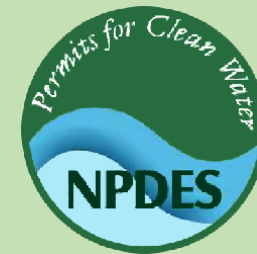


EPA's 2021 Multi-Sector General Permit (MSGP) for Industrial Stormwater Discharges

**Emily Anwari (Halter)
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US EPA
Office of Water**





Language in this presentation is not the official permit. We have attempted to be accurate as to the contents of the final permit. To the extent any difference between the language in this presentation differs from the language in the permit, the permit governs.

What this presentation is:

- ✔ A summary of key requirements and permit changes

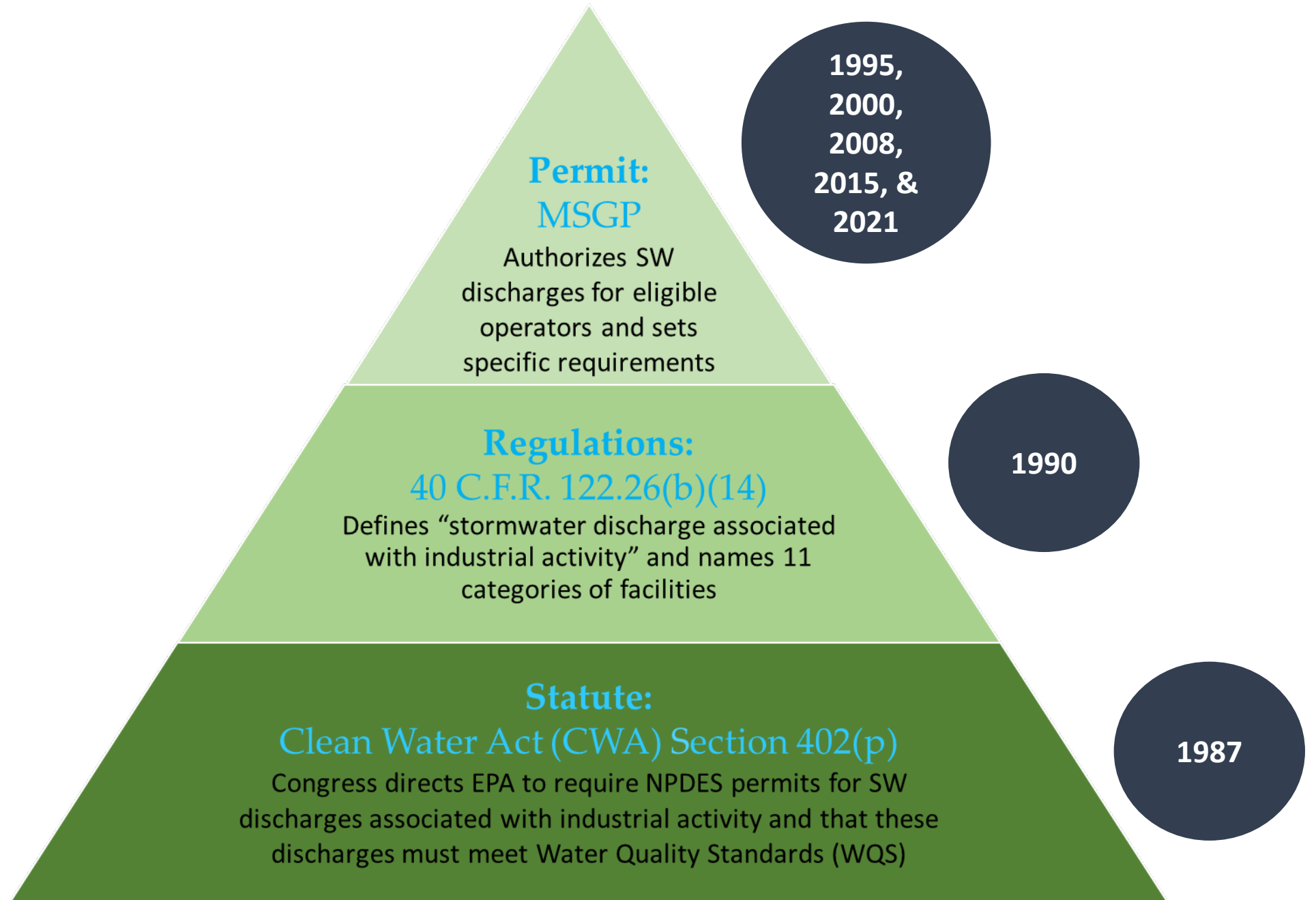
What this presentation is **not**:

- ✘ A substitute for reading and understanding the permit
- ✘ An exhaustive end-to-end description of all requirements

What's ahead

- Industrial stormwater program background
- MSGP proposal and finalization
- Basic Permit Parts + New Requirements for 2021 MSGP
 - Prepare
 - Get Covered
 - Check-up
 - Follow-up

How does EPA regulate industrial stormwater discharges?



Is there an exclusion?

