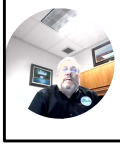
Industrial Stormwater Program

Announcement of a new Draft General Permit for the Industrial Stormwater Community

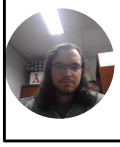


DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Gordon: Hello. I'm Gordon Woodrow with DNREC's Division of Water and NPDES Program. With me is Matthew Davison, the head of the Industrial Stormwater Program. He will be going through the key elements of the draft permit, highlight important updates, and address some of the major questions we have received.

Industrial Stormwater Program

Announcement of a new Draft General Permit for the Industrial Stormwater Community



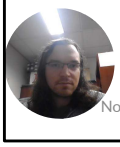
DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Matthew: I'm pleased to be here today to present the Draft Multi-Sector General Permit (MSGP) for Industrial Stormwater.

Disclaimer

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.

This presentation is not all encompassing. Reading, understanding, and implementing the full permit is the best way to maintain compliance with the permit. To see the draft permit and supporting documents go to https://dnrec.delaware.gov/water/commercial-government/npdes/industrial-stormwater/



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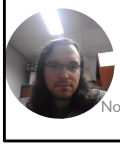
Content

- Overview of Industrial Stormwater
- Multi-Sector General Permit Basic Permit Requirements
  - Major Differences from the Current Requirements
  - How to Prepare
  - How to Gain Coverage
  - Monitoring and Inspections
  - Corrective Action Requirements
- Resources Provided by DNREC.
- DNREC Regulatory Oversight Inspections
- Contact Information



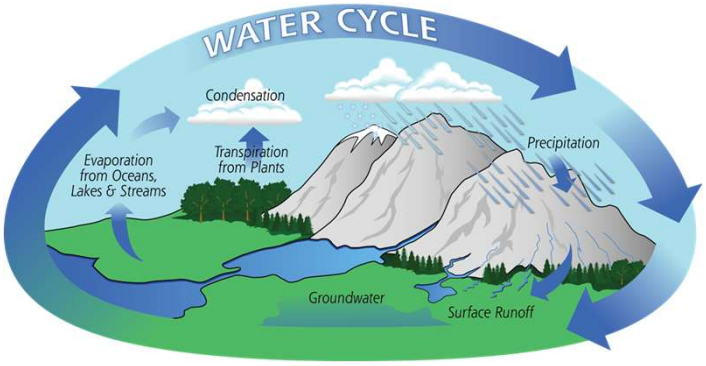
DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

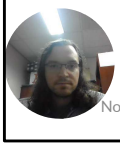
Today's presentation will begin with an overview of industrial stormwater and the purpose of the Multi-Sector General Permit, or MSGP. We'll then cover the basic permit requirements, followed by a look at the major differences from the current regulations and the permit. After that, we'll discuss how facilities can prepare for these changes and the steps needed to gain coverage under the permit. We'll go over monitoring, inspections, and the corrective action requirements. We'll highlight the resources available from DNREC to support permittees, review DNREC's regulatory oversight and inspection process, and close

with contact information for further assistance.

What is Stormwater?

- Any water that comes from weather events
  - Rainwater
  - Snow melt
  - Ice melt
- Overland Flow
- Infiltration





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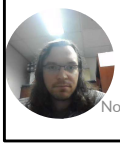
Stormwater is rain or snowmelt that runs off surfaces such as rooftops, roads, parking lots, and other impervious areas. Unlike wastewater, stormwater is not treated before it enters our environment. As it flows over land, it can pick up pollutants like oil, sediment, chemicals, and debris. This runoff often enters storm sewers or other stormwater conveyance systems, which are designed to quickly carry the water away to nearby streams, rivers, and other surface waters. In some areas, stormwater can also infiltrate into the ground, going into groundwater.

Why Manage Stormwater?

Industrial facilities have chemicals and materials that may come in contact with stormwater, increasing the potential for pollution to the waterways.







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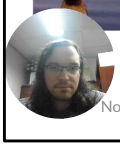
Managing industrial stormwater through the NPDES program is crucial for protecting water quality and public health. Stormwater runoff from industrial sites can carry pollutants like oils, chemicals, and metals into nearby waterways, harming ecosystems and contaminating drinking water. The NPDES program helps reduce these risks by requiring facilities to implement best management practices, monitor their discharges, and take corrective actions when needed.

Why Manage Stormwater?

The goal is to keep Delaware's waters clean for the activities and wildlife we love!





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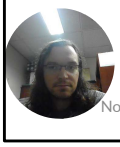
This helps protect water resources, minimize environmental damage, and ensure cleaner, safer waterways for communities.

Multi-Sector General Permit (MSGP)

Where did it come from?



