronically prepare and submit to EPA a complete and accurate NOI by the deadline applicable to your facility presented in Table 1-2. The NOI certifies to EPA that you are eligible for coverage according to Part 1.1 and provides information on your industrial activities and related discharges. Per Part 7.1, you must submit your NOI electronically via NeT-MSGP, unless the EPA Regional Office grants you a waiver from electronic reporting, in which case you may use the paper NOI form in Appendix G. To access NeT-MSGP, go to <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#accessingmsgp>

**1.3.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage.** Table 1-2 provides the deadlines for submitting your NOI and your official start date of permit coverage.



**Request for Comment 4:** EPA requests comment on whether the permit should establish a discharge authorization wait period of 60 calendar days (30 calendar days standard for all new NOIs plus 30 additional days) after NOI submission for any operators whose discharges were not previously covered under the 2015 MSGP and who have a pending enforcement action related to stormwater by EPA, a state, or a citizen (to include both notices of violation (NOVs) by EPA or a state and notices of intent to bring a citizen suit).

**Table 1-2. NOI Submittal Deadlines and Discharge Authorization Dates**

Category of Facility	NOI Submission Deadline	Discharge Authorization Date <sup>1, 2</sup>
Existing MSGP facility. Operators of industrial activities whose stormwater discharges were covered under the 2015 MSGP.	No later than [insert 90 days after permit effective date].	30 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization has been denied or delayed. Note: You must review and update your SWPPP to ensure that this permit's requirements are addressed prior to submitting your NOI. Provided you submit your NOI in accordance with the deadline, your authorization under the 2015 MSGP is automatically continued until you have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated.
New facility without MSGP coverage. Operators of industrial activities that will commence discharging after [insert 90 days after permit effective date]	At least 30 calendar days prior to commencing discharge.	30 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization has been denied or delayed.
Existing facility covered under an alternative permit. Operators seeking coverage for stormwater discharges previously covered under an individual permit or an alternative general permit.	At least 30 calendar days prior to commencing discharge.	
Existing MSGP facility with a new operator. New operators of existing industrial activities with stormwater discharges previously authorized under the 2020 MSGP.	At least 30 calendar days prior to the date of transfer of control to the new operator.	
Existing facility without permit coverage. Operators of industrial activities that commenced discharging prior to [insert 90 days after permit effective date], but whose stormwater discharges were not covered under the 2015 MSGP or another NPDES permit.	Immediately; your stormwater discharges are currently unpermitted. <sup>1</sup>	
Facility without 2015 MSGP coverage that has a pending enforcement action. Operators of industrial activities whose discharges were not covered previously under the 2015 MSGP and who have a pending enforcement action related to stormwater by EPA, a state, or a citizen (to include both notices of violation (NOVs) by EPA or a state and notices of intent to bring a citizen suit).	Immediately; your stormwater discharges are currently unpermitted. <sup>1</sup>	60 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization has been denied or delayed.

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<sup>1</sup> If you have missed the deadline to submit your NOI, any and all discharges from your industrial activities will continue to be unauthorized under the CWA until they are covered by this or a different NPDES permit. EPA may take enforcement action for any unpermitted discharges that occur between the commencement of discharging and discharge authorization.

<sup>2</sup> Discharges are not authorized if your NOI is incomplete or inaccurate or if you are ineligible for permit coverage.

**1.3.4 Modifying your NOI.** If after submitting your NOI, you need to correct or update any fields, you may do so by submitting a "Change NOI" form using NeT-MSGP. Per Part 7.1, you must submit your Change NOI electronically via NeT-MSGP, unless the EPA Regional Office grants you a waiver from electronic reporting, in which case you may use the paper Change NOI form in Appendix G-2. When there is a change to the facility's operator, the new operator must submit a new NOI, and the previous operator must submit a Notice of Termination (NOT) form as specified in Part 1.4.

**1.3.4.1** For an existing operator, if any of the information supplied on the NOI changes such as acreage of industrial area exposed to storm water, change in industrial sectors, or facility contact information, you must submit a Change NOI form within thirty (30) calendar days after the change occurs.

**1.3.4.2** At facilities where there is a transfer in operator or a new operator takes over operational control at an existing facility, the new operator must submit a new NOI no later than thirty (30) calendar days after a change in operators. The previous operator must submit a NOT no later than thirty (30) calendar days after MSGP coverage becomes active for the new operator.

**Request for Comment 5:** Currently EPA accepts changes or edits to the NOI on the actual NOI paper form (Appendix G), if the facility is granted a waiver from electronic reporting. EPA is aware that the actual NOI paper form is not currently formatted for the facility to indicate all of the types of changes it might need to make on the form and does not allow for sufficient space to include the rationale/documentation for requesting the changes, if such changes need Regional approval. EPA requests comment on whether a separate paper Change NOI form (proposed Appendix G-2) would be useful for facilities for submitting modifications to a paper NOI form.

**1.3.5 Your Official End Date of Permit Coverage.** Once covered under this permit, your coverage will last until the date that:

**1.3.5.1** You terminate permit coverage by submitting a Notice of Termination (NOT) per Part 1.4; or

**1.3.5.2** You receive coverage under a different NPDES permit or a reissued or replacement version of this permit after it expires on [\[insert 4 years and 364 days after permit effective date\]](#); or

**1.3.5.3** You fail to submit an NOI for coverage under a reissued or replacement version of this permit before the required deadline.

**1.3.6 Requirement to Post a Sign of your Permit Coverage.** You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to your facility and at potentially impacted public access areas. You must use a font large enough to be readily viewed from a public right-of-way and conduct periodic maintenance of the sign to ensure that it is legible, viable, and factually correct. At minimum, the sign must include:

- 1.3.6.1** The NPDES ID (i.e., permit tracking number assigned to your NOI);
- 1.3.6.2** A contact name and phone number for obtaining additional facility information;
- 1.3.6.3** The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: "If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this facility, contact the EPA Regional Office at [include the appropriate MSGP Regional Office contact information found at <https://www.epa.gov/npdes/contact-us-stormwater#regional>];" and
- 1.3.6.4** The following statement "If you observe indicators of stormwater pollutants in the discharge or in the receiving waterbody, contact the EPA through the following website: <https://echo.epa.gov/report-environmental-violations>."

**Request for Comment 6:** EPA requests comment on whether the 2020 MSGP should include a requirement that MSGP operators must post a sign of permit coverage at a safe, publicly accessible location in close proximity to the facility, as is required of other NPDES permittees. EPA requests comment on whether this notice should also include information that informs the public on how to contact EPA if stormwater pollution is observed in the discharge. EPA also requests comment on what other information could be included on any sign or other notice.

- 1.3.7** **Coverage Under Alternative Permits.** EPA may require you to apply for and/or obtain authorization to discharge under an alternative permit, i.e., either an individual NPDES permit or an alternative NPDES general permit, in accordance with 40 CFR 122.64 and 124.5. If EPA requires you to apply for an alternative permit, the Agency will notify you in writing that a permit application or NOI is required. This notification will include a brief statement of the reasons for this decision and will contain alternative permit application or NOI requirements, including deadlines for completing your application or NOI.
- 1.3.7.1** **Denial of Coverage for New or Previously Unpermitted Facilities.** For new or previously unpermitted facilities, following the submittal of your NOI, you may be denied coverage under the 2020 MSGP and must apply for and/or obtain authorization to discharge under an alternative permit.
- 1.3.7.2** **Loss of Authorization Under the 2020 MSGP for Existing Permitted Facilities.** If your stormwater discharges are covered under this permit, you may receive a written notification that you must either apply for coverage under an individual NPDES permit or submit an NOI for coverage under an alternative general NPDES permit. In addition to the reasons for the decision and alternative permit application or NOI deadlines, the notice will include a statement that on the effective date of your alternative permit coverage, your coverage under the 2020 MSGP will terminate. EPA may grant additional time to submit the application or NOI if you request it. If you fail to submit an alternative permit application or NOI as required by EPA, then your authorization to discharge under the 2020 MSGP is terminated at the end of the day EPA required you to submit your alternative permit application or NOI. EPA may take appropriate enforcement action for any unpermitted discharge.
- 1.3.7.3** **Facilities Requesting Coverage Under an Alternative Permit.** You may request to be covered under an individual permit. In such a case, you must submit an individual permit application in accordance with the requirements of 40 CFR 122.28(b)(3)(iii), with reasons supporting the request, to the appropriate EPA Regional Office listed in Part 7.9 of this permit. The request may be granted by issuance of an individual permit if your reasons are adequate to support the request. When you are authorized to discharge under an alternative permit, your authorization to discharge under the 2020 MSGP is

terminated on the effective date of the alternative permit.

#### **1.4 Terminating Permit Coverage**

**1.4.1 How to Submit your Notice of Termination (NOT) to Terminate Permit Coverage.** To terminate permit coverage, you must use EPA's NPDES eReporting Tool for the MSGP (NeT-MSGP) to electronically prepare and submit to EPA a complete and accurate Notice of Termination (NOT). Per Part 7.1, you must submit your NOT electronically via NeT-MSGP, unless the EPA Regional Office grants you a waiver from electronic reporting, in which case you may use the paper NOT form in Appendix H. To access NeT-MSGP, go to <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#accessingmsgp>

Your authorization to discharge under this permit terminates at midnight of the day that you are notified that your complete NOT has been processed. If you submit a NOT without meeting one or more of the conditions in Part 1.4.2 then your NOT is not valid. Until you terminate permit coverage, you must comply with all conditions and effluent limitations in the permit.

**1.4.2 When to Submit Your NOT.** You must submit a NOT within 30 days after one or more of the following conditions have been met:

**1.4.2.1** A new owner or operator has taken over responsibility for the facility; or

**1.4.2.2** You have ceased operations at the facility, there are not or no longer will be discharges of stormwater associated with industrial activity from the facility, and you have already implemented necessary sediment and erosion controls per Part 2.1.2.5; or

**1.4.2.3** You are a Sector G, H, or J facility and you have met the applicable termination requirements; or

**1.4.2.4** You obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit.

#### **1.5 Conditional Exclusion for No Exposure**

If you are covered by this permit and become eligible for a "no exposure" exclusion from permitting under 40 CFR 122.26(g), you may file a No Exposure Certification (NEC). You are no longer required to have a permit upon submission of a complete and accurate NEC to EPA. If you are no longer required to have permit coverage because of a no exposure exclusion and have submitted a NEC form to EPA, you are not required to submit a NOT. You must submit a NEC form to EPA once every five years.

You must use EPA's NPDES eReporting Tool for the MSGP (NeT-MSGP) to electronically prepare and submit to EPA a complete and accurate NEC. Per Part 7.1, you must submit your NEC electronically via NeT-MSGP, unless the EPA Regional Office grants you a waiver from electronic reporting, in which case you may use the paper NEC form in Appendix K. To access NeT-MSGP, go to <https://cdxnodengn.epa.gov/net-msgp/action/login>

**Request for Comment 7:** EPA requests comment on changing the acronym for the No Exposure Certification from "NOE" (as used in the 2015 MSGP) to "NEC" to more accurately represent what the acronym stands for.

## 1.6 **Permit Compliance**

Any noncompliance with any of the requirements of this permit constitutes a violation of this permit, and thus is a violation of the CWA. As detailed in Part 5, failure to take any required corrective actions constitutes an independent, additional violation of this permit, in addition to any original violation that triggered the need for a corrective action. As such, any actions and time periods specified for remedying noncompliance do not absolve you of the initial underlying noncompliance.

Where an Additional Implementation Measure (AIM) is triggered by an event that does not itself constitute permit noncompliance, such as an exceedance of an applicable benchmark, there is no permit violation provided you comply with the required responses within the relevant deadlines established in Part 5.

## 1.7 **Severability**

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. EPA's intent is that the permit is to remain in effect to the extent possible; in the event that any part of this permit is invalidated, EPA will advise the regulated community as to the effect of such invalidation.

## 2 **Control Measures and Effluent Limits**

In the technology-based limits included in Parts 2.1 and 8, the term "minimize" means reduce and/or eliminate to the extent achievable using stormwater control measures (SCMs) (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice. The term "infeasible" means not technologically possible or not economically practicable and achievable in light of best industry practices. EPA notes that it does not intend for any permit requirement to conflict with state water rights law.

### 2.1 **Control Measures**

You must select, design, install, and implement control measures (including best management practices) to minimize pollutant discharges that address the selection and design considerations in Part 2.1.1, meet the non-numeric effluent limits in Part 2.1.2, meet limits contained in applicable effluent limitations guidelines in Part 2.1.3, and meet the water quality-based effluent limitations in Part 2.2.

The selection, design, installation, and implementation of control measures to comply with Part 2 must be in accordance with good engineering practices and manufacturer's specifications. Note that you may deviate from such manufacturer's specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPPP that describes your control measures, consistent with Part 6.2.4. If you find that your control measures are not achieving their intended effect of minimizing pollutant discharges to meet applicable water quality standards or any of the other non-numeric effluent limits in this permit, you must modify these control measures per Part 5. Regulated stormwater discharges from your facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at your facility.

#### 2.1.1 **Control Measure Selection and Design Considerations.** You must consider the following when selecting and designing control measures:

##### 2.1.1.1 Preventing stormwater from coming into contact with polluting materials is generally

more effective, and less costly, than trying to remove pollutants from stormwater;

- 2.1.1.2** Using control measures in combination may be more effective than using control measures in isolation for minimizing pollutants in your stormwater discharge;
- 2.1.1.3** Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
- 2.1.1.4** Minimizing impervious areas at your facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve ground water recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;
- 2.1.1.5** Attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
- 2.1.1.6** Conserving and/or restoring riparian buffers will help protect streams from stormwater runoff and improve water quality;
- 2.1.1.7** Using treatment interceptors (e.g., swirl separators and sand filters) maybe appropriate in some instances to minimize the discharge of pollutants; and
- 2.1.1.8** Implementing structural improvements, enhanced pollution prevention measures, and other mitigation measures, to minimize impacts from stormwater discharges from major storm events that cause extreme flooding conditions, such as the following:
  - a.** Reinforce materials storage structures to withstand flooding and additional exertion of force;
  - b.** Prevent floating of semi-stationary structures by elevating to the Base Flood Elevation (BFE)<sup>5</sup> level or securing with non-corrosive device;
  - c.** When a delivery of materials is expected, and a storm is anticipated within 48 hours, delay delivery until after the storm or store materials as appropriate (refer to emergency procedures);
  - d.** Temporarily store materials and waste above the BFE level;
  - e.** Temporarily reduce or eliminate outdoor storage;
  - f.** Temporarily relocate any mobile vehicles and equipment to upland areas;
  - g.** Develop scenario-based emergency procedures for major storms that are complementary to regular stormwater pollution prevention planning and identify emergency contacts for staff and contractors; and
  - h.** Conduct staff training for implementing your emergency procedures at regular intervals.

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<sup>5</sup> Base Flood Elevation (BFE) is the computed elevation to which floodwater is anticipated to rise during the base flood. BFEs are shown on the Federal Emergency Management Agency's Flood Maps and on the flood profiles, which can be access through <https://msc.fema.gov/portal/search>.

**Request for Comment 8:** EPA requests comment on whether it is appropriate for the permit to include language similar to the proposed language above that facilities should consider implementing enhanced controls to minimize impacts from stormwater discharges from major storms that cause extreme flooding conditions. EPA requests information on structural improvements, enhanced pollution prevention measures, and other mitigation measures that the permit could require facilities to consider. EPA also requests comment on how the permit might identify facilities that are at the highest risk for stormwater impacts from major storms that cause extreme flooding conditions.

One approach could be to use the Federal Emergency Management Agency's (FEMA) Flood Map Service Center (found at <https://msc.fema.gov/portal/search>) to determine if the facility is in a "Special Flood Hazard Area" or Other Area of Flood Hazard. SFHAs are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. "Other flood hazard areas" (or moderate flood hazard areas) are labeled Zone B or Zone X (shaded) are also shown on the Flood Map and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded). More information on FEMA flood zones can be found at <https://www.fema.gov/flood-zones>.

**2.1.2 Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT).<sup>6</sup>** You must comply with the following non-numeric effluent limits as well as any sector-specific non-numeric effluent limits in Part 8, except where otherwise specified.

Effluent limit requirements in Part 2.1.2 that do not involve the site-specific selection of a control measure or are specific activity requirements (e.g., "Cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe") are marked with an asterisk (\*). When documenting in your SWPPP, per Part 6, how you will comply with the requirements marked with an asterisk, you have the option of including additional information or you may just "cut- and-paste" those effluent limits verbatim into your SWPPP without providing additional documentation (see Part 6.2.4).

**2.1.2.1 Minimize Exposure.** You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff in order to minimize pollutant discharges by either locating these industrial materials and activities inside or protecting them with storm resistant coverings. Unless infeasible, you must also:

- a. Use grading, berming or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- b. Locate materials, equipment, and activities so that potential leaks and spills are contained or able to be contained or diverted before discharge;
- c. Clean up spills and leaks promptly using dry methods (e.g., absorbents) to

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<sup>6</sup> BPT is Best Practicable Control Technology Currently Available, as defined in CWA section 304(b)(1) and Appendix A; BAT is Best Available Technology Economically Achievable, as defined in CWA section 304(b)(2) and Appendix A; and BCT is Best Conventional Pollutant Control Technology, as defined in CWA section 304(b)(4) and Appendix A.

prevent the discharge of pollutants;

- d. Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents;
- e. Use spill/overflow protection equipment;
- f. Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- g. Drain fluids from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks.

Note: Industrial materials do not need to be enclosed or covered if stormwater from affected areas does not discharge pollutants to receiving waters or if discharges are authorized under another NPDES permit.

**2.1.2.2 Good Housekeeping.** You must keep clean all exposed areas that are potential sources of pollutants. You must perform good housekeeping measures in order to minimize pollutant discharges, including but not limited to, the following:

- a. Sweep or vacuum at regular intervals or, alternatively, wash down the area and collect and/or treat, and properly dispose of the washdown water;
- b. Store materials in appropriate containers;
- c. Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that discharges have a control (e.g., secondary containment, treatment). Consistent with Part 1.2.2 above, this permit does not authorize dry weather discharges from dumpsters or roll off boxes;\*
- d. Minimize the potential for waste, garbage and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged.
- e. *Plastic Materials Requirements:* Facilities that handle pre-production plastic must implement best management practices to eliminate discharges of plastic in stormwater. Examples of plastic material required to be addressed as stormwater pollutants include plastic resin pellets, powders, flakes, additives, regrind, scrap, waste and recycling.

**2.1.2.3 Maintenance.**

- a. **Maintenance Activities.** You must maintain all control measures that are used to achieve the effluent limits in this permit in effective operating condition, as well as all industrial equipment and systems, in order to minimize pollutant discharges. This includes:
  - i. Performing inspections and preventive maintenance of stormwater drainage, source controls, treatment systems, and plant equipment and systems that could fail and result in contamination of stormwater.
  - ii. Diligently maintaining non-structural control measures (e.g., keep spill response supplies available, personnel appropriately trained).



- iii. Inspecting and maintaining baghouses at least quarterly to prevent the escape of dust from the system and immediately removing any accumulated dust at the base of the exterior baghouse.\*
- iv. Cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe.\*

**b. Maintenance Deadlines.**

- i. If you find that your control measures need routine maintenance, you must conduct the necessary maintenance immediately in order to minimize pollutant discharges.
- ii. If you find that your control measures need to be repaired or replaced, you must immediately take all reasonable steps to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be discharged during subsequent storm events. Final repairs/replacement of stormwater controls should be completed as soon as feasible but must be no later than the timeframe established in Part 5.1.2 for corrective actions, i.e., within 14 days or, if that is infeasible, within 45 days. If the completion of stormwater control repairs/replacement will exceed the 45 day timeframe, you may take the minimum additional time necessary to complete the maintenance, provided that you notify the EPA Regional Office of your intention to exceed 45 days, and document in your SWPPP your rationale for your modified maintenance timeframe. If a control measure was never installed, was installed incorrectly or not in accordance with Parts 2 and/or 8, or is not being properly operated or maintained, you must conduct corrective action as specified in Part 5.

*Note: In this context, the term "immediately" means the day you identify that a control measure needs to be maintained, repaired, or replaced, you must take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution. However, if you identify a problem too late in the work day to initiate action, you must perform the action the following work day morning. "All reasonable steps" means you must respond to the conditions triggering the action, such as, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new SCM to be installed.*

**2.1.2.4 Spill Prevention and Response.** You must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur in order to minimize pollutant discharges. You must conduct spill prevention and response measures, including but not limited to, the following:

- a. Plainly label containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides") that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;\*
- b. Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas;

- c. Develop training on the procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;
- d. Keep spill kits onsite, located near areas where spills may occur or where a rapid response can be made; and
- e. Notify appropriate facility personnel when a leak, spill, or other release occurs.

Where a leak, spill or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC, metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. State or local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be in locations that are readily accessible and available.

- 2.1.2.5 Erosion and Sediment Controls.** To minimize pollutant discharges in stormwater, you must minimize erosion by stabilizing exposed soils at your facility and placing flow velocity dissipation devices at discharge locations to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points. You must also use structural and non-structural control measures to minimize the discharge of sediment. If you use polymers and/or other chemical treatments as part of your controls, you must identify the polymers and/or chemicals used and the purpose in your SWPPP. There are many resources available to help you select appropriate SCMs for erosion and sediment control, including EPA's Stormwater Discharges from Construction Activities website at: <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>.

See **Request for Comment 3** regarding whether the permit should include an eligibility criterion for operators who plan to add "cationic treatment chemicals" to stormwater and/or authorized non-stormwater prior to discharge.

- 2.1.2.6 Management of Runoff.** You must divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with EPA's resources relating to runoff management, including the sector-specific *Industrial Stormwater Fact Sheet Series*, (<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#factsheets>) and any similar state or tribal resources.

- 2.1.2.7 Salt Storage Piles or Piles Containing Salt.** You must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces, in order to minimize pollutant discharges. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered pursuant to this permit if stormwater runoff from the piles is not discharged or if discharges from the piles are authorized under another NPDES permit.

- 2.1.2.8 Employee Training.**

- a. **Types of Personnel Who Require Training.** You must train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to comply with this permit (e.g., inspectors, maintenance personnel), including all members of your stormwater pollution prevention team. You must ensure the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements:
- i. Personnel who are responsible for the design, installation, maintenance, and/or repair of controls (including pollution prevention measures);
  - ii. Personnel responsible for the storage and handling of chemicals and materials that could become contaminants in stormwater discharges;
  - iii. Personnel who are responsible for conducting and documenting monitoring and inspections as required in Parts 3 and 4; and
  - iv. Personnel who are responsible for taking and documenting corrective actions as required in Part 5.
- b. **Areas of Required Training.** Personnel must be trained in at least the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):
- i. An overview of what is in the SWPPP;
  - ii. Spill response procedures, good housekeeping, maintenance requirements, and material management practices;
  - iii. The location of all the controls required by this permit, and how they are to be maintained;
  - iv. The proper procedures to follow with respect to the permit's pollution prevention requirements; and
  - v. When and how to conduct inspections, record applicable findings, and take corrective actions; and
  - vi. The facility's emergency procedures, if applicable per Part 2.1.1.
- 2.1.2.9 Non-Stormwater Discharges.** You must evaluate for the presence of non-stormwater discharges. You must eliminate any non-stormwater discharges not explicitly authorized in Part 1.2.2 or covered by another NPDES permit, including vehicle and equipment/tank wash water (except for those authorized in Part 1.2.2.3 for Sectors G, H, and J). If not covered under a separate NPDES permit, wastewater, wash water and any other unauthorized non-stormwater must be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or otherwise disposed of appropriately.
- 2.1.2.10 Dust Generation and Vehicle Tracking of Industrial Materials.** You must minimize generation of dust and off-site tracking of raw, final, or waste materials in order to minimize pollutant discharges.
- 2.1.3 Numeric Effluent Limitations Based on Effluent Limitations Guidelines.** If you are in an industrial category subject to one of the effluent limitations guidelines identified in Table 6-1 (see Part 4.2.2.1), you must meet the effluent limits referenced in Table 2-1 below:

**Table 2-1. Applicable Effluent Limitations Guidelines**

<b>Regulated Activity</b>	<b>40 CFR</b>	<b>Effluent Limit</b>
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	See Part 8.A.7
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	See Part 8.C.4
Runoff from asphalt emulsion facilities	Part 443, Subpart	See Part 8.D.4
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	See Part 8.E.5
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, or D	See Part 8.J.9
Runoff from hazardous waste landfills	Part 445, Subpart	See Part 8.K.6
Runoff from non-hazardous waste landfills	Part 445, Subpart	See Part 8.L.10
Runoff from coal storage piles at steam electric generating	Part 423	See Part 8.O.8
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	Part 449	See Part 8.S.8

## **2.2 Water Quality-Based Effluent Limitations**

### **2.2.1 Water Quality Standards.** Your discharge must be controlled as necessary to meet applicable water quality standards of all affected states.

EPA expects that compliance with the conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that your discharge does not meet applicable water quality standards, you must take corrective action(s) as required in Part 5.1 and document the corrective actions as required in Part 5.3. You must also comply with any additional requirements that your state or tribe requires in Part 9.

EPA may also require that you undertake additional control measures (to meet the narrative water quality-based effluent limit above) on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI, required reports, or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. You must implement all measures necessary to be consistent with an available wasteload allocation in an EPA-established or approved TMDL.

### **2.2.2 Discharges to Water Quality-Impaired Waters.** You are considered to discharge to an impaired water if the first water of the U.S. to which you discharge is identified by a state, tribe or EPA as not meeting an applicable water quality standard, and:

- Requires development of a TMDL (pursuant to section 303(d) of the CWA);
- Is addressed by an EPA-approved or established TMDL; or
- Is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1).

*Note: For discharges that enter a separate storm sewer system<sup>7</sup> prior to discharge, the first water of the U.S. to which you discharge is the waterbody that receives the water from the storm sewer system.*

- 2.2.2.1 Existing Discharge to an Impaired Water with an EPA-Approved or Established TMDL.** If you discharge to an impaired water with an EPA-approved or established TMDL, EPA will inform you whether any additional measures are necessary for your discharge to be consistent with the assumptions and requirements of the applicable TMDL and its wasteload allocation, or if coverage under an individual permit is necessary per Part 1.3.7.
- 2.2.2.2 Existing Discharger to an Impaired Water without an EPA-Approved or Established TMDL.** If you discharge to an impaired water without an EPA-approved or established TMDL, you are still required to comply with Part 2.2.1, and the monitoring requirements of Part 4.2.4.1. Note that the impaired waters monitoring requirements of Part 4.2.4.1 also apply where EPA determines that your discharge is not controlled as necessary to meet applicable water quality standards in an impaired downstream water segment, even if your discharge is to a receiving water that is not identified as impaired according to Part 2.2.2.
- 2.2.2.3 New Discharger or New Source to an Impaired Water.** If your authorization to discharge under this permit relied on Part 1.1.6.2 for a new discharger or a new source to an impaired water, you must implement and maintain any measures that enabled you to become eligible under Part 1.1.6.2, and modify such measures as necessary pursuant to any Part 5 corrective actions. You also must comply with Part 2.2.1 and the monitoring requirements of Parts 4.2.4.1.
- 2.2.3 Tier 2 Antidegradation Requirements for New Dischargers, New Sources, or Increased Discharges.** If you are a new discharger or a new source (as defined in Appendix A), or an existing discharger required to notify EPA of an increased discharge consistent with Part 7.7 (i.e., a "planned changes" report), and you discharge directly to waters designated by a state or tribe as Tier 2 or Tier 2.5 for antidegradation purposes under 40 CFR 131.12(a), EPA may require that you undertake additional control measures as necessary to ensure compliance with the applicable antidegradation requirements, or notify you that an individual permit application is necessary in accordance with Part 1.3.7. See list of Tier 2 and 2.5 waters in Appendix L.
- 2.3 Requirements Relating to Endangered Species, Historic Properties, and CERCLA Sites**
- If your eligibility under either Part 1.1.4, Part 1.1.5, and/or Part 1.1.7 was made possible through your, or another operator's, agreement to undertake additional measures, you must comply with all such measures to maintain eligibility under the MSGP. Note that if at any time you become aware, or EPA determines, that your discharges and/or discharge-related activities have the potential to adversely affect listed species and/or critical habitat, EPA may inform you of the need to implement additional measures on a site-specific basis to meet the effluent limits in this permit, or require you to obtain coverage under an individual permit.

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<sup>7</sup> Separate storm systems include both municipal storm sewer systems (MS4s) and non-municipal separate storm sewers. Separate storm systems do not include combined sewer systems or sanitary sewer systems.

### **3      Inspections**

#### **3.1      Routine Facility Inspections**

**3.1.1      Inspection Personnel.** Qualified personnel (as defined in Appendix A) must perform the inspections with at least one member of your stormwater pollution prevention team participating. Inspectors must consider the results of visual and analytical monitoring (if any) for the past year when planning and conducting inspections.

**3.1.2      Areas that You Must Inspect.** During normal facility operating hours, the qualified personnel must conduct inspections of areas of the facility covered by the requirements in this permit, including, but not limited to, the following:

**3.1.2.1** Areas where industrial materials or activities are exposed to stormwater;

**3.1.2.2** Areas identified in the SWPPP and those that are potential pollutant sources (see Part 6.2.3);

**3.1.2.3** Areas where spills and leaks have occurred in the past three years;

**3.1.2.4** Discharge points; and

**3.1.2.5** Control measures used to comply with the effluent limits contained in this permit.

**3.1.3      What You Must Look for During an Inspection.** During the inspection, the qualified personnel must examine or look out for the following:

**3.1.3.1** Industrial materials, residue or trash that may have or could come into contact with stormwater;

**3.1.3.2** Leaks or spills from industrial equipment, drums, tanks and other containers;

**3.1.3.3** Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;

**3.1.3.4** Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas;

**3.1.3.5** Control measures needing replacement, maintenance or repair; and

**3.1.3.6** During an inspection occurring during a stormwater event or discharge, you must observe control measures implemented to comply with effluent limits to ensure they are functioning correctly. You must also observe discharge points, as defined in Appendix A, during this inspection. If such discharge locations are inaccessible, you must inspect nearby downstream locations.

**3.1.4      Inspection Frequency.** The qualified personnel must conduct inspections at least quarterly (i.e., once each calendar quarter), or in some instances more frequently (e.g., monthly). Increased frequency may be appropriate for some types of equipment, processes and stormwater control measures, or areas of the facility with significant activities and materials exposed to stormwater. At least once each calendar year, the routine inspection must be conducted during a period when a stormwater discharge is occurring.

**3.1.5 Exceptions to Routine Facility Inspections for Inactive and Unstaffed Sites.** The requirement to conduct facility inspections on a routine basis does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. Such a facility is only required to conduct an annual site inspection in accordance with Part 3.1. To invoke this exception, you must indicate that your facility is inactive and unstaffed on your NOI. If you are already covered under the permit and your facility has changed from active to inactive and unstaffed, you must modify and re-certify your NOI. You must also include a statement in your SWPPP per Part 6.2.5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Appendix B, Subsection 11. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies, and you must immediately resume routine facility inspections. If you are not qualified for this exception at the time you become authorized under this permit, but during the permit term you become qualified because your facility becomes inactive and unstaffed, and there are no industrial materials or activities exposed to stormwater, you must include the same signed and certified statement as above and retain it with your records pursuant to Part 6.5.

Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing) are not required to meet the “no industrial materials or activities exposed to stormwater” standard to be eligible for this exception from routine inspections, per Parts 8.G.8.4, 8.H.8.1, and 8.J.8.1.

**3.1.6 Routine Facility Inspection Documentation.** You must document the findings of your facility inspections and maintain this report with your SWPPP as required in Part 6.5. You must conduct any corrective action required as a result of a routine facility inspection consistent with Part 5. If you conducted a discharge visual assessment required in Part 3.2 during your facility inspection, you may include the results of the assessment with the report required in this Part, as long as you include all components of both types of inspections in the report.

Do not submit your routine facility inspection report to EPA, unless specifically requested to do so. However, you must summarize your findings in the annual report per Part 7.5. Document all findings, including but not limited to, the following information.

- 3.1.6.1** The inspection date and time;
- 3.1.6.2** The name(s) and signature(s) of the inspector(s);
- 3.1.6.3** Weather information;
- 3.1.6.4** All observations relating to the implementation of control measures at the facility, including:
  - a.** A description of any discharges occurring at the time of the inspection;
  - b.** Any previously unidentified discharges from and/or pollutants at the facility;
  - c.** Any evidence of, or the potential for, pollutants entering the drainage system;

- d. Observations regarding the physical condition of and around all discharge points, including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water;
- e. Any control measures needing maintenance, repairs, or replacement;

**3.1.6.5** Any additional control measures needed to comply with the permit requirements;

**3.1.6.6** Any incidents of noncompliance; and

**3.1.6.7** A statement, signed and certified in accordance with Appendix B, Subsection 11.

## **3.2 Quarterly Visual Assessment of Stormwater Discharges**

**3.2.1 Visual Assessment Frequency.** Once each quarter for the entire permit term, you must collect a stormwater sample from each discharge point (except as noted in Part 3.2.4) and conduct a visual assessment of each of these samples. These samples are not required to be collected consistent with 40 CFR Part 136 procedures but must be collected in such a manner that the samples are representative of the stormwater discharge. Guidance on monitoring is available at [https://www.epa.gov/sites/production/files/2015-11/documents/msgp\\_monitoring\\_guide.pdf](https://www.epa.gov/sites/production/files/2015-11/documents/msgp_monitoring_guide.pdf).

**3.2.2 Visual Assessment Procedures.** You must do the following for the quarterly visual assessment:

**3.2.2.1** Make the assessment of a sample in a clean, colorless glass or plastic container, and examined in a well-lit area;

**3.2.2.2** Make the assessment of the sample you collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take the sample within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge; and

**3.2.2.3** For storm events, make the assessment on discharges that occur at least 72 hours (three days) from the previous discharge. The 72-hour (three-day) storm interval does not apply if you document that less than a 72-hour (three-day) interval is representative for local storm events during the sampling period.

**3.2.2.4** Visually inspect or observe for the following water quality characteristics:

- a. Color;
- b. Odor;
- c. Clarity (diminished);
- d. Floating solids;
- e. Settled solids;
- f. Suspended solids;
- g. Foam;



- h. Oil sheen; and
  - i. Other obvious indicators of stormwater pollution.
- 3.2.2.5** Whenever the visual assessment shows evidence of stormwater pollution, you must initiate the corrective action procedures in Part 5.
- 3.2.3** **Quarterly Visual Assessment Documentation.** You must document the results of your visual assessments and maintain this documentation onsite with your SWPPP as required in Part 6.5. Any corrective action required as a result of a quarterly visual assessment must be conducted consistent with Part 5 of this permit. You are not required to submit your visual assessment findings to EPA, unless specifically requested to do so. However, you must summarize your findings in the annual report per Part 7.5. Your documentation of the visual assessment must include, but not be limited to:
- 3.2.3.1** Sample location(s);
  - 3.2.3.2** Sample collection date and time, and visual assessment date and time for each sample;
  - 3.2.3.3** Personnel collecting the sample and conducting visual assessment, and their signatures;
  - 3.2.3.4** Nature of the discharge (i.e., runoff or snowmelt);
  - 3.2.3.5** Results of observations of the stormwater discharge;
  - 3.2.3.6** Probable sources of any observed stormwater contamination;
  - 3.2.3.7** If applicable, why it was not possible to take samples within the first 30 minutes; and
  - 3.2.3.8** A statement, signed and certified in accordance with Appendix B, Subsection 11.
- 3.2.4** Exceptions to Quarterly Visual Assessments
- 3.2.4.1** **Adverse Weather Conditions.** When adverse weather conditions prevent the collection of samples during the quarter, you must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with your SWPPP records as described in Part 6.5. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, electrical storms, or situations that otherwise make sampling impractical, such as extended frozen conditions.
  - 3.2.4.2** **Climates with Irregular Stormwater Discharges.** If your facility is located in an area where limited rainfall occurs during many parts of the year (e.g., arid or semi-arid climate) or in an area where freezing conditions exist that prevent discharges from occurring for extended periods, then your samples for the quarterly visual assessments may be distributed during seasons when precipitation occurs.
  - 3.2.4.3** **Areas that Receive Snow.** In areas that receive snow, at least one quarterly visual assessment must capture snowmelt discharge, as described in Part 4.1.3, taking into account the exception described above for climates with irregular stormwater discharges.

- 3.2.4.4 Inactive and Unstaffed Facilities.** The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must maintain a statement in your SWPPP per Part 6.2.5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Appendix B, Subsection 11. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies, and you must immediately resume quarterly visual assessments. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility becomes inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part 6.5. Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the “no industrial materials or activities exposed to stormwater” standard to be eligible for this exception from quarterly visual assessments, consistent with the requirements established in Parts 8.G.8.4, 8.H.8.1, and 8.J.8.1.
- 3.2.4.5 Substantially Identical Discharge Points (SIDP).** If your facility has two or more discharge points that discharge substantially identical effluents, as documented in Part 6.2.5.3, you may conduct quarterly visual assessments of the discharge at just one of the discharge points and report that the results also apply to the SIDPs provided that you conduct visual assessments on a rotating basis of each SIDP throughout the period of your coverage under this permit. If stormwater contamination is identified through visual assessment conducted at a SIDP, you must assess and modify your control measures as appropriate for each discharge point represented by the monitored discharge point.

#### **4 Monitoring**

You must collect and analyze stormwater samples and document monitoring activities consistent with the procedures described in Part 4 and Appendix B, Subsections 10 – 12, and any additional sector-specific or state/tribal-specific requirements in Parts 8 and 9, respectively. Refer to Part 7 for reporting and recordkeeping requirements.

##### **4.1 Monitoring Procedures**

- 4.1.1 Monitored Discharge Points.** Applicable monitoring requirements apply to each discharge point authorized by this permit, except as otherwise exempt from monitoring as a “substantially identical discharge point (SIDP).” If your facility has two or more discharge points that you believe discharge substantially identical effluents, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to stormwater, and runoff coefficients of their drainage areas, you may monitor the effluent of just one of the discharge points and report that the results also apply to the substantially identical discharge point(s). As required in Part 6.2.5.3, your SWPPP must identify each discharge point authorized by this permit and describe the rationale for any SIDP determinations. The allowance for monitoring only one of the SIDP is not applicable to any discharge points with numeric effluent limitations. You are required to monitor each discharge point covered by a numeric effluent limit as identified in Part 4.2.2.

- 4.1.2 Commingled Discharges.** If any authorized discharges commingle with discharges not authorized under this permit, you must conduct any required sampling of the authorized discharges at a point before they mix with other waste streams, to the extent practicable.
- 4.1.3 Measurable Storm Events.** You must conduct all required monitoring on a storm event that results in an actual discharge ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (three days). The 72-hour (3-day) storm interval does not apply if you are able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. In the case of snowmelt, you must conduct monitoring at a time when a measurable discharge occurs.
- For each monitoring event, except snowmelt monitoring, you must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event. For snowmelt monitoring, you must identify the date of the sampling event.
- 4.1.4 Sample Type.** You must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part 4.1.3. You must collect samples within the first 30 minutes of a discharge associated with a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, you must collect the sample as soon as possible after the first 30 minutes and keep documentation with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, you must take samples during a period with a measurable discharge.
- For benchmark monitoring, you may use a composite sampling method instead of taking grab samples. This composite method may be either flow-weighted or time-weighted. Flow-Weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge. Composite samples must be initiated during the first 30 minutes of the same storm event. If it is not possible to initiate composite sampling within the first 30 minutes of a measurable storm event, you must initiate composite sampling as soon as possible after the first 30 minutes and keep documentation with the SWPPP explaining why it was not possible to initiate composite sampling within the first 30 minutes. You must submit all monitoring results to EPA per Part 4.1.9. Composite sampling may not be used to measure parameters that have a short holding time for processing or that degrade or transform quickly such as pH, temperature, oil and grease (O&G), and chromium.
- 4.1.5 Adverse Weather Conditions.** When adverse weather conditions as described in Part 3.2.4.1 prevent the collection of samples according to the relevant monitoring schedule, you must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt you from having to file a benchmark monitoring report in accordance with your sampling schedule. As specified in Part 7.4, you must indicate on the DMR form any failure to monitor during the regular reporting period.
- 4.1.6 Climates Where Limited Rainfall Occurs During Parts of the Year or Freezing Conditions Exist that Prevent Discharges.** If your facility is located in areas where limited rainfall occurs during parts of the year (e.g., arid or semi-arid climates) or in areas where freezing conditions exist that prevent discharges from occurring for extended periods, you may distribute your required monitoring events during seasons when precipitation occurs, or when snowmelt results in a measurable discharge from your facility. You must

still collect the required number of samples. As specified in Part 7.4, you must also indicate on the DMR form that there was no monitoring for the respective monitoring period.

**4.1.7 Monitoring Periods.** Your monitoring requirements in this permit begin in the first full quarter following either [insert 90 days after permit effective date] or your date of discharge authorization, whichever date comes later. Benchmark monitoring is required on a quarterly basis. You must monitor at least once in each of the following 3-month intervals:

- January 1 – March 31
- April 1 – June 30
- July 1 – September 30
- October 1 – December 31

For example, if you obtain permit coverage on September 3, 2020, then your first monitoring quarter is October 1 - December 31, 2020. This monitoring schedule may be modified in accordance with Part 4.1.6 if you document the revised schedule in your SWPPP. However, you must indicate on the DMR form any 3- month interval that you did not take a sample.

**4.1.8 Monitoring for Authorized Non-Stormwater Discharges.** You are only required to monitor authorized non-stormwater discharges (as delineated in Part 1.2.2) when they are commingled with stormwater discharges associated with industrial activity.

**4.1.9 Monitoring Reports.** You must report monitoring data using EPA's electronic DMR tool, as described in Part 7.4 (unless the EPA Regional Office grants you a waiver from electronic reporting, in which case you may submit a paper DMR form).

## **4.2 Required Monitoring**

This permit includes five types of required analytical monitoring, one or more of which may apply to your discharge:

- Benchmark monitoring (Part 4.2.1);
- Annual effluent limitations guidelines monitoring (Part 4.2.2);
- State- or tribal-specific monitoring (Part 4.2.3);
- Impaired waters monitoring (Part 4.2.4); and
- Other monitoring as required by EPA (Part 4.2.5).

When more than one type of monitoring for the same pollutant at the same discharge point applies (e.g., total suspended solids once per year for an effluent limitation and once per quarter for benchmark monitoring at a given discharge point), you may use a single sample to satisfy both monitoring requirements (i.e., one sample satisfying both the annual effluent limitation sample and one of the four quarterly benchmark monitoring samples). When the effluent limitation is lower than the benchmark threshold for the same pollutant, your Additional Implementation Measure (AIM) trigger is based on an exceedance of the effluent limitation threshold, which would subject you to the AIM requirements of Part 5.2. Exceedance of an effluent limitation associated with the results of any analytical monitoring type required by this Part subjects you to the corrective action requirements of Part 5.1. You must conduct all

required monitoring in accordance with the procedures described in Appendix B, Subsection B.10.

