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Stormwater Discharges Associated with Industrial Activity NPDES Permits and No Exposure Certification

Frequently Asked Questions (FAQ)[1] November 18, 2026

Background

The Department of Natural Resources and Environmental Control (DNREC) has developed this FAQ document to assist facilities who are required to have National Pollutant Discharge Elimination System (NPDES) permit coverage for discharges of stormwater associated with industrial activity (under the Multi-Sector General Permit (MSGP) coverage) or No Exposure Certification (NEC). This document does not apply to stormwater discharges from individually permitted facilities or stormwater discharges associated with construction activities. Questions about the program may be directed to DNREC's Division of Water Industrial Stormwater program at DNREC_ISW@delaware.gov or (302) 739-9948.

GENERAL APPLICABILITY

FAQ #1: What facilities are required to obtain NPDES permit coverage for stormwater discharges?

This permit applies to discharges that are composed entirely of stormwater from facilities belonging to the Standard Industrial Classification (SIC) codes listed in Table 1 of the fact sheet and Table B-1 of the permit, in accordance with 40 CFR 122.26(b)(14). Commercial facilities that do not perform any of the activities identified in 40 CFR 122.26(b)(14) are not required to obtain coverage unless specifically designated in writing by the Secretary as a Sector "AD" facility.

FAQ #2: How does a facility determine whether NPDES permit coverage or NEC is required based on SIC code or activity?

[1] **DISCLAIMER**: The information outlined in this document is intended to supplement existing requirements. Nothing in this document affects regulatory requirements. The interpretations herein are not an adjudication or a regulation. There is no intent on the part of DNREC to give the interpretations in this document that weight or deference. This document provides a framework within which DNREC will exercise administrative discretion in the future. DNREC reserves the discretion to deviate from the interpretations in this document if circumstances warrant.

If a facility's primary Standard Industrial Classification (SIC) code or industrial activity is listed in Table 1 of the fact sheet and Table B-1 of the permit, in accordance with 40 CFR 122.26(b)(14), the facility is required to obtain permit coverage or seek NEC.

The table below identifies three scenarios involving a facility's primary SIC code, secondary SIC code, and narrative industrial activity. For certain industrial sectors, the federal regulations at 40 CFR § 122.26(b)(14) define stormwater associated with industrial activity in terms of SIC code and for other sectors, the regulations define stormwater associated with industrial activity in terms of a narrative description of the industrial activity. If a facility's Primary SIC code or industrial activity is listed in 40 CFR § 122.26(b)(14), the facility must apply for permit coverage or NEC. If only a secondary SIC code is listed in the regulations, a facility is not required to apply for permit coverage or NEC unless DNREC determines that permit coverage is necessary due to the presence of pollutants in stormwater discharges.

Permittees may apply for if all of the facility's industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to precipitation and runoff, and the facility satisfies the conditions of 40 CFR § 122.26(g).

Scenario	Primary SIC Code	Secondary SIC Code	Industrial Activity	Requirement
1	Listed	Listed or not	Listed or not	Apply for permit or No Exposure
2	Not listed	Listed	Not listed	None, unless DNREC determines permit coverage is required by Sector AD
3	Listed or not	Listed or not	Listed	Apply for permit or No Exposure

FAQ #3: How do I determine a facility's primary SIC code when there are multiple activities at a site?

The primary industrial activity includes any activities performed on-site which are (1) identified by the facility's primary SIC code; or (2) included in the narrative descriptions of Rule 31(b)(15)(i), (iv), (v), or (vii), and (ix). [For co-located activities covered by multiple SIC codes, it is recommended that the primary industrial determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary industrial activity.] To determine the SIC code that is related to the activity, the U.S. Department of Labor Occupational Safety and Health Administration's SIC search system can be used.

FAQ #4: Where can I find information to relate an SIC code to my facility's NAICS code?