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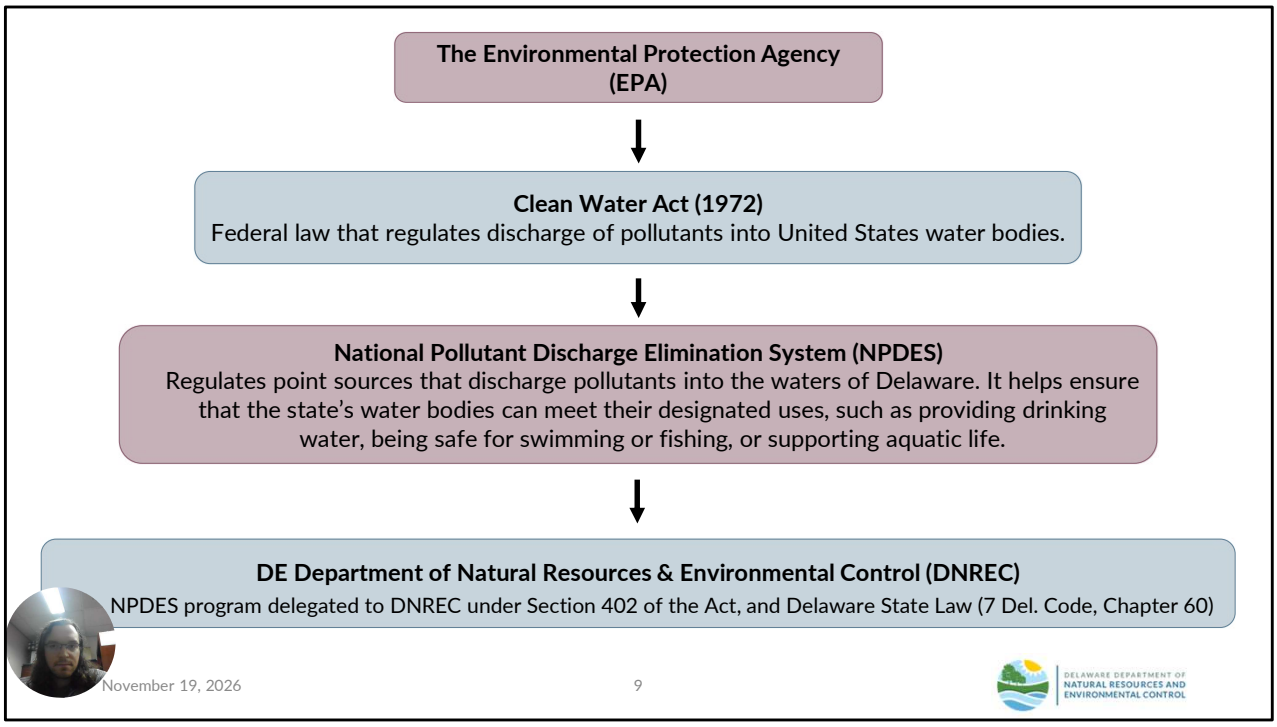
The NPDES program is a federal program, that through permits and regulations, ensures consistent standards across industries, promoting accountability and environmental protection. By requiring permits and regulations, it allows regulators to track compliance, identify issues, and support continuous improvements in stormwater management.

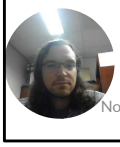


The Environmental Protection Agency (EPA) delegates NPDES (National Pollutant Discharge Elimination System) requirements to states through a process called "primacy." Under the Clean Water Act, states that meet certain criteria and have the capability to enforce water quality standards can be authorized by the EPA to implement the NPDES program within themselves. Once a state receives primacy, it can issue permits, enforce compliance, and conduct inspections, with oversight from the EPA to ensure state programs meet federal standards. This delegation allows for more localized control of water

quality issues while maintaining federal oversight to ensure consistency across states.

What is a General Permit?

- 7 DE Admin. Code 7201- §9
  - Authorization under regulations
  - 5 year authorization
- NPDES Industrial Stormwater General Permit
  - Statewide Umbrella Permit
  - Authorization lasts for the permit term, not a set amount of time



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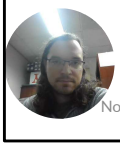
Currently, Delaware manages industrial stormwater through regulations under 7 DE Admin. Code 7201- §9. Facilities have authorizations under the regulations with a specific date of authorization that expires 5 years after obtaining it. We are transitioning to a more traditional, statewide General Permit structure. A General Permit functions as a statewide “umbrella” permit that outlines standard requirements applicable to multiple similar facilities. The permit allows us to be more detailed in what is expected depending on Industrial Sector ensuring clearer requirements, and a smoothed out application processes.

Permit Applications

Conditional "No Exposure" Exclusion



- No Exposure conditions can be found in 40 CFR 122.26(g)
- Requires that all industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.
- Does not require a Stormwater Pollution Prevention Plan (SWPPP).
- Does not require analytical monitoring.
- "No Exposure" Exclusion Certification must be submitted on NeT-MSGP every 5 years



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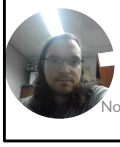
The Conditional No Exposure Exclusion allows certain facilities to be excluded from a majority of the requirements of the MSGP such as regular analytical sampling and the implementation of a Stormwater Pollution Prevention Plan. To obtain this coverage, facilities must be able to demonstrate that all industrial materials and activities are completely sheltered from rain, snow, and stormwater runoff. This means that no exposure can occur under normal conditions, including during loading, unloading, storage, fueling, and maintenance operations. To qualify, facilities must submit a No Exposure

Certification through NeTMSGP and renew it every five years. This exclusion reduces regulatory burden for low-risk facilities while still ensuring that stormwater discharges do not pose a threat to water quality.