Yes – A
Conditional
Exclusion for
“No Exposure”*

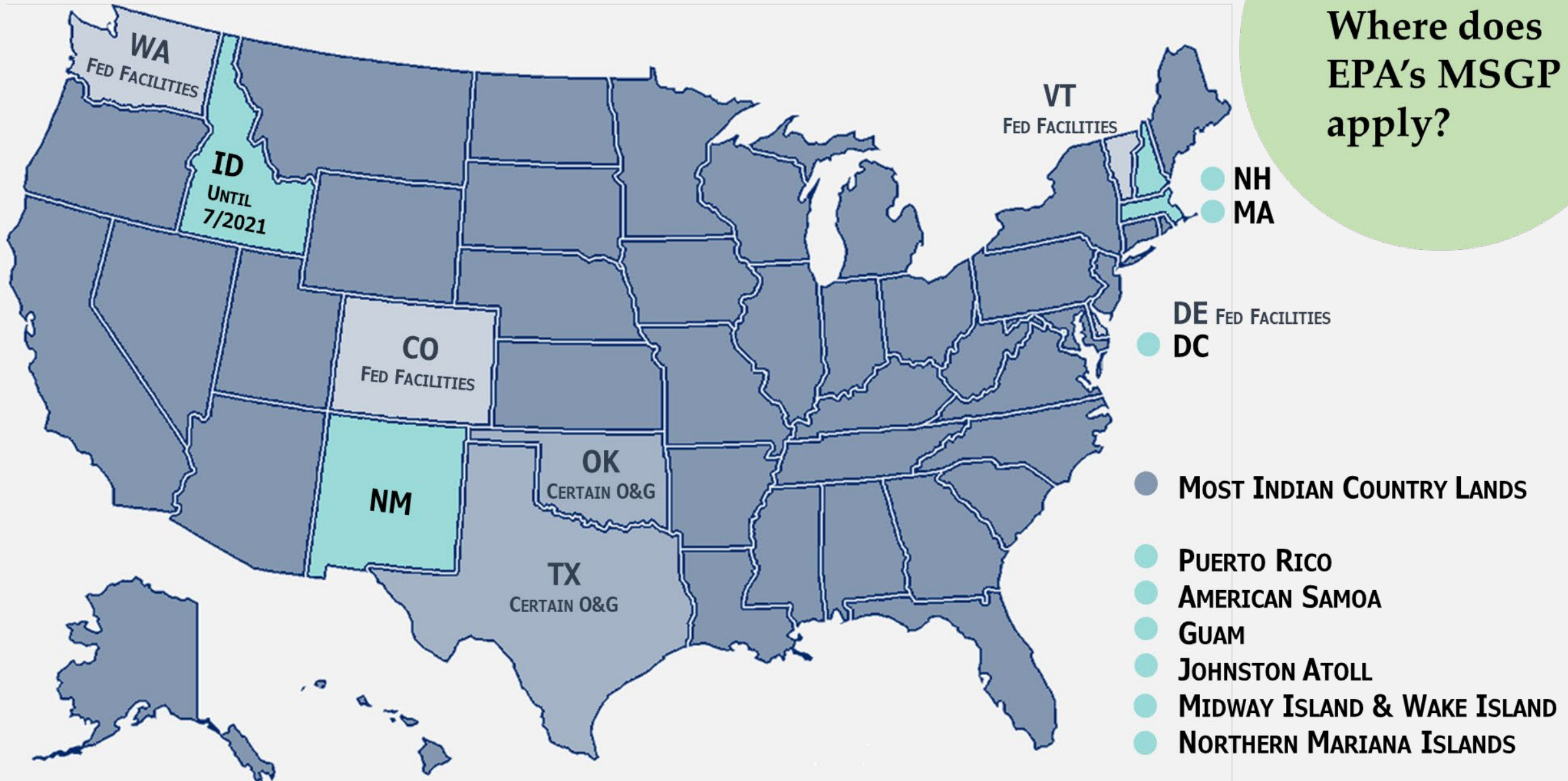
If all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff – No MSGP needed

- ✓ Check the no exposure conditions in 40 CFR 122.26(g)
- ✓ Submit No Exposure Certification (NEC) in NeT-MSGP online every 5 years (*unaffected by MSGP issuance timeline*)