- 4.2.1 Benchmark Monitoring.** This Part requires benchmark monitoring parameters that are both universal (applicable to all sectors) and sector-specific Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your control measures and to assist you in determining when additional action(s) may be necessary to comply with the effluent limitations in Part 2.

The benchmark thresholds are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. However, if a benchmark exceedance triggers Additional Implementation Measures (AIM) in Part 5.2, failure to conduct any required measures would be a permit violation.

At your discretion, you may take more than four samples during separate discharge events to determine the average benchmark parameter value for facility discharges.

**Request for Comment 9:** EPA requests comment on viable alternative approaches to benchmark monitoring for characterizing industrial sites' stormwater discharges, quantifying pollutant concentrations, and assessing stormwater control measure effectiveness. See discussion in the Fact Sheet for Part 4.2.1.

**4.2.1.1 Applicability of Benchmark Monitoring.**

- a. Universal and Sector-specific Benchmark Monitoring.** You must monitor for pH, TSS, and COD, and for any benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to your discharge. Universal benchmark monitoring thresholds applicable to all sectors (pH, TSS, and COD) and your sectorspecific benchmark thresholds are listed in Part 8. If your facility is in one of the industrial sectors subject to benchmark thresholds that are hardness-dependent, you must submit to EPA with your NOI a hardness value, established consistent with the procedures in Appendix J, that is representative of your receiving water. Hardness is not a specific benchmark and therefore the permit does not include a benchmark threshold with which to compare.

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark thresholds for all benchmark parameters for which you are required to sample.

**Request for Comment 10:** EPA requests comment the above proposed universal benchmark monitoring for pH, TSS, and COD applicable to all sectors. EPA requests comment on whether universal benchmark monitoring is appropriate and what parameters should be required.

**Request for Comment 11:** EPA requests comment on whether the permit should include an inspection-only option for "low-risk" facilities in lieu of conducting benchmark monitoring, as recommended in the NRC study. EPA requests comment on ways to identify facilities that would be eligible for an inspection-only option, what frequency would be appropriate for such an inspection, what the inspection should entail, and what qualifications or certifications an inspector should have. See discussion in the Fact Sheet for Part 4.2.1.1.

**Request for Comment 12:** EPA requests comment on whether chemical-specific benchmark monitoring proposed in Part 8 for Sectors I, R, and P is appropriate for these sectors. EPA requests comment on whether the proposed monitoring parameters are appropriate for these sectors and any data or information related to the sources and activities related to these sectors. See

discussion in Fact Sheet for Part 4.2.1.1 Applicability of Benchmark Monitoring under sub-heading Monitoring Requirements for Sectors I, P, and R.

#### **4.2.1.2 Benchmark Monitoring Schedule**

**a. Schedule for Universal Benchmarks Applicable to All Sectors (pH, TSS, and COD).**

For universal benchmark monitoring parameters of pH, TSS, and COD, you must conduct quarterly benchmark monitoring, as identified in Part 4.1.7, for each year of permit coverage commencing no earlier than [date 90 days after permit effective date]. You must comply with Part 5.2 (Additional Implementation Measures) for any data exceeding the benchmark threshold as specified in Parts 5.2.1.1, 5.2.2.1, and 5.2.3.1.

**Request for Comment 13:** EPA requests comment on whether to permit should require facilities to monitor and report for the proposed universal benchmark monitoring parameters (pH, TSS, and COD) on a quarterly basis for the entire permit term, regardless of any benchmark threshold exceedances, to ensure facilities have current indicators of the effectiveness of their stormwater control measures throughout the permit term.

- b. Schedule for Sector-Specific Benchmarks.** For all sector-specific benchmark monitoring parameters, you must conduct quarterly benchmark monitoring, as identified in Part 6.1.7, for your first four full quarters of permit coverage commencing no earlier than [date 90 days after permit effective date]. If the annual average for any parameter does not exceed the benchmark threshold, you have fulfilled your benchmark monitoring requirements for that parameter for the permit term and can discontinue benchmark monitoring for that parameter. You must comply with Part 5 (Additional Implementation Measures) and continue quarterly benchmark monitoring for any parameter with data exceeding the benchmark threshold as specified in Parts 5.2.1.1, 5.2.2.1, and 5.2.3.1.

**Request for Comment 14:** In 2016, EPA updated recommended ambient aquatic life criteria for selenium that changed the chronic freshwater criteria from 3.1 µg/L to 1.5 µg/L for still or flowing waters. The 2016 recommended criteria accounts for the bioaccumulation properties of selenium and reproductive effects on fish species. It also includes a translation of the chronic criteria for short term or intermittent exposure in lieu of acute criteria. The translation of the chronic criteria to an appropriate benchmark must be calculated based on site-specific considerations (i.e., background base-flow concentrations of selenium and length of exposure) in the receiving waterbody. EPA requests comments on whether the 2020 MSGP should allow operators that repeatedly exceed the selenium benchmark values to use the recommended 2016 aquatic life criteria to evaluate water quality risk on a site-specific basis and discontinue comparisons to national benchmarks.

**Request for Comment 15:** EPA requests comment or any information related to updating the arsenic freshwater benchmark threshold based on the recommended acute criterion of 340 µg/L rather than the chronic criterion of 150 µg/L and specifically any concerns related to near-coastal freshwater discharges flowing into sensitive saline waters. See Fact Sheet discussion for Part 4.2.1.2.

**Request for Comment 16:** EPA requests comment on updating the benchmark value for cadmium to be based on the updated recommended 2016 acute chronic life criteria. See Fact Sheet discussion for Part 4.2.1.2.

**Request for Comment 17:** EPA requests comment or any information related to the acute effects of magnesium on aquatic organisms that would warrant retaining a magnesium benchmark in the 2020 MSGP. See Fact Sheet discussion for Part 4.2.1.2.

**Request for Comment 18:** EPA requests comment or any information related to the acute effects of iron on aquatic organisms that would warrant retaining an iron benchmark in the 2020 MSGP. See Fact Sheet discussion for Part 4.2.1.2.

**Request for Comment 19:** EPA requests comments on whether the benchmark should change in the 2020 MSGP to allow facilities that repeatedly exceed the copper benchmark to use the latest recommended aquatic life criteria to evaluate water quality risk on a site-specific basis. Site-specific analysis would discontinue comparison to national benchmarks and use the latest recommended criteria equations for calculating toxicity criteria based on short-term exposure using additional water chemistry and/or flow data. See Fact Sheet discussion for Part 4.2.1.2.

**Request for Comment 20:** EPA requests comment on information and data related to pollutant sources under all industrial sectors with petroleum hydrocarbon exposure that can release polycyclic aromatic hydrocarbons (PAHs,) via stormwater discharges, any concentrations of individual PAHs and/or total PAHs at industrial sites, and the correlation of PAHs and COD, and appropriate pollution prevention/source control methods and stormwater control measures that could be used to address PAHs. See Fact Sheet discussion for Part 4.2.1.2.

- c. Facilities in Climates with Irregular stormwater Discharges.** As described in Part 4.1.6, facilities in climates with irregular stormwater discharges may modify this quarterly schedule provided you report this revised schedule directly to EPA by the due date of the first benchmark sample (see EPA Regional contacts in Part 7.9), and you keep this revised schedule with the facility's SWPPP as specified in Part 6.5. When conditions prevent you from obtaining four samples in four consecutive quarters, you must continue monitoring until you have the four samples required for calculating your benchmark monitoring average. As noted in Part 4.1.7, you must use the DMR form to indicate any 3-month interval that you did not take a sample.

**4.2.1.3 Exception for Inactive and Unstaffed Sites.** The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, provided that there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must do the following:

- a. Maintain a statement with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Appendix B, Subsection 11.
- b. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements under Part 4.2 as if you were in your first year of permit coverage. You must indicate in your NOI that your facility has materials or activities exposed to stormwater or has become active and/or staffed.
- c. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must notify EPA of this change on your NOI form. You may discontinue benchmark monitoring once you have notified EPA, and

prepared and signed the certification statement described above concerning your facility's qualification for this special exception.

*Note: This exception has different requirements for Sectors G, H, and J (see Part 8).*

#### 4.2.2 **Effluent Limitations Monitoring**

**4.2.2.1 Monitoring Based on Effluent Limitations Guidelines.** Table 6-1 identifies the stormwater discharges subject to effluent limitation guidelines that are authorized for coverage under this permit. An exceedance of the effluent limitation is a permit violation. Beginning in the first full quarter following **[insert date 90 days after permit effective date]** or your date of discharge authorization, whichever date comes later, you must monitor once per year at each discharge point containing the discharges identified in Table 6-1 for the parameters specified in the sector-specific section of Part 8.

**Table 6-1. Required Monitoring for Effluent Limits Based on Effluent Limitations Guidelines**

<b>Regulated Activity</b>	<b>Effluent Limit</b>	<b>Monitoring Frequency</b>	<b>Sample Type</b>
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	See Part 8.A.7	1/year	Grab
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	See Part 8.C.4	1/year	Grab
Runoff from asphalt emulsion facilities	See Part 8.D.4	1/year	Grab
Runoff from material storage piles at cement manufacturing facilities	See Part 8.E.5	1/year	Grab
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	See Part 8.J.9	1/year	Grab
Runoff from hazardous waste landfills	See Part 8.K.6	1/year	Grab
Runoff from non-hazardous waste landfills	See Part 8.L.10	1/year	Grab
Runoff from coal storage piles at steam electric generating facilities	See Part 8.O.8	1/year	Grab
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures.	See Part 8.S.8	1/year	Grab

**4.2.2.2 Substantially Identical Discharge Points.** You must monitor each discharge point discharging stormwater from any regulated activity identified in Table 6-1. The substantially identical discharge points monitoring provisions are not available for numeric effluent limits monitoring.

**4.2.2.3 Follow-up Actions if Discharge Exceeds Numeric Effluent Limitation.** If any monitoring value exceeds a numeric effluent limitation contained in this permit, you must indicate the exceedance on a "Change NOI" form in the NPDES eReporting Tool (NeT), and you must conduct follow-up monitoring within 30 calendar days (or during the next qualifying storm event, should none occur within 30 days) of implementing corrective action(s) taken per Part 5. When your follow-up monitoring exceeds the applicable effluent limitation, you must:



- a. **Submit an Exceedance Report:** You must submit an Exceedance Report no later than 30 days after you have received your laboratory result consistent with Part 7.6; and
- b. **Continue to Monitor:** You must monitor, at least quarterly, until your discharge is in compliance with the effluent limit or until EPA waives the requirement for additional monitoring. Once your discharge is back in compliance with the effluent limitation you must indicate this on a "Change NOI" form per Part 7.4.

#### **4.2.3 State or Tribal Required Monitoring**

**4.2.3.1 Sectors Required to Conduct State or Tribal Monitoring.** You must comply with any state or tribal monitoring requirements in Part 9 of the permit applicable to your facility's location.

**4.2.3.2 State or Tribal Monitoring Schedule.** If a monitoring frequency is not specified for an applicable requirement in Part 9, you must monitor once per year for the entire permit term.

**4.2.4 Impaired Waters Monitoring.** For the purposes of this permit, your facility is considered to discharge to an impaired water if the first water of the U.S. to which you discharge is identified by a state, tribe, or EPA pursuant to section 303(d) of the CWA as not meeting an applicable water quality standard, or has been removed from the 303(d) list either because the impairments are addressed by an EPA-approved or established TMDL or is covered by pollution control requirements that meet the requirements of 40 CFR 130.7(b)(1). For discharges that enter a separate storm sewer system<sup>8</sup> prior to discharge, the first water of the U.S. to which you discharge is the waterbody that receives the stormwater discharge from the separate storm sewer system.

#### **4.2.4.1 Facilities Required to Monitor Discharges to Impaired Waters.**

- a. **Discharges to impaired waters without an EPA-approved or established TMDL:** Beginning in the first full quarter following **[date 90 days after permit effective date]** or your date of discharge authorization, whichever date comes later, you must monitor once per year at each discharge point (except substantially identical discharge points) discharging stormwater to impaired waters without an EPA-approved or established TMDL, as follows:

Compare the list of industrial pollutants identified in Part 6.2.3.2 and any sector-specific benchmark monitoring pollutants to the list of pollutants for which the waterbody is impaired and for which a standard analytical method exists (see 40 CFR Part 136). You must monitor for pollutants that appear on both lists, including "indicator" or "surrogate" pollutants that clearly overlap those lists. Note: if the pollutant of concern for the impaired waterbody is suspended solids, turbidity, or sediment/sedimentation, you must monitor for Total Suspended Solids (TSS). If a pollutant of concern is expressed in the form of an indicator or surrogate pollutant, you must monitor for that indicator or surrogate pollutant. No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or other non-pollutant. Operators

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<sup>8</sup> Separate storm sewer systems do not include combined sewer systems or sanitary sewer systems. Separate storm sewer systems include both municipal storm sewer systems (MS4s) and non-municipal separate storm sewers.

should consult the appropriate EPA Regional Office for any available guidance regarding required monitoring parameters under this part.

If the monitored pollutant is not detected in your discharge for three consecutive years, or it is detected but you have determined that its presence is caused solely by natural background sources, you may discontinue monitoring for that pollutant. To support a determination that the pollutant's presence is caused solely by natural background sources, you must document and maintain with your SWPPP, as required by Part 6.5:

- i. An explanation of why you believe that the presence of the pollutant of concern in your discharge is not related to the activities or materials at your facility; and
- ii. Data and/or studies that tie the presence of the pollutant of concern in your discharge to natural background sources in the watershed.

Natural background pollutants include those that occur naturally as a result of native soils, and vegetation, wildlife, or ground water. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources that are not naturally occurring. However, you may be eligible to discontinue annual monitoring for pollutants that occur solely from these sources and should consult the appropriate EPA Regional Office for related guidance.

If the monitored pollutant is not detected in your discharge for three consecutive years, or it is detected but you have determined that its presence is caused solely by natural background sources, you may discontinue monitoring for that pollutant only after submitting a Change NOI per Part 7.4 with the appropriate justification.

- b. **Discharges to impaired waters with an EPA-approved or established TMDL:** For stormwater discharges to waters for which there is an EPA-approved or established TMDL, you are not required to monitor for the pollutant(s) for which the TMDL was written unless EPA informs you, upon examination of the applicable TMDL and its wasteload allocation, that you are subject to such a requirement consistent with the assumptions and requirements of the applicable TMDL and its wasteload allocation. EPA's notice will include specifications on monitoring parameters and frequency. If there are questions, you may consult the appropriate EPA Regional Office for guidance regarding required monitoring under this Part.

**4.2.4.2 Exception for Inactive and Unstaffed Sites.** The requirement for impaired waters monitoring does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must do the following:

- a. Maintain a statement with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Appendix B, Subsection 11.
- b. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable

impaired waters monitoring requirements under Part 4.2 as if you were in your first year of permit coverage. You must indicate in a "Change NOI" form per Part 7.4 that your facility has materials or activities exposed to stormwater or has become active and/or staffed.

- c. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must notify EPA of this change on your NOI form. You may discontinue impaired waters monitoring once you have notified EPA, and prepared and signed the certification statement described above concerning your facility's qualification for this special exception.

*Note: This exception has different requirements for Sectors G, H, and J (see Part 8).*

**4.2.5 Additional Monitoring Required by EPA.** EPA may notify you of additional discharge monitoring requirements that EPA determines are necessary to meet the permit's effluent limitations. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

## **5 Corrective Actions and Additional Implementation Measures (AIM)**

### **5.1 Corrective Action**

**5.1.1 Conditions Requiring SWPPP Review and Revision to Ensure Effluent Limits are Met.** When any of the following conditions occur or are detected during an inspection, monitoring or other means, or EPA or the operator of the MS4 through which you discharge informs you that any of the following conditions have occurred, you must review and revise, as appropriate, your SWPPP (e.g., sources of pollution; spill and leak procedures; non-stormwater discharges; the selection, design, installation and implementation of your control measures) so that this permit's effluent limits are met and pollutant discharges are minimized:

- 5.1.1.1 An unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit to a water of the U.S.) occurs at your facility.
- 5.1.1.2 A discharge violates a numeric effluent limit listed in Table 2-1 and/or in your Part 8 sector-specific requirements.
- 5.1.1.3 Your control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent limits in this permit.
- 5.1.1.4 A required control measure was never installed, was installed incorrectly, or not in accordance with Parts 2 and/or 8, or is not being properly operated or maintained.
- 5.1.1.5 Whenever a visual assessment shows evidence of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam).

### **5.1.2 Deadlines for Corrective Actions**

**5.1.2.1 Immediate Actions.** You must immediately take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution,

including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events. *In Part 5, the term "immediately" means that the day you find a condition requiring corrective action, you must take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution. However, if you identify a problem too late in the work day to initiate corrective action, you must perform the corrective action the following work day morning. The term "all reasonable steps" means you must respond to the conditions triggering the corrective action, such as cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new SCM to be installed.*

**5.1.2.2 Subsequent Actions.** If additional actions are necessary beyond those implemented pursuant to Part 5.1.2, you must complete the corrective actions (e.g., install a new or modified control and make it operational, complete the repair) before the next storm event if possible, and within 14 calendar days from the time of discovery that the condition in 5.1.1 is not met. If it is infeasible to complete the corrective action within 14 calendar days, you must document why it is infeasible to complete the corrective action within the 14-day timeframe. You must also identify your schedule for completing the work, which must be done as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. If the completion of corrective action will exceed the 45-day timeframe, you may take the minimum additional time necessary to complete the corrective action, provided that you notify the EPA Regional Office of your intention to exceed 45 days, your rationale for an extension, and a completion date, which you must also include in your corrective action documentation (see Part 5.3). Where your corrective actions result in changes to any of the controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within 14 calendar days of completing corrective action work.

These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements do not persist indefinitely.

**5.1.3 Effect of Corrective Action.** If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. EPA may consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

**5.1.4 Substantially Identical Discharge Points.** If the event triggering corrective action is associated with a discharge point that had been identified as a "substantially identical discharge point" (see Parts 3.2.4.5 and 4.1.1), your review must assess the need for corrective action for all related substantially identical discharge points. Any necessary changes to control measures that affect these other discharge points must also be made before the next storm event if possible, or as soon as practicable following that storm event. Any corrective actions must be conducted within the timeframes set forth in Part 5.1.2.

## **5.2 Additional Implementation Measures (AIM)**

If any of the following events in Parts 5.2.1, 5.2.2, or 5.2.3 occur, you must follow the response procedures described in those parts, called "additional implementation measures" or "AIM." There are three AIM levels: AIM Tier 1, Tier 2, and Tier 3. You are required to respond to different AIM levels which prescribe increasingly robust

responses depending on the nature and magnitude of the benchmark exceedance. See Part 5.2.4 for AIM exceptions.

## 5.2.1 **AIM Tier 1**

**5.2.1.1 AIM Tier 1 Triggering Events.** If any of the following events occur, you are in AIM Tier 1. You must follow AIM Tier 1 responses (Part 5.2.1.2) and deadlines (Part 5.2.1.3).

- a. **One Annual Average Over the Benchmark Threshold.** If one annual average for a parameter is over the benchmark threshold, you are in AIM Tier 1. An annual average exceedance can occur from the average of four quarterly samples for a parameter, or from less than four samples with results such that an exceedance is mathematically certain (i.e., the sum of quarterly sample results to date is already more than four times the benchmark threshold).
- b. **One Single Sampling Event Over 4 Times the Benchmark Threshold.** If one single sampling event for a parameter is over 4 times the benchmark threshold, you are in AIM Tier 1. *(If one single sampling event is 8 times over the benchmark, you are in AIM Tier 2).*

**Request for Comment 21:** EPA requests comment on requiring an AIM Tier 1 trigger based on facility changes, i.e., if construction or a change in design, operation, or maintenance at the facility significantly changes the nature of pollutants discharged in stormwater from the facility, or significantly increases the quantity of pollutants discharged. A similar trigger was included in Part 4.2 of the 2015 MSGP as a condition requiring SWPP review to determine if modifications were necessary.

**5.2.1.2 AIM Tier 1 Responses.** Except as provided in Part 5.2.4 (AIM Exceptions) if any of the triggering events in Part 5.2.1.1 occur, you must:

- a. **Review Stormwater Control Measures.** Immediately review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the benchmark threshold for the applicable parameter<sup>9</sup> and
- b. **Implement Additional Measures.** After reviewing your control measures, you must implement additional implementation measures to ensure the effectiveness of your control measures to bring your exceedances below the parameter's benchmark threshold; or if you determine nothing further needs to be done with your control measures, you must document per Part 5.3 and include in your annual report why you expect your existing control measures to bring your exceedances below the parameter's benchmark threshold for the next 12-month period; and
- c. **Continue Quarterly Benchmark Monitoring.** After compliance with (a) and (b) in this Part, you must continue quarterly benchmark monitoring into the next year.

**5.2.1.3 AIM Tier 1 Deadlines.** If any modifications related to control measures are necessary, you must implement those actions or modifications within 14 days, unless doing so within 14 days is infeasible. If doing so within 14 days is infeasible, you must document per Part 5.3 why it is infeasible and implement such modifications within 45 days.

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<sup>9</sup> Examples include: review sources of pollution, spill and leak procedures, and/or non-stormwater discharges; conducting a single comprehensive clean-up, making a change in subcontractor, implementing a new control measure, and/or increasing inspections.

- a. **Exception:** You do not have to implement any modifications if you determine and document in your SWPPP that the exceedance is solely attributable to natural background sources or, with EPA agreement, run-on sources, consistent with Part 5.2.4 (AIM Exceptions).

**AIM Tier 1 Example A:  
Benchmark Results that would NOT trigger AIM**

Below are example benchmark monitoring results that would NOT trigger any AIM requirements. In these results, AIM is not triggered **because the annual averages are below the benchmark threshold and no individual sampling event is more than 4 times the benchmark threshold.**

Parameter	Benchmark	AIM Tier 1 triggers:
Total Suspended Solids (TSS) (mg/L)	100 mg/L	<ul style="list-style-type: none"> <li>• A 4-/3-/2-sample benchmark average = 101 – 200 mg/L; or</li> <li>• A single sample threshold = 401 – 800 mg/L</li> </ul>

Anytime during Quarterly Monitoring					
Samples	1 <sup>st</sup> Qtr.	2 <sup>nd</sup> Qtr.	3 <sup>rd</sup> Qtr.	4 <sup>th</sup> Qtr.	4-Sample Average
Ex. 1	50	150	25	25	63
Ex. 2	100	105	100	95	100
Ex. 3	0	0	0	400	100

**AIM Tier 1 Example B:  
One Annual Average Over the Benchmark Threshold**

Below are example benchmark monitoring results that WOULD trigger AIM Tier 1. In these results, AIM Tier 1 is triggered **because the annual average exceeds the benchmark threshold** (or an exceedance of the four-quarter average is mathematically certain i.e., if the sum of quarterly sample results to date is more than four times the benchmark threshold).

Parameter	Benchmark	AIM Tier 1 trigger:
Total Suspended Solids (TSS) (mg/L)	100 mg/L	A 4-/3-/2-sample benchmark average = 101 – 200 mg/L

Anytime during Quarterly Monitoring					
Samples	1 <sup>st</sup> Qtr.	2 <sup>nd</sup> Qtr.	3 <sup>rd</sup> Qtr.	4 <sup>th</sup> Qtr.	4-Sample Average
Ex. 1	105	120	100	95	105
Ex. 2	300	110	*	*	Between 100 and 200

In Example 1, Tier 1 is triggered in the 4<sup>th</sup> quarter because after 4 samples, the annual average exceedance ( $105 + 120 + 100 + 95 = 420/4 = 105$  mg/L) exceeds the benchmark threshold (100 mg/L). Quarterly benchmark monitoring would continue into the next year.

In Example 2, Tier 1 is triggered in the 2<sup>nd</sup> quarter because the 1<sup>st</sup> and 2<sup>nd</sup> quarter results (300 mg/L and 110 mg/L) mean an exceedance of the four-quarter average of the benchmark threshold (100 mg/L) is mathematically certain ( $300 + 110 = 410/4 = 102.5$  mg/L). The samples denoted with \* would be taken after Tier 1 response requirements have been complied with in the 2<sup>nd</sup> quarter. Quarterly benchmark monitoring would continue into the next year.

AIM Tier 1 Example C: One Single Sampling Event Over 4 Times the Benchmark Threshold					
Below are example benchmark monitoring results that WOULD trigger AIM Tier 1. In these results, AIM Tier 1 is triggered <b>because a single sampling event for the parameter exceeds the benchmark by more than 4 times the benchmark threshold.</b>					
Parameter	Benchmark		AIM Tier 1 trigger:		
Total Suspended Solids (TSS) (mg/L)	100 mg/L		A single sample = 401 – 800 mg/L		
Anytime during Quarterly Monitoring					
Samples	1 <sup>st</sup> Qtr.	2 <sup>nd</sup> Qtr.	3 <sup>rd</sup> Qtr.	4 <sup>th</sup> Qtr.	4-Sample Average
Ex. 1	405	*	*	*	Between 100 and 200
Ex. 2	0	800	*	*	Between 100 and 200
<p>In Example 1, Tier 1 is triggered in the 1<sup>st</sup> quarter because the 1<sup>st</sup> quarter results (405 mg/L) show that a single sampling event for the parameter exceeds the benchmark by more than 4 times the benchmark threshold (100 mg/L), meaning an exceedance of the four-quarter average is mathematically certain (<math>405/4 = 101.25</math> mg/L). The samples denoted with * would be taken after Tier 1 response requirements have been complied with in the 1<sup>st</sup> quarter. Quarterly benchmark monitoring would continue into the next year.</p> <p>In Example 2, Tier 1 is triggered in the 2<sup>nd</sup> quarter because the 2<sup>nd</sup> quarter results (800 mg/L) show that a single sampling event for the parameter exceeds the benchmark by more than 4 times the benchmark threshold (100 mg/L), meaning an exceedance of the four-quarter average is mathematically certain (<math>800/4 = 200</math> mg/L). The samples denoted with * would be taken after Tier 1 response requirements have been complied with in the 2<sup>nd</sup> quarter. Quarterly benchmark monitoring would continue into the next year.</p>					

## 5.2.2 AIM Tier 2

**5.2.2.1 AIM Tier 2 Triggering Events.** If any of the following events occur, you are in AIM Tier 2. You must follow AIM Tier 2 responses (Part 5.2.2.2) and deadlines (Part 5.2.2.3).

- a. **Two Consecutive Annual Averages Each Over the Benchmark Threshold.** If two consecutive annual averages for a parameter are each over the benchmark threshold, you are in AIM Tier 2. An annual average exceedance can occur from the average of four quarterly samples for a parameter, or from less than four samples with results such that an exceedance is mathematically certain (i.e., the of quarterly sample results to date is already more than four times the benchmark threshold).
- b. **Two Sampling Event Results in 2-Year Period Each Over 4 Times the Benchmark Threshold.** If two single sampling event results for a parameter within a 2-year period are each over 4 times the benchmark threshold, you are in AIM Tier 2.
- c. **One Single Sampling Event Over 8 Times the Benchmark Threshold.** If one single sampling event for a parameter is over 8 times the benchmark threshold, you are in AIM Tier 2.
  - i. **Exception:** This event triggers Tier 2 unless you immediately document per Part 5.3 that the single event was an aberration, how any measures taken within 14 days of such event will prevent a reoccurrence, and you take a sample during the next qualifying rain event that is either less than the benchmark

threshold, in which case you do not trigger any AIM requirements based on the aberrant event, or less than 4 times but greater than 1 time the benchmark threshold, in which case you trigger Tier 1. You may only avail yourself of the "aberration" demonstration opportunity one time per parameter per discharge point, which shall include substantially similar discharge points.

**Request for Comment 22:** EPA requests comment on whether it is appropriate to make the above exception for an "aberrant event" in proposed Part 5.2.2.1.c.i available to other AIM Tier levels and/or AIM triggering events. EPA requests comment on any additional action(s), analysis, or documentation that should be required as part of this exception and any appropriate or alternative timeframes for complying with the exception. For example, immediate mitigation so that there is no further discharge or chance of discharge of the pollutants of concern; documentation (including photographs) in an incident report that explains how this lone event was an aberration and how any permanent measures you implement will prevent a reoccurrence; and whether any incident report should be submitted to the EPA Region.

**5.2.2.2 AIM Tier 2 Responses.** Except as provided in Part 5.2.4 (AIM Exceptions), if any of the events in 5.2.2.1 occur, you must:

- a. **Implement Sector-Specific Stormwater Control Measures.** Implement all feasible SCMs from the relevant sector-specific Stormwater Control Measure Checklist(s) that applies to your facility in Appendix Q of the permit. You must notate in the checklist which SCMs you implement and keep the checklist with your SWPPP. *(Note: You do not have to implement an SCM where it would be counter-productive to the implementation of another control measure, or not result in any reduction in the discharge of the pollutant of concern.)*
- b. **Continue Quarterly Benchmark Monitoring.** After compliance with (a) in this Part, you must continue quarterly benchmark monitoring into the next year.

**5.2.2.3 AIM Tier 2 Deadlines.** You must implement all feasible SCMs within 14 days and document per Part 5.3 how the measures will achieve benchmark thresholds and why you did not implement any sector-specific measures from the checklist. If it is feasible for you to implement a measure, but not within 14 days, you may take up to 45 days to implement such measure. You must document per Part 5.3 why it was infeasible to implement such measure in 14 days. EPA may also grant you an extension beyond 45 days, based on an appropriate demonstration by you, the operator.

- a. **Exception:** You do not have to implement any of the feasible control measures if you determine and document in your SWPPP that the exceedance is solely attributable to natural background sources or, with EPA agreement, run-on sources, consistent with Part 5.2.4 (AIM Exceptions).



AIM Tier 2 Example A: Two Consecutive Annual Averages Each Over the Benchmark Threshold										
Below are example benchmark monitoring results that would trigger AIM Tier 2. In these results, AIM Tier 2 is triggered <b>because TWO consecutive annual averages exceed the benchmark threshold</b> (or an exceedance of the four-quarter average is mathematically certain i.e., if the sum of quarterly sample results to date is more than four times the benchmark threshold).										
<b>Parameter</b>		<b>Benchmark</b>		<b>AIM Tier 2 trigger:</b>						
Total Suspended Solids (TSS) (mg/L)		100 mg/L		A second 4-/3-/2-sample benchmark average = 101 – 200 mg/L						
	Year 1 of Quarterly Monitoring					Year 2 of Quarterly Monitoring				
Samples	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st year 4-Sample Average	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	2nd year 4-Sample Average
Ex. 1	105	120	100	95	105	115	100	90	135	110
Ex. 2	300	110	*	*	Between 100 and 200	150	270	**	**	Between 100 and 200
<p>In Example 1, Tier 1 is triggered in the 4<sup>th</sup> quarter of the first year because after 4 samples, the annual average (<math>105 + 120 + 100 + 95 = 420/4 = 105</math> mg/L) is above the benchmark threshold (100 mg/L). Quarterly benchmark monitoring would continue into the next year. Then in the second year, Tier 2 is triggered in the 4<sup>th</sup> quarter of the second year because after another 4 samples, the second annual average (<math>115 + 100 + 90 + 135 = 440/4 = 110</math> mg/L) is again above the benchmark threshold (100 mg/L). Quarterly benchmark monitoring would continue into the next year.</p> <p>In Example 2, Tier 1 is triggered in the 2<sup>nd</sup> quarter of the first year because the 1<sup>st</sup> and 2<sup>nd</sup> quarter results (300 mg/L and 110 mg/L) mean an exceedance of the four-quarter average of the benchmark threshold (100 mg/L) is mathematically certain (<math>300 + 110 = 410/4 = 102.5</math> mg/L). The samples denoted with * would be taken after Tier 1 response requirements have been complied with in the 2<sup>nd</sup> quarter of the first year. Quarterly benchmark monitoring would continue into the next year. Then in the second year, Tier 2 is triggered in the 2<sup>nd</sup> quarter of the second year because, again, the 1<sup>st</sup> and 2<sup>nd</sup> quarter results (150 mg/L and 270 mg/L) mean an exceedance of the four-quarter average is mathematically certain (<math>150 + 270 = 420/4 = 105</math> mg/L). The samples denoted with ** would be taken after Tier 2 response requirements have been complied with in the 2<sup>nd</sup> quarter of the second year. Quarterly benchmark monitoring would continue into the next year.</p>										

AIM Tier 2 Example B: Two Sampling Event Results in 2-Year Period Each Over 4 Times the Benchmark Threshold										
Below are example benchmark monitoring results that would trigger AIM Tier 2. In these results, AIM Tier 2 is triggered <b>because TWO single sampling event results for the parameter within a two-year period each exceed the benchmark by more than 4 times the benchmark threshold.</b>										
<b>Parameter</b>		<b>Benchmark</b>		<b>AIM Tier 2 trigger:</b>						
Total Suspended Solids (TSS) (mg/L)		100 mg/L		Two single samples in two years = 401 – 800 mg/L						
	Year 1 of Quarterly Monitoring					Year 2 of Quarterly Monitoring				
Samples	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	1st year 4-Sample Average	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	2nd year 4-Sample Average
Ex. 1	405	*	*	*	Between 100 and 200	520	**	**	**	Between 100 and 200
Ex. 2	0	800	*	*	Between 100 and 200	0	680	**	**	Between 100 and 200
<p>In Example 1, Tier 1 is triggered in the 1<sup>st</sup> quarter of the first year because the 1<sup>st</sup> quarter results (405 mg/L) show that a single sample for the parameter exceeds the benchmark by more than 4 times the benchmark threshold (100 mg/L), meaning an exceedance of the four-quarter average is mathematically certain (<math>405/4 = 101.25</math> mg/L). The samples denoted with * would be taken after Tier 1 response requirements have been complied with in the 1<sup>st</sup> quarter of the first year. Quarterly benchmark monitoring would continue into the next year. Then in the second year, Tier 2 is triggered in the 1<sup>st</sup> quarter of the second year because, again, the results (520 mg/L) show that a second single sample for the parameter exceeds the benchmark by more than 4 times the benchmark threshold (100 mg/L), meaning an exceedance of the four-quarter average is mathematically certain (<math>520/4 = 130</math> mg/L). The samples denoted with ** would be taken after Tier 2 response requirements have been complied with in the 1<sup>st</sup> quarter of the second year. Quarterly benchmark monitoring would continue into the next year.</p> <p>In Example 2, Tier 1 is triggered in the 2<sup>nd</sup> quarter of the first year because the 2<sup>nd</sup> quarter results (800 mg/L) show that a single sample for the parameter exceeds the benchmark by more than 4 times the benchmark threshold (100 mg/L), meaning an exceedance of the four-quarter average is mathematically certain (<math>0+800 = 800/4 = 200</math> mg/L). The samples denoted with * would be taken after Tier 1 response requirements have been complied with in the 2<sup>nd</sup> quarter of the first year. Quarterly benchmark monitoring would continue into the next year. Then in the second year, Tier 2 is triggered in the 2<sup>nd</sup> quarter of the second year because, again, the results (680 mg/L) show that a second single sample for the parameter exceeds the benchmark by more than 4 times the benchmark threshold (100 mg/L), meaning an exceedance of the four-quarter average is mathematically certain (<math>680/4 = 170</math> mg/L). The samples denoted with ** would be taken after Tier 2 response requirements have been complied with in the 2<sup>nd</sup> quarter of the second year. Quarterly benchmark monitoring would continue into the next year.</p>										

AIM Tier 2 Example C: One Single Sampling Event Over 8 Times the Benchmark Threshold					
Below are example benchmark monitoring results that would trigger AIM Tier 2. In these results, AIM Tier 2 is triggered <b>because a single sampling event for a parameter exceeds the benchmark by more than 8 times the benchmark threshold.</b>					
Parameter	Benchmark	AIM Tier 2 trigger:			
Total Suspended Solids (TSS) (mg/L)	100 mg/L	A single sample threshold = 801 – 1200 mg/L			
Anytime during Quarterly Monitoring					
Samples	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	4-Sample Average
Ex. 1	50	1100	**	**	Between 200 and 300
Ex. 2	801	**	**	**	Between 200 and 300
<p>In Example 1, Tier 2 is triggered in the 2<sup>nd</sup> quarter because the 2<sup>nd</sup> quarter results (1100 mg/L) show that a single sampling event for the parameter exceeds the benchmark by more than 8 times the benchmark threshold (100 mg/L), meaning an exceedance of the four-quarter average is mathematically certain (<math>1100/4 = 275</math> mg/L). The samples denoted with ** would be taken after Tier 2 response requirements have been complied with in the 2<sup>nd</sup> quarter. Quarterly benchmark monitoring would continue into the next year.</p> <p>In Example 2, Tier 2 is triggered in the 1<sup>st</sup> quarter because the 1<sup>st</sup> quarter results (801 mg/L) show that a single sampling event for the parameter exceeds the benchmark by more than 8 times the benchmark threshold (100 mg/L), meaning an exceedance of the four-quarter average is mathematically certain (<math>801/4 = 200.25</math> mg/L). The samples denoted with ** would be taken after Tier 2 response requirements have been complied with in the 1<sup>st</sup> quarter. Quarterly benchmark monitoring would continue into the next year.</p>					

### 5.2.3 AIM Tier 3

**5.2.3.1 AIM Tier 3 Triggering Events.** If any of the following events occur, you are in AIM Tier 3. You must follow AIM Tier 3 responses (Part 5.2.3.2) and deadlines (Part 5.2.3.3):

- a. **Three Consecutive Annual Averages Each Over the Benchmark Threshold.** If three consecutive annual averages for a parameter are each over the benchmark threshold, you are in AIM Tier 3. An annual average exceedance can occur from the average of four quarterly samples for a parameter, or from less than four samples with results such that an exceedance is mathematically certain (i.e., the sum of quarterly sample results to date is already more than four times the benchmark threshold).
- b. **Three Sampling Event Results in 3-Year Period Each Over 4 Times the Benchmark Threshold.** If three sampling event results for a parameter within a 3-year period are each over 4 times the benchmark threshold, you are in AIM Tier 3.
- c. **Two Sampling Events in 3-Year Period Each Over 8 Times the Benchmark Threshold.** If two sampling events for a parameter within a 3-year period are each over 8 times the benchmark threshold, you are in AIM Tier 3.
- d. **Four Consecutive Samples Each Over Benchmark Threshold with Average More than 2 Times the Benchmark.** If four consecutive samples for a parameter are each over the benchmark threshold and their average is more than 2 times the benchmark threshold, you are in AIM Tier 3.

**5.2.3.2 AIM Tier 3 Responses.** Except as provided in Part 5.2.4 (AIM Exceptions), if any of the triggering events in 5.2.3.1 occur, you must:

- a. Install Permanent Controls.** Install structural source controls (e.g. permanent controls such as permanent cover, berms, and secondary containment), and/or treatment controls (e.g., sand filters, hydrodynamic separators, oil-water separators, retention ponds, and infiltration structures), except as provided in Part 5.2.4 (AIM Exceptions). The treatment technologies or treatment train you install should be appropriate for the pollutants that triggered AIM Tier 3 and should be more rigorous than the pollution prevention-type measures employed under AIM Tier 2 in Part 5.2.2. You must select controls with pollutant removal efficiencies that are sufficient to bring your exceedances below the benchmark threshold. You must have a professional engineer or geologist assist with the installation of such controls for the discharge point in question and for substantially similar discharge points, unless you individually monitor those substantially similar discharge points and demonstrate that Tier 3 requirements are not triggered at those discharge points; and/or
- b. Alternative Option: Infiltrate.** As an alternative or adjunct to structural source controls and/or treatment controls, you may install infiltration or retention controls (e.g., through green infrastructure) for your industrial stormwater, if such an approach is appropriate and feasible for your site-specific conditions. If this approach is feasible, the execution must be compliant with regulations for ground water protection and underground injection control (UIC). The analysis that shows infiltration/retention is appropriate for your site-specific conditions and is compliant with other applicable regulations must be provided to the EPA Regional Office in Part 7 BEFORE you can choose this option and the EPA Regional Office must concur with your conclusions. Successful compliance with the provisions in this part may allow EPA to waive or lessen benchmark monitoring requirements; and
- c. Continue Quarterly Benchmark Monitoring.** After compliance with (a) and/or (b) (if EPA approves) in this Part, you must continue quarterly benchmark monitoring into the next year.

**5.2.3.3 AIM Tier 3 Deadlines.** You must install the appropriate structural source and/or treatment control measures within 30 days. If it is not feasible within 30 days, you may take up to 90 days to install such measures, documenting in your SWPPP why it is infeasible to install the measure within 30 days. EPA may also grant you an extension beyond 90 days, based on an appropriate demonstration by you, the operator.

- a. Exception:** You do not have to install structural source controls or treatment controls if you determine and document in your SWPPP that the exceedance is solely attributable to natural background sources or, with EPA agreement, run-on sources, consistent with Part 5.2.4 (AIM Exceptions).
- b. Exception:** You do not have to install structural source controls or treatment controls if you adequately demonstrate to EPA within 30 days of the Tier 3 trigger occurrence that your discharge does not result in any exceedance of water quality standards and EPA approves such demonstration within 90 days of receipt (EPA may take up to 180 days upon notice to you before the 90<sup>th</sup> day that EPA needs such extra time). The demonstration to EPA, which will be made publicly available, must include the following minimum elements in order to be considered for approval by EPA:

1. the water quality standards applicable to the receiving water;
  2. the flow rate of the stormwater discharge;
  3. the instream flow rates of the receiving water immediately upstream and downstream of the discharge point;
  4. the ambient concentration of the parameter(s) of concern in the receiving water immediately upstream and downstream of the discharge point demonstrated by full-storm composite sampling;
  5. the concentration of the parameter(s) of concern in the stormwater discharge demonstrated by full-storm, flow-weighted composite sampling;
  6. any relevant dilution factors applicable to the discharge; and
  7. the hardness of the receiving water.
- c. If EPA disapproves such demonstration within 90 days (or 180 days if EPA notifies you that it needs more than 90 days), you must install structural source controls and/or treatment controls within 30 days of such disapproval (or 90 days if you document in your SWPPP why it is infeasible within 30 days; EPA may also grant an extension beyond 90 days based on an appropriate demonstration by you, the operator). If you continue to exceed the benchmark threshold for the same parameter even after installation of structural source controls or treatment controls, EPA may require you to apply for an individual permit. If EPA does not approve or disapprove the demonstration within 90 days (or 180 days if EPA has provided notice that it needs that extra time), then you may submit to EPA a Notice of Dispute. Within 30 days, EPA shall submit a response. If that response does not include an approval or disapproval of the demonstration, then both filings shall be submitted to the Director of the Water Management Division for the EPA Region, who shall approve or disapprove the demonstration within 30 days of receiving the filings. Time for action by you, the operator, upon disapproval shall be tolled during the period from filing of the Notice of Dispute until the decision is issued by the Director of the Water Management Division. That decision shall be final and not appealable.

**Request for Comment 23:** EPA requests comment on whether it is appropriate to make the above exception for a "discharges not resulting in any exceedance of water quality standards" in proposed Part 5.2.3.3.b available to other AIM Tier levels and/or AIM triggering events.