Conditional “No Exposure” Exclusion

Industrial materials and activities not requiring storm resistant shelter:

- Drums, barrels, tanks, and similar containers **that are tightly sealed**, provided those containers are not deteriorated and do not leak (“Sealed” means banded or otherwise secured and without operational taps or valves);
- Adequately maintained vehicles used in material handling; and
- Final products, other than products that would be mobilized in storm water discharge (e.g., rock salt).



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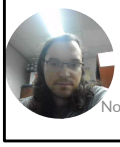
While the Conditional No Exposure Exclusion generally requires industrial materials and activities to be sheltered from stormwater, there are specific exceptions where certain materials or operations do not require storm-resistant shelter. These include properly maintained vehicles and equipment that are not leaking fluids, and materials stored in containers that are fully sealed, closed, or covered, with no operational taps or valves. Drums with intact lids being staged for transport. Final products that aren’t mobile in stormwater are allowed.

Conditional “No Exposure” Exclusion

Industrial materials and activities requiring storm resistant shelter:
Everything else- nothing that is a potential pollutant can be exposed to stormwater.
Facilities that cannot meet these requirements must obtain coverage under the MSGP.





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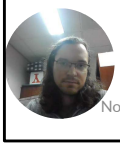
The key factor is that there must be no exposure of pollutants to stormwater under normal operating conditions.

Multi-Sector General Permit (MSGP)

- This permit type is appropriate for industrial facilities whose processes and materials are unable to be fully protected by storm resistant shelters
- Requires a Notice of Intent (NOI)
- Requires a Stormwater Pollution Prevention Plan (SWPPP)
- Requires analytical monitoring
- Requires reporting





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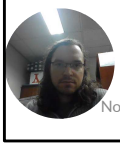
The Multi-Sector General Permit (MSGP) is designed for industrial facilities where processes and materials cannot be fully enclosed or protected by storm-resistant shelters. Because of the potential for exposure to stormwater, facilities covered under the MSGP are required to submit a Notice of Intent (NOI) and a Stormwater Pollution Prevention Plan (SWPPP) to obtain permit coverage. The NOI is an online form with branching questions to determine if you are eligible for coverage under the MSGP and to collect basic facility information such as site address and what Industrial Sector the facility operates under. If you are eligible for coverage, you will need to develop and implement a SWPPP that outlines the measures taken to minimize stormwater contamination. In addition, the permit requires analytical

monitoring of stormwater discharges to evaluate pollutant levels, as well as regular reporting to ensure compliance and transparency.

Covers 29 Sectors of Industrial Activity

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
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 Equipment
AC: Electronic, photo goods
AD: Non-classified facilities



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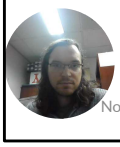
The Multi-Sector General Permit (MSGP) provides coverage for stormwater discharges associated with industrial activity across 29 defined industrial sectors and one non-classified Sector for facilities that are not covered by any other sector and have been designated by the Secretary as needing a permit for their stormwater discharges. These sectors encompass a wide range of facility types, each with specific requirements tailored to their operations.

Changes to Your Coverage



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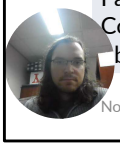
Let’s go through an overview of the changes to your coverage under the MSGP.

Current Permit by Rule	2025 MSGP
Documents are maintained on-site No annual reporting requirements Permits submit NOI and SWPPP physically or by email	Online reporting through NeT-MSGP and NetDMR Annual reports Quarterly Discharge Monitoring Reports Communication is through NeT-MSGP
Semi-annual effluent limitation guideline sampling	Annual effluent limitation guidelines sampling
Requirements for Impaired Waters, TMDLs, ERES Waters, Endangered Species, Historic Sites, and CERCLA Sites are applied by DNREC on a site by site basis	Additional requirements based on Impaired Waters, TMDLs, ERES Waters, Endangered Species, Historic Sites, and CERCLA Sites
Sector-specific requirements are only for benchmark and ELG monitoring	Detailed sector-specific requirements
SWPPP requirements are general with little to no guidance	Detailed SWPPP requirements with guidance
Facilities have internal IDs DNREC uses. Coverage is for 5 years after authorization is obtained	Facilities are authorized by the permit with their own specific NPDES IDs and new coverage will need to be sought after when the next permit is issued



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Under the new Multi-Sector General Permit (MSGP), several procedural and reporting updates have been implemented to enhance regulatory oversight and streamline communication. All facilities are now required to use the NeT-MSGP system for permit authorization, electronic submission of Notices of Intent (NOIs), Annual Reports, and all official correspondence. NPDES eReporting Tool (NeT), a web-based system for electronically submitting reports under NPDES permits.

Discharge monitoring and compliance reporting, this is your current benchmark and effluent monitoring requirements, have also shifted entirely online through NetDMR. Network Discharge Monitoring Report is a web-based tool that allows NPDES permittees to electronically submit and sign their Quarterly Discharge Monitoring Reports (DMRs). These changes aim to improve transparency, data accuracy, and regulatory efficiency.