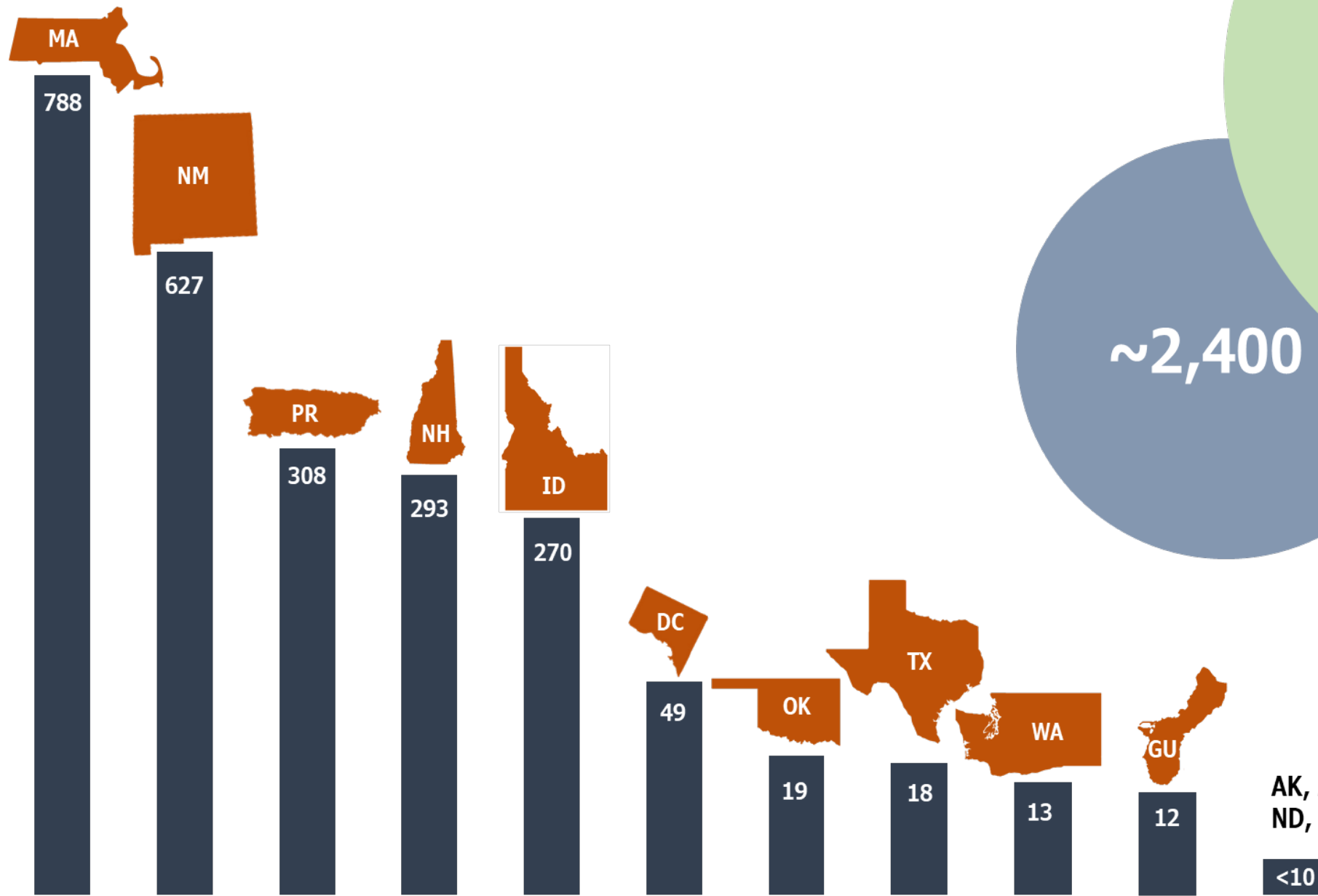


*Some exceptions apply; does not apply to construction activities

Where does EPA's MSGP apply?



*EPA will transfer permitting authority to Idaho for stormwater permits in July 2021



How many facilities are expected to be covered by this permit?

~2,400

AK, AS, CO, DE, ME, MW, ND, PA, SD, UT, VT, WI

<10

**Covers 29
Sectors of
Industrial
Activity
(Appendix D)**

A: Timber Products

B: Paper Products

C: Chemical Products

D: Asphalt/Roofing

E: Glass, Clay, Cement

F: Primary Metals

G: Metal Mining

H: Coal Mines

I: Oil and Gas

J: Mineral Mining

K: Hazardous Waste

L: Landfills

M: Auto Salvage Yards

N: Scrap Recycling

O: Steam Electric Facilities

P: Land Transportation

Q: Water Transportation

R: Ship/Boat Building, Repair

S: Air Transportation

T: Treatment Works (WWTPs)

U: Food Products

V: Textile Mills

W: Furniture and Fixtures

X: Printing, Publishing

Y: Rubber, Misc. Plastics

Z: Leather Tanning/Finishing

AA: Fabricated Metal Products

AB: Transportation Equip.