**AIM Tier 3 Example A:****Three Consecutive Annual Averages Each Over the Benchmark Threshold.**

Below are example benchmark monitoring results that would trigger AIM Tier 3. In these results, AIM Tier 3 is triggered **because THREE consecutive annual averages exceed the benchmark threshold** (or an exceedance of the four-quarter average is mathematically certain i.e., if the sum of quarterly sample results to date is more than four times the benchmark threshold).

Parameter	Benchmark	AIM Tier 3 trigger:
Total Suspended Solids (TSS) (mg/L)	100 mg/L	A third 4-/3-/2-sample benchmark average = 101 – 200 mg/L

Samples	Year 1 of Quarterly Monitoring					Year 2 of Quarterly Monitoring				
	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st year 4-Sample Average	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	2nd year 4-Sample Average
Ex. 1	105	120	100	95	105	115	100	90	135	110
Ex. 2	300	110	*	*	Between 100 and 200	150	270	**	**	Between 100 and 200

Samples	Year 3 of Quarterly Monitoring				
	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st year 4-Sample Average
Ex. 1	85	150	105	120	115
Ex. 2	200	240	***	***	Between 100 and 200

In Example 1, Tier 1 is triggered in the 4<sup>th</sup> quarter of the first year because after 4 samples, the annual average ( $105 + 120 + 100 + 95 = 420/4 = 105$  mg/L) is above the benchmark threshold (100 mg/L). Quarterly benchmark monitoring would continue into the next year. Then in the second year, Tier 2 is triggered in the 4<sup>th</sup> quarter of the second year because after another 4 samples, the second annual average ( $115 + 100 + 90 + 135 = 440/4 = 110$  mg/L) is again above the benchmark threshold (100 mg/L). Quarterly benchmark monitoring would continue into the next year. Then in the third year, Tier 3 is triggered in the 4<sup>th</sup> quarter of the third year because after another 4 samples, the third annual average ( $85 + 150 + 105 + 120 = 460/4 = 115$  mg/L) is again above the benchmark threshold (100 mg/L).

In Example 2, Tier 1 is triggered in the 2<sup>nd</sup> quarter of the first year because the 1<sup>st</sup> and 2<sup>nd</sup> quarter results (300 mg/L and 110 mg/L) mean an exceedance of the four-quarter average of the benchmark threshold (100 mg/L) is mathematically certain ( $300 + 110 = 410/4 = 102.5$  mg/L). The samples denoted with \* would be taken after Tier 1 response requirements have been complied with in the 2<sup>nd</sup> quarter of the first year. Quarterly benchmark monitoring would continue into the next year. Then in the second year, Tier 2 is triggered in the 2<sup>nd</sup> quarter of the second year because, again, the 1<sup>st</sup> and 2<sup>nd</sup> quarter results (150 mg/L and 270 mg/L) mean an exceedance of the four-quarter average is mathematically certain ( $150 + 270 = 420/4 = 105$  mg/L). The samples denoted with \*\* would be taken after Tier 2 response requirements have been complied with in the 2<sup>nd</sup> quarter of the second year. Quarterly benchmark monitoring would continue into the next year. Then in the third year, Tier 3 is triggered in the 2<sup>nd</sup> quarter of the third year because, again, the 1<sup>st</sup> and 2<sup>nd</sup> quarter results (200 mg/L and 240 mg/L) mean an exceedance of the four-quarter average is mathematically certain ( $200 + 240 = 440/4 = 110$  mg/L). The samples denoted with \*\*\* would be taken after Tier 3 response requirements have been complied with in the 2<sup>nd</sup> quarter of the third year. Quarterly benchmark monitoring would continue into the next year.

AIM Tier 3 Example B: Three Sampling Event Results in 3-Year Period Each Over 4 Times the Benchmark Threshold										
Below are example benchmark monitoring results that would trigger AIM Tier 3. In these results, AIM Tier 3 is triggered <b>because THREE sampling event results for the parameter within a three-year period each exceed the benchmark by more than 4 times the benchmark threshold.</b>										
<b>Parameter</b>		<b>Benchmark</b>		<b>AIM Tier 3 trigger:</b>						
Total Suspended Solids (TSS) (mg/L)		100 mg/L		Three single samples in three years = 401 – 800 mg/L						
	<b>Year 1 of Quarterly Monitoring</b>					<b>Year 2 of Quarterly Monitoring</b>				
<b>Samples</b>	<b>1st Qtr.</b>	<b>2nd Qtr.</b>	<b>3rd Qtr.</b>	<b>4th Qtr.</b>	<b>1st year 4-Sample Average</b>	<b>1st Qtr.</b>	<b>2nd Qtr.</b>	<b>3rd Qtr.</b>	<b>4th Qtr.</b>	<b>2nd year 4-Sample Average</b>
<b>Ex. 1</b>	405	*	*	*	Between 100 and 200	520	**	**	**	Between 100 and 200
<b>Ex. 2</b>	0	800	*	*	Between 100 and 200	0	680	**	**	Between 100 and 200
	<b>Year 3 of Quarterly Monitoring</b>									
<b>Samples</b>	<b>1st Qtr.</b>	<b>2nd Qtr.</b>	<b>3rd Qtr.</b>	<b>4th Qtr.</b>	<b>3rd year 4-Sample Average</b>					
<b>Ex. 1</b>	480	***	***	***	Between 100 and 200					
<b>Ex. 2</b>	0	440	***	***	Between 100 and 200					
<p>In Example 1, Tier 1 is triggered in the 1<sup>st</sup> quarter of the first year because the 1<sup>st</sup> quarter results (405 mg/L) show that a single sample for the parameter exceeds the benchmark by more than 4 times the benchmark threshold (100 mg/L), meaning an exceedance of the four-quarter average is mathematically certain (<math>405/4 = 101.25</math> mg/L). The samples denoted with * would be taken after Tier 1 response requirements have been complied with in the 1<sup>st</sup> quarter of the first year. Quarterly benchmark monitoring would continue into the next year. Then in the second year, Tier 2 is triggered in the 1<sup>st</sup> quarter of the second year because, again, the results (520 mg/L) show that a second single sample for the parameter exceeds the benchmark by more than 4 times the benchmark threshold (100 mg/L), meaning an exceedance of the four-quarter average is mathematically certain (<math>520/4 = 130</math> mg/L). The samples denoted with ** would be taken after Tier 2 response requirements have been complied with in the 1<sup>st</sup> quarter of the second year. Quarterly benchmark monitoring would continue into the next year. Then in the third year, Tier 3 is triggered in the 1<sup>st</sup> quarter of the third year because, again, the results (480 mg/L) show that a third single sample for the parameter exceeds the benchmark by more than 4 times the benchmark threshold (100 mg/L), meaning an exceedance of the four-quarter average is mathematically certain (<math>480/4 = 120</math> mg/L). The samples denoted with *** would be taken after Tier 3 response requirements have been complied with in the 1<sup>st</sup> quarter of the third year. Quarterly benchmark monitoring would continue into the next year.</p>										
<p>In Example 2, Tier 1 is triggered in the 2<sup>nd</sup> quarter of the first year because the 2<sup>nd</sup> quarter results (800 mg/L) show that a single sample for the parameter exceeds the benchmark by more than 4 times the benchmark threshold (100 mg/L), meaning an exceedance of the four-quarter average is mathematically certain (<math>0+800 = 800/4 = 200</math> mg/L). The samples denoted with * would be taken after Tier 1 response requirements have been complied with in the 2<sup>nd</sup> quarter of the first year. Quarterly benchmark monitoring would continue into the next year. Then in the second year, Tier 2 is triggered in the 2<sup>nd</sup> quarter of the second year because, again, the results (680 mg/L) show that a second single sample for the parameter exceeds the benchmark by more than 4 times the benchmark threshold (100 mg/L), meaning an exceedance of the four-quarter average is mathematically certain (<math>680/4 = 170</math> mg/L). The samples denoted with ** would be taken after Tier 2 response requirements have been complied with in the 2<sup>nd</sup> quarter of the second year. Quarterly</p>										

benchmark monitoring would continue into the next year. Then in the third year, Tier 3 is triggered in the 2<sup>nd</sup> quarter of the third year because, again, the results (440 mg/L) show that a third single sample for the parameter exceeds the benchmark by more than 4 times the benchmark threshold (100 mg/L), meaning an exceedance of the four-quarter average is mathematically certain ( $440/4 = 110$  mg/L). The samples denoted with \*\*\* would be taken after Tier 3 response requirements have been complied with in the 2<sup>nd</sup> quarter of the third year. Quarterly benchmark monitoring would continue into the next year.

**AIM Tier 3 Example C:  
Two Sampling Events in 3-Year Period Each Over 8 Times the Benchmark Threshold.**

Below are example benchmark monitoring results that would trigger AIM Tier 3. In these results, AIM Tier 3 is triggered **because TWO sampling events for a parameter within a three-year period each exceed the benchmark by more than 8 times the benchmark threshold.**

Parameter	Benchmark	AIM Tier 3 trigger:
Total Suspended Solids (TSS) (mg/L)	100 mg/L	Two single samples in three years each greater than 800 mg/L

Samples	Year 1 of Quarterly Monitoring					Year 2 of Quarterly Monitoring				
	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st year 4-Sample Average	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	2nd year 4-Sample Average
Ex. 1	105	120	100	95	105	95	850	**	**	Greater than 100

Samples	Year 3 of Quarterly Monitoring				
	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	3rd year 4-Sample Average
Ex. 1	900	***	***	***	Greater than 100

In Example 1, Tier 1 is triggered in the 4<sup>th</sup> quarter of the first year because after 4 samples, the annual average exceedance ( $105 + 120 + 100 + 95 = 420/4 = 105$  mg/L) exceeds the benchmark threshold (100 mg/L). Quarterly benchmark monitoring would continue into the next year. Then in the second year, Tier 2 is triggered in the 2<sup>nd</sup> quarter of the second year because the 2<sup>nd</sup> quarter results (850 mg/L) show that a single sample for the parameter exceeds the benchmark by more than 8 times the benchmark threshold (100 mg/L), meaning an exceedance of the four-quarter average is mathematically certain ( $850/4 = 212.5$  mg/L). The samples denoted with \*\* would be taken after Tier 2 response requirements have been complied with in the 2<sup>nd</sup> quarter of the second year. Quarterly benchmark monitoring would continue into the next year. Then in the third year, Tier 3 is triggered in the 1<sup>st</sup> quarter of the third year because the 1<sup>st</sup> quarter results (900 mg/L) show that now two samples within a three-year period (850 mg/L in the second year and 900 mg/L in the third year) each exceed the benchmark by more than 8 times the benchmark threshold (100 mg/L). The samples denoted with \*\*\* would be taken after Tier 3 response requirements have been complied with in the 1<sup>st</sup> quarter of the third year. Quarterly benchmark monitoring would continue into the next year.



**AIM Tier 3 Example D:****Four Consecutive Samples Each Over Benchmark Threshold with Average More than 2 Times the Benchmark**

Below are example benchmark monitoring results that would trigger AIM Tier 3. In these results, AIM Tier 3 is triggered **because four consecutive samples for a parameter each exceed the benchmark and their average is more than 2 times the benchmark.**

Parameter	Benchmark	AIM Tier 3 trigger:
Total Suspended Solids (TSS) (mg/L)	100 mg/L	Four consecutive samples all greater than 100 mg/L AND annual average greater than 200 mg/L

Anytime during Quarterly Monitoring					
Samples	1 <sup>st</sup> Qtr.	2 <sup>nd</sup> Qtr.	3 <sup>rd</sup> Qtr.	4 <sup>th</sup> Qtr.	4-Sample Average
Ex. 1	120	120	155	410	201

In Example 1, Tier 3 is triggered in the 4<sup>th</sup> quarter because each of the 4 samples exceeds the benchmark (100 mg/L) and the average is more than 2 times the benchmark threshold. Quarterly benchmark monitoring would continue into the next year.

**5.2.4 AIM Exceptions.** At any point or tier level of AIM, the below exceptions from AIM requirements and additional benchmark monitoring below may apply. You must still review your stormwater control measures, SWPPP, and other on-site activities to determine if actions or modifications are necessary or appropriate.

**5.2.4.1 Natural Background Pollutant Levels:** You are not required to perform AIM or additional benchmark monitoring for any parameters for which you can demonstrate that the benchmark exceedance is solely attributable to the presence of that pollutant in natural background sources, provided that all the following conditions are met and you submit your analysis and documentation to the EPA Regional Office:

- a. The four-quarter average concentration of your benchmark monitoring results minus the concentration of that pollutant in the natural background is less than or equal to the benchmark threshold; and
- b. You document and maintain with your SWPPP, as required in Part 6.5, your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your stormwater discharge. Natural background pollutants are those substances that are naturally occurring in soils or ground water. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring, such as other industrial facilities or roadways.

**Request for Comment 24:** EPA requests comment on changing the threshold for the natural background exception throughout the permit from the 2015 MSGP, which required no net facility contributions, to the proposed 2020 MSGP method of subtracting natural background concentrations from the total benchmark exceedance to determine if natural background levels are solely responsible for the exceedance. EPA requests comment on implications of this change and other factors the Agency should consider in proposing this change to the exception.

**Request for Comment 25:** EPA requests comment on other appropriate methods to characterize natural background pollutant concentrations. EPA is aware that the National Stormwater Quality Database (NSQD) is a collection of urban stormwater runoff data from municipal separate storm sewer systems (MS4s) and contains concentration data from urban open spaces, among other land use categories. EPA is concerned this dataset does not accurately represent pollutant concentrations that are attributable only to natural background sources and whether utilizing NSQD data to calculate an exception for industrial stormwater dischargers would be appropriate. EPA requests comment on the advantages and limitations of the NSQD dataset, whether it can be adjusted for use in the MSGP for calculating natural background concentrations, and how that could be accomplished.

**5.2.4.2 Run-On:** You are not required to perform AIM or additional benchmark monitoring for any parameters for which you can demonstrate and obtain EPA agreement that run-on from a neighboring source (e.g., a source external to your facility) is the cause of the exceedance, provided that all the following conditions are met and you submit your analysis and documentation to the EPA Regional Office for concurrence:

- a. After reviewing and revising your SWPPP, as appropriate, you should notify the other facility or entity contributing run-on to your discharges and request that they abate their pollutant contribution.
- b. If the other facility or entity fails to take action to address their discharges or sources of pollutants, you should contact your EPA Regional Office.

### **5.3 Corrective Action and AIM Documentation**

**5.3.1** Documentation within 24 Hours. You must document the existence of any of the conditions listed in Parts 5.1.1, 5.2.1.1, 5.2.2.1, and/or 5.2.3.1 within 24 hours of becoming aware of such condition. You are not required to submit this documentation to EPA, unless specifically required or requested to do so. However, you must summarize your findings in the annual report per Part 7.5. Include the following information in your documentation:

**5.3.2** Description of the condition or event triggering the need for corrective action review and/or AIM response. For any spills or leaks, include the following information: a description of the incident including material, date/time, amount, location, and reason for spill, and any leaks, spills or other releases that resulted in discharges of pollutants to waters of U.S., through stormwater or otherwise;

**5.3.2.1** Date the condition/triggering event was identified;

**5.3.2.2** Description of immediate actions taken pursuant to Part 5.1.2.1 to minimize or prevent the discharge of pollutants. For any spills or leaks, include response actions, the date/time clean-up completed, notifications made, and staff involved. Also include any measures taken to prevent the reoccurrence of such releases (see Part 2.1.2.4); and

**5.3.2.3** A statement, signed and certified in accordance with Appendix B, Subsection 11.

**5.3.3 Documentation within 14 Days.** You must also document the corrective actions and/or AIM responses you took or will take as a result of the conditions listed in Part 5.1.1, 5.2.1.1, 5.2.2.1, and/or 5.2.3.1 within 14 days from the time of discovery of any of those conditions/triggering events. Provide the dates when you initiated and completed (or expect to complete) each corrective action and/or AIM response. If infeasible to complete the necessary corrective actions and/or AIM responses within the specified

timeframe, per Parts 5.1.2, 5.2.1.3, 5.2.2.3, 5.2.3.3, you must document your rationale and schedule for installing the controls and making them operational as soon as practicable after the specified timeframe. If you notified EPA regarding an allowed extension of the specified timeframe, you must document your rationale for an extension. Include any additional information and/or rationale that is required and/or applicable to the specified corrective action and/or AIM response in Part 5. You are not required to submit this documentation to EPA, unless specifically required or requested to do so. However, you must summarize your corrective actions and/or AIM responses in the annual report per Part 7.5.

**Request for Comment 26:** EPA requests comment on methods for tracking AIM Tiers that may have been triggered by an operator. One approach could be to require the operator to self-select any AIM Tiers that have been triggered in the past quarter when submitting quarterly monitoring results per proposed Part 7.4.

## **6 Stormwater Pollution Prevention Plan (SWPPP)**

You must prepare a SWPPP for your facility before submitting your NOI for permit coverage. If you prepared a SWPPP for coverage under a previous version of this permit, you must review and update the SWPPP to implement all provisions of this permit prior to submitting your NOI. The SWPPP does not contain effluent limitations; such limitations are contained in Parts 2, 8, and 9 of the permit. The SWPPP is intended to document the selection, design, and installation of control measures to meet the permit's effluent limits. The SWPPP is a living document. Facilities must keep their SWPPP up-to-date throughout their permit coverage, such as making revisions and improvements to their stormwater management program based on new information and experiences with wet weather events, including major storm events and extreme flooding conditions. As distinct from the SWPPP, the additional documentation requirements (see Part 6.5) are so that you document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

*Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the SWPPP, during an inspection, etc.*

### **6.1 Person(s) Responsible for Preparing the SWPPP**

You shall prepare the SWPPP in accordance with good engineering practices and to industry standards. The SWPPP may be developed by either a person on your staff or a third party you hire, but it must be developed by a "qualified person" and must be certified per the signature requirements in Part 6.2.7. If EPA concludes that the SWPPP is not in compliance with Part 6.2 of this permit, EPA may require the SWPPP to be reviewed, amended as necessary, and certified by a Professional Engineer, or for Sector G, H or J, by a Professional Geologist, with the education and experience necessary to prepare an adequate SWPPP.

*Note: A "qualified person" is a person knowledgeable in the principles and practices of industrial stormwater controls and pollution prevention, and possesses the education and ability to assess conditions at the industrial facility that could impact stormwater quality, and the education and ability to assess the effectiveness of stormwater controls selected and installed to meet the requirements of the permit.*

## 6.2 **Required Contents of Your SWPPP**

To be covered under this permit, your SWPPP must contain all of the following elements:

- Stormwater pollution prevention team (Part 6.2.1);
- Site description (Part 6.2.2);
- Summary of potential pollutant sources (Part 6.2.3);
- Description of control measures (Part 6.2.4);
- Schedules and procedures (Part 6.2.5);
- Documentation to support eligibility pertaining to other federal laws (Part 6.2.6); and
- Signature requirements (Part 6.2.7).

Where your SWPPP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan or an Environmental Management System (EMS), copies of the relevant portions of those documents must be kept with your SWPPP.

**6.2.1 Stormwater Pollution Prevention Team.** You must identify the staff members (by name or title) that comprise the facility's stormwater pollution prevention team as well as their individual responsibilities. Your stormwater pollution prevention team is responsible for overseeing development of the SWPPP, any modifications to it, and for implementing and maintaining control measures and taking corrective actions when required. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

**6.2.2 Site Description.** Your SWPPP must include the following:

- a. **Activities at the facility.** Provide a description of the nature of the industrial activities at your facility.
- b. **General location map.** Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility and all receiving waters for your stormwater discharges.
- c. **Site map.** Provide a map showing:
  - i. Boundaries of the property and the size of the property in acres;
  - ii. Location and extent of significant structures and impervious surfaces;
  - iii. Directions of stormwater flow (use arrows);
  - iv. Locations of all stormwater control measures;
  - v. Locations of all receiving waters, including wetlands, in the immediate vicinity of your facility. Indicate which waterbodies are listed as impaired and which are identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 waters;
  - vi. Locations of all stormwater conveyances including ditches, pipes, and swales;
  - vii. Locations of potential pollutant sources identified under Part 6.2.3.2;

- viii. Locations where significant spills or leaks identified under Part 6.2.3.3 have occurred;
- ix. Locations of all stormwater monitoring points;
- x. Locations of stormwater inlets and discharge points, with a unique identification code for each discharge point (e.g., 001, 002), indicating if you are treating one or more discharge points as “substantially identical” under Parts 3.2.3, 5.2.5.3, and 6.1.1, and an approximate outline of the areas draining to each discharge point;
- xi. If applicable, MS4s and where your stormwater discharges to them;
- xii. Areas of designated critical habitat for endangered or threatened species, if applicable.
- xiii. Locations of the following activities where such activities are exposed to precipitation:
  - fueling stations;
  - vehicle and equipment maintenance and/or cleaning areas;
  - loading/unloading areas;
  - locations used for the treatment, storage, or disposal of wastes;
  - liquid storage tanks;
  - processing and storage areas;
  - immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
  - transfer areas for substances in bulk;
  - machinery;
  - locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

**6.2.3 Summary of Potential Pollutant Sources.** You must describe areas at your facility where industrial materials or activities are exposed to stormwater or from which authorized non-stormwater discharges originate. Industrial materials or activities include but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For structures located in areas of industrial activity, you must be aware that the structures themselves are potential sources of pollutants. This could occur, for example, when metals such as aluminum or copper are leached from the structures as a result of acid rain.

**For each area identified, the description must include:**

- 6.2.3.1 Activities in the Area.** A list of the industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).
- 6.2.3.2 Pollutants.** A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, cleaning solvents) associated with each identified activity, which could be exposed to rainfall or snowmelt and could be discharged from your facility. The

pollutant list must include all significant materials that have been handled, treated, stored or disposed, and that have been exposed to stormwater in the three years prior to the date you prepare or amend your SWPPP.

- 6.2.3.3 Spills and Leaks.** You must document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding discharge point(s) that would be affected by such spills and leaks. You must document all significant spills and leaks of oil or toxic or hazardous substances that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the three years prior to the date you prepare or amend your SWPPP.

*Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.*

- 6.2.3.4 Unauthorized Non-Stormwater Discharges Evaluation.** By the end of the first year of your permit coverage under this permit, you must inspect and document all discharge points. Documentation of your evaluation must include:

- a. The date of the evaluation;
- b. A description of the evaluation criteria used;
- c. A list of the discharge points or onsite drainage points that were directly observed during the evaluation; and
- d. If there are any unauthorized non-stormwater discharges (See Part 1.2.2 for the exclusive list of authorized non-stormwater discharges under this permit) you must immediately take action(s), such as implementing control measures, to eliminate those discharges or seek an individual NPDES wastewater permit. and document that you obtained the permit (For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES permit application was submitted for an unauthorized cooling water discharge).
- e. An explanation of everything you did to immediately eliminate the discharge per Part 5 Corrective Actions.

- 6.2.3.5 Salt Storage.** You must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

- 6.2.3.6 Sampling Data.** Existing permitted facilities must summarize all stormwater discharge sampling data collected at the facility during the previous permit term. The summary shall include a narrative description (and may include data tables/figures) that adequately summarizes the collected sampling data to support identification of potential pollution sources at your facility. New dischargers and new sources must provide a summary of any available stormwater runoff data they may have.

- 6.2.4** Description of Control Measures to Meet Technology-Based and Water Quality- Based Effluent Limits. You must document the location and type of control measures you have specifically chosen and/or designed to comply with:

- Part 2.1.2: Non-numeric technology-based effluent limits;

- Parts 2.1.3 and 8: Applicable numeric effluent limitations guidelines-based limits;
- Part 2.2: Water quality-based effluent limits;
- Part 2.3: Any additional measures that formed the basis of eligibility regarding threatened and endangered species, historic properties, and/or federal CERCLA Site requirements;
- Parts 8 and 9: Applicable effluent limits;
- Regarding your control measures, you must also document, as appropriate:
  - How you addressed the selection and design considerations in Part 2.1.1;
  - How they address the pollutant sources identified in Part 6.2.3.

Effluent limit requirements in Part 2.1.2 that do not involve the site-specific selection of a control measure or are specific activity requirements (e.g., "cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe") are marked with an asterisk (\*). For the requirements marked with an asterisk, you may include extra information, or you may just "cut and-paste" these effluent limits verbatim into your SWPPP without providing additional documentation.

#### 6.2.5 Schedules and Procedures

##### 6.2.5.1 Pertaining to Control Measures Used to Comply with the Effluent Limits in Part 2. You must document the following in your SWPPP:

- a. **Good Housekeeping (See Part 2.1.2.2)** – A schedule or the convention used for determining when pickup and disposal of waste materials occurs. Also provide a schedule for routine inspections for leaks and conditions of drums, tanks and containers.
- b. **Maintenance (See Part 2.1.2.3)** – Preventative maintenance procedures, including regular inspections, testing, maintenance and repair of all control measures to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line. The SWPPP shall include the schedule or frequency for maintaining all control measures used to comply with the effluent limits in Part 2;
- c. **Spill Prevention and Response Procedures (See Part 2.1.2.4)** – Procedures for preventing and responding to spills and leaks, including notification procedures. For preventing spills, include in your SWPPP the control measures for material handling and storage, and the procedures for preventing spills that can contaminate stormwater. Also specify cleanup equipment, procedures and spill logs, as appropriate, in the event of spills. You may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part 5.4;
- d. **Erosion and Sediment Controls (See Part 2.1.2.5)** – If you use polymers and/or other chemical treatments as part of your controls, you must identify the polymers and/or chemicals used and the purpose;
- e. **Employee Training (See Part 2.1.2.8)** – The elements of your employee training plan shall include all, but not be limited to, the requirements set forth in Part

2.1.2.8, and also the following:

- i. The content of the training;
- ii. The frequency/schedule of training for employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit;
- iii. A log of the dates on which specific employees received training.

**6.2.5.2 Pertaining to Inspections and Assessments.** You must document in your SWPPP your procedures for performing, as appropriate, the types of inspections specified by this permit, including:

- a. Routine facility inspections (see Part 3.1) and;
- b. Quarterly visual assessment of stormwater discharges (see Part 3.2).

**For each type of inspection performed, your SWPPP must identify:**

- a. Person(s) or positions of person(s) responsible for the inspection;
- b. Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular stormwater discharges (see Part 3.2.4);
- c. Specific items to be covered by the inspection, including schedules for specific discharge points.

If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, you must include in your SWPPP the information to support this claim as required by Parts 3.1.5 and 3.2.4.

**6.2.5.3 Pertaining to Monitoring**

- a. **Procedures for Each Type of Monitoring.** You must document in your SWPPP procedures for conducting the five types of analytical monitoring specified by this permit, where applicable to your facility, including:
  - i. Benchmark monitoring (Part 4.2.1);
  - ii. Effluent limitations guidelines monitoring (Part 4.2.2);
  - iii. State- or tribal-specific monitoring (Part 4.2.3);
  - iv. Impaired waters monitoring (Part 4.2.4);
  - v. Other monitoring as required by EPA (Part 4.2.5).
- b. **Documentation for Each Type of Monitoring.** For each type of monitoring, you must document in your SWPPP:
  - i. Locations where samples are collected, including any determination that two or more discharge points are substantially identical;
  - ii. Parameters for sampling and the frequency of sampling for each parameter;
  - iii. Schedules for monitoring at your facility, including schedule for alternate



monitoring periods for climates with irregular stormwater discharges (see Part 4.1.6);

- iv. Any numeric control values (benchmarks, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to discharges from each discharge point;
  - v. Procedures (e.g., responsible staff, logistics, laboratory to be used) for gathering storm event data, as specified in Part 4.1.
- c. **Exception for Inactive and Unstaffed Sites.** If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring or impaired waters monitoring, you must include in your SWPPP the information to support this claim as required by Part 4.2.1.3 and 4.2.4.2.
- d. **Exception for Substantially Identical Discharge Points.** You must document the following in your SWPPP if you plan to use the substantially identical discharge point exception for your quarterly visual assessment requirements in Part 3.2.4 or your benchmark or impaired waters monitoring requirements in Parts 4.2.1 and 4.2.4.1 (see also Part 4.1.1):
- i. Location of each substantially identical discharge point;
  - ii. Description of the general industrial activities conducted in the drainage area of each discharge point;
  - iii. Description of the control measures implemented in the drainage area of each discharge point;
  - iv. Description of the exposed materials located in the drainage area of each discharge point that are likely to be significant contributors of pollutants to stormwater discharges;
  - v. An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%);
  - vi. Why the discharge points are expected to discharge substantially identical effluents.

## 6.2.6 Documentation to Support Eligibility Pertaining to Other Federal Laws

6.2.6.1 **Documentation Regarding Endangered and Threatened Species and Critical Habitat Protection.** You must keep with your SWPPP the documentation supporting your determination with regard to Part 1.1.4 (Endangered and Threatened Species and Critical Habitat Protection).

6.2.6.2 **Documentation Regarding Historic Properties.** You must keep with your SWPPP the documentation supporting your determination with regard to Part 1.1.5 (Historic Properties Preservation).

6.2.7 **Signature Requirements.** You must sign and date your SWPPP in accordance with Appendix B, Subsection 11.

## 6.3 **Required SWPPP Modifications**

You must modify your SWPPP based on the corrective actions and deadlines required under Part 6. You must sign and date any SWPPP modifications in accordance with Appendix B, Subsection 11.

#### **6.4 SWPPP Availability**

You must retain a complete copy of your current SWPPP required by this permit at the facility in any accessible format. A complete SWPPP includes any documents incorporated by reference and all documentation supporting your permit eligibility pursuant to Part 1.1 of this permit, as well as your signed and dated certification page. Regardless of the format, the SWPPP must be immediately available to facility employees, EPA, a state or tribe, the operator of an MS4 into which you discharge, and representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) at the time of an onsite inspection.

Your current SWPPP or certain information from your current SWPPP described below must also be made available to the public (except any confidential business information (CBI) or restricted information [as defined in Appendix A]), but you must clearly identify those portions of the SWPPP that are being withheld from public access; to do so, you must comply with one of the following two options:

**6.4.1 Posting Your SWPPP on the Internet.** If you provide a URL in your NOI where your SWPPP can be found, and maintain your current SWPPP at this URL, you will have complied with the public availability requirements for the SWPPP. To remain current, you must post any SWPPP modifications, records, and other reporting elements required for the previous year at the same URL as the main body of the SWPPP. The SWPPP update shall be no later than 45 days after conducting the final routine facility inspection for the year required in Part 3.1. If you did not provide a SWPPP URL in your NOI, you may reopen your NOI at any time subsequent to your original NOI submittal to add a URL where your current SWPPP can be found. You are not required to post any CBI or restricted information (as defined in Appendix A) (such information may be redacted), but you must clearly identify those portions of the SWPPP that are being withheld from public access. CBI may not be withheld from those staff cleared for CBI review within EPA, USFWS or NMFS.

**6.4.2 SWPPP Information Provided on NOI Form.** If you did not provide a SWPPP URL in your NOI, your NOI must include the information required by Part 7.3. Irrespective of this requirement, EPA may provide access to portions of your SWPPP to a member of the public upon request (except any CBI or restricted information (as defined in Appendix A)). To remain current, you must report any modifications to the SWPPP information required by Part 7.3 through submittal of an "Change NOI" form. The SWPPP update shall be no later than 45 days after conducting the final routine facility inspection for the year required in Part 3.1.

#### **6.5 Additional Documentation Requirements**

You are required to keep the following inspection, monitoring, and certification records with your SWPPP that together keep your records complete and up-to-date, and demonstrate your full compliance with the conditions of this permit:

**6.5.1** A copy of the NOI submitted to EPA along with any correspondence exchanged between you and EPA specific to coverage under this permit;

**6.5.2** A copy of the acknowledgment you receive from the EPA assigning your NPDES ID;

- 6.5.3** A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- 6.5.4** Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part 2.1.2.3);
- 6.5.5** All inspection reports, including the Routine Facility Inspection Reports (see Part 3.1.6) and Quarterly Visual Assessment Reports (see Part 3.2.3);
- 6.5.6** Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Parts 3.2.4 and 4.1.5);
- 6.5.7** Corrective action documentation required per Part 5.1;
- 6.5.8** Documentation of any benchmark exceedances, which AIM Tier triggering event the exceedance caused, and AIM response you employed per Part 5.2, including:
- 6.5.8.1** The AIM triggering event;
- 6.5.8.2** The AIM response taken;
- 6.5.8.3** Any rationale that SWPPP/SCM changes were unnecessary;
- 6.5.8.4** A demonstration that the exceedance was due to natural background pollutant levels per Part 5.2.5.2, if applicable;
- 6.5.8.5** A determination from EPA that benchmark monitoring can be discontinued because the exceedance was due solely to run-on, per Part 5.2.4.3.
- 6.5.9** Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge after three years or were solely attributable to natural background sources (see Part 4.2.4.1); and
- 6.5.10** Documentation to support your claim that your facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections (see Part 3.1.5), quarterly visual assessments (see Part 3.2.4), benchmark monitoring (see Part 4.2.1.3), and/or impaired waters monitoring (see Part 4.2.4.2).

## **7 Reporting and Recordkeeping**

### **7.1 Electronic Reporting Requirement**

You must submit all NOIs, NOTs, NOEs, Annual Reports, Discharge Monitoring Reports (DMRs), and other reporting information as appropriate electronically, unless the EPA Regional Office grants you a waiver based on one of the following conditions:

- If your headquarters is physically located in a geographic area (i.e., zip code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or
- If you have limitations regarding available computer access or computer capability.

Waivers are only granted for a one-time use for a single information submittal, i.e., an initial waiver does not apply for the entire term of the permit for multiple forms. If you need to submit information on paper after your first waiver, you must apply for a new waiver. The EPA Regional Office may extend a waiver on a case-by-case basis.

If you wish to obtain a waiver from submitting a report electronically, you must submit a request to your EPA Regional Office. EPA Regional Office contact information can be found in Part 7.9. In that request you must document which exemption you meet, provide evidence supporting any claims, and a copy of your completed paper form. A waiver may only be considered granted once you receive written confirmation from EPA or its authorized representative.

## **7.2 Submitting Information to EPA**

- 7.2.1** Submitting Forms via NeT-MSGP. You must submit all required information via EPA's electronic NPDES eReporting tool (NeT), unless the permit states otherwise or unless you have been granted a waiver per Part 7.1. You can both prepare and submit required information in NeT-MSGP using specific forms, also found in the permit's appendices. To access NeT-MSGP, go to <https://cdxnodengn.epa.gov/net-msgp/action/login>.

Information you must submit to EPA via NeT-MSGP:

- Notice of Intent (NOI) (Part 1.3);
- Change Notice of Intent (NOI) (Part 1.3.4);
- No Exposure Certification (NEC) (Part 1.5);
- Notice of Termination (NOT) (Part 1.4); and
- Annual Report (AR) (Part 7.5).

*Note: Discharge Monitoring Reports (see Part 7.4) are required to be submitted using EPA's electronic DMR system.*

If the EPA Regional Office grants you a waiver from electronic reporting, you must utilize the required forms found in the Appendices.

- 7.2.2 Other Information Required to be Submitted.** Information required to be submitted to an EPA Regional Office at the address in Part 7.9:

- New Dischargers and New Sources to Water Quality-Impaired Waters (Part 1.1.6.2);
- Exceedance Report for Numeric Effluent Limitations (Part 7.6); and
- Additional Reporting (Part 7.7)

## **7.3 Additional SWPPP Information Required in Your NOI**

If you did not provide a SWPPP URL in your NOI per Part 6.4.1, your NOI must include the additional SWPPP information as follows:

- 7.3.1** Onsite industrial activities exposed to stormwater, including potential spill and leak areas (see Parts 6.2.3.1, 6.2.3.3 and 6.2.3.5);
- 7.3.2** Pollutants or pollutant constituents associated with each industrial activity exposed to stormwater that could be discharged in stormwater and/or any authorized non-stormwater discharges listed in Part 1.2.2 (see Part 6.2.3.2);
- 7.3.3** Stormwater control measures you employ to comply with the non-numeric technology-based effluent limits required in Part 2.1.2 and Part 8, and any other measures taken to comply with the requirements in Part 2.2 Water Quality - Based Effluent Limitations (see Part 6.2.4). If you use polymers and/or other chemical treatments as part of your controls, you must identify the polymers and/or chemicals used and the purpose; and
- 7.3.4** Schedule for good housekeeping and maintenance (see Part 6.2.5.1) and schedule for all inspections required in Part 3 (see Part 6.2.5.2).
- 7.4** **Reporting Monitoring Data to EPA**
- 7.4.1** **Submitting Monitoring Data via NeT-DMR.** You must submit all monitoring data collected pursuant to Part 4.2 to EPA using EPA's electronic DMR system (for more information visit: <https://www.epa.gov/compliance/npdes-ereporting> (unless the EPA Regional Office grants you a waiver from electronic reporting, in which case you may submit a paper DMR form) no later than 30 days after you have received your complete laboratory results for all monitoring discharge points for the reporting period. Your monitoring requirements (i.e., parameters required to be monitored and sample frequency) will be prepopulated on your electronic Discharge Monitoring Report (DMR) form based on the information you reported on your NOI form through the NeT-MSGP. Accordingly, you must certify the following changes to your monitoring frequency to EPA by submitting a form in NeT-MSGP, which will trigger changes to your monitoring requirements in the electronic DMR system:
- 7.4.1.1** All benchmark monitoring requirements have been fulfilled for the permit term (excluding the three universal benchmark monitoring parameters of pH, TSS, and COD);
- 7.4.1.2** All impaired waters monitoring requirements have been fulfilled for the permit term;
- 7.4.1.3** Benchmark monitoring requirements no longer apply because the EPA Regional Office has concurred with your assessment that run-on from a neighboring source is the cause of the exceedance;
- 7.4.1.4** Benchmark and/or impaired monitoring requirements no longer apply because your facility is inactive and unstaffed;
- 7.4.1.5** Benchmark and/or impaired monitoring requirements now apply because your facility has changed from inactive and unstaffed to active and staffed;
- 7.4.1.6** For Sector G2 only: Discharges from waste rock and overburden piles have exceeded benchmark thresholds;
- 7.4.1.7** A numeric effluent limitation guideline has been exceeded;
- 7.4.1.8** A numeric effluent limitation guideline exceedance is back in compliance.

- 7.4.2 When You Can Discontinue Submission of Monitoring Data.** Once you have completely fulfilled applicable monitoring requirements, you are no longer required to report monitoring results using EPA's electronic DMR tool. If you have only partially fulfilled your benchmark monitoring and/or impaired waters monitoring requirements (e.g., your four quarterly average is below the benchmark for some, but not all, parameters; you did not detect some, but not all, impairment pollutants), you must continue to use EPA's electronic DMR to report your results for the remaining monitoring requirements. Per Part 4.2.4.1 regarding discharges to impaired waters, if the monitored pollutant is not detected in your discharge for three consecutive years, or it is detected but you have determined that its presence is caused solely by natural background sources, you may discontinue monitoring for that pollutant only after submitting a Change NOI with the appropriate justification. If the EPA Regional Office grants you a waiver per Part 7.1, you must submit paper reporting forms by the same deadline.
- 7.4.3 State or Tribal Required Monitoring Data.** See Part 9 for specific reporting requirements applicable to individual states or tribes.
- 7.4.4 Submission Deadline for Benchmark Monitoring Data.** For benchmark monitoring, note that you are required to submit sampling results to EPA no later than 30 days after receiving your complete laboratory results for all monitored discharge points for each quarter that you are required to collect benchmark samples, per Part 4.2.1.2. If you collect samples during multiple storm events in a single quarter (e.g., due to adverse weather conditions, climates with irregular stormwater discharges, or areas subject to snow), you are required to submit all sampling results for each storm event to EPA within 30 days of receiving all laboratory results for the event. Or, for any of your monitored discharge points that did not have a discharge within the reporting period, using EPA electronic DMR tool, you report that no discharges occurred for that discharge point no later than 30 days after the end of the reporting period.
- 7.5 Annual Report**
- You must submit an Annual Report to EPA electronically, per Part 7.2, by January 30<sup>th</sup> for each year of permit coverage containing information generated from the past calendar year. You must include the following information:
- 7.5.1** A summary of your past year's routine facility inspection documentation required (Part 3.1.6). In addition, if you are an operator of an airport facility (Sector S) that is subject to the airport effluent limitations guidelines and are complying with the Part 8.S.8.1 effluent limitation through the use of non-urea-containing deicers, provide a statement certifying that you do not use pavement deicers containing urea. (Note: Operators of airport facilities that are complying with Part 8.S.8.1 by meeting the numeric effluent limitation for ammonia do not need to include this statement.)
- 7.5.2** A summary of your past year's quarterly visual assessment documentation (see Part 3.2.3);
- 7.5.3** A summary of your past year's corrective action and any required AIM documentation (see Part 5.3). If you have not completed corrective action or AIM responses at the time you submit your annual report, you must describe the status of any outstanding corrective action(s) or AIM responses. Also describe any incidents of noncompliance in the past year or currently ongoing, or if none, provide a statement that you are in compliance with the permit.

Your Annual Report must also include a statement, signed and certified in accordance with Appendix B, Subsection 11.

#### **7.6 Numeric Effluent Limitations Exceedance Report**

If follow-up monitoring per Part 4.2.2.3 exceeds a numeric effluent limit, you must submit an Exceedance Report to EPA no later than 30 days after you have received your laboratory results. Send the Exceedance Report to the appropriate EPA Regional Office listed in Part 7.9, and report the monitoring data through NetDMR. Your report must include the following:

- 7.6.1 NPDES ID;
- 7.6.2 Facility name, physical address and location;
- 7.6.3 Name of receiving water;
- 7.6.4 Monitoring data from this and the preceding monitoring event(s);
- 7.6.5 An explanation of the situation, including what you have done and intend to do (should your corrective actions not yet be complete) to correct the violation;
- 7.6.6 An appropriate contact name and phone number.

#### **7.7 Additional Standard Recordkeeping and Reporting Requirements**

In addition to the reporting requirements stipulated in Part 7, you are also subject to the standard permit reporting provisions of Appendix B, Subsection 12. You must submit the following reports to the appropriate EPA Regional Office listed in Part 7.9, as applicable. If you discharge through an MS4, you must also submit these reports to the MS4 operator (identified pursuant to Part 6.2.2).

- 7.7.1 24-hour reporting (see Appendix B, Subsection 12.F) – You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances;
- 7.7.2 5-day follow-up reporting to the 24 hour reporting (see Appendix B, Subsection 12.F) – A written submission must also be provided within five days of the time you become aware of the circumstances;
- 7.7.3 Reportable quantity spills (see Part 2.1.2.4) – You must provide notification, as required under Part 2.1.2.4, as soon as you have knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity;
- 7.7.4 Planned changes (see Appendix B, Subsection 12.A) – You must give notice to EPA promptly, no fewer than 30 days prior to making any planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged;
- 7.7.5 Anticipated noncompliance (see Appendix B, Subsection 12.B) – You must give advance notice to EPA of any planned changes in the permitted facility or activity which you anticipate will result in noncompliance with permit requirements;

- 7.7.6** Compliance schedules (see Appendix B, Subsection 12.F) – Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date;
- 7.7.7** Other noncompliance (see Appendix B, Subsection 12.G) – You must report all instances of noncompliance not reported in your annual report, compliance schedule report, or 24-hour report at the time monitoring reports are submitted; and
- 7.7.8** Other information (see Appendix B, Subsection 12.H) – You must promptly submit facts or information if you become aware that you failed to submit relevant facts in your NOI, or that you submitted incorrect information in your NOI or in any report.