The updated MSGP also introduces expanded environmental and operational requirements. Facilities must conduct annual sampling if they are subject to effluent limitation guidelines. Previously effluent limitation sampling was done semi-annually. We have changed it to annually to be in-line with EPA's MSGP. Similarly in-line with EPA's MSGP, facilities must evaluate additional site-specific factors such as discharges to Impaired Waters, Total Maximum Daily Load (TMDL) waters, Exceptional Resource Waters (ERES), endangered species habitats, historic preservation sites, and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) sites. Most of these will be a onetime sampling event at the start of your coverage or something you mark as not applicable to discharges at your facility.

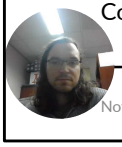
Sector-specific requirements have been made more detailed, and facilities must ensure their

Stormwater Pollution Prevention Plans (SWPPPs) are updated to reflect all applicable standards. Importantly, each facility is now issued its own unique NPDES ID under the permit, and coverage will not automatically carry over—facilities must reapply for coverage when a new MSGP is issued. This could mean that your coverage may exceed 5 years of time, but regardless of the situation, all permits expire at a set time after the next permit is issued which you will be notified of well in advanced.

Steps to comply with the MSGP

Prepare	Get Covered	Maintaining Coverage	
Check Eligibility Conditions (Part I)	Submit NOI for Authorization (Parts I and IX)	Conduct Inspections and Visual Assessments (Part VI)	Complete Any Required Corrective Actions (Part V)
Develop/update SWPPP (Part II)		Conduct Required Monitoring (Part III)	Complete Reporting (Part VII)
Install Control Measures to meet Effluent Limits (Parts IV and VIII)			

Comply with any Sector-Specific requirements (Part VIII)



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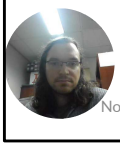
Next, we will outline the key steps required to prepare for the MSGP, obtain permit coverage, and ensure continued compliance throughout the permit term.

How to Prepare



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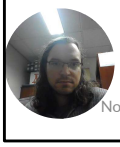
How to prepare for coverage.

Check Eligibility Conditions

Determine whether you are eligible for coverage under the MSGP. Consider the following:

- Nature of your discharges
  - Are your discharges associated with industrial activity?
  - Do you have any discharges comingled with unauthorized non-stormwater discharges?
  - Are your discharges covered by a separate individual NPDES permit?
  - Are you discharging to an impaired, TMDL, or ERES water?
- Protection of historic properties
- Protection of endangered species



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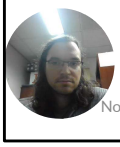
All surface water discharges associated with industrial stormwater activities are required to have coverage under the NPDES program. The Multi-Sector General Permit (MSGP) provides a streamlined option for obtaining this coverage; however, eligibility requirements must be met to qualify. If a facility does not meet MSGP eligibility, it must seek coverage under a different general permit or receive an individual NPDES permit.

When you go to submit your NOI application through NeTMSGP, you will go through a series of eligibility questions to ensure your facility requires coverage under the MSGP. To determine eligibility for coverage, facilities must assess their stormwater discharges. First, consider whether your discharges are associated with industrial activity as defined by the permit. Evaluate whether any stormwater discharges are comingled with unauthorized non-stormwater discharges, which could disqualify you from coverage. Confirm that your discharges are not already covered under a separate individual NPDES permit. Facilities must determine if their discharges reach impaired waters, waters subject to a Total Maximum Daily Load (TMDL), or Exceptional Resource Waters (ERES), as these may trigger additional requirements. Facilities must take into account potential impacts on historic properties and endangered species to

ensure compliance with federal preservation and environmental protection laws.

Develop a SWPPP

- Develop your SWPPP that meets the requirements of the MSGP before submitting your NOI. NOIs will not be processed unless submitted with a SWPPP.
- A SWPPP Template is provided at Industrial Stormwater Runoff - DNREC (delaware.gov)
- SWPPP Contents (Part II)
  - Stormwater pollution prevention team
  - Site description with topographic/site maps
  - Summary of potential pollutant sources
  - Description of stormwater control measures
  - Spill prevention and response measures
  - Schedules and procedures
  - Documentation to support eligibility pertaining to other federal laws
  - Signature requirements




Stormwater Pollution Prevention Plan (SWPPP)
INSERT FACILITY NAME and DATE

Stormwater Pollution Prevention Plan

for:

[Insert Facility Name]
[Insert Facility Address]
[Insert City, State, Zip Code]
[Insert Facility Telephone Number (if applicable)]

SWPPP Contact(s):

[Insert Facility Operator
Insert Name
Insert Address
Insert City, State, Zip Code
Insert Telephone Number
Insert Fax/Email

SWPPP Preparation Date:

Industrial SWPPP Template

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Before submitting your Notice of Intent (NOI), you will need to develop a Stormwater Pollution Prevention Plan that meets all requirements outlined in the MSGP. The NOI will not be processed without a SWPPP submission.