AC: Electronic, photo goods

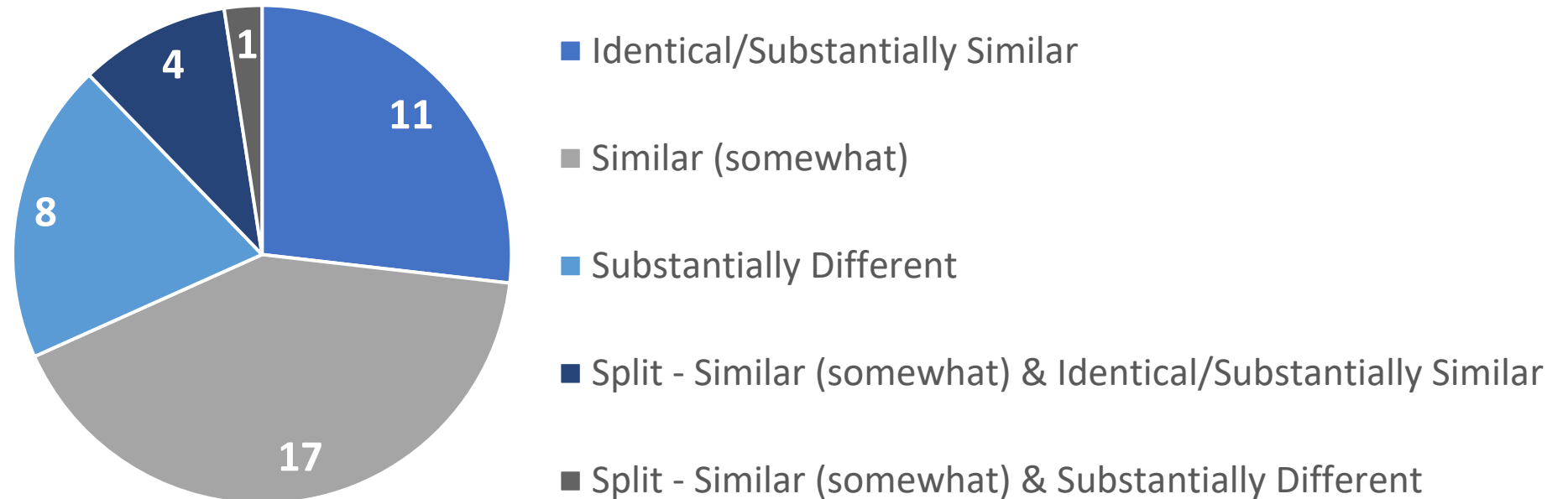
AD: Non-classified facilities

Do state MSGPs have to match EPA's MSGP?

(Short answer: No)

- State MSGPs do not have to incorporate any new requirements that EPA finalized in our MSGP, but they may if they choose to.
- Facilities in areas where EPA is not the permitting authority do not have to comply with EPA's MSGP.
- Keep aware of your state's re-issuance process/timeline.

Evaluation of 41 state MSGPs v. EPA 2015 MSGP



MSGP proposal: Litigation + NRC Study

- After the EPA issued the 2015 MSGP, numerous environmental NGOs challenged the permit, two industry groups intervened, and a Settlement Agreement was signed in 2016 with all parties
- One key term from the Settlement Agreement stipulated that the EPA fund a study conducted by the NRC on potential permit improvements, focused primarily on monitoring requirements, for consideration in the next MSGP

National Academies of Sciences' National Research Council (NAS/NRC) Study Report & Webpage

[Report: Improving the EPA Multi-Sector General Permit for Industrial Stormwater Discharges](#)

[NRC Study Weblink:
http://dels.nas.edu/Study-In-Progress/Improving-Next-Generation-Multi/DELS-WSTB-16-03](#)

2021 MSGP

Proposed and Final permits

- Proposed permit published for a 90-day comment period from March 2 to June 1, 2020
 - 192 comment letters received
 - 1858+ unique comments
 - All comments were assessed and considered
- Final permit signed and issued on January 15, 2021
- Permit effective on March 1, 2021
- Permit documents and response to comments:
 - <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-2021-msgp>
 - Docket: www.regulations.gov
Docket ID # EPA-HQ-OW-2019-0372

Commenter Type	% of total comments
Trade Association	38%
Vendor	14%
Industry	12%
Consultant	9%
Anonymous	7%
Local Government	5%
Federal Agency	4%
Environmental Organization	3%
State Government	3%
Other	3%
State-Owned Utility	0.6%
Tribal Government	0.6%


Proposed
permit
changes
that were
NOT
finalized
as
proposed
in the 2021
MSGP

1. Expanding permit eligibility requirement for discharges to a federal CERCLA site beyond EPA Region 10
2. Adding an eligibility criterion regarding coal-tar sealcoat
3. Modifying permit authorization wait time related to a pending enforcement action
4. Providing an inspection-only option in lieu of benchmark monitoring
5. Requiring sector-specific benchmark monitoring for Sectors I, P, and R
6. Universal benchmarks for all sectors
7. Modifying the method for determining natural background pollutant contributions from the 2015 MSGP
8. Requiring the use of sector-specific stormwater control measures from Appendix Q

2021 MSGP Key Dates

Milestone	Date
Proposed 2020 MSGP published	March 2, 2020
Comment period ended (90 days)	June 1, 2020
2015 MSGP Expiration <ul style="list-style-type: none"> • Administratively continued • Existing facilities remain covered 	June 3, 2020
No Action Assurance (NAA) for new facilities	Effective June 4, 2020 until June 29, 2021
Final 2021 MSGP signed and issued	January 15, 2021
2021 MSGP Effective date	March 1, 2021
Existing facilities & facilities operating in accordance with the NAA	
2021 MSGP NOI for coverage	By May 30, 2021
First quarterly monitoring period	July 1 – September 30, 2021
New facilities	
2021 MSGP NOI for coverage	<i>At least 30 calendar days prior to commencing discharge</i>
First quarterly monitoring period	<i>First full quarter after discharge authorization date (i.e., when NOI is approved)</i>
All facilities who get covered in 2021	
First annual report due	January 30, 2022 (<i>due on January 30 of each year of permit coverage</i>)


Steps to comply with the MSGP

Ongoing activity 

PREPARE

Check Eligibility Conditions (Part 1)


Develop/update SWPPP (Part 6)


Install Control Measures to Meet Effluent Limits (Part 2) 

GET COVERED


Submit NOI for Authorization (Part 1)


CHECK-UP


Conduct Inspections and Visual Assessments (Part 3) 

Conduct Required Monitoring (Parts 4, 8) 

FOLLOW-UP

Complete Any Required Corrective Actions and AIM (Part 5) 

Complete Reporting (Part 7) 

Comply with any Sector-Specific requirements (Part 8) 

Comply with any State/Tribal-specific conditions (Part 9) 

PREPARE

PREPARE

Check Eligibility
Conditions
(Part 1)

Develop/update
SWPPP (Part 6)

Install Control
Measures to
Meet Effluent
Limits (Part 2)