## **7.8 Record Retention Requirements**

You must retain copies of your SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part 6.5 (including documentation related to corrective actions or AIM responses taken pursuant to Part 5), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least three years from the date that your coverage under this permit expires or is terminated.

## **7.9 Addresses for Reports**

<b>Permit Part</b>	<b>EPA Region</b>	<b>Areas Covered</b>	<b>Address</b>
7.9.1	1	Connecticut Massachusetts New Hampshire Rhode Island Vermont	U.S. EPA Region 1 Water Division Stormwater and Construction Permits Section 5 Post Office Square (06-1) Boston, MA 02109-3912
7.9.2	2	New Jersey New York	U.S. EPA Region 2 NPDES Stormwater Program 290 Broadway, 24th Floor New York, NY 10007-1866
		Puerto Rico Virgin Islands	U.S. EPA Region 2 Caribbean Environmental Protection Division NPDES Stormwater Program City View Plaza II – Suite 7000 48 Rd. 165 Km 1.2 Guaynabo, PR 00968-8069
7.9.3	3	Delaware District of Columbia Maryland Pennsylvania Virginia West Virginia	U.S. EPA Region 3 Office of NPDES Permits and Enforcement NPDES Permits Branch, MC 3WP41 1650 Arch Street Philadelphia, PA 19103
7.9.4	4	Alabama Florida Georgia Kentucky Mississippi	U.S. EPA Region 4 Water Protection Division NPDES Stormwater Program Atlanta Federal Center 61 Forsyth Street SW



Permit Part	EPA Region	Areas Covered	Address
		North Carolina South Carolina Tennessee	Atlanta, GA 30303-3104
7.9.5	5	Illinois Indiana Michigan Minnesota Ohio Wisconsin	U.S. EPA Region 5 NPDES Program Branch 77 W. Jackson Blvd. MC WN16J Chicago, IL 60604-3507
7.9.6	6	Arkansas Louisiana Oklahoma Texas New Mexico (except see Region 9 for Navajo lands, and see Region 8 for Ute Mountain Reservation lands)	U.S. EPA Region 6 NPDES Stormwater Program (WQ-PP) 1445 Ross Avenue, Suite 1200 Dallas, TX 75202-2733
7.9.7	7	Iowa Kansas Missouri Nebraska	U.S. EPA Region 7 NPDES Stormwater Program 11201 Renner Blvd Lenexa, KS 66219
7.9.8	8	Colorado Montana North Dakota South Dakota Wyoming Utah (except see Region 9 for Goshute Reservation and Navajo Reservation lands) The Ute Mountain Reservation in New Mexico The Pine Ridge Reservation in Nebraska	EPA Region 8 Storm Water Program MC: 8P-W-WW 1595 Wynkoop Street Denver, CO 80202-1129
7.9.9	9	Arizona California Hawaii Nevada Guam American Samoa The Commonwealth of the Northern Mariana Islands The Goshute Reservation in Utah	U.S. EPA Region 9 Water Division NPDES Stormwater Program (WTR-2-3) 75 Hawthorne Street San Francisco, CA 94105-3901

Permit Part	EPA Region	Areas Covered	Address
		and Nevada The Navajo Reservation in Utah New Mexico, and Arizona The Duck Valley Reservation in Idaho Fort McDermitt Reservation in Oregon	
7.9.10	10	Alaska Idaho Oregon (except see Region 9 for Fort McDermitt Reservation) Washington	U.S. EPA Region 10 Water Division NPDES Stormwater Program (19-C04) 1200 6th Avenue, Suite 155 Seattle, WA 98101-3140
7.9.11	State and Tribal Addresses		See Part 9 (states and tribes) for the addresses of applicable states or tribes that require submission of information to their agencies.

## Part 8 - Sector Requirements for Industrial Activity

### Universal Benchmark Monitoring Applicable to All Sectors (see also Part 4.2.1)

You must comply with the universal benchmark monitoring requirements below for pH, total suspended solids (TSS), and chemical oxygen demand (COD). These requirements apply to all sectors/subsectors and are in addition to any sector-specific requirements contained in this Part and requirements applicable to all facilities in Parts 1 through 7 and the appendices of the permit.

Table 8.1.1 identifies the benchmark monitoring thresholds for pH, TSS, and COD that apply to all industrial sectors/subsectors. These benchmark parameters serve as performance indicators of other stormwater pollutants.

Subsector	Parameter	Concentration
All sectors/subsectors	pH	6.0 – 9.0 s.u.
	Total Suspended Solids (TSS)	100 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L

### Sector-Specific Requirements

#### Subpart A – Sector A – Timber Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.A.1 Covered Stormwater Discharges.

The requirements in Subpart A apply to stormwater discharges associated with industrial activity from Timber Products facilities as identified by the SIC Codes specified under Sector A in Table D-1 of Appendix D of the permit.

#### 8.A.2 Limitations on Coverage.

**8.A.2.1 Prohibition of Discharges.** (See also Part 1.1.3) Not covered by this permit: stormwater discharges from areas where there may be contact with the chemical formulations sprayed to provide surface protection. These discharges must be covered by a separate NPDES permit.

**8.A.2.2 Authorized Non-Stormwater Discharges.** (See also Part 1.2.2) Also authorized by this permit, provided the non-stormwater component of the discharge is in compliance with the requirements in Part 2.1.2 (Non-Numeric Effluent Limits): discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage.

**8.A.3 Additional Technology-Based Effluent Limits.**

**8.A.3.1 Good Housekeeping.** (See also Part 2.1.2.2) In areas where storage, loading and unloading, and material handling occur, perform good housekeeping to minimize the discharge of wood debris, leachate generated from decaying wood materials, and the generation of dust.

**8.A.4 Additional SWPPP Requirements.**

**8.A.4.1 Drainage Area Site Map.** (See also Part 6.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: processing areas, treatment chemical storage areas, treated wood and residue storage areas, wet decking areas, dry decking areas, untreated wood and residue storage areas, and treatment equipment storage areas.

**8.A.4.2 Inventory of Exposed Materials.** (See also Part 6.2.3.2) Where such information exists, if your facility has used chlorophenolic, creosote, or chromium-copper-arsenic formulations for wood surface protection or preserving, document in your SWPPP the following: areas where contaminated soils, treatment equipment, and stored materials still remain and the management practices employed to minimize the contact of these materials with stormwater runoff.

**8.A.4.3 Description of Stormwater Management Controls.** (See also Part 6.2.4) Document measures implemented to address the following activities and sources: log, lumber, and wood product storage areas; residue storage areas; loading and unloading areas; material handling areas; chemical storage areas; and equipment and vehicle maintenance, storage, and repair areas. If your facility performs wood surface protection and preservation activities, address the specific control measures, including any BMPs, for these activities.

**8.A.5 Additional Inspection Requirements. (See also Part 3.1)**

If your facility performs wood surface protection and preservation activities, inspect processing areas, transport areas, and treated wood storage areas monthly to assess the usefulness of practices to minimize the deposit of treatment chemicals on unprotected soils and in areas that will come in contact with stormwater discharges.

**8.A.6 Sector-Specific Benchmarks. (See also Part 4)**

Table 8.A-1 identifies benchmarks that apply to the specific subsectors of Sector A. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

<b>Table 8.A-1</b>		
<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector A1.</b> General Sawmills and Planing Mills (SIC 2421)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Recoverable Zinc (freshwater) <sup>1</sup>	Hardness Dependent
	Total Recoverable Zinc (saltwater) <sup>2</sup>	90 µg/L
<b>Subsector A2.</b> Wood Preserving (SIC 2491)	Total Recoverable Arsenic (freshwater)	150 µg/L
	Total Recoverable Arsenic (saltwater) <sup>1</sup>	69 µg/L
	Total Recoverable Copper (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Copper (saltwater) <sup>1</sup>	4.8 µg/L
<b>Subsector A3.</b> Log Storage and Handling (SIC 2411)	Total Suspended Solids (TSS)	100 mg/L
<b>Subsector A4.</b> Hardwood Dimension and Flooring Mills; Special Products Sawmills, not elsewhere classified; Millwork, Veneer, Plywood, and Structural Wood; Wood Pallets and Skids; Wood	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100.0 mg/L

<sup>1</sup> The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 4.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

<b>Freshwater Hardness Range</b>	<b>Copper (µg/L)</b>	<b>Zinc (µg/L)</b>
0-24.99 mg/L	3.8	40
25-49.99 mg/L	5.6	50
50-74.99 mg/L	9.0	80
75-99.99 mg/L	12.3	110
100-124.99 mg/L	15.6	130
125-149.99 mg/L	18.9	160
150-174.99 mg/L	22.1	180
175-199.99 mg/L	25.3	200
200-224.99 mg/L	28.5	230
225-249.99 mg/L	31.6	250
250+ mg/L	33.2	260

<sup>2</sup> Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

Table 8.A-1		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Containers, not elsewhere classified; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities not elsewhere classified (SIC 2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493, and 2499)		

### 8.A.7 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 4.2.2)

Table 8.A-2 identifies effluent limits that apply to the industrial activities described below.

Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.A-2 <sup>1</sup>		
Industrial Activity	Parameter	Effluent Limitation
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	pH	6.0 - 9.0 s.u
	Debris (woody material such as bark, twigs, branches, heartwood, or sapwood)	No discharge of debris that will not pass through a 2.54-cm (1-in.) diameter round

<sup>1</sup> Monitor annually.

**8.A.7.1 Credit for Pollutants in Intake Water.** For discharges that are comprised solely of water drawn from the same body of water into which the discharges flow and that exceed an applicable effluent limitation, you may be eligible for a credit to the extent necessary to meet the limitation. To obtain this credit, you must show that your discharge would meet the limitation in the absence of the pollutant(s) in the intake water by demonstrating that the control measures you use to meet the limitation would, if properly installed and operated, meet the limitations for the pollutant (i.e., the pollutant level in your discharge is in exceedance of the limitation due to the pollutant concentration in the source or intake water). You must consult the appropriate EPA Regional Office for guidance in seeking a pollutant credit under this Part. EPA will notify you whether you are eligible for the credit, and, if so, provide the scope of such credit.

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart B – Sector B – Paper and Allied Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.B.1 Covered Stormwater Discharges.

The requirements in Subpart B apply to stormwater discharges associated with industrial activity from Paper and Allied Products Manufacturing facilities, as identified by the SIC Codes specified under Sector B in Table D-1 of Appendix D of the permit.

#### 8.B.2 Sector-Specific Benchmarks. (See also Part 4)

Table 8.B-1 identifies benchmarks that apply to the specific subsectors of Sector B. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

<b>Table 8.B-1.</b>		
<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector B1.</b> Paperboard Mills (SIC Code 2631)	Chemical Oxygen Demand (COD)	120 mg/L

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart C – Sector C – Chemical and Allied Products Manufacturing, and Refining.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.C.1 Covered Stormwater Discharges.

The requirements in Subpart C apply to stormwater discharges associated with industrial activity from Chemical and Allied Products Manufacturing, and Refining facilities, as identified by the SIC Codes specified under Sector C in Table D-1 of Appendix D of the permit.

#### 8.C.2 Limitations on Coverage.

**8.C.2.1 Prohibition of Non-Stormwater Discharges.** (See also Part 1.1.3) The following are not covered by this permit: non-stormwater discharges containing inks, paints, or substances (hazardous, nonhazardous, etc.) resulting from an onsite spill, including materials collected in drip pans; wash water from material handling and processing areas; and wash water from drum, tank or container rinsing and cleaning. (EPA includes this prohibited non-stormwater discharge here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2.)

#### 8.C.3 Sector-Specific Benchmarks. (See also Part 4)

Table 8.C-1 identifies benchmarks that apply to the specific subsectors of Sector C. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector C1. Agricultural Chemicals (SIC 2873-2879)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Recoverable Lead (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Lead (saltwater) <sup>1</sup>	210 µg/L
	Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L
	Total Phosphorus	2.0 mg/L



<b>Table 8.C-1.</b>		
<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector C2.</b> Industrial Inorganic Chemicals (SIC 2812-2819)	Total Recoverable Aluminum	750 µg/L
	Total Recoverable Iron	1.0 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
<b>Subsector C3.</b> Soaps, Detergents, Cosmetics, and Perfumes (SIC 2841-2844)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L
<b>Subsector C4.</b> Plastics, Synthetics, and Resins (SIC 2821-2824)	Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L

<sup>1</sup>Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

<sup>2</sup>The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 4.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

<b>Freshwater Hardness Range</b>	<b>Lead (µg/L)</b>	<b>Zinc (µg/L)</b>
0-24.99 mg/L	14	40
25-49.99 mg/L	23	50
50-74.99 mg/L	45	80
75-99.99 mg/L	69	110
100-124.99 mg/L	95	130
125-149.99 mg/L	122	160
150-174.99 mg/L	151	180
175-199.99 mg/L	182	200
200-224.99 mg/L	216	230
225-249.99 mg/L	246	250
250+ mg/L	262	260

**8.C.4 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 4.2.2.1)**

Table 8.C-2 identifies effluent limits that apply to the industrial activities described below.

Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

<b>Table 8.C-2<sup>1</sup></b>		
<b>Industrial Activity</b>	<b>Parameter</b>	<b>Effluent</b>
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Total Phosphorus (as P)	105.0 mg/L, daily
		35 mg/L, 30-day avg.
	Fluoride	75.0 mg/L, daily maximum
		25.0 mg/L, 30-day avg.

<sup>1</sup> Monitor annually.

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## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart D – Sector D – Asphalt Paving and Roofing Materials and Lubricant Manufacturing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.D.1 Covered Stormwater Discharges.

The requirements in Subpart D apply to stormwater discharges associated with industrial activity from Asphalt Paving and Roofing Materials and Lubricant Manufacturing facilities, as identified by the SIC Codes specified under Sector D in Table D-1 of Appendix D of the permit.

#### 8.D.2 Limitations on Coverage.

The following stormwater discharges associated with industrial activity are not authorized by this permit (see also Part 1.1.3):

##### 8.D.2.1 *Stormwater discharges from petroleum refining facilities, including those that manufacture asphalt or asphalt products, that are subject to nationally established effluent limitation guidelines found in 40 CFR Part 419 (Petroleum Refining).*

The following stormwater discharges associated with industrial activity are not authorized under Sector D:

##### 8.D.2.2 *Stormwater discharges from oil recycling facilities, which are covered under Sector N*

(see Part 8.N); and

##### 8.D.2.3 *Stormwater discharges associated with fats and oils rendering, which are covered under Sector U* (see Part 8.U).

#### 8.D.3 Sector-Specific Benchmarks. (See also Part 4)

Table 8.D-1 identifies benchmarks that apply to the specific subsectors of Sector D. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

<b>Subsector</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector D1.</b> Asphalt Paving and Roofing Materials (SIC 2951, 2952)	Total Suspended Solids (TSS)	100 mg/L

#### 8.D.4 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 4.2.2.1)

Table 8.D-2 identifies effluent limitations that apply to the industrial activities described below. Compliance with these effluent limitations is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

<b>Table 8.D-2<sup>1</sup></b>		
<b>Industrial Activity</b>	<b>Parameter</b>	<b>Effluent Limitation</b>
Discharges from asphalt emulsion facilities.	Total Suspended Solids (TSS)	23.0 mg/L, daily maximum 15.0 mg/L, 30-day avg.
	pH	6.0 - 9.0 s.u.
	Oil and Grease	15.0 mg/L, daily maximum
		10 mg/L, 30-day avg.

<sup>1</sup>Monitor annually.

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## **Part 8 – Sector-Specific Requirements for Industrial Activity**

### **Subpart E – Sector E – Glass, Clay, Cement, Concrete, and Gypsum Products.**

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### **8.E.1 Covered Stormwater Discharges.**

The requirements in Subpart E apply to stormwater discharges associated with industrial activity from Glass, Clay, Cement, Concrete, and Gypsum Products facilities, as identified by the SIC Codes specified under Sector E in Table D-1 of Appendix D of the permit.

#### **8.E.2 Additional Technology-Based Effluent Limits.**

**8.E.2.1 Good Housekeeping Measures.** (See also Part 2.1.2.2) As part of your good housekeeping program, prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, settled dust, or other significant material in stormwater from paved portions of the site that are exposed to stormwater. Sweep or vacuum paved surfaces of the site that are exposed to stormwater at regular intervals or use other equivalent measures (e.g., wash down the area and collect and/or treat and properly dispose of the washdown water) to minimize the potential discharge of these materials in stormwater. Indicate in your SWPPP the frequency of sweeping, vacuuming or other equivalent measures. Determine the frequency based on the amount of industrial activity occurring in the area and the frequency of precipitation, but it must be performed at least once a week in areas where cement, aggregate, kiln dust, fly ash or settled dust are being handled or processed and may be discharged in stormwater. You must also prevent the exposure of fine granular solids (e.g., cement, fly ash, kiln dust) to stormwater, where practicable, by storing these materials in enclosed silos, hoppers, buildings or under other covering.

#### **8.E.3 Additional SWPPP Requirements.**

**8.E.3.1 Drainage Area Site Map.** (See also Part 6.2.2) Document in the SWPPP the locations of the following, as applicable: bag house or other dust control device; recycle/sedimentation pond, clarifier, or other device used for the treatment of process wastewater; and the areas that drain to the treatment device.

**8.E.3.2 Discharge Testing.** (See also Part 6.2.3.4) For facilities producing ready-mix concrete, concrete block, brick, or similar products, include in the non-stormwater discharge testing a description of measures that ensure that process wastewaters resulting from washing trucks, mixers, transport buckets, forms, or other equipment are discharged in accordance with NPDES wastewater permit requirements or are recycled.

#### **8.E.4 Sector-Specific Benchmarks. (See also Part 4)**

Table 8.E-1 identifies benchmarks that apply to the specific subsectors of Sector E. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

<b>Table 8.E-1.</b>		
<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector E1.</b> Clay Product Manufacturers (SIC 3251-3259, 3261-3269)	Total Recoverable Aluminum	750 µg/L
<b>Subsector E2.</b> Concrete and Gypsum Product Manufacturers (SIC 3271-3275)	Total Suspended Solids (TSS)	100 mg/L

### 8.E.5 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 4.2.2.1)

Table 8.E-2 identifies effluent limits that apply to the industrial activities described below.

Compliance with these limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

<b>Table 8.E-2<sup>1</sup></b>		
<b>Industrial Activity</b>	<b>Parameter</b>	<b>Effluent Limitation</b>
Discharges from material storage piles at cement manufacturing facilities (SIC 3241)	Total Suspended Solids (TSS)	50 mg/L, daily maximum <sup>2</sup>
	pH	6.0 - 9.0 s.u. <sup>2</sup>

<sup>1</sup>Monitor annually.

<sup>2</sup>Any untreated overflow from facilities designed, constructed and operated to treat the volume of runoff from materials storage piles which is associated with a 10-year, 24-hour rainfall event shall not be subject to the pH and TSS limitations (40 CFR 411.32(b)).

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart F – Sector F – Primary Metals.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.F.1 Covered Stormwater Discharges.

The requirements in Subpart F apply to stormwater discharges associated with industrial activity from Primary Metals facilities, as identified by the SIC Codes specified under Sector F in Table D-1 of Appendix D of the permit.

#### 8.F.2 Additional Technology-Based Effluent Limits.

**8.F.2.1 Good Housekeeping Measures.** (See also Part 2.1.2.2) As part of your good housekeeping program, you must implement a cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust or debris may accumulate to minimize the discharge of pollutants in stormwater. The cleaning and maintenance program must encompass, as appropriate, areas where material loading and unloading, storage, handling and processing occur.

Stabilize unpaved areas using vegetation or paving where there is vehicle traffic or where material loading and unloading, storage, handling and processing occurs, unless feasible.

For paved areas of the facility where particulate matter, dust or debris may accumulate, to minimize the discharge of pollutants in stormwater, implement control measures such as the following, where determined to be feasible (list not exclusive): sweeping or vacuuming at regular intervals; and washing down the area and collecting and/or treating and properly disposing of the washdown water. For unstabilized areas or for stabilized areas where sweeping, vacuuming, or washing down is not possible, to minimize the discharge of particulate matter, dust, or debris or other pollutants in stormwater, implement stormwater management devices such as the following, where determined to be feasible (list not exclusive): sediment traps, vegetative buffer strips, filter fabric fence, sediment filtering boom, gravel outlet protection, and other equivalent measures that effectively trap or remove sediment.

#### 8.F.3 Additional SWPPP Requirements.

**8.F.3.1 Drainage Area Site Map.** (See also Part 6.2.2) Identify in the SWPPP where any of the following activities may be exposed to precipitation or surface runoff: storage or disposal of wastes such as spent solvents and baths, sand, slag and dross; liquid storage tanks and drums; processing areas including pollution control equipment (e.g., baghouses); and storage areas of raw material such as coal, coke, scrap, sand, fluxes, refractories or metal in any form. In addition, indicate where an accumulation of significant amounts of particulate matter could occur from such sources as furnace or oven emissions, losses from coal and coke handling operations, etc., and could result in a discharge of pollutants in stormwater.

**8.F.3.2 Inventory of Exposed Material.** (See also Part 6.2.3) Include in the inventory of materials handled at the site that potentially may be exposed to precipitation or

runoff areas where there is the potential for deposition of particulate matter from process air emissions or losses during material-handling activities.

#### 8.F.4 Additional Inspection Requirements. (See also Part 3.1)

As part of conducting your routine facility inspections at least quarterly (Part 3.1), address all potential sources of pollutants, including (if applicable) air pollution control equipment (e.g., baghouses, electrostatic precipitators, scrubbers, cyclones), for any signs of degradation (e.g., leaks, corrosion, improper operation) that could limit their efficiency and lead to excessive emissions. Consider monitoring air flow at inlets and outlets (or use equivalent measures) to check for leaks (e.g., particulate deposition) or blockage in ducts. Also inspect all process and material handling equipment (e.g., conveyors, cranes and vehicles) for leaks, drips, or the potential loss of material; and material storage areas (e.g., piles, bins, or hoppers for storing coke, coal, scrap or slag, as well as chemicals stored in tanks and drums) for signs of material losses due to wind or stormwater runoff.

#### 8.F.5 Sector-Specific Benchmarks. (See also Part 4)

Table 8.F-1 identifies benchmarks that apply to the specific subsectors of Sector F. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector F1.</b> Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC 3312-3317)	Total Recoverable Aluminum	750 µg/L
	Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L
<b>Subsector F2.</b> Iron and Steel Foundries (SIC 3321-3325)	Total Recoverable Aluminum	750 µg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Recoverable Copper (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Copper (saltwater) <sup>1</sup>	4.8 µg/L
	Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent
<b>Subsector F3.</b> Rolling, Drawing, and Extruding of Nonferrous Metals (SIC 3351-3357)	Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L
	Total Recoverable Copper (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Copper (saltwater) <sup>1</sup>	4.8 µg/L
	Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L
	Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L



<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector F4.</b> Nonferrous Foundries (SIC 3363-3369)	Total Recoverable Copper (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Copper (saltwater) <sup>1</sup>	4.8 µg/L
	Total Zinc (freshwater) <sup>2</sup>	Hardness Dependent
	Total Zinc (saltwater) <sup>1</sup>	90 µg/L

<sup>1</sup>Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

<sup>2</sup>The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 4.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

<b>Freshwater Hardness Range</b>	<b>Copper</b>	<b>Zinc</b>
0-24.99 mg/L	3.8	40
25-49.99 mg/L	5.6	50
50-74.99 mg/L	9.0	80
75-99.99 mg/L	12.3	110
100-124.99 mg/L	15.6	130
125-149.99 mg/L	18.9	160
150-174.99 mg/L	22.1	180
175-199.99 mg/L	25.3	200
200-224.99 mg/L	28.5	230
225-249.99 mg/L	31.6	250
250+ mg/L	33.2	260

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart G – Sector G – Metal Mining.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

Note: Where compliance with a requirement in a separate exploration permit, mining permit, reclamation plan, Surface Mining Control and Reclamation Act (SMCRA) requirements, etc. will result in you fully meeting any requirement in this Subpart, you are considered to have complied with the relevant requirement in this Subpart. You must include documentation in your SWPPP describing your rationale for concluding that any particular action on your part is sufficient to comply with the corresponding requirement in this Subpart.

#### 8.G.1 Covered Stormwater Discharges.

The requirements in Subpart G apply to stormwater discharges associated with industrial activity from Metal Mining facilities, including mines abandoned on Federal lands, as identified by the SIC Codes specified under Sector G in Table D-1 of Appendix D. Coverage is required for metal mining facilities that discharge stormwater contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation.

**8.G.1.1 Covered Discharges from Inactive Facilities.** All stormwater discharges.

**8.G.1.2 Covered Discharges from Active and Temporarily Inactive Facilities.** Only the stormwater discharges from the following areas are covered:

- Waste rock and overburden piles if composed entirely of stormwater and not combined with mine drainage;
- Topsoil piles;
- Offsite haul and access roads;
- Onsite haul and access roads constructed of waste rock, overburden or spent ore if composed entirely of stormwater and not combining with mine drainage;
- Onsite haul and access roads not constructed of waste rock, overburden or spent ore except if mine drainage is used for dust control;
- Runoff from tailings dams or dikes when not constructed of waste rock or tailings and no process fluids are present;
- Runoff from tailings dams or dikes when constructed of waste rock or tailings and no process fluids are present, if composed entirely of stormwater and not combining with mine drainage;
- Concentration building if no contact with material piles;
- Mill site if no contact with material piles;
- Office or administrative building and housing if mixed with stormwater from industrial area;
- Chemical storage area;

- Docking facility if no excessive contact with waste product that would otherwise constitute mine drainage;
- Explosive storage;
- Fuel storage;
- Vehicle and equipment maintenance area and building;
- Parking areas (if necessary);
- Power plant;
- Truck wash areas if no excessive contact with waste product that would otherwise constitute mine drainage;
- Unreclaimed, disturbed areas outside of active mining area;
- Reclaimed areas released from reclamation requirements prior to December 17, 1990;
- Partially or inadequately reclaimed areas or areas not released from reclamation requirements.

**8.G.1.3 Covered Discharges from Earth-Disturbing Activities Conducted Prior to Active Mining Activities.** All stormwater discharges.

**8.G.1.4 Covered Discharges from Facilities Undergoing Reclamation.** All stormwater discharges.

**8.G.2 Limitations on Coverage.**

**8.G.2.1 Prohibition of Stormwater Discharges.** Stormwater discharges not authorized by this permit: discharges from active metal mining facilities that are subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

*Note:* Stormwater runoff from these sources are subject to 40 CFR Part 440 if they are mixed with other discharges subject to Part 440. In this case, they are not eligible for coverage under this permit. Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless they: drain naturally (or are intentionally diverted) to a point source; and (2) combine with "mine drainage" that is otherwise regulated under the Part 440 regulations. For such sources, coverage under this permit would be available if the discharge composed entirely of stormwater does not combine with other sources of mine drainage that are not subject to 40 CFR Part 440, and meets the other eligibility criteria contained in Part 1.1 of the permit. Operators bear the initial responsibility for determining if they are eligible for coverage under this permit, or must seek coverage under another NPDES permit. EPA recommends that operators contact the relevant NPDES permit issuance authority for assistance to determine the nature and scope of the "active mining area" on a mine-by-mine basis, as well as to determine the appropriate permitting mechanism for authorizing such discharges.

**8.G.2.2 Prohibition of Non-Stormwater Discharges.** Not authorized by this permit: adit drainage, and contaminated springs or seeps discharging from waste rock dumps that do not directly result from precipitation events (see also the standard Limitations on Coverage in Part 1.1.3). (EPA includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2)

**8.G.3 Definitions.**

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

**8.G.3.1 Mining operations.** For this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: a) earth-disturbing activities conducted prior to active mining activities; and b) active mining activities, which includes reclamation. "Mining operations" can occur at both inactive mining facilities and temporarily inactive mining facilities.

**8.G.3.2 Earth-disturbing activities conducted prior to active mining activities.** Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:

**a.** activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and

**b.** construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads. Earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining are considered to be "construction" and have additional effluent limits in Part 8.G.4.2.

**8.G.3.3 Active mining activities.** Activities related to the extraction, removal or recovery, and beneficiation of metal ore from the earth; removal of overburden and waste rock to expose mineable minerals; and site reclamation and closure activities. All such activities occur within the "active mining area." Reclamation involves activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable federal and state reclamation requirements. In addition, once earth-disturbing activities conducted prior to active mining activities have ceased and all related requirements in Part 8.G.4 have been met, and a well-delineated "active mining area" has been established, all activities (including any clearing, grading, and excavation) that occur within the active mining area are "active mining activities."

**8.G.3.4 Active mining area.** A place where work or other activity related to the extraction, removal or recovery of metal ore is being conducted, except, with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun.

*Note:* Earth-disturbing activities described in the definition in Part 8.G.3.2 that occur on areas outside the active mining area (e.g., for expansion of the mine into undeveloped territory) are considered "earth-disturbing conducted prior to active mining activities", and must comply with the requirements in Part 8.G.4.

**8.G.3.5 Inactive metal mining facility.** A site or portion of a site where metal mining and/or milling occurred in the past but there are no active mining activities occurring as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable state or federal agency. An inactive metal mining

facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an NPDES industrial stormwater permit.

**8.G.3.6** *Temporarily inactive metal mining facility.* A site or portion of a site where metal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable state or federal agency.

**8.G.4** **Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.**

Stormwater discharges from earth-disturbing activities conducted prior to active mining activities (defined in Part 8.G.3.2) are covered under this permit. For such earth-disturbing activities, you must comply with all applicable requirements in Parts 1-9 of the MSGP except for the technology-based effluent limits in Part 8.G.5 and Part 2.1.2, the inspection requirements in Part 8.G.7 and Part 3, and the monitoring requirements in Part 8.G.8 and Part 4.

Authorized discharges from areas where earth-disturbing activities have ceased and stabilization as specified in Part 8.G.4.1.9 or 8.G.4.2.11, where appropriate, has been completed (stabilization is not required for areas where active mining activities will occur), are no longer subject to the Part 8.G.4 requirements. At such time, authorized discharges become subject to all other applicable requirements in the MSGP, including the effluent limits in Parts 2.1.2 and 8.G.5, the inspection requirements in Parts 3 and 8.G.7, and the monitoring requirements in Parts 4 and 8.G.8.

**8.G.4.1** **Technology-Based Effluent Limits Applicable to All Earth-Disturbing Activities Conducted Prior to Active Mining Activities.** The following technology-based effluent limits apply to authorized discharges from all earth-disturbing activities conducted prior to active mining activities defined in Part 8.G.3.2(a) and 8.G.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.G.5 of the MSGP.

**8.G.4.1.1** **Erosion and sediment control installation requirements.**

- By the time construction activities commence, install and make operational downgradient sediment controls, unless this timeframe is infeasible. If infeasible you must install and make such controls operational as soon as practicable or as soon as site conditions permit.
- All other stormwater controls described in the SWPPP must be installed and made operational as soon as conditions on each portion of the site allows.

**8.G.4.1.2** **Erosion and sediment control maintenance requirements. You must:**

- Ensure that all erosion and sediment controls remain in effective operating condition.
- Wherever you determine that a stormwater control needs maintenance to continue operating effectively, initiate efforts to fix the problem immediately after its discovery, and complete such work by the end of the next work day.
- When a stormwater control must be replaced or significantly repaired, complete the work within 7 days, unless infeasible. If 7 days is

infeasible, you must complete the installation or repair as soon as practicable.

**8.G.4.1.3 Perimeter controls.** You must:

- Install sediment controls along those perimeter areas of your disturbed area that will receive stormwater, except where site conditions prevent the use of such controls (in which case, maximize their installation to the extent practicable).
- Remove sediment before it accumulates to one-half of the above-ground height of any perimeter control.

**8.G.4.1.4 Sediment track-out.** For construction vehicles and equipment exiting the site directly onto paved roads, you must:

- Use appropriate stabilization techniques to minimize sediment track-out from vehicles and equipment prior to exit;
- Use additional controls to remove sediment from vehicle and equipment tires prior to exit, where necessary;
- Remove sediment that is tracked out onto paved roads by end of the work day.

Note: EPA recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after you have implemented sediment removal practices. Such “staining” is not a violation of Part 8.G.4.1.4.

**8.G.4.1.5 Soil or sediment stockpiles.** You must:

- Minimize erosion of stockpiles from stormwater and wind via temporary cover, if feasible.
- Prevent up-slope stormwater flows from causing erosion of stockpiles (e.g., by diverting flows around the stockpile).
- Minimize sediment from stormwater that runs off of stockpiles, using sediment controls (e.g., a sediment barrier or downslope sediment control).

**8.G.4.1.6 Sediment basins.** If you intend to install a sediment basin to treat stormwater from your earth-disturbing activities, you must:

- Provide storage for either (1) the 2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained.
- Prevent erosion of (1) basin embankments using stabilization controls (e.g., erosion control blankets), and (2) the inlet and outlet points of the basin using erosion controls and velocity dissipation devices.

**8.G.4.1.7 Minimize dust.** You must minimize the generation of dust through the appropriate application of water or other dust suppression techniques that minimize pollutants being discharged into surface waters.

**8.G.4.1.8 Restrictions on use of treatment chemicals.** If you intend to use sediment treatment chemicals at your site, you are subject to the following minimum requirements:

- Use conventional erosion and sediment controls prior to and after application of chemicals;
- Select chemicals suited to soil type, and expected turbidity, pH, flow rate;

- Minimize the discharge risk from stored chemicals;
- Comply with state/local requirements;
- Use chemicals in accordance with good engineering practices and specifications of chemical supplier;
- Ensure proper training;
- Provide proper SWPPP documentation.

If you plan to use cationic treatment chemicals (as defined in Appendix A), you are ineligible for coverage under this permit, unless you notify your applicable EPA Regional Office in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

**8.G.4.1.9 Site stabilization requirements for earth-disturbing activities performed for purposes of mine site preparation as defined in 8.G.3.2(a) (i.e., not applicable to construction of staging areas for structures and access roads as defined in 8.G.3.2(b)).** You must comply with the following

stabilization requirements except where the intended function of the site accounts for such disturbed earth (e.g., the earth disturbances will become actively mined, or the controls implemented at the active mining area effectively control the disturbance) (although you are encouraged to do so within the active mining area, where appropriate):

- *Temporary stabilization of disturbed areas.* Stabilization measures must be initiated immediately in portions of the site where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.G.3.2(a)) have temporarily ceased, but in no case more than 14 days after such activities have temporarily ceased. In arid, semi-arid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities performed for purposes of mine site preparation has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site where earth-disturbing activities performed for purposes of mine site preparation have permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until active mining activities commence.
- *Final stabilization of disturbed areas.* Stabilization measures must be initiated immediately where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.G.3.2(a)) have permanently ceased, but in no case more than 14 days after the earth-disturbing activities have permanently ceased. In arid, semi-arid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities have permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is

achieved, temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.

**8.G.4.2 Additional Technology-Based Effluent Limits Applicable Only to the Construction of Staging Areas for Structures and Access Roads.** The following technology-based effluent limits apply to authorized discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads, as defined in Part 8.G.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.G.5 of the MSGP. These limits do not apply to earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.G.3.2(a)).

**8.G.4.2.1 Area of disturbance.** You must minimize the amount of soil exposed during construction activities.

**8.G.4.2.2 Erosion and sediment control design requirements.** You must:

- Design, install and maintain effective erosion and sediment controls to minimize the discharge of pollutants from construction activities. Account for the following factors in designing your erosion and sediment controls:
  - The expected amount, frequency, intensity and duration of precipitation;
  - The nature of stormwater runoff and run-on at the site, including factors such as impervious surfaces, slopes and site drainage features;
  - The range of soil particle sizes expected to be present on the site.
- Direct discharges from your stormwater controls to vegetated areas of your site to increase sediment removal and maximize stormwater infiltration, including any natural buffers, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.
- If any stormwater flow becomes or will be channelized at your site, you must design erosion and sediment controls to control both peak flowrates and total stormwater volume to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
- If you install stormwater conveyance channels, they must be designed to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. In addition, you must minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.

**8.G.4.2.3 Natural Buffers.** For any stormwater discharges from construction activities within 50 feet of a water of the U.S., you must comply with one of the following compliance alternatives:

1. Provide a 50-foot undisturbed natural buffer between construction activities and the water of the U.S.; or
2. Provide an undisturbed natural buffer that is less than 50 feet supplemented by additional erosion and sediment controls, which in



combination, achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer; or

3. If it is infeasible to provide an undisturbed natural buffer of any size, implement erosion and sediment controls that achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer.

There are exceptions when buffer requirements do not apply:

- There is no stormwater discharge from construction disturbances to a water of the U.S.;
- The natural buffer has already been eliminated by preexisting development disturbances;
- The disturbance is for the construction of a water-dependent structure or construction approved under a CWA section 404 permit;
- For linear construction projects, you are not required to comply with the requirements if there are site constraints provided that, to the extent feasible, you limit disturbances within 50 feet of a water of the U.S. and/or you provide supplemental erosion and sediment controls to treat stormwater discharges from any disturbances within 50 feet of a water of the U.S.

See [https://www.epa.gov/sites/production/files/2017-02/documents/2017\\_cgp\\_final\\_appendix\\_g\\_-\\_buffer\\_reqs\\_508.pdf](https://www.epa.gov/sites/production/files/2017-02/documents/2017_cgp_final_appendix_g_-_buffer_reqs_508.pdf) for guidance on complying with these alternatives.

**8.G.4.2.4 Soil or sediment stockpiles.** In addition to the requirements in Part 8.G.4.1.5, you must locate any piles outside of any natural buffers established under Part 8.G.4.2.3.

**8.G.4.2.5 Sediment basins.** In addition to the requirements in Part 8.G.4.1.6, you must locate sediment basins outside of any surface waters and any natural buffers established under Part 8.G.4.2.3, and you must utilize outlet structures that withdraw water from the surface, unless infeasible.

**8.G.4.2.6 Native topsoil preservation.** You must preserve native topsoil removed during clearing, grading, or excavation, unless infeasible. Store topsoil in a manner that will maximize its use in reclamation or final vegetative stabilization (e.g., by keeping the topsoil stabilized with seed or similar measures). This requirement does not apply if the intended function of the disturbed area dictates that topsoil be disturbed or removed.

**8.G.4.2.7 Steep slopes.** You must minimize the disturbance of steep slopes. The permit does not prevent or prohibit disturbance on steep slopes.

Depending on site conditions and needs, disturbance on steep slopes may be necessary (e.g., a road cut in mountainous terrain; for grading steep slopes prior to erecting the mine office). Where steep slope disturbances are necessary, you can minimize the disturbances to steep slopes through the implementation of a number of standard erosion and sediment control practices, such as by phasing disturbances in these areas and using stabilization practices specifically for steep grades.

**8.G.4.2.8 Soil compaction.** Where final vegetative stabilization will occur or where infiltration practices will be installed, you must either restrict vehicle/equipment use in these areas to avoid soil compaction or use soil conditioning techniques to support vegetative growth. Minimizing soil compaction is not required where compacted soil is integral to the functionality of the site.

**8.G.4.2.9 Dewatering Practices.** You are prohibited from discharging ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults or other similar points of accumulation, unless such waters are first effectively managed by appropriate controls (e.g., sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, or filtration systems). Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control. (An uncontaminated discharge is a discharge that meets applicable water quality standards.)

You must also meet the following requirements for dewatering activities:

- Discharge requirements:
  - No discharging visible floating solids or foam;
  - Remove oil, grease and other pollutants from dewatering water via an oil-water separator or suitable filtration device (such as a cartridge filter);
  - Utilize vegetated upland areas of the site, to the extent feasible, to infiltrate dewatering water before discharge. In no case shall waters of the U.S. be considered part of the treatment area;
  - Implement velocity dissipation devices at all points where dewatering water is discharged;
  - Haul backwash water away for disposal or return it to the beginning of the treatment process; and
  - Clean or replace the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.
- Treatment chemical restrictions: If you use polymers, flocculants or other chemicals to treat dewatering water, you must comply with the requirements in Parts 8.G.4.1.8.

**8.G.4.2.10 Pollution prevention requirements.**

- *Prohibited discharges* (this non-exhaustive list of prohibited non-stormwater discharges is included here as a reminder that only the only allowable non-stormwater discharges are those enumerated in Part 1.2.2):
  - Wastewater from washout of concrete;
  - Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
  - Fuels, oils, or other pollutants used for operation and maintenance of vehicles or equipment;
  - Soaps, solvents, or detergents used in vehicle or equipment washing;
  - Toxic or hazardous substances from a spill or other release.

- *Design and location requirements:* Minimize the discharge of pollutants from pollutant sources by:
  - Minimizing exposure;
  - Using secondary containment, spill kits, or other equivalent measures;
  - Locating pollution sources away from surface waters, storm sewer inlets, and drainageways;
  - Cleaning up spills immediately (do not clean by hosing area down).
- *Pollution prevention requirements for wash waters:* Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
- *Pollution prevention requirements for the storage, handling, and disposal of construction products, materials, and wastes:* Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to stormwater. Minimization of exposure is not required in cases where the exposure to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

**8.G.4.2.11 Site Stabilization requirements for the construction of staging areas for structures and access roads as defined in 8.G.3.2(b)** (i.e., not applicable to earth-disturbing activities performed for purposes of mine site preparation as defined in 8.G.3.2(a)). You must comply with the following stabilization requirements, except where the intended function of the site accounts for such disturbed earth (e.g., the area of construction will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- By no later than the end of the next work day after construction work in an area has stopped permanently or temporarily ("temporarily" means the land will be idle for a period of 14 days or more but earth-disturbing activities will resume in the future), immediately initiate stabilization measures;
- If using vegetative measures, by no later than 14 days after initiating stabilization:
  - Seed or plant the area, and provide temporary cover to protect the planted area;
  - Once established, vegetation must be uniform, perennial (if final stabilization), and cover at least 70% of stabilized area based on density of native vegetation.
- If using non-vegetative stabilization, by no later than 14 days after initiating stabilization:
  - Install or apply all non-vegetative measures;
  - Cover all areas of exposed soil.

*Note:* For the purposes of this permit, EPA will consider any of the following types of activities to constitute the initiation of stabilization: 1. Prepping the soil for vegetative or non-vegetative stabilization; 2. Applying mulch or other non-vegetative product to the exposed area; 3. Seeding or planting the exposed area; 4. Starting any of the activities in # 1 – 3 on a portion of the area to be stabilized, but not on the entire area; and 5. Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

*Exceptions:*

- Arid, semi-arid (if construction occurs during seasonally dry period), or drought-stricken areas:
  - Within 14 days of stopping construction work in an area, install any necessary non-vegetative stabilization measures;
  - Initiate vegetative stabilization as soon as conditions on the site allow;
  - Document the schedule that will be followed for initiating and completing vegetative stabilization;
  - Plant the area so that within 3 years the 70% cover requirement is met.
- Sites affected by severe storm events or other unforeseen circumstances:
  - Initiate vegetative stabilization as soon conditions on the site allow;
  - Document the schedule that will be followed for initiating and completing vegetative stabilization;
  - Plant the area so that so that within 3 years the 70% cover requirement is met.