A SWPPP template is available online to assist in the development of your plan. This template includes links to address frequently asked questions. If you fully read and fill out each page, you should have a good SWPPP in your hands that meets the requirements of the MSGP. The site map is likely the most difficult part and this can be created with a printed off page from your favorite maps website and a decent pen or marker.

The SWPPP is the most important document and the main way you interact with your responsibilities for the MSGP. In it, you will have

your spill response measures, your schedules for inspections and sampling, your responsibilities for online reporting, and all other requirements of the permit. Everything you need to do is in there.

Install Control Measures to Meet Effluent Limits

These control measures include site-specific best management practices (BMPs), maintenance plans, inspections, employee training, and reporting.

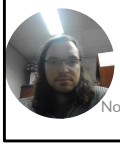
Technology-based effluent limits

- Stormwater control measures (non-numeric)
  - 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 and vehicle tracking of pollutants
- Numeric Effluent Limitations Based on Effluent Limitations Guidelines

Water quality-based effluent limitation

- Discharges must be controlled to meet water quality standards (WQS)
- Compliance with permit presumes compliance with this requirement

Control measures must be assessed throughout coverage and corrective actions must be taken if necessary to meet these requirements.



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DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

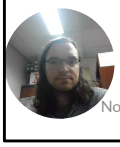
The MSGP includes both technology-based and water quality-based effluent limits designed to ensure effective stormwater management. Control measures include site-specific best management practices (BMPs), maintenance plans, inspections, employee training, and reporting. Non-numeric stormwater control measures focus on practices such as minimizing exposure, good housekeeping, regular maintenance, spill prevention and response, and erosion and sediment control.

Numeric effluent limits are established based on your Sector.

A narrative water quality-based effluent limitation requires that discharges be controlled to meet water quality standards (WQS). Compliance with the permit ensures compliance with these requirements, but control measures must be regularly evaluated,

with corrective actions taken as needed to maintain water quality standards throughout the coverage period.

How to Gain Coverage

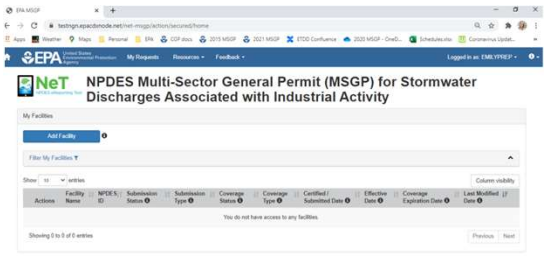


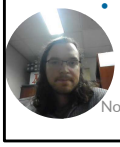
DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

How to gain coverage under the MSGP.

Submit NOI for Authorization

- Use the NeT-MSGP tool to submit your NOI and SWPPP
  - https://npdes-ereporting.epa.gov/net-msgp/action/login
- Before issuance of the permit, DNREC will provide in-person and recorded online training events in addition to detailed online guides on how to apply and obtain coverage through the NeT-MSGP tool.
- A support center is available for applicants to call.
- Submittals will be processed in the order they are received
- Submittals are due within 90-days after the effective date of this permit
- New facilities submitting after this date must submit their application at least 30 calendar days before commencing discharge



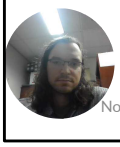


DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

To obtain coverage under the MSGP, facilities must use the NeTMSGP online tool to submit their NOI along with their SWPPP. A help center is available with training materials and tutorials to guide users through the submission process. Trainings and a support center are available for applicants new to the NeTMSGP and NetDMR systems. All submittals will be processed in the order they are received. Existing facilities must submit their NOI and SWPPP within 90 days of the permit's effective date. For new facilities applying beyond the 90 days window, applications must be submitted at least 30 calendar days before

stormwater discharges begin.

Monitoring and Inspections



DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Monitoring and inspections.

Conduct Inspections and Visual Assessments

Routine Facility Inspections

- Qualified personnel must conduct an inspection quarterly for the entirety of your permit coverage
- The permit specifies where to inspect and what to look for
- An inspection report must be completed each time

Comprehensive Site Inspections

- This is similar to a Routine Facility Inspection except it includes a record review
- The permit specifies what is required and the schedule

Visual Assessments

- Quarterly visual assessment of grab samples from each discharge point
- Collect the sample within the first 30 minutes of a storm event, if possible.
- The permit specifies what to observe
- Document the results
- You must conduct routine facility inspections and visual assessments quarterly throughout your coverage. The schedule for comprehensive site inspections is detailed in Part IV of the permit and is sector specific.