Check Eligibility Conditions (Part 1)

Determine whether you are eligible to use the permit. Must consider, among other things:

- Location (Appendix C)
- Your discharges
- Certain new facilities have restrictions
- Restrictions on facilities discharging to specific CERCLA sites (Appendix P)
- Protection of historic properties (Appendix F)
- Protection of endangered species (Appendix E)

PREPARE

Check Eligibility
Conditions
(Part 1)

Develop/update
SWPPP (Part 6)

Install Control
Measures to
Meet Effluent
Limits (Part 2)



Develop SWPPP (Part 6)

- Develop/update your SWPPP before submitting your NOI
- Must make your SWPPP publicly available by either
 - 1) attaching it to your NOI,
 - 2) Including a URL in your NOI, or
 - 3) Providing information from your SWPPP on your NOI
- SWPPP Contents:
 - Stormwater pollution prevention team
 - Site description
 - Summary of potential pollutant sources
 - Description of stormwater control measures
 - Schedules and procedures
 - Documentation to support eligibility pertaining to other federal laws
 - Signature requirements

PREPARE

Check Eligibility
Conditions
(Part 1)

Develop/update
SWPPP (Part 6)

Install Control
Measures to
Meet Effluent
Limits (Part 2)



This activity is ongoing!

You must continue to assess control measures throughout coverage (e.g., during inspections) and take corrective action if necessary

Install Control Measures to Meet Effluent Limits (Part 2)

Technology-based effluent limits

- Stormwater control measures (non-numeric limits)
 - Minimize exposure
 - Good housekeeping
 - Maintenance
 - Spill prevention and response
 - Erosion and sediment control
 - Manage stormwater via diversion, infiltration, re-use
 - Enclose or cover salt piles
 - Employee training
 - Evaluate any non-stormwater discharges
 - Minimize dust generation & vehicle tracking of pollutants
- Numeric Effluent Limits (for certain facilities)

A narrative water quality-based effluent limitation

- Discharges must be controlled to meet WQS
- Compliance with permit presumes compliance with this requirement

Consider implementing **enhanced measures for major storm events**

2015 MSGP

No equivalent requirement

2021 MSGP

Facilities must consider implementing enhanced stormwater control measures such as structural improvements and enhanced/resilient pollution prevention measures to minimize impacts from stormwater discharges from major storm events such as hurricanes, storm surge, extreme/heavy precipitation, and flood events. Examples: elevate materials, temporarily reduce outdoor storage, delay deliveries.

GET COVERED

GET COVERED

Submit NOI for Authorization
(Part 1)

Submit NOI for Authorization (Part 1)

- Use the NPDES eReporting Tool (NeT)
<https://cdxnodengn.epa.gov/net-msgp/action/login>
- Help Center with Trainings and Tutorials
<https://epanet.zendesk.com/hc/en-us/categories/202566467>

Remember when NOIs are due

Existing facilities & facilities operating in accordance with the NAA

By May 30, 2021

New facilities

At least 30 calendar days prior to commencing discharge

The screenshot shows the EPA MSGP NeT portal. The browser address bar is testngn.epacdxnode.net/net-msgp/action/secured/home. The page title is "NPDES Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity". The "My Facilities" section contains an "Add Facility" button and a "Filter My Facilities" dropdown. Below this is a table with columns: Actions, Facility Name, NPDES ID, Submission Status, Submission Type, Coverage Status, Coverage Type, Certified / Submitted Date, Effective Date, Coverage Expiration Date, and Last Modified Date. The table currently shows "Showing 0 to 0 of 0 entries".

Post a **sign of permit coverage**

2015 MSGP

No equivalent requirement in MSGP (but is in CGP and other NPDES permits)

2021 MSGP

Facilities must post a sign of permit coverage at a safe, publicly accessible location in close proximity to the facility, including facility contact information, how to obtain the SWPPP, and how to contact EPA (an exception is where other laws or local ordinances prohibit such signage)

Part 1.3.5: Example sign of permit coverage

Emily's Marina is permitted for industrial
stormwater discharges under EPA's Multi-Sector
General Permit (MSGP)

NPDES ID: DCR051435

Contact: XXX-XXX-XXXX

SWPPP: www.emilyswppp.com

To report observed indicators of stormwater
pollution, contact EPA at: XXX-XXX-XXXX

CHECK-UP

CHECK-UP

Conduct
Inspections and
Visual
Assessments
(Part 3)



Conduct
Required
Monitoring
(Parts 4, 8)



Conduct Inspections and visual assessments (Part 3)

Inspections

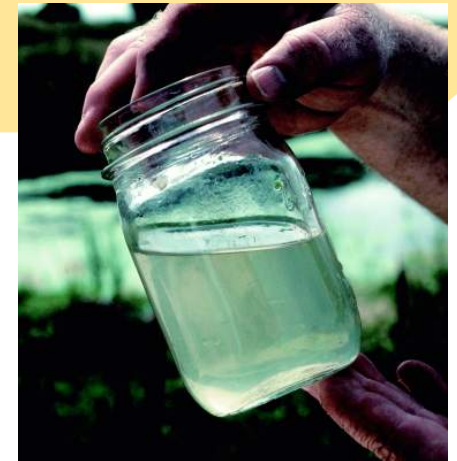
- Qualified personnel must conduct an inspection quarterly for entire permit coverage
- Permit specifies where to inspect and what to look for
- Complete an inspection report each time

Visual Assessments

- Quarterly visual assessment of grab sample from each discharge point
- Collect within the first 30 minutes of a storm event, if possible
- Permit specifies what to observe
- Document the results

This activity is ongoing!