**8.G.4.3 Water Quality-Based Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.**

The following water quality-based limits apply to earth-disturbing activities conducted prior to active mining activities defined in Part 8.G.3.2(a) and 8.G.3.2(b), in addition to the water quality-based limits in Part 2.2 of the MSGP.

Stricter requirements apply if your site will discharge to an impaired water or a water that is identified by your state, tribe, or EPA as a Tier 2 or Tier 2.5 for antidegradation purposes:

- More rapid stabilization of exposed areas: Complete initial stabilization activities within 7 days of stopping earth-disturbing work.
- More frequent site inspections: Once every 7 days and within 24 hours of a storm event of 0.25 inches or greater.

**8.G.4.4 Inspection Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.**

The following requirements supersede the inspection requirements in Part 3 and 8.G.7 of the MSGP for earth-disturbing activities conducted prior to active mining activities defined in Part 8.G.3.2(a) and 8.G.3.2(b).

**8.G.4.4.1 Inspection frequency**

- At least once every 7 calendar days, or
- Once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.

**Note:**

- Inspections only required during working hours;
- Inspections not required during unsafe conditions; and
- If you choose to inspect once every 14 days, you must have a method for measuring rainfall amount on site (either rain gauge or representative weather station)

*Note:* To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day.

*Note:* You are required to specify in your SWPPP which schedule you will be following.

*Note:* "Within 24 hours of the occurrence of a storm event" means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

**8.G.4.4.2 Reductions in inspection frequency.**

- Stabilized areas: You may reduce the frequency of inspections to once per month in any area of your site where stabilization has occurred pursuant to Part 8.G.4.1.9 or 8.G.4.2.11.
- Arid, semi-arid, and drought stricken areas: If earth-disturbing activities are occurring during the seasonally dry period or during a period in which drought is predicted to occur, you may reduce inspections to once per month and within 24 hours of a 0.25 inch storm event.
- Frozen conditions: You may temporarily suspend or reduce inspections to once per month until thawing conditions occur if frozen conditions are continuous and disturbed areas have been stabilized. For extreme conditions in remote areas, e.g., where transit to the site is perilous/restricted or temperatures are routinely below freezing, you may suspend inspections until the conditions are conducive to safe access, and more frequent inspections can resume.

**8.G.4.4.3 Areas to be inspected.** You must at a minimum inspect the all of the following areas:

- Disturbed areas;
- Stormwater controls and pollution prevention measures;
- Locations where stabilization measures have been implemented;
- Material, waste, borrow, or equipment storage and maintenance areas;
- Areas where stormwater flows;

- Points of discharge.

**8.G.4.4.4 What to check for during inspections.** At a minimum you must check:

- Whether all stormwater controls are installed, operational and working as intended;
- Whether any new or modified stormwater controls are needed;
- For conditions that could lead to a spill or leak;
- For visual signs of erosion/sedimentation at points of discharge.

If a discharge is occurring, check:

- The quality and characteristics of the discharge;
- Whether controls are operating effectively.

**8.G.4.4.5 Inspection report.** Within 24 hours of an inspection, complete a report that includes:

- Inspection date;
- Name and title of inspector(s);
- Summary of inspection findings;
- Rainfall amount that triggered the inspection (if applicable);
- If it was unsafe to inspect a portion of the site, include documentation of the reason and the location(s);
- Each inspection report must be signed;
- Keep a current copy of all reports at the site or at an easily accessible location.

**8.G.5 Technology-Based Effluent Limits for Active Mining Activities.**

Note: These requirements do not apply for any discharges from earth-disturbing activities conducted prior to active mining as defined in 8.G.3.2(a) or 8.G.3.2(b).

**8.G.5.1 Employee training.** (See also Part 2.1.2.8) Conduct employee training at least annually at active and temporarily inactive facilities.

**8.G.5.2 Stormwater controls.** Apart from the control measures you implement to meet your Part 2 technology-based effluent limits, where necessary to minimize pollutant discharges in stormwater, implement the following control measures at your site. The potential pollutants identified in Part 8.G.6.3 shall determine the priority and appropriateness of the control measures selected. For mines subject to dust control requirements under state or county air quality permits, provided the requirements are equivalent, compliance with such air permit dust requirements shall constitute compliance with the dust control effluent limit in Part 2.1.2.10.

*Stormwater diversions:* Divert stormwater away from potential pollutant sources through implementation of control measures such as the following, where determined to be feasible (list not exclusive): interceptor or diversion controls (e.g., dikes, swales, curbs, berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

*Capping:* When capping is necessary to minimize pollutant discharges in stormwater, identify the source being capped and the material used to construct the cap.

*Treatment:* If treatment of stormwater (e.g., chemical or physical systems, oil - water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. Passive and/or active treatment of stormwater runoff is encouraged, where feasible. Treated runoff may be discharged as a stormwater source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

**8.G.5.3** **Discharge testing.** (See also Part 6.2.3.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related but unauthorized non-stormwater discharges such as seeps or adit discharges, or discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 440), such as mine drainage or process water. Alternatively (if applicable), you may keep a certification with your SWPPP consistent with Part 8.G.6.6.

**8.G.6** **Additional SWPPP Requirements for Mining Operations.**

Note: The requirements in Part 8.G.6 are not applicable to inactive metal mining facilities.

**8.G.6.1** **Nature of industrial activities.** (See also Part 6.2.2) Briefly document in your SWPPP the mining and associated activities that can potentially affect the stormwater discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.

**8.G.6.2** **Site map.** (See also Part 6.2.2) Document in your SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each stormwater outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual NPDES permit; outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage (where water leaves mine) or other process water; tailings piles and ponds (including proposed ones); heap leach pads; off-site points of discharge for mine drainage and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.

**8.G.6.3** **Potential pollutant sources.** (See also Part 6.2.3) For each area of the mine or mill site where stormwater discharges associated with industrial activities occur, identify the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. Consider these factors: the mineralogy of the ore and waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with stormwater; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing ore or waste rock or overburden characterization data and test results for potential generation of acid rock. If any new data is acquired due to changes in ore type being mined, update your SWPPP with this information.

**8.G.6.4** **Documentation of control measures.** Document all control measures that you implement consistent with Part 8.G.5.2. If control measures are implemented or

planned but are not listed in Part 8.G.5.2 (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in your SWPPP. If you are in compliance with dust control requirements under state or county air quality permits, you must include (or summarize, as necessary) what the state or county air quality permit dust control requirements are and how you've achieved compliance with them.

**8.G.6.5 Employee training.** All employee training(s) must be documented in the SWPPP.

**8.G.6.6 Certification of permit coverage for commingled non-stormwater discharges.** If you are able, consistent with Part 8.G.5.3 above, to certify that a particular discharge composed of commingled stormwater and non-stormwater is covered under a separate NPDES permit, and that permit subjects the non-stormwater portion to effluent limitations prior to any commingling, retain such certification with your SWPPP. This certification must identify the non-stormwater discharges, the applicable NPDES permit(s), the effluent limitations placed on the non-stormwater discharge by the permit(s), and the points at which the limitations are applied.

**8.G.7 Additional Inspection Requirements. (See also Part 3.1)**

Except for earth-disturbing activities conducted prior to active mining activities as defined in Part 8.G.3.2(a) and 8.G.3.2(b), which are subject to Part 8.G.4.4, inspect sites at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to waters designated as Tier 2 or 2.5 or waters which are impaired for sediment or nitrogen must be inspected monthly. See Part 8.G.8.4 for inspection requirements for inactive and unstaffed sites.

**8.G.8 Monitoring and Reporting Requirements. (See also Part 4)**

Note: There are no Part 8.G.8 monitoring and reporting or impaired waters monitoring requirements for inactive and unstaffed sites.

**8.G.8.1 Benchmark Monitoring for Active Copper Ore Mining and Dressing Facilities.**

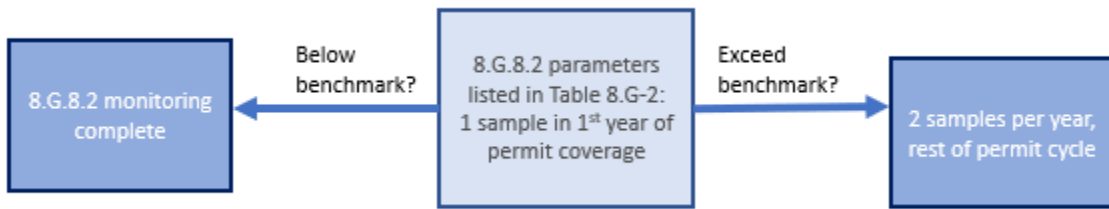
Table 8.G-1 identifies benchmarks that apply to active copper ore mining and dressing facilities. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
Subsector G1. Active Copper Ore Mining and Dressing Facilities (SIC 1021)	Total Suspended Solids (TSS)	100 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L

**8.G.8.2 Benchmark Monitoring Requirements for Discharges From Waste Rock and Overburden Piles at Active Metal Mining Facilities.** For discharges from waste rock and overburden piles, perform benchmark monitoring once in the first year for the parameters listed in Table 8.G-2, and twice annually in all subsequent years of coverage under this permit for any parameters for which the benchmark has been exceeded. You are also required to conduct analytic monitoring for the parameters listed in Table 8.G-3 in accordance with the requirements in Part 8.G.8.3. The Director



may also notify you that you must perform additional monitoring to accurately characterize the quality and quantity of pollutants discharged from your waste rock and overburden piles.



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<b>Table 8.G-2.</b>		
<b>Subsector (Discharges may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
Subsector G2. Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; and Miscellaneous Metal Ores (SIC Codes 1011, 1021, 1031, 1041, 1044, 1061, 1081, 1094, 1099) (Note: when analyzing hardness for a suite of metals, it is more cost effective to add analysis of calcium and magnesium, and have hardness calculated than to require hardness analysis separately)	Total Suspended Solids (TSS)	100 mg/L
	Turbidity	50 NTU
	pH	6.0-9.0 s.u.
	Hardness (as CaCO <sub>3</sub> ; calc. from Ca, Mg) <sup>2</sup>	no benchmark value
	Total Recoverable Antimony	640 µg/L
	Total Recoverable Arsenic (freshwater)	150 µg/L
	Total Recoverable Arsenic (saltwater) <sup>1</sup>	69 µg/L
	Total Recoverable Beryllium	130 µg/L
	Total Recoverable Cadmium (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Cadmium (saltwater) <sup>1</sup>	33 µg/L
	Total Recoverable Copper (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Copper (saltwater) <sup>1</sup>	4.8 µg/L
	Total Recoverable Lead (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Lead (saltwater) <sup>1</sup>	210 µg/L
	Total Recoverable Mercury (freshwater)	1.4 µg/L
	Total Recoverable Mercury (saltwater) <sup>1</sup>	1.8 µg/L
	Total Recoverable Nickel (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Nickel (saltwater) <sup>1</sup>	74 µg/L
	Total Recoverable Selenium (freshwater)	5 µg/L
	Total Recoverable Selenium (saltwater) <sup>1</sup>	290 µg/L
Total Recoverable Silver (freshwater) <sup>2</sup>	Hardness Dependent	
Total Recoverable Silver (saltwater) <sup>1</sup>	1.9 µg/L	
Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent	
Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L	

<sup>1</sup>Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

<sup>2</sup>The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 4.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. Hardness

Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Cadmium (µg/L)	Copper (µg/L)	Lead (µg/L)	Nickel (µg/L)	Silver (µg/L)	Zinc (µg/L)
0-24.99 mg/L	0.49	3.8	14	150	0.7	40
25-49.99 mg/L	0.94	5.6	23	200	0.7	50
50-74.99 mg/L	1.37	9.0	45	320	1.7	80
75-99.99 mg/L	1.79	12.3	69	420	3.0	110
100-124.99 mg/L	2.21	15.6	95	520	4.6	130
125-149.99 mg/L	2.62	18.9	122	610	6.5	160
150-174.99 mg/L	3.03	22.1	151	710	8.7	180
175-199.99 mg/L	3.43	25.3	182	800	11.2	200
200-224.99 mg/L	3.83	28.5	216	890	13.8	230
225-249.99 mg/L	4.22	31.6	246	980	16.8	250
250+ mg/L	5.00	33.2	262	1020	18.3	260

**8.G.8.3 Additional Analytic Monitoring Requirements for Discharges From Waste Rock and Overburden Piles at Active Metal Mining Facilities.** In addition to the monitoring required in Part 8.G.8.2 for discharges from waste rock and overburden piles, you must also conduct monitoring for additional parameters based on the type of ore you mine at your site. The schedule for monitoring for this Part 8.G.8.3 is the same as specified in Part 8.G.8.2: once in the first year for the parameters listed in Table 8.G-3 (except radium and uranium), and twice annually in all subsequent years of coverage under this permit for any parameters for which the benchmark has been exceeded. Where a parameter in Table 8.G-3 is the same as a pollutant you are required to monitor for in Table 8.G-2 (i.e., for all of the metals), you must use the corresponding benchmark in Table 8.G-2 and you may use any monitoring results conducted for Part 8.G.8.2 to satisfy the monitoring requirement for that parameter for Part 8.G.8.3. For radium and uranium, which do not have corresponding benchmarks in Table 8.G-2, there are no applicable benchmarks. For radium and uranium, you must monitor quarterly (as identified in Part 4.1.7) for your first four full quarters of permit coverage commencing no earlier than [insert 90 days after permit effective date], after which you may discontinue monitoring for these two parameters.

**Request for Comment 27:** EPA requests comment on whether the newly proposed language above clarifies the monitoring requirements for this part and if the proposed monitoring frequency is appropriate. EPA also requests comment on suspending the analytical monitoring currently required for radium and uranium in Part 8.G.8.3 until a relevant water quality criterion and possible benchmark value can be developed. EPA requests comment on any alternative or additional clarifications to the monitoring frequencies the agency should consider for this Part.

Table 8.G-3. Additional Monitoring Requirements for Discharges from Waste Rock and Overburden Piles			
Supplemental Requirements			
Type of Ore Mined	Pollutants of Concern		
	Total Suspended Solids (TSS)	pH	Metals, Total
Tungsten Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)
Nickel Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)

<b>Table 8.G-3. Additional Monitoring Requirements for Discharges from Waste Rock and Overburden Piles</b>			
<b>Supplemental Requirements</b>			
<b>Type of Ore Mined</b>	<b>Pollutants of Concern</b>		
	<b>Total Suspended Solids (TSS)</b>	<b>pH</b>	<b>Metals, Total</b>
Aluminum Ore	X	X	Iron
Mercury Ore	X	X	Nickel (H)
Iron Ore	X	X	Iron (Dissolved)
Platinum Ore			Cadmium (H), Copper (H), Mercury, Lead (H), Zinc (H)
Titanium Ore	X	X	Iron, Nickel (H), Zinc (H)
Vanadium Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)
Molybdenum	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Mercury, Zinc (H)
Uranium, Radium, and Vanadium Ore	X	X	Chemical Oxygen Demand, Arsenic, Radium (Dissolved and Total), Uranium, Zinc (H)

Note: An "X" indicated for TSS and/or pH means that you are required to monitor for those parameters. (H) indicates that hardness must also be measured when this pollutant is measured.

**8.G.8.4 Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirements for Quarterly Visual Assessments and Routine Facility Inspections.**

As a Sector G facility, if you are seeking to exercise a waiver from the quarterly visual assessment and routine facility inspection requirements for inactive and unstaffed sites (including temporarily inactive sites), you are conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to stormwater" in Parts 3.1.1 and 3.2.3. This exemption is conditioned on the following:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the quarterly visual assessment requirements; and
- EPA retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct quarterly visual assessments and routine facility inspections. You must still do an annual site inspection in accordance with Part 3.1. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

<b>Table 8.G-4. Applicability of the Multi-Sector General Permit to Stormwater Runoff From Active Mining and Dressing Sites, Temporarily Inactive Sites, and Sites Undergoing Reclamation</b>	
<b>Discharge/Source of Discharge</b>	<b>Note/Comment</b>
<b>Piles</b>	
Waste rock/overburden	Covered under the MSGP if composed entirely

<b>Table 8.G-4. Applicability of the Multi-Sector General Permit to Stormwater Runoff From Active Mining and Dressing Sites, Temporarily Inactive Sites, and Sites Undergoing Reclamation</b>	
<b>Discharge/Source of Discharge</b>	<b>Note/Comment</b>
	of stormwater and not combined with mine drainage. See note below.
Topsoil	--
<b>Roads constructed of waste rock or spent ore</b>	
Onsite haul roads	Covered under the MSGP if composed entirely of stormwater and not combined with mine drainage. See note below.
Offsite haul and access roads	--
<b>Roads not constructed of waste rock or spent ore</b>	
Onsite haul roads	Covered under the MSGP except if mine drainage is used for dust control.
Offsite haul and access roads	--
<b>Milling/concentrating</b>	
Runoff from tailings dams and dikes when constructed of waste rock/tailings	Covered under the MSGP except if process fluids are present and only if composed entirely of stormwater and not combined with mine drainage. See Note below.
Runoff from tailings dams/dikes when not constructed of waste rock and tailings	Covered under the MSGP except if process fluids are present.
Concentration building	Covered under the MSGP If stormwater only and no contact with piles.
Mill site	If stormwater only and no contact with piles.
<b>Ancillary areas</b>	
Office and administrative building and housing	Covered under the MSGP if mixed with stormwater from the industrial area.
Chemical storage area	--
Docking facility	Covered under the MSGP except if excessive contact with waste product that would otherwise constitute mine drainage.
Explosive storage	--
Fuel storage (oil tanks/coal piles)	--
Vehicle and equipment maintenance area/building	--
Parking areas	Covered under the MSGP but coverage unnecessary if only employee and visitor-type parking.
<b>Power plant</b>	
Truck wash area	Covered under the MSGP except when excessive contact with waste product that would otherwise constitute mine drainage.
<b>Reclamation-related areas</b>	
Any disturbed area (unreclaimed)	Covered under the MSGP only if not in active mining area.
Reclaimed areas released from reclamation requirements prior to Dec. 17, 1990	--
Partially/inadequately reclaimed areas	--

<b>Table 8.G-4. Applicability of the Multi-Sector General Permit to Stormwater Runoff From Active Mining and Dressing Sites, Temporarily Inactive Sites, and Sites Undergoing Reclamation</b>	
<b>Discharge/Source of Discharge</b>	<b>Note/Comment</b>
or areas not released from reclamation requirements	

Note: Stormwater runoff from these sources are subject to the NPDES program for stormwater unless mixed with discharges subject to 40 CFR Part 440 that are regulated by another permit prior to mixing. Non-stormwater discharges from these sources are subject to NPDES permitting and may be subject to the effluent limitation guidelines under 40 CFR Part 440. Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless: (1) it drains naturally (or is intentionally diverted) to a point source; and (2) combines with "mine drainage" that is otherwise regulated under the Part 440 regulations. For such sources, coverage under this permit would be available if the discharge composed entirely of stormwater does not combine with other sources of mine drainage that are not subject to 40 CFR Part 440, as well as meeting other eligibility criteria contained in Part 1.1 of the permit.

Operators bear the initial responsibility for determining the applicable technology-based standard for such discharges. EPA recommends that operators contact the relevant NPDES permit issuance authority for assistance to determine the nature and scope of the "active mining area" on a mine-by-mine basis, as well as to determine the appropriate permitting mechanism for authorizing such discharges.

### **8.G.9 Termination of Permit Coverage**

**8.G.9.1 Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.** A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 8.G.3.3.

**8.G.9.2 Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.** A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) stormwater runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards, soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to stormwater discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart H – Sector H – Coal Mines and Coal Mining-Related Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

Note: Where compliance with a requirement in a separate exploration permit, mining permit, reclamation plan, Surface Mining Control and Reclamation Act (SMCRA) requirements, etc. will result in you fully meeting any requirement in this Subpart, you are considered to have complied with the relevant requirement in this Subpart. You must include documentation in your SWPPP describing your rationale for concluding that any particular action on your part is sufficient to comply with the corresponding requirement in this Subpart.

#### 8.H.1 Covered Stormwater Discharges.

The requirements in Subpart H apply to stormwater discharges associated with industrial activity from Coal Mines and Coal Mining-Related facilities as identified by the SIC Codes specified under Sector H in Table D-1 of Appendix D.

#### 8.H.2 Limitations on Coverage.

**8.H.2.1 Prohibition of Non-Stormwater Discharges.** (See also Part 1.1.3) Not covered by this permit: discharges from pollutant seeps or underground drainage from inactive coal mines and refuse disposal areas that do not result from precipitation events, and discharges from floor drains in maintenance buildings and other similar drains in mining and preparation plant areas. (EPA includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2).

**8.H.2.2 Discharges Subject to Stormwater Effluent Guidelines.** (See also Part 1.2.1.4) Not authorized by this permit: stormwater discharges subject to an existing effluent limitation guideline at 40 CFR Part 434.

#### 8.H.3 Definitions

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

**8.H.3.1 Mining operations** - For this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: a) earth-disturbing activities conducted prior to active mining activities); and b) active mining activities, which includes reclamation. "Mining operations" can occur at both inactive mining facilities and temporarily inactive mining facilities.

**8.H.3.2 Earth-disturbing activities conducted prior to active mining activities** – Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:

- a. activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on

any areas where active mining activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and

**b.** construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads. Earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining are considered to be “construction” and have additional effluent limits in Part 8.H.4.2.

**8.H.3.3** **Active mining activities** – Activities related to the extraction, removal or recovery, and preparation of coal; removal of overburden and waste rock to expose mineable minerals; and site reclamation and closure activities. All such activities occur within the “active mining area.” Reclamation involves activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable federal and state reclamation requirements. In addition, once earth-disturbing activities conducted prior to active mining activities have ceased and all related requirements in Part 8.H.4 have been met, and a well-delineated “active mining area” has been established, all activities (including any clearing, grading, and excavation) that occur within the active mining area are “active mining activities.”

**8.H.3.4** **Active mining area** – A place where work or other activity related to the extraction, removal or recovery of coal is being conducted, except, with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun.

*Note:* Earth-disturbing activities described in the definition in Part 8.H.3.2 that occur on areas outside the active mining area (e.g., for expansion of the mine into undeveloped territory) are considered “earth-disturbing conducted prior to active mining activities”, and must comply with the requirements in Part 8.H.4.

**8.H.3.5** **Inactive coal mining facility** – A site or portion of a site where coal mining and/or milling occurred in the past but there are no active mining operations occurring as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable state or federal agency. An inactive coal mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an NPDES industrial stormwater permit.

**8.H.3.6** **Temporarily inactive coal mining facility** – A site or portion of a site where coal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable state or federal agency.

**8.H.4** **Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.**

Stormwater discharges from earth-disturbing activities conducted prior to active mining activities (defined in Part 8.H.3.2) are covered under this permit. For such earth-disturbing activities, you must comply with all applicable requirements in Parts 1-9 of the MSGP except for the



technology-based effluent limits in Part 8.H.5 and Part 2.1.2, the inspection requirements in Part 8.H.7 and Part 3, and the monitoring requirements in Part 8.H.8 and Part 4.

Authorized discharges from areas where earth-disturbing activities have ceased and stabilization as specified in Part 8.H.4.19 or 8.H.4.2.11, where appropriate, has been completed (stabilization is not required for areas where active mining activities will occur), are no longer subject to the Part 8.H.4 requirements. At such time, authorized discharges become subject to all other applicable requirements in the MSGP, including the effluent limits in Parts 2.1.2 and 8.H.5, the inspection requirements in Parts 3 and 8.H.7, and the monitoring requirements in Parts 4 and 8.H.8.

**8.H.4.1 Technology-Based Effluent Limits Applicable to All Earth-Disturbing Activities Conducted Prior to Active Mining Activities.** The following technology-based effluent limits apply to authorized discharges from all earth-disturbing activities conducted prior to active mining activities defined in Part 8.H.3.2(a) and 8.H.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.H.5 of the MSGP.

**8.H.4.1.1 Erosion and sediment control installation requirements.**

- By the time construction activities commence, install and make operational downgradient sediment controls, unless this timeframe is infeasible. If infeasible you must install and make such controls operational as soon as practicable or as soon as site conditions permit.
- All other stormwater controls described in the SWPPP must be installed and made operational as soon as conditions on each portion of the site allows.

**8.H.4.1.2 Erosion and sediment control maintenance requirements.** You must:

- Ensure that all erosion and sediment controls remain in effective operating condition.
- Wherever you determine that a stormwater control needs maintenance to continue operating effectively, initiate efforts to fix the problem immediately after its discovery, and complete such work by the end of the next work day.
- When a stormwater control must be replaced or significantly repaired, complete the work within 7 days, unless infeasible. If 7 days is infeasible, you must complete the installation or repair as soon as practicable.

**8.H.4.1.3 Perimeter controls.** You must:

- Install sediment controls along those perimeter areas of your disturbed area that will receive stormwater, except where site conditions prevent the use of such controls (in which case, maximize their installation to the extent practicable).
- Remove sediment before it accumulates to one-half of the above-ground height of any perimeter control.

**8.H.4.1.4 Sediment track-out.** For construction vehicles and equipment exiting the site directly onto paved roads, you must:

- Use appropriate stabilization techniques to minimize sediment track-out from vehicles and equipment prior to exit;
- Use additional controls to remove sediment from vehicle and equipment tires prior to exit, where necessary;

- Remove sediment that is tracked out onto paved roads by end of the work day.

Note: EPA recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after you have implemented sediment removal practices. Such “staining” is not a violation of Part 8.H.4.1.4.

**8.H.4.1.5 Soil or sediment stockpiles.** You must:

- Minimize erosion of stockpiles from stormwater and wind via temporary cover, if feasible.
- Prevent up-slope stormwater flows from causing erosion of stockpiles (e.g., by diverting flows around the stockpile).
- Minimize sediment from stormwater that runs off of stockpiles, using sediment controls (e.g., a sediment barrier or downslope sediment control).

**8.H.4.1.6 Sediment basins.** If you intend to install a sediment basin to treat stormwater from your earth-disturbing activities, you must:

- Provide storage for either (1) the 2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained.
- Prevent erosion of (1) basin embankments using stabilization controls (e.g., erosion control blankets), and (2) the inlet and outlet points of the basin using erosion controls and velocity dissipation devices.

**8.H.4.1.7 Minimize dust.** You must minimize the generation of dust through the appropriate application of water or other dust suppression techniques that minimize pollutants being discharged into surface waters.

**8.H.4.1.8 Restrictions on use of treatment chemicals.** If you intend to use sediment treatment chemicals at your site, you are subject to the following minimum requirements:

- Use conventional erosion and sediment controls prior to and after application of chemicals;
- Select chemicals suited to soil type, and expected turbidity, pH, flow rate;
- Minimize the discharge risk from stored chemicals;
- Comply with state/local requirements;
- Use chemicals in accordance with good engineering practices and specifications of chemical supplier;
- Ensure proper training;
- Provide proper SWPPP documentation.

If you plan to use cationic treatment chemicals (as defined in Appendix A), you are ineligible for coverage under this permit, unless you notify your applicable EPA Regional Office in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

**8.H.4.1.9 Site stabilization requirements for earth-disturbing activities performed for purposes of mine site preparation as defined in 8.H.3.2(a)** (i.e., not applicable to construction of staging areas for structures and access roads as defined in 8.H.3.2(b)). You must comply with the following stabilization requirements except where the intended function of the site accounts for such disturbed earth (e.g., the earth disturbances will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- *Temporary stabilization of disturbed areas.* Stabilization measures must be initiated immediately in portions of the site where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.H.3.2(a)) have temporarily ceased, but in no case more than 14 days after such activities have temporarily ceased. In arid, semi-arid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities performed for purposes of mine site preparation has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site where earth-disturbing activities performed for purposes of mine site preparation have permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until active mining activities commence.
- *Final stabilization of disturbed areas.* Stabilization measures must be initiated immediately where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.H.3.2(a)) have permanently ceased, but in no case more than 14 days after the earth-disturbing activities have permanently ceased. In arid, semi-arid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities have permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.

**8.H.4.2 Additional Technology-Based Effluent Limits Applicable Only to the Construction of Staging Areas for Structures and Access Roads.** The following technology-based effluent limits apply to authorized discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads, as defined in Part 8.H.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.H.5 of the MSGP. These limits do not apply to earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.H.3.2(a)).

**8.H.4.2.1 Area of disturbance.** You must minimize the amount of soil exposed during construction activities.

**8.H.4.2.2 Erosion and sediment control design requirements.** You must:

- Design, install and maintain effective erosion and sediment controls to

minimize the discharge of pollutants from construction activities. Account for the following factors in designing your erosion and sediment controls:

- The expected amount, frequency, intensity and duration of precipitation;
- The nature of stormwater runoff and run-on at the site, including factors such as impervious surfaces, slopes and site drainage features;
- The range of soil particle sizes expected to be present on the site.
- Direct discharges from your stormwater controls to vegetated areas of your site to increase sediment removal and maximize stormwater infiltration, including any natural buffers, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.
- If any stormwater flow becomes or will be channelized at your site, you must design erosion and sediment controls to control both peak flowrates and total stormwater volume to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
- If you install stormwater conveyance channels, they must be designed to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. In addition, you must minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.

**8.H.4.2.3 Natural Buffers.** For any stormwater discharges from construction activities within 50 feet of a water of the U.S., you must comply with one of the following compliance alternatives:

1. Provide a 50-foot undisturbed natural buffer between construction activities and the water of the U.S.; or
2. Provide an undisturbed natural buffer that is less than 50 feet supplemented by additional erosion and sediment controls, which in combination, achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer; or
3. If it is infeasible to provide an undisturbed natural buffer of any size, implement erosion and sediment controls that achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer.

There are exceptions when buffer requirements do not apply:

- There is no stormwater discharge from construction disturbances to a water of the U.S.;
- The natural buffer has already been eliminated by preexisting development disturbances;
- The disturbance is for the construction of a water-dependent structure or construction approved under a CWA section 404 permit;
- For linear construction projects, you are not required to comply with

the requirements if there are site constraints provided that, to the extent feasible, you limit disturbances within 50 feet of a water of the U.S. and/or you provide supplemental erosion and sediment controls to treat stormwater discharges from any disturbances within 50 feet of a water of the U.S.

See [https://www.epa.gov/sites/production/files/2017-02/documents/2017\\_cgp\\_final\\_appendix\\_g\\_-\\_buffer\\_reqs\\_508.pdf](https://www.epa.gov/sites/production/files/2017-02/documents/2017_cgp_final_appendix_g_-_buffer_reqs_508.pdf) for guidance on complying with these alternatives.

- 8.H.4.2.4 Soil or sediment stockpiles.** In addition to the requirements in Part 8.H.4.1.5, you must locate any piles outside of any natural buffers established under Part 8.H.4.2.3.
- 8.H.4.2.5 Sediment basins.** In addition to the requirements in Part 8.H.4.1.6, you must locate sediment basins outside of any surface waters and any natural buffers established under Part 8.H.4.2.3, and you must utilize outlet structures that withdraw water from the surface, unless infeasible.
- 8.H.4.2.6 Native topsoil preservation.** *You must preserve native topsoil removed during clearing, grading, or excavation, unless infeasible. Store topsoil in a manner that will maximize its use in reclamation or final vegetative stabilization (e.g., by keeping the topsoil stabilized with seed or similar measures). This requirement does not apply if the intended function of the disturbed area dictates that topsoil be disturbed or removed.*
- 8.H.4.2.7 Steep slopes.** You must minimize the disturbance of steep slopes. The permit does not prevent or prohibit disturbance on steep slopes.
- Depending on site conditions and needs, disturbance on steep slopes may be necessary (e.g., a road cut in mountainous terrain; for grading steep slopes prior to erecting the mine office). Where steep slope disturbances are necessary, you can minimize the disturbances to steep slopes through the implementation of a number of standard erosion and sediment control practices, such as by phasing disturbances in these areas and using stabilization practices specifically for steep grades.
- 8.H.4.2.8 Soil compaction.** Where final vegetative stabilization will occur or where infiltration practices will be installed, you must either restrict vehicle/equipment use in these areas to avoid soil compaction or use soil conditioning techniques to support vegetative growth. Minimizing soil compaction is not required where compacted soil is integral to the functionality of the site.
- 8.H.4.2.9 Dewatering Practices.** *You are prohibited from discharging ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults or other similar points of accumulation, unless such waters are first effectively managed by appropriate controls (e.g., sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, or filtration systems). Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control. (An uncontaminated discharge is a discharge that meets applicable water quality standards.)*

You must also meet the following requirements for dewatering activities:

- Discharge requirements:
  - No discharging visible floating solids or foam;
  - Remove oil, grease and other pollutants from dewatering water via an oil-water separator or suitable filtration device (such as a cartridge filter);
  - Utilize vegetated upland areas of the site, to the extent feasible, to infiltrate dewatering water before discharge. In no case shall waters of the U.S. be considered part of the treatment area;
  - Implement velocity dissipation devices at all points where dewatering water is discharged;
  - Haul backwash water away for disposal or return it to the beginning of the treatment process; and
  - Clean or replace the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.
  - Treatment chemical restrictions: If you use polymers, flocculants or other chemicals to treat dewatering water, you must comply with the requirements in Parts 8.H.4.1.8.

#### **8.H.4.2.10 Pollution prevention requirements.**

- *Prohibited discharges* (this non-exhaustive list of prohibited non-stormwater discharges is included here as a reminder that only the only allowable non-stormwater discharges are those enumerated in Part 1.2.2):
  - Wastewater from washout of concrete;
  - Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
  - Fuels, oils, or other pollutants used for operation and maintenance of vehicles or equipment;
  - Soaps, solvents, or detergents used in vehicle or equipment washing;
  - Toxic or hazardous substances from a spill or other release.
- *Design and location requirements*: Minimize the discharge of pollutants from pollutant sources by:
  - Minimizing exposure;
  - Using secondary containment, spill kits, or other equivalent measures;
  - Locating pollution sources away from surface waters, storm sewer inlets, and drainageways;
  - Cleaning up spills immediately (do not clean by hosing area down).
- *Pollution prevention requirements for wash waters*: Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
- *Pollution prevention requirements for the storage, handling, and disposal of construction products, materials, and wastes*: Minimize the

exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to stormwater. Minimization of exposure is not required in cases where the exposure to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

**8.H.4.2.11 Site Stabilization requirements for the construction of staging areas for structures and access roads as defined in 8.H.3.2(b)** (i.e., not applicable to earth-disturbing activities performed for purposes of mine site preparation as defined in 8.H.3.2(a)). You must comply with the following stabilization requirements, except where the intended function of the site accounts for such disturbed earth (e.g., the area of construction will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- By no later than the end of the next work day after construction work in an area has stopped permanently or temporarily ("temporarily" means the land will be idle for a period of 14 days or more but earth-disturbing activities will resume in the future), immediately initiate stabilization measures;
- If using vegetative measures, by no later than 14 days after initiating stabilization:
  - Seed or plant the area, and provide temporary cover to protect the planted area;
  - Once established, vegetation must be uniform, perennial (if final stabilization), and cover at least 70% of stabilized area based on density of native vegetation.
- If using non-vegetative stabilization, by no later than 14 days after initiating stabilization:
  - Install or apply all non-vegetative measures;
  - Cover all areas of exposed soil.

*Note:* For the purposes of this permit, EPA will consider any of the following types of activities to constitute the initiation of stabilization: 1. Prepping the soil for vegetative or non-vegetative stabilization; 2. Applying mulch or other non-vegetative product to the exposed area; 3. Seeding or planting the exposed area; 4. Starting any of the activities in # 1 – 3 on a portion of the area to be stabilized, but not on the entire area; and 5. Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

*Exceptions:*

- Arid, semi-arid (if construction occurs during seasonally dry period), or drought-stricken areas:
  - Within 14 days of stopping construction work in an area, install any necessary non-vegetative stabilization measures;
  - Initiate vegetative stabilization as soon as conditions on the site allow;
  - Document the schedule that will be followed for initiating and completing vegetative stabilization;
  - Plant the area so that within 3 years the 70% cover requirement is met.
- Sites affected by severe storm events or other unforeseen circumstances:
  - Initiate vegetative stabilization as soon conditions on the site allow;
  - Document the schedule that will be followed for initiating and completing vegetative stabilization;
  - Plant the area so that so that within 3 years the 70% cover requirement is met.

#### **8.H.4.3 Water Quality-Based Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.**

The following water quality-based limits apply to earth-disturbing activities conducted prior to active mining activities defined in Part 8.H.3.2(a) and 8.H.3.2(b), in addition to the water quality-based limits in Part 2.2 of the MSGP.

Stricter requirements apply if your site will discharge to an impaired water or a water that is identified by your state, tribe, or EPA as a Tier 2 or Tier 2.5 for antidegradation purposes:

- More rapid stabilization of exposed areas: Complete initial stabilization activities within 7 days of stopping earth-disturbing work.
- More frequent site inspections: Once every 7 days and within 24 hours of a storm event of 0.25 inches or greater.

#### **8.H.4.4 Inspection Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.**

The following requirements supersede the inspections requirements in Part 3 and 8.H.7 of the MSGP for earth-disturbing activities conducted prior to active mining activities defined in Part 8.H.3.2(a) and 8.H.3.2(b).

##### **8.H.4.4.1 Inspection Frequency**

- At least once every 7 calendar days, or
- Once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.

*Note:*

- Inspections only required during working hours;
- Inspections not required during unsafe conditions; and
- If you choose to inspect once every 14 days, you must have a



method for measuring rainfall amount on site (either rain gauge or representative weather station)

Note: To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that.

Note: You are required to specify in your SWPPP which schedule you will be following.

Note: "Within 24 hours of the occurrence of a storm event" means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly in and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

#### **8.H.4.4.2 Reductions in Inspection Frequency**

- Stabilized areas: You may reduce the frequency of inspections to once per month in any area of your site where stabilization has occurred pursuant to Part 8.H.4.1.9 or 8.H.4.2.11.
- Arid, semi-arid, and drought stricken areas: If earth-disturbing activities are occurring during the seasonally dry period or during a period in which drought is predicted to occur, you may reduce inspections to once per month and within 24 hours of a 0.25 inch storm event.
- Frozen conditions: You may temporarily suspend or reduce inspections to once per month until thawing conditions occur if frozen conditions are continuous and disturbed areas have been stabilized. For extreme conditions in remote areas, e.g., where transit to the site is perilous/restricted or temperatures are routinely below freezing, you may suspend inspections until the conditions are conducive to safe access, and more frequent inspections can resume.

#### **8.H.4.4.3 Areas to be Inspected.** You must at a minimum inspect the following areas:

- Disturbed areas;
- Stormwater controls and pollution prevention measures;
- Locations where stabilization measures have been implemented;
- Material, waste, borrow, or equipment storage and maintenance areas;
- Areas where stormwater flows;
- Points of discharge.

#### **8.H.4.4.4 What to Check for During Inspections.** At a minimum you must check:

- Whether all stormwater controls are installed, operational, and working as intended;
- Whether any new or modified stormwater controls are needed;
- For conditions that could lead to a spill or leak;
- For visual signs of erosion/sedimentation at points of discharge.

If a discharge is occurring:

- The quality and characteristics of the discharge;
- Whether controls are operating effectively.

**8.H.4.4.5 Inspection Report.** Within 24 hours of an inspection, complete a report that includes:

- Inspection date;
- Name and title of inspector(s);
- Summary of inspection findings;
- Rainfall amount that triggered the inspection (if applicable);
- If it was unsafe to inspect a portion of the site, include documentation of the reason and the location(s);
- Each inspection report must be signed;
- Keep a current copy of all reports at the site or at an easily accessible location.
- *Cessation of Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.* The requirements in 8.H.4 no longer apply for any earth-disturbing activities conducted prior to active mining activities as defined in 8.H.3.2(a) or 8.H.3.2(b) where:
  - Earth-disturbing activities have ceased; and
  - Stabilization has been met consistent with Part 8.H.4.1.9 or 8.H.4.2.11 (not required for areas where active mining activities will occur).

#### **8.H.5 Technology-Based Effluent Limits for Active Mining Activities.**

Note: These requirements do not apply for any discharges from earth-disturbing activities conducted prior to active mining as defined in 8.H.3.2(a) or 8.H.3.2(b).

**8.H.5.1 Good Housekeeping Measures.** (See also Part 2.1.2.2) As part of your good housekeeping program, in order to minimize discharges of pollutants in stormwater, implement control measures such as the following, where determined to be feasible (list not inclusive): using sweepers and covered storage; watering haul roads to minimize dust generation; and conserving vegetation to minimize erosion. For mines subject to dust control requirements under state or county air quality permits, provided the requirements are equivalent, compliance with such air permit dust requirements shall constitute compliance with the dust control effluent limit in Part 2.1.2.10.

**8.H.5.2 Preventive Maintenance.** (See also Part 2.1.2.3) Perform inspections or other equivalent measures of storage tanks and pressure lines of fuels, lubricants, hydraulic fluid, and slurry to prevent leaks due to deterioration or faulty connections.

#### **8.H.6 Additional SWPPP Requirements for Mining Operations.**

Note: The requirements in Part 8.H.6 are not applicable to inactive coal mining facilities.

**8.H.6.1 Other Applicable Regulations.** Most active coal mining-related areas (SIC Codes 1221- 1241) are subject to sediment and erosion control regulations of the U.S. Office of Surface Mining (OSM) that enforces the Surface Mining Control and Reclamation Act (SMCRA). OSM has granted authority to most coal-producing states to implement SMCRA through State SMCRA regulations. All SMCRA requirements

- regarding control of stormwater-related pollutant discharges must be addressed and then documented with the SWPPP (directly or by reference).
- 8.H.6.2 Site Map.** (See also Part 6.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; inactive mines and related areas; acidic spoil, refuse, or unreclaimed disturbed areas; and liquid storage tanks containing pollutants such as caustics, hydraulic fluids, and lubricants.
- 8.H.6.3 Potential Pollutant Sources.** (See also Part 6.2.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them: truck traffic on haul roads and resulting generation of sediment subject to runoff and dust generation; fuel or other liquid storage; pressure lines containing slurry, hydraulic fluid, or other potential harmful liquids; and loading or temporary storage of acidic refuse or spoil.
- 8.H.6.4** If you are in compliance with dust control requirements under state or county air quality permits, you must include (or summarize, as necessary) what the state or county air quality permit dust control requirements are and how you've achieved compliance with them.
- 8.H.7 Additional Inspection Requirements. (See also Part 3.1)**
- 8.H.7.1 Inspections of Active Mining-Related Areas.** (See also Part 3) Except for earth-disturbing activities conducted prior to active mining activities as defined in Part 8.H.3.2(a) and 8.H.3.2(b), which are subject to Part 8.H.4.4, perform routine inspections of active mining areas covered by this permit, corresponding with the inspections as performed by SMCRA inspectors, of all mining-related areas required by SMCRA. Also maintain the records of the SMCRA authority representative. See Part 8.H.8.1 for inspection requirements for inactive and unstaffed sites.
- 8.H.7.2 Sediment and Erosion Control.** (See also Part 2.1.2.5) As indicated in Part 8.H.6.1, SMCRA requirements regarding sediment and erosion control measures must be complied with for those areas subject to SMCRA authority, including inspection requirements.
- 8.H.7.3 Routine Site Inspections. (See also Part 3.1)** Your inspection program must include inspections for pollutants entering the drainage system from activities located on or near coal mining-related areas. Among the areas to be inspected are haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; and inactive mines and related areas.
- 8.H.8 Sector-Specific Benchmarks. (See also Part 4)**

Table 8.H-1 identifies benchmarks that apply to the specific subsectors of Sector H. These benchmarks apply to both your primary industrial activity and any co-located industrial activities. Note: There are no Part 8.H. 8 monitoring and reporting or impaired waters monitoring requirements for inactive and unstaffed sites.