Routine Inspection Form

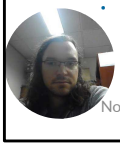
Inspection Frequency	
Date of Inspection	Start/End Time
Inspector Name(s)	
Inspector Title(s)	
Inspector Contact Information	
Inspector Signature	

Weather at time of this inspection?
☐ Clear ☐ Cloudy ☐ Rain ☐ Sleet ☐ Fog ☐ Snow ☐ High Winds
☐ Other: Temperature:

Have any previously unidentified discharges of pollutants occurred since the last inspection? ☐ Yes ☐ No
If yes, describe:

Are there any discharges occurring at the time of inspection? ☐ Yes ☐ No
If yes, describe:

Structural Control Measure (Label on Site Map)	Control Measure is Operating Effectively?	If No, In Need of Maintenance, Repair, or Replacement?	Maintenance or Corrective Action Needed and Notes
1	☐ Yes ☐ No	☐ Maintenance ☐ Repair ☐ Replacement	
2	☐ Yes ☐ No	☐ Maintenance ☐ Repair ☐ Replacement	



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DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Throughout the duration of your permit coverage, you are required to conduct regular inspections and visual assessments to ensure compliance with the MSGP. Routine Facility Inspections must be performed quarterly by qualified personnel, focusing on specific areas and conditions outlined in the permit. Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at your facility, and who can also evaluate the effectiveness of control measures.

Each inspection must be documented with a detailed report. In addition, Comprehensive Site Inspections are required and build upon the routine inspections by including a thorough review of records; the schedule and requirements for these are outlined in Part VI. Visual assessments must also be conducted quarterly, involving

the collection and examination of grab samples from each discharge point. The permit provides guidance on what to observe during these assessments, and the results must be documented.

Conduct Required Monitoring

Benchmark Monitoring

- Quarterly sector-specific monitoring for at least the first four full quarters of permit coverage
  - Once you have four consecutive quarterly benchmark samples that are under benchmark limits, you can take the next four consecutive quarterly benchmark sampling events off after submitting and gaining approval for a benchmark monitoring waiver.
  - These are on a parameter by parameter and discharge point by discharge point basis

Effluent limitations guidelines (ELG) monitoring

- Annual monitoring for facilities subject to ELG
- Exceedance requires follow up monitoring and an exceedance report

Impaired waters monitoring

- Additional benchmark monitoring based on impaired waterbodies
- Ability to show that you are not contributing to the impairment of the waterbody, removing the parameter from your monitoring requirements

Other monitoring as required by the Department

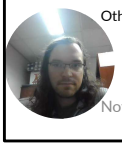


Table VIII.A-1

Subsector (The permittee may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector A1. General Sawmills and Planing Mills (SIC 2421)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Zinc[1] (freshwater discharges)	Hardness Dependent[1]
	Total Zinc (saltwater discharges)	0.09 mg/L
	pH	6.0 - 9.0 s.u
Subsector A2. Wood Preserving (SIC 2491)	Total Arsenic (freshwater discharges)	0.15 mg/L
	Total Arsenic (saltwater discharges)	0.069 mg/L
	Total Copper (freshwater discharges)	0.00519 mg/L
	Total Copper (saltwater discharges)	0.0048 mg/L
	pH	6.0 - 9.0 s.u
Subsector A3. Log Storage and Handling (SIC 2411)	Total Suspended Solids (TSS)	100 mg/L
	pH	6.0 - 9.0 s.u
Subsector A4. Hardwood Dimension and Flooring Mills; Special Products Sawmills, not elsewhere classified; Millwork, Veneer, Plywood, and Structural Wood; Wood Pallets and Skids; Wood 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)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100.0 mg/L
	pH	6.0 - 9.0 s.u

DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

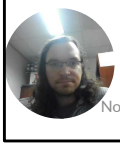
Facilities covered under the MSGP are required to conduct monitoring to ensure compliance with permit conditions. Benchmark Monitoring must be conducted quarterly and is based on sector-specific requirements. If four consecutive samples per parameter and discharge point are below the benchmark thresholds, a facility may apply for a waiver to suspend monitoring for the next four quarters. Exceedances of benchmark standards are not permit violations, but they will require you to perform corrective actions to decrease pollutant concentrations below benchmark standards.

Facilities subject to Effluent Limitations Guidelines (ELG) must conduct annual monitoring, and any exceedance requires both follow-up sampling and the submission of an exceedance report. An exceedance of an ELG is considered a permit violation and requires additional sampling until the limit is achieved.

For discharges to impaired waterbodies, additional monitoring may be required based on the specific impairments and pollutants of concern. If, after a sample is taken and analyzed, the pollutant of concern is not detected and not expected to be present in the discharge, or it is detected but it is determined that its presence is caused solely by natural background sources, the permittee may discontinue monitoring for that

pollutant. The Department may also require other types of monitoring based on site-specific conditions or compliance concerns.

Corrective Actions and Reporting



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DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

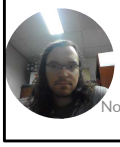
Corrective actions and reporting

Complete Required Corrective Actions

Corrective Action

If any of the following occur:

- Unauthorized release/discharge
- Exceedance of numeric ELG monitoring or sector-specific requirements
- The average of four consecutive quarterly benchmark samples exceeds an applicable benchmark
- Stormwater controls are not stringent enough to meet WQS
- Stormwater controls are not installed or not working
- An inspection or visual assessment shows evidence of stormwater pollution
- The nature of the discharge or potential for discharge changes significantly



You must follow the corrective action requirements detailed in Part V of the permit

DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Facilities must complete required corrective actions if certain conditions occur during the term of their MSGP coverage. These include unauthorized releases or discharges, exceedances of numeric Effluent Limitation Guidelines (ELG) or sector-specific requirements, and if the average of four consecutive quarterly benchmark samples exceeds an applicable benchmark. Corrective actions are also required if stormwater controls are found to be insufficient to meet water quality standards, are not installed or functioning properly, or if inspections or visual assessments indicate signs of stormwater pollution. Additionally, any significant change in the nature of the

discharge or its potential must trigger a corrective review. All corrective actions must be carried out in accordance with the detailed procedures outlined in Part V of the permit.