You must conduct inspections and visual assessments quarterly throughout your coverage



Examples of what to look for during an inspection



CHECK-UP

Conduct
Inspections and
Visual
Assessments
(Part 3)



Conduct
Required
Monitoring
(Parts 4, 8)



This activity is ongoing!
You must conduct monitoring
on the required frequency
throughout your coverage

Conduct Required Monitoring (Parts 4, 8)

Indicator monitoring (IM)

- Quarterly pH, TSS, COD for all facilities without benchmark monitoring (~45%) throughout permit coverage
- Bi-annual PAHs for certain facilities in years 1 and 4
- Report-only, no threshold, no follow-up, no violation based on values

Benchmark monitoring (BM)

- Quarterly sector-specific monitoring in at least years 1 and 4
- No violation for exceedance
- Continued monitoring required if exceedance
- Exceedance triggers Additional Implementation Measures (AIM) (Part 5)

Effluent limitations guidelines (ELG) monitoring

- Annual monitoring for facilities subject to ELG (Part 4.2.3)
- Exceedance requires follow up monitoring and an exceedance report
- Exceedance is a violation

Impaired waters (IW) monitoring (w/o Total Maximum Daily Load (TMDL))

- Annual monitoring for all impaired pollutants in year 1
- Annual monitoring for subset of pollutants in year 4
- Continued monitoring required if pollutant detected

State- or tribal-specific monitoring (Part 9)

- Always check Part 9 for details

Facilities without sector-specific benchmarks conduct **indicator monitoring** for **pH, TSS, and COD**

PARTS
4.2.1.1
AND 8

2015 MSGP

Benchmark monitoring applied to 55% of MSGP facilities. The other 45% did not have any benchmark monitoring requirements.

2021 MSGP

Facilities without benchmarks must conduct “report-only” indicator monitoring for pH, TSS, and COD on a quarterly basis throughout the permit term. Applies to: Subsectors B2, C5, D2, E3, F5, I1, J3, L2, N2, O1, P1, R1, T1, U3, V1, W1, X1, Y2, Z1, AB1, AC1, and AD1.

Certain facilities conduct **indicator monitoring** for **polycyclic aromatic hydrocarbons (PAHs)**

PARTS
4.2.1.1
AND 8

2015 MSGP

No equivalent requirement.

2021 MSGP

Certain facilities must conduct “report-only” indicator monitoring for PAHs bi-annually (2/year) in 1st and 4th year of permit coverage. Applies to facilities that use coal-tar sealcoat, sectors A (creosote), C (2911), D, F, H, I, M, O, P (4011, 4013, 5171), Q (4493), R, and S.

Updating Benchmark Values

2015 MSGP

Existing benchmarks for Selenium, Arsenic, Aluminum, Cadmium, Magnesium, Iron, and Copper are based on outdated WQ criteria and/or toxicity data.

2021 MSGP

- Revised aluminum, copper (freshwater), selenium (freshwater), and cadmium benchmarks based on new final EPA WQ criteria.
- Removed iron and magnesium benchmark due to lack of documented toxicity.
- Allowing facilities to conduct site-specific risk analysis for aluminum and copper benchmark exceedances.

Update benchmark monitoring schedule

PART
4.2.2

2015 MSGP

Benchmark monitoring was required quarterly for first four quarters. If annual average was below benchmark threshold, facilities could discontinue for remainder of coverage.

2021 MSGP

Benchmark monitoring required quarterly for first four quarters. If annual average is below benchmark threshold, facilities can discontinue until 4th year of coverage when quarterly monitoring is required again. Monitoring must continue if exceedance occurs (AIM is triggered).

Monitoring for impaired waters without a TMDL

PART
4.2.5.1

2015 MSGP

Operators discharging to impaired waters must monitor once/year for all pollutants causing impairments and can discontinue monitoring if not detected or not expected in the discharge.

2021 MSGP

Facilities discharging to impaired waters w/o a TMDL must monitor once/1st year of coverage for all pollutants causing impairment, then once/4th year for only those associated with industrial activity and/or are benchmarks. If not detected, can discontinue for remainder of permit coverage. Monitoring must continue if detected.

FOLLOW-UP

FOLLOW-UP

Complete Any
Required
Corrective
Actions and AIM
(Part 5)



Complete
Reporting
(Part 7)



**This activity is
(potentially) ongoing!**
You must conduct correct
actions and AIM, as
applicable, throughout
your coverage

Complete Any Required Corrective Actions and AIM (Part 5)

Corrective Action

If any of these conditions occur:

- Unauthorized release/discharge
 - Exceedance of numeric ELG monitoring
 - Stormwater controls are not stringent enough to meet WQS
 - Stormwater controls are not installed or not working
 - A visual assessment shows evidence of stormwater pollution
- ✓ Must review & revise SWPPP, take immediate action until you can implement a permanent solution, take additional action w/in 14 days (Part 5.1)

Additional Implementation Measures (AIM)

(only for Benchmark Monitoring)

If any of these conditions occur:

- The 4-quarter average for a parameter exceeds the benchmark threshold, or
 - Fewer than 4 quarterly samples are collected, but a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than 4 times for a parameter. This result indicates an exceedance is certain
- ✓ Follow appropriate AIM Level responses and deadlines (Part 5.2)

Additional Implementation Measures (AIM) for benchmark exceedances

2015 MSGP

If a benchmark is exceeded, operators must review the control measures to see if modifications are necessary and continue monitoring until no exceedance.