Table 8.H-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector H1. Coal Mines and Related Areas (SIC 1221-1241)	Total Recoverable Aluminum	750 µg/L
	Total Suspended Solids (TSS)	100 mg/L

**8.H.8.1 Inactive and Unstaffed Sites** – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Benchmark and Impaired Waters Monitoring. As a Sector H facility, if you are seeking to exercise a waiver from either the quarterly visual assessment or the benchmark and/or impaired waters monitoring requirements for inactive and unstaffed sites (including temporarily inactive sites), you are conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to stormwater” in Parts 3.2.4, 4.2.1.3, and 4.2.4.2. Additionally, if you are seeking to reduce your required routine inspection frequency, as is allowed under Part 3.1.1, you are also conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to stormwater.” These conditional exemptions are based on the following requirements:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements as if you were in your first year of permit coverage, and the quarterly visual assessment requirements; and
- EPA retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause or contribute to an instream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct routine facility inspections, quarterly visual assessments, and benchmark and impaired waters monitoring. You must still conduct an annual site inspection in accordance with Part 3.1. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

## 8.H.9 Termination of Permit Coverage

**8.H.9.1 Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.** A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 8.H.3.5.

**8.H.9.2 Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.** A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if

the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) stormwater runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards,

(2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to stormwater discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

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## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart I – Sector I – Oil and Gas Extraction.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.1.1 Covered Stormwater Discharges.

The requirements in Subpart I apply to stormwater discharges associated with industrial activity from Oil and Gas Extraction facilities as identified by the SIC Codes specified under Sector I in Table D-1 of Appendix D of the permit.

**8.1.1.1** Discharges of stormwater runoff from field activities or operations associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities are exempt from NPDES permit coverage unless, in accordance with 40 CFR 122.26(c)(1)(iii), the facility:

- Has had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at any time since November 16, 1987; or
- Has had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or
- Contributes to a violation of a water quality standard.

Any stormwater discharges that require permit coverage as a result of meeting one of the conditions of 122.26(c)(1)(iii) may be covered under this permit unless otherwise required to obtain coverage under an alternative NPDES general permit or an individual NPDES permit as specified in Part 1.3.7.

#### 8.1.2 Limitations on Coverage.

**8.1.2.1 Stormwater Discharges Subject to Effluent Limitation Guidelines.** (See also Part 1.3.4) This permit does not authorize stormwater discharges from drilling operations that are subject to nationally established effluent limitation guidelines found at 40 CFR Part 435, respectively.

**8.1.2.2 Non-Stormwater Discharges. Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit.** Alternatively, wash water discharges must be authorized under a separate NPDES permit, or be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements. (EPA includes this prohibited non-stormwater discharge here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2).

#### 8.1.3 Additional Technology-Based Effluent Limits.

**8.1.3.1 Vegetative Controls.** Implement vegetative practices designed to preserve existing vegetation, where attainable, and revegetate open areas as soon as practicable after grade drilling. Implement appropriate vegetative practices, such as the following (list

not exclusive): temporary or permanent seeding, mulching, sod stabilization, vegetative buffer strips, and tree protection practices. Begin implementing appropriate vegetative practices on all disturbed areas within 14 days following the last activity in that area.

#### **8.1.4 Additional SWPPP Requirements.**

**8.1.4.1 Drainage Area Site Map.** (See also Part 6.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: Reportable Quantity (RQ) releases; locations used for the treatment, storage, or disposal of wastes; processing areas and storage areas; chemical mixing areas; construction and drilling areas; all areas subject to the effluent guidelines requirements for “No Discharge” in accordance with 40 CFR 435.32; and the structural controls to achieve compliance with the “No Discharge” requirements.

**8.1.4.2 Potential Pollutant Sources.** (See also Part 6.2.3) Also document in your SWPPP the following sources and activities that have potential pollutants associated with them: chemical, cement, mud, or gel mixing activities; drilling or mining activities; and equipment cleaning and rehabilitation activities. In addition, include information about the reportable quantity (RQ) release that triggered the permit application requirements: the nature of the release (e.g., spill of oil from a drum storage area), amount of oil or hazardous substance released, amount of substance recovered, date of the release, cause of the release (e.g., poor handling techniques and lack of containment in the area), areas affected by the release (i.e., land and water), procedures to clean up release, actions or procedures implemented to prevent or improve response to a release, and remaining potential contamination of stormwater from release (taking into account human health risks, the control of drinking water intakes, and the designated uses of the receiving water).

**8.1.4.3 Erosion and Sediment Controls.** (See also Part 2.1.2.5) Unless covered by EPA's Construction General Permit (CGP), the additional documentation requirements for sediment and erosion controls for well drillings and sand/shale mining areas include the following:

**8.1.4.3.1 Site Description.** Also include a description in your SWPPP of the nature of the exploration activity, estimates of the total area of site and area disturbed due to exploration activity, an estimate of runoff coefficient of the site, a site drainage map, including approximate slopes, and the names of all receiving waters.

**8.1.4.3.2 Vegetative Controls.** Document vegetative practices used consistent with Part 8.1.3.1 in the SWPPP.

#### **8.1.5 Additional Inspection Requirements.**

All erosion and sediment controls must be inspected either: 1) every 7 days; or 2) once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.

#### **8.1.6 Sector-Specific Benchmarks. (See also Part 4)**

Table 8.1-1 identifies benchmarks that apply to the specific subsectors of Sector I. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

**Table 8.1-1.**

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
Subsector II. Crude Petroleum and Natural Gas; Natural Gas Liquids; Oil and Gas Field Services (SIC 1311, 1321, 1381-1389)	Ammonia	2.14 mg/L
	Total Recoverable Lead (freshwater) <sup>2</sup>	Hardness Dependent
	Total Lead (saltwater) <sup>1</sup>	210 µg/L
	Total Recoverable Nickel (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Nickel (saltwater) <sup>1</sup>	74 µg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
Total Recoverable Zinc (freshwater) <sup>2</sup>	Total Recoverable Zinc (saltwater) <sup>1</sup>	Hardness Dependent
		90 µg/L

<sup>1</sup>Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

<sup>2</sup>The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 4.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

<b>Freshwater Hardness Range</b>	<b>Lead (µg/L)</b>	<b>Nickel (µg/L)</b>	<b>Zinc (µg/L)</b>
0-24.99 mg/L	14	150	40
25-49.99 mg/L	23	200	50
50-74.99 mg/L	45	320	80
75-99.99 mg/L	69	420	110
100-124.99 mg/L	95	520	130
125-149.99 mg/L	122	610	160
150-174.99 mg/L	151	710	180
175-199.99 mg/L	182	800	200
200-224.99 mg/L	216	890	230
225-249.99 mg/L	246	980	250
250+ mg/L	262	1020	260



## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart J – Sector J – Non-Metallic Mineral Mining and Dressing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

Note: Where compliance with a requirement in a separate exploration permit, mining permit, reclamation plan, Surface Mining Control and Reclamation Act (SMCRA) requirements, etc. will result in you fully meeting any requirement in this Subpart, you are considered to have complied with the relevant requirement in this Subpart. You must include documentation in your SWPPP describing your rationale for concluding that any particular action on your part is sufficient to comply with the corresponding requirement in this Subpart.

#### 8.J.1 Covered Stormwater Discharges.

The requirements in Subpart J apply to stormwater discharges associated with industrial activity from Active and Inactive Non-Metallic Mineral Mining and Dressing facilities as identified by the SIC Codes specified under Sector J in Table D-1 of Appendix D of the permit.

**8.J.1.1 Covered Discharges from Inactive Facilities.** All stormwater discharges.

**8.J.1.2 Covered Discharges from Active and Temporarily Inactive Facilities.** All stormwater discharges, except for most stormwater discharges subject to the existing effluent limitation guideline at 40 CFR Part 436. Mine dewatering discharges composed entirely of stormwater or uncontaminated ground water seepage from: construction sand and gravel, industrial sand, and crushed stone mining facilities.

**8.J.1.3 Covered Discharges from Earth-Disturbing Activities Conducted Prior to Active Mining Activities.** All stormwater discharges.

**8.J.1.4 Covered Discharges from Sites Undergoing Reclamation.** All stormwater discharges.

#### 8.J.2 Limitations on Coverage.

Most stormwater discharges subject to an existing effluent limitation guideline at 40 CFR Part 436 are not authorized by this permit. The exceptions to this limitation, which are covered by this permit, are mine dewatering discharges composed entirely of stormwater or uncontaminated ground water seepage from construction sand and gravel, industrial sand, and crushed stone mining facilities.

#### 8.J.3 Definitions.

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

**8.J.3.1 Mining operations** – For this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: a) earth-disturbing activities conducted prior to active mining activities); and b) active mining activities, which includes reclamation. "Mining operations" can occur at both inactive mining facilities and temporarily inactive mining facilities.

- 8.J.3.2** **Earth-disturbing activities conducted prior to active mining activities** – Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:
- a.** activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and
  - b.** construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads. Earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining are considered to be “construction” and have additional effluent limits in Part 8.J.4.2.
- 8.J.3.3** **Active mining activities** – Activities related to the extraction, removal or recovery, and beneficiation of non-metallic minerals from the earth; removal of overburden and waste rock to expose mineable minerals; and site reclamation and closure activities. All such activities occur within the “active mining area.” Reclamation involves activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable federal and state reclamation requirements. In addition, once earth-disturbing activities conducted prior to active mining activities have ceased and all related requirements in Part 8.J.4 have been met, and a well-delineated “active mining area” has been established, all activities (including any clearing, grading, and excavation) that occur within the active mining area are “active mining activities”
- 8.J.3.4** **Active mining area** – A place where work or other activity related to the extraction, removal or recovery of non-metallic minerals is being conducted, except, with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun.
- Note:* Earth-disturbing activities described in the definition in Part 8.J.3.2 that occur on areas outside the active mining area (e.g., for expansion of the mine into undeveloped territory) are considered “earth-disturbing conducted prior to active mining activities”, and must comply with the requirements in Part 8.J.4.
- 8.J.3.5** **Inactive mineral mining facility** – A site or portion of a site where mineral mining and/or milling occurred in the past but there are no active mining activities occurring as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable state or federal agency. An inactive mineral mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an NPDES industrial stormwater permit.
- 8.J.3.6** **Temporarily inactive mineral mining facility** – A site or portion of a site where non-metallic mineral mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable state or federal agency.

#### **8.J.4 Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.**

Stormwater discharges from earth-disturbing activities conducted prior to active mining activities (defined in Part 8.J.3.2) are covered under this permit. For such earth-disturbing activities, you must comply with all applicable requirements in Parts 1-9 of the MSGP except for the technology-based effluent limits in Part 8.J.5 and Part 2.1.2, the inspection requirements in Part 8.J.7 and Part 3, and the monitoring requirements in Part 8.J.8 and Part 4.

Authorized discharges from areas where earth-disturbing activities have ceased and stabilization as specified in Part 8.J.4.19 or 8.J.4.2.11, where appropriate, has been completed (stabilization is not required for areas where active mining activities will occur), are no longer subject to the Part 8.J.4 requirements. At such time, authorized discharges become subject to all other applicable requirements in the MSGP, including the effluent limits in Parts 2.1.2 and 8.J.5, the inspection requirements in Parts 3 and 8.J.7, and the monitoring requirements in Parts 4 and 8.J.8.

**8.J.4.1 Technology-Based Effluent Limits Applicable to All Earth-Disturbing Activities Conducted Prior to Active mining Activities.** The following technology-based effluent limits apply to authorized discharges from all earth-disturbing activities conducted prior to active mining activities defined in Part 8.J.3.2(a) and 8.J.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.J.5 of the MSGP.

##### **8.J.4.1.1 Erosion and sediment control installation requirements.**

- By the time construction activities commence, install and make operational downgradient sediment controls, unless this timeframe is infeasible. If infeasible you must install and make such controls operational as soon as practicable or as soon as site conditions permit.
- All other stormwater controls described in the SWPPP must be installed and made operational as soon as conditions on each portion of the site allows.

##### **8.J.4.1.2 Erosion and sediment control maintenance requirements. You must:**

- Ensure that all erosion and sediment controls remain in effective operating condition.
- Wherever you determine that a stormwater control needs maintenance to continue operating effectively, initiate efforts to fix the problem immediately after its discovery, and complete such work by the end of the next work day.
- When a stormwater control must be replaced or significantly repaired, complete the work within 7 days, unless infeasible. If 7 days is infeasible, you must complete the installation or repair as soon as practicable.

##### **8.J.4.1.3 Perimeter controls. You must:**

- Install sediment controls along those perimeter areas of your disturbed area that will receive stormwater, except where site conditions prevent the use of such controls (in which case, maximize their installation to the extent practicable).
- Remove sediment before it accumulates to one-half of the above-ground height of any perimeter control.

- 8.J.4.1.4 Sediment track-out.** For construction vehicles and equipment exiting the site directly onto paved roads, you must:
- Use appropriate stabilization techniques to minimize sediment track-out from vehicles and equipment prior to exit;
  - Use additional controls to remove sediment from vehicle and equipment tires prior to exit, where necessary;
  - Remove sediment that is tracked out onto paved roads by end of the work day.

Note: EPA recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after you have implemented sediment removal practices. Such “staining” is not a violation of Part 8.J.4.1.4.

- 8.J.4.1.5 Soil or sediment stockpiles.** You must:
- Minimize erosion of stockpiles from stormwater and wind via temporary cover, if feasible.
  - Prevent up-slope stormwater flows from causing erosion of stockpiles (e.g., by diverting flows around the stockpile).
  - Minimize sediment from stormwater that runs off of stockpiles, using sediment controls (e.g., a sediment barrier or downslope sediment control).

- 8.J.4.1.6 Sediment basins.** If you intend to install a sediment basin to treat stormwater from your earth-disturbing activities, you must:
- Provide storage for either (1) the 2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained.
  - Prevent erosion of (1) basin embankments using stabilization controls (e.g., erosion control blankets), and (2) the inlet and outlet points of the basin using erosion controls and velocity dissipation devices.

- 8.J.4.1.7 Minimize dust.** You must minimize the generation of dust through the appropriate application of water or other dust suppression techniques that minimize pollutants being discharged into surface waters.

- 8.J.4.1.8 Restrictions on use of treatment chemicals.** If you intend to use sediment treatment chemicals at your site, you are subject to the following minimum requirements:
- Use conventional erosion and sediment controls prior to and after application of chemicals;
  - Select chemicals suited to soil type, and expected turbidity, pH, flow rate;
  - Minimize the discharge risk from stored chemicals;
  - Comply with state/local requirements;
  - Use chemicals in accordance with good engineering practices and specifications of chemical supplier;
  - Ensure proper training;
  - Provide proper SWPPP documentation.

If you plan to use cationic treatment chemicals (as defined in Appendix A), you are ineligible for coverage under this permit, unless you notify

your applicable EPA Regional Office in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

**8.J.4.1.9 Site stabilization requirements for earth-disturbing activities performed for purposes of mine site preparation as defined in 8.J.3.2(a)** (i.e., not applicable to construction of staging areas for structures and access roads as defined in 8.J.3.2(b)). You must comply with the following stabilization requirements except where the intended function of the site accounts for such disturbed earth (e.g., the earth disturbances will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- *Temporary stabilization of disturbed areas.* Stabilization measures must be initiated immediately in portions of the site where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.J.3.2(a)) have temporarily ceased, but in no case more than 14 days after such activities have temporarily ceased. In arid, semi-arid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities performed for purposes of mine site preparation has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site where earth-disturbing activities performed for purposes of mine site preparation have permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until active mining activities commence.
- *Final stabilization of disturbed areas.* Stabilization measures must be initiated immediately where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.J.3.2(a)) have permanently ceased, but in no case more than 14 days after the earth-disturbing activities have permanently ceased. In arid, semi-arid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities have permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.

**8.J.4.2 Additional Technology-Based Effluent Limits Applicable Only to the Construction of Staging Areas for Structures and Access Roads.** The following technology-based effluent limits apply to authorized discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads, as defined in Part 8.J.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.J.5 of the MSGP. These limits do not apply to earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.J.3.2(a)).

**8.J.4.2.1 Area of disturbance.** You must minimize the amount of soil exposed during construction activities.

**8.J.4.2.2 Erosion and sediment control design requirements.** You must:

- Design, install and maintain effective erosion and sediment controls to minimize the discharge of pollutants from construction activities. Account for the following factors in designing your erosion and sediment controls:
  - The expected amount, frequency, intensity and duration of precipitation;
  - The nature of stormwater runoff and run-on at the site, including factors such as impervious surfaces, slopes and site drainage features;
  - The range of soil particle sizes expected to be present on the site.
- Direct discharges from your stormwater controls to vegetated areas of your site to increase sediment removal and maximize stormwater infiltration, including any natural buffers, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.
- If any stormwater flow becomes or will be channelized at your site, you must design erosion and sediment controls to control both peak flowrates and total stormwater volume to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
- If you install stormwater conveyance channels, they must be designed to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. In addition, you must minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.

**8.J.4.2.3 Natural Buffers.** For any stormwater discharges from construction activities within 50 feet of a water of the U.S., you must comply with one of the following compliance alternatives:

1. Provide a 50-foot undisturbed natural buffer between construction activities and the water of the U.S.; or
2. Provide an undisturbed natural buffer that is less than 50 feet supplemented by additional erosion and sediment controls, which in combination, achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer; or
3. If it is infeasible to provide an undisturbed natural buffer of any size, implement erosion and sediment controls that achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer.

There are exceptions when buffer requirements do not apply:

- There is no stormwater discharge from construction disturbances to a

water of the U.S.;

- The natural buffer has already been eliminated by preexisting development disturbances;
- The disturbance is for the construction of a water-dependent structure or construction approved under a CWA section 404 permit;
- For linear construction projects, you are not required to comply with the requirements if there are site constraints provided that, to the extent feasible, you limit disturbances within 50 feet of a water of the U.S. and/or you provide supplemental erosion and sediment controls to treat stormwater discharges from any disturbances within 50 feet of a water of the U.S.

See [https://www.epa.gov/sites/production/files/2017-02/documents/2017\\_cgp\\_final\\_appendix\\_g\\_-\\_buffer\\_reqs\\_508.pdf](https://www.epa.gov/sites/production/files/2017-02/documents/2017_cgp_final_appendix_g_-_buffer_reqs_508.pdf) for guidance on complying with these alternatives.

- 8.J.4.2.4 Soil or sediment stockpiles.** In addition to the requirements in Part 8.J.4.1.5, you must locate any piles outside of any natural buffers established under Part 8.J.4.2.3.
- 8.J.4.2.5 Sediment basins.** In addition to the requirements in Part 8.J.4.1.6, you must locate sediment basins outside of any surface waters and any natural buffers established under Part 8.J.4.2.3, and you must utilize outlet structures that withdraw water from the surface, unless infeasible.
- 8.J.4.2.6 Native topsoil preservation.** You must preserve native topsoil removed during clearing, grading, or excavation, unless infeasible. Store topsoil in a manner that will maximize its use in reclamation or final vegetative stabilization (e.g., by keeping the topsoil stabilized with seed or similar measures). This requirement does not apply if the intended function of the disturbed area dictates that topsoil be disturbed or removed.
- 8.J.4.2.7 Steep slopes.** You must minimize the disturbance of steep slopes. The permit does not prevent or prohibit disturbance on steep slopes.
- Depending on site conditions and needs, disturbance on steep slopes may be necessary (e.g., a road cut in mountainous terrain; for grading steep slopes prior to erecting the mine office). Where steep slope disturbances are necessary, you can minimize the disturbances to steep slopes through the implementation of a number of standard erosion and sediment control practices, such as by phasing disturbances in these areas and using stabilization practices specifically for steep grades.
- 8.J.4.2.8 Soil compaction.** Where final vegetative stabilization will occur or where infiltration practices will be installed, you must either restrict vehicle/equipment use in these areas to avoid soil compaction or use soil conditioning techniques to support vegetative growth. Minimizing soil compaction is not required where compacted soil is integral to the functionality of the site.
- 8.J.4.2.9 Dewatering Practices.** You are prohibited from discharging ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults or other similar points of accumulation, unless such waters are first effectively managed by appropriate controls (e.g.,

sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, or filtration systems). Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control. (An uncontaminated discharge is a discharge that meets applicable water quality standards.)

You must also meet the following requirements for dewatering activities:

- Discharge requirements:
  - No discharging visible floating solids or foam;
  - Remove oil, grease and other pollutants from dewatering water via an oil-water separator or suitable filtration device (such as a cartridge filter);
  - Utilize vegetated upland areas of the site, to the extent feasible, to infiltrate dewatering water before discharge. In no case shall waters of the U.S. be considered part of the treatment area;
  - Implement velocity dissipation devices at all points where dewatering water is discharged;
  - Haul backwash water away for disposal or return it to the beginning of the treatment process; and
  - Clean or replace the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.
- Treatment chemical restrictions: If you use polymers, flocculants or other chemicals to treat dewatering water, you must comply with the requirements in Parts 8.J.4.1.8.

#### **8.J.4.2.10 Pollution prevention requirements.**

- *Prohibited discharges* (this non-exhaustive list of prohibited non-stormwater discharges is included here as a reminder that only the only allowable non-stormwater discharges are those enumerated in Part 1.2.2):
  - Wastewater from washout of concrete;
  - Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
  - Fuels, oils, or other pollutants used for operation and maintenance of vehicles or equipment;
  - Soaps, solvents, or detergents used in vehicle or equipment washing;
  - Toxic or hazardous substances from a spill or other release.
- *Design and location requirements*: Minimize the discharge of pollutants from pollutant sources by:
  - Minimizing exposure;
  - Using secondary containment, spill kits, or other equivalent measures;
  - Locating pollution sources away from surface waters, storm sewer inlets, and drainageways;
  - Cleaning up spills immediately (do not clean by hosing area down).



- *Pollution prevention requirements for wash waters:* Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
- *Pollution prevention requirements for the storage, handling, and disposal of construction products, materials, and wastes:* Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to stormwater. Minimization of exposure is not required in cases where the exposure to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

**8.J.4.2.11 Site Stabilization requirements for the construction of staging areas for structures and access roads as defined in 8.J.3.2(b)** (i.e., not applicable to earth-disturbing activities performed for purposes of mine site preparation as defined in 8.J.3.2(a)). You must comply with the following stabilization requirements, except where the intended function of the site accounts for such disturbed earth (e.g., the area of construction will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- By no later than the end of the next work day after construction work in an area has stopped permanently or temporarily ("temporarily" means the land will be idle for a period of 14 days or more but earth-disturbing activities will resume in the future), immediately initiate stabilization measures;
- If using vegetative measures, by no later than 14 days after initiating stabilization:
  - Seed or plant the area, and provide temporary cover to protect the planted area;
  - Once established, vegetation must be uniform, perennial (if final stabilization), and cover at least 70% of stabilized area based on density of native vegetation.
- If using non-vegetative stabilization, by no later than 14 days after initiating stabilization:
  - Install or apply all non-vegetative measures;
  - Cover all areas of exposed soil.

*Note:* For the purposes of this permit, EPA will consider any of the following types of activities to constitute the initiation of stabilization: 1. Prepping the soil for vegetative or non-vegetative stabilization; 2. Applying mulch or other non-vegetative product to the exposed area; 3. Seeding or planting the exposed area; 4. Starting any of the activities in # 1 – 3 on a portion of the area to be stabilized, but not on the entire area; and 5. Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

Exceptions:

- Arid, semi-arid (if construction occurs during seasonally dry period), or drought-stricken areas:
  - Within 14 days of stopping construction work in an area, install any necessary non-vegetative stabilization measures;
  - Initiate vegetative stabilization as soon as conditions on the site allow;
  - Document the schedule that will be followed for initiating and completing vegetative stabilization;
  - Plant the area so that within 3 years the 70% cover requirement is met.
- Sites affected by severe storm events or other unforeseen circumstances:
  - Initiate vegetative stabilization as soon conditions on the site allow;
  - Document the schedule that will be followed for initiating and completing vegetative stabilization;
  - Plant the area so that so that within 3 years the 70% cover requirement is met.

#### **8.J.4.3 Water Quality-Based Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.**

The following water quality-based limits apply to earth-disturbing activities conducted prior to active mining activities defined in Part 8.J.3.2(a) and 8.J.3.2(b), in addition to the water quality-based limits in Part 2.2 of the MSGP.

Stricter requirements apply if your site will discharge to an impaired water or a water that is identified by your state, tribe, or EPA as a Tier 2 or Tier 2.5 for antidegradation purposes:

- More rapid stabilization of exposed areas: Complete initial stabilization activities within 7 days of stopping construction work.
- More frequent site inspections: Once every 7 days and within 24 hours of a storm event of 0.25 inches or greater.

#### **8.J.4.4 Inspection Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.**

The following requirements supersede the inspections requirements in Part 3 and 8.J.7 of the MSGP for earth-disturbing activities conducted prior to active mining activities defined in Part 8.J.3.2(a) and 8.J.3.2(b).

##### **8.J.4.4.1 Inspection Frequency**

- At least once every 7 calendar days, or
- Once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.

Note: Inspections only required during working hours;

- Inspections not required during unsafe conditions; and

- If you choose to inspect once every 14 days, you must have a method for measuring rainfall amount on site (either rain gauge or representative weather station)

*Note:* To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day.

*Note:* You are required to specify in your SWPPP which schedule you will be following.

*Note:* “Within 24 hours of the occurrence of a storm event” means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

#### **8.J.4.4.2 Reductions in Inspection Frequency**

- Stabilized areas: You may reduce the frequency of inspections to once per month in any area of your site where stabilization has occurred pursuant to Part 8.J.4.1.9 or 8.J.4.2.11.
- Arid, semi-arid, and drought stricken areas: If earth-disturbing activities are occurring during the seasonally dry period or during a period in which drought is predicted to occur, you may reduce inspections to once per month and within 24 hours of a 0.25 inch storm event.
- Frozen conditions: You may temporarily suspend or reduce inspections to once per month until thawing conditions occur if frozen conditions are continuous and disturbed areas have been stabilized. For extreme conditions in remote areas, e.g., where transit to the site is perilous/restricted or temperatures are routinely below freezing, you may suspend inspections until the conditions are conducive to safe access, and more frequent inspections can resume.

#### **8.J.4.4.3 Areas to be Inspected. You must at a minimum inspect the all of the following areas:**

- Disturbed areas;
- Stormwater controls and pollution prevention measures;
- Locations where stabilization measures have been implemented;
- Material, waste, borrow, or equipment storage and maintenance areas;
- Areas where stormwater flows;
- Points of discharge.

#### **8.J.4.4.4 What to Check for During Inspections.** At a minimum you must check:

- Whether all stormwater controls are installed, operational and working as intended;

- Whether any new or modified stormwater controls are needed;
- For conditions that could lead to a spill or leak;
- For visual signs of erosion/sedimentation at points of discharge. If a discharge is occurring:
- The quality and characteristics of the discharge;
- Whether controls are operating effectively.

**8.J.4.4.5 Inspection Report.** Within 24 hours of an inspection, complete a report that includes:

- Inspection date;
- Name and title of inspector(s);
- Summary of inspection findings;
- Rainfall amount that triggered the inspection (if applicable);
- If it was unsafe to inspect a portion of the site, include documentation of the reason and the location(s);
- Each inspection report must be signed;
- Keep a current copy of all reports at the site or at an easily accessible location.

**8.J.4.5 Cessation of Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.** The requirements in 8.J.4 no longer apply for any earth-disturbing activities conducted prior to active mining activities as defined in 8.J.3.2(a) or 8.J.3.2(b) where:

1. Earth-disturbing activities have ceased; and
2. Stabilization has been met consistent with Part 8.J.4.1.9 or 8.J.4.2.11 (not required for areas where active mining activities will occur).

**8.J.5 Technology-Based Effluent Limits for Active Mining Activities.**

Note: These requirements do not apply for any discharges from earth-disturbing activities conducted prior to active-mining as defined in 8.J.3.2(a) or 8.J.3.2(b).

**8.J.5.1 Employee Training.** Conduct employee training at least annually at active and temporarily inactive sites. (See also Part 2.1.2.8).

**8.J.5.2 Stormwater Controls.** Apart from the control measures you implement to meet your Part 2 effluent limits, where necessary to minimize pollutant discharges in stormwater, implement the following control measures at your site. The potential pollutants identified in Part 8.J.6.3 shall determine the priority and appropriateness of the control measures selected.

*Stormwater Diversions:* Divert stormwater away from potential pollutant sources through implementation of control measures such as the following, where determined to be feasible (list not exclusive): interceptor or diversion controls (e.g., dikes, swales, curbs, berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents. For mines subject to dust control requirements under state or county air quality permits, provided the requirements are equivalent, compliance with such air permit dust requirements shall constitute compliance with the dust control effluent limit in Part 2.1.2.10.

*Capping:* When capping is necessary to minimize pollutant discharges in stormwater, identify the source being capped and the material used to construct the cap.

*Treatment:* If treatment of stormwater (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. Passive and/or active treatment of stormwater runoff is encouraged. Treated runoff may be discharged as a stormwater source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Mineral Mining and Processing Point Source Category (40 CFR Part 436).

**8.J.5.3** **Discharge Testing.** (See also Part 6.2.3.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related but unauthorized non-stormwater discharges such as discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 436). Alternatively (if applicable), you may keep a certification with your SWPPP, per Part 8.J.6.6.

**8.J.6** **Additional SWPPP Requirements for Mining Operations.**

Note: The requirements in Part 8.J.6 are not applicable to inactive mineral mining facilities.

**8.J.6.1** **Nature of Industrial Activities.** (See also Part 6.2.2) Document in your SWPPP the mining and associated activities that can potentially affect the stormwater discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.

**8.J.6.2** **Site Map.** (See also Part 6.2.2) Document in your SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each stormwater outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual NPDES permit; outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage dewatering or other process water; heap leach pads; off-site points of discharge for mine dewatering and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.

**8.J.6.3** **Potential Pollutant Sources.** (See also Part 6.2.3) For each area of the mine or mill site where stormwater discharges associated with industrial activities occur, document in your SWPPP the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. For example, phosphate mining facilities will likely need to document pollutants such as selenium, which can be present in significant amounts in their discharges. Consider these factors: the mineralogy of the waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with stormwater; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing waste rock or overburden characterization data and test results for potential generation of acid rock drainage.

**8.J.6.4** **Documentation of Control Measures.** To the extent that you use any of the control measures in Part 8.J.5.2, document them in your SWPPP per Part 6.2.4. If control

measures are implemented or planned but are not listed here (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in your SWPPP. If you are in compliance with dust control requirements under state or county air quality permits, you must state (or summarize, as necessary) what the state or county air quality permit dust control requirements are and how you've achieved compliance with them.

**8.J.6.5 Employee Training.** All employee training(s) conducted in accordance with Part 8.J.5.1 must be documented with the SWPPP.

**8.J.6.6 Certification of Permit Coverage for Commingled Non-Stormwater Discharges.** If you determine that you are able to certify, consistent with Part 8.J.5.3, that a particular discharge composed of commingled stormwater and non-stormwater is covered under a separate NPDES permit, and that permit subjects the non-stormwater portion to effluent limitations prior to any commingling, you must retain such certification with your SWPPP. This certification must identify the non-stormwater discharges, the applicable NPDES permit(s), the effluent limitations placed on the non-stormwater discharge by the permit(s), and the points at which the limitations are applied.

**8.J.7 Additional Inspection Requirements. (See also Part 3.1)**

Except for earth-disturbing activities conducted prior to active mining activities as defined in Part 8.J.3.2(a) and 8.J.3.2(b), which are subject to Part 8.J.4.4, perform inspections at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to waters which are designated as Tier 2 or 2.5 or waters which are impaired for sediment or nitrogen must be inspected monthly. See Part 8.J.8.1 for inspection requirements for inactive and unstaffed sites.

**8.J.8 Sector-Specific Benchmarks. (See also Part 4)**

Table 8.J-1 identifies benchmarks that apply to the specific subsectors of Sector J. These benchmarks apply to both your primary industrial activity and any co-located industrial activities. Note: There are no Part 8.J.8 monitoring and reporting or impaired waters monitoring requirements for inactive and unstaffed sites.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector J1. Sand and Gravel Mining (SIC 1442, 1446)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Suspended Solids (TSS)	100 mg/L
Subsector J2. Dimension and Crushed Stone and Nonmetallic Minerals (except fuels) (SIC 1411, 1422-1429, 1481, 1499)	Total Suspended Solids (TSS)	100 mg/L

**8.J.8.1 Inactive and Unstaffed Sites** – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Benchmark and Impaired Waters Monitoring. As a Sector J facility, if you are seeking to exercise a waiver from either the routine inspection, quarterly visual assessment or the benchmark and/or impaired monitoring requirements for inactive and unstaffed sites (including temporarily inactive sites), you are conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to stormwater" in Parts 3.1.5, 3.2.4, 4.2.1.3, and 4.2.4.3. This exemption is conditioned on the following:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements as if you were in your first year of permit coverage, and the quarterly visual assessment requirements; and
- EPA retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct routine facility inspections, quarterly visual assessments, and benchmark and impaired waters monitoring. You must still conduct an annual site inspection in accordance with Part 3.1. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

### 8.J.9 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 4.2.2.1).

Table 8.J-2 identifies effluent limits that apply to the industrial activities described below.

Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

<b>Industrial Activity</b>	<b>Parameter</b>	<b>Effluent Limitation<sup>1</sup></b>
Mine dewatering discharges at crushed stone mining facilities (SIC 1422 - 1429)	pH	6.0 - 9.0
Mine dewatering discharges at construction sand and gravel mining facilities (SIC 1442)	pH	6.0 - 9.0
Mine dewatering discharges at industrial sand mining facilities (SIC 1446)	Total Suspended Solids (TSS)	25 mg/L, monthly avg. 45 mg/L, daily maximum
	pH	6.0 - 9.0

<sup>1</sup>Monitor annually.

### 8.J.10 Termination of Permit Coverage.

**8.J.10.1 Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.** A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 8.J.3.5.

**8.J.10.2 Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.** A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) stormwater runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality

standards, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to stormwater discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

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## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart K – Sector K – Hazardous Waste Treatment, Storage, or Disposal Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.K.1 Covered Stormwater Discharges.

The requirements in Subpart K apply to stormwater discharges associated with industrial activity from Hazardous Waste Treatment, Storage, or Disposal facilities (TSDFs) as identified by the Activity Code specified under Sector K in Table D-1 of Appendix D of the permit.

#### 8.K.2 Industrial Activities Covered by Sector K.

This permit authorizes stormwater discharges associated with industrial activity from facilities that treat, store, or dispose of hazardous wastes and that are operating under interim status or a permit under subtitle C of RCRA.

Disposal facilities that have been properly closed and capped, and have no significant materials exposed to stormwater, are considered inactive and do not require permits.

#### 8.K.3 Limitations on Coverage.

**8.K.3.1 Prohibition of Non-Stormwater Discharges.** (See also Part 1.1.3) The following are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory-derived wastewater, and contact wash water from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility. (EPA includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2.)

**8.K.3.2 Limitations on Coverage for Facilities Providing Commercial TSDF Services.** For facilities located in Region 6 (see Appendix C) coverage is limited to hazardous waste TSDFs that are self-generating (including occasionally accepting wastes from community household hazardous waste collection events as public service), handle only residential wastes, and/or only store hazardous wastes and do not treat or dispose of them. Coverage under this permit is not available to commercial waste disposal and treatment facilities located in Region 6 that dispose and treat on a commercial basis any produced hazardous wastes (i.e., not their own) as a service to commercial or industrial generators.

#### 8.K.4 Definitions.

**8.K.4.1 Contaminated stormwater** – stormwater that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 8.K.4.4. Some specific areas of a landfill that may produce contaminated stormwater include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

- 8.K.4.2** **Drained free liquids** – aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.
- 8.K.4.3** **Landfill** – an area of land or an excavation in which wastes are placed for permanent disposal, but that is not a land application or land treatment unit, surface impoundment, underground injection well, waste pile, salt dome formation, salt bed formation, underground mine, or cave as these terms are defined in 40 CFR 257.2, 258.2, and 260.10.
- 8.K.4.4** **Landfill wastewater** – as defined in 40 CFR Part 445 (Landfills Point Source Category), all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated stormwater, contaminated ground water, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated stormwater, and contact wash water from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.
- 8.K.4.5** **Leachate** – liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.
- 8.K.4.6** **Non-contaminated stormwater** – stormwater that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 8.K.4.4. Non-contaminated stormwater includes stormwater that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.
- 8.K.5** **Sector-Specific Benchmarks. (See also Part 4)**

Table 8.K-1 identifies benchmarks that apply to the specific subsectors of Sector K. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector K1.</b> ALL - Industrial Activity Code "HZ" (Note: permit coverage limited in some states). Benchmarks only applicable to discharges not subject to effluent limitations in 40 CFR Part 445 Subpart A (see below).	Ammonia	2.14 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L
	Total Recoverable Arsenic (freshwater)	150 µg/L
	Total Recoverable Arsenic (saltwater) <sup>1</sup>	69 µg/L
	Total Recoverable Cadmium (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Cadmium (saltwater) <sup>1</sup>	33 µg/L
	Total Recoverable Cyanide (freshwater)	22 µg/L
	Total Recoverable Cyanide (saltwater) <sup>1</sup>	1 µg/L

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
	Total Recoverable Lead (freshwater) <sup>2</sup>	Hardness Dependent 210 µg/L
	Total Recoverable Lead (saltwater) <sup>1</sup>	
	Total Recoverable Mercury (freshwater)	1.4 µg/L
	Total Recoverable Mercury (saltwater) <sup>1</sup>	1.8 µg/L
	Total Recoverable Selenium (freshwater)	5 µg/L
	Total Recoverable Selenium (saltwater) <sup>1</sup>	290 µg/L
	Total Recoverable Silver (freshwater) <sup>2</sup>	Hardness Dependent 1.9 µg/L
	Total Recoverable Silver (saltwater) <sup>1</sup>	

<sup>1</sup>Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

<sup>2</sup>The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 4.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

<b>Freshwater Hardness Range</b>	<b>Cadmium (µg/L)</b>	<b>Lead (µg/L)</b>	<b>Silver (µg/L)</b>
0-24.99 mg/L	0.49	14	0.7
25-49.99 mg/L	0.94	23	0.7
50-74.99 mg/L	1.37	45	1.7
75-99.99 mg/L	1.79	69	3.0
100-124.99 mg/L	2.21	95	4.6
125-149.99 mg/L	2.62	122	6.5
150-174.99 mg/L	3.03	151	8.7
175-199.99 mg/L	3.43	182	11.2
200-224.99 mg/L	3.83	216	13.8
225-249.99 mg/L	4.22	246	16.8
250+ mg/L	5.00	262	18.3

#### **8.K.6 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 4.2.2.1)**

Table 8.K-2 identifies effluent limitations that apply to the industrial activities described below. Compliance with these effluent limitations is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.K-2 <sup>1</sup>		
Industrial Activity	Parameter	Effluent Limitation
Discharges from hazardous waste landfills subject to effluent limitations in 40 CFR Part 445 Subpart A (see footnote).	Biochemical Oxygen Demand (BOD <sub>5</sub> )	220 mg/L, daily maximum
		56 mg/L, monthly avg. maximum
	Total Suspended Solids (TSS)	88 mg/L, daily maximum
		27 mg/L, monthly avg. maximum
	Ammonia	10 mg/L, daily maximum
		4.9 mg/L, monthly avg. maximum
	Alpha Terpineol	0.042 mg/L, daily maximum
		0.019 mg/L, monthly avg. maximum
	Aniline	0.024 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Benzoic Acid	0.119 mg/L, daily maximum
		0.073 mg/L, monthly avg. maximum
	Naphthalene	0.059 mg/L, daily maximum
		0.022 mg/L, monthly avg. maximum
	p-Cresol	0.024 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Phenol	0.048 mg/L, daily maximum
		0.029 mg/L, monthly avg. maximum
	Pyridine	0.072 mg/L, daily maximum
		0.025 mg/L, monthly avg. maximum
Total Arsenic	1.1 mg/L, daily maximum	
	0.54 mg/L, monthly avg. maximum	
Total Chromium	1.1 mg/L, daily maximum	
	0.46 mg/L, monthly avg. maximum	
Total Zinc	0.535 mg/L, daily maximum	
	0.296 mg/L, monthly avg. maximum	
pH	Within the range of 6-9 standard pH units (s.u.)	

<sup>1</sup> Monitor annually. As set forth at 40 CFR Part 445 Subpart A, these numeric limitations apply to contaminated stormwater discharges from hazardous waste landfills subject to the provisions of RCRA Subtitle C at 40 CFR Parts 264 (Subpart N) and 265 (Subpart N) except for any of the following facilities:

- landfills operated in conjunction with other industrial or commercial operations when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;
- landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
- landfills operated in conjunction with Centralized Waste Treatment (CWT) facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or
- landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart L – Sector L – Landfills, Land Application Sites, and Open Dumps.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.L.1 Covered Stormwater Discharges.

The requirements in Subpart L apply to stormwater discharges associated with industrial activity from Landfills and Land Application Sites as identified by the Activity Code specified under Sector L in Table D-1 of Appendix D of the permit.

#### 8.L.2 Industrial Activities Covered by Sector L.

This permit may authorize stormwater discharges for Sector L facilities associated with waste disposal at landfills, land application sites that receive or have received industrial waste, including sites subject to regulation under Subtitle D of RCRA. This permit does not cover discharges from landfills that receive only municipal wastes.

#### 8.L.3 Limitations on Coverage.

**8.L.3.1 Prohibition of Non-Stormwater Discharges.** (See also Part 1.1.3) The following discharges are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory wastewater, and contact wash water from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility. (EPA includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2.)

**8.L.3.2 Prohibition Stormwater Discharges from Open Dumps.** Discharges from open dumps as defined under RCRA are also not authorized under this permit.