Complete Reporting

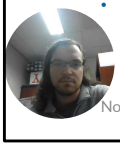
DNREC uses two different electronic systems for reporting under the MSGP

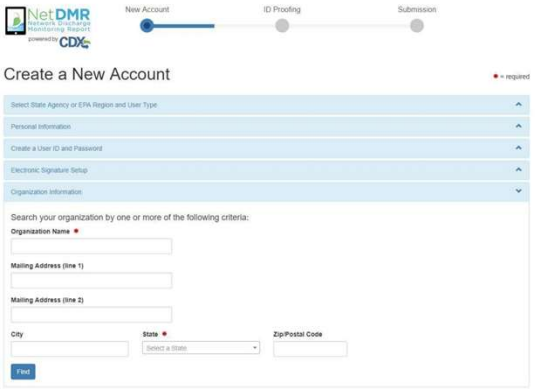
NeT-MSGP: https://npdes-ereporting.epa.gov/net-msgp/action/login

- Notice of Intent (NOI)
- Change of NOI information
- No Exposure Certification (NEC)
- Notice of Termination (NOT)
- Annual Report – Must submit no later than February 15th every year for the previous year of coverage
- Stormwater Pollution Prevention Plan (SWPPP)

NetDMR: https://npdes-ereporting.epa.gov/net-netdmr

- Discharge Monitoring Reports
- Monitoring Data





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DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DNREC utilizes two electronic systems for reporting under the MSGP: NeT-MSGP and NetDMR.

The NeT-MSGP system is used for submitting the Notice of Intent (NOI), making changes to NOI information, submitting a No Exposure Certification (NEC), filing a Notice of Termination (NOT), and uploading the Stormwater Pollution Prevention Plan (SWPPP). It is also used to submit the required Annual Report, which must be completed by February 15th each year for the previous calendar year of coverage.

The NetDMR system, on the other hand, is used exclusively for submitting Discharge Monitoring Reports (DMRs) and associated monitoring data. NetDMR is only required for facilities performing

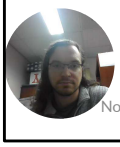
analytical monitoring.

Trainings and a support center are available for applicants that need assistance with using the NeTMSGP and NetDMR systems.

Implementation Assistance

Templates and guides have been created to assist in compliance.
https://dnrec.delaware.gov/water/commercial-government/npdes/industrial-stormwater/

- SWPPP Template and Guide
- Monitoring and Sampling Guide
- Documentation templates (monitoring, inspections, visual assessments, corrective actions)
  - Annual reports are submitted through NeT-MSGP with an online form
- No Exposure Guide
- MSGP Fact Sheet
- FAQs



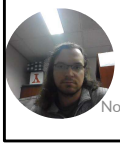
DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

To assist with compliance under the MSGP, DNREC provides a variety of templates and guides available online. These resources include a Stormwater Pollution Prevention Plan Template and Guide, a Monitoring and Sampling Guide, and documentation templates for monitoring, inspections, visual assessments, and corrective actions. The Notice of Intent and Annual reports are submitted through NeT-MSGP using an online form, simplifying the process. Additional support materials such as the No Exposure Guide, the MSGP Fact Sheet, and a comprehensive FAQ section are also available to help facilities better

understand and meet the permit requirements. All of these tools can be accessed through DNREC's dedicated Industrial Stormwater webpage

Permit Issuance Process and Schedule

- Public Notice of MSGP (30-day Public Notice period)
- DNREC will respond to any comments received in writing and either issue the permit as originally drafted, issue it with minor changes, or not issue the permit as drafted.
- After issuance, an effective date will be chosen for the permit and communicated to concerned parties
- The first discharge sampling begins the first full quarter after the effective date of the permit.
- Reminders for Facilities Authorized under the current regulations
  - Continue to comply with your current authorization until you obtain authorization under the new MSGP.
  - No Exposure Certification (NEC) exclusion holders must resubmit for coverage through NeT-MSGP within 90 days of the effective date of the MSGP.
  - Renewal NOI and updated SWPPP must be submitted within 90 days of the effective date of the permit.

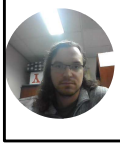


DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

The process for issuing the MSGP begins with a 30-day public notice period, during which the state invites written comments from stakeholders. After reviewing these comments, the state may either issue the permit as originally drafted, make minor changes, or decide not to issue the permit. Once the permit is finalized, an effective date is set and communicated to all concerned parties. Facilities must begin discharge sampling during the first full quarter after the permit's effective date. Facilities currently authorized under the previous regulations must continue to comply with those requirements until they obtain authorization under the new MSGP. Additionally, holders of a No Exposure Certification exclusion must resubmit for coverage through NeT-MSGP within 90 days of the new permit's effective date. Facilities

currently under an NOI authorization must submit a Renewal NOI and an updated Stormwater Pollution Prevention Plan (SWPPP) within 90 days of the effective date to ensure continued compliance.