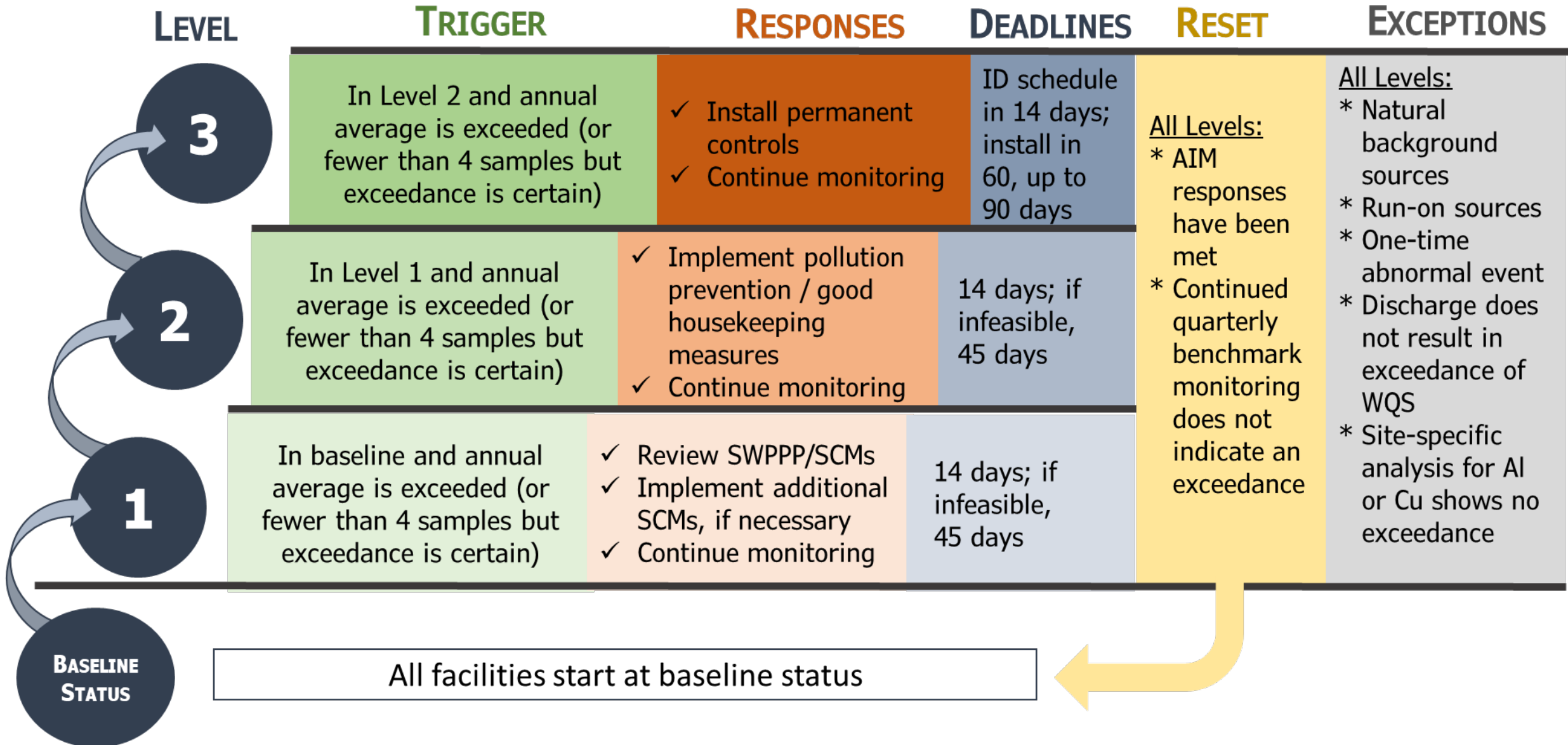
2021 MSGP

Level 1: While in baseline status, a triggering event (exceedance) occurs, then must review SWPPP/ control measures, implement additional measures (if necessary), and continue monitoring until no exceedance.

Level 2: While in Level 1, a triggering event (exceedance) occurs, then must implement additional pollution prevention/good housekeeping measures and continue monitoring until no exceedance.

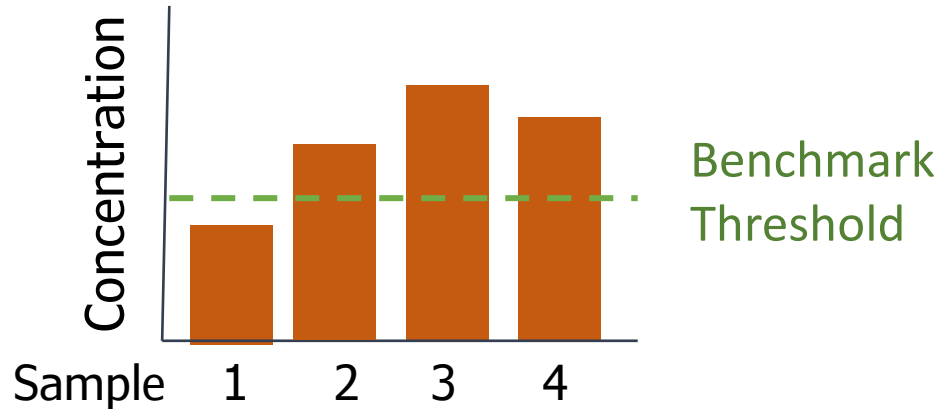
Level 3: While in Level 2, a triggering event (exceedance) occurs, then must install permanent structural source and treatment controls and continue monitoring until no exceedance.