The U.S. Bureau of Labor Statistics maintains a cross-walk of North American Industry Classification System (NAICS) codes to SIC codes on its website. In addition, the U.S. Environmental Protection

Agency (EPA) has included a cross-walk in Appendix N of its Multi-Sector General Permit for industrial stormwater.

FAQ #5: How is a facility regulated when multiple activities conducted by different operators are occurring on the same site?

When multiple activities are conducted by different operators at a single location, each industrial activity is assigned its own SIC code. For example, an industrial park or complex that is owned by one entity may have multiple tenants with SIC codes for primary industrial activities that each require permit coverage or NEC.

If none of the tenants qualify for NEC, either the owner of the industrial park or complex can apply for permit coverage under a single permit or the multiple tenants can be co-applicants for a single permit (either MSGP coverage if all tenants are eligible, or an individual permit). When a permit is issued with co-applicants, the co-applicants will become co-permittees and will share responsibilities of permit compliance.

If these options are considered infeasible, DNREC will accept separate Notices of Intent (NOIs) for MSGP coverage or individual permit applications from each tenant.

If the industrial activities at the site correspond to different sector requirements, the sector requirements will be applied on an outfall by outfall basis.

For multiple permittees, each individual permittee 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 a General Permit requirement on behalf of other permittees does not negate the other permittees' ultimate liability.

FAQ #6: Can activities conducted by the same operator on multiple properties or tax parcels be covered under one permit?

Activities occurring on contiguous lots or tax parcels may be covered under one permit. If the properties or tax parcels are not contiguous, separate permits will be required.

FAQ #7: Do stormwater discharges from non-industrial areas at an industrial facility (e.g., employee parking lots) have to be addressed in an NPDES permit?

The requirement for permit coverage or NEC under federal regulations applies only to the areas associated with industrial activity as defined at 40 CFR § 122.26(b)(14). However, if stormwater runoff from a nonindustrial area commingles with runoff from a regulated industrial area, the combined discharge and drainage area would require permit coverage (or NEC). DNREC requests that all stormwater outfalls be

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reported in NOIs and applications for documentation purposes and to aid DNREC in conducting inspections.

It is noted that DNREC may require that persons with discharges from areas not regulated under 40 CFR § 122.26(b)(14) apply for and obtain a permit if it is determined that the discharges contribute pollutants to Waters of the State.

FAQ #8: What type of non-stormwater discharges are authorized under the MSGP?

Authorized Non-Stormwater Discharges. Below is the list of non-stormwater discharges authorized under this permit. Unless specifically listed in this Part, the MSGP does not authorize any other non-stormwater discharges and the permittee must either eliminate those discharges or they must be covered under another permit:

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, 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. External building/structure 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;

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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

Any authorized non-stormwater discharge listed above in Part I.A.2 or any stormwater discharge described in Part I.A.1 mixed with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

The permittee is also authorized to discharge sector-specific non-stormwater discharges identified in the appropriate portion of Part VIII. Sector Specific Requirements for Industrial Activity, if applicable.

FAQ #9: How do I determine if my facility should be covered under an individual permit instead of a general permit?

An individual permit is required for industrial stormwater and other discharges that are not authorized by the MSGP or another NPDES permit. The conditions in which discharges are not authorized by the MSGP and where an individual permit would be required for the discharges are provided in the MSGP Part I.A.3. For example, if the discharger is not, or will not be, in compliance with any one or more of the conditions of the MSGP, the discharger would need to seek approval under an individual permit. Additional prohibitions to the use of the MSGP are described in Part VIII sector-specific section of the MSGP.

FAQ #10: My facility is not regulated under 40 CFR § 122.26(b)(14), but DNREC has required that I apply for a permit due to a finding that there are pollutants in stormwater discharges from the facility. May I apply for a NEC instead?

No. NEC is applicable only to those facilities that are regulated under 40 CFR § 122.26(b)(14). In general, there should not be a need for permit coverage where a facility implements conditions commensurate with the federal definition of No Exposure. However, if there is a finding that there are pollutants in stormwater discharges from the facility, DNREC may require submission of a MSGP NOI or individual permit application.