DNREC
Compliance & Enforcement



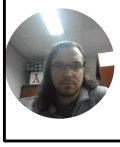
DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

This section details regulatory aspects of the MSGP and the inspection process.

Regulatory Oversight: Types of Inspections

DNREC's Resource Protection Section conducts the following types of inspections at Industrial Stormwater Facilities:

- Routine Compliance Inspections
  - Review of recordkeeping items (*5-year record retention) and stormwater plan
  - Physical inspection of site
  - Expect to have your facility inspected at least once every permit term
  - Inspection prioritization focuses on high-risk industrial sites based on several environmental and facility specific factors
- No Exposure Certification (NEC) submittal
  - Conditional exclusion from permitting requirements
  - NEC form must be submitted if requesting this type of coverage
  - Inspection will be performed to verify conditions meet regulatory requirements



DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DNREC's Resource Protection Section conducts inspections at industrial stormwater facilities to ensure compliance with regulatory requirements. These include Routine Compliance Inspections, which involve reviewing recordkeeping items (with a required 5-year retention period) and the facility's stormwater pollution prevention plan, along with a physical inspection of the site.

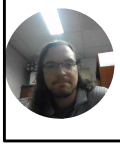
Facilities can expect to be inspected at least once during each permit term. Inspections are prioritized based on environmental and industry-specific factors, with a focus on high-risk industrial sites.

For facilities submitting a No Exposure Certification (NEC) request, which provides a conditional exclusion from certain permitting requirements, an inspection will be conducted to verify that conditions meet the necessary regulatory standards before

authorization can be obtained. The NEC form must be submitted as part of this process.

Types of Inspections (continued)

- Notice of Termination (NOT) submittal
  - Industrial Stormwater permit coverage is non-transferrable
  - NOT form must be submitted when operations cease or when change in ownership
  - Inspection will be performed to verify compliance
- Environmental complaints/concerns
  - Observed/suspected pollution
  - Effluent limit exceedance or repeatedly exceeding benchmark standards
- *SWPPPTrack* inspection tracking system



DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

When submitting a Notice of Termination (NOT), which is required when operations cease or there is a change in ownership, an inspection will be performed to verify compliance with all permit conditions. It is important to note that industrial stormwater permit coverage is non-transferable, and the NOT form must be submitted to formally end coverage.

Inspections may also be triggered by environmental complaints or concerns, observed or suspected pollution, or instances of effluent limit exceedances or repeated violations of benchmark standards. These inspections help ensure ongoing compliance and address potential environmental risks.

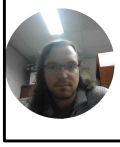
The SWPPPTrack inspection tracking system is used internally to monitor inspections and you will receive notifications through this

system to give you updates on the status of inspections.

Important Changes Affecting Compliance & Enforcement

The changes affecting compliance & enforcement primarily involve new reporting requirements

- Quarterly Discharge Monitoring Reports (DMRs)
  - Currently – analytical monitoring submittal not required and is only examined at time of inspection
  - New permit – increases frequency of monitoring from semi-annual to quarterly and requires submittal as DMR
- Annual Report
  - Comprised of several components from the past calendar year
  - Provides an overall summary of effectiveness of facility's stormwater pollution prevention program



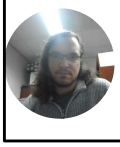
DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

The changes affecting compliance and enforcement under the new permit primarily involve updated reporting requirements. One of the key changes is the requirement for Quarterly Discharge Monitoring Reports (DMRs). Under the current permit, analytical monitoring is not required for submittal and is only examined during inspections. However, the new permit increases the frequency of monitoring from semi-annual to quarterly and mandates that the results be submitted as DMRs. Additionally, the Annual Report will now include several components from the previous calendar year, providing a

comprehensive summary of the effectiveness of the facility's stormwater pollution prevention program. These updates ensure more consistent monitoring and evaluation of stormwater management practices.

Important Changes Affecting Compliance & Enforcement (continued)

- Exceedance Report for Numeric Effluent Limits
- Additional Standard Recordkeeping and Reporting Requirements
  - E.g., 24-hour reporting, 5-day follow-up reporting, reportable quantity spills, etc.
- Failure to submit these reports by given deadline constitutes as a permit violation and is subject to enforcement action



DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Facilities are now required to submit an Exceedance Report for Numeric Effluent Limits if they exceed the established thresholds. Additionally, there are new standard recordkeeping and reporting obligations, such as 24-hour reporting, 5-day follow-up reporting, and reporting of spill quantities that exceed specified limits. Failure to submit these reports by the established deadlines constitutes a permit violation and may result in enforcement actions. These changes ensure more timely and accurate reporting of environmental compliance and help address potential pollution concerns promptly.