Additional Implementation Measures (AIM) for benchmark exceedances

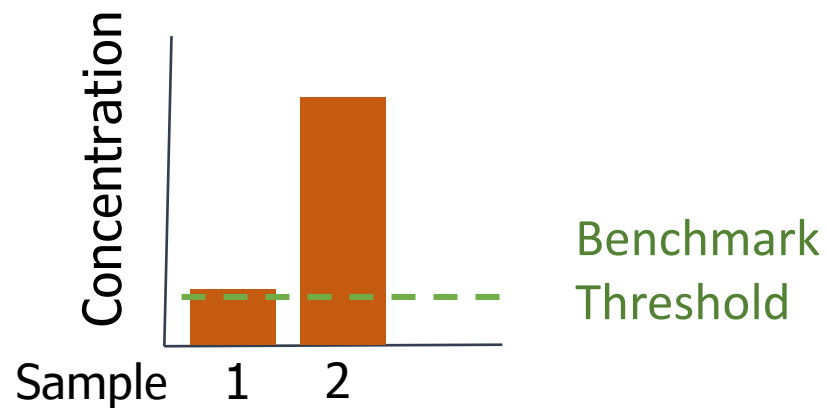


AIM Triggers

4 quarter average over the benchmark



<4 samples collected but sum to date is over 4x the benchmark



- AIM applies per parameter, per discharge point
- Triggers do NOT change from AIM Level to Level
- AIM Levels are sequential and cannot be skipped
 - i.e., you must be in Level 1 to go to Level 2, and you must be in Level 2 to go to Level 3
- All exceptions are available at all AIM Levels

FOLLOW-UP

Complete Any
Required
Corrective
Actions and AIM
(Part 5)



Complete
Reporting
(Part 7)



This activity is ongoing!

You must complete at minimum monitoring reporting and annual reporting, in addition to other applicable reporting, throughout your coverage

Complete Reporting (Part 7)

EPA has 2 different electronic systems for reporting under the MSGP

NeT-MSGP: <https://cdxnodengn.epa.gov/net-msgp/action/login>

- Notice of Intent (NOI)
- Change NOI
- No Exposure Certification (NEC)
- Notice of Termination (NOT)
- Annual Report – due by January 30 of EACH year covered

NetDMR: <https://cdxnodengn.epa.gov/net-netdmr/>

- Monitoring data

Check out **Appendix O** for a summary of all permit submissions, the frequency, and due dates

Comply with any Sector-Specific requirements (Part 8)

2021 MSGP

Part 8 – Sector-Specific Requirements

Part 8 – Sector-Specific Requirements for Industrial Activity

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

Comply with any State/Tribal-specific requirements (Part 9)

2021 MSGP Part 9 – Conditions Applicable to States, Indian Country Lands, or Territories

9 Permit Conditions Applicable to Specific States, Indian Country Lands, or Territories

Section 401 of the CWA (see also 40 CFR §122.44(d)(3) and §124.53(a)) provides that no federal license or permit, including NPDES permits, to conduct any activity that may result in any discharge to waters of the United States shall be granted until the state/tribe in which the discharge originates certifies that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the CWA. The requirements under this Part of the permit provide state, U.S. territory, and tribal requirements that these entities certify are necessary in order for the permit to comply with applicable water quality requirements.

The conditions below have been incorporated into the 2021 MSGP based on the certifications granted for the 2021 MSGP. These conditions apply for activities conducted under this permit that occur within the jurisdiction that established the condition. Any references below to the "2020 MSGP," "MSGP 2020," "2020 proposed MSGP," "proposed permit," or similar refer to the final 2021 MSGP.

9.1 EPA Region 1: Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont

9.1.1 CTR051000: Indian Country within the State of Connecticut

No additional requirements.

9.1.2 MAR050000: Commonwealth of Massachusetts, except Indian country

Operators in the Commonwealth of Massachusetts must meet the following conditions (see certification provided by the Commonwealth of Massachusetts, CWA401Cert_MA_2021 MSGP):

Implementation Assistance

Templates and Guides being updated and coming soon:

- SWPPP Template
- SWPPP Guide
- Monitoring and Sampling Guide
- Documentation Templates (records for monitoring, inspection, maintenance, visual evaluation and corrective action activities)
- No Exposure Guide
- FAQs
- New! Spreadsheet to help identify if exceedance of benchmark occurs

<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-fact-sheets-and-guidance#guidance>

Where can I
find the
permit?

**EPA's
industrial
SW
webpage**

<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities>

What about
the rest of
the record
(e.g.
response to
comments)?

Docket

<https://www.regulations.gov/docket?D=EPA-HQ-OW-2019-0372>

www.regulations.gov

Docket ID # EPA-HQ-OW-2019-0372