FAQ #11: If there are auxiliary operations on-site and off-site, do I need to obtain permit coverage or NEC for these auxiliary operations?

Auxiliaries are establishments primarily engaged in performing management or support services for other establishments of the same enterprise. Some examples of activities commonly performed by auxiliaries are management and other general administrative functions, such as accounting, data processing, and legal services; research, development, and testing; and warehousing.

On-site: On-site auxiliary operations, such as warehouses or vehicle maintenance shops, are considered co-located activities. A facility only needs a permit if the Primary SIC code or narrative activity is listed or if DNREC has asked your facility to apply for coverage. If it is listed, obtain the appropriate permit and

comply with the sector-specific requirements for primary activities, auxiliary/co-located activities on-site and any narrative activities, or obtain NEC.

Off-site: Auxiliary operations conducted off-site should be evaluated separately as to whether the off-site industrial activities need permit coverage or NEC.

FAQ #12: Do I need permit coverage or a NEC if my facility only discharges to a separate sanitary sewer system or a combined sewer system without any other outfalls?

If the only stormwater discharges associated with industrial activity flow into a separate sanitary sewer or combined sewer system that is part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2, permit coverage or NEC is not required. However, such discharges are subject to EPA pretreatment regulations (40 CFR Part 403 and others as applicable). The POTW should be notified of any discharges to their system.

If stormwater discharges from an industrial site identified at 40 CFR § 122.26(b)(14) flow into a separate sanitary sewer or combined sewer system that is not part of a POTW, permit coverage or NEC is required.

FAQ #13: Do I need permit coverage or NEC if my facility discharges to a municipal separate storm sewer system (MS4) or private storm sewer?

Yes. All facilities identified at 40 CFR § 122.26(b)(14) that discharge to an MS4 or private storm sewers must apply for permit coverage or NEC.

FAQ #14: Stormwater discharges from my facility flow into a basin that does not discharge under normal conditions. Does my facility need permit coverage or NEC?

Yes. If there is any possibility of a discharge, even during large storm events, then permit coverage or NEC is required when an industrial site is identified at 40 CFR § 122.26(b)(14).

Note: If there is a retention basin, or if stormwater discharges into a quarry pond, sinkhole, or well (i.e., groundwater) that is designed to capture all stormwater runoff from industrial areas of a site, DNREC may still require permit coverage.

FAQ #15: If the stormwater from my facility is discharged as sheet flow, am I required to obtain permit coverage or NEC?

Permit coverage or NEC is required when an industrial site is identified at 40 CFR § 122.26(b)(14). The absence of an outfall structure does not preclude a facility from the requirements of permit coverage.

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INDUSTRIAL CLASSIFICATION APPLICABILITY

FAQ #16: Are activities associated with industrial activity that occur on agricultural lands exempted from stormwater permitting requirements?

No. If a stormwater discharge is associated with industrial activity as defined at 40 CFR § 122.26(b)(14), it is subject to permit or NEC requirements regardless of the location of the activity.

FAQ #17: Is a manufacturing facility's off-site vehicle maintenance facility required to apply for a permit under the transportation category?

No. If a stormwater discharge is not associated with industrial activity as defined at 40 CFR § 122.26(b)(14), it is not subject to permit or NEC requirements. An off-site vehicle maintenance facility supporting one company would not be required to apply for a permit if that facility does not perform activities associated with industrial activity.

If the maintenance facility is located on the same site as the manufacturing operation, it would be included in the areas associated with industrial activity and must be addressed in an application.

FAQ #18: Can I discharge vehicle wash water along with stormwater from my facility?

No. Vehicle wash water discharges are not an authorized non-stormwater discharge under MSGP. Any permittee seeking to discharge vehicle wash water should obtain an individual permit. Applicants seeking MSGP coverage or NEC may remain eligible if the discharge can be completely separated from stormwater and recycled, reused or discharged to a sanitary sewer system in accordance with applicable industrial pretreatment requirements. Wash areas must be indoors to be eligible for NEC coverage.

FAQ #19: Does on-site storage and application of salt for deicing require coverage under MSGP?

If a facility stores salt for use on-site, this does not necessarily require coverage under MSGP or exclude the facility from eligibility for NEC coverage. The permittee 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. The permittee must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile.

FAQ #20: Is coverage required for a Direct to Locomotive (DTL) Fueling activity which is occurring alongside railway tracks away from a regular maintenance yard?

Only non-transient vehicle and equipment cleaning / maintenance shops are included in the transportation category. Therefore, repairs or fueling conducted along the track system would not be subject to permit

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requirements. If there were persistent pollutant or water quality issues emanating from a known portion of tracks, DNREC may designate the area for permitting.

FAQ #21: If the primary SIC code of a facility is not covered under the regulations, but there is a hazardous waste treatment, storage or disposal facility (TSDF) on-site, is the TSDF subject to stormwater permitting requirements?

Yes. If the hazardous waste TSDF is or should be operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA), regardless of the facility's primary activity, the stormwater discharges from that portion of the site are subject to the narrative definition of stormwater discharges associated with industrial activity. Even if a facility's SIC code is not included in the regulations, any activity described by one of the narrative categories of industrial activity that is occurring on-site would be regulated under the stormwater program.

FAQ #22: At what point does an inactive, closed, or capped landfill cease being an industrial activity?

An inactive, closed, or capped landfill is no longer subject to stormwater permit requirements when DNREC determines that the land use has been altered such that there is no exposure of significant materials to stormwater at the site. For example, if an impervious surface now covers the closed landfill, DNREC may determine that stormwater discharges from the area are no longer associated with the previous landfill activity. These determinations are made on a case-by-case basis.

FAQ #23: If all vehicle maintenance and equipment cleaning operations occur indoors at a transportation facility, as defined at 40 CFR § 122.26(b)(14)(viii), is a permit required for discharges from the roofs of these buildings?

If all industrial activity on a site, including vehicle maintenance and equipment cleaning operations, occur indoors, and the industrial activity is identified at 40 CFR § 122.26(b)(14)(viii), the facility should qualify for NEC, and stormwater from roofs would not specifically need permit coverage. If some industrial activity occurs outdoors, such as storage of materials or vehicles awaiting maintenance, the facility would not be eligible for NEC, and stormwater discharges associated with the roofs of buildings where industrial activity occurs would need to be authorized under permit coverage along with other discharges associated with industrial activity.

FAQ #24: If an airport does not conduct deicing operations, is permit coverage or NEC required?

If the airport is a transportation facility that can be classified under one or more of the following SIC codes and has a vehicle maintenance shop or equipment cleaning operations, permit coverage or NEC is required, regardless of whether deicing operations occur: 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171.

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FAQ #25: Do I need to renew my permit coverage under the MSGP?

Yes, the submission of a Notice of Intent (NOI) to renew MSGP coverage is required. Permittees seeking to renew coverage may continue to discharge under this permit upon the submission of a timely and complete NOI.

FAQ #26: When must I submit the NOI/NEC to obtain coverage?

A table showing submittal deadlines is outlined in the MSGP in Table I-1. To summarize: For currently authorized permittees, no later than 90 calendar days passed the effective date of this permit. For new facilities without current coverage, at least 30 calendar days prior to commencing discharge. For existing facilities without current coverage, immediately, your stormwater discharges are currently unpermitted.

FAQ #27: Can multiple sectors be applicable to one facility's site?

Yes, if multiple industrial activities requiring coverage are present at one site the requirements of each corresponding sector will be applicable at that site.

STORMWATER SAMPLING AND REPORTING

FAQ #28: What sampling is required for the submittal of an NOI?

Sampling is required during the first full quarter of coverage and is not required for the submittal of an NOI.

FAQ #29: How frequently must I conduct stormwater sampling?

All facilities covered under MSGP are required to conduct quarterly monitoring (January-March, April-June, July-September, October-December) and for those that require it, annual effluent monitoring.

FAQ #30: What is considered a "storm event" for sampling purposes?

A storm event is greater than 0.1 inches of magnitude and results in an actual discharge ("measurable storm event") that occurs at least 72 hours (three days) from the previously measurable storm event. The required 72 hour interval is waived where a preceding measurable storm event did not result in a measurable discharge from the facility. The permittee shall also allow for two (2) full days of standard operating activities at the facility since the last measurable storm event. In the case of snowmelt, the monitoring shall be performed at a time when a measurable discharge occurs at the site.

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FAQ #31: Stormwater is defined as the runoff from precipitation, snow melt runoff, and surface runoff and drainage. Can snow melt be sampled? Or does it have to be a rainfall event?

If a discharge is caused from snowmelt equivalent to 0.1 inch of rainfall, it may be sampled to meet stormwater sampling requirements.

FAQ #32: The minimum monitoring frequency in the MSGP for each parameter is one sampling event every three months. Can I collect more samples to report an average value in NetDMR?

Yes. At your discretion, you may take more than one sample during separate qualifying stormwater discharge events to determine the average benchmark parameter value for facility discharges for a quarter.

FAQ #33: Do I need to install a system or device to collect sampling if there is non-point source (sheet flow) discharge from my facility?

You may be required to install inlets, pipes, and/or other structures or devices to conduct representative stormwater sampling, in accordance with a schedule provided upon written notice from DNREC. However, other sampling techniques for sheet flow may also be utilized, such as the technique demonstrated by the Minnesota Pollution Control Agency.

FAQ #34: Are on-site test results for grab samples acceptable for parameters with laboratory holding time requirements less than 24 hours?

Yes. On-site testing is acceptable provided equipment is available for the parameters and the equipment uses a method approved under 40 CFR Part 136 or is otherwise approved by DNREC.

FAQ #35: If my facility received New MSGP Coverage during the calendar year, what is my obligation for submitting sample results? For example, if NOI Coverage is approved May 1, do I need to sample for the 2nd sampling period (April 1 through June 30) or only for the 3rd sampling period (October 1 through December 31)?

The expectation to submit Discharge Monitoring Reports (DMRs) begins upon the first full quarter upon the effective date of new coverage under MSGP (or an individual permit). This means that if new coverage was approved on May 1, your first DMR isn't due until the end of the following quarter on September 30th.

FAQ #36: How can I change substantially identical discharge points (SIDP)?

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If your facility has two or more discharge points that you believe discharge substantially identical stormwater 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 points. The SWPPP shall identify each stormwater discharge point and describe the rationale for eliminating any discharge point from monitoring on the basis of it being substantially identical to another discharge point. To change a representative outfall during the permit term, permittees must notify the Department and describe the rationale for changing the SIDP through NeTMSGP and make the appropriate changes to their SWPPP in NeTMSGP.

FAQ #37: Where can I find information about my registration for NetDMR?

DNREC's NetDMR system must be used by all industrial stormwater permittees. The NetDMR website is the same as the NeTMSGP website and is administrated through your CDX account.

FAQ #38: What if I was unable to collect samples during the first 30 minutes of a storm event due to the distance between outfalls?

Samples shall be collected within the first 30 minutes of a discharge resulting from a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a discharge resulting from a measurable storm event, the sample shall be collected as soon as possible after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, the permittee shall collect a sample during a period with a measurable discharge. For discharges from holding ponds or other impoundments with a 24-hour or greater retention capability, grab samples of the discharge may be obtained at any time.

FAQ #39: Is there sampling requirements for NEC?

Obtaining authorization and satisfying the conditions for "No Exposure" allows the Owner/Permittee to be exempted from permit requirements such as sampling as long as the condition of "No Exposure" continues to exist at the facility, while at the same time offering a higher level of environmental protection.

NO EXPOSURE CERTIFICATION

FAQ #40: How long is my permit coverage or NEC valid?

NEC are generally valid for 5 years from the date of issuance of the NEC authorization. This is separate from the MSGP permit term.

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NOTE – If conditions at a facility with NEC change at any time during the period of NEC coverage, such that the facility is no longer eligible for NEC, the facility must notify DNREC immediately and submit an NOI or application for permit coverage.

FAQ #41: Do I need to apply and obtain new NEC after the MSGP is reissued or is my NEC still valid until it's expiration date?

For this initial issuance of the MSGP, you will need to complete a submission of an application to renew the NEC through NeTMSGP within 90 days of the effective date of the MSGP. This is to have all permittees issued a NPDES ID and have them in the new permit system.

FAQ #42: How do I apply for NEC?

You will fill out an online application through NetMSGP. A quick guide on the NeT tool is provided by EPA here. Additional resources such as training schedules and an informational guide on registration for NeT written by DNREC can be found on our Industrial Stormwater Runoff site.

FAQ #43: Is sampling data required to receive NEC coverage?

Sampling data is not required for the application for NEC coverage.

FAQ #44: What is a storm-resistant shelter?

The term "storm-resistant shelter," as used in the no exposure definition, includes completely roofed and walled buildings or structures, as well as structures with only a top cover but no side coverings, provided material under the structure is not otherwise subject to any run-on and subsequent runoff of stormwater.

While the intent of the no exposure provision is to promote a condition of permanent no exposure, DNREC understands certain vehicles could become temporarily exposed to rain and snow while passing between buildings. Adequately maintained mobile equipment (e.g., trucks, automobiles, forklifts, trailers, or other such general purpose vehicles found at the industrial site that are not industrial machinery, and that are not leaking contaminants or are not otherwise a source of industrial pollutants) can be exposed to precipitation or runoff. Such activities alone would not prevent a facility from certifying to no exposure. Similarly, trucks or other vehicles awaiting maintenance at vehicle maintenance facilities that are not leaking contaminants or are not otherwise a source of industrial pollutants, are not considered "exposed."

In addition, DNREC recognizes that there are circumstances where permanent no exposure of industrial activities or materials is not possible and, therefore, under such conditions, materials and activities can be sheltered with temporary covers (e.g., tarps) between periods of permanent enclosure. The no

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exposure provision does not specify every such situation, but DNREC can address this issue on a case-by-case basis. Some of these cases are further detailed in the FAQs below.

FAQ #45: What are the materials and activities that do not require a storm-resistant shelter to qualify for NEC?

These are listed at 40 CFR 122.26(g). A list of current as of the making of this FAQ materials and activities are below;

1. 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);
2. Adequately maintained vehicles used in material handling; and
3. Final products, other than products that would be mobilized in storm water discharge (e.g., rock salt).

FAQ #46: Do dumpsters or roll-off boxes without lids qualify for NEC?

If the dumpsters or roll-off boxes without lids are under cover of a storm-resistant shelter, they may qualify for NEC. However, if they are not under cover of a storm-resistant shelter, they will not qualify for NEC.

FAQ #47: When evaluating a NEC for fueling stations, what does DNREC consider?

An on-site fueling station with no roof, canopy or cover to protect the fueling area is ineligible for NEC. A fueling station with above-ground storage tanks may or may not be eligible for NEC:

- Where secondary containment is exposed to blowing snow or rainfall, the site is ineligible for NEC.
- Where secondary containment is protected from blowing snow or rainfall, the site remains eligible for NEC.

A fueling station with **fully buried** storage tanks is eligible for NEC when the fueling area is protected from exposure by placement indoors or under roof.

FAQ #48: How does the DNREC evaluate flexible coverings, such as tarps, when evaluating for NEC?

Flexible covers like tarpaulin, polyethylene, polyurethane, polypropylene, or Hypalon generally cannot be used to claim no exposure over a permanent installation unless otherwise approved by DNREC. Flexible materials of sufficient strength to prevent tearing may be used as cover over temporary installations, such as dumpsters.

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FAQ #49: Can mobile fueling stations at facilities qualify for NEC?

Mobile fueling stations that meet the storm-resistant shelter criteria may qualify for NEC.

FAQ #50: If I am using wooden pallets for transportation or receipt of materials that are piled outside when not in use, would I be eligible for NEC if all other activities are occurring indoors?

Wooden pallets in good condition that do not contaminate stormwater may be eligible for NEC.

FAQ #51: My facility includes two industrial areas. One area meets the eligibility requirements for NEC, and one does not. Is a portion of my facility eligible for NEC?

No. All industrial areas at a site that are subject to permit requirements must meet the no exposure requirements in order for the facility to qualify for NEC. DNREC will not approve no exposure for only a portion of a site. However, portions of the facility that have no exposure may have limited or no stormwater monitoring. DNREC can address this issue on a case-by-case basis.

FAQ #52: Does the use of deicing agents in parking areas or walkways make my facility ineligible for NEC?

No. The use of deicing agents for safety in parking areas or walkways does not disqualify the facility from NEC. If all other NEC requirements are met, and the agents are stored or stockpiled on site in a way that is consistent with the NEC requirements, then the facility may qualify for NEC.

COMPLIANCE

FAQ #53: Where can I find Stormwater Control Measures (SCM) applicable to all permittees?

SCMs applicable to all permittees can be found in Part IV.A of the MSGP.

FAQ #54: Where can I find a list of Stormwater Control Measures applicable to my sector?

Sector-specific SCMs may be found in the appropriate section of Part VIII. Sector Specific Requirements for Industrial Activity.

FAQ #55: What are the conditions requiring corrective actions?

Part V.A details these and they are repeated here.

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1. An unauthorized release or discharge occurs at the facility (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit to a water of the State);
2. A discharge violates a numeric effluent limit listed in Table III-1 and/or sector-specific requirements described in Part VIII.
3. The permittee or the Department determines that modifications to the control measures are necessary to meet any benchmark, effluent limit, or impaired water limit in this permit;
4. The permittee finds during the routine facility inspection, quarterly visual assessment, or comprehensive site inspection that the control measures are not being properly operated and maintained.
5. Construction or a change in design, operation, or maintenance at the facility significantly changes the nature of the discharge, or potential for discharge, of pollutants in stormwater from the facility, or significantly increases the quantity of pollutants discharged;
6. Whenever a visual assessment shows evidence of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam).
7. The average of 4 quarterly benchmark sampling results exceeds an applicable benchmark.

FAQ #56: What should my Corrective Action Report (CAR) look like and what items do I need to include in the CAR?

The permittee shall document and report to the Department the discovery of any of the conditions listed in Part V.A. Documentation of the existence of any of the conditions listed in Part V.A. must occur within 24 hours of becoming aware of such condition. As soon as possible after the discovery of any of these conditions, but no later than 14 days after such discovery, the permittee shall describe in a Corrective Action report any corrective action(s) taken or to be taken to eliminate or further investigate the deficiency, or if no corrective action is needed, the basis for that determination. The permittee shall document the following information in the Corrective Action report:

1. Identification of the condition triggering the need for corrective action review;
2. Date the condition was identified;
3. Description of the condition identified triggering the need for corrective action;
4. For any spills or leaks, include 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 State, through stormwater or otherwise;
5. Summary of immediate actions taken 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;
6. Summary of the corrective action that the permittee took;
7. Date the corrective action was initiated;
8. Date the corrective action was completed or is expected to be completed.
9. A written analysis of the potential for the same or similar circumstances to trigger an event at another location.
10. A statement signed and certified per the requirements of 40 CFR 122.22.

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The permittee shall submit this documentation in the annual report and retain a copy onsite with the SWPPP. A report template is include in the Annual Report template.

FAQ #57: Will it be considered non-compliance when a waste hauler does not close the lid on a dumpster?

You should request that the hauling company close the dumpsters after waste removal. Incidental failure to close a lid would generally not constitute non-compliance under the MSGP. However, if there were discharges from the dumpsters through drains/ports and there was no containment or treatment prior to entering surface waters, this would constitute non-compliance with the MSGP.

FEES AND ANNUAL REPORTS

FAQ #58: Is there an annual fee for NEC/NOI?

Yes. Due to House Bill 175, there is annual fee of $250 for both the NEC and NOI coverages. Further details can be found on DNREC's Fee Bill Website

FAQ #59: Can I submit my annual NOI installment or annual fee electronically?

Yes, if you have received an invoice from DNREC you can pay electronically through DNREC's Billing website.

FAQ #60: When will my first fee be due? Is my NOI fee for new coverage applied to my first annual installment?

For new permittees and those who are behind on payments, payment is due before your NOI/NEC submittal will be processed. For current permittees who are not behind on payments, payment is due at the normal annual date, usually at the end of October of each year.

FAQ #61: What is an Annual Report, and when do I need to submit one?

The Annual Report addresses activities under the permit for the previous calendar year. The permittee shall submit an annual report for each calendar year after the permit is issued no later than February 15th of the year immediately following the calendar year covered by the annual report. NeTMSGP has a form that you will fill out online. If you qualify for physical copies, a template is available to you that meets the requirements of Part VII.C of the MSGP.

FAQ #62: Can I submit Annual Reports to DNREC electronically?

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Permittees must submit annual reports electronically through DNREC's NeTMSGP tool which is available through your CDX account.

FAQ #63: If the situation at my permitted facility has changed and we now qualify for NEC, will DNREC allow the annual NOI fee I pay as the fee used to request NEC?

Yes. If the annual NOI fee is paid and the NEC request is submitted along with a Notice of Termination requests termination of MSGP coverage, the fee that is due for NEC can be waived. Please be aware that if your request for NEC is denied, you will be required to continue permit coverage.

FAQ #64: What are the procedures for notifying DNREC of new outfalls or new representative outfalls?

If a facility with MSGP coverage has made physical changes to the site resulting in either 1) a new outfall, or 2) increased stormwater flows or pollutant loads to an existing outfall (e.g., from additional impervious surfaces), or 3) if a facility discovers an outfall on-site that was not previously reported to DNREC in an NOI, the permittee should first ensure that discharges from the outfall are eligible under the MSGP. If eligible, the permittee may change the NOI through the NeTMSGP portal to amend the original NOI so that DNREC may authorize the new or increased discharges.

If, following MSGP permit issuance, a facility decides to change representative outfalls for sampling purposes, the permittee should change the NOI through NeTMSGP to amend the original NOI. DNREC expects that permittees will not change representative outfalls on a frequent basis. The permittee must provide adequate justification with the NOI, which may be subject to DNREC review and comment. Due to DNREC's internal processes and electronic data systems and other considerations such as workload, implementing permit amendments takes time and may not be done in time for sampling during the next reporting period. Therefore, permittees must continue monitoring existing representative outfalls until DNREC provides notification of the approved amendment.

TRANSFER AND TERMINATION

FAQ #65: What procedure should I follow to transfer the permit coverage to a new owner/operator?

This permit is not transferable to any person except after notice to the Department. Where a facility wants to change the name of the permittee, the original permittee (the first owner or permittees) must submit a Notice of Termination pursuant to Part I.E. The new owner or permittee must submit a NOI or NEC in accordance with Part I.C and Part IX.A of the MSGP.

FAQ #66: Is there a form to request for the termination of permit coverage or NEC? Where do I need to submit the form?

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Yes. The NOT form is submitted through NeTMSGP on your site specific portal. A quick guide on the NeT tool is provided by EPA here. Additional resources such as training schedules and an informational guide on registration for NeT written by DNREC can be found on our Industrial Stormwater Runoff site.

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Version History

Date	Version	Revision Reason
08.06.2026	1.0	Original Version
11.18.2026	1.1	Grammar corrections, added DRAFT watermark

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