#### 8.L.4 Definitions.

**8.L.4.1 Contaminated stormwater** – stormwater that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some areas of a landfill that may produce contaminated stormwater include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

**8.L.4.2 Drained free liquids** – aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.

**8.L.4.3 Landfill wastewater** – as defined in 40 CFR Part 445 (Landfills Point Source Category) all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated stormwater, contaminated ground water, and wastewater from recovery pumping wells. Landfill process wastewater includes, but is not limited to, leachate; gas collection condensate; drained free liquids; laboratory-derived wastewater; contaminated stormwater; and contact wash water

- from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.
- 8.L.4.4** **Leachate** – liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.
- 8.L.4.5** **Non-contaminated stormwater** – stormwater that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Non-contaminated stormwater includes stormwater that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.
- 8.L.5** **Additional Technology-Based Effluent Limits.**
- 8.L.5.1** **Preventive Maintenance Program.** (See also Part 2.1.2.3) As part of your preventive maintenance program, maintain the following: all elements of leachate collection and treatment systems, to prevent commingling of leachate with stormwater; the integrity and effectiveness of any intermediate or final cover (including repairing the cover as necessary), to minimize the effects of settlement, sinking, and erosion.
- 8.L.5.2** **Erosion and Sedimentation Control.** (See also Part 2.1.2.5) Provide temporary stabilization (e.g., temporary seeding, mulching, and placing geotextiles on the inactive portions of stockpiles) for the following in order to minimize discharges of pollutants in stormwater: materials stockpiled for daily, intermediate, and final cover; inactive areas of the landfill or open dump; landfills or open dump areas that have gotten final covers but where vegetation has yet to establish itself; and land application sites where waste application has been completed but final vegetation has not yet been established.
- 8.L.6** **Additional SWPPP Requirements.**
- 8.L.6.1** **Drainage Area Site Map.** (See also Part 6.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: active and closed landfill cells or trenches, active and closed land application areas, locations where open dumping is occurring or has occurred, locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff, and leachate collection and handling systems.
- 8.L.6.2** **Summary of Potential Pollutant Sources.** (See also Part 6.2.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them: fertilizer, herbicide, and pesticide application; earth and soil moving; waste hauling and loading or unloading; outdoor storage of significant materials, including daily, interim, and final cover material stockpiles as well as temporary waste storage areas; exposure of active and inactive landfill and land application areas; uncontrolled leachate flows; and failure or leaks from leachate collection and treatment systems.
- 8.L.7** **Additional Inspection Requirements. (See also Part 3)**
- 8.L.7.1** **Inspections of Active Sites.** Except in arid and semi-arid climates, inspect operating landfills, open dumps, and land application sites at least once every 7 days. Focus on areas of landfills that have not yet been finally stabilized; active land application areas, areas used for storage of material and wastes that are exposed to precipitation, stabilization, and structural control measures; leachate collection and treatment systems; and locations where equipment and waste trucks enter and exit the site. Ensure that sediment and erosion control measures are operating properly.

For stabilized sites and areas where land application has been completed, or where the climate is arid or semi-arid, conduct inspections at least once every month.

**8.L.7.2 Inspections of Inactive Sites.** Inspect inactive landfills, open dumps, and land application sites at least quarterly. Qualified personnel must inspect landfill (or open dump) stabilization and structural erosion control measures, leachate collection and treatment systems, and all closed land application areas.

**8.L.8 Additional Post-Authorization Documentation Requirements.**

**8.L.8.1 Recordkeeping and Internal Reporting.** Keep records with your SWPPP of the types of wastes disposed of in each cell or trench of a landfill or open dump. For land application sites, track the types and quantities of wastes applied in specific areas.

**8.L.9 Sector-Specific Benchmarks. (See also Part 4)**

Table 8.L-1 identifies benchmarks that apply to the specific subsectors of Sector L. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration <sup>1</sup>
<b>Subsector L1.</b> All Landfill, Land Application Sites and Open Dumps (Industrial Activity Code "LF")	Total Suspended Solids (TSS)	100 mg/L

<sup>1</sup>Benchmark monitoring required only for discharges not subject to effluent limitations in 40 CFR Part 445 Subpart B (see Table L-2 below).

**8.L.10 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 4.2.2.1)**

Table 8.L-2 identifies effluent limitations that apply to the industrial activities described below. Compliance with these effluent limitations is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Industrial Activity	Parameter	Effluent Limitation
Discharges from non-hazardous waste landfills subject to effluent limitations in 40 CFR Part 445 Subpart B.	Biochemical Oxygen Demand (BOD <sub>5</sub> )	140 mg/L, daily maximum
		37 mg/L, monthly avg. maximum
	Total Suspended Solids (TSS)	88 mg/L, daily maximum
		27 mg/L, monthly avg. maximum
	Ammonia	10 mg/L, daily maximum
		4.9 mg/L, monthly avg. maximum
	Alpha Terpineol	0.033 mg/L, daily maximum
		0.016 mg/L monthly avg. maximum
	Benzoic Acid	0.12 mg/L, daily maximum
		0.071 mg/L, monthly avg. maximum
	p-Cresol	0.025 mg/L, daily maximum
		0.014 mg/L, monthly avg.

Table 8.L-2 <sup>1</sup>		
Industrial Activity	Parameter	Effluent Limitation
		maximum
	Phenol	0.026 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Total Zinc	0.20 mg/L, daily maximum
		0.11 mg/L, monthly avg. maximum
	pH	Within the range of 6-9 standard pH units (s.u.)

<sup>1</sup> Monitor annually. As set forth at 40 CFR Part 445 Subpart B, these numeric limitations apply to contaminated stormwater discharges from MSWLFs that have not been closed in accordance with 40 CFR 258.60, and to contaminated stormwater discharges from those landfills that are subject to the provisions of 40 CFR Part 257 except for discharges from any of the following facilities:

- (a) landfills operated in conjunction with other industrial or commercial operations, when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;
- (b) landfills operated in conjunction with other industrial or commercial operations, when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation, or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
- (c) landfills operated in conjunction with CWT facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or
- (d) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.



## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart M – Sector M – Automobile Salvage Yards.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.M.1 Covered Stormwater Discharges.

The requirements in Subpart M apply to stormwater discharges associated with industrial activity from Automobile Salvage Yards as identified by the SIC Code specified under Sector M in Table D-1 of Appendix D of this permit.

#### 8.M.2 Additional Technology-Based Effluent Limits.

**8.M.2.1 *Spill and Leak Prevention Procedures.*** (See also Part 2.1.2.4) Drain vehicles intended to be dismantled of all fluids upon arrival at the site (or as soon thereafter as practicable), or employ some other equivalent means to prevent spills and leaks.

**8.M.2.2 *Employee Training.*** (See also Part 2.1.2.8) If applicable to your facility, address the following areas (at a minimum) in your employee training program: proper handling (collection, storage, and disposal) of oil, used mineral spirits, anti-freeze, mercury switches, and solvents.

**8.M.2.3 *Management of Runoff.*** (See also Part 2.1.2.6) Implement control measures to minimize discharges of pollutants in runoff such as the following, where determined to be feasible (list not exclusive): berms or drainage ditches on the property line (to help prevent run-on from neighboring properties); berms for uncovered outdoor storage of oily parts, engine blocks, and above-ground liquid storage; installation of detention ponds; and installation of filtering devices and oil and water separators.

#### 8.M.3 Additional SWPPP Requirements.

**8.M.3.1 *Drainage Area Site Map.*** (See also Part 6.2.2) Identify locations used for dismantling, storing, and maintaining used motor vehicle parts. Also identify where any of the following may be exposed to precipitation or surface runoff: dismantling areas, parts (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers) storage areas, and liquid storage tanks and drums for fuel and other fluids.

**8.M.3.2 *Potential Pollutant Sources.*** (See also Part 6.2.3) Assess the potential for the following to contribute pollutants to stormwater discharges: vehicle storage areas, dismantling areas, parts storage areas (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers), and fueling stations.

#### 8.M.4 Additional Inspection Requirements. (See also Part 3.1)

Immediately (or as soon thereafter as practicable) inspect vehicles arriving at the site for leaks. Inspect quarterly for signs of leakage all equipment containing oily parts, hydraulic fluids, any other types of fluids, or mercury switches. Also, inspect quarterly for signs of leakage all vessels and areas where hazardous materials and general automotive fluids are stored, including, but not limited to, mercury switches, brake fluid, transmission fluid, radiator water, and antifreeze.

**8.M.5 Sector-Specific Benchmarks. (See also Part 4)**

Table 8.M-1 identifies benchmarks that apply to Sector M. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector M1.</b> Automobile Salvage Yards (SIC 5015)	Total Suspended Solids (TSS)	100 mg/L
	Total Recoverable Aluminum	750 µg/L
	Total Recoverable Lead (freshwater) <sup>2</sup> Total Recoverable Lead (saltwater) <sup>1</sup>	Hardness Dependent  210 µg/L

<sup>1</sup>Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

<sup>2</sup>The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 4.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

<b>Freshwater Hardness Range</b>	<b>Lead (µg/L)</b>
0-24.99 mg/L	14
25-49.99 mg/L	23
50-74.99 mg/L	45
75-99.99 mg/L	69
100-124.99 mg/L	95
125-149.99 mg/L	122
150-174.99 mg/L	151
175-199.99 mg/L	182
200-224.99 mg/L	216
225-249.99 mg/L	246
250+ mg/L	262

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart N – Sector N – Scrap Recycling and Waste Recycling Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.N.1 Covered Stormwater Discharges.

The requirements in Subpart N apply to stormwater discharges associated with industrial activity from Scrap Recycling and Waste Recycling facilities as identified by the SIC Code specified under Sector N in Table D-1 of Appendix D of the permit.

#### 8.N.2 Limitation on Coverage.

Separate permit requirements have been established for recycling facilities that receive, process, and do wholesale distribution of only source-separated recyclable materials primarily from non-industrial and residential sources (i.e., common consumer products including paper, newspaper, glass, cardboard, plastic containers, and aluminum and tin cans). This includes recycling facilities commonly referred to as material recovery facilities (MRF). See Part 8.N.3.3.

**8.N.2.1 Prohibition of Non-Stormwater Discharges.** (See also Part 1.1.3) Non-stormwater discharges from turnings containment areas are not covered by this permit (see also Part 8.N.3.1.3). Discharges from containment areas in the absence of a storm event are prohibited unless covered by a separate NPDES permit. (EPA includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2.)

#### 8.N.3 Additional Technology-Based Effluent Limits.

**8.N.3.1 Scrap and Waste Recycling Facilities (Non-Source Separated, Nonliquid Recyclable Materials).** The following requirements are for facilities that receive, process, and do wholesale distribution of non-source separated, nonliquid recyclable wastes (e.g., ferrous and nonferrous metals, plastics, glass, cardboard, and paper). These facilities may receive both nonrecyclable and recyclable materials. This section is not intended for those facilities that accept recyclables only from primarily non-industrial and residential sources.

**8.N.3.1.1 Inbound Recyclable and Waste Material Control Program.** Minimize the chance of accepting materials that could be significant sources of pollutants by conducting inspections of inbound recyclables and waste materials and through implementation of control measures such as the following, where determined to be feasible (list not exclusive): providing information and education to suppliers of scrap and recyclable waste materials on draining and properly disposing of residual fluids (e.g., from vehicles and equipment engines, radiators and transmissions, oil filled transformers, and individual containers or drums) and removal of mercury switches from vehicles before delivery to your facility; establishing procedures to minimize the potential of any residual fluids from coming into contact with precipitation or runoff; establishing procedures for accepting scrap lead-acid batteries (additional requirements for the

handling, storage, and disposal or recycling of batteries are contained in the scrap lead-acid battery program provisions in Part 8.N.3.1.6); providing training targeted for those personnel engaged in the inspection and acceptance of inbound recyclable materials; and establishing procedures to ensure that liquid wastes, including used oil, are stored in materially compatible and non-leaking containers and are disposed of or recycled in accordance with the Resource Conservation and Recovery Act (RCRA).

- 8.N.3.1.2 *Scrap and Waste Material Stockpiles and Storage (Outdoor).*** Minimize contact of stormwater runoff with stockpiled materials, processed materials, and nonrecyclable wastes through implementation of control measures such as the following, where determined to be feasible (list not exclusive): permanent or semi-permanent covers; sediment traps, vegetated swales and strips, catch basin filters, and sand filters to facilitate settling or filtering of pollutants; dikes, berms, containment trenches, culverts, and surface grading to divert runoff from storage areas; silt fencing; and oil and water separators, sumps, and dry absorbents for areas where potential sources of residual fluids are stockpiled (e.g., automobile engine storage areas).
- 8.N.3.1.3 *Stockpiling of Turnings Exposed to Cutting Fluids (Outdoor Storage).*** Minimize contact of surface runoff with residual cutting fluids by storing all turnings exposed to cutting fluids under some form of permanent or semi-permanent cover, or establishing dedicated containment areas for all turnings that have been exposed to cutting fluids. Any containment areas must be constructed of concrete, asphalt, or other equivalent types of impermeable material and include a barrier (e.g., berms, curbing, elevated pads) to prevent contact with stormwater run-on. Stormwater runoff from these areas can be discharged, provided that any runoff is first collected and treated by an oil and water separator or its equivalent. You must regularly maintain the oil and water separator (or its equivalent) and properly dispose of or recycle collected residual fluids.
- 8.N.3.1.4 *Scrap and Waste Material Stockpiles and Storage (Covered or Indoor Storage).*** Minimize contact of residual liquids and particulate matter from materials stored indoors or under cover with surface runoff through implementation of control measures such as the following, where determined to be feasible (list not exclusive): good housekeeping measures, including the use of dry absorbents or wet vacuuming to contain, dispose of, or recycle residual liquids originating from recyclable containers, and mercury spill kits for spills from storage of mercury switches; not allowing wash water from tipping floors or other processing areas to discharge to the storm sewer system; and disconnecting or sealing off all floor drains connected to the storm sewer system.
- 8.N.3.1.5 *Scrap and Recyclable Waste Processing Areas.*** Minimize surface runoff from coming in contact with scrap processing equipment. Pay attention to operations that generate visible amounts of particulate residue (e.g., shredding) to minimize the contact of accumulated particulate matter and residual fluids with runoff (i.e., through good housekeeping, preventive maintenance). To minimize discharges of pollutants in stormwater from scrap and recyclable waste processing areas, implement control measures such as the following, where determined to be feasible (list not exclusive): at least once per month inspecting equipment for spills

or leaks and malfunctioning, worn, or corroded parts or equipment; establishing a preventive maintenance program for processing equipment; using dry-absorbents or other cleanup practices to collect and dispose of or recycle spilled or leaking fluids or use mercury spill kits for spills from storage of mercury switches; on unattended hydraulic reservoirs over 150 gallons in capacity, installing protection devices such as low-level alarms or equivalent devices, or secondary containment that can hold the entire volume of the reservoir; implementing containment or diversion structures such as dikes, berms, culverts, trenches, elevated concrete pads, and grading to minimize contact of stormwater runoff with outdoor processing equipment or stored materials; using oil and water separators or sumps; installing permanent or semi-permanent covers in processing areas where there are residual fluids and grease; and using retention or detention ponds or basins, sediment traps, vegetated swales or strips, and/or catch basin filters or sand filters for pollutant settling and filtration.

**8.N.3.1.6 Scrap Lead-Acid Battery Program.** To minimize the discharge of pollutants in stormwater from lead-acid batteries, properly handle, store, and dispose of scrap lead-acid batteries, and implement control measures such as the following, where determined to be feasible (list not exclusive): segregating scrap lead-acid batteries from other scrap materials; properly handling, storing, and disposing of cracked or broken batteries; collecting and disposing of leaking lead-acid battery fluid; minimizing or eliminating (if possible) exposure of scrap lead-acid batteries to precipitation or runoff; and providing employee training for the management of scrap batteries.

**8.N.3.1.7 Spill Prevention and Response Procedures.** (See also Part 2.1.2.4) Install alarms and/or pump shutoff systems on outdoor equipment with hydraulic reservoirs exceeding 150 gallons in the event of a line break. Alternatively, a secondary containment system capable of holding the entire contents of the reservoir plus room for precipitation can be used. Use a mercury spill kit for any release of mercury from switches, anti-lock brake systems, and switch storage areas.

**8.N.3.1.8 Supplier Notification Program.** As appropriate, notify major suppliers which scrap materials will not be accepted at the facility or will be accepted only under certain conditions.

**8.N.3.2 Waste Recycling Facilities (Liquid Recyclable Materials).**

**8.N.3.2.1 Waste Material Storage (Indoor).** Minimize or eliminate contact between residual liquids from waste materials stored indoors and from surface runoff. The plan may refer to applicable portions of other existing plans, such as Spill Prevention, Control, and Countermeasure (SPCC) plans required under 40 CFR Part 112. To minimize discharges of pollutants in stormwater from indoor waste material storage areas, implement control measures such as the following, where determined to be feasible (list not exclusive): implementing procedures for material handling (including labeling and marking); cleaning up spills and leaks with dry absorbent materials and/or a wet vacuum system; installing appropriate containment structures (e.g., trenching, curbing, gutters, etc.); and installing a drainage system, including appurtenances (e.g., pumps or ejectors, manually operated valves), to handle discharges from diked or

bermed areas. Drainage should be discharged to an appropriate treatment facility or sanitary sewer system, or otherwise disposed of properly. These discharges may require coverage under a separate NPDES wastewater permit or industrial user permit under the pretreatment program.

**8.N.3.2.2 Waste Material Storage (Outdoor).** Minimize contact between stored residual liquids and precipitation or runoff. The plan may refer to applicable portions of other existing plans, such as SPCC plans required under 40 CFR Part 112.

Discharges of stormwater from containment areas containing used oil must also be in accordance with applicable sections of 40 CFR Part 112. To minimize discharges of pollutants in stormwater from outdoor waste material storage areas, implement control measures such as the following, where determined to be feasible (list not exclusive): appropriate containment structures (e.g., dikes, berms, curbing, pits) to store the volume of the largest tank, with sufficient extra capacity for precipitation; drainage control and other diversionary structures; corrosion protection and/or leak detection systems for storage tanks; and dry-absorbent materials or a wet vacuum system to collect spills.

**8.N.3.2.3 Trucks and Rail Car Waste Transfer Areas.** Minimize pollutants in stormwater discharges from truck and rail car loading and unloading areas. Include measures to clean up minor spills and leaks resulting from the transfer of liquid wastes. To minimize discharges of pollutants in stormwater from truck and rail car waste transfer areas, implement control measures such as the following, where determined to be feasible (list not exclusive): containment and diversionary structures to minimize contact with precipitation or runoff; and dry clean-up methods, wet vacuuming, roof coverings, and/or runoff controls.

**8.N.3.3 Recycling Facilities (Source-Separated Materials).** The following requirements are for facilities that receive only source-separated recyclables, primarily from non-industrial and residential sources.

**8.N.3.3.1 Inbound Recyclable Material Control.** Minimize the chance of accepting nonrecyclables (e.g., hazardous materials) that could be a significant source of pollutants by conducting inspections of inbound materials and through the implementation of control measures such as the following, where determined to be feasible (list not exclusive): providing information and education measures to inform suppliers of recyclables about acceptable and non-acceptable materials; training drivers responsible for pickup of recycled material; clearly marking public drop-off containers regarding which materials can be accepted; rejecting nonrecyclable wastes or household hazardous wastes at the source; and establishing procedures for handling and disposal of nonrecyclable material.

**8.N.3.3.2 Outdoor Storage.** Minimize exposure of recyclables to precipitation and runoff by using good housekeeping measures to prevent accumulation of particulate matter and fluids, particularly in high traffic areas and through implementation of control measure such as the following, where determined to be feasible (list not exclusive): providing totally enclosed drop-off containers for the public; installing a sump and pump with each container pit and treat or discharge collected fluids to a sanitary sewer

system; providing dikes and curbs for secondary containment (e.g., around bales of recyclable waste paper); diverting surface water runoff away from outside material storage areas; providing covers over containment bins, dumpsters, and roll-off boxes; and storing the equivalent of one day's volume of recyclable material indoors.

**8.N.3.3.3 Indoor Storage and Material Processing.** Minimize the release of pollutants from indoor storage and processing areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): scheduling routine good housekeeping measures for all storage and processing areas; prohibiting tipping floor wash water from draining to the storm sewer system; and providing employee training on pollution prevention practices.

**8.N.3.3.4 Vehicle and Equipment Maintenance.** Minimize the discharge of pollutants in stormwater from areas where vehicle and equipment maintenance occur outdoors through implementation of control measures such as the following, where determined to be feasible (list not exclusive): minimizing or eliminating outdoor maintenance areas; establishing spill prevention and clean-up procedures in fueling areas; avoiding topping off fuel tanks; diverting runoff from fueling areas; storing lubricants and hydraulic fluids indoors; and providing employee training on proper handling and storage of hydraulic fluids and lubricants.

**8.N.4 Additional SWPPP Requirements.**

**8.N.4.1 Drainage Area Site Map.** (See also Part 6.2.2) Document in your SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: scrap and waste material storage; outdoor scrap and waste processing equipment; and containment areas for turnings exposed to cutting fluids.

**8.N.4.2 Maintenance Schedules/Procedures for Collection, Handling, and Disposal or Recycling of Residual Fluids at Scrap and Waste Recycling Facilities.** If you are subject to Part 8.N.3.1.3, your SWPPP must identify any applicable maintenance schedule and the procedures to collect, handle, and dispose of or recycle residual fluids.

**8.N.5 Additional Inspection Requirements.**

**8.N.5.1 Inspections for Waste Recycling Facilities.** The inspections must be performed quarterly, per Part 3.1, and include, at a minimum, all areas where waste is generated, received, stored, treated, or disposed of and that are exposed to either precipitation or stormwater runoff.

**8.N.6 Sector-Specific Benchmarks. (See also Part 4)**

Table 8.N-1 identifies benchmarks that apply to Sector N. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector N1.</b> Scrap Recycling and Waste Recycling Facilities except those only receiving	Chemical Oxygen Demand (COD)	120 mg/L

**Table 8.N-1.**

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
source-separate recyclable materials primarily from non-industrial and residential sources (SIC 5093)	Total Suspended Solids (TSS)	100 mg/L
	Total Recoverable Aluminum	750 µg/L
	Total Recoverable Copper (freshwater) <sup>2</sup> Total Recoverable Copper (saltwater) <sup>1</sup>	Hardness Dependent 4.8 µg/L
	Total Recoverable Lead (freshwater) <sup>2</sup> Total Recoverable Lead (saltwater) <sup>1</sup>	Hardness Dependent 210 µg/L
	Total Recoverable Zinc (freshwater) <sup>2</sup> Total Recoverable Zinc (saltwater) <sup>1</sup>	Hardness Dependent 90 µg/L

<sup>1</sup>Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

<sup>2</sup>The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 4.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

<b>Freshwater Hardness Range</b>	<b>Copper</b>	<b>Lead</b>	<b>Zinc</b>
0-24.99 mg/L	3.8	14	40
25-49.99 mg/L	5.6	23	50
50-74.99 mg/L	9.0	45	80
75-99.99 mg/L	12.3	69	110
100-124.99 mg/L	15.6	95	130
125-149.99 mg/L	18.9	122	160
150-174.99 mg/L	22.1	151	180
175-199.99 mg/L	25.3	182	200
200-224.99 mg/L	28.5	216	230
225-249.99 mg/L	31.6	246	250
250+ mg/L	33.2	262	260



**Part 8 – Sector-Specific Requirements for Industrial Activity****Subpart O – Sector O – Steam Electric Generating Facilities.**

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

**8.O.1 Covered Stormwater Discharges.**

The requirements in Subpart O apply to stormwater discharges associated with industrial activity from Steam Electric Power Generating Facilities as identified by the Activity Code specified under Sector O in Table D-1 of Appendix D.

**8.O.2 Industrial Activities Covered by Sector O.**

This permit authorizes stormwater discharges from the following industrial activities at Sector O facilities:

**8.O.2.1** *Steam electric power generation using coal, natural gas, oil, nuclear energy, etc., to produce a steam source, including coal handling areas (does not include geothermal power);*

**8.O.2.2** *Coal pile runoff, including effluent limitations established by 40 CFR Part 423;*

**8.O.2.3** *Dual fuel facilities that could employ a steam boiler.*

**8.O.3 Limitations on Coverage.**

**8.O.3.1** ***Prohibition of Non-Stormwater Discharges.*** Non-stormwater discharges subject to effluent limitations guidelines are not covered by this permit. (EPA includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2.)

**8.O.3.2** ***Prohibition of Stormwater Discharges.*** Stormwater discharges from the following are not covered by this permit:

**8.O.3.2.1** *Ancillary facilities (e.g., fleet centers and substations) that are not contiguous to a steam electric power generating facility;*

**8.O.3.2.2** *Gas turbine facilities (provided the facility is not a dual-fuel facility that includes a steam boiler), and combined-cycle facilities where no supplemental fuel oil is burned (and the facility is not a dual-fuel facility that includes a steam boiler);*

**8.O.3.2.3** *Cogeneration (combined heat and power) facilities utilizing a gasturbine.*

**8.O.4** ***Additional Technology-Based Effluent Limits.*** The following good housekeeping measures are required in addition to Part 2.1.2.2:

**8.O.4.1** ***Fugitive Dust Emissions.*** Minimize fugitive dust emissions from coal handling areas to minimize the tracking of coal dust offsite that could be discharged in stormwater through implementation of control measures such as the following, where determined to be feasible, (list not exclusive): installing specially designed tires; and

- washing vehicles in a designated area before they leave the site and controlling the wash water.
- 8.O.4.2 *Delivery Vehicles.*** Minimize contamination of stormwater runoff from delivery vehicles arriving at the plant site. Implement procedures to inspect delivery vehicles arriving at the plant site as necessary to minimize discharges of pollutants in stormwater. Ensure the overall integrity of the body or container of the delivery vehicle and implement procedures to deal with leakage or spillage from delivery vehicles.
- 8.O.4.3 *Fuel Oil Unloading Areas.*** Minimize contamination of precipitation or surface runoff from fuel oil unloading areas. Use containment curbs in unloading areas where feasible. In addition, ensure personnel familiar with spill prevention and response procedures are available to respond expeditiously in the event of a leak or spill during deliveries. Ensure that any leaks or spills are immediately contained and cleaned up, and use spill and overflow protection devices (e.g., drip pans, drip diapers, or other containment devices placed beneath fuel oil connectors to contain potential spillage during deliveries or from leaks at the connectors).
- 8.O.4.4 *Chemical Loading and Unloading. Minimize contamination of precipitation or surface runoff from chemical loading and unloading areas.*** Use containment curbs at chemical loading and unloading areas to contain spills, where practicable. In addition, ensure personnel familiar with spill prevention and response procedures are available to respond expeditiously in the event of a leak or spill during deliveries. Ensure leaks and spills are immediately contained and cleaned up and, where practicable, load and unload in covered areas and store chemicals indoors.
- 8.O.4.5 *Miscellaneous Loading and Unloading Areas.*** Minimize contamination of precipitation or surface runoff from loading and unloading areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering the loading area; grading, curbing, or berming around the loading area to divert run-on; locating the loading and unloading equipment and vehicles so that leaks are contained in existing containment and flow diversion systems; or equivalent procedures.
- 8.O.4.6 *Liquid Storage Tanks.*** Minimize contamination of surface runoff from above-ground liquid storage tanks through implementation of control measures such as the following, where determined to be feasible, the following (list not exclusive): using protective guards around tanks; using containment curbs; installing spill and overflow protection; using dry cleanup methods; or equivalent measures.
- 8.O.4.7 *Large Bulk Fuel Storage Tanks. Minimize contamination of surface runoff from large bulk fuel storage tanks.*** Use containment berms (or their equivalent). You must also comply with applicable state and federal laws, including Spill Prevention, Control and Countermeasure (SPCC) Plan requirements.
- 8.O.4.8 *Spill Reduction Measures.*** Minimize the potential for an oil or chemical spill, or reference the appropriate part of your SPCC plan. Visually inspect as part of your routine facility inspection the structural integrity of all above-ground tanks, pipelines, pumps, and related equipment that may be exposed to stormwater, and make any necessary repairs immediately.
- 8.O.4.9 *Oil-Bearing Equipment in Switchyards.*** Minimize contamination of surface runoff from oil-bearing equipment in switchyard areas. Use level grades and gravel surfaces to retard flows and limit the spread of spills, or collect runoff in perimeter ditches.

- 8.O.4.10 Residue-Hauling Vehicles.** Inspect all residue-hauling vehicles for proper covering over the load, adequate gate sealing, and overall integrity of the container body. Repair vehicles without load covering or adequate gate sealing, or with leaking containers or beds.
- 8.O.4.11 Ash Loading Areas.** Reduce or control the tracking of ash and residue from ash loading areas. Clear the ash building floor and immediately adjacent roadways of spillage, debris, and excess water as necessary to minimize discharges of pollutants in stormwater.
- 8.O.4.12 Areas Adjacent to Disposal Ponds or Landfills.** Minimize contamination of surface runoff from areas adjacent to disposal ponds or landfills. Reduce ash residue that may be tracked on to access roads traveled by residue handling vehicles, and reduce ash residue on exit roads leading into and out of residue handling areas.
- 8.O.4.13 Landfills, Scrap Yards, Surface Impoundments, Open Dumps, General Refuse Sites.** Minimize the potential for contamination of runoff from these areas.
- 8.O.5 Additional SWPPP Requirements.**
- 8.O.5.1 Drainage Area Site Map.** (See also Part 6.2.2) Document in your SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: storage tanks, scrap yards, and general refuse areas; short- and long-term storage of general materials (including but not limited to supplies, construction materials, paint equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizer, and pesticides); landfills and construction sites; and stock pile areas (e.g., coal or limestone piles).
- 8.O.5.2 Documentation of Good Housekeeping Measures.** You must document in your SWPPP the good housekeeping measures implemented to meet the effluent limits in Part 8.O.4.
- 8.O.6 Additional Inspection Requirements.**

As part of your inspection, inspect the following areas monthly: coal handling areas, loading or unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, areas adjacent to disposal ponds and landfills, maintenance areas, liquid storage tanks, and long term and short term material storage areas.

**8.O.7 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 4.2.2.1)**

Table 8.O-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Industrial Activity	Parameter	Effluent Limitation
Discharges from coal storage piles at Steam Electric Generating Facilities	TSS	50 mg/l <sup>2</sup>
	pH	6.0 min - 9.0 max

<sup>1</sup> Monitor annually.

<sup>2</sup> If your facility is designed, constructed, and operated to treat the volume of coal pile runoff that is associated with a

10-year, 24-hour rainfall event, any untreated overflow of coal pile runoff from the treatment unit is not subject to the 50 mg/L limitation for total suspended solids.

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## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart P – Sector P – Land Transportation and Warehousing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.P.1 Covered Stormwater Discharges.

The requirements in Subpart P apply to stormwater discharges associated with industrial activity from Land Transportation and Warehousing facilities as identified by the SIC Codes specified under Sector P in Table D-1 of Appendix D of the permit.

#### 8.P.2 Limitation on Coverage.

**8.P.2.1 Prohibited Discharges** (see also Parts 1.1.3 and 8.P.3.1.4) This permit does not authorize the discharge of vehicle/equipment/surface wash water, including tank cleaning operations. Such discharges must be authorized under a separate NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or recycled on-site.

#### 8.P.3 Additional Technology-Based Effluent Limits.

**8.P.3.1 Good Housekeeping Measures.** (See also Part 2.1.2.2) In addition to the Good Housekeeping requirements in Part 2.1.2.2, you must do the following.

**8.P.3.1.1 Vehicle and Equipment Storage Areas.** Minimize the potential for stormwater exposure to leaky or leak-prone vehicles/equipment awaiting maintenance through implementation of control measures such as the following, where determined to be feasible (list not exclusive): using of drip pans under vehicles/equipment; storing vehicles and equipment indoors; installing berms or dikes; using of absorbents; roofing or covering storage areas; and cleaning pavement surfaces to remove oil and grease.

**8.P.3.1.2 Fueling Areas.** Minimize contamination of stormwater runoff from fueling areas through implementation of control measures such as the following, where determined to be feasible: covering the fueling area; using spill/overflow protection and cleanup equipment; minimizing stormwater run-on/runoff to the fueling area; using dry cleanup methods; and treating and/or recycling collected stormwater runoff.

**8.P.3.1.3 Material Storage Areas.** Maintain all material storage vessels (e.g., for used oil/oil filters, spent solvents, paint wastes, hydraulic fluids) to prevent contamination of stormwater and plainly label them (e.g., "Used Oil," "Spent Solvents"). To minimize discharges of pollutants in stormwater from material storage areas, implement control measures such as the following, where determined to be feasible (list not exclusive): storing the materials indoors; installing berms/dikes around the areas; minimizing runoff of stormwater to the areas; using dry cleanup methods; and treating and/or recycling collected stormwater runoff.

**8.P.3.1.4 Vehicle and Equipment Cleaning Areas.** Minimize contamination of stormwater runoff from all areas used for vehicle/equipment cleaning

through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing all cleaning operations indoors; covering the cleaning operation, ensuring that all wash water drains to a proper collection system (i.e., not the stormwater drainage system); treating and/or recycling collected wash water; or other equivalent measures.

Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit for this sector.

- 8.P.3.1.5 Vehicle and Equipment Maintenance Areas.** Minimize contamination of stormwater runoff from all areas used for vehicle/equipment maintenance through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing maintenance activities indoors; using drip pans; keeping an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting wet clean up practices if these practices would result in the discharge of pollutants to stormwater drainage systems; using dry cleanup methods; treating and/or recycling collected stormwater runoff; and minimizing run on/runoff of stormwater to maintenance areas.
- 8.P.3.1.6 Locomotive Sanding (Loading Sand for Traction) Areas.** Minimize discharges of pollutants in stormwater from locomotive sanding areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering sanding areas; minimizing stormwater run on/runoff; or appropriate sediment removal practices to minimize the offsite transport of sanding material by stormwater.
- 8.P.3.2 Employee Training.** (See also Part 2.1.2.8) Train personnel at least once a year and address the following activities, as applicable: used oil and spent solvent management; fueling procedures; general good housekeeping practices; proper painting procedures; and used battery management.
- 8.P.4 Additional SWPPP Requirements.**
- 8.P.4.1 Drainage Area Site Map.** (See also Part 6.2.2) Identify in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: fueling stations; vehicle/equipment maintenance or cleaning areas; storage areas for vehicle/equipment with actual or potential fluid leaks; loading/unloading areas; areas where treatment, storage or disposal of wastes occur; liquid storage tanks; processing areas; and storage areas.
- 8.P.4.2 Potential Pollutant Sources.** (See also Part 6.2.3) Assess the potential for the following activities and facility areas to contribute pollutants to stormwater discharges: onsite waste storage or disposal; dirt/gravel parking areas for vehicles awaiting maintenance; illicit plumbing connections between shop floor drains and the stormwater conveyance system(s); and fueling areas. Describe these activities in the SWPPP.
- 8.P.4.2.1 Description of Good Housekeeping Measures.** You must document in your SWPPP the good housekeeping measures you implement consistent with Part 8.P.3.
- 8.P.4.2.2 Vehicle and Equipment Wash Water Requirements.** If wash water is handled in a manner that does not involve separate NPDES permitting

(e.g., hauled offsite), describe the disposal method and include all pertinent information (e.g., frequency, volume, destination, etc.) in your SWPPP. Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit for this sector.

#### 8.P.5 Additional Inspection Requirements. (See also Part 3.1)

Inspect all the following areas/activities: storage areas for vehicles/equipment awaiting maintenance, fueling areas, indoor and outdoor vehicle/equipment maintenance areas, material storage areas, vehicle/equipment cleaning areas and loading/unloading areas.

#### 8.P.6 Sector-Specific Benchmarks. (See also Part 4)

Table 8.P-1 identifies benchmarks that apply to the specific subsectors of Sector P. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector P1.</b> Railroad Transportation; Local and Highway Passenger Transportation; Motor Freight Transportation and Warehousing; United States Postal Service; Petroleum Bulk Stations and Terminals (SIC 4011, 4013, 4111-4173, 4212-4231, 4311, 5171)	Total Recoverable Lead (freshwater) <sup>2</sup>	Hardness Dependent 210 µg/L
	Total Recoverable Lead (saltwater) <sup>1</sup>	
	Total Recoverable Mercury (freshwater)	1.4 µg/L
	Total Recoverable Mercury (saltwater) <sup>1</sup>	1.8 µg/L

<sup>1</sup> Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

<sup>2</sup> The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 4.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

<b>Freshwater Hardness Range</b>	<b>Lead (µg/L)</b>
0-24.99 mg/L	14
25-49.99 mg/L	23
50-74.99 mg/L	45
75-99.99 mg/L	69
100-124.99 mg/L	95
125-149.99 mg/L	122
150-174.99 mg/L	151
175-199.99 mg/L	182
200-224.99 mg/L	216
225-249.99 mg/L	246
250+ mg/L	262

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart Q – Sector Q – Water Transportation.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.Q.1 Covered Stormwater Discharges.

The requirements in Subpart Q apply to stormwater discharges associated with industrial activity from Water Transportation facilities as identified by the SIC Codes specified under Sector Q in Table D-1 of Appendix D of the permit.

#### 8.Q.2 Limitations on Coverage.

**8.Q.2.1 Prohibition of Non-Stormwater Discharges.** (See also Part 1.1.3) Not covered by this permit: discharges from vessels including bilge and ballast water, sanitary wastes, pressure wash water, and cooling water. Any discharge of pollutants from a point source to a water of the U.S. requires coverage under an NPDES permit. (EPA includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2.)

#### 8.Q.3 Additional Technology-Based Effluent Limits.

**8.Q.3.1 Good Housekeeping Measures.** You must implement the following good housekeeping measures in addition to the requirements of Part 2.1.2.2:

**8.Q.3.1.1 Pressure Washing Area.** If pressure washing is used to remove marine growth from vessels, the discharge water must be permitted by a separate NPDES permit. Collect or contain the discharges from the pressure washing area so that they are not commingled with stormwater discharges authorized by this permit.

**8.Q.3.1.2 Blasting and Painting Area.** Minimize the potential for spent abrasives, paint chips, and overspray to be discharged into receiving waters or the storm sewer system. Contain all blasting and painting activities, or use other measures, to minimize the discharge of contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). At least once per month, you must clean stormwater conveyances of deposits of abrasive blasting debris and paint chips.

**8.Q.3.1.3 Material Storage Areas.** Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. Specify which materials are stored indoors, and contain or enclose or use other measures for those stored outdoors. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite.



- 8.Q.3.1.4 Engine Maintenance and Repair Areas.** Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing all maintenance activities indoors; maintaining an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting the practice of hosing down the shop floor; using dry cleanup methods; and treating and/or recycling stormwater runoff collected from the maintenance area.
- 8.Q.3.1.5 Material Handling Area.** Minimize the contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels) through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering fueling areas; using spill and overflow protection; mixing paints and solvents in a designated area (preferably indoors or under a shed); and minimizing runoff of stormwater to material handling areas.
- 8.Q.3.1.6 Drydock Activities.** Routinely maintain and clean the drydock to minimize discharges of pollutants in stormwater. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock. To minimize discharges of pollutants in stormwater from drydock activities, implement control measures such as the following, where determined to be feasible (list not exclusive): sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding; and making absorbent materials and oil containment booms readily available to clean up or contain any spills.
- 8.Q.3.2 Employee Training.** (See also Part 2.1.2.8) As part of your employee training program, address, at a minimum, the following activities (as applicable): used oil management; spent solvent management; disposal of spent abrasives; disposal of vessel wastewaters; spill prevention and control; fueling procedures; general good housekeeping practices; painting and blasting procedures; and used battery management.
- 8.Q.3.3 Preventive Maintenance.** (See also Part 2.1.2.3) As part of your preventive maintenance program, perform timely inspection and maintenance of stormwater management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.
- 8.Q.4 Additional SWPPP Requirements.**
- 8.Q.4.1 Drainage Area Site Map.** (See also Part 6.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

**8.Q.4.2 Summary of Potential Pollutant Sources.** (See also Part 6.2.3) Document in the SWPPP the following additional sources and activities that have potential pollutants associated with them: outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting).

**8.Q.5 Additional Inspection Requirements. (See also Part 3.1)**

Include the following in all quarterly routine facility inspections: pressure washing areas; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

**8.Q.6 Sector-Specific Benchmarks. (See also Part 4)**

Table 8.Q-1 identifies benchmarks that apply to Sector Q. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector Q1. Water Transportation Facilities (SIC 4412-4499)</b>	Total Recoverable Aluminum	750 µg/L
	Total Recoverable Lead (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Lead (saltwater) <sup>1</sup>	210 µg/L
	Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L

<sup>1</sup>Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

<sup>2</sup>The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 4.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

<b>Freshwater Hardness Range</b>	<b>Lead (µg/L)</b>	<b>Zinc (µg/L)</b>
0-24.99 mg/L	14	40
25-49.99 mg/L	23	50
50-74.99 mg/L	45	80
75-99.99 mg/L	69	110
100-124.99 mg/L	95	130
125-149.99 mg/L	122	160
150-174.99 mg/L	151	180
175-199.99 mg/L	182	200
200-224.99 mg/L	216	230
225-249.99 mg/L	246	250
250+ mg/L	262	260

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart R – Sector R – Ship and Boat Building and Repair Yards.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.R.1 Covered Stormwater Discharges.

The requirements in Subpart R apply to stormwater discharges associated with industrial activity from Ship and Boat Building and Repair Yards as identified by the SIC Codes specified under Sector R in Table D-1 of Appendix D of the permit.

#### 8.R.2 Limitations on Coverage.

**8.R.2.1** Prohibition of Non-Stormwater Discharges. (See also Part 1.1.3) Not covered by this permit: discharges from vessels including bilge and ballast water, sanitary wastes, pressure wash water, and cooling water. (EPA includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2.)

#### 8.R.3 Additional Technology-Based Effluent Limits.

**8.R.3.1** Good Housekeeping Measures. (See also Part 2.1.2.2)

**8.R.3.1.1** **Pressure Washing Area.** If pressure washing is used to remove marine growth from vessels, the discharged water must be permitted as a process wastewater by a separate NPDES permit.

**8.R.3.1.2** **Blasting and Painting Area.** Minimize the potential for spent abrasives, paint chips, and overspray to be discharged into receiving waters or the storm sewer system. Contain all blasting and painting activities, or use other measures, to prevent the discharge of the contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean stormwater conveyances of deposits of abrasive blasting debris and paint chips.

**8.R.3.1.3** **Material Storage Areas.** Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite.

**8.R.3.1.4** **Engine Maintenance and Repair Areas.** Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing all maintenance activities indoors; maintaining an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting the practice of hosing down the shop floor; using dry cleanup

methods; and treating and/or recycling stormwater runoff collected from the maintenance area.

- 8.R.3.1.5 Material Handling Area.** Minimize the discharge of pollutants in stormwater from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels) through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering fueling areas, using spill and overflow protection, mixing paints and solvents in a designated area (preferably indoors or under a shed), and minimizing stormwater runoff to material handling areas.
- 8.R.3.1.6 Drydock Activities.** Routinely maintain and clean the drydock to minimize pollutants in stormwater runoff. Clean accessible areas of the drydock prior to flooding and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, or fuel spills occurring on the drydock. To minimize discharges of pollutants in stormwater from drydock activities, implement control measures such as the following, where determined to be feasible (list not exclusive): sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding; and having absorbent materials and oil containment booms readily available to clean up and contain any spills.
- 8.R.3.2 Employee Training.** (See also Part 2.1.2.8) As part of your employee training program, address, at a minimum, the following activities (as applicable): used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.
- 8.R.3.3 Preventive Maintenance.** (See also Part 2.1.2.3) As part of your preventive maintenance program, perform timely inspection and maintenance of stormwater management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.
- 8.R.4 Additional SWPPP Requirements.**
- 8.R.4.1 Drainage Area Site Map.** (See also Part 6.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance or repair; vessel maintenance or repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; treatment, storage, and waste disposal areas; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).
- 8.R.4.2 Potential Pollutant Sources.** (See also Part 6.2.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them (if applicable): outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting).

**8.R.4.3 Documentation of Good Housekeeping Measures.** Document in your SWPPP any good housekeeping measures implemented to meet the effluent limits in Part 8.R.3.

**8.R.4.3.1 Blasting and Painting Areas.** Document in the SWPPP any standard operating practices relating to blasting and painting (e.g., prohibiting uncontained blasting and painting over open water or prohibiting blasting and painting during windy conditions, which can render containment ineffective).

**8.R.4.3.2 Storage Areas.** Specify in your SWPPP which materials are stored indoors, and contain or enclose or use other measures for those stored outdoors.

**8.R.5 Additional Inspection Requirements. (See also Part 3.1)**

Include the following in all quarterly routine facility inspections: pressure washing areas; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

**8.R.6 Sector-Specific Benchmarks. (See also Part 4)**

Table 8.R-1 identifies benchmarks that apply to the specific subsectors of Sector R. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector R1. Ship and Boat Building or Repairing Yards (SIC 3731, 3732)</b>	Chromium (III)	570 µg/L
	Chromium (VI) (freshwater)	16 µg/L
	Chromium (VI) (saltwater)	110 µg/L
	Total Recoverable Copper (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Copper (saltwater) <sup>1</sup>	4.8 µg/L
	Total Recoverable Lead (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Lead (saltwater) <sup>1</sup>	210 µg/L
	Total Recoverable Nickel (freshwater) <sup>2</sup>	Hardness Dependent
Total Recoverable Nickel (saltwater) <sup>1</sup>	74 µg/L	
Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent	
Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L	

<sup>1</sup>Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

<sup>2</sup>The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 4.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

<b>Freshwater Hardness Range</b>	<b>Copper (µg/L)</b>	<b>Lead µg/L</b>	<b>Nickel (µg/L)</b>	<b>Zinc (µg/L)</b>
0-24.99 mg/L	3.8	14	150	40
25-49.99 mg/L	5.6	23	200	50
50-74.99 mg/L	9.0	45	320	80
75-99.99 mg/L	12.3	69	420	110
100-124.99 mg/L	15.6	95	520	130
125-149.99 mg/L	18.9	122	610	160
150-174.99 mg/L	22.1	151	710	180
175-199.99 mg/L	25.3	182	800	200
200-224.99 mg/L	28.5	216	890	230
225-249.99 mg/L	31.6	246	980	250
250+ mg/L	33.2	262	1020	260

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart S – Sector S – Air Transportation.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.S.1 Covered Stormwater Discharges.

The requirements in Subpart S apply to stormwater discharges associated with industrial activity from Air Transportation facilities identified by the SIC Codes specified under Sector S in Table D-1 of Appendix D of the permit.

#### 8.S.2 Limitation on Coverage.

**8.S.2.1 Limitations on Coverage.** This permit authorizes stormwater discharges from only those portions of the air transportation facility that are involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations or deicing operations.

*Note:* the term “deicing” in this permit will generally be used to mean both deicing (removing frost, snow or ice) and anti-icing (preventing accumulation of frost, snow or ice) activities, unless specific mention is made otherwise.

**8.S.2.2 Prohibition of Non-Stormwater Discharges.** (See also Part 1.1.3 and Part 8.S.5.3) This permit does not authorize the discharge of aircraft, ground vehicle, runway and equipment wash waters; nor the dry weather discharge of deicing chemicals. Such discharges must be covered by separate NPDES permit(s). Note that a discharge resulting from snowmelt is not a dry weather discharge. (EPA includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2.)

#### 8.S.3 Multiple Operators at Air Transportation Facilities.

Air transportation facilities often have more than one operator who could discharge stormwater associated with industrial activity. Operators include the airport authority and airport tenants, including air passenger or cargo companies, fixed based operators, and other parties who routinely perform industrial activities on airport property.

**8.S.3.1 Permit Coverage/Submittal of NOIs.** Where an airport transportation facility has multiple industrial operators that discharge stormwater, each individual operator must obtain coverage under an NPDES stormwater permit. To obtain coverage under the MSGP, all such operators must meet the eligibility requirements in Part 1 and must submit an NOI, per Part 1.3.1. (or, if appropriate, a no exposure certification per Part 1.5).

**8.S.3.2 MSGP Implementation Responsibilities for Airport Authority and Tenants.** The airport authority, in collaboration with its tenants, may choose to implement certain MSGP requirements on behalf of its tenants in order to increase efficiency and eliminate redundancy or duplication of effort. Options available to the airport authority and its tenants for implementation of MSGP requirements include:

- The airport authority performs certain activities on behalf of itself and its tenants and reports on its activities;
- Tenants provide the airport authority with relevant inputs about tenants' activities, including deicing chemical usage\*, and the airport authority compiles and reports on tenants' and its own activities;
- Tenants independently perform, document and submit required information on their activities.

\*Tenants who report their deicing chemical usage to the airport authority and rely on the airport authority to perform monitoring should not check the glycol and urea use box on their NOI forms.

**8.S.3.3 SWPPP Requirements.** A single comprehensive SWPPP must be developed for all stormwater discharges associated with industrial activity at the airport before submittal of any NOIs. The comprehensive SWPPP should be developed collaboratively by the airport authority and tenants. If any operator develops a SWPPP for discharges from its own areas of the airport, that SWPPP must be coordinated and integrated with the comprehensive SWPPP. All operators and their separate SWPPP contributions and compliance responsibilities must be clearly identified in the comprehensive SWPPP, which all operators must sign and certify per Part 6.2.7. As applicable, the SWPPP must clearly specify the MSGP requirements to be complied with by:

- The airport authority for itself;
- The airport authority on behalf of its tenants;
- Tenants for themselves.

For each activity that an operator (e.g., the airport authority) conducts on behalf of another operator (e.g., a tenant), the SWPPP must describe a process for reporting results to the latter operator and for ensuring appropriate follow-up, if necessary, by all affected operators. This is to ensure all actions are taken to correct any potential deficiencies or permit violations. For example, where the airport authority is conducting monitoring for itself and its tenants, the SWPPP must identify how the airport authority will share the monitoring results with its tenants, and then follow-up with its tenants where there are any exceedances of benchmarks, effluent limits, or water quality standards. In turn, the SWPPP must describe how the tenants will also follow-up to ensure permit compliance.

**8.S.3.4 Duty to Comply.** All individual operators are responsible for implementing their assigned portion of the comprehensive SWPPP, and operators must ensure that their individual activities do not render another operator's stormwater controls ineffective. In addition, the standard permit conditions found in Appendix B apply to each individual operator, including B.1 Duty to Comply (which states, in part, "You [each individual operator] must comply with all conditions of this permit."). For multiple operators at an airport this means that each individual operator remains responsible for ensuring all requirements of its own MSGP coverage are met regardless of whether the comprehensive SWPPP allocates the actual implementation of any of those responsibilities to another entity. That is, the failure of the entity allocated responsibility in the SWPPP to implement an MSGP requirement on behalf of other operators does not negate the other operators' ultimate liability.

**8.S.4 Additional Technology-Based Effluent Limits.**



**8.S.4.1 Good Housekeeping Measures.** (See also Part 2.1.2.2)

- 8.S.4.1.1 Aircraft, Ground Vehicle and Equipment Maintenance Areas.** Minimize the contamination of stormwater runoff from all areas used for aircraft, ground vehicle and equipment maintenance (including the maintenance conducted on the terminal apron and in dedicated hangars) through implementation of control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): performing maintenance activities indoors; maintaining an organized inventory of material used in the maintenance areas; draining all parts of fluids prior to disposal; prohibiting the practice of hosing down the apron or hanger floor; using dry cleanup methods; and collecting the stormwater runoff from the maintenance area and providing treatment or recycling.
- 8.S.4.1.2 Aircraft, Ground Vehicle and Equipment Cleaning Areas.** (See also Part 8.S.4.6) Clearly demarcate these areas on the ground using signage or other appropriate means. Minimize the contamination of stormwater runoff from cleaning areas.
- 8.S.4.1.3 Aircraft, Ground Vehicle and Equipment Storage Areas.** Store all aircraft, ground vehicles and equipment awaiting maintenance in designated areas only and implement control measures to minimize the discharge of pollutants in stormwater from these storage areas such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): storing aircraft and ground vehicles indoors; using drip pans for the collection of fluid leaks; and perimeter drains, dikes or berms surrounding the storage areas.
- 8.S.4.1.4 Material Storage Areas.** Maintain the vessels of stored materials (e.g., used oils, hydraulic fluids, spent solvents, and waste aircraft fuel) in good condition to prevent or minimize contamination of stormwater. Also plainly label the vessels (e.g., "used oil," "Contaminated Jet A"). To minimize contamination of precipitation/runoff from these areas, implement control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): storing materials indoors; storing waste materials in a centralized location; and installing berms/dikes around storage areas.
- 8.S.4.1.5 Airport Fuel System and Fueling Areas.** Minimize the discharge of pollutants in stormwater from airport fuel system and fueling areas through implementation of control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): implementing spill and overflow practices (e.g., placing absorptive materials beneath aircraft during fueling operations); using only dry cleanup methods; and collecting stormwater runoff. If you have implemented a SPCC plan developed in accordance with the 2006 amendments to the SPCC rule, you may cite the relevant aspects from your SPCC plan that comply with the requirements of this section in your SWPPP.

**8.S.4.1.6 Source Reduction.** Consistent with safety considerations, minimize the use of urea and glycol-based deicing chemicals to reduce the aggregate amount of deicing chemicals used that could add pollutants to stormwater discharges. Chemical options to replace pavement deicers (urea or glycol) include (list not exclusive): potassium acetate; magnesium acetate; calcium acetate; and anhydrous sodium acetate.

- **Runway Deicing Operations.** To minimize the discharge of pollutants in stormwater from runway deicing operations, implement source reduction control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): metered application of chemicals; pre-wetting dry chemical constituents prior to application; installing a runway ice detection system; implementing anti-icing operations as a preventive measure against ice buildup; heating sand; and product substitution.
- **Aircraft Deicing Operations.** Minimize the discharge of pollutants in stormwater from aircraft deicing operations. Determine whether excessive application of deicing chemicals occurs and adjust as necessary, consistent with considerations of flight safety. Determine whether alternatives to glycol and whether containment measures for applied chemicals are feasible. Implement control measures for reducing deicing fluid such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): forced-air deicing systems, computer-controlled fixed-gantry systems, infrared technology, hot water, varying glycol content to air temperature, enclosed-basket deicing trucks, mechanical methods, solar radiation, hangar storage, aircraft covers, and thermal blankets for MD-80s and DC-9s. Consider using ice- detection systems and airport traffic flow strategies and departure slot allocation systems where feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations. The evaluations and determinations required by this Part should be carried out by the personnel most familiar with the particular aircraft and flight operations and related systems in question (versus an outside entity such as the airport authority).

**8.S.4.1.7 Management of Runoff.** (See also Part 2.1.2.6) Minimize the discharge of pollutants in stormwater from deicing chemicals in runoff. To minimize discharges of pollutants in stormwater from aircraft deicing, implement runoff management control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): installing a centralized deicing pad to recover deicing fluid following application; plug- and-pump (PnP); using vacuum/collection trucks (glycol recovery vehicles); storing contaminated stormwater/deicing fluids in tanks; recycling collected deicing fluid where feasible; releasing controlled amounts to a publicly owned treatment works; separation of contaminated snow; conveying contaminated runoff into a stormwater impoundment for biochemical decomposition (be aware of attracting wildlife that may prove hazardous to flight operations); and directing runoff into vegetative swales or other infiltration measures. To minimize discharges of pollutants in stormwater from runway

deicing, implement runoff management control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): mechanical systems (snow plows, brushes); conveying contaminated runoff into swales and/or a stormwater impoundment; and pollution prevention practices such as ice detection systems, and airfield prewetting.

When applying deicing fluids during non-precipitation events (also referred to as “clear ice deicing”), implement control measures to prevent unauthorized discharge of pollutants (dry-weather discharges of pollutants would need coverage under an NPDES wastewater permit), or to minimize the discharge of pollutants from deicing fluids in later stormwater discharges, implement control measures such as the following, where determined to be feasible and that accommodate considerations safety, space, operational constraints, and flight considerations (list not exclusive): recovering deicing fluids; preventing the fluids from entering storm sewers or other stormwater discharge conveyances (e.g., covering storm sewer inlets, using booms, installing absorptive interceptors in the drains); releasing controlled amounts to a publicly owned treatment works Used deicing fluid should be recycled whenever practicable.

**8.S.4.1.8 Deicing Season.** You must determine the seasonal timeframe (e.g., December- February, October - March) during which deicing activities typically occur at the facility. Implementation of control measures, including any BMPs, facility inspections and monitoring must be conducted with particular emphasis throughout the defined deicing season. If you meet the deicing chemical usage thresholds of 100,000 gallons glycol and/or 100 tons of urea, the deicing season you identified is the timeframe during which you must obtain the four required benchmark monitoring event results for deicing-related parameters, i.e., BOD, COD, ammonia and pH. See also Part 8.S.7.

**8.S.5 Additional SWPPP Requirements.**

**8.S.5.1 Drainage Area Site Map.** (See also Part 6.2.2) Document in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: aircraft and runway deicing operations; fueling stations; aircraft, ground vehicle and equipment maintenance/cleaning areas; and storage areas for aircraft, ground vehicles and equipment awaiting maintenance.

**8.S.5.2 Potential Pollutant Sources.** (See also Part 6.2.3) In the inventory of exposed materials, describe in the SWPPP the potential for the following activities and facility areas to contribute pollutants to stormwater discharges: aircraft, runway, ground vehicle and equipment maintenance and cleaning; and aircraft and runway deicing operations (including apron and centralized aircraft deicing stations, runways, taxiways and ramps). If deicing chemicals are used, a record of the types (including the Safety Data Sheets [SDS]) used and the monthly quantities, either as measured or, in the absence of metering, using best estimates, must be maintained. This includes all deicing chemicals, not just glycols and urea (e.g., potassium acetate), because large quantities of these other chemicals can still have an adverse impact on receiving waters. Deicing operators must provide the above information to the airport authority for inclusion with any comprehensive airport SWPPPs.

**8.S.5.3 Vehicle and Equipment Wash Water Requirements.** If wash water is handled in a manner that does not involve separate NPDES permitting or local pretreatment requirements (e.g., hauled offsite, retained onsite), describe the disposal method and include all pertinent information (e.g., frequency, volume, destination) in your SWPPP. Discharges of vehicle and equipment wash water are not authorized by this permit for this sector.

**8.S.5.4 Documentation of Control Measures Used for Management of Runoff.** Document in your SWPPP the control measures used for collecting or containing contaminated melt water from collection areas used for disposal of contaminated snow.

**8.S.6 Additional Inspection Requirements.**

At a minimum conduct facility inspections at least monthly during the deicing season (e.g., October through April for most mid-latitude airports). If your facility needs to deice before or after this period, expand the monthly inspections to include all months during which deicing chemicals may be used. The Director may specifically require you to increase inspection frequencies.

**8.S.7 Sector-Specific Benchmarks. (See also Part 4)**

Table 8.S-1 identifies benchmarks that apply to Sector S. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
For airports where a single permittee, or a combination of permitted facilities use more than 100,000 gallons of pure glycol in glycol-based deicing fluids and/or 100 tons or more of urea on an average annual basis, monitor the first four parameters in ONLY those outfalls that collect runoff from areas where deicing activities occur (SIC 4512-4581).	Biochemical Oxygen Demand (BOD <sub>5</sub> ) <sup>1</sup>	30 mg/L
	Chemical Oxygen Demand (COD) <sup>1</sup>	120 mg/L
	Ammonia <sup>1</sup>	2.14 mg/L
	pH <sup>1</sup>	6.0 - 9.0 s.u.

<sup>1</sup> These are deicing-related parameters. Collect the four benchmark samples, and any required follow-up benchmark samples, during the timeframe defined in Part 8.S.4.2 when deicing activities are occurring.

**8.S.8 Effluent Limitations Based on Effluent Limitations Guidelines and New Source Performance Standards. (See also Part 4.2.2.1)**

**8.S.8.1 Airfield Pavement Deicing.** For both existing and new "primary airports" (as defined at 40 CFR 449.2) with 1,000 or more annual non-propeller aircraft departures that discharge stormwater from airfield pavement deicing activities, there shall be no discharge of airfield pavement deicers containing urea. To comply with this limitation, such airports must do one of the following: (1) certify annually on the annual report that you do not use pavement deicers containing urea, or (2) meet the effluent limitation in Table 8.S-2.

- 8.S.8.2 Aircraft Deicing.** Airports that are both “primary airports” (as defined at 40 CFR 449.2) and new sources (“new airports”) with 1,000 or more annual non-propeller aircraft departures must meet the applicable requirements for aircraft deicing at 40 CFR 449.11(a). Discharges of the collected aircraft deicing fluid directly to waters of the U.S. are not eligible for coverage under this permit.
- 8.S.8.3 Monitoring, Reporting and Recordkeeping.** For new and existing airports subject to the effluent limitations in Part 8.S.8.1 or 8.S.8.2 of this permit, you must comply with the applicable monitoring, reporting and recordkeeping requirements outlined in 40 CFR 449.20.

<b>Industrial Activity</b>	<b>Parameter</b>	<b>Effluent Limitation</b>
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft	Ammonia as Nitrogen	14.7 mg/L, daily maximum

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart T – Sector T – Treatment Works.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.T.1 Covered Stormwater Discharges.

The requirements in Subpart T apply to stormwater discharges associated with industrial activity from Treatment Works as identified by the Activity Code specified under Sector T in Table D-1 of Appendix D of the permit.

#### 8.T.2 Industrial Activities Covered by Sector T.

The requirements listed under this part apply to all existing point source stormwater discharges associated with the following activities:

**8.T.2.1** Treatment works treating domestic sewage, or any other sewage sludge or wastewater treatment device or system used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge; that are located within the confines of a facility with a design flow of 1.0 million gallons per day (MGD) or more; or are required to have an approved pretreatment program under 40 CFR Part 403.

**8.T.2.2** The following are not required to have permit coverage: farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located within the facility, or areas that are in compliance with Section 405 of the CWA.

#### 8.T.3 Limitations on Coverage.

**8.T.3.1** **Prohibition of Non-Stormwater Discharges.** (See also Part 1.1.3) Sanitary and industrial wastewater and equipment and vehicle wash water are not authorized by this permit. (EPA includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2.)

#### 8.T.4 Additional Technology-Based Effluent Limits.

**8.T.4.1** **Control Measures.** (See also Part 2.1.2) To minimize the discharge of pollutants in stormwater, implement control measures such as the following, where determined to be feasible (list not exclusive): routing stormwater to the treatment works; or covering exposed materials (i.e., from the following areas: grit, screenings and other solids handling, storage or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station).

**8.T.4.2** **Employee Training.** (See also Part 2.1.2.8) At a minimum, training must address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and controls; fueling procedures; general good housekeeping practices; and proper procedures for using fertilizer, herbicides, and pesticides.

**8.T.5 Additional SWPPP Requirements.**

**8.T.5.1 Site Map.** (See also Part 6.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and storage areas for process chemicals, petroleum products, solvents, fertilizers, herbicides, and pesticides.

**8.T.5.2 Potential Pollutant Sources.** (See also Part 6.2.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them, as applicable: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and access roads and rail lines.

**8.T.5.3 Wastewater and Wash Water Requirements.** If wastewater and/or vehicle and equipment wash water is not covered by another NPDES permit but is handled in another manner (e.g., hauled offsite, retained onsite), the disposal method must be described and all pertinent information (e.g., frequency, volume, destination) must be included in your SWPPP. Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit for this sector.

**8.T.6 8.T.6 Additional Inspection Requirements. (See also Part 3.1)**

Include the following areas in all inspections: access roads and rail lines; grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station.

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart U – Sector U – Food and Kindred Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.U.1 Covered Stormwater Discharges.

The requirements in Subpart U apply to stormwater discharges associated with industrial activity from Food and Kindred Products facilities as identified by the SIC Codes specified in Table D-1 of Appendix D of the permit.

#### 8.U.2 Limitations on Coverage.

**8.U.2.1 Prohibition of Non-Stormwater Discharges.** (See also Part 1.1.3) The following discharges are not authorized by this permit: discharges containing boiler blowdown, cooling tower overflow and blowdown, ammonia refrigeration purging, and vehicle washing and clean-out operations. (EPA includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2.)

#### 8.U.3 Additional Technology-Based Limitations.

**8.U.3.1 Employee Training.** (See also Part 2.1.2.8) Address pest control in your employee training program.

#### 8.U.4 Additional SWPPP Requirements.

**8.U.4.1 Drainage Area Site Map.** (See also Part 6.2.2) Document in your SWPPP the locations of the following activities if they are exposed to precipitation or runoff: vents and stacks from cooking, drying, and similar operations; dry product vacuum transfer lines; animal holding pens; spoiled product; and broken product container storage areas.

**8.U.4.2 Potential Pollutant Sources.** (See also Part 6.2.3) Document in your SWPPP, in addition to food and kindred products processing-related industrial activities, application and storage of pest control chemicals (e.g., rodenticides, insecticides, fungicides) used on plant grounds.

#### 8.U.5 Additional Inspection Requirements. (See also Part 3.1)

Inspect on a quarterly basis, at a minimum, the following areas where the potential for exposure to stormwater exists: loading and unloading areas for all significant materials; storage areas, including associated containment areas; waste management units; vents and stacks emanating from industrial activities; spoiled product and broken product container holding areas; animal holding pens; staging areas; and air pollution control equipment.

#### 8.U.6 Sector-Specific Benchmarks. (See also Part 4)

Table 8.U-1 identifies benchmarks that apply to the specific subsectors of Sector U. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.



<b>Table 8.U-1.</b>		
<b>Subsector (You may be subject to requirements for more than one Sector / Subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector U1.</b> Grain Mill Products (SIC 2041-2048)	Total Suspended Solids (TSS)	100 mg/L
Subsector U2. Fats and Oils Products (SIC 2074-2079)	Biochemical Oxygen Demand (BOD <sub>5</sub> )	30 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Suspended Solids (TSS)	100 mg/L

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## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart V – Sector V – Textile Mills, Apparel, and Other Fabric Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.V.1 Covered Stormwater Discharges.

The requirements in Subpart V apply to stormwater discharges associated with industrial activity from Textile Mills, Apparel, and Other Fabric Product manufacturing as identified by the SIC Codes specified under Sector V in Table D-1 of Appendix D of the permit.

#### 8.V.2 Limitations on Coverage.

**8.V.2.1 Prohibition of Non-Stormwater Discharges.** (See also Part 1.1.3) The following are not authorized by this permit: discharges of wastewater (e.g., wastewater resulting from wet processing or from any processes relating to the production process), reused or recycled water, and waters used in cooling towers. If you have these types of discharges from your facility, you must cover them under a separate NPDES permit. (EPA includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2.)

#### 8.V.3 Additional Technology-Based Limitations.

##### 8.V.3.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

**8.V.3.1.1 Material Storage Areas.** Plainly label and store all containerized materials (e.g., fuels, petroleum products, solvents, and dyes) in a protected area, away from drains. Minimize contamination of the stormwater runoff from such storage areas. Also consider an inventory control plan to prevent excessive purchasing of potentially hazardous substances. For storing empty chemical drums or containers, ensure that the drums and containers are clean (consider triple-rinsing) and that there is no contact of residuals with precipitation or runoff. Collect and dispose of wash water from these cleanings properly.

**8.V.3.1.2 Material Handling Areas.** Minimize contamination of stormwater runoff from material handling operations and areas through implementation of control measures such as the following, where determined to be feasible: using spill and overflow protection; covering fueling areas; and covering or enclosing areas where the transfer of material may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines and pipes that may carry chemicals, dyes or wastewater.

**8.V.3.1.3 Fueling Areas.** Minimize contamination of stormwater runoff from fueling areas through implementation of control measures such as the following, where determined to be feasible: covering the fueling area; using spill and overflow protection; minimizing run-on of stormwater to the fueling areas; using dry cleanup methods; and treating and/or recycling stormwater runoff collected from the fueling area.

**8.V.3.1.4 Above-Ground Storage Tank Area.** Minimize contamination of stormwater runoff from above-ground storage tank areas, including the associated piping and valves, through implementation of control measures such as the following, where determined to be feasible (list not exclusive): regular cleanup of these areas; including measures for tanks, piping and valves explicitly in your SPCC program; minimizing runoff of stormwater from adjacent areas; restricting access to the area; inserting filters in adjacent catch basins; providing absorbent booms in unbermed fueling areas; using dry cleanup methods; and permanently sealing drains within critical areas that may discharge to a storm drain.

**8.V.3.1.5 Employee Training.** (See also Part 2.1.2.8) As part of your employee training program, address, at a minimum, the following activities (as applicable): use of reused and recycled waters, solvents management, proper disposal of dyes, proper disposal of petroleum products and spent lubricants, spill prevention and control, fueling procedures, and general good housekeeping practices.

**8.V.4 Additional SWPPP Requirements.**

**8.V.4.1 Potential Pollutant Sources.** (See also Part 6.2.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them: industry-specific significant materials and industrial activities (e.g., backwinding, beaming, bleaching, backing bonding, carbonizing, carding, cut and sew operations, desizing, drawing, dyeing locking, fulling, knitting, mercerizing, opening, packing, plying, scouring, slashing, spinning, synthetic-felt processing, textile waste processing, tufting, turning, weaving, web forming, winging, yarn spinning, and yarn texturing).

**8.V.4.2 Description of Good Housekeeping Measures for Material Storage Areas.** Document in the SWPPP your containment area or enclosure for materials stored outdoors in connection with Part 8.V.3.1.1 above.

**8.V.5 Additional Inspection Requirements.**

Inspect, at least monthly, the following activities and areas (at a minimum): transfer and transmission lines, spill prevention, good housekeeping practices, management of process waste products, and all structural and nonstructural management practices.

**Part 8 – Sector-Specific Requirements for Industrial Activity****Subpart W – Sector W – Furniture and Fixtures.**

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

**8.W.1 Covered Stormwater Discharges.**

The requirements in Subpart W apply to stormwater discharges associated with industrial activity from Furniture and Fixtures facilities as identified by the SIC Codes specified under Sector W in Table D-1 of Appendix D of the permit.

**8.W.2 Additional SWPPP Requirements.**

**8.W.2.1 Drainage Area Site Map.** (See also Part 6.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: material storage (including tanks or other vessels used for liquid or waste storage) areas; outdoor material processing areas; areas where wastes are treated, stored, or disposed of; access roads; and rail spurs.

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart X – Sector X – Printing and Publishing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.X.1 Covered Stormwater Discharges.

The requirements in Subpart X apply to stormwater discharges associated with industrial activity from Printing and Publishing facilities as identified by the SIC Codes specified under Sector X in Table D-1 of Appendix D of the permit.

#### 8.X.2 Additional Technology-Based Effluent Limits.

##### 8.X.2.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

**8.X.2.1.1 Material Storage Areas.** Plainly label and store all containerized materials (e.g., skids, pallets, solvents, bulk inks, hazardous waste, empty drums, portable and mobile containers of plant debris, wood crates, steel racks, and fuel oil) in a protected area, away from drains. Minimize contamination of the stormwater runoff from such storage areas. Also consider an inventory control plan to prevent excessive purchasing of potentially hazardous substances.

**8.X.2.1.2 Material Handling Area.** Minimize contamination of stormwater runoff from material handling operations and areas (e.g., blanket wash, mixing solvents, loading and unloading materials) through implementation of control measures such as the following, where determined to be feasible (list not exclusive): using spill and overflow protection; covering fueling areas; and covering or enclosing areas where the transfer of materials may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals or wastewater.

**8.X.2.1.3 Fueling Areas.** Minimize contamination of stormwater runoff from fueling areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering the fueling area; using spill and overflow protection; minimizing runoff of stormwater to the fueling areas; using dry cleanup methods; and treating and/or recycling stormwater runoff collected from the fueling area.

**8.X.2.1.4 Above Ground Storage Tank Area.** Minimize contamination of the stormwater runoff from above-ground storage tank areas, including the associated piping and valves, through implementation of control measures such as the following, where determined to be feasible (list not exclusive): regularly cleaning these areas; explicitly addressing tanks; piping and valves in the SPCC program; minimizing stormwater runoff from adjacent areas; restricting access to the area; inserting filters in adjacent catch basins; providing absorbent booms in unbermed fueling areas; using dry cleanup methods; and permanently sealing drains within critical areas that may discharge to a storm drain.

**8.X.2.2** **Employee Training.** (See also Part 2.1.2.8) As part of your employee training program, address, at a minimum, the following activities (as applicable): spent solvent management, spill prevention and control, used oil management, fueling procedures, and general good housekeeping practices.

**8.X.3** **Additional SWPPP Requirements.**

**8.X.3.1** Description of Good Housekeeping Measures for Material Storage Areas. In connection with Part 8.X.2.1.1, describe in the SWPPP the containment area or enclosure for materials stored outdoors.

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## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart Y – Sector Y – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.Y.1 Covered Stormwater Discharges.

The requirements in Subpart Y apply to stormwater discharges associated with industrial activity from Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries facilities as identified by the SIC Codes specified under Sector Y in Table D-1 of Appendix D of the permit.

#### 8.Y.2 Additional Technology-Based Effluent Limits.

**8.Y.2.1 Controls for Rubber Manufacturers.** (See also Part 2.1.2) Minimize the discharge of zinc in your stormwater discharges. Parts 8.Y.2.1.1 to 8.Y.2.1.5 give possible sources of zinc to be reviewed and list control measures to be implemented where determined to be feasible. Implement additional control measures such as the following, where determined to be feasible (list not exclusive): using chemicals purchased in pre-weighed, sealed polyethylene bags; storing in-use materials in sealable containers, ensuring an airspace between the container and the cover to minimize “puffing” losses when the container is opened; and using automatic dispensing and weighing equipment.

**8.Y.2.1.1 Zinc Bags.** Ensure proper handling and storage of zinc bags at your facility through implementation of control measures such as the following, where determined to be feasible (list not exclusive): employee training on the handling and storage of zinc bags; indoor storage of zinc bags; cleanup of zinc spills without washing the zinc into the storm drain; and the use of 2,500- pound sacks of zinc rather than 50- to 100-pound sacks.

**8.Y.2.1.2 Dumpsters.** Minimize discharges of zinc from dumpsters through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering the dumpster; moving the dumpster indoors; and providing a lining for the dumpster.

**8.Y.2.1.3 Dust Collectors and Baghouses.** Minimize contributions of zinc to stormwater from dust collectors and baghouses. Replace or repair, as appropriate, improperly operating dust collectors and baghouses.

**8.Y.2.1.4 Grinding Operations.** Minimize contamination of stormwater as a result of dust generation from rubber grinding operations. Where determined to be feasible, install a dust collection system.

**8.Y.2.1.5 Zinc Stearate Coating Operations.** Minimize the potential for stormwater contamination from drips and spills of zinc stearate slurry that may be released to the storm drain. Where determined to be feasible, use alternative compounds to zinc stearate.

**8.Y.2.2 Controls for Plastic Products Manufacturers.** Minimize the discharge of plastic resin pellets in your stormwater discharges through implementation of control measures

such as the following, where determined to be feasible (list not exclusive): minimizing spills; cleaning up of spills promptly and thoroughly; sweeping thoroughly; pellet capturing; employee education; and disposal precautions.

### 8.Y.3 Additional SWPPP Requirements.

**8.Y.3.1** Potential Pollutant Sources for Rubber Manufacturers. (See also Part 6.2.3) Document in your SWPPP the use of zinc at your facility and the possible pathways through which zinc may be discharged in stormwater runoff.

### 8.Y.4 Sector-Specific Benchmarks. (See also Part 4)

Table 8.Y-1 identifies benchmarks that apply to Sector Y. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector Y1.</b> Rubber Products Manufacturing (SIC 3011, 3021, 3052, 3053, 3061, 3069)	Total Recoverable Zinc (freshwater) <sup>2</sup> Total Recoverable Zinc (saltwater) <sup>1</sup>	Hardness Dependent  90 µg/L

<sup>1</sup>Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

<sup>2</sup>The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 4.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

<b>Freshwater Hardness Range</b>	<b>Zinc (µg/L)</b>
0-24.99 mg/L	40
25-49.99 mg/L	50
50-74.99 mg/L	80
75-99.99 mg/L	110
100-124.99 mg/L	130
125-149.99 mg/L	160
150-174.99 mg/L	180
175-199.99 mg/L	200
200-224.99 mg/L	230
225-249.99 mg/L	250
250+ mg/L	260



## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart Z – Sector Z – Leather Tanning and Finishing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.Z.1 Covered Stormwater Discharges.

The requirements in Subpart Z apply to stormwater discharges associated with industrial activity from Leather Tanning and Finishing facilities as identified by the SIC Code specified under Sector Z in Table D-1 of Appendix D of the permit.

#### 8.Z.2 Additional Technology-Based Effluent Limits.

##### 8.Z.2.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

###### 8.Z.2.1.1 Storage Areas for Raw, Semiprocessed, or Finished Tannery By-products.

Minimize contamination of stormwater runoff from pallets and bales of raw, semiprocessed, or finished tannery by-products (e.g., splits, trimmings, shavings). Store or protect indoors with polyethylene wrapping, tarpaulins, roofed storage, etc. where practicable. Place materials on an impermeable surface and enclose or put berms (or equivalent measures) around the area to prevent stormwater run-on and runoff where practicable.

###### 8.Z.2.1.2 Material Storage Areas. Label storage containers of all materials (e.g., specific chemicals, hazardous materials, spent solvents, waste materials) and minimize contact of such materials with stormwater.

###### 8.Z.2.1.3 Buffing and Shaving Areas. Minimize contamination of stormwater runoff with leather dust from buffing and shaving areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): implementing dust collection enclosures; implementing preventive inspection and maintenance programs; or other appropriate preventive measures.

###### 8.Z.2.1.4 Receiving, Unloading, and Storage Areas. Minimize contamination of stormwater runoff from receiving, unloading, and storage areas. If these areas are exposed, implement control measures such as the following, where determined to be feasible (list not exclusive): covering all hides and chemical supplies; diverting drainage to the process sewer; or grade berming or curbing the area to prevent stormwater runoff.

###### 8.Z.2.1.5 Outdoor Storage of Contaminated Equipment. Minimize contact of stormwater with contaminated equipment through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering equipment, diverting drainage to the process sewer, and cleaning thoroughly prior to storage.

###### 8.Z.2.1.6 Waste Management. Minimize contamination of stormwater runoff from waste storage areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering dumpsters; moving waste management activities indoors;

covering waste piles with temporary covering material such as tarpaulins or polyethylene; and minimizing stormwater runoff by enclosing the area or building berms around the area.

**8.7.3 Additional SWPPP Requirements.**

**8.7.3.1 Drainage Area Site Map.** (See also Part 6.2.2) Identify in your SWPPP where any of the following may be exposed to precipitation or surface runoff: processing and storage areas of the beamhouse, tanyard, and re-tan wet finishing and dry finishing operations.

**8.7.3.2 Potential Pollutant Sources.** (See also Part 6.2.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them (as appropriate): temporary or permanent storage of fresh and brine-cured hides; extraneous hide substances and hair; leather dust, scraps, trimmings, and shavings.

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## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart AA – Sector AA – Fabricated Metal Products

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.AA.1 Covered Stormwater Discharges.

The requirements in Subpart AA apply to stormwater discharges associated with industrial activity from Fabricated Metal Products facilities as identified by the SIC Codes specified under Sector AA in Table D-1 of Appendix D of the permit.

#### 8.AA.2 Additional Technology-Based Effluent Limits.

##### 8.AA.2.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

**8.AA.2.1.1 Raw Steel Handling Storage.** Minimize the generation of and/or recover and properly manage scrap metals, fines, and iron dust. Include measures for containing materials within storage handling areas.

**8.AA.2.1.2 Paints and Painting Equipment.** Minimize exposure of paint and painting equipment to stormwater.

##### 8.AA.2.2 Spill Prevention and Response Procedures. (See also Part 2.1.2.4) Ensure that the necessary equipment to implement a cleanup is available to personnel. The following areas should be addressed:

**8.AA.2.2.1 Metal Fabricating Areas.** Maintain clean, dry, orderly conditions in these areas. Use dry clean-up techniques where practicable.

**8.AA.2.2.2 Storage Areas for Raw Metal.** Keep these areas free of conditions that could cause, or impede appropriate and timely response to, spills or leakage of materials through implementation of control measures such as the following, where determined to be feasible (list not exclusive): maintaining storage areas so that there is easy access in the event of a spill, and labeling stored materials to aid in identifying spill contents.

**8.AA.2.2.3 Metal Working Fluid Storage Areas.** Minimize the potential for stormwater contamination from storage areas for metal working fluids.

**8.AA.2.2.4 Cleaners and Rinse Water.** Control and clean up spills of solvents and other liquid cleaners, control sand buildup and disbursement from sand-blasting operations, and prevent exposure of recyclable wastes. Substitute environmentally benign cleaners when possible.

**8.AA.2.2.5 Lubricating Oil and Hydraulic Fluid Operations.** Minimize the potential for stormwater contamination from lubricating oil and hydraulic fluid operations. Use monitoring equipment or other devices to detect and control leaks and overflows where feasible. Install perimeter controls such as dikes, curbs, grass filter strips, or equivalent measures where feasible.

**8.AA.2.2.6 Chemical Storage Areas.** Minimize stormwater contamination and accidental spillage in chemical storage areas. Include a program to inspect containers and identify proper disposal methods.

**8.AA.2.3 Spills and Leaks.** (See also Part 6.2.3.3) In your spill prevention and response procedures, required by Part 2.1.2.4, pay attention to the following materials (at a minimum): chromium, toluene, pickle liquor, sulfuric acid, zinc and other water priority chemicals, and hazardous chemicals and wastes.

**8.AA.3 Additional SWPPP Requirements.**

**8.AA.3.1 Drainage Area Site Map.** (See also Part 6.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: raw metal storage areas; finished metal storage areas; scrap disposal collection sites; equipment storage areas; retention and detention basins; temporary and permanent diversion dikes or berms; right-of-way or perimeter diversion devices; sediment traps and barriers; processing areas, including outside painting areas; wood preparation; recycling; and raw material storage.

**8.AA.3.2 Potential Pollutant Sources.** (See also Part 6.2.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them: loading and unloading operations for paints, chemicals, and raw materials; outdoor storage activities for raw materials, paints, empty containers, corn cobs, chemicals, and scrap metals; outdoor manufacturing or processing activities such as grinding, cutting, degreasing, buffing, and brazing; onsite waste disposal practices for spent solvents, sludge, pickling baths, shavings, ingot pieces, and refuse and waste piles.

**8.AA.4 Additional Inspection Requirements.**

**8.AA.4.1 Inspections.** (See also Part 3.1) At a minimum, include the following areas in all inspections: raw metal storage areas, finished product storage areas, material and chemical storage areas, spent solvents and chemical storage areas, recycling areas, loading and unloading areas, equipment storage areas, paint areas, drainage from roof and vehicle fueling and maintenance areas. Potential pollutants include chromium, zinc, lubricating oil, solvents, aluminum, oil and grease, methyl ethyl ketone, steel, and related materials.

**8.AA.5 Sector-Specific Benchmarks. (See also Part 4)**

Table 8.AA-1 identifies benchmarks that apply to the specific subsectors of Sector AA. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

<b>Subsector (You may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration</b>
<b>Subsector AA1.</b> Fabricated Metal Products, except Coating (SIC 3411-3499; 3911-3915)	Total Recoverable Aluminum	750 µg/L
	Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
<b>Subsector AA2.</b> Fabricated Metal Coating and Engraving (SIC 3479)	Total Recoverable Zinc (freshwater) <sup>2</sup>	Hardness Dependent
	Total Recoverable Zinc (saltwater) <sup>1</sup>	90 µg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L

<sup>1</sup>Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

<sup>2</sup>The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 4.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

<b>Freshwater Hardness Range</b>	<b>Zinc (µg/L)</b>
0-24.99 mg/L	40
25-49.99 mg/L	50
50-74.99 mg/L	80
75-99.99 mg/L	110
100-124.99 mg/L	130
125-149.99 mg/L	160
150-174.99 mg/L	180
175-199.99 mg/L	200
200-224.99 mg/L	230
225-249.99 mg/L	250
250+ mg/L	260

**Part 8 – Sector-Specific Requirements for Industrial Activity****Subpart AB – Sector AB – Transportation Equipment, Industrial or Commercial Machinery Facilities.**

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

**8.AB.1 Stormwater Discharges.**

The requirements in Subpart AB apply to stormwater discharges associated with industrial activity from Transportation Equipment, Industrial or Commercial Machinery facilities as identified by the SIC Codes specified under Sector AB in Table D-1 of Appendix D of the permit.

**8.AB.2 Additional SWPPP Requirements.**

**8.AB.2.1 Drainage Area Site Map.** (See also Part 6.2.2) Identify in your SWPPP where any of the following may be exposed to precipitation or surface runoff: vents and stacks from metal processing and similar operations.

**Part 8 – Sector-Specific Requirements for Industrial Activity****Subpart AC – Sector AC – Electronic and Electrical Equipment and Components, Photographic and Optical Goods.**

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

**8.AC.1 Covered Stormwater Discharges.**

The requirements in Subpart AC apply to stormwater discharges associated with industrial activity from facilities that manufacture Electronic and Electrical Equipment and Components, Photographic and Optical goods as identified by the SIC Codes specified in Table D-1 of Appendix D of the permit.

**8.AC.2 Additional Requirements.**

No additional sector-specific requirements apply.

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## **Part 8 – Sector-Specific Requirements for Industrial Activity**

### **Subpart AD – Sector AD – Stormwater Discharges Designated by the Director as Requiring Permits.**

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### **8.AD.1 Covered Stormwater Discharges.**

Sector AD is used to provide permit coverage for facilities designated by the Director as needing a stormwater permit, and any discharges of stormwater associated with industrial activity that do not meet the description of an industrial activity covered by Sectors A-AC.

**8.AD.1.1 Eligibility for Permit Coverage.** Because this sector is primarily intended for use by discharges designated by the Director as needing a stormwater permit (which is an atypical circumstance), and your facility may or may not normally be discharging stormwater associated with industrial activity, you must obtain the Director's written permission to use this permit prior to submitting an NOI. If you are authorized to use this permit, you will still be required to ensure that your discharges meet the basic eligibility provisions of this permit at Part 1.1.

#### **8.AD.2 Sector-Specific Benchmarks and Effluent Limits. (See also Part 4)**

The Director will establish any additional monitoring and reporting requirements for your facility prior to authorizing you to be covered by this permit. Additional monitoring requirements would be based on the nature of activities at your facility and your stormwater discharges.



**Part 9. Permit Conditions Applicable to Specific States, Indian Country Lands, or Territories**

EPA will update Part 9 for the final permit with any CWA Section 401 certification conditions the Agency receives during the permit finalization process